



**MOREE PLAINS SHIRE COUNCIL**

**24 OCTOBER 2019**

**COMMUNITY DEVELOPMENT  
AND SERVICES  
COMMITTEE MEETING**

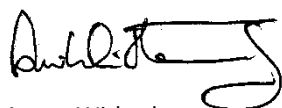
**ADOPTED PUBLIC BUSINESS PAPER  
AND MINUTES**

- TO:
- Councillors
  - General Manager
  - Director – Corporate Services
  - Director – Planning and Community Development
  - Director – Engineering Services
  - Manager – Water and Waste
  - Manager – Executive Projects

Notice is hereby given that the **Community Development and Services Committee Meeting** will be held in the Council Chamber, the Max Centre, 30 Heber Street, Moree, on **Thursday, 24 October 2019** commencing at **2pm**.

Please note that all Council meetings are recorded.

Yours sincerely



Angus Witherby

**DIRECTOR PLANNING AND COMMUNITY DEVELOPMENT**

#### **Agenda**

1. Open Meeting
2. Apologies
3. Confirmation of Minutes
4. Declarations of Interest
5. Reports
  - 1 Consultation on the Model Code of Conduct
  - 2 Question on Notice responses
6. Standing agenda item: New Questions on Notice
7. Standing agenda item: Strategic Planning Proposals and Current Project Updates
  - 1 Update from the General Manager
8. Standing agenda item: Inland Rail Update
9. Standing agenda item: Overseas Trade and Investment
10. Close meeting

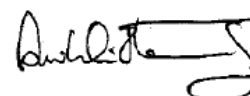
This is Page No. **2** of **18** of the ADOPTED minutes of the COMMUNITY DEVELOPMENT AND SERVICES COMMITTEE MEETING of the Moree Plains Shire Council held on



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**PUBLIC PAPER**



**DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT**

# Community Development and Services Committee Meeting Adopted Public Minutes and Business Paper

24 October 2019

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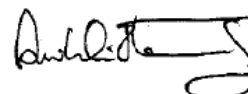
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MINUTES OF THE COMMUNITY DEVELOPMENT AND SERVICES COMMITTEE MEETING OF THE MOREE  
PLAINS SHIRE COUNCIL HELD IN THE COUNCIL CHAMBER, HEBER STREET, MOREE ON THURSDAY,  
24 OCTOBER 2019, COMMENCING AT 2.00PM

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**READ ALOUD:**

- Audio Recording Declaration.
- Emergency Response and General Housekeeping Declaration.

**PRESENT:**

Councillors K Cassells (Chair), K Humphries (Mayor), J Crawford, M Montgomery AM, S Ritchie, G Chiu and J Tramby OAM.

**IN ATTENDANCE:**

Mr L Rodgers (General Manager), Mr A Witherby (Director Planning & Community Development), Mr M Johnson (Director Corporate Services), Mr I Dinham (Director Engineering Services), Ms A Colbran (Governance Coordinator), Ms V Dawson (Executive Assistant, Planning & Community Development), Ms D Murray (Executive Assistant)

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**APOLOGIES:**

**19/10/01 RESOLVED (MOVED:CRAWFORD/ SECONDED:CHIU)**

**That council accept the below apologies;**

**Cr G Smith, Cr S Price OAM.**

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**LEAVE OF ABSENCE:**

Cr G Smith, Cr S Price OAM.

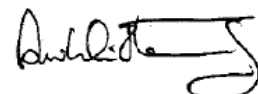
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**MINUTES:**

Minutes from the Community Development and Services Committee Meeting held 26 September 2019.

**19/10/02 RESOLVED (MOVED:CRAWFORD/ SECONDED:CHIU)**

**That the minutes from the Community Development and Services Committee Meeting held on 26 September 2019 be adopted.**

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**DECLARATIONS OF INTEREST:**

Nil.

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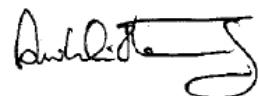
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<b>Report Title</b>	<b>1. Consultation on the Model Code of Conduct</b>
<b>Report by</b>	Corporate Services
<b>Contact</b>	Alice Colbran, Governance Coordinator
<b>Attachments</b>	No attachment
<b>File</b>	FILE12/2747

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## RECOMMENDATION

That the Committee recommend Council write to the Office of Local Government to express the following view:

- a. That Council does not support an increase in the cap on the value of gifts that can be accepted
- b. That, should the Minister for Local Government consider an increase in the cap, it should be applied uniformly to all Council Officials.

## **19/10/03 COMMITTEE RECOMMENDATION (MOVED:MONTGOMERY/ SECONDED:RITCHIE)**

**That the Committee recommend Council write to the Office of Local Government to express the following view:**

- a. That Council does not support an increase in the cap on the value of gifts that can be accepted**
- b. That, should the Minister for Local Government consider an increase in the cap, it should be applied uniformly to all Council Officials**
- c. That Council supports clarification of Clause 6.2 in the Model Code of Conduct in relation to attendance at work-related events or functions.**

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## REPORT

### **ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE**

- An Inclusive, Caring Community**  
Not applicable
- Sustainable Spaces and Places**  
Not applicable

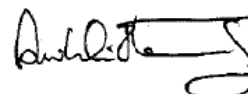
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**A Vibrant Regional Economy**

Not applicable

**A Leading Organisation**

L1.7 Be accountable and transparent in our affairs, operate with integrity, improve our responsiveness and pursue innovative solutions for organisational improvement

## BACKGROUND AND KEY ISSUES

The Model Code of Conduct for Local Councils in NSW (**Model Code**) and the associated Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (**the Procedures**) were prescribed on 14 December 2018. A copy of both of these documents can be found on the Office of Local Government website via this link <https://www.olg.nsw.gov.au/strengthening-local-government/conduct-and-governance/model-code-of-conduct>. The Council adopted the Model Code on 28 March 2019. Council's Code of Conduct is on Council's website via this link <https://www.mpsc.nsw.gov.au/index.php/hot-topics/docman/policies/1355-code-of-conduct/file>.

The Model Code sets out the minimum standards of conduct expected of council officials (defined as councillors, members of staff, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers). Part 6 of the Model Code provides the provisions under which council officials can obtain a personal benefit through gifts and benefits. Whilst the acceptance of gifts and benefits is allowable in certain circumstances, the monetary value limit for this was set as \$50. Previously, the Model Code did not specify a monetary limit.

As a result of a number of mayors and councillors expressing concern at this limit, the Minister for Local Government, the Honourable Shelley Hancock MP, is seeking feedback from councils on the following four questions:

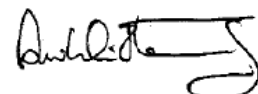
- Whether \$50 is an appropriate monetary value for the cap on the value of gifts that may be accepted by councillors.
- If the \$50 cap on the value of gifts that may be accepted by councillors is not appropriate, at what value should it be set?
- If it is suggested that the cap on the value of gifts that may be accepted should be raised, should it be raised uniformly for all council officials, or should it just be raised for councillors and the \$50 cap retained for other council officials such as council staff.
- If it is suggested that the cap on the value of gifts that may be accepted should be raised for councillors and not for other council officials such as council staff, why does your council believe that councillors should be subject to a different standard than the one that applies to other classes of council officials in relation to the acceptance of gifts.



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In considering these questions, it is important to have regard for the two key principles that govern the acceptance of gifts and benefits for council officials:

1. You must not be influenced, or be seen to be influenced, as a result of the receipt of a gift or benefit for personal use or enjoyment
2. You must not benefit personally from your role as a council official other than through your remuneration.

It is also beneficial to consider under what circumstances you wish to see council officials able to accept gifts and benefits. The \$50 limit does not prevent, for instance, a staff member accepting a bunch of flowers from a ratepayer they have assisted or a reasonable bottle of wine as a Christmas present for a staff member at Gwdyir Daycare from a parent.

Having considered the implications of a decision to increase the acceptable limit, it is not recommended that the Committee support an increase to the cap on the value of gifts as enabling the acceptance of gifts of such a high value is to move away from the intent of the key principles. Further, it is not considered appropriate to have a Model Code which sets different standards for different types of council officials. There is merit in having all council officials subject to the same suite of behaviour standards, as they currently are.

### **FINANCIAL IMPACT TO COUNCIL**

No significant financial implications have been identified.

### **STATUTORY AND POLICY IMPLICATIONS**

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

Council has adopted the Model Code, including the \$50 limit on the value of gifts that can be accepted. Should the Minister choose to amend the Model Code to increase the limit, Council has discretion as to whether or not to apply the change as councils may resolve requirements more onerous than those included in the Model Code. It is, however, unlawful to provide less onerous provisions and a council's adopted Code of Conduct has no effect to the extent that it is inconsistent with the Model Code.

### **RISK IMPLICATIONS**

An increase in the monetary value of acceptable gifts and benefits may lead to increased occasions of the perception of the provision of a gift being to encourage favourable treatment by a person or body, regardless of whether this was the intent of the person or body who offered it.

### **ASSET MANAGEMENT IMPLICATIONS**

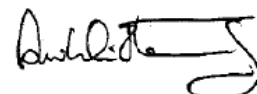
No asset management implications have been identified.



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## PREVIOUS COUNCIL DECISIONS

*19/03/21 RESOLVED (SMITH/RITCHIE)*

- 1. That the Council endorse the Draft Code of Conduct and place on public display for a period of 35 days.*
- 2. That, should no submissions be received, the Draft Code of Conduct be adopted.*

## ATTACHMENTS

There are no attachments.

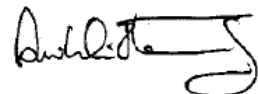
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<b>Report Title</b>	<b>2. Questions on Notice Responses</b>
<b>Report by</b>	Planning and Community Development
<b>Contact</b>	Angus Witherby, Director of Planning and Community Development
<b>Attachments</b>	One (1) attachment; refer to Attachments section
<b>File</b>	FILE 15/183

## 19/10/04 COMMITTEE RECOMMENDATION (MOVED:RITCHIE/ SECONDED:CASSELLS)

**That the Community Development and Services Committee receive the Questions on Notice responses for information.**

Cr Tramby left the meeting the time being 2.30pm.

### REPORT

#### ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

- An Inclusive, Caring Community**  
Not applicable
- Sustainable Spaces and Places**  
Not applicable
- A Vibrant Regional Economy**  
Not applicable
- A Leading Organisation**  
L1.7 Be accountable and transparent in our affairs, operate with integrity, improve our responsiveness and pursue innovative solutions for organisational improvement

### BACKGROUND AND KEY ISSUES

Questions on Notice (**QON**) provide an opportunity for Councillors to ask questions of the General Manager which are then recorded within the meeting minutes and the Moree Plains Shire Council (**Council**)'s Customer Request Management (**CRM**) system. A response to this question is either provided verbally at the meeting or taken on notice if the response requires further research.

In response to requests from Councillors, a QON response system has been implemented where all responses are made available to the public through a Standing Committee Meeting business paper (as per this report). This will ensure that the answers not provided at the meeting are publically available for review by members of the public and Council's transparency is enhanced.

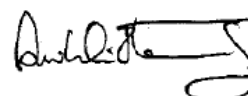
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## FINANCIAL IMPACT TO COUNCIL

Review of the QON's has no significant financial implications.

## STATUTORY AND POLICY IMPLICATIONS

Council's Code of Meeting Practice (2016) includes the provision for QON's as part of the Committee Meeting Standing Order of Business. The Code of Meeting Practice is consistent with the *Local Government Act 1993 (NSW)*, the Local Government (General) Regulation 2005 and the Model Code.

## RISK IMPLICATIONS

There are no identified risk implications associated with QON responses.

## ASSET MANAGEMENT IMPLICATIONS

No asset management implications have been identified.

## PREVIOUS COUNCIL DECISIONS

QON responses are provided as part of a Standing Committee Meeting business paper on a regular basis to ensure all responses are made available to the public.

## ATTACHMENTS

**Attachment 1** Question on Notice responses

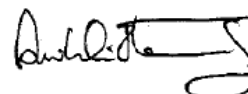
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CRM 4291/2019

**Question on Notice – Finance and Governance – Councillor Tramby**

**Is the Enhanced State Government funding for the Library an annual grant or a once off?**

**Response:**

Sally Walters: On the 24<sup>th</sup> August 2019, the Premier, the Hon Gladys Berejiklian, and the Minister for the Arts, the Hon Don Harwin announced the new public library funding package, totalling \$60M over the forward estimates to 2022/23.

The funding model is the result of the current government's election promise. The additional funding is to be directed into the following components:

- **Per Capita Subsidies**  
This new funding strategy will increase annually from the current \$1.85 per head and reach \$2.85 per head by 2022/23, resulting in a 54% increase in per capita subsidy payments by 2022/23 for all councils, as noted in the Library Amendment (Subsidies) Regulation 2019. It will stay at \$2.85 until such time as legislation changes.
- **Subsidy Adjustments**  
The Subsidy Adjustment funding pool will increase annually until 2022/23. The new model comprises an equal or flat rate allocation of Subsidy Adjustment funds to councils, with a portion of the funding allocated with reference to need, identified using the Socio-Economic Indexes for Areas scale (SEIFA) developed by the ABS.

For 2019/20 the model will include a flat rate payment of \$50,000 per council (total cost \$6.350 million), with the remainder of the funds (\$1.197 million) allocated with reference to the SEIFA score of each council.

- **Outback Letterbox Library**  
The Outback Letterbox Library funding will double to \$200,000 per annum from 2019/20 to be delivered by Broken Hill Council.
- **Public Library Infrastructure Grants**  
The \$6 million per annum Public Library Infrastructure Grants program will commence in 2019/20 and is to assist councils in improving public library infrastructure, including buildings and technology. There are two categories of funding: up to \$200,000; and \$200,001 to \$500,000.

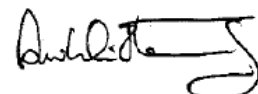
**Applications close Friday 8 November 2019** and is a competitive grant process.



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CRM 4211/2019

**Question on Notice – Community Development & Services – Councillor Humphries**

**Concerns about technical matters (such as gas cylinders) on the MAAC application to Stronger Country Communities Fund Round 3.**

*This to be taken forward as a matter of urgency as a Mayoral Minute from the Committee meeting to the Council Meeting today, Thursday 26 September 2019 due to applications to the Stronger Country Communities Fund closing Friday 27 September 2019.*

**Response:**

Angus Witherby: At the Ordinary Council Meeting on 26 September 2019, Council resolved to remove their endorsement of the MAX out MAAC project from the list of projects to be applied for funding under the NSW Government's Stronger Country Communities Round Three program. This was due to potential impacts of the proposed location to existing utilities and associated infrastructure.

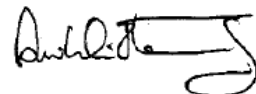
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## **Questions on Notice:**

*A formal response to all Questions on Notice will be supplied in report format at a future Committee Meeting (as per the Code of Practice).*

### **Councillor Crawford:**

- 1. Please provide an update on the truck wash development at the saleyards.**

*The General Manager noted the new truck wash is in commissioning phase and has been inspected by Minister Marshall. Question taken on notice.*

### **Councillor Humphries:**

- 1. Please provide an update on previous Questions on Notice:**
  - a. repairs at Mungindi Tennis Courts**
  - b. repairs to lights at Greenbah Oval for the Junior Cricketers**
  - c. complaints that the cricket pitch roller at Ron Harborne Oval is not fit for purpose. Will Council purchase a roller for the Cricketers to use?**
  - d. Town Hall bookings and why a community group was turned down for a function over the June Long Weekend when the Hall was free?**

*Question taken on notice.*

- 2. Could Council investigate the number of property insurance claims in Moree and if there is a questionable pattern. Any concerns raised from an inquiry to be referred to NSW Police Force.**

*Question taken on notice.*

### **Councillor Ritchie:**

- 1. Can increased effectiveness of contacting Moree Police Station be raised at the next Moree Community Safety Committee?**

*Question to be taken to next Moree Committee Safety Committee by Cr Cassells.*

- 2. Please provide update on the progress of the lease on 26 Balo St.**

*Mr Rodgers updated the Committee that the lease is almost ready for signing. Question taken on notice.*

- 3. Please provide update on the progress of the lease on 40 Frome St.**

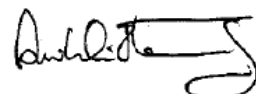
*Mr Rodgers updated the Committee that the lease is almost ready for signing. Question taken on notice.*



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4. **Harvey Norman is waiting on a DA from Council for re-painting the building and have agreed to a new mural. Can the mural choice be resolved at the Urban Advisory Committee?**

*Question to be taken to the next Urban Advisory Committee Meeting by Cr Ritchie.*

5. **Who is building the new unit house in Edward St?**

*Mr Rodgers updated the Committee that the building works are being undertaken for the Aboriginal Housing Office utilising modules produced as part of upskilling former prisoners. No further response required.*

**Councillor Montgomery:**

1. **What actions are Council undertaking to ensure duty of care to the public by blocking public access to burnt out houses, such as the 6 burnt buildings on Adelaide St? It is noted some properties are fenced and some could have asbestos contamination.**

*Mr Witherby updated the Committee that following the audit, Council staff are assessing the risk of the various buildings and treatments that are appropriate to address public health issues. A full report is to be brought to Council in the near future. No further response required.*

2. **Please provide an update on the proposal of books for children for Christmas?**

*Mr Rodgers updated the Committee that correspondence has been sent to Federal and State Members. Adam Marshall MP advised he will seek funding to assist the proposal. Council will follow up with NSW Department of Education. No further response required.*

**Statement from Councillors Humphries, Cassells and Chiu:**

1. **We commend the Council's promotion of the local gift card program; however, are not in a position to participate due to financial pecuniary interests.**

*No further response required.*

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**CLOSED COUNCIL**

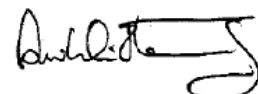
In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.



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That Strategic Planning Proposals and Current Project Update by Mr L Rodgers be dealt with in Closed Council as it relates to Section 10A(2) of the *LG Act* being:

- (a) personnel matters concerning particular individuals (other than councillors),
- (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,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

**19/10/05 COMMITTEE RECOMMENDATION (MOVED:RITCHIE/ SECONDED: MONTGOMERY)**

1. That Council resolve into closed council to consider business identified, tabled at the meeting.
2. That pursuant under Section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the *Local Government Act 1993*.

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The Committee moved into Closed Council at the time being 2.55pm. The public and media left the Council Chambers.

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**Strategic Planning Proposals and Current Project Updates**

Confidential update from Mr L Rodgers, General Manager.

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Cr Tramby returned to the meeting the time being 3.15pm.

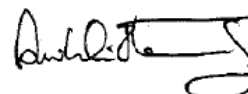
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**OPEN COUNCIL**

**19/10/06 COMMITTEE RECOMMENDATION (MOVED:HUMPHRIES/ SECONDED:RITCHIE)**

**That the meeting resume into Open Council.**

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The meeting moved into Open Council at the time being 3.46pm.

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**Moree Inland Rail:**

Nil.

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**Overseas Trade and Investment:**

Nil.

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There being no further business, the meeting closed at the time being 3.58pm.

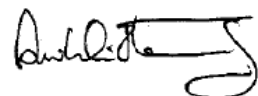
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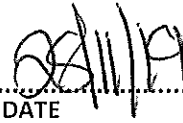
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SIGNED BY THE CHAIR OF THE  
COMMUNITY DEVELOPMENT AND  
SERVICES COMMITTEE, WHOSE  
SIGNATURE APPEARS BELOW.



CHAIRPERSON

ADOPTED AT THE COMMUNITY  
DEVELOPMENT AND SERVICES  
COMMITTEE MEETING OF THE MOREE  
PLAINS SHIRE COUNCIL HELD ON



DATE

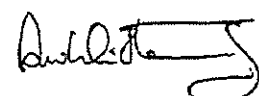
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