



# PARKES SHIRE COUNCIL

*Our Mission: To Deliver Progress and Value to our Community*

*Our Communities Vision:*

*In 2022 the Parkes Shire will be a progressive regional centre,  
embracing a national logistics hub with vibrant communities,  
diverse opportunities, learning and healthy lifestyles.*

## Ordinary Council Meeting AGENDA

**Tuesday, 19 July 2022**

Notice is hereby given that an Ordinary Council Meeting of Parkes Shire Council will be held at the Parkes Shire Council Offices 2 Cecile Street Parkes, commencing at 2:00 PM for the purpose of considering the items included on the Agenda.

**GENERAL MANAGER: KENT BOYD PSM**





## Ordinary Council Meeting

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- 1. PRAYER**
- 2. APOLOGIES**
- 3. CONFIRMATION OF PREVIOUS MINUTES**
- 4. DECLARATIONS OF INTEREST**
- 5. NOTICES OF MOTION / RESCISSION**
- 6. LATE BUSINESS**

## 7. MAYORAL MINUTES

### 7.1. Mayoral Minute - Functions Attended by Mayor and Councillors

#### Executive Summary

A report on functions recently attended by the Mayor, Councillors or Senior Staff in relation to community events or civic matters.

Social distancing restrictions implemented due COVID-19, has resulted in meetings being held electronically.

#### Recommendation

1. That the Report on functions attended by the Mayor, Councillors or Senior Staff be received and noted.

#### Report

Date	Function
Wednesday 29 June 2022	Elvis Festival Committee Meeting <b>Mayor KJ Keith and Councillor ME Applebee</b>
Thursday 30 June 2022	Peak Hill Aboriginal Art Trail consultation <b>Councillor LA O'Leary</b>
Thursday 30 June 2022	Visit to Southern Cross Retirement Village <b>Councillor GW Pratt</b>
Friday 01 July 2022	Parkes High School Recognition Assembly <b>Councillor ME Applebee</b>
Friday 01 July 2022	Meeting with Transport for NSW Deputy Secretary Matt Fuller <b>Mayor KJ Keith, General Manager K Boyd and Director Operations B Howard</b>
Monday 04 July 2022	CNSWJO Integrated Transport Group Meeting <b>Mayor KJ Keith</b>
Tuesday 05 July 2022	Parkes Delivery Plus Workshop <b>Mayor KJ Keith, Councillor JP Cass, Councillor DR Weber, Councillor ME Applebee, Councillor GS Wilson, Councillor GW Pratt and Councillor KM McGrath</b> Meetings prior: Site tour of Spicer Oval Grandstand <b>Mayor KJ Keith, Councillor JP Cass, Councillor DR Weber, Councillor ME Applebee, Councillor GS Wilson, Councillor GW Pratt, Councillor KM McGrath and Director Operations B Howard</b> Councillor Walk Through of Council Facilities

Date	Function
	<b>Mayor KJ Keith, Councillor JP Cass, Councillor DR Weber, Councillor ME Applebee, Councillor GS Wilson, Councillor GW Pratt and Councillor KM McGrath</b> Meeting with Telstra <b>Mayor KJ Keith, Councillor JP Cass, Councillor DR Weber, Councillor ME Applebee, Councillor GS Wilson, Councillor GW Pratt, Councillor KM McGrath and General Manager K boyd</b> Update from Detective Scott Rayner <b>Mayor KJ Keith, Councillor JP Cass, Councillor DR Weber, Councillor ME Applebee, Councillor GS Wilson, Councillor GW Pratt and Councillor KM McGrath</b> Road Naming Committee Meeting <b>Mayor KJ Keith Councillor, Councillor KM McGrath, Councillor LA O'Leary, Councillor DR Weber, Councillor JP Cass, Councillor ME Applebee, Councillor GW Pratt, Councillor GS Wilson and Director Operations B Howard</b> Load Restraint Trophy Presentation <b>Mayor KJ Keith, Councillor JP Cass, Councillor DR Weber, Councillor ME Applebee, Councillor GS Wilson, Councillor GW Pratt and Councillor KM McGrath</b>
Wednesday 06 July 2022	Collaborative Care Parkes Lachlan Engagement Face to Face <b>Mayor KJ Keith, Councillor JP Cass and General Manager K Boyd</b>
Wednesday 06 July 2022	Visit to Coventry City Council, sister city to Parkes Shire Council <b>Deputy Mayor NC Westcott and Councillor WP Jayet</b>
Wednesday 06 July 2022	NAIDOC BBQ by Georgiou Group <b>Councillor ME Applebee</b>
Thursday 07 July 2022	Public Hearing - Planning Proposal for Reclassification of Land <b>Mayor KJ Keith, Councillor ME Applebee and Director Planning &amp; Community Services B Hayes</b>
Saturday 09 July 2022	Rotary Club of Parkes - Changeover Dinner <b>Mayor KJ Keith</b>
Monday 11 July 2022	Bogan Gate Community Memorial Hall Inc. Committee meeting <b>Councillor GW Pratt</b>

Date	Function
Tuesday 12 July 2022	Lachlan Health Council Meeting <b>Councillor ME Applebee</b>
Wednesday 13 July 2022	Tullamore and District Consultative Committee meeting <b>Councillor GS Wilson</b>
Thursday 14 July 2022	Parkes Shire Council Audit, Risk, Improvement & Committee Induction and Code of Conduct Session <b>Councillor JP Cass and Councillor ME Applebee</b>
Friday 15 July 2022	Kate Kelly Exhibition - Official Opening & Author Talk <b>Deputy Mayor NC Westcott and Councillor ME Applebee</b>
Monday 18 July 2022	Central West PD Community Safety Precinct Committee Meetings <b>Mayor KJ Keith and General Manager K Boyd</b>
Tuesday 19 July 2022	Ordinary Council Meeting <b>All Councillors and Senior Staff</b> Meetings prior: Councillor tour of Council Facilities <b>All Councillors and Senior Staff</b> Presentation by Stevens Group <b>All Councillors and Senior Staff</b> Presentation of Cultural Grants <b>All Councillors and Senior Staff</b>

## Attachments

Nil

## 7.2. Mayoral Minute - Coming Known Events for Mayor and Councillors

### Executive Summary

A report on upcoming functions recently requiring the attendance of the Mayor, Councillors or Senior Staff in relation to community events or civic matters.

### Recommendation

1. That the Report on upcoming functions for the Mayor, Councillors or Senior Staff be received and noted.

### Report

Date	Function
Wednesday 20 July 2022	Central West Lachlan Landcare Meeting <b>Councillor ME Applebee</b>
Wednesday 20 July 2022	Country Universities Centre Board Meeting <b>Mayor KJ Keith, Deputy Mayor NC Westcott and Councillor JP Cass</b>
Saturday 23 July 2022	Central West AstroFest <b>Mayor KJ Keith, Councillor ME Applebee and Councillor DR Weber</b>
Monday 25 July 2022	Peak Hill Community Consultative Committee Meeting <b>Councillor LA O'Leary</b>
Tuesday 26 July 2022	Official opening of the Wiradjuri Ngurambang Exhibition <b>All Councillors invited</b>
Thursday 28 July 2022	Audit, Risk & Improvement Committee Meeting <b>Councillor JP Cass, Councillor ME Applebee and General Manager K Boyd</b>
Thursday 28 July 2022	2022 Penrith Mayor's Cup <b>Councillor GW Pratt</b>
Thursday 28 July 2022	GMAC Meeting, Cabonne <b>General Manager K Boyd</b>
Thursday 28 July 2022	Statement of Strategic Regional Priorities Workshop <b>Mayor KJ Keith and General Manager K Boyd</b>
Thursday 28 July 2022	Trundle & District Progress Association Committee Meeting <b>Councillor GS Wilson</b>
Friday 29 July 2022	LGNSW - Country Mayors MOU Meeting <b>Mayor KJ Keith</b>
Tuesday 02 August 2022	Parkes Delivery Plus Workshop <b>All Councillors and Senior Staff</b> Meetings prior: CNSWJO Presentation

Date	Function
	<b>All Councillors and Senior Staff</b>
Thursday 04 August 2022	Rural Skills Forum <b>Mayor KJ Keith</b>
Thursday 04 August 2022	LGNSW Awards 2022 Dinner <b>Mayor KJ Keith</b>
Friday 05 August 2022	Country Mayors Association Meeting <b>Mayor KJ Keith</b>
Saturday 06 August 2022	Trundle Show Dinner <b>Mayor KJ Keith</b>
Monday 08 August 2022	Bogan Gate Community Memorial Hall Inc. Committee Meeting <b>Councillor GW Pratt</b>
Tuesday 09 August 2022	Lachlan Health Council Meeting <b>Mayor KJ Keith OAM and Councillor ME Applebee</b>
Tuesday 09 August 2022	Parkes Sports Council Meeting <b>Mayor KJ Keith, Councillor LA O'Leary and Councillor JP Cass</b>
Wednesday 10 August 2022	Parkes Elvis Festival Committee Meeting <b>Mayor KJ Keith and Councillor ME Applebee</b>
Wednesday 10 August 2022	Tullamore and District Consultative Committee meeting <b>Councillor GS Wilson</b>
Monday 15 August 2022	Parkes Lachlan Health Face to Face engagement <b>Mayor KJ Keith and General Manager K Boyd</b>
Tuesday 16 August 2022	Ordinary Council Meeting <b>All Councillors and Senior Staff</b>

## Attachments

Nil

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### 7.3. Mayoral Minute - Accounting Treatment of Rural Fire Service (Red Fleet) Assets

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#### Executive Summary

I am calling on Councillors to support the local government campaign on the financial accounting treatment of Rural Fire Service (RFS) mobile assets known as the 'Red Fleet'.

#### Recommendation

That Council:

1. Write to the State Member for Orange, Phil Donato MP, the Treasurer, the Hon. Matt Kean MP, Minister for Emergency Services and Resilience, the Hon. Stephanie Cook MP, and the Minister for Local Government, the Hon. Wendy Tuckerman MP:
  - a. Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets;
  - b. Advising of the impact of the Government's position on Council finances of this accounting treatment;
  - c. Informing that Council will no longer carry out RFS assets stocktakes on behalf of the NSW Government and will no longer record RFS assets in Council's financial statements;
  - d. Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and
  - e. Amending section 119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils.
2. Write to the Shadow Treasurer, Daniel Mookhey MLC, the Shadow Minister for Emergency Services, Jihad Dib MP, the Shadow Minister for Local Government, Greg Warren MP, the Greens' Spokesperson for Local Government, Jamie Parker MP, and the Leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties, Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
  - a. Advising Members of Council's position, including providing copies of correspondence to NSW Government Ministers; and
  - b. Seeking Members' commitments to support NSW councils' call to amend the *Rural Fires Act 1997* as set out in correspondence.
3. Write to the Auditor General advising that, notwithstanding any overtures of future qualified audits; Council will no longer carry out RFS stocktakes on behalf of the NSW Government and will no longer record RFS assets in Council's financial statements, noting that the State Government's own Local Government Accounting Code of *Practice and Financial Reporting* provides for councils to determine whether or not they record the RFS assets as council assets.
4. Promotes these messages via its digital and social media channels and via its networks.
5. Re-affirms its complete support of and commitment to local RFS brigades noting that Council's action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.
6. That Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification finally from the State Government about the accounting treatment of RFS assets.



## Report

I am calling on Councillors to support the local government campaign on the financial accounting treatment of Rural Fire Service (RFS) mobile assets known as the 'Red Fleet'.

A long-standing dispute over the accounting treatment of the Red Fleet has come to a head with the Auditor-General's 2021 Report on Local Government on 22 June 2022. The Audit Report reemphasises the State Government determination that RFS assets are the "property" of councils and must be recorded in Council's financial statements with Council required to therefore absorb all depreciation costs.

The *Audit Office Local Government Report* has reinforced the notion that RFS mobile and other fire-fighting assets can somehow be deemed to be council assets and applies more pressure on councils and the Office of Local Government (OLG) to conform with this determination, even though councils do not have effective management or control of these assets.

Councils across the State and Local Government NSW (LGNSW) refute this determination. Councils do not have any say in the acquisition, deployment, or disposal of these assets. Comparable assets held by Fire & Rescue NSW (FRNSW) and the State Emergency Service (SES) are not vested anywhere other than with the organisations that purchase, use, maintain and dispose of them.

Councils and LGNSW have also raised concerns that the requirement breaches Australian Accounting Standards. The State Government's own *Local Government Accounting Code of Accounting Practice and Financial Reporting* provides for councils to determine whether to record RFS assets on their books as council assets. This position has been confirmed by the Secretary of the Department of Planning and Environment in his letter to the Auditor-General dated 7 June 2022, presented in Appendix 1 on page 47 of the 2021 Local Government Audit Report.

Council notes advice from LGNSW that many councils are refusing to comply with the Auditor General's instructions. Councils remained firm in 2021, resisting pressure to record RFS assets with the majority (68), choosing not to record the RFS mobile assets in accordance with the *Local Government Accounting Code*. This was the same number of councils as in 2020. LGNSW is encouraging councils to continue resisting pressure from the Audit Office and make their own determinations notwithstanding overtures that ongoing non-compliance with the Auditor General's instructions may result in future qualified financial reports.

The latest Audit Report has made further impositions on (Council) by:

- recommending Council undertakes a stocktake of RFS assets and records the value in Council's financial statements.
- warning that if Council does not recognise the assets, it will be found non-compliant and will have a high risk finding reported; and
- calling on the NSW Department of Planning and Environment (OLG) to intervene where councils do not recognise rural firefighting equipment.

The Government's blanket determination is not only nonsensical, but also inconsistent with the treatment of the comparable assets of other emergency service agencies such as Fire & Rescue NSW (FRNSW) and the State Emergency Service (SES). There is no rational reason for maintaining this anomaly.

LGNSW has been advocating this position on councils' behalf and has written to the NSW Treasurer the Hon. Matt Kean MP, Minister for Emergency Services, the Hon. Steph Cooke MP, Minister for Local Government the Hon. Wendy Tuckerman MP and the Auditor-General, Ms Margaet Crawford to express the local government sector's strong objection to the NSW Government's determination, applied by the Auditor-General, that RFS assets are the property of councils for accounting purposes and amend the *Rural Fires Act 1997*.

LGNSW has advised it will continue its advocacy efforts on councils' behalf and is asking all affected councils in NSW to consider adopting a resolution advising the Audit Office that Council will not carry out the RFS stocktakes on behalf of the NSW Government and will not record RFS assets on Council's financial statements

### **Attachments**

Nil

### **8. COUNCILLORS' REPORTS**

Nil

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## **9. GENERAL MANAGER'S REPORT**

### **9.1. (GM) Investments and Borrowings as at 30 June 2022**

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#### **Prepared By:**

Chief Financial Officer

#### **Executive Summary**

The carrying value of Council's cash & investments at 30 June 2022 was \$36,747,839 and the principal outstanding on Council's borrowings was \$18,164,037.

#### **Background Information**

In accordance with Clause 212 of the Local Government (General) Regulation 2005, the following details are provided for Council's investments under Section 625 of the Local Government Act, 1993. The carrying values of the investments outlined in this report have been those advised to Council by the arrangers, brokers, or custodian of those securities.

#### **Legislative or Policy Implications**

- Parkes Shire Council Investment Policy, Clause 212 of the Local Government (General) Regulation 2005 and Section 625 of the Local Government Act, 1993.
- DLG Circular 10-11 - Investment Policy Guidelines
- DLG Circular 11-01 Ministerial Investment Order

#### **Project Delivery Implications**

The resolution in this report will primarily affect all the Delivery Program Future Direction's.

#### **Risk Assessment**

An assessment of the challenge posed to Council implementing the action/s contained in this report, in the current environment with available resources: Low

#### **Budget and Financial Implications**

All returns on investments are included in Council's Operating Budget. Any amendment to budgeted interest income is effected through the Quarterly Budget Review process. Both the average level of funds invested, and the rate of return determine returns.

In accordance with the Australian equivalent of International Accounting Standards, securities that are classified as held for trading are required to be valued at market value at each balance date. Investments in the form of cash or cash equivalents and held to maturity investments are valued at cost. Floating Rate Notes acquired on the secondary market are valued at cost. Where the purchase consideration is different to face value, the resulting premium or discount are amortised on a straight-line basis over the life of the Note.

## Recommendation

1. That the information in relation to investments held and borrowings at 30 June 2022 be received and noted.

## Report

Below is the Summary of Cash & Investments, Investment Register Portfolio Report and Summary of Borrowings for Parkes Shire Council as at 30 June 2022.

The movement in Cash & Investments for the month ending 30 June 2022 were as follows:

Opening Balance as at 1 June 2022	\$ 36,598,619
Net - Cash, Grants Received & Investments Redeemed	\$ 149,220
<b>Closing Balance as at 30 June 2022</b>	<b>\$ 36,747,839</b>

There has been an increase of \$6.6m in comparison to the previous financial year. Overall, council is forecasting an increase of \$5.48m in consolidated cash reserves at 30 June 2022. Any final adjustments will be published in the draft financial statements to be tabled at the August ordinary meeting.

Currently, pre-paid grants & contributions including FAGS, total \$14.22m. Therefore, it remains paramount that council continues to place a strong emphasis on financial sustainability objectives to enable the organisation to work towards increasing unrestricted cash reserves.

The movement in Borrowings for the month ending 30 June 2022 were as follows:

Opening Balance as at 1 July 2021	\$ 19,195,731
<u>Plus</u> , New Borrowings Drawn down - July - June 2022	\$
<u>Less</u> , Borrowing Repayments - July - June 2022	(\$ 1,031,694)
<b>Closing Balance as at 30 June 2022</b>	<b>\$ 18,164,037</b>

Council currently has a total of 8 loans across various lenders. These loans were drawn to assist with funding significant capital expenditure projects across the shire, including the Parkes Regional Airport, Parkes Water & Sewer Treatment Plants. During the 21-22 financial year, council fully repaid loan obligations for the Parkes Swimming Pool Upgrade & Renewable Energy Project.

Parkes Shire Council Investment Register as at 30 June 2022						
ADI/Issuer	Reference	Investment Type	Principal	Yield	Settlement Date	Maturity Date
Suncorp Group Ltd	15	Floating Rate Note	501,445	1.97	16/08/2017	16/08/2022
AMP Bank Ltd	1	Term Deposit	500,000	0.75	18/08/2021	18/08/2022
NAB	2	Term Deposit	3,000,000	0.34	18/08/2021	18/08/2022
NAB	3	Term Deposit	1,000,000	0.62	6/01/2022	16/10/2022
AMP Bank Ltd	4	Term Deposit	3,500,000	1.10	20/01/2022	16/12/2022
NAB	5	Term Deposit	2,000,000	3.00	30/06/2022	30/12/2022
NAB	6	Term Deposit	1,000,000	0.70	6/01/2022	6/01/2023
NAB	7	Term Deposit	1,000,000	0.70	6/01/2022	6/01/2023
Bank of Queensland Ltd	8	Term Deposit	500,000	3.45	2/01/2018	3/01/2023
Suncorp Group Ltd	9	Term Deposit	3,000,000	3.42	30/06/2022	30/01/2023
Bank of Queensland Ltd	10	Term Deposit	4,000,000	2.36	29/04/2022	30/01/2023
Bendigo & Adelaide	11	Term Deposit	1,500,000	3.50	29/06/2022	29/03/2023
Commonwealth Bank	16	Floating Rate Note	503,140	1.93	16/08/2018	16/08/2023
AMP Bank Ltd	12	Term Deposit	1,000,000	0.75	5/08/2021	8/08/2023
Rabobank Australia	13	Term Deposit	500,000	3.43	23/11/2018	21/11/2023
Bank of Queensland Ltd	14	Term Deposit	1,000,000	0.79	30/07/2021	30/07/2024
Bank of Queensland Ltd	17	Floating Rate Note	1,996,880	1.81	21/04/2022	29/10/2025
Commonwealth Bank	18	Floating Rate Note	1,484,940	1.03	11/01/2022	14/01/2027
Westpac Banking Group	19	Cash at Call - Main	996,434		At Call	
Westpac Banking Group	20	Cash at Call - Maxi	7,765,000		At Call	
<b>Total</b>			<b>36,747,839</b>			

Investment Balances by Type		
GL: 10-9000-9000-10020	Term Deposit	23,500,000
GL: 10-9000-9000-10024	Floating Rate Note	4,486,405
	Cash at Call - Main	996,434
	Cash at Call - Maxi	7,765,000
<b>Total Balance - 30/06/2022</b>		<b>36,747,839</b>

Loan Movements 2021-22								
Borrower (by Purpose)	Lender	System Loan No.	Loan Term Years	Date of Maturity	Interest Rate	Original Amount Borrowed \$	Principal Repaid as at 30 June 2022	Principal Outstanding as at 30 June 2022
<b>General Fund</b>								
Airport Runway Rehabilitation	NAB	1	20	2030	8.21%	\$ 2,000,000	\$ 101,618	1,186,899.56
30 Welcome Street	NAB	3	20	2030	8.21%	\$ 500,000	\$ 25,405	296,724.89
Henry Parkes Centre	NAB	4	20	2030	8.01%	\$ 950,000	\$ 48,367	559,595.13
Parkes Swimming Pool Upgrade	ANZ	5	10	2022	5.60%	\$ 2,000,000	\$ 255,578	-
Renewable Energy	NAB	6	10	2022	3.922%	\$ 700,000	\$ 129,774	-
Parkes Regional Airport Redevelopment	CBA	8	10	2024	5.91%	\$ 1,000,000	\$ 111,043	252,248.25
Community Infrastructure, Drainage	TCorp	10	10	2026	3.485%	\$ 2,220,000	\$ -	2,220,000.00
Transport Infrastructure	TCorp	11	10	2028	3.670%	\$ 3,000,000	\$ -	3,000,000.00
<b>Total General Fund</b>						<b>\$ 12,370,000</b>	<b>\$ 671,785</b>	<b>7,515,467.83</b>
<b>Sewer Fund</b>								
Parkes Sewer Treatment Plant	TCorp	7	10	2026	2.90	\$ 4,000,000	\$ -	4,000,000.00
<b>Total Sewer Fund</b>						<b>\$ 4,000,000</b>	<b>\$ -</b>	<b>4,000,000.00</b>
<b>Water Fund</b>								
Parkes Water Treatment Plant	TCorp	9	20	2036	3.045	\$ 8,500,000	\$ 359,908	6,648,569.19
<b>Total Water Fund</b>						<b>\$ 8,500,000</b>	<b>\$ 359,908</b>	<b>6,648,569.19</b>
<b>Total All Funds</b>						<b>\$ 24,870,000</b>	<b>\$ 1,031,694</b>	<b>18,164,037.02</b>

### **Certification - Responsible Accounting Officer**

The Chief Financial Officer hereby certifies that the investments listed in the Investment Summary have been made in accordance with Section 625 of the Local Government Act, 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

### **Attachments**

Nil

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## 9.2. (GM) Statutory Review of Organisation Structure and Appointment of Senior Staff

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### Prepared By:

General Manager

### Executive Summary

Under the *Local Government Act 1993* ("the Act"), Parkes Shire Council ("Council") must review its organisation structure within 12 months of an ordinary election and identify the Senior Staff positions within its structure. This report recommends that Council formally review and re-adopt the organisation structure, appended at *Attachment 1*, and nominate the positions of Director Customer, Corporate Services and Economy, Director Infrastructure and Strategic Futures, Director Operations, and Director Planning and Community Services as Senior Staff positions.

### Background Information

The Act clearly defines the role and responsibilities of Council's governing body, including the Mayor and Councillors, as well as those of the General Manager. Section 223 of the Act provides that the role of Council's governing body with respect to employee matters includes, firstly, appointing and monitoring the performance of the General Manager, and, secondly, determining the Senior Staff positions within the organisation structure.

Section 332 of the Act provides that that the Council must, after consulting the General Manager, determine the following:

- The Senior Staff positions within Council's organisation structure;
- The roles and reporting lines of Senior Staff; and
- The resources to be allocated towards the employment of staff.

Staff cannot be employed under a Senior Staff Contract unless the Council has first determined, by resolution, that the position the staff member has been appointed to is a Senior Staff position for the purposes of section 332 of the Act.

After Council has determined the Senior Staff positions and the roles and reporting lines of Senior Staff; the General Manager is then responsible for determining the positions (other than the Senior Staff positions) within the organisation structure.

Section 333 of the Act provides that Council's organisation structure may be reviewed and re-determined from time to time. The organisation structure is also required under this provision to be reviewed within 12 months after an ordinary election.

### Legislative or Policy Implications

[Local Government Act 1993, Section 332 - Determination of Structure](#)

[Local Government Act 1993, Section 333 - Re-determination and Review of Structure](#)

## Project Delivery Implications

COUNCIL+ *Council*

## Risk Assessment

An assessment of the challenge posed to Council implementing the action/s contained in this report, in the current environment with available resources: Low.

## Budget and Financial Implications

There no financial implications for Council associated with this report.

## Recommendation

That Council:

1. Pursuant to section 333 of the *Local Government Act 1993*, formally review and adopt the organisation structure, appended at *Attachment 1*.
2. Pursuant to section 332 of the *Local Government Act 1993*, identify the positions of Director Customer, Corporate Services and Economy, Director Infrastructure and Strategic Futures, Director Operations and Director Planning and Community Services to be Senior Staff positions.

## Report

Council's organisation structure has been extensively reviewed over the past 18 months to ensure its suitability to meet the requirements of the recently elected Council and to operate efficiently as an organisation.

The strategies proposed for the organisation over the next period are set out below:

1. Execute the directions of Council's governing body
2. Give effect to the priorities set out in Council's Integrated Planning and Reporting ("IP&R") framework, including the Community Strategic Plan and Delivery Program
3. Give effect to the corporate goals, which are to be:
  - 100 per cent responsiveness
  - 10 per cent efficiency improvement
  - WHS best practice compliance

Objective (1) and (2) relate to the day-to-day business of Council as set out in the Community Strategic Plan, Delivery Program and IP&R documentation. As Council is aware, there is now a large suite of strategic planning documents and masterplans in place, which collectively aim to advance the Parkes Shire in a measured strategic manner. These objectives are largely downward focused.

The efficient delivery of these strategies is very important to the prosperity and continued growth of the Parkes Shire.

Objective (3) is an internal goal aimed at improving the performance of the organisation, and therefore, is inwards focused.



An important component of Objective (3) is Customer Service, measures by the 100 per cent responsiveness test. As an organisation, we want to be more customer-focused than ever before and we have accordingly sought to resource that by dedicating customer service to the Director Customer, Corporate Services and Economy position title and portfolio. Similarly, business efficiency and WHS are other organisation-wide areas of focus.

The current organisation structure with four (4) Directors has serviced the community well over the past term of Council, which included being announced as the first Special Activation Precinct in NSW, significant contributions to the Inland Rail and Newell Highway Bypass.

There is, however, no intention of resting on our laurels and continuous improvement programs will be further initiated through the many business improvement processes.

The proposed structure seeks to capitalise on the existing leadership team, which has been re-determined over the past 18 months, and includes four directorates:

- Customer, Corporate Services and Economy
- Infrastructure and Strategic Futures
- Operations
- Planning and Community Services

It is proposed that Council formally designate all four (4) Director positions as Senior Staff for the purposes of the Act, reflecting the seniority of the positions within the structure and consistent with similarly sized councils.

The other position (non-Senior Staff) which is a direct report to the General Manager is the position of Chief Financial Officer. The CFO has been elevated as a direct report to the General Manager to provide increased control of, and strategic focus on, Council's financial position.

## **Attachments**

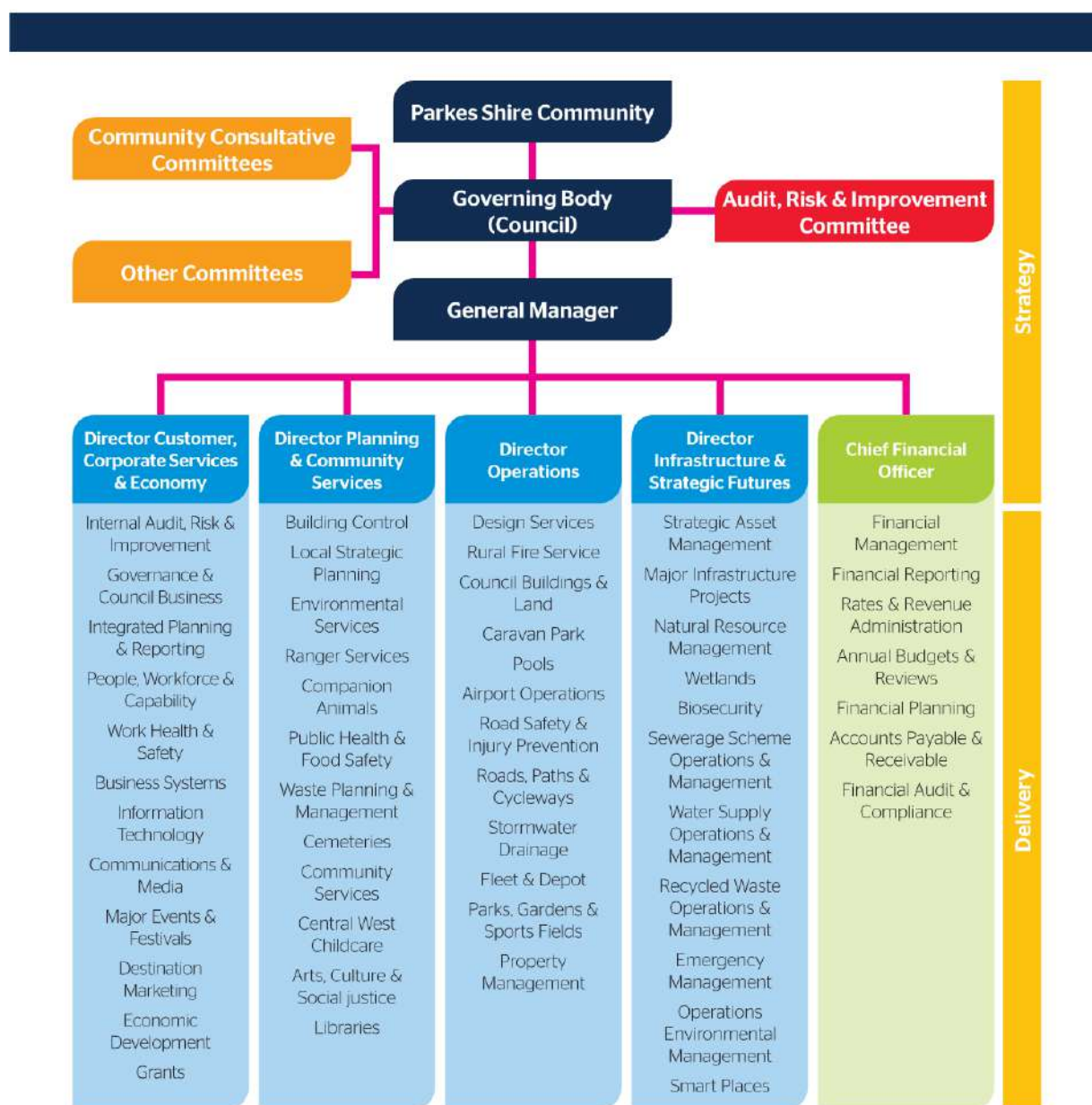
1. Organisation Structure 2022

# Attachment 1 - Org Chart 2022



PARKES SHIRE COUNCIL

*Connected, Vibrant and Sustainable.  
Parkes Shire 2035, it all adds up!*



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## 10. DIRECTOR CUSTOMER, CORPORATE SERVICES & ECONOMY

### 10.1. (DCCSE) Adoption of draft Code of Meeting Practice

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#### Prepared By:

Director Customer, Corporate Services and Economy

#### Executive Summary

At its Ordinary Meeting held 17 May 2022, Parkes Shire Council ("Council") resolved to endorse a Code of Meeting Practice for public exhibition in accordance with the statutory requirements outlined in the *Local Government Act 1993* ("the Act") and receive a further report following conclusion of the public exhibition period **[res. 22-158]**. Noting that no submissions were received during the public exhibition period; this report recommends that Council formally adopt the draft Code of Meeting Practice, appended at *Attachment 1*, as exhibited.

#### Background Information

Section 360(1) of the *Local Government Act 1993* ("the Act") provides that the *Local Government (General) Regulation 2021* ("the Regulation") may prescribe a Model Code of Meeting Practice ("Model Meeting Code") for the conduct of meetings of councils and committees of councils. Section 360(2) of the Act allows the Model Meeting Code to incorporate both mandatory and non-mandatory provisions, with section 360(3) requiring a council's adopted Code of Meeting Practice to incorporate all mandatory provisions of the Model Meeting Code.

On 29 October 2021, the Office of Local Government ("the OLG") announced, via Circular 21-35, that the new Model Meeting Code had been finalised and published in the NSW Government Gazette.

The new Model Meeting Code incorporates provisions that allow councils to permit individual Councillors to attend meetings by audio-visual link and to hold meetings by audio-visual link in the event of natural disasters or public health emergencies. The provisions governing attendance at meetings by audio-visual link are non-mandatory, with individual councils able to adopt them or adapt them to meet their own needs.

Amendments have also been made to the provisions governing the webcasting of meetings and disorder at meetings to reflect amendments to the Regulation since the previous iteration of the Model Meeting Code was prescribed.

An amendment has also been made to the Model Meeting Code implementing Recommendation 6 in the Independent Commission Against Corruption's ("ICAC") report in relation to its investigation of the former Canterbury City Council ("Operation Dasha"). In its report, ICAC recommended that the Model Meeting Code be amended to require that council business papers include a reminder to Councillors of their Oath or Affirmation of Office, and their conflict-of-interest disclosure obligations.

## Legislative or Policy Implications

As detailed above, the Act provides that the Regulation may prescribe a Model Meeting Code. Council is required to ensure that its adopted Code of Meeting Practice incorporates all mandatory provisions of the Model Meeting Code.

Section 361 of the Act requires Council to publicly exhibit its draft Meeting Code prior to adoption. The public exhibition period must not be less than 28 days, and the public notice must specify a period of not less than 42 days after the date on which the draft Meeting Code is placed on public exhibition during which submissions may be made.

Section 362 of the Act further requires a council to consider any public submissions received prior to adopting its draft Meeting Code.

## Project Delivery Implications

COUNCIL+ *Council*

## Risk Assessment

An assessment of the challenge posed to Council implementing the action/s contained in this report, in the current environment with available resources: Low.

## Budget and Financial Implications

There are no financial implications for Council associated with this report.

## Recommendation

That Council:

1. Adopt the draft Code of Meeting Practice, appended at *Attachment 1*.
2. Repeal the Code of Meeting Practice last adopted 18 August 2020.

## Report

At its Ordinary Meeting held 17 May 2022, Council resolved to place the draft Code of Meeting Practice ("the draft Meeting Code"), appended at *Attachment 1*, on public exhibition and receive a further report following conclusion of the public exhibition period **[res. 22-158]**.

Consistent with Resolution 22-158, the draft Meeting Code was placed on public exhibition following the May Ordinary Meeting. The exhibition period was promoted via Council's *Your Say Parkes* platform, as well as via public notice published to Council's website.

Consistent with the requirements of the Act, submissions were invited until 28 June 2022 (being 42 days after the date on which the draft Meeting Code was endorsed for public exhibition). No public submissions were received.

Given no public submissions were received, it is recommended that Council adopt the draft Meeting Code as exhibited.

In adopting the draft Meeting Code, Councillors should note that the following new provisions incorporated into the document that will come into effect at the next Ordinary Meeting of Council, scheduled to be held 16 August 2022:

Clause	Details	Status	Action
3.22	<b>New clause</b> requiring a statement in all Business Papers reminding Councillors of their Oath/Affirmation of Office and their obligations to disclose and appropriately manage conflicts of interest.	<b>Mandatory</b>	Mandatory clause introduced by OLG in response to recommendations from ICAC Operation Dasha.
4.1 - 4.24	<b>New section</b> providing framework for Council to hold Public Forum prior to Council meetings.	<b>Non-mandatory</b>	Included to enable community with opportunity to speak to items on Business Paper, prior to decision being made by Council. This section does not require Council to hold Public Forums prior to each meeting; only when members of the community have requested to make deputation to Council. Public Forums are not part of the meeting-proper and are not recorded/webcast.
5.15 - 5.29	<b>New section</b> providing framework for Councillors to participate in Council and Committee meetings via audio-visual link, including application and approval arrangements.	<b>Non-mandatory</b>	Included to enable continuation of current practice of enabling Councillors to participate in meetings, where they are unable to attend in person. Existing temporary amendments to the Regulation expired on 30 June 2022. Council must adopt provisions to show how it will manage remote attendance.
5.33 - 5.38	<b>Amendment of</b> existing webcasting clauses.	<b>Mandatory</b>	Replacing existing wording with new wording of

Clause	Details	Status	Action
			mandatory clauses in Model Code. No change in application or process.
<b>5.43</b>	<b>New clause</b> allowing attendance of General Manager and staff at Council and committee meetings by audio-visual means.	<b>Mandatory</b>	New mandatory clause required to be adopted.
<b>8.1</b>	<b>Amendment</b> to Order of Business.	<b>Non-mandatory</b>	Amendment of existing Order of Business to reflect "Applications for Attendance by Audio-Visual Link by Councillors", as contained in Model Code and reflective of clauses 5.15-5.29, and change sequence of "Reports of Committees" to following "Mayoral Minute(s)" (per Model Code). Inclusion of Acknowledgement of Country, consistent with sector best-practice. Update in position titles of Directors to reflect current organisation structure.
<b>14.20</b>	<b>New clause</b> outlining obligations of Councillors attending meetings by audio-visual link to 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.	<b>Mandatory</b>	New mandatory clause included to reinforce non-public attendance in situations where Councillors attend via audio-visual link.

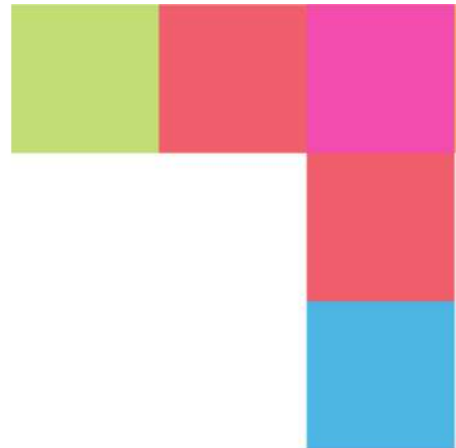
Clause	Details	Status	Action
15.20 - 15.21	<b>New section</b> outlining how disorder by Councillors attending by audio-visual link will be dealt with.	<b>Non-mandatory</b>	New section included to govern how disorder of Councillors attending via audio-visual link will be dealt with, including circumstances when the audio-visual link will be terminated.
16.2	<b>New clause</b> outlining obligations of Councillors attending meetings by audio-visual link in relation to conflicts of interest.	<b>Non-mandatory</b>	New clause included to reinforce conflict of interest requirements where Councillors attend via audio-visual link.

Upon adoption of the draft Meeting Code, Council's current Code of Meeting Practice will be repealed.

### Attachments

1. Code of Meeting Practice (Draft)

**Attachment 1 - Draft Code of Meeting Practice 2022**



PARKES SHIRE COUNCIL

# **Code of Meeting Practice**



Code of Meeting Practice

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## Code of Meeting Practice

**1. Introduction**

This Code of Meeting Practice ("Code") facilitates the effective, open and orderly conduct of meetings of the Parkes Shire Council ("Council"). It ensures clarity of process and seeks to align with Council meeting procedures with community expectations of open and transparent government, whilst complying with legislative requirements.

This Code has been prepared in accordance with the *Local Government Act 1993* ("the Act") and the *Local Government (General) Regulation 2021* ("the Regulation") and incorporates all mandatory provisions of the *Model Code of Meeting Practice for Local Councils in NSW 2021* ("the Model Code").

This Code must be interpreted in a manner that is consistent with the Act, the Regulation and the Model Meeting Code. In the event of any inconsistency, the Act, Regulation or Model Code (as the case may be) prevails to the extent of the inconsistency.

This Code applies to all meetings of Council and committees of Council 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.

Code of Meeting Practice

## 2. Meeting Principles

2.1 Council and committee meetings should be:

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

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

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

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

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

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

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

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

Code of Meeting Practice

### 3. Before the Meeting

#### Timing of ordinary Council meetings

- 3.1 The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

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

#### Extraordinary meetings

- 3.2 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 3.2 reflects section 366 of the Act.**

#### Notice to the public of Council meetings

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

**Note: Clause 3.3 reflects section 9(1) of the Act.**

- 3.4 For the purposes of clause 3.3, 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.

- 3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

#### Notice to Councillors of ordinary Council meetings

- 3.6 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 3.6 reflects section 367(1) of the Act.**

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Code of Meeting Practice

- 3.7 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 3.7 reflects section 367(3) of the Act.**

Notice to Councillors of extraordinary meetings

- 3.8 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 3.8 reflects section 367(2) of the Act.**

Giving notice of business to be considered at Council meetings

- 3.9 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted three (3) business days before the meeting is to be held.
- 3.10 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.
- 3.11 If the General Manager considers that a notice of motion submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.
- 3.12 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.

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Code of Meeting Practice

Questions with notice

- 3.13 A Councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the General Manager about the performance or operations of the Council.
- 3.14 A Councillor is not permitted to ask a question with notice under clause 3.13 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.
- 3.15 The General Manager or their nominee may respond to a question with notice submitted under clause 3.13 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

- 3.16 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.
- 3.17 The General Manager must ensure that the agenda for an ordinary meeting of the Council states:
  - (a) all matters to be dealt with arising out of the proceedings of previous meetings of the Council, and
  - (b) if the Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.9.
- 3.18 Nothing in clause 3.17 limits the powers of the Mayor to put a Mayoral minute to a meeting under clause 9.6.
- 3.19 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.
- 3.20 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:

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Code of Meeting Practice

- (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 3.20 reflects section 9(2A)(a) of the Act.**

- 3.21 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

- 3.22 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

- 3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.

**Note: Clause 3.23 reflects section 9(2) and (4) of the Act.**

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the General Manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.24 reflects section 9(2A)(b) of the Act.**

- 3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

**Note: Clause 3.25 reflects section 9(3) of the Act.**



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Code of Meeting Practice

- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

**Note: Clause 3.26 reflects section 9(5) of the Act.**

Agenda and business papers for extraordinary meetings

- 3.27 The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.32 Prior to each ordinary meeting of the Council, the General Manager may arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the Council and meetings of committees of the Council.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.35 The General Manager or a member of staff nominated by the General Manager is to preside at pre-meeting briefing sessions.



Code of Meeting Practice

- 3.36 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or committee meeting at which the item of business is to be considered.
- 3.37 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.

## Code of Meeting Practice

**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 12.00pm one (1) business day before the date on which the public forum is to be held, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.5 A person may apply to speak on no more than two (2) items of business on the agenda of the Council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The General Manager or their delegate may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than two (2) 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.

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Code of Meeting Practice

- 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 by 12.00pm one (1) business day before the public forum. The General Manager or their delegate may refuse to allow such material to be presented.
- 4.12 The General Manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed five (5) minutes to address the Council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to three (3) minutes.
- 4.17 Speakers at public forums cannot ask questions of the Council, Councillors, or Council staff.
- 4.18 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council for up to five (5) minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the Council, speakers at public forums must comply with this Code and all other relevant Council Codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.

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Code of Meeting Practice

- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this Code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate.
- 4.24 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

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

## Code of Meeting Practice

**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.
- 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.

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Code of Meeting Practice

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 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.



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#### Code of Meeting Practice

- 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 3.2.

#### 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 5.16 that a meeting is to be held by audio-visual link, the General Manager must:
- (a) give written notice to all Councillors that the meeting is to be held by audio-visual link, and
  - (b) take all reasonable steps to ensure that all Councillors can participate in the meeting by audio-visual link, and
  - (c) cause a notice to be published on the Council's website and in such other manner the General Manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.17 This Code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

**Note: Where a Council holds a meeting by audio-visual link under clause 5.15, 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 and must provide reasons why the Councillor will be prevented from attending the meeting in person.

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Code of Meeting Practice

- 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 5.19.
- 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.



#### Code of Meeting Practice

- 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.**

#### 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.

#### Code of Meeting Practice

- 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.

**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.

Code of Meeting Practice

## 6. The Chairperson

### The chairperson at meetings

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

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

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

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

### Election of the chairperson in the absence of the Mayor and Deputy Mayor

- 6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the General Manager or, in their absence, an employee of the Council designated by the General Manager to conduct the election, or
  - (b) by the person who called the meeting or a person acting on their behalf if neither the General Manager nor a designated employee is present at the meeting, or if there is no General Manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Code of Meeting Practice

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.

Code of Meeting Practice

## **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].

Code of Meeting Practice

## 8. Order of Business for Ordinary Council Meetings

8.1 The general order of business for an ordinary meeting of the Council shall be:

1. Opening of Meeting
2. Acknowledgement of Country
3. Prayer
4. Apologies and Applications for a Leave of Absence
5. Applications to Attend by Audio-Visual Link
6. Confirmation of Minutes
7. Disclosures of Interests
8. Late Business
9. Mayoral Minute(s)
10. Reports of Committees
11. Reports of the General Manager
12. Reports of the Director Customer, Corporate Services and Economy
13. Reports of the Director Infrastructure and Strategic Futures
14. Reports of the Director Operations
15. Reports of the Director Planning and Community Services
16. Notices of Motions/Questions with Notice
17. Confidential Matters
18. Report of Confidential Resolutions
19. Conclusion of Meeting

8.2 The order of business as fixed under clause 8.1 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: Part 13 allows Council to deal with items of business by exception.**

8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

## Code of Meeting Practice

**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 3.9, and
  - (b) unless notice of the business has been sent to the Councillors in accordance with clause 3.6 in the case of an ordinary meeting or clause 3.8 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the Council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a Mayoral Minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral Minutes

- 9.6 Subject to clause 9.9, if the Mayor is the chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.

#### Code of Meeting Practice

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

#### Staff reports

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

#### Reports of committees of Council

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

#### Questions

- 9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9 and 3.13.
- 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.



Code of Meeting Practice

- 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.

Code of Meeting Practice

## 10. Rules of Debate

### Motions to be seconded

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

### Notices of motion

- 10.2 A Councillor who has submitted a notice of motion under clause 3.9 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 3.9 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.

### Code of Meeting Practice

#### Amendments to motions

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

#### Foreshadowed motions

- 10.17 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

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Code of Meeting Practice

- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

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

Code of Meeting Practice

- 10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this Code, remain silent while another Councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

## Code of Meeting Practice

**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

- 11.4 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.
- 11.5 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.
- 11.6 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.
- 11.7 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.
- 11.8 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.
- 11.9 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.

Code of Meeting Practice

Voting on planning decisions

- 11.10 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.
- 11.11 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.
- 11.12 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.
- 11.13 Clauses 11.10–11.12 apply also to meetings that are closed to the public.

**Note: Clauses 11.10–11.12 reflect section 375A of the Act.**

**Note: The requirements of clause 11.10 may be satisfied by maintaining a register of the minutes of each planning decision.**

## Code of Meeting Practice

**12. Committee of the Whole**

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

**Note: Clause 12.1 reflects section 373 of the Act.**

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

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

- 12.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.



## Code of Meeting Practice

**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.

Code of Meeting Practice

## 14. Closure of Council Meetings to the Public

### Grounds on which meetings can be closed to the public

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

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

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

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

## Code of Meeting Practice

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the Council or committee is involved, and
  - (b) are clearly identified in the advice, and
  - (c) are fully discussed in that advice.

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

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

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

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

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

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Code of Meeting Practice

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

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

Representations by members of the public

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

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

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.20 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 one (1) business 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 two (2) speakers are to be permitted to make representations under clause 14.9.

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#### Code of Meeting Practice

- 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 3.20 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 two (2) speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed three (3) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

#### Expulsion of non-Councillors from meetings closed to the public

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

#### Obligations of Councillors attending meetings by audio-visual link

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

## Code of Meeting Practice

Information to be disclosed in resolutions closing meetings to the public

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

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

Resolutions passed at closed meetings to be made public

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

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Code of Meeting Practice

## **15. Keeping Order at Meetings**

### Points of order

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

### Questions of order

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

### Motions of dissent

- 15.8 A Councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this Code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.



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Code of Meeting Practice

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.

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.



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#### Code of Meeting Practice

- 15.15 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.
- 15.16 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 15.16 reflects section 233(2) of the Regulation.**

- 15.17 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.
- 15.18 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.
- 15.19 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

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

- 15.22 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.

Code of Meeting Practice

- 15.23 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a committee of the Council without the prior authorisation of the Council or the committee.
- 15.24 Without limiting clause 15.17, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.23, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.25 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Code of Meeting Practice

## **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.

Code of Meeting Practice

## 17. Decisions of the Council

### Council decisions

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

**Note: Clause 17.1 reflects section 371 of the Act.**

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

### Rescinding or altering Council decisions

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

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

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

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

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.9.

**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.**

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Code of Meeting Practice

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

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

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the General Manager no later than two (2) business days 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.

Code of Meeting Practice

- 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.

## Code of Meeting Practice

**18. Time Limits on Council Meetings**

- 18.1 Meetings of the Council and committees of the Council are to conclude no later than 8.00pm.
- 18.2 If the business of the meeting is unfinished at 8.00pm, 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 8.00pm, 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.

Code of Meeting Practice

## 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.



## Code of Meeting Practice

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

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

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

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

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

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

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

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

Implementation of decisions of the Council

- 19.12 The General Manager is to implement, without undue delay, lawful decisions of the Council.

**Note: Clause 19.12 reflects section 335(b) of the Act.**

Code of Meeting Practice

## 20. Council Committees

### Application of this Part

- 20.1 This Part only applies to committees of the Council whose members are all Councillors.

### Council committees whose members are all Councillors

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

### Functions of committees

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

### Notice of committee meetings

- 20.6 The General Manager must send to each Councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
  - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

### Attendance at committee meetings

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

Code of Meeting Practice

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

Non-members entitled to attend committee meetings

- 20.10 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
  - (b) to move or second a motion at the meeting, or
  - (c) to vote at the meeting.

Chairperson and deputy chairperson of Council committees

- 20.11 The chairperson of each committee of the Council must be:
- (a) the Mayor, or
  - (b) if the Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
  - (c) if the Council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this Code, each committee of the Council may regulate its own procedure. The provisions of this Code are to be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.

Code of Meeting Practice

- 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 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

- 20.18 The provisions of the Act and Part 14 of this Code apply to the closure of meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.
- 20.19 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.
- 20.20 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 20.19 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.21 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

- 20.22 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.

Code of Meeting Practice

- 20.23 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.
- 20.24 The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.
- 20.25 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.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.28 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.

Code of Meeting Practice

## 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.**

## Code of Meeting Practice

**Definitions**

Term	Definition
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	means Parkes Shire Council.
Council official	includes Councillors, members of staff of Council, administrators, Council committee members, and delegates of Council.
day	means calendar day.
division	means a request by two Councillors under clause 11.6 of this Code requiring the recording of the

## Code of Meeting Practice

	names of the Councillors who voted both for and against a motion.
foreshadowed amendment	means a proposed amendment foreshadowed by a Councillor under clause 10.18 of this Code during debate on the first amendment.
foreshadowed motion	means a motion foreshadowed by a Councillor under clause 10.17 of this Code during debate on an original motion.
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.
planning decision	means a decision made in the exercise of a function of a Council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act.
performance improvement order	means an order issued under section 438A of the Act.
quorum	means the minimum number of Councillors or committee members necessary to conduct a meeting.
the Regulation	means the <i>Local Government (General) Regulation 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 01 July and ending the following 30 June.



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## 10.2. (DDCSE) Adoption of draft Code of Conduct and Procedures for the Administration of the Code of Conduct

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### Prepared By:

Director Customer, Corporate Services and Economy

### Executive Summary

Under the *Local Government Act 1993* ("the Act"), Parkes Shire Council ("Council") is required to review its adopted Code of Conduct within 12 months following each ordinary election. This report recommends that Council formally adopt the draft Code of Conduct, appended at *Attachment 1*, and accompanying Procedures for the Administration of the Code of Conduct, appended at *Attachment 2*, both of which incorporate all mandatory provisions of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code") and *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* ("the Model Procedures") prescribed under section 23A of the Act.

### Background Information

Section 440 of the Act provides that the *Local Government (General) Regulation 2021* ("the Regulation") may prescribe a Model Code of Conduct applicable to Council Officials, along with a procedure administering the Model Code and dealing with alleged contraventions of the Model Code.

The Act further requires Council to adopt a Code of Conduct incorporating the provisions of the Model Code, as well as a procedure for administering its Code of Conduct incorporating the provisions of the Model Procedures.

Section 440(7) of the Act requires Council to review its adopted Code of Conduct within 12 months after an ordinary election.

The current Model Code and Model Procedures were published in the *NSW Government Gazette* and prescribed by the NSW Government on 14 August 2020, via *Circular 20-32*.

### Legislative or Policy Implications

[https://www.olg.nsw.gov.au/council-circulars/20-32-amendments-to-the-model-code-of-conduct-for-local-councils-in-nsw-and-procedures/Local Government Act 1993, Section 440 - Codes of Conduct](https://www.olg.nsw.gov.au/council-circulars/20-32-amendments-to-the-model-code-of-conduct-for-local-councils-in-nsw-and-procedures/Local%20Government%20Act%201993,%20Section%20440-%20Codes%20of%20Conduct)  
[Local Government Act 1993, Section 440AAA - Content of Model Code](#)  
[Local Government Act 1993, Section 440AA - Administration of Code of Conduct](#)  
[Local Government \(General\) Regulation 2021, Clause 180 - Content of Model Code of Conduct](#)  
[Local Government \(General\) Regulation 2021, Clause 181 - Model Procedure for Administering the Model Code of Conduct](#)  
[Circular 20-32 Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures \(Office of Local Government, 14 August 2020\)](#)

## Project Delivery Implications

COUNCIL+ *Council*

## Risk Assessment

An assessment of the challenge posed to Council implementing the action/s contained in this report, in the current environment with available resources: Low.

## Budget and Financial Implications

There are no financial implications for Council associated with this report.

## Recommendation

That Council:

1. Adopt the draft Code of Conduct appended at *Attachment 1*, pursuant to section 440(3) of the *Local Government Act 1993* and clause 180(1) of the *Local Government (General) Regulation 2021*.
2. Upon adoption of the draft Code of Conduct, repeal the Code of Conduct adopted 16 July 2019.
3. Adopt the draft Procedures for the Administration of the Code of Conduct, appended at *Attachment 2*, pursuant to section 181 of the *Local Government Act 1993* and clause 181 of the *Local Government (General) Regulation 2021*.
4. Upon adoption of the draft Procedures for the Administration of the Code of Conduct, repeal the Procedures for the Administration of the Code of Conduct adopted 16 July 2019.

## Report

Council last reviewed its Code of Conduct and Procedures in July 2019 [**res. 2019**]. As detailed above, however; Council is required to review and re-adopt its Code of Conduct and Procedures within 12 months of an ordinary election. Noting that the most recent ordinary election was held in December 2021, it is timely that Council formally review both documents.

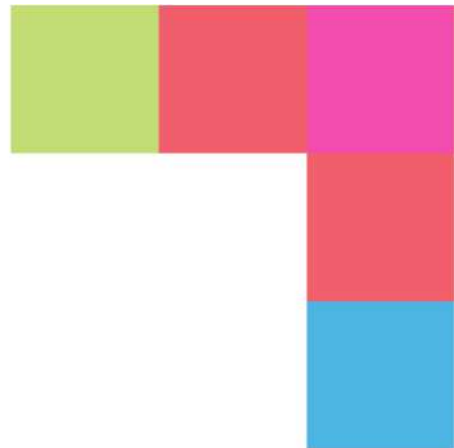
The draft Code of Conduct appended at *Attachment 1* and draft Procedures contained at *Attachment 2* incorporate all provisions of the Model Code and Model Procedures, respectively, as required under the Act. Neither document includes any additional clauses or supplementary provisions.

There is no statutory requirement under the Act for Council to publicly exhibit either its draft Code of Conduct or accompanying Procedures prior to adoption. Both documents are considered “open access information” for the purposes of the *Government Information (Public Access) Act 2009* and *Government Information (Public Access) Regulation 2018* and will be published to Council’s website following adoption.

## Attachments

1. Code of Conduct (July 2022) - Draft
2. Procedures for the Administration of the Code of Conduct (July 2022) - Draft

**Attachment 1 - Code of Conduct 2022**



PARKES SHIRE COUNCIL

# **Code of Conduct**

## **POLICY**

## Code of Conduct

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## Code of Conduct

**PART 1 Introduction**

This Code of Conduct is Parkes Shire Council's principal governance policy and provides a strong foundation for a strong ethical culture. The practice of good governance is critical for ensuring that Council achieves legal and ethical compliances and that decisions are made in the best interests of the Parkes Shire community.

This Code of Conduct incorporates the provisions of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct"), which is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2021* ("the Regulation").

This Code of Conduct sets the minimum standards of conduct for Council Officials and assists Council Officials to:

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

As the central component of Council's governance framework, this Code of Conduct is supplemented by the Procedures for the Administration of the Code of Conduct and a series of policies that facilitate the administration of the Code as they relate to gifts and benefits, fraud and corruption prevention, complaints management and other key aspects of ethical behaviour. Failure to comply with the provisions of these policies could be considered a breach of this Code.

Councillors, Administrators, members of staff of Council, delegates of Council, (including members of Council committees that are delegates of Council) and any other person Council's adopted Code of Conduct applies to, must comply with the applicable provisions of Council's Code of Conduct. It is the personal responsibility of Council Officials to comply with the standards in the Code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a Councillor to comply with the standards of conduct prescribed under this Code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on Councillors for misconduct, including suspension or disqualification from civic office.

Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.

**Note:** In adopting the Model Code of Conduct, county Councils should adapt it to substitute the term "chairperson" for "Mayor" and "member" for "Councillor".

## Code of Conduct

**PART 2 Definitions**

In this Code the following terms have the following meanings:

Administrator	an administrator of Council appointed under the LGA other than an administrator appointed under section 66.
Committee	see the definition of "Council committee".
complaint	a Code of Conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions.
Council	Parkes Shire Council.
Council committee	a committee established by a Council comprising of Councillors, staff or other persons that the Council has delegated functions to and the Council's Audit, Risk and Improvement Committee.
Council committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council committee other than a wholly advisory committee, and a person other than a Councillor who is a member of the Council's Audit, Risk and Improvement Committee.
Council Official	includes Councillors, members of staff of Council, administrators, Council committee members, delegates of Council and, for the purposes of clause 4.16, Council advisers.
Councillor	any person elected or appointed to civic office, including the Mayor.
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated.
designated person	a person referred to in clause 4.8.
election campaign	includes Council, state and federal election campaigns.
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i> .
General Manager	the General Manager of Parkes Shire Council.

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LGA	the <i>Local Government Act 1993</i> .
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i> .
Mayor	the Mayor of Parkes Shire Council.
members of staff of Council	includes employees, contractors and volunteers of Parkes Shire Council.
the Office	the Office of Local Government.
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation.
the Regulation	the <i>Local Government (General) Regulation 2021</i> .
wholly advisory committee	a Council committee that the Council has not delegated any functions to.

## Code of Conduct

**PART 3 General Conduct Obligations**General conduct

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

Fairness and equity

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

Harassment and discrimination

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



### Code of Conduct

- c) creates a hostile environment.

### Bullying

3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this Code, "bullying behaviour" is any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
- b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

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

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

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

### Work health and safety

3.12 All Council Officials, including Councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures

### Code of Conduct

adopted by the Council to ensure workplace health and safety. Specifically, you must:

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

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

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

### Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a Council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the Council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the Council or committee.
- 3.17 Clause 3.15 does not prohibit Councillors from discussing a matter before the Council or committee prior to considering the matter in question at a Council or

### Code of Conduct

committee meeting, or from voluntarily holding a shared view with other Councillors on the merits of a matter.

- 3.18 Clause 3.15 does not apply to a decision to elect the Mayor or Deputy Mayor, or to nominate a person to be a member of a Council committee or a representative of the Council on an external body.

### Obligations in relation to meetings

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

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**PART 4 Pecuniary Interests**What is a pecuniary interest?

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

## Code of Conduct

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

4.6 You do not have to disclose the following interests for the purposes of this Part:

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

### Code of Conduct

- iii) any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council, or by or under any contract
  - (j) an interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor)
  - (k) an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Mayor and Deputy Mayor) in accordance with a policy under section 252 of the LGA,
  - (l) an interest relating to an election to the office of Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor
  - (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
  - (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or a Council committee member
  - (o) an interest arising from the appointment of a Councillor to a body as a representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

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

#### 4.8 Designated persons include:

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



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##### 4.9 A designated person:

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

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

4.11 Clause 4.10 does not require a designated person who is a member of staff of the Council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12 The General Manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13 A disclosure by the General Manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the Council and the Council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

4.14 A member of staff of Council, other than a designated person, must disclose in writing to their manager or the General Manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

4.15 The staff member's manager or the General Manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

4.16 A person who, at the request or with the consent of the Council or a Council committee, gives advice on any matter at any meeting of the Council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

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What disclosures must be made by a Council committee member?

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

What disclosures must be made by a Councillor?

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

Disclosure of interests in written returns

- 4.21 A Councillor or designated person must make and lodge with the General Manager a return in the form set out in [Schedule 2](#) to this Code, disclosing the Councillor's or designated person's interests as specified in [Schedule 1](#) to this Code within three months after:
  - (a) becoming a Councillor or designated person, and
  - (b) 30 June of each year, and
  - (c) the Councillor or designated person becoming aware of an interest they are required to disclose under [Schedule 1](#) that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
  - (a) they made and lodged a return under that clause in the preceding three months, or
  - (b) they have ceased to be a Councillor or designated person in the preceding three months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The General Manager must keep a register of returns required to be made and lodged with the General Manager.
- 4.25 Returns required to be lodged with the General Manager under clause 4.21(a) and (b) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.



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- 4.26 Returns required to be lodged with the General Manager under clause 4.21(c) must be tabled at the next Council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

### Disclosure of pecuniary interests at meetings

- 4.28 A Councillor or a Council committee member who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The Councillor or Council committee member must not be present at, or in sight of, the meeting of the Council or committee:
- (a) at any time during which the matter is being considered or discussed by the Council or committee, or
  - (b) at any time during which the Council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a Council or Council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the General Manager in writing by a Councillor or a Council committee member to the effect that the Councillor or Council committee member, or the Councillor's or Council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
  - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the Council in which it is given (whichever is the sooner), sufficient disclosure of the Councillor's or Council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council committee after the date of the notice.
- 4.33 A Councillor or a Council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor or Council

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committee member has an interest in the matter of a kind referred to in clause 4.6.

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

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(b) that it is in the interests of the electors for the area to do so.

- 4.39 A Councillor or a Council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

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**PART 5 Non-Pecuniary Conflicts of Interests**What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of Council staff other than the General Manager, such a disclosure is to be made to the staff member's manager. In the case of the General Manager, such a disclosure is to be made to the Mayor.
- 5.7 If a disclosure is made at a Council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

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

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pecuniary conflict of interest is not significant and does not require further action in the circumstances.

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

### Political donations

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



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

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

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

- 5.20 A Councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
  - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or
  - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the Councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor or a Council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

- 5.22 Where the Minister exempts a Councillor or committee member from complying with a requirement under this Part under clause 5.21, the Councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

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### Other business or employment

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

### Personal dealings with Council

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



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**PART 6    Personal Benefit**

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

Gifts and benefits

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

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

#### 6.5 You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
- f) participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer–supplier relationship with the competition organiser
- g) personally benefit from reward points programs when purchasing on behalf of the Council.

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

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

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

### Gifts and benefits of token value

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

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

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

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

#### "Cash-like gifts"

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

#### Improper and undue influence

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

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**PART 7 Relationships between Council Officials**Obligations of Councillors and administrators

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

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the General Manager includes conducting the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, implementing without undue delay, lawful decisions of the Council and ensuring that the Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of Council must:
- a) give their attention to the business of the Council while on duty
  - b) ensure that their work is carried out ethically, efficiently, economically and effectively

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- c) carry out reasonable and lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the Council does not interfere with the performance of their official duties.

### Inappropriate interactions

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

- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) Council staff approaching Councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, Council staff refusing to give information that is available to other Councillors to a particular Councillor
- d) Councillors and administrators who have lodged an application with the Council, discussing the matter with Council staff in staff-only areas of the Council
- e) Councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the Councillor or administrator has a right to be heard by the panel at the meeting
- f) Councillors and administrators being overbearing or threatening to Council staff
- g) Council staff being overbearing or threatening to Councillors or administrators
- h) Councillors and administrators making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this Code in public forums including social media
- i) Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make
- j) Council staff providing ad hoc advice to Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community

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- k) Council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the Council associated with current or proposed legal proceedings unless permitted to do so by the Council's General Manager or, in the case of the Mayor or administrator, unless they are exercising their functions under section 226 of the LGA.



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**PART 8 Access to Information and Council Resources**

Councillor and administrator access to information

- 8.1 The General Manager is responsible for ensuring that Councillors and administrators can access information necessary for the performance of their official functions. The General Manager and Public Officer are also responsible for ensuring that members of the public can access publicly available Council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The General Manager must provide Councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of Council must provide full and timely information to Councillors and administrators sufficient to enable them to exercise their official functions and in accordance with Council procedures.
- 8.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their official functions must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 8.5 Councillors and administrators who have a private interest only in Council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, Councillors and administrators who are precluded from participating in the consideration of a matter under this Code because they have a conflict of interest in the matter, are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

### Code of Conduct

General Manager or Public Officer must state the reasons for the decision if access is refused.

### Use of certain Council information

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

### Use and security of confidential information

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



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### Personal information

8.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the Council's Privacy Management Plan
- e) the Privacy Code of Practice for Local Government

### Use of Council resources

8.13 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

8.14 Union delegates and consultative committee members may have reasonable access to Council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

8.15 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

8.16 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

8.17 You must not use Council resources (including Council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.18 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:

- a) for the purpose of assisting your election campaign or the election campaign of others, or
- b) for other non-official purposes.

#### Code of Conduct

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

#### Internet access

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

#### Council record keeping

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

#### Councillor access to Council buildings

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

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**PART 9 Maintaining the Integrity of this Code**Complaints made for an improper purpose

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

Detrimental action

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

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### Compliance with requirements under the Procedures

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

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

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

### Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a Councillor, the General Manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the Council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other Council Officials are to be managed by the General Manager in accordance with the Procedures.

## Code of Conduct

**Schedule 1: Disclosures of Interests and Other Matters in Written Returns Submitted under Clause 4.21****Part 1: Preliminary**Definitions

1. For the purposes of the Schedules to this Code, the following definitions apply:

*address* means:

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

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

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

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

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

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*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

*occupation* includes trade, profession and vocation.

*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a Councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the Councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

### Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales*: A reference in this Schedule or in Schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

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3. *References to interests in real property:* A reference in this Schedule or in Schedule 2 to real property in which a Councillor or designated person has an interest includes a reference to any real property situated in Australia in which the Councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this Schedule and Schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a Councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.



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### Part 2: Pecuniary interests to be disclosed in returns

#### Real property

5. A person making a return under clause 4.21 of this Code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a Councillor or designated person.
8. For the purposes of clause 5 of this Schedule, "interest" includes an option to purchase.

#### Gifts

9. A person making a return under clause 4.21 of this Code must disclose:
  - a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
  - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
  - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - c) the donor was a relative of the donee, or
  - d) subject to paragraph (a), it was received prior to the person becoming a Councillor or designated person.
11. For the purposes of clause 10 of this Schedule, the amount of a gift other than money is an amount equal to the value of the property given.



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### Contributions to travel

12. A person making a return under clause 4.21 of this Code must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a Councillor or designated person.
14. For the purposes of clause 13 of this Schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

### Interests and positions in corporations

15. A person making a return under clause 4.21 of this Code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and

### Code of Conduct

- c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and
  - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a Councillor or designated person.

### Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this Code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this Schedule:
- close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
- property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

### Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the Code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and

### Code of Conduct

- c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a Councillor or designated person.

### Dispositions of real property

23. A person making a return under clause 4.21 of this Code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this Code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a Councillor or designated person.

### Sources of income

26. A person making a return under clause 4.21 of this Code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this Schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:

- a) in relation to income from an occupation of the person:
  - (i) a description of the occupation, and
  - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
  - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
- b) in relation to income from a trust, the name and address of the settlor and the trustee, or

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- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
- 28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
- 29. The source of any income received by the person that they ceased to receive prior to becoming a Councillor or designated person need not be disclosed.
- 30. A fee paid to a Councillor or to the Mayor or Deputy Mayor under sections 248 or 249 of the LGA need not be disclosed.

### Debts

- 31. A person making a return under clause 4.21 of this Code must disclose the name and address of each person to whom the person was liable to pay any debt:
  - a) on the return date, and
  - b) at any time in the period since 30 June of the previous financial year.
- 32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
- 33. A liability to pay a debt need not be disclosed by a person in a return if:
  - a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
  - b) the person was liable to pay the debt to a relative, or
  - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - d) in the case of a debt arising from the supply of goods or services:
    - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the

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period since 30 June of the previous financial year, as the case may be, or

- (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a Councillor or designated person.

Discretionary disclosures

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

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**Schedule 2: Form of Written Return of Interests submitted under Clause 4.21**'Disclosures by Councillors and designated persons' return

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

Important information

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

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

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action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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

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

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

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**Disclosure of pecuniary interests and other matters**

by			
as at			
in respect of the period from		to	

.....

Councillor's or designated person's signature

Date: .....

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



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B. Sources of income		
<p>1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p>		
Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
<p>2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from a trust since 30 June</p>		
Name and address of settlor		Name and address of trustee
<p>3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of other income I received at any time since 30 June</p> <p><i>[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i></p>		

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

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

E. Interests and positions in corporations	
<i>[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i>	

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

☐ Yes ☐ No

**G. Positions in trade unions and professional or business associations**

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

**H. Debts**

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


**I. Dispositions of property**

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

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

<b>J. Discretionary disclosures</b>

## Code of Conduct

**Schedule 3: Form of Special Disclosure of Pecuniary Interest submitted under Clause 4.37**

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

Important information

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

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

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

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

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

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

## Code of Conduct

## Special Disclosure of Pecuniary Interests

by	
In the matter of:	
Which is to be considered at a meeting of Parkes Shire Council	
To be held on	

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

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

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

Code of Conduct

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

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

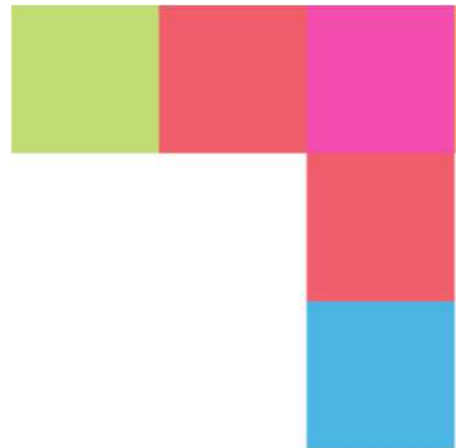
.....

Councillor's or designated person's signature

Date: .....

**[This form is to be retained by Council's General Manager and included in full in the Minutes of the meeting]**

**Attachment 2 - Procedures for the Administration of the Code 2022**



PARKES SHIRE COUNCIL

**Procedures for the  
Administration of the  
Code of Conduct**

**POLICY**



Procedures for the Administration of the Code of Conduct

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## Procedures for the Administration of the Code of Conduct

**PART 1 Introduction**

These procedures for the administration of Parkes Shire Council's Code of Conduct incorporate all provisions of the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* ("the Model Procedures"), which are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct").

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2021* ("the Regulation"). Section 440 of the LGA requires every Council (including county Councils) and joint organisation to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct.

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

**Note:** Parts 6, 7, 8 and 11 of these procedures apply only to the management of Code of Conduct complaints about Councillors (including the Mayor) or the General Manager.

## Procedures for the Administration of the Code of Conduct

**PART 2 Definitions**

In these procedures the following terms have the following meanings:

administrator	an administrator of a Council appointed under the LGA other than an administrator appointed under section 66.
Code of Conduct	a Code of Conduct adopted under section 440 of the LGA.
Code of Conduct complaint	a complaint that is a Code of Conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures.
complainant	a person who makes a Code of Conduct complaint.
complainant Councillor	a Councillor who makes a Code of Conduct complaint.
Complaints Coordinator	a person appointed by the General Manager under these procedures as a Complaints Coordinator.
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the Code of Conduct by Councillors or the General Manager.
Council	Parkes Shire Council.
Council committee	a committee established by Council comprising of Councillors, staff or other persons that the Council has delegated functions to and the Council's Audit, Risk and Improvement Committee.
Council committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council committee other than a wholly advisory committee, and a person other than a Councillor who is a member of the Council's Audit, Risk and Improvement Committee.
Councillor	any person elected or appointed to civic office, including the Mayor.

## Procedures for the Administration of the Code of Conduct

Council Official	any Councillor, member of staff of Council, administrator, Council committee member, delegate of Council and, for the purposes of clause 4.16 of the Code of Conduct, Council adviser.
delegate of Council	a person (other than a Councillor or member of staff of Council) or body, and the individual members of that body, to whom a function of the Council is delegated.
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the NSW Police.
General Manager	the General Manager of Parkes Shire Council
ICAC	the Independent Commission Against Corruption.
joint organisation	a joint organisation established under section 400O of the LGA.
LGA	the <i>Local Government Act 1993</i> .
Mayor	the Mayor of Parkes Shire Council.
members of staff of Council	includes employees, contractors and volunteers of Parkes Shire Council.
the Office	the Office of Local Government.
investigator	a conduct reviewer.
the Regulation	the <i>Local Government (General) Regulation 2021</i> .
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures.
wholly advisory committee	a Council committee that the Council has not delegated any functions to.

Procedures for the Administration of the Code of Conduct

### **PART 3 Administrative Framework**

#### The establishment of a panel of conduct reviewers

- 3.1 The Council must establish a panel of conduct reviewers.
- 3.2 The Council may enter into an arrangement with one or more other Councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the Councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the Council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
  - a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
  - c) knowledge and experience of one or more of the following:
    - i) investigations
    - ii) law
    - iii) public administration
    - iv) public sector ethics
    - v) alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
  - a) a Councillor, or
  - b) a nominee for election as a Councillor, or
  - c) an administrator, or
  - d) an employee of a Council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.

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- 3.7 A person is not precluded from being a member of the Council's panel of conduct reviewers if they are a member of another Council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a Council's panel of conduct reviewers where the Council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The Council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the Council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the Council may be a member of subsequent panels of conduct reviewers established by the Council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

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

Procedures for the Administration of the Code of Conduct

The appointment of Complaints Coordinators

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

Procedures for the Administration of the Code of Conduct

**PART 4      How May Code of Conduct Complaints be Made?**

What is a Code of Conduct complaint?

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

When must a Code of Conduct complaint be made?

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

How may a Code of Conduct complaint about a Council Official other than the General Manager be made?

- 4.6 All Code of Conduct complaints other than those relating to the General Manager are to be made to the General Manager in writing. This clause



#### Procedures for the Administration of the Code of Conduct

does not operate to prevent a person from making a complaint to an external agency.

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

#### How may a Code of Conduct complaint about the General Manager be made?

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

Procedures for the Administration of the Code of Conduct

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

### Delegation by General Managers and Mayors of their functions under this Part

- 5.1 A General Manager or Mayor may delegate their functions under this Part to a member of staff of the Council or to a person or persons external to the Council other than an external agency. References in this Part to the General Manager or Mayor are also to be taken to be references to their delegates.

### Consideration of complaints by General Managers and Mayors

- 5.2 In exercising their functions under this Part, General Managers and Mayors may consider the complaint assessment criteria prescribed under clause 6.31.

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

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

### How are Code of Conduct complaints about staff (other than the General Manager) to be dealt with?

- 5.4 The General Manager is responsible for the management of Code of Conduct complaints about members of staff of Council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct) and for determining the outcome of such complaints.
- 5.5 The General Manager must refer Code of Conduct complaints about members of staff of Council alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct to the Office.

Procedures for the Administration of the Code of Conduct

- 5.6 The General Manager may decide to take no action in relation to a Code of Conduct complaint about a member of staff of Council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the General Manager decides to take no action in relation to a Code of Conduct complaint about a member of staff of Council, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of Conduct complaints about members of staff of Council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the Code of Conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are Code of Conduct complaints about delegates of Council, Council advisers and Council committee members to be dealt with?

- 5.10 The General Manager is responsible for the management of Code of Conduct complaints about delegates of Council and Council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct) and for determining the outcome of such complaints.
- 5.11 The General Manager must refer Code of Conduct complaints about Council advisers, delegates of Council and Council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct to the Office.
- 5.12 The General Manager may decide to take no action in relation to a Code of Conduct complaint about a delegate of Council or a Council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the General Manager decides to take no action in relation to a Code of Conduct complaint about a delegate of Council or a Council committee member, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve Code of Conduct complaints about delegates of Council or Council committee members, by alternative means such as, but not limited to, explanation,

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counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a Code of Conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.

- 5.15 Where the General Manager resolves a Code of Conduct complaint under clause 5.14 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the Code of Conduct by delegates of Council and/or Council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
  - a) censure
  - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the General Manager
  - c) prosecution for any breach of the law
  - d) removing or restricting the person's delegation
  - e) removing the person from membership of the relevant Council committee.
- 5.17 Prior to imposing a sanction against a delegate of Council or a Council committee member under clause 5.16, the General Manager or any person making enquiries on behalf of the General Manager must comply with the requirements of procedural fairness. In particular:
  - a) the substance of the allegation (including the relevant provision/s of the Council's Code of Conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the General Manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are Code of Conduct complaints about administrators to be dealt with?

- 5.18 The General Manager must refer all Code of Conduct complaints about administrators to the Office for its consideration.
- 5.19 The General Manager must notify the complainant of the referral of their complaint in writing.

Procedures for the Administration of the Code of Conduct

How are Code of Conduct complaints about Councillors to be dealt with?

- 5.20 The General Manager must refer the following Code of Conduct complaints about Councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct
  - b) complaints alleging a failure to comply with a requirement under the Code of Conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
  - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the Code of Conduct contained in Part 9 of the Code of Conduct
  - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the General Manager refers a complaint to the Office under clause 5.20, the General Manager must notify the complainant of the referral in writing.
- 5.22 The General Manager may decide to take no action in relation to a Code of Conduct complaint about a Councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the General Manager decides to take no action in relation to a Code of Conduct complaint about a Councillor, the General Manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve Code of Conduct complaints about Councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a Code of Conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.
- 5.25 Where the General Manager resolves a Code of Conduct complaint under clause 5.24 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.



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- 5.26 The General Manager must refer all Code of Conduct complaints about Councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the Complaints Coordinator.

How are Code of Conduct complaints about the General Manager to be dealt with?

- 5.27 The Mayor must refer the following Code of Conduct complaints about the General Manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct
  - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the Code of Conduct contained in Part 9 of the Code of Conduct
  - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the Mayor refers a complaint to the Office under clause 5.27, the Mayor must notify the complainant of the referral in writing.
- 5.29 The Mayor may decide to take no action in relation to a Code of Conduct complaint about the General Manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the Mayor decides to take no action in relation to a Code of Conduct complaint about the General Manager, the Mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the Mayor considers it to be practicable and appropriate to do so, the Mayor may seek to resolve Code of Conduct complaints about the General Manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a Code of Conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.
- 5.32 Where the Mayor resolves a Code of Conduct complaint under clause 5.31 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

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- 5.33 The Mayor must refer all Code of Conduct complaints about the General Manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the Complaints Coordinator.

How are complaints about both the General Manager and the Mayor to be dealt with?

- 5.34 Where the General Manager or Mayor receives a Code of Conduct complaint that alleges a breach of the Code of Conduct by both the General Manager and the Mayor, the General Manager or Mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the Council other than the General Manager where the allegation is not serious, or to a person external to the Council, or
  - b) refer the matter to the Complaints Coordinator under clause 5.26 and clause 5.33.

Referral of Code of Conduct complaints to external agencies

- 5.35 The General Manager, Mayor or a conduct reviewer may, at any time, refer a Code of Conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The General Manager, Mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the General Manager, Mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the Council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
  - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or

Procedures for the Administration of the Code of Conduct

- c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
  - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to Code of Conduct complaints made by Councillors about other Councillors or the General Manager.
- 5.41 Where a Councillor makes a Code of Conduct complaint about another Councillor or the General Manager, and the complainant Councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant Councillor under clause 5.41 must be made at the time they make a Code of Conduct complaint and must state the grounds upon which the request is made.
- 5.43 The General Manager or Mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant Councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant Councillor makes a request under clause 5.41, the General Manager or Mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the Councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of Conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of Conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the Council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a Councillor makes a Code of Conduct complaint about another Councillor or the General Manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant Councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant Councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the General



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Manager or the Mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The General Manager may request in writing that the Office enter into a special complaints management arrangement with the Council in relation to Code of Conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of Code of Conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the Council's administration of its Code of Conduct, or
  - b) impeded or disrupted the effective administration by the Council of its Code of Conduct, or
  - c) impeded or disrupted the effective functioning of the Council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the Code of Conduct complaints the arrangement relates to, and
  - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the Code of Conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a Code of Conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the Complaints Coordinator in writing of their determination and the reasons for their determination. The Complaints Coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the General Manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

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**PART 6 Preliminary Assessment of Code of Conduct Complaints about Councillors or the General Manager by Conduct Reviewers**Referral of Code of Conduct complaints about Councillors or the General Manager to conduct reviewers

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

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carrying out their public duty (see clause 5.2 of the Model Code of Conduct).

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

Preliminary assessment of Code of Conduct complaints about Councillors or the General Manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the Complaints Coordinator for the purposes of determining how the complaint is to be managed.

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- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the Complaints Coordinator:
- a) to take no action
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - c) to refer the matter back to the General Manager or, in the case of a complaint about the General Manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - d) to refer the matter to an external agency
  - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the Complaints Coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The Complaints Coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a Code of Conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a Code of Conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written

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notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.

- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a Code of Conduct complaint for the purposes of these procedures, and
  - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a Councillor under section 440G of the LGA or disciplinary action against the General Manager under their contract of employment if it were to be proven, and
  - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a Councillor under section 440G of the LGA or disciplinary action against the General Manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the Council
  - b) the likely impact of the alleged conduct on the reputation of the Council and public confidence in it
  - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
  - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the Complaints Coordinator and notify the Complaints Coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.



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Referral back to the General Manager or Mayor for resolution

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

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a Code of Conduct complaint for the purpose of these procedures
  - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the Council's Code of Conduct
  - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the Code of Conduct
  - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
  - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
  - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to,

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explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the Council's Code of Conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the Council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

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

### What matters may a conduct reviewer investigate?

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

### How are investigations to be commenced?

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



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considers reasonably necessary for the respondent to identify the substance of the allegation against them.

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

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser

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in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.

- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

#### How are investigations to be conducted?

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

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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - b) refer the matter to the General Manager, or, in the case of a complaint about the General Manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures

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relating to the exercise of these options at the preliminary assessment stage.

- 7.22 The resolution of a Code of Conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the Complaints Coordinator and the General Manager, or in the case of a complaint about the General Manager, to the respondent, the complainant, the Complaints Coordinator and the Mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further

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opportunity to make a written submission in relation to the new adverse comment.

- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
  - b) make a determination that the conduct investigated either,
    - i. constitutes a breach of the Code of Conduct, or
    - ii. does not constitute a breach of the Code of Conduct, and
  - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
  - b) the relevant provisions of the Code of Conduct that apply to the alleged conduct investigated
  - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
  - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
  - e) a description of any attempts made to resolve the matter by use of alternative means
  - f) the steps taken to investigate the matter
  - g) the facts of the matter

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- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - i) the investigator's determination and the reasons for that determination
  - j) any recommendations.
- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the Code of Conduct, the investigator may recommend:
- a) in the case of a breach by the General Manager, that disciplinary action be taken under the General Manager's contract of employment for the breach, or
  - b) in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a Councillor, that the Council resolves as follows:
    - i. that the Councillor be formally censured for the breach under section 440G of the LGA, and
    - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the Code of Conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the Council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the Code of Conduct, the investigator may recommend:
- a) that the Council revise any of its policies, practices or procedures
  - b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the Complaints Coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the Complaints Coordinator and the respondent, the investigator must

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provide the complainant with a written statement containing the following information:

- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- b) the investigator's determination and the reasons for that determination
- c) any recommendations, and
- d) such other additional information that the investigator considers may be relevant.

7.43 Where the investigator has determined that there has not been a breach of the Code of Conduct, the Complaints Coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the Mayor, and this will finalise consideration of the matter under these procedures.

7.44 Where the investigator has determined that there has been a breach of the Code of Conduct and makes a recommendation under clause 7.37, the Complaints Coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary Council meeting for the Council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary Council meeting following the election.

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

#### Consideration of the final investigation report by Council

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

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

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



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- 7.49 Prior to imposing a sanction, the Council must provide the respondent with an opportunity to make a submission to the Council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a Councillor, take no part in any discussion or voting on the matter.
- 7.51 The Council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the Council may by resolution:
  - a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion from the Office in relation to the report.
- 7.53 The Council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the Complaints Coordinator who shall provide a copy each to the Council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the Complaints Coordinator.
- 7.57 The Council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A Council may by resolution impose one of the following sanctions on a respondent:
  - a) in the case of a breach by the General Manager, that disciplinary action be taken under the General Manager's contract of employment for the breach, or
  - b) in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a Councillor:

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- i. that the Councillor be formally censured for the breach under section 440G of the LGA, and
- ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

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

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

7.61 Where the Council resolves not to adopt the investigator's recommendation, the Complaints Coordinator must notify the Office of the Council's decision and the reasons for it.



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**PART 8      Oversight and Rights of Review**

The Office's powers of review

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

Complaints about conduct reviewers

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

Practice rulings

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

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Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the Code of Conduct, or
  - c) that in imposing its sanction, the Council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the Council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the Complaints Coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The Complaints Coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the Council to defer any action to implement a sanction. The Council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the Complaints Coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the Council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the Complaints Coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary Council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which

Procedures for the Administration of the Code of Conduct

case it must be tabled at the first ordinary Council meeting following the election, and

b) the Council must:

- i. review its decision to impose the sanction, and
- ii. consider the Office's recommendation in doing so, and
- iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the Council resolves to reaffirm its previous decision, the Council must state in its resolution its reasons for doing so.

Procedures for the Administration of the Code of Conduct

**PART 9      Procedural Irregularities**

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

Procedures for the Administration of the Code of Conduct

**PART 10 Practice Directions**

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

## Procedures for the Administration of the Code of Conduct

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

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

## Procedures for the Administration of the Code of Conduct

**PART 12 Confidentiality**

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



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### 10.3. (DCCSE) Review of Delegations to Mayor and Deputy Mayor

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#### Prepared By:

Director Customer, Corporate Services and Economy

#### Executive Summary

Under the *Local Government Act 1993* ("the Act"), Parkes Shire Council ("Council") is able to delegate certain powers, authorities, duties and functions to its Mayor to support the effective governance and efficient day-to-day operations of the organisation. Council is required to review all its delegations during the first 12 months of each term of office. This report recommends that Council resolve to delegate the powers, authorities, duties and functions specified in the Instrument of Delegation, appended at *Attachment 1*, to the Mayor, and in the Mayor's absence, the Deputy Mayor.

#### Background Information

The Act, along with other legislation relevant to local government, authorises Council to undertake a range of functions. In most cases, the relevant Acts grant those obligations and powers directly on the Council as a body.

The delegation of functions is essential to the effective governance and efficient day-to-day operations of Council, and is facilitated via section 377 of the Act, which enables Council to delegate powers, authorities, duties and functions to the General Manager or any other person or body (not including another employee of the Council) any of its functions, other than:

- (a) *The appointment of a General Manager.*
- (b) *The making of a rate.*
- (c) *A determination under section 549 as to the levying of a rate.*
- (d) *The making of a charge.*
- (e) *The fixing of a fee.*
- (f) *The borrowing of money.*
- (g) *The voting of money for expenditure on its works, services or operations.*
- (h) *The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).*
- (i) *The acceptance of tenders to provide services currently provided by members of staff of the council.*
- (j) *The adoption of an operational plan under section 405.*
- (k) *The adoption of a financial statement included in an annual financial report.*
- (l) *A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.*
- (m) *The fixing of an amount or rate for the carrying out by the council of work on private land.*
- (n) *The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.*
- (o) *The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979.*
- (p) *The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.*
- (q) *A decision under section 356 to contribute money or otherwise grant financial assistance to persons.*

- *(r) A decision under section 234 to grant leave of absence to the holder of a civic office.*
- *(s) The making of an application, or the giving of a notice, to the Governor or Minister.*
- *(t) This power of delegation.*
- *(u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.*

As with other local governments, Council delegates certain powers, authorities, duties and functions to its Mayor to be exercised and performed in addition to the statutory role and responsibilities of the Mayor, as detailed at section 336 of the Act:

- *(a) to be the leader of the Council and a leader in the local community,*
- *(b) to advance community cohesion and promote civic awareness,*
- *(c) to be the principal member and spokesperson of the governing body, including representing the views of the Council as to its local priorities,*
- *(d) to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council,*
- *(e) to preside at meetings of the Council,*
- *(f) to ensure that meetings of the Council are conducted efficiently, effectively and in accordance with this Act,*
- *(g) to ensure the timely development and adoption of the strategic plans, programs and policies of the Council,*
- *(h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the Council,*
- *(i) to promote partnerships between the Council and key stakeholders,*
- *(j) to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the Council,*
- *(k) in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community,*
- *(l) to carry out the civic and ceremonial functions of the Mayoral office,*
- *(m) to represent the Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,*
- *(n) in consultation with the Councillors, to lead performance appraisals of the General Manager,*
- *(o) to exercise any other functions of the Council that the Council determines.*

## **Legislative or Policy Implications**

[Local Government Act 1993, Section 226 - Role of Mayor](#)

[Local Government Act 1993, Section 377 - General Power of the Council to Delegate](#)

[Local Government Act 1993, Section 380 - Review of Delegations](#)

## **Project Delivery Implications**

COUNCIL+ Council

## Risk Assessment

An assessment of the challenge posed to Council implementing the action/s contained in this report, in the current environment with available resources: Low.

## Budget and Financial Implications

There are no financial implications for Council associated with this report.

## Recommendation

That Council:

1. Pursuant to section 377 of the *Local Government Act 1993*, delegate to the Mayor, and in the Mayor's absence, the Deputy Mayor; the powers, authorities, duties and functions of the Council listed in the Instrument of Delegation appended at *Attachment 1*, subject to the limitations specified in the Instrument of Delegation.
2. Revoke all previous delegations of powers, authorities, duties and functions to the Mayor and Deputy Mayor.

## Report

Following the election of a new governing body following the 2021 Local Government ordinary elections, and noting the requirement under section 380 of the Act for Council to review its delegations within the first 12 months of its term; it is timely for Council to review the delegations conferred to the Mayor (and in the Mayor's absence, the Deputy Mayor).

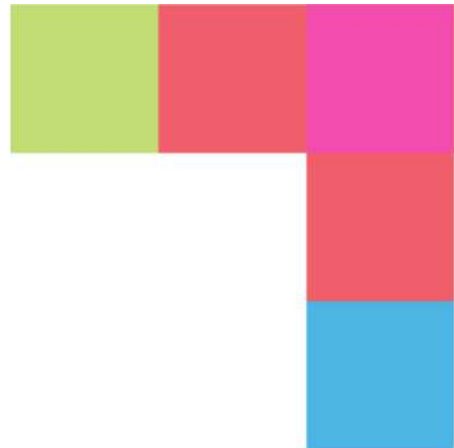
The Instrument of Delegation ("the Instrument") appended at *Attachment 1* lists all powers, authorities, duties and functions of the Council that are recommended to be delegated to the Mayor. The Instrument clearly specifies the individual powers, authorities, duties and functions to be delegated, as well as any limitations attached to each delegation.

The powers, authorities, duties and functions of the Council delegated to the Mayor must be exercised in accordance with the requirements of the applicable Act of Parliament, and any resolution or policy, procedure or budget adopted from time to time by the Council.

## Attachments

1. Instrument of Delegation to the Mayor (July 2022)

**Attachment 1 - Instrument of Delegation to Mayor - 19 July 2022**



PARKES SHIRE COUNCIL

**Instrument of Delegation  
to the Mayor**

**19 July 2022**

Instrument of Delegation to the Mayor

19 July 2022

## 1. Preamble

This document outlines the role of the Mayor of Parkes Shire Council ("Council"), as per section 226 of the *Local Government Act 1993* ("the Act"), and specifies the powers, functions, duties and functions delegated from Council's governing body pursuant to section 377 of the Act.

### 1.1 Role of the Mayor

Section 226 of the Act defines the role of the Mayor as follows:

- (a) *to be the leader of the Council and a leader in the local community,*
- (b) *to advance community cohesion and promote civic awareness,*
- (c) *to be the principal member and spokesperson of the governing body, including representing the views of the Council as to its local priorities,*
- (d) *to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council,*
- (e) *to preside at meetings of the Council,*
- (f) *to ensure that meetings of the Council are conducted efficiently, effectively and in accordance with the Act,*
- (g) *to ensure the timely development and adoption of the strategic plans, programs and policies of the Council,*
- (h) *to promote the effective and consistent implementation of the strategic plans, programs and policies of the Council,*
- (i) *to promote partnerships between the Council and key stakeholders,*
- (j) *to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the Council,*
- (k) *in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community,*
- (l) *to carry out the civic and ceremonial functions of the mayoral office,*
- (m) *to represent the Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,*
- (n) *in consultation with the Councillors, to lead performance appraisals of the General Manager,*
- (o) *to exercise any other functions of the Council that the Council determines.*

### 1.2 Non-delegable Functions

Section 377 of the Act specifies the Council functions which cannot be delegated, be that to the Mayor, General Manager or any other body:

- (1) *A Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council under this or any other Act, other than the following—*
  - (a) *the appointment of a General Manager,*
  - (b) *the making of a rate,*

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Instrument of Delegation to the Mayor

19 July 2022

- (c) a determination under section 549 as to the levying of a rate,
- (d) the making of a charge,
- (e) the fixing of a fee,
- (f) the borrowing of money,
- (g) the voting of money for expenditure on its works, services or operations,
- (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
- (i) the acceptance of tenders to provide services currently provided by members of staff of the Council,
- (j) the adoption of an Operational Plan under section 405,
- (k) the adoption of a financial statement included in an annual financial report,
- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- (m) the fixing of an amount or rate for the carrying out by the Council of work on private land,
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work,
- (o) the review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
- (p) the power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,
- (t) this power of delegation,
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the Council.

Instrument of Delegation to the Mayor

19 July 2022

## 2. Interpretation and Definitions

- (a) This Instrument of Delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the *Local Government Act 1993*.
- (b) This Instrument of Delegation is not intended to limit the Mayor's ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions under the *Local Government Act 1993*.
- (c) In this Instrument of Delegation, unless otherwise stated or indicated:

**the Act** means the *Local Government Act 1993*.

**Code of Conduct** means the document within the meaning of section 440 of the Act adopted by Council and which incorporates the provisions of the *Model Code of Conduct for Local Councils in NSW* as prescribed by the Regulation.

**Code of Meeting Practice** means the document within the meaning of section 360 of the Act adopted by Council and which incorporates the provisions of the *Model Code of Meeting Practice for Local Councils in NSW* as prescribed by the Regulation.

**Council** means Parkes Shire Council.

**Council Committee** means a committee established by the Council comprising only of Councillors.

**Council meeting** means a meeting of the Council.

**Decisions of Council** means decisions resolved by the governing body from time to time.

**Deputy Mayor** means the Deputy Mayor of Parkes Shire Council elected pursuant to section 231 of the Act.

**General Manager** means the General Manager of Parkes Shire Council appointed pursuant to section 334 of the Act.

**Mayor** means the Mayor of Parkes Shire Council elected pursuant to section 225 of the Act.

**Policies** means policies adopted by Council from time to time.

**Procedures for the Administration of the Code of Conduct** means the document within the meaning of section 440AA of the Act adopted by Council and which incorporates the provisions of the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* as prescribed by the Regulation.

**Recess Period** means a period of time where Council has, by resolution, specifically determined a break in Council's ordinary meeting schedule. A Recess Period does not include the time between:

- Council meetings (an extraordinary meeting can be called under the Code of Meeting Practice); or
- Council terms (that is, the period between the day of the last ordinary meeting of Council and the date of declaration of a newly elected Council)

**The Regulation** means the *Local Government (General) Regulation 2021*.

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Instrument of Delegation to the Mayor

19 July 2022

**Senior Staff** means those positions within Council's organisation structure determined by Council to be Senior Staff pursuant to section 332 of the Act.

**Urgent works** means works requiring immediate attention and decision-making in the event of:

- Natural disasters and emergencies, including pandemics and epidemics, and other events effecting the implementation of Council's Business Continuity Plan;
- Significant public liability issues;
- Work Health and Safety risk; or
- Incidents involving Council-owned or -operated property.



Instrument of Delegation to the Mayor

19 July 2022

### 3. Delegations

In accordance with and subject to section 377 of the Act, Council delegates to the Mayor, on an ongoing basis, the following powers, authorities, duties and functions of Council subject to the specified conditions and limitations:

Provision	Item Delegated	Conditions & Limitations
<b>Powers and Duties under the Local Government Act 1993</b>	To give effect to the law, Council's adopted policies, resolutions and directions, provided that such delegation is not sub-delegated without the specific approval of the Council or as prescribed under the <i>Local Government Act 1993</i> .	
<b>Powers and Duties under Other Legislation</b>	If, under any legislation other than the <i>Local Government Act 1993</i> , a function is conferred or imposed on the Mayor of Council, the function is taken to be conferred or imposed on the Council and the Mayor of the Council has delegated authority to exercise and/or perform on behalf of the Council the powers, authorities, duties and functions as prescribed under that legislation.	
<b>Management of Council Meetings and Business</b>	<ul style="list-style-type: none"> <li>(a) To preside at and chair all meetings of the Council and Public Meetings convened by the Council at which the Mayor is present, unless the Council otherwise appoints another person to perform this function.</li> <li>(b) To call and schedule meetings of Council Committees, briefings of Councillors and inspections by Councillors.</li> <li>(c) To request the General Manager to include items on the agendas for all meetings of Council and Council Committees, subject to the</li> </ul>	Subject to any applicable provisions of the Code of Meeting Practice.

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Instrument of Delegation to the Mayor

19 July 2022

Provision	Item Delegated	Conditions & Limitations
	<p><i>Local Government Act 1993 and the Local Government (General) Regulation 2021 and any other Act of Parliament, noting that if the Council has, by resolution, determined that a specific item should be placed on its agenda, the function exercised under this delegation must be exercised in accordance with that resolution.</i></p> <p>(d) Pursuant to the Code of Meeting Practice, exercise the power of expulsion from meetings of the Council.</p>	
<b>Negotiations on Behalf of Council</b>	In conjunction with the General Manager, to participate in negotiations on behalf of the Council with third parties and in connection with the sale, purchase and lease of land and buildings, noting that no contractual agreement is to be entered into without a resolution of Council, unless the contractual agreement is authorised by a separate delegation.	No contractual agreement is to be entered into without a resolution of Council, unless the contractual agreement is authorised by a separate delegation.
<b>External Relations and Representations</b>	<p>(a) To act as the official spokesperson of the elected Council.</p> <p>(b) To represent the Council, in conjunction with the General Manager, in deputations to Government inquiries and other forums where it is appropriate that the Mayor should present the Council's position.</p> <p>(c) To determine who should represent Council on external organisations, committees and inter-agency working</p>	Should the Mayor determine that a staff member should represent Council at a civic, ceremonial or social function in lieu of a Councillor; the Mayor must first consult with the General Manager.

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Instrument of Delegation to the Mayor

19 July 2022

Provision	Item Delegated	Conditions & Limitations
	<p>parties, where Council has not determined a representative.</p> <p>(d) To determine who should represent Council at civic, ceremonial and social functions, where the Mayor and Deputy Mayor are unable to attend.</p>	
<b>Public Statements and Media Releases</b>	To make public statements on matters of official Council attitude or interpretation of Council policy and issue media releases in respect of Council resolutions and decisions, subject to prior consultation with the General Manager.	The Mayor must consult with the General Manager prior to the publication of a media release in respect of Council resolutions and decisions.
<b>Sign Correspondence and Execute Documents</b>	To sign correspondence and other documents in relation to the Office of the Mayor.	<p>(a) Correspondence relating to the day-to-day management of Council are matters that remain with the General Manager to sign.</p> <p>(b) Execution of any documents under Council Seal must be carried out in compliance with Clause 400 of the <i>Local Government (General) Regulation 2021</i>.</p>
<b>Councillor Attendance at Seminars and Conferences</b>	To consider and, in consultation with the General Manager, approve Councillors' requests to attend seminars and conferences in accordance with Council's Councillor Expenses and Facilities Policy, where consideration and approval of such requests at a full meeting of the Council is not possible.	<p>(a) Consistent with the Council's Councillor Expenses and Facilities Policy, consideration and approval of such requests should occur at a full meeting of the Council, where possible.</p> <p>(b) Such requests must be approved jointly by the Mayor and General</p>

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Instrument of Delegation to the Mayor

19 July 2022

Provision	Item Delegated	Conditions & Limitations
		Manager, as required under the Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW prescribed under section 23A of the <i>Local Government Act 1993</i> .
<b>Urgent Works</b>	To authorise expenditure of up to \$40,000 on urgent work which has not been provided for in the Council's Operational Plan.	Expenditure authorised must be reported to the next scheduled Ordinary Meeting of the Council.
<b>Claims Against Council</b>	With the concurrence of the General Manager, approve the settlement of claims against Council, in excess of \$150,000 but not exceeding \$500,000, where the Mayor and General Manager are both satisfied that the Council's interests would be best served by avoiding the matter being determined by a court, other person or body.	
<b>General Authority of Council During a Recess Period</b>	Where there are grounds to support that a decision of the elected Council cannot be delayed during a Recess Period, to exercise the powers, authorities, duties and functions of the elected Council other than: (a) Those powers, authorities, duties and functions reserved by the elected Council in accordance with section 377 of the <i>Local Government Act 1993</i> . (b) Those powers, authorities, duties and functions delegated to the General Manager.	This authority is effective from 12.00am Midnight on the day of the last Ordinary Meeting prior to the Recess Period, up to the time of commencement of the first Ordinary Meeting at the conclusion of the Recess Period, subject to: (a) Such delegations are to be exercised following receipt by the Mayor of reports or other business papers in a form similar to the form of reports or other business papers normally submitted to Council or a Council

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Instrument of Delegation to the Mayor

19 July 2022

Provision	Item Delegated	Conditions & Limitations
		<p>Committee for resolution.</p> <p>(b) Those reports or other business papers are to be circulated to all Councillors at least three (3) business days prior to the exercise of the delegations.</p> <p>(c) Where written objections by three Councillors on any one item are received by the Mayor, stating relevant reasons for objection, the item is to be deferred until the next meeting of Council.</p> <p>(d) Any such decisions made by the Mayor pursuant to such delegation is to be reported to the next meeting of Council.</p> <p>This clause does not limit the Mayor's authority pursuant to section 226(d) of the <i>Local Government Act 1993</i> to exercise in the cases of necessity, the policy-making functions of Council's governing body between Council meetings.</p>
<b>Performance Management</b>	<p>(a) To exercise the powers, authorities, duties and functions of Council under the General Manager's Contract of Employment, having regard to any functions of a Performance Review Panel or policy in effect.</p> <p>(b) To provide oversight of and monitor the General Manager in the exercise of</p>	<p>Subject to any applicable provisions of the Guidelines for the Appointment and Oversight of General Managers prescribed under section 23A of the <i>Local Government Act 1993</i>.</p>

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Instrument of Delegation to the Mayor

19 July 2022

Provision	Item Delegated	Conditions & Limitations
	<p>the General Manager's powers, duties and functions.</p> <p>(c) To receive complaints about the General Manager and manage those complaints in accordance with the Code of Conduct and Procedures for the Administration of the Code of Conduct, and any other policy in effect.</p> <p>(d) To consider and approve or otherwise determine applications for leave submitted by the General Manager, provided that the leave period does not exceed six (6) weeks in duration, noting that leave applications by the General Manager in excess of six (6) weeks are to be referred to Council for determination.</p> <p>(e) To approve the attendance of the General Manager at any seminar, conference or course provided that it is within the adopted Budget. If it falls outside the existing adopted Budget, approval may only be granted in extenuating or urgent circumstances and with the concurrence of the Deputy Mayor.</p> <p>(f) To accept the resignation of the General Manager.</p> <p>(g) To approve the appointment of a Senior Staff employee to act as General Manager from time to time, as may be required in the absence of the General Manager, if not already appointed by the Council under the <i>Local Government Act 1993</i>, noting that such appointment is to</p>	

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Instrument of Delegation to the Mayor

19 July 2022

Provision	Item Delegated	Conditions & Limitations
	<p>be referred to the next scheduled Ordinary Meeting of the Council for endorsement.</p> <p>(h) To consult with the General Manager on the appointment and dismissal of Senior Staff.</p>	
<b>Certificates of Australian Citizenship</b>	To present Certificates of Australian Citizenship to applicants after applicants have pledged the Oath or Affirmation of Allegiance, as provided by the <i>Australian Citizenship Act 2007</i> .	
<b>Civic Honours</b>	To present civic honours, including the Star of Parkes and Australia Day Awards, on behalf of Council.	

Instrument of Delegation to the Mayor

19 July 2022

#### 4. Acknowledgement of Delegations by Mayor and Deputy Mayor

The powers, authorities, duties and functions contained in this Instrument of Delegation:

- (a) have been delegated by the governing body of Parkes Shire Council on **19 July 2022** by **Resolution** [Enter following meeting]; and
- (b) must be exercised in accordance with any applicable Act of Parliament;
- (c) must be exercised in accordance with any resolution or policy, procedure of budget adopted from time to time by the Council; and
- (d) have been received, read and accepted by:

.....  
Councillor Ken Keith OAM  
**Mayor**

.....  
Councillor Neil Westcott  
**Deputy Mayor**

On: ..... / ..... / 2022

On: ..... / ..... / 2022



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## 10.4. (DCCSE) Review of Delegations to General Manager

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### Prepared By:

Director Customer, Corporate Services and Economy

### Executive Summary

Under the *Local Government Act 1993* ("the Act"), Parkes Shire Council ("Council") is able to delegate certain powers, authorities, duties and functions to its General Manager to support the effective governance and efficient day-to-day operations of the organisation. Council is required to review all its delegations during the first 12 months of each term of office. This report recommends that Council resolve to delegate the powers, authorities, duties and functions specified in the Instrument of Delegation, appended at *Attachment 1*, to the General Manager, and in the General Manager's absence, the Senior Staff employee acting in the position of General Manager.

### Background Information

The Act, along with other legislation relevant to local government, authorises Council to undertake a range of functions. In most cases, the relevant Acts grant those obligations and powers directly on the Council as a body.

The delegation of functions is essential to the effective governance and efficient day-to-day operations of Council, and is facilitated via section 377 of the Act, which enables Council to delegate powers, authorities, duties and functions to the General Manager or any other person or body (not including another employee of the Council) any of its functions, other than those specifically exempted at sections 377(a)-(u).

As with other local governments, Council delegates certain powers, authorities, duties and functions to its General Manager to be exercised and performed in addition to the statutory powers and authorities of the General Manager as detailed at section 335 of the Act:

- *(a) to conduct the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, and*
- *(b) to implement, without undue delay, lawful decisions of the Council.*
- *(c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the Council,*
- *(d) to advise the Mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the Council and other matters related to the Council,*
- *(e) to prepare, in consultation with the Mayor and the governing body, the Council's Community Strategic Plan, Community Engagement Strategy, Resourcing Strategy, Delivery Program, Operational Plan and Annual Report,*
- *(f) to ensure that the Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,*
- *(g) to exercise any of the functions of the Council that are delegated by the Council to the General Manager,*
- *(h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the Council,*
- *(i) to direct and dismiss staff,*

- (j) to implement the Council's Workforce Management Strategy,
- (k) any other functions that are conferred or imposed on the General Manager by or under this or any other Act.

The delegation of functions under section 377 of the Act enables the General Manager to make most of the decisions and perform most of the functions required for Council to operate on a day-to-day basis. The General Manager in turn sub-delegates all or some of these delegations to relevant Council Officers as they relate to their role.

### **Legislative or Policy Implications**

[Local Government Act 1993, Section 351 - Temporary Appointments](#)  
[Local Government Act 1993, Section 377 - General Power of the Council to Delegate](#)  
[Local Government Act 1993, Section 378 - Delegations by the General Manager](#)  
[Local Government Act 1993, Section 380 - Review of Delegations](#)

### **Project Delivery Implications**

COUNCIL+ *Council*

### **Risk Assessment**

An assessment of the challenge posed to Council implementing the action/s contained in this report, in the current environment with available resources: Low.

### **Budget and Financial Implications**

There are no financial implications for Council associated with this report.

### **Recommendation**

That Council:

1. Pursuant to section 351 of the *Local Government Act 1993*, authorise the incumbents of the Council's four Senior Staff positions to act in the position of General Manager on a temporary basis, if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the General Manager's return to work or by other resolution of Council.
2. Pursuant to section 377 of the *Local Government Act 1993*, delegate to the General Manager, and in the General Manager's absence, the Senior Staff employee acting in the position of General Manager; the powers, authorities, duties and functions of the Council listed in the Instrument of Delegation appended at *Attachment 1*, subject to the limitations specified in the Instrument of Delegation.
3. Revoke all previous delegations of powers, authorities, duties and functions to the General Manager.

## Report

Council last reviewed its delegations to the General Manager at its Ordinary Meeting held 20 December 2016 [**Res: 16-484**].

Following the election of a new governing body following the 2021 Local Government ordinary elections, and noting the requirement under section 380 of the Act for Council to review its delegations within the first 12 months of its term; it is timely for Council to review the delegations conferred to the General Manager (and in the General Manager's absence, the Senior Staff employee acting in the position of General Manager).

The Instrument of Delegation ("the Instrument") appended at *Attachment 1* lists all powers, authorities, duties and functions of the Council that are recommended to be delegated to the General Manager. The Instrument clearly specifies the individual powers, authorities, duties and functions to be delegated, as well as any limitations attached to each delegation.

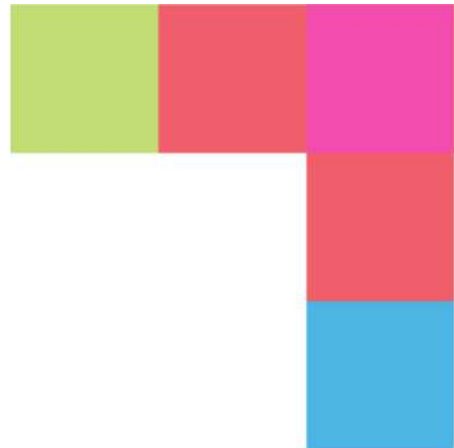
To ensure appropriate coverage of the General Manager's duties and functions during periods of absence by the incumbent; it is recommended that Council authorise the four Senior Staff positions within its organisation structure, being the Director Customer, Corporate Services and Economy, Director Infrastructure and Strategic Futures, Director Operations, and Director Planning and Community Services, authority to temporarily act in the position of General Manager, if and as required, and confer the same powers, authorities, duties and functions delegated to the General Manager to the incumbents when so acting.

The powers, authorities, duties and functions of the Council delegated to the General Manager must be exercised in accordance with the requirements of the applicable Act of Parliament, and any resolution or policy, procedure or budget adopted from time to time by the Council.

## Attachments

1. Instrument of Delegation to the General Manager (July 2022)

**Attachment 1 - Instrument of Delegation to General Manager - 19 July 2022**



PARKES SHIRE COUNCIL

**Instrument of Delegation  
to the General Manager**

**19 July 2022**

## Instrument of Delegation to the General Manager

**1. Preamble**

This document outlines the role of the General Manager of Parkes Shire Council ("Council"), as per section 335 of the *Local Government Act 1993* ("the Act"), and specifies the powers, functions, duties and functions delegated from Council's governing body pursuant to section 377 of the Act.

**1.1 Role of the General Manager**

Section 335 of the Act provides that the General Manager has the following functions:

- (a) *to conduct the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council,*
- (b) *to implement, without undue delay, lawful decisions of the Council,*
- (c) *to advise the Mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the Council,*
- (d) *to advise the Mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the Council and other matters related to the Council,*
- (e) *to prepare, in consultation with the Mayor and the governing body, the Council's Community Strategic Plan, Community Engagement Strategy, Resourcing Strategy, Delivery Program, Operational Plan and Annual Report,*
- (f) *to ensure that the Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,*
- (g) *to exercise any of the functions of the Council that are delegated by the Council to the General Manager,*
- (h) *to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the Council,*
- (i) *to direct and dismiss staff,*
- (j) *to implement the Council's Workforce Management Strategy,*
- (k) *any other functions that are conferred or imposed on the General Manager by or under this or any other Act.*

**1.2 Non-delegable Functions**

Section 377 of the Act specifies the Council functions which cannot be delegated, be that to the General Manager, Mayor or any other body:

- (1) *A Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council under this or any other Act, other than the following—*
  - (a) *the appointment of a General Manager,*
  - (b) *the making of a rate,*
  - (c) *a determination under section 549 as to the levying of a rate,*
  - (d) *the making of a charge,*
  - (e) *the fixing of a fee,*

## Instrument of Delegation to the General Manager

- (f) *the borrowing of money,*
- (g) *the voting of money for expenditure on its works, services or operations,*
- (h) *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
- (i) *the acceptance of tenders to provide services currently provided by members of staff of the Council,*
- (j) *the adoption of an Operational Plan under section 405,*
- (k) *the adoption of a financial statement included in an annual financial report,*
- (l) *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
- (m) *the fixing of an amount or rate for the carrying out by the Council of work on private land,*
- (n) *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work,*
- (o) *the review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,*
- (p) *the power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
- (q) *a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
- (r) *a decision under section 234 to grant leave of absence to the holder of a civic office,*
- (s) *the making of an application, or the giving of a notice, to the Governor or Minister,*
- (t) *this power of delegation,*
- (u) *any function under this or any other Act that is expressly required to be exercised by resolution of the Council.*

## 2. Interpretation and Definitions

- (a) This Instrument of Delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the *Local Government Act 1993*.
- (b) This Instrument of Delegation is not intended to limit the General Manager's ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions under the *Local Government Act 1993*.

Instrument of Delegation to the General Manager

### 3. Delegation Sources

- *Ageing and Disability Commissioner Act 2019*
- *Annual Holidays Act 1944*
- *Building and Development Certifiers Act 2018*
- *Building and Development Certifiers Regulation 2020*
- *Building Products (Safety) Act 2017*
- *Cemeteries and Crematoria Act 2013*
- *Companion Animals Act 1998*
- *Crown Land Management Act 2016*
- *Dams Safety Act 2015*
- *Disability Inclusion Act 2014*
- *Disability Inclusion Regulation 2014*
- *Fines Act 1996*
- *Fire and Emergency Services Levy Act 2017*
- *Fire Brigades Act 1989*
- *Firearms Regulation 2017*
- *Fisheries Management Act 1994*
- *Fluoridation of Public Water Supplies Act 1957*
- *Food Act 2003*
- *Food Regulation 2015*
- *Gas and Electricity (Consumer Safety) Act 2017*
- *Government Information (Public Access) Act 2009*
- *Graffiti Control Act 2008*
- *Greyhound Racing Act 2017*
- *Health Records and Information Privacy Act 2002*
- *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)*
- *Heritage Act 1977*
- *Impounding Act 1993*
- *Independent Commission Against Corruption Act 1988*
- *Industrial Relations Act 1996*
- *Internal - Operational Matters*
- *Land Acquisition (Just Terms Compensation) Act 1991*
- *Library Act 1939*
- *Library Regulation 2018*
- *Local Court Act 2007*

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- *Local Government (General) Regulation 2005*
- *Local Government Act 1993*
- *Local Land Services Act 2013*
- *Motor Vehicle Sports (Public Safety) Regulation 2010*
- *National Parks and Wildlife Act 1974*
- *National Parks and Wildlife Regulation 2019*
- *Natural Resources Access Regulator Act 2017*
- *NSW Long Service Leave Act 1955*
- *NSW Road Transport Act 2013*
- *Ombudsman Act 1974*
- *Plumbing and Drainage Act 2011*
- *Plumbing and Drainage Regulation 2017*
- *Poisons and Therapeutic Goods Regulation 2008*
- *Privacy and Personal Information Protection Act 1998*
- *Protection of the Environment Operations (Clean Air) Regulation 2021*
- *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*
- *Protection of the Environment Operations Act 1997*
- *Public Health (Tobacco) Act 2008*
- *Public Health Act 2010*
- *Public Health Regulation 2012*
- *Public Interest Disclosures Act 1994*
- *Public Works and Procurement Act 1912*
- *Public Works and Procurement Regulation 2019*
- *Residential Tenancies Regulation 2019*
- *Road Transport (General) Act 2005*
- *Road Transport (General) Regulation 2021*
- *Road Transport (Safety and Traffic Management) Act 1999*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- *Rural Fires Regulation 2013*
- *Rural Lands Protection Act 1998*
- *Service NSW (One-Stop Access to Government Services) Act 2013*
- *Small Business Commissioner Act 2013*
- *State Emergency and Rescue Management Act 1989*
- *State Emergency Service Act 1989*



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- *State Records Act 1998*
- *Strata Schemes (Freehold Development) Act 1973*
- *Strata Schemes (Leasehold Development) Act 1986*
- *Strata Schemes Development Act 2015*
- *Strata Schemes Development Regulation 2016*
- *Strata Schemes Management Act 2015*
- *Strata Schemes Management Regulation 2016*
- *Supreme Court Act 1970*
- *Swimming Pools Act 1992*
- *Valuation of Land Regulation 2012*
- *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017*
- *Water Management Act 2000*
- *Water Supply (Critical Needs) Act 2019*

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#### 4. Delegations

<b><i>Ageing and Disability Commissioner Act 2019</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Ageing and Disability Commissioner Act 2019</i> . Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 14	Exchange of information Providing relevant information to the Ageing and Disability Commissioner for the purposes of enabling or assisting the Commissioner's exercise of its functions.	
Section 14	Exchange of information Entering into an information sharing arrangement with the Ageing and Disability Commissioner and requesting and disclosing information with the Commissioner in accordance with that agreement.	This applies only to the extent that the information is reasonably necessary in the exercise of functions of the Commissioner, or the functions of the Council

<b><i>Annual Holidays Act 1944</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Annual Holidays Act 1944</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Building and Development Certifiers Act 2018</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Building and Development Certifiers Act 2018</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

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<b><i>Building and Development Certifiers Regulation 2020</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Building and Development Certifiers Regulation 2020</i>  Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Various	Part 8 – Councils  General delegation – all functions under Part 8 of the <i>Building and Development Certifiers Regulation 2020</i> .  Exercise of all functions of a council under Part 8 of the <i>Building and Development Certifiers Regulation 2020</i> that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Building Products (Safety) Act 2017</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Building Products (Safety) Act 2017</i>  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Various	Delegation of Secretarial functions  Exercise of all of the functions of the Secretary delegated to Council.	A delegate of the Secretary (council) may sub-delegate a function if authorised in writing to do so by the Secretary.  If the Secretary delegates functions subject to conditions or limitations, any sub-delegation by the delegate is taken to be subject to the same conditions and limitations, and any further conditions or limitations imposed by the delegate.
Section 74	Appointment of Authorised Officers  Appointing any person (including a class of persons) as an authorised officer.	The Council may only delegate this function if it has been delegated this function of the Secretary pursuant to section 89 of the Act.

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<b><i>Building Products (Safety) Act 2017</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 74	Appointment of Authorised Officers Revoking or amending an appointment of an authorised officer by instrument in writing	The Council may only delegate this function if it has been delegated this function of the Secretary pursuant to section 89 of the Act.

<b><i>Cemeteries and Crematoria Act 2013</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 15	Arrangement with the Cemeteries Agency Entering into arrangements with the cemeteries agency with respect to the exercise of functions of authorised officers under the Act.	
Section 27	Cemeteries and Crematoria Register Notifying the Cemeteries Agency of certain matters for inclusion on the Cemeteries and Crematoria Register.	
Section 32	Interment industry schemes Consulting with and making submissions to the Minister on the establishment of an interment industry scheme.	
Section 28	Codes of practice Consulting with the Cemeteries Agency on the preparation of a code of practice by the Agency for the purpose of providing guidance on any interment matter or other matter encompassed by the objects of the Act.	
Section 33	Improvement notices Complying with an improvement notice issued to the council by the Cemeteries Agency.	
Section 36	Short term orders Complying with a short term order issued to the council by the Cemeteries Agency.	
Section 41	Performance reporting Reporting to the Cemeteries Agency on the council's performance in managing the	

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<b>Cemeteries and Crematoria Act 2013</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	cemeteries and on such other matters as the Cemeteries Agency considers appropriate where required to do so by the Cemeteries Agency.	
Section 42	<p>Keeping of records</p> <p>Keeping such records (including accounting records) as may be prescribed by the regulations or as may be required by the Cemeteries Agency by notice in writing to the council.</p>	
Section 43	<p>Reports</p> <p>Providing reports to the Cemeteries Agency in the form, at such times and concerning such matters or specifying such information, as may be required by the Cemeteries Agency by notice in writing to the council.</p>	
Section 43	<p>Reports and information</p> <p>Giving information or forwarding specified records to the Cemeteries Agency where required to do so by the Agency.</p>	
Section 55	<p>Re-use of interment sites and removal of memorials</p> <p>Where two years have passed since a renewable interment right for a site within a cemetery operated by the council has expired, re-using and/or removing a memorial at the site.</p> <p>Notes: Before re-using or removing a memorial on an interment site the council must:</p> <p>(a) seek the advice (if any) required by section 69 (2) of the Act of the heritage advisory committee for the cemetery concerned, and</p> <p>(b) give notice of the council's intention to re-use the interment site or remove the memorial in the Gazette and in a newspaper circulating throughout the State or in a manner approved in writing by the Minister, and</p> <p>(c) take reasonable steps to give notice of the council's intention to re-use the interment site or remove the memorial to the holder of the</p>	

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<b>Cemeteries and Crematoria Act 2013</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	interment right and each person (if any) shown in the council's register as a secondary contact with respect to the holder listed in the register, and  (d) in the case of the removal of a memorial—taking reasonable steps to give notice of the steps that the person can take to reclaim the memorial.	
Section 55	Re-use of interment sites and removal of memorials  Where the council re-uses an interment site, ensuring that the human remains of a deceased person are dealt with in accordance with any cultural or religious practice applicable in the part of the cemetery in which the interment site is located when the human remains were originally interred.	
Section 66	Orders for exhumations  Issuing orders for exhumations.	
Section 68	Hours of burial  Determining the times at which internments are to take place.	
Schedule 4, clause 3	Conversion of cemeteries into public parks  Giving notice of a resolution by the council to apply for the conversion of the whole or any part of land within a cemetery into a public park.	
Schedule 4, clause 5	Conversion of cemeteries into public parks  Furnishing information to the Minister in relation to an application by the council for the whole or any part of the land within a cemetery to be declared a public park.	
Schedule 4, clause 9	Conversion of cemeteries into public parks  Maintaining as a rest park land converted from a cemetery to a public park and for which the council is the sole Crown land manager.	
Schedule 4, clause 10	Conversion of cemeteries into public parks  Depositing s burial register and/or supplementary burial register for land	

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<b><i>Cemeteries and Crematoria Act 2013</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	converted from a cemetery to a public park at the Mitchell Library, Sydney.	
Schedule 4, clause 10	Conversion of cemeteries into public parks Where the burial register for land converted from a cemetery to a public park is incomplete, compiling a supplementary burial register.	
Schedule 4, clause 10	Conversion of cemeteries into public parks Where a burial register for land converted from a cemetery to a public park does not exist, compiling a supplementary burial register for the cemetery and, where required, furnishing a certified copy to the Minister.	
Schedule 4, clause 10	Conversion of cemeteries into public parks Converting a cemetery declared to be a public park into a rest park and erecting a memorial indicating the sacred nature of the area and that the burial register may be inspected at the Mitchell Library, Sydney.	
Schedule 4, clause 11	Conversion of cemeteries into public parks Preserving and removing monuments on land converted from a cemetery to a public park.	
Schedule 4, clause 11	Conversion of cemeteries into public parks Advertising the council's intention to remove a monument on land converted from a cemetery to a public park.	
Schedule 4, clause 13	Conversion of cemeteries into public parks Causing any remains or ashes unearthed or disturbed to be reverently interred anywhere within the land converted from a cemetery to a public park.	
Schedule 4, clause 14	Conversion of cemeteries into public parks Maintaining any buildings that were in existence on land converted from a cemetery to a public park at the date of conversion.	
Schedule 4, clause 14	Conversion of cemeteries into public parks	

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<b><i>Cemeteries and Crematoria Act 2013</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Agreeing with a groundsman for the use of a dwelling on land converted from a cemetery to a public park as a caretaker's residence.	
Schedule 4, clause 14	Conversion of cemeteries into public parks Using a dwelling on land converted from a cemetery to a public park, and the land within the curtilage of the dwelling and bounded by a substantial fence, for such other purposes and subject to such terms and conditions as the Minister may approve in writing.	

<b><i>Companion Animals Act 1998</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Companion Animals Act 1998</i> Exercising all of the functions of council under the Act that can legally be delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Crown Land Management Act 2016</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Crown Lands Management Act 2016</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Dams Safety Act 2015</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 49	Arrangements with public authorities Entering into an arrangement or agreement with Dams Safety NSW that the Council may act as agent of Dams Safety NSW for the purposes of the <i>Dams Safety Act 2015</i> .	
Section 49	Acting as an agent of Dams Safety NSW in accordance with any arrangement or	Subject to such terms and conditions as may be agreed

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<b>Dams Safety Act 2015</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	agreement made pursuant to s.49 of the <i>Dams Safety Act 2015</i> .	on by Dams Safety NSW and the public authority

<b>Disability Inclusion Act 2014</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Disability Inclusion Act 2014</i> Exercise of all functions of council under the Act that may be legally delegated. (Council has functions as a 'public authority' and an 'eligible entity' under the Act)	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 12	Disability inclusion action plans Preparing a disability inclusion plan, including consulting with people with a disability or other relevant persons.	
Section 12	Disability inclusion action plans Giving a copy of the council's disability inclusion plan to the Disability Council.	
Section 12	Disability inclusion action plans Making the council's disability inclusion plan publicly available.	
Section 13	Disability inclusion action plans Giving to the Minister a copy of the part of its annual report relating to the department's or council's report on the implementation of its disability inclusion action plan.	
Section 14	Disability inclusion action plans Reviewing the council's disability inclusion plan including consulting with people with a disability.	
Section 17	Providing information to the Disability Council Providing information to the Disability Council where requested to do so.	
Section 26 and 29	Financial assistance for people with disabilities	

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<b>Disability Inclusion Act 2014</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Entering into an agreement with the Secretary in relation to financial assistance provided to the council by the Secretary for the purpose of enabling people with a disability to obtain supports and services.	
Section 34	Financial assistance for people with disabilities Making submissions to the Secretary about a proposal by the Secretary to terminate financial assistance to the Council under the Act.	
Section 34	Financial assistance for people with disabilities Applying to the Civil and Administrative Tribunal for a review of a decision by the Secretary to terminate financial assistance to the council.	
Section 38	Providing information to the Secretary Providing information to the Secretary relating to: (a) the provision of the financial assistance, or (b) obtaining or providing supports or services with the financial assistance, or (c) compliance with the person's agreement entered into under this Part in relation to the financial assistance, where requested to do so.	

<b>Disability Inclusion Regulation 2014</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Disability Inclusion Regulation 2014</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

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<b><i>Fines Act 1996</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Fines Act 1996</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Fire and Emergency Services Levy Act 2017</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Fire and Emergency Services Levy Act 2017</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Fire Brigades Act 1989</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Fire Brigades Act 1989</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Firearms Regulation 2017</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Firearms Regulation 2017</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Regulation 92	Council to approve shooting range Approving a shooting range.	

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<b>Fisheries Management Act 1994</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the Fisheries Management Act 1994 Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 176	Withdrawal of land from aquaculture lease Paying compensation for the acquisition of land covered by an aquaculture lease where the land is acquired at the request of the council.	
Section 193	Habitat protection plans Notifying the Minister of any function the council proposes to exercise that is inconsistent with a habitat protection plan.	
Section 195	Aquatic reserves Determining whether or not to grant consent to the declaration by the Minister of an area to be an aquatic reserve. (note: a council will only have this function where the land in question is public water land that is vested in the council)	
Section 202	Dredging and reclamation Appealing to the Land and Environment Court against a decision of the Minister concerning dredging or reclamation work.	
Section 218	Construction of dams and weirs on waterways Notifying the Minister of a proposal by the council to construct, alter or modify a dam, weir or reservoir on a waterway (or to approve of any such construction, alteration or modification).	
Section 220ZT	Recovery and threat abatement plans Reporting on action taken by the council to implement the measures contained in a recovery or threat abatement plan in the annual report of council.	
Section 220ZV	Recovery and threat abatement plans Giving effect to any decisions or directions of the Premier made in relation to council's	

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<b>Fisheries Management Act 1994</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	proposal to depart from the requirements in a recovery or threat abatement plan.	
Section 223	Acquisition of public water land by the Minister  Determining whether or not to grant consent to the acquisition by the Minister of public water land vested in the council.	

<b>Fluoridation of Public Water Supplies Act 1957</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Fluoridation of Public Water Supplies Act 1957</i>  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Food Act 2003</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the Food Act 2003  Exercising all of the functions of council that may be legally delegated under the Act.  (Council has responsibilities under the Food Act 2003 only where council is appointed as an "enforcement agency" by the NSW Food Authority: see sections 4 and 111.)	Council cannot delegate any of the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .  Council may only delegate to members of council staff where it has written authorisation to do so from the NSW Food Authority: section 109E.
Sections 114 and 115	Appointing authorised officers  Appointing persons to be authorised officers for the purposes of the <i>Food Act 2003</i> .	

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<b>Food Regulation 2015</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Food Regulation 2015</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Gas and Electricity (Consumer Safety) Act 2017</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Gas and Electricity (Consumer Safety) Act 2017</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate any of the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Various	Delegation of functions Exercising any functions of the Minister or the Secretary delegated to the Council pursuant to s.74 of the <i>Gas and Electricity (Consumer Safety) Act 2017</i> , other than the power to delegate under that section.	Council may sub-delegate to an authorised person or body any function delegated by the Minister or Secretary if Council the authorised in writing to do so by the Minister or Secretary (as the case may be)

<b>Government Information (Public Access) Act 2009</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Government Information (Public Access) Act 2009</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate any of the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Graffiti Control Act 2008</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Graffiti Control Act 2008</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

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<b><i>Greyhound Racing Act 2017</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the Greyhound Racing Act 2017 Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the Local Government Act 1993.
Section 90(1)	Information sharing arrangement Sharing or exchanging information with the commission	The information to which an information sharing arrangement may related is prescribed in section 90(2)
Section 90(3)	Information sharing arrangement Requesting, receiving and holding and using information received under an information sharing arrangement.	Information must be reasonably necessary to assist in the exercise of functions under this Act or the functions of the relevant agency
Section 90(5)	Joint investigation Referring a matter to the Commission or conducting an investigation into the matter jointly with the Commission.	

<b><i>Health Records and Information Privacy Act 2002</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the Health Records and Information Privacy Act 2002 Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the Local Government Act 1993.
Section 40	Preparing a health privacy code of practice Preparing a health privacy code of practice.	
Section 73	Fees for inspecting health information Charging of fees for providing documents and information and for facilitating the inspection of health information held by council.	Council cannot delegate the function of fixing the amount of a fee: section 377(1)(e) of the Local Government Act 1993.

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<b>Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the Local Government Act 1993.
Section 15	Requirements about Commonwealth Gazette notice etc.  Amending the stated map or stated list prepared and published by the Council under section 15 but only by omitting, varying or extending the areas or routes listed in subsection 15(2)(b), including by adding additional areas or routes	Council can only amend a map or list in a way that affects a particular road if they are the road authority and road manager for the road, or they have been advised by the Regulator that the Regulator has obtained the consent of the road manager.

<b>Heritage Act 1977</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the Heritage Act 1977  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the Local Government Act 1993.

<b>Impounding Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the Impounding Act 1993  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the Local Government Act 1993.

<b>Independent Commission Against Corruption Act 1988</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the Independent Commission Against Corruption Act 1988.	Council cannot delegate the functions listed in section

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<b><i>Independent Commission Against Corruption Act 1988</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Exercise of all functions of council under the Act that may be legally delegated.	377(1) of the Local Government Act 1993.
Section 21	Investigations by ICAC Producing a statement of information if required by the Independent Commission Against Corruption.	
Section 22	Investigations by ICAC Producing documents to the Commission when required to do so by the Commission.	
Section 23	Investigations by ICAC Making available to the Commissioner or authorised officer such facilities as are necessary to enable their powers to enter and inspect premises, inspect documents and things therein and make copies of documents to be exercised.	
Sections 53 and 54	Investigations by Council Investigating a matter referred to council by the Independent Commission Against Corruption and preparing a report on the action taken by council in relation to the matter.	
Section 55	Investigations by Council Giving comment to the Independent Commission Against Corruption where the Commission is not satisfied that council has duly and properly taken action where a matter has been referred to council by.	
Section 104C	Vetting of prospective staff or consultants Disclosing vetting information to ICAC or an Inspector if requested.	
Section 111E	Taking action to reduce corruption If the Commission has recommended that the council take action to reduce corruption, informing the Commission whether it proposes to implement any plan of action and, if so, what that plan is. Providing the Commission with a written report of any progress in implementing the plan.	

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<b><i>Independent Commission Against Corruption Act 1988</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 114A	Bringing disciplinary proceedings regarding corrupt conduct  Bringing disciplinary proceedings against a public official employed by the council who is the subject of a finding of corrupt conduct by the Commission.	

<b><i>Industrial Relations Act 1996</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Industrial Relations Act 1999</i>  Exercising all the functions of an employer under the Act and the Regulations.	

<b><i>Land Acquisition (Just Terms Compensation) Act 1991</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the Land Acquisition (Just Terms Compensation) Act 1991  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the Local Government Act 1993.  Specifically, council cannot delegate the function of deciding to compulsorily acquire land or other property: section 377(1)(h) of the Local Government Act 1993.
Section 10A	Procedures for acquisition by agreement  Attempting genuinely to acquire land by agreement for at least 6 months before giving a proposed acquisition notice.  Note: Applies to land that is affected by a proposal for acquisition by an authority of the State, other than a proposal to acquire Crown land, or  an easement, or right to use land, under the surface for the construction or maintenance	

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<b><i>Land Acquisition (Just Terms Compensation) Act 1991</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	of works, or a stratum under the surface for the construction of a tunnel.	

<b><i>Library Act 1939</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the Library Act 1939 Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the Local Government Act 1993.
Section 8	Local libraries Giving notice of the adoption or revocation of the Library Act 1939 to the Library Council of New South Wales.	The function of adopting the Library Act 1939 cannot be delegated - this can only be done by resolution of the council: section 8.
Section 8	Local libraries Where council revokes the Library Act 1939, entering into an agreement with the Library Council for the adjustment of council's interest in any council or Crown property the purchase of which was subsidised under the Library Act 1939.	The function of revoking the Library Act 1939 cannot be delegated - this can only be done by resolution of the council: section 8.
Section 10	Local libraries Providing, controlling and managing local libraries. Includes determining borrowing procedures, registering people as borrowers, making rules for the use of council libraries, etc.  (Details of the requirements for the exercise of the function are set out in section 10 of the Act and Part 2, Division 2 of the Library Regulation 2010.)	
Sections 10, 12 and 12A.	Local libraries Making arrangements with other councils for the provision of library services.	Section 12A requires that council obtain the Minister's approval before entering into an arrangement with another council. Council cannot delegate the function of seeking the Minister's approval: section 377(1)(s).

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<b>Library Act 1939</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 11	Local libraries Appointing a library committee and delegating to it all or any of the council's powers and duties in relation to libraries, with some exceptions. Includes associated functions such as dissolving the committee, controlling or managing the committee, dissolving or reconstituting the committee and revoking, amending or varying delegated functions of the committee.	
Sections 13 and 14	Local libraries Applying to the Library Council for a subsidy.	

<b>Library Regulation 2018</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the Library Regulation 2018 Exercise of all functions of council under the Library Act 1939 that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the Local Government Act 1993.

<b>Local Court Act 2007</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the Local Court Act 2007 Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the Local Government Act 1993.

<b>Local Government (General) Regulation 2021</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Local Government (General) Regulation 2021</i>	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

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<b>Local Government (General) Regulation 2021</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Exercise of all functions of council under the Regulation that may be legally delegated.	Council can only directly delegate to the General Manager or another "person or body" (e.g. a committee) but not Council employees: section 377(1). The General Manager can sub-delegate to Council employees or other persons or bodies: section 378(2).
Regulation 112	Plans of management Conducting consultation concerning categorisation of land as an area of cultural significance.	The council cannot delegate the function of deciding whether or not to categorise land as an area of cultural significance - this must be done by resolution: ss 36D and 377(1)(l).
Regulation 174	Tendering Providing a tender box for the safe custody of tenders.	
Regulation 244	Council meetings Where a report by the Director-General into the conduct of the council is presented at a meeting of the council in accordance with s433 of the Act, ensuring that the report: (a) is laid on the table at that meeting, and (b) is subsequently available for the information of Councillors and members of the public at all reasonable times.	
Part 11A	Joint Organisations Exercising all the functions which may be legally delegated under Part 11A of the <i>Local Government (General) Regulation 2005</i> including consulting with a joint organisation where the Council is a member of that organisation.	
Regulation 397B	Charters of joint organisations Consulting with a joint organisation about the content of a proposed charter of the joint organisation.	

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<b>Local Government (General) Regulation 2021</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Regulation 397C	Meeting of joint organisations Consulting with a joint organisation about the content of a proposed code of meeting practice of the joint organisation.	
Regulation 397F	Alternates for voting representatives on board Appointing Councillors of the council to be the alternate of any of the Mayor, Deputy Mayor or any other Councillor who is a voting representative on the board of the joint organisation.	
Regulation 397H	Statement of strategic regional priorities Consulting with a joint organisation about the content of a proposed statement of strategic regional priorities.	
Regulation 397M	Payment of expenses and provision of facilities Consulting with a Joint Organisation about the content of a proposed policy concerning the payment of expenses.	

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 9	Meetings Giving public notice of the time and place of council meetings and meetings of those of its committees of which all the members are Councillors.	
Section 24	Service functions Providing goods, services and facilities, and carrying out activities, appropriate to the current and future needs within the local community and of the wider public. Council cannot delegate the functions listed in section 377(1).	Council cannot delegate the functions listed in section 377(1).

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Chapter 6, Part 2, Division 2	General delegation - plans of management Making a plan of management for community land. Includes all associated functions such as satisfying notification requirements, amending or revoking plans, etc.	Council may not delegate any of the functions set out in section 377(1).
Section 40	Plans of management Adopting or amending a draft plan of management.	
Section 45	Managing public land Granting a lease, licence or other estate in respect of community land.	The power to grant a lease, licence or other estate for a term exceeding 5 years cannot be delegated unless the applicant is a non-profit organisation: see sections 46A(3) and 377(1)(i).
Section 53	Managing public land Keeping a register of all land vested in the council or under its control.	
Section 54	Managing public land Issuing a certificate to an applicant stating the classification of public land.	
Section 54B	Managing public land Entering into an agreement with the trustees of private trust land for the land to be transferred to the council.	
Section 54C	Environmental upgrade agreements Entering into an environmental upgrade agreement with a building owner and a finance provider in relation to a building.  (See Chapter 6, Part 2A of the Act for detailed requirements as to how to properly exercise this function.)	Section 54C(5) provides that this function can only be delegated to the General Manager and that the delegation must specify the building or buildings to which the delegation relates. Clause 136B of the <i>Environmental Planning and Assessment Regulation 2000</i> provides that the General Manager cannot sub-delegate this function.

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - environmental upgrade agreements  Exercising all functions of the council in relation to environmental upgrade agreements that may be legally delegated.	The function of entering into environmental upgrade agreements may only be delegated to the General Manager: s54D(5).  The council cannot delegate the power to make a charge: s377(1)(d).
Section 54D	Environmental upgrade agreements  Entering into an environmental upgrade agreement with a building owner and a finance provider in relation to a building.	This function may only be delegated by the council to the General Manager: s54D(5). The delegation must specify the building or buildings to which the delegation relates.
Section 54I	Environmental upgrade agreements  Levying an environmental upgrade charge in accordance with an environmental upgrade agreement.	The council cannot delegate the power to make the charge: s377(1)(d).
Section 54L	Environmental upgrade agreements  Deducting and retaining from the payment of an environmental upgrade charge any amount that the council is authorised to deduct and retain as a council fee under the agreement.	
Section 54L	Environmental upgrade agreements  Establishing a separate account in the council's trust fund for money paid in respect of environmental upgrade charges.	
Section 54M	Environmental upgrade agreements  Recovering an environmental upgrade charge in accordance with any requirements imposed on the council by an environmental upgrade agreement.	The council cannot delegate the power to make the charge: s377(1)(d).
Section 54P	Environmental upgrade agreements  Including particulars of any environmental upgrade agreement entered into by the council in its annual report.	

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 54P	Environmental upgrade agreements Information about any environmental upgrade agreement to which it is a party to the Chief Executive of the Office of Environment and Heritage.	
Section 55 and Part 7, Division 4 of the <i>Local Government (General) Regulation 2021</i> .	General delegation – tendering Inviting tenders for certain contracts. Includes all associated administrative functions including deciding the tender method to be used, requiring or determining whether or not to consent to amendments to tenders, considering tenders and notifying tenderers of the outcome of the tender process.  (The requirement to invite tenders is contained in section 55 of the Act. Associated administrative functions are contained in Part 7, Division 4 of the <i>Local Government (General) Regulation 2021</i> .)	Council cannot delegate the function of accepting tenders to provide services currently provided by members of staff of the council: see section 377(1)(i).
Section 55	Tendering Inviting tenders for certain contracts.	Council cannot delegate the function of accepting tenders to provide services currently provided by members of staff of the council: see section 377(1)(i).
Section 61	Directions of the Minister for Primary Industries concerning certain works Complying with a direction from the Minister for Primary Industries or a person authorised by the Minister to make a direction that the council take such measures as are specified in the direction to ensure the proper safety, maintenance and working of water treatment works or sewage treatment works.	
Section 62	Directions of the Minister for Primary Industries during emergencies Complying with a direction from the Minister for Primary Industries or a person authorised by the Minister to make a direction that the council take such measures as are specified in the direction where, in the opinion of the Minister, an emergency exists that constitutes a threat to	

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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
	public health or public safety or that is causing or is likely to cause damage to property.	
Section 64	Construction of works for developers Exercise of the function of a 'water supply authority' in sections 305-307 of the Water Management Act 2000 including determining whether or not to grant a certificate of compliance for development within the meaning of that Act and imposing certain requirements on the applicant before granting a certificate of compliance.	
Chapter 7, Part 1, Divisions 3 and 4	General delegation - approvals Determining an application by granting approval unconditionally or subject to conditions or refusing approval. Includes associated functions such as requesting more information from the applicant, satisfying notification requirements, obtaining concurrence from any relevant concurrence authorities, rejecting incomplete or illegible applications, amending, extending, renewing, revoking or modifying an approval ,etc.	Council may not delegate any of the functions set out in section 377(1). Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council. (s379(1))
Section 82	Approvals Directing that the provisions of a regulation or local policy do not apply to an application for approval. Includes obtaining the concurrence of the Departmental Chief Executive.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or

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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
		<p>employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 84	<p>Approvals</p> <p>Giving an applicant for approval written acknowledgement of council's receipt of the application</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 85	<p>Approvals</p> <p>Rejecting unclear or illegible applications.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 86	Approvals	Regulatory functions of the council under Chapter 7 may

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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
	Requesting, before the council determines or is taken to have determined an application, that an applicant provide more information.	only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council.  (s379(1))
Section 88	Approvals  Determining whether or not to refund the application fee where the applicant withdraws an application for an approval.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council.  (s379(1))
Section 90	Approvals  Obtaining the concurrence of any relevant authorities (other than the Governor or the Minister) before granting an approval.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		<p>employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 94	<p>Approvals</p> <p>Determining an application by granting approval unconditionally or subject to conditions or refusing approval.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 95	<p>Approvals</p> <p>Granting a deferred commencement approval.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 96	Approvals	Regulatory functions of the council under Chapter 7 may

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Granting a staged approval.	only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council.  (s379(1))
Section 99	Approvals  Giving an applicant notice of council's determination of the application.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council.  (s379(1))
Section 100	Approvals  Reviewing a determination and confirming or changing the determination after the review.	If the original determination was made by council, council cannot delegate the function of reviewing the determination: sections 100(5)(b) and 377(1)(o).  If the original determination was made by a delegate, council cannot delegate the functions of deciding whether or not to review and conducting the review to the

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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
		<p>person who made the original determination. Council can only delegate these functions to another delegate who is not subordinate to the delegate who made the original determination: see sections 100(4A) and 100(5)(a).</p> <p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>
Section 103	<p>Approvals</p> <p>Varying the lapsing date of an approval.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>

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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
Section 106	Approvals Amending an approval.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council. (s379(1))
Section 107	Approvals Extending or renewing an approval.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council. (s379(1))
Section 107A	Approvals Inviting a person with a sewage management system approval to apply to renew the approval.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either

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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
		<p>Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 108	<p>Approvals</p> <p>Revoking or modifying an approval.</p> <p>(Section 109 sets out the limited circumstances in which an approval may be revoked or modified.)</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 110	<p>Approvals</p> <p>Giving notice of a proposed revocation or modification to any relevant concurrence authorities and anyone who would be disadvantaged by the revocation or modification.</p>	<p>Council cannot delegate the function of giving notice to the Governor or the Minister: section 377(1)(s).</p> <p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p>

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		(b) an employee of the council, or (c) a county council. (s379(1))
Section 113	<b>Approvals</b> Keeping a record of approvals granted under Part 1 of the Act and of decisions on appeal from any determination made under Part 1.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to: (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or (b) an employee of the council, or (c) a county council. (s379(1))
Section 117	<b>Approvals</b> Giving an applicant for a filming approval written acknowledgement of council's receipt of the application and advising the applicant the amount of the fee payable for the application.	Council cannot delegate the function of fixing a fee: section 377(1)(e). Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to: (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or (b) an employee of the council, or (c) a county council. (s379(1))

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 117	Approvals Rejecting an unclear application made for a filming proposal.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council. (s379(1))
Sections 119B(6) and 119C(8)	Approvals Giving an applicant for a filming approval notice of council's determination of the application and, where council refuses an application, giving the applicant reasons and notifying the applicant of any right of appeal.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council. (s379(1))
Section 119D	Approvals Making and adopting a filming protocol including forwarding the protocol to the Departmental Chief Executive for approval.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either

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Provision	Power and Functions Delegated	Conditions and Limitations
		<p>Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Chapter 7, Part 2	<p>General delegation - orders</p> <p>Exercising all functions of council in relation to the making, modification or revocation of orders.</p> <p>(The functions and responsibilities of council in relation to the making, modification and revocation of orders are set out in Chapter 7, Part 2 of the Act.)</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 124	<p>Orders</p> <p>Ordering a person to do or refrain from doing a thing specified in Column 1 in circumstances specified in Column 2 of the table at section 124 of the Act. For example, ordering a person to demolish a building, to comply with an approval, to do such things as required to ensure that premises are kept in a safe or healthy condition.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>

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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
Section 125	<p>Orders</p> <p>Abating a public nuisance or ordering a person responsible for a public nuisance to abate it.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>
Section 131A(2)	<p>Orders</p> <p>Where an order issued is likely to make a person homeless and the person is not able to arrange alternative accommodation, providing the person with information on alternative accommodation or any other assistance council considers appropriate.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>
Section 132	<p>Orders</p> <p>Giving notice of a proposed order to the person to whom the order is to be directed.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either</li> </ul>

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Provision	Power and Functions Delegated	Conditions and Limitations
		<p>Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 134	<p>Orders</p> <p>Hearing representations from a person to whom an order is proposed to be directed.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 136	<p>Orders</p> <p>Giving a person to whom an order is directed, reasons for the making of the order.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>

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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
Section 138	<p>Orders</p> <p>Giving a person notice of an order including providing information on the person's right to appeal to the Land and Environment Court.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>
Section 141	<p>Orders</p> <p>Determining whether or not to accept or reject the particulars of work proposed to be done by a person to comply with an order.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>
Section 141	<p>Orders</p> <p>Preparing particulars of the work that council considers necessary for a person to comply with an order where council accepts the particulars of work with modifications or rejects the particulars, or if an owner fails to submit particulars of work.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either</li> </ul>

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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
		<p>Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 141	<p>Orders</p> <p>Ordering a person to carry out work where the particulars of the work are settled by the council.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 141	<p>Orders</p> <p>Bringing court proceedings to recover the expenses incurred by council in preparing particulars of work necessary for a person to comply with an order as a debt in court proceedings.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>

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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
Section 142	<p>Orders</p> <p>Giving the Heritage Council notice of a proposed order of council in respect of a heritage item.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>
Section 148	<p>Orders</p> <p>Ordering the occupier of land to permit the owner of the land to carry out work on the land that is specified in an order.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>
Sections 152 and 153	<p>Orders</p> <p>Modifying or revoking an order.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either</li> </ul>

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		<p>Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Chapter 7, Part 3	<p>General delegation - local policies for approvals and orders</p> <p>Making local policies for approvals and orders. Includes all associated functions such as preparing a draft policy, submitting the policy to the Departmental Chief Executive for approval, determining whether or not to adopt the policy, satisfying public exhibition and notification requirements, etc.</p>	<p>Council cannot delegate any of the function contained in section 377(1).</p> <p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Sections 158 and 159	<p>Local policies for approvals and orders</p> <p>Preparing draft local policies for approvals and orders.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p>

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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
		(s379(1))
Section 160	Local policies for approvals and orders Publicly exhibiting and notifying a draft local policy.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council. (s379(1))
Section 161	Local policies for approvals and orders Determining whether or not to adopt a draft local policy.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council. (s379(1))
Section 165	Local policies for approvals and orders Amending or revoking a local policy.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of

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		<p>which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 166	<p>Local policies for approvals and orders</p> <p>Giving public notice of the adoption or revocation of a local policy.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 167	<p>Local policies for approvals and orders</p> <p>Determining whether or not to charge a fee for inspecting a copy of a local policy.</p>	<p>The council cannot delegate the function of fixing the amount of the fee: section 377(1)(e).</p> <p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p>

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Provision	Power and Functions Delegated	Conditions and Limitations
		(b) an employee of the council, or (c) a county council. (s379(1))
Section 210A	Council's area Consulting the Electoral Commissioner and the Australian Statistician regarding the proposed division of council's area into wards or altering ward boundaries.	
Section 210A	Council's area Giving public notice of the proposed division of council's area into wards or altering ward boundaries.	
Section 210A	Council's area Publicly exhibiting the proposed division of council's area into wards or altering ward boundaries.	
Section 210B	Council's area Giving public notice of council's proposal to abolish all wards within the council area.	Under section 210B, the decision to abolish all wards within the council area must be made by resolution of council. Under that section council is also required to obtain the approval of the Minister before abolishing all wards within its area. Council cannot delegate the function of applying to the Minister for approval: section 377(1)(s).
Section 211	Council's area Reviewing ward boundaries.	
Section 217	Council's area Making representations to the Minister regarding a proposal to constitute an area within the State that affects the council.	
Section 224A	Constitution of Council	The decision to apply to the Minister to reduce the number of Councillors must be made by resolution (s.

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Giving public notice of a proposed resolution by council to reduce the number of Councillors.	224A(1)) and cannot be delegated (see s.377(1)(s) and (u)).
Chapter 9, Part 2, Division 5	General delegation - paying Councillors Paying fees and expenses and providing facilities to the Mayor, Deputy Mayor and Councillors.	Council cannot delegate the function of fixing a fee: section 377(1)(e).
Sections 248 and 249	Paying Councillors Paying each Councillor and the Mayor an annual fee.	Council cannot delegate the function of fixing a fee: section 377(1)(e).
Section 252	Paying Councillors Adopting or amending a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and other Councillors in relation to discharging the functions of civic office. Note: This must occur within the first 12 months of each term of the council	
Section 253	Paying Councillors Giving public notice of council's intention to adopt or amend a policy for the payment of expenses or provision of facilities incurred by the Mayor, Deputy Mayor or Councillors.	
Sections 332 and 333	Council's organisation structure Determining and re-determining an organisation structure, the positions to be included in that structure and the resources to be allocated to the employment of staff.	
Section 345	Equal opportunity Preparing and implementing an equal opportunity plan.	
Section 356	Financial assistance Giving public notice of council's proposed resolution to contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.	Council cannot delegate the function of deciding whether or not to contribute money or otherwise grant financial assistance to persons under section 356: section 377(1)(q).

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Chapter 12, Part 2, Division 1	General delegation - making a code of meeting practice  Making a code of meeting practice. Includes all associated functions such as preparing a draft code, satisfying public notification requirements, adopting and amending the code, determining whether or not to charge a fee for the inspection of a code, etc.	
Section 361	Making a code of meeting practice Preparing a draft code of meeting practice	
Section 361	Making a code of meeting practice Giving public notice of a draft code of meeting practice.	
Section 361	Making a code of meeting practice Publicly exhibiting a draft code of meeting practice.	
Section 360 and 362	Making a code of meeting practice Adopting a code of meeting practice.	The adopted code of meeting practice must incorporate the mandatory provisions of the model code prescribed by the regulations.
Section 363	Making a code of meeting practice Amending a code of meeting practice.	
Section 364	Making a code of meeting practice Determining whether or not to charge a fee for the inspection of a meeting code of practice.	
Section 375	Council meetings Keeping full and accurate minutes of the proceedings of a meeting of council.	
Section 381	Exercise of functions imposed on employees, Councillors or the Mayor  Exercise of any of the functions conferred or imposed on an employee of a council or on the Mayor or a Councillor of a council (otherwise than by delegation) which is	

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	taken by this section to be conferred or imposed on the council.	
Section 382	Insurance against liability Making arrangements for council's insurance against public liability and professional liability.	
Section 400E	Public-private partnerships Preparing an assessment of a project to be carried out under a public-private partnership between council and a private body.	Council cannot delegate the function of deciding to enter into a public-private partnership - this must be done by resolution of council: section 400L.
Sections 400F and 400G	Public-private partnerships Forwarding the assessment of a project to be carried out under a public-private partnership to, where relevant, the Departmental Chief Executive or the Project Review Committee.	
Section 400H	Public-private partnerships Preparing an assessment of public-private partnership that has been varied when directed to do so by the Departmental Chief Executive and forwarding the assessment to the Departmental Chief Executive.	
Chapter 13, Part 2	General delegation - strategic planning Making a Community Strategic Plan, a Resourcing Strategy, a Delivery Program and an Operational Plan. Includes all associated functions such as exhibiting draft plans and forwarding copies of plans to relevant persons and bodies, and endorsing a Community Strategic Plan, a Resourcing Strategy or a Delivery Program.	Council cannot delegate any of the functions in section 377(1) of the Act. Specifically, council cannot delegate the function of adopting an Operational Plan: section 377(1)(j).
Section 402	Strategic planning Preparing a Community Strategic Plan.	Council cannot delegate the function of endorsing a Community Strategic Plan: section 402(5).
Section 402	Strategic planning Reviewing the council's Community Strategic Plan following the ordinary election of Councillors and determining	



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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
	whether or not to endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new Community Strategic Plan.	
Section 402	Strategic planning Posting a copy of the Community Strategic Plan on the council's website and providing the Departmental Chief Executive with a copy within 28 days after the plan is adopted.	
Section 403	Strategic planning Preparing a Resourcing Strategy.	
Section 404	Strategic planning Preparing a Delivery Program. Includes associated functions including satisfying public exhibition and notification requirements.	Council cannot delegate the function of endorsing a Delivery Program: section 404(3).
Section 404	Strategic planning Establishing a new Delivery Program after each ordinary election of Councillors.	
Section 404	Strategic planning Publicly exhibiting a draft Delivery Program.	
Section 405	Strategic planning Preparing a draft Operational Plan.	Council cannot delegate the function of adopting an Operational Plan: section 377(1)(j).
Section 405	Strategic planning Giving public notice and publicly exhibiting a draft Operational Plan.	
Section 405	Strategic planning Posting a copy of the Operational Plan on the council's website within 28 days after the plan is adopted.	
Section 410	Financial management Using money raised from the levying of rates or charges for an alternative purpose where the purpose for which the money was	

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	levied has been achieved or is no longer required to be achieved.	
Section 410	Financial management Using money that is not yet needed for the purpose for which it was raised for any other purpose by way of an internal loan with the approval of the Minister.	Council cannot delegate the function of applying to the Minister for an internal loan: section 377(1)(s).
Chapter 13, Part 3, Division 2	General delegation - accounting records and financial reports Keeping accounting records and preparing council's annual financial report. Includes all associated functions such as applying to the Departmental Chief Executive for an extension to the time for preparing a financial report, fixing a date for and giving public notice of the presentation of council's financial report at a council meeting, etc.	
Section 412	Accounting records and financial reports Keeping accounting records.	
Section 413	Accounting records and financial reports Preparing annual financial reports and referring them for audit.	Council cannot delegate the function of adopting a financial statement included in an annual financial report: section 377(1)(k).
Section 416	Accounting records and financial reports Applying to the Departmental Chief Executive for an extension to the time for preparing an annual financial report and notifying the council's auditor of the application.	
Section 417	Accounting records and financial reports Sending a copy of the auditor's report on the council's financial reports, together with a copy of the council's audited financial reports, to the Departmental Chief Executive and to the Australian Bureau of Statistics.	
Section 418	Accounting records and financial reports Fixing a date for the meeting at which council proposes to present its audited	

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	financial reports and giving public notice of that date.	
Section 420	Accounting records and financial reports Referring copies of submissions received by council regarding council's audited financial reports to the auditor.	
Section 420	Accounting records and financial reports Taking such action as council considers appropriate with respect to any such submission, including the giving of notice to the Departmental Chief Executive of any matter that appears to require amendment of the council's financial reports.	
Section 421E	Other audit functions Bearing the costs of the Auditor-General if Council requested the provision of their audit-related services	
Section 422	Auditors Bearing the costs of the Auditor-General in auditing Council's financial reports (including any audit of a Council entity), or in any other inspection or audit carried out by the Auditor-General under this Division or at Council's request	
Section 428	Annual reports Preparing council's annual report.	
Section 428	Annual reports Posting a copy of the council's annual report on the council's website and providing a copy to the Minister.	
Section 429	Inquiries and reviews Providing the Minister or the Departmental Chief Executive with information concerning the council, its operations or its activities when directed to do so by the Minister or the Departmental Chief Executive.	
Section 433	Inquiries and reviews Presenting the Departmental Chief Executive's report of an investigation of the	

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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
	council at the next council meeting after the report is received.	
Section 434	Inquiries and reviews Complying with an order by the Minister to do such things or to refrain from doing such things arising from the recommendations contained in a report by the Departmental Chief Executive following an investigation of the council.	
Section 434A	Inquiries and reviews Complying with an order by the Minister that the council present a copy of a report made by the Ombudsman under section 26 of the Ombudsman Act 1974 concerning the conduct of the council (together with a copy of the Minister's order) at the next meeting of the council occurring after the order is made.	
Section 434A	Inquiries and reviews Complying with an order by the Minister to do such things or to refrain from doing such things arising from the recommendations contained in a report by the Ombudsman under section 26 of the Ombudsman Act 1974 concerning the conduct of the council.	
Section 434B	Inquiries and reviews Paying to the Departmental Chief Executive the reasonable expenses incurred by the Departmental Chief Executive in respect of an investigation under Division 1 of Part 5 of Chapter 13 of the Act.	
Section 434B	Inquiries and reviews Applying to the to the Civil and Administrative Tribunal for an administrative review under the Administrative Decisions Review Act 1997 the Departmental Chief Executive's determination of the reasonable expenses incurred by the Departmental Chief Executive in respect of an investigation under Division 1 of Part 5 of Chapter 13 of the Act.	

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 437	Inquiries and reviews Giving effect to a decision of the Civil and Administrative Tribunal on an administrative review of a decision by the Departmental Chief Executive to surcharge a person.	
Section 438D	Performance improvement orders Publishing a performance improvement order on the council's website.	
Section 438E	Performance improvement orders Complying with a performance improvement order issued by the Minister	
Section 438F	Performance improvement orders Providing the Minister with a written report on the council's compliance with a performance improvement order.	
Section 438H	Compliance with performance improvement order Cooperating with a temporary advisor appointed by the council.	
Section 438H	Compliance with performance improvement order Providing a copy of the temporary advisor's comments (if any) on a proposed compliance report to the Minister.	
Section 438HB	Financial controllers Recommending to the Minister to appoint a financial controller for the Council.	
Section 438HC	Financial controllers Providing any information or assistance to the financial controller appointed to the council which is reasonably required for the financial controller to exercise their functions.	
Section 438HC	Financial controller Providing the opportunity for the financial controller to review any proposed	

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	compliance reports at least 14 days before it is given to the Minister.	
Section 438H	Financial controller Giving the Minister a copy of the financial controller's comments (if any) on the compliance report.	
Section 438K	Temporary suspension of council Making submissions to the Minister in respect of the Minister's intention to suspend the council.	
Section 438V	Public inquiries Paying to the Departmental Chief Executive on behalf of the State, the reasonable expenses incurred by the State in holding a public inquiry into the council if the inquiry relates to a recurring problem with the administration of a council.	
Section 438V	Public inquiries Applying to the Civil and Administrative Tribunal for an administrative review under the Administrative Decisions Review Act 1997 of the Departmental Chief Executive's determination as to the reasonable expenses incurred by the State in holding a public inquiry into the council where the inquiry relates to a recurring problem with the administration of a council..	
Section 440	Conduct Adopting, reviewing and adjusting the council's code of conduct.	
Section 440AA	Conduct Adopting a procedure for administering the model code.	
Section 440M	Conduct Paying to the Department an amount determined by the Departmental Chief Executive to be the reasonable expenses incurred by or in respect of the Department in the conduct of an investigation into a	

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Councillor of the council under this Division 3 of Part 1 of Chapter 14 of the Act.	
Section 440M	Conduct Applying to the Civil and Administrative Tribunal for a review of the Departmental Chief Executive's determination of the amount of expenses incurred by the Department in conducting an investigation into a Councillor.	
Chapter 15	General delegation - council rates, charges and fees Exercising all functions that may be lawfully exercised in relation to council rates and charges.	Council cannot delegate the functions of making rates and charges: sections 377(1)(b) and (d) and section 535. Council cannot delegate the fixing of a fee: section 377(1)(e).
Section 513	Council rates, charges and fees Requesting the Valuer-General to provide estimates of certain values specified in section 513.	
Section 514	Council rates, charges and fees Declaring each parcel of rateable land in the council's area to be farmland, residential, mining or business for the purposes of ordinary rates.	
Section 518B	Council rates, charges and fees Determining a subcategory of land for mixed development land for the purpose of rates.	
Section 520	Council rates, charges and fees Giving notice to each rateable person of the category declared for each parcel of land for which the person is rateable.	
Section 523	Council rates, charges and fees Reviewing the categorisation of land.	
Section 525	Council rates, charges and fees Declaring rateable land to be of a particular category on the application of a rateable person.	

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 525	Council rates, charges and fees Giving a rateable person who applies for a declaration under section 525 notice of the council's determination and reasons for the determination.	
Section 527	Council rates, charges and fees Making an appropriate adjustment of rates paid or payable by a rateable person following a change in category of land.	
Section 529	Council rates, charges and fees Determining sub-categories of rateable land.	
Section 531A	Council rates, charges and fees Making an appropriate adjustment of a charge following a change in category or sub-category of land.	
Section 531B	Council rates, charges and fees Treating separate parcels of land as a single parcel and levying a charge accordingly if levying it normally would apply unfairly and could cause hardship.	
Section 546	Council rates, charges and fees Serving a notice of a rate or charge.	
Section 548A	Council rates, charges and fees Aggregating the land values of parcels of land and levying the rate on the aggregated land values if the levying of a minimum rate or of a rate containing a base amount would apply unfairly and could cause hardship.	
Section 558	Council rates, charges and fees Determining whether or not a land or body is exempt from a rate.	
Section 558	Council rates, charges and fees Revoking or altering an exemption	
Section 563	Council rates, charges and fees	



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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
	Discounting the amount of a rate or charge where the rate or charge is paid promptly and on full.	
Section 564	Council rates, charges and fees Entering into an agreement with a person for the payment of rates and charges and writing off interest accrued if the person complies with the agreement.	
Section 565	Council rates, charges and fees Waiving the payment of rates and charges where a person pays or enters into a written agreement to pay a lump sum towards the capital cost of any works, services or facilities for which the special rate or charge is made	
Section 567	Council rates, charges and fees Writing off accrued interest for rates and charges payable where a person cannot pay due to circumstances beyond the person's control or where payment of the interest would cause the person hardship.	
Section 569	Council rates, charges and fees Serving notice on the occupier of land of the amount of any rate or charge or the amount of any judgment unpaid in respect of the land.	
Section 570	Council rates, charges and fees Accepting a transfer of land in satisfaction of outstanding rates and charges or accrued interest.	
Section 575	Council rates, charges and fees Reducing a rate or charge for eligible pensioners.	
Section 577	Council rates, charges and fees Ordering that a person is an eligible pensioner in certain circumstances.	
Section 578	Council rates, charges and fees Giving directions about giving a refund on rates or charges, charging interest on	

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	overdue rates and charges and any other matters if the council makes a retrospective order under section 577.	
Section 579	Council rates, charges and fees In certain circumstances reducing a subsequent rate or charge without requiring a further application if a reduced rate or charge already applies.	
Section 582	Council rates, charges and fees Waiving or reducing rates, charges and interest due by any person prescribed by the regulations who receives a pension, benefit or allowance under the <i>Social Security Act 1991 (Cth)</i> .  (Regulation 136 of the <i>Local Government (General) Regulation 2021</i> prescribes persons who receive a pension, benefit or allowance under the <i>Social Security Act 1991 (Cth)</i> as eligible persons under section 582 of the Act.)	
Section 583	Council rates, charges and fees Writing off amounts of rates, charges and interest which have been reduced or waived.	
Section 586	Council rates, charges and fees Referring applications for the postponement of rates to the Valuer-General.	
Section 591	Council rates, charges and fees Postponing the payment of rates.	
Section 593	Council rates, charges and fees Refunding any amount of rates paid which exceeds the amount of rates remaining after part of the rates is postponed.	
Section 594	Council rates, charges and fees On a redetermination of the attributable part of the land value of land, adjusting amounts payable for rates or to be postponed. Refunding amounts paid in excess and recovering amounts short-paid.	

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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
Section 595	Council rates, charges and fees Writing off postponed rates and accrued interest after 5 years.	
Section 598	Council rates, charges and fees Requiring the Valuer-General to re-determine the value of land where circumstances of the occupation of the land change for the purpose of re-determining the rates payable.	
Section 599	Council rates, charges and fees If a reduced rate applies, reducing the subsequent rate without requiring a further application.	
Section 600	Council rates, charges and fees Writing off and abandoning the amount of a rebate.	
Section 601	Council rates, charges and fees Where a ratepayer suffers hardship because of the making and levying of a rate on a valuation having a later base date than any valuation previously used by a council, waiving, reducing or deferring the payment of the whole or any part of the increase in the amount of the rate.	
Section 602	Council rates, charges and fees Keeping a record of the rates charges levied over land in the council's area.	
Section 603	Council rates, charges and fees Issuing certificates to a person as to the amount payable to council in rates and charges or otherwise in respect of a parcel of land.	
Section 606A	Council rates, charges and fees Providing an estimate of coastal protection service charges.	
Section 606B	Council rates, charges and fees Providing a person who is liable to pay a coastal protection service charge with an	

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	independent report on the cost to council of providing those services.	
Section 606C	Council rates, charges and fees Providing an independent report on the cost to the council of providing coastal protection services to the Coastal Protection Minister.	
Section 607	Council rates, charges and fees Writing off rates and charges and interest accrued on unpaid rates and charges in circumstances specified by the <i>Local Government (General) Regulation 2005</i> . (See regulations 130-132 of the <i>Local Government (General) Regulation 2005</i> for the circumstances in which rates and charges may be written off.)	Council must, by resolution, fix an amount above which rates and charges can only be written off by the council. The General Manager may write off any rate or charge below that amount. If no such resolution is made rates and charges can only be written off by council and not by a delegate: regulation 131.
Section 608	Council rates, charges and fees Charging and recovering fees for services.	Council cannot delegate the function of fixing the amount of a fee: section 377(1)(e).
Section 610E	Council rates, charges and fees Determining categories of hardship under which a fee may be waived or reduced and giving public notice of proposed categories.	
Section 610E	Council rates, charges and fees Waiving or reducing fees where a person falls within a category of hardship determined by the council.	
Section 610F	Council rates, charges and fees Giving public notice of a fee.	
Section 616	Council rates, charges and fees Making submissions to the Grants Commission with respect the Commission's recommendations to the Minister on the allocation of grants to councils.	
Section 625	Council rates, charges and fees	

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Investing money that is not, for the time being, required by the council for any other purpose.	
Section 632A	Offences Declaring the whole or part of a public place to be an alcohol prohibited area. Includes obtaining the approval of the Police Area Commander or Police District Commander.	
Section 644	Offences Preparing a proposal for an alcohol-free zone.	Council cannot delegate the function of adopting the proposal: section 644B.
Section 644A	Offences Giving public notice of a proposed alcohol-free zone by publishing a notice in a manner that the council is satisfied is likely to bring the notice to the attention of members of the public and giving a copy of the proposal to the officer in charge of the nearest police station and each holder of a liquor licence for premises that border on, or adjoin or are adjacent to, the proposed alcohol-free zone.	
Section 644B	Offences Giving public notice of council's adoption of an alcohol-free zone.	
Section 650	Offences Entering into an agreement with the owner of private land under which the land, or any part of the land, is set aside for use as a free parking area.	
Section 650A	Strata parking area Entering into an agreement with the owners corporation for the setting aside of common property for use as a strata parking area.	The Regulations may also make provision for agreements between owners corporations and local councils under Section 650A (Section 271 of the <i>Strata Schemes Management Act 2015</i> ).  Approval is required for a strata parking area or any other agreement conferring functions on Council in relation to a strata parking

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<i>Local Government Act 1993</i>		
Provision	Power and Functions Delegated	Conditions and Limitations
		area by special resolution of the owners corporation, and must comply with any requirements for such schemes prescribed by Regulations under the <i>Strata Schemes Management Act 2015</i> .
Section 650A	Community scheme parking area Entering into an agreement with the association of a community, precinct or neighbourhood scheme for the setting aside of common property for use as a community scheme parking area.	Approval is required for a community scheme parking area or any other agreement conferring functions on council in relation to a community scheme parking area by special resolution of the association, and must comply with any requirements for such schemes prescribed by Regulations under the <i>Community Land Management Act 1989</i> .
Section 650A	Strata and community scheme parking areas Exercising the functions under this section for both strata and community scheme parking areas, including erecting signs and notices.	
Section 650A	Strata and community scheme parking areas Following the guidelines established by the Director-General for agreements regarding strata or community scheme parking areas	
Section 673	Enforcement Bringing proceedings in the Land and Environment Court or other specified court for an order to remedy or restrain a breach of the Act.	
Section 678	Enforcement Giving effect to the terms of a council order where the person the subject of the order fails to comply.	

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 678	Enforcement Bringing court proceedings to recover the costs incurred by council in carrying out the terms of an order where the person the subject of the order fails to comply.	
Section 689	Enforcement Paying the expenses incurred by an employee of council because of any proceedings which the employee is authorised by or under the Act or any other Act to take out of the council's consolidated fund.	
Section 690	Enforcement Recovering from a person: <ul style="list-style-type: none"> <li>(a) any sum of money for damages sustained by the council because of the persons act or default, and</li> <li>(b) the costs and expenses incurred by the council in remedying that damage, and</li> <li>(c) the value of anything wasted, misused, or unlawfully consumed, diverted or taken by the person.</li> </ul>	
Section 694	Enforcement Allocating to the council's consolidated fund any fine or forfeiture imposed under any Act, or imposed for a contempt of a court order to remedy or restrain a breach of the Act or any other Act, and recovered in proceedings instituted by the council.	
Section 695	Enforcement Bringing court proceedings to recover a debt.	
Section 696	Enforcement Apportioning things to be done or money, costs or expenses to be paid between two people required to do something or pay, money costs or expenses by council.	
Section 713	Unpaid rates and charges	The General Manager or the public officer must certify in

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<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Selling land in relation to which a rate or charge is overdue. Includes obtaining a valuation of the land by the Valuer-General.	writing certain matters before land can be sold under this section: see section 713(3).
Section 715	Unpaid rates and charges Giving notice of the proposed sale of land in relation to which a rate or charge has become overdue.	
Section 718	Unpaid rates and charges Applying the proceeds of the sale of land in relation to which rates or charges have become overdue.	
Section 734	Public hearings Making a report of a public hearing public.	
Section 735A	Certificates as to notices Issuing certificates as to whether land is subject to outstanding notices.	
Section 739A	Record keeping Retaining, preserving and destroying council records	

<b>Local Land Services Act 2013</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Local Land Services Act 2013</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .



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<b>Motor Vehicle Sports (Public Safety) Regulation 2010</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Small Motor Vehicle Sports (Public Safety) Regulation 2010</i>  Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>National Parks and Wildlife Act 1974</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>National Parks and Wildlife Act 1974</i>  Exercise of all functions of council under the Act that may be legally delegated.  (Council has functions as a 'public authority' under the Act)	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Various	Reservation of regional park  A local council nominated under subsection 74O (3) (c) (iii) by the Minister:  (a) has, subject to this Act, the care, control and management of the regional park concerned, and  (b) has the powers and functions conferred or imposed on it by or under this Act, and  (c) is, in the exercise of such powers and functions, subject to the control and direction of the Minister.	On the publication of a notice under Part 4A reserving lands as a regional park, the Chief Executive has the care, control and management of the regional park until such time as a board of management is established for the regional park. Thereafter the board has the care, control and management of the park.
Section 47V	Reports  Providing reports to the Minister as required and  (a) keeping such records as may be required by the Minister, and  (b) giving the Minister such information as the Minister requires in relation to the care, control and management of the park by the council, and  (c) sending to the Minister such records kept by the council in relation to the	A council may only delegate this function if it has the care, control and management of the regional park as nominated by the Minister under subsection 47O(3) (c) (iii).

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<b>National Parks and Wildlife Act 1974</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	care, control and management of the park as the Minister requires.	
Section 72	Preparation of plans of management Causing a plan of management to be prepared for the regional park as soon as practicable after the reservation of the land concerned in accordance with the Act. Note: See s.74 and s.75 for additional procedures regarding catchment areas and special areas under the <i>Hunter Water Act 1991</i> .	A council may only delegate this function if it has the care, control and management of the regional park as nominated by the Minister under subsection 47O(3) (c) (iii).
Section 73A	Public exhibition of and consultation on plans of management Giving notice of the preparation of the plan in accordance with the Act and Regulations	A council may only delegate this function if it has the care, control and management of the regional park as nominated by the Minister under subsection 47O(3) (c) (iii).
Section 73B	Adoption, amendment and cancellation of plans of management Causing the amendment, alternation or new plan of management to be prepared as instructed by the Minister.	A council may only delegate this function if it has the care, control and management of the regional park as nominated by the Minister under subsection 47O(3) (c) (iii).
Section 81	Operations under plan of management Carrying out and giving effect to a plan of management for a regional park adopted by the Minister.	A council may only delegate this function if it has the care, control and management of the regional park as nominated by the Minister under subsection 47O(3) (c) (iii).

<b>National Parks and Wildlife Regulation 2019</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>National Parks and Wildlife Regulation 2019</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

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<b>National Parks and Wildlife Regulation 2019</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	(Council may have functions as a 'park authority' under the Act).	

<b>Natural Resources Access Regulator Act 2017</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	<p>General delegation – all functions under the <i>Natural Resources Access Regulator Act 2017</i></p> <p>Exercise of all functions of council under the Act that may be legally delegated.</p> <p>(Council will have functions under the <i>Natural Resources Access Regulator Act 2017</i> if it is the statutory body responsible for the administration of natural resources management legislation).</p>	<p>Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i>.</p> <p>Notes: natural resources management legislation means any of the following Acts and the regulations and other instruments made under those Acts:</p> <ul style="list-style-type: none"> <li>(a) this Act,</li> <li>(b) <i>Water Management Act 2000</i>,</li> <li>(c) <i>Water Act 1912</i>,</li> <li>(d) any other Act or part of an Act administered by a relevant Minister that is prescribed by the regulations.</li> </ul>

<b>NSW Long Service Leave Act 1955</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	<p>General delegation - all functions under the <i>Long Service Leave Act 1955</i></p> <p>Exercise of all functions of council under the Act that may be legally delegated.</p>	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 4	<p>Long service leave</p> <p>Entering into agreements with employees regarding long service leave.</p>	

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<b>NSW Road Transport Act 2013</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation Exercise of all the functions under the Act that may be legally delegated. (Under section 142, the Council has functions under the Act as the 'appropriate roads authority' in relation to roads within its local government area)	Council cannot sub-delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Ombudsman Act 1974</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Ombudsman Act 1974</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 12	Complaints to Ombudsman Making a complaint to the ombudsman. (This may be done by “any person (including a public authority)”.)	
Section 18	Ombudsman investigations Providing the Ombudsman with information required by the Ombudsman for the purpose of an investigation.	
Section 24	Ombudsman investigations Making submissions to the Ombudsman regarding an investigation of council.	
Section 26	Ombudsman investigations Notifying the Ombudsman of any action taken or proposed to be taken in consequence of a report of the Ombudsman.	
Section 35B	Ombudsman investigations Applying to the Supreme Court for a determination as to the jurisdiction of the Ombudsman to conduct an investigation.	

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<b>Plumbing and Drainage Act 2011</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Plumbing and Drainage Act 2011</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Various	Delegation Exercising functions of the plumbing regulator delegated to the Council.	The sub-delegation of any function delegated to the Council by the plumbing regulator can only be to the General Manager of the Council or executive officer of the joint organisation or a person engaged as a contractor by the council or joint organisation whom the council or joint organisation considers has the necessary skills, knowledge or experience to exercise the function. (s 21)

<b>Plumbing and Drainage Regulation 2017</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Plumbing and Drainage Regulation 2017</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Poisons and Therapeutic Goods Regulation 2008</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Poisons and Therapeutic Goods Regulation 2008</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Clause 65	Nomination of authorised person under the <i>Poisons and Therapeutic Goods Regulation 2008</i>	

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<b><i>Poisons and Therapeutic Goods Regulation 2008</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Nominating an authorised person for the purposes of administering pentobarbitone sodium for the destruction of animals.	

<b><i>Privacy and Personal Information Protection Act 1998</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Privacy and Personal Information Protection Act 1998</i>  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 3	Investigative agency  Carry out the functions of an investigative agency.	The exercise of investigative functions must be authorised by an Act or statutory rule (or authority must be necessarily implied or reasonably contemplated under an Act or statutory rule) and be exercised in circumstances where the exercise of those investigative functions may result in action or proceedings being taken against a person or body under investigation
Various	Privacy Principles  Complying with the privacy of personal information principles under the <i>Privacy and Personal Information Protection Act 1998</i> .	
Section 8	Collection of personal information  Collecting personal information that is reasonably necessary for a lawful purpose that is directly related to a function or activity of Council.	Personal information must not be collected unlawfully
Section 9	Collection of personal information  Collecting personal information directly from the individual to which the information relates  Notes: If the personal information relates to someone under 16: personal information	

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<b>Privacy and Personal Information Protection Act 1998</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	may also be provided by a parent or guardian, not the individual themselves  Council may collect information from someone else, so long as the individual to which the information relates has authorised the collection	
Section 10	Collection of personal information  Taking steps which are reasonable in the circumstances to ensure that before collection, or as soon as practicable after, the individual to which the information relates is aware of listed criteria	
Section 11	Collection of personal information  Taking steps which are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that information is relevant to that purpose, is not excessive, and is accurate, up to date and complete	Council must not use the information collected unless they take reasonable steps to satisfy that it is relevant, accurate, up to date, complete and not misleading (Section 16 of the <i>Privacy and Personal Information Protection Act 1998</i> ).
Section 11	Collection of personal information  Taking steps which are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that collection does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates	
Section 12	Retention of personal information  Ensuring that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used	
Section 12	Retention of personal information  Ensuring that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information	
Section 12	Retention of personal information	

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<b>Privacy and Personal Information Protection Act 1998</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Ensuring that the information is protected by taking such security safeguards as are reasonable in the circumstances	
Section 12	Retention of personal information Council must do everything reasonably within its power to prevent unauthorised use or disclosure of the information if it is necessary for the information to be given to a person in connection with the provision of a service to the agency	
Section 13	Information about personal information Taking steps that are reasonable in the circumstances to enable any person to ascertain whether the agency holds personal information, and whether the agency holds personal information relating to that person. Note: S23A(1) compliance with s13 not required if compliance would reveal to the public that ASIO had requested, or been provided with, information about a person.	
Section 13	Information about personal information Taking steps that are reasonable if Council does hold information which relates to an individual to enable any person to ascertain the nature of that information; the main purposes for which the information is used; and that person's entitlement to gain access to the information. Note: S23A(1) compliance with s13 not required if compliance would reveal to the public that ASIO had requested, or been provided with, information about a person.	
Section 14	Access to personal information Providing an individual to which the information relates, access to that information when they request so, without excessive delay or expense Note: S23A(1) compliance with s14 not required if compliance would reveal to the public that ASIO had requested, or been provided with, information about a person.	



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<b>Privacy and Personal Information Protection Act 1998</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 15	Alteration of personal information Making appropriate amendments to personal information held by Council, at the request of the individual to whom the information relates, to ensure the information is accurate, and having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.	
Section 15	Alteration of personal information Taking reasonable steps to attach to the information any statement provided by that individual in such a manner as is capable of being read with the information about the amendment sought, if requested by the individual concerned.	
Section 17	Limits on use of personal information Using the information collected only for the purpose for which it was collected, unless the circumstances fall into one of the listed exceptions.	
Section 18	Limits on disclosure of personal information Disclosing personal information only to the person to which the information relates, unless the circumstances fall into one of the listed exceptions for which Council can validly disclose personal information to another person or body.  Note: S23A(2) compliance with s18 not required if disclosure requested by Director General of ASIO for a purpose related to ASIO's functions for which it is reasonably necessary and is disclosed to an officer of or employee of ASIO authorised in writing to receive the information by the Director-General	
Section 19	Special restrictions on the disclosure of information  Disclosing personal information about an individual to any person or body outside of NSW jurisdiction (including Commonwealth	

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<b>Privacy and Personal Information Protection Act 1998</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	jurisdiction) where certain listed criteria are satisfied	
Part 2, Division 3	Exemptions to compliance with privacy principles  Non-compliance with statutory obligations by Council, acting as either a public sector agency or investigative agency, is permitted in specific circumstances	
Section 31	Making privacy codes of practice  Preparing a draft privacy code of practice. Includes consulting with other appropriate bodies and submitting the draft code to the Minister.	
Section 33	Making privacy management plans  Preparing, implementing and amending a privacy management plan and providing a copy to the Privacy Commissioner.	
Section 53	Review of conduct  Conducting internal reviews, deciding what action to take after a review and notifying the applicant of the decision.	The person who conducts the internal review must be as far as practicable someone who was not substantially involved in any matter relating to the conduct the subject of the application, is an employee or officer of the council and is otherwise suitably qualified to deal with the application: section 53(4).
Section 54	Review of conduct  Notifying the Privacy Commissioner of an application for internal review, keeping the Commissioner informed of the progress of the review and informing them of the outcome.	
Section 54	Review of conduct  Requesting the Privacy Commissioner to undertake an internal review on behalf of the council or make a report to the council in relation to the application for review.	
Section 57	Public registers	

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<b><i>Privacy and Personal Information Protection Act 1998</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Requiring a person who applies to inspect personal information in a public register to give a statutory declaration as to the intended use of that information	
Section 58	Public registers Suppressing information in a public register upon request by the person to whom the information relates.	

<b><i>Protection of the Environment Operations (Clean Air) Regulation 2021</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Protection of the Environment (Clean Air) Regulation 2021</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Protection of the Environment Operations Act 1997</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Protection of the Environment Operations Act 1997</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

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<b>Protection of the Environment Operations Act 1997</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 316	Disputes between Council and EPA Referring a dispute between the council and the EPA to the Premier for settlement.	

<b>Public Health (Tobacco) Act 2008</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Public Health (Tobacco) Act 2008</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 49	Recovering costs payable under a Local Court order for tobacco advertising in contravention of the Act or the Regulations by commencing Court proceedings.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Public Health Act 2010</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Public Health Act 2010</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 4	Council responsibility for public health Taking appropriate measures to ensure compliance with the <i>Public Health Act 2010</i> in relation to private water suppliers, water carters, public swimming pools and spa pools, regulated systems and premises on which skin penetration procedures are carried out.	
Sections 4 and 126	Appointing authorised officers Appointing authorised officers to enable the council to exercise its functions under the <i>Public Health Act 2010</i> and ensuring that these officers duly exercise their functions.	

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<b>Public Health Act 2010</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 110	Investigations Directing a corporation to nominate a director or officer to represent the corporation for the purpose of answering questions.	
Section 126	Appointment of authorised officers Appointing a member of council staff to be an authorised officer, either generally or in relation to any particular function exercisable by authorised officers under this Act or the <i>Local Government Act 1993</i> relating to public health.	

<b>Public Health Regulation 2012</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Public Health Regulation 2013</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Regulation 34	Quality assurance Providing the Director-General with a copy of the council's most recent quality assurance program.  (This is a function of council only where council is a "supplier of drinking water". Under section 4, council is a supplier of drinking water if it is exercising water supply functions under Chapter 6, Part 3, Division 2 of the <i>Local Government Act 1993</i> .)	
Regulation 48	Giving public notice of health risks Notifying the relevant public health officer of public health risks.	

<b>Public Interest Disclosures Act 1994</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Public Interests Disclosures Act 1994</i>	Council cannot delegate the functions listed in section

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<b>Public Interest Disclosures Act 1994</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Exercise of all functions of council under the Act that may be legally delegated.	377(1) of the <i>Local Government Act 1993</i> .
Section 6CA	Report to Ombudsman Providing a report to the Ombudsman on council's compliance with its obligations under the Act.	
Section 6D	Public interest disclosures policy Preparing a public interest disclosures policy.	
Section 6D	Public interest disclosures policy Providing a written copy of the policy and acknowledgement of the receipt of the disclosure to the person making the public interest disclosure. This does not apply to a disclosure made by a public official in their daily functions as such official, or while under statutory or legal obligation.	
Section 6E	Head of public authority responsibilities General Manager of the council is responsible for ensuring there is a policy, staff are aware of the contents of the policy, ensuring compliance with the policy, and appointing someone responsible for receiving public interest disclosures for the council.	
Section 20	Reprisals Referral of evidence in relation to the commission of an offence of reprisal to the Commissioner of Police or the Independent Commission Against Corruption.	
Section 20B	Reprisals Applying to the Supreme Court, with the approval of the Attorney-General, for an injunction to prevent the commission of a reprisal offence under section 20 of the Act.	
See section 27	Notification to person making disclosure Notifying the person who made a disclosure of the action or proposed action to be taken in respect of the disclosure.	

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<b>Public Works and Procurement Act 1912</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Public Works and Procurement Act 1912</i>  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 153(2)	National works  Maintaining, managing and administering works handed over to the council by the Minister	
Section 154(4)	National works  Maintaining, managing and administering works handed over to the council by the Transport for NSW.	
Section 157(2)	Agent of Minister  Acting as the Minister's agent where national work concerned is partly outside the council's area	157(1) The Minister may appoint a council as the Minister's agent for the care, control and management of a national work.
Section 157(3)	Agent of Minister  Taking legal proceeding's in the Council's its own name to recover penalties for offences related to a national work whilst acting as the Minister's agent	157(1) The Minister may appoint a council as the Minister's agent for the care, control and management of a national work.

<b>Public Works and Procurement Regulation 2019</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Public Works and Procurement Regulation 2019</i>  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

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<b>Residential Tenancies Regulation 2019</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Residential Tenancies Regulation 2019</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Clause 25	Refuge or crisis accommodation Providing refuge or crisis accommodation to a person under an agreement, Note: This agreement is exempt from the operation of this Act unless agreed in writing between the parties that the agreement is not to be exempt	
Clause 25	Refuge or crisis accommodation Providing a referral to the owner or operator of a caravan park under an agreement that the accommodation in the caravan park is required for temporary refuge or temporary crisis accommodation Note: This agreement is exempt from the operation of this Act unless agreed in writing between the parties that the agreement is not to be exempt	
Clause 25	Refuge or crisis accommodation Extending the referral by written request to the owner or operator of the caravan park, for the owner or operator to continue providing temporary refuge or temporary crisis accommodation in the caravan park to the person	

<b>Road Transport (General) Act 2005</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Road Transport (General) Act 2005</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .



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<b>Road Transport (General) Regulation 2021</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – exercise of all functions under the Regulation relating to parking  Exercising all of the functions of the council in relation to parking under the Regulation.  (Council has functions as a 'parking authority' in relation to parking within its local government area at Part 5 of the Regulation)	
Regulation 84	Establishing and operating pay parking schemes  Establishing and operating a pay parking scheme for a road within council's area of operation including setting aside pay parking spaces and installing parking metres.	The fixing of a fee for a parking space can only be done by resolution of the council: reg 85(1) and s377(1)(e) of the <i>Local Government Act 1993</i> .
Regulation 87	Establishing and operating pay parking schemes  Establishing procedures for the commencement and timing of pay parking periods.	
Regulation 90	Establishing and operating pay parking schemes  Temporarily closing a pay parking space	
Regulation 92	Establishing and operating common pay parking schemes  Agreeing with one or more other councils concerning the establishment of ticket, phone or coupon parking schemes on a common payment basis.	The fixing of a fee for a parking space can only be done by resolution of the council: reg 92(2) and s377(1)(e) of the <i>Local Government Act 1993</i> .
Regulation 120	Parking permits  Issuing of parking permits.  Note: Council must only issue a permit if it complies with the relevant TfNSW guidelines	
Regulation 121	Establishing and operating controlled loading zone schemes  Establishing and operating controlled loading zone schemes for a road within council's area of operation  Note: Council is only entitled to establish a controlled loading zone scheme if it complies with the relevant TfNSW guidelines: cl 126.	

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<b>Road Transport (General) Regulation 2021</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Regulation 122	Loading zone tickets Issuing of loading zone tickets.	
Regulation 125	Establishing and operating controlled loading zone schemes Temporarily closing a controlled loading zone	
Regulation 163	Mass requirements on certain roads and bridges  Conspicuously displaying on or adjacent to a road, bridge, or road-ferry concerned a limit notice prohibiting vehicles with a laden mass exceeding a specified maximum from passing along or over a road, bridge, or causeway, or from using a road-ferry maintained in connection with a road.	

<b>Road Transport (Safety and Traffic Management) Act 1999</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Road Transport (Safety and Traffic Management) Act 1999</i>  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Roads Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Roads Act 1993</i>  Exercise of all functions of council under the Act that may be legally delegated.  (All of the functions of council under the Act in its capacity as a "roads authority" do not need to be delegated. Under section 253, "employees", "agents" and "independent contractors" of a roads authority have express power to carry out any of its functions. Council is the roads authority for all public roads in its area other than any	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

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<b>Roads Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	freeway or Crown road and any public road for which some other public authority is declared by the regulations to be the roads authority.)	
Section 86	Road work Carrying out work or directing the owner to carry out work at a private road to prevent the road from becoming unsafe or unsightly. Where council carries out the work, this function includes apportioning the cost of the work between the owners of the land.	Council cannot delegate the functions of fixing the amount or rate for the carrying out of work on private land or deciding to carry out work on private for less than the amount or rate fixed by council: sections 377(1)(m) and (n) of the <i>Local Government Act 1993</i> .
Sections 159	Control of Transport for NSW land Agreeing to take control of land within the council's area that is owned by Transport for NSW.	

<b>Rural Fires Act 1997</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Rural Fires Act 1997</i> Exercise of all functions of council under the Act that may be legally delegated	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Rural Fires Regulation 2013</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Rural Fires Regulation 2013</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

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<b>Rural Lands Protection Act 1998</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Rural Lands Protection Act 1998</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Service NSW (One-Stop Access to Government Services) Act 2013</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 7	Delegating customer service functions to the CEO of Service NSW after the Council, by resolution, approved the delegation.	Council cannot delegate a customer service function to the CEO of Service NSW unless approved by resolution within the council beforehand.
Section 8	Entering into an agreement with the CEO of Service NSW providing for the CEO to exercise a non-statutory customer service function after the Council, by resolution, has approved the agreement.	Council cannot enter into an agreement with the CEO of Service NSW unless the agreement has been approved by a resolution of the council beforehand.

<b>Small Business Commissioner Act 2013</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Small Business Commissioner Act 2013</i> Exercise of all functions of council under the Act that may be legally delegated. (Council has functions as a 'government agency' under the Act)	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 16	Providing information to the Small Business Commissioner Providing information to the Small Business Commissioner regarding the council's dealings with small businesses if required to do so by the Commissioner.	

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<b>Small Business Commissioner Act 2013</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 18	Mediation and production of documents Attending meeting and/ or producing a document or thing for the purpose of a mediation involving a small business if required to do so by the Commissioner.	
Section 21	Information sharing arrangement Entering into an arrangement with the Small Business Commissioner for the purposes of sharing or exchanging any information that is held by the Commissioner or the council.	
Section 21	Information sharing arrangement Requesting information from or disclosing information to the Small Business Commissioner in accordance with an information sharing arrangement between the Commissioner and Council.	
Section 27	Making submissions to the Small Business Commissioner Making submissions to the Small Business Commissioner on a matter covered in a report by the Commissioner that relates to Council.	

<b>State Emergency and Rescue Management Act 1989</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>State Emergency and Rescue Management Act 1989</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 27	Emergency management Entering into an agreement with another local council to combine emergency management arrangements.	The councils must seek the approval of the Minister. The function of seeking the Minister's approval cannot be delegated: section 377(1)(s) of the <i>Local Government Act 1993</i> .

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<b>State Emergency Service Act 1989</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>State Emergency Services Act 1989</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 24C	Giving information to the Commissioner Giving information to the Commissioner of the State Emergency Service to enable the Minister to prepare the estimated SES expenditure.	

<b>State Records Act 1998</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>State Records Act 1998</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 57	Public access to State records after 30 years Authorising early public access to a State record under council's control.	

<b>Strata Schemes (Freehold Development) Act 1973</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the Strata Schemes (Freehold Development) Act 1973 Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

Instrument of Delegation to the General Manager

19 July 2022

<b>Strata Schemes (Leasehold Development) Act 1986</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Strata Schemes (Leasehold) Development Act 1986</i>  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Strata Schemes Development Act 2015</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Strata Schemes Development Act 2015</i>  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Strata Schemes Development Regulation 2016</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Strata Schemes Development Regulation 2016</i>  Exercise of all functions of council under the Regulations that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Strata Schemes Management Act 2015</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Strata Schemes Management Act 2015</i>  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

Instrument of Delegation to the General Manager

19 July 2022

<b>Strata Schemes Management Regulation 2016</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Strata Schemes Management Regulation 2016</i>  Exercise of all functions of council under the Regulations that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Supreme Court Act 1970</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 23	Commencing and carrying on proceedings  Commencing and carrying on legal proceedings within the jurisdiction of the Supreme Court.	
Section 101	Appeal in proceedings before the Court Appealing any judgment or order of the Supreme Court to the Court of Appeal, including:  (i) any opinion, decision, direction or determination of the Supreme Court in a Division on a stated case,  (ii) any exercise of a power to which section 24 of the <i>Supreme Court Act 1970</i> applies, and  (iii) any determination of the Supreme Court in a Division in proceedings remitted under subsection (4) of section 51 of the <i>Supreme Court Act 1970</i> .	
Section 101	Appeal in proceedings before the Court  Seeking leave of the Court of Appeal to appeal a judgment or order of the Supreme Court where leave is required.	



Instrument of Delegation to the General Manager

19 July 2022

<b>Swimming Pools Act 1992</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 22F	<p>Fee for inspections</p> <p>Charging a fee for carrying out an inspection of a swimming pool.</p> <p>Council must include in its annual report the requirements under Regulation 18BC of the <i>Swimming Pool Regulations 2008</i>.</p>	Council cannot delegate the function of fixing the fee: 377(1)(3) of the <i>Local Government Act 1993</i> .
Section 27	<p>Appointing authorised officers</p> <p>Issuing authorised officers with a certificate of identification.</p>	

<b>Valuation of Land Regulation 2012</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	<p>General delegation – all functions under the <i>Valuation of Land Regulation 2012</i></p> <p>Exercise of all functions of council under the Regulation that may be legally delegated.</p>	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	<p>General delegation – all functions under the <i>Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017</i></p> <p>Exercise of all functions of council under the Regulations that may be legally delegated.</p>	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Water Management Act 2000</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	<p>General delegation – all functions under the <i>Water Management Act</i></p> <p>Exercise of all functions of council under the Act that may be legally delegated.</p>	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

Instrument of Delegation to the General Manager

19 July 2022

<b>Water Management Act 2000</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 318	Acquisition and divesting of land Determining whether or not to consent to a proclamation by the Governor vesting in the council the estate or interest of a water supply authority in any land on which is situated a work of the water supply authority (whether wholly or partly completed).	
Section 336E	Enforcement of undertakings Recommending that the Minister accept an undertaking under s.336E of the <i>Water Management Act 2000</i> where the Council has negotiated with a person proposing to give the undertaking in connection with their functions as the public authority under the Act.	

<b>Water Supply (Critical Needs) Act 2019</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Water Supply (Critical Needs) Act 2019</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 8	Authorisation of Minister to carry out water supply development Applying to the Planning Secretary for an authorisation to carry out the development described in Schedule 2 of the <i>Water Supply (Critical Needs) Act 2019</i> .	
Part 5	Co-ordination and co-operation of public authorities Exercising all the functions of the Council under Pt 5 of the <i>Water Supply (Critical Needs) Act 2019</i> including entering into agreements, complying with requests, directions and decisions, complying with notification requirements and undertaking dispute resolution.	

Instrument of Delegation to the General Manager

19 July 2022

## 5. Acknowledgement of Delegations by General Manager

The powers, authorities, duties and functions contained in this Instrument of Delegation:

- (a) have been delegated by the governing body of Parkes Shire Council on **19 July 2022** by **Resolution** [Enter following meeting]; and
- (b) must be exercised in accordance with any applicable Act of Parliament;
- (c) must be exercised in accordance with any resolution or policy, procedure of budget adopted from time to time by the Council; and
- (d) have been received, read and accepted by:

.....  
 Kent Boyd PSM  
**General Manager**

On: ..... / ..... / 2022

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## 10.5. (DCCSE) Appointment of Delegates to 2022 Local Government NSW Annual Conference

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### Prepared By:

Director Customer, Corporate Services and Economy

### Executive Summary

The 2022 Local Government NSW ("LGNSW") Annual Conference will be held from Sunday, 23 October to Tuesday, 25 October 2022. Parkes Shire Council ("Council") is entitled to two (2) voting delegates at the LGNSW Annual Conference. This report recommends that Council confirm its voting delegates to the conference, including the debate and resolution of motions.

### Background Information

The LGNSW Annual Conference is the annual policy-making event for NSW general-purpose councils, where local Councillors convene to share ideas and debate issues that influence the way councils governed. The Conference provides the opportunity for member councils to bring forward policy motions for debate and resolution, thus helping to shape the sector's advocacy agenda for the year to come.

Parkes Shire Council is a financial member of Local Government NSW and is eligible to send representation to the Conference, including two (2) voting delegates. Historically, Council has been represented by the Mayor and two Councillors at the Conference (noting that one of the Councillors is a non-voting delegate) and the General Manager.

### Legislative or Policy Implications

Section 252 of the *Local Government Act 1993* ("the Act") provides that Council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and Councillors in relation to discharging the functions of civic office.

Council's *Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy* ("the Policy") specifically provides that Council shall meet the registration and travel costs incurred by Councillors in attending the LGNSW Annual Conference.

### Project Delivery Implications

COUNCIL+ *Council*

### Risk Assessment

An assessment of the challenge posed to Council implementing the action/s contained in this report, in the current environment with available resources: Low.

## Budget and Financial Implications

Council has a budget to enable to Councillors to attend conferences and meet associated costs. As detailed above, Councillors' attendance at the LGNSW Annual Conference is permitted under the Policy.

## Recommendation

That Council:

1. Confirm the appointment of the Mayor and Councillor \_\_\_\_\_ as its voting delegates at the 2022 Local Government NSW Annual Conference.
2. Endorse the attendance of the General Manager (or delegate) and Councillor \_\_\_\_\_ as a non-voting delegate at the 2022 Local Government NSW Annual Conference.
3. Approve all registration fees and other reasonable expenses associated with the attendance of the General Manager and Councillors at the 2022 Local Government NSW Annual Conference, in accordance with Council's *Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy*.
4. Invite Councillors to nominate potential motions relating to current and emerging policy issues facing local government in NSW, noting that such motions must be received and endorsed by Council for submission by 25 September 2022.

## Report

The LGNSW Annual Conference will be held Sunday, 23 October to Tuesday, 25 October 2022 at the Crowne Plaza Hotel in the Hunter Valley, NSW.

Further information on the Conference, including the draft program and speaker details, is available from the [Conference website](#).

## Voting Delegates

Council is entitled to register up to two (2) voting delegates for motions. Traditionally, Council has been represented by the Mayor and up to two (2) Councillors at the Conference, noting that one of the Councillors is attending as a non-voting delegate.

It is recommended that Council formally endorse the appointment of the Mayor and one (1) other Councillor as its two (2) voting delegates to the Conference, and nominate a further one (1) Councillor to attend as a non-voting delegate.

## Motions

Motions may be submitted for consideration at the Conference and must be submitted by 12.00am Midnight (AEST) on Monday, 25 September 2022, being 28 days prior to Conference.

Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. For a motion to be included in the Business Paper, it must meet the criteria detailed in the *LGNSW 2022 Annual Conference Motion Submission Guide* (refer *Attachment 1*).

Member councils will receive an electronic copy of the Business Paper one (1) week before the Conference commences.

## **Attachments**

1. LGNSW 2022 Annual Conference Motion Submission Guide (Local Government NSW)

## Attachment 1 - LGNSW 2022 Annual Conference Motions Submission Guide



# LGNSW 2022 Annual Conference Motion Submission Guide

**LOCAL GOVERNMENT NSW**  
GPO BOX 7003 SYDNEY NSW 2001  
L8, 28 MARGARET ST SYDNEY NSW 2000  
T 02 9242 4000 F 02 9242 4111  
**LGNSW.ORG.AU** LGNSW@LGNSW.ORG.AU  
ABN 49 853 813 882

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## Motions Submission Guide

### 1. Introduction

Each year, member councils across NSW submit a range of motions to the Annual Conference conducted by Local Government NSW (LGNSW). These motions relate to strategic local government issues which affect members state-wide and introduce new or emerging policy issues and actions. They are debated and resolved by Conference delegates, with successful resolutions guiding LGNSW's advocacy priorities for the year ahead.

All LGNSW member councils are invited to submit motions to the Annual Conference, with the following Guide outlining the motion development and submission process.

### 2. Deadlines

Members are encouraged to submit motions [online](#) as early as possible to allow assessment of the motions and distribution of the Business Paper before the Conference. Under LGNSW Rules, the latest date motions can be accepted for inclusion in the Business Paper is **12 midnight (AEDT) on Monday 25 September 2022** (28 days prior to Conference).

### 3. Criteria for motion submission

The LGNSW Board has resolved that motions will be included in the Business Paper for the Conference only where they:

1. are consistent with the objects of LGNSW (see Rule 4 of the Association's [rules](#)),
2. relate to or concern local government as a sector in NSW and/or across Australia,
3. seek to establish or change policy positions of LGNSW and/or improve governance of the Association (noting that the LGNSW Board is responsible for decisions around resourcing any campaigns or operational activities, and any necessary resource allocations will be subject to the LGNSW budgetary process),
4. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws),
5. are clearly worded and unambiguous in nature, and
6. do not express preference for one or several members over one or several other members.

Before submitting motions for this year's Annual Conference, council members are encouraged to review [Action Reports](#) (on the member only pages of the LGNSW website) from previous Conferences and the [LGNSW Policy Platform](#) to ensure the proposed motion wording reflects any recent developments and does not duplicate existing policy positions.

### 4. How to write a motion

Motions adopted at Conferences inform LGNSW's advocacy actions on behalf of the local government sector. LGNSW includes the exact wording of motions when writing to ministers, departments and agencies post-conference, so it is important that the wording of motions clearly outlines your council's policy intent or objective.

The format of motions, as much as possible, should call on a specific body (e.g. LGNSW, state government, federal government, a specific department or minister) and have a specific outcome that the motion is aiming to achieve. The wording should be unambiguous.

*Examples of clearly-worded Annual Conference motions:*

**Local government representation on National Cabinet**

That Local Government NSW lobbies the Australian Government for permanent local government representation on the National Cabinet.

**Natural Disaster Funding, Day Labour**

That LGNSW requests the Australian and NSW governments reinstate the claimable expense for the use of council staff during their normal working hours to attend to natural disaster relief and recovery funded works and reverse the present policy that effectively requires the mandatory use of contractors for recovery works.

**Companion Animal Act matters**

That LGNSW advocates that the NSW Government takes the following steps to improve the management of companion animals:

- establish an integrated on-line statewide registration process as an improved service to companion animal owners;
- resolve difficulties with the *Companion Animals Act 1998* definition of an "Authorised Officer", by using the definition contained in the *Impounding Act 1993* as the definition in both Acts, allowing councils choice in the business model for its area; and
- review the dismissal of charges under section 10 of the *Crimes (Sentencing Procedure) Act 1999* in relation to offences under the *Companion Animals Act 1998*.

For more examples see Business Papers from past Conferences on the [LGNSW website](#).

## 5. Demonstrating evidence of council support for motion

The member submitting the motion must provide accompanying evidence of support for the motion. Such evidence takes the form of an attachment note or extract from the minutes of the council meeting, at which the member council resolved to submit the motion for consideration by the Conference. In the absence of a council meeting, the evidence should be a letter signed by both the Mayor and General Manager.

## 6. How to submit a motion

LGNSW members are invited to submit motions through an [online portal](#) from **4 July 2022**.

[Attachment B](#) provides detailed instructions on how to submit motions via the online portal.

## 7. How LGNSW manages incoming motions

The LGNSW Board has established a committee and delegated the function of managing incoming motions for the Conference to this committee. The Chief Executive will refer motions to the committee and the committee will assess whether the motion meets or doesn't meet the criteria, or if it is unclear whether it meets the criteria. This assessment forms the final decision on which motions are included in the Conference Business Paper.

Prior to the committee making a final decision, LGNSW may contact the council that submitted the motion to seek clarity on its intent or wording.

Incoming motions which seek to change any long-held [Fundamental Principles](#) (Part A of the Policy Platform), will be highlighted in the Business Paper for members' information at time of voting.

Motions which are consistent with existing LGNSW positions or current LGNSW actions, or that are operational and can be actioned without a Conference resolution, may still be printed in the Business Paper but will not be debated at the Conference.

## 8. What happens to motions at the LGNSW Annual Conference

Standing orders are outlined at the front of the Business Paper and adopted at the commencement of each Conference. They outline the manner in which the Conference deals with motions. The standing orders adopted at the Special Conference can be found on our [website](#).

During debate on motions at Conference, the standing orders generally permit councillor delegates to speak in support of or against each motion. Following a vote on a motion, the motion is either carried and becomes a resolution of the Conference, or it is defeated.

## 9. Post-conference: Updates to the LGNSW Policy Platform

LGNSW's [Policy Platform](#) consolidates the voices of councils across NSW, reflecting the collective positions of local government on issues of importance to the sector. Importantly, the Policy Platform guides LGNSW in its advocacy on behalf of the local government sector.

The Policy Platform consists of two parts: LGNSW's Fundamental Principles, and the more targeted Position Statements.

- **Fundamental Principles** are the enduring and overarching principles that direct LGNSW's response to broad matters of importance to the local government sector. These Fundamental Principles are endorsed (or amended) by LGNSW members at Annual Conferences.
- **Position Statements** contain LGNSW's more detailed positions on specific issues and guide LGNSW's work on, and response to, policy issues of the day. Position Statements are subordinate to LGNSW's Fundamental Principles but are more agile and are targeted at specific policy issues as they arise.

### ***Changing Fundamental Principles***

Where a motion conflicts or may conflict with a Fundamental Principle, this will be clearly highlighted for delegates in the Conference Business Paper. If the motion is adopted as a resolution at Conference, then the relevant Fundamental Principle will be changed.

It is expected that changes to the Fundamental Principles will be uncommon, given their broad focus and general acceptance among the local government sector.

### ***Changing Position Statements***

Following each Conference, LGNSW will review resolutions of that Conference to determine whether the intent of each resolution is adequately covered by existing Position Statements. Where the Position Statements do not adequately include the intent of a resolution, LGNSW will update an existing Position Statement or draft a new Position Statement, to be endorsed by the LGNSW Board as part of the LGNSW Policy Platform.

LGNSW members will be informed of updates to the LGNSW Policy Platform.

## 10. Post-conference: Determining LGNSW Advocacy Priorities

Following the LGNSW Annual Conference, LGNSW will review the resolutions and identify key areas of focus to guide LGNSW's advocacy for the coming year. These areas of focus are also informed by member feedback, the LGNSW strategic plan, position statements, emerging issues, and Board input.

LGNSW's Advocacy Priorities for the following year are then submitted for endorsement by the LGNSW Board, and communication to members via email.

As LGNSW undertakes advocacy actions on each of the Conference resolutions throughout the year, these actions and their outcomes will be published in LGNSW's Action Report. ([Past Action reports](#) are available on the member only pages of the LGNSW website).

#### **11. Further information**

For further information on the motion submission process, please contact Elle Brunsdon, Policy Officer at [elle.brunsdon@lgnsw.org.au](mailto:elle.brunsdon@lgnsw.org.au).

## Frequently Asked Questions

### How do I know if my proposed motion is consistent with existing LGNSW policy positions?

The subject matter expert within council is best placed to identify this (for example, if the motion relates to a planning matter, this question should be answered by the Planning Manager). Subject matter experts are encouraged to review LGNSW's [Policy Platform](#) to gain an understanding of LGNSW's position on a particular matter to help identify whether your proposed motion is consistent.

### What is the deadline for submitting motions?

Members are encouraged to submit motions [online](#) as soon as possible to allow assessment of the motions and distribution of the Business Paper before the Conference. However, in line with the LGNSW Rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is **12 midnight AEST on Sunday 25 September 2022** (28 days prior to Conference).

LGNSW can receive more than 300 motions for an Annual Conference. Submitting motions as early as possible helps LGNSW to manage the large volume of motions received within a short period of time and allows LGNSW to seek clarification on any motions if required.

However, the LGNSW Rules allow councils to submit motions with less than 28 days' notice and the LGNSW Board may allow these to be considered at Conference as a **late item** (but not included in the Business Paper).

### I'm unsure which motion category or sub-category I should select in the online portal

If you are unsure, just select the category you think best fits. LGNSW can re-categorise the motion if necessary.

### Who should be the council contact for motions?

We recommend the council contact is someone who is available during the months that motions are open, and able to respond promptly to communications between your council and LGNSW. Some councils have identified the General Manager and others have identified the Governance Officer – it is a decision for each council.

### How can I amend my council's motion that I've already submitted?

Once a motion has been submitted it cannot be edited without contacting LGNSW so please review the content carefully before submission. If you need to edit a submitted motion, please contact Elle Brunsdon, Policy Officer at [elle.brunsdon@lgnsw.org.au](mailto:elle.brunsdon@lgnsw.org.au). You may need to provide evidence of support for the change (see section 5).

## Attachment A – Step by Step guide to lodge a motion

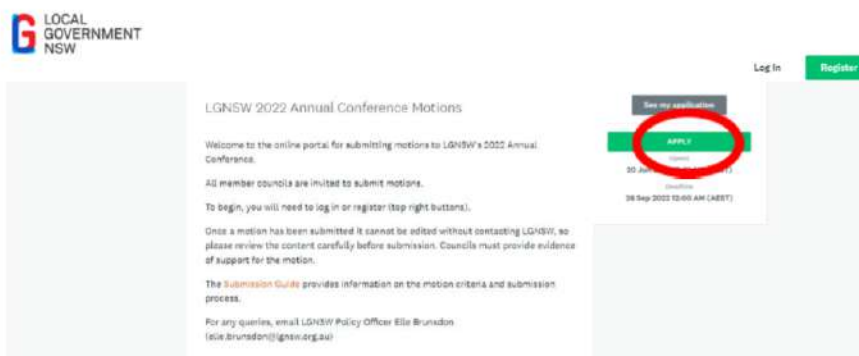
This section provides step-by-step instructions to assist council staff in lodging a motion via Survey Monkey Apply.

- Member councils are invited to submit motions for the LGNSW Annual Conference via [Survey Monkey Apply](#).
- Under LGNSW Rules, the latest date motions can be accepted for inclusion in the Business Paper is **12 midnight (AEDT) on Monday 25 September 2022** (28 days prior to Conference).
- Once a motion has been submitted it cannot be edited without contacting LGNSW, so please review the content carefully before submission.

For further assistance contact Elle Brunsdon, Policy Officer at [elle.brunsdon@lgnsw.org.au](mailto:elle.brunsdon@lgnsw.org.au).

**Step 1:** Log into [LGNSW's online portal](#) and click **APPLY**.

*Note: you will need to register for Survey Monkey Apply if you are logging in for the first time.*



**Step 2:** Add your motion title (a few words). You will then be taken to the landing page which will show three tasks to complete.



**Step 3:** Click on 'Applicant Contact Information' to add the contact information. This could be the relevant officer within council or someone who can respond to questions promptly. Click **MARK AS COMPLETE** once finished.

**Step 4:** Click 'Motion Form' to add the motion details.

**Motion category and sub-category** assists with assigning motions to the relevant policy staff and grouping related motions in the Conference Business Paper.

**Motion wording** should include a sentence or two which includes the call to action.

**Background note** should provide a paragraph or two to explain the context and importance of the issue to the local government sector.

Click **MARK AS COMPLETE** once finished.

Step 5: Click 'Evidence of Council's Support for the Motion' and attach the relevant file. This could be an extract of council meeting minutes. Click **MARK AS COMPLETE** once finished.



**Step 6:** Once you have completed all tasks (a green tick is displayed next to each task), click **SUBMIT**.

Back to application

LGNSW 2022 Annual Conference Motions - First Nations Voice to Council  
ID: M22-0000000226

Applicant Contact Information

Motion Form

Evidence of Council's Support for the Motion

3 of 3 tasks complete

Last edited: 20 Jun 2022 09:10 AM (AEST)

REVIEW SUBMIT

Deadline: 26 Sep 2022 12:00 PM (AEST)

Evidence of Council's Support for the Motion  
Completed 20 Jun 2022 09:10 AM (AEST)

Task instructions Hide

Attach evidence of council support for the motion (i.e. extract of the minutes of the meeting at which the member resolved to submit the motion for consideration by the Conference, or in the absence of a council meeting, a letter signed by the Mayor and General Manager)

Council minutes evidence of council support for LGNSW motion  
Filename: Council\_minutes\_evidence\_of\_council\_P1U0p0x.docx Added: 19 Jun 2022

**Step 7:** You will be asked to confirm submission of the motion. There is an option to review the motion before submitting. When you are ready, click **SUBMIT**.

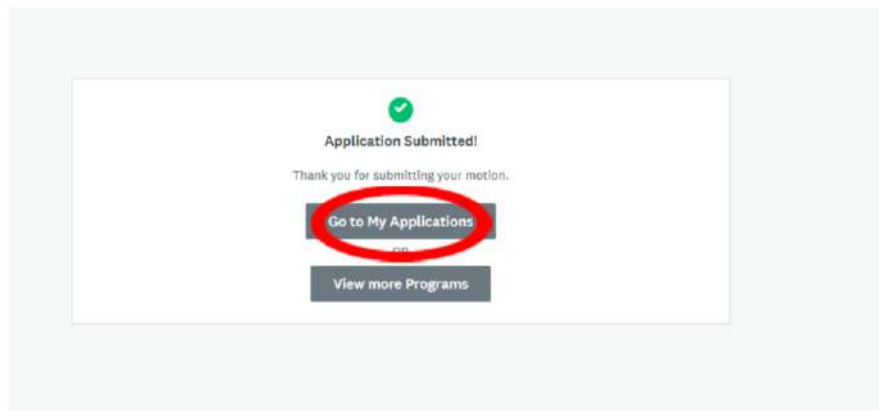
Submit application

Please confirm submission of your application.

If you wish to take a look at the application before submitting, please Review it.

CANCEL REVIEW SUBMIT

**Step 8:** If you are submitting multiple motions, click 'Go to My Applications'. This will take you to a landing page to submit more motions. It will also show all the motions you have submitted.



**Step 9:** An automated confirmation email will be sent to the email address listed in the 'Applicant Contact Information' section.



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## 10.6. (DCCSE) Service NSW for Business Agreement

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### Prepared By:

Director Customer, Corporate Services and Economy

### Executive Summary

Parkes Shire Council ("Council") currently has an agreement in place with Service NSW to promote and provide access to NSW Government information and services to better assist business owners and to support the local economy. This report recommends that Council extend that agreement, through authorising the General Manager to enter into the revised Partnership Agreement, appended at *Attachment 1*.

### Background Information

Service NSW for Business provides free, personalised support to small business owners, to help them understand industry regulations, to guide them through transactions, and to access support.

The services provided to business owners include:

- Business Concierges offering over-the-phone, email and face-to-face support and case management.
- An online Business Profile to make it faster and easier for business owners to transact with NSW Government.
- Guidance and support for small business owners impacted by natural disasters or emerging issues to access a range of Government stimulus, support and information.
- Online business information hubs including how-to guides to help business owners understand key tasks and the support available when starting and running a business in NSW.

### Legislative or Policy Implications

[Service NSW \(One-stop Access to Government Services\) Act 2013, Section 8 - CEO May Enter Agreements to Exercise Customer Service Functions](#)  
[Local Government \(General\) Regulation 2021, Clause 400 - Council Seal](#)

### Project Delivery Implications

ECONOMY+ *Business*

### Risk Assessment

An assessment of the challenge posed to Council implementing the action/s contained in this report, in the current environment with available resources: Low.

## Budget and Financial Implications

There are no financial implications for Council associated with this report. Support material, training and advice is provided by Service NSW for Business at no cost. Implementation of the program should lead to reduced processing times and costs relating to applications to Council.

## Recommendation

That Council:

1. Delegate authority to the General Manager into the Partnership Agreement with Service for NSW Business, appended at *Attachment 1*.
2. Authorise the Mayor and General Manager to execute and affix the Common Seal of Council to the Partnership Agreement and any associated documentation, pursuant to clause 400 of the *Local Government (General) Regulation 2021*.

## Report

A new Partnership Agreement has been developed to provide consistency across all councils, reflect the broader focus of Service NSW for Business and provide the opportunity for Council to engage with all services across Service NSW now and into the future. The new Partnership Agreement includes further detail and clarity about the roles and responsibilities of all agencies in relation to the collection, storage and security of personal information.

The intention of the Partnership Agreement is to build awareness of specialist advice services available, ensure Council staff can direct enquiries to these services and provide applicants with the skills to be better informed and researched prior to lodging any applications.

Through Council's support for this initiative, the local business community and potential business investors can have some confidence that Council is supportive of small business and is actively trying to reduce the costs associated with small business start-up.

## Attachments

1. Service NSW for Business Agreement

**Attachment 1 - Parkes Shire Council - Service NSW for Business Partnership Agreement****PARTNERSHIP AGREEMENT**

Between **Service NSW** (ABN 37 552 837 401) and the **Parkes Shire Council** (the '**Council**')  
(the '**Parties**')

Last Updated: 27 July 2021

**1. Purpose**

1.1. The purpose of this Agreement is to:

- A. Provide the services of Service NSW for Business, which is a division of Service NSW with a mandate of being the one front door for businesses in NSW to access government information and services.
- B. Provide the framework within which Services will be delivered;
- C. Document the responsibilities of Service NSW and the Council on the provision of Services;
- D. Provide mechanisms to manage the relationship between the Parties;
- E. Promote a collaborative approach to working together in a timely and effective manner and to act in good faith.

This Agreement is not legally binding.

**2. Background**

- 1) Service NSW is a Division of the Government Service established under the Service Act. The functions of Service NSW include the exercise of customer service functions, within the meaning of the Service Act; other functions conferred by statute; and other functions relating to the delivery of Government services, as directed by the Minister responsible for Service NSW.
- 2) Section 7 of the Service Act makes provision for customer service functions to be delegated by other NSW Government agencies to the Chief Executive Officer ('CEO').
- 3) The functions of the CEO are exercised by the staff of Service NSW.
- 4) Section 8 of the Service Act enables the CEO to enter into Agreements with local government agencies for the exercise of a non-statutory customer service function of the agency; or with respect to the exercise of a customer service function delegated to the CEO.
- 5) Subsection 8(4) of the Service Act provides that an Agreement with a council, a county council or a joint organisation within the meaning of the *Local Government Act 1993* must be approved by a resolution of the council, county council or joint organisation, must be approved before it is entered into.
- 6) Service NSW partners with the Council to promote and deliver the services of Service NSW for Business to businesses across NSW.

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7) the purpose of this collaboration is to ensure awareness and access to Government services to all businesses in NSW.

8) the Services of Service NSW for Business are free for the Council and for customers.

9) The PPIP Act and the HRIP Act set out information handling principles that apply to public sector agencies (as defined in section 3 of the PPIP Act). As public sector agencies, the parties must not do anything, or engage in any practice, that contravenes a privacy principle that applies to them.

10) Section 14 of the Service Act makes provision for the disclosure and use of information, including personal information, for the purposes of the exercise of customer service functions by the CEO. Section 14 has effect despite the provisions of any other Act, including the PPIP Act and the HRIP Act.

11) Section 15 of the Service Act makes provision for the collection of personal information for the purposes of the PPIP Act and the HRIP Act, by Service NSW.

12) Section 16 of the Service Act enables an Agreement made under the Service Act, or a delegation of a customer service function by an agency to the CEO, to provide for the exercise by Service NSW of functions relating to access to information under the Government Information (Public Access) Act 2009 and functions relating to the State Records Act 1998, in connection with the functions of the council concerned. The responsibilities of Agencies under the *State Records Act 1998* include making and keeping full and accurate records of their office.

13) The Parties have agreed to enter into an Agreement under section 8 of the Service Act, incorporating the terms on this Agreement..

### 3. Guiding Principles

3.1. The Parties will:

- A. Work collaboratively and in good faith in a timely and effective manner, with open communication to achieve shared objectives;
- B. Facilitate a partnership relationship that promotes and achieves continuous improvement and accountability;
- C. Ensure that each of its Personnel complies with this Agreement and all applicable laws and policies relating to the Services, including the *Work Health and Safety Act 2011*;
- D. Comply with the agreed timelines for meeting obligations to ensure efficient and effective delivery of Services;
- E. Work together to identify and manage shared risks;
- F. Work together to prioritise initiatives and enhancements, particularly where there are limitations on time and resources; and
- G. Work together to respond to the media, advise Ministers, and consult each other when developing communications that impact on Services.

### 4. Roles and Responsibilities

4.1. Service NSW will:

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- A. Provide the Services in accordance with the terms of this Agreement, subject to any Change Request;
- B. Exercise the required standard of skill, care and diligence in its performance of the Services and ensure that its Personnel have appropriate qualifications and skills to provide the Services;
- C. Take responsibility for the management of records it creates or holds as a result of the exercise of a customer service function, where required; and
- D. Take responsibility for performing necessary maintenance of its systems and data managing the impact on customers from Service NSW system outages and working in conjunction with the Council.

4.2. The Council will:

- A. Provide Service NSW with all information, inputs, resources and subject matter expertise in a timely manner as required to enable Service NSW to provide the Services as set out in the Agreement;
- B. Take responsibility for the management of records it receives or holds following the exercise of a customer service function by Service NSW.

4.3. The Parties undertake to maintain open channels of communication by:

- A. Making available Personnel, data, reports and computer systems for the purposes of resolving customer issues;
- B. Appointing a Relationship Manager with responsibility for managing the contractual and operational aspects of the Services. The Relationship Manager may be varied.

## 5. Services

A. Service NSW will:

- (i) provide the relevant information and contacts to Council to ensure its local businesses are aware and can access the Service NSW for Business services
- (ii) provide a single point of contact for Council to ensure it can access Service NSW for Business services.

B. the Council will:

- (i) refer eligible customers to the Program;
- (ii) provide guidance to Service NSW staff to assist in responding to inquiries;
- (iii) inform customers and Service NSW of the outcome of relevant applications in line with privacy requirements
- (iv) provide updates on changes to local government policies, guidelines or other matters which may affect the Program;
- (v) identify local opportunities to inform customers of the program;
- (vi) provide Service NSW with feedback on the effectiveness and performance of the Program.

## 6. Liability

- 6.1. To the full extent permitted by law, neither Council or Service NSW will be liable to the customer for the customer's actions or responsible for any liability, loss or cost suffered directly or indirectly by the business in connection with the Service NSW for Business service.

## 7. Data and Data Security

- 7.1. Each party retains ownership of its Data.
- 7.2. Except as required by law, neither party must, and must ensure that its Personnel will not:
  - A. use the Data belonging to the other party for any purpose other than the performance of its obligations under this Agreement; or
  - B. sell, commercially exploit, let for hire, assign rights in or otherwise dispose of any Data. or
  - C. Make the other party's Data available to a third party including another government agency or body, other than an approved Subcontractor, and only to the extent required under this Agreement.
- 7.3 Each party must establish and maintain safeguards against the destruction, loss or alteration of either party's Data in the possession or control of that party which are is consistent with and no less rigorous than those maintained by either party to secure its own data; and comply with all applicable laws and policies.
- 7.4 In particular, the Parties will ensure the secure transmission and storage of data, at standards no less than those recommended by Cyber Security NSW.

## 8. Confidential Information

- 8.1. The Parties must, in respect of any Confidential Information:
  - A. Keep the Confidential Information confidential and not disclose that information to any person without the prior written consent of the disclosing party, other than to its Personnel, professional advisors or contractors requiring access to the Confidential Information in connection with providing the Services;
  - B. Use the Confidential Information solely for the purpose of carrying out its obligations;
  - C. Not permit the Confidential Information to be reproduced except to the extent reasonably required to carry out its obligations;
  - D. Not do anything that would cause the disclosing party or its Personnel to breach their obligations under Privacy Law; and
  - E. Notify the other party as soon as possible upon becoming aware of any breach of this clause.

## 9. Privacy

- 9.1 Each party and its Personnel must:
  - A. Comply with Privacy Laws; and
  - B. Do all that is reasonably necessary to enable the other party to comply with Privacy Laws, including the development of documentation to demonstrate compliance with Privacy Laws, as agreed between the parties;
- 9.2. In particular, Service NSW acknowledges that:
  - A. The collection of personal or health information will take place in compliance with the Privacy Laws, as modified by section 15 of the Service Act; and



- B. the use, disclosure, storage and retention of such information will be in accordance with the Privacy Laws, and in accordance with applicable policies.

Schedule 3 documents the respective responsibilities of Service NSW and the Council in relation to the collection, storage, use, retention and disclosure of personal information.

- 9.4 Personal and health Information collected, used, disclosed or retained between the parties will be managed and retained by the parties in accordance with the *State Records Act 1998* (NSW) and all other applicable laws, including Privacy Laws.
- 9.5 Once either of the Parties has reasonable grounds to believe there has been unauthorised access to, unauthorised disclosure of, or a loss of Personal or Health Information, dealt with in connection with this Agreement ('**Data Incident**'):
  - A. The party must immediately (but in any event, no later than 72 hours of becoming aware of the Data Incident) notify the other party of that contravention together with all relevant information relating to the contravention;
  - B. Consult with the other party as to which party should have primary responsibility for investigating and dealing with the breach or possible breach;
  - C. Consider, having regard to the scope of the Data Incident and the nature of the personal or health information involved, together with any other relevant factors, whether the Data Incident is serious.
  - D. The party with primary responsibility for the breach must notify the Privacy Commissioner as soon as practicable that a serious Data Incident has occurred; and
  - E. The parties must co-operate and collaborate in relation to assessment and investigation of the Data Incident, and action required to prevent future Data Incidents.
- 9.6 If either of the Parties receives a complaint or request for an internal review of conduct in relation to a breach or alleged breach of a Privacy Law, including under section 53 of the PPIP Act, (a '**Complaint**'), the following will apply:
  - A. It is the responsibility of the party that receives the Complaint to perform a preliminary investigation to determine the party responsible for the conduct;
  - B. If responsibility lies wholly with the party that received the Complaint, then that party is responsible for responding to the complaint or conducting the internal review of conduct;
  - C. If, after performing the investigation, the relevant party reasonably considers that the Complaint should be transferred to the other party, it will (after obtaining the consent of the customer) promptly transfer the Complaint and any further information obtained by the party from its preliminary investigation, to the other party, no later than 20 days after receipt of the original Complaint;
  - D. If the Complaint relates jointly to the conduct of both parties, then the party that received the Complaint will (after obtaining the consent of the Customer) notify the other party no later than 20 days after its receipt of the original Complaint and provide any further information obtained by that party from its preliminary investigation. The parties will then work together to coordinate a joint response from the parties within 60 days of receipt of the Complaint. This response may include an internal review of conduct.

## 10. Intellectual Property

- 10.1 Each party will retain the Intellectual Property Rights in its Existing Material.
- 10.2 Each party agrees to grant to the other party a non-exclusive and royalty free licence to use, sublicense, adapt, or reproduce:
  - A. Their Existing Material; and
  - B. All methodologies, processes, techniques, ideas, concepts and know-how embodied in their Existing Material,
  - C. To the extent their Existing Material is required for use by the other party, solely in connection with provision of the Services.
- 10.3 Each party represents and warrants to the other party that it has all required rights and consents for its Existing Material to be used for the Services.
- 10.4 Intellectual Property Rights in all New Contract Material will vest in the Council.
- 10.5 The Council grants a perpetual, worldwide, irrevocable and royalty free licence to the Intellectual Property Rights in all New Contract Material to Service NSW for the purpose of performing the Services.
- 10.6 Subject to clauses 10.1 and 10.4, Service NSW will own all Intellectual Property Rights in the provision of the Services, including any solution and service design.

## 11. Performance Management and Continuous Improvement

- 11.1 Service NSW for Business does not require any provisions in relation to performance management
- 11.2 Service NSW for Business will work collaboratively with Council to ensure continuous improvement of its services to Council.
- 11.3 Any future extension of this Agreement by Service NSW with Council will specify the relevant performance management and continuous improvement provisions required.

## 12. Reporting

- 12.1 Service NSW for Business does not require any reporting arrangements
- 12.2 Any future arrangements that require reporting will be outlined in a Schedule to this Agreement.

## 13. Change Management

- 13.1 Each party will comply with the Change Management Process set out in Schedule 4.
- 13.2 The parties agree to complete a Change Request in the form set out in Schedule 4 to add to or vary the Services.

**14. Governance**

- 14.1 The parties agree to comply with the Governance Framework.

**15. Business Continuity and Disaster Recovery**

- 15.1 Each party will maintain Business Continuity and Disaster Recovery Plan arrangements to ensure that each party is able to continue to perform its obligations under this Agreement, or where performance is not possible, resume performance as soon as reasonably practicable in the event of a Disaster.

**16. Dispute Resolution**

- 16.1 In the event of a dispute between the parties, a party will:
- Raise the dispute with the other party's Relationship Manager and use best efforts to resolve the dispute;
  - If the dispute is not resolved within a reasonable period, the Chief Executive of the Council or their delegate will meet with the Chief Executive Officer of Service NSW (or their delegate) with a view to resolving the dispute.
  - If the dispute is not resolved under clauses 16.1(b) within a reasonable period, attempt to resolve any dispute in accordance with the Premier's Memorandum M1997-26.
- 16.2 Despite the existence of a dispute, each party must continue to perform its obligations.

**17. Termination**

- 17.1 Either party may terminate this Agreement in whole or in part by giving the other party 90 days written notice or as otherwise agreed.
- 17.2 On notice of termination or where Service NSW is otherwise required to cease to perform some or all of the Program, the parties will work together in good faith to finalise and agree a transition out plan to facilitate smooth and orderly transition of the relevant Program to the Council or the Council's nominated third party. Where the parties cannot agree, the dispute resolution provisions in clause 16 will apply.
- 17.3 Upon termination, each party agrees to return all Data and property belonging to the other party within 30 days of the termination date and comply with the transition out plan agreed under clause 17.2.

**18. Miscellaneous**

- 18.1 Entire Agreement

This Agreement supersedes all previous Agreements, understandings, negotiations, representations and warranties and embodies the entire Agreement between the Parties about its subject matter.

- 18.2 Survival

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The following clauses survive termination or expiry of the Agreement: Clauses 4, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19 and any other clause which by its nature is intended to survive termination or expiry of the Agreement.

18.3 Notices

A notice under this Agreement must be in writing and delivered to the address or email address of the recipient party.

18.4 Variation

All variations to this Agreement and all consents, approvals and waivers made under this Agreement must be evidenced in writing and variations signed by both parties.

18.5 Waiver

If a party does not exercise (or delays in exercising) any of its rights, that failure or delay does not operate as a waiver of those rights.

10.6. Applicable law

The Agreement is governed by, and is to be construed in accordance with, the laws in force in NSW.

18.7 Counterparts

The Agreement may consist of a number of counterparts and if so, the counterparts taken together constitute one and the same instrument.

### 19. Execution

Parkes Shire Council has reviewed and accepts this Agreement

Signed for and on behalf of <b>Parkes Shire Council</b> by its authorised signatory	Signed for and on behalf of <b>Service NSW</b> by its authorised signatory
Name:	Name:
Title:	Title:
Date:	Date:
Signature:	Signature:
Witness:	Witness:
Signature:	Signature:

## Schedules

### Schedule 1 - Definitions

In these Partnership Agreement, except where a contrary intention appears:

**Business Continuity and Disaster Recovery Plan** means a business continuity and disaster recovery plan which documents the back-up and response actions each of the parties will take to continue its obligations if a Disaster occurs;

**Change Request** means the request for a change to the scope of Services in the form set out in Schedule 4;

**Commencement Date** means the date of start of this Agreement.

**Confidential Information** of a party means any written or oral information of a technical, business or financial nature disclosed to the other party, including its employees or agents, by the disclosing Party (whether orally or in writing) whether before or after the Commencement Date, that:

- A. is by its nature confidential; or
- B. is designated as confidential; or
- C. the other party knows or ought to know is confidential,
- D. but does not include information which:
  - a. is or becomes public knowledge other than by breach of this Agreement; or
  - b. is in the lawful possession of the Party without restriction in relation to disclosure before the date of receipt of the information; or
  - c. is required to be disclosed by Law, government policy or legal process.

**Contact Centre** has the meaning set out in Schedule 2;

**Continuous Improvement Principles** have the meaning set out in Schedule 2;

**Continuous Improvement Process** has the meaning set out in Schedule 2;

**Data** means the data of each party and all data and information relating to their operations, Personnel, assets, customers and systems in whatever form that may exist, including Confidential Information;

**Disaster** means an event that causes, or is likely to cause, a material adverse effect on the provision of the Services that cannot be managed within the context of normal operating procedures including interruption, destruction or other loss of operational capacity;

**Existing Material** means any material that is developed prior to entering into a Partnership Agreement, or developed independently of a Partnership Agreement, and includes any enhancements and modifications to its Existing Material created as part of a Partnership Agreement;

**HRIP Act** means the *Health Records and Information Privacy Act 2002* (NSW);

**Instrument of Delegation** means the instruments of delegation (including its terms and conditions) made by the Council in relation to the Delegated Functions.

**Intellectual Property Rights** includes patent, knowhow, copyright, moral right, design, semi-conductor, or circuit layout rights, trademark, trade, business or company names or other proprietary rights and any rights to registration of such rights, whether created before or after the Commencement Date, in Australia or elsewhere;

**Middle Office** has the meaning set out in Schedule 2;

**Moral Rights** means the right of integrity of authorship and the right not to have authorship falsely attributed, as confined by the *Copyright Act 1968* (Cth) and the rights of similar nature anywhere in the world, whether in existence before or after the Commencement Date;

**New Contract Material** means new data created, other than the solution or service design;

**Partnership Agreement** means these terms and conditions and includes Schedules 1, 2, 3 and 4.

**Personal Information** has the meaning given to it in the Privacy Laws, as amended from time to time;

**Personnel** means the person or persons employed or otherwise contracted by either party under this Agreement, as the context requires;

**PIIP Act** means the *Privacy and Personal Information Protection Act 1998* (NSW);

**Privacy Law** means any law that applies to either or both of the parties which affect privacy or any personal information or any health information (including its collection, storage, use or processing) including:

- A. the PPIP Act; and
- B. the HRIP Act.

**Program** means the Easy to do Business program;

**Quarterly Forecast** has the meaning set out in Schedule 2;

**Relationship Manager** means the nominated relationship managers of either party, as set out in the Service Agreement, or as otherwise nominated by a party from time to time;

**Service Act** means the *Service NSW (One-stop Access to Government Services) Act 2013* (NSW);

**Service Centre** has the meaning set out in Schedule 2;

**Service NSW Standard Operating Conditions** means the standard operating conditions met by Service NSW in the usual course of its performance of the Services set out in Schedule 2;

**Subcontractor** means a third party to which Service NSW has subcontracted the performance or supply of any Services;

## Schedule 2

### 1. Service NSW Standard Operating Conditions

In addition to the Partnership Agreement this section covers the standard omnichannel service inclusions.

#### 1.1. Service Centre

Similar services as those available at Service Centres may be offered through Mobile Service Centres. The Mobile Service Centre timetable is published regularly on the Service NSW website.

Inclusion	Description
Concierge and digital assisted services	A Service NSW Concierge will greet and direct customers to the appropriate channel and dispense a ticket where applicable. If the transaction can be completed online, a Digital Service Representative will assist the customer to complete the transaction
Customer sentiment surveys	Before leaving the centre, customers will be offered the option of leaving feedback via a digital terminal

#### 1.2. Contact Centre

Similar services (to that of phone-based) may be offered through a web chat feature accessible via the Service NSW website.

Inclusion	Description
Virtual hold call back system	During high volume periods, customers will be offered the option of leaving their details with an Interactive Voice Response (IVR) auto attendant. Customers can hang up while holding their place in the queue. Their call will be returned by the next available operator
Inbound number	Service NSW will answer all inbound enquiries on 13 77 88 as 'Service NSW'
Call coding	A Customer Service Representative will record the customer's reason for calls and the outcome
Customer sentiment surveys	Once the call is complete, customers will be offered the option of leaving feedback via an automated IVR system

#### 1.3. Middle Office

Inclusion	Description
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Enquiry triage	Service NSW will triage enquiries received to <a href="mailto:info@service.nsw.gov.au">info@service.nsw.gov.au</a> or via Service NSW website 'Contact Us' page and <ul style="list-style-type: none"> <li>Resolve these enquiries or;</li> <li>Refer it to the appropriate business area at the Council</li> </ul>
Enquiry coding	A Customer Service Representative will record the customer's reason for enquiring and the outcome

#### 1.4. Service NSW Website and Mobile App

Inclusion	Description
Scheduled maintenance and planned outages	Service NSW will conduct regularly scheduled maintenance of the website and mobile app. 10 business days of notice will be provided regarding outages from planned and scheduled maintenance  Maintenance activities with negligible impact or outage, such as enhancements to optimise for cybersecurity or performance, may occur without notification to the Council

#### 1.5. Service NSW for Business

Service NSW for Business provides a multi-channel service including digital, phone and face-to-face services for metro and regional businesses in NSW and develops relationships with councils and business associations to promote the offering to local businesses.

Inclusion	Description
Relationship management	Business Customer Service staff initiate and maintain relationships with councils and business associations to promote awareness and use of the service offering by such stakeholders and their local business community. It may include, but is not limited to, information sharing, regular liaison at events and stakeholder premises and issue of surveys.
Scheduled Maintenance and Planned Outages	Digital products controlled by Service NSW for Business will be regularly updated, upgraded and maintained without any outages.

#### 1.6. Training

Service NSW will provide appropriately trained Personnel to deliver the Services.

#### 1.7. Language

Service NSW will provide services in English and may arrange translation and interpreter services for customers from non-English speaking backgrounds if required.

### 1.8. Branding

Unless otherwise set out in the Partnership Agreement, Service NSW channels are singularly branded. Marketing communication is limited to Service NSW led or co-led campaigns and programs.

### 1.9. Contractors and Agents

Service NSW may use contractors and agents in connection with the delivery of Services. Such agents and contractors are approved persons under Part 2 Section 12 of the Service Act.

### 1.10. Out of Scope Services

Any item, service or deliverable that is not specified in a Partnership Agreement is deemed to be out of scope for Service NSW.

## 2. Operational Framework

Service NSW operational framework outlines how operations are managed on a day-to-day basis.

Operational Support	Description
Knowledge Management	Service NSW creates and maintains support material (knowledge articles) for serving customers. These will be sent to the Council for endorsement of content accuracy bi-annually
Complaints Management	Service NSW will record complaints and its supporting information unless resolved at the outset. Service NSW will contact the Council where assistance is required
Issues Management	Issues relating to existing products and services should be raised via <a href="mailto:partnerships@service.nsw.gov.au">partnerships@service.nsw.gov.au</a> or directly with the Relationship Manager  The Relationship Manager will assess the issue and facilitate a resolution within Service NSW, providing regular updates
Quality control framework/ compliance	Service NSW has a quality control framework that governs transactional activities in line with risk assessment at the time of onboarding  The framework includes: <ul style="list-style-type: none"> <li>- Regular review of contact centre calls, including being assessed against procedure and process used by the agent during the call</li> <li>- Daily quality checks of transactions undertaken by the service centre</li> <li>- Quarterly compliance reviews and certifications provided by all service delivery channels</li> </ul>

### 2.1. IT Operations & Support

Service NSW runs a 24/7, 365 days a year service desk. Unplanned interruptions or degradations in quality of service should be raised to the Service NSW Service Desk on 1300 697 679 (option 2) or [servicedesk@service.nsw.gov.au](mailto:servicedesk@service.nsw.gov.au)

Incident response times in our production environment are prioritised based upon urgency and impact, with associated response and resolution times.

Priority Code	Service Level Target Response/Resolution Time
P1 - Critical	Response: Immediate response, action/update within 15 minutes Resolution: 2 hours
P2 - High	Response: Immediate response, action/update within 30 minutes Resolution: 4 hours
P3 - Medium	Response: 8 hours Target Resolution: 10 working days
P4 - Low	Response: Email notification of call being logged within 2 days. Response by email or phone within 2 working days Target Resolution: 20 working days

Where vendors or other government platforms are involved, Service NSW utilises a best practice vendor governance framework for service level Agreements and for priority 1 and 2 incidents.

## 2.2. System and Security Maintenance

Service NSW complies with the NSW Government Cyber Security Policy and operates an information security management system that is certified against ISO 27001. These engagement Terms do not extend the certification scope to the Council's specific activities.

## 3. Customer Payments

Service NSW will collect payments from customers for transactions set out in the Service Agreement. Cash, cheque, money order, credit or debit card may be accepted and merchant fees plus GST will be recovered.

Service NSW will provide remittances and reconciliation files to the Council which include:

- A. Credit T+2 value for cash, cheques\* and bank card payments
- B. Credit T+2 value for AMEX payments
- C. Debit any cheques dishonoured
- D. Debit any card payment chargebacks
- E. Debit any refunds processed on behalf of the Council

Cheque payments received over \$50,000 will be remitted back to the Council once the funds clear the Service NSW remitting bank account.

## 4. Business Continuity and Disaster Recovery

Service NSW will maintain an Enterprise Risk Management Framework focused on managing risks to Service NSW, including mitigation of the likelihood and impact of an adverse event occurring. As a function of risk management, business continuity management will enable Service NSW to minimise disruptive risks and restore and recover its business-critical services within acceptable predefined timeframes should an adverse event or other major business disruption occur.

Recovery and timeframes may be impacted when events or disruptions are related to dependencies on partner Agencies. The Parties will agree on Recovery Point Objectives and Recovery Time Objectives and associated charges prior to designing the system and will periodically review these objectives.

All systems and technology provided by Service NSW internally and through third-party vendors, operate through multiple data centres to achieve high availability. Service NSW systems are architected, where practicable and possible, to ensure continuity of service in the event of a data centre disruption or outage.

### Definitions

**Recovery Point Objectives** means the age of files that must be recovered from backup storage for normal operations to resume if a computer, system, or network goes down as a result of a hardware, program, or communications failure.

**Recovery Time Objectives** means the targeted duration of time and a service level within which a business process must be restored after a disaster (or disruption) in order to avoid unacceptable consequences associated with a break in business continuity.

## 5. Continuous Improvement

Service NSW regularly reviews improvement ideas from employees and customers. We will provide you with any ideas relevant to your agency for consideration.

'Continuous Improvement' refers to identifying a process, system or policy opportunities that will deliver a benefit for our people, our customers or the NSW government. These improvements may be delivered in house where possible or by engaging our partnering agencies where further input or decisions are required under policy or legislation. A Continuous Improvement:

- A. Puts the customer first
- B. Makes the customer service job easier
- C. Improves a step in a process
- D. Changes the way a task is completed so that it doesn't take as long
- E. Reduces handling time and is cost effective
- F. Allows others to benefit from best practices
- G. Allows us to do things better locally, regionally or organisation-wide
- H. Is a low-investment process change and not a policy change
- I. Improves accountability within the various stages of the process
- J. Removes steps that don't add any value to a process

Service NSW will consider several factors such as cost to implement, cost savings, customer experience, team member experience and operational efficiency in prioritising continuous improvements.

### 5.1. Continuous Improvement Process

The parties will identify new continuous improvement initiatives on an annual basis, with a 6-monthly check-in on ongoing continuous improvement initiatives.

When establishing a new continuous improvement initiative, the parties will classify the initiative based on

whether it can be implemented as:

- A. part of the ongoing 'business as usual' services (cost and resourcing to be absorbed by Service NSW;  
or
- B. a new project initiative (cost and resourcing to be agreed by the parties).

A prioritisation process will be agreed upon between the parties to prioritise initiatives (for Service NSW, this will be performed by the Partnerships team).

The Council may be required to effect policy, system or regulatory changes to assist in delivering the service process improvement, as agreed with Service NSW. Where a review of Council policy, system or regulatory changes is requested by Service NSW from the Council, these should be conducted within timeframes agreed between the respective Relationship Managers.

**Schedule 3 – Privacy and Data Security****(a) General**

- (i) Service NSW may collect, use, disclose, store and retain personal information when exercising functions for the Council:
- (ii) Where Service NSW exercises functions for the Council, Service NSW can share information it obtains with the Council without separately requesting the customer's consent. Service NSW can also share the information it obtains with any person that the Council is authorised or required to disclose the information to in accordance with the Service Act.

**(b) Access to Agency Systems**

- (i) The Parties agree that Service NSW will not have access to the Council's information system.

**(c) Collection of information**

- (i) Service NSW may incidentally collect Personal Information via call recordings in the course of answering queries on behalf of Council or referring customers to Council. Personal Information collected may include: full name, address, contact number or email address.
- (ii) Service NSW will take reasonable steps to ensure that the Personal or Health Information it collects on behalf of the Council is, relevant, accurate, up-to-date and complete.
- (iii) Service NSW will provide a privacy collection notice to customers whenever it collects their information.
- (iv) If Service NSW collects personal information for its own internal purposes, when exercising functions for the Council, it will ensure that the privacy collection notice meets the requirements of section 10 of the *PPIP Act* in light of section 15(3) of the *Service Act*.
- (v) The notice will address each of the matters that a privacy collection notice is, by law, required to address. Service NSW will develop the content of the notice in consultation with the Parkes Shire Council.

**(d) Internal records maintained by Service NSW**

- (i) Under the *Service Act*, Service NSW is permitted to collect, maintain and use the following records for its internal administrative purposes, including for the purposes of its interactions with customers for whom functions are exercised:
  - Details of transactions between customers and Service NSW
  - The preferences of customers for transacting matters with Service NSW and the Parkes Shire Council, and
  - Other information about customers.
- (ii) Service NSW collects, maintains and uses the following information for its internal administrative purposes:
  - Details of transactions between customers and Service NSW
  - The preferences of customers for transacting matters with Service NSW and the Parkes Shire Council, and

- Other information about customers.

**(e) Use of information**

- (i) Service NSW can use information in accordance with the *Service Act*, PPIP Act and HRIP Act.
- (ii) Service NSW uses Personal Information for the purposes of assisting customers in directing queries to Council, training and quality purposes.

**(f) Disclosure**

- (i) Service NSW can disclose information in accordance with the *Service Act*, PPIP Act and HRIP Act.
- (ii) Where Service NSW performs a transaction for a customer, when exercising functions for the Council, it will ask the customer for consent before sharing that information with a different agency,

**(g) Retention**

- (i). Personal Information collected via call recordings is stored in Genesys. The length of data retention will be directly related to the purpose for which it was collected and retained. Data is maintained for the minimum period required. Call recordings are available for 3 months and subsequently archived. **(h)**

**(h) Data Security**

- (i). Personal Information stored in Genesys follows a comprehensive User Access Matrix controlled by Government Technology Platforms Virtual Contact Centre Team. Role based access to the system is granted to users at the minimum level required to perform their duties and to protect against unauthorised access, use, modification or disclosure. Access vi SSO with dfsi.okta.com. The Genesys PureCloud environment is whitelisted and only users on the corporate network or VPN can access the platform. The User Access Matrix is reviewed monthly and a detailed review is conducted every 6 months. The User Access Matrix is a comprehensive document that shows details such as the time of last login, date the account was disabled, date of termination, date of extension, date of role review, name of the reviewer.

**(i) Privacy Management plans**

The parties agree to update and periodically review their privacy management plans or other relevant policy documents so that any person can ascertain whether Service NSW or the Council holds personal information relating to that person and if so, the nature of the information, the main purposes for which it is used and the person's entitlement to access the information, in relation to the services covered by this Agreement.

**(j) Access to and amendment of Personal Information**

- (i) Service NSW agrees that it will provide any individual who requests it with access to their own personal information without excessive delay and without any expense, in relation to information it holds as a result of exercising functions for the Council.

**(k) Privacy Officer**

The parties have nominated a Privacy Officer who is the point of contact for dealing with complaints, applications for internal reviews, data breaches, employee education and other privacy matters.

29/3/21

19

Privacy Officers can be contacted as follows:

**Service NSW:**

Privacy Officer  
Service NSW  
2-24 Rawson Place, Sydney NSW 2000  
Phone: 13 77 88  
Email: [privacy@service.nsw.gov.au](mailto:privacy@service.nsw.gov.au)

**Parkes Shire Council:**

Privacy Officer  
Parkes Shire Council  
2 Cecile Street, Parkes NSW 2870  
Phone: (02) 6861 2333  
Email: [council@parkes.nsw.gov.au](mailto:council@parkes.nsw.gov.au)



## Schedule 4- Change Management

### 1. Change Management Process

Change is defined as any alteration to services, process, technology or product. Changes may be initiated by Service NSW or the Council. Where a change to the Services is requested by a party, set out below is the following process:

- 1.1. The party requesting the change will notify the other party's Relationship Manager as soon as possible;
- 1.2. The Relationship Managers will meet within 5 days to discuss the requested change;
- 1.3. The Relationship Managers will work collaboratively to conduct a high-level change assessment of the change, and agree and draft a Change Request, considering the following factors:
  - A. Current state and desired future state outcomes;
  - B. Impacts on customers and both parties informed by end-to-end customer journey;
  - C. Additional resource effort; potential cost and timing of implementation;
  - D. Implementation and testing requirements;
  - E. Legislation/policy that may be required;
  - F. Whether variation to the Partnership Agreement will be required; and
  - G. Continuous Improvement Principles
- 1.4. The parties will sign the Change Request, which will be incorporated into this Agreement.

Where a change relates to Service NSW's IT systems, the Council will notify Service NSW within a reasonable period to outline the proposed change and requested timeframes. Service NSW will consider the change and advise whether an increased cost to implement the change is required.

Service NSW will assess the results and implement corrective action to ensure sustainability of the change to the Services. Changes to the Services will be reported on in the monthly management meeting between Relationship Managers.

### 2. Change Request Template

This Change Request is created in accordance with the Partnership Agreement	
Date of Change Request	
Originator of Change Request	
Proposed Implementation Date	
Cost	<Cost>
Summary and scope:	
Service NSW responsibilities:	

Council responsibilities:
Change plan:
Change impact (Including the effect on service levels):
Assumptions and exclusions:
List of documents forming part of this change request:
Clauses affected by this change request:

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## 10.7. (DCCSE) Request for Financial Assistance - 2022 Trundle Bush Tucker Day

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### Prepared By:

Director Customer, Corporate Services and Economy

### Executive Summary

The Trundle Bush Tucker Committee has requested financial and in-kind support to host the 36th Trundle Bush Tucker Day on Saturday, 03 September 2022. The event is set to attract more than 1,500 guests to the Trundle Showground for a day of family friendly bush events including live entertainment, rides, sheep shearing demonstrations, billy boiling, relays, dog jumping, as well as local school student performances. This report recommends that Parkes Shire Council ("Council") resolve to provide the requested financial assistance, estimated to total \$7,000.00, subject to the provisions of section 356 of the *Local Government Act 1993* ("the Act").

### Background Information

Council can only approve community financial assistance (cash or in-kind) in accordance with section 356 of the Act. Where the financial assistance has not been included in Council's adopted Operational Plan for the year, the proposed financial assistance must be publicly exhibited prior to being approved. Council must consider any public submissions received, prior to providing the assistance requested.

### Legislative or Policy Implications

[Local Government Act 1993, Section 356 - Can a Council Financially Assist Others?](#)

### Budget and Financial Aspects

The cost of the financial assistance requested, comprising Council resources and staff wages, is estimated to total \$7,000. This sum has not been budgeted for and if approved, would need to be allocated from the Destination Events Budget.

### Recommendation

That Council:

1. Provide public notice of its intention to provide \$7,000.00 in financial assistance by way of in-kind support, as detailed in this report, to support the delivery of the upcoming 2022 Trundle Bush Tucker Day.
2. Subject to no formal submissions being received, approve the provision of \$7,000.00 in financial assistance, by way of in-kind support, to support the delivery of the upcoming 2022 Trundle Bush Tucker Day.

## Report

The Trundle Bush Tucker Day returns to the Trundle Showgrounds on Saturday 3 September 2022 for its 36th year. The Trundle Bush Tucker Committee has successfully hosted various annual festivals; however, the event has been cancelled for the last two years due to the impact of COVID-19.

The event is expected to attract more than 1,500 attendees, including a high percentage of out of region visitors. The traditional family-friendly event will feature the 'National Bush Cook Championship' with special guest, Troy Cassar-Daley, along with live entertainment, rides, kids activities, market and food stalls. The Trundle Bush Tucker Day is currently the Parkes region's only true food event experience. It is estimated an event this size will have an economic impact of \$160,000 on the Parkes Shire economy.

In order to facilitate the successful staging of the festival, the organising committee has requested that Council provide:

- 20 portable toilets including delivery and dismantle, pick up, pump out (if required) and collection, estimated to be \$3,500;
- 30x wheelie bins for the Trundle Bush Tucker Day, including delivery and collection services;
- Two (2) gift hampers for the competition prizes with a total value of \$200;
- Parks and Gardens services to provide a high level of town presentation in Trundle;
- A photographer to take on-brand images of the event;
- Internal resources and services of printing, kids entertainment packs and colouring in materials for children;
- COVID-19 preventative equipment such as hand sanitisers and signage; and
- Assistance in event promotion.

In exchange for the provision of this support, Council will require appropriate sponsorship recognition and acknowledgement from organisers of the event via social media platforms, logo inclusion on marketing collateral and website and the use of Council and Destination tear drop banners at the event.

The Committee has invited the Mayor and Councillors to attend the Trundle Bush Tucker Day on Saturday, 07 September 2022, if calendar permits.

## Attachments

1. Correspondence from Trundle Bush Tucker Committee (11 July 2022)

**Attachment 1 - PSC letter**

Trundle Bush Tucker Day  
PO Box 28  
Trundle NSW 2875

11<sup>th</sup> July 2022

Events Team  
Parkes Shire Council  
Parkes NSW 2870



Dear Megan Morrison & the Events Team at Parkes Shire Council,

I am writing to you on behalf of the Trundle Bush Tucker Day Inc committee. As you are aware we are thrilled to have Trundler Bush Tucker Day 2022 going ahead this year after postponing it for 2 years following the Covid19 situation which unfolded so unexpectedly.

As you are also aware Covid19 has had a major impact on our local communities and rural townships. Taking a huge toll on our non-for-profit organisation Trundle Bush Tucker Day Inc.

I am writing in relation to any support the Parke Shire Council may be able to provide the committee and event with this year, with a proposed list below:

- Publicity on your PSC Facebook and social media pages
- Photographer for the event
- Rubbish bins x30 (dropped off & collected for emptying after the event)
- PSC promotional content / merchandise packs
- 200x kids' entertainment packs
- Gift hampers
- Colouring in competition materials for children
- Hand sanitizing stations
- Portable toilets x15-20 (as camping numbers are expected to exceed this year)
- Covid safe tools: gloves, hand sanitizer, surface wipes, signage
- Printing of the days program of events closer to the date

Please understand this year will be one of our toughest events finically, after profits and deposits lost last year, we are looking for any physical or finical assistance that can be allocate to our event., with the support from PSC.

Lastly, we would like to extend a formal invitation to the Parkes Shire Mayor Ken Keith to attend the Trundle Bush Tucker Day on the 3<sup>rd</sup> of September 2022. Come along for a great day & night packed full of entertainment and great food!

Thanks in advance,

Stacey Edwards

Treasurer of the Trundle Bush Tucker Day Inc.

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## **11. DIRECTOR PLANNING AND COMMUNITY SERVICES**

### **11.1. (DPCS) Major Projects & Current Works - Progress Report as of 19 July 2022**

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#### **Prepared By:**

Brendan Hayes, Director Planning & Community Services

#### **Executive Summary**

This report presents an update on the current major projects within the Shire being managed or undertaken by Council's Planning & Community Services Department. The report outlines work that has been carried out over the past month and is provided for the information of Councillors.

#### **Background Information**

Monthly status report to keep Councillor's abreast of projects being undertaken within the Shire

#### **Project Delivery Program Implications**

The resolution in this report will primarily affect the Delivery Program Future Direction relating to: COUNCIL+ *Council*

#### **Risk Assessment**

An assessment of the challenge posed to Council implementing the action/s contained in this report, in the current environment with available resources: Low

#### **Budget and Financial Aspects**

Projects have been allocated funding either from grants or Council funds as provided in the Operational Budget.

#### **Recommendation**

1. That the information be received and noted.

## Report

Current major projects within the Shire being managed or undertaken by Planning and Community Services as of 19 July 2022.

Location	Project Description	Due Date	Budget	Forecast	Status
Parkes	Community Recycling Centre	30/4/21	150,000	150,000	In progress
	Comments	Operational funding deed signed, Training and Stillages to be delivered			

## Attachments

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## 11.2. (DPCS) Development Activity Report - June 2022

### Executive Summary

During the month of June 2022 there were ten (10) Development Applications received totalling \$1,574,784.66 and nineteen (19) consents were issued. One (1) Complying Development Certificate was received totalling \$43,785.74 and two (2) consents were issued.

### Recommendation

1. For the information of Council.

### Report

The figures shown in the table below are for Development Applications received during June 2022 with respect to the specified building types and a comparison to the June 2021 figures.

Development Category	June 2022		June 2021	
	No.	Estimated Value	No.	Estimated Value
Commercial	1	\$291,500.00	3	\$809,978.47
Community Facilities	-	-	2	\$5,328,640.00
Industrial	-	-	2	\$437,281.00
Infrastructure	-	-	1	\$175,000.00
Tourist Development	-	-	-	-
Single Dwelling-house	-	-	4	\$1,756,515.00
Residential Alterations and Additions <u>inc</u> ancillary / outbuildings	8	\$1,231,284.66	9	\$295,778.00
Residential Other	-	-	-	-
Multi-Residential	-	-	-	-
Seniors Living	-	-	-	-
Subdivision only	1	\$52,000.00	2	\$0.00
Secondary Dwelling	-	-	2	\$320,550.00
Other <u>inc</u> demolition, earthworks, advertising structure	-	-	1	\$20,000.00
Mixed Development	-	-	-	-
<b>Totals</b>	<b>10</b>	<b>\$1,574,784.66</b>	<b>26</b>	<b>\$9,143,742.47</b>
<b>FYTD Totals</b>	<b>151</b>	<b>\$35,232,774.97</b>	<b>165</b>	<b>\$41,118,111.88</b>



The following list of Development Consents were issued in the month of June 2022.

Application No.	Address	Description
DA2022/0015	68 Medlyn Street, Parkes	Dwelling - House
DA2022/0032	2-6 Oxley Street, Parkes	Alterations & Additions to Dwelling
DA2022/0034	35-37 Thomas Street, Parkes	Outbuilding - Shed
DA2022/0035	55 Cecile Street, Parkes	Outbuilding - Shed
DA2022/0036	Croft Street, Trundle	Alterations & Additions to Existing Kitchen, Bar & Office
DA2022/0038	1 Lynch Street, Parkes	Alterations & Additions to Dwelling - Porch Extension & Rumpus Room Addition
DA2022/0039	10 Brookview Street, Trundle	Subdivision (2 Lots)
DA2022/0042	22 Coleman Road, Parkes	Outbuilding - Shed
DA2022/0044	12 Elouera Place, Parkes	Outbuilding - Shed and Retaining Walls
DA2022/0046	49 Gold Lead Place, Parkes	Dwelling - House & Outbuilding (Shed)
DA2022/0047	9 Charles Rigg Avenue, Parkes	Alterations & Additions to Dwelling - Glass Enclosure & Deck
DA2022/0048	'Latosa' 357 Henry Parkes Way, Parkes	Outbuilding - Shed
DA2022/0049	97 Hill Street, Parkes	Subdivision (2 Lots)
DA2022/0052	'The Pines' 74 Back Yamma Road, Parkes	Demolition of Swimming Pool and Installation of Swimming Pool & Child Resistant Barrier
DA2022/0055	'Valley View' 10801C Renshaw McGirr Way, Parkes	Alterations & Additions to Dwelling - Patio Cover & Deck
DA2022/0056	39 Thornbury Street, Parkes	Demolition of Outbuilding and Erection of Outbuilding - Garage/Shed
DA2022/0058	1 Light Horse Place, Parkes	Outbuilding - Shed (with attached Carport)
DA2022/0061	215 Back Trundle Road, Parkes	Alterations & Additions to Dwelling - (2 Bedrooms, Ensuite, Laundry, Verandah & Carport)
DA2022/0063	75 Maguire Road, Parkes	Swimming Pool & Child Resistant Barrier

The figures shown in the table below are for Complying Development Certificates received during June 2022 with respect to the specified building types and a comparison to the June 2021 figures.

Development Category	June 2022		June 2021	
	No.	Estimated Value	No.	Estimated Value
Commercial	-	-	-	-
Community Facilities	-	-	-	-
Industrial	-	-	-	-
Infrastructure	-	-	-	-
Tourist Development	-	-	-	-
Single Dwelling-house	-	-	4	\$1,006,650.00
Residential Alterations and Additions <u>inc</u> ancillary/outbuildings	1	\$43,782.74	1	\$64,334.00
Residential Other	-	-	-	-
Multi-Residential	-	-	-	-
Seniors Living	-	-	-	-
Subdivision	-	-	-	-
Secondary Dwelling	-	-	-	-
Other <u>inc</u> demolition, earthworks, advertising structures	-	-	-	-
Totals	1	\$43,782.74	5	\$1,070,984.00
FYTD Totals	36	\$5,836,255.74	47	\$9,264,472.00

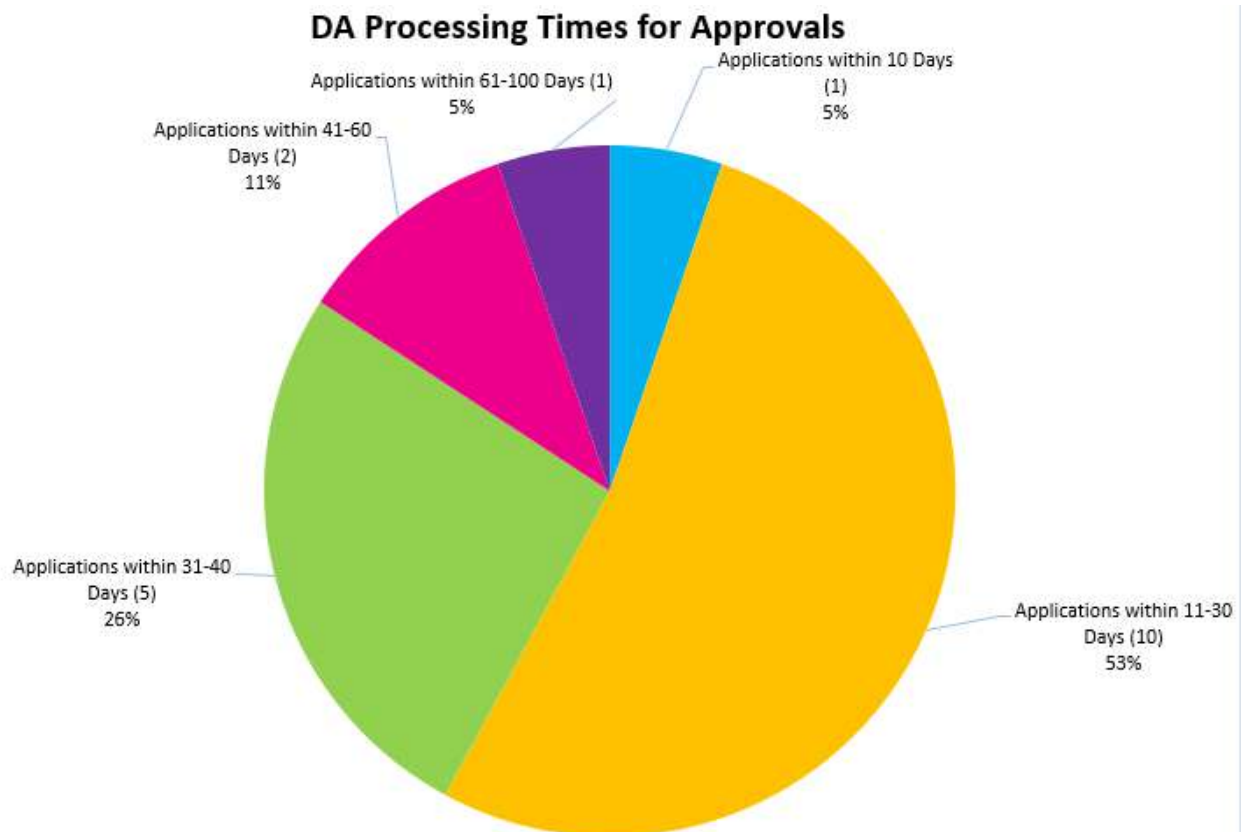
The following is a list of Complying Development Certificates which were issued in the month of June 2022.

Application No.	Address	Description	Certifying Authority
CDC2022/0022	23 Tanks Road, Parkes	Alterations & Additions to Dwelling - Extension of Bedroom with En-suite and Walk in Robe and Patio Extension	PSC
CDC2022/0023	197 Tanks Road, Parkes	Inground Fibreglass Swimming Pool	PC

### DA Processing Times for Approvals

The information shown in the pie chart below is Development Application approvals issued for the period 1 June 2022 to 31 June 2022.

It should be noted that a total of nineteen (19) Development Applications have been approved with an average of 30.56 days.



### Attachments

Nil

## Attachment 1 - DEVELOPMENT ACTIVITY REPORT - JUNE 2022

# DEVELOPMENT ACTIVITY REPORT - JUNE 2022

Development Applications and Complying Development  
Certificates lodged and approved by Parkes Shire Council



## LODGED

10

Development  
Applications

1

Complying  
Development  
Certificates



## DETERMINED

19

Development  
Applications

2

Complying  
Development  
Certificates



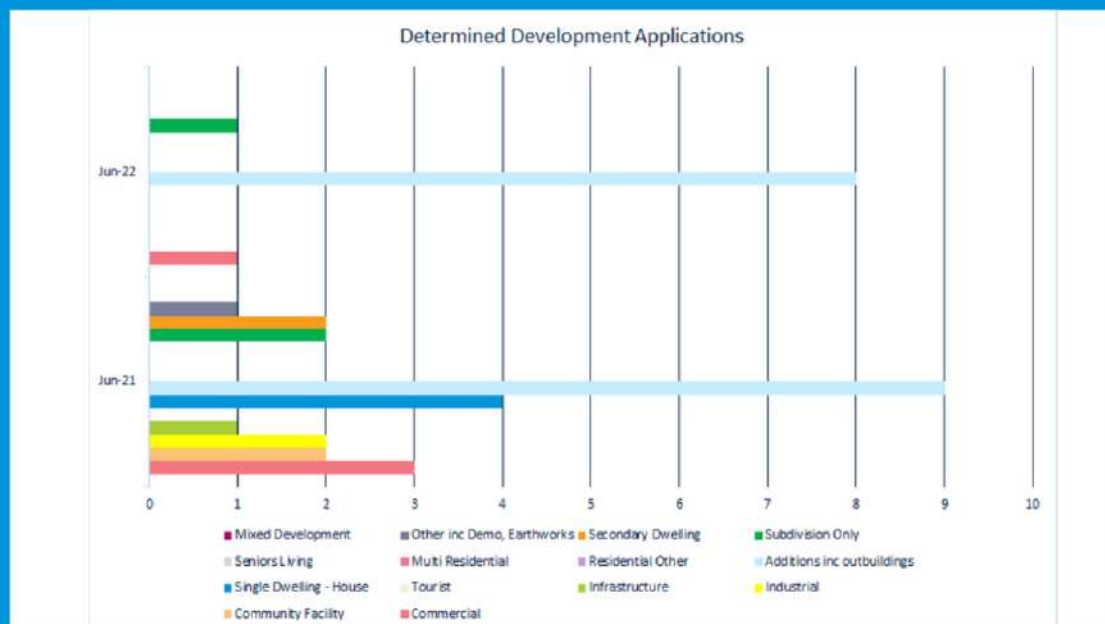
**AVERAGE DEVELOPMENT  
APPLICATION  
PROCESSING TIME**

THIS MONTH  
30.56 DAYS



VALUE OF APPLICATIONS RECEIVED

**\$1,618,570.40**



It all adds up. **PARKES**



PARKES SHIRE COUNCIL

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### 11.3. (DPCS) DA2021/0175 - Additions to Rural Industry (Grain Storage Bunker) and Subdivision

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**Prepared By:**

Director Planning and Community Services

**Development Application Information**

**Application No:** DA2021/0175

**Applicant:** Graincorp Operations Limited

**Property:** Lot 11, 103 & 104 DP 750164 & Lot 11 DP 851047, Eugowra Road, Parkes

**Proposal:** Additions to Rural Industry (Grain Storage Bunker) and Subdivision

**Executive Summary**

DA2021/0175 proposes an additional grain storage bunker site and associated subdivision of land at Lot 103, 104, Lot 11 DP 750164, Eugowra Road, Parkes. The new bunkers are proposed to be located a lot west of the existing Graincorp Site. The new bunkers will be accessed via the existing Graincorp site, across the public lane in an east-west movement to the new site.

The original proposal sought consent for grain to be delivered to the site via rail. The application was amended during the assessment period to include flexibility for delivery via road, which was supported by a Transport Assessment Report. Vehicles will continue to use the existing access on Eugowra Road.

A 30 mega litre on-site stormwater detention basin is proposed on the southern portion of the proposed lot to capture and detain overland flow from the bunkers. The new bunkers are required to provide extra on-site storage due to the existing bunkers being at capacity due to consistent productive harvest seasons and constraints at the ports.

The proposed development was advertised and notified to adjoining landowners in accordance with the Parkes Shire Community Engagement Strategy 2021-2025. Two objections were and one letter of support was received during the advertising/notification period. A comprehensive review of the submission is included in the attached Assessment Report.

The development application was referred to Transport for NSW pursuant to 2.94(4) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* who advised that concurrence was granted to the proposed development without conditions.

The development application is recommended for approval subject to conditions of consent. The development is permissible in the zone and any impacts can be managed via conditions of consent.

A Statement of Environmental Effects is included in Attachment 1 and a plan of the proposed development is included in Attachment 2. An Assessment Report, dealing with all aspects of the proposal is included in Attachment 3.

## Background Information

### Recommendation

It is recommended that the application be approved subject to the conditions contained in the report.

### Conditions

#### APPROVED PLANS AND DOCUMENTATION

1. The development shall be carried out in accordance with the approved plans and supporting documentation stamped and numbered DA2021/0175 by Parkes Shire Council.
2. No development consent is granted for a right of way across the public lane between the existing Graincorp site and proposed bunker site (the proposed Lot and Lot 11 DP851047). Vehicles must give way to traffic travelling on the public lane.
3. Heavy vehicles must access the proposed bunkers via the existing Graincorp site to the east (via Lot 11 DP851047). No access is permitted in a north - south direction on the public lane.

#### PRIOR TO COMMENCEMENT OF WORKS

4. Prior to the commencement of works a Construction Environmental Management Plan shall be prepared for the pre, during and post-construction period as detailed in Section 8. Recommendation of the *Test of Significance, Proposed Bunker Expansion* report by Hamilton Environmental Services stamped and approved as part of this application.
5. A Subdivision Works Certificate is required for the road upgrade works and on-site stormwater management, including drains and detention area. A Subdivision Works Certificate may be issued either by Parkes Shire Council or an Accredited Certifying Authority.
6. A Section 138 of the Roads Act 1993 application must be submitted and approved prior to any work commencing within the public road reserve. The application is to be accompanied by associated sediment control plans, environmental management plans, work method statements and traffic control plans.
7. Prior to the commencement of any work on the site, a Traffic Signage Plan is to be submitted to Parkes Shire Council's Director Operations which sets out the signage that will be installed ("GIVE WAY SIGNS" and "TRUCKS ENTERING" warning signs) on the approaches to the cross over point to Proposed Lot and Lot 11 DP851047 to ensure right of way for vehicles travelling on the public lane.
8. The public lane is to be upgraded between the proposed Lot and Lot 11 DP851047 in accordance with the following:
  - Road construction - minimum width of 10 metres and minimum length of 20 metres.
  - The pavement to consist of 300mm of compact road base DGS20 material, not sealed.
  - Construction of the road cross over formation to be at grade with the approaches.
  - Working drawings to show longitudinal stormwater drainage at the cross over and any structures required.

Civil engineering designs must be submitted for approval with the Subdivision Works Certificate.

9. The applicant is to submit to Parkes Shire Council, at least two (2) days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifying Authority'.

10. Erosion and sedimentation controls must be in place prior to the commencement of site works and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with latest publication of Managing Urban Stormwater – Soils and Construction produced by Landcom.

11. Pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Parkes Shire Council prior to the issue of a Subdivision Works Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Parkes Shire Section 94A Contributions Plan 2016, in force from 5 August 2016, which may be viewed on Council's website [www.parkes.nsw.gov.au](http://www.parkes.nsw.gov.au). The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each quarter.

Contribution Type	Proposed Cost of Development 1	Levy %	Total Contribution	Contribution Rate remains current until
Section 7.12 Contribution	\$1,112,726.00	1% above \$200,000.00	\$9,232.21	Next CPI Quarterly Adjustment

## DURING WORKS

12. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work outside of these hours, or on Sundays or Public Holidays is permitted without prior written agreement by Parkes Shire Council's Director Planning and Community Services.

13. All loading, unloading and storage of goods, equipment, tools and building materials, or the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. No loading or unloading of goods on the public roadway system shall be permitted.

14. All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container for disposal at an approved Parkes Shire Council Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project.



15. The applicant must investigate locations and protect any infrastructure on the site and in the public laneway, including the private water line. Any adjustment or augmentation of any public utility services including water, electricity and telecommunications required as a result of the development must be at no cost to Council.

16. The Applicant is required to obtain a Compliance Certificate from Parkes Shire Council or an Accredited Certifying Authority, certifying that all roadworks, including drainage infrastructure, has been constructed and completed in accordance with AUS-SPEC#1/Parkes Shire Council. For the purposes of obtaining the Compliance Certificate, the road works must be inspected by Council or an Accredited Certifying Authority at the times specified below:

- a)Earthworks: Prior to any road works and when all sediment controls have been placed in position.
- b)Road Drainage: When all drainage work and structures are installed and prior to backfilling.
- c)Road Pavement: When the road-base is properly formed and compacted and prior to sealing.
- d)Completion: When all road works are completed, including directional signage.

17. The Applicant is required to obtain a Compliance Certificate from Parkes Shire Council or an Accredited Certifying Authority, certifying that stormwater drainage and retention works has been constructed and completed in accordance with the Subdivision Works Certificate.

## ONGOING OPERATION

18. Prior to the use of the bunkers, the Applicant must implement the following traffic management measures to mitigate risks associated with unsafe bypassing/overtaking on Eugowra Road as well as manage a potential "short stacking" issue at the crossing during construction:

- A variable message sign to be erected during the peak harvest period to warn motorists on Eugowra Road of stacked vehicles.
- Review internal manoeuvring and management of vehicles to prevent short stacking over the level crossing.

19. Prior to the use of the bunkers, the upgrade works to the public lane adjoining the site shall be completed.

20. All internal manoeuvring areas must be maintained to an all-weather surface.

21. A water spray vehicle or the like shall be deployed on site when required to reduce the emission of dust.

22. Any external lighting associated with the development must be designed and installed in accordance with Australian Standard AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting and be mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

23. The applicant must not and must ensure its employees and all other persons do not enter any parts of the rail land during construction and operation unless otherwise permitted in writing by UGLRL.

24. In the event that Over Sized Over Mass (OSOM) vehicles are used during construction activities, prior to their commencement, the Applicant must obtain UGLRL's approval to operate Over Sized Over Mass (OSOM) vehicles, which are proposed to use the level crossing at Eugowra Road, Grain Terminal Road Intersection.



## PRIOR TO THE USE OF THE DEVELOPMENT

25. All works associated with the development, including road upgrade, signage, accesses, on-site stormwater management shall be completed prior to the use of the bunkers or issue of subdivision certificate, whichever comes first.

## PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

26. The Applicant is to obtain from Parkes Shire Council a Subdivision Certificate prior to the lodgement of any subdivision plan with Land and Property Information Services NSW.

### **Prescribed conditions under the Environmental Planning and Assessment Regulation 2000**

27. A development consent for development that involves any building work must be issued subject to the following conditions:

- (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*, in force on the date of the application.
- (b) in the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.

Note: This condition does not limit any other conditions to which a complying development certificate may be subject, as referred to in section 85A (6) (a) of the Act.

Note: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4) of the Environmental Planning and Assessment Regulation 2000, or
- (b) to the erection of a temporary building, other than a temporary structure that is used as an entertainment venue.

Note: In this condition, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant complying development certificate is made.

28. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building, that does not affect the external walls of the building.

Note: This condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

Note: This condition applies to a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

29. Residential building work within the meaning of the [Home Building Act 1989](#) must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) in the case of work for which a principal contractor is required to be appointed:

- (i) the name and licence number of the principal contractor, and
- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under the above condition becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.

Note: The above condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

30. Where development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

Note: This condition does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

## **Attachments**

Nil

**Attachment 1 - Statement of Environmental Effects****Statement of Environmental Effects,  
GrainCorp Parkes - West Bunkers**

This proposal is for subdivision of land and construction of additional grain bunker storage adjacent to the existing GrainCorp facility at Parkes.

The following lots are affected by this development:

- Lots 11, 103 and 104 DP750164
- Lot 11 on DP851047

The intention of this development is to provide additional carryover storage, enabling grain to be brought in by rail from other sites in our network that are still full. Construction will consist of a subgrade surface for the grain storage bunkers and associated earthworks, gravel internal road construction and storm water drainage works on Lots 11 and 104 on DP750164.

Access to the new bunkers will be from the existing GrainCorp site Lot 11 DP851047 and crossing the council road separating Lot 11 on DP851047 from Lot 11 on DP750164. We do not expect traffic numbers entering the site to be affected by this development as additional grain will be brought into the site by rail, and out loaded by rail. This grain will be in loaded into the silos before being transferred using trucks to the new bunkers. Traffic flow onsite will remain the same.

Our site at Parkes receives grain from farm during harvest via road trucks. These trucks are weighed and have their quality tested. The trucks are unloaded at either our fixed storage locations or at our grain bunkers by self-powered mobile stackers. These bunkers are a mixture of gravel paved and natural subgrade surfaces, with gravel roads. The grain is then out loaded by either our rail loading facility or by road. Being a major sub-terminal Parkes also receives carryover grain from other sites in our network via rail.

**Site Specifics**

1. A three lot rural subdivision (boundary realignment and Lot consolation) is required on Lots 11, 103 and 104 on DP750164. No new lots will be created by the subdivision. Clause 4.2 Rural Subdivision of the Parkes LEP 2012 allows land within the rural zone to be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land if there are no existing dwellings on the subject lots, which there are not.
2. The grain bunkers are to be constructed by GrainCorp (subject to approval) on Lots 11 and 104 on DP750164

3. Access to the new bunkers will be via the existing GrainCorp site, and crossing the council road separating Lot 11 on DP851047 from Lot 11 on DP750164.
4. Current traffic flow and traffic numbers will not be affected by this development as additional grain will be brought into the site by rail.
5. Existing site amenities will remain as is.
6. During peak times (harvest) on site GrainCorp provides port-a-loo as temporary amenities to its casual staff, these are installed at a central location to the existing bunkers and shed storage.

#### Design

1. Some cut to fill will be required on the bunker development for construction to design height.
2. Stormwater will travel to the south into the new borrow area.
3. There are no neighbors in the immediate vicinity to this development. The proposal is not to be built to a great height, so would not impede views regardless.

#### Traffic and Operations

1. The traffic flow will not change and there will not be any change in impact of the Parkes site to the local community or neighbors. We do not expect traffic numbers into the site to be altered by this development as the additional grain will be brought into the site by rail, and out loaded by rail.
2. Normal hours of work on site are 7am to 5pm Monday to Friday (outside of harvest period). Access will be required after-hours and weekends during our peak season (harvest) for receivals and on occasion to load trains for out loading to Port. Working hours over the harvest period will be 24 hours per day, 7 days per week.
3. The grain on site is protected by our qualified and registered Pest Control team. The Pest Control team are responsible for controlling of rodents and insect pests at the Parkes site. Only registered and approved products are used to control rodents and pests.

#### Utilities

1. Fixed power is already on the site.
2. No electrical works are proposed under this DA application at Parkes.
3. No fixed power will be required at the new bunker facility as grain stackers are powered by in-built diesel generators and portable light towers can be deployed for use during harvest receivals if required.
4. The portable lighting is shielding facing downwards to eliminate any light pollution. The location of these will not change as trucks will unload at the additional bunker using the existing stacker lane.

#### Storm Water

4. The new bunker pavements will be shaped for storm water to shed into open V drains and then fall towards the west and east into the existing dams and new borrow areas.
5. The fall of the pavements and new internal roadways are very slight so will not generate fast moving volumes of water, eliminating the potential for severe wash-off and erosion on site.

#### Air Borne Dust

1. Water carts will be in use at all times on gravel pavements during peak Harvest periods on site.
2. No additional excess dust is anticipated to be produced as traffic will be controlled to flow in a clockwise direction, as per attached traffic plan.

3. Truck traffic is limited to 10km on site at all times and forward-facing traffic flow with no reversing required will also minimize dust creation on site.

Noise, Vibration and Site Hazards

1. General site and emergency rules and procedures will apply to this development.
2. GrainCorp OH&S policy applies to the operations in and around this development.
3. There will be no additional noise or vibration hazards produced from this development..
4. The busiest periods of activity on site will be during Harvest when grain receivals are trucked in from farms, or railed in from other sites in our network, a period of about 8 weeks per annum. The remainder of the year will be outloading grain to our wider country and port network by rail primarily, rather than by road.

**Daniel Samways**

Capital Delivery Manager – South  
GrainCorp Operations Limited

## Attachment 2 - Transport Assessment - Graincorp Parkes



**Transport Assessment**  
**GrainCorp, Parkes**  
for  
**GrainCorp**



## Document Control

**Project No:** 0257  
**Project:** GrainCorp, Parks  
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v8	9/05/2022	Final 1	A. Reisch
v9	10/05/2022	Final 2	A. Reisch

This document has been prepared by arc traffic + transport for the use of the stated Client only, and addresses the project specifically detailed in this document, and as such should not be considered in regard to any other project. This document has been prepared based on the Client's description of its requirements, information provided by the Client and other third parties. arc traffic + transport does not accept any responsibility for the use of or reference to this document other than intended by the stated Client.

P0257r1v9 GrainCorp Parkes Transport Assessment  
10/05/2022





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## Executive Summary

### The Proposal

arc traffic + transport has been engaged by GrainCorp to prepare a Transport Assessment in regard to a proposed extension of storage capacity (the **Proposal**) on land to the west of the existing GrainCorp site in Eugowra Road, Parkes (the **Site**). The Proposal - which would affect Lots 11, 103 and 104 on DP750164, and Lot 11 on DP851047 (**Parkes West**) - will provide additional carryover storage capacity, enabling produce transported to the Site by regional producers to be further supplemented by produce being transported from other sites in the GrainCorp storage network when they are at capacity.

### Development Application Submissions

Further to the exhibition of DA 2021/0175 by Parkes Shire Council (**Council**) in 2021, a small number of submissions were received by Council objecting to the Proposal. The submissions raised a number of issues relating to traffic and transport, including:

- The use of the minor public lane (**Public Lane**) which runs along the western boundary of the existing Site, a new crossing of which would provide access between the existing Site and Parkes West;
- The ability for produce to be transported by rail to the Site from other GrainCorp sites rather than by truck;
- The potential for truck trips to increase further to the Proposal, particularly in the harvest peak period;
- The suitability of the local road network to physically accommodate the movement of large trucks; and
- The shortage of on-site truck queuing capacity prior to the Sample Stand.

### Response to Submissions

Further to our assessment of the Proposal, and with specific reference to the issues raised in the submissions, arc traffic + transport has determined the following:

#### Comparison with Parkes South Approved Development

The Proposal is consistent with the recently approved DA 2021/0162 which provides for new bunkers on land to the south of the existing Site (**Parkes South**). It is our understanding that there were no objections to DA 2021/0162, which would have the same traffic and transport outcomes as the Proposal, regardless of whether GrainCorp moves to develop both Parkes West and Parkes South, or only one new facility.

#### Public Lane

The Proposal provides for a simple gravel pavement crossing of Public Lane; based on all available information, Public Lane has little if any vehicular or pedestrian trip generation, and as such the prioritisation of these truck movements at this 'intersection' is entirely appropriate.



#### Inbound Truck Trip Generation

The inbound truck trip generation of the Site has in recent years peaked further to excellent harvest conditions. Based on there being a finite number of producers delivering product to the Site, and the effective daily capacity of the Site to receive produce (given the throughput capacity of the Sample Stand), all available information indicates that the inbound truck trip generation of the Site experienced in recent years represents 'super-peak' conditions, and moreover the absolute maximum number of inbound truck trips that could be generated during a harvest peak period.

The Proposal will allow for produce to be transported to the Site from other GrainCorp sites that are at or reaching capacity; GrainCorp's intention is for this transport to be undertaken using rail to as great an extent as possible, but it is acknowledged that transport of product may also be undertaken by truck.

If the use of trucks was considered as a worst case, transporting produce to the Site from other GrainCorp facilities is anticipated to reduce the number of inbound trucks during the harvest peak period, as inbound [producer] trucks have a lower carrying capacity than GrainCorp trucks. Further to the Proposal, GrainCorp would be able to transport produce to the Site using higher capacity trucks, and these truck trips would be scheduled outside of harvest peak period, in turn reducing the truck trip generation of the Site itself during the harvest peak period.

It is acknowledged that the total number of annual inbound truck trips could increase under this worst case scenario; however, those additional trips would be spread across the rest of the year, and based on the additional storage capacity of the Site and the capacity of the GrainCorp inbound trucks, it is estimated that under these conditions the Site would generate an average of no more than 10 inbound trucks per day.

#### Outbound Truck Trip Generation

With regard to outbound produce, GrainCorp has a finite number of domestic customers serviced by the Site; the number of outbound truck trips is therefore relatively stable across the year, and these truck trips are carefully scheduled by GrainCorp, noting that the number of outbound truck trips generated during the harvest peak period is very minimal. In addition, grain destined for export markets is primarily transported to Port by rail.

The Proposal will not in and of itself induce additional outbound truck trips. In past years where minimal grain was received during harvest due to drought, produce has been transported by rail to the Site from other GrainCorp facilities, and then (almost immediately) loaded onto outbound trucks for delivery. The Proposal would not increase outbound truck numbers in comparison to this scenario (other than if GrainCorp attracted additional domestic customers) with the only difference being that these outbound truck trips would be transporting produce stored on-site as opposed to produce being brought to the Site by rail when stored produce is depleted.



### Road Network Impacts

Based on our review of all available information, the traffic generated by the Site – even during harvest peak periods – does not significantly impact the road network. In this regard:

- The super-peak harvest periods experience in recent years generally only occur a few times per decade, and the peak inbound truck trip generation during these years is limited to approximately 2 months of activity;
- Background traffic volumes in all key roads and intersections are very moderate, such that the traffic generated by the Site would have little if any impact on existing road capacities or intersection delays even during super-peak harvest periods;
- All roads providing access between the Site and the regional road network are designated as Restricted Access Vehicle (**RAV**) routes; this means that they have been designated by Transport for NSW (**TfNSW**) as appropriate for the movement of the largest trucks accessing the Site;
- Traffic within the Town Centre will be significantly reduced in the short-term further to the completion of the Parkes Bypass, which will direct Newell Highway traffic away from the Town Centre. TfNSW has estimated that approximately 50% of all trips, and 85% of truck trips, will divert to the Parkes Bypass, which means that the that Town Centre roads will provide significantly increased capacity year round;
- The intersection of the Site access road and Eugowra Road (**Site Intersection**) is able to appropriately accommodate traffic even during super-peak periods, primarily as a function of the minimal through traffic movements in Eugowra Road; and
- With reference to detailed crash data provided by TfNSW, there is no significant crash history in the vicinity of the Site, and in turn no information to suggest that the Site operations or the general design of Eugowra Road or Site Intersection are in any way inherently unsafe or otherwise not fit for purpose.

### On-Site Queuing

Early in the 2020 super-peak harvest period, the inbound truck demand resulted in queues extending from the Sample Stand towards the rail line and Eugowra Road. GrainCorp therefore implemented traffic/queue management strategies that removed the potential for these queues to extend to the rail line and Eugowra Road, and have committed to the continual monitoring of on-site movements, and to further consultation with Council if/when required.

### Conclusion

Based on our assessment of the issues raised in the submissions, and moreover all existing and future Site operations, arc traffic + transport can fully support the Proposal further to traffic and transport considerations.



## 1 Introduction

### 1.1 Overview

arc traffic + transport has been engaged by GrainCorp to prepare a Transport Assessment in regard to a proposed expansion of storage capacity (the **Proposal**) on land to the west of the existing GrainCorp site in Eugowra Road, Parkes (the **Site**). The Proposal – which would affect Lots 11, 103 and 104 on DP750164, and Lot 11 on DP851047 (**Parkes West**) - will provide additional carryover storage capacity, enabling produce transported to the Site by regional producers to be further supplemented by produce being transported from other sites in the GrainCorp storage network when they are at capacity.

Full details of the Proposal are provided in the broader Development Application (**DA 2021/0175**) which was submitted to Parkes Shire Council (**Council**) in December 2021.

### 1.2 Transport Assessment Tasks

Further to the exhibition of DA 2021/0175, a small number of submissions were received by Council objecting to the Proposal; Council has in turn provided GrainCorp the opportunity to respond to the submissions to further assist Council in their determination of the Proposal.

The submissions raised a number of issues relating to traffic and transport, including:

- The use of the minor public lane (**Public Lane**) which runs along the western boundary of the existing Site, a new crossing of which would provide access between the existing Site and Parkes West;
- The ability for produce to be transported by rail to the Site from other GrainCorp sites rather than by truck;
- The potential for truck trips to increase further to the Proposal, particularly in the harvest peak period;
- The suitability of the local road network to physically accommodate the movement of large trucks; and
- The shortage of on-site truck queuing capacity prior to the Sample Stand.

This Transport Assessment has been prepared to provide an appropriate response to these submissions, and moreover to examine the broader existing and future (further to an approval of the Proposal) Site operations.

### 1.3 Reference Material

#### 1.3.1 Planning Documents

In preparing this Transport Assessment, arc traffic + transport has referenced the following key planning documents:

- Statement of Environmental Effects supporting DA 2021/0175 (**SEE West**);





- Submissions received by Council in regard to the Proposal (the **submissions**);
- Statement of Environmental Effects supporting DA 2021/1062 (**SEE South**); and
- Parkes Bypass Traffic and Transport Assessment 2018, Roads and Maritime Services (**Parkes Bypass TTA**).

### 1.3.2 Site Data

GrainCorp has provided arc traffic + transport with a significant amount of data relating to Site operations for the period 2012 – 2021 inclusive, which includes:

- Daily inbound and outbound rail movements and tonnages; and
- Daily inbound and outbound truck movements and tonnages, as well as arrival times and truck types.

### 1.3.3 Traffic and Transport Guidelines

To assess of the potential impacts arising from truck movements to/from the Site, arc traffic + transport has referenced the following traffic and transport guidelines:

- Guide to Traffic Generating Developments 2002, Roads & Traffic Authority (**RTA Guide**);
- Austroads Guide to Road Design Part 3: Geometric Design (**GRD3**);
- Austroads Guide to Road Design Part 4: Intersections & Crossings General (**GRD4**);
- Austroads Guide to Road Design Part 4A: Unsignalised & Signalised Intersections (**GRD4A**); and
- Australian Standard 2890.2: Parking Facilities – Off-Street Commercial Vehicle Facilities (**AS 2890.2**).

## 1.4 Inbound and Outbound Trucks

A key part of this assessment relates to the movement of trucks during the harvest peak periods and across the year. For ease of reference, we have referred to **inbound trucks** as those delivering produce from producers and other GrainCorp facilities, and **outbound trucks** as those delivering product to domestic customers,

Noting that there is little if any backloading of trucks (i.e. a truck delivering produce and then being loaded and deliver produce), all trucks would actually generate 2 trips, i.e. an arrival and a departure trip.

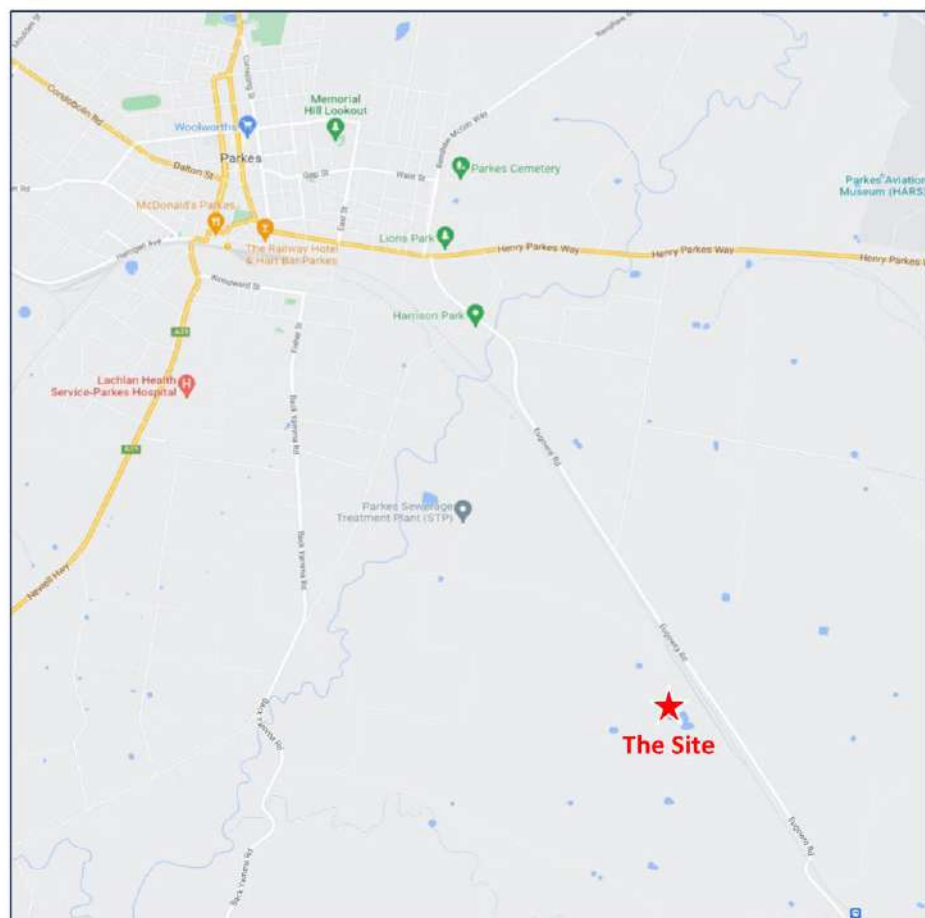


## 2 Existing Site Conditions

### 2.1 Site Location

The Site is located in Eugowra Road, Parkes, approximately 5km south of the Parkes Town Centre (the **Town Centre**). The Site is shown in its local context in Figure 1.

Figure 1: Site Location





## 2.2 Access

### 2.2.1 Site Access

All access to the Site is via Site Intersection, which provides a wide sealed apron suitable for the movement of trucks to and from the Site, which primarily include semi-trailers, B-Doubles and other (approved) RAV combinations.

Internally, all inbound trucks arriving at the Site with produce are required to stop at the Sample Stand, where the quality of the produce is determined prior to the truck then proceeding to a weighbridge, and then to the appropriate storage area. Outbound trucks also use the weighbridge prior to departing the Site.

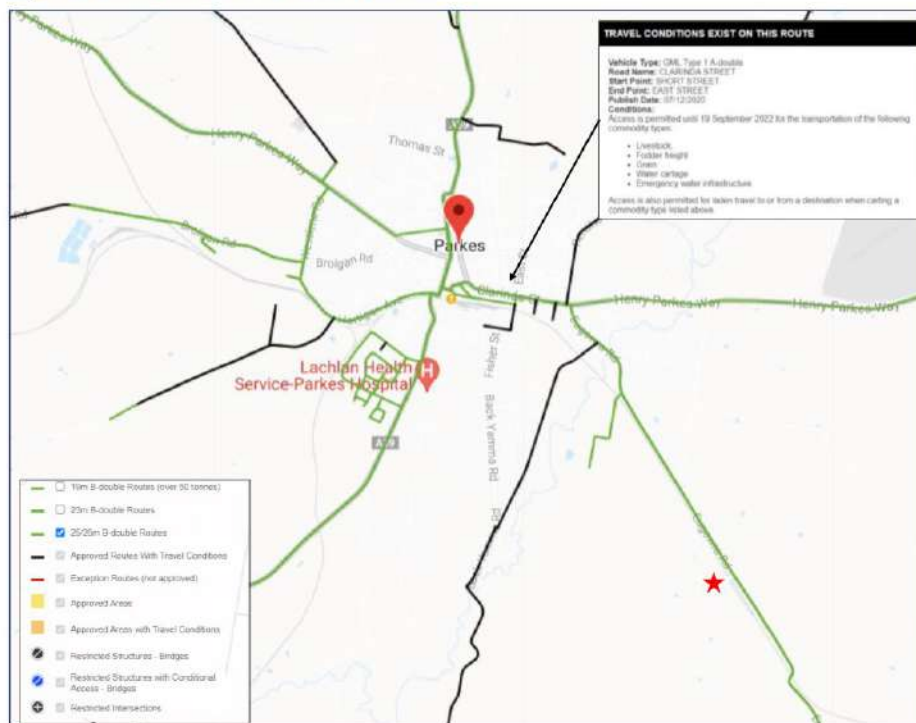
### 2.2.2 Regional Access

The majority of truck trips are generated to/from the north of the Site, and in turn to Newell Highway (north of the Town Centre) and Henry Parkes Way to the east and west; other GrainCorp facilities are located to the south of Parkes which are more readily able to provide transport for suppliers and customers located south of the Site.

Importantly, the key roads and intersections use by these trucks are all designated as RAV routes, which means they can be used by the largest trucks accessing the Site. These routes, and the additional conditions of access within the Town Centre, are shown in Figure 2.



Figure 2: Restricted Access Vehicle Routes



Source: TfNSW

All RAV routes are assessed regularly by TfNSW to ensure that they provide suitable geometry and general capacity to accommodate RAVs; as such, it is entirely appropriate for trucks travelling to and from the Site to use these routes through the Town Centre.

## 2.3 Key Roads

### 2.3.1 Eugowra Road

Eugowra Road is an unclassified rural road that runs south from Henry Parkes Way to The Escort Way. In the vicinity of the Site, it provides 1 traffic lane in each direction, unformed shoulders on both sides of the road, and has a posted speed limit of 100km/h.

### 2.3.2 Public Lane

A narrow Public Lane runs north-south along the western boundary of the existing Site, and will need to be crossed to provide access between the existing Site and Parkes West.





It is our understanding that the use of Public Lane is not restricted to any property/properties, but is on occasion used for access to the existing agricultural operations on adjacent properties. Based on the unformed and relatively poorly maintained condition of Public Lane (based on Nearmap and Google images) there would be very minor traffic volumes in Public Lane; indeed, it is anticipated that on most days of the year it would not be used by a single vehicle, and there is no indication of any pedestrian demand at any time of the year.

It is our understanding that Council has confirmed that there are no planning controls which would prevent GrainCorp from providing a vehicle crossing of Public Lane, notwithstanding consideration of any potential traffic impacts arising from such. This issue is discussed further in Section 4.5.4.

### 2.3.3 Henry Parks Way/Clarinda Street

Henry Parkes Way is a State Road that runs east west between The Escort Way and Condobolin. North of the Site, it provides 1 traffic lane in each direction as well as parking lanes through the Town Centre, and has a posted speed limit of 50km/h.

### 2.3.4 Newell Highway

Newell Highway is a National Highway that runs south from Goondiwindi through central NSW and then to Melbourne. In the vicinity of the Site, it generally provides 1 traffic lane in each direction and wide sealed verges, as well as on-street parking through the Town Centre, and has a posted speed limit of 100km/h.

It is noted that a new bypass (the **Parkes Bypass**) has recently commenced construction, providing an alternative route west of the Town Centre for northbound and southbound movements in Newell Highway to bypass the Town Centre; the implications of the Parkes Bypass on Site traffic are examined in Section 2.6.

## 2.4 Key Intersections

### 2.4.1 Site Intersection

Site Intersection does not provide any formal auxiliary infrastructure, i.e. turning or passing lanes. A de facto Basic Right (**BAR**) treatment – a widening of the carriageway on the eastern side of Eugowra Road – would under some circumstances allow a southbound vehicle to pass a vehicle turning right into the Site, but given the right turning vehicles are overwhelmingly trucks this is unlikely to happen often.

Sight distance to all movements at the intersection exceed Austroads requirements.

### 2.4.2 Eugowra Road & Henry Parkes Way

This intersection operates under priority control (with priority to Henry Parkes Way), and with two lanes in each direction in Henry Parkes Way effectively provides Auxiliary Right (**AUR**) and Auxiliary Left (**AUL**) turn treatments to Eugowra Road, meaning that eastbound and westbound vehicles in Henry Parkes Way can generally pass a turning vehicle without being delayed.



#### 2.4.3 Town Centre Intersections

Intersections through the Town Centre operate under priority control, with priority in some instances provided to the lower order approaches to reduce vehicles speeds and divert trucks along approved routes.

### 2.5 Road Network Operations

#### 2.5.1 Road Capacity

The majority of key roads in the vicinity of the Site provide more than appropriate general operating capacity to accommodate peak traffic volumes, even during harvest peak periods; notwithstanding, a more detailed assessment of the capacity of these roads to accommodate the peak trip generation of the Site is provided in Section 4.5.

#### 2.5.2 Intersection Operations

Based on all available information, the majority of the intersections used by trucks travelling to and from the Site would operate at a good Level of Service, based simply on the fact that they accommodate only moderate traffic volumes, and in turn would experience only minor delays and queueing even during harvest peak periods.

This includes Site Intersection, where the through traffic volumes in Eugowra Road is minimal, and as such there would be few instances where a vehicle accessing the Site from the north would need to yield to a northbound vehicle, or a departing vehicle would need to yield to any through traffic.

A more detailed assessment of the potential impact of existing and future Site trip generation at these intersections is provided in Section 4.5.

#### 2.5.3 Eugowra Road

Further to a detailed desktop review, arc traffic + transport has not been able to source any traffic volume data for Eugowra Road; however, with reference to data that is available for the Newell Highway and other roads higher order roads in Parkes, and in turn consideration of Eugowra Road's place in the road hierarchy and origins and destinations, it is estimated that Eugowra Road would have an average daily traffic (ADT) volume of no more than 100 vehicles per day (vpd), and perhaps 10 vehicle trips per hour (vph) during peak periods.

### 2.6 Parkes Bypass

The construction of the Parkes Bypass has recently commenced; the project provides for the realignment of Newell Highway to the west of the Town Centre, and in turn will significantly reduce traffic volumes in the Town Centre itself.



It is unlikely that the Parkes Bypass will provide any direct benefits to Site traffic movements, which will still be required to use existing routes through the Town Centre to travel to Newell Highway (north) and Henry Parks Way (west). Notwithstanding, the Parkes Bypass will remove a significant percentage of traffic using the Newell Highway through the Town Centre, substantially increasing the capacity of all roads and intersections in the Town Centre to the benefit of all road users, including Site trips. This issue is examined further in Section 4.5.

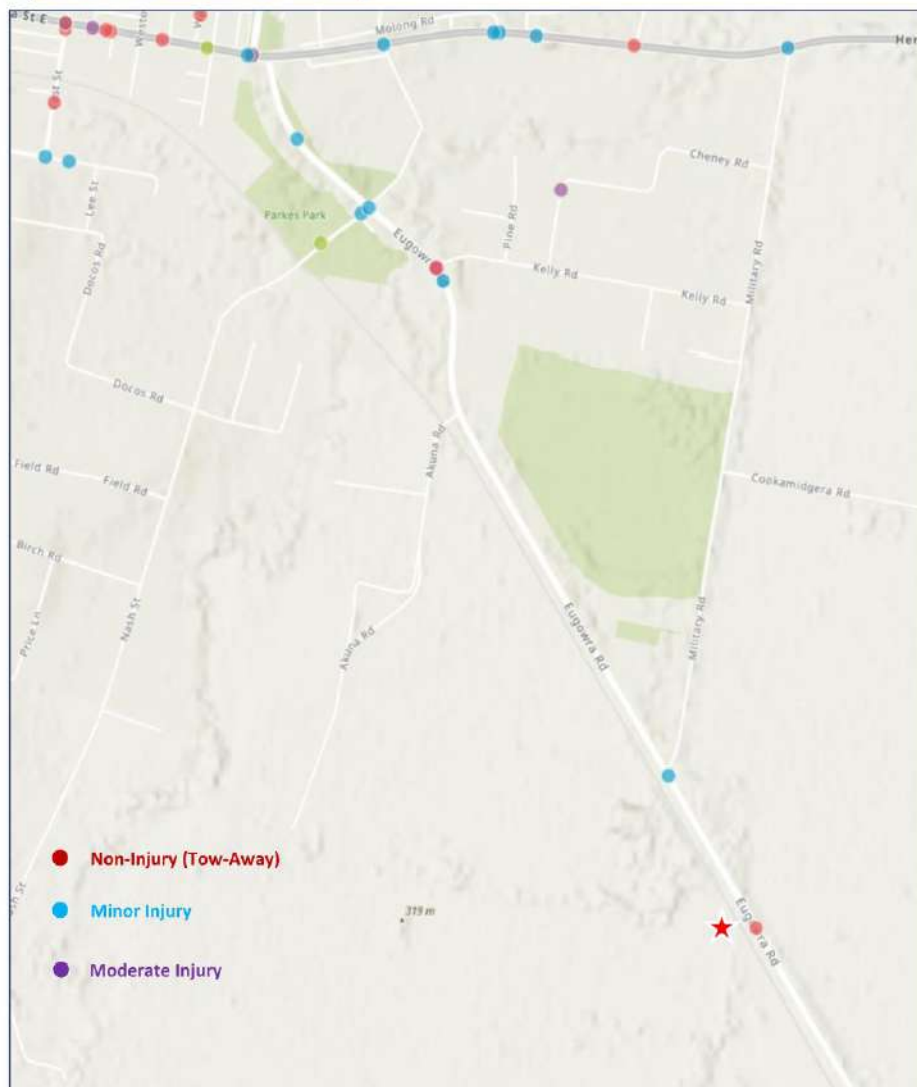
## 2.7 Crash Record

Crash data for the period 2016 – 2021 inclusive is available from TfNSW's Centre for Road Safety, and has been reviewed to determine whether there have been crashes in the vicinity of the Site, and the underlying characteristics of those crashes.

A summary of crash locations and crash severity is provided in Figure 3.



Figure 3: Crash Locations &amp; Severity



Source: TfNSW

With reference to Figure 3, and the broader TfNSW crash data set, there were only 2 crashes in the vicinity of the Site in the 5 year reporting period, with one being a non-injury crash (tow-away) and the other a minor crash (minor injury). It is noted that detailed data for these 2 crashes is not available; this is generally an indication that they were low impact crashes, as TfNSW has not reported such crashes in their official figures in recent years.



While there is a crash reported in close proximity to the Site in Eugowra Road, without more detail it is not possible to determine whether this crash occurred at Site Intersection; was a result of Site traffic; or was entirely unrelated to Site operations.

Moreover, the absence of serious (or indeed any) crashes in the vicinity of the Site indicates that the geometry of Eugowra Road and of Site Intersection does not appear to inherently provide anything less than safe driving conditions for traffic (including trucks), though of course the low traffic volumes in Eugowra Road would also be a significant factor in the absence of reported crashes.



### 3 Site Operations

In order to better understand Site operations over time, GrainCorp has provided arc traffic + transport with a 10 year data set (2012 – 2021 inclusive) so that the [traffic] characteristics associated with the quality of yearly harvests can be more easily identified. Sections below provide a summary of the key transport data reviewed so as to provide a detailed assessment of the Proposal.

#### 3.1 Annual Product

##### 3.1.1 Inbound Tonnage

A summary of annual inbound product delivered by rail and truck between 2012 and 2021 is provided in the tables below.





Table 1: Annual Inbound Product 2012 – 2016

Year	Quarter	Rail	%	Truck	%	Total
2012	Qtr1	0		0		0
	Qtr2	0		0		0
	Qtr3	0		0		0
	Qtr4	37,275	20%	151,283	80%	188,558
	<b>Total</b>	<b>37,275</b>	<b>20%</b>	<b>151,283</b>	<b>80%</b>	<b>188,558</b>
2013	Qtr1	49,496	100%	81	0%	49,577
	Qtr2	45,285	100%	0	0%	45,285
	Qtr3	49,800	100%	17	0%	49,816
	Qtr4	26,929	15%	155,079	85%	182,008
	<b>Total</b>	<b>171,509</b>	<b>52%</b>	<b>155,177</b>	<b>48%</b>	<b>326,686</b>
2014	Qtr1	5,788	99%	39	1%	5,828
	Qtr2	1,136	100%	0	0%	1,136
	Qtr3	0		0		0
	Qtr4	15,882	8%	173,752	92%	189,634
	<b>Total</b>	<b>22,806</b>	<b>12%</b>	<b>173,791</b>	<b>88%</b>	<b>196,597</b>
2015	Qtr1	54	11%	416	89%	469
	Qtr2	52,386	100%	0	0%	52,386
	Qtr3	11,648	99%	81	1%	11,729
	Qtr4	11,385	7%	141,334	93%	152,719
	<b>Total</b>	<b>75,473</b>	<b>35%</b>	<b>141,830</b>	<b>65%</b>	<b>217,304</b>
2016	Qtr1	9,443	99%	82	1%	9,525
	Qtr2	4,917	100%	0	0%	4,917
	Qtr3	28,762	100%	0	0%	28,762
	Qtr4	67,795	30%	160,317	70%	228,112
	<b>Total</b>	<b>110,916</b>	<b>41%</b>	<b>160,399</b>	<b>59%</b>	<b>271,315</b>



Table 2: Annual Inbound Product 2017 – 2021

Year	Quarter	Rail	%	Truck	%	Total
2017	Qtr1	33,657	98%	763	2%	34,420
	Qtr2	12,333	100%	8	0%	12,341
	Qtr3	66,641	100%	0	0%	66,641
	Qtr4	43,200	35%	81,616	65%	124,816
	<b>Total</b>	<b>155,831</b>	<b>65%</b>	<b>82,387</b>	<b>35%</b>	<b>238,218</b>
2018	Qtr1	12,372	95%	671	5%	13,043
	Qtr2	11,359	100%	0	0%	11,359
	Qtr3	31,359	100%	0	0%	31,359
	Qtr4	46,896	83%	9,897	17%	56,793
	<b>Total</b>	<b>101,985</b>	<b>91%</b>	<b>10,568</b>	<b>9%</b>	<b>112,553</b>
2019	Qtr1	13,768	98%	350	2%	14,118
	Qtr2	30,602	100%	0	0%	30,602
	Qtr3	50,998	100%	0	0%	50,998
	Qtr4	20,639	85%	3,712	15%	24,351
	<b>Total</b>	<b>116,007</b>	<b>97%</b>	<b>4,062</b>	<b>3%</b>	<b>120,069</b>
2020	Qtr1	31,829	100%	0	0%	31,829
	Qtr2	40,902	100%	0	0%	40,902
	Qtr3	34,323	100%	0	0%	34,323
	Qtr4	8,945	3%	258,476	97%	267,421
	<b>Total</b>	<b>115,999</b>	<b>31%</b>	<b>258,476</b>	<b>69%</b>	<b>374,475</b>
2021	Qtr1	0	0%	15,163	100%	15,163
	Qtr2	0	0%	41	100%	41
	Qtr3	57	100%	0	0%	57
	Qtr4	7,933	3%	225,136	97%	233,069
	<b>Total</b>	<b>7,990</b>	<b>3%</b>	<b>240,340</b>	<b>97%</b>	<b>248,330</b>

### 3.1.2 Outbound Tonnage

A summary of annual outbound product delivered by rail and truck between 2012 and 2021 is provided in the tables below.





Table 3: Annual Outbound Product 2012 - 2016

Year	Quarter	Rail	%	Truck	%	Total
2012	Qtr1	0	0%	10,208	100%	10,208
	Qtr2	0	0%	6,198	100%	6,198
	Qtr3	0	0%	10,231	100%	10,231
	Qtr4	96,192	96%	3,589	4%	99,780
	<b>Total</b>	<b>96,192</b>	<b>76%</b>	<b>30,225</b>	<b>24%</b>	<b>126,416</b>
2013	Qtr1	113,741	94%	6,729	8%	120,470
	Qtr2	75,485	90%	8,520	10%	84,005
	Qtr3	52,733	88%	7,206	12%	59,939
	Qtr4	86,511	92%	7,806	8%	94,317
	<b>Total</b>	<b>328,471</b>	<b>92%</b>	<b>30,261</b>	<b>8%</b>	<b>358,732</b>
2014	Qtr1	61,138	83%	12,086	17%	73,225
	Qtr2	29,556	67%	14,755	33%	44,311
	Qtr3	2,075	17%	10,199	83%	12,274
	Qtr4	43,655	85%	7,566	15%	51,221
	<b>Total</b>	<b>136,424</b>	<b>75%</b>	<b>44,606</b>	<b>25%</b>	<b>181,031</b>
2015	Qtr1	53,572	90%	5,993	10%	59,565
	Qtr2	75,482	95%	3,701	5%	79,183
	Qtr3	26,007	82%	5,861	18%	31,869
	Qtr4	54,920	86%	9,007	14%	63,926
	<b>Total</b>	<b>209,981</b>	<b>90%</b>	<b>24,562</b>	<b>10%</b>	<b>234,543</b>
2016	Qtr1	36,839	83%	7,589	17%	44,427
	Qtr2	40,306	86%	6,306	14%	46,613
	Qtr3	62,787	91%	6,582	9%	69,369
	Qtr4	78,035	94%	4,733	6%	82,769
	<b>Total</b>	<b>217,967</b>	<b>90%</b>	<b>25,210</b>	<b>10%</b>	<b>243,177</b>



Table 4: Annual Outbound Product 2017 - 2021

Year	Quarter	Rail	%	Truck	%	Total
2017	Qtr1	123,055	100%	591	0%	123,646
	Qtr2	78,111	99%	1,188	1%	79,299
	Qtr3	63,212	86%	10,638	14%	73,850
	Qtr4	52,591	86%	8,378	14%	60,969
	<b>Total</b>	<b>316,970</b>	<b>94%</b>	<b>20,795</b>	<b>6%</b>	<b>337,764</b>
2018	Qtr1	28,789	86%	4,822	14%	33,611
	Qtr2	12,945	45%	15,853	55%	28,798
	Qtr3	21,919	57%	16,629	43%	38,547
	Qtr4	44,179	64%	24,615	36%	68,794
	<b>Total</b>	<b>107,832</b>	<b>64%</b>	<b>61,919</b>	<b>36%</b>	<b>169,750</b>
2019	Qtr1	8,151	35%	14,942	65%	23,093
	Qtr2	5,242	13%	33,699	87%	38,942
	Qtr3	0	0%	47,837	100%	47,837
	Qtr4	14,443	29%	35,200	71%	49,643
	<b>Total</b>	<b>27,836</b>	<b>17%</b>	<b>131,678</b>	<b>83%</b>	<b>159,514</b>
2020	Qtr1	6,196	16%	33,213	84%	39,408
	Qtr2	1,104	7%	13,736	93%	14,841
	Qtr3	7,306	35%	13,480	65%	20,787
	Qtr4	53,927	96%	2,486	4%	56,413
	<b>Total</b>	<b>68,534</b>	<b>52%</b>	<b>62,916</b>	<b>48%</b>	<b>131,449</b>
2021	Qtr1	65,280	90%	7,372	10%	72,652
	Qtr2	57,657	89%	6,797	11%	64,454
	Qtr3	108,293	91%	10,543	9%	118,836
	Qtr4	70,545	84%	13,834	16%	84,379
	<b>Total</b>	<b>301,775</b>	<b>89%</b>	<b>38,546</b>	<b>11%</b>	<b>340,321</b>



### 3.2 Recent Site Operations

With reference to the tables above, the storage and throughput capability of the Site becomes very clear, and more specifically the effects of periods of drought and periods of plenty on Site operations.

As shown in Table 1 and Table 2, inbound produce from regional producers was impacted by drought, most recently in 2018 and 2019, and as a result the inbound deliveries from producers (by truck) were low.

During these same periods, GrainCorp used its surplus (i.e. stored produce) to continue to meet customer demand, but as the amount of produce stored on Site was depleted, produce was then transported to the Site (primarily by rail) from other GrainCorp facilities with spare produce. This meant that through all periods GrainCorp was still able to provide product to regional customers from the Site, even if that product was not actually stored on-site.

The operating characteristics of the Site were very different in years with a good harvest; the amount of inbound produce during these periods (and specifically 2020 and 2021) was such that all on-site storage was near or at capacity even as produce was delivered to customers as efficiently as possible.

The purpose of the Proposal is of course to provide additional storage capacity to free up capacity at Parkes and other sites in the event of a run of good harvest years where supply chain constraints result in sites carrying grain and in turn limiting their capacity to receive the following years harvest. While this may occur in only a few years each decade, the investment in the additional carryover storage is essential to receiving consecutive good harvests and maximise Site operations for both producers and customers over the longer term, as well as maximising the efficiency of the GrainCorp storage and transport system.

### 3.3 Rail Operations

#### 3.3.1 General Rail Operations

As shown in Section 3.1, rail transport plays a significant role in Site operations, including transporting inbound and outbound product. The majority of inbound product transported by rail is from other GrainCorp facilities across NSW, VIC and QLD (when the Site has a low amount of stored product) as well as from some other major grain handlers. The majority of outbound product transported by rail is to domestic and international customers.

#### 3.3.2 Rail Capacity

While the submissions suggest that rail has not been used for the transport of inbound product, the data reported in Section 3.1 indicates that this is not the case, i.e. product is transported to the Site by rail, and that there is spare capacity to transport inbound produce from other GrainCorp facilities or producers in the future.



## 4 Truck Operations

### 4.1 Overview

Perhaps the most important issue for review in this Transport Assessment is the truck trip generation of the Site during harvest peak periods, and the potential impact of those truck trips on the local road network, and on internal Site operations. Sections below provide an assessment of these truck operations.

### 4.2 Truck Management

#### 4.2.1 Outbound Trucks

Outbound trucks delivering produce to domestic customers are on the whole relatively easy to manage, as they are entirely controlled by GrainCorp. While each truck needs to be loaded and then weighed before departing, this can be achieved in an orderly manner over an extended period of each day, week and indeed year. GrainCorp is also able to maximise the amount of product being transported by each truck by using a fleet of high capacity vehicles, most commonly B-Doubles, with capacity for 40t – 50t per load.

#### 4.2.2 Inbound Trucks

Inbound trucks are less able to be managed on a day to day basis, particularly during harvest peak periods, as producers arrive at the Site from across the region based on their distance from the Site and their own harvesting timetable.

Inbound truck numbers are proportionally higher than outbound truck numbers because the capacity of inbound trucks (primarily operated by producers) is lower, averaging closer to 25t per truck. In addition, and as discussed in Section 2.2.1, each inbound truck needs to pass through the Sample Stand before proceeding to weighing and unloading; the sampling process generally takes a relatively short time (approximately 5 minutes).

### 4.3 Annual Truck Trips

#### 4.3.1 Annual Inbound Trucks

A summary of annual inbound trucks and truck trips generated by the Site between 2012 and 2021 is provided in the tables below.



Table 5: Annual Inbound Trucks 2012- 2016

Year	Quarter	Tonnage	Truck Loads	Truck Trips
2012	Qtr1			
	Qtr2			
	Qtr3			
	Qtr4	151,283	6,051	12,103
	<b>Total</b>	<b>151,283</b>	<b>6,051</b>	<b>12,103</b>
2013	Qtr1	81		
	Qtr2			
	Qtr3	17	1	1
	Qtr4	155,079	6,203	12,406
	<b>Total</b>	<b>155,177</b>	<b>6,204</b>	<b>12,408</b>
2014	Qtr1	39	2	3
	Qtr2			
	Qtr3			
	Qtr4	173,752	6,950	13,900
	<b>Total</b>	<b>173,791</b>	<b>6,952</b>	<b>13,903</b>
2015	Qtr1	416	17	33
	Qtr2			
	Qtr3	81	3	
	Qtr4	141,334	5,653	11,307
	<b>Total</b>	<b>141,830</b>	<b>5,673</b>	<b>11,340</b>
2016	Qtr1	82	3	7
	Qtr2			
	Qtr3			
	Qtr4	160,317	6,413	12,825
	<b>Total</b>	<b>160,399</b>	<b>6,416</b>	<b>12,832</b>



Table 6: Annual Inbound Trucks 2017 - 2021

Year	Quarter	Tonnage	Truck Loads	Truck Trips
2017	Qtr1	763	31	61
	Qtr2	8	0	1
	Qtr3		0	
	Qtr4	81,616	3,265	6,529
	<b>Total</b>	<b>82,387</b>	<b>3,295</b>	<b>6,591</b>
2018	Qtr1	671	27	54
	Qtr2			
	Qtr3			
	Qtr4	9,897	396	792
	<b>Total</b>	<b>10,568</b>	<b>423</b>	<b>845</b>
2019	Qtr1	350	14	28
	Qtr2			
	Qtr3			
	Qtr4	3,712	148	297
	<b>Total</b>	<b>4,062</b>	<b>162</b>	<b>325</b>
2020	Qtr1			
	Qtr2			
	Qtr3			
	Qtr4	258,476	10,339	20,678
	<b>Total</b>	<b>258,476</b>	<b>10,339</b>	<b>20,678</b>
2021	Qtr1	15,163	607	1,213
	Qtr2	41	2	
	Qtr3			
	Qtr4	225,136	9,005	18,011
	<b>Total</b>	<b>240,340</b>	<b>9,614</b>	<b>19,224</b>

#### 4.3.2 Annual Outbound Trucks

A summary of annual outbound trucks and truck trips generated by the Site between 2012 and 2021 is provided in the tables below.





Table 7: Annual Outbound Trucks 2012 – 2016

Year	Quarter	Tonnage	Truck Loads	Truck Trips
2012	Qtr1	10,208	303	606
	Qtr2	6,198	184	368
	Qtr3	10,231	315	630
	Qtr4	3,589	110	220
	<b>Total</b>	<b>30,225</b>	<b>912</b>	<b>1,824</b>
2013	Qtr1	6,729	234	468
	Qtr2	8,520	249	498
	Qtr3	7,206	222	444
	Qtr4	7,806	243	486
	<b>Total</b>	<b>30,261</b>	<b>948</b>	<b>1,896</b>
2014	Qtr1	12,086	356	712
	Qtr2	14,755	445	890
	Qtr3	10,199	314	628
	Qtr4	7,566	214	428
	<b>Total</b>	<b>44,606</b>	<b>1,329</b>	<b>2,658</b>
2015	Qtr1	5,993	178	356
	Qtr2	3,701	113	226
	Qtr3	5,861	190	380
	Qtr4	9,007	268	536
	<b>Total</b>	<b>24,562</b>	<b>749</b>	<b>1,498</b>
2016	Qtr1	7,589	215	430
	Qtr2	6,306	189	378
	Qtr3	6,582	183	366
	Qtr4	4,733	157	314
	<b>Total</b>	<b>25,210</b>	<b>744</b>	<b>1,488</b>



Table 8: Annual Outbound Trucks 2017 - 2021

Year	Quarter	Tonnage	Truck Loads	Truck Trips
2017	Qtr1	591	24	48
	Qtr2	1,188	37	74
	Qtr3	10,638	294	588
	Qtr4	8,378	231	462
	<b>Total</b>	<b>20,795</b>	<b>586</b>	<b>1,172</b>
2018	Qtr1	4,822	141	282
	Qtr2	15,853	451	902
	Qtr3	16,629	471	942
	Qtr4	24,615	692	1,384
	<b>Total</b>	<b>61,919</b>	<b>1,755</b>	<b>3,510</b>
2019	Qtr1	14,942	413	826
	Qtr2	33,699	952	1,904
	Qtr3	47,837	1,360	2,720
	Qtr4	35,200	1,001	2,002
	<b>Total</b>	<b>131,678</b>	<b>3,726</b>	<b>7,452</b>
2020	Qtr1	33,213	909	1,818
	Qtr2	13,736	380	760
	Qtr3	13,480	415	830
	Qtr4	2,486	87	174
	<b>Total</b>	<b>62,916</b>	<b>1,791</b>	<b>3,582</b>
2021	Qtr1	7,372	218	436
	Qtr2	6,797	187	374
	Qtr3	10,543	273	546
	Qtr4	13,834	358	716
	<b>Total</b>	<b>38,546</b>	<b>1,036</b>	<b>2,072</b>





#### 4.3.3 Annual Total Truck Trips

With reference to the tables above, a summary of the total annual number of trucks and truck trips is provided in the tables below.

Table 9: Total Annual Truck Trips 2012 – 2016

Year	Quarter	Truck Loads	Truck Trips
2012	Qtr1	303	606
	Qtr2	184	368
	Qtr3	315	630
	Qtr4	6,161	12,323
	<b>Total</b>	<b>6,963</b>	<b>13,927</b>
2013	Qtr1	234	468
	Qtr2	249	498
	Qtr3	223	445
	Qtr4	6,446	12,892
	<b>Total</b>	<b>7,152</b>	<b>14,304</b>
2014	Qtr1	358	715
	Qtr2	445	890
	Qtr3	314	628
	Qtr4	7,164	14,328
	<b>Total</b>	<b>8,281</b>	<b>16,561</b>
2015	Qtr1	195	389
	Qtr2	113	226
	Qtr3	193	386
	Qtr4	5,921	11,843
	<b>Total</b>	<b>6,422</b>	<b>12,844</b>
2016	Qtr1	218	437
	Qtr2	189	378
	Qtr3	183	366
	Qtr4	6,570	13,139
	<b>Total</b>	<b>7,160</b>	<b>14,320</b>

Table 10: Total Annual Truck Trips 2017 - 2021



Year	Quarter	Truck Loads	Truck Trips
2017	Qtr1	55	109
	Qtr2	37	75
	Qtr3	294	588
	Qtr4	3,496	6,991
	<b>Total</b>	<b>3,881</b>	<b>7,763</b>
2018	Qtr1	168	336
	Qtr2	451	902
	Qtr3	471	942
	Qtr4	1,088	2,176
	<b>Total</b>	<b>2,178</b>	<b>4,355</b>
2019	Qtr1	427	854
	Qtr2	952	1,904
	Qtr3	1,360	2,720
	Qtr4	1,149	2,299
	<b>Total</b>	<b>3,888</b>	<b>7,777</b>
2020	Qtr1	909	1,818
	Qtr2	380	760
	Qtr3	415	830
	Qtr4	10,426	20,852
	<b>Total</b>	<b>12,130</b>	<b>24,260</b>
2021	Qtr1	825	1,649
	Qtr2	189	377
	Qtr3	273	546
	Qtr4	9,363	18,727
	<b>Total</b>	<b>10,650</b>	<b>21,299</b>



#### 4.4 Super-Peak Truck Trip Generation

##### 4.4.1 Overview

Further to a detailed review of the transport data, arc traffic + transport has been able to identify the peak number of both inbound and outbound trucks through the super-peak harvest periods in 2020 and 2021. For the purpose of this assessment, we have focused on the super-peak experienced during the 4<sup>th</sup> quarter of 2020; we note that the characteristics of this period were almost identical to the 4<sup>th</sup> quarter of 2021 with regard to the maximum number of truck trips.

##### 4.4.2 4<sup>th</sup> Quarter 2020 Weekly Inbound Truck Trips

A summary of the total weekly inbound trucks and truck trips during the peak 4<sup>th</sup> quarter of 2020 is provided in Table 11.

Table 11: 4<sup>th</sup> Quarter 2020 Weekly Inbound Trucks

Week Starting	Tonnage	Truck Loads	Truck Trips
2/11/2020	3,523	141	282
9/11/2020	21,776	871	1,742
16/11/2020	56,459	2,258	4,517
23/11/2020	41,770	1,671	3,342
30/11/2020	44,719	1,789	3,578
7/12/2020	63,189	2,528	5,055
14/12/2020	17,687	707	1,415
21/12/2020	3,954	158	316

##### 4.4.3 4<sup>th</sup> Quarter 2020 Weekly Outbound Trucks

A summary of the total weekly outbound trucks and truck trips during the peak 4<sup>th</sup> quarter of 2020 is provided in Table 12, noting that this data highlights the fact that GrainCorp has few scheduled outbound trucks during the harvest peak period.

Table 12: 4<sup>th</sup> Quarter 2020 Weekly Outbound Trucks

Week Starting	Tonnage	Truck Loads	Truck Trips
2/11/2020	227	9	18
9/11/2020	51	2	4
16/11/2020	386	12	24
23/11/2020	295	11	22
30/11/2020	51	2	4
7/12/2020	0	0	0
14/12/2020	203	8	16
21/12/2020	525	14	28

4.4.4 4<sup>th</sup> Quarter 2020 Total Weekly Trucks

With reference to the tables above, Table 13 provides a summary of the total weekly trucks and truck trips generated by the Site during the peak 4<sup>th</sup> quarter of 2020.

Table 13: 4<sup>th</sup> Quarter 2020 Total Weekly Trucks

Week Starting	Truck Loads	Truck Trips
2/11/2020	150	300
9/11/2020	873	1,746
16/11/2020	2,270	4,541
23/11/2020	1,682	3,364
30/11/2020	1,791	3,582
7/12/2020	2,528	5,055
14/12/2020	715	1,431
21/12/2020	172	344

With reference to Table 13, during the week commencing 7/12/2020, an average of approximately 360 trucks, or 720 truck trips, were being generated each day; given the higher generation of inbound trucks on weekdays, the average was likely closer to 400 trucks and 800 truck trips per day.



## 4.5 Traffic Impacts

### 4.5.1 Annual Outbound Truck Movements

The Proposal will not inherently increase the annual outbound truck trip generation of the Site. As previously discussed, the Proposal would simply provide an alternative to the situation which has occurred in recent drought years, where produce has needed to be delivered to the Site from other GrainCorp facilities with spare capacity (generally by rail), and then trucked out almost immediately to customers because the Site's stored produce has been depleted.

As such, the number of outbound trucks is not anticipated to be higher than existing outbound truck numbers over the course of the year, though it is acknowledged that this could increase if GrainCorp attracted new domestic customers serviced by the Site, a circumstance that could occur regardless of whether the additional carryover storage was provided.

### 4.5.2 Annual Inbound Truck Movements

The Proposal will not inherently increase the annual inbound truck trip generation of the Site, which will still rise and fall according to the quality of the harvest.

During harvest periods, the additional storage capacity of the Site would not in and of itself induce additional demand, as there is a relatively fixed number of regional producers transporting their product to the Site during this period. Moreover, and with reference to the 4<sup>th</sup> quarter data from 2020 and 2021, the potential for the Site to experience a higher truck trip generating period than those recently seen in these super-peak periods is therefore highly unlikely.

Notwithstanding, if the use of trucks was considered as a worst case, transporting produce to the Site from other GrainCorp facilities is anticipated to reduce the number of inbound trucks during the harvest peak periods, as inbound [producer] trucks have a lower carrying capacity than GrainCorp trucks and arrive over a very short period of the year. Further to the Proposal, GrainCorp would be able to transport produce to the Site using higher capacity trucks, and these truck trips would be scheduled outside of harvest peak period, in turn reducing the truck trip generation of the Site itself during the harvest peak period.

It is acknowledged that the total number of annual inbound truck trips would increase under this worst case scenario; however, those additional trips would be spread across the rest of the year, and based on the additional storage capacity of the Site and the capacity of the GrainCorp inbound trucks, it is estimated that under these conditions the Site would generate an average of no more than 10 inbound trucks per day.



#### 4.5.3 Harvest Peak Period Truck Movements

As discussed, the use of other GrainCorp facilities in the region actually has the potential to reduce the number of inbound truck trips being generated during the harvest peak periods.

The Proposal will allow for produce to be transported to the Site from other GrainCorp sites that are at or reaching capacity; GrainCorp's intention is for this transport to be undertaken using rail to as great an extent as possible, but it is acknowledged that transport of product may also be undertaken by truck.

If the use of trucks was considered as a worst case, transporting produce to the Site from other GrainCorp facilities is anticipated to reduce the number of inbound trucks during the harvest peak periods, as inbound [producer] trucks have a lower carrying capacity than GrainCorp trucks, and can be scheduled outside of the harvest peak period.

Further to the Proposal, GrainCorp would be able to transport produce to the Site using higher capacity trucks, and these truck trips would be scheduled outside of harvest peak period, in turn reducing the truck trip generation of the Site itself during the harvest peak period.

#### 4.5.4 Public Lane Crossing

As discussed in Section 2.3.2, Public Lane will need to be crossed to provide access between the existing Site and Parkes West.

In this regard, GrainCorp proposes the construction of a simple gravel pavement crossing which would provide both the appropriate surface and width to accommodate the movement of the largest trucks accessing Parkes West.

Given that these trucks would comprise almost the entirety of all vehicle movements at this 'intersection', it is more than appropriate that priority be given to these movements. Moreover, given the almost non-existent volumes in Public Lane, and the available sight distance on all approaches to the intersection, it is the opinion of arc traffic + transport that the intersection would operate safely and efficiently at all times of the year.

#### 4.5.5 Site Intersection Operations

Site Intersection would, at most times of the year, operate at a good Level of Service, with only minor delays and little queuing.

During harvest peak periods, the number of vehicles turning to and from the Site can increase; however, given the very low through traffic volumes in Eugowra Road, even during these periods Site Intersection would operate with virtually no delays.





#### 4.6 Broader Road Network Impacts

The truck trips generated during the harvest peak period will have some level of impact on the road network, particularly through the Town Centre, simply based on the number of truck trips being generated in a short period of time.

With reference to Section 2.6, the Parkes Bypass will almost halve the average daily traffic volumes in Newell Highway through the Town Centre, with some 46% of northbound and southbound volumes in Newell Highway moving to the Bypass, along with 85% of truck movements.

This will in turn significantly increase the capacity of the road network through the Town Centre, such that the traffic impacts arising from even super-peak harvest periods would be minimal, and all intersections are anticipated to continue to operate at a good Level of Service.

#### 4.7 On-Site Queuing

Early in the 2020 super-peak harvest period, the increased (from previous years) inbound truck demand resulted in queues extending from the Sample Stand towards the rail line and Eugowra Road. GrainCorp therefore implemented traffic/queue management strategies that removed the potential for these queues to extend to the rail line. GrainCorp has committed to the continual monitoring of on-site movements, and to further consultation with Council if/when required.

#### 4.8 Scheduled Inbound Truck Arrivals

As discussed in Section 4.5.3, the Proposal provides the opportunity to better manage the use of the GrainCorp storage network by having producers transport produce to local storage facilities during the harvest period, and then for GrainCorp to transport that product to the Site using higher capacity trucks than can – like outbound trucks – be scheduled so as not to occur during the Site's harvest peak period.

While, under worst case truck transport conditions, this may result in a minor increase in daily inbound truck trips outside of the harvest peak period (an average of no more than 10 inbound truck per day) it could reduce the number of truck trips during the harvest peak period, such that any road network impacts would be reduced from recent super-peak conditions.



## 5 Conclusions & Recommendations

### 5.1 Conclusions

Further to our assessment of the Proposal, arc traffic + transport provides the following Conclusions:

- The Proposal for GrainCorp West is consistent with the recent approval for GrainCorp South, and moreover consistent with traffic and transport characteristics of the Proposal regardless of whether one or both storage facilities are constructed.
- The key access roads between the Site and the sub-regional road network are all designated RAV routes, which means that they have been approved by TfNSW for the movement of large vehicles including all inbound and outbound trucks.
- The provision of a new prioritised crossing of Public Lane to provide access between the existing Site and Parkes West would have no impact on the safety or capacity of movements in Public Lane, and it is more than appropriate to provide priority to truck movements given all but non-existent movements in Public Lane.
- The Proposal would not in and of itself increase annual outbound truck trip generation.
- Similarly, the increased storage capacity would not in and of itself induce additional inbound trucks, the numbers of which will as always be dependent on the harvest yields. While total annual inbound truck trips could increase under a worst case scenario where truck transport was used instead of rail to transport produce from other facilities, GrainCorp would schedule these movements using larger capacity trucks outside of harvest peak periods; under such conditions, the Site would generate an average of no more than 10 additional inbound trucks per day.
- The Site can generate a significant amount of traffic during peak harvest years, though it is only for a relatively short period of time, and is unlikely to have a significant impact on broader traffic operations in the Town Centre. Further to the Proposal, the ability for GrainCorp to transport produce to the Site- even if by truck – outside of the harvest peak period suggests that future inbound truck trip generation in the harvest peak period is unlikely to exceed that observed in the recent super-peak harvest periods.
- The implementation of on-site traffic management by GrainCorp has been more efficient in managing truck queuing during the previous harvest. GrainCorp is committed to the continual monitoring of on-site movements, and to further consultation with Council if/when required.

### 5.2 Recommendations

To maximise the efficiency and safety of Site operations further to the Proposal, arc traffic + transport has provided the following recommendations, all of which have been adopted by GrainCorp:





- That GrainCorp construct the new crossing of Public Lane in accordance with all relevant Council controls and other guidelines, including the provision of appropriate priority signage, and ensure that vegetation along the Public Lane corridor on the approaches to the crossing are regularly maintained so as to maximise sight distance.
- That GrainCorp continues to maximise the use of rail transport over truck transport for all inbound and outbound product.
- That GrainCorp ensures that, to the extent possible, inbound product trucks from other regional GrainCorp facilities are scheduled outside of harvest peak periods.
- That GrainCorp provide up-to-date information to all producers in regard to the Site operations during harvest peak periods, including details in regard to the 24/7 operation capacity of the Site during these periods, and on-site traffic/queue management processes.
- That GrainCorp continues to monitor all Site transport operations to maximise the efficiency and safety of all on and off-site vehicle movements.

**Further to the agreed implementation of these Recommendations, and based on the Conclusions of this Transport Assessment, arc traffic + transport has determined that the Proposal is entirely supportable further to traffic and transport considerations.**

### Attachment 3 - Biodiversity Assessment Report



## TEST OF SIGNIFICANCE, PROPOSED BUNKER EXPANSION, GRAINCORP PARKES



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Test of Significance, Proposed Bunker Expansion, Graincorp Parkes

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**Test of Significance, Proposed Bunker Expansion, Graincorp Parkes**

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**Cover Photo:** Looking south-east across the proposed southern development area.

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Test of Significance, Proposed Bunker Expansion, Graincorp Parkes

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## 1. INTRODUCTION

Graincorp are seeking to establish a new grain bunkers at their Parkes property, and sections of two adjacent properties that they are seeking to acquire, to increase the storage capacity of the site, which in recent seasons has become of importance given the likelihood of carry-over product from the previous harvest.

Areas to the north, west and south of the Graincorp property that they seek to acquire have been selected to establish a series of new bunkers (Daniel Samways pers. comm. 2022). All of these areas have been substantially cleared of woody vegetation, with a ground layer either cropped, or dominated by opportunistic introduced pasture species.

However, in order to establish these permanent facilities, fifteen scattered mature Grey Box (*Eucalyptus microcarpa*) and White Box (*E. albens*) remnant trees will need to be removed.

In June 2022, Hamilton Environmental Services (HES) was engaged to undertake a Biodiversity Assessment and complete a Test of Significance under Part 7 Division 1 Section 7.3 of the *Biodiversity Conservation Act 2016* for Graincorp.

Dr. Steve Hamilton undertook the field evaluation of the site on the 10<sup>th</sup> June 2022, and this report presents these findings.

## 2. BACKGROUND

### 2.1 Consultant Background

#### Steve Hamilton (Dr.)

*AssocDipAppBiol, BAppSc(AppBiol), MAppSc (RMIT), PhD (University of Melbourne), BAM accredited Assessor (DPE NSW), Vegetation Quality Assessment Certified (DSE/DEPI/DELWP Victoria), Bush Broker Assessor (DELWP Victoria), Certificate IV in Training and Assessment.*

Steve is an ecologist specialising in flora and fauna inventory, auditing, monitoring and surveying, as well as soil typing, analysis and mapping. He has 12 years consulting experience, associated with a range of ecological evaluations and monitoring processes across all of Victoria, and southern and western New South Wales, which includes assessing and mapping vegetation condition, vegetation type, targeted threatened species surveys, habitat quality assessment (in Victoria, Habitat Hectares assessment and 'Net Loss and Gain' evaluations), across the range of terrestrial, riparian and wetland ecosystems.

He has vast experience in the assessment of native vegetation and species, and habitat loss assessment, for irrigation, residential, infrastructure and mining (including sand, rock and ore extraction) developments, and the successful negotiation of the appropriate legislative, regulatory and statutory frameworks across the three levels of Government to provide suitable outcomes for clients across both States to allow developments to proceed. In Victoria, this involves the production of Net Loss Reports, Vegetation Offset Management Plans and Work Plans, and in NSW, reporting for potential native vegetation/habitat losses and threatened species threats in Development Applications (DAs), and in more detailed situations where Director General Requirements (or Secretary's Environmental Assessment Requirements; SEARs) are specified, Environmental Impact Statements (EISs) or Reviews of Environmental Factors (REFs).

Beyond statutory requirements and reporting, Steve is often called upon to provide technical reporting into particular issues, such as research/survey investigations into vegetation-soil-fauna management issues in natural areas or for development proposals, such as weed management surveys and strategies, kangaroo survey and management, potential mining pollution impacts,

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### Test of Significance, Proposed Bunker Expansion, Graincorp Parkes

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sustainability of timber resources, soil mapping and land capability assessment, ecosystem restoration, or revegetation design.

Prior to consulting, Steve spent 20 years as a senior teaching/research academic, and has more than 30 peer-reviewed papers and many technical reports, most focussing on the impacts of disturbance on the ecology and floristics of woodlands and grasslands.

## 2.2 Location and Description

The Graincorp Parkes property at 6661 Eugowra Road Parkes, is located 5.2 km south-east of the township of Parkes, and the three development areas are found around this property (see Fig. 2-1).

The property has frontage on Eugowra Road, and the property is located on the Orange-Broken Hill Railway Line (see Fig. 2-2).

As indicated previously, areas to the north, west and south of the Graincorp property that they seek to acquire have been selected to establish a series of new bunkers (Daniel Samways pers. comm. 2022). These areas have extents of 4.45 ha (north), 10.01 ha (west) and 10.69 ha (south), for a total footprint of 25.2 ha at the site.

All of these areas have been substantially cleared of woody vegetation, with a ground layer either cropped, or dominated by opportunistic introduced pasture species. However, a number of scattered mature Grey Box and White Box remnant trees will need to be removed.

There are existing bunkers between the proposed northern and southern areas, and the existing broader infrastructure of the site is found to the east of these areas (see Fig. 2-2).

There is a treed patch composed of Grey Box and White Cypress-pine (*Callitris glaucophylla*) found to the immediately north of the proposed western area, and to the west of the proposed northern area.

There is a dwelling with a garden area to the immediate east of the proposed northern area, and there are some patches of plantations/naturalised patches composed of the non-indigenous native species White Cedar (*Melia azedarach*) along the eastern boundary of this area, and along a drainage line that runs along the eastern boundary of the area.

The road reserves adjacent to the Graincorp property maintain a continuous tree cover of mixed age Grey Box and White Cypress-pine, with a defined indigenous shrub layer, and a predominantly indigenous ground layer.

The Layout Plans for each of these areas are shown in Figures 2-3 to 2-5.

The northern area is found predominantly on Lot 23 DP609175, the western area is found across Lot 11 DP750164 and Lot 104 DP750164, and the southern area is found predominantly on Lot 26 DP711442. All parcels are zoned *Rural Use Zone 1 – Primary Production*, and all are within the Parkes Shire Council.

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Figure 2-1 Aerial image of the location of the three development areas relative to the district (Image copyright ESRI Australia 2022).

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Figure 2-2 Location and extent of the three proposed development areas at the Graincorp Parkes site, showing the location of assessed trees, and land parcel (Image copyright ESRI Australia 2022).

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## Test of Significance, Proposed Bunker Expansion, Graincorp Parkes

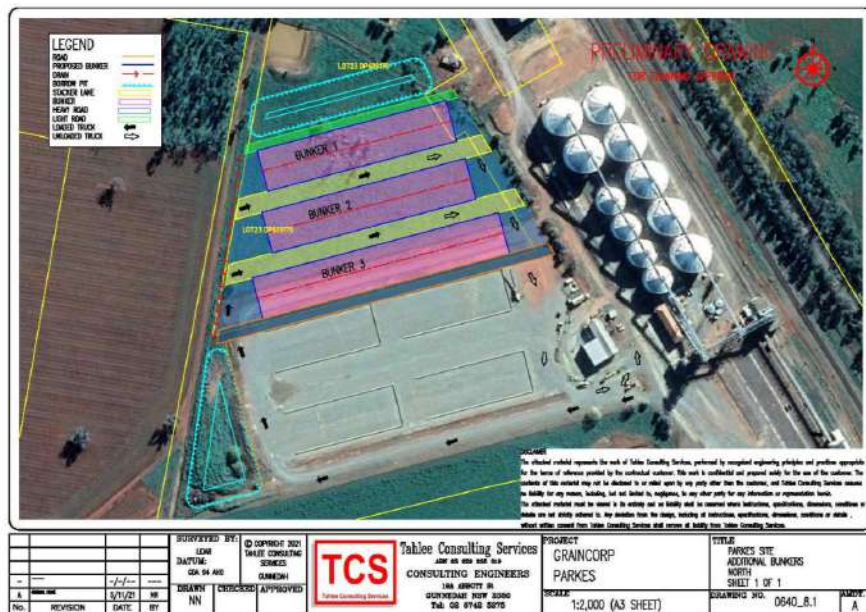


Figure 2-3 The layout plan for the additional bunkers in the proposed northern development area at the Graincorp Parkes site (Tahlee Consulting Services dated 5/11/21).

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## Test of Significance, Proposed Bunker Expansion, Graincorp Parkes

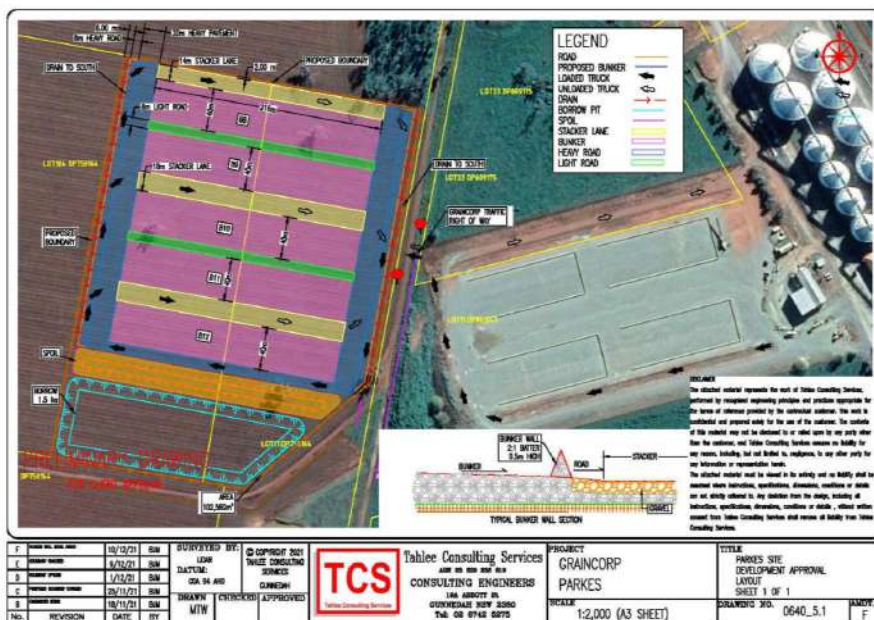


Figure 2-4 The layout plan for the additional bunkers in the proposed western development area at the Graincorp Parkes site (Tahlee Consulting Services dated 10/12/21).

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Figure 2-5 The layout plan for the additional bunkers in the proposed southern development area at the Graincorp Parkes site (Tahlee Consulting Services dated 12/11/21).

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Test of Significance, Proposed Bunker Expansion, Graincorp Parkes

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### **3. METHOD**

#### **3.1 Desktop Review**

The following desktop information was gathered prior to report completion:

- Aerial imagery and base map (from Land and Property Information New South Wales);
- Determination of a general species list for the area (Department of Planning and Environment [DPE] 2022a);
- Matters of National Significance reporting for the 10 km radius around the property (Department of Agriculture, Water and Environment [DAWE] 2022);
- Flora, fauna and threatened species lists, sighting records and information for the district was obtained from *BioNet – Website of the Atlas of NSW Wildlife* (DPE 2022b).

#### **3.2 General Site Assessment**

The field assessment took place on the 10<sup>th</sup> June 2022. On this day, air temperatures were between 8 and 11°C, the sky was overcast, and the winds were moderate (5-10 km/h)(Bureau of Meteorology 2022).

The three proposed development areas were assessed on by a combination of vehicle and on foot, with continuous active searching for flora and fauna conducted over a total period of 1 ½ hours, with the following assessments undertaken:

- Compilation of a flora species list, including the attribution of cover/abundance to each species;
- Individual recording of the species location and diameter of all trees likely to be impacted by the development, including their geo-location by handheld GPS. Additionally for indigenous trees, diameter at breast height (dbh), their health, and presence of hollows were recorded, and an image taken;
- Recording of issues related to land management, such as noxious weed or pest animal infestations, etc.

#### **3.3 Taxonomy**

##### **3.3.1 Flora**

Vascular plants that could not be identified in the field, specimens and images were collected for identification using the *Flora of New South Wales* (Harden 1990, 1991, 1992, 1993), and *PlantNet Flora On-line* (Royal Botanic Gardens Sydney 2022).

##### **3.3.2 Fauna**

Any fauna observed were recorded, with the nomenclature based variously on the compilations of Hero *et al.* (1991), Menkhorst (1995), Cogger (1996) and Simpson and Day (1998), utilising Triggs (1996) for identification using indirect methods, such as the presence of scats or tracks.

### **4. RESULTS AND DISCUSSION**

#### **4.1 General vegetation and habitat description**

As outlined in Sec. 1, fifteen scattered mature remnant trees – a mixture of Grey Box and White Box – will need to be removed to allow the three bunker development areas to be established.

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There is a treed patch composed of Grey Box and White Cypress-pine found to the immediately north of the proposed western area, and to the west of the proposed northern area.

There is a dwelling with a garden area to the immediate east of the proposed northern area, and there are some patches of plantations/naturalised patches composed of the non-indigenous native species White Cedar along the eastern boundary of this area, and along a drainage line that runs along the eastern boundary of the area.

The road reserves adjacent to the Graincorp property maintain a continuous tree cover of mixed age Grey Box and White Cypress-pine, with a defined indigenous shrub layer, and a predominantly indigenous ground layer.

As indicated, the three proposed development areas are to be located on land currently utilised for annual cropping and/or stock grazing – the western area has most recently been in crop, and the other two areas are currently used as pasture – and the majority of all three areas have been cleared of native woody vegetation and the ground layer vegetation of all three areas is dominated by a range of introduced ground layer species as a legacy of the past and current land uses, such as Wild Oat (*Avena fatua*), Variegated Thistle (*Silybum maritimum*), Great Brome (*Bromus diandrus*), Common Sow-thistle (*Sonchus oleraceus*), Saffron Thistle (*Carthamus lanatus*), Smooth Mustard (*Sisymbrium irio*), Prickly Lettuce (*Lactuca serriola*), Small-flowered Mallow (*Malva parvifolia*), Common Peppergrass (*Lepidium pseudohyssopifolium*), Flax-leaf Fleabane (*Conyza bonariensis*), Vervain (*Salvia verbenaca*), Bathurst Burr (*Xanthium spinosum*), Curled Dock (*Rumex crispus*), Blackberry Nightshade (*Solanum nigrum*) and Barley Grass (*Hordeum leporinum*) (up to 90 % projective foliage cover, counting cured annual plant material, in the proposed northern and southern areas, and 25 % in the western area which was mostly bare earth and stubble after cropping). There are some indigenous ground layer species present, such as Curly Windmill Grass (*Enteropogon acicularis*) and Warrego Summer Grass (*Paspalum jubiflorum*), but these are in very low abundance in the proposed northern and southern development areas (< 1 % projective foliage cover generally, and up to 30 % projective foliage cover around remnant trees), and they do not occur in the cropped proposed western area.

There were no rare or threatened species observed across the proposed development sites (DPE 2022a).

In summary, the condition of the proposed development areas could best be described as highly modified as a consequence of prolonged agricultural management, and in generally poor quality. While eleven of the fifteen remnant trees proposed to be removed are large hollow-bearing trees, all trees are the only native vegetation remnants in wholly modified areas that have both structurally and compositionally been greatly simplified.

While the proposed development areas are near to the continuously vegetated Eugowra Road corridor – that is high quality – and the treed patch adjacent to the north and west of the western and northern development areas, respectively, the scattered trees for loss are not well connected in the landscape. Given the many other scattered mature hollow-bearing paddock trees across the nearby area to the proposed development that are retained, and with the development having no impact on the treed patch or the Eugowra Road corridor, the loss of the fifteen trees on fauna populations will be negligible.

## 4.2 Vegetation Types

Mapping of vegetation communities provided in the *State Vegetation Type Map Central West-Lachlan Region version 1.4* (DPE 2022d and Environment and Heritage 2012), indicates that prior to development, the vegetation of the proposed development areas was likely to have been Plant Community Type (PCT) 76 - *Western Grey Box tall grassy woodland on alluvial loam and clay soils in the NSW South Western Slopes and Riverina Bioregions* (Grassy Woodland formation and Floodplain

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Transition Woodlands class); within the property this community is now only represented by scattered mostly mature tree individuals.

According to the decision-making flowchart to ascertain whether a site is a patch of potential *Grey Box Grassy Woodlands or derived native grasslands* of sufficient quality for national listing, the Department of Environment, Heritage, Water and the Arts (DEHWA)(2012), indicates that the site is no longer a viable part of this threatened ecological community based on the low tree cover, the lack of ground layer indigenous species diversity, and the abundance of ground layer exotic species. Although some indigenous species may remain, in most of these areas the indigenous understorey is effectively irretrievable, and in order for an area to be included in the listed ecological community, a patch must have a predominantly indigenous understorey (DEHWA 2012).

***Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregion***

The comments in this section are made with specific reference to the vegetation compositional and structural characteristics described in the *NSW Threatened Species Scientific Committee final determination* to list *Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions* as a Threatened Ecological Community (TEC); *Western Grey Box tall grassy woodland on alluvial loam and clay soils in the NSW South Western Slopes and Riverina Bioregions* is considered an associated vegetation formation and class, and is also considered a TEC with the same structural characteristics as *Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions* (DPE 2022b).

The pertinent advice of the NSW Scientific Committee on the characteristics of this community is as follows (from DPE 2022g):

- Inland Grey Box Woodland includes those woodlands in which the most characteristic tree species - *Eucalyptus microcarpa* - is often found in association with *Eucalyptus populnea* subsp. *bimbil* (Bimbil Box), *Callitris glaucophylla* (White Cypress-pine), *Brachychiton populneus* (Kurrajong), *Allocasuarina luehmannii* (Buloke) or *Eucalyptus melliodora* (Yellow Box), and sometimes with *Eucalyptus albens* (White Box).
- Shrubs are typically sparse or absent, although this component can be diverse and may be locally common, especially in drier western portions of the community. A variable ground layer of grass and herbaceous species is present at most sites. At severely disturbed sites the ground layer may be absent. The community generally occurs as an open woodland 15-25 m tall but in some locations the overstorey may be absent as a result of past clearing or thinning, leaving only an understorey;
- Some remnants are highly degraded, with weedy understoreys and only a few hardy natives remaining. A number of less degraded remnants have survived in Travelling Stock Routes, cemeteries and reserves. Understorey species composition may differ markedly between these sites because of past and present management practices. In some instances intentional introduction of non-indigenous species has occurred in these reserves. Some remnants of the community that consist of only an intact overstorey or an intact understorey still have high conservation value due to the flora and fauna they support. Other sites may be important examples of specific faunal habitat, have significant occurrences of particular species, comprise portions of vegetation corridors or have the potential for rehabilitation. The conservation value of remnants may be independent of remnant size. Disturbed remnants are considered to form part of the community including remnants where the understorey, overstorey or both would, under appropriate management, respond to assisted natural regeneration from the soil seed bank.

Given the advice above in regard to the proposed development areas:



#### Test of Significance, Proposed Bunker Expansion, Graincorp Parkes

- There are fifteen Grey Box and White Box proposed for removal, of which eleven are old, hollow-bearing individuals. All of these individuals are scattered trees in a 25 ha area where woody vegetation has been predominantly cleared, and these scattered trees are far below the benchmark density of individuals to constitute an intact canopy typical of the community;
- The only indigenous understorey found were Curly Windmill Grass and Warrego Summer Grass, in very low abundance (< 1 % projective foliage cover) only in the proposed northern and southern development areas. This very low diversity and abundance does not represent an intact understorey of derived native grassland of the community, and is of negligible conservation value;
- As indicated, the proposed development areas were likely NSW PCT 76 - *Western Grey Box tall grassy woodland on alluvial loam and clay soils in the NSW South Western Slopes and Riverina Bioregions* prior to European settlement. While based on the characteristics described above, the treed patch is a likely remnant of this community, and road reserve of the adjacent Eugowra Road certainly are remnants of this community, the proposed development areas lack both an intact canopy or understorey, and are no longer representative of this community.



**Plate 4-1** Views of the proposed southern development area: looking east from the north-west corner (top left), looking south-east from the north-west corner (top right), southern section (middle), looking south from the north-west corner (bottom left), and looking east from the central northern boundary (bottom right). Pertinent trees are numbered in white.

As described, there are fifteen Grey Box and White Box proposed for removal, of which eleven are old, hollow-bearing individuals, to be removed from the proposed development. Given the characteristics described above in reference to the *NSW Threatened Species Scientific Committee final determination* (DPE 2022g), the presence of the 15 scattered tree individuals and a very sparse

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density of two indigenous ground layer species over 25 ha of proposed development areas, does not constitute the presence of the TEC Western Grey Box tall grassy woodland on alluvial loam and clay soils in the NSW South Western Slopes and Riverina Bioregions.



**Plate 4-2** Views of the proposed western development area: Tree 4 (top left), Tree 5 (top right), Trees 7 and 8 and the treed patch (middle left), looking west along the northern boundary of the development area and the treed patch (middle right), and Tree 6 (bottom). Pertinent trees are numbered in white.

### 4.3 Significant Trees

A total of 31 trees within or adjacent to the proposed development areas, were separately recorded. The location and species of all trees assessed are shown in Figures 4-1 to 4-3, and their characteristics described in Appendix C.

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Images of all of these trees can be seen in Plates 4-1 to 4-3.



**Plate 4-2** Views of the proposed northern development area: the western boundary of the site (top left), the tree clump in the middle of the site (top right), Tree 20 (bottom left), and looking along the patches of naturalised shrubs on the eastern boundary of the site (bottom right). Pertinent trees are numbered in white.

Development projects that involve earthworks can cause indirect losses of native vegetation that are retained during construction due to root damage and soil modification within the zone where roots occur. Of particular concern is the longer-term impact of soil compaction and excavation (e.g. trenching for pipelines) close to trees and the effects of this on immediate and longer-term tree health. Guidance and clarity has been provided, and a definition of an acceptable distance for tree retention in order to prevent indirect losses of native vegetation during and after construction activities as a guiding principle has been developed. These designated *Tree Protection Zones* (TPZs) should be implemented for the duration of construction activities (Standards Australia 2009) as part of the development conditions. A TPZ is a specific area above and below the ground, with a radius 12 times the Diameter at Breast Height (dbh; 1.3 m) of any individual tree; the TRZ of trees should be no less than 2 m or greater than 15 m, and it is recommended that physical barriers be erected to delineate the TPZ during construction activities (Standards Australia 2009). Encroachment of < 10 % of the TPZ is considered unlikely to have any influence on the survival and health of the tree provided the lost area is compensated for elsewhere in the TPZ, and that the loss is not within the tree's Structural Root Zone (SRZ), which is a 4 m radius from the tree trunk for a tree of 150 cm dbh (Standards Australia 2009). However, encroachment of more than 10 % of the TPZ area of any tree results in that tree being considered a loss (even if it remains standing during and after the development activity), requiring it to be offset.

Particular consideration must be given to minimising any vehicle or excavation impacts on the TPZ of any indigenous trees to be retained that may occur in proximity to the proposed development areas.



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In regard to these 31 trees:

- 30 are remnant indigenous trees;
  - Trees 1 to 8, Trees 12 to 19, Trees 22 to 28, and Tree 31 (25 trees), are all Grey Box;
  - Trees 9, 10 and 21 (3 trees) are White Cypress-pine;
  - Trees 29 and 30 (2 trees) are White Box;
  - Trees 1 to 8, Tree 12, Trees 14 to 18, Tree 22, Trees 24 to 27, and Trees 29 to 31 (22 trees) are all hollow-bearing;
  - Only Trees 13, 19, 23 and 28 (4 trees) were  $\leq 50$  cm diameter at breast height (dbh);
  - Tree 8 is a standing dead tree;
- Tree 20 is a naturalised exotic Peppercorn;
- In terms of proposed loss;
  - Tree 20 (an exotic Peppercorn) and Trees 22 to 31 (11 trees) are proposed losses in the northern development area;
  - Trees 4, 5, 6 and 7 are proposed losses in the western development area;
  - Tree 1 is a proposed loss in the southern development area;
  - Areas of the naturalised non-indigenous native species will be removed along the eastern edge of the northern area;
- In terms of avoidance;
  - Tree 21 on the western edge of the proposed northern area does not have its TPZ impinged, and will be retained;
  - Tree 8 (a standing dead scattered tree) and Trees 9 to 19, the latter of which are all on the southern edge of the treed patch on the northern edge of the proposed western development area, do not have their TPZs impinged, and all will be retained;
  - Trees 2 and 3, on the western and eastern edges of the proposed southern development area, do not have their TPZs impinged by  $> 10\%$  (Tree 2) or do not have its TPZ impinged (Tree 3), and will therefore be retained;
- In summary, 15 remnant trees are proposed for loss (Trees 1, 4, 5, 6, 7 and Trees 22 to 31), of which 11 are hollow-bearing (Trees 1, 4, 5, 6, 7, 22, 24 to 27 and 29 to 31).

The extent of the native vegetation loss of the 15 remnant trees, of which 11 are hollow-bearing (effectively, the border of the canopies of the trees, and intervening areas according to canopy separation ratio) has been estimated to be  $< 0.22$  ha ( $< 2,200$  m<sup>2</sup>).



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**Figure 4-1** The location of assessed trees within and adjacent to the proposed northern development areas, showing location of plantations and the remnant patch, and with pertinent trees showing Tree Protection Zones. Numbers refer to the table of tree characteristics in Appendix C (Image copyright from ESRI Australia 2022).

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**Figure 4-2** The location of assessed trees within and adjacent to the proposed western development areas, showing location of the remnant patch, and with pertinent trees showing Tree Protection Zones. Numbers refer to the table of tree characteristics in Appendix C (Image copyright from ESRI Australia 2022).

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Figure 4-3 The location of assessed trees within and adjacent to the proposed southern development areas, showing Tree Protection Zones. Numbers refer to the table of tree characteristics in Appendix C (Image copyright from ESRI Australia 2022).

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## 5. THREATENED SPECIES AND COMMUNITIES

### 5.1.1 Threatened community likelihood

Matters of National Environmental Significance searching reveals that the nationally endangered *Grey Box Grassy Woodlands and Derived Native Grasslands of South-eastern Australia*, *Buloke Woodlands of the Riverina and Murray-Darling Depression Bioregions*, and the *Weeping Myall Woodlands* communities occur within a 10 km radius of the site (DAWE 2022).

Threatened Ecological Communities (TECs) are listed in the schedules of the *Biodiversity Conservation Act 2016*. Six TECs are considered to occur within the district of the proposed alignment: *Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Penneplain, Nandewar and Brigalow Belt South Bioregions*, the *Allocasuarina luehmannii Woodland in the Riverina and Murray-Darling Depression Bioregions*, the *Sandhill Pine Woodland in the Riverina, Murray-Darling Depression and NSW South Western Slopes Bioregions*, and *White Box Yellow Box Blakely's Red Gum Woodland* (known as Grassy Box Gum Woodland) are all listed as *Endangered* under the Act (DPE 2022b; Appendix A).

As stated previously, mapping of vegetation communities provided in the *State Vegetation Type Map Central West-Lachlan Region version 1.4* (DPE 2022d and Environment and Heritage 2012), indicates that prior to development, the vegetation of the proposed development areas was likely to have been Plant Community Type (PCT) 76 - *Western Grey Box tall grassy woodland on alluvial loam and clay soils in the NSW South Western Slopes and Riverina Bioregions* (Grassy Woodland formation and Floodplain Transition Woodlands class); within the property this community is now only represented by scattered mostly mature tree individuals and two very sparsely distributed understorey species, and the proposed development areas are no longer remnants of this community as a consequence at a State or a National level (see Appendix A).

### 5.1.2 Threatened species likelihood

There have been no rare or threatened species under the *Biodiversity Conservation Act 2016* observed at the site (DPE 2022a).

The likelihood of presence for all recorded threatened species within a 10 km radius of the site has been considered (DPE 2022a).

*BioNet – Website of the Atlas of NSW Wildlife* and *Matters of National Environmental Significance* searches revealed that there were records or predicted occurrences of nineteen (19) threatened fauna species within a 10 km radius of the site (DPE 2022a, DAWE 2022; Appendix A).

*BioNet – Website of the Atlas of NSW Wildlife* and *Matters of National Environmental Significance* revealed that there were records or predicted occurrences of one (1) threatened flora species within a 10 km radius of the site (DPE 2022a, DAWE 2022; Appendix A).

The likelihood of the presence of these species and their likelihood of utilisation of the proposed development area was considered, and rated based on the prevailing habitat and habitat quality of the site, landscape connectivity to known locations, currency of known records for species, and the habitat and habitat quality preferences of the species (Appendix A).

Of these species, the species of threatened flora and 12 threatened fauna species were considered not likely to occur on the property and adjacent areas, or to utilise them, because of the following issues (or combination of them):

- the loss of connectivity of the sites through clearing of habitat to areas of known records;
- the lack of a suitable community/habitat type;
- disturbance to, and simplification of, the sites;

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- the habitat preferences of the species;
- lack of recent records.

Seven species of fauna – Barking Owl, Little Eagle, Little Lorikeet, Little Pied Bat, Major Mitchell Cockatoo, Spotted-tailed Quoll and Superb Parrot - were considered to have some limited potential to utilise the scattered trees of the proposed development areas, but would more likely utilise the adjacent treed patch, or more particularly, the Eugowra Road corridor (Appendix A).

As indicated, fifteen scattered remnant Grey and White Box trees, of which eleven are hollow-bearing, are proposed for removal across the three development areas.

As indicated, there is a treed patch composed of Grey Box and White Cypress-pine found to the immediately north of the proposed western area, and to the west of the proposed northern area.

There is a dwelling with a garden area to the immediate east of the proposed northern area, and there are some patches of plantations/naturalised patches composed of the non-indigenous native species White Cedar along the eastern boundary of this area, and along a drainage line that runs along the eastern boundary of the area.

The road reserves adjacent to the Graincorp property maintain a continuous tree cover of mixed age Grey Box and White Cypress-pine, with a defined indigenous shrub layer, and a predominantly indigenous ground layer.

As indicated, the three proposed development areas are to be located on land currently utilised for annual cropping and/or stock grazing – the western area has most recently been in crop, and the other two areas are currently used as pasture - and the majority of all three areas have been cleared of native woody vegetation and the ground layer vegetation of all three areas is dominated by a range of introduced ground layer (up to 90 % projective foliage cover, counting cured annual plant material, in the proposed northern and southern areas, and 25 % in the western area which was mostly bare earth and stubble after cropping). There are some indigenous ground layer species present, but these are in very low abundance in the proposed northern and southern development areas (< 1 % projective foliage cover generally, and up to 30 % projective foliage cover around remnant trees), and they do not occur in the cropped proposed western area.

In summary, the condition of the proposed development areas could best be described as highly modified as a consequence of prolonged agricultural management, and in generally poor quality. While eleven of the fifteen remnant trees proposed to be removed are large hollow-bearing trees, all trees are the only native vegetation remnants in wholly modified areas that have both structurally and compositionally been greatly simplified.

While the proposed development areas are near to the continuously vegetated Eugowra Road corridor – that is high quality – and the treed patch adjacent to the north and west of the western and northern development areas, respectively, the scattered trees for loss are not well connected in the landscape. Given the many other scattered mature hollow-bearing paddock trees across the nearby area to the proposed development that are retained, and with the development having no impact on the treed patch or the Eugowra Road corridor, the loss of the fifteen trees on fauna populations – eleven of which are hollow-bearing - will be negligible.

#### 5.1.3 Assessment of Significance

Part 7 Division 1 Section 7.3 of the *Biodiversity Conservation Act 2016* sets out five parameters that a determining authority must consider in deciding whether an activity is likely to have a significant effect on threatened species, populations, or ecological communities, or their habitats.

As indicated, the three proposed development areas are to be located on land currently utilised for annual cropping and/or stock grazing – the western area has most recently been in crop, and the other two areas are currently used as pasture - and the majority of all three areas have been cleared

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of native woody vegetation and the ground layer vegetation of all three areas is dominated by a range of introduced ground layer (up to 90 % projective foliage cover, counting cured annual plant material, in the proposed northern and southern areas, and 25 % in the western area which was mostly bare earth and stubble after cropping). There are some indigenous ground layer species present, but these are in very low abundance in the proposed northern and southern development areas (< 1 % projective foliage cover generally, and up to 30 % projective foliage cover around remnant trees), and they do not occur in the cropped proposed western area.

After likelihood assessment, the seven fauna species that have the potential to occur on the proposed development areas, must be evaluated using five parameters of Section 7.3 of the *Biodiversity Conservation Act 2016* (Appendix A).

The application of the five parameters of Section 7.3 of the *Biodiversity Conservation Act 2016* in the following section specifically addresses the effects of the development on the seven threatened fauna species.

**All seven threatened fauna that are considered likely to utilise the site are being considered in the following section collectively. These species have been recorded recently within proximity to the proposed development sites, and most have similar issues in regard to their likely usage of the site given its poor quality and level of disturbance, this is considered a prudent action rather than providing a lengthy and repetitive response for each of the following individual species - Barking Owl, Little Eagle, Little Lorikeet, Little Pied Bat, Major Mitchell Cockatoo, Spotted-tailed Quoll and Superb Parrot.**

***It should be noted that the inclusion of Spotted-tailed Quoll in this group of species is problematic and somewhat anomalous – most ecologists would assume that the species has been absent from the district for over 50 years. There is no habitat for the species for the species provided in the proposed developments areas, yet a record of a roadkill individual in 2021 on Eugowra Road compels its inclusion on the list. In all likelihood, any population of the species on Eugowra Road rarely strays from the high quality habitat that this roadside vegetation provides.***

- 1 (a) *in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*

The three proposed development areas are to be located on land currently utilised for annual cropping and/or stock grazing – the western area has most recently been in crop, and the other two areas are currently used as pasture - and the majority of all three areas have been cleared of native woody vegetation and the ground layer vegetation of all three areas is dominated by a range of introduced ground layer. There are some indigenous ground layer species present, but these are in very low abundance in the proposed northern and southern development areas, and they do not occur in the cropped proposed western area.

While the proposed development areas are near to the continuously vegetated Eugowra Road corridor – that is high quality – and the treed patch adjacent to the north and west of the western and northern development areas, respectively, the scattered trees for loss are not well connected in the landscape. Given the many other scattered mature hollow-bearing paddock trees across the nearby area to the proposed development that are retained, and with the development having no impact on the treed patch or the Eugowra Road corridor, the risk of the loss of the fifteen trees – eleven of which are hollow-bearing - having an adverse effect on the life cycle of these species is negligible.

- 1 (b) *in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*
- (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*



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Not applicable.

- (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*

Not applicable.

1 (c) *in relation to the habitat of a threatened species or ecological community:*

- (i) *the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*

The three proposed development areas are to be located on land currently utilised for annual cropping and/or stock grazing – the western area has most recently been in crop, and the other two areas are currently used as pasture - and the majority of all three areas have been cleared of native woody vegetation and the ground layer vegetation of all three areas is dominated by a range of introduced ground layer. There are some indigenous ground layer species present, but these are in very low abundance in the proposed northern and southern development areas, and they do not occur in the cropped proposed western area.

While the proposed development areas are near to the continuously vegetated Eugowra Road corridor – that is high quality – and the treed patch adjacent to the north and west of the western and northern development areas, respectively, the scattered trees for loss are not well connected in the landscape. Given the many other scattered mature hollow-bearing paddock trees across the nearby area to the proposed development that are retained, and with the development having no impact on the treed patch or the Eugowra Road corridor, the loss of the fifteen trees – eleven of which are hollow-bearing - will have negligible impact on the extent of habitat available to these threatened species.

- (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*

The three proposed development areas are to be located on land currently utilised for annual cropping and/or stock grazing – the western area has most recently been in crop, and the other two areas are currently used as pasture - and the majority of all three areas have been cleared of native woody vegetation and the ground layer vegetation of all three areas is dominated by a range of introduced ground layer. There are some indigenous ground layer species present, but these are in very low abundance in the proposed northern and southern development areas, and they do not occur in the cropped proposed western area.

While the proposed development areas are near to the continuously vegetated Eugowra Road corridor – that is high quality – and the treed patch adjacent to the north and west of the western and northern development areas, respectively, the scattered trees for loss are not well connected in the landscape. Given the many other scattered mature hollow-bearing paddock trees across the nearby area to the proposed development that are retained, and with the development having no impact on the treed patch or the Eugowra Road corridor, the loss of the fifteen trees – eleven of which are hollow-bearing - will not result in any further fragmentation of habitat for these species or contribute to their isolation.

- (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*

The three proposed development areas are to be located on land currently utilised for annual cropping and/or stock grazing – the western area has most recently been in crop, and the other two areas are currently used as pasture - and the majority of all three areas have been cleared of native woody vegetation and the ground layer vegetation of all three areas is dominated by a range of introduced ground layer. There are some indigenous ground layer

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species present, but these are in very low abundance in the proposed northern and southern development areas, and they do not occur in the cropped proposed western area.

While the proposed development areas are near to the continuously vegetated Eugowra Road corridor – that is high quality – and the treed patch adjacent to the north and west of the western and northern development areas, respectively, the scattered trees for loss are not well connected in the landscape. Given the many other scattered mature hollow-bearing paddock trees across the nearby area to the proposed development that are retained, and with the development having no impact on the treed patch or the Eugowra Road corridor, the loss of the fifteen trees – eleven of which are hollow-bearing – is unlikely to impact the long-term survival of any of the 7 threatened fauna species because of the action.

- 1 (d) *whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly):*

No such declaration has been made for the area.

- 1 (e) *whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

The proposed development will result in two key threatening processes: *Clearing of native vegetation* and *Loss of hollow-bearing trees*.

## 6. AVOIDANCE AND MINIMISATION OF NATIVE VEGETATION

As indicated previously, Graincorp are seeking to establish new permanent grain bunkers at the Parkes to increase the storage capacity of the site, which in recent seasons has become of importance given the likelihood of carry-over product from the previous harvest.

Furthermore, trees within proximity to any bunker are:

- a safety issues, as fallen and falling branches can cause damage to trucks, and can impact on the ability to safely load and unload grain;
- a contamination risk to our product, e.g. branches, bark, insects, all bring risk to contaminating grain;
- a problem in impacting on the size of the bunker capacity, given that local cropping farmers are highly dependent on the capacity of the site for receivals.

The location of the proposed development areas at the Parkes site has been carefully considered and planned to minimise the loss of native vegetation primarily, amongst other issues, the proximity of the new areas in relation to existing tracks and other infrastructure. Some of the features of this include:

- The location of the southern area between Trees 2 and 3, and north of other scattered trees further south of the area;
- The easterly placement of the western area to avoid two other scattered trees to its immediate west;
- The placement of the western area to avoid Tree 8 and the treed patch;
- The avoidance of the treed patch and Tree 21 with the placement of the northern area.

It should be noted that specifically in terms of avoidance:

- Tree 21 on the western edge of the proposed northern area does not have its TPZ impinged, and will be retained;



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- Tree 8 (a standing dead scattered tree) and Trees 9 to 19, the latter of which are all on the southern edge of the treed patch on the northern edge of the proposed western development area, do not have their TPZs impinged, and all will be retained;
- Trees 2 and 3, on the western and eastern edges of the proposed southern development area, do not have their TPZs impinged by > 10 % (Tree 2) or do not have its TPZ impinged (Tree 3), and will therefore be retained.

## 7. SUMMARY

The proposed development areas are not in a declared area of outstanding biodiversity value, are not mapped as *Vulnerable or Sensitive Regulated Land* according to the *State Environmental Planning Policy (Vegetation) 2017*, and are also not mapped as areas of Biodiversity Value (DPE 2022e).

The extent of the native vegetation loss of the 15 remnant trees, of which 11 are hollow-bearing (effectively, the border of the canopies of the trees, and intervening areas according to canopy separation ratio) has been estimated to be < 0.22 ha (< 2,200 m<sup>2</sup>).

The generation of a Biodiversity Offset Scheme Entry Threshold Report (BOSET Report)(Appendix B; DPE 2022f) reveals that the minimum Lot Size according to the *Parkes Local Environmental Plan 2012* is 400 ha (4,000,000 m<sup>2</sup>), and that the Area Clearing Threshold required to enter the Biodiversity Offset Scheme (BOS), and for a Biodiversity Development Assessment Report (BDAR) to be completed, is 1 ha (10,000 m<sup>2</sup>).

Therefore, for the development to avoid entering the BOS and requiring a BDAR to be undertaken, native vegetation clearance must be < 1 ha, and the proposed native vegetation loss is significantly less than this threshold amount; a BDAR is not required.

The proposed development area has been evaluated and subjected to a Test of Significance under Part 7 Division 1 Section 7.3 of the *Biodiversity Conservation Act 2016*, and it is concluded that with the loss of 15 remnant trees, of which 11 are hollow-bearing, there will not be any significant impacts on any threatened species or community as a consequence.

It is also recommended that direction and process for retained trees and fauna management be included in a site Construction and Environmental Management Plan (CEMP), prior to any construction works taking place, and this is detailed in the next section.

## 8. RECOMMENDATION

Several non-threatened fauna species such as birds are likely to be present within the three development areas, and these may be utilising the hollow-bearing trees that are to be felled. Appropriate pre-clearance protocols should be put in place at the time of construction to avoid and mitigate any potential harm or injury to these individuals. These protocols will include, as a minimum, pre-clearance surveys and soft-felling techniques and clearing supervision when trees are being felled.

In addition, precautions must be taken that trees to be retained are protected, with their TPZs avoided during the pre, during and post-construction period.

It is recommended that direction and process for retained trees and fauna management be included in a site Construction and Environmental Management Plan (CEMP), prior to any construction works taking place.

The CEMP will be required to span the pre, during and post-construction period, and will include the above pre-clearance and fauna management protocols. Notwithstanding the production of a specific CEMP, the following recommendations are made in regard to construction and post-construction issues.

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**Site delineation**

- Prior to clearance, all trees to be cleared must be clearly identified by marker tape or marker paint to ensure that there is no confusion as to the approved clearance trees and retained trees;
- During construction, retained vegetation on the road reserves should be clearly delineated from trees to be felled/patches to be disturbed along the length of works on both road reserves – the use of safety mesh or tape to demark the TPZ distance of retained trees is also strongly recommended;

**Method of working**

- All vehicle movement and equipment should be conducted from the existing road surface to ensure that there is no impact beyond identified loss areas;

**Vegetation clearing protocol**

- Areas to be cleared should be subject to a pre-clearing survey, including survey of individual trees specifically directed towards detecting any roosting or nesting fauna;
- Investigation of trees will be conducted on the day that they are to be cleared, to detect any individual animals present at the time;
- Clearing will be a two-step process where non-habitat trees are removed first allowing fauna time to move to other areas and then following a minimum duration period of one (1) night, before habitat trees are removed;
- Trees to be removed will be felled in such a way as to avoid falling into and damaging adjacent vegetation outside the construction footprint;
- Prior to felling, trees will be 'tapped' by the excavator bucket (or other clearing equipment apparatus) to provide an opportunity for animals to escape;
- The Site Supervisor is to be present during clearing process. If fauna is observed in trees whilst felling, then clearing work is to cease and personnel fall back to allow fauna a chance to vacate the area;
- Felled habitat trees will remain on the ground for a short period to allow time for any trapped fauna to escape. All hollows will be checked immediately after felling and prior to further processing of the tree;
- If fauna are found to be utilising the site, or a nest, den or roost is found, the animals will be relocated by a qualified ecologist, veterinarian or other authorised person to outside the construction footprint.

## 9. REFERENCES

Bureau of Meteorology, 2022. Parkes Airport climate data for the 10<sup>th</sup> June 2022. Accessed on the 16<sup>th</sup> June 2022 from: <http://www.bom.gov.au/climate/dwo/IDCJDW2106.latest.shtml>

Department of Agriculture, Water and Environment (DAWE), 2022. Species Profile and Threats Database. Accessed on the 16<sup>th</sup> June 2022 from: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>

Department of Environment, Heritage, Water and the Arts (DEHWA)(2009). *Matters of National Environmental Significance. Significant Impact Guidelines 1.1. Environment Protection and Biodiversity Conservation Act 1999*. Department of Environment, Heritage, Water and the Arts, Canberra.

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Department of Environment, Heritage, Water and the Arts (DEHWA), 2012. *Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-Eastern Australia: A guide to the identification, assessment and management of a nationally threatened ecological community. Environment Protection and Biodiversity Conservation Act 1999*. Department of Environment, Heritage, Water and the Arts, Canberra.

Harden GJ (ed), 1990. *Flora of New South Wales: Volume 1*, NSW University Press, Kensington.

Harden GJ (ed), 1991. *Flora of New South Wales: Volume 2*, NSW University Press, Kensington.

Harden GJ (ed), 1992. *Flora of New South Wales: Volume 3*, NSW University Press, Kensington.

Harden GJ (ed), 1993. *Flora of New South Wales: Volume 4*, NSW University Press, Kensington.

Hero, J., Littlejohn, M. and Marantelli, G., 1991. *Frogwatch Field Guide to Victorian Frogs*. Department of Natural Resources and Environment, Melbourne.

Menkhorst, P. (ed.), 1995. *Mammals of Victoria. Distribution, Ecology and Conservation*. Oxford University Press, Melbourne.

New South Wales Office of Environment and Heritage (Environment and Heritage), 2012. The VIS Plant Community Type Identification Tool Version 1.0.0.0. New South Wales Office of Environment and Heritage, Sydney.

New South Wales Department of Planning and Environment (DPE), 2022a. *The website for the Atlas of NSW Wildlife*. Accessed on the 16<sup>th</sup> June 2022 from: <http://www.bionet.nsw.gov.au/>

New South Wales Department of Planning and Environment (DPE), 2022b. *Threatened Species Profile search*. Accessed on the 16<sup>th</sup> June 2022 from: <http://www.environment.nsw.gov.au/threatenedSpeciesApp/>

New South Wales Department of Planning and Environment (DPE), 2022c. *Biodiversity Offset and Agreement Management System (BOAMS)*. Accessed on the 16<sup>th</sup> June 2022 from: <https://customer.lmbc.nsw.gov.au/assessment/>

New South Wales Department of Planning and Environment (DPE), 2022d. *State Vegetation Type Map (SVTM)*. Accessed on the 16<sup>th</sup> June 2022 from: <https://www.environment.nsw.gov.au/vegetation/state-vegetation-type-map.htm>

New South Wales Department of Planning and Environment (DPE), 2022e. *Native Vegetation Regulatory Map*. Accessed on the 16<sup>th</sup> June 2022 from: <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=NVRMap>

New South Wales Department of Planning and Environment (DPE), 2022f. *Biodiversity Values Map and Threshold Viewer*. Accessed on the 15<sup>th</sup> June 2022 from: <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>

New South Wales Department of Planning and Environment (DPE), 2022g. *Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Penplain, Nandewar and Brigalow Belt South Bioregions - Determination to make a minor amendment to Part 3 of Schedule 1 of the Threatened Species Conservation Act*. Accessed on the 16<sup>th</sup> June 2022 from: <https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/2011-2012/inland-grey-box-woodland-in-the-riverina-minor-amendment-determination>

Royal Botanic Gardens Sydney, 2022. *PlantNet. New South Wales Flora On-line*. <http://plantnet.rbgsyd.nsw.gov.au/>

Simpson, K. and Day, N., 1998. *The Claremont Field Guide to the Birds of Australia*, 5th edition. Penguin Books, Sydney.

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Standards Australia, 2009. *Australian Standard AS 4970-2009. Protection of trees on development sites*. Standards Australia, Sydney.

Triggs, B., 1996. *Tracks, Scats and Other Traces: a Field Guide to Australian Mammals*. Oxford University Press, Melbourne.

**9.1 Personal Communication**

Samways, Daniel (2022). Capital Delivery Manager – South, GrainCorp Limited, Geelong.

Test of Significance, Proposed Bunker Expansion, Graincorp Parkes

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## **APPENDIX A      THREATENED SPECIES LIKELIHOOD OF PRESENCE**

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## Test of Significance, Proposed Bunker Expansion, Graincorp Parkes

List of threatened communities, and flora and fauna species recorded by the BioNet - Atlas of NSW Wildlife and by Matters of National Environmental Significance search of a 10 km radius from the proposed development site, their status, and their likelihood of occurrence on the site (DPE 2022b; DAWE 2022).

Common Name	Scientific name	Conservation Status (NSW) <sup>1</sup>	Conservation Status (Comm) <sup>2</sup>	Likelihood of Occurrence	Five Part Test
<b>Vegetation community</b>					
Grey Box Grassy Woodlands and Derived Native Grasslands of South-eastern Australia (Western Grey Box tall grassy woodland on alluvial loam and clay soils in the NSW South Western Slopes and Riverina Bioregions)		e	E	The proposed development sites are predominantly cleared remnants of this former TEC. These sites no longer represent this community, as the only remnants/attributes of this former community are sparsely scattered mature trees and two sparsely distributed understorey species. <b>Likelihood: Not present</b>	No
<b>Flora</b>					
<i>Swainsona sericea</i>	Silky Swainson-pea	v		This species grows mostly in light soils on sand-hills and sand plains. Site is not suitable habitat. Recorded within Parkes in 1947. <b>Likelihood: Highly unlikely to be present</b>	No
<b>Fauna</b>					
Barking Owl	<i>Ninox connivens connivens</i>	v		Inhabits woodland and open forest, including fragmented remnants and partly cleared farmland. It is flexible in its habitat use, and hunting can extend in to closed forest and more open areas. Sometimes able to successfully breed along timbered watercourses in heavily cleared habitats due to the higher density of prey on these fertile soils. Some areas of the properties may be suitable habitat, such as the treed patch, with there still being some landscape connectivity. One record of the species within 10 km in 2020. <b>Likelihood: May be present</b>	Yes
Black Falcon	<i>Falco subniger</i>	v		The Black Falcon inhabits woodland, shrubland and grassland in the arid and semi-arid zones, especially wooded watercourses and agricultural land with scattered remnant trees. The species is usually associated with streams or wetlands, visiting them in search of prey and often using standing dead trees as lookout posts. Some areas of the properties may be suitable habitat, such as the treed patch, with there still being some landscape connectivity. Four records within 10 km up to 1990. <b>Likelihood: Unlikely to be present</b>	No
Brown Treecreeper (eastern subspecies)	<i>Climacteris picumnus victoriae</i>	v		Occurs in intact woodlands, and adjacent agricultural land. Some areas of the properties may be suitable habitat, such as the treed patch, with there still being some landscape connectivity. Four records up to 1978. <b>Likelihood: Unlikely to be present</b>	No

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## Test of Significance, Proposed Bunker Expansion, Graincorp Parkes

Common Name	Scientific name	Conservation Status (NSW) <sup>1</sup>	Conservation Status (Comm) <sup>2</sup>	Likelihood of Occurrence	Five Part Test
Curlw Sandpiper	<i>Calidris ferruginea</i>	v	CE, Migratory Wetland Species	Lower lying areas of the property may have once been suitable habitat, it is unlikely the species would be found in the proposed development areas because of the extent of modification and unsuitable habitat. Two records for the species at the Parkes Sewage Farm in 1986. <b>Likelihood: Highly unlikely to be present</b>	No
Diamond Firetail	<i>Stagonopleura guttata</i>	v		Occurs in woodlands, and adjacent agricultural land. Some areas of the properties may be suitable habitat, such as the treed patch, with there still being some landscape connectivity. One record within 10 km in 1978. <b>Likelihood: Unlikely to be present</b>	No
Flame Robin	<i>Petroica phoenicea</i>	v		Breeds in upland tall moist eucalypt forests and woodlands, often on ridges and slopes. Prefers clearings or areas with open understoreys. The ground layer of the breeding habitat is dominated by native grasses and the shrub layer may be either sparse or dense. Some areas of the properties may be suitable habitat, such as the treed patch, with there still being some landscape connectivity. Two records within 10 km up to 1990. <b>Likelihood: Unlikely to be present</b>	No
Freckled Duck	<i>Stictonetta naevosa</i>	v		Wetland species. Lower lying areas of the property may have once been suitable habitat, it is unlikely the species would be found in the proposed development areas because of the extent of modification and unsuitable habitat. Five records for the species at the Parkes Sewage Farm in 1978. <b>Likelihood: Highly unlikely to be present</b>	No
Grey Falcon	<i>Falco hypoleucos</i>	e		Usually restricted to shrubland, grassland and wooded watercourses of arid and semi-arid regions. Like other falcons it utilises old nests of other birds of prey and ravens, usually high in a living eucalypt near water or a watercourse. Some areas of the properties may be suitable habitat, such as the treed patch, with there still being some landscape connectivity. One record of the species within 10 km in 1982. <b>Likelihood: Unlikely to be present</b>	No
Grey-crowned Babbler (eastern subspecies)	<i>Pomatostomus temporalis temporalis</i>	v		Prefers extensive intact woodlands with significant shrub and litter layers. While much of the property would have once been suitable habitat, the extent of clearing and site modification in the proposed development sites and adjacent areas render it unsuitable habitat; the adjacent roadside vegetation may remain suitable habitat. The species has been recorded five times within 10 km of the proposed development up to 2020. <b>Likelihood: Highly unlikely to be present</b>	No

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## Test of Significance, Proposed Bunker Expansion, Graincorp Parkes

Common Name	Scientific name	Conservation Status (NSW) <sup>1</sup>	Conservation Status (Comm) <sup>2</sup>	Likelihood of Occurrence	Five Part Test
Grey-headed Flying-fox	<i>Pteropus poliocephalus</i>	v	V	Australia's only endemic flying-fox and occurs in a coastal belt from south-eastern Queensland to Melbourne, Victoria. It is a canopy-feeding frugivore and nectivore, which utilises vegetation communities including rainforests, open forests, closed and open woodlands, Melaleuca swamps and Banksia woodlands. Development site is not suitable habitat. Two records in the centre of Parkes in 2016 and 2017. <b>Likelihood: Highly unlikely to be present</b>	No
Little Eagle	<i>Hieraaetus morphnoides</i>	v		Occupies open eucalypt forest, woodland or open woodland; Sheoak or Acacia woodlands and riparian woodlands of interior NSW are also used. Nests in tall living trees within a remnant patch, where pairs build a large stick nest in winter. Some areas of the properties may be suitable habitat, such as the treed patch, with there still being some landscape connectivity. One record of the species within 10 km in 2020. <b>Likelihood: May be present</b>	Yes
Little Lorikeet	<i>Glossopsitta pusilla</i>	v		Forages primarily in the canopy of open <i>Eucalyptus</i> forest and woodland, yet also finds food in <i>Angophora</i> , <i>Melaleuca</i> and other tree species. Riparian habitats are particularly used, due to higher soil fertility and hence greater productivity. Isolated flowering trees in open country, e.g. paddocks, roadside remnants and urban trees also help sustain viable populations of the species. Some areas of the properties may be suitable habitat, such as the treed patch, with there still being some landscape connectivity. One record of the species within 10 km in 2020. <b>Likelihood: May be present</b>	Yes
Little Pied Bat	<i>Chalinolobus picatus</i>	v		Occurs in dry open forest, open woodland, mulga woodlands, chenopod shrublands, cypress pine forest and mallee and Bimbel box woodlands. Roosts in caves, rock outcrops, mine shafts, tunnels, tree hollows and buildings. Some areas of the properties may be suitable habitat, such as the treed patch, with there still being some landscape connectivity. Four records of the species within 10 km up to 2021. <b>Likelihood: May be present</b>	Yes
Major Mitchell's Cockatoo	<i>Lophocroa leadbeateri</i>	v		Major Mitchell's Cockatoos live mostly in semi-arid and arid areas, in dry woodlands, particularly mallee. They are also found in stands of River Red Gum or Black Box, and on sand plains and dunes. Some areas of the properties may be suitable habitat, such as the treed patch, with there still being some landscape connectivity. One record of the species within 10 km in 2019. <b>Likelihood: May be present</b>	Yes

## Test of Significance, Proposed Bunker Expansion, Graincorp Parkes

Common Name	Scientific name	Conservation Status (NSW) <sup>1</sup>	Conservation Status (Comm) <sup>2</sup>	Likelihood of Occurrence	Five Part Test
Speckled Warbler	<i>Chthonicola sagittatus</i>	v		Occurs in intact woodlands, and adjacent agricultural land. Some areas of the properties may be suitable habitat, such as the treed patch, with there still being some landscape connectivity. Two records up to 1986. <b>Likelihood: Unlikely to be present</b>	No
Spotted-tailed Quoll	<i>Dasyurus maculatus maculatus</i>	v	E	The Spotted-tailed Quoll has a preference for mature wet forest habitat, especially in areas with rainfall 600 mm/year. Unlogged forest or forest that has been less disturbed by timber harvesting is also preferable. No suitable habitat occurs on the property, but there is a record for the Eugowra Road roadside within 500 m of the property in 2021. <b>Likelihood: May be present</b>	Yes
Superb Parrot	<i>Polytelis swainsonii</i>	v	V	Occurs in riparian woodlands and forest, and adjacent woodlands and agricultural land. The development site does not contain primary habitat; however, the species is known to forage in woodland vegetation and scattered trees (such as is found on the property and the adjacent roadside). Eight records for the species within 10 km up to 2020. <b>Likelihood: May be present</b>	Yes
Varied Sittella	<i>Daphoenositta chrysoptera</i>	v		The Varied Sittella is sedentary and inhabits most of mainland Australia except the treeless deserts and open grasslands. It inhabits eucalypt forests and woodlands, especially those containing rough-barked species and mature smooth-barked gums with dead branches, mallee and Acacia woodland. No suitable habitat is found on the property; the Eugowra Road roadside may contain suitable habitat. One record within 10 km in 2020 to the west of Parkes. <b>Likelihood: Unlikely to be present</b>	No
White-fronted Chat	<i>Epthianura albifrons</i>	v		Gregarious species, usually found foraging on bare or grassy ground in wetland areas, singly or in pairs. Have been observed breeding from late July through to early March, with 'open-cup' nests built in low vegetation. No suitable habitat is found on the property. Two records within 10 km up to 2020 at the Parkes Sewage Farm. <b>Likelihood: Unlikely to be present</b>	No

1. x = presumed extinct in NSW; e = endangered in NSW; v = vulnerable in NSW; ce = critically endangered in NSW (from DPE 2022b).

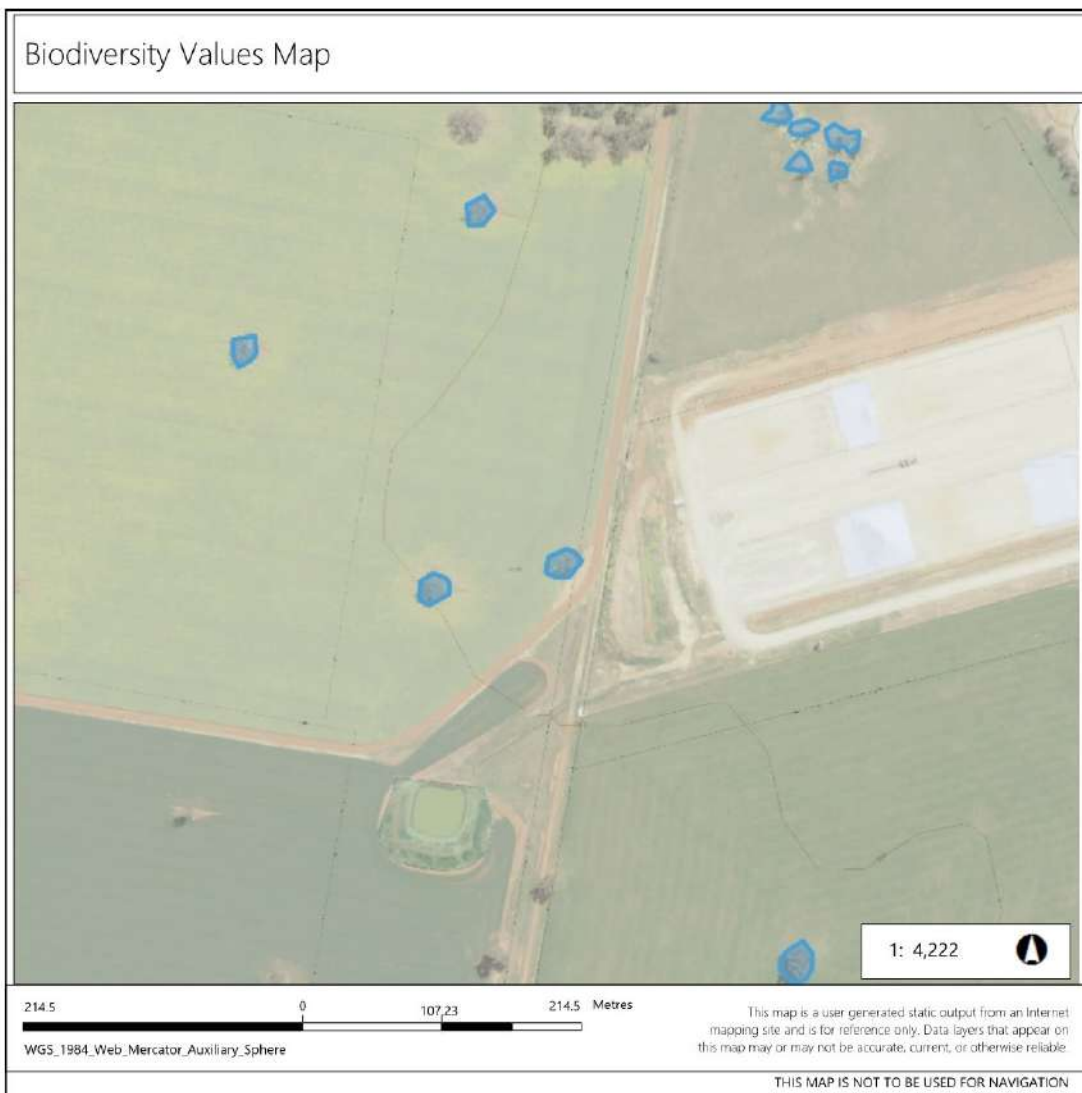
2. V = vulnerable nationally; E = endangered nationally; CE = critically endangered nationally (DAWE 2022).



Test of Significance, Proposed Bunker Expansion, Graincorp Parkes

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**APPENDIX B    BIODIVERSITY OFFSET SCHEME  
ENTRY THRESHOLD (BOSET) TOOL  
REPORT DATED 15<sup>TH</sup> JUNE 2022**



#### Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days

#### Notes

© NSW Department of Planning and Environment



## Biodiversity Values Map and Threshold Report

### Results Summary

<b>Date of Calculation</b>	15/06/2022 2:26 PM	<b>BDAR Required*</b>
<b>Total Digitised Area</b>	2,125.7 sqm	
<b>Minimum Lot Size Method</b>	LEP	
<b>Minimum Lot Size</b> 10,000sqm = 1ha	4,000,000 sqm	
<b>Area Clearing Threshold</b> 10,000sqm = 1ha	10,000 sqm	
<b>Area clearing trigger</b> Area of native vegetation cleared	no	no
<b>Biodiversity values map trigger</b> Impact on biodiversity values map(not including values added within the last 90 days)?	no	no
<b>Date of the 90 day Expiry</b>	N/A	

\*If BDAR required has:

- at least one 'Yes': you have exceeded the BOS threshold. You are now required to submit a Biodiversity Development Assessment Report with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of assessors who are accredited to apply the Biodiversity Assessment Method and write a Biodiversity Development Assessment Report
  - 'No': you have not exceeded the BOS threshold. You may still require a permit from local council. Review the development control plan and consult with council. You may still be required to assess whether the development is "likely to significantly affect threatened species" as determined under the test in s. 7.3 of the Biodiversity Conservation Act 2016. You may still be required to review the area where no vegetation mapping is available.
- # Where the area of impact occurs on land with no vegetation mapping available, the tool cannot determine the area of native vegetation cleared and if this exceeds the Area Threshold. You will need to work out the area of native vegetation cleared - refer to the BMAT user guide for how to do this.

On and after the 90 day expiry date a BDAR will be required.

## Disclaimer

This results summary and map can be used as guidance material only. This results summary and map is not guaranteed to be free from error or omission. The State of NSW and Department of Planning and Environment and its employees disclaim liability for any act done on the information in the results summary or map and any consequences of such acts or omissions. It remains the responsibility of the proponent to ensure that their development application complies with all aspects of the *Biodiversity Conservation Act 2016*.

The mapping provided in this tool has been done with the best available mapping and knowledge of species habitat requirements. This map is valid for a period of 30 days from the date of calculation (above).

## Acknowledgement

I as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Signature \_\_\_\_\_ Date: 15/06/2022 02:26 PM

Test of Significance, Proposed Bunker Expansion, Graincorp Parkes

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## **APPENDIX C   ASSESSED TREE CHARACTERISTICS**

### Test of Significance, Proposed Bunker Expansion, Graincorp Parkes

Trees shaded in red are proposed for removal.

Trees with an asterisk are introduced.

Trees in bold are hollow-bearing.

Tree number	Common name	Scientific name	Diameter	Tree location	
				Easting	Northing
<b>1</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>95/40/40/25</b>	<b>612617</b>	<b>6328244</b>
<b>2</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>70</b>	<b>612457</b>	<b>6328294</b>
<b>3</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>130/70</b>	<b>612889</b>	<b>6328464</b>
<b>4</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>140</b>	<b>612480</b>	<b>6328502</b>
<b>5</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>130/50/50</b>	<b>612393</b>	<b>6328485</b>
<b>6</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>120/30</b>	<b>612273</b>	<b>6328640</b>
<b>7</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>80/40</b>	<b>612428</b>	<b>6328726</b>
<b>8</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>85 (dead)</b>	<b>612418</b>	<b>6328784</b>
9	White Cypress-pine (remnant)	<i>Callitris glaucophylla</i>	65	612468	6328765
10	White Cypress-pine (remnant)	<i>Callitris glaucophylla</i>	50	612467	6328780
11	Grey Box (remnant)	<i>Eucalyptus microcarpa</i>	60	612479	6328764
<b>12</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>80</b>	<b>612491</b>	<b>6328763</b>
13	Grey Box (remnant)	<i>Eucalyptus microcarpa</i>	45	612475	6328774
<b>14</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>65/30/25/25</b>	<b>612483</b>	<b>6328772</b>
<b>15</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>60</b>	<b>612511</b>	<b>6328761</b>
<b>16</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>70/35/30</b>	<b>612508</b>	<b>6328767</b>
<b>17</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>80</b>	<b>612516</b>	<b>6328772</b>
<b>18</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>90</b>	<b>612508</b>	<b>6328773</b>
19	Grey Box (remnant)	<i>Eucalyptus microcarpa</i>	35	612524	6328770
20	Peppercorn (naturalised)	<i>Schinus molle</i> *		612532	6328630
21	White Cypress-pine (remnant)	<i>Callitris glaucophylla</i>	40	612546	6328792
<b>22</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>140</b>	<b>612615</b>	<b>6328783</b>
23	Grey Box (remnant)	<i>Eucalyptus microcarpa</i>	50	612628	6328773
<b>24</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>65</b>	<b>612633</b>	<b>6328775</b>
<b>25</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>140/80</b>	<b>612629</b>	<b>6328751</b>
<b>26</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>90</b>	<b>612652</b>	<b>6328769</b>
<b>27</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>100</b>	<b>612662</b>	<b>6328763</b>
<b>28</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>50</b>	<b>612666</b>	<b>6328768</b>
<b>29</b>	<b>White Box (remnant)</b>	<b><i>Eucalyptus albens</i></b>	<b>110</b>	<b>612651</b>	<b>6328749</b>
<b>30</b>	<b>White Box (remnant)</b>	<b><i>Eucalyptus albens</i></b>	<b>90</b>	<b>612650</b>	<b>6328742</b>
<b>31</b>	<b>Grey Box (remnant)</b>	<b><i>Eucalyptus microcarpa</i></b>	<b>85</b>	<b>612655</b>	<b>6328747</b>

1. Diameter is diameter at breast height (1.3 m) in centimetres;

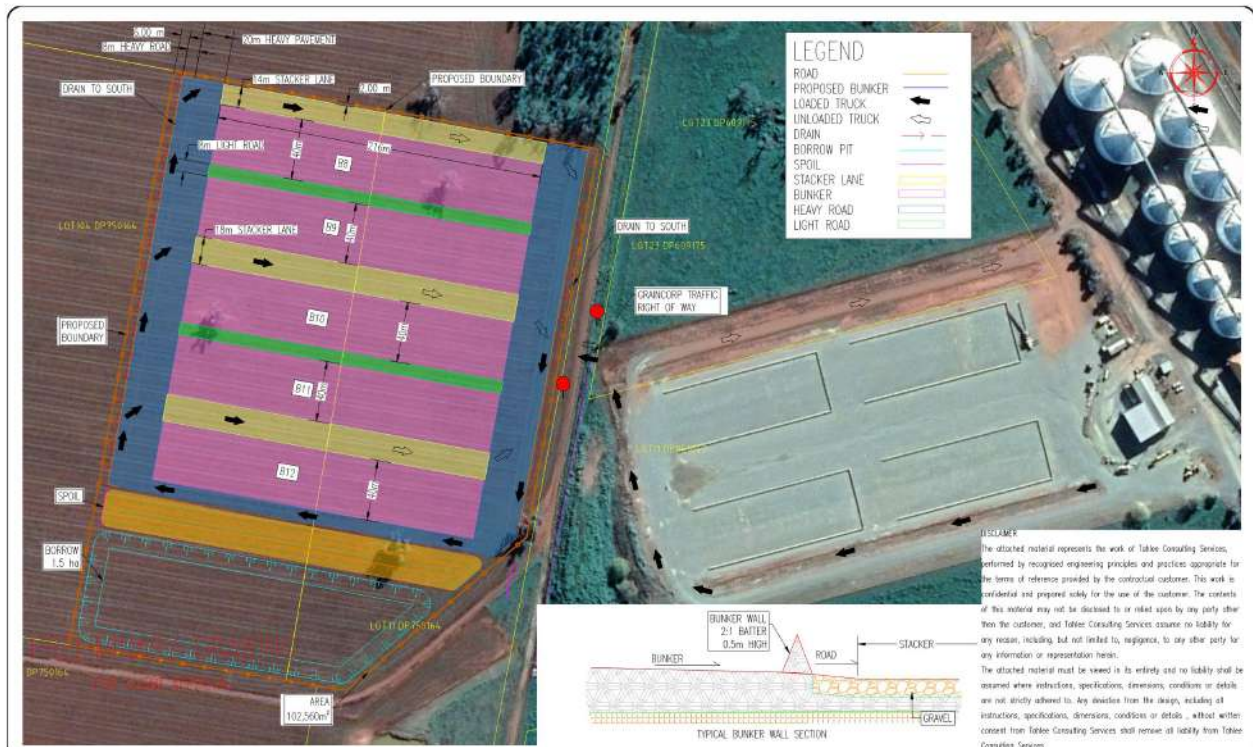
2. Eastings and Northings are in MGA94z55.

### Attachment 4 - Working Plan Set - Vers 1 - 339A Back Yamma Road, Parkes

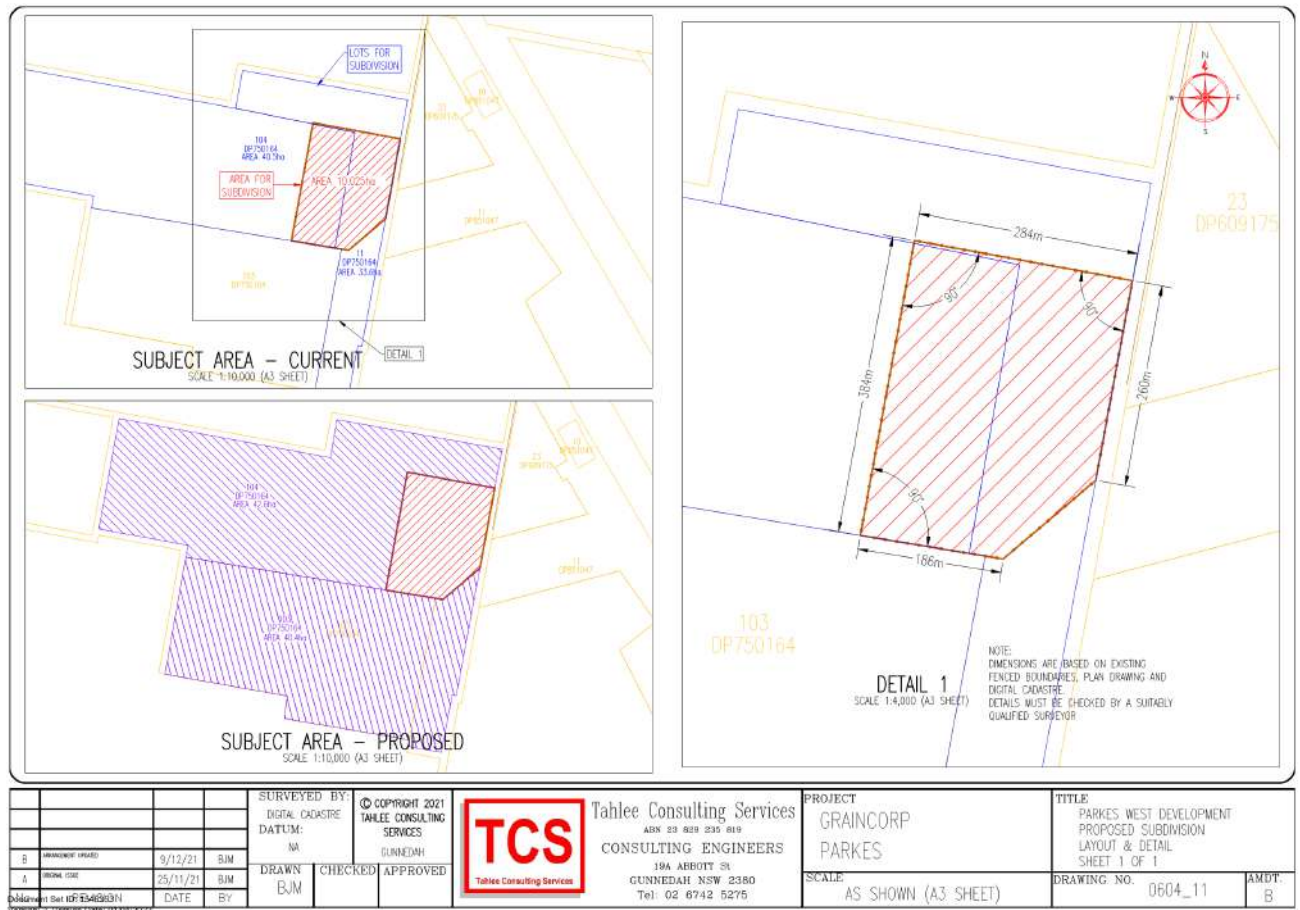




				SURVEYED BY		© COPYRIGHT 2021 Tahlee Consulting Services		PROJECT		TITLE	
D	ISSUED FOR PERMIT	1/12/21	SUM	DATE	1/12/21	DATE	1/12/21	GRAINCORP	PARKES SITE DEVELOPMENT APPROVAL		
C	REVISED FOR PERMIT	25/11/21	SUM	DATE	25/11/21	DATE	25/11/21	PARKES	LAYOUT SHEET 1 OF 1		
B	ISSUED FOR PERMIT	18/11/21	SUM	DATE	18/11/21	DATE	18/11/21	SCALE	DRAWING NO. 0640_5.1		
A	ISSUED FOR PERMIT	22/10/21	MTW	DATE	22/10/21	DATE	22/10/21	1:2,000 (A3 SHEET)	AMOUNT		
DRAWN BY		CHECKED BY		APPROVED BY		Tahlee Consulting Services		16A ABBOTT ST GUNDEDAH NSW 2380 Tel. 02 6742 5275		D	



F	ISSUED WL (PLAN, ASB)	10/12/21	BIM	SURVEYED BY: LEAD: DATUM: GDA 34 HD	© COPYRIGHT 2021 TALLEE CONSULTING SERVICES GUNDEED APPROVED	 Talle Consulting Services 10A ABBOTT ST GUNDEED NSW 2380 Tel. 02 6742 5275	PROJECT	TITLE	SCALE 1:2,000 (A3 SHEET)	DRAWING NO. 0640_5.1	AMDT. F
E	REMARKY (MAD)	9/12/21	BIM				GRAINCORP	PARKES SITE			
D	REMARKY (SPCL)	1/12/21	BIM				CONSULTING ENGINEERS	DEVELOPMENT APPROVAL			
C	PROPOSED (SCHEDULE)	25/11/21	BIM				PARKES	LAYOUT			
B	REMARKS (KOR)	18/11/21	BIM					SHEET 1 OF 1			
0640mmt Set 05/12/21 (03/1)		DATE BY									







ABN 23 829 235 819

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[www.tahlee.com.au](http://www.tahlee.com.au)

*Agricultural engineering services*

14 December 2021

Our Ref: 0640BJM001

**Parkes West Stormwater Management**

Graincorp Pty Ltd  
Eugowra Road  
PARKES NSW 2870

Dear Daniel,

Please find outlined below details of the proposed stormwater management for Parkes West.

**1. Summary**

This report supports the development application for additional bunker storage at Graincorp Parkes. The proposed development includes an onsite retention basin with sufficient capacity to retain storm surges on site. In the event of a discharge from the site it will flow along natural drainage lines for this area.

**2. Pre-development site condition**

The area for the proposed development is extensively dryland farmed. Natural drainage is to the west with no defined drainage paths.

**3. Post-development site condition**

The proposed site will have dedicated drains linked to a large capacity on site retention basin, as shown in **Attachment 1, Drawing 0640\_5G**. Capacity of this basin will be 30 megalitres (ML). The proposed bunker development includes 7.5ha of hardstand and bunker area.

**4. Design details**

The following methodology has been adopted for the runoff calculations:

- 1% Annual Exceedance Probability (AEP) 1-hour design storm of 57mm





Tahlee Consulting Services

- Effects of seepage, undrained areas & evaporation are neglected

Runoff volume from the site in the storm event outlined above would be 4.3ML. This volume is easily contained in the onsite retention basin.

Should the onsite retention basin reach capacity the discharge of water from the site will occur in the natural low area on the western boundary. This discharge will occur over a naturally wide area which will facilitate low velocities. There is very little risk of erosion or scour.

#### 5. Recommendations

The proposed retention basin will provide sufficient capacity for first flush containment in the proposed development as shown in **Drawing 0640\_5G**. It is recommended rip-rap protected spillways are included where surface drains enter retention basin.

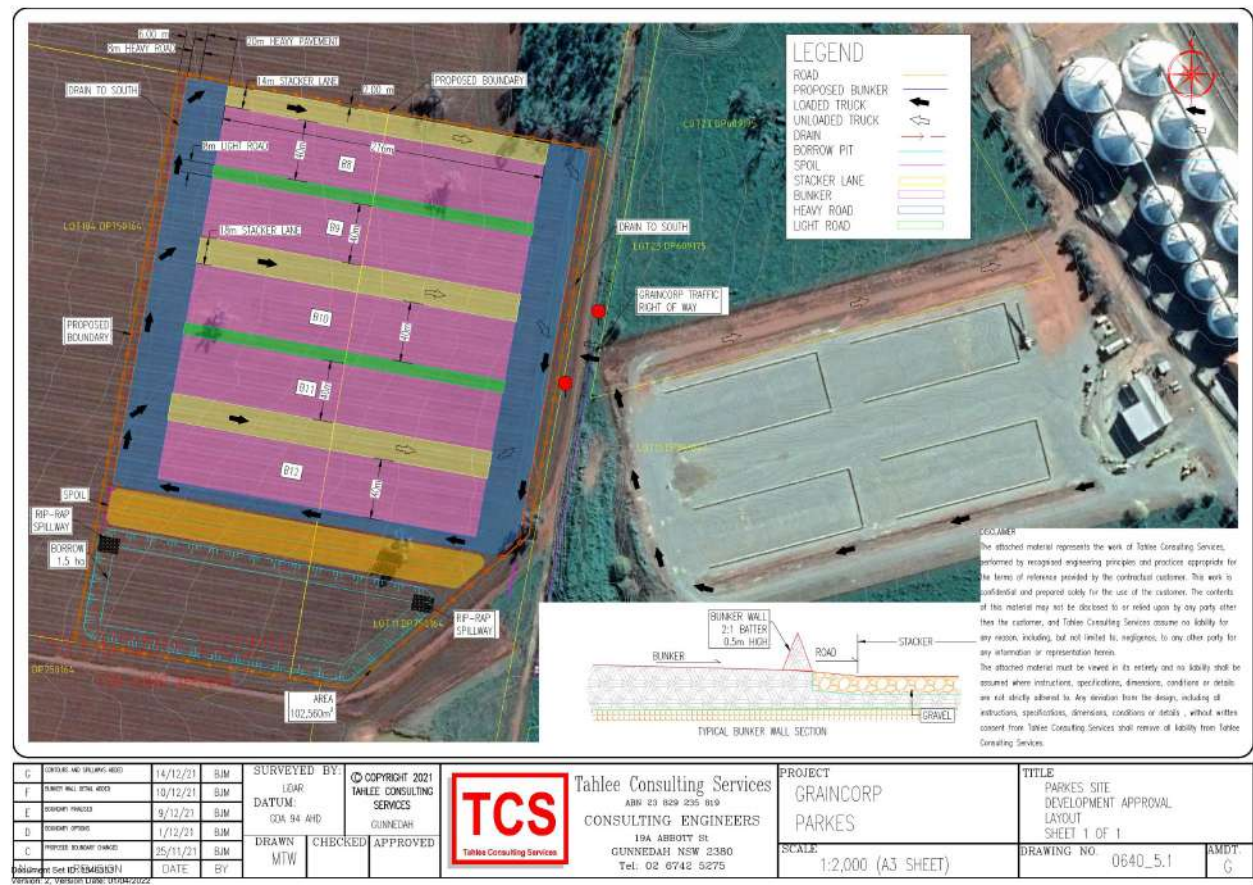
Please do not hesitate to contact me if you require any further information.

Regards,

Bernie Martin

Director

Attachment 1 Drawing 0640\_5G





**Statement of Environmental Effects,**  
**GrainCorp Parkes - West Bunkers**

This proposal is for subdivision of land and construction of additional grain bunker storage adjacent to the existing GrainCorp facility at Parkes.

The following lots are affected by this development:

- Lots 11, 103 and 104 DP750164
- Lot 11 on DP851047

The intention of this development is to provide additional carryover storage, enabling grain to be brought in by rail from other sites in our network that are still full. Construction will consist of a subgrade surface for the grain storage bunkers and associated earthworks, gravel internal road construction and storm water drainage works on Lots 11 and 104 on DP750164.

Access to the new bunkers will be from the existing GrainCorp site Lot 11 DP851047 and crossing the council road separating Lot 11 on DP851047 from Lot 11 on DP750164. We do not expect traffic numbers entering the site to be affected by this development as additional grain will be brought into the site by rail, and out loaded by rail. This grain will be in loaded into the silos before being transferred using trucks to the new bunkers. Traffic flow onsite will remain the same.

Our site at Parkes receives grain from farm during harvest via road trucks. These trucks are weighed and have their quality tested. The trucks are unloaded at either our fixed storage locations or at our grain bunkers by self-powered mobile stackers. These bunkers are a mixture of gravel paved and natural subgrade surfaces, with gravel roads. The grain is then out loaded by either our rail loading facility or by road. Being a major sub-terminal Parkes also receives carryover grain from other sites in our network via rail.

**Site Specifics**

1. A three lot rural subdivision (boundary realignment and Lot consolation) is required on Lots 11, 103 and 104 on DP750164. No new lots will be created by the subdivision. Clause 4.2 Rural Subdivision of the Parkes LEP 2012 allows land within the rural zone to be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land if there are no existing dwellings on the subject lots, which there are not.
2. The grain bunkers are to be constructed by GrainCorp (subject to approval) on Lots 11 and 104 on DP750164

3. Access to the new bunkers will be via the existing GrainCorp site, and crossing the council road separating Lot 11 on DP851047 from Lot 11 on DP750164.
4. Current traffic flow and traffic numbers will not be affected by this development as additional grain will be brought into the site by rail.
5. Existing site amenities will remain as is.
6. During peak times (harvest) on site GrainCorp provides port-a-loo as temporary amenities to its casual staff, these are installed at a central location to the existing bunkers and shed storage.

#### Design

1. Some cut to fill will be required on the bunker development for construction to design height.
2. Stormwater will travel to the south into the new borrow area.
3. There are no neighbors in the immediate vicinity to this development. The proposal is not to be built to a great height, so would not impede views regardless.

#### Traffic and Operations

1. The traffic flow will not change and there will not be any change in impact of the Parkes site to the local community or neighbors. We do not expect traffic numbers into the site to be altered by this development as the additional grain will be brought into the site by rail, and out loaded by rail.
2. Normal hours of work on site are 7am to 5pm Monday to Friday (outside of harvest period). Access will be required after-hours and weekends during our peak season (harvest) for receivals and on occasion to load trains for out loading to Port. Working hours over the harvest period will be 24 hours per day, 7 days per week.
3. The grain on site is protected by our qualified and registered Pest Control team. The Pest Control team are responsible for controlling of rodents and insect pests at the Parkes site. Only registered and approved products are used to control rodents and pests.

#### Utilities

1. Fixed power is already on the site.
2. No electrical works are proposed under this DA application at Parkes.
3. No fixed power will be required at the new bunker facility as grain stackers are powered by in-built diesel generators and portable light towers can be deployed for use during harvest receivals if required.
4. The portable lighting is shielding facing downwards to eliminate any light pollution. The location of these will not change as trucks will unload at the additional bunker using the existing stacker lane.

#### Storm Water

4. The new bunker pavements will be shaped for storm water to shed into open V drains and then fall towards the west and east into the existing dams and new borrow areas.
5. The fall of the pavements and new internal roadways are very slight so will not generate fast moving volumes of water, eliminating the potential for severe wash-off and erosion on site.

#### Air Borne Dust

1. Water carts will be in use at all times on gravel pavements during peak Harvest periods on site.
2. No additional excess dust is anticipated to be produced as traffic will be controlled to flow in a clockwise direction, as per attached traffic plan.

3. Truck traffic is limited to 10km on site at all times and forward-facing traffic flow with no reversing required will also minimize dust creation on site.

Noise, Vibration and Site Hazards

1. General site and emergency rules and procedures will apply to this development.
2. GrainCorp OH&S policy applies to the operations in and around this development.
3. There will be no additional noise or vibration hazards produced from this development..
4. The busiest periods of activity on site will be during Harvest when grain receivals are trucked in from farms, or railed in from other sites in our network, a period of about 8 weeks per annum. The remainder of the year will be outloading grain to our wider country and port network by rail primarily, rather than by road.

**Daniel Samways**

Capital Delivery Manager – South  
GrainCorp Operations Limited



**Transport Assessment**  
**GrainCorp, Parkes**  
for  
**GrainCorp**

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P0257r1v9 GrainCorp Parkes Transport Assessment  
10/05/2022





## Document Control

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v8	9/05/2022	Final 1	A. Reisch
v9	10/05/2022	Final 2	A. Reisch

This document has been prepared by arc traffic + transport for the use of the stated Client only, and addresses the project specifically detailed in this document, and as such should not be considered in regard to any other project. This document has been prepared based on the Client's description of its requirements, information provided by the Client and other third parties. arc traffic + transport does not accept any responsibility for the use of or reference to this document other than intended by the stated Client.

P0257r1v9 GrainCorp Parkes Transport Assessment  
10/05/2022





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## Executive Summary

### The Proposal

arc traffic + transport has been engaged by GrainCorp to prepare a Transport Assessment in regard to a proposed extension of storage capacity (the **Proposal**) on land to the west of the existing GrainCorp site in Eugowra Road, Parkes (the **Site**). The Proposal - which would affect Lots 11, 103 and 104 on DP750164, and Lot 11 on DP851047 (**Parkes West**) - will provide additional carryover storage capacity, enabling produce transported to the Site by regional producers to be further supplemented by produce being transported from other sites in the GrainCorp storage network when they are at capacity.

### Development Application Submissions

Further to the exhibition of DA 2021/0175 by Parkes Shire Council (**Council**) in 2021, a small number of submissions were received by Council objecting to the Proposal. The submissions raised a number of issues relating to traffic and transport, including:

- The use of the minor public lane (**Public Lane**) which runs along the western boundary of the existing Site, a new crossing of which would provide access between the existing Site and Parkes West;
- The ability for produce to be transported by rail to the Site from other GrainCorp sites rather than by truck;
- The potential for truck trips to increase further to the Proposal, particularly in the harvest peak period;
- The suitability of the local road network to physically accommodate the movement of large trucks; and
- The shortage of on-site truck queuing capacity prior to the Sample Stand.

### Response to Submissions

Further to our assessment of the Proposal, and with specific reference to the issues raised in the submissions, arc traffic + transport has determined the following:

#### Comparison with Parkes South Approved Development

The Proposal is consistent with the recently approved DA 2021/0162 which provides for new bunkers on land to the south of the existing Site (**Parkes South**). It is our understanding that there were no objections to DA 2021/0162, which would have the same traffic and transport outcomes as the Proposal, regardless of whether GrainCorp moves to develop both Parkes West and Parkes South, or only one new facility.

#### Public Lane

The Proposal provides for a simple gravel pavement crossing of Public Lane; based on all available information, Public Lane has little if any vehicular or pedestrian trip generation, and as such the prioritisation of these truck movements at this 'intersection' is entirely appropriate.



#### Inbound Truck Trip Generation

The inbound truck trip generation of the Site has in recent years peaked further to excellent harvest conditions. Based on there being a finite number of producers delivering product to the Site, and the effective daily capacity of the Site to receive produce (given the throughput capacity of the Sample Stand), all available information indicates that the inbound truck trip generation of the Site experienced in recent years represents 'super-peak' conditions, and moreover the absolute maximum number of inbound truck trips that could be generated during a harvest peak period.

The Proposal will allow for produce to be transported to the Site from other GrainCorp sites that are at or reaching capacity; GrainCorp's intention is for this transport to be undertaken using rail to as great an extent as possible, but it is acknowledged that transport of product may also be undertaken by truck.

If the use of trucks was considered as a worst case, transporting produce to the Site from other GrainCorp facilities is anticipated to reduce the number of inbound trucks during the harvest peak period, as inbound [producer] trucks have a lower carrying capacity than GrainCorp trucks. Further to the Proposal, GrainCorp would be able to transport produce to the Site using higher capacity trucks, and these truck trips would be scheduled outside of harvest peak period, in turn reducing the truck trip generation of the Site itself during the harvest peak period.

It is acknowledged that the total number of annual inbound truck trips could increase under this worst case scenario; however, those additional trips would be spread across the rest of the year, and based on the additional storage capacity of the Site and the capacity of the GrainCorp inbound trucks, it is estimated that under these conditions the Site would generate an average of no more than 10 inbound trucks per day.

#### Outbound Truck Trip Generation

With regard to outbound produce, GrainCorp has a finite number of domestic customers serviced by the Site; the number of outbound truck trips is therefore relatively stable across the year, and these truck trips are carefully scheduled by GrainCorp, noting that the number of outbound truck trips generated during the harvest peak period is very minimal. In addition, grain destined for export markets is primarily transported to Port by rail.

The Proposal will not in and of itself induce additional outbound truck trips. In past years where minimal grain was received during harvest due to drought, produce has been transported by rail to the Site from other GrainCorp facilities, and then (almost immediately) loaded onto outbound trucks for delivery. The Proposal would not increase outbound truck numbers in comparison to this scenario (other than if GrainCorp attracted additional domestic customers) with the only difference being that these outbound truck trips would be transporting produce stored on-site as opposed to produce being brought to the Site by rail when stored produce is depleted.



### Road Network Impacts

Based on our review of all available information, the traffic generated by the Site – even during harvest peak periods – does not significantly impact the road network. In this regard:

- The super-peak harvest periods experience in recent years generally only occur a few times per decade, and the peak inbound truck trip generation during these years is limited to approximately 2 months of activity;
- Background traffic volumes in all key roads and intersections are very moderate, such that the traffic generated by the Site would have little if any impact on existing road capacities or intersection delays even during super-peak harvest periods;
- All roads providing access between the Site and the regional road network are designated as Restricted Access Vehicle (**RAV**) routes; this means that they have been designated by Transport for NSW (**TfNSW**) as appropriate for the movement of the largest trucks accessing the Site;
- Traffic within the Town Centre will be significantly reduced in the short-term further to the completion of the Parkes Bypass, which will direct Newell Highway traffic away from the Town Centre. TfNSW has estimated that approximately 50% of all trips, and 85% of truck trips, will divert to the Parkes Bypass, which means that the that Town Centre roads will provide significantly increased capacity year round;
- The intersection of the Site access road and Eugowra Road (**Site Intersection**) is able to appropriately accommodate traffic even during super-peak periods, primarily as a function of the minimal through traffic movements in Eugowra Road; and
- With reference to detailed crash data provided by TfNSW, there is no significant crash history in the vicinity of the Site, and in turn no information to suggest that the Site operations or the general design of Eugowra Road or Site Intersection are in any way inherently unsafe or otherwise not fit for purpose.

### On-Site Queuing

Early in the 2020 super-peak harvest period, the inbound truck demand resulted in queues extending from the Sample Stand towards the rail line and Eugowra Road. GrainCorp therefore implemented traffic/queue management strategies that removed the potential for these queues to extend to the rail line and Eugowra Road, and have committed to the continual monitoring of on-site movements, and to further consultation with Council if/when required.

### Conclusion

Based on our assessment of the issues raised in the submissions, and moreover all existing and future Site operations, arc traffic + transport can fully support the Proposal further to traffic and transport considerations.





## 1 Introduction

### 1.1 Overview

arc traffic + transport has been engaged by GrainCorp to prepare a Transport Assessment in regard to a proposed expansion of storage capacity (the **Proposal**) on land to the west of the existing GrainCorp site in Eugowra Road, Parkes (the **Site**). The Proposal – which would affect Lots 11, 103 and 104 on DP750164, and Lot 11 on DP851047 (**Parkes West**) - will provide additional carryover storage capacity, enabling produce transported to the Site by regional producers to be further supplemented by produce being transported from other sites in the GrainCorp storage network when they are at capacity.

Full details of the Proposal are provided in the broader Development Application (**DA 2021/0175**) which was submitted to Parkes Shire Council (**Council**) in December 2021.

### 1.2 Transport Assessment Tasks

Further to the exhibition of DA 2021/0175, a small number of submissions were received by Council objecting to the Proposal; Council has in turn provided GrainCorp the opportunity to respond to the submissions to further assist Council in their determination of the Proposal.

The submissions raised a number of issues relating to traffic and transport, including:

- The use of the minor public lane (**Public Lane**) which runs along the western boundary of the existing Site, a new crossing of which would provide access between the existing Site and Parkes West;
- The ability for produce to be transported by rail to the Site from other GrainCorp sites rather than by truck;
- The potential for truck trips to increase further to the Proposal, particularly in the harvest peak period;
- The suitability of the local road network to physically accommodate the movement of large trucks; and
- The shortage of on-site truck queuing capacity prior to the Sample Stand.

This Transport Assessment has been prepared to provide an appropriate response to these submissions, and moreover to examine the broader existing and future (further to an approval of the Proposal) Site operations.

### 1.3 Reference Material

#### 1.3.1 Planning Documents

In preparing this Transport Assessment, arc traffic + transport has referenced the following key planning documents:

- Statement of Environmental Effects supporting DA 2021/0175 (**SEE West**);



- Submissions received by Council in regard to the Proposal (the **submissions**);
- Statement of Environmental Effects supporting DA 2021/1062 (**SEE South**); and
- Parkes Bypass Traffic and Transport Assessment 2018, Roads and Maritime Services (**Parkes Bypass TTA**).

### 1.3.2 Site Data

GrainCorp has provided arc traffic + transport with a significant amount of data relating to Site operations for the period 2012 – 2021 inclusive, which includes:

- Daily inbound and outbound rail movements and tonnages; and
- Daily inbound and outbound truck movements and tonnages, as well as arrival times and truck types.

### 1.3.3 Traffic and Transport Guidelines

To assess of the potential impacts arising from truck movements to/from the Site, arc traffic + transport has referenced the following traffic and transport guidelines:

- Guide to Traffic Generating Developments 2002, Roads & Traffic Authority (**RTA Guide**);
- Austroads Guide to Road Design Part 3: Geometric Design (**GRD3**);
- Austroads Guide to Road Design Part 4: Intersections & Crossings General (**GRD4**);
- Austroads Guide to Road Design Part 4A: Unsignalised & Signalised Intersections (**GRD4A**); and
- Australian Standard 2890.2: Parking Facilities – Off-Street Commercial Vehicle Facilities (**AS 2890.2**).

## 1.4 Inbound and Outbound Trucks

A key part of this assessment relates to the movement of trucks during the harvest peak periods and across the year. For ease of reference, we have referred to **inbound trucks** as those delivering produce from producers and other GrainCorp facilities, and **outbound trucks** as those delivering product to domestic customers,

Noting that there is little if any backloading of trucks (i.e. a truck delivering produce and then being loaded and deliver produce), all trucks would actually generate 2 trips, i.e. an arrival and a departure trip.

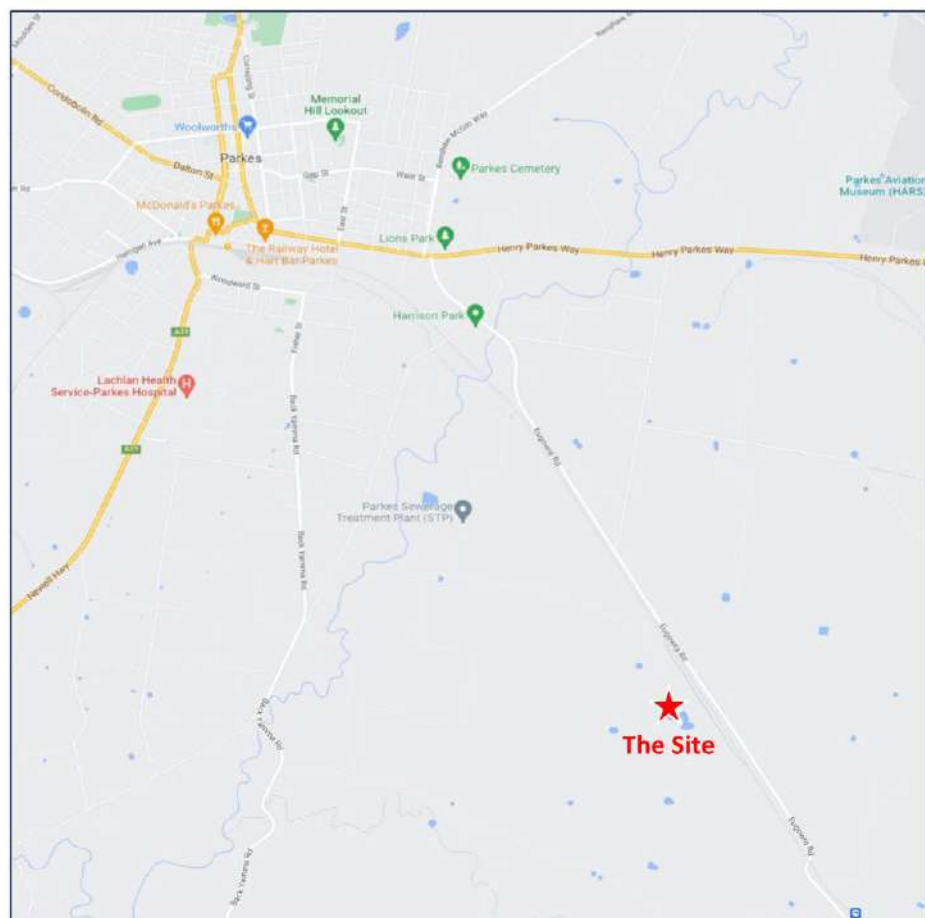


## 2 Existing Site Conditions

### 2.1 Site Location

The Site is located in Eugowra Road, Parkes, approximately 5km south of the Parkes Town Centre (the **Town Centre**). The Site is shown in its local context in Figure 1.

Figure 1: Site Location







## 2.2 Access

### 2.2.1 Site Access

All access to the Site is via Site Intersection, which provides a wide sealed apron suitable for the movement of trucks to and from the Site, which primarily include semi-trailers, B-Doubles and other (approved) RAV combinations.

Internally, all inbound trucks arriving at the Site with produce are required to stop at the Sample Stand, where the quality of the produce is determined prior to the truck then proceeding to a weighbridge, and then to the appropriate storage area. Outbound trucks also use the weighbridge prior to departing the Site.

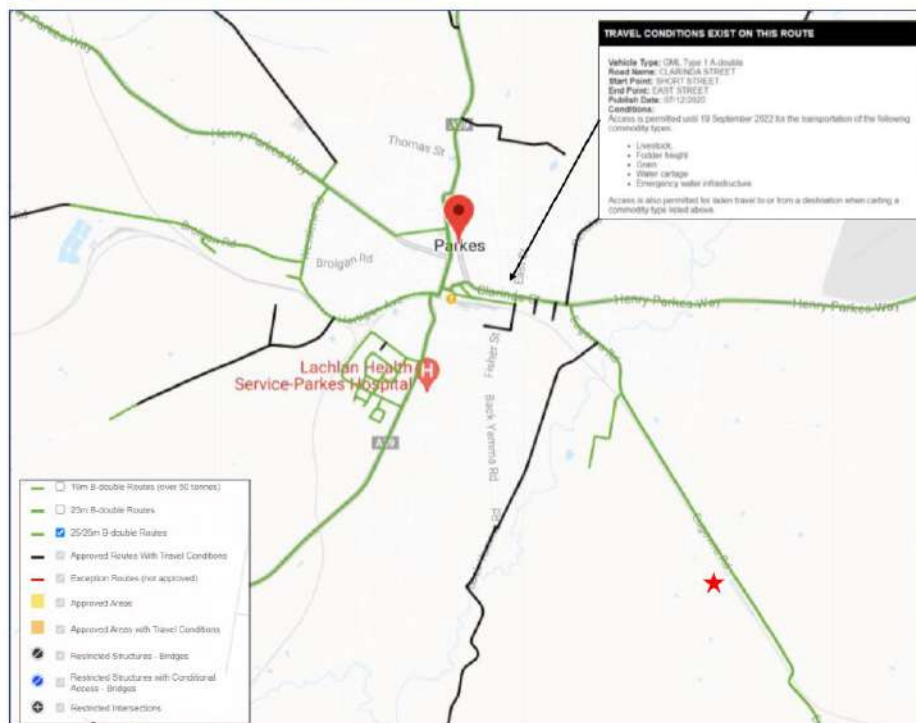
### 2.2.2 Regional Access

The majority of truck trips are generated to/from the north of the Site, and in turn to Newell Highway (north of the Town Centre) and Henry Parkes Way to the east and west; other GrainCorp facilities are located to the south of Parkes which are more readily able to provide transport for suppliers and customers located south of the Site.

Importantly, the key roads and intersections use by these trucks are all designated as RAV routes, which means they can be used by the largest trucks accessing the Site. These routes, and the additional conditions of access within the Town Centre, are shown in Figure 2.



Figure 2: Restricted Access Vehicle Routes



Source: TfNSW

All RAV routes are assessed regularly by TfNSW to ensure that they provide suitable geometry and general capacity to accommodate RAVs; as such, it is entirely appropriate for trucks travelling to and from the Site to use these routes through the Town Centre.

## 2.3 Key Roads

### 2.3.1 Eugowra Road

Eugowra Road is an unclassified rural road that runs south from Henry Parkes Way to The Escort Way. In the vicinity of the Site, it provides 1 traffic lane in each direction, unformed shoulders on both sides of the road, and has a posted speed limit of 100km/h.

### 2.3.2 Public Lane

A narrow Public Lane runs north-south along the western boundary of the existing Site, and will need to be crossed to provide access between the existing Site and Parkes West.



It is our understanding that the use of Public Lane is not restricted to any property/properties, but is on occasion used for access to the existing agricultural operations on adjacent properties. Based on the unformed and relatively poorly maintained condition of Public Lane (based on Nearthmap and Google images) there would be very minor traffic volumes in Public Lane; indeed, it is anticipated that on most days of the year it would not be used by a single vehicle, and there is no indication of any pedestrian demand at any time of the year.

It is our understanding that Council has confirmed that there are no planning controls which would prevent GrainCorp from providing a vehicle crossing of Public Lane, notwithstanding consideration of any potential traffic impacts arising from such. This issue is discussed further in Section 4.5.4.

### 2.3.3 Henry Parks Way/Clarinda Street

Henry Parkes Way is a State Road that runs east west between The Escort Way and Condobolin. North of the Site, it provides 1 traffic lane in each direction as well as parking lanes through the Town Centre, and has a posted speed limit of 50km/h.

### 2.3.4 Newell Highway

Newell Highway is a National Highway that runs south from Goondiwindi through central NSW and then to Melbourne. In the vicinity of the Site, it generally provides 1 traffic lane in each direction and wide sealed verges, as well as on-street parking through the Town Centre, and has a posted speed limit of 100km/h.

It is noted that a new bypass (the **Parkes Bypass**) has recently commenced construction, providing an alternative route west of the Town Centre for northbound and southbound movements in Newell Highway to bypass the Town Centre; the implications of the Parkes Bypass on Site traffic are examined in Section 2.6.

## 2.4 Key Intersections

### 2.4.1 Site Intersection

Site Intersection does not provide any formal auxiliary infrastructure, i.e. turning or passing lanes. A de facto Basic Right (**BAR**) treatment – a widening of the carriageway on the eastern side of Eugowra Road – would under some circumstances allow a southbound vehicle to pass a vehicle turning right into the Site, but given the right turning vehicles are overwhelmingly trucks this is unlikely to happen often.

Sight distance to all movements at the intersection exceed Austroads requirements.

### 2.4.2 Eugowra Road & Henry Parkes Way

This intersection operates under priority control (with priority to Henry Parkes Way), and with two lanes in each direction in Henry Parkes Way effectively provides Auxiliary Right (**AUR**) and Auxiliary Left (**AUL**) turn treatments to Eugowra Road, meaning that eastbound and westbound vehicles in Henry Parkes Way can generally pass a turning vehicle without being delayed.



#### 2.4.3 Town Centre Intersections

Intersections through the Town Centre operate under priority control, with priority in some instances provided to the lower order approaches to reduce vehicles speeds and divert trucks along approved routes.

### 2.5 Road Network Operations

#### 2.5.1 Road Capacity

The majority of key roads in the vicinity of the Site provide more than appropriate general operating capacity to accommodate peak traffic volumes, even during harvest peak periods; notwithstanding, a more detailed assessment of the capacity of these roads to accommodate the peak trip generation of the Site is provided in Section 4.5.

#### 2.5.2 Intersection Operations

Based on all available information, the majority of the intersections used by trucks travelling to and from the Site would operate at a good Level of Service, based simply on the fact that they accommodate only moderate traffic volumes, and in turn would experience only minor delays and queueing even during harvest peak periods.

This includes Site Intersection, where the through traffic volumes in Eugowra Road is minimal, and as such there would be few instances where a vehicle accessing the Site from the north would need to yield to a northbound vehicle, or a departing vehicle would need to yield to any through traffic.

A more detailed assessment of the potential impact of existing and future Site trip generation at these intersections is provided in Section 4.5.

#### 2.5.3 Eugowra Road

Further to a detailed desktop review, arc traffic + transport has not been able to source any traffic volume data for Eugowra Road; however, with reference to data that is available for the Newell Highway and other roads higher order roads in Parkes, and in turn consideration of Eugowra Road's place in the road hierarchy and origins and destinations, it is estimated that Eugowra Road would have an average daily traffic (ADT) volume of no more than 100 vehicles per day (vpd), and perhaps 10 vehicle trips per hour (vph) during peak periods.

### 2.6 Parkes Bypass

The construction of the Parkes Bypass has recently commenced; the project provides for the realignment of Newell Highway to the west of the Town Centre, and in turn will significantly reduce traffic volumes in the Town Centre itself.



It is unlikely that the Parkes Bypass will provide any direct benefits to Site traffic movements, which will still be required to use existing routes through the Town Centre to travel to Newell Highway (north) and Henry Parks Way (west). Notwithstanding, the Parkes Bypass will remove a significant percentage of traffic using the Newell Highway through the Town Centre, substantially increasing the capacity of all roads and intersections in the Town Centre to the benefit of all road users, including Site trips. This issue is examined further in Section 4.5.

## 2.7 Crash Record

Crash data for the period 2016 – 2021 inclusive is available from TfNSW's Centre for Road Safety, and has been reviewed to determine whether there have been crashes in the vicinity of the Site, and the underlying characteristics of those crashes.

A summary of crash locations and crash severity is provided in Figure 3.





Figure 3: Crash Locations &amp; Severity



Source: TfNSW

With reference to Figure 3, and the broader TfNSW crash data set, there were only 2 crashes in the vicinity of the Site in the 5 year reporting period, with one being a non-injury crash (tow-away) and the other a minor crash (minor injury). It is noted that detailed data for these 2 crashes is not available; this is generally an indication that they were low impact crashes, as TfNSW has not reported such crashes in their official figures in recent years.



While there is a crash reported in close proximity to the Site in Eugowra Road, without more detail it is not possible to determine whether this crash occurred at Site Intersection; was a result of Site traffic; or was entirely unrelated to Site operations.

Moreover, the absence of serious (or indeed any) crashes in the vicinity of the Site indicates that the geometry of Eugowra Road and of Site Intersection does not appear to inherently provide anything less than safe driving conditions for traffic (including trucks), though of course the low traffic volumes in Eugowra Road would also be a significant factor in the absence of reported crashes.





### 3 Site Operations

In order to better understand Site operations over time, GrainCorp has provided arc traffic + transport with a 10 year data set (2012 – 2021 inclusive) so that the [traffic] characteristics associated with the quality of yearly harvests can be more easily identified. Sections below provide a summary of the key transport data reviewed so as to provide a detailed assessment of the Proposal.

#### 3.1 Annual Product

##### 3.1.1 Inbound Tonnage

A summary of annual inbound product delivered by rail and truck between 2012 and 2021 is provided in the tables below.



Table 1: Annual Inbound Product 2012 – 2016

Year	Quarter	Rail	%	Truck	%	Total
2012	Qtr1	0		0		0
	Qtr2	0		0		0
	Qtr3	0		0		0
	Qtr4	37,275	20%	151,283	80%	188,558
	<b>Total</b>	<b>37,275</b>	<b>20%</b>	<b>151,283</b>	<b>80%</b>	<b>188,558</b>
2013	Qtr1	49,496	100%	81	0%	49,577
	Qtr2	45,285	100%	0	0%	45,285
	Qtr3	49,800	100%	17	0%	49,816
	Qtr4	26,929	15%	155,079	85%	182,008
	<b>Total</b>	<b>171,509</b>	<b>52%</b>	<b>155,177</b>	<b>48%</b>	<b>326,686</b>
2014	Qtr1	5,788	99%	39	1%	5,828
	Qtr2	1,136	100%	0	0%	1,136
	Qtr3	0		0		0
	Qtr4	15,882	8%	173,752	92%	189,634
	<b>Total</b>	<b>22,806</b>	<b>12%</b>	<b>173,791</b>	<b>88%</b>	<b>196,597</b>
2015	Qtr1	54	11%	416	89%	469
	Qtr2	52,386	100%	0	0%	52,386
	Qtr3	11,648	99%	81	1%	11,729
	Qtr4	11,385	7%	141,334	93%	152,719
	<b>Total</b>	<b>75,473</b>	<b>35%</b>	<b>141,830</b>	<b>65%</b>	<b>217,304</b>
2016	Qtr1	9,443	99%	82	1%	9,525
	Qtr2	4,917	100%	0	0%	4,917
	Qtr3	28,762	100%	0	0%	28,762
	Qtr4	67,795	30%	160,317	70%	228,112
	<b>Total</b>	<b>110,916</b>	<b>41%</b>	<b>160,399</b>	<b>59%</b>	<b>271,315</b>



Table 2: Annual Inbound Product 2017 – 2021

Year	Quarter	Rail	%	Truck	%	Total
2017	Qtr1	33,657	98%	763	2%	34,420
	Qtr2	12,333	100%	8	0%	12,341
	Qtr3	66,641	100%	0	0%	66,641
	Qtr4	43,200	35%	81,616	65%	124,816
	<b>Total</b>	<b>155,831</b>	<b>65%</b>	<b>82,387</b>	<b>35%</b>	<b>238,218</b>
2018	Qtr1	12,372	95%	671	5%	13,043
	Qtr2	11,359	100%	0	0%	11,359
	Qtr3	31,359	100%	0	0%	31,359
	Qtr4	46,896	83%	9,897	17%	56,793
	<b>Total</b>	<b>101,985</b>	<b>91%</b>	<b>10,568</b>	<b>9%</b>	<b>112,553</b>
2019	Qtr1	13,768	98%	350	2%	14,118
	Qtr2	30,602	100%	0	0%	30,602
	Qtr3	50,998	100%	0	0%	50,998
	Qtr4	20,639	85%	3,712	15%	24,351
	<b>Total</b>	<b>116,007</b>	<b>97%</b>	<b>4,062</b>	<b>3%</b>	<b>120,069</b>
2020	Qtr1	31,829	100%	0	0%	31,829
	Qtr2	40,902	100%	0	0%	40,902
	Qtr3	34,323	100%	0	0%	34,323
	Qtr4	8,945	3%	258,476	97%	267,421
	<b>Total</b>	<b>115,999</b>	<b>31%</b>	<b>258,476</b>	<b>69%</b>	<b>374,475</b>
2021	Qtr1	0	0%	15,163	100%	15,163
	Qtr2	0	0%	41	100%	41
	Qtr3	57	100%	0	0%	57
	Qtr4	7,933	3%	225,136	97%	233,069
	<b>Total</b>	<b>7,990</b>	<b>3%</b>	<b>240,340</b>	<b>97%</b>	<b>248,330</b>

### 3.1.2 Outbound Tonnage

A summary of annual outbound product delivered by rail and truck between 2012 and 2021 is provided in the tables below.



Table 3: Annual Outbound Product 2012 - 2016

Year	Quarter	Rail	%	Truck	%	Total
2012	Qtr1	0	0%	10,208	100%	10,208
	Qtr2	0	0%	6,198	100%	6,198
	Qtr3	0	0%	10,231	100%	10,231
	Qtr4	96,192	96%	3,589	4%	99,780
	<b>Total</b>	<b>96,192</b>	<b>76%</b>	<b>30,225</b>	<b>24%</b>	<b>126,416</b>
2013	Qtr1	113,741	94%	6,729	8%	120,470
	Qtr2	75,485	90%	8,520	10%	84,005
	Qtr3	52,733	88%	7,206	12%	59,939
	Qtr4	86,511	92%	7,806	8%	94,317
	<b>Total</b>	<b>328,471</b>	<b>92%</b>	<b>30,261</b>	<b>8%</b>	<b>358,732</b>
2014	Qtr1	61,138	83%	12,086	17%	73,225
	Qtr2	29,556	67%	14,755	33%	44,311
	Qtr3	2,075	17%	10,199	83%	12,274
	Qtr4	43,655	85%	7,566	15%	51,221
	<b>Total</b>	<b>136,424</b>	<b>75%</b>	<b>44,606</b>	<b>25%</b>	<b>181,031</b>
2015	Qtr1	53,572	90%	5,993	10%	59,565
	Qtr2	75,482	95%	3,701	5%	79,183
	Qtr3	26,007	82%	5,861	18%	31,869
	Qtr4	54,920	86%	9,007	14%	63,926
	<b>Total</b>	<b>209,981</b>	<b>90%</b>	<b>24,562</b>	<b>10%</b>	<b>234,543</b>
2016	Qtr1	36,839	83%	7,589	17%	44,427
	Qtr2	40,306	86%	6,306	14%	46,613
	Qtr3	62,787	91%	6,582	9%	69,369
	Qtr4	78,035	94%	4,733	6%	82,769
	<b>Total</b>	<b>217,967</b>	<b>90%</b>	<b>25,210</b>	<b>10%</b>	<b>243,177</b>



Table 4: Annual Outbound Product 2017 - 2021

Year	Quarter	Rail	%	Truck	%	Total
2017	Qtr1	123,055	100%	591	0%	123,646
	Qtr2	78,111	99%	1,188	1%	79,299
	Qtr3	63,212	86%	10,638	14%	73,850
	Qtr4	52,591	86%	8,378	14%	60,969
	<b>Total</b>	<b>316,970</b>	<b>94%</b>	<b>20,795</b>	<b>6%</b>	<b>337,764</b>
2018	Qtr1	28,789	86%	4,822	14%	33,611
	Qtr2	12,945	45%	15,853	55%	28,798
	Qtr3	21,919	57%	16,629	43%	38,547
	Qtr4	44,179	64%	24,615	36%	68,794
	<b>Total</b>	<b>107,832</b>	<b>64%</b>	<b>61,919</b>	<b>36%</b>	<b>169,750</b>
2019	Qtr1	8,151	35%	14,942	65%	23,093
	Qtr2	5,242	13%	33,699	87%	38,942
	Qtr3	0	0%	47,837	100%	47,837
	Qtr4	14,443	29%	35,200	71%	49,643
	<b>Total</b>	<b>27,836</b>	<b>17%</b>	<b>131,678</b>	<b>83%</b>	<b>159,514</b>
2020	Qtr1	6,196	16%	33,213	84%	39,408
	Qtr2	1,104	7%	13,736	93%	14,841
	Qtr3	7,306	35%	13,480	65%	20,787
	Qtr4	53,927	96%	2,486	4%	56,413
	<b>Total</b>	<b>68,534</b>	<b>52%</b>	<b>62,916</b>	<b>48%</b>	<b>131,449</b>
2021	Qtr1	65,280	90%	7,372	10%	72,652
	Qtr2	57,657	89%	6,797	11%	64,454
	Qtr3	108,293	91%	10,543	9%	118,836
	Qtr4	70,545	84%	13,834	16%	84,379
	<b>Total</b>	<b>301,775</b>	<b>89%</b>	<b>38,546</b>	<b>11%</b>	<b>340,321</b>



### 3.2 Recent Site Operations

With reference to the tables above, the storage and throughput capability of the Site becomes very clear, and more specifically the effects of periods of drought and periods of plenty on Site operations.

As shown in Table 1 and Table 2, inbound produce from regional producers was impacted by drought, most recently in 2018 and 2019, and as a result the inbound deliveries from producers (by truck) were low.

During these same periods, GrainCorp used its surplus (i.e. stored produce) to continue to meet customer demand, but as the amount of produce stored on Site was depleted, produce was then transported to the Site (primarily by rail) from other GrainCorp facilities with spare produce. This meant that through all periods GrainCorp was still able to provide product to regional customers from the Site, even if that product was not actually stored on-site.

The operating characteristics of the Site were very different in years with a good harvest; the amount of inbound produce during these periods (and specifically 2020 and 2021) was such that all on-site storage was near or at capacity even as produce was delivered to customers as efficiently as possible.

The purpose of the Proposal is of course to provide additional storage capacity to free up capacity at Parkes and other sites in the event of a run of good harvest years where supply chain constraints result in sites carrying grain and in turn limiting their capacity to receive the following years harvest. While this may occur in only a few years each decade, the investment in the additional carryover storage is essential to receiving consecutive good harvests and maximise Site operations for both producers and customers over the longer term, as well as maximising the efficiency of the GrainCorp storage and transport system.

### 3.3 Rail Operations

#### 3.3.1 General Rail Operations

As shown in Section 3.1, rail transport plays a significant role in Site operations, including transporting inbound and outbound product. The majority of inbound product transported by rail is from other GrainCorp facilities across NSW, VIC and QLD (when the Site has a low amount of stored product) as well as from some other major grain handlers. The majority of outbound product transported by rail is to domestic and international customers.

#### 3.3.2 Rail Capacity

While the submissions suggest that rail has not been used for the transport of inbound product, the data reported in Section 3.1 indicates that this is not the case, i.e. product is transported to the Site by rail, and that there is spare capacity to transport inbound produce from other GrainCorp facilities or producers in the future.





## 4 Truck Operations

### 4.1 Overview

Perhaps the most important issue for review in this Transport Assessment is the truck trip generation of the Site during harvest peak periods, and the potential impact of those truck trips on the local road network, and on internal Site operations. Sections below provide an assessment of these truck operations.

### 4.2 Truck Management

#### 4.2.1 Outbound Trucks

Outbound trucks delivering produce to domestic customers are on the whole relatively easy to manage, as they are entirely controlled by GrainCorp. While each truck needs to be loaded and then weighed before departing, this can be achieved in an orderly manner over an extended period of each day, week and indeed year. GrainCorp is also able to maximise the amount of product being transported by each truck by using a fleet of high capacity vehicles, most commonly B-Doubles, with capacity for 40t – 50t per load.

#### 4.2.2 Inbound Trucks

Inbound trucks are less able to be managed on a day to day basis, particularly during harvest peak periods, as producers arrive at the Site from across the region based on their distance from the Site and their own harvesting timetable.

Inbound truck numbers are proportionally higher than outbound truck numbers because the capacity of inbound trucks (primarily operated by producers) is lower, averaging closer to 25t per truck. In addition, and as discussed in Section 2.2.1, each inbound truck needs to pass through the Sample Stand before proceeding to weighing and unloading; the sampling process generally takes a relatively short time (approximately 5 minutes).

### 4.3 Annual Truck Trips

#### 4.3.1 Annual Inbound Trucks

A summary of annual inbound trucks and truck trips generated by the Site between 2012 and 2021 is provided in the tables below.





Table 5: Annual Inbound Trucks 2012- 2016

Year	Quarter	Tonnage	Truck Loads	Truck Trips
2012	Qtr1			
	Qtr2			
	Qtr3			
	Qtr4	151,283	6,051	12,103
	<b>Total</b>	<b>151,283</b>	<b>6,051</b>	<b>12,103</b>
2013	Qtr1	81		
	Qtr2			
	Qtr3	17	1	1
	Qtr4	155,079	6,203	12,406
	<b>Total</b>	<b>155,177</b>	<b>6,204</b>	<b>12,408</b>
2014	Qtr1	39	2	3
	Qtr2			
	Qtr3			
	Qtr4	173,752	6,950	13,900
	<b>Total</b>	<b>173,791</b>	<b>6,952</b>	<b>13,903</b>
2015	Qtr1	416	17	33
	Qtr2			
	Qtr3	81	3	
	Qtr4	141,334	5,653	11,307
	<b>Total</b>	<b>141,830</b>	<b>5,673</b>	<b>11,340</b>
2016	Qtr1	82	3	7
	Qtr2			
	Qtr3			
	Qtr4	160,317	6,413	12,825
	<b>Total</b>	<b>160,399</b>	<b>6,416</b>	<b>12,832</b>



Table 6: Annual Inbound Trucks 2017 - 2021

Year	Quarter	Tonnage	Truck Loads	Truck Trips
2017	Qtr1	763	31	61
	Qtr2	8	0	1
	Qtr3		0	
	Qtr4	81,616	3,265	6,529
	<b>Total</b>	<b>82,387</b>	<b>3,295</b>	<b>6,591</b>
2018	Qtr1	671	27	54
	Qtr2			
	Qtr3			
	Qtr4	9,897	396	792
	<b>Total</b>	<b>10,568</b>	<b>423</b>	<b>845</b>
2019	Qtr1	350	14	28
	Qtr2			
	Qtr3			
	Qtr4	3,712	148	297
	<b>Total</b>	<b>4,062</b>	<b>162</b>	<b>325</b>
2020	Qtr1			
	Qtr2			
	Qtr3			
	Qtr4	258,476	10,339	20,678
	<b>Total</b>	<b>258,476</b>	<b>10,339</b>	<b>20,678</b>
2021	Qtr1	15,163	607	1,213
	Qtr2	41	2	
	Qtr3			
	Qtr4	225,136	9,005	18,011
	<b>Total</b>	<b>240,340</b>	<b>9,614</b>	<b>19,224</b>

#### 4.3.2 Annual Outbound Trucks

A summary of annual outbound trucks and truck trips generated by the Site between 2012 and 2021 is provided in the tables below.



Table 7: Annual Outbound Trucks 2012 – 2016

Year	Quarter	Tonnage	Truck Loads	Truck Trips
2012	Qtr1	10,208	303	606
	Qtr2	6,198	184	368
	Qtr3	10,231	315	630
	Qtr4	3,589	110	220
	<b>Total</b>	<b>30,225</b>	<b>912</b>	<b>1,824</b>
2013	Qtr1	6,729	234	468
	Qtr2	8,520	249	498
	Qtr3	7,206	222	444
	Qtr4	7,806	243	486
	<b>Total</b>	<b>30,261</b>	<b>948</b>	<b>1,896</b>
2014	Qtr1	12,086	356	712
	Qtr2	14,755	445	890
	Qtr3	10,199	314	628
	Qtr4	7,566	214	428
	<b>Total</b>	<b>44,606</b>	<b>1,329</b>	<b>2,658</b>
2015	Qtr1	5,993	178	356
	Qtr2	3,701	113	226
	Qtr3	5,861	190	380
	Qtr4	9,007	268	536
	<b>Total</b>	<b>24,562</b>	<b>749</b>	<b>1,498</b>
2016	Qtr1	7,589	215	430
	Qtr2	6,306	189	378
	Qtr3	6,582	183	366
	Qtr4	4,733	157	314
	<b>Total</b>	<b>25,210</b>	<b>744</b>	<b>1,488</b>



Table 8: Annual Outbound Trucks 2017 - 2021

Year	Quarter	Tonnage	Truck Loads	Truck Trips
2017	Qtr1	591	24	48
	Qtr2	1,188	37	74
	Qtr3	10,638	294	588
	Qtr4	8,378	231	462
	<b>Total</b>	<b>20,795</b>	<b>586</b>	<b>1,172</b>
2018	Qtr1	4,822	141	282
	Qtr2	15,853	451	902
	Qtr3	16,629	471	942
	Qtr4	24,615	692	1,384
	<b>Total</b>	<b>61,919</b>	<b>1,755</b>	<b>3,510</b>
2019	Qtr1	14,942	413	826
	Qtr2	33,699	952	1,904
	Qtr3	47,837	1,360	2,720
	Qtr4	35,200	1,001	2,002
	<b>Total</b>	<b>131,678</b>	<b>3,726</b>	<b>7,452</b>
2020	Qtr1	33,213	909	1,818
	Qtr2	13,736	380	760
	Qtr3	13,480	415	830
	Qtr4	2,486	87	174
	<b>Total</b>	<b>62,916</b>	<b>1,791</b>	<b>3,582</b>
2021	Qtr1	7,372	218	436
	Qtr2	6,797	187	374
	Qtr3	10,543	273	546
	Qtr4	13,834	358	716
	<b>Total</b>	<b>38,546</b>	<b>1,036</b>	<b>2,072</b>



#### 4.3.3 Annual Total Truck Trips

With reference to the tables above, a summary of the total annual number of trucks and truck trips is provided in the tables below.

Table 9: Total Annual Truck Trips 2012 – 2016

Year	Quarter	Truck Loads	Truck Trips
2012	Qtr1	303	606
	Qtr2	184	368
	Qtr3	315	630
	Qtr4	6,161	12,323
	<b>Total</b>	<b>6,963</b>	<b>13,927</b>
2013	Qtr1	234	468
	Qtr2	249	498
	Qtr3	223	445
	Qtr4	6,446	12,892
	<b>Total</b>	<b>7,152</b>	<b>14,304</b>
2014	Qtr1	358	715
	Qtr2	445	890
	Qtr3	314	628
	Qtr4	7,164	14,328
	<b>Total</b>	<b>8,281</b>	<b>16,561</b>
2015	Qtr1	195	389
	Qtr2	113	226
	Qtr3	193	386
	Qtr4	5,921	11,843
	<b>Total</b>	<b>6,422</b>	<b>12,844</b>
2016	Qtr1	218	437
	Qtr2	189	378
	Qtr3	183	366
	Qtr4	6,570	13,139
	<b>Total</b>	<b>7,160</b>	<b>14,320</b>

Table 10: Total Annual Truck Trips 2017 - 2021



Year	Quarter	Truck Loads	Truck Trips
2017	Qtr1	55	109
	Qtr2	37	75
	Qtr3	294	588
	Qtr4	3,496	6,991
	<b>Total</b>	<b>3,881</b>	<b>7,763</b>
2018	Qtr1	168	336
	Qtr2	451	902
	Qtr3	471	942
	Qtr4	1,088	2,176
	<b>Total</b>	<b>2,178</b>	<b>4,355</b>
2019	Qtr1	427	854
	Qtr2	952	1,904
	Qtr3	1,360	2,720
	Qtr4	1,149	2,299
	<b>Total</b>	<b>3,888</b>	<b>7,777</b>
2020	Qtr1	909	1,818
	Qtr2	380	760
	Qtr3	415	830
	Qtr4	10,426	20,852
	<b>Total</b>	<b>12,130</b>	<b>24,260</b>
2021	Qtr1	825	1,649
	Qtr2	189	377
	Qtr3	273	546
	Qtr4	9,363	18,727
	<b>Total</b>	<b>10,650</b>	<b>21,299</b>



#### 4.4 Super-Peak Truck Trip Generation

##### 4.4.1 Overview

Further to a detailed review of the transport data, arc traffic + transport has been able to identify the peak number of both inbound and outbound trucks through the super-peak harvest periods in 2020 and 2021. For the purpose of this assessment, we have focused on the super-peak experienced during the 4<sup>th</sup> quarter of 2020; we note that the characteristics of this period were almost identical to the 4<sup>th</sup> quarter of 2021 with regard to the maximum number of truck trips.

##### 4.4.2 4<sup>th</sup> Quarter 2020 Weekly Inbound Truck Trips

A summary of the total weekly inbound trucks and truck trips during the peak 4<sup>th</sup> quarter of 2020 is provided in Table 11.

Table 11: 4<sup>th</sup> Quarter 2020 Weekly Inbound Trucks

Week Starting	Tonnage	Truck Loads	Truck Trips
2/11/2020	3,523	141	282
9/11/2020	21,776	871	1,742
16/11/2020	56,459	2,258	4,517
23/11/2020	41,770	1,671	3,342
30/11/2020	44,719	1,789	3,578
7/12/2020	63,189	2,528	5,055
14/12/2020	17,687	707	1,415
21/12/2020	3,954	158	316

##### 4.4.3 4<sup>th</sup> Quarter 2020 Weekly Outbound Trucks

A summary of the total weekly outbound trucks and truck trips during the peak 4<sup>th</sup> quarter of 2020 is provided in Table 12, noting that this data highlights the fact that GrainCorp has few scheduled outbound trucks during the harvest peak period.



Table 12: 4<sup>th</sup> Quarter 2020 Weekly Outbound Trucks

Week Starting	Tonnage	Truck Loads	Truck Trips
2/11/2020	227	9	18
9/11/2020	51	2	4
16/11/2020	386	12	24
23/11/2020	295	11	22
30/11/2020	51	2	4
7/12/2020	0	0	0
14/12/2020	203	8	16
21/12/2020	525	14	28

4.4.4 4<sup>th</sup> Quarter 2020 Total Weekly Trucks

With reference to the tables above, Table 13 provides a summary of the total weekly trucks and truck trips generated by the Site during the peak 4<sup>th</sup> quarter of 2020.

Table 13: 4<sup>th</sup> Quarter 2020 Total Weekly Trucks

Week Starting	Truck Loads	Truck Trips
2/11/2020	150	300
9/11/2020	873	1,746
16/11/2020	2,270	4,541
23/11/2020	1,682	3,364
30/11/2020	1,791	3,582
7/12/2020	2,528	5,055
14/12/2020	715	1,431
21/12/2020	172	344

With reference to Table 13, during the week commencing 7/12/2020, an average of approximately 360 trucks, or 720 truck trips, were being generated each day; given the higher generation of inbound trucks on weekdays, the average was likely closer to 400 trucks and 800 truck trips per day.



## 4.5 Traffic Impacts

### 4.5.1 Annual Outbound Truck Movements

The Proposal will not inherently increase the annual outbound truck trip generation of the Site. As previously discussed, the Proposal would simply provide an alternative to the situation which has occurred in recent drought years, where produce has needed to be delivered to the Site from other GrainCorp facilities with spare capacity (generally by rail), and then trucked out almost immediately to customers because the Site's stored produce has been depleted.

As such, the number of outbound trucks is not anticipated to be higher than existing outbound truck numbers over the course of the year, though it is acknowledged that this could increase if GrainCorp attracted new domestic customers serviced by the Site, a circumstance that could occur regardless of whether the additional carryover storage was provided.

### 4.5.2 Annual Inbound Truck Movements

The Proposal will not inherently increase the annual inbound truck trip generation of the Site, which will still rise and fall according to the quality of the harvest.

During harvest periods, the additional storage capacity of the Site would not in and of itself induce additional demand, as there is a relatively fixed number of regional producers transporting their product to the Site during this period. Moreover, and with reference to the 4<sup>th</sup> quarter data from 2020 and 2021, the potential for the Site to experience a higher truck trip generating period than those recently seen in these super-peak periods is therefore highly unlikely.

Notwithstanding, if the use of trucks was considered as a worst case, transporting produce to the Site from other GrainCorp facilities is anticipated to reduce the number of inbound trucks during the harvest peak periods, as inbound [producer] trucks have a lower carrying capacity than GrainCorp trucks and arrive over a very short period of the year. Further to the Proposal, GrainCorp would be able to transport produce to the Site using higher capacity trucks, and these truck trips would be scheduled outside of harvest peak period, in turn reducing the truck trip generation of the Site itself during the harvest peak period.

It is acknowledged that the total number of annual inbound truck trips would increase under this worst case scenario; however, those additional trips would be spread across the rest of the year, and based on the additional storage capacity of the Site and the capacity of the GrainCorp inbound trucks, it is estimated that under these conditions the Site would generate an average of no more than 10 inbound trucks per day.



#### 4.5.3 Harvest Peak Period Truck Movements

As discussed, the use of other GrainCorp facilities in the region actually has the potential to reduce the number of inbound truck trips being generated during the harvest peak periods.

The Proposal will allow for produce to be transported to the Site from other GrainCorp sites that are at or reaching capacity; GrainCorp's intention is for this transport to be undertaken using rail to as great an extent as possible, but it is acknowledged that transport of product may also be undertaken by truck.

If the use of trucks was considered as a worst case, transporting produce to the Site from other GrainCorp facilities is anticipated to reduce the number of inbound trucks during the harvest peak periods, as inbound [producer] trucks have a lower carrying capacity than GrainCorp trucks, and can be scheduled outside of the harvest peak period.

Further to the Proposal, GrainCorp would be able to transport produce to the Site using higher capacity trucks, and these truck trips would be scheduled outside of harvest peak period, in turn reducing the truck trip generation of the Site itself during the harvest peak period.

#### 4.5.4 Public Lane Crossing

As discussed in Section 2.3.2, Public Lane will need to be crossed to provide access between the existing Site and Parkes West.

In this regard, GrainCorp proposes the construction of a simple gravel pavement crossing which would provide both the appropriate surface and width to accommodate the movement of the largest trucks accessing Parkes West.

Given that these trucks would comprise almost the entirety of all vehicle movements at this 'intersection', it is more than appropriate that priority be given to these movements. Moreover, given the almost non-existent volumes in Public Lane, and the available sight distance on all approaches to the intersection, it is the opinion of arc traffic + transport that the intersection would operate safely and efficiently at all times of the year.

#### 4.5.5 Site Intersection Operations

Site Intersection would, at most times of the year, operate at a good Level of Service, with only minor delays and little queuing.

During harvest peak periods, the number of vehicles turning to and from the Site can increase; however, given the very low through traffic volumes in Eugowra Road, even during these periods Site Intersection would operate with virtually no delays.



#### 4.6 Broader Road Network Impacts

The truck trips generated during the harvest peak period will have some level of impact on the road network, particularly through the Town Centre, simply based on the number of truck trips being generated in a short period of time.

With reference to Section 2.6, the Parkes Bypass will almost halve the average daily traffic volumes in Newell Highway through the Town Centre, with some 46% of northbound and southbound volumes in Newell Highway moving to the Bypass, along with 85% of truck movements.

This will in turn significantly increase the capacity of the road network through the Town Centre, such that the traffic impacts arising from even super-peak harvest periods would be minimal, and all intersections are anticipated to continue to operate at a good Level of Service.

#### 4.7 On-Site Queuing

Early in the 2020 super-peak harvest period, the increased (from previous years) inbound truck demand resulted in queues extending from the Sample Stand towards the rail line and Eugowra Road. GrainCorp therefore implemented traffic/queue management strategies that removed the potential for these queues to extend to the rail line. GrainCorp has committed to the continual monitoring of on-site movements, and to further consultation with Council if/when required.

#### 4.8 Scheduled Inbound Truck Arrivals

As discussed in Section 4.5.3, the Proposal provides the opportunity to better manage the use of the GrainCorp storage network by having producers transport produce to local storage facilities during the harvest period, and then for GrainCorp to transport that product to the Site using higher capacity trucks than can – like outbound trucks – be scheduled so as not to occur during the Site's harvest peak period.

While, under worst case truck transport conditions, this may result in a minor increase in daily inbound truck trips outside of the harvest peak period (an average of no more than 10 inbound truck per day) it could reduce the number of truck trips during the harvest peak period, such that any road network impacts would be reduced from recent super-peak conditions.





## 5 Conclusions & Recommendations

### 5.1 Conclusions

Further to our assessment of the Proposal, arc traffic + transport provides the following Conclusions:

- The Proposal for GrainCorp West is consistent with the recent approval for GrainCorp South, and moreover consistent with traffic and transport characteristics of the Proposal regardless of whether one or both storage facilities are constructed.
- The key access roads between the Site and the sub-regional road network are all designated RAV routes, which means that they have been approved by TfNSW for the movement of large vehicles including all inbound and outbound trucks.
- The provision of a new prioritised crossing of Public Lane to provide access between the existing Site and Parkes West would have no impact on the safety or capacity of movements in Public Lane, and it is more than appropriate to provide priority to truck movements given all but non-existent movements in Public Lane.
- The Proposal would not in and of itself increase annual outbound truck trip generation.
- Similarly, the increased storage capacity would not in and of itself induce additional inbound trucks, the numbers of which will as always be dependent on the harvest yields. While total annual inbound truck trips could increase under a worst case scenario where truck transport was used instead of rail to transport produce from other facilities, GrainCorp would schedule these movements using larger capacity trucks outside of harvest peak periods; under such conditions, the Site would generate an average of no more than 10 additional inbound trucks per day.
- The Site can generate a significant amount of traffic during peak harvest years, though it is only for a relatively short period of time, and is unlikely to have a significant impact on broader traffic operations in the Town Centre. Further to the Proposal, the ability for GrainCorp to transport produce to the Site- even if by truck – outside of the harvest peak period suggests that future inbound truck trip generation in the harvest peak period is unlikely to exceed that observed in the recent super-peak harvest periods.
- The implementation of on-site traffic management by GrainCorp has been more efficient in managing truck queuing during the previous harvest. GrainCorp is committed to the continual monitoring of on-site movements, and to further consultation with Council if/when required.

### 5.2 Recommendations

To maximise the efficiency and safety of Site operations further to the Proposal, arc traffic + transport has provided the following recommendations, all of which have been adopted by GrainCorp:



- That GrainCorp construct the new crossing of Public Lane in accordance with all relevant Council controls and other guidelines, including the provision of appropriate priority signage, and ensure that vegetation along the Public Lane corridor on the approaches to the crossing are regularly maintained so as to maximise sight distance.
- That GrainCorp continues to maximise the use of rail transport over truck transport for all inbound and outbound product.
- That GrainCorp ensures that, to the extent possible, inbound product trucks from other regional GrainCorp facilities are scheduled outside of harvest peak periods.
- That GrainCorp provide up-to-date information to all producers in regard to the Site operations during harvest peak periods, including details in regard to the 24/7 operation capacity of the Site during these periods, and on-site traffic/queue management processes.
- That GrainCorp continues to monitor all Site transport operations to maximise the efficiency and safety of all on and off-site vehicle movements.

**Further to the agreed implementation of these Recommendations, and based on the Conclusions of this Transport Assessment, arc traffic + transport has determined that the Proposal is entirely supportable further to traffic and transport considerations.**



**Transport Assessment**  
**GrainCorp, Parkes**  
for  
**GrainCorp**

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P0257r1v7 GrainCorp Parkes Transport Assessment  
25/03/2022

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## Document Control

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v6	23/03/2022	Draft 5	A. Reisch
v7	25/03/2022	Draft 6	A. Reisch

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## Executive Summary

### The Proposal

arc traffic + transport has been engaged by GrainCorp to prepare a Transport Assessment in regard to a proposed extension of storage capacity (the **Proposal**) on land to the west of the existing GrainCorp site in Eugowra Road, Parkes (the **Site**). The Proposal - which would affect Lots 11, 103 and 104 on DP750164, and Lot 11 on DP851047 (**Parkes West**) - will provide additional carryover storage capacity, enabling produce transported to the Site by regional producers to be further supplemented by produce being transported from other sites in the GrainCorp storage network when they are at capacity.

### Development Application Submissions

Further to the exhibition of DA 2021/0175 by Parkes Shire Council (**Council**) in 2021, a small number of submissions were received by Council objecting to the Proposal. The submissions raised a number of issues relating to traffic and transport, including:

- The use of the minor public lane (**Public Lane**) which runs along the western boundary of the existing Site, a new crossing of which would provide access between the existing Site and Parkes West;
- The ability for produce to be transported by rail to the Site from other GrainCorp sites rather than by truck;
- The potential for truck trips to increase further to the Proposal, particularly in the harvest peak period;
- The suitability of the local road network to physically accommodate the movement of large trucks; and
- The shortage of on-site truck queuing capacity prior to the Sample Stand.

### Response to Submissions

Further to our assessment of the Proposal, and with specific reference to the issues raised in the submissions, arc traffic + transport has determined the following:

#### Comparison with Parkes South Approved Development

The Proposal is consistent with the recently approved DA 2021/0162 which provides for new bunkers on land to the south of the existing Site (**Parkes South**). It is our understanding that there were no objections to DA 2021/0162, which would have the same traffic and transport outcomes as the Proposal, regardless of whether GrainCorp moves to develop both Parkes West and Parkes South, or only one new facility.

#### Public Lane

The Proposal provides for a simple gravel pavement crossing of Public Lane; based on all available information, Public Lane has little if any vehicular or pedestrian trip generation, and as such the prioritisation of these truck movements at this 'intersection' is entirely appropriate.

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### Inbound Truck Trip Generation

The inbound truck trip generation of the Site has in recent years peaked further to excellent harvest conditions. Based on there being a finite number of producers delivering product to the Site, and the effective daily capacity of the Site to receive produce (given the throughput capacity of the Sample Stand), all available information indicates that the inbound truck trip generation of the Site experienced in recent years represents 'super-peak' conditions, and moreover the absolute maximum number of inbound truck trips that could be generated during a harvest peak period.

The Proposal will allow for produce to be transported to the Site from other GrainCorp sites that are at or reaching capacity; GrainCorp's intention is for this transport to be undertaken using rail to as great an extent as possible, but it is acknowledged that transport of product may also be undertaken by truck.

If the use of trucks was considered as a worst case, transporting produce to the Site from other GrainCorp facilities is anticipated to reduce the number of inbound trucks during the harvest peak period, as inbound [producer] trucks have a lower carrying capacity than GrainCorp trucks. Further to the Proposal, GrainCorp would be able to transport produce to the Site using higher capacity trucks, and these truck trips would be scheduled outside of harvest peak period, in turn reducing the truck trip generation of the Site itself during the harvest peak period.

It is acknowledged that the total number of annual inbound truck trips could increase under this worst case scenario; however, those additional trips would be spread across the rest of the year, and based on the additional storage capacity of the Site and the capacity of the GrainCorp inbound trucks, it is estimated that under these conditions the Site would generate an average of no more than 10 inbound trucks per day.

### Outbound Truck Trip Generation

With regard to outbound produce, GrainCorp has a finite number of domestic customers serviced by the Site; the number of outbound truck trips is therefore relatively stable across the year, and these truck trips are carefully scheduled by GrainCorp, noting that the number of outbound truck trips generated during the harvest peak period is very minimal. In addition, grain destined for export markets is primarily transported to Port by rail.

The Proposal will not in and of itself induce additional outbound truck trips. In past years where minimal grain was received during harvest due to drought, produce has been transported by rail to the Site from other GrainCorp facilities, and then (almost immediately) loaded onto outbound trucks for delivery. The Proposal would not increase outbound truck numbers in comparison to this scenario (other than if GrainCorp attracted additional domestic customers) with the only difference being that these outbound truck trips would be transporting produce stored on-site as opposed to produce being brought to the Site by rail when stored produce is depleted.

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### Road Network Impacts

Based on our review of all available information, the traffic generated by the Site – even during harvest peak periods – does not significantly impact the road network. In this regard:

- The super-peak harvest periods experience in recent years generally only occur a few times per decade, and the peak inbound truck trip generation during these years is limited to approximately 2 months of activity;
- Background traffic volumes in all key roads and intersections are very moderate, such that the traffic generated by the Site would have little if any impact on existing road capacities or intersection delays even during super-peak harvest periods;
- All roads providing access between the Site and the regional road network are designated as Restricted Access Vehicle (**RAV**) routes; this means that they have been designated by Transport for NSW (**TfNSW**) as appropriate for the movement of the largest trucks accessing the Site;
- Traffic within the Town Centre will be significantly reduced in the short-term further to the completion of the Parkes Bypass, which will direct Newell Highway traffic away from the Town Centre. TfNSW has estimated that approximately 50% of all trips, and 85% of truck trips, will divert to the Parkes Bypass, which means that the that Town Centre roads will provide significantly increased capacity year round;
- The intersection of the Site access road and Eugowra Road (**Site Intersection**) is able to appropriately accommodate traffic even during super-peak periods, primarily as a function of the minimal through traffic movements in Eugowra Road; and
- With reference to detailed crash data provided by TfNSW, there is no significant crash history in the vicinity of the Site, and in turn no information to suggest that the Site operations or the general design of Eugowra Road or Site Intersection are in any way inherently unsafe or otherwise not fit for purpose.

### On-Site Queuing

Early in the 2020 super-peak harvest period, the inbound truck demand resulted in queues extending from the Sample Stand towards the rail line and Eugowra Road. GrainCorp therefore implemented a simple traffic management strategy that allowed for additional queuing capacity across the unused northern portion of the Site, which effectively doubled the on-site queuing capacity.

Given the success of this strategy, GrainCorp subsequently delineated and provided an all-weather surface for these queueing areas, and remains committed to the ongoing monitoring of all Site operations to maximise on and off-site transport efficiency and safety.

### Conclusion

Based on our assessment of the issues raised in the submissions, and moreover all existing and future Site operations, arc traffic + transport can fully support the Proposal further to traffic and transport considerations.

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## 1 Introduction

### 1.1 Overview

arc traffic + transport has been engaged by GrainCorp to prepare a Transport Assessment in regard to a proposed expansion of storage capacity (the **Proposal**) on land to the west of the existing GrainCorp site in Eugowra Road, Parkes (the **Site**). The Proposal – which would affect Lots 11, 103 and 104 on DP750164, and Lot 11 on DP851047 (**Parkes West**) - will provide additional carryover storage capacity, enabling produce transported to the Site by regional producers to be further supplemented by produce being transported from other sites in the GrainCorp storage network when they are at capacity.

Full details of the Proposal are provided in the broader Development Application (**DA 2021/0175**) which was submitted to Parkes Shire Council (**Council**) in December 2021.

### 1.2 Transport Assessment Tasks

Further to the exhibition of DA 2021/0175, a small number of submissions were received by Council objecting to the Proposal; Council has in turn provided GrainCorp the opportunity to respond to the submissions to further assist Council in their determination of the Proposal.

The submissions raised a number of issues relating to traffic and transport, including:

- The use of the minor public lane (**Public Lane**) which runs along the western boundary of the existing Site, a new crossing of which would provide access between the existing Site and Parkes West;
- The ability for produce to be transported by rail to the Site from other GrainCorp sites rather than by truck;
- The potential for truck trips to increase further to the Proposal, particularly in the harvest peak period;
- The suitability of the local road network to physically accommodate the movement of large trucks; and
- The shortage of on-site truck queuing capacity prior to the Sample Stand.

This Transport Assessment has been prepared to provide an appropriate response to these submissions, and moreover to examine the broader existing and future (further to an approval of the Proposal) Site operations.

### 1.3 Reference Material

#### 1.3.1 Planning Documents

In preparing this Transport Assessment, arc traffic + transport has referenced the following key planning documents:

- Statement of Environmental Effects supporting DA 2021/0175 (**SEE West**);



- Submissions received by Council in regard to the Proposal (the **submissions**);
- Statement of Environmental Effects supporting DA 2021/1062 (**SEE South**); and
- Parkes Bypass Traffic and Transport Assessment 2018, Roads and Maritime Services (**Parkes Bypass TTA**).

### 1.3.2 Site Data

GrainCorp has provided arc traffic + transport with a significant amount of data relating to Site operations for the period 2012 – 2021 inclusive, which includes:

- Daily inbound and outbound rail movements and tonnages; and
- Daily inbound and outbound truck movements and tonnages, as well as arrival times and truck types.

### 1.3.3 Traffic and Transport Guidelines

To assess of the potential impacts arising from truck movements to/from the Site, arc traffic + transport has referenced the following traffic and transport guidelines:

- Guide to Traffic Generating Developments 2002, Roads & Traffic Authority (**RTA Guide**);
- Austroads Guide to Road Design Part 3: Geometric Design (**GRD3**);
- Austroads Guide to Road Design Part 4: Intersections & Crossings General (**GRD4**);
- Austroads Guide to Road Design Part 4A: Unsignalised & Signalised Intersections (**GRD4A**); and
- Australian Standard 2890.2: Parking Facilities – Off-Street Commercial Vehicle Facilities (**AS 2890.2**).

## 1.4 Inbound and Outbound Trucks

A key part of this assessment relates to the movement of trucks during the harvest peak periods and across the year. For ease of reference, we have referred to **inbound trucks** as those delivering produce from producers and other GrainCorp facilities, and **outbound trucks** as those delivering product to domestic customers,

Noting that there is little if any backloading of trucks (i.e. a truck delivering produce and then being loaded and deliver produce), all trucks would actually generate 2 trips, i.e. an arrival and a departure trip.



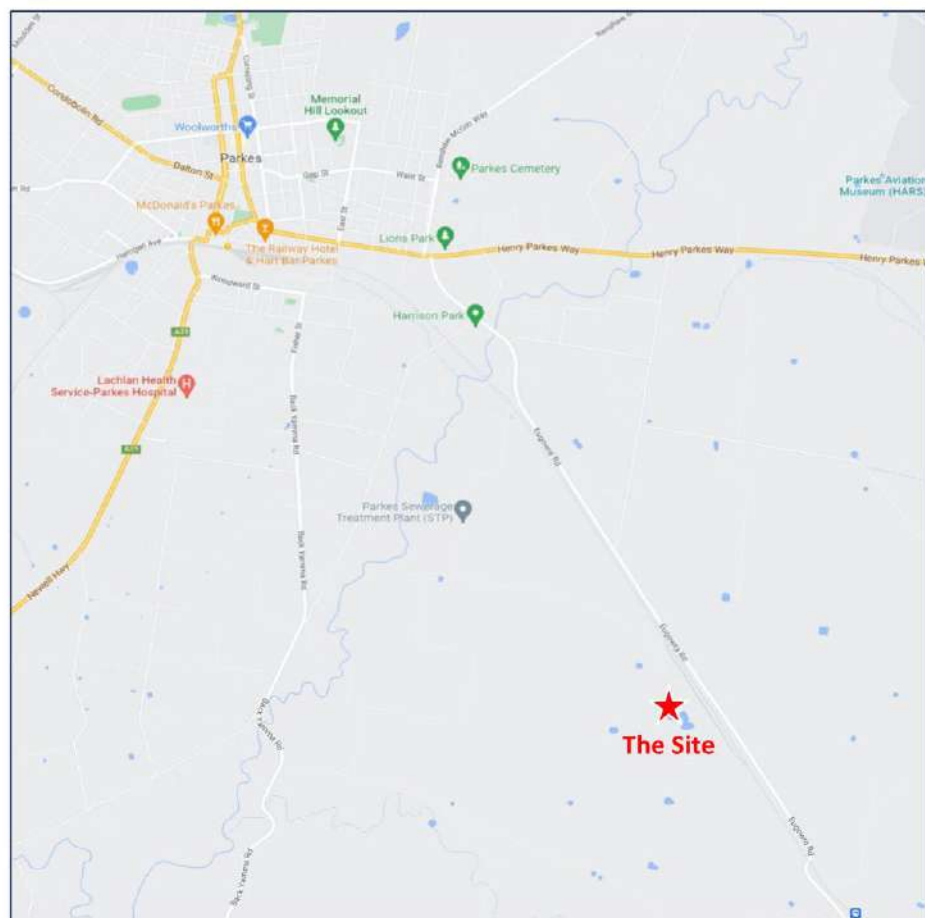


## 2 Existing Site Conditions

### 2.1 Site Location

The Site is located in Eugowra Road, Parkes, approximately 5km south of the Parkes Town Centre (the **Town Centre**). The Site is shown in its local context in Figure 1.

Figure 1: Site Location





## 2.2 Access

### 2.2.1 Site Access

All access to the Site is via Site Intersection, which provides a wide sealed apron suitable for the movement of trucks to and from the Site, which primarily include semi-trailers, B-Doubles and other (approved) RAV combinations.

Internally, all inbound trucks arriving at the Site with produce are required to stop at the Sample Stand, where the quality of the produce is determined prior to the truck then proceeding to a weighbridge, and then to the appropriate storage area. Outbound trucks also use the weighbridge prior to departing the Site.

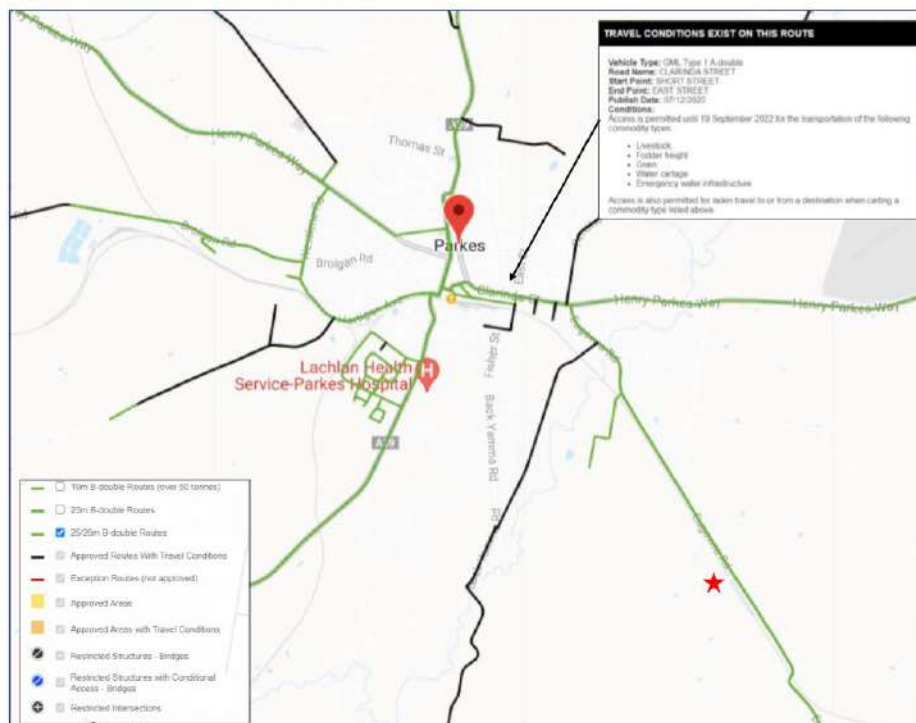
### 2.2.2 Regional Access

The majority of truck trips are generated to/from the north of the Site, and in turn to Newell Highway (north of the Town Centre) and Henry Parkes Way to the east and west; other GrainCorp facilities are located to the south of Parkes which are more readily able to provide transport for suppliers and customers located south of the Site.

Importantly, the key roads and intersections use by these trucks are all designated as RAV routes, which means they can be used by the largest trucks accessing the Site. These routes, and the additional conditions of access within the Town Centre, are shown in Figure 2.



Figure 2: Restricted Access Vehicle Routes



Source: TfNSW

All RAV routes are assessed regularly by TfNSW to ensure that they provide suitable geometry and general capacity to accommodate RAVs; as such, it is entirely appropriate for trucks travelling to and from the Site to use these routes through the Town Centre.

## 2.3 Key Roads

### 2.3.1 Eugowra Road

Eugowra Road is an unclassified rural road that runs south from Henry Parkes Way to The Escort Way. In the vicinity of the Site, it provides 1 traffic lane in each direction, unformed shoulders on both sides of the road, and has a posted speed limit of 100km/h.

### 2.3.2 Public Lane

A narrow Public Lane runs north-south along the western boundary of the existing Site, and will need to be crossed to provide access between the existing Site and Parkes West.



It is our understanding that the use of Public Lane is not restricted to any property/properties, but is on occasion used for access to the existing agricultural operations on adjacent properties. Based on the unformed and relatively poorly maintained condition of Public Lane (based on Nearmap and Google images) there would be very minor traffic volumes in Public Lane; indeed, it is anticipated that on most days of the year it would not be used by a single vehicle, and there is no indication of any pedestrian demand at any time of the year.

It is our understanding that Council has confirmed that there are no planning controls which would prevent GrainCorp from providing a vehicle crossing of Public Lane, notwithstanding consideration of any potential traffic impacts arising from such. This issue is discussed further in Section 4.5.4.

### 2.3.3 Henry Parks Way/Clarinda Street

Henry Parkes Way is a State Road that runs east west between The Escort Way and Condobolin. North of the Site, it provides 1 traffic lane in each direction as well as parking lanes through the Town Centre, and has a posted speed limit of 50km/h.

### 2.3.4 Newell Highway

Newell Highway is a National Highway that runs south from Goondiwindi through central NSW and then to Melbourne. In the vicinity of the Site, it generally provides 1 traffic lane in each direction and wide sealed verges, as well as on-street parking through the Town Centre, and has a posted speed limit of 100km/h.

It is noted that a new bypass (the **Parkes Bypass**) has recently commenced construction, providing an alternative route west of the Town Centre for northbound and southbound movements in Newell Highway to bypass the Town Centre; the implications of the Parkes Bypass on Site traffic are examined in Section 2.6.

## 2.4 Key Intersections

### 2.4.1 Site Intersection

Site Intersection does not provide any formal auxiliary infrastructure, i.e. turning or passing lanes. A de facto Basic Right (**BAR**) treatment – a widening of the carriageway on the eastern side of Eugowra Road – would under some circumstances allow a southbound vehicle to pass a vehicle turning right into the Site, but given the right turning vehicles are overwhelmingly trucks this is unlikely to happen often.

Sight distance to all movements at the intersection exceed Austroads requirements.

### 2.4.2 Eugowra Road & Henry Parkes Way

This intersection operates under priority control (with priority to Henry Parkes Way), and with two lanes in each direction in Henry Parkes Way effectively provides Auxiliary Right (**AUR**) and Auxiliary Left (**AUL**) turn treatments to Eugowra Road, meaning that eastbound and westbound vehicles in Henry Parkes Way can generally pass a turning vehicle without being delayed.



#### 2.4.3 Town Centre Intersections

Intersections through the Town Centre operate under priority control, with priority in some instances provided to the lower order approaches to reduce vehicles speeds and divert trucks along approved routes.

### 2.5 Road Network Operations

#### 2.5.1 Road Capacity

The majority of key roads in the vicinity of the Site provide more than appropriate general operating capacity to accommodate peak traffic volumes, even during harvest peak periods; notwithstanding, a more detailed assessment of the capacity of these roads to accommodate the peak trip generation of the Site is provided in Section 4.5.

#### 2.5.2 Intersection Operations

Based on all available information, the majority of the intersections used by trucks travelling to and from the Site would operate at a good Level of Service, based simply on the fact that they accommodate only moderate traffic volumes, and in turn would experience only minor delays and queueing even during harvest peak periods.

This includes Site Intersection, where the through traffic volumes in Eugowra Road is minimal, and as such there would be few instances where a vehicle accessing the Site from the north would need to yield to a northbound vehicle, or a departing vehicle would need to yield to any through traffic.

A more detailed assessment of the potential impact of existing and future Site trip generation at these intersections is provided in Section 4.5.

#### 2.5.3 Eugowra Road

Further to a detailed desktop review, arc traffic + transport has not been able to source any traffic volume data for Eugowra Road; however, with reference to data that is available for the Newell Highway and other roads higher order roads in Parkes, and in turn consideration of Eugowra Road's place in the road hierarchy and origins and destinations, it is estimated that Eugowra Road would have an average daily traffic (ADT) volume of no more than 100 vehicles per day (vpd), and perhaps 10 vehicle trips per hour (vph) during peak periods.

### 2.6 Parkes Bypass

The construction of the Parkes Bypass has recently commenced; the project provides for the realignment of Newell Highway to the west of the Town Centre, and in turn will significantly reduce traffic volumes in the Town Centre itself.





It is unlikely that the Parkes Bypass will provide any direct benefits to Site traffic movements, which will still be required to use existing routes through the Town Centre to travel to Newell Highway (north) and Henry Parks Way (west). Notwithstanding, the Parkes Bypass will remove a significant percentage of traffic using the Newell Highway through the Town Centre, substantially increasing the capacity of all roads and intersections in the Town Centre to the benefit of all road users, including Site trips. This issue is examined further in Section 4.5.

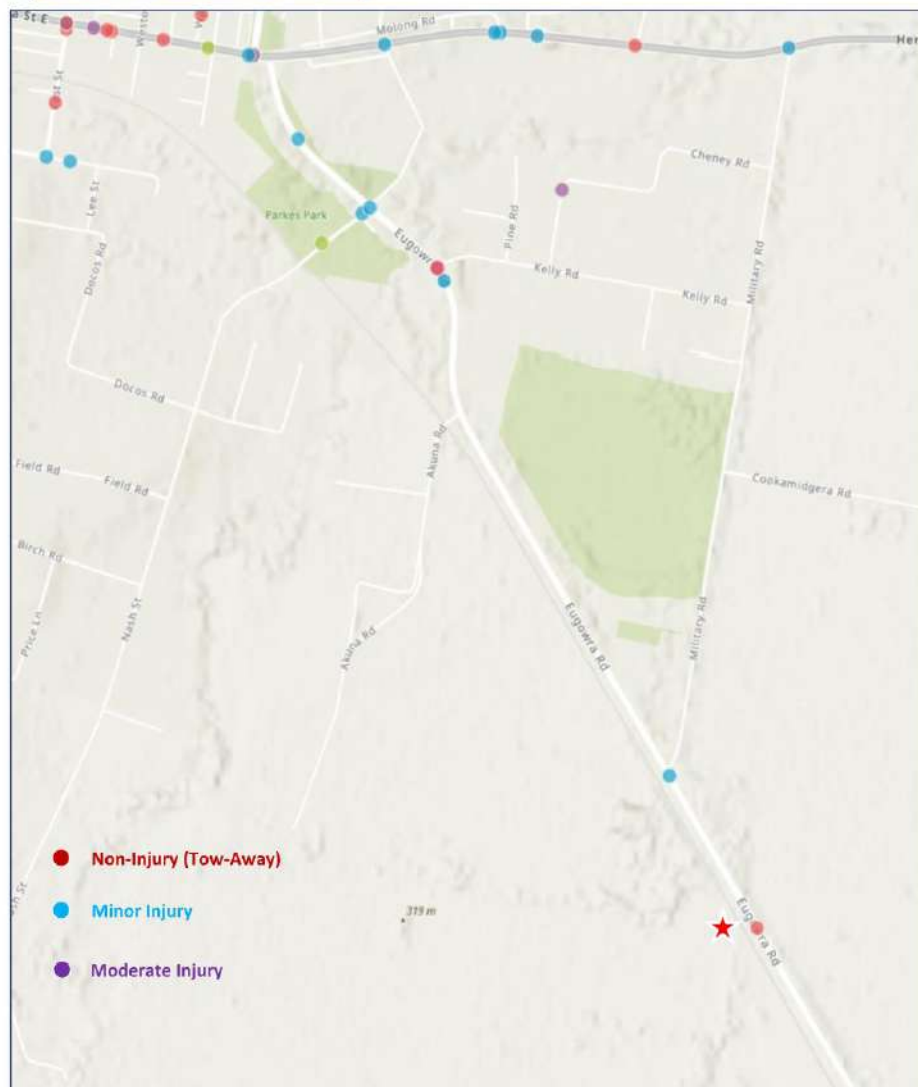
## 2.7 Crash Record

Crash data for the period 2016 – 2021 inclusive is available from TfNSW's Centre for Road Safety, and has been reviewed to determine whether there have been crashes in the vicinity of the Site, and the underlying characteristics of those crashes.

A summary of crash locations and crash severity is provided in Figure 3.



Figure 3: Crash Locations &amp; Severity



Source: TfNSW

With reference to Figure 3, and the broader TfNSW crash data set, there were only 2 crashes in the vicinity of the Site in the 5 year reporting period, with one being a non-injury crash (tow-away) and the other a minor crash (minor injury). It is noted that detailed data for these 2 crashes is not available; this is generally an indication that they were low impact crashes, as TfNSW has not reported such crashes in their official figures in recent years.





While there is a crash reported in close proximity to the Site in Eugowra Road, without more detail it is not possible to determine whether this crash occurred at Site Intersection; was a result of Site traffic; or was entirely unrelated to Site operations.

Moreover, the absence of serious (or indeed any) crashes in the vicinity of the Site indicates that the geometry of Eugowra Road and of Site Intersection does not appear to inherently provide anything less than safe driving conditions for traffic (including trucks), though of course the low traffic volumes in Eugowra Road would also be a significant factor in the absence of reported crashes.



### 3 Site Operations

In order to better understand Site operations over time, GrainCorp has provided arc traffic + transport with a 10 year data set (2012 – 2021 inclusive) so that the [traffic] characteristics associated with the quality of yearly harvests can be more easily identified. Sections below provide a summary of the key transport data reviewed so as to provide a detailed assessment of the Proposal.

#### 3.1 Annual Product

##### 3.1.1 Inbound Tonnage

A summary of annual inbound product delivered by rail and truck between 2012 and 2021 is provided in the tables below.



Table 1: Annual Inbound Product 2012 – 2016

Year	Quarter	Rail	%	Truck	%	Total
2012	Qtr1	0		0		0
	Qtr2	0		0		0
	Qtr3	0		0		0
	Qtr4	37,275	20%	151,283	80%	188,558
	<b>Total</b>	<b>37,275</b>	<b>20%</b>	<b>151,283</b>	<b>80%</b>	<b>188,558</b>
2013	Qtr1	49,496	100%	81	0%	49,577
	Qtr2	45,285	100%	0	0%	45,285
	Qtr3	49,800	100%	17	0%	49,816
	Qtr4	26,929	15%	155,079	85%	182,008
	<b>Total</b>	<b>171,509</b>	<b>52%</b>	<b>155,177</b>	<b>48%</b>	<b>326,686</b>
2014	Qtr1	5,788	99%	39	1%	5,828
	Qtr2	1,136	100%	0	0%	1,136
	Qtr3	0		0		0
	Qtr4	15,882	8%	173,752	92%	189,634
	<b>Total</b>	<b>22,806</b>	<b>12%</b>	<b>173,791</b>	<b>88%</b>	<b>196,597</b>
2015	Qtr1	54	11%	416	89%	469
	Qtr2	52,386	100%	0	0%	52,386
	Qtr3	11,648	99%	81	1%	11,729
	Qtr4	11,385	7%	141,334	93%	152,719
	<b>Total</b>	<b>75,473</b>	<b>35%</b>	<b>141,830</b>	<b>65%</b>	<b>217,304</b>
2016	Qtr1	9,443	99%	82	1%	9,525
	Qtr2	4,917	100%	0	0%	4,917
	Qtr3	28,762	100%	0	0%	28,762
	Qtr4	67,795	30%	160,317	70%	228,112
	<b>Total</b>	<b>110,916</b>	<b>41%</b>	<b>160,399</b>	<b>59%</b>	<b>271,315</b>



Table 2: Annual Inbound Product 2017 – 2021

Year	Quarter	Rail	%	Truck	%	Total
2017	Qtr1	33,657	98%	763	2%	34,420
	Qtr2	12,333	100%	8	0%	12,341
	Qtr3	66,641	100%	0	0%	66,641
	Qtr4	43,200	35%	81,616	65%	124,816
	<b>Total</b>	<b>155,831</b>	<b>65%</b>	<b>82,387</b>	<b>35%</b>	<b>238,218</b>
2018	Qtr1	12,372	95%	671	5%	13,043
	Qtr2	11,359	100%	0	0%	11,359
	Qtr3	31,359	100%	0	0%	31,359
	Qtr4	46,896	83%	9,897	17%	56,793
	<b>Total</b>	<b>101,985</b>	<b>91%</b>	<b>10,568</b>	<b>9%</b>	<b>112,553</b>
2019	Qtr1	13,768	98%	350	2%	14,118
	Qtr2	30,602	100%	0	0%	30,602
	Qtr3	50,998	100%	0	0%	50,998
	Qtr4	20,639	85%	3,712	15%	24,351
	<b>Total</b>	<b>116,007</b>	<b>97%</b>	<b>4,062</b>	<b>3%</b>	<b>120,069</b>
2020	Qtr1	31,829	100%	0	0%	31,829
	Qtr2	40,902	100%	0	0%	40,902
	Qtr3	34,323	100%	0	0%	34,323
	Qtr4	8,945	3%	258,476	97%	267,421
	<b>Total</b>	<b>115,999</b>	<b>31%</b>	<b>258,476</b>	<b>69%</b>	<b>374,475</b>
2021	Qtr1	0	0%	15,163	100%	15,163
	Qtr2	0	0%	41	100%	41
	Qtr3	57	100%	0	0%	57
	Qtr4	7,933	3%	225,136	97%	233,069
	<b>Total</b>	<b>7,990</b>	<b>3%</b>	<b>240,340</b>	<b>97%</b>	<b>248,330</b>

### 3.1.2 Outbound Tonnage

A summary of annual outbound product delivered by rail and truck between 2012 and 2021 is provided in the tables below.



Table 3: Annual Outbound Product 2012 - 2016

Year	Quarter	Rail	%	Truck	%	Total
2012	Qtr1	0	0%	10,208	100%	10,208
	Qtr2	0	0%	6,198	100%	6,198
	Qtr3	0	0%	10,231	100%	10,231
	Qtr4	96,192	96%	3,589	4%	99,780
	<b>Total</b>	<b>96,192</b>	<b>76%</b>	<b>30,225</b>	<b>24%</b>	<b>126,416</b>
2013	Qtr1	113,741	94%	6,729	8%	120,470
	Qtr2	75,485	90%	8,520	10%	84,005
	Qtr3	52,733	88%	7,206	12%	59,939
	Qtr4	86,511	92%	7,806	8%	94,317
	<b>Total</b>	<b>328,471</b>	<b>92%</b>	<b>30,261</b>	<b>8%</b>	<b>358,732</b>
2014	Qtr1	61,138	83%	12,086	17%	73,225
	Qtr2	29,556	67%	14,755	33%	44,311
	Qtr3	2,075	17%	10,199	83%	12,274
	Qtr4	43,655	85%	7,566	15%	51,221
	<b>Total</b>	<b>136,424</b>	<b>75%</b>	<b>44,606</b>	<b>25%</b>	<b>181,031</b>
2015	Qtr1	53,572	90%	5,993	10%	59,565
	Qtr2	75,482	95%	3,701	5%	79,183
	Qtr3	26,007	82%	5,861	18%	31,869
	Qtr4	54,920	86%	9,007	14%	63,926
	<b>Total</b>	<b>209,981</b>	<b>90%</b>	<b>24,562</b>	<b>10%</b>	<b>234,543</b>
2016	Qtr1	36,839	83%	7,589	17%	44,427
	Qtr2	40,306	86%	6,306	14%	46,613
	Qtr3	62,787	91%	6,582	9%	69,369
	Qtr4	78,035	94%	4,733	6%	82,769
	<b>Total</b>	<b>217,967</b>	<b>90%</b>	<b>25,210</b>	<b>10%</b>	<b>243,177</b>



Table 4: Annual Outbound Product 2017 - 2021

Year	Quarter	Rail	%	Truck	%	Total
2017	Qtr1	123,055	100%	591	0%	123,646
	Qtr2	78,111	99%	1,188	1%	79,299
	Qtr3	63,212	86%	10,638	14%	73,850
	Qtr4	52,591	86%	8,378	14%	60,969
	<b>Total</b>	<b>316,970</b>	<b>94%</b>	<b>20,795</b>	<b>6%</b>	<b>337,764</b>
2018	Qtr1	28,789	86%	4,822	14%	33,611
	Qtr2	12,945	45%	15,853	55%	28,798
	Qtr3	21,919	57%	16,629	43%	38,547
	Qtr4	44,179	64%	24,615	36%	68,794
	<b>Total</b>	<b>107,832</b>	<b>64%</b>	<b>61,919</b>	<b>36%</b>	<b>169,750</b>
2019	Qtr1	8,151	35%	14,942	65%	23,093
	Qtr2	5,242	13%	33,699	87%	38,942
	Qtr3	0	0%	47,837	100%	47,837
	Qtr4	14,443	29%	35,200	71%	49,643
	<b>Total</b>	<b>27,836</b>	<b>17%</b>	<b>131,678</b>	<b>83%</b>	<b>159,514</b>
2020	Qtr1	6,196	16%	33,213	84%	39,408
	Qtr2	1,104	7%	13,736	93%	14,841
	Qtr3	7,306	35%	13,480	65%	20,787
	Qtr4	53,927	96%	2,486	4%	56,413
	<b>Total</b>	<b>68,534</b>	<b>52%</b>	<b>62,916</b>	<b>48%</b>	<b>131,449</b>
2021	Qtr1	65,280	90%	7,372	10%	72,652
	Qtr2	57,657	89%	6,797	11%	64,454
	Qtr3	108,293	91%	10,543	9%	118,836
	Qtr4	70,545	84%	13,834	16%	84,379
	<b>Total</b>	<b>301,775</b>	<b>89%</b>	<b>38,546</b>	<b>11%</b>	<b>340,321</b>



### 3.2 Recent Site Operations

With reference to the tables above, the storage and throughput capability of the Site becomes very clear, and more specifically the effects of periods of drought and periods of plenty on Site operations.

As shown in Table 1 and Table 2, inbound produce from regional producers was impacted by drought, most recently in 2018 and 2019, and as a result the inbound deliveries from producers (by truck) were low.

During these same periods, GrainCorp used its surplus (i.e. stored produce) to continue to meet customer demand, but as the amount of produce stored on Site was depleted, produce was then transported to the Site (primarily by rail) from other GrainCorp facilities with spare produce. This meant that through all periods GrainCorp was still able to provide product to regional customers from the Site, even if that product was not actually stored on-site.

The operating characteristics of the Site were very different in years with a good harvest; the amount of inbound produce during these periods (and specifically 2020 and 2021) was such that all on-site storage was near or at capacity even as produce was delivered to customers as efficiently as possible.

The purpose of the Proposal is of course to provide additional storage capacity to free up capacity at Parkes and other sites in the event of a run of good harvest years where supply chain constraints result in sites carrying grain and in turn limiting their capacity to receive the following years harvest. While this may occur in only a few years each decade, the investment in the additional carryover storage is essential to receiving consecutive good harvests and maximise Site operations for both producers and customers over the longer term, as well as maximising the efficiency of the GrainCorp storage and transport system.

### 3.3 Rail Operations

#### 3.3.1 General Rail Operations

As shown in Section 3.1, rail transport plays a significant role in Site operations, including transporting inbound and outbound product. The majority of inbound product transported by rail is from other GrainCorp facilities across NSW, VIC and QLD (when the Site has a low amount of stored product) as well as from some other major grain handlers. The majority of outbound product transported by rail is to domestic and international customers.

#### 3.3.2 Rail Capacity

While the submissions suggest that rail has not been used for the transport of inbound product, the data reported in Section 3.1 indicates that this is not the case, i.e. product is transported to the Site by rail, and that there is spare capacity to transport inbound produce from other GrainCorp facilities or producers in the future.





## 4 Truck Operations

### 4.1 Overview

Perhaps the most important issue for review in this Transport Assessment is the truck trip generation of the Site during harvest peak periods, and the potential impact of those truck trips on the local road network, and on internal Site operations. Sections below provide an assessment of these truck operations.

### 4.2 Truck Management

#### 4.2.1 Outbound Trucks

Outbound trucks delivering produce to domestic customers are on the whole relatively easy to manage, as they are entirely controlled by GrainCorp. While each truck needs to be loaded and then weighed before departing, this can be achieved in an orderly manner over an extended period of each day, week and indeed year. GrainCorp is also able to maximise the amount of product being transported by each truck by using a fleet of high capacity vehicles, most commonly B-Doubles, with capacity for 40t – 50t per load.

#### 4.2.2 Inbound Trucks

Inbound trucks are less able to be managed on a day to day basis, particularly during harvest peak periods, as producers arrive at the Site from across the region based on their distance from the Site and their own harvesting timetable.

Inbound truck numbers are proportionally higher than outbound truck numbers because the capacity of inbound trucks (primarily operated by producers) is lower, averaging closer to 25t per truck. In addition, and as discussed in Section 2.2.1, each inbound truck needs to pass through the Sample Stand before proceeding to weighing and unloading; the sampling process generally takes a relatively short time (approximately 5 minutes).

### 4.3 Annual Truck Trips

#### 4.3.1 Annual Inbound Trucks

A summary of annual inbound trucks and truck trips generated by the Site between 2012 and 2021 is provided in the tables below.



Table 5: Annual Inbound Trucks 2012- 2016

Year	Quarter	Tonnage	Truck Loads	Truck Trips
2012	Qtr1			
	Qtr2			
	Qtr3			
	Qtr4	151,283	6,051	12,103
	<b>Total</b>	<b>151,283</b>	<b>6,051</b>	<b>12,103</b>
2013	Qtr1	81		
	Qtr2			
	Qtr3	17	1	1
	Qtr4	155,079	6,203	12,406
	<b>Total</b>	<b>155,177</b>	<b>6,204</b>	<b>12,408</b>
2014	Qtr1	39	2	3
	Qtr2			
	Qtr3			
	Qtr4	173,752	6,950	13,900
	<b>Total</b>	<b>173,791</b>	<b>6,952</b>	<b>13,903</b>
2015	Qtr1	416	17	33
	Qtr2			
	Qtr3	81	3	
	Qtr4	141,334	5,653	11,307
	<b>Total</b>	<b>141,830</b>	<b>5,673</b>	<b>11,340</b>
2016	Qtr1	82	3	7
	Qtr2			
	Qtr3			
	Qtr4	160,317	6,413	12,825
	<b>Total</b>	<b>160,399</b>	<b>6,416</b>	<b>12,832</b>



Table 6: Annual Inbound Trucks 2017 - 2021

Year	Quarter	Tonnage	Truck Loads	Truck Trips
2017	Qtr1	763	31	61
	Qtr2	8	0	1
	Qtr3		0	
	Qtr4	81,616	3,265	6,529
	<b>Total</b>	<b>82,387</b>	<b>3,295</b>	<b>6,591</b>
2018	Qtr1	671	27	54
	Qtr2			
	Qtr3			
	Qtr4	9,897	396	792
	<b>Total</b>	<b>10,568</b>	<b>423</b>	<b>845</b>
2019	Qtr1	350	14	28
	Qtr2			
	Qtr3			
	Qtr4	3,712	148	297
	<b>Total</b>	<b>4,062</b>	<b>162</b>	<b>325</b>
2020	Qtr1			
	Qtr2			
	Qtr3			
	Qtr4	258,476	10,339	20,678
	<b>Total</b>	<b>258,476</b>	<b>10,339</b>	<b>20,678</b>
2021	Qtr1	15,163	607	1,213
	Qtr2	41	2	
	Qtr3			
	Qtr4	225,136	9,005	18,011
	<b>Total</b>	<b>240,340</b>	<b>9,614</b>	<b>19,224</b>

#### 4.3.2 Annual Outbound Trucks

A summary of annual outbound trucks and truck trips generated by the Site between 2012 and 2021 is provided in the tables below.



Table 7: Annual Outbound Trucks 2012 – 2016

Year	Quarter	Tonnage	Truck Loads	Truck Trips
2012	Qtr1	10,208	303	606
	Qtr2	6,198	184	368
	Qtr3	10,231	315	630
	Qtr4	3,589	110	220
	<b>Total</b>	<b>30,225</b>	<b>912</b>	<b>1,824</b>
2013	Qtr1	6,729	234	468
	Qtr2	8,520	249	498
	Qtr3	7,206	222	444
	Qtr4	7,806	243	486
	<b>Total</b>	<b>30,261</b>	<b>948</b>	<b>1,896</b>
2014	Qtr1	12,086	356	712
	Qtr2	14,755	445	890
	Qtr3	10,199	314	628
	Qtr4	7,566	214	428
	<b>Total</b>	<b>44,606</b>	<b>1,329</b>	<b>2,658</b>
2015	Qtr1	5,993	178	356
	Qtr2	3,701	113	226
	Qtr3	5,861	190	380
	Qtr4	9,007	268	536
	<b>Total</b>	<b>24,562</b>	<b>749</b>	<b>1,498</b>
2016	Qtr1	7,589	215	430
	Qtr2	6,306	189	378
	Qtr3	6,582	183	366
	Qtr4	4,733	157	314
	<b>Total</b>	<b>25,210</b>	<b>744</b>	<b>1,488</b>



Table 8: Annual Outbound Trucks 2017 - 2021

Year	Quarter	Tonnage	Truck Loads	Truck Trips
2017	Qtr1	591	24	48
	Qtr2	1,188	37	74
	Qtr3	10,638	294	588
	Qtr4	8,378	231	462
	<b>Total</b>	<b>20,795</b>	<b>586</b>	<b>1,172</b>
2018	Qtr1	4,822	141	282
	Qtr2	15,853	451	902
	Qtr3	16,629	471	942
	Qtr4	24,615	692	1,384
	<b>Total</b>	<b>61,919</b>	<b>1,755</b>	<b>3,510</b>
2019	Qtr1	14,942	413	826
	Qtr2	33,699	952	1,904
	Qtr3	47,837	1,360	2,720
	Qtr4	35,200	1,001	2,002
	<b>Total</b>	<b>131,678</b>	<b>3,726</b>	<b>7,452</b>
2020	Qtr1	33,213	909	1,818
	Qtr2	13,736	380	760
	Qtr3	13,480	415	830
	Qtr4	2,486	87	174
	<b>Total</b>	<b>62,916</b>	<b>1,791</b>	<b>3,582</b>
2021	Qtr1	7,372	218	436
	Qtr2	6,797	187	374
	Qtr3	10,543	273	546
	Qtr4	13,834	358	716
	<b>Total</b>	<b>38,546</b>	<b>1,036</b>	<b>2,072</b>



#### 4.3.3 Annual Total Truck Trips

With reference to the tables above, a summary of the total annual number of trucks and truck trips is provided in the tables below.

Table 9: Total Annual Truck Trips 2012 – 2016

Year	Quarter	Truck Loads	Truck Trips
2012	Qtr1	303	606
	Qtr2	184	368
	Qtr3	315	630
	Qtr4	6,161	12,323
	<b>Total</b>	<b>6,963</b>	<b>13,927</b>
2013	Qtr1	234	468
	Qtr2	249	498
	Qtr3	223	445
	Qtr4	6,446	12,892
	<b>Total</b>	<b>7,152</b>	<b>14,304</b>
2014	Qtr1	358	715
	Qtr2	445	890
	Qtr3	314	628
	Qtr4	7,164	14,328
	<b>Total</b>	<b>8,281</b>	<b>16,561</b>
2015	Qtr1	195	389
	Qtr2	113	226
	Qtr3	193	386
	Qtr4	5,921	11,843
	<b>Total</b>	<b>6,422</b>	<b>12,844</b>
2016	Qtr1	218	437
	Qtr2	189	378
	Qtr3	183	366
	Qtr4	6,570	13,139
	<b>Total</b>	<b>7,160</b>	<b>14,320</b>

Table 10: Total Annual Truck Trips 2017 - 2021



Year	Quarter	Truck Loads	Truck Trips
2017	Qtr1	55	109
	Qtr2	37	75
	Qtr3	294	588
	Qtr4	3,496	6,991
	<b>Total</b>	<b>3,881</b>	<b>7,763</b>
2018	Qtr1	168	336
	Qtr2	451	902
	Qtr3	471	942
	Qtr4	1,088	2,176
	<b>Total</b>	<b>2,178</b>	<b>4,355</b>
2019	Qtr1	427	854
	Qtr2	952	1,904
	Qtr3	1,360	2,720
	Qtr4	1,149	2,299
	<b>Total</b>	<b>3,888</b>	<b>7,777</b>
2020	Qtr1	909	1,818
	Qtr2	380	760
	Qtr3	415	830
	Qtr4	10,426	20,852
	<b>Total</b>	<b>12,130</b>	<b>24,260</b>
2021	Qtr1	825	1,649
	Qtr2	189	377
	Qtr3	273	546
	Qtr4	9,363	18,727
	<b>Total</b>	<b>10,650</b>	<b>21,299</b>





#### 4.4 Super-Peak Truck Trip Generation

##### 4.4.1 Overview

Further to a detailed review of the transport data, arc traffic + transport has been able to identify the peak number of both inbound and outbound trucks through the super-peak harvest periods in 2020 and 2021. For the purpose of this assessment, we have focused on the super-peak experienced during the 4<sup>th</sup> quarter of 2020; we note that the characteristics of this period were almost identical to the 4<sup>th</sup> quarter of 2021 with regard to the maximum number of truck trips.

##### 4.4.2 4<sup>th</sup> Quarter 2020 Weekly Inbound Truck Trips

A summary of the total weekly inbound trucks and truck trips during the peak 4<sup>th</sup> quarter of 2020 is provided in Table 11.

Table 11: 4<sup>th</sup> Quarter 2020 Weekly Inbound Trucks

Week Starting	Tonnage	Truck Loads	Truck Trips
2/11/2020	3,523	141	282
9/11/2020	21,776	871	1,742
16/11/2020	56,459	2,258	4,517
23/11/2020	41,770	1,671	3,342
30/11/2020	44,719	1,789	3,578
7/12/2020	63,189	2,528	5,055
14/12/2020	17,687	707	1,415
21/12/2020	3,954	158	316

##### 4.4.3 4<sup>th</sup> Quarter 2020 Weekly Outbound Trucks

A summary of the total weekly outbound trucks and truck trips during the peak 4<sup>th</sup> quarter of 2020 is provided in Table 12, noting that this data highlights the fact that GrainCorp has few scheduled outbound trucks during the harvest peak period.

Table 12: 4<sup>th</sup> Quarter 2020 Weekly Outbound Trucks

Week Starting	Tonnage	Truck Loads	Truck Trips
2/11/2020	227	9	18
9/11/2020	51	2	4
16/11/2020	386	12	24
23/11/2020	295	11	22
30/11/2020	51	2	4
7/12/2020	0	0	0
14/12/2020	203	8	16
21/12/2020	525	14	28

#### 4.4.4 4<sup>th</sup> Quarter 2020 Total Weekly Trucks

With reference to the tables above, Table 13 provides a summary of the total weekly trucks and truck trips generated by the Site during the peak 4<sup>th</sup> quarter of 2020.

Table 13: 4<sup>th</sup> Quarter 2020 Total Weekly Trucks

Week Starting	Truck Loads	Truck Trips
2/11/2020	150	300
9/11/2020	873	1,746
16/11/2020	2,270	4,541
23/11/2020	1,682	3,364
30/11/2020	1,791	3,582
7/12/2020	2,528	5,055
14/12/2020	715	1,431
21/12/2020	172	344

With reference to Table 13, during the week commencing 7/12/2020, an average of approximately 360 trucks, or 720 truck trips, were being generated each day; given the higher generation of inbound trucks on weekdays, the average was likely closer to 400 trucks and 800 truck trips per day.



## 4.5 Traffic Impacts

### 4.5.1 Annual Outbound Truck Movements

The Proposal will not inherently increase the annual outbound truck trip generation of the Site. As previously discussed, the Proposal would simply provide an alternative to the situation which has occurred in recent drought years, where produce has needed to be delivered to the Site from other GrainCorp facilities with spare capacity (generally by rail), and then trucked out almost immediately to customers because the Site's stored produce has been depleted.

As such, the number of outbound trucks is not anticipated to be higher than existing outbound truck numbers over the course of the year, though it is acknowledged that this could increase if GrainCorp attracted new domestic customers serviced by the Site, a circumstance that could occur regardless of whether the additional carryover storage was provided.

### 4.5.2 Annual Inbound Truck Movements

The Proposal will not inherently increase the annual inbound truck trip generation of the Site, which will still rise and fall according to the quality of the harvest.

During harvest periods, the additional storage capacity of the Site would not in and of itself induce additional demand, as there is a relatively fixed number of regional producers transporting their product to the Site during this period. Moreover, and with reference to the 4<sup>th</sup> quarter data from 2020 and 2021, the potential for the Site to experience a higher truck trip generating period than those recently seen in these super-peak periods is therefore highly unlikely.

Notwithstanding, if the use of trucks was considered as a worst case, transporting produce to the Site from other GrainCorp facilities is anticipated to reduce the number of inbound trucks during the harvest peak periods, as inbound [producer] trucks have a lower carrying capacity than GrainCorp trucks and arrive over a very short period of the year. Further to the Proposal, GrainCorp would be able to transport produce to the Site using higher capacity trucks, and these truck trips would be scheduled outside of harvest peak period, in turn reducing the truck trip generation of the Site itself during the harvest peak period.

It is acknowledged that the total number of annual inbound truck trips would increase under this worst case scenario; however, those additional trips would be spread across the rest of the year, and based on the additional storage capacity of the Site and the capacity of the GrainCorp inbound trucks, it is estimated that under these conditions the Site would generate an average of no more than 10 inbound trucks per day.



#### 4.5.3 Harvest Peak Period Truck Movements

As discussed, the use of other GrainCorp facilities in the region actually has the potential to reduce the number of inbound truck trips being generated during the harvest peak periods.

The Proposal will allow for produce to be transported to the Site from other GrainCorp sites that are at or reaching capacity; GrainCorp's intention is for this transport to be undertaken using rail to as great an extent as possible, but it is acknowledged that transport of product may also be undertaken by truck.

If the use of trucks was considered as a worst case, transporting produce to the Site from other GrainCorp facilities is anticipated to reduce the number of inbound trucks during the harvest peak periods, as inbound [producer] trucks have a lower carrying capacity than GrainCorp trucks, and can be scheduled outside of the harvest peak period.

Further to the Proposal, GrainCorp would be able to transport produce to the Site using higher capacity trucks, and these truck trips would be scheduled outside of harvest peak period, in turn reducing the truck trip generation of the Site itself during the harvest peak period.

#### 4.5.4 Public Lane Crossing

As discussed in Section 2.3.2, Public Lane will need to be crossed to provide access between the existing Site and Parkes West.

In this regard, GrainCorp proposes the construction of a simple gravel pavement crossing which would provide both the appropriate surface and width to accommodate the movement of the largest trucks accessing Parkes West.

Given that these trucks would comprise almost the entirety of all vehicle movements at this 'intersection', it is more than appropriate that priority be given to these movements. Moreover, given the almost non-existent volumes in Public Lane, and the available sight distance on all approaches to the intersection, it is the opinion of arc traffic + transport that the intersection would operate safely and efficiently at all times of the year.

#### 4.5.5 Site Intersection Operations

Site Intersection would, at most times of the year, operate at a good Level of Service, with only minor delays and little queuing.

During harvest peak periods, the number of vehicles turning to and from the Site can increase; however, given the very low through traffic volumes in Eugowra Road, even during these periods Site Intersection would operate with virtually no delays.



#### 4.6 Broader Road Network Impacts

The truck trips generated during the harvest peak period will have some level of impact on the road network, particularly through the Town Centre, simply based on the number of truck trips being generated in a short period of time.

With reference to Section 2.6, the Parkes Bypass will almost halve the average daily traffic volumes in Newell Highway through the Town Centre, with some 46% of northbound and southbound volumes in Newell Highway moving to the Bypass, along with 85% of truck movements.

This will in turn significantly increase the capacity of the road network through the Town Centre, such that the traffic impacts arising from even super-peak harvest periods would be minimal, and all intersections are anticipated to continue to operate at a good Level of Service.

#### 4.7 Queuing Mitigation Measures

##### 4.7.1 Additional On-Site Queueing Capacity

Early in the 2020 super-peak harvest period, the increased (from previous years) inbound truck demand resulted in queues extending from the Sample Stand towards the rail line and Eugowra Road. GrainCorp therefore implemented a simple traffic management strategy that allowed for additional queueing capacity across the unused northern portion of the Site, which effectively doubled the on-site queueing capacity.

Given the success of this 'marshalling' strategy, GrainCorp subsequently delineated and provided an all-weather surface for these queueing areas, as shown in the figures below, noting that this management strategy is only required for short periods during good harvest years.





Figure 4: Queueing Strategy



Source: GrainCorp



Figure 5: Queueing Infrastructure



Source: GrainCorp

Figure 6: Approach to Sample Stand



Source: GrainCorp





#### 4.7.2 Scheduled Inbound Truck Arrivals

As discussed in Section 4.5.3, the Proposal provides the opportunity to better manage the use of the GrainCorp storage network by having producers transport produce to local storage facilities during the harvest period, and then for GrainCorp to transport that product to the Site using higher capacity trucks than can – like outbound trucks – be scheduled so as not to occur during the Site's harvest peak period.

While, under worst case truck transport conditions, this may result in a minor increase in daily inbound truck trips outside of the harvest peak period (an average of no more than 10 inbound truck per day) it could reduce the number of truck trips during the harvest peak period, such that any road network impacts would be reduced from recent super-peak conditions.



## 5 Conclusions & Recommendations

### 5.1 Conclusions

Further to our assessment of the Proposal, arc traffic + transport provides the following Conclusions:

- The Proposal for GrainCorp West is consistent with the recent approval for GrainCorp South, and moreover consistent with traffic and transport characteristics of the Proposal regardless of whether one or both storage facilities are constructed.
- The key access roads between the Site and the sub-regional road network are all designated RAV routes, which means that they have been approved by TfNSW for the movement of large vehicles including all inbound and outbound trucks.
- The provision of a new prioritised crossing of Public Lane to provide access between the existing Site and Parkes West would have no impact on the safety or capacity of movements in Public Lane, and it is more than appropriate to provide priority to truck movements given all but non-existent movements in Public Lane.
- The Proposal would not in and of itself increase annual outbound truck trip generation.
- Similarly, the increased storage capacity would not in and of itself induce additional inbound trucks, the numbers of which will as always be dependent on the harvest yields. While total annual inbound truck trips could increase under a worst case scenario where truck transport was used instead of rail to transport produce from other facilities, GrainCorp would schedule these movements using larger capacity trucks outside of harvest peak periods; under such conditions, the Site would generate an average of no more than 10 additional inbound trucks per day.
- The Site can generate a significant amount of traffic during peak harvest years, though it is only for a relatively short period of time, and is unlikely to have a significant impact on broader traffic operations in the Town Centre. Further to the Proposal, the ability for GrainCorp to transport produce to the Site- even if by truck – outside of the harvest peak period suggests that future inbound truck trip generation in the harvest peak period is unlikely to exceed that observed in the recent super-peak harvest periods.
- The implementation of on-site queueing management has effectively double the available on-site queueing area, which all but eliminates the potential for the queue to extend to the rail line and Eugowra Road.



## 5.2 Recommendations

To maximise the efficiency and safety of Site operations further to the Proposal, arc traffic + transport has provided the following recommendations, all of which have been adopted by GrainCorp:

- That GrainCorp construct the new crossing of Public Lane in accordance with all relevant Council controls and other guidelines, including the provision of appropriate priority signage, and ensure that vegetation along the Public Lane corridor on the approaches to the crossing are regularly maintained so as to maximise sight distance.
- That GrainCorp continues to maximise the use of rail transport over truck transport for all inbound and outbound product.
- That GrainCorp ensures that, to the extent possible, inbound product trucks from other regional GrainCorp facilities are scheduled outside of harvest peak periods.
- That GrainCorp provide up-to-date information to all producers in regard to the Site operations during harvest peak periods, including details in regard to the 24/7 operation capacity of the Site during these periods, and on-site traffic/queue management processes.
- That GrainCorp continues to monitor all Site transport operations to maximise the efficiency and safety of all on and off-site vehicle movements.

**Further to the agreed implementation of these Recommendations, and based on the Conclusions of this Transport Assessment, arc traffic + transport has determined that the Proposal is entirely supportable further to traffic and transport considerations.**

**Attachment 5 - DA20210175 Assessment Report****Application Details:**

Development Application No:	DA2021/0175
Description of Development:	Additions to Rural Industry (Grain Storage Bunker) and Subdivision
BCA Class:	N/A
Applicant:	Graincorp Operations Limited
Landowner(s):	Araluen Pty Ltd and Graincorp Operations Limited
Landowners consent provided:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (All Landowners must give consent to the proposed development)

**Property Description:**

Legal Description:	Lot 103, 104, Lot 11 DP 750164 & Lot 11 DP 851047, Eugowra Road, Parkes NSW 2870
Existing Improvements:	Existing Graincorp Rural Industry
Current land-use:	Rural Industry (Agricultural Produce Industry) on Lot 11 DP851047 and agricultural land on Lot 103, 104, Lot 11 DP 750164.

**Description of the Development:**

The development application proposes a subdivision of 10ha to develop new grain storage bunkers. The proposed site is located to the west of the existing Graincorp site, Eugowra Road, Parkes. The new bunkers will be accessed via the existing Graincorp site, across the public lane in an east-west movement to the new site.

The original proposal sought consent for grain to be delivered to the site via rail. The application was amended during the assessment period to include flexibility for delivery via road, which was supported by a Transport Assessment Report. Vehicles will continue to use the existing access on Eugowra Road.

A 30 mega litre on-site stormwater detention basin is proposed on the southern portion of the proposed lot to capture and detain overland flow from the bunkers.

The new bunkers are required to provide extra on-site storage due to the existing bunkers being at capacity due to consistent productive harvest seasons and constraints at the ports.

**Locality and Site Context Map:**





**Image 1: Aerial image of the site (existing Graincorp Site and lots associated with proposed bunkers and subdivision)**



**Image 2: Approximate location of proposed lot.**





**Site Inspection:**

Inspection of the site revealed the following:

- The existing Graincorp site is surrounded by a chain wire fence
- There are approximately 4 (sparse) mature trees located on the proposed site.
- The public lane is unformed.



Image 1: Location of proposed access from existing Graincorp site on Lot 11 DP851047.



Image 2: Public lane, looking south from proposed access.





Image 3: Public lane, looking north from proposed access.



Image 4: Proposed bunker site, looking west.







**Image 5: Proposed bunker site, looking north-west.**

**Internal Referral Advice:**

Internal Engineering Referral

- Council's records show the subject section of road (red) is an unformed and unnamed public road. PSC being the controlling authority. Connection roads (black) are also unformed and under the control of the Crown. The roads in question are "dry weather only" roads.
- With regard to the proposed development and access to the subject road, Council would object to giving priority to entering traffic over traffic on the public road.
- Council would require "entering traffic" to give way to through traffic in accordance with Australian Road Rules. It is noted the proposed cross over site has adequate safe site distance, however it is recommended that entering traffic be controlled by "GIVE WAY SIGNS" and "TRUCKS ENTERING" warning signs provided on the approaches to the cross over point.

**Road crossing works:**

- Width to accommodate two-way traffic minimum width 10m.
- Construction of the road cross over formation to be at grade with the approaches
- The pavement to consist of 300mm of compact road base DGS20 material, not sealed.
- Working drawings to show longitudinal stormwater drainage at the cross over and any structures required.





Conditions of consent have been included to support the above recommendations.

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#### **Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994**

##### **Biodiversity Conservation Act 2016**

The proposed development includes the removal of four remnant Grey Box trees. A biodiversity Test of Significance report was submitted with the application.

The subject land is not identified on the Biodiversity Land Values Map and the clearing of four trees does not trigger the threshold identified in 7.2 of the Biodiversity Conservation Regulation 2017. The report submitted states that the clearing of the four trees will not have any significant impacts on any threatened species or community.

The report includes recommendations that a site Construction Environmental Management Plan (CEMP) be prepared to provide direction and process for retained trees and fauna management, including pre-clearance and fauna management controls. A condition of consent has been included.

##### **Fisheries Management Act 1994**

Not relevant to this application.

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#### **Section 4.13 Consultation and development consent—certain bush fire prone land**

The subject land is not identified as bushfire prone land.

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#### **Contributions:**





The proposed development has an estimated value of \$1,112,726.00 and therefore will be subject to the Section 7.12 Contributions in accordance with Council's Section 94a Contributions Plan 2016. A condition of consent has been included.

#### Section 4.15(1) Assessment

##### S4.15(1)(a)(i) The provisions of any environmental planning instrument

###### Parkes Local Environmental Plan 2012

The land is zoned RU1 Primary Production under the *Parkes Local Environmental Plan 2012*.

The objectives of the RU1 Primary Production zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage eco-tourism enterprises that minimise any adverse effect on primary industry production.
- To permit non-agricultural uses that support the primary production purposes of the zone.
- To permit small scale rural tourism uses associated with primary production and environmental conservation with minimal impact on primary production and the scenic amenity of the area.
- To encourage the provision of tourist accommodation in association with agricultural activities.
- To provide opportunities for employment-generating development that adds value to local agricultural production and integrates with tourism.

A rural industry (defined below) is permissible with consent of Council in the RU1 Primary Production zone.

**rural industry** means "the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) **agricultural produce industries,**
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise."

**agricultural produce industry** means "a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry."

The proposal is consistent with the objectives of the RU1 Primary Production zone as it supports the primary production purposes of the zone by providing storage facility for grain. The proposed use of the land (grain storage bunkers) will not cause conflict with the existing agricultural uses on the adjoining land.

Clause 4.2 Rural Subdivision permits the creation of a lot of any size for the purpose of primary production. The proposed subdivision will have an area of 10 ha and the residual land will have an area of 93ha. There is no dwelling located on the existing or proposed lot and therefore the development complies with Clause 4.2 Rural Subdivision.

Clause 5.10 requires Council to consider heritage matters. The development does not impact on any items of Aboriginal heritage or items listed in the *Parkes Local Environmental Plan 2012*.

Clause 6.1 is in relation to earthworks and requires consent for such works, unless the works are identified as exempt development (in this case they are not exempt). In this regard, the proposal involves minor soil disturbance limited to the







bunker building envelopes. It is considered that on and off-site soil impacts would be appropriately managed in accordance with the submitted plans; however, it is recommended that standard consent conditions be applied to ensure suitable erosion and sediment control measures are implemented in accordance with the Blue Book.

Clause 6.7 requires Council to ensure that adequate provisions have been made for any required essential services. The land would be adequately serviced for the proposed development and are addressed by conditions of consent.

#### State Environmental Planning Policies

The following SEPPs are specifically relevant to the assessment of the proposed development:

##### State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 Koala Habitat Protection 2021 applies to the development application as the land is zoned RU1 Primary Production, is over 1 hectare in area and the Parkes Shire is listed in Schedule 2 as a koala management area.

As the land does not have an approved koala plan of management in place Council must assess whether the development is likely to have any impact on koalas or koala habitat.

The trees on the land have been identified as Grey Box, which are a feed tree species for koalas. However the trees do not represent or support a core koala habitat. Council is satisfied that the development is likely to have no impact on koalas and therefore this clause shall not prevent development consent from being granted.

##### State Environmental Planning Policy (Transport and Infrastructure) 2021

Subdivision 2 of the SEPP - Development in or adjacent to rail corridors and interim rail corridors - notification and other requirements applies to development that involves a *likely significant increase in the total number of vehicles or the number of trucks using a level crossing as a result of the development*.

The proposed development will utilise the existing vehicular access off Eugowra Road and cross over an existing level crossing.

The applicant provided a Traffic Impact Assessment which states that there would not be a significant increase in the total number of vehicles using a level crossing as a result of the development. As the term *significant increase* is not defined, Council referred the development application pursuant to cl 2.96 of the SEPP.

A response from Transport for NSW was received which confirmed concurrence granted without conditions.

Transport for NSW did however include recommended non-concurrence conditions regarding traffic management, final approval from TfNSW and access to the rail corridor. The recommendations have been reviewed and partially or fully implemented, as per below:

#### Recommended condition from Transport for NSW regarding **Traffic Management**

- 1) *Prior to commencement of construction activities, the Applicant must obtain UGLRL's approval to operate Over Sized Over Mass (OSOM) vehicles, which are proposed to use the level crossing at Eugowra Road, Grain Terminal Road Intersection.*

#### PSC Assessment Response

Eugowra Road is not a designated Over Sized Over Mass (OSOM) vehicle approved route and Over Sized Over Mass (OSOM) are not proposed to be used during construction activities. The condition of consent has been amended as follows:

- 1) *In the event that Over Sized Over Mass (OSOM) vehicles are used during construction activities, prior to their commencement, the Applicant must obtain UGLRL's approval to operate Over Sized Over Mass (OSOM) vehicles, which are proposed to use the level crossing at Eugowra Road, Grain Terminal Road Intersection.*

#### Recommended condition from Transport for NSW regarding **Traffic Management**





- 2) *Prior to issue of a construction certificate, the Applicant must provide UGLRL and TfNSW with a Traffic Management Plan to mitigate risks associated with unsafe bypassing/overtaking as well as manage a potential "short stacking" issue at the crossing during construction.*

Parkes Shire Council have received in principal approval from the Federal Government to upgrade to the existing Graincorp access on Eugowra Road. Works are currently in design phase and anticipated to be completed during 2023. In the meantime, until this work is completed it is recommended that Graincorp install variable message signs on the Eugowra Road during peak harvest times to warn traffic of potential delays. Further, it is supported that Graincorp should investigate on-site management measures to prevent "short stacking" over the crossing.

A construction certificate is not required for the development. The condition of consent has been amended as follows:

- 2) *Prior to the use of the bunkers, the Applicant must implement the following traffic management measures to mitigate risks associated with unsafe bypassing/overtaking on Eugowra Road as well as manage a potential "short stacking" issue at the crossing during construction:*

- a) *A variable message sign to be erected during the peak harvest period to warn motorists on Eugowra Road of stacked vehicles.*
- b) *Review internal manoeuvring and management of vehicles to prevent short stacking over the level crossing.*

Recommended condition from Transport for NSW regarding **Final Approval from TfNSW**

- 1) Prior to issue of a construction certificate, the Applicant must provide TfNSW with written confirmation that it is permitted to use the rail corridor for loading operations.

PSC Assessment Response

The response states that TfNSW has included this condition as they do not have any record indicating that there is a written agreement / approval allowing the applicant to use the rail corridor for loading operations.

The Graincorp site has been in existence since 1950s and therefore no current approval would be in place. this recommended condition is not a development consent matter and therefore will not be applied.

Recommended condition from Transport for NSW regarding **Access to Rail Corridor**

- 1) The applicant must not and must ensure its employees and all other persons do not enter any parts of the rail land during construction and operation unless otherwise permitted in writing by UGLRL.

PSC Assessment Response

The application of this condition is supported.

State Environmental Planning Policy (Primary Production) 2021.

The subject land is not identified as State Significant Agricultural Land.

#### **S4.15(1)(a)(ii) The provisions of any proposed environmental planning instrument**

There are no draft LEPs or draft SEPPs that apply to the subject development.

#### **S4.15(1)(a)(iii) The provisions of any development control plan**





Parkes Shire Council Development Control Plan 2021 applies to the land. The proposal complies with Council's Development Control Plan 2021.

**s4.15(1)(a)(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

There are no planning agreements relating to the site. The applicant has not requested Council to enter into any form of planning agreement.

**S4.15(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph**

Division 8 of Part 6 of the Environmental Planning and Assessment Regulation 2000 specifies additional matters that must be taken into consideration by a consent authority in determining a development application. Consideration of these matters is included below:

Clause	Comment	Compliance	
Clause 61(1) - Building Demolition	Not relevant to the proposal.	Yes	No
Clause 61(2) - Subdivision Order	Not relevant to the proposal.	Yes	No
Clause 61(3) - Dark Sky Planning Guideline	Not relevant to the proposal.	Yes	No
Clause 61(4) - Low rise housing diversity design guide.	Not relevant to the proposal.	Yes	No
Clauses 62 - Change of Use Fire Safety and Structural Capacity Considerations	Not relevant to the proposal.	Yes	No
Clause 63 - Temporary Structures	Not relevant to the proposal.	Yes	No
Clauses 64 - Fire Safety Upgrades	Not relevant to the proposal.	Yes	No
Clause 65 - Conservation Plan Opera House	Not relevant to the proposal.	Yes	No
Clause 66 - Contributions Plan (Sydney)	Not relevant to the proposal.	Yes	No
Clause 67 - Modification or surrender of existing use	Not relevant to the proposal.	Yes	No
Clause 68 - Modification or surrender of development consent	Not relevant to the proposal.	Yes	No

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

Context and Setting







The site of the proposed development adjoins the existing Graincorp terminal to the east and is surrounded by agricultural land to the north, south and west. The proposed development is consistent with the existing context and setting of its surrounds.

The site has access to a public lane which is unformed. The site is flat and has four mature trees. The land is currently used for agricultural purposes.

#### Access, Transport and Traffic

The proposed bunkers will store grain that is brought to site by primarily rail, but the applicant seeks consent for the flexibility to also bring grain to the site via road if necessary.

Site access will continue to be via the existing access on Eugowra Road which has an existing access treatment to accommodate semi-trailers, B-doubles and other approved RAV combinations which allows for vehicles safe entry and egress to the site. The

The new bunkers will be accessed from the public lane, via the existing Graincorp site to the east. It is not proposed to allow vehicles to travel in a north/south direction down the public lane.

A condition of consent will require a section of the public lane and property accesses to be upgraded to allow heavy vehicles to traverse between the two Graincorp sites, as well as signage which requires Graincorp vehicles to give way.

A Traffic Report has been submitted with the application which states that the proposed bunkers would be used to store grain from other sites that are reaching capacity. Whilst the total number of annual inbound trucks could increase, the vehicles would be spread throughout the year. It is estimated that the site would generate an average of no more than 10 inbound trucks per day.

#### Utilities

The proposed 10 hectare will not be required to connect to any utilities.

#### Other land resources

The new bunkers will be located on land that is currently being used for agricultural purposes.

The proposal will not impact on the existing agricultural land use adjoining the site.

The land is not identified as Prime Agricultural Land on the State Significant Agricultural map and is under the minimum lot size for primary production zoned land.

#### Water

A stormwater detention area has been provided on the site to capture / store 30 megalitres of water from the bunker area and will cater for a 1% AEP storm event. In the event that the basin reaches capacity the discharge of water from the site will occur to the west and flow along natural drainage lines.

#### Soils

The implications for soil erosion can be addressed through the imposition of conditions of consent requiring soil erosion and sedimentation control during the construction phase of the development. The ongoing use of the development is unlikely to create impacts to the site soils.

#### Air and Microclimate

It is likely that some dust will be generated and as such standard amenity conditions are recommended to be applied.

#### Flora and Fauna







The proposed development includes the removal of four remnant Grey Box trees. A biodiversity Test of Significance report was submitted with the application.

The subject land is not identified on the Biodiversity Land Values Map and the clearing of four trees does not trigger the threshold identified in 7.2 of the Biodiversity Conservation Regulation 2017 or have any significant impacts on any threatened species or community.

The report includes recommendations that a site Construction Environmental Management Plan (CEMP) be prepared to provide direction and process for retained trees and fauna management, including pre-clearance and fauna management controls. A condition of consent has been applied.

#### Natural Hazards

The site is not identified as flood prone or bushfire prone land.

#### Heritage

A search of the AHIMS Database revealed that there are no Aboriginal sites or places on the subject land.

There is no heritage listed items on the subject land.

#### Waste

Any waste generated on site during construction activities will be required to be legally disposed of at an approved landfill facility. No ongoing waste impacts are anticipated.

#### Noise and Vibration

Noise associated with the use of the proposed bunkers will be from vehicles unloading and loading grain. Given that there closest residential receiver is at least 350 metres from the site, no adverse impacts are anticipated.

#### Safety Security and Crime Prevention

Access to the site will be restricted by the erection of a security fence and access gates and therefore is unlikely to create any safety, security, or crime risks.

#### Social Impact in the Locality

The proposal is not expected to create any negative social impact.

#### Economic Impact in the Locality

The development will have a positive economic impact in the locality.

#### Site Design and Internal Design

The proposed development will utilise the existing access from Eugowra Road and internal roadways within the existing Graincorp site. Access to the new bunkers will necessitate the crossing of the public land, in which Graincorp trucks will be required to give way. Vehicle manoeuvring between the two sites will provide vehicles the ability to enter and exit a site in a forward direction.

#### Construction





Limited construction management details have been submitted. Should consent be granted, it is recommended that standard conditions be applied to ensure amenities are available during construction and that loading operations are conducted wholly upon the site.

#### Cumulative Impacts

The proposal is not expected to result in a significant intensification of the use of the site and is consistent with the relevant heads of consideration. The cumulative impact of additional heavy vehicles on surrounding public roads is acceptable. As such the proposal is unlikely to cause negative cumulative impacts in the locality.

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#### **S4.15(1)(c) the suitability of the site for the development,**

The site has the capacity to support the proposal without creating adverse impacts on the site and adjoining land. The proposed development will be in character for the rural area and will not lead to cumulative impacts on the environment, neighbouring land-uses, cultural or heritage items.

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#### **S4.15(1)(d) any submissions made in accordance with this Act or the regulations,**

The Development Application was notified and publicly advertised from 17 December 2021 to 24 January 2022. Council received two objections in relation to the development and one letter of support.

#### Objection - J Tom

**Submission / Issue 1:** Construction of the bunkers will result in the destruction of a water pipeline in the public lane which supplies potable water to the dwelling and associated farm complex.

**Assessment Response:** A condition of consent has been included which requires the applicant to locate and protect the private water infrastructure during construction and operation.

**Submission / Issue 2:** The proposed development will result in the loss of free and open use of the public lane.

**Assessment Response:** The proposed development will utilise the public laneway to access the proposed bunkers from the existing Graincorp site. The applicant will be required to upgrade the laneway pavement. The applicant has proposed that Graincorp vehicles will have right-of-way over the laneway. This is not supported by Council and a condition of consent will apply which requires Graincorp vehicles to give way to any other vehicles using the public lane. As such there will be no change to the public use of the laneway.

**Submission / Issue 3:** The statement from the applicant that additional carryover storage will enable grain to be brought in by rail is misleading as there is evidence that from discussions with Pacific National that no grain has been delivered to the site since 2016.

**Assessment Response:** The applicant has amended the application and proposes to utilise both road and rail transport to move grain to and from the bunkers. The applicant has provided information confirming the quantities of grain that has been transported to the site by rail since 2012.

**Submission / Issue 4:** Road / Traffic impacts:

- The delivery of grain to the site will increase road traffic movements, which will have significant impacts on the road system.
- During harvest road transport in Parkes is problematic as the roads are not designed for vehicles.
- There is insufficient pre-sample parking and queuing onto Eugowra Road has occurred at times.

**Assessment Response:** The Traffic Report submitted with the application anticipates that the proposed bunkers will generate an additional 10 vehicle movements per day (average). The roads in which heavy vehicles utilise to access the Graincorp site are designated as Restricted Access Vehicle (RAV) routes and therefore have been





designated by Transport for NSW as appropriate. Graincorp have advised that they have on-site queuing management measures in place to remove the potential for queues extend on to Eugowra Road or the railway line. The proposed bunkers will be accessed primarily by rail, but at times by road to store grain for other sites that are at capacity. A condition of consent requires that any inbound truck movements associated with the proposed bunkers are restricted to outside peak harvest periods. Traffic will be spread over an annual period therefore not having impacts on traffic throughout peak harvest period.

**Submission / Issue 5:** Loss of prime agricultural land

**Assessment Response:** The subject land is not identified on the NSW State Significant Agricultural Land Map. Due to the location of the site, there are limitations to the agricultural practices that can be used due to close proximity to Parkes township and existing Graincorp site. The reduction of the lot in 10ha in area is not significant.

**Submission / Issue 6:** The development should be located within the Parkes Special Activation Precinct.

**Assessment Response:** While there is merit to the argument that the development should be located in the Parkes Special Activation Precinct, Council is unable to dictate where a development is located or refuse to give development consent on this basis.

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**Objection - G Williams**

**Submission / Issue:** The proposed development will be sited on prime agricultural land. Why can't the extra storage facility be at the Special Activation Precinct?

**Assessment Response:** Parkes Shire Council cannot refuse the application on this basis. The proposed land use is permissible with consent in the zone and consistent with the zone objectives. The subject land is not identified on the State Significant Agricultural Land map.

**Submission / Issue:** More storage area will necessitate increased road freight movements. There is insufficient parking / queuing area for delivery vehicles.

**Assessment Response:** The applicant proposes to utilise both the rail siding and trucks to onload / offload grain from the storage bunkers. A Traffic and Transport Report has been provided with the development application in which states that the additional bunkers have the potential to generate an average of no more than 10 additional truck movements per day. Further, the applicant has stated that as part of the management of the site, additional inbound trucks that would utilise the new bunker storage area would access the site outside of peak harvest times.

**Williams Submission / Issue:** Surrounding infrastructure is inadequate for the increased movement of heavy vehicles and will impede traffic flow. Queuing onto the Eugowra Road is dangerous.

**Assessment Response:** The Traffic and Transport Report submitted with the application states that the proposed bunkers will have the potential to generate an average of no more than 10 additional truck movements per day. Further, the applicant has stated that as part of the management of the site, additional inbound trucks that would utilise the new bunker storage area would access the site outside of peak harvest times.

**Williams Submission / Issue:** The proposed development will impede traffic on a public laneway.

**Assessment Response:** The proposed development will utilise the public laneway to access the proposed bunkers from the existing Graincorp site. The applicant will be required to upgrade the laneway with an upgraded pavement. The applicant has proposed that Graincorp vehicles will have right-of-way over the laneway. This is not supported by Council and a condition of consent will apply which requires Graincorp vehicles to give way to any other vehicles using the public line.

**Williams Submission / Issue:** The proposed development is considered a quick fix to the problem of grain storage and there is no long-term plan for expansion to be considered by Council.





**Assessment Response:** Council cannot refuse to grant development application on this basis.

**Williams Submission / Issue:** The bunker model of grain storage is an efficient use of land and vertical storage is far more effective.

**Assessment Response:** Council cannot refuse a development application on this basis.

**Letter of Support - NSW Farmers**

- The development will alleviate pressures on grain supply chain.
- Growers to benefit from more efficient and competitive grain movement throughout the region.

**S4.15(1)(e) the public interest**

The proposal is assessed to pose no significant impacts on the public interest.

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**Assessment Conclusion / Recommendation**

Consent be granted subject to condition(s) detailed in Annexure 'A' *attached*.

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**Annalise Cummings**  
Executive Manager Planning and Certification







## Annexure A

### Conditions:

#### Conditions imposed by Parkes Shire Council

#### APPROVED PLANS AND DOCUMENTATION

1. The development shall be carried out in accordance with the approved plans and supporting documentation stamped and numbered DA2021/0175 by Parkes Shire Council.
2. No development consent is granted for a right of way across the public lane between the existing Graincorp site and proposed bunker site (the proposed Lot and Lot 11 DP851047). Vehicles must give way to traffic travelling on the public lane.
3. Heavy vehicles must access the proposed bunkers via the existing Graincorp site to the east (via Lot 11 DP851047). No access is permitted in a north - south direction on the public lane.

#### PRIOR TO COMMENCEMENT OF WORKS

4. Prior to the commencement of works a Construction Environmental Management Plan shall be prepared for the pre, during and post-construction period as detailed in Section 8. Recommendation of the *Test of Significance, Proposed Bunker Expansion* report by Hamilton Environmental Services stamped and approved as part of this application.
5. A Subdivision Works Certificate is required for the road upgrade works and on-site stormwater management, including drains and detention area. A Subdivision Works Certificate may be issued either by Parkes Shire Council or an Accredited Certifying Authority.
6. A Section 138 of the Roads Act 1993 application must be submitted and approved prior to any work commencing within the public road reserve. The application is to be accompanied by associated sediment control plans, environmental management plans, work method statements and traffic control plans.
7. Prior to the commencement of any work on the site, a Traffic Signage Plan is to be submitted to Parkes Shire Council's Director Operations which sets out the signage that will be installed ("GIVE WAY SIGNS" and "TRUCKS ENTERING" warning signs) on the approaches to the cross over point to Proposed Lot and Lot 11 DP851047 to ensure right of way for vehicles travelling on the public lane.
8. The public lane is to be upgraded between the proposed Lot and Lot 11 DP851047 in accordance with the following:
  - Road construction - minimum width of 10 metres and minimum length of 20 metres.
  - The pavement to consist of 300mm of compact road base DGS20 material, not sealed.
  - Construction of the road cross over formation to be at grade with the approaches.
  - Working drawings to show longitudinal stormwater drainage at the cross over and any structures required.

Civil engineering designs must be submitted for approval with the Subdivision Works Certificate.

9. The applicant is to submit to Parkes Shire Council, at least two (2) days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifying Authority'.
10. Erosion and sedimentation controls must be in place prior to the commencement of site works and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with latest publication of Managing Urban Stormwater – Soils and Construction produced by Landcom.
11. Pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Parkes Shire Council prior to the issue of a Subdivision Works Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Parkes Shire Section





94A Contributions Plan 2016, in force from 5 August 2016, which may be viewed on Council's website [www.parkes.nsw.gov.au](http://www.parkes.nsw.gov.au). The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each quarter.

Contribution Type	Proposed Cost of Development 1	Levy %	Total Contribution	Contribution Rate remains current until
Section 7.12 Contribution	\$1,112,726.00	1% above \$200,000.00	\$9,232.21	Next CPI Quarterly Adjustment

#### DURING WORKS

12. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work outside of these hours, or on Sundays or Public Holidays is permitted without prior written agreement by Parkes Shire Council's Director Planning and Community Services.
13. All loading, unloading and storage of goods, equipment, tools and building materials, or the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. No loading or unloading of goods on the public roadway system shall be permitted.
14. All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container for disposal at an approved Parkes Shire Council Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project.
15. The applicant must investigate locations and protect any infrastructure on the site and in the public laneway, including the private water line. Any adjustment or augmentation of any public utility services including water, electricity and telecommunications required as a result of the development must be at no cost to Council.
16. The Applicant is required to obtain a Compliance Certificate from Parkes Shire Council or an Accredited Certifying Authority, certifying that all road-works, including drainage infrastructure, has been constructed and completed in accordance with AUS-SPEC#1/Parkes Shire Council. For the purposes of obtaining the Compliance Certificate, the road works must be inspected by Council or an Accredited Certifying Authority at the times specified below:
  - a) Earthworks: Prior to any road works and when all sediment controls have been placed in position.
  - b) Road Drainage: When all drainage work and structures are installed and prior to backfilling.
  - d) Road Pavement: When the road-base is properly formed and compacted and prior to sealing.
  - e) Completion: When all road works are completed, including directional signage.
17. The Applicant is required to obtain a Compliance Certificate from Parkes Shire Council or an Accredited Certifying Authority, certifying that stormwater drainage and retention works has been constructed and completed in accordance with the Subdivision Works Certificate.

#### ONGOING OPERATION

18. Prior to the use of the bunkers, the Applicant must implement the following traffic management measures to mitigate risks associated with unsafe bypassing/overtaking on Eugowra Road as well as manage a potential "short stacking" issue at the crossing during construction:
  - c) A variable message sign to be erected during the peak harvest period to warn motorists on Eugowra Road of stacked vehicles.
  - d) Review internal manoeuvring and management of vehicles to prevent short stacking over the level crossing.
19. Prior to the use of the bunkers, the upgrade works to the public lane adjoining the site shall be completed.
20. All internal manoeuvring areas must be maintained to an all-weather surface.







21. A water spray vehicle or the like shall be deployed on site when required to reduce the emission of dust.
22. Any external lighting associated with the development must be designed and installed in accordance with Australian Standard AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting and be mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.
23. The applicant must not and must ensure its employees and all other persons do not enter any parts of the rail land during construction and operation unless otherwise permitted in writing by UGLRL.
24. In the event that Over Sized Over Mass (OSOM) vehicles are used during construction activities, prior to their commencement, the Applicant must obtain UGLRL's approval to operate Over Sized Over Mass (OSOM) vehicles, which are proposed to use the level crossing at Eugowra Road, Grain Terminal Road Intersection.

#### PRIOR TO THE USE OF THE DEVELOPMENT

25. All works associated with the development, including road upgrade, signage, accesses, on-site stormwater management shall be completed prior to the use of the bunkers or issue of subdivision certificate, whichever comes first.

#### PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

26. The Applicant is to obtain from Parkes Shire Council a Subdivision Certificate prior to the lodgement of any subdivision plan with Land and Property Information Services NSW.

#### Prescribed conditions under the Environmental Planning and Assessment Regulation 2000

27. A development consent for development that involves any building work must be issued subject to the following conditions:
  - (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*, in force on the date of the application.
  - (b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.

Note: This condition does not limit any other conditions to which a complying development certificate may be subject, as referred to in section 85A (6) (a) of the Act.

Note: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4) of the Environmental Planning and Assessment Regulation 2000, or
- (b) to the erection of a temporary building, other than a temporary structure that is used as an entertainment venue.

Note: In this condition, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant complying development certificate is made.

28. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifier for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building, that does not affect the external walls of the building.







Note: This condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

Note: This condition applies to a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

29. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the principal contractor, and
  - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under the above condition becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.

Note: The above condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

30. Where development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

Note: This condition does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.



## Attachment 6 - Objection Letters - G.Williams & J. Tom

Brendan Hayes  
Director Planning and Environment  
Parkes Shire Council  
PO Box 337  
Parkes NSW 2870

Dear Sir

Re: Objection to Proposed Development

I wish to lodge the following formal objection to the proposed construction of grain storage bunkers on land to the west of the existing Parkes Sub Terminal (PST) site, specifically Lots 11 on DP750164 and Lot 104 on DP750164, land which is currently leased by Bartley's Creek Partnership.

The objection is based on the following:-

1. Construction of the bunkers will result in the destruction of a water pipeline which runs from a meter point adjacent to the entry from the public lane into the PST. The pipeline supplies potable water to the dwelling and associated farm complex occupied by Jason Tom.
2. The construction and operation of the bunkers will result in the loss of free and open use of the public lane which runs north/south between the PST and the affected Lots to the Eugowra Rd. This is supported by the plan attached to the DA, that indicates the traffic travelling across the lane from the existing Graincorp site, which is currently fenced off from the lane, will have right of way on vehicles travelling on the lane with Stop signs being present on the lane alignment. Traffic on private land having right of way over that which is on public roads is most probably a breach of NSW roads and traffic law. I would also imagine having a Council owned lane running through the middle of a busy industrial work site to be a huge liability risk to Parkes Shire Council.
3. The application notes that the intention of the *"development is provide additional carryover storage enabling grain to be bought in by rail from sites that are still full."*

This statement is, at best, misleading as discussions with Pacific National (PN) staff reveal that:-

- a. no grain has been delivered to the PST by rail since 2016.
- b. PN, which transports grain for both Graincorp and the Manildra Group, do not have the capability to transport any carryover grain to the PST as the movement of grain to the Port Kembla facility and Manildra mill utilises the entire available PN capacity. This was made evident just prior to the 2021 harvest when a large amount of grain was transported to the PST by road from nearby sites such as Trundle and Peak Hill as there were no trains available.

Without the availability for rail delivery to PST, the carry over capacity can only be for grain which will be delivered by road.

4. The application notes that *"the traffic flow will not change and there will not be any change in impact of the Parkes site to the local community or neighbors. We do not expect traffic numbers into the site to be altered by this development as the additional grain will be brought into the site by rail, and out loaded by rail."*

This statement is misleading; without availability of rail transport the delivery of grain to the site by road can only increase.

In the absence of rail capacity to deliver and to out load the additional grain, the carryover grain to be stored will have to arrive and leave by road. This means that if approved, this development will either be a waste of prime agricultural land because it will be given over to construction for storage which cannot be used or, if used, the grain will be transported by road.

The consequence in planning terms is that there will be an adverse economic impact as prime agricultural land will be sterilised from use by the construction of bunkers that cannot and will not be used.

This cannot possibly *"promote the orderly and economic use and development of land"* which is one of the objects of the Environmental Planning and Assessment Act (s1.3(c)).

If the bunkers are used then the grain will have been delivered by road transport, the impact of which:

- a. Will not have been considered in this Application as there is no road traffic assessment because the developer denies that additional grain will be transported by road.
- b. Cannot be policed by planning controls because the threshold between what is current grain capacity and what will be additional grain cannot be identified.
- c. Will have significant adverse impacts on the road system.

Road transport to site is already problematic particularly during harvest with large numbers of multiple combination trucks, eg. B triples and road trains, moving through Parkes, along lower Clarinda Street and onto the Eugowra Road. Loaded B doubles have also been sighted on Woodward and East Streets.

The roads are not designed for trucks of the sizes and load capacities currently being used. The risk to other road users, especially within town, is significantly increased and further unnecessary road damage will occur.

The presence of multiple combination trucks is entirely a result of the closure of the smaller delivery sites by Graincorp and the failure to provide compensatory delivery points within the outer areas of the Parkes agricultural area. Instead Graincorp have chosen to centralise delivery to Parkes with disregard to the grain growers, the Parkes Shire and local residents.

This impact coupled with there being no capacity in rail transport means that this development is totally inappropriate for the location and must therefore be refused.

It should be further noted that there is insufficient truck pre-sample 'parking' within the PST and the proximity of the 'parking' to an unlit / ungated low, level crossing is likewise hazardous. Queuing of trucks onto Eugowra Rd has occurred at times during the past 2 harvests.

The Muginoble Sub Terminal, was constructed in the early 1950's as a pole and corrugated iron structure with a capacity of 113000t. The 'stick shed' was built by the State Government, funded by grower levies and the taxpayer I imagine. It was constructed to allow aggregation of grain from the many smaller delivery points, eg. silos at Aleetown, Goonumbla, Ootha, Tichborne, Trundle, Peak Hill etc. which was delivered by rail. The grain was then railed east to Sydney for milling or export at the Glebe Island terminal. The "Sub" was sited on the east side of town because the majority of grain was transported east to Sydney. A very small proportion of the grain was delivered to the "Sub" by road as there were small delivery sites scattered throughout the region.

With the completion of the Port Kembla export facility in 1990 all grain for export is now transported by rail from PST back through Parkes to Forbes, south to Cootamundra and thence to Port Kembla on the main southern rail line. No export grain is railed to Sydney on the main Broken Hill line, although some grain is transported by rail as far as Manildra. Any deliveries to Sydney are by road.

The PST site is now poorly sited for use as a rail subterminal and is also less than optimal for delivery by road being located on a narrow road, which is unsuitable for large numbers of multiple combination trucks, and that is accessed predominately through the township and outer residential areas. Any grain for export which was delivered by rail to the PST would thus travel through the Parkes rail yards twice prior to delivery to the final buyer with the resultant increase in obstruction to traffic flow across the Newell Highway and East Street crossings in town.

As previously noted PN delivers grain to Manildra some of which may originate from the PST however it should be noted that Manildra have significant amounts of grain located at both their own sites, eg. Bogan Gate, and also in Graincorp sites, eg. Condobolin, Red Bend, Wirrinya etc. This grain, due to the quantities involved and to prevent double handling to PST, is delivered by PN direct from site to Manildra and all travels east through the town. Surely there must be consideration given to the fact that the Parkes Hospital is on the southern side of the railway, whereas most of the population are on the northern side. The only access to the hospital being by way of level crossings that are easily blocked by large slow moving grain trains, which will only increase in numbers if Graincorp are allowed to expand at this rate.

I note they have already submitted a DA for project of a similar size as this on the neighbouring property "Glastonbury", which has neither of the problems of affecting my water supply or access. Interestingly at a meeting with Graincorps' General Manager of Operations, regarding the development, held on the morning of the 7th October 2021 the owner of the land involved in this DA stated his preferred option was for the proposed bunkers to be constructed on "Glastonbury". The object of this meeting was to discuss compensation for the removal of a canola crop I had growing there at the time. Graincorps' plan was to remove the crop so they could start work on the bunkers and have them ready for the upcoming harvest.

If the bunkers had been constructed before harvest as they planned, the grain to fill them would have arrived entirely by road, as was already occurring, as PN had no additional capacity.

The current capacity of PST exceeds 500,000t; construction of the carry over bunkers would increase this to over 700,000t and would require over 4000 additional truck movements to fill and at least 60 additional trains through Parkes to move the grain to Port Kembla if it was sold for export. This is a far cry from the original 113,000t structure which was sited there to minimise both road and rail traffic through town.

Just last week perimeter pegs for this site appeared in the paddock, with not so much as a phone call to the current lessee, so Graincorp are clearly confident of a successful outcome for this DA, photos are attached.

If Graincorp are determined to expand their grain storage capability, the most logical place is within the Special Activation Precinct, a site that allows access to both existing rail, the Inland Rail and the Parkes Newell Highway Bypass which will vastly improve both delivery and outloading, improve road safety for pedestrians, truck drivers and other road users, reduce damage to urban roads and streets and reduce urban noise and air pollution.

Whilst the construction of a new site to the west of Parkes will increase cost significantly the resulting infrastructure will, if sensitively designed, provide significant ongoing benefits over the modification of an unsuitable site which was last updated over 40 years ago.

Council would surely not permit more prime agricultural land to be lost to unsuitable development when the Parkes Special Activation Precinct, the creation of which will consume several thousand hectares of prime agricultural land, was initially proposed by Council, presumably for purposes such as this.

If Graincorp aren't interested in establishing another site west of town then hopefully another business will, but if Graincorp are allowed to continue expand ad hoc then I fear the residents and growers of our region will be burdened with years of unsuitable and unnecessary road and rail traffic through the centre of town and the worsening logistical disaster present at the PST.

I believe the proposed bunker site has little to do with rail delivered carry over storage and is more to do with the further closure of smaller Graincorp sites and reducing their costs. This has the effect of forcing growers to deliver grain to PST by road, saving Graincorp double handling the grain. In the absence of rail capacity referred to above, this appears likely to be the source of the additional grain, the impact of which on the road system and the associated urban areas has not been recognised or assessed. Any approval, if granted, would be legally flawed.

To approve the application will allow Graincorp to install low cost storage at the expense of the Parkes ratepayers. I believe the application should be refused with the use of a more suitable site to the west of Parkes being suggested to Graincorp.

If not now, when?

Yours Sincerely,

Jason Tom

Attn : Brendan Hayes

Parkes Shire Council

PO Box 337

Parkes 2870

DA2021/0175

6/18 Pacific Street

Bronte 2024

Dear Mr Hayes,

As a rate payer in the Parkes Shire, I would like to OBJECT to the proposed development of Lot 11 DP851047 and Lot 11, 103 & 104 DP 750164, 399A Back Yamma Road, Parkes.

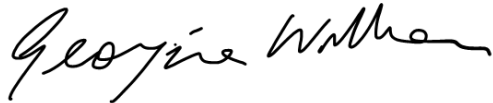
I have reviewed the documents provided on the council website and following is a summary of my concerns.

- The proposed industrial development is to be sited on prime agricultural land. Has there been discussion as to how much MORE prime agricultural land will need to be acquired by GrainCorp around the site? Why can't the extra storage facility be situated at the new Parkes Special Activation Precinct? What is to be the plan for future expansion?
- The proposed development will increase traffic movements for which the 1950's built rail specific site is not suited. There is already insufficient parking/queuing area for delivery vehicles as the site was originally serviced by rail freight, not road. More storage area will necessitate increased road freight movements.
- Surrounding infrastructure is inadequate for the increased movement of heavy vehicles and will impede traffic flow on a major thoroughfare and through the centre of town. Truck movements through the town were greatly increased during the 2021 harvest creating safety concerns for both pedestrians and other road users. Queuing onto the Eugowra Road is dangerous, and a serious accident is an inevitability.
- The site of the proposed development will impede traffic on a public laneway, which is most often used at harvest time by surrounding grain producers- which is when the proposed site be operating at full capacity.
- The proposed development is an ill-considered quick-fix to the ongoing problem of grain storage, a problem created by the sale of smaller storage facilities by GrainCorp. I am concerned that GrainCorp have no long-term plan for their expansion available to be considered by council.
- The bunker model of grain storage is an inefficient use of land. Vertical storage, although initially a greater cost, is a far more effective and less labour intensive model for a grain depot.

I hope that my concerns will be thoroughly evaluated and considered by Parkes Shire Council.

Please acknowledge receipt of this correspondence by return email.

Your sincerely,

A handwritten signature in black ink, appearing to read 'Georgina Williams', written in a cursive style.

Georgina Williams



**Attachment 7 - Response Letter to Objections**

30 March 2022

Parkes Shire Council  
2 Cecile Street  
PARKES NSW 2870

**Attention: Annalise Cummings and Brent Tucker**

BY EMAIL: [annalise.cummings@parkes.nsw.gov.au](mailto:annalise.cummings@parkes.nsw.gov.au) and [brent.tucker@parkes.nsw.gov.au](mailto:brent.tucker@parkes.nsw.gov.au)

Dear Ms Cummings and Mr Tucker

**Application No: DA2021/0175**

**Development: Additions to Rural Industry (Grain Storage Bunkers) & Subdivision Property: Lot 11 DP 851047, Lot 104 DP 750164, Lot 103 DP 750164, Lot 11 DP 750164, 399A Back Yamma Road, Parkes**

We refer to the site known as "Parkes West" (**Site**) and Development Application DA2021/0175 (**DA**), prepared and submitted by GrainCorp Operations Limited (**GrainCorp**).

On 24 January 2022, you advised GrainCorp of two submissions in respect of the DA in accordance with the Parkes Shire Community Engagement Strategy 2021-2025. The first being raised by a Jason Tom (**Tom Response**). The second being raised by a Georgina Williams (**Williams Response**).

As the issues raised in both the Tom Response and Williams Response are largely alike, we propose to reply to both Responses in this letter.

**Water Pipeline – Tom Response**

1. The Tom Response states:

*Construction of the bunkers will result in the destruction of a water pipeline which runs from a meter point adjacent to the entry from the public lane into the PST. The pipeline supplies potable water to the dwelling and associated farm complex occupied by Jason Tom.*

ABN 52 003 875 401

GrainCorp Operations Limited  
Level 28, 175 Liverpool Street  
Sydney NSW 2000 Australia  
PO Box A268  
Sydney South NSW 1235  
T +61 2 9325 9100  
F +61 2 9325 9180  
[graincorp.com.au](http://graincorp.com.au)



2. While the exact location of the 'water pipeline' referred to in the Tom Response is unclear, GrainCorp have made multiple enquiries to establish the location to assess the potential impact.
3. We have focused our enquiries on the land that will be physically affected by the bunker works forming part of the DA submission— predominantly Lot 11 DP750164 adjacent to the public lane as depicted in the first attached plan - **Annexure A**.
4. GrainCorp's solicitors, Corrs Chambers Westgarth, have run a drainage diagram search and carried out a Dial Before You Dig (DBYD) search for the Site. This was with the intention to find any evidence of water infrastructure that could be impacted by the proposed development as specified in the DA. Corrs also called the Council to discuss the infrastructure point.
5. The DBYD search confirms that there are no Essential Energy water and sewerage assets in the vicinity of the Site. Please see attached plan and coversheet from Essential Energy - **Annexure B**. This indicates the presence of some electricity infrastructure in the area but no water pipelines.
6. There are no easements registered on the title or title plans to indicate there is a water pipeline.
7. Further, on 28 February 2022, Matthew Dillon of the Parkes Shire Council confirmed that the Site "is not connected to council's reticulated sewage system. Please see attached a letter from Parkes Shire Council regarding water connections - **Annexure C**.
8. On this basis, GrainCorp submit that there does not appear to be any registered or recognised water infrastructure on the land as referred to in the Tom Response. However, GrainCorp confirms should there be any waterline uncovered during the bunker works:
  - a. it would be protected throughout the works; and
  - b. if it were impacted, any redirection or replacement of the waterline would occur at GrainCorp's cost and would be managed in consultation with the owner of the Site.

#### **Use of Land- Tom Response and Williams Response**

9. GrainCorp is committed to supporting the local agricultural industry and a key function of that support is the delivery of grain distribution services. For sites such as this and in periods of bumper harvest, this service is provided by way of bunkers.
10. We have consulted with NSW Farmers Association who are to provide a letter of support to address the concern raised in the Responses regarding the use of agricultural land. This letter of support will be provided shortly.
11. Further, GrainCorp submits that the proportionate area to be developed by GrainCorp under the DA is comparatively small in the context of agricultural land in the region. The bunker works promote the orderly and economic use and development of land in providing grain distribution services. The benefits in completing the works far outweigh the loss of a comparatively small area of agricultural land.
12. As such, GrainCorp considers that the overall benefits to the agricultural community in expanding operational support and grain distribution in the region far outweigh the conversion of a comparatively small area of farming land.
13. This development is essential to supporting agriculture in the region and the local economy.



14. An objective assessment of the total net benefit for the agricultural industry in the region is supportive of this development as evidenced by the support from the NSW Farmers Association.

**Rail vs Road Use and Traffic Movement - Tom Response and Williams Response**

15. Both the Tom and Williams Responses refer to possible impacts on road traffic in the area. The Tom Response refers to rail volumes and use in the region. We do not intend to discuss these statements regarding rail receipts as there are factual inaccuracies.
16. Rail data for last 10 years shows availability is not an issue. Please see an extract below regarding GrainCorp's own rail receipts for the Parkes Sub Terminal:

Rail Receipt (Rail)	
Row Labels	Sum of Delivered
2012	37,275
2013	171,509
2014	22,806
2015	75,473
2016	110,916
2017	155,831
2018	101,985
2019	116,007
2020	115,999
2021	7,990
<b>Grand Tot</b>	<b>915,792</b>

17. At the time of submitting the DA, GrainCorp's intention was to primarily use the additional storage for rail on-load and off-load. This was based on the demands of the 2021 harvest year.
18. Due to the delays in the DA's approval and the demands of the 2021/2022 harvest, GrainCorp would like to retain flexibility of using both rail and road for the additional storage on-load and off-loading. The availability of rail transport is demonstrated by rail data from the past 10 years.
19. The past two years have presented exceptional circumstance where back-to-back bumper harvests and supply chain constraints (i.e. GrainCorp's ability to transport grain to port and shipping) have led to significant carryover. This will compound again this year for the 2022 and future harvests. The purpose of this development is to provide carryover storage for these exceptional years.
20. If future requirements demand flexibility, GrainCorp may well seek to use the additional storage for rail and road on-load and off-load. GrainCorp seek to use the additional storage for both rail and road on-load and off-load should the DA be approved.
21. To address the concerns raised in the Responses around rail and road congestion, GrainCorp provides the attached detailed traffic management plan and report prepared by Anton Reisch of ARC Traffic + Transport (**Report**) - **Annexure D**.





22. The Report assesses the potential impact should GrainCorp use the additional storage for both road and rail capacity. The issues assessed include:
  - a. inbound and outbound truck trip generation;
  - b. road network impacts; and
  - c. onsite queuing.
23. Should road be used instead of or in conjunction with rail, the Report (paragraph 5.1) concludes as follows:
  - a. *"The Proposal would not in and of itself increase annual outbound truck trip generation;*
  - b. *Similarly, the increased storage capacity would not in and of itself induce additional inbound trucks, the numbers of which will as always be dependent on the harvest yields. While total annual inbound truck trips could increase under a worst case scenario where truck transport was used instead of rail to transport produce from other facilities, GrainCorp would schedule these movements using larger capacity trucks outside of harvest peak periods; under such conditions, the Site would generate an average of no more than 10 additional inbound trucks per day.*
  - c. *The Site can generate a significant amount of traffic during peak harvest years, though it is only for a relatively short period of time, and is unlikely to have a significant impact on broader traffic operations in the Town Centre. Further to the Proposal, the ability for GrainCorp to transport produce to the Site- even if by truck – outside of the harvest peak period suggests that future inbound truck trip generation in the harvest peak period is unlikely to exceed that observed in the recent super-peak harvest periods.*
  - d. *The implementation of on-site queueing management has effectively double[d] the available on-site queueing area, which all but eliminates the potential for the queue to extend to the rail line and Eugowra Road."*
24. The Report (paragraph 5.2) provides recommendations to address the issues raised in the Responses and as identified in the Report. GrainCorp confirm that all the below recommendations have been adopted and will be implemented at the Site.
25. The Report recommends that GrainCorp:
  - a. *Continues to maximise the use of rail transport over truck transport for all inbound and outbound product.*
  - b. *Ensures that, to the extent possible, inbound product trucks from other regional GrainCorp facilities are scheduled outside of harvest peak periods.*
  - c. *Provide up-to-date information to all producers in regard to the Site operations during harvest peak periods, including details in regard to the 24/7 operation capacity of the Site during these periods, and on-site traffic/queue management processes.*
  - d. *Continues to monitor all Site transport operations to maximise the efficiency and safety of all on and off-site vehicle movements.*
26. We conclude that this addresses and resolves the issues raised in the Responses.



#### Public Lane - Tom Response and Williams Response

27. Both the Tom and Williams Responses refer to a "public laneway" and raise concerns regarding loss of use. The Williams Response is not specific regarding the location of this laneway. The Tom Response refers to a "public lane which runs north/south between the PST and the affected Lots to the Eugowra Rd." We have focused our assessment on this area being the road abutting Lot 11 DP851047 from Lot 11 DP750164 as referred to in the Tom Response.
28. Upon review of the area, we assess that this "public lane" is a farm track that has minimal use. Enquiries with LRS NSW advised that it is a public road. Please see attached Letter from LRS NSW - **Annexure E**.
29. We have instructed Anton Reisch of ARC Traffic + Transport to consider this issue in the context of traffic traveling across the land as raised by the Tom Response.
30. We refer to the Report which concludes:
 

*"that [t]he DA provides for a simple gravel pavement crossing of Public Lane; based on all available information, Public Lane has little if any vehicular or pedestrian trip generation, and as such the prioritisation of these truck movements at this 'intersection' is entirely appropriate."*
31. As identified in the Report, GrainCorp will construct the new crossing of Public Lane in accordance with all relevant Council controls and other guidelines, including the provision of appropriate priority signage, and ensure that vegetation along the Public Lane corridor on the approaches to the crossing are regularly maintained to maximise sight distance.
32. As such, we consider the mitigation steps referred to in the Report appropriate to address the concerns raised in the Responses. We do not propose to respond to the 'liability risk' concerns raised in the Tom Response as this is a matter for Council.

#### Alternative Sites - Tom Response and Williams Response

33. Both Responses refer to a preference for GrainCorp to develop "within the Special Activation Precinct". GrainCorp's position is that the consideration of alternative sites is not a planning issue, we certainly have assessed the development of the Site in the context of the region. As Council is aware, GrainCorp are progressing a development at Parkes South.
34. This Site combined with the Parkes South Site and our existing holdings in Parkes have been considered at length in terms of strategic land use while considering available land.

#### Bunker Model - Williams Response

35. The Williams Response refers to the use of bunkers being an "ineffective use of land".
36. GrainCorp considers that the use of bunkers is a highly effective use of land as it allows for flexibility in the region to support local grower in times of a bumper harvest.
37. This DA was submitted in response to back-to-back bumper harvests. This is a historically high carryover season which demands that GrainCorp ensure we have a responsive plan to accommodate receivals. GrainCorp contributes a key agricultural support function to the region. The bunker model allows us to provide this support despite constraints to build time.



38. We consider the use of bunkers a highly effective use of land and consider the Council's recent approvals of other bunkers supportive of this approach.

GrainCorp look forward to working with Council to progressing the DA to construct the bunkers allowing us to better support the growers in the area.

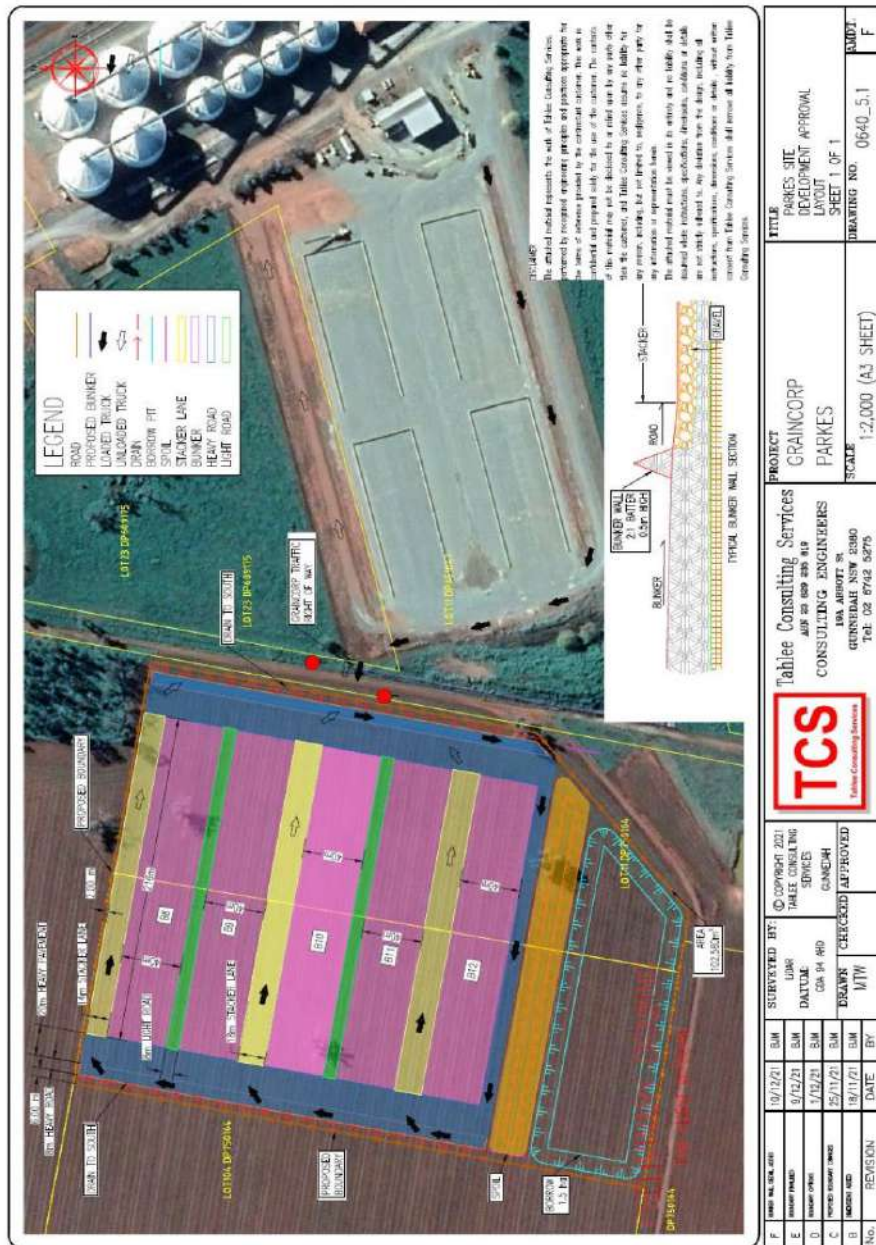
If Council have any further questions or comments prior to the approval of the DA, GrainCorp would be more than happy to meet to resolve those items. We stress that our ability to support the local growers for the upcoming 2021/2022 harvest relies on this Site being fitter with bunkers on or before April 2022.

Yours sincerely

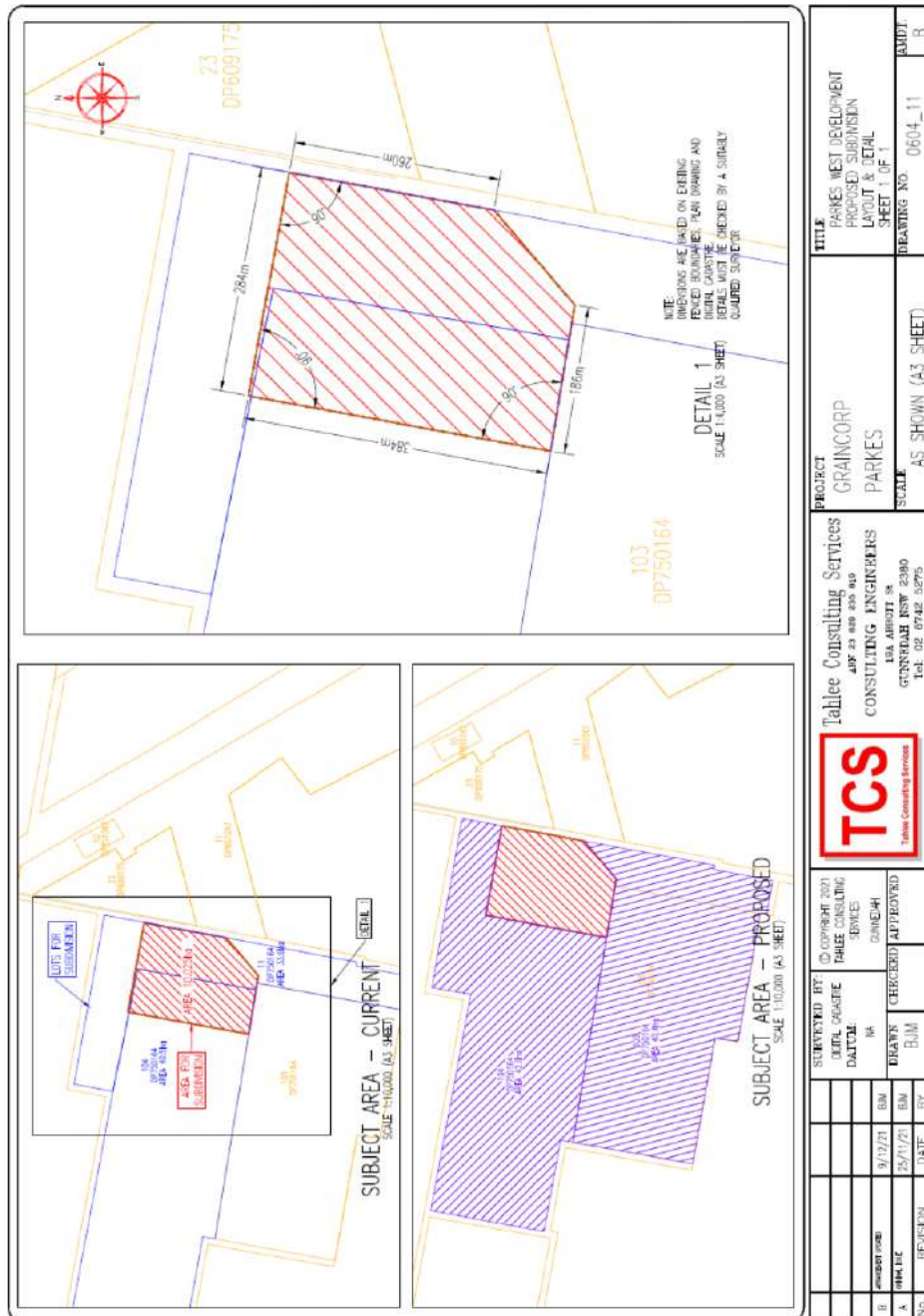
**Nigel Lotz**  
**General Manager**  
**GrainCorp Operations Limited**



## Annexure A- Plans







## Annexure B- Report Regarding Services


**CABLE/PIPE LOCATION**  
 Assets were found in the search area

COMPANY NAME:	Not supplied
ATTENTION:	Lisa Hobbs
SEARCH LOCATION:	399A Back Yamma Road Parkes NSW 2870
SEQUENCE NO:	208510069
DATE:	Thursday, 24 February 2022

**Provision of Plans:**

Please find enclosed plans depicting approximate locations of Essential Energy assets in the search location. The excavator must not assume that there may not be assets owned by other network operators in the search location.

Underground assets searched for	Underground assets found
Essential Energy Electrical	<input checked="" type="checkbox"/>
Essential Energy Water & Sewerage	<input type="checkbox"/>

Plans are updated from time to time to record changes to underground assets and may be updated by Essential Energy without notice. In the event that excavation does not commence within 28 days of receipt of a plan, a new plan should be obtained.

The excavator must retain the plans on site for the duration of the works.

The excavator shall report all damage made to Essential Energy assets immediately. Note that damage includes gouges, dents, holes and gas escapes.

**IN CASE OF EMERGENCY OR TO REPORT DAMAGE:**  
**PHONE 13 20 80**

**DISCLAIMER**

Please be aware that plans may not reflect alterations to surface levels or the position of roads, buildings, fences etc. Cable and pipe locations are approximate and the plans are not suitable for scaling purposes. Essential Energy does not retain plans for privately-owned underground electrical or water & sewerage assets located on private property. Privately-owned underground electrical assets located on private property are the responsibility of the owner.

The plans have been prepared for Essential Energy's sole use and benefit. Essential Energy cannot and does not warrant the accuracy or completeness of the plans. Essential Energy supplies them at no cost with the object of reducing the serious risk of unintentional damage being caused to its cables and pipes. Essential Energy does not accept any responsibility for any omissions, inaccuracies or errors in the plans, or any reliance placed on the material. Any reliance placed on any plan provided in response to your request is at your own risk.

Page 1 of 2

www.essentialenergy.com.au

ABN 37 428 185 226

PO Box 5730 Port Macquarie NSW 2444

Telephone: 13 23 91 Facsimile: 1800 354 636



Essential Energy retains all intellectual and industrial property rights which exists or may exist in or with respect to the plan(s). The material provided is not to be copied or distributed beyond you.

You release Essential Energy from and against all claims, demands, actions and proceedings arising out of or in any way related to the use of the provided material.

#### Location of Assets on Site:

The plans indicate only that cables and pipes may exist in the general vicinity – they do not pinpoint the exact location of the cables and pipes.

If it is found that the location of cables or pipes on the plans can be improved, please notify Essential Energy on 13 23 91 (or fax 1800 354 836).

All individuals have a duty of care they must observe when working in the vicinity of underground cables and pipes. It is the excavator's responsibility to visually expose the underground cables and pipes manually, ie. by using hand-held tools and non-destructive pot-holing techniques prior to any mechanical excavation. The excavator will be held responsible for all damage caused to the Essential Energy network or cables and pipes, and for the costs associated with the repair of any such damage. The excavator will also be held responsible for all damage caused to any persons.

When digging in the vicinity of underground assets, persons should observe the requirements of the applicable Codes of Practice published by the NSW Work Cover Authority or Safe Work Australia, and any amendments from time to time by the Authorities, including although not limited to:

- Excavation Work
- Managing Electrical Risks in the workplace
- How to manage and control asbestos in the workplace

(Please refer to <https://www.workcover.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice>).

When digging in the vicinity of **electrical assets** persons should observe the requirements of the **Electricity Supply Act 1995**.

Persons excavating near live underground electrical reticulation and/or earthing cables **must exercise extreme caution at all times and adhere to the requirements of Essential Energy's Electrical Safety Rules**. (These are available on our website: <http://www.essentialenergy.com.au/content/safety-community> and include

- **Work near Essential Energy's Underground Assets:**  
<http://www.essentialenergy.com.au/asset/cms/pdf/contestableWorks/CEOP8041.pdf> , and
- **Asbestos Fact Sheet:**  
<http://www.essentialenergy.com.au/asset/cms/pdf/safety/AsbestosFactSheet.pdf>

In some situations these procedures call for work to be performed by authorised staff. Should there be any doubt as to the exact location of any underground electrical assets, and the potential for conflict with live underground cables caused by excavation at your work site, you should contact 13 23 91 to arrange for an on-site visit by an Essential Energy representative. No construction or mechanical excavation work is to commence prior to this on-site visit and approval being obtained.

When digging in the vicinity of **water or sewer assets** persons should observe the requirements of the **Water Management Act 2000**.

Should there be any doubt as to the exact location of any underground water and sewer assets, and the potential for conflict with underground water and sewer pipes caused by excavation at your work site, you should contact 13 23 91 to arrange for an on-site visit. No construction or excavation work is to commence prior to this on-site visit and approval being obtained.

#### Prior Notification:

Please note that for excavation depths greater than 250mm near power poles and stays you should allow for **advance notice** in your construction program to permit Essential Energy time to allocate the necessary field resources to carry out the inspection at the site a **minimum of fourteen (14) working days prior to work commencing**. This service may incur a fee and this can be negotiated with the local Area Coordinator at the time of making the appointment. Failure to give reasonable notice to the local Area Coordinator may result in disruption to Essential Energy's planned works program in the district and could incur an extra charge over and above the normal rate for this service.

For further information please call 13 23 91.

## Annexure C- Letter from Council- Water



DD2022/0066

Contact Person: Matthew Dillon

28 February 2022

Infotrack Pty Ltd  
GPO Box 4029  
SYDNEY NSW 2001

Dear Sir/Madam

Certificate No: DD2022/0066DD2022/0066  
Property: Lot 34 DP 750179, Lot A DP 369929, Lot 30 DP 1174866, Lot 23 DP 113030, Lot 1 DP 244315, Lot 33 DP 750179, Lot 22 DP 113030, Lot 121 DP 750164, Lot 104 DP 750164, Lot 103 DP 750164, Lot 69 DP 750164, Lot 1 DP 792350, Lot 15 DP 750172, Lot 30 DP 750172, Lot 11 DP 750164, 399A Back Yamma Road PARKES NSW 2870

The drainage diagram you requested for the above property is not available, as the property is not connected to council's reticulated sewage system.

If you have any further enquiries, please contact Matthew Dillon at Council's Department of Planning and Environment on (02) 6861 2373.

Yours faithfully

Matthew Dillon  
TRAINEE HEALTH & BUILDING SURVEYOR

**Annexure D Traffic management plan and report prepared by Anton Reisch of  
ARC Traffic + Transport**

[See attached]

## Annexure E- Letter from LRS NSW



ABN: 36 092 724 251  
Ph: 02 9099 7400  
(Ph: 0412 199 304)

Level 14, 135 King Street, Sydney  
Sydney 2000  
GPO Box 4103 Sydney NSW 2001  
DX 967 Sydney

### Report

LRS NSW

Sydney

### Road abutting separating Lot 11 D.P. 851047 from Lot 11 D.P. 750164 at Parkes

An investigation of the various records available for my inspection disclosed that the road within the red edged area on the attached Cadastral Records Enquiry Report to originally be a Crown Road

This road was subsequently declared a public road by notification published in Government Gazette dated 11<sup>th</sup> September 1936 Folio 3742 – pursuant to Section 18 of the Public Roads Act of 1902.

In view of my findings, and in view of Section 18 of the Public Roads Act of 1902, this road would be deemed to be Council Public Road.

The documentary title to this road will be the Government Gazette dated 11<sup>th</sup> September 1936 Folio 3742.

Yours Sincerely  
Mark Groll  
1 November 2021

Email: [mark.groll@infotrack.com.au](mailto:mark.groll@infotrack.com.au)

1



**Attachment 8 - Letter of Support - NSW Farmers Grains Committee**

Justin Everitt  
Chair Grains Committee  
Ref: 2206POC

19 April 2022

Brent Tucker  
Development Planner  
Parkes Shire Council  
2 Cecile Street  
Parkes NSW 2870

By email: [brent.tucker@parkes.nsw.gov.au](mailto:brent.tucker@parkes.nsw.gov.au)

Dear Brent,

***Re: GrainCorp Development Application DA2021/0175***

NSW Farmers' Association is writing to support GrainCorp's Development Application DA2021/0175 with the Parkes Shire Council. We understand the application seeks approval for the proposed expansion of grain storage and handling facilities located at Back Yamma Road, Parkes.

The NSW grains sector has experienced bumper harvests over the last two (2) years. These harvests placed considerable strain on our grains supply chain, including grain storage and handling facilities. Increasing the grain storage and handling capacity at the Parkes site will aid in alleviating some of these pressures across the state. The development will positively impact growers as it will increase access and certainty for storage while facilitating grower choice and ability to sell product according to market dynamics.

NSW Farmers support projects that provide supply chain efficiencies and increased storage capacities. We believe the proposed project will allow growers to benefit from more efficient and competitive grain movement throughout the region. This includes developments and increased investment such as those proposed in GrainCorp's application. Improvements to facilities such as these will assist the NSW agriculture sector in reaching its \$30B by 2030 goal.

We again reiterate our support for GrainCorp's development application with the Parkes Shire Council. Should you have any questions, please contact Ben Antenucci – Policy Director Agriculture Industries, 0414924966 or [antenucci@nswfarmers.org.au](mailto:antenucci@nswfarmers.org.au).

Yours sincerely,

A handwritten signature in black ink that reads "Justin Everitt".

Justin Everitt  
Chair  
NSW Farmers Grains Committee

**NSW Farmers' Association**

ABN 31 000 004 651 PO Box 459 St Leonards NSW 1590 Level 4 154 Pacific Hwy St Leonards NSW 2065  
Member Service Centre 1300 794 000 T 02 9478 1000 F 02 8282 4500 [www.nswfarmers.org.au](http://www.nswfarmers.org.au)



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**11.4. (DPCS) DA2022/0043 - Proposed Amenities Building at Lot 8 DP 752095, 'Park' Bogan Street, Bogan Gate**

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**Prepared By:**

Director Planning and Community Services

**Development Application Information**

**Application No:** DA2022/0043

**Applicant:** James Buchanan

**Property:** Lot 8 DP 752095, 'Park' Bogan Street, Bogan Gate

**Proposal:** Proposed Amenities Buildings

**Executive Summary**

DA2022/0043 proposes the construction of two amenities buildings at Lot 8 DP 752095, Bogan Street, Bogan Gate. The proposed amenities buildings will be located along the western boundary of the subject allotment, in a similar location to the existing structures. The buildings will be rectangular in shape with gable roofs and colourbond steel finishes. The buildings will be used in association with recreational activities to be undertaken on the land. The assessment of the development proposal (see Attachment 3) concludes the proposed development fits in the locality and there are no constraints on the site or posed by adjacent developments.

The proposed development is consistent with all relevant State Environmental Planning Policies, the Parkes Local Environmental Plan 2012 and the Parkes Shire Development Control Plan 2021. The proposal will not result in any adverse environmental, social or economic impacts in the locality.

A Statement of Environmental Effects is included in Attachment 1 and a plan of the proposed development is included in Attachment 2. An Assessment Report, dealing with all aspects of the proposal is included in Attachment 3.

The applicant has submitted a formal request for an exemption from a requirement to pay a monetary contribution of 1% for developments in excess of \$200,000.00 in accordance with Section 3.13 Exemptions of the Parkes Shire Section 94A Contributions Plan 2016 (the Plan). The cost of the development is \$481,222.50 with the value of the Section 94A monetary contribution being \$2,812.25.

The Plan states a development may be exempted where Council considers an exemption is warranted, and the decision is made by formal resolution of Council at an ordinary meeting of Council.

The applicant has stated the exemption is warranted given; the development will be located on Crown Land, associated with existing sporting fields and will be used for community purposes which is of benefit to the Bogan Gate township and Parkes Shire. The applicant has also advised the exemption of the contribution will significantly contribute to the realisation of the project.

## **Background Information**

### **Recommendation**

1. It is recommended that the application be approved subject to the conditions contained in the report.
2. It is recommended that the application be exempt from paying a monetary contribution in accordance with Section 3.13 of the Parkes Shire Section 94A Contributions Plan 2016.

### **Conditions**

#### **Approved Plans and Documents**

1. The development shall be carried out in accordance with:
  - I. The approved stamped Plan(s), Job No. DWG0043-001.
  - II. The approved stamped Plan(s), prepared by: Modus Australia, Sheets 01 - 03, dated 22 March 2022.
  - III. The approved stamped Statement of Environmental Effects except as varied by the conditions listed herein or as marked in red on the approved plans. A copy of the approved stamped plans is to be maintained on site for constructional and reference purposes.

#### **Prior to Commencement**

2. The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifying Authority, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council Development and Engineering Standards prior to any building and or subdivision works commencing.

Note: No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained.

Note: It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable Development and engineering standards in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

3. The Applicant is to obtain all relevant approvals to carry out sewerage work, to carry out stormwater drainage work and to carry out water supply work from Parkes Shire Council prior to commencing works and comply with any conditions of that permit.

Note: All work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia.

4. The applicant is to submit to Parkes Shire Council, at least two (2) days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifying Authority'.

5. Erosion and sedimentation controls must be in place prior to the commencement of site works and maintained throughout construction activities until the site is landscaped and/or suitably re-vegetated. The controls shall be in accordance with latest publication of Managing Urban Stormwater – Soils and Construction produced by Landcom.

## During Works

6. All construction work shall be undertaken in such a manner that dust and noise shall be minimised as far as possible.

Note: The Protection of the Environment Operations Act, 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2017 contain provisions relating to noise.

7. All loading, unloading and storage of goods, equipment, tools and building materials, or the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. No loading, unloading and storage of goods, equipment, tools and building materials, or the carrying out of building operations related to the development proposal shall be carried out on the nature strip, footpath or public roadway system.

8. All building rubbish and debris, including that which can be wind-blown, shall be contained on site in a suitable container for disposal at an approved Parkes Shire Council Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project.

Note: No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note: The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

9. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction.

Note: The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.

10. Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (IV:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to the appropriate engineering standards.

Note: A retaining wall or structure that does not comply with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 will require prior consent from Council.

Note: Cutting and filling on the site and the erection of retaining walls may require the approval and certification of a suitably qualified structural/geotechnical engineer.

11. All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with Australian Standard AS/NZS 3500:2003, the Plumbing Code of Australia and the following requirements:

(a) All roof and impervious surfaces shall be properly drained to the onsite rainwater tank with overflow directed a minimum of three (3) metres clear of all onsite structures toward Monomie Street without impacting on neighbouring properties.

(b) Storm water disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the roof covering and/or the construction of hard standing areas, as may be appropriate, to discharge water in accordance with the approved stormwater management system.

## Prior to Occupation

12. Prior to the occupation or use of the development an Occupation Certificate must be obtained from the Principal Certifying Authority for the subject development

### **Prescribed conditions under the Environmental Planning and Assessment Regulation 2000**

13. A development consent for development that involves any building work must be issued subject to the following conditions:

- (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia, in force on the date of the application.
- (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.

Note: This condition does not limit any other conditions to which a complying development certificate may be subject, as referred to in section 85A (6) (a) of the Act.

Note: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4) of the Environmental Planning and Assessment Regulation 2000, or
- (b) to the erection of a temporary building, other than a temporary structure that is used as an entertainment venue.

Note: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant complying development certificate is made.

14. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building, that does not affect the external walls of the building.

Note: This condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

Note: This condition applies to a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

15. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) in the case of work for which a principal contractor is required to be appointed:

- (i) the name and licence number of the principal contractor, and
- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under the above condition becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.

Note: The above condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

16. Where development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:

(a) protect and support the adjoining premises from possible damage from the excavation, and

(b) where necessary, underpin the adjoining premises to prevent any such damage.

Note: This condition does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

## **Attachments**

Nil

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## Attachment 1 - Statement of Environmental Effects

### Statement of Environmental Effects – Bogan Gate Sportsground and Tennis Courts

#### Land Description

The proposed development is to take place on Crown Reserves 84478 & 28883 located at:

Olive Grove Lane, BOGAN GATE NSW 2876; and  
Bogan Street, BOGAN GATE NSW 2876.

#### Description of proposal

The proposal is to replace the buildings on the reserves that were the subject of a demolition order that have subsequently being demolished.

At Crown Reserve 84478 the male and female toilets that were demolished will be replaced with a male, female and accessible toilet module.

At Crown Reserve 28883 the male and female toilet block that was demolished will be replaced with shower/toilet module and the canteen/dressing rooms that were demolished will be replaced with a dressing room/toilet & shower module.

#### Site location and analysis

The sites has been gazetted as a public recreation under relevant Crown Lands Act. The two Reserves are located within the township of Bogan Gate on the outskirts of the town, with minimal surrounding neighbours or waterways.

#### Present and previous use of the land

The sites have been utilised for public recreation since they were gazetted, mainly tennis and cricket sporting events.

#### Compliance with Planning Controls

The development will be conducted to comply with the Parkes Local Environmental Plan 2012 and Parkes Shire Development Control Plan 2013.

#### Servicing and Infrastructure Requirements

The proposed development will be connected to the following:

Sewerage – geotechnical report to be conducted to determine optimal solution  
Water Supply – connected to existing  
Stormwater – managed via rainwater tank  
Electricity supply – connected to existing  
Telecommunications – N/A  
Gas – N/A

#### Access and Traffic Requirements

There are no forecast impacts on traffic due to these developments wither during construction or upon completion.

**Site Management**

The development site will be managed by the contractor. Work will not commence until the contractor's insurances have been confirmed and Safe Work Method Statements have been approved.

**Likely Impacts of the Proposal**

The new buildings will have minimal impact as they have largely been reconstructed within the existing building footprint. There will be significant social and economic impacts by providing improved amenity on the Reserve and in the town.

**Site Suitability**

The site is suitable for development as it is consistent with the purpose of the Reserves.

**Ecologically Sustainable Design**

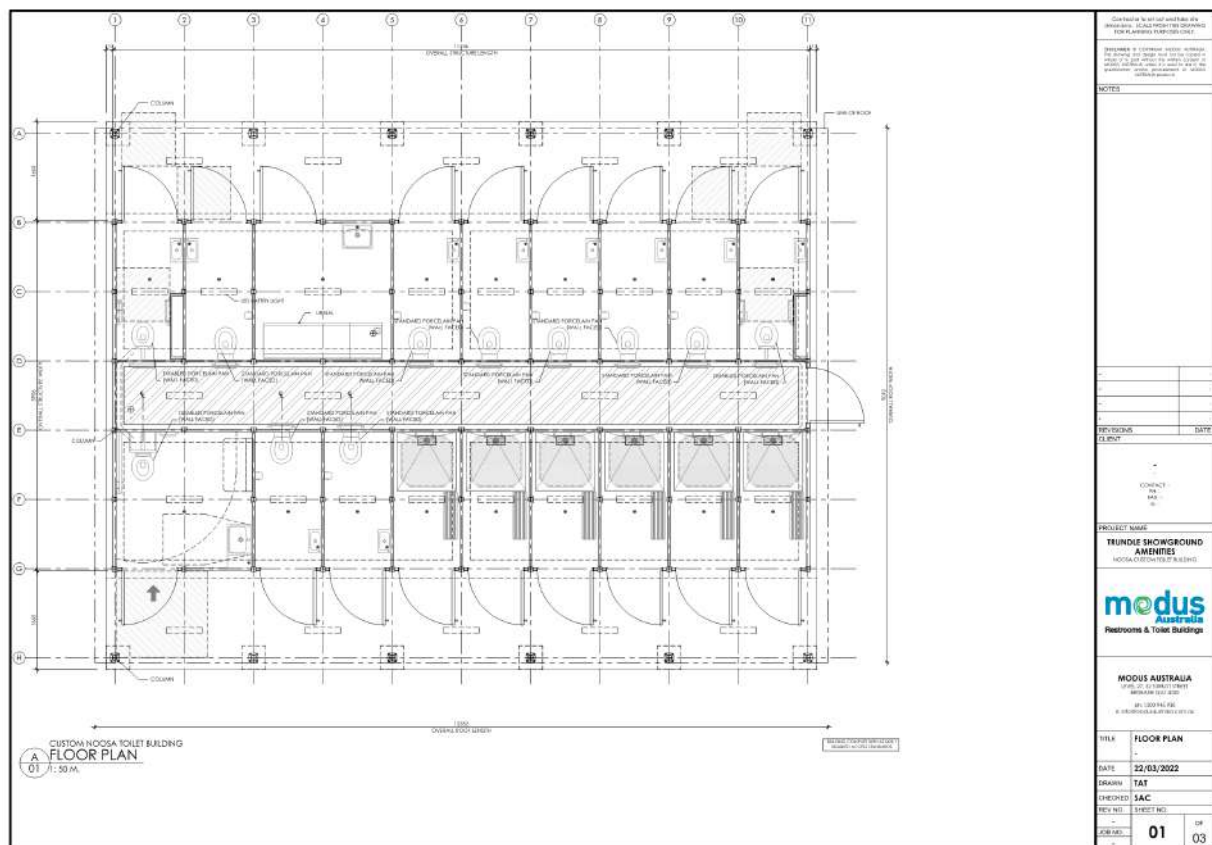
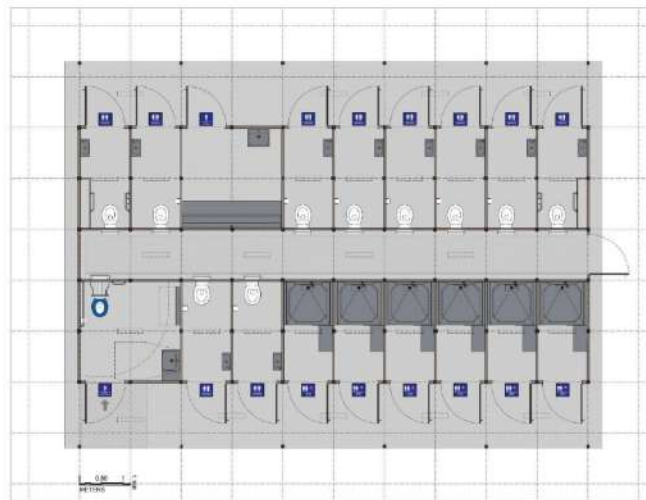
The modules chosen incorporate the latest ecologically sustainable design methods and practices.

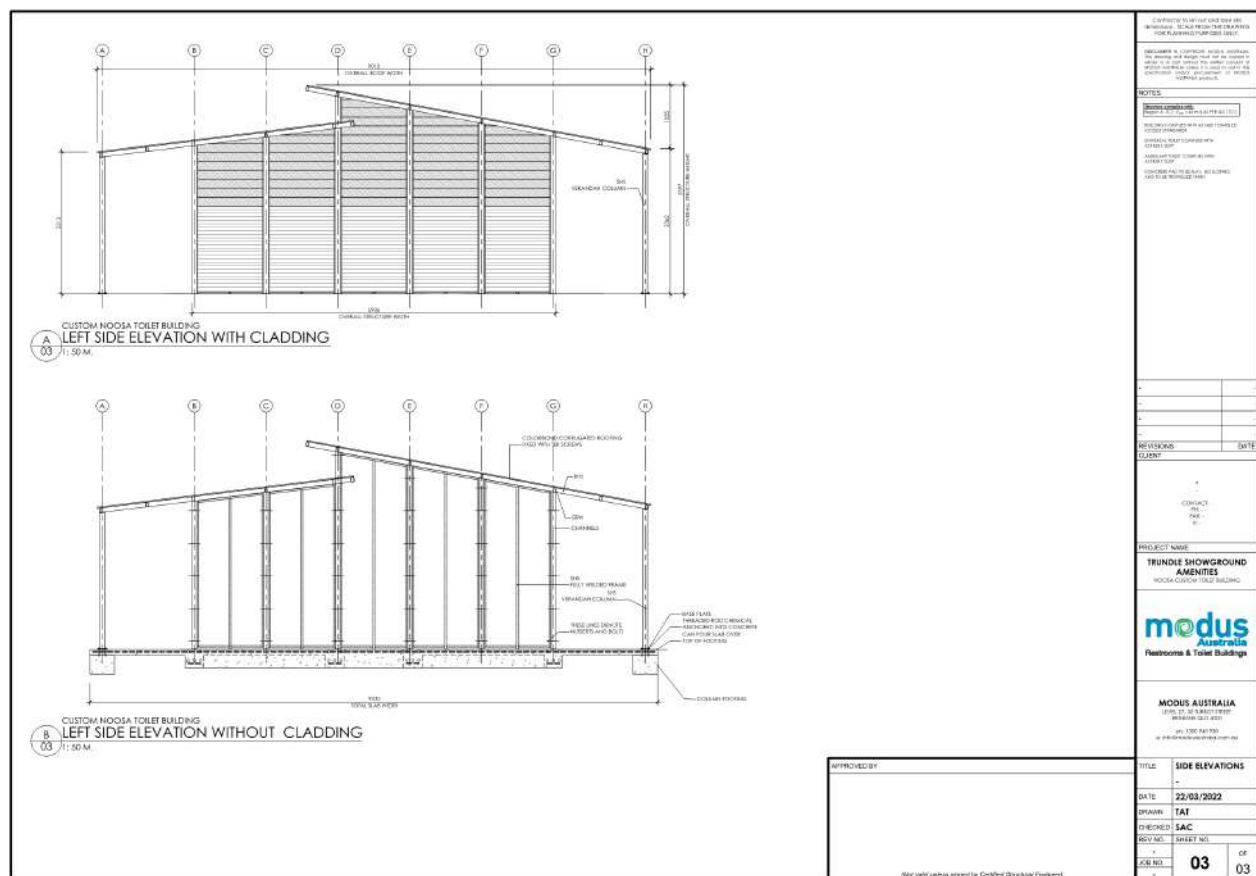
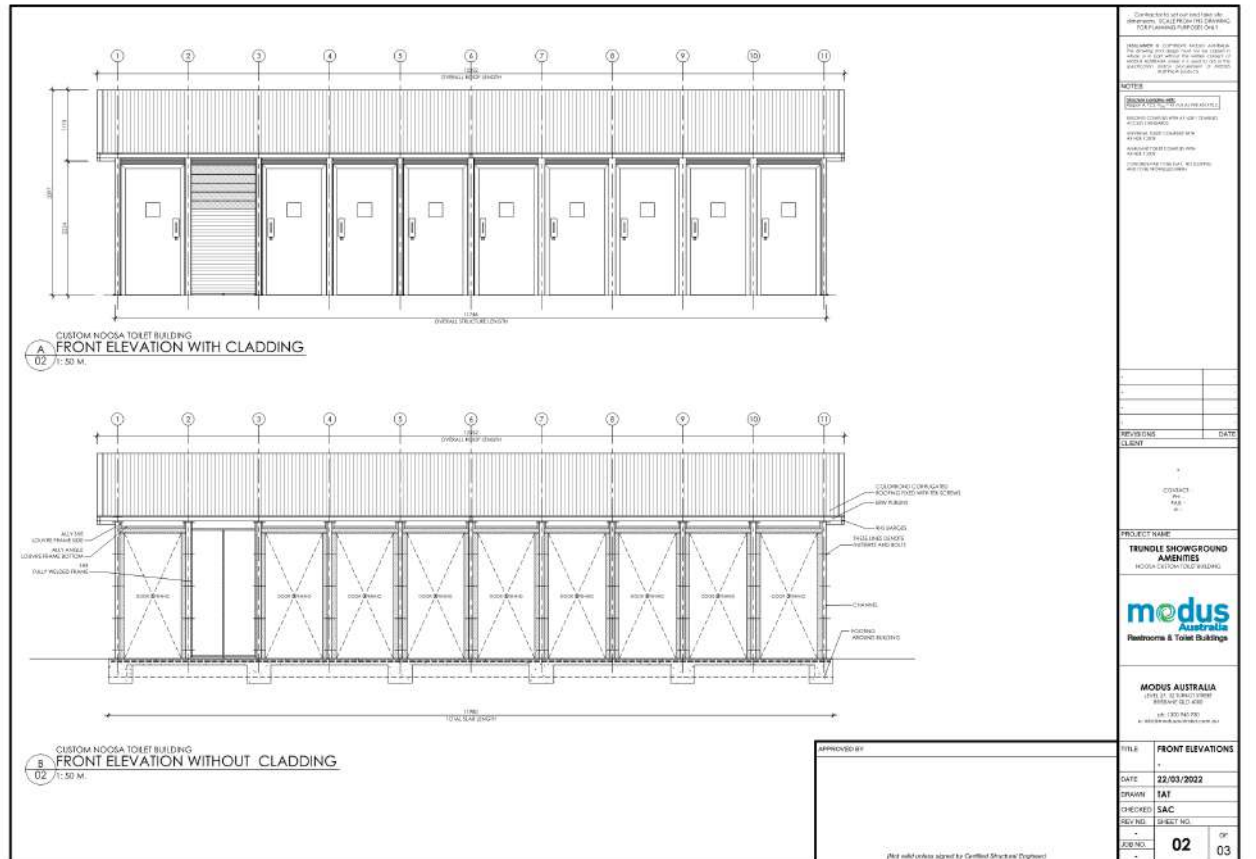


## Attachment 2 - Plans of development

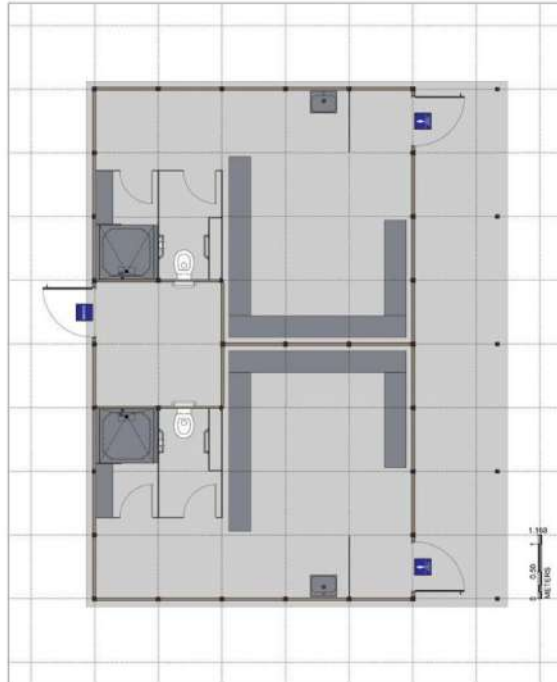


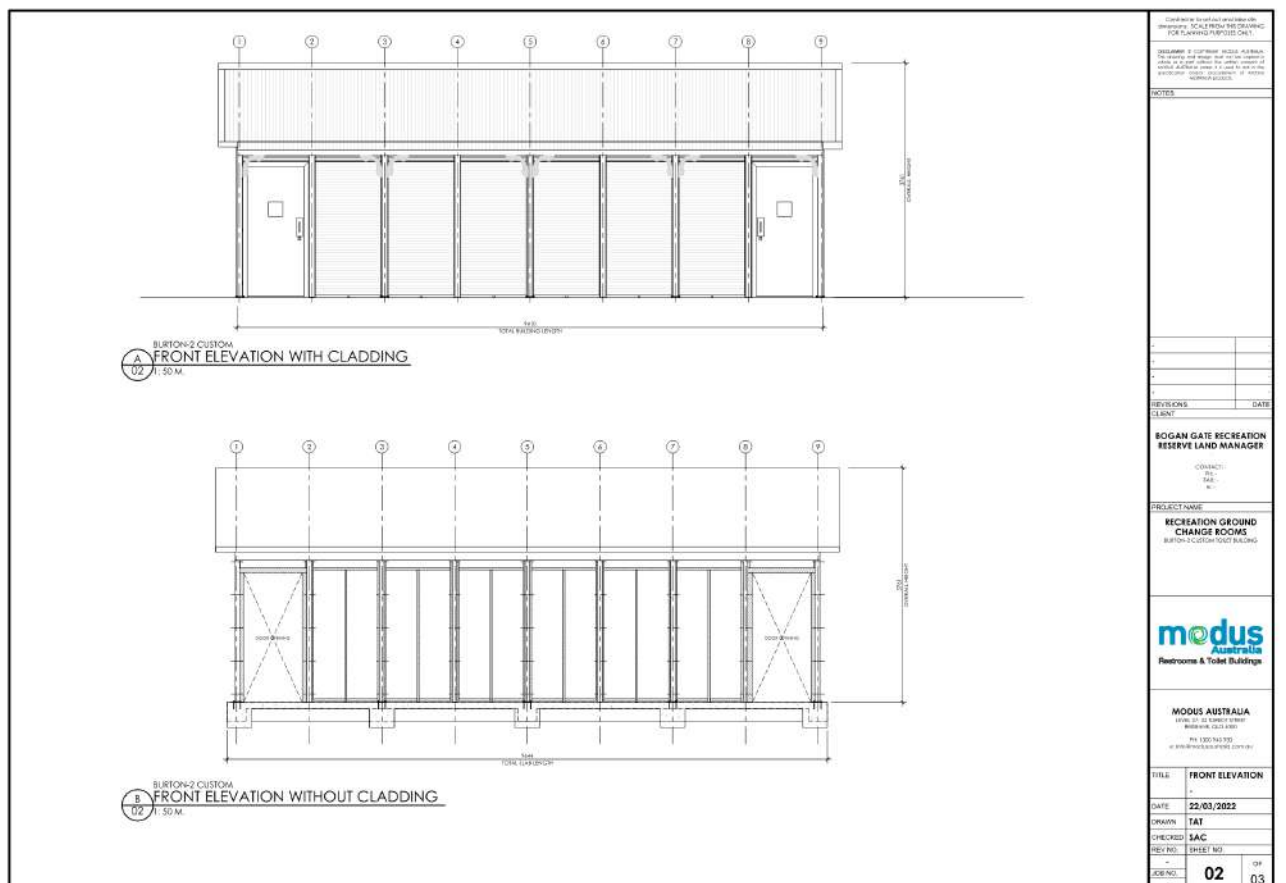
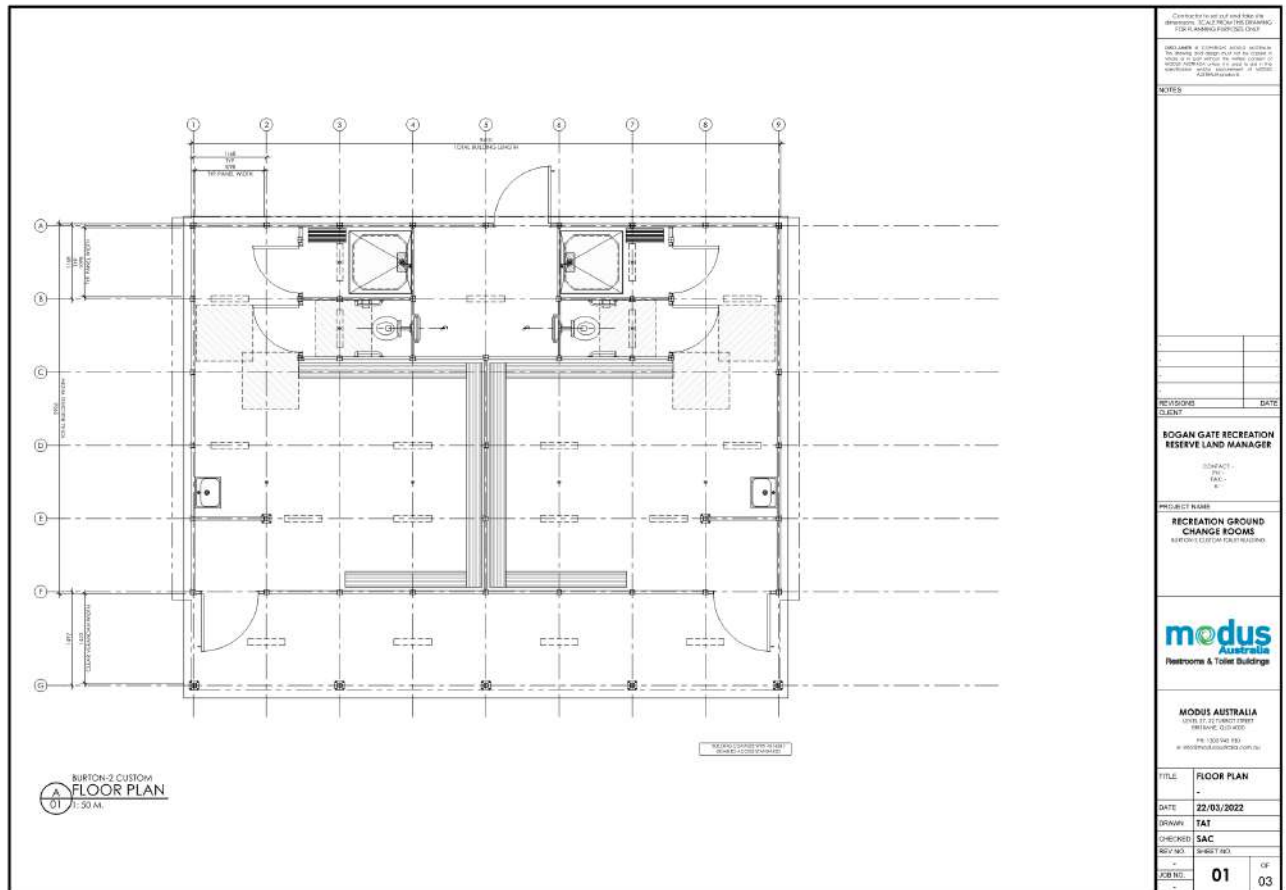
### Building A—Toilet/Shower Block

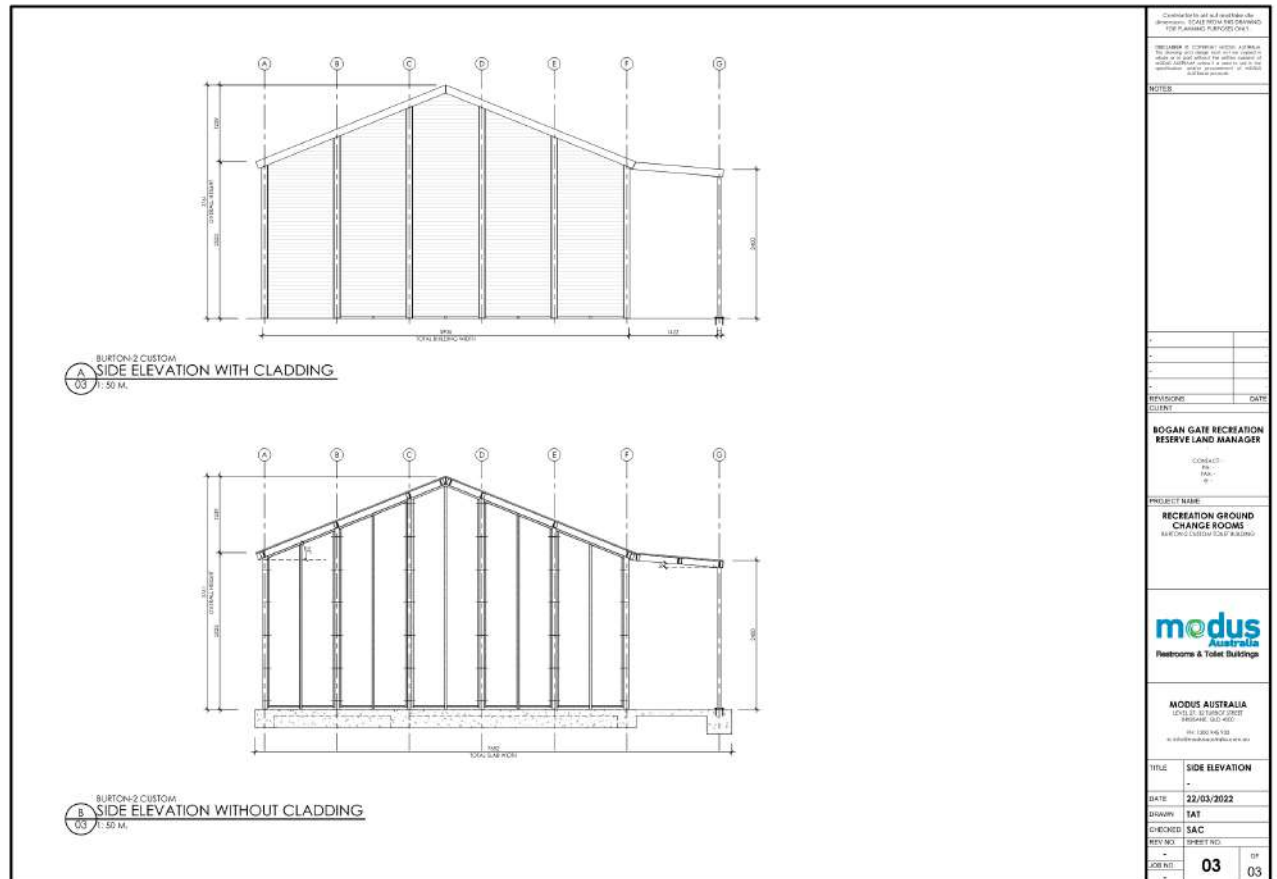




Building B — Change facilities







**Statement of Environmental Effects – Bogan Gate Sportsground and Tennis Courts**

**Land Description**

The proposed development is to take place on Crown Reserves 84478 & 28883 located at:

Olive Grove Lane, BOGAN GATE NSW 2876; and  
Bogan Street, BOGAN GATE NSW 2876.

**Description of proposal**

The proposal is to replace the buildings on the reserves that were the subject of a demolition order that have subsequently being demolished.

At Crown Reserve 84478 the male and female toilets that were demolished will be replaced with a male, female and accessible toilet module.

At Crown Reserve 28883 the male and female toilet block that was demolished will be replaced with shower/toilet module and the canteen/dressing rooms that were demolished will be replaced with a dressing room/toilet & shower module.

**Site location and analysis**

The sites has been gazetted as a public recreation under relevant Crown Lands Act. The two Reserves are located within the township of Bogan Gate on the outskirts of the town, with minimal surrounding neighbours or waterways.

**Present and previous use of the land**

The sites have been utilised for public recreation since they were gazetted, mainly tennis and cricket sporting events.

**Compliance with Planning Controls**

The development will be conducted to comply with the Parkes Local Environmental Plan 2012 and Parkes Shire Development Control Plan 2013.

**Servicing and Infrastructure Requirements**

The proposed development will be connected to the following:

Sewerage – geotechnical report to be conducted to determine optimal solution

Water Supply – connected to existing

Stormwater – managed via rainwater tank

Electricity supply – connected to existing

Telecommunications – N/A

Gas – N/A

**Access and Traffic Requirements**

There are no forecast impacts on traffic due to these developments wither during construction or upon completion.



**Site Management**

The development site will be managed by the contractor. Work will not commence until the contractor's insurances have been confirmed and Safe Work Method Statements have been approved.

**Likely Impacts of the Proposal**

The new buildings will have minimal impact as they have largely been reconstructed within the existing building footprint. There will be significant social and economic impacts by providing improved amenity on the Reserve and in the town.

**Site Suitability**

The site is suitable for development as it is consistent with the purpose of the Reserves.

**Ecologically Sustainable Design**

The modules chosen incorporate the latest ecologically sustainable design methods and practices.

**Attachment 3 - DA2022-0043 - Development Assessment Report(1)****Application Details:**

Development Application No:	DA2022/0043
Description of Development:	Proposed Amenities Buildings
BCA Class:	10a
Applicant:	J Buchanan
Landowner(s):	Parkes Shire Council
Landowners consent provided:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (All Landowners must give consent to the proposed development)

**Property Description:**

Legal Description:	Lot 8 DP 752095, Park Bogan Street, Bogan Gate
Existing Improvements:	Existing amenities and storage buildings
Current land-use:	RU1 Primary Production

**Locality and Site Context Map:**

**Site Location:**

Has the subject land been correctly identified on DA Plans and SEE?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Is the land freehold title with all owners consent?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Is the site vacant of buildings?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Are there other buildings / structures located on the subject land?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Has the proposed building location been confirmed on the subject land?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Do the provided plans, specifications and supporting documents accurately depict the site conditions?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A

**Comments:** The subject land is currently occupied by small storage sheds and amenities buildings (to be demolished)

**Internal Referral Advice:**

Has an Internal Engineering Referral been received?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Has an Internal Building Referral been received?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Has an Internal Heritage Advice Referral been received?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A

**Comments:** The proposed development has been referred to Council's Manager Regulation and Compliance who has advised the following:

- A water supply is available through the Bogan Street service line, however hydrant coverage will not be required for the Class 10 buildings.
- A soil report from a Geotechnical Engineer is to be submitted with a Construction Certificate Application which confirms the soil site classification. A footing and slab design relative to the site classification is to be prepared by a Structural Engineer.

**Easement(s):**

Are there any easements applying to the subject land?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Is the proposed development clear of easements?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Are there any proposed easements?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Are easements required?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A

**Comments:** There are no easements applying to the land. No easements are proposed or required.

**Consolidation of Lots:**

Are there more than one lot owned by the landowner in same holding?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Is there a need to consolidate lots?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A

**Comments:** Not applicable.

**Section 1.17 Biodiversity Conservation Act 2016 / Fisheries Management Act 1994****Biodiversity:**



Is the land identified on the Biodiversity Land Values Map?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Does the development include clearing/disturbance of vegetation above the relevant threshold? (as identified in 7.2 of the Biodiversity Conservation Regulation 2017)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Is the development otherwise likely to affect threatened species? (as identified in Clause 7.1 and 7.2 of the Biodiversity Conservation Regulation 2017)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Is the development proposed on land identified as an area of outstanding biodiversity value?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A

**Comments:** The subject property is not identified as being on Biodiversity Land Values Map. The subject land is a rural allotment (on the northern edge of the Bogan Gate township) that has contained a small storage buildings and amenities associated with a mixed use sporting oval for many years. The land is clear of vegetation with the exception of isolated shade trees; however the proposed development will not require any vegetation removal.

#### Fisheries:

Is the proposed development or activity likely to have an adverse effect on the life cycle of a threatened species such that a viable local population of the species is likely to be placed at risk of extinction?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Is the proposed development or activity likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
In relation to a threatened species, population or ecological community will the proposed development lead to the removal or fragmentation of a habitat and does the habitat have an important role in the ongoing survival of the species?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Is the proposed development or activity likely to have an adverse effect on any critical habitat (either directly or indirectly)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A

**Comments:** The proposed development is not within proximity of any watercourses. No adverse impacts are assessed.

#### Section 4.13 Consultation and development consent—certain bush fire prone land

Is the site identified on the Bushfire Prone Land Map?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Does the development comply with "Planning for Bushfire Protection" or a certificate provided by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirement?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
If no, has consultation been done Commissioner for Rural Fire Service?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A

**Comments:** Not relevant to the proposal.

#### Contributions:

Does the Section 7.11 Contributions Plan apply?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
• Are Section 7.11 Contributions payable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Does the Section 7.12 Contributions Plan apply?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
• Are Section 7.12 Contributions payable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Were Section 7.11 Contributions paid on the land under previous applications?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A







Does the Developer Services Plan apply?

☐ Yes

☒ No

- Are Water Contributions payable?

☐ Yes

☒ No

- Are Sewer Contributions payable?

☐ Yes

☒ No

**Comments:** The proposed development is valued over \$200,000.00 and therefore the proposed development is subject to a contribution in accordance with the Parkes Shire Section 94A Contributions Plan 2016.

In accordance with Section 3.13 Exemptions of the Parkes Shire Section 94A Contributions Plan 2016 the applicant has submitted a formal request for an exemption, stating where Council considers an exemption is warranted, and the decision is made by formal resolution of Council at an ordinary meeting the development should not be subject to the contribution payment.

The applicant has advised the development will be located on Crown Land, associated with existing sporting fields and will be used for community purposes which is of benefit to the Bogan Gate township and Parkes Shire. The applicant has also advised the exemption of the contribution will significantly contribute to the realisation of the project.

#### Section 4.15(1) Assessment

##### S4.15(1)(a)(i) The provisions of any environmental planning instrument

###### Local Environmental Plans

The Parkes Local Environmental Plan 2012 applies to all land within the Parkes Local Government Area. The site of the proposed development is zoned RU1 Primary Production under the Parkes Local Environmental Plan 2012. The Land Use Table for the RU1 Primary Production zone permits development ancillary to a Recreation Facility Outdoor with consent of Council.

Clause 2.3(2) of Parkes Local Environmental Plan 2012 provides that the Council shall have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the RU1 Primary Production zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage eco-tourism enterprises that minimise any adverse effect on primary industry production.
- To permit non-agricultural uses that support the primary production purposes of the zone.
- To permit small scale rural tourism uses associated with primary production and environmental conservation with minimal impact on primary production and the scenic amenity of the area.
- To encourage the provision of tourist accommodation in association with agricultural activities.
- To provide opportunities for employment-generating development that adds value to local agricultural production and integrates with tourism.

The development is consistent with the objectives of the RU1 Primary Production zone. The subject land is a small rural allotment located on the northern edge of the Bogan Gate township which has historically been used for recreational purposes including cricket matches, football matches and the like. The land is adjacent to residential properties and recreational land (Bogan Gate Golf Club) and is unsuitable for agricultural production. The development of amenities on the land will not fragment any rural land nor will it create land use conflict within the locality.

The following provisions of the Parkes Local Environmental Plan 2012 have been especially considered in the assessment of the proposal:

- **Clause 6.7 Essential Services** - The subject lot is connected to Council's reticulated water. The development will be serviced by an onsite sewerage management system. Electricity and telecommunications are available at the site. Access to the site is available from Bogan Street and Monomie Street. No additional connections to reticulated services are required.





- **Clause 6.2 Terrestrial Biodiversity** - The subject land is identified on the Terrestrial Biodiversity Landmap. The proposed development will be sited outside of the identified area. The proposed development will not require the removal of any vegetation. There will be no fragmentation of vegetation, nor will there be any impacts on the habitats of threatened species. No adverse impacts are assessed.

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#### State Environmental Planning Policies

The following State Environmental Planning Instruments (SEPPs) apply to the Parkes Local Government Area:

- SEPP (Biodiversity and Conservation) 2021
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing) 2021
- SEPP (Industry and Employment) 2021
- SEPP 65 - Design Quality of Residential Apartment Development
- SEPP (Planning Systems) 2021
- SEPP (Precincts - Regional) 2021
- SEPP (Primary Production) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Resources and Energy) 2021
- SEPP (Transport and Infrastructure) 2021

The following SEPPs are specifically relevant to the assessment of the proposed development:

- **SEPP (Biodiversity and Conservation) 2021** – In accordance with Chapter 4 Koala Habitat Protection 2021 the subject land is not identified as a core koala habitat given it is highly modified and does not contain the necessary feed tree species detailed in Schedule 3.
- **SEPP (Resilience and Hazards) 2021** - Clause 4.6 of SEPP Resilience and Hazards requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out. Investigation of past use, Council's Contaminated Sites Register and site inspection does not reveal any evidence of contamination
- **SEPP (Transport and Infrastructure) 2021** - Clause 2.48 of SEPP Transport and Infrastructure requires a Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:
  - within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
  - immediately adjacent to an electricity substation,
  - within 5m of an overhead power line,
  - includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line, or
  - placement of power lines underground.

The proposal is not within or immediately adjacent to any of the above infrastructure; as such, the subject application is considered to satisfy the provisions of Clause 2.48 SEPP Transport and Infrastructure.

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#### S4.15(1)(a)(ii) The provisions of any proposed environmental planning instrument

There are no draft LEPs or draft SEPPs that apply to the subject land.

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#### S4.15(1)(a)(iii) The provisions of any development control plan



The Parkes Shire Development Control Plan 2021 applies. There are no specific development controls which relate to the construction of buildings on recreational allotments. As such the proposal has been assessed against the objectives of Part D - Rural Development as follows:

Clause	Comment
D.2 - Rural Outbuildings	The proposed amenities buildings will be setback similar distances to the existing structures from Monomie Street. The size and scale of the buildings maintain the character of the locality, without impacting on the practice use of the land.

**S4.15(1)(a)(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

There are no planning agreements relating to the site. The applicant has not requested Council to enter into any form of planning agreement.

**S4.15(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph**

Division 1 of Part 4 of the Environmental Planning and Assessment Regulation 2000 specifies additional matters that must be taken into consideration by a consent authority in determining a development application. Consideration of these matters is included below:

Clause	Comment	Compliance	
Clause 61(1) - Building Demolition	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Clause 61(2) - Subdivision Order	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Clause 61(3) - Dark Sky Planning Guideline	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Clause 61(4) - Low rise housing diversity design guide.	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Clauses 62 - Change of Use Fire Safety and Structural Capacity Considerations	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Clause 63 - Temporary Structures	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Clauses 64 - Fire Safety Upgrades	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Clause 65 - Conservation Plan Opera House	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Clause 66 - Contributions Plan (Sydney)	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Clause 67 - Modification or surrender of existing use	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Clause 68 - Modification or surrender of development consent	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

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

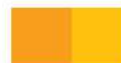
- Context and Setting** – The subject site is a rural allotment. The proposal is for the installation of two amenities blocks associated with a recreational sporting oval. Adjoining properties within proximity of the subject land contain a range of uses including, the Bogan Gate Golf Club and showground, residential developments and broad acre agriculture. The subject site has minor slope to the south. The proposal is consistent with the development in the area and is not expected to create significant impacts on the context and setting of the area.





- **Land Use Conflict** – The proposal is for the installation of two amenities blocks associated with a recreational sporting oval. The development will not create any issues to adjoining properties regarding overshadowing, overlooking, noise, vibration or stormwater management given the separation to the nearest sensitive receiver. The development on the site will not detrimentally affect adjoining land and is unlikely to lead to land use conflict.
- **Access and Traffic** – The proposed development is for an amenities block associated with a recreational sporting oval. There is no proposed changes to the existing site access, nor will the development generate any additional traffic. No adverse impacts have been assessed.
- **Public Domain** – The proposed development will not compromise the availability and enjoyment of public recreational opportunities in the locality. The development will support the ongoing use of recreational land within the Bogan Gate area. It is assessed that the development will have positive outcomes on the public domain.
- **Utilities** – The site is connected to Council's reticulated water system. The land is not connected to Council's reticulated sewerage system. The proposed development does not require any connections to reticulated services that are above or beyond the systems capabilities. The development will include the installation of a new onsite sewerage management system. No adverse impacts are assessed.
- **Heritage** – The subject site is not listed in the Parkes Local Environmental Plan 2012 as containing any items of Local or State significance. Site inspection did not identify any sites, items, or places of heritage significance. The information supplied by the applicant did not identify any heritage sites, items, or places. No adverse impacts are assessed.
- **Other land resources** – The development will not have detrimental effects of conserving and using valuable land resources and water supply catchments.
- **Bushfire** – The site is not identified on the bushfire prone land map. No adverse impacts are assessed.
- **Surface Water and Groundwater** – The site is not identified on the groundwater vulnerable land map. The development will be able to discharge water three metres clear of onsite structures without adversely impacting on neighbouring allotments. No adverse impacts are assessed.
- **Soils** – The proposed development includes minor earthworks for the installation of the amenities block. The proposed earthworks will not affect or alter any existing drainage lines. The earthworks will not lead to erosion or sedimentation issues. No adverse impacts have been assessed.
- **Air & Microclimate** – No adverse impacts have been assessed.
- **Noise and Vibration** – It is considered that the on-going use of the development will not cause any significant noise and vibration issues. It is not considered appropriate to limit the times of construction activities by way of condition of consent given the isolation of the structure from neighbouring dwellings. No adverse impacts are assessed.
- **Flora and Fauna** – The subject allotment is identified on the Terrestrial Biodiversity Landmap. The proposed development will be located outside the identified area and will not include the removal of any vegetation. The land has been cleared for the use of the land for recreational purposes for many years. No adverse impacts are assessed.
- **Waste** – Construction waste can be disposed of at approved landfill site. The proposed development includes the installation of an onsite sewerage management system. The development will not be above or beyond the capabilities of the reticulated water network. No adverse impacts are assessed.
- **Natural Hazards** – The site is not flood prone nor is it identified on the Bushfire Prone Land Map. No adverse impacts assessed.
- **Technological Hazards** – The information supplied by the applicant does not indicate any past land contamination. Site inspection and a check of Council records does not reveal any evidence of any contamination or any other land use activities that may give rise to concerns about soil contamination in relation to State Environmental Planning Policy No. 55 – Remediation of land.
- **Safety Security and Crime Prevention** – The proposal does not pose a safety, security or crime prevention risk.





- **Social Impact in the Locality** – Due to the type and scale of the proposed development. The development will provide positive social outcomes, providing the Bogan Gate community with an additional asset that will encourage the use of the premises for social activities. No adverse impacts are assessed.
- **Economic Impact in the Locality** – Due to the type and scale of the proposed development, the economic impacts of the development are not significant. No adverse impacts are assessed.
- **Site Design and Internal Design** – The proposal is consistent with the Parkes Local Environmental Plan 2012 and the Parkes Shire Development Control Plan 2021. The size and scale are appropriate for the subject lot. The development on the site will not detrimentally affect the adjoining land.
- **Cumulative Impacts** – The proposal is consistent with the Parkes Local Environmental Plan 2012 and the Parkes Shire Development Control Plan 2021. The proposal is surrounded by residential and recreational properties of a similar size, shape, and density. It is assessed that the cumulative impacts of the proposed development are not such that the application should be refused.

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**S4.15(1)(c) the suitability of the site for the development,**

The site has the capacity to support the proposal without creating adverse impacts on the site and adjoining land. The amenities blocks will be wholly located on the subject allotment. The proposed development will be in character for the mixed use area and will not lead to cumulative impacts on the environment, neighbouring land-uses, cultural or heritage items.

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**S4.15(1)(d) any submissions made in accordance with this Act or the regulations,**

The proposed development is not required to be notified to neighbouring land owners in accordance with the Parkes Shire Community Engagement Strategy 2021-2025.

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**S4.15(1)(e) the public interest**

The proposal is assessed to pose no significant impacts on the public interest.

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**Assessment Conclusion / Recommendation**

Consent be granted subject to condition(s) detailed in Annexure 'A' attached.

**Assessment Officer**  
Brent Tucker – Land Use Planning Specialist

11 July 2022

**Date**

**Reviewing Officer**

**Date**



**Attachment 4 - Request for Exemption - 94A**

Councillor Ken Keith OAM  
Mayor  
Parkes Shire Council  
PO Box 337  
PARKES NSW 2870

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**Contributions waiver request - DA2022/0043 - Section 94A Contributions Plan 2016**

Dear Councillor Keith,

The Bogan Gate Recreation Reserve Land Manager has submitted two development applications for Council's consideration:

- PAN-222001 at OLIVE GROVE LANE BOGAN GATE 2876 (replacement of tennis court toilets)
- PAN-222186 at BOGAN STREET BOGAN GATE 2876 (replacement of toilets/change rooms at Bogan Gate Sportsground)

As the proposed development at Bogan Street, Bogan Gate is valued at \$481,222.50 it is subject to a 1% contribution of the value of the development above \$20,000.00 in accordance with the Parkes Shire Section 94A Contributions Plan 2016.

The proposed facilities will be utilised for community purposes and are of benefit to both the Bogan Gate township and the Parkes Shire.

The Bogan Gate Recreation Reserve Land Manager requests an exemption to the contribution requirement in relation to this development application. By granting an exemption, Council will significantly contribute to realising this beneficial community development.

Sincerely

A blue ink signature of James Buchanan.

**James Buchanan**  
Chair  
Bogan Gate Recreation Reserve Land Manager

01 July 2022

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Olive Grove Lane  
Bogan Gate NSW 2876

1

## 11.5. (DPCS) Parkes Housekeeping (Reclassification of Land) Planning Proposal

### Prepared By:

Director Planning and Community Services

### Executive Summary

In December 2021 Council received a Gateway Determination from the NSW Department of Planning and Environment (DPE) for the planning proposal in relation to the reclassification of Council owned land.

This report demonstrates compliance with the Gateway Determination and addresses submissions received.

### Background Information

The Parkes Housekeeping (Reclassification of Land) Planning Proposal proposes to reclassify the following land from community to operational:

- Lots 4, 5 & 6 DP 510590 and Lot 1 DP 1060599, 19- 33 High Street, Parkes.
- Lot 142 DP 1071623 Hazelbank Avenue, Parkes.

### Legislative or Policy Implications

A planning proposal is the mechanism to enable amendments to the Parkes Local Environment Plan 2012.

### Project Delivery Implications

The resolution in this report will primarily effect the Delivery Program Future Direction relating to: *3. Promote, Support and Grow our Communities*

Predicted positive effect / opportunity for the Delivery Program: *Good*

Predicted negative / challenge to the Delivery Program: *Very Low*

### Quadruple Bottom Line



*Economic* ★★★★★



*Environmental* ★★★★★



*Social* ★★★★★



*Civic Leadership* ★★★★★

### Budget and Financial Implications

Nil

### Recommendation

1. That Council request the NSW Department of Planning and Environment finalise the Parkes Housekeeping (Reclassification of Land) Planning Proposal.

**Report**

The attached Parkes Housekeeping (Reclassification of Land) Planning Proposal Finalisation report demonstrates how Council complied with the Gateway Determination and a response to submissions received.

The NSW DPIE advised Council that it would not be the local plan-making authority and therefore in order to be finalised the proposal will be sent to DPIE for finalisation.

**Attachments**

1. Parkes Housekeeping Planning Proposal (Reclassification of Land)
2. Planning proposal Reclassification of Land Finalisation Report
3. Submission of Reclassification of Land - Housekeeping Proposal (M&P Parry)
4. Public Hearing Report



**Attachment 1 - Parkes Housekeeping Planning Proposal (Reclassification of Land)\_PP-2021-6744)**



## **Housekeeping Planning Proposal (Reclassification of Land)**

### **Amendment to the Parkes Local Environmental Plan 2012**

## House Keeping Planning Proposal (Reclassification of Land)



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## House Keeping Planning Proposal (Reclassification of Land)

**INTRODUCTION**

This planning proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979. It explains the intended effect of, and justification for, the proposed amendment to the Parkes Local Environmental Plan 2012 (PLEP2012) to reclassify two parcels of Council owned land from community to operational.

## House Keeping Planning Proposal (Reclassification of Land)

**PART 1: OBJECTIVES OR INTENDED OUTCOMES**

The intended outcome of this planning proposal is to reclassify land from community to operational.

**PART 2: EXPLANATION OF PROVISION**

The planning proposal seeks to amend the Parkes LEP 2012 to reflect the changes itemised below.

**Item 1 Reclassification of land from community land to operational land**

The following parcels of Council owned land have been identified as having an incorrect classification.

A Council water reservoir and associated infrastructure has been incorrectly classified for community purposes, despite its operational use.

Item 2.1	
Location	Lots 4, 5 and 6 DP 510590 and Lot 1 DP 1060599
LEP Clause inclusion	<ul style="list-style-type: none"> <li>• Clause 5.2 <i>Classification and reclassification of public land [compulsory]</i> from the Standard Instrument—Principal Local Environmental Plan (2006 EPI 155a)</li> <li>• Schedule 4 Classification and reclassification of public land</li> </ul>

The subject land within Hazelbank Avenue was incorrectly categorised as community land. The subject land is the residual land within a residential subdivision. Re-classifying it as operational land it'll support future residential subdivision development, which was its original intended use.

Item 2.2	
Location	Lot 142 DP 1071623
LEP Clause inclusion	<ul style="list-style-type: none"> <li>• Clause 5.2 <i>Classification and reclassification of public land [compulsory]</i> from the Standard Instrument—Principal Local Environmental Plan (2006 EPI 155a)</li> <li>• Schedule 4 Classification and reclassification of public land</li> </ul>

## House Keeping Planning Proposal (Reclassification of Land)

**PART 3: JUSTIFICATION FOR PROPOSED REZONING**

In accordance with the Department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- + Section A: Need for the planning proposal;
- + Section B: Relationship to strategic planning framework;
- + Section C: Environmental, social and economic impact;
- + Section D: State and Commonwealth interests.

**SECTION A - NEED FOR THE PLANNING PROPOSAL****1. Is the planning proposal a result of any strategic study or report?**

The matters included within this planning proposal are a result of identification of Council owned parcels that have been incorrectly classified.

**2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

There is no better or alternate way to make the proposed changes.

**3. Is there a net community benefit?**

No net community benefit test has been undertaken as part of this proposal. However, the planning proposal will ensure that the PLEP2012 adequately supports development and land use in the Parkes Shire.

**SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK****4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?**

The planning proposal is consistent with the aims and objectives of the *Central West and Orana Regional Plan* in that these amendments to the LEP support the ongoing economic growth and development in the Parkes Shire.

**5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?**

The planning proposal is not inconsistent with the aims and objectives of the Parkes Community Strategic Plan and the *Parkes Local Strategic Planning Statement*.

**6. Is the planning proposal consistent with applicable state environmental planning policies?**

There are no specific applicable state environmental planning policies that apply to the planning proposal

## House Keeping Planning Proposal (Reclassification of Land)

**7. Is the planning proposal consistent with applicable Ministerial Directions for Local Plan Making?**

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
<b>1. EMPLOYMENT AND RESOURCES</b>	
1.1 Business and Industrial zones	Not Applicable
Objectives:	
a) encourage employment growth in suitable locations	
b) protect employment land in business and industrial zones	
c) support the viability of identified centres	
1.2 Rural Zones	Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4 Oyster Aquaculture	Not Applicable
1.5 Rural Lands	Not Applicable
<b>2. ENVIRONMENT AND HERITAGE</b>	
2.1 Environment Protection Zones	Not Applicable
2.2 Coastal Protection	Not Applicable
2.3 Heritage Conservation	Not Applicable
2.4 Recreation Vehicle Areas	Not Applicable
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>	
3.1 Residential Zones	Not Applicable
Objectives:	
a) encourage a variety and choice of housing types to provide for existing and future housing needs.	
b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and	
c) to minimise the impact of residential development on the environment and resource lands.	
3.2 Caravan Parks & Manufactured Home Estates	Not Applicable
3.3 Home Occupations	Not Applicable
3.4 Integrating Land Use and Transport	Not Applicable
3.5 Development Near Regulated Airports and Defence Airfields	Not Applicable
3.6 Shooting ranges	Not Applicable

## House Keeping Planning Proposal (Reclassification of Land)

**4. HAZARD and RISK**

4.1 Acid Sulfate Soils	Not Applicable
4.2 Mine Subsidence and Unstable Land	Not Applicable
4.3 Flood Prone Land	Not Applicable
4.4 Planning for Bushfire Protection	Not Applicable

**5. REGIONAL PLANNING**

5.2 Sydney Drinking Water Catchment	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.9 North West Rail Link Corridor Strategy	Not Applicable
5.10 Implementation of Regional Plans	Consistent - The planning proposal is consistent with the Central West and Orana Regional Plan.
5.11 Development of Aboriginal Land Council Land	Not Applicable

**6. LOCAL PLAN MAKING**

6.1 Approval and Referral	
6.2 Reserving Land for Public Purposes	Not Applicable
6.3 Site Specific Provisions	Not Applicable

**7. METROPOLITAN PLANNING**

7.1 Implementation of the Metropolitan Plan for Sydney 2036	Not Applicable
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**SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT****8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The proposed amendments will not impact on critical habitat, threatened species, populations or ecological communities.

**9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The planning proposal is considered to be minor amendments to the Parkes Local Environmental Plan 2012 and will not result in any adverse environmental effects.

**10. How has the planning proposal adequately addressed any social and economic effects?**

## House Keeping Planning Proposal (Reclassification of Land)



The planning proposal is considered to be minor amendments to the Parkes Local Environmental Plan 2012 and will not result in any adverse social and economic effects.

**SECTION D - STATE AND COMMONWEALTH INTERESTS*****11. Is there adequate public infrastructure for the planning proposal?***

The proposed amendments will not create any significant additional demand on public infrastructure.

***12. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway Determination?***

The views of State and Commonwealth Departments will be determined during consultation, post Gateway Determination.



## House Keeping Planning Proposal (Reclassification of Land)

**PART 4: LOCALITY PLANS**

The following maps are for information purposes, to provide context to the locality and changes proposed. Draft LEP maps will be prepared prior to finalizing the plan and consistent with the technical guidelines.

**Item 2.1 Reclassification of land from community land to operational land**



House Keeping Planning Proposal (Reclassification of Land)



**Item 2.2 Reclassification of land from community land to operational land**



## House Keeping Planning Proposal (Reclassification of Land)

**PART 5: COMMUNITY CONSULTATION**

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, community consultation must be undertaken by the local authority prior to the approval of the planning proposal.

In accordance with Council's Community Engagement Strategy consultation on the planning proposal will be exhibited for a period of 28 days, or as specified by the Gateway Determination. Council will also hold a public hearing post public exhibition period.

At the close of the consultation process, Council will consider all submissions received and present a report to Council for their endorsement of the planning proposal before proceeding to finalisation of the amendment.

The consultation process, as outlined above, does not present any additional consultation measures that may be determined appropriate as part of the Gateway Determination process.

## House Keeping Planning Proposal (Reclassification of Land)

## PART 6: TIMEFRAMES

Project Timeline	Date
Anticipated commencement date (Gateway determination)	November 2021
Anticipated timeframe for completion of required studies	N/A
Timeframe for Government Agency consultation	December/January
Commencement and completion dates for public exhibition period	December/January
Dates for public hearing	February
Timeframe for consideration of submissions	14 days
Timeframe for consideration of proposal post exhibition	14 days
Anticipated date RPA will forward the plan to the department to be made, if not delegated	February
Anticipated date RPA will make the plan	n/a
Anticipated date RPA will forward to the department for notification (if delegated	n/a

## Attachment 2 - Planning Proposal Reclassification of Land Finalisation Report



### 1. Application Details:

Planning Proposal No: PP-2021-6744  
 Description: Housekeeping Planning Proposal - Reclassification of Land - Amendment to Parkes Local Environmental Plan 2012

### 2. Purpose of plan

The reclassification of Council owned land from community to operational:

- Lots 4, 5 & 6 DP 510590 and Lot 1 DP 1060599, 19- 33 High Street, Parkes.
- Lot 142 DP 1071623 Hazelbank Avenue, Parkes.

### 3. Gateway Determination

Council received a Gateway Determination on 6 December 2021 which included the following requirements for community consultation:

- Public exhibition for a minimum of 28 days
- Public hearing
- No agency consultation

### 4. Public Consultation

The Housekeeping Planning Proposal (Reclassification of Land) was on public exhibition from 17 March 2022 to 14 April 2022.

During the period Council received the following submissions:

Name	Comments
M and P Parry - Hazelbank Avenue	Objection - the submission stated that when Mr and Mrs Parry purchased the land from Council in the early 1990s, Council staff advised that land adjoining and adjacent to their property would be retained for public recreation. Mr and Mrs Parry would not like to see the land adjoining and adjacent their residence be developed.

### Assessment Response:

The subject land in Hazelbank Avenue adjoins an existing, partially completed subdivision. The current community classification of the land does not allow the subdivision development to proceed. If the land is reclassified to operational land, Council will need to undertake further investigations and prepare a development application for subdivision.

As part of any investigations and development of plans for a further subdivision Council would engage in further consultation with land owners about future use of the land.

### Public Hearing

A Public Hearing was held by Parkes Shire Council on Thursday, 7 July 2022. Attached is a copy of the Public Hearing Report.

### 5. Mapping



This planning proposal does not necessitate the need for mapping to be undertaken.

**6. Post exhibition changes**

No post exhibition changes are required.



### Attachment 3 - Submission to Reclassification of Land - Housekeeping Proposal (M & P Parry)

Paul and Monika Parry  
2 Hazelbank Avenue  
Parkes  
NSW 2870

Parkes Shire Council  
Planning and Environment  
2 Cecil Street  
Parkes  
NSW 2870

Dear Sir/Madam,

We are writing to you regarding the Housekeeping Planning Proposal (Reclassification of Land) Item 2.1 relating to the reclassification of Lots 4,5 and 6 of DP 5100590 and Lot 1 DP 1060500.

We wish to raise our objection to the reclassification of the land surrounding our house at 2 Hazelbank Avenue for the following two reasons:

1. **Advice provided by council during land purchase.** We purchased the land where our house now sits in 1999. At the time we consulted with the Parkes Shire Council and personally spoke to then head of Parkes Shire planning, Mr Tom Morrissey who advised that the land adjacent our intended purchase lot was intended to be utilised for community purposes and in particular the land to the East (across the col-de-sac) was intended to have a children's playground installed. At no time did during the land purchase did the planning department represent that the land now being reclassified was to be used for any other activity than for community purposes.

One of the key reasons for purchasing this particular block was our belief that the land located to the south of the block would remain vacant and we designed our house to maximise this feature. Given the information provided by the council at the time of our purchase we consider that the assertion that the currently vacant land was 'incorrectly categorised' is disingenuous, our contention is that Parkes Council had previously intended to use the land for community purposes and the recent increases in regional land values due to migration from larger cities has driven Parkes Shire Council to look

for opportunities to financially benefit that are not in accordance with their previous position.

2. **Impact to Bushman's Hill.** Bushman's Hill is a significant area for Parkes relating both to the history of Parkes and supporting the current community. As noted on the "visitparkes.com.au" website, Bushmans Hill is "of one of Parkes' first gold mines, which operated over 100 years ago. Bushman's Hill is an enjoyable place to take a walk, with walking tracks to the top of the hill passing by some interesting historical relics."

Given the significance of Bushmans Hill we are concerned that further development of the area will impact both the historical significance and useability of the area, the main concern relates to the water run-off from the northern side of Busmans Hill which is controlled by contour banks located on the proposed development site. It is assumed that if these sites are developed then the contour banks would need to be installed further up the hill to prevent flooding of the residential blocks, this will mean earthworks and loss of trees to the northern side of Bushmans Hill which will impact the currently beautiful parkland.

Of note below, the current "Google Maps" representation of Busmans Hill indicated by the Green shading, includes the area proposed for reclassification, it is our opinion that Parkes Council should be maximising parkland and historical areas within the community given there is a small number in the Parkes Shire to promote tourism, maximise preservation of historical artefacts and encourage community well being.





We request consideration of our position and suggest if additional residential land is required within Parkes Shire to enhance the community (which we support), areas that do not require the council to disregard a previous position or have such impact to the community are sought.

Yours Sincerely  
Paul and Monika Parry

*Paul Parry*  
*M Parry*

**Attachment 4 - Public Hearing Report**

**Parkes Shire Council**

**Public Hearing Report**

**Planning Proposal - Reclassification of Land**

Lots 4, 5 & 6 DP 510590 and Lot 1 DP 1060599,

Known as, 19- 33 High Street, Parkes

Lot 142 DP 1071623, known as Lot 142 Hazelbank Avenue, Parkes.

## Chair: Mathew Teale, Forbes Shire Council

### Contents

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## Introduction & Acknowledgement of Country

### Purpose of this Report

The purpose of this report is to provide a record of the public hearing undertaken in association with the planning proposal to change the classification of Lots 4, 5 & 6 DP 510590 and Lot 1 DP 1060599, known as 19- 33 High Street, Parkes and Lot 142 DP 1071623, known as Lot 142 Hazelbank Avenue, Parkes by way of the amendment to the Parkes Local Environmental Plan 2012.

This report has been prepared by Mathew Teale, Forbes Shire Council, who was the independent Chair of the Public Hearing.

### Background

Parkes Shire Council is the owner of the subject land which is currently classified as Community Land under the Local Government Act 1993.

In November 2021 Council received a Gateway Determination from the NSW Department of Planning and Environment in relation to a Planning Proposal to reclassify the land.

## Subject land and Planning Proposal

### Location of the subject land

The land is located at Lots 4, 5 & 6 DP 510590 and Lot 1 DP 1060599, 19- 33 High Street, Parkes and Lot 142 DP 1071623 Hazelbank Avenue, Parkes



Image 1: Zone Map Lot 142 DP 1071623 Hazelbank Avenue, Parkes



Image 2: Aerial Image Lot 142 DP 1071623 Hazelbank Avenue, Parkes



Image 3: Zone Map - Lots 4, 5 & 6 DP 510590 and Lot 1 DP 1060599, 19- 33 High Street





Image 3: Aerial Image Map - Lots 4, 5 & 6 DP 510590 and Lot 1 DP 1060599, 19- 33 High Street

### Public hearing format and process

A Public Hearing was held by Parkes Shire Council on Thursday 7 July 2022 scheduled to commence at 5.30pm in the Parkes Shire Council Administration Centre, Council Chambers. Council gave notice of the public hearing in the local newspaper, on a noticeboard at the Council office and on the Council website.

Mathew Teale, Forbes Shire Council was appointed as the independent Chair, who welcomed the attendees and conducted an Acknowledgement of Country.

Three staff members from Council were present to provide a detailed overview of the proposal, in an observing capacity and to assist with the administration of the hearing. This included:

- Brendan Hayes, Director Planning and Community Services
- Brent Tucker, Land Use Planning Specialist
- Sharon Ross, Manager Facilities

The Public Hearing was conducted under the following format:

- Welcome and introduction by the Chair, including an explanation of the land classification system under the Local Government Act 1993.
- Overview of the Planning Proposal by Director Planning and Community Services, Brendan Hayes.
- Invite anyone to speak to make a statement for the record.
- Overview of the next steps by the Chair.

As part of the welcome and introduction, the Chair identified the need for, and purpose of, the Hearing. The Chair noted his independent role, meeting the requirements of 47G of the Local

Government Act, 1993 preside over a public hearing as he was not a councillor or an employee of Parkes Shire Council or have been a councillor or employee in the last 5 years.

The Chair advised that anyone who wished to speak at the hearing would need to follow the following:

- State your interest in the proposal and where you live in relation to the site.
- State whether you have already made a written submission.
- You should refrain from making offensive, threatening or defamatory comments.
- You will have 5 minutes to share your views about the proposal.
- This forum is not to enter into a debate about the merits of the proposal, it is only to share your views in a public forum.

The Chair provided an overview of the public hearing and land reclassification process:

- The Local Government Act 1993 requires that all council-owned land be classified as either operational land or community land.
- To enable the classification of land to be changed, an amendment needs to be made to the Parkes Local Environmental Plan 2012. To undertake an amendment to the Parkes Local Environmental Plan 2012, a planning proposal was prepared and publicly exhibited earlier this year.
- Council must hold a public hearing so that the community's views can be heard about the proposal and discuss issues with an independent person in a public forum.
- Provided examples and explanation of what is operational versus community land.

The Chair invited anyone from the floor to make an oral submission. One statement was made (see details below), as well as a number of questions relating to the formal process relating to the planning proposal was asked, with a response given.

The meeting was concluded.

The Chair advised that a report based on the discussion at the Hearing would be provided to Council and made available to the public within 4 business days.

It was also advised that Council would consider the Public Hearing report and written submissions received in its consideration of the planning proposal at the July Council meeting.

Chair closed the public hearing at 5.46pm.

### Attendees and oral submissions

Public Hearing - Opened 5.30pm (Chair Mathew Teale)

In attendance:

- PSC Mayor Ken Keith
- PSC Cr Margaret Applebee
- PSC Cr Glenn Wilson (arrived 5.45pm)
- Mathew Teale - Chairperson
- Brendan Hayes - PSC (Director Planning and Community Services)
- Brent Tucker - PSC



- Sharon Ross - PSC
- Suzanne Smith - Community Member
- Ross Smith - Community Member
- Monica Parry - Community Member
- Paul Parry - Community Member
- Darrin Gibson - Community Member

#### Questions to Mr Hayes following his presentation

<u>Attendee</u>	<u>Issues/ Matter Raised</u>
D Gibson	<ul style="list-style-type: none"> <li>- Is the land owned by the community?</li> <li>- Does the community benefit or lose out from the reclassification?</li> <li>- Does the community retain the benefit from the transaction?</li> </ul>
R Smith	Was a study done of the land. There are a number of mines across the town and the land near Hazelbank Avenue. If the land is used for residential purposes there are risks.
S Smith	With the change in classification will there be any changes to the land with regards to maintenance, management of overgrown grass and the like. Will the land be maintained better?

#### Statements from the Community

<u>Speaker</u>	<u>Statement to be recorded</u>
D Gibson	My statement is that I understand the reclassification and redevelopment of the land will maintain a benefit the community.

#### Summary of Issues and areas of interest

In summary, the matters raised by the attendees were in relation to the reclassification process, ongoing management and the future development of the land. A statement was made by a community member that the reclassification and redevelopment of the land will maintain a benefit to the community.

The matters raised and questions asked during the Public Hearing were answered by Council's Director Planning and Community Services, Brendan Hayes, which in summary were:

- The reclassification of land for potential (future) redevelopment will benefit the community.
- Any further development of the land would be subject to further investigations, such as geotechnical studies.
- No changes in maintenance, management of grass etc would change as a result of the reclassification.

The Public Hearing did not reveal any reason why the planning proposal should not proceed.

It is my recommendation that the planning proposal is progressed.



Mathew Teale

Forbes Shire Council

**11.6. (DPC) Rangers Quarterly Report April to June 2022**

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**Prepared By:**

Director Planning and Community Services

**Executive Summary**

A summary of Ranger activities for the quarter ending June 2022 is provided for Council's information.

**Background Information**

Nil

**Legislative or Policy Implications**

Activities are carried out within legislative and Council policy.

**Project Delivery Implications**

COMMUNITY+ *Wellbeing*

**Risk Assessment**

An assessment of the challenge posed to Council implementing the action/s contained in this report, in the current environment with available resources: Moderate

**Budget and Financial Implications**

Activities are carried out within annual operation budget.

**Recommendation**

1. That this report be received and noted.

**Report**

Council responsibilities carried out by Ranger staff have been discharged effectively during the quarter.

An overview of the activities carried out by the Rangers is provided for Council's information.

**Companion Animals Act**

The table provides a breakdown of the companion animal impounding activities over the quarter. Please note that some animals seized in this quarter may be released in the following quarter.

<b>DOGS</b>								
	<b>Parkes</b>	<b>Peak Hill</b>	<b>Tullamore</b>	<b>Trundle</b>	<b>Bogan Gate</b>	<b>Alectown</b>	<b>Cookamidgera</b>	<b>TOTAL</b>
<b>Seized</b>	10	3		2				15
<b>Dumped at Pound</b>	19							19
<b>Surrendered by owner</b>								
<b>Released to owner</b>	17	1						18
<b>Euthanised</b>	12	2						14
<b>Sold</b>								
<b>Released for rehoming</b>	5			1				6
<b>Died at Pound</b>								
<b>Stolen/escaped</b>								
<b>Holding pending Court</b>								
<b>Still in Pound</b>				1				1

<b>CATS</b>								
	<b>Parkes</b>	<b>Peak Hill</b>	<b>Tullamore</b>	<b>Trundle</b>	<b>Bogan Gate</b>	<b>Alectown</b>	<b>Cookamidgera</b>	<b>TOTAL</b>
<b>Seized</b>	17							17
<b>Dumped at Pound</b>	32							32
<b>Surrendered by owner</b>								
<b>Released to owner</b>	2							2
<b>Euthanised</b>	29							29
<b>Sold</b>								
<b>Released for rehoming</b>	18							18
<b>Died at Pound</b>								
<b>Stolen/escaped</b>								
<b>Holding pending Court</b>								
<b>Still in Pound</b>								

## Impounding Act

The table provides a breakdown of the large Impounding Act activities over the quarter.

Area Impounded	Parkes	Peak Hill	Tullamore	Trundle	Bogan Gate	Alectown	Cookamidgera	Disposal Method
Cattle								
Sheep								
Horses								
Trolleys	12							

## Shire Patrols Program

Small towns are regularly patrolled including both scheduled patrols and response to complaint actions.

The table provides a breakdown of small town patrols during the quarter.

Small Towns Patrolled	Yarrabandai	Peak Hill	Tullamore	Trundle	Bogan Gate	Alectown	Cookamidgera	Gunningbland
Number of Patrols	1	14	6	8	11	17	6	5
Approx. kms travelled	116	1624	1200	1328	1056	986	312	325

## Parking

Parking patrols focussing on safety issue such as no stopping and school zones have been conducted during the period.

The table provides an overview of the patrols and Penalty Infringement Notices issued during the quarter.

Parking Patrol Parkes	
Full Day Patrols CBD & Disabled	
Random Number of Patrols CBD & Disabled	4
Number of Patrols School Zones	3
Number of Penalty Infringement Notices Issued	
Number of Court Appeals	

### Overgrown Untidy Block Program

The table provides an overview of the complaints received during the quarter.

<b>Overgrown/Untidy Blocks Program</b>								
	<b>Parke</b>	<b>Peak Hill</b>	<b>Tullamore</b>	<b>Trundle</b>	<b>Bogan Gate</b>	<b>Alectown</b>	<b>Cookamidgera</b>	<b>Gunningbland</b>
<b>Number of Complaints Received</b>	5		3	1		1		
<b>Number of Patrols and Monitoring of blocks (including previous complaints)</b>	30		1	3		5		
<b>Number of Blocks Mown/Tidied during quarter</b>			2	1		1		

### Attachments

Nil

**12. DIRECTOR OPERATIONS****12.1. (DO) Major Projects & Current Works - Progress Report as at 19 July 2022**

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**Prepared By:**

Director Operations

**Executive Summary**

This report presents an update on the current major projects within the Shire being managed or undertaken by Council's Operations Department. The report outlines work that has been carried out over the past month and is provided for the information of Councillors.

**Background Information**

Monthly status report to keep Councillor's abreast of projects being undertaken within the Shire

**Project Delivery Program Implications**

The resolution in this report will primarily affect the Delivery Program Future Direction relating to: COUNCIL+ *Council*

**Risk Assessment**

An assessment of the challenge posed to Council implementing the action/s contained in this report, in the current environment with available resources: Low

**Budget and Financial Aspects**

Projects have been allocated funding either from grants or Council funds as provided in the Operational Budget.

**Recommendation**

1. That the information be received and noted.

**Attachments**

1. Major Projects & Current Works - Progress Report as at 19 July 2022

## Attachment 1 - (DO) Major Projects - July 2022

## MAJOR PROJECT - JULY 2022

Project Description	Due Date	Budget	Forecast	Actuals	Status
<b>Parkes - Spicer Oval Amenities</b>	20/10/22	\$2,615,000	\$2,615,000	\$1,588,739	In Progress
<b>Comments</b>	<ul style="list-style-type: none"> <li>Seating installed concourse works formed and poured - 100% complete</li> <li>External ramp and stairs 50% complete</li> <li>Installation of cladding - 50% complete</li> <li>Install of steel handrails and balustrade - is 85% complete</li> <li>PSC stormwater system - 100% complete</li> <li>Trade waste tank and sewer main - 75% complete</li> <li>Windows and glazing - 95% complete</li> <li>Waterproofing of wet areas - 100% complete</li> <li>Floor and wall tiling - 20% complete</li> </ul> <p><b>Next Steps:</b></p> <ul style="list-style-type: none"> <li>Complete lining of internal walls and suspended ceilings</li> <li>External cladding completion</li> <li>Installation of spectator seating</li> <li>Complete ramp and stairs on north side</li> <li>Internal fit out and finishes</li> <li>Connection of gas main to within caravan park system</li> <li>Council will commence carpark resurfacing works on or about the 18 July to complete the project with the required timeframes</li> <li>Appointed contractor to fabricate and install kitchen and Bar equipment and shelving</li> </ul>				
<b>Trundle - Pool Refurbishment</b>	30/06/22	\$387,570	\$387,570	\$120,360	In Progress
<b>Comments</b>	<ul style="list-style-type: none"> <li>Contractor commenced occupation of the site from 4 April 2022.</li> <li>Extension of time granted by Crown Lands due to latent condition of pool floor at the joint and wet weather delays</li> <li>What works have been undertaken this last month since last report - more specific</li> </ul>				
<b>The Bogan Way Upgrades - MR350</b>	31/03/23	\$15,000,000	\$15,000,000	\$129,655	In Progress
<b>Comments</b>	<ul style="list-style-type: none"> <li>14.1km section from Kundungle to Tullamore survey finalised and design sitting at 90% complete. Draft REF received and being reviewed for impacts upon design parameters.</li> <li>Linemarking Scheduled for 600m section at Forbes Shire Boundary, with remediation works planned for localised failure.</li> <li>MR57 &amp; MR354 intersection construction works scheduled for mid August 2022, pushed back due to recent damage from inclement weather.</li> <li>BG&amp;E designer engaged for the 4km section of MR350S. With design delivery scheduled for late August 2022.</li> </ul>				
<b>Parkes - Currajong Street Rehabilitation – Church to Mitchell Street</b>	9/12/22	\$3,693,000	\$3,693,000	\$43,135	In Progress
<b>Comments</b>	<ul style="list-style-type: none"> <li>Kerb and guttering complete on the eastern side of Currajong Street between Mitchell and Victoria.</li> <li>Drainage pit installations occurred at Victoria and Currajong Intersection.</li> <li>Working through construction of footpath along eastern side of Currajong.</li> <li>IFC plans have now been issued for Stages 1 &amp; 2 (from Bushman to Mitchell Street).</li> </ul>				



Project Description	Due Date	Budget	Forecast	Actuals	Status
	<b>Next Steps:</b> <ul style="list-style-type: none"> <li>Reviewing replacement of street trees within the area as some are at end of life and should be renewed with more resilient infrastructure friendly alternatives.</li> <li>Currajong Street – Bushman to Victoria (eastern side) Scheduled for September school holidays.</li> </ul>				
<b>Trundle - Main Street</b>	20/12/22	\$1,000,050	\$1,000,050	\$78,460	In Progress
<b>Comments</b>	<ul style="list-style-type: none"> <li>Site establishment and Works to commence 22/06/2022 with trenching of irrigation and power, services connections</li> <li>Removal of existing trees and cages along Forbes Street</li> </ul> <b>Next Steps:</b> <ul style="list-style-type: none"> <li>Demolition and installation of median in Parkes Street, construction of garden beds at the Intersection Forbes and Parkes Streets</li> <li>Installation of sewer pod for future amenities block in the main</li> <li>Excavating for Tree vaults and garden bed along Forbes Street</li> </ul>				

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## 12.2. (DO) Acquisition of Pioneer Street, Parkes

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### Prepared By:

Director Operations

### Executive Summary

It has been drawn to Council's attention that part of the formed section of Pioneer Street, Parkes is on crown land. This section of road has been in use for an extended period and therefore requires formal acquisition.

### Background Information

A request has been received from the owner of Lot 111 DP 1161286 who wishes to redevelop their site and cannot obtain approval without having legal access. This means that the owner of Lot 111 DP 1162186 does not have legal access to their property, even though the use of the land has been long established. The area of land to be acquired from the crown land identified as Lot 7314 DP 1143467 would be approximately 2,200m<sup>2</sup>.

### Legislative or Policy Implications

Land Acquisition (Just Terms Compensation) Act 1991

### Project Delivery Implications

TRANSPORT+ Roads

### Risk Assessment

An assessment of the challenge posed to Council implementing the action/s contained in this report, in the current environment with available resources: Low

### Budget and Financial Implications

Land acquisition processing costs to be covered by the Roads Budget. Fees include application to Crown Lands, Legal Fees and compensation to Crown for the acquisition of the road. The value of the purchase will be determined by the Valuer General's Office.

### Recommendation

That Council:


1. Acquire land identified as being part of Lot 7314 DP 1143467 for road purposes by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* and make the necessary application to the Minister and/or Governor.
2. That on acquisition, the land be classified as operational.
3. That where required, the Seal of Council be applied to facilitate the acquisition.

### Attachments

1. Proposed road acquisition - Pioneer Street


# Attachment 1 - proposed road acquisition - Pioneer Street





**PARKES SHIRE COUNCIL**  
PO Box 337  
2 Castle Street  
PARKES NSW 2812  
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Date: 14/07/2022 2:17 PM

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**13. DIRECTOR INFRASTRUCTURE****13.1. (DISF) Major Projects & Current Works - Progress Report as at 19 July 2022**

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**Prepared By:**

Director Infrastructure & Strategic Futures

**Executive Summary**

This report presents an update on the current major projects within the Shire being managed or undertaken by Council's Infrastructure & Strategic Futures Department. The report outlines work that has been carried out over the past month and is provided for the information of Councillors.

**Background Information**

Monthly status report to keep Councillor's abreast of projects being undertaken within the Shire.

**Project Delivery Program Implications**

The resolution in this report will primarily affect the Delivery Program Future Direction relating to: COUNCIL+ *Council*

**Risk Assessment**

An assessment of the challenge posed to Council implementing the action/s contained in this report, in the current environment with available resources: Low

**Budget and Financial Aspects**

Projects have been allocated funding either from grants or Council funds as provided in the Operational Budget.

**Recommendation**

1. That the information be received and noted.

**Attachments**

1. Major Projects & Current Works as at 19 July 2022

## Attachment 1 - (DISF) Major Projects &amp; Current Works - Progress Report - July 2022

## MAJOR PROJECT UPDATE - JULY 2022

Project Description	Due Date	Budget	Forecast	Actuals	Status
Water Supply Drought Relief Program   Parkes - Peak Hill	30/06/2022	\$4,070,000	\$4,270,00	\$1,177,380	In Progress
<b>Comments</b>	Bore refurbishment works continuing, completed upgrade of Bores 1, 3, 4, 5. Working on upgrade options for Bore 2. Alternate route for connecting pipeline awaiting further negotiations with landholders. A variation has been processed for an additional \$200,000 from Council's water fund to undertake the upgrades of electrical switchboards at each site due to non-compliance with current standards.				
Town Water Security Program   Parkes - Peak Hill	28/02/2021	\$2,032,075	\$2,032,075	\$1,901,938	Closing grant
<b>Comments</b>	Business Case has progressed through the INSW Gate 2b review, feedback has been received and responses provided by Council. Awaiting feedback on final funding.				

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## 13.2. (DISF) Tree Removal

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### Prepared By:

Director Infrastructure & Strategic Futures

### Executive Summary

A large tree adjacent to the public toilet and bus shelter structure is required to be removed to allow for the reconstruction and maintenance of the underground sewer main.

### Background Information

Council has previously resolved that all tree removal of consequence shall be brought to Council for approval prior to removal.

### Legislative or Policy Implications

Parkes Shire Council Tree Removal Policy  
WSA 02-20 14-3.1 Gravity Sewerage Code of Australia (Regional NSW Edition)  
Parkes Shire Council Sewerage Design Specification  
Parkes Shire Council Connection Policy  
AS3500

### Budget and Financial Aspects

The removal of the tree is out of Op Plan scope and will be funded from Sewer Maintenance, the sewer rectification works will be funded from Sewer Maintenance.

### Recommendation

That the tree be approved for removal to allow the sewer construction works to proceed.

### Report

A large tree is required to be removed adjacent to the Church St public toilet and bus shelter. The tree was originally planted over the existing sewer main which runs north from Clarinda St up the footpath adjacent to the Kombi Cafe and services the toilet block. A branch sewer line runs from the approximate location of the tree to service the Kombi Cafe and the property adjacent, running across the back of both properties. The branch line has been found to have been blocked by large roots from the tree. Due to unknown works within the property, the access point to maintain the sewer cannot be accessed and as such a new manhole will need to be constructed at the point of connection between the branch line and the main sewer. This can not be facilitated with the tree in place.

An assessment of the area shows that there a number of the same species (Chinese Tallow Tree - *Supium sebiferum*) planted in the area, the particular tree in question has also cause damage to the surrounding footpath and will continue to produce trip hazards. Assessment by the Parks & Garden team have indicated the removal of this tree will allow adjacent trees to grow and they would expect the canopy to quickly fill in.

**Attachments**

Nil



**14. CONSIDERATION OF COMMITTEE MINUTES****14.1. Committee Minutes - Road and Place Naming Committee**

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**Prepared By:**

Director Operations

**Executive Summary**

A Parkes Shire Council Road & Place Naming Committee meeting was held on Tuesday 5 July 2022.

**Background Information**

The Parkes Shire Council Road & Place Naming Committee was formed in 1998 to work through the process of naming the Shire's rural roads that had previously only been identified by numbers. The Committee considers all road & place naming requests and makes recommendations to Council.

**Legislative Information**

Road & Place naming is carried out in accordance with the requirements of the Roads Act 1993 and Roads Regulation 2018 and the NSW Address Policy and User Manual

**Project Delivery Program Implications**

TRANSPORT+ *Roads*

**Risk Assessment**

An assessment of the challenge posed to Council implementing the action/s contained in this report, in the current environment with available resources: Low

**Budget and Financial Aspects**

Cost of advertising and erection and ongoing maintenance of signage. Developers of subdivisions pay a fee to cover these costs.

**Recommendation**

1. That the recommendations contained in the Minutes of the Parkes Shire Council Road & Place Naming Committee held 5 July 2022 be endorsed and adopted.

**Attachments**

1. Minutes of the Parkes Shire Council Road & Place Naming Committee held 5 July 2022

**Attachment 1 - Committee Minutes - Road & Place Naming Committee Meeting - 5 July 2022**



## **ROAD & PLACE NAMING COMMITTEE**

### **MINUTES**

TUESDAY 5 JULY 2022

Notice is hereby given that a meeting of the Parkes Shire Council's the Road Naming Committee will be held at the Council Administration Centre, 2 Cecile Street, Parkes, commencing at 11.30am for the purpose of considering the items included on the Agenda.

**GENERAL MANAGER:** Kent Boyd

**VOTING MEMBERS OF THE COMMITTEE ARE INVITED TO ATTEND**Cr K McGrath (Chair)  
Cr L O'LearyMayor K Keith  
Cr D Weber

Cr W Jayet

**PRESENT**Cr K McGrath  
Cr D Weber  
Cr G WilsonMayor K Keith  
Cr J Cass  
Cr G PrattCr L O'Leary  
Cr M Applebee**Together with Council staff:**Kent Boyd, General Manager  
Ben Howard, Director Operations  
Sue McGrath, Business Support Coordinator**MEETING COMMENCEMENT**

The Meeting commenced at 11.30am.

At the commencement of the meeting the Mayor advised as this was the first meeting of this committee since the new Council the nominated chair had not been voted for.

The Mayor requested that the committee formally elect a chair, he called for nominations where by Councillor Cr Keith (Mayor) nominated Cr McGrath.

This nomination was seconded by Cr O'Leary.

No further nominations were received.

**1 APOLOGIES**

Cr W Jayet

It was the consensus of the Committee that the apologies be noted.

Moved: Cr Keith  
Seconded: Cr Weber

**2 DECLARATION OF PECUNIARY INTERESTS**

Mayor KJ Keith declared an interest in item # 5.4 Naming of Spicer Oval Pavilion.

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****Committee Recommendation:**

That the Minutes of the Road Naming Committee Meeting held on 9 March 2021, copies of which have been forwarded to Committee, be confirmed.

#### 4 OUTSTANDING BUSINESS ITEMS

ITEM	DESCRIPTION	STATUS	NEXT STEP
1	Redundant Section Newell Highway, Trewilga	In progress	Write to the family seeking approval to name the Road Glapiak Road
2	Allandale Road	In progress	To be gazetted
3	Gillenbine Road, Trundle	Stalled	Awaiting feedback from LSC
4	'Tomkins Road', Parkes	Stalled	Review community consultation report
5	Hartigan Avenue / Westlme Road	In progress	To be determined with the Bypass Project
6	Blaxland Street / London Road, Parkes	On Hold	To be determined with the Bypass Project
7	Church Street Lane	On Hold	Pending on Airport Road name proposal

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## 5 COMMITTEE BUSINESS

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### 5.1 Request to Name the Overnight Carpark, Bogan Gate

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#### Request

Council received an email from the Bogan Gate Community Consultative Committee requesting to name the overnight carpark in Hutton Street, Bogan Gate.

#### Staff Recommendation

1. That the Committee resolve to formally name to overnight car park **Baayay Girrawiiny** (meeting place).
2. Council commences the place naming process for gazettal through the Geographical Naming Board (GNB).
3. Geographical Naming Board commences the community consultation process.
4. That Council work with Bogan Gate Community Consultative Committee to finalise signage options.

#### Committee Resolution

1. That the Committee resolve to formally name to overnight car park **Baayay Girrawiiny** (meeting place).
2. Council commences the place naming process for gazettal through the Geographical Naming Board (GNB).
3. Geographical Naming Board commences the community consultation process.
4. That Council work with Bogan Gate Community Consultative Committee to finalise signage options to include the destination of the name and associated markings that align with the name proposal.

Moved: Cr O'Leary  
Seconded: Cr Keith

## 5.2 Renaming of Parkes Aquatic Centre

### Request

Place Naming	Parkes Aquatic Centre
Suggested Place Naming	Rex Aubrey Aquatic Centre
Town/Area	Parkes

Director Operations provided an overview of the request for renaming of this facility and the background.

During the discussions Cr Cass proposed the investigations of a digital display that aligns with resolution #3. The General Manager also requested that formal correspondence be provided to those requesting the naming proposal with feedback.

### Staff Recommendation

1. Not to proceed with formally naming the Parkes Aquatic Centre to the Rex Aubrey Aquatic Centre as the name has previously been assigned to a road name.
2. That Council retains the Parkes Aquatic Centre name for the facility.
3. Suggested Honour Board to be installed at the Parkes Aquatic Centre to commemorate all those who have contributed to the Parkes Aquatic Centre.

### Committee Resolution

1. Not to proceed with formally naming the Parkes Aquatic Centre to the Rex Aubrey Aquatic Centre as the name has previously been assigned to a road name.
2. That Council retains the Parkes Aquatic Centre name for the facility.
3. Council investigates an Honour Board to be installed at the Parkes Aquatic Centre to commemorate all those who have contributed to the Parkes Aquatic Centre.
4. That Council formally responds to Sports Council

Moved: Cr O'Leary  
Seconded: Cr Keith

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### 5.3 Existing Proposed Road Names

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#### Report

Council has an extensive list of existing proposed road names that are available to be used for existing and future name and place names.

The list consists of:

- Wiradjuri Names
- War Veterans
- Gold Mines
- Proposed Local Names

Some of the names that on the existing list that remain unassigned date back to as early as 1987.

Director Operations provided an overview of this agenda item and the request for formalising the outdated list of proposed names.

During discussion Cr O'Leary requested that consideration be in place for villages when naming proposal are submitted. Cr Keith also requested that this revised list be considered by the committee at a future meeting.

#### Staff Recommendation

1. Due to the extensive list of existing road names that Council utilises the current list of existing proposed road names as first order of preference for future road and place naming requests.
2. For private developments proposals will be received by the developers for consideration.

#### Committee Resolution

1. Due to the extensive list of existing road names that Council utilises the current list of existing proposed road names as first order of preference for future road and place naming requests.
2. For private developments proposals will be received by the developers for consideration.
3. That Council revises the current proposed road name list to include proposed names for the villages.
4. That Council to seek clarification on the use of first and last names in naming proposals.

Moved: Cr O'Leary  
Seconded: Cr Weber



## 5.4 Naming of Spicer Oval Pavilion

### Request

A Sports Council Committee Meeting was held on 12 April 2022 it was recommended and confirmed in writing that the Road and Place Naming Committee consider naming the Spicer Oval Pavilion the 'Ken Keith Pavilion'.

The Mayor Cr Keith left the room at 12.10pm.

Director Operations provided an overview of the request for naming of this facility and the background.

### Staff Recommendation

1. Not to accede to naming the Spicer Amenities the 'Ken Keith Pavilion', but to keep with consistency of previous field names and assign 'Ken Keith' to the playing surface at Spicer Oval, 'Ken Keith Field'.

### Committee Resolution

1. Not to accede to naming the Spicer Amenities and/or the field 'Ken Keith', and to retain the use of Spicer oval as field name.
2. Council investigates an Honour Board to commemorate all those who have contributed to the Parkes sport.

Moved: Cr O'Leary  
Seconded: Cr Weber

At close of this item the Mayor Cr Keith returned to the meeting at 12:20pm.

## 5.5 Hooley Street & Brolgan Road Proposed Name Changes

### Request

Parkes Shire Council have been requested by Transport for NSW (TfNSW) to assist with the road naming process and subsequent changes to existing and proposed roads as part of the Parkes Bypass Upgrade.

Road Number	U0570 - Brolgan Road
Road Number	U1380 - Hooley Street
Town/Area	Parkes
Description	Hooley Street - commencing at the intersection of Hartigan Avenue and terminating at the intersection of Middleton Street and Brolgan Road
	Brolgan Road - commencing at the intersection of Middleton Street and terminates at the Nelungaloo Road turn off

### Committee Recommendation

1. Council to retain the road name of Brolgan Road, Parkes from the intersection of Middleton Street and connect to Hartigan Avenue.
2. Council commences the renaming process for the severed section (western section) of Brolgan Road to a name fitting with the local community and or Parkes SAP in mind.

### Committee Resolution

1. Council to retain the road name of Brolgan Road, Parkes from the intersection of Middleton Street and connect to Hartigan Avenue.
2. Council commences the renaming process for the severed section (western section) of Brolgan Road to a name fitting with the local community and or Parkes SAP in mind.
3. That Council writes to the residents of Brolgan Road once the Road & Place Naming Committee minutes are adopted by Council.

Moved: Cr O'Leary  
Seconded: Cr Keith

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## 5.6 Renaming of Marta Lane, Bogan Gate

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### Request

Road Number	U6680
Road Name Current	Marta Lane
Town/Area	Bogan Gate
Description	Off Monomie Street, heading west, running north of, and parallel to, Bogan Street, and terminating at West Street

### Committee Recommendation

1. For the decision of the Road and Place Naming Committee

### Committee Resolution

1. That Council retain the Road Name Marta Lane
2. That Council investigate another alternative name and/or structure in Bogan Gate to reflect the recognition of indigenous heritage.
3. That Council formally writes to the resident.

Moved: Cr Keith  
Seconded: Cr Weber

## **6 GENERAL BUSINESS**

Nil

## **7 NEXT MEETING**

The next meeting of the Road & Place Naming Committee will be determined.

## **8 CLOSE OF MEETING**

There being no further Road & Place Naming issues, the meeting closed at 12:38pm

**15. QUESTIONS AND MATTERS OF URGENCY**

Nil

**16. CONSIDERATION OF CONFIDENTIAL ITEMS****16.1. (DO) Rural Lease of Ulmarra, Forbes**

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**Prepared By:**

Director Operations

**Reason for Confidentiality**

This report is CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local Government Act 1993 and Council's Code of Meeting Practice, which permits the meeting to be closed to the public for business relating to the following: -

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,

**16.2. (DO) Supply and Delivery of Bulk Fuel (CNSWJO)**

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**Prepared By:**

Director Operations

**Reason for Confidentiality**

This report is CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local Government Act 1993 and Council's Code of Meeting Practice, which permits the meeting to be closed to the public for business relating to the following: -

(d) commercial information of a confidential nature that would, if disclosed  
(i) prejudice the maintenance of law.

**16.3. (DISF) Lachlan Duplication Project**

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**Prepared By:**

Director Infrastructure & Strategic Futures

**Reason for Confidentiality**

This report is CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local Government Act 1993 and Council's Code of Meeting Practice, which permits the meeting to be closed to the public for business relating to the following: -

(d) commercial information of a confidential nature that would, if disclosed  
(ii) confer a commercial advantage on a competitor of Council

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#### **16.4. Committee Minutes - Parkes Elvis Festival Committee Meeting 29 June 2022**

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##### **Prepared By:**

Director Customer, Corporate Services & Economy

##### **Reason for Confidentiality**

This report is CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local Government Act 1993 and Council's Code of Meeting Practice, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed
- (ii) confer a commercial advantage on a competitor of Council

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#### **16.5. Mayoral Minute - General Manager Performance Review**

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##### **Reason for Confidentiality**

This report is CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local Government Act 1993 and Council's Code of Meeting Practice, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors),