



## **MINUTES ORDINARY MEETING**

### **GWYDIR SHIRE COUNCIL**

**THURSDAY 29 JUNE 2017**

**COMMENCING AT 9:02 AM**

### **WARIALDA OFFICE COUNCIL CHAMBERS**

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**Present:**

**Councillors:** Cr. Catherine Egan (Deputy Mayor), Cr. Stuart Dick, Cr Marilyn Dixon OAM, Cr. Jim Moore, Cr. Geoff Smith, Cr. David Coulton, Cr Tiffany Galvin and Cr Frances Young.

**Staff:** Max Eastcott (General Manager), Leeah Daley (Deputy General Manager), Richard Jane (Director Technical Services), Ron Wood (Chief Financial Officer) and Glen Pereira (Director Development and Environmental Services)

**Public:** Ms L Carroll and Ms Emma Weatherall (*Warialda Standard*) and Mrs H Rose.

**Visitor:** 17 visitors for Citizen Ceremonies.

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Chairman .....

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**<http://www.gwydirshire.com/>**

**OFFICIAL OPENING AND WELCOME – DEPUTY MAYOR**

**APOLOGIES** Cr. John Coulton (Mayor)  
**COUNCIL RESOLUTION:**  
**MINUTE 157/17**

**THAT the apology of Cr. John Coulton (Mayor) is accepted.**

**(Moved Cr Galvin, seconded Cr Dick)**

**CONFIRMATION OF THE MINUTES**  
**COUNCIL RESOLUTION:**  
**MINUTE 158/17**

**THAT the Minutes of the previous Council Meeting held on Wednesday 31 May 2017 as circulated be taken as read and CONFIRMED.**

**(Moved Cr Smith, seconded Cr Young)**

**PRESENTATIONS**

**CITIZENSHIP CEREMONY**



**From left to right: Mrs Su-Chen Milthorpe, Cr Catherine Egan and Mr Kevin Ventura**

17 friends and relatives attended the ceremony to welcome Mrs Su-Chen Milthorpe and Mr Kevin Ventura as the Shire's newest Citizens.

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## SERVICE AWARDS

Service Awards were presented to the staff who had reached significant milestones following the Council Meeting.



From left to right: Grant Bennett (15yrs), Terry Rowleson (10yrs), Darryl McManus (10yrs), Kevin (Billy) Johnson (35yrs), Max Eastcott (15yrs), Carol Bussell (10yrs), Peter Kennedy (20yrs), Mick Hodges (10yrs), Andrew Cooper (30yrs) and Danny Bussell (20yrs).

Absent: Tim Smith (30yrs), Stephen Kneller (30yrs), Vince McTaggart (15yrs) and Tania Brennan (10yrs).

## CALL FOR THE DECLARATIONS OF INTERESTS AND CONFLICTS OF INTEREST - NIL

### ADDITIONAL/LATE ITEMS COUNCIL RESOLUTION: MINUTE 159/17

**THAT the following items, namely:**

#### **1. Organisation Structure**

**are accepted as late items onto this Agenda for discussion.**

**(Moved Cr Dixon OAM, seconded Cr D Coulton)**

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**COMMITTEE OF THE WHOLE – CONFIDENTIAL ITEMS  
COUNCIL RESOLUTION:  
MINUTE 160/17**

**THAT the Council resolve into Confidential Session, Committee of the Whole and that in the public interest and in accordance with Section 10A(2)(a) of the Local Government Act, 1993, the public and press be excluded from the meeting to consider the items listed on the agenda.**

**(Moved Cr Galvin, seconded Cr Young)**

**ADOPTION OF THE RECOMMENDATIONS OF THE CONFIDENTIAL SESSION**

**COUNCIL RESOLUTION:  
MINUTE 161/17**

**THAT the recommendations of the Confidential Session, namely:**

**Confidential Monthly Organisation and Community Development Report - May 2017 (Ref: 162/17)**

**THAT the monthly Confidential report for Organisation and Community Development for May 2017 be received.**

**Organisation Structure (Ref: 163/17)**

**THAT the report be received and the attached organisation structure dated June 2017 is adopted.**

**Councillors' reports**

**THAT the following Councillor reports are noted:**

**Yammacoona Sand Quarry (Ref: 164/17);  
Information requests (Ref: 165/17);  
Greenhouse proposal (Ref: 166/17); and;  
Warialda Golf and Bowling Club (Ref: 167/17)**

**are adopted.**

**(Moved Cr Smith, seconded Cr Galvin)**

**Item 1 LGNSW Annual Conference**

**FILE REFERENCE**

**DELIVERY PROGRAM**

**GOAL:** 4. Proactive Regional and Local Leadership

**OUTCOME:** 4.1 WE ARE AN ENGAGED & CONNECTED COMMUNITY

**STRATEGY:** 4.2.1 Build strong relationships and shared responsibilities - GM - external

**AUTHOR** General Manager

**DATE** 14 June 2017

**STAFF DISCLOSURE OF INTEREST** Nil

**IN BRIEF/ SUMMARY RECOMMENDATION**

This report is for notation and confirmation of the Council's delegates to the NSW 2017 Annual Conference.

**TABLED ITEMS** Nil

**BACKGROUND**

This year's conference is being held in Sydney from 4<sup>th</sup> to 6<sup>th</sup> December 2017.

The Councillors who have indicated an interest in attending are:

Mayor, Cr J Coulton;  
Deputy Mayor, Cr Egan;  
Cr D Coulton;  
Cr Galvin;  
Cr Dixon;  
Cr Young; and;  
Cr Smith.

The attendance of all these Councillors is recommended.

**COMMENT**

The Council also needs to determine if it wants to lodge any motions for consideration at the conference.

The attached invitation notes that proposed motions should be strategic, affect member Councils state-wide and introduce new or emerging policy issues and actions.

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One particular issue that satisfies this criterion and has been raised recently by a resident in Bingara is the use of drones (remotely controlled aircraft without a human pilot aboard) in urban areas to infringe on the privacy of neighbouring properties. In Australia the official name for drones is a Remotely Piloted Aircraft (RPA).

The suggested motion for consideration at the conference is:

THAT LGNSW make representation to the NSW Government to establish a specific offence relating to the use of Remotely Piloted Aircraft (RPA) to use RPAs in a manner that infringes on the privacy of neighboring properties with appropriate penalties.

The Council may also have other motions that it wants to submit to the conference.

#### OFFICER RECOMMENDATION

THAT the attendance of Crs J Coulton, Egan, D Coulton, Galvin, Dixon, Young and Smith to the LGNSW Annual Conference is authorised.

FURTHER that the following motion be submitted for consideration at the Conference:

THAT LGNSW make representation to the NSW Government to establish a specific offence relating to the use of Remotely Piloted Aircraft (RPA) to use RPAs in a manner that infringes on the privacy of neighboring properties with appropriate penalties.

#### ATTACHMENTS

AT- Conference Invitation

AT- Federal Government review of privacy issues regarding the use of RPAs

#### COUNCIL RESOLUTION: MINUTE 168/17

**THAT the attendance of Crs J Coulton, Egan, D Coulton, Galvin, Dixon, Young and Smith to the LGNSW Annual Conference is authorised.**

**FURTHER that the following motion be submitted for consideration at the Conference:**

**THAT LGNSW make representation to the NSW Government to**

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**establish a specific offence relating to the use of Remotely Piloted Aircraft (RPA) to use RPAs in a manner that infringes on the privacy of neighboring properties with the appropriate penalties.**

**(Moved Cr Moore, seconded Cr Young)**





Our ref: R15/0015 Out-26247

2 June 2017

Mr Max Eastcott  
General Manager  
Gwydir Shire Council  
Locked Bag 5  
BINGARA NSW 2404

Dear Mr Eastcott

**SAVE THE DATE: Local Government NSW Annual Conference 2017**

I write to formally invite you to this year's Local Government NSW Annual Conference which will be held from **Monday 4 December to Wednesday 6 December at the Hyatt Regency, Sydney**. Please note this date is later than usual to accommodate local government elections in September.

As you are aware, the Conference is the main policy making event for the local government sector where issues are debated and motions put forward for the consideration of delegates. As 2017 is a Board election year, voting for the new LGNSW President and Director positions will also take place at the Conference.

This letter contains important information to help you participate fully in this year's Conference.

**Registration – to attend the Conference**

All Conference attendees will be invited to register online from August on the LGNSW website. Members will be able to take advantage of special 'early bird' rates.

Note: Voting delegates must be registered to attend the Conference and also be registered as a voting delegate.

**Registration – as a voting delegate**

Separate from Conference registration, members must register the names of their delegates for voting on motions during formal business sessions and to vote for the Board.

Each member (as financial on 9 October 2017) is entitled to a certain number of voting delegates. The formula for calculating members' voter entitlement is prescribed at Rule 23 of the LGNSW Rules. Members will be notified about voting delegate entitlements, for voting on motions and voting for the Board, by Friday 13 October.

The deadline to provide LGNSW with the names of delegates to vote on motions and for the Board is Monday 13 November. Nominations of voting delegates received after the closing date can not be accepted. However a member may substitute the name(s) of its voting delegates, at any time, in line with Rule 34 of the LGNSW Rules.

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 49 853 913 882

Please note the 2017 deadlines for voting on motions and voting for the LGNSW Board.

Deadline	Action
Monday 9 October	Deadline for payment of membership fees (required for your council to be entitled to vote for motions and the LGNSW Board)
Friday 13 October	Members notified of number of delegates that can vote: <ul style="list-style-type: none"><li>• on motions</li><li>• for the LGNSW Board</li></ul>
Tuesday 7 November	Deadline to nominate as a candidate for a position on the LGNSW Board (Note this date is currently subject to confirmation by the Australian Electoral Commission. LGNSW will advise if it changes.)
Monday 13 November	Deadline for members to provide names to LGNSW of delegates who will vote for: <ul style="list-style-type: none"><li>• motions</li><li>• the LGNSW Board</li></ul>

For further information about voting on motions and for the Board please contact Ms Debra Law, Divisional Coordinator – Member Services on 02 9242 4142 or [Debra.Law@lgnsw.org.au](mailto:Debra.Law@lgnsw.org.au).

### Motions

All members can put forward motions to be considered at the Conference. Members will be invited to submit motions online from mid-year using the "LGNSW Conference Business Sessions Submission Form" on the LGNSW website.

The LGNSW Board is working to help ensure the motions debate centres on advancing the sector wide policy agenda in new ways. Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions.

For further information on submitting motions please contact Ms Elizabeth Robertson, Policy Officer, on 02 9242 4028 or [Elizabeth.Robertson@lgnsw.org.au](mailto:Elizabeth.Robertson@lgnsw.org.au).

### Accommodation

December is a busy time in Sydney and LGNSW encourages delegates to book accommodation as early as possible to avoid disappointment.

For Conference delegates wishing to stay at the venue (Hyatt Regency) a reduced accommodation rate is available from Sunday 3 December until Thursday 7 December. For group bookings please contact Ashley Markovic, Group Reservations Coordinator, on 02 9290 4812 or [Ashley.Markovic@hyatt.com](mailto:Ashley.Markovic@hyatt.com).

A range of alternative hotels are within walking distance of the Conference venue. LGNSW has negotiated a 10% discount for members staying at all Accor Hotels in the immediate area. See the LGNSW Annual Conference webpage.

### Outstanding Service Awards

The Outstanding Service Awards will be presented at the Gala Dinner during the Conference. For information about the Awards, including where to apply and eligibility, please check the LGNSW website.

### Conference Gala Dinner

The dinner will be held on Wednesday 6 December and all those registered for the Conference may attend.

**Further details**

Further details about the Conference will be published on the LGNSW website as they become available, including about the Gala Dinner, President's Opening Reception, Conference business sessions, programs and 'early bird' pricing.

I trust the information above is of assistance. We will provide further reminders and updates closer to the Conference.

I very much look forward to seeing you at the Conference in December.

Yours sincerely



Cr Keith Rhoades AFSM  
President



## Drones and privacy

- 4.1 Remotely piloted aircraft (RPAs) have the potential to pose a serious threat to Australians' privacy. They can intrude on a person's or a business's private activities either intentionally, as in the case of deliberate surveillance, or inadvertently in the course of other activities like aerial photography, traffic monitoring or search and rescue. As RPAs become cheaper and more capable, and as the instruments they carry become more sensitive, they will provide governments, companies and individuals with the cost-effective capability to observe and collect information on Australians, potentially without their knowledge or consent.
- 4.2 This chapter will examine Australia's existing regulatory environment in relation to RPAs and privacy and examine issues to be taken into consideration to ensure that Australian privacy laws adequately address the risks posed by RPAs.

### A 'fractured landscape' – RPAs and privacy laws

- 4.3 Australia's privacy regime is complex. There is a range of Commonwealth, State and Territory statutes and common law principles. However, the laws are complex, at times outdated by emerging technology, and significant variations exist between jurisdictions. The Committee has heard Australia's privacy regime variously described as a 'fractured



landscape', or a 'patchwork of laws'.<sup>1</sup> The following section provides a brief overview of the legal principles relevant to RPAs and privacy.

- 4.4 Just as it is critical to ensure that RPA use does not compromise public safety, so RPA use should not compromise the privacy of individuals or businesses. The capacity of RPAs to enter private property, to travel unnoticed, and to record images and sounds which can be streamed live create significant opportunities for privacy breaches.
- 4.5 Research by the Australian Privacy Commissioner shows that Australians' concern for their privacy has remained high in an environment where there are a growing number of ways in which it can be breached. Mr Timothy Pilgrim, the Privacy Commissioner, told the Committee that:
- our community research, that we undertake every three to four years, consistently shows that the community remains concerned about what is happening with their personal information. The community is concerned to make sure that there are protections in place for that personal information. So rather than seeing it becoming an issue that is dying, as some commentators have said in the past, it is actually a constant within the community.<sup>2</sup>
- 4.6 Like any new technology, RPAs have both positive and negative applications. In considering how to address the potential privacy issues RPA use might raise, Mr Pilgrim said:
- With such a new technology, the question comes down to how its use is going to be regulated. What are the ways in which it can be regulated so that we can still achieve the benefits that the technology can bring, at the same time as making sure that people have a right of recourse or a remedy if they believe their privacy has been invaded by misuse of those technologies?<sup>3</sup>
- 4.7 The Commonwealth *Privacy Act 1988* (the Privacy Act) provides a number of privacy protections to the Australian public. It is intended to ensure Australians are provided with information on, and some degree of choice about, the collection and use of their personal information by governments and large businesses.
- 4.8 The Privacy Act sets out thirteen privacy principles which govern how organisations should collect information, how they should manage it, and the circumstances under which it can be disclosed. Ms Angeline Falk of

1 Committee Hansard, 21 March 2014, p. 4; Committee Hansard, 28 February 2014, p. 37.

2 Committee Hansard, 28 February 2014, p. 34.

3 Committee Hansard, 28 February 2014, p. 34.

the Office of the Australian Information Commissioner described the Act as 'a set of principles that focuses on transparency in the way in which personal information is collected'.<sup>4</sup>

- 4.9 The Privacy Commissioner, Mr Pilgrim, told the Committee that:

The federal Privacy Act applies to most Australian government agencies at the federal level and many private sector organisations. It does set an overarching set of principles that those entities must comply with in how they collect, use, disclose, provide access to and secure personal information as part of their roles.<sup>5</sup>

- 4.10 However, the Privacy Act does not provide Australians with comprehensive privacy protections. As Mr Andrew Walter from the Attorney-General's Department (AGD) noted '[t]he Privacy Act does not apply to the collection and use of personal information by private citizens and does not provide overarching privacy protection for the individual'.<sup>6</sup>

- 4.11 The Act contains exemptions for a number of groups. As such, the Privacy Commissioner noted that small businesses (with an annual turnover of less than \$3 million), political organisations, media organisations, and individual citizens acting in the course of their personal, family or household affairs are not subject to the privacy principles.<sup>7</sup>

- 4.12 In addition to the limitations to the Privacy Act created by its exemptions, the Act is not intended to protect against intrusions into Australians' private seclusion. Dr Roger Clark from the Australian Privacy Foundation said:

we identify privacy of personal behaviour ... as the interest that people have in not being intruded upon by undue observation or interference with their activities, whether or not data is collected – after which it would then move into another space.

When we look at the Privacy Act ... it is all but irrelevant to behavioural privacy protection. It was designed that way; it was designed to deal with data protection only.<sup>8</sup>

- 4.13 Therefore the Privacy Act offers substantial privacy protections in certain circumstances, but there are a number of situations in which it may not protect Australians against the invasive use of RPAs.

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4 Committee Hansard, 28 February 2014, p. 35.

5 Committee Hansard, 28 February 2014, p. 34.

6 Committee Hansard, 20 March 2014, p. 1.

7 Committee Hansard, 28 February 2014, p. 34.

8 Committee Hansard, 28 February 2014, p. 39

- 4.14 Mr Pilgrim noted that many States and Territories have privacy laws of their own, but that most of these are limited in much the same way as the Federal Act:

there are a series of privacy laws within a number of the states and territories. These generally apply to the activities of state and territory government agencies as well, and tend to be limited to those entities.<sup>9</sup>

- 4.15 There are a range of additional laws that may protect against invasive or inappropriate use of RPAs. For example, each State and Territory has legislation that may make it illegal in certain circumstances to use a surveillance device to record or monitor private activities or conversations via listening devices, cameras, data surveillance devices or tracking devices.<sup>10</sup>

- 4.16 The Commonwealth *Surveillance Devices Act 2004* regulates the lawful use of surveillance devices by Federal law enforcement agencies but, according to Ms Catherine Smith from AGD, 'does not contain prohibitions on the use of surveillance devices'.<sup>11</sup> Those prohibitions are found in the relevant State and Territory statutes, which, according to AGD, are inconsistent:

These prohibitions on surveillance devices are found in the laws of the states and territories. We understand that the states and territories approach their surveillance devices prohibition laws differently. Also, the committee has heard that not all states have prohibited the use of all kinds of surveillance devices.<sup>12</sup>

- 4.17 The Committee has heard that, in addition to varying between jurisdictions, in some cases these laws are outdated. According to Professor Des Butler:

There are four of our jurisdictions that have surveillance devices laws. Four of our jurisdictions have listening devices statutes that are simply not appropriate for the 21st century, and they really do

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<sup>9</sup> Committee Hansard, 28 February 2014, p. 35.

<sup>10</sup> Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era: Discussion paper*, March 2014, p. 41. The Acts are: *Listening Devices Act 1992* (ACT); *Surveillance Devices Act 2007* (NSW); *Surveillance Devices Act* (NT); *Invasion of Privacy Act 1971* (Qld); *Listening and Surveillance Devices Act 1972* (SA); *Listening Devices Act 1991* (Tas); *Surveillance Devices Act 1999* (Vic); *Surveillance Devices Act 1998* (WA).

<sup>11</sup> Committee Hansard, 20 March 2014, p. 2.

<sup>12</sup> Committee Hansard, 20 March 2014, p. 2.

need to have a look at what they are doing. Even within the surveillance devices statutes they are inconsistent.<sup>13</sup>

- 4.18 AGD informed the Committee that the use of RPAs as surveillance devices is already regulated, since they fall within the definition of 'optical surveillance device' or 'listening device' in the Commonwealth Surveillance Devices Act.<sup>14</sup> However, Ms Catherine Smith from AGD noted that the Surveillance Devices Act was written to cover the use of surveillance devices physically attached to property, and did not envisage the use of mobile surveillance systems like RPAs. Ms Smith said that 'it would be of benefit' to review this legislation 'in the future as technology develops'.<sup>15</sup>
- 4.19 In addition to surveillance laws, some States and Territories have laws which make photography for indecent purposes a criminal offence, or which prohibit observing or filming a person in a private place or when that person is engaging in a private act. These laws, though they were introduced with the intention of protecting against child abuse or voyeurism, may nonetheless provide limited privacy protection against invasive RPA use.<sup>16</sup>
- 4.20 There are also a range of State and Territory stalking and harassment statutes that may be used to protect against privacy breaches caused by RPA users, though again these are not consistent across jurisdictions.
- 4.21 Finally, there are a number of common law torts which may also be relevant to RPA use. For example the torts of trespass, nuisance or breach of confidence may be available to people whose privacy has been invaded by RPAs, depending on the circumstances.
- 4.22 However, given that these principles emerged well before the development of RPA technology and in response to substantially different circumstances, they do not provide reliable protection against inappropriate RPA use.<sup>17</sup>

13 Committee Hansard, 21 March 2014, p. 4.

14 Committee Hansard, 20 March 2014, p. 2.

15 Committee Hansard, 20 March 2014, pp. 3-4.

16 Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era: Discussion paper*, March 2014, pp. 41-42.

17 Committee Hansard, 28 February 2014, p. 37; Committee Hansard, 21 March 2014, pp. 3-5, p. 12.



## Possible shortcomings of the current privacy regime

- 4.23 The previous section briefly outlined the range and complexity of the privacy laws that may apply in relation to RPAs. The Committee heard that this complexity has a number of unfortunate effects – in particular that: it may hinder access to remedies for breaches of privacy; RPA operators may face difficulties in complying with the law; and gaps in the law may exist which could need to be addressed. The following section discusses these concerns.

### Uncertainty and access to remedies

- 4.24 The complexity of privacy laws generates considerable uncertainty as to the law's scope and effect. Evidence suggested that Australia's current privacy laws may not be sufficient to cope with the explosion of technologies that can be used to observe, record and broadcast potentially private behaviour. The Privacy Commissioner told the Committee that:

there are a number of laws that, in one form or another, do regulate the handling of personal information. First of all, what I do not think we do have – and I would be the first to admit this from my position – is a completely clear understanding of whether those laws as they currently exist are going to do the job, or whether, because of the patchwork nature of some of those laws, there are going to be gaps which need to be filled when we take into account how these new technologies can be used within the community.<sup>18</sup>

- 4.25 In addition, Professor McDonald from the ALRC argued that lack of uniform laws negatively affects Australians' privacy protections:

In terms of the surveillance laws, that has been a very common response we have had from people – that uniformity across state boundaries is very highly valued. At the moment the lack of uniformity means that there is insufficient protection of people's privacy, because people do not know what is against the law and what is not.<sup>19</sup>

- 4.26 In the same vein, Professor Des Butler noted that the lack of clarity in the law makes it more difficult for people who feel their privacy has been invaded to complain:

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<sup>18</sup> Committee Hansard, 28 February 2014, p. 35.

<sup>19</sup> Committee Hansard, 28 February 2014, p. 38.

when you look at these various laws, it is a complex and messy thing anywhere ... That needs to be addressed and then, in addition, people need to be able to have some understandable means of complaint—easy means of complaint—when these things start to take off, so to speak.<sup>20</sup>

- 4.27 Simple and clear ways to seek redress are particularly important in relation to privacy, since the very nature of privacy breaches may make people reluctant to seek remedies. As Professor Butler noted:

part of the problem with any sort of breach of privacy is that a person who then seeks to get some sort of reparation for breach of privacy in fact breaches their own privacy again. So people may be reluctant to complain simply because it reignites the whole deal.<sup>21</sup>

- 4.28 While these issues are not specific to RPAs, the capability and increased use of RPAs test the privacy regime by increasing the likelihood of privacy breaches.

### Burden on industry

- 4.29 In addition to the difficulties individuals may face in seeking remedies for inappropriate RPA use, Australia's complex privacy environment may also cause problems for RPA operators. Dr Reece Clothier, speaking for the Australian Association of Unmanned Systems, argued that in addition to privacy protections being inadequate industry faces a substantial regulatory burden:

we believe there is not much protection for the rights of the individual in terms of privacy in this country at the moment and that there is a patchwork of legislation across this country that is very difficult to navigate from the perspective of industry.<sup>22</sup>

- 4.30 Professor McDonald noted the difficulties faced in particular by media organisations:

it is also insufficient protection for organisations like those in the media, because they find it difficult to know what they are doing, and if they operate—as all media now do—across state boundaries, they can be breaking the law in one state and cross

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<sup>20</sup> Committee Hansard, 21 March 2014, p. 8.

<sup>21</sup> Committee Hansard, 21 March 2014, p. 8.

<sup>22</sup> Committee Hansard, 28 February 2014, p. 41.

over a boundary and they are not breaking the law. So that clearly makes law much more complex.<sup>23</sup>

- 4.31 Journalist Mark Corcoran likewise highlighted the difficulties faced by media organisations as a result of Australia's privacy patchwork:

There is a whole range of different laws in different states. That is where I think some of the media lawyers get sent grey before their time, trying to figure that out on a state-by-state basis.<sup>24</sup>

- 4.32 In this environment, the Committee heard that some RPA businesses and industry groups have adopted voluntary privacy policies. Insitu Pacific, which as a Boeing subsidiary is one of Australia's largest RPA companies, has done so. Mr Damen O'Brien, Insitu's Senior Contracts Manager, said that:

Insitu Pacific understands and gets that there is a real concern out there about privacy ... we have a privacy policy. It is a set of principles which align very closely with the privacy act and which deal with what we understand privacy to be.<sup>25</sup>

- 4.33 Mr Brad Mason from the Australian Certified UAV Operators Association (ACUO) said that ACUO was in the process of developing a privacy policy. Mr Mason said that many of ACUO's members already have privacy policies in place:

A lot of our members already adopt a privacy policy. If it is deemed that privacy may be an issue, then we will approach the people who may be affected and at least give them an opportunity to have their say, or voice their concerns or opinions before we actually put an aircraft in the air.<sup>26</sup>

- 4.34 The implementation of voluntary codes of conduct and privacy policies by commercial RPA operators is a commendable response to public concern about the potential for invasive RPA use. However, regulatory change may ultimately be necessary to address the issue of privacy-invasive technologies.

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23 Committee Hansard, 28 February 2014, p. 38.

24 Committee Hansard, 28 February 2014, p. 31.

25 Committee Hansard 21 March 2014, pp. 19-20.

26 Committee Hansard, 28 February 2014, p. 4.

## Gaps in the law

- 4.35 Existing laws may not be sufficient to cope with the specific privacy issues widespread RPA use might raise. For example, many State surveillance acts may not provide for inadvertent recording of private behaviour.<sup>27</sup> This could create uncertainty for RPA operators in a range of contexts – for example aerial photography, survey or emergency management.
- 4.36 In relation to this Mr Rodney Alder, representing the Australasian Fire and Emergency Service Authorities Council, said that:
- my understanding at least with some of the state legislation ... [is] that the offence is actually committed at the time of the recording ... One of the most probable applications for UAVs is rapid damage assessments. So immediately after a fire or some other incident, it is a niche UASs can clearly operate in. There is a potential for inadvertent privacy breaches in that situation.<sup>28</sup>
- 4.37 In addition, the Committee notes that Australia's existing surveillance laws were written before the development of current RPA technology. While in some cases they are written in technology neutral language, and therefore may still apply to the use of RPAs, widespread RPA use and their developing capabilities may nonetheless require a reassessment of current laws.
- 4.38 For example, while the use of listening devices is tightly regulated, according to the Commonwealth Surveillance Devices Act 2004, police may use RPAs as optical surveillance devices without a warrant so long as they do not enter onto premises without permission, or interfere with any vehicle or thing without permission.<sup>29</sup>
- 4.39 As such, it was suggested that law enforcement agencies could deploy cheap and widespread aerial surveillance capability without requiring a warrant. The Committee notes that both the AFP and the Queensland Police have indicated that at present they have no plans to use RPAs for surveillance purposes.<sup>30</sup> While these responses are reassuring, the regulatory gap remains a concern. This is an issue where technology appears to have surpassed situations envisaged when the relevant regulations were drafted, and confirms the need for regulatory review.

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27 Committee Hansard, 28 February 2014, p. 5.

28 Committee Hansard, 28 February 2014, p. 19.

29 Surveillance Devices Act (2004) (Cth), section 37.

30 Committee Hansard, 28 February 2014, p. 27; Committee Hansard, 21 March 2014, p. 2.

### Private surveillance

- 4.40 While many of the issues raised by roundtable participants highlight problems that may arise in the future, the Committee notes that RPA use by animal rights groups has already brought the complexities of RPA use and privacy into focus. At its first roundtable, the Committee heard debate about the extent to which Australia's privacy laws should protect farmers from unauthorised use of RPAs to monitor farming facilities.
- 4.41 The Committee is aware of media reports that animal protection groups have used RPAs to monitor agricultural facilities without their owners' consent, with the intention of exposing animal cruelty or evidence of inaccurate claims about farms' free-range status.<sup>31</sup>
- 4.42 Some farming groups do not consider the use of RPAs by activist groups to be appropriate. Ms Deborah Kerr of Australian Pork Limited said that:
- our view would be that it is not the role of activist organisations to actually undertake those activities. We would prefer to see the appropriate regulators who are accorded the relevant authority to investigate those matters actually able to undertake those activities. We certainly would not be supporting activists to be undertaking drone activities above our producers' properties.<sup>32</sup>
- 4.43 Ms Kerr noted that many farmers consider their production facilities to be private spaces:
- In fact, many of them would feel similar to what homeowners feel if they had been burgled: they would feel that they had been traumatised and that they had been invaded; they would feel dirty and that their staff had been put at risk. So dealing with the issue of privacy is a high priority.<sup>33</sup>
- 4.44 Voiceless, an Australian think tank which aims to raise awareness of animal cruelty, told the Committee that undercover investigations have revealed animal neglect, cruelty and illegal activity on some farms in the past. RPA surveillance could help reduce that activity:
- surveillance assists with reducing the rate of contravention of animal welfare regulations in our view, and it can be used not only by animal protection groups but also by enforcement arms like the

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31 See, for example, S Murphy, "Animal Liberation activists launch spy drone to test free-range claims", *ABC News*, 30 August 2013, <http://www.abc.net.au/news/2013-08-30/drone-used-to-record-intensive-farm-production/4921814>, viewed 30 June 2014.

32 Committee Hansard, 28 February 2014, p. 45.

33 Committee Hansard, 28 February 2014, p. 45.



police or the RSPCA in each state or territory, or the Animal Welfare League in New South Wales, to monitor and therefore enforce animal protection legislation.<sup>34</sup>

- 4.45 Academic Mr Geoff Holland noted that surveillance of factory farming facilities has been effective in exposing illegal activity in the past:

A number of prosecutions of farms where there has either been mistreatment of animals or prosecutions under the Australian Consumer Law, the Trade Practices Act, has arisen because of information obtained either through static cameras that have been installed or, more recently, through the use of drones, particularly in the areas with the ACCC taking action for farmers or producers of both meat and eggs that are claiming that they were free range, or raised under certain conditions, and yet the surveillance showed that that was false.<sup>35</sup>

- 4.46 The potential of RPAs to unobtrusively gain footage of illegal activities is enormous, and their use is obviously attractive to certain lobby groups. However, as with enforcement agencies, the unfettered use of RPAs to undertake surveillance operations and monitor the activities of an individual or a company is not consistent with the intent of privacy laws.
- 4.47 If technology has now enabled situations not considered when aspects of privacy and surveillance laws were drafted, then there is a pressing need to review the current regime and its adequacy to respond to RPA use.

## Prospects for reform

- 4.48 The issues outlined above illustrate that RPAs can give rise to significant privacy concerns. However, roundtable participants emphasised that RPAs are just one of many emerging technologies that have the potential to seriously affect privacy in Australia. Any reform of Australia's privacy laws, they argued, should address the issue of privacy without focusing on specific technologies.
- 4.49 In the first place, the use of RPAs is likely to prove extremely difficult to regulate. CASA's Mr John McCormick noted that if and when large numbers of Australians begin purchasing consumer-level RPAs, CASA is unlikely to be able to regulate their use:

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<sup>34</sup> Committee Hansard, 28 February 2014, p. 22.

<sup>35</sup> Committee Hansard, 28 February 2014, p. 45.

From CASA's point of view, if we now try to do something to say that you cannot operate a lightweight UAV unless you tell us—leaving aside the grey area of the model aircraft—when it becomes something that is commercially viable I would be in a situation of writing of regulation that I know I cannot enforce. That is bad law.<sup>36</sup>

- 4.50 Further, RPAs are one among a large number of new technologies that may impact on Australians' privacy. Journalist Mr Mark Corcoran noted that while RPAs provide 'phenomenal capability' to media organisations, other new technologies exist which might be used to invade people's privacy:

this is absolutely a surveillance technology, but I would argue that there are an equal number of other new technologies available that are equally invasive.<sup>37</sup>

- 4.51 Similarly, Dr Reece Clothier argued that, instead of focusing on the privacy threats posed by RPA use, it is necessary to take a broader view of how privacy is affected by technological advances:

We need to step away from this idea that it is a specific piece of technology or a specific device and say, 'Let's protect the interests of privacy' ... Google Glass is a much more invasive technology that every person is going to be wearing in the next five years. So whether it is drones, Google Glass or the fact that I can collect metadata on your Facebook account and marry that up with your LinkedIn and actually track your movements, it is your personal information ... it is an issue much broader than unmanned aircraft.<sup>38</sup>

- 4.52 The Australian Privacy Foundation argued that, while RPAs give rise to some unique policy and legal problems, they highlight the inadequacies of Australia's current privacy and surveillance laws:

the biggest problem is not drones per se; drones exacerbate existing massive deficiencies in surveillance law in Australia and ... we need to separate out those issues and solve the problems where the problems are.<sup>39</sup>

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<sup>36</sup> Committee Hansard, 28 February 2014, p. 5.

<sup>37</sup> Committee Hansard, 28 February 2014, p. 30.

<sup>38</sup> Committee Hansard, 28 February 2014, p. 42.

<sup>39</sup> Committee Hansard, 28 February 2014, p. 40.

- 4.53 Dr Clothier also argued that any reform undertaken to address the privacy issues caused by RPAs should be carried out carefully:

I would hate to see legislation put in place that hamstrings the many beneficial applications of this emerging aviation industry and its flow-on effects for mining, agriculture, surf-lifesaving – everything – through a piece of legislation that is chasing the 0.0003 per cent of people or organisations that will misuse it.<sup>40</sup>

### A tort of privacy

- 4.54 The Committee notes that the Australian Law Reform Commission (ALRC) is conducting an inquiry into serious invasions of privacy in the digital era and has proposed that the Australian Government create a tort for serious invasion of privacy.<sup>41</sup> Such a tort may serve to address some of the gaps and limitations in Australia's existing privacy law.
- 4.55 The Commission began its inquiry in June 2013 after a referral from then Attorney-General the Hon Mark Dreyfus QC MP. The inquiry's terms of reference require the ALRC to consider the prevention of, and remedies for, serious invasions of privacy in the digital era. The ALRC's inquiry was undertaken in response to:
- the rapidly expanded technological capacity of organisations not only to collect, store and use personal information, but also to track the physical location of individuals, to keep the activities of individuals under surveillance, to collect and use information posted on social media, to intercept and interpret the details of telecommunications and emails, and to aggregate, analyse and sell data from many sources.<sup>42</sup>
- 4.56 The ALRC released an issues paper on 8 October 2013 and invited submissions from interested parties. After a first round of submissions, the Commission released a discussion paper at the end of March 2014 which contained proposed recommendations. Further submissions, to a total of more than 120, have since been received. The Commission's inquiry has been of considerable breadth and depth.

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40 Committee Hansard, 28 February 2014, p. 43.

41 Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era: Discussion paper*, March 2014.

42 Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era: Discussion paper*, March 2014, p. 21.



- 4.57 In its discussion paper, the ALRC proposed the creation of an action in tort for serious invasion of privacy. The proposed tort would be created by a Commonwealth Act and would define two types of fault – intrusion upon a person’s seclusion or private affairs, and misuse or disclosure of private information. The tort would be confined to intentional or reckless invasions of privacy, and would only apply where a person had a reasonable expectation of privacy.<sup>43</sup>
- 4.58 The ALRC further proposed that the cause of action should only be available where the invasion of privacy is determined to be serious, and that the courts should balance a person’s right to privacy against competing principles – including freedom of expression (especially freedom of political communication), press freedom, open justice, public health and safety, and national security.<sup>44</sup>
- 4.59 The ALRC has also proposed that the various pieces of Australian surveillance and workplace surveillance legislation should be harmonised. These changes, if enacted, would address a number of issues with Australia’s privacy regime which have been identified in the course of this inquiry.
- 4.60 The ALRC is required to present its report to the Attorney-General, Senator the Hon George Brandis QC, by 30 June 2014. The Attorney-General has 15 sitting days in which to table the report in Parliament. This would require the report to be released by September 2014. A timetable for a Government response to the ALRC has not been established.

### Committee comment

- 4.61 RPA use raises serious privacy issues for Australians, and the problem will deepen as RPAs become cheaper and the cameras and sensors they carry become more sensitive. Given the ease with which RPAs can be bought locally, or imported, it will be very difficult to enforce regulatory compliance. Media reports indicate that RPAs are already being put to unsafe and potentially invasive uses.
- 4.62 Given the complexity of Australia’s privacy regime, it is likely that the majority of RPA users are unaware of the specific circumstances in which

43 Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era: Discussion paper*, March 2014, pp. 9-10.

44 Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era: Discussion paper*, March 2014, pp. 10-11.

their RPA use may breach someone's privacy. The Committee takes the view that steps should be taken to better inform the breadth of RPA users about possible privacy breaches and the need to operate RPAs responsibly.

#### Recommendation 2

The Committee recommends that the Australian Government, through the Civil Aviation Safety Authority (CASA), include information on Australia's privacy laws with the safety pamphlet CASA currently distributes to vendors of remotely piloted aircraft. The pamphlet should highlight remotely piloted aircraft users' responsibility not to monitor, record or disclose individuals' private activities without their consent and provide links to further information on Australia's privacy laws.

- 4.63 While it is difficult to prevent the misuse of new technologies, it may be possible to give people who have been the victims of that misuse easier access to justice. The current complexity of Australian privacy law is a burden to these individuals that should be addressed.
- 4.64 The Committee emphasises that while RPAs pose specific privacy problems, they are just one of many emerging technologies that have privacy implications. Addressing the issues RPA use raises should be part of a broader effort to update Australian privacy law to deal with the gamut of invasive technologies.
- 4.65 The Committee notes that the ALRC's inquiry into serious invasions of privacy in the digital era is nearing completion. The Committee notes from its discussion paper that the ALRC may recommend the creation of a tort of serious invasion of privacy, and that it may recommend the standardisation of surveillance and harassment laws across jurisdictions. There is a clear need for reforms of this type.

### Recommendation 3

The Committee recommends that the Australian Government consider introducing legislation by July 2015 which provides protection against privacy-invasive technologies (including remotely piloted aircraft), with particular emphasis on protecting against intrusions on a person's seclusion or private affairs.

The Committee recommends that in considering the type and extent of protection to be afforded, the Government consider giving effect to the Australian Law Reform Commission's proposal for the creation of a tort of serious invasion of privacy, or include alternate measures to achieve similar outcomes, with respect to invasive technologies including remotely piloted aircraft.

### Recommendation 4

The Committee recommends that, at the late-2014 meeting of COAG's Law, Crime and Community Safety Council, the Australian Government initiate action to simplify Australia's privacy regime by introducing harmonised Australia-wide surveillance laws that cover the use of:

- listening devices
- optical surveillance devices
- data surveillance devices, and
- tracking devices

The unified regime should contain technology neutral definitions of the kinds of surveillance devices, and should not provide fewer protections in any state or territory than presently exist.

- 4.66 The Committee notes that law enforcement agencies have stated that at present they have no plans to use RPAs in a surveillance capability. However it is apparent that, given the rate at which RPA technology is developing, Australia's law enforcement agencies will soon have access to cost-effective mass surveillance technology.
- 4.67 Moreover, evidence to this inquiry has indicated that the Commonwealth Surveillance Devices Act is no impediment to the deployment of that capability by law enforcement agencies. Australia's surveillance laws were not designed with this capability in mind and, in order to protect

Australian citizens' rights and freedoms, the Committee is of the view that the use of RPAs for surveillance should be subject to a rigorous approval process.

#### Recommendation 5

The Committee recommends that the Australian Government consider the measures operating to regulate the use or potential use of RPAs by Commonwealth law enforcement agencies for surveillance purposes in circumstances where that use may give rise to issues regarding a person's seclusion or private affairs. This consideration should involve both assessment of the adequacy of presently existing internal practices and procedures of relevant Commonwealth law enforcement agencies, as well as the adequacy of relevant provisions of the Surveillance Devices Act 2004 (Cth) relating but not limited to warrant provisions.

Further, the Committee recommends that the Australian Government initiate action at COAG's Law, Crime and Community Safety Council to harmonise what may be determined to be an appropriate and approved use of RPAs by law enforcement agencies across jurisdictions.

- 4.68 RPAs have introduced privacy and safety issues not conceived of a decade ago. The Committee is aware that the technology of RPAs a decade from now may exceed what we can currently imagine. Given the seriousness of both privacy and air safety and the expected surge in the use of low cost RPAs, the Committee considers it imperative that a forward plan is in place to monitor RPA use and regulation.
- 4.69 While the current work of CASA and the ALRC is appropriately addressing current issues, a more coordinated approach for the future is required. Further, given the diversity of users and rapid technological change, there must be better coordination in the review and development of privacy and air safety regulation relating to RPAs.

**Recommendation 6**

The Committee recommends that the Australian Government coordinate with the Civil Aviation Safety Authority and the Australian Privacy Commissioner to review the adequacy of the privacy and air safety regimes in relation to remotely piloted aircraft, highlighting any regulatory issues and future areas of action. This review should be publicly released by June 2016.

Mr George Christensen MP  
Chair  
8 July 2014

**Item 2      Institute of Public Works Engineering Australasia (IPWEA)  
Congress Report**

## FILE REFERENCE

## DELIVERY PROGRAM

**GOAL: 4. Proactive Regional and Local Leadership**

**OUTCOME: 4.1 WE ARE AN ENGAGED & CONNECTED COMMUNITY**

**STRATEGY:** 4.2.1 Build strong relationships and shared responsibilities - GM - external

**AUTHOR** General Manager

**DATE** 14 June 2017

**STAFF DISCLOSURE OF INTEREST** Nil

## IN BRIEF/ SUMMARY RECOMMENDATION

This report recommends the endorsement of the IPEWA Congress  
communique.

<b>TABLED ITEMS</b>	Nil
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## BACKGROUND

Each year the IPEWA holds a NSW Local Roads Congress. The theme of the most recent event held on 5<sup>th</sup> June 2017 was *making our roads work*.

The Congress adopted the attached communique.

## OFFICER RECOMMENDATION

THAT the Council endorses the 2017 NSW Local Roads Congress  
communique.

FURTHER that the Council write to its State and Federal elected members requesting their support to promote the proposals outlined in the communique.

## ATTACHMENTS

## AT- Communique

**COUNCIL RESOLUTION:  
MINUTE 169/17**

**THAT the Council endorses the 2017 NSW Local Roads Congress  
communique.**

**FURTHER that the Council write to its State and Federal elected  
members requesting their support to promote the proposals  
outlined in the communique.**

**(Moved Cr D Coulton, seconded Cr Young)**

NSW LOCAL ROADS CONGRESS

Making Our Roads Work

5 June 2017

Congress Communiqué

The NSW Roads & Transport Directorate, a partnership between Local Government NSW and the Institute of Public Works Engineering Australasia (IPWEA), in holding the 2017 NSW Local Roads Congress resolved to announce the following communiqué.

The Congress recognizes the contribution of other levels of Government in providing ongoing financial assistance for the management of local roads and infrastructure, particularly in regional areas through:

**NSW Government**

- Rebuilding NSW
- Regional Road Block Grant and REPAIR Programmes
- Fixing Country Roads
- Fixing Country Rail
- Fixing Country Truck Washes

**Australian Government**

- Bridges Renewal Programme
- Heavy Vehicle Safety and Productivity Programme
- Black Spot Programme
- Roads to Recovery Program
- Financial Assistance Grants

While the funding of the Roads to Recovery Programme has been maintained with \$4.4 billion from 2013–14 to 2020–21 for the construction, repair and upgrade of local roads, it is critical to the management of council roads there is a need for this funding to become permanent and for the quantum to be increased to support regional freight connections and to provide efficient links between areas of production and national and international ports and markets.

Local Government acknowledges the key role that these funding programs provide in assisting to address social equity, road safety and drive the economy, noting the particular importance of providing support to regional communities. These capital funding programs are vital to supporting productivity improvements by addressing the 'first mile' issues on local and regional roads, to open up access by higher productivity freight vehicles to improve transport efficiency.

The chronic under-funding of basic road resurfacing and renewal works is contributing to worsening road safety outcomes as evidenced by the increasing road toll on local and regional roads. The Congress notes with concern:

- the increasing proportion of fatal and injury crashes occurring in regional NSW, now representing 67% of fatalities
- the increasing proportion and number of fatal and injury crashes occurring on Council roads, now representing over 45% of crashes
- the high percentage of pedestrian fatalities, now representing 18% of all road related deaths in NSW

Information collected by IPWEA (NSW) indicates that very few councils have adopted a Strategic Road Safety Plan as part of their suite of strategic planning tools. This must be addressed to ensure that councils are considering the road safety implications of all the activities they undertake.

1



The NSW Local Government Road Safety Officers programme is a key part of addressing the road safety issue. The current three year funding program is creating uncertainty for Councils and making it difficult to retain qualified Road Safety Officers. The Congress calls on the NSW Government to make a long term commitment to the NSW Local Government Road Safety Officer programme.

**The Congress fully supports Australian Local Government Association's (ALGA) call for:**

- A Local Government - Higher Productivity Investment Plan of \$200m per year over 5 years be provided by the Federal Government to facilitate increased freight access on local roads by addressing current barriers to effective implementation of the Heavy Vehicle National Law
- A Local Government Community Infrastructure Program of \$300m per year over 4 years to help achieve important social and regional policy outcomes, including attraction and retention of skilled workers, preventative health, social cohesion and tolerance, stronger social capital and community resilience and better access to broad-based education, learning and employment.

The Congress fully supports The Local Government NSW (LGNSW) *Submission on the NSW Budget for 2017/18* publication in relation to road and transport infrastructure issues, principally the focus on: *"investment in local infrastructure - roads in particular – as the logical, crucial "last mile" of its infrastructure strategy and a key part of the NSW Government's urban and regional planning agenda, driven by population growth, demand for housing and the need for liveable communities"*.

The Congress notes the significant impact the skills shortage in professional personnel is having on delivering outcomes for the community and calls on the Australian and NSW Governments to work with Local Government to build the capacity of existing professional personnel and support an increased number of cadetships across the Local Government sector.

To further the outcomes of this Congress, the Congress calls on Governments to take the following measures:

#### **NSW Local Government**

The Congress calls on all Councils in NSW to:

1. progress the Congress Communique by all Councils writing to the relevant Ministers and their local NSW and Australian Government MPs seeking their support for the Congress outcomes
2. continue to improve asset management performance including working with the Office of Local Government to provide transparency and consistency of infrastructure measures within the Integrated Planning & Reporting framework
3. pro-actively address the skills shortage issue by incorporating measures within each Council's Workforce Strategy to:
  - a. build capacity within the Local Government sector by supporting ongoing training and knowledge sharing, including within regional groups and peak professional bodies
  - b. implement a cadetship program with appropriate experiential development and mentoring programs to develop the skills needed to deliver services to our communities in the short and long term
4. actively support the pursuit of innovation and use of improved techniques to better meet community needs.
5. implement Road Safety Auditor training of existing staff available through the partnership with IPWEA NSW and Transport for NSW to develop the specialist skills within all Councils
6. develop strategic road safety plans by no later than 30 June, 2019
7. support long term asset management of local roads by extending membership of Weight of Loads Groups to include a greater number of councils across NSW

**NSW Government**

The Congress calls on the NSW Government to:

1. work with the LG sector to develop improved infrastructure reporting including 10 year forward infrastructure schedules based on condition, functionality and capacity requirements needed to service the community, now and in longer term
2. develop a sustainable infrastructure funding framework and model utilizing the Integrated Planning and Reporting Framework as the basis gathering an aggregated funding picture for NSW Councils
3. work with the Australian Government to redistribute additional Federal Assistance Grants within NSW to regional to address social equity and reduce the infrastructure renewal funding gap. Any reduction in funding for metropolitan councils to be offset by a one off approval to increase rates above the approved rate cap
4. develop a more meaningful rating system for Councils as an incentive to meeting population density targets, and ensuring Councils are financially sustainable, including consideration of rating vertically to recognize the demands placed upon Councils from high density development
5. continue to provide resources to Local Government for the management and upgrade of transport infrastructure, particularly to address the declining condition of bridges, open up opportunities for higher productivity vehicles
6. implement a new Active Walking Programme to supplement the existing Active Transport Programme, to address the deficiency in footpaths and pedestrian facilities
7. implement a programme through the Department of Planning to develop strategies to determine and mitigate the cumulative impact of State Significant Development, e.g. mining, on communities and transport infrastructure beyond the immediate development area
8. undertake meaningful engagement with Local Government across the regions including to develop the NSW Transport Plan, Regional Transport Plans (inclusive of Freight Plans and identified intermodal options), NSW Freight and Ports Strategy and NSW Road Safety Plan
9. ensure all transport and freight plans refocus on the proposed solutions to provide an integrated network of rail, road transport, intermodals and address the need to overcome institutional impediments to access to rail
10. increase the Regional Roads Block Grant funding to address the \$89 million per year funding gap on Regional Roads
11. commit to ongoing council involvement in existing RMCC arrangements on the state road network
12. support for councils to work with local businesses and communities to implement local and regional Climate Change Plans - particularly in relation to infrastructure.
13. re-assess all environmental legislation to provide clarity and allow road safety to be addressed within road reserves in an efficient and cost effective manner within Local and Regional Road reserves
14. Consider broader landscape solutions, including the current sale of Crown road reserves and the proposed biodiversity funding programs, to address sustainability of fauna and flora, outside of the road corridors.
15. Support councils financially in developing and implementing strategic road safety plans as part of the implementation of the NSW Road Safety Plan 2021
16. Increase financial support for Weight of Loads groups for better road asset management and road safety.
17. to improve reporting and sharing of data with Local Government for emergency situations (road closures etc.)
18. Actively support, and commit to working collaboratively with, the Regional Infrastructure Coordinator, particularly in improving the delivery of road infrastructure across NSW.

#### NSW & Australian Governments

The Congress calls on the NSW and Australian Governments to:

1. Work with Councils to develop improved integrated regional transport plans
2. Continue the funding to Local Government under grant programmes such as *Fixing Country Roads* and the *Bridges Renewal Programme*
3. Build upon the Fixing Country Rail Programme to target the reduction of freight loads on local and regional roads, including resolving institutional impediments for access to existing rail
4. Provide transport linkages, both rail and road, to the future inland rail line to ensure the best productivity outcomes for NSW and Australia.
5. ALGA work with COAG, informed by IPWEA, and other State LG peak bodies and, to develop a new National Infrastructure Partnership for the three tiers of Government for smarter long term investment planning in transport and community infrastructure.
6. Review the National Disaster relief payments scheme to
  - Establish turnaround times by Government for approvals of works to mitigate the risk of managing damaged road networks
  - Allow Councils to determine the most efficient and effective method of delivery of works, either by day labour or contract
  - Allow Local Government to utilize the funding for betterment of affected assets, to reduce future potential damage, risk and inconvenience to our communities

#### Australian Government

The Congress calls on the Australian Government to:

1. Work with the NSW Government to review the distribution of Federal Assistance Grants in NSW, having regard to social equity for regional communities with lower populations
2. progressively increase funding to Local Government tied to a percentage of the GST equivalent to 1% of National GDP
3. permanent doubling of Roads to Recovery (to at least \$700 million per annum) from 2019-20
4. reinstate the funding gap created by the FAG indexation freeze and to fund the gap into the future
5. require ARTC to identify, consider and address community infrastructure impacts resulting from increased use of rail freight, as part of their future "Capacity Strategy Plans."

#### Australian Local Government Association

The NSW Congress seeks the support of ALGA to deliver the NSW Roads Congress outcomes.

#### Further enquiries:

Warren Sharpe OAM, President IPWEA (NSW) - 0409 398 358

Garry Hemsworth, Director IPWEA (NSW) – 0427 432 216

Mick Savage, Manager Roads & Transport Directorate - 0418 808 085

### Item 3                      **Future of Local Government Conference 2017 - Declaration**

## FILE REFERENCE

## DELIVERY PROGRAM

**GOAL: 4. Proactive Regional and Local Leadership**

**OUTCOME: 4.1 WE ARE AN ENGAGED & CONNECTED COMMUNITY**

**STRATEGY:** 4.2.2 Work in partnership to plan for the future - GM - external

**AUTHOR** General Manager

**DATE** 14 June 2017

**STAFF DISCLOSURE OF INTEREST** Nil

## IN BRIEF/ SUMMARY RECOMMENDATION

This report recommends the notation and endorsement of the Municipal Association of Victoria's Future of Local Government Conference 2017's Declaration.

## BACKGROUND

The attached Declaration represents an attempt to address the growing discontent that exists within the broader community towards its government institutions.

Local government is consistently rated in various surveys and research studies as the level of government most trusted of the three levels.

However the growing dissatisfaction generally towards the existing governance structures has the potential to impact eventually on local government's standing within the community as well.

The thrust of this conference declaration is to encourage local government to reassert its role as the level of government closest to its community. The conference participants believe that the opportunity exists for local government to see this trend towards (problem) diminished trust in government as an opportunity to reassert 'localism' as the way forward.

## OFFICER RECOMMENDATION

THAT Council notes and endorses the Municipal Association of Victoria's Future of Local Government Conference 2017's Declaration.

## ATTACHMENTS

## AT- Declaration

This is page number 36 of the minutes of the Ordinary Meeting held on Thursday 29 June 2017

Chairman .....

**COUNCIL RESOLUTION:  
MINUTE 170/17**

**THAT Council notes and endorses the Municipal Association of  
Victoria's Future of Local Government Conference 2017's  
Declaration.**

**(Moved Cr Dixon OAM, seconded Cr Smith)**

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## Future of Local Government Conference 2017

### DECLARATION

#### The need for change

This declaration rests on a belief that the state of the nation and the health of our society depend on community-driven action in the neighbourhood, not just decisions made in parliaments or boardrooms.

Across the world people are concerned about the apparent inability of governments, business and public institutions to address the economic, social and environmental challenges of the 21<sup>st</sup> Century. Our present ways of thinking and governing are neither coping with the pace of change nor meeting citizens' expectations. There is an urgent need for a fresh approach and responsive leadership.

In some ways Australia remains the 'lucky country' but here too we are struggling with economic upheaval, rising inequality, loss of social cohesion, increased rates of mental illness and serious environmental threats, notably climate change. Many Australians are losing faith in our basic democratic institutions and withdrawing from active participation in civic and cultural life. Our reputation as an inclusive, tolerant and compassionate society is under threat.

It's time to explore a new model of governance, one based on a re-energised civil society that draws on the strength and resourcefulness of people working together in diverse local and regional communities – a **localist** response.

#### The role of local government

Australia's system of government must continue to evolve to meet the challenges of the 21<sup>st</sup> Century, and it must evolve more quickly. This requires action by all levels of government. Federal and State governments need to rethink their roles, but they cannot and should not try to solve all the problems facing our country on their own. Many of the solutions can only be found within communities, and central governments must respect and leave space for local action and innovation.

Local government has made a good start in addressing these issues, but must work hard to build on its achievements. Councils have a unique mandate to support, represent and give voice to 'communities of place'. They can provide an ideal platform for governments at all levels to strengthen their engagement with communities – and there is also a real opportunity to bring about a renaissance in local government itself. But the world is changing fast: democratic legitimacy and trust must be earned.

#### Key principles

To play a valued and effective role in a new system of community-based governance, councils need the legislative flexibility and scope to take further steps along the road to localism. They should:

This is page number 38 of the minutes of the Ordinary Meeting held on Thursday 29 June 2017

Chairman .....

- Have the courage to embrace the future and take informed risks to bring about necessary change
- Learn how to be community led, making space for communities to take action themselves, and responding positively to local initiatives
- Deepen their understanding of communities, listening to all their people and engaging with them in new and different ways that reflect community diversity ('Dadirri' deep listening, understanding and communication)
- Empower citizens through participatory and deliberative democracy, including community boards, precinct committees, cooperatives, citizens juries and others
- Embrace new ways of working to ensure that local needs are met through joined-up planning and services
- Forge more local and regional partnerships that address issues and drive change at community, state and federal levels
- Promote local networks, co-production of goods and services, and moves to 'reclaim the Commons'.

In this way we can create a 'New Story' – a narrative of change built on the strengths and uniqueness of each community and place. Local government can provide the foundations for change. It can lead the process of transformation through good governance and sound administration, reinvigorating faith in democracy and citizenship. It can facilitate new forms of community-centred, bottom-up governance that inspire the confidence and active participation of citizens. It can unleash community resources and help ensure our future wellbeing.

### **First Steps**

To make a difference and help 'reinvent the future' local government must be 'bold and brave for change'. We urge councils individually and collectively to:

- Endorse the principles underlying this Declaration
- Consider how their own roles and approach to community leadership may need to change, and what additional skills and capacity may be required
- Establish collaborative regional and national networks and mechanisms to share experience with other councils and communities
- Invite citizens to become partners in framing a 'New Story' for the local area, town, city or region
- 'Map' the energy of the groups and networks that make up our communities (Asset-Based Community Development)
- Work with local communities to develop action plans that address their differing needs and opportunities, and agree ways to measure progress
- Commit to collaboration with other councils, State and Federal governments, business and civil society as an essential way of working
- Adopt a decentralised model for their own activities, including place-based planning and service delivery, and devolving decision-making to communities.

This is page number 39 of the minutes of the Ordinary Meeting held on Thursday 29 June 2017

Chairman .....

**Item 4 State Library Assessment and Compliance Visit**

**FILE REFERENCE**

**DELIVERY PROGRAM**

**GOAL:** 1. A healthy and cohesive community

**OUTCOME:** 1.1 WE HAVE HEALTHY SPACES AND PLACE

**STRATEGY:** 1.1.3 Provide the right places, spaces and activities - OCD  
- external

**AUTHOR** General Manager

**DATE** 14 June 2017

**STAFF DISCLOSURE OF INTEREST** Nil

**IN BRIEF/ SUMMARY RECOMMENDATION**

This report is recommending the notation of the *Assessment and compliance visit to Gwydir Library* by the State Library NSW.

**TABLED ITEMS** Nil

**BACKGROUND**

The detailed assessment sent to Council is attached for your information.

During the visit the option of relocating the Bingara Library into the Civic Centre was outlined to the assessor.

The assessment highlighted that the proposed relocation of the Bingara Library will require more detailed feasibility assessment against the new minimum requirements and standards prior to the lodgement of any formal grant application.

**OFFICER RECOMMENDATION**

THAT the assessment from State Library NSW is noted.

**ATTACHMENTS**

**AT-** Assessment

**COUNCIL RESOLUTION:  
MINUTE 171/17**

**THAT the assessment from State Library NSW is noted.**

**(Moved Cr Young, seconded Cr Dixon OAM)**

This is page number 40 of the minutes of the Ordinary Meeting held on Thursday 29 June 2017

Chairman .....





Tim Cox  
Community Services Manager  
Gwydir Shire Council  
Locked Bag 5  
Bingara NSW 2404

1 June 2017

Dear Tim,

**Assessment and compliance visit to Gwydir Library**

I appreciate the recent opportunity to visit Bingara and Wyallda Libraries and hear future plans from the staff at Gwydir Shire Council and Central Northern Regional Libraries. It was most encouraging to see how effectively the staff at Central Northern Libraries and Gwydir Shire work together to provide library services to the Gwydir Shire. Services such as regular new stock, professional development for staff, and access to 3D printers and robots are highly valued by smaller communities.

It was interesting to hear about the possibility of moving the library in Bingara from the current location to the Civic Centre. There is much planning required for this kind of relocation.. Interesting small libraries to consider visiting include Inverell, which you have already seen. Although at 1300sq metres it is larger than Gwydir Shire would be considering. Ulladulla Library also has some features to consider and shows a combined service with the tourist information centre. The State Library is currently working with fjmt Architects on a prefab and modular libraries project. Attached for your usage are examples of floor plans. These plans are not publicly available yet and are for council and library staff usage only. All plans will be available on the State Library of NSW website. If the library remains in the same place it is suggested that acoustic treatment is considered for Bingara Library to make multiple uses of the same space easier.

The internet service at Bingara is currently ADLS. Information from PACNET is that ADSL 2+ is available at the library address. The NBN is likely to arrive in the area June-December 2018. Ross Balharrie, A/Lead NSW.net will be in contact with further information and to discuss upgrading the service to ADSL 2+ in the short term.

NSW Heritage has some relevant grants available, mostly from a heritage perspective, but some of these could be helpful for providing access to the local studies material currently in the Council archives. For example information about the orange picking day. The grants are available here at

WORLD LEADING LIBRARY  
Macquarie Street Sydney NSW 2000 / Telephone +612 9273 1414 / Facsimile +612 9273 1255  
[www.sl.nsw.gov.au](http://www.sl.nsw.gov.au)

<http://www.environment.nsw.gov.au/Heritage/funding/index.htm>. Some additional information about support for local government is available at <http://www.environment.nsw.gov.au/grantsandfunding/local-government.htm>. Create NSW also has some potential funding for council to consider at <http://www.create.nsw.gov.au/funding-and-support/types-of-funding-overview>.

The Carnamah Historical Society and Museum at <http://www.carnamah.com.au> makes effective use of social media to raise awareness of the history of the area. This could provide some ideas to use in the area including the Myall Creek commemoration. Access the social media links at <http://www.carnamah.com.au/virtual-museum>.

Some public libraries in the USA lend tools as part of their service. Examples of this can be seen at

- Berkeley Public Library - <https://www.berkeleypubliclibrary.org/locations/tool-lending-library>
- Sacramento Public Library - <http://www.saclibrary.org/Services/Library-of-Things/>. There is also an article about Sacramento Library at <http://www.sacbee.com/news/local/education/article8920145.html>.
- Arapahoe Libraries have gadgets and assistive devices available for loan. Find out more at <https://arapahoelibraries.org/browse/technology>.

I am very happy to answer any questions which arise as part of this report. The State Library welcomes the opportunity to work with Gwydir Shire and Central Northern Libraries with future building and service expansion plans with reference to standards, guidelines and best practice to meet the needs of this growing area.

Yours sincerely

Ellen Forsyth  
**Consultant Public Library Services**

CC: Kay Delahunt, Central Northern Libraries

2016 – 2019 library visits: Gwydir Shire

1. Library Data and Statistics [from Bibliostat]

Where data is marked as CNRL it is data for the entire Central Northern Regional Library.

<b>Population</b>	5068	Comparison to 2015 <i>Living Learning Libraries standards</i>
Registered library members as a percentage of population 1428 March 2017	28%	Baseline 41.5% Enhanced 49% Exemplary 55%
Visits per capita	3.32 CNRL	Baseline 4.5 Enhanced 5.0 Exemplary 5.4
Expenditure on Library Material per capita		Baseline \$4.53 Enhanced \$4.83 Exemplary \$5.57
Expenditure per capita	\$46.60	Baseline \$49.70 Enhanced \$56.35 Exemplary \$64.01
Items per capita  Populations up to 100,00 Gwydir stock 13,221	2.6 +ebook content	Baseline 2.38 Enhanced 2.58 Exemplary 3.34
Acquisitions per capita 0.22 Populations up to 100,00	0.19 CNRL	Baseline 0.24 Enhanced 0.27 Exemplary 0.33
% of collection under 5 years old	54% CNRL	Baseline 49.4% Enhanced 53.39% Exemplary 56.69%
% of collections under 10 years old	89% CNRL	Baseline 79% Enhanced 83% Exemplary 85.89%
Turnover of stock Gwydir loans 18,858	1.4 note this does not include ebook data	Baseline 3.06 Enhanced 4.21 Exemplary 4.99
Circulation per capita 3.46	3.72	Baseline 5.51 Enhanced 6.54 Exemplary 7.71

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Chairman .....

Public Internet workstations		Minimum standard for population of 5068 is at least 5 PCs. 1 PC for public access to the Internet per 3,000 residents or part thereof. Libraries serving populations of less than 20,000 at least 5 PCs with Internet access.
Library Programs-no. of 367 programs and attendees 6986		
Staffing Minimum number of staff per 3,000 eligible population Baseline 1, enhanced 1.1, exemplary 1.3	Eft 1.6	Baseline 1.6 Enhanced 1.8 Exemplary 2

**Library size/s:** Bingara 171m, Warialda 271.5

**Percentage of collection items on Libraries Australia:** CNRL 89%

**Information requests/ECR:** CNRL56,406

**Statement of Library Operations – Gwydir Council year end 30 June 2016 (Form A)**

- Delivery of remote area programs for children and seniors. Access to community groups such as aged care facilities, child groups and disability programs. Mobile program delivery to schools and outlying centres After school homework and research programs Broadband for Senior programs Teenage and tweenies sessions Book club and reading groups Craft groups Job search connect Provide much needed internet and mobile technology connection opportunities Local History and research projects

2. Site assessment

<b>Name of consultant/librarian visiting</b>	Ellen Forsyth
<b>Visit date</b>	10 May 2017
<b>Staff participating in discussion (name and position is possible)</b>	Tim Cox - Community Services Manager, Gwydir Shire Council Kay Delahunt - Manager Cultural Services, Tamworth Regional Council Gail Philpot - Gwydir Shire Library Helen Seage – Gwydir Shire Library
<b>Libraries visited</b>	Bingara and Warialda
<b>Building/s</b> Consider <ul style="list-style-type: none"> <li>• Size</li> <li>• use of space</li> <li>• condition</li> <li>• site location</li> <li>• last refurbishment,</li> <li>• plans for new buildings or refurbishments</li> </ul>	Bingara Library currently costings being done on moving to the Civic Centre. This will include looking at ongoing costs. Moving to the Civic Centre would provide a bigger space, which would have higher running costs. It would be open plan. There is a current challenge of programs in three room through the week with different events on at the same time.  Suggested considering acoustic treatment for Bingara Library.  Both Bingara and Warialda Library have colourful children's furniture which was funded from the Revitalising Regional Library funding. These areas look cheerful.
<b>Collections</b> Consider <ul style="list-style-type: none"> <li>• gaps/strengths</li> <li>• e collections</li> <li>• how does the library purchase (selection/profiles/standing orders)</li> <li>• what kind of holdings do they contribute to Libraries Australia/Trove?,</li> <li>• responsiveness to community need</li> <li>• do they consult with community about collection? How?</li> <li>• how does the library evaluate collections-ie Collection HQ?</li> </ul>	The collections include suggestions from the community.  The use of inter library loans and suggestions for purchase seem to work well for the collection.  The collections at Bingara and Warialda look appealing and well maintained.  Central Northern Regional Library is looking at trying Bookhouse community voting for the titles options to see how that encourages engagement with the collection.  At Bingara Tamika works in the library as an NDIS placement. This seems an excellent placement both for Tamika and the community.  The libraries have social media accounts but are not frequently used. They will be revamping the Facebook presence using scheduling for corporate accounts. Posts will be by Gail at Bingara, Helen at Warialda, and someone from the regional library to add in regional information



	<p>The council is recording their festivals for the archives. This is not publicly accessible, but access may be possible in the future.</p>
<p><b>Information technology</b>                      Consider</p> <ul style="list-style-type: none"> <li>• wifi access/speed</li> <li>• public access PCs-age</li> <li>• bookings system/process</li> <li>• charges</li> <li>• programs</li> <li>• perceptions of community need and usage of technology</li> <li>• maker spaces</li> <li>• coding</li> <li>• use of technology to provide service sand pits, lending laptops,</li> <li>• tutorials, classes, mobile apps, communication with clients</li> <li>• staff training in technology...</li> </ul>	<p>There is good Wi-Fi speed in Warialda. It is slower in Bingara and council has asked for follow up to see if the speed at Bingara can improve. There has been improvement since a new router was installed but it is still slower at Bingara than Warialda. This has been followed up by NSW.net</p> <p>Bingara have moved the computers to the judges location. Bingara uses Pharos for bookings, Warialda will be using this shortly. The PCs are updated every four years as part of general council updates. Computer access is free.</p> <p>Council has Wi-Fi password free for most of the town. However, the Wi-Fi is turned off at the library outside closing hours. There was discussion of this since the council has made Wi-Fi freely available through much of the downtown area. The actual issues seem to be backpackers blocking doors during times when the other services in the building are open. This seems to be an issue of the backpackers being unaware of blocking doors, rather than malicious behaviour. It was suggested that the library staff talk with the backpackers as it would be helpful for the Wi-Fi to remain available for people in the community to use at any time.</p> <p>Bingara and Warialda have had the 3D printer and the robot with accompanying staff member from CNRL. The library will be having school visits as well with more technology visits. The ability for smaller libraries to be able to tap into the regional expertise is most valued. The library can also bring local students to Tamworth. For example the library took two bus loads of students to Tamworth in the last school holidays to see the robot and the library.</p> <p>Central Northern Regional Library provide training days for library staff across the region.</p> <p>The library has homework help, book club, tech time and tech savvy seniors. Also BYO devices and there are some teenage volunteers to assist training older people. Staff are also able and available to help people with devices loading.</p> <p>For home library service, loading of devices, including and load iPads for the clients (two being done). They promote ebooks to the retirement homes.</p> <p>Library staff also assist with the walking bus. This sounds like a very local solution.</p>

<p><b>Community connections</b>                  Consider</p> <ul style="list-style-type: none"> <li>• consultation with community</li> <li>• feedback mechanisms</li> <li>• most recent survey, market research</li> <li>• social media use, partnerships</li> </ul>	<p>Community consultation is part of the council strategy and it is done in face to face meetings. Gwydir library was the most accepted service meeting with people in the small areas, Central Northern Regional Library is doing a survey in next six months.</p>
<p><b>Programs and services</b>                  Consider</p> <ul style="list-style-type: none"> <li>• target groups such as NESB, seniors, children, teens, Indigenous, homebound, LIAC, druginfo etc,</li> <li>• information services, onsite, online/mobile and offsite services, enquiry completion rate.</li> <li>• Who isn't using the library?</li> <li>• Are the library staff involved in any of the state wide working groups?</li> </ul>	<p>There is a small Indigenous community as a result of the history around Myall Creek. There will be some bone repatriation commencing shortly. Long term plans for Myall Creek include consideration of an information centre. There is a local app for walking at Myall Creek which is very powerful. Another part of the app looks at the local history of the town of Bingara.</p> <p>The libraries have Find Legal Answers Drug Info collections.</p> <p>Library staff visit most of the small primary schools once a term. They work with playgroups, the toy library and nursing homes often finding creative solutions to getting items delivered.</p> <p>The library works with the local theater including barbers and trades. For example an author talk at the theater, with the café for afternoon tea. It is about connecting the local community to what is available.</p> <p>Children on remote farms can email the library for homework assistance. The library staff email the information, or point to the results. They work with the schools about internet introduction. There are six schools in the shire and each term the library will try to visit each school. There is a strong focus on the outreach.</p> <p>People who visit the library are children, young people, and older people. The libraries are not really seeing people in their 20s who don't have children.</p> <p>The library has done a promotion to farmers after a recent health promotion. Bingara library offers the library as a space for health promotion. The local Black Dog ball last year raised funds to be used in the community. The council/library can access the funds. There has been cross promotion at these events including library resources as health is a big issue, including rural suicide e-audio is good for farmers.</p>



<b>Local Studies initiatives and services</b> Consider <ul style="list-style-type: none"> <li>• digitisation projects</li> <li>• content creation</li> <li>• preservation</li> <li>• collecting current content including digital content</li> <li>• cataloguing and online access</li> </ul>	There is a small local studies collection in a drawer and with communities with family and historical societies.  Tamworth has three digital cutters and sewing machines.
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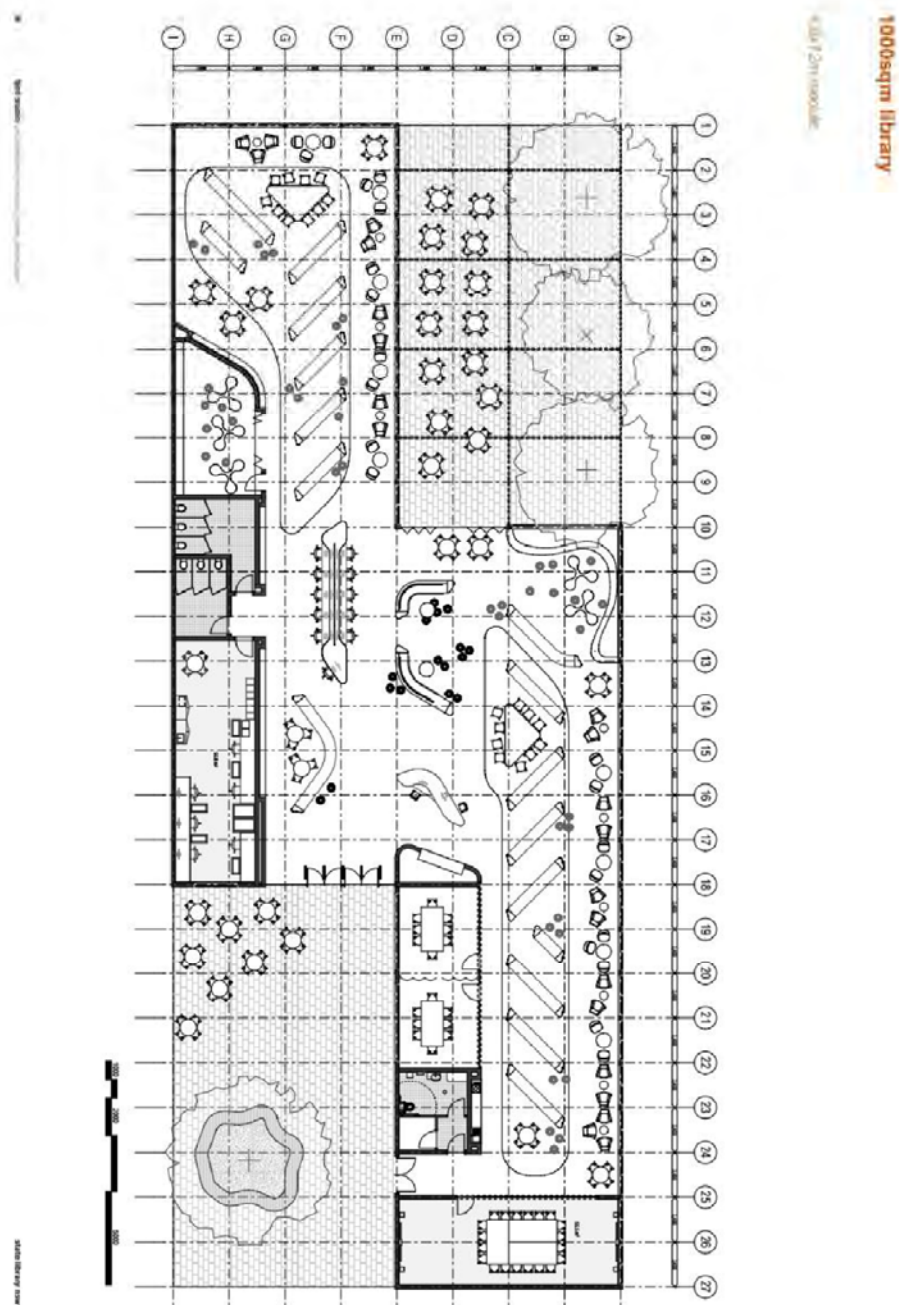
**3. What would be the priorities and needs for this library service?** List the priorities from the discussion.

Priorities and needs	Technology is key. There is even demand from the nursing home for loading iPads because there is no Wi-Fi.  Important to keep remembering the remote clients as the remote/outreach program is important.
Any other comments	The relationship with the staff at Central Northern Regional Library is very positive and much appreciated by the Gwydir Shire staff. The services provided by the regional library such as the regular new stock is key to providing services to the people in the area. Every week there is new stock in at least one collection as well as circulating collections.  The council keeps thinking about how to better deliver outreach and transfer the new membership to loans. They are active in promoting memberships at various events.  There are some bulk loans to a playgroup which then have multiplied use which is under counted in the system. They are considering using a portable scanner  Ebooks are a growth area but the community may be lagging in the use. With the NBN, due next year, this will be a growth area.

Follow up required – list by whom	Follow up done
Follow up on the Internet speed at Bingara – Ross Balharrie	Report from Hitech support. The SonicWALL is rebooting on its own over the last few days and there were dropped packets seen on the graph. They upgraded the firmware and no further reboots were seen after the upgrade.

	<p>Although the reboots are now resolved they are still seeing high latency and packet loss. They reported it to PACNET and this is currently being investigated.</p> <p>The internet service at Bingara is currently ADSL. Information from PACNET is that ADSL 2+ is available at the library address. The NBN is likely to arrive in the area June-December 2018. Ross Balharrie, Acting Lead, NSW.net, will be in contact with further information and recommendations on upgrading the service to ADSL 2+ in the short term.</p>
<p>Interesting small libraries to visit – Ellen Forsyth</p>	<p>Interesting small libraries to consider visiting include Inverell, although at 1300sq metres is it larger than Gwydir Shire would be considering. Ulladulla Library also has some features to consider, and shows a combined service with their tourist information centre. The State Library is currently working with fjmt Architects on the prefab and modular libraries project. Attached for your usage are examples of floor plans. These plans are not publicly available yet and are for council and library staff usage only.</p>
<p>Relevant grants to apply for – Ellen Forsyth</p>	<p>NSW Heritage has some relevant grants available, mostly from a heritage perspective, but some of these could be helpful for providing access to the local studies material currently in the Council archives, such as information about the orange picking day. Information about grants are available here:  <a href="http://www.environment.nsw.gov.au/Heritage/funding/index.htm">http://www.environment.nsw.gov.au/Heritage/funding/index.htm</a>.</p> <p>Some additional information about support for local government is here  <a href="http://www.environment.nsw.gov.au/grantsandfunding/local-government.htm">http://www.environment.nsw.gov.au/grantsandfunding/local-government.htm</a>.</p>
<p>Social media use by Carnamah Historical Society and Museum – Ellen Forsyth</p>	<p>Create NSW also has some potential funding for your council to consider at <a href="http://www.create.nsw.gov.au/funding-and-support/types-of-funding-overview/">http://www.create.nsw.gov.au/funding-and-support/types-of-funding-overview/</a>.</p> <p>The Carnamah Historical Society and Museum <a href="http://www.carnamah.com.au/">http://www.carnamah.com.au/</a> makes effective use of social media to raise awareness of the history of the area. This could give some ideas to use in the area, including with Myall Creek commemoration. You can see the social media links here <a href="http://www.carnamah.com.au/virtual-museum">http://www.carnamah.com.au/virtual-museum</a> showing some possibilities.</p>
<p>Public libraries in the USA lending tools and gadgets – Ellen Forsyth</p>	<p>Some public libraries in the USA lend tools as part of their</p>

	<p>service. Examples of this can be seen at Berkeley Public Library <a href="https://www.berkeleypubliclibrary.org/locations/tool-lending-library">https://www.berkeleypubliclibrary.org/locations/tool-lending-library</a> and Sacramento Public Library <a href="http://www.saclibrary.org/Services/Library-of-Things/">http://www.saclibrary.org/Services/Library-of-Things/</a>. You can read more about what Sacramento Library is doing here <a href="http://www.sacbee.com/news/local/education/article8920145.html">http://www.sacbee.com/news/local/education/article8920145.html</a>. Arapahoe Libraries have gadgets and assistive devices available for loan. You can find out more here <a href="https://arapahoelibraries.org/browse/technology/">https://arapahoelibraries.org/browse/technology/</a>.</p>
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Chairman .....

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Chairman .....

**Item 5 Adoption of the 2017-2018 Integrated Planning and Reporting suite of documents**

**FILE REFERENCE**

**DELIVERY PROGRAM**

**GOAL:** 5. Organisational Management

**OUTCOME:** 5.1 CORPORATE MANAGEMENT

**STRATEGY:** 5.1.3 Administrative functions - GM - internal

**AUTHOR** Organisation Development Director

**DATE** 20 June 2017

**STAFF DISCLOSURE OF INTEREST** Nil

**IN BRIEF/ SUMMARY RECOMMENDATION**

The Integrated Planning and Reporting Framework impacting all NSW Councils was introduced by the NSW State Government in 2009. The reforms replaced the former Social and Management Plan structures. All NSW Councils are required to develop a Community Strategic Plan spanning 10 years, a Delivery Program spanning the four year period of the elected council, and Operational Plans covering each financial year.

These documents were developed to incorporate the results of the extensive community consultation process undertaken to determine the community aspirations for Gwydir Shire Council. Along with these aspirations, production of these plans has allowed for the various existing plans to be brought together to understand how they interact and get the maximum leverage by planning holistically and sustainably for the future of Gwydir Shire Council.

**BACKGROUND**

The following documents and plans are due for consideration:

1. Community Strategic Plan - 2017 – 2027
2. Revised Delivery Program - 2017 – 2021
3. Revised Operational Plan - 2017 – 2018
4. Resourcing Strategy - 2017 – 2027

The listed documents were placed on public display for 28 days from Thursday 01 June 2017 to Wednesday 28 June 2017, and were made available for inspection at the following locations:

Bingara Council Office  
Bingara Public Library  
Warialda Council Office

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Warialda Public Library  
Gravesend General Store  
Croppa Creek Store  
North Star Post Office  
Tamworth Regional Council's Barraba Office  
Barraba Public Library  
Upper Horton Sports' Club  
Gwydir Shire Council website <http://www.gwydirshire.com/Council/>  
Gwydir Shire Council Facebook page  
<https://www.facebook.com/GwydirShireCouncil>

### **COMMENT**

The closing date for submissions is Wednesday 28 June 2017 and at the time of preparing this Agenda one submission has been received – refer Attachment 4. Any further submissions received will be tabled at the meeting.

### **CONCLUSION**

The listed Integrated Planning and Reporting documents placed on public display for 28 days from Friday 1 June to Wednesday 28 June 2017 are now listed for adoption.

### **CONSULTATION**

Consultation has taken place with the general public, Councillors, Executive and Senior Managers.

### **STATUTORY ENVIRONMENT**

Local Government Act, 1993 and associated regulations.  
NSW State Government Act, 2009.

### **OFFICER RECOMMENDATION**

THAT the Ordinary Rates recommended for 2017-2018 financial year be implemented

FURTHER that Council sets the rate of interest to be charged on overdue rates and charges at 8% per annum as outlined in Section 566(3) of the Local Government Act, 1993

FURTHER that Council makes the annual charges for Domestic Waste for the year 2017-2018 as outlined in Section 496 of the Local Government Act, 1993

Further that Council makes the annual Stormwater charges for the year 2017-2018 as outlined in Section 496A of the Local Government Act, 1993

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FURTHER that Council makes annual charges for Non-Domestic Waste, Water Access, Sewer Access and Liquid Trade Waste for the year 2017-2018, as outlined in Sections 496, 501 and 502 of the Local Government Act, 1993

FURTHER that Council makes usage charges for Water and Sewer for the year 2017-2018 as outlined in Section 501 and 502 of the Local Government Act, 1993

FURTHER that the recommended Fees and Charges for 2017-2018 as listed in the planning documents be adopted

FURTHER that the proposed budget as shown in Appendix B in the Long Term Financial Plan be adopted

FURTHER that the Integrated Planning and Reporting (IP&R) documents as presented be adopted.

#### **ATTACHMENTS**

- AT-** Amended Capital Expenditure
- AT-** Amended Budget Figures
- AT-** Amended Long Term Financial Plan Figures
- AT-** Submission - Warialda District Chamber

#### **COUNCIL RESOLUTION: MINUTE 172/17**

**THAT the Ordinary Rates recommended for 2017-2018 financial year be implemented**

**FURTHER that Council sets the rate of interest to be charged on overdue rates and charges at 7.5% per annum as outlined in Section 566(3) of the Local Government Act, 1993**

**FURTHER that Council makes the annual charges for Domestic Waste for the year 2017-2018 as outlined in Section 496 of the Local Government Act, 1993**

**Further that Council makes the annual Stormwater charges for the year 2017-2018 as outlined in Section 496A of the Local Government Act, 1993**

**FURTHER that Council makes annual charges for Non-Domestic Waste, Water Access, Sewer Access and Liquid Trade Waste for the year 2017-2018, as outlined in Sections 496, 501 and 502 of the**

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**Local Government Act, 1993**

**FURTHER that Council makes usage charges for Water and Sewer for the year 2017-2018 as outlined in Section 501 and 502 of the Local Government Act, 1993**

**FURTHER that the recommended Fees and Charges for 2017-2018 as listed in the planning documents be adopted**

**FURTHER that the proposed budget as shown in Appendix B in the Long Term Financial Plan be adopted**

**FURTHER that the Integrated Planning and Reporting (IP&R) documentation as advertised (previously circulated) be adopted after adjustments are made to reflect the recently released census data into the documents and other minor required changes (eg. Fire and Emergency Services Levy deferral) as well as grammatical and formatting errors detected during the exhibition period.**

**FURTHER that a report be prepared for the Council's Information Technology & Office Equipment and Buildings Assets Committee outlining:**

**The market methodology used to determine the rental on Council's aged care facilities (Ref: 173/17); and;**

**The ownership status of each community hall administered by the Council (Ref: 174/17).**

**(Moved Cr Dick, seconded Cr D Coulton)**

The submission from Mr John and Mrs Denise Collins (Record Number 17/12452) regarding the current fees at the Bingara Caravan Park was tabled and discussed but was not supported.

**Councillor information (Ref: 175/17)**

**Cr D Coulton**

Cr Coulton advised the meeting that he will be attending the Weight of Loads meeting next week in Narrabri.

**Cr Young**

Cr Young advised the meeting that she attended the North West Arts and Landcare meetings.

**Cr Egan**

Cr Egan advised the meeting that she attended the Warialda Rotary Changeover dinner where the funding for the improvements to Captain Cook Park, Warialda, was mentioned for which she expresses her thanks, the ALGA Annual Conference in Canberra and the Myall Creek Memorial Service.

**Cr Dick**

Cr Dick reminded the meeting that the Bingara Orange Festival is being held this weekend and that the RFS has a vehicle in the parade.

Cr Dick also advised the meeting that, subject to weather, a program of control burning will be conducted around Warialda (adjacent to golf course and High School) next Tuesday and Wednesday.

**Cr Galvin**

Cr Galvin advised the meeting that she and Mrs G Standerwick attended the Inverell Rotary Changeover dinner and accepted a \$1500 donation from the Copeton Dam Freshwater Swim event towards the Orange and Honey Festivals.

**Cr Frances Young**

**Touriandi Board Meeting (Ref: 176/17)**

Cr Young mentioned that she attended a Touriandi Board Meeting and the issue of solar energy was mention. The meeting was asked whether Touriandi could be considered for inclusion in the Council's current program. Cr Young was advised to have the Touriandi Manager make contact with Mr Thain to discuss the issue.

**Cr Frances Young**

**Road access to Bingara air strip (Ref: 177/17)**

Cr Young advised the meeting that a resident had requested maintenance work on the subject road. Cr Young was advised that this request will be passed on to engineering for attention.

**Cr David Coulton**

**Proposed Rifle Range Bingara (Ref: 178/17)**

Cr Coulton advised the meeting that he has received a letter from Mr Paul Shaw regarding the proposed rifle range recommissioning at Bingara.

The meeting was provided with a brief outline of the history surrounding this matter.

**Cr Geoff Smith**

**Compliments received (Ref: 179/17)**

Cr Smith advised the meeting that he has been asked to pass on the compliments of residents concerning the work undertaken at 'McGregors Corner' and the recent grading work undertaken along Gragin Road. The meeting was advised that the grader operator was most likely Mr Darren Churchland but this will be confirmed and compliment will be conveyed to the appropriate operator with the Council's thanks.

**Cr Jim Moore**

**Cranky Rock Reserve (Ref: 180/170)**

Cr Moore advised the meeting that Mr Paul Nelson was at the Cranky Rock reserve and the power points were not working in the BBQ area.

The meeting was informed that the matter will be investigated.

**Cr Jim Moore**

**Captain Cook Park Warialda (Ref: 181/17)**

Cr Moore advised the meeting that Warialda Rotary together with the local community and Council will be able to allocate \$22,000 for improvements to this park. Cr Moore also thanked Cr Egan for attending the recent Rotary Changeover Dinner.

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**Cr Jim Moore**

**Proposed development (Ref: 182/17)**

Cr Moore advised the meeting that a property owner along Oregon Road Warialda has requested advice about the process required to develop his 3000 hectares into an off-road 4x4 and motor bike area.

Cr Moore was advised that a detailed development application would be required.

**Cr Jim Moore**

**Water line to Warialda Air Strip (Ref: 183/17)**

Cr Moore requested information about the various connector joints placed along the line and why they weren't placed in locations that would aid gravity feeding. The issue was address and explained indicating that the pressure within the line would overcome the need for gravity pressure. It was also explained that although the RFS has contributed \$47,000 for the installation a larger pump was used and this will increase the budget by around \$7,000.

The meeting was also informed that several farmers had indicated an interest in having water provided to their properties at their cost.

Cr Dick advised that the Model Airplane group would like the water connected its clubhouse and this will be investigated when after the line is commissioned. The issue of a toilet being provided at the Warialda air strip was also mentioned to be kept on the agenda for improvements.

**Meeting closed 12:31 pm**