



URALLA SHIRE COUNCIL BUSINESS PAPER

Notice is hereby given, in accordance with the provision of the Local Government Act 1993 that a Meeting of Uralla Shire Council will be held in the Council Chambers, 32 Salisbury Street, Uralla, commencing at 12:30pm.

ORDINARY COUNCIL MEETING

22 September 2020

Kate Jessep
GENERAL MANAGER



Uralla Shire Council
Council Business Paper – 22 September 2020

1. OPENING & WELCOME	4
2. PRAYER.....	4
3. ACKNOWLEDGEMENT OF COUNTRY.....	4
4. WEBCAST INFORMATION.....	4
5. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS.....	4
6. DISCLOSURES & DECLARATIONS OF INTEREST	4
7. CONFIRMATION OF MINUTES.....	4
8. URGENT, SUPPLEMENTARY AND LATE ITEMS OF BUSINESS	30
9. WRITTEN REPORTS FROM DELEGATES	30
10. ITEMS PASSED IN BULK	30
11. MAYORAL MINUTE.....	30
12. REPORTS OF COMMITTEES	31
Report 1 - Minutes of the Audit, Risk & Improvement Committee Meeting held on 27 August 2020 and Amended Charter	31
Report 2 - Community Grants Program 2020-21 - Round 1 Application Assessments	50
13. REPORTS TO COUNCIL.....	54
Report 1 – Cash at Bank and Investments.....	54
Report 2 - Development Application 20/2020 – 4 Bay shed – 178 Thunderbolts Way, Yarrowyck	58
Report 3 - Works Progress Report as at 31 August 2020	76
Report 4 – Election of Deputy Mayor	81
Report 5 – Councillor Committee Representation	86
Report 6 - Code of Conduct Annual Statistical Report	90
Report 7 - Amendments to the Code of Conduct.....	93
Report 8 – Schedule of Ordinary Meetings 2020-2021	174
Report 9 – General Manager Performance Review Panel.....	178
Report 10 – NSW Bushfire Community Resilience and Economic Recovery Fund Projects.....	185
Report 11 – Resolution Action Status @ 22 Sep 2020.....	189
Report 12 – Council and Uralla Shire Business Chamber support.....	207
Report 13 – LGNSW Annual Conference 2020	212
14. MOTIONS ON NOTICE/QUESTIONS WITH NOTICE.....	214
15. CONFIDENTIAL MATTERS.....	214
16. COMMUNICATION OF COUNCIL DECISIONS.....	214
17. CONCLUSION OF THE MEETING	214
END OF BUSINESS PAPER.....	214



- BUSINESS AGENDA -
Ordinary Meeting of Council
22 September 2020 at 12:30pm

1. **Opening & Welcome**
2. **Prayer**
3. **Acknowledgement of Country**
4. **Webcast Information**
5. **Apologies and Requests for Leave of Absence by Councillors**
6. **Disclosures & Declaration of Interests**
7. **Confirmation of Minutes**
8. **Urgent, Supplementary & Late Items of Business**
9. **Written Reports from Delegates**
10. **Items Passed in Bulk**
11. **Mayoral Minute**
12. **Reports of Committees**
 - Report 1 - Minutes of the Audit, Risk & Improvement Committee Meeting held on 27 August 2020 and Amended Charter
 - Report 2 - Community Grants Program 2020-21 - Round 1 Application Assessments
13. **Reports to Council**
 - Report 1 - Cash at Bank and Investments
 - Report 2 - Development Application 20/2020 – 4 Bay shed – 178 Thunderbolts Way, Yarrowyck
 - Report 3 - Works Progress Report as at 31 August 2020
 - Report 4 - Election of Deputy Mayor
 - Report 5 - Councillor Committee Representation
 - Report 6 - Code of Conduct Annual Statistical Report
 - Report 7 - Amendments to the Code of Conduct
 - Report 8 - Schedule of Ordinary Meetings 2020-2021
 - Report 9 - General Manager Performance Review Panel
 - Report 10 - NSW Bushfire Community Resilience and Economic Recovery Fund Projects
 - Report 11 - Resolution Action Status @ 22 Sep 2020
 - Report 12 - Council and Uralla Shire Business Chamber support
 - Report 13 - LGNSW Annual Conference 2020
14. **Motions on Notice/Questions with Notice**
15. **Confidential Matters**
16. **Communication of Council Decisions**
17. **Conclusion of the meeting**

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1. **OPENING & WELCOME**
2. **PRAYER**
3. **ACKNOWLEDGEMENT OF COUNTRY**
4. **WEBCAST INFORMATION**
5. **APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**
6. **DISCLOSURES & DECLARATIONS OF INTEREST**

To be tabled at the Meeting.

7. **CONFIRMATION OF MINUTES**

Minutes to be confirmed at the 22 September 2020 Meeting of Council:

- Ordinary Meeting of Council held 25 August 2020 (copy enclosed)

Minutes to be received and noted at the 22 September 2020 Meeting of Council:

- Audit Risk & Improvement Committee Minutes 27 August 2020 – (please see *Point 12 Report to Committees*) (copy enclosed)



ORDINARY MEETING OF COUNCIL

Held at 12:30pm
25 August 2020

ROLL CALL

Councillors:

Cr M Pearce (Mayor)
Cr R Crouch (Deputy Mayor)
Cr R Bell
Cr M Dusting
Cr N Ledger
Cr T O'Connor
Cr L Sampson
Cr I Strutt
Cr T Toomey

Staff:

Ms K Jessep, General Manager
Mr T Seymour, Director Infrastructure & Development
Ms S Glasson, Executive Manager Corporate Services
Mr S Paul, Chief Financial Officer,
Mr M Clarkson, Manager Planning & Development,
Ms Bethany White, Coordinator Communications & Engagement
Ms W Westbrook, Minute Clerk

MINUTES

**Minutes of the Uralla Shire Council at an Ordinary Meeting
held at 12:30pm on 25 August 2020**

TABLE OF CONTENTS

1. OPENING & WELCOME.....	4
2. PRAYER	4
3. ACKNOWLEDGEMENT TO COUNTRY	4
4. WEBCAST INFORMATION.....	4
5. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS	4
6. DISCLOSURES & DECLARATION OF INTERESTS.....	4
7. CONFIRMATION OF MINUTES	5
8. URGENT, SUPPLEMENTARY & LATE ITEMS OF BUSINESS.....	5
REPORT 1 - DRAFT URALLA LOCAL STRATEGIC PLANNING STATEMENT 2020	5
9. WRITTEN REPORTS FROM DELEGATES (ACTIVITY SUMMARIES)	5
10. ITEMS PASSED IN BULK	8
11. MAYORAL MINUTE.....	8
PUBLIC FORUM:.....	9
Speaker 1: Ms Sandra Eady – Z-NET Plus “Let’s Talk About Water” Project – Request for Council in-kind support.....	9
Speaker 2: Veronica Porter - DIVISION DECISION – DA-85-2019 - Additions and alterations to supermarket, new car park, demolition of existing structures – 100 Bridge Street, Uralla	9
Speaker 3: Michelle Wade/Ms Felicity Nivison - DIVISION DECISION – DA-85-2019 - Additions and alterations to supermarket, new car park, demolition of existing structures – 100 Bridge Street, Uralla	9
Speaker 4: Anne Mayo - - DIVISION DECISION – DA-85-2019 - Additions and alterations to supermarket, new car park, demolition of existing structures – 100 Bridge Street, Uralla	9
Speaker 5: James Sinclair - - DIVISION DECISION – DA-85-2019 - Additions and alterations to supermarket, new car park, demolition of existing structures – 100 Bridge Street, Uralla	9
Speaker 6: Louis Van Ekert - - DIVISION DECISION – DA-85-2019 - Additions and alterations to supermarket, new car park, demolition of existing structures – 100 Bridge Street, Uralla	9
Speaker 7: Susan McPhee – Report 10 - Proposal to endorse the Friends of Munday’s Lane	10
Speaker 8: Andrew Toomey - Notice of Motion - A policy to facilitate working and online businesses from home	10
12. REPORTS OF COMMITTEES.....	10
Report 1 - Budget Review & Finance Committee Report LTFP 2030	10
Report 2 - Summary New England Weeds Authority Ordinary Meetings in June 2020.....	11
13. REPORTS TO COUNCIL (SCHEDULED REPORTS)	11
Report 1 – ZNET Plus “Let’s Talk About Water” Project- Request for Council in-kind support	11
Report 2 - DIVISION DECISION – DA-85-2019 - Additions and alterations to supermarket, new car park, demolition of existing structures – 100 Bridge Street, Uralla	12
Item 8 - Report 1 - Draft Uralla Local Strategic Planning Statement 2020	20
Report 3 - Cash at Bank and Investments.....	21
Report 4 – 2019-20 Operational Plan Annual Performance	21
Report 5 - Schedule of Actions as at 25 Aug 2020.....	21
Report 6 – Audit, Risk and Improvement Committee Charter 2020	22
Report 7 – Continuation of Uralla Township and Environs Committee	22
Report 8 – Information report to June Council Resolution.....	23
Report 9 - Regional Roads Review and Reclassification	24
Report 10 - Proposal to endorse the Friends of Munday’s Lane Reserve Working Group Program of Works	24

14. MOTIONS ON NOTICE / QUESTIONS WITH NOTICE 25
 Notice of Motion - A policy to facilitate working and online businesses from home25

15. CONFIDENTIAL MATTERS 25

16. COMMUNICATION OF COUNCIL DECISIONS 25

UNCONFIRMED

ATTENDANCE

Present were the Chairperson Cr M Pearce (Mayor), Cr R Crouch (Deputy Mayor), and Councillors, R Bell, M Dusting, N Ledger, T O'Connor, L Sampson, I Strutt, T Toomey, General Manager (Mrs K Jessep), Chief Financial Officer (Mr S Paul), Director Infrastructure and Development (Mr T Seymour), Executive Manager Corporate Services (Ms S Glasson), Manager Planning and Development (Mr M Clarkson), Coordinator of Communications & Engagement (Bethany White) and Minute Clerk (Ms W Westbrook).

1. OPENING & WELCOME

The Chair declared the meeting opened at 12.31pm.

2. PRAYER

The Chair recited the Uralla Shire Council prayer.

3. ACKNOWLEDGEMENT TO COUNTRY

The Uralla Shire Council recognises the traditional custodians of the land on which this meeting is being held and acknowledge Aboriginal Elders past and present and we pay respect to them and their heritage.

4. WEBCAST INFORMATION

This meeting is being audio recorded with the recording made available on Council's website after the meeting.

5. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

The Chair advised there were no apologies

The Chair advised receipt of a request for Leave of Absence from Cr M Dustin.

MOTION

Moved: Cr Strutt; Seconded: Cr R Crouch

That Council accept the Leave of Absence from Cr M Dusting 26 August – 14 September 2020.

01.08/20 CARRIED

6. DISCLOSURES & DECLARATION OF INTERESTS

The Chair received the following declarations of pecuniary and non-pecuniary Conflict of Interest Declarations in relation to the 25 August 2020 Meeting.

COUNCILLOR	ITEM OR REPORT NUMBER	PECUNIARY OR NON-PECUNIARY INTEREST	NATURE OF INTEREST
T O'Connor	Item 13 – Report 1	NON-PECUNIARY INTEREST	As an officer and member of the Z-Net executive
R Crouch	Item 13 – Report 1	NON-PECUNIARY INTEREST	As an officer

			and member of the Z-Net executive
T Toomey	Item 14 – Report NOM #1	PECUNIARY INTEREST	Operator of home business

7. CONFIRMATION OF MINUTES

Minutes to be confirmed at the 25 August 2020 Council Meeting:

- *Minutes of Ordinary Meeting held 25 July 2020 (to be confirmed)*

Note: Minutes of Budget Review & Finance Committee Meeting removed and to be resubmitted when confirmed by committee.

MOTION

Moved: Cr I Strutt; Seconded: Cr T O'Connor

That Council adopt the Minutes of the Ordinary Meeting held 25 July 2020 as a true and correct record.

02.08/20 CARRIED

8. URGENT, SUPPLEMENTARY & LATE ITEMS OF BUSINESS

The Chair referred Councillors to the late item of business listed in the published Meeting Agenda.

Report 1 - Draft Uralla Local Strategic Planning Statement 2020

PROCEDURAL MOTION

Moved: Cr T O'Connor ; Seconded: Cr R Crouch

That the late item of business Draft Uralla Local Strategic Planning Statement 2020 be heard following Item 13 Report 11 in the Meeting Agenda.

03.08/20 CARRIED

9. WRITTEN REPORTS FROM DELEGATES (Activity Summaries)

Councillors provided a verbal account of activities/meetings they have attended for the month..

COUNCILLOR NAME:	Mark Dusting	
COUNCIL MEETING DATE:	25 August 2020	
DATE	COMMITTEE/MEETING/EVENT	LOCATION
11 August 2020	Budget Review and Finance Committee	Chambers
11 August 2020	Councillors Strategic Planning Workshop - Bundara Sewer Project - Z-NET Plus –“Let’s Talk Water”	Chambers
17 August 2020	NEWA Admin	Armidale
18 August 2020	NEWA Admin	Armidale
18 August 2020	Councillors Strategic Planning Workshop Roads upgrading Prioritisation Tool	Chambers

	- Project for Future Grant Funding -Low Pressure Sewer System	
25 August 2020	NEWA Weed County Council Meeting	Uralla
25 August 2020	Council meeting	Chambers

COUNCILLOR NAME:	Robert Crouch	
COUNCIL MEETING DATE:	25 August 2020	
DATE	COMMITTEE/MEETING/EVENT	LOCATION
11 August 2020	Budget Review and Finance Committee	Chambers
11 August 2020	Councillors Strategic Planning Workshop - Bundara Sewer Project -Z-NET Plus –“Let’s Talk Water”	Chambers
12 August 2020	Bundarra Hall Committee	Bundarra
18 August 2020	Councillors Strategic Planning Workshop Roads upgrading Prioritisation Tool - Project for Future Grant Funding -Low Pressure Sewer System	Chambers
25 August 2020	Council meeting	Chambers

COUNCILLOR NAME:	Levi Sampson	
COUNCIL MEETING DATE:	25 August 2020	
DATE	COMMITTEE/MEETING/EVENT	LOCATION
11 August 2020	Budget Review and Finance Committee	Chambers
11 August 2020	Councillors Strategic Planning Workshop - Bundara Sewer Project -Z-NET Plus –“Let’s Talk Water”	Chambers
18 August 2020	Councillors Strategic Planning Workshop Roads upgrading Prioritisation Tool - Project for Future Grant Funding -Low Pressure Sewer System	Chambers
25 August 2020	Council meeting	Chambers

COUNCILLOR NAME:	Natasha Ledger	
COUNCIL MEETING DATE:	25 August 2020	
DATE	COMMITTEE/MEETING/EVENT	LOCATION
11 August 2020	Councillors Strategic Planning Workshop - Bundara Sewer Project -Z-NET Plus –“Let’s Talk Water”	Chambers
12 August 2020	Bundarra Hall Committee	Bundarra
18 August 2020	Councillors Strategic Planning Workshop Roads upgrading Prioritisation Tool - Project for Future Grant Funding -Low Pressure Sewer System	Chambers
25 August 2020	Council meeting	Chambers

COUNCILLOR NAME:	Tara Toomey	
COUNCIL MEETING DATE:	25 August 2020	
DATE	COMMITTEE/MEETING/EVENT	LOCATION
11 August 2020	Budget Review and Finance Committee	Chambers
11 August 2020	Councillors Strategic Planning Workshop - Bundara Sewer Project -Z-NET Plus –“Let’s Talk Water”	Chambers
25 August 2020	Council meeting	Chambers
1 July to 25 August 2020	Claimed Councillor’s expenses	\$Nil

COUNCILLOR NAME:	Robert Bell	
COUNCIL MEETING DATE:	25 August 2020	
DATE	COMMITTEE/MEETING/EVENT	LOCATION
25 August 2020	Council meeting	Chambers

COUNCILLOR NAME:	Tom O’Connor	
COUNCIL MEETING DATE:	25 August 2020	
DATE	COMMITTEE/MEETING/EVENT	LOCATION
11 August 2020	Budget Review and Finance Committee	Chambers
11 August 2020	Councillors Strategic Planning Workshop - Bundara Sewer Project -Z-NET Plus –“Let’s Talk Water”	Chambers
18 August 2020	Councillors Strategic Planning Workshop Roads upgrading Prioritisation Tool - Project for Future Grant Funding -Low Pressure Sewer System	Chambers
25 August 2020	Council meeting	Chambers
1 July to 25 August 2020	Claimed Councillor’s expenses	\$Nil

COUNCILLOR NAME:	Isabel Strutt	
COUNCIL MEETING DATE:	25 August 2020	
DATE	COMMITTEE/MEETING/EVENT	LOCATION
11 August 2020	Budget Review and Finance Committee meeting	Uralla
11 August 2020	Councillors Strategic Planning Workshop - Bundara Sewer Project -Z-NET Plus –“Let’s Talk Water”	Chambers
18 August 2020	Councillors Strategic Planning Workshop Roads upgrading Prioritisation Tool - Project for Future Grant Funding -Low Pressure Sewer System	Uralla
25 August 2020	Ordinary Meeting of Council	Uralla

COUNCILLOR NAME:	Michael Pearce	
COUNCIL MEETING DATE:	25 August 2020	
DATE	COMMITTEE/MEETING/EVENT	LOCATION
29 July 2020	Mayor's Office – Admin	Uralla
30 July 2020	Mayor's Office - Admin	Uralla
3 August 2020	Mayor's Office - Admin	Uralla
4 August 2020	Mayor's Office - Admin	Uralla
5 August 2020	Mayor's Office – Admin. 2AD interview	Uralla
6 August 2020	Mayor's Office – Admin	Uralla
12 August 2020	Mayor's Office – Admin	Uralla
13 August 2020	Mayor's Office – Admin	Uralla
15 August 2020	Mayor's Office – Admin. Victory in the Pacific, VP day Service, Alma Park Memorial gates.	Uralla
17 August 2020	Mayor's Office - Admin	Uralla
18 August 2020	Mayor's Office - Admin	Uralla
19 August 2020	Mayor's Office – Admin. 2AD interview	Uralla
20 August 2020	Mayor's Office - Admin	Uralla
22 August 2020	Rural Fire Service – Official Medal Presentation and Opening, Kentucky (Harnham) RFS Brigade Station	Uralla
24 August 2020	Mayor's Office – Admin	Uralla
25 August 2020	Mayor's Office – Admin. August Council meeting.	Uralla

The Mayor thanked Councillors for tabling their Delegate Report.

The Mayor tabled correspondence, referring to copies on each Councillors' table, as follows:

- *Bick and Steel letter dated 24 August 2020*
- *Norton Rose Fulbright letter dated 24 August 2020*
- *National Trust letter dated 19 June 2020*

10. ITEMS PASSED IN BULK

The Mayor sought input from Councillors and determined that no items would be passed in bulk.

11. MAYORAL MINUTE

There was no Mayoral Minute to the 25 August Meeting.

PUBLIC FORUM:

Speaker 1: Ms Sandra Eady – Z-NET Plus “Let’s Talk About Water” Project – Request for Council in-kind support

The Speaker made a presentation to Council for agenda item 13 report 1: Z-NET Plus “Let’s Talk About Water” Project

Speaker 2: Veronica Porter - DIVISION DECISION – DA-85-2019 - Additions and alterations to supermarket, new car park, demolition of existing structures – 100 Bridge Street, Uralla

The Speaker made a presentation to Council against agenda item 13 report 2: DA-18-2019 – FoodWorks Development.

Speaker 3: Michelle Wade/Ms Felicity Nivison - DIVISION DECISION – DA-85-2019 - Additions and alterations to supermarket, new car park, demolition of existing structures – 100 Bridge Street, Uralla

The Chair called a 5 minute adjournment at 1.05pm to read the hand out from Michelle Wade not tabled prior to meeting.

The Chair resumed the meeting at 1:12pm and the hand out was tabled and comprised a written account of the representation read by Ms Nivison on behalf of Ms Wade.

The Speaker made a presentation to Council against agenda item 13 report 2 DA-18-2019 – FoodWorks Development.

Speaker 4: Anne Mayo - - DIVISION DECISION – DA-85-2019 - Additions and alterations to supermarket, new car park, demolition of existing structures – 100 Bridge Street, Uralla

The Speaker made a presentation to Council against agenda item 13 report 2: DA-18-2019 – FoodWorks Development.

Speaker 5: James Sinclair- - DIVISION DECISION – DA-85-2019 - Additions and alterations to supermarket, new car park, demolition of existing structures – 100 Bridge Street, Uralla

The Chair was informed the Speaker, James Sinclair was not present to speak.

Speaker 6: Louis Van Ekert - - DIVISION DECISION – DA-85-2019 - Additions and alterations to supermarket, new car park, demolition of existing structures – 100 Bridge Street, Uralla

The Speaker made a presentation to Council against agenda item 13 report 2: DA-18-2019 – FoodWorks Development.

Speaker 7: Susan McPhee – Report 10 - Proposal to endorse the Friends of Munday Lane

The Speaker made a presentation to Council for agenda item 13 report 10: Proposal to endorse Friends of Munday Lane.

Speaker 8: Andrew Toomey - Notice of Motion - A policy to facilitate working and online businesses from home

Cr Toomey declared a pecuniary interest and left the room at 1:39pm.

The Speaker made a presentation to Council for item 14: Notice of Motion: a policy to facilitate working and online businesses from home.

The Chair closed the Public Forum at 1.55pm

12. REPORTS OF COMMITTEES

Report 1 - Budget Review & Finance Committee Report LTFP 2030

Cr Toomey returned to the meeting at 1.54pm

MOTION

Moved: Cr T O'Connor; Seconded: Cr M Dusting

That Council:

- 1. Set a strategic objective for the General Fund to achieve a balanced operating result before capital grants by 2022/2023 including the full funding of depreciation, amortisation and impairment of intangible assets and infrastructure, property, plant, equipment, and to build reserves of \$4 million over the remaining seven years of the long term financial plan (LTFP); and**
- 2. To inform the implementation of the strategic objective, Council:**
 - a. consider shire continuity and financial sustainability including a review of financial performance measures;**
 - b. review service standards and councils operating costs;**
 - c. undertake community engagement on the above and financial strategies;**
 - d. prepare and endorse policy/plans to inform the construction of the LTFP; and**
 - e. undertake further community consultation on the LTFP.**

04.08/20 CARRIED

Report 2 - Summary New England Weeds Authority Ordinary Meetings in June 2020

MOTION

Moved: Cr N Ledger; Seconded: Cr M Dusting

That the Summary New England Weeds Authority Ordinary Meetings in June 2020 report be received and noted.

05.08/20 CARRIED

13. REPORTS TO COUNCIL (Scheduled Reports)

Report 1 – ZNET Plus “Let’s Talk About Water” Project- Request for Council in-kind support

Crs R Crouch and T O’Connor, having previously declared a conflict of interest, left the meeting at 2:01pm.

MOTION

Moved: Cr T Toomey; Seconded: Cr N Ledger

That Council endorse support of the ZNET Plus project “Let’s Talk About Water” (2020) and, subject to both Council and ZNET Plus agreeing to only speak on behalf of their own areas of responsibility, provide in-kind resources as follows:

- General Manager to allocate reasonable staff resources to attend meetings and provide Council perspective
- General Manager to allocate reasonable staff resources to provide Council technical review of publications to be used for consultation;
- General Manager to allocate staff resources to attend public meetings where appropriate and purpose of attendance is defined;
- Promotion of the project on Council’s relevant platforms;
- ZNET Plus invited to workshop community engagement material with Councillors in advance of community engagement sessions with copies of workshop material provided to the General Manager at least five days in advance of the workshop;
- To provide access to the water infrastructure to the project team as far as it supports their work; and
- Uralla Shire Council to extend invitation to host a workshop at the end of the project for other regional councils.

06.08/20 CARRIED

Cr M Dusting left the room 2:09pm

Crs R Crouch, T O’Connor and M Dusting returned at 2:10pm

The Chair adjourned the meeting for five minutes at 2:12pm.

The Chair resumed the meeting at 2:20pm.

Report 2 - DIVISION DECISION – DA-85-2019 - Additions and alterations to supermarket, new car park, demolition of existing structures – 100 Bridge Street, Uralla

PROCEDURAL MOTION

Moved: Cr T O'Connor; Seconded: Cr M Dusting

To move to Committee of the Whole

07.08/20 CARRIED

Cr T Toomey left meeting 3:03pm

Cr T Toomey returned to meeting 3:04pm

Councillors held a detailed discussion in committee regarding the report.

PROCEDURAL MOTION

Moved: Cr M Dusting; Seconded: Cr R Crouch

To resume Standing Orders

08.08/20 CARRIED

The Chair outlined details of the discussion held in committee.

MOTION

Moved: Cr R Bell; Seconded: Cr I Strutt

That Council approve the Development Application 85/2019 for additions and alterations to supermarket, new car park, demolition of existing structures at 100 Bridge Street, Uralla (Lot 2 DP 1127831) subject to the conditions of consent as presented in Business Paper 25 August 2020 subject to "concurrence of local traffic committee" being added to conditions 32, 34 & 35.

PROCEDURAL MOTION

Moved: Cr T O'Connor; Seconded: Cr T Toomey

To move to the Committee of the Whole.

09.08/20 CARRIED

Councillors held further discussion in committee regarding the report

PROCEDURAL MOTION

Moved: Cr I Strutt; Seconded Cr R Bell

To resume Standing Orders.

10.08/20 CARRIED

The Chair restated the motion on the table and called for a division decision.

DIVISION DECISION

MOTION

Moved: Cr R Bell; Seconded: Cr I Strutt

That Council approve the Development Application 85/2019 for additions and alterations to supermarket, new car park, demolition of existing structures at 100 Bridge Street, Uralla (Lot 2 DP 1127831) subject to the conditions of consent as presented in Business Paper 25 August 2020 subject to "concurrence of local traffic committee" being added to conditions 32, 34 & 35.

PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)

Compliance with National Construction Code & insurance requirements under the Home Building Act 1989

(a) **Please Note:** A reference to the National Construction Code is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

1. The work must be carried out in accordance with the requirements of the *National Construction Code*.
2. For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW H102 of Volume One of the *National Construction Code*.

(b) ***Erection of signs***

(c) **Please Note:** This does not apply in relation to:

- (a) building work, subdivision work or demolition work that is carried out inside an existing building, which does not affect the external walls of the building development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- (c) a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

3. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.
4. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Shoring and adequacy of adjoining property

Please Note: This does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

-
5. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:
- protect and support the adjoining premises from possible damage from the excavation, and
 - where necessary, underpin the adjoining premises to prevent any such damage.

GENERAL CONDITIONS

6. The development shall be implemented in accordance with:
- All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
 - The details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.

7. The owner of the property is to ensure that any structure is installed:
- to meet the setback requirements of the approved plans,
 - to be located within the confines of the lot, and;
 - so that it does not interfere with any easements or covenants upon the land.

Reason: To avoid any structures being erected in a location where it would be inappropriate.

8. The structure is to be inspected at the following stages of construction:
- before the pouring of footings**
 - before covering drainage (under hydrostatic test)
 - before pouring any reinforced concrete structure **
 - before covering the framework for any wall, roof or other building element **
 - before covering waterproofing in any wet area**
 - before covering any stormwater drainage connections
 - when the building work is completed and all conditions of consent have been addressed**

** denotes a critical stage inspection (a mandatory inspection under Section 109C of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a *development where a critical stage or other nominated inspection has not been carried out.

Council has limited capacity for inspections, which may only be on specific days. Please contact Council well in advance to arrange an inspection.

*All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer

Reason: To ensure compliance with appropriate standards.

9. A Construction Certificate must be obtained from a Certifying Authority before work commences.

Reason: To ensure compliance with Cl.146 of the Environmental Planning and Assessment Regulation 2000.

10. Occupancy of the building is not to take place until the Principal Certifying Authority (PCA) has carried out a final inspection and an Occupation Certificate issued.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and to restrict the use of the premises until the terms of the Development Consent have been complied with so as to ensure the health and safety of occupants of the building.

11. Roof water is to be disposed in a manner that does not cause a nuisance for neighbouring properties, by one of the following methods:
 - (a) By piping to the street gutter.
 - (b) By piping to a rainwater tank and then via the overflow to the street gutter.

Reason: To alleviate any potential stormwater problems with respect to the buildings on the allotment or adjoining allotments.
12. The approved hours of operation for this development are Monday to Sunday, 5:00am to 10:00pm.

Reason: To protect and preserve the amenity of the locality.
13. A minimum of 34 car parks must be maintained for the development.

Reason: To ensure that car park spaces are maintained at the level proposed in the application, and at a level appropriate for the nature and scale of the development.
14. The off street car parking area is to be sealed and car parking bays clearly line-marked to comply with AS2890.1-2004 (Parking Facilities – Part 1: Off-street car parking).

Reason: To ensure off street parking is maintained in an appropriate manner.
15. Parking facilities, including four (4) disabled car parks, are to comply with Part D3.5 of Building Code of Australia and the requirements of Australian Standard 2890.1 – Parking Facilities – Off-street Car Parking and Australian Standard 2890.6 – Off Street Parking for People with Disabilities.

Reason: To enable use of the car space by people with disabilities and to ensure compliance with the requirements of the Building Code of Australia.
16. All works are to be compliant with the Armidale Engineering Design Codes in force at the time of construction.

Reason: To ensure an appropriate standard of civil construction.
17. All boundary gates must not swing over Council property or public roads.

Reason: Gates which swing over public land may interfere with pedestrian and vehicle traffic.
18. No increase or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any other pollution discharge.

Reason: To prevent pollution from detrimentally affecting the public or environment.
19. All external lightning is to be positioned and directed so as to prevent the intrusion of light to the adjoining premises.

Reason: To prevent the intrusion of light onto adjoining premises.
20. A designated wash bay is to be established for the cleaning, washing or degreasing of rubbish disposal bins. The bay shall be provided with a hose cock, sealed surface and interceptor or silt collection pit appropriate for the operations. The bay shall also be located at least five (5) metres from the property boundary.

Reason: To minimise the potential for odours associated with bins to have an adverse impact on neighbouring properties.

21. Any rainwater tank must be installed so that it is:
- (a) Not interconnected in any way with Council's water supply without a backflow prevention device.
 - (b) If it is connected with Council's water supply, then it must have a backflow prevention device that is compliant with AS 3500 National Plumbing and Drainage Code - Compendium
 - (c) The overflow is to be connected to the stormwater system.

Reason: To prevent structural damage to buildings and protect public health.

22. The responsible person for plumbing and drainage work must ensure that the responsible person has given Council a notice of work in an approved form that specifies the work to be carried out and the responsible person for the work.

The notice of work must be provided no later than 20 business days before the work concerned is carried out in the case of work that involves a proposed alternative solution, or no later than 2 business days before the work concerned is carried out in any other case.

Reason: Statutory requirement.

23. The responsible person for plumbing and drainage work must provide Council, and the person for whom the work is carried out, with a certificate of compliance within 2 business days after the work is completed.

Reason: Statutory requirement.

Note: A certificate of compliance is a written document, in an approved form that certifies that the plumbing and drainage work to which it relates is code compliant.

24. On completion of plumbing and drainage work that consists of or includes carrying out work on a sanitary drainage system, the responsible person for the work must supply a plan of the work, in the approved form, to the following persons:

- (a) The owner of the land or the owner's agent,
- (b) The Council.

Reason: Statutory requirement.

25. For all construction work required on Council land (e.g. storm water, footpaths, kerb and gutter etc.) the applicant is to submit an Application to Conduct Work on Land to Which Council is the Regulatory Authority. The application must be approved prior to the issue of a Construction Certificate.

Reason: To ensure pedestrian and vehicular safety during construction.

26. No advertising signage is permitted as part of the development.

Reason: To ensure compliance with Chapter 8 of the Uralla Development Control Plan.

Note: an advertisement relates to a product or service produced or delivered by another party.

27. A left turn only sign is to be erected at the Salisbury Street car park egress.

Reason: To minimise conflict between vehicles entering and exiting the car park.

28. Bollards must be constructed around the north-west corner of the boundary line adjoining the Stable Building and the car park in this area is to be reinforced.

Reason: To protect the Stables Building from damage from vehicle movements.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

29. A drainage management plan is to be submitted and approved by the Director of Infrastructure and Development or nominee.
Reason: To ensure that the development does not cause negative stormwater impacts on surrounding properties or Council's stormwater system.
30. Detailed plans for all works within the road reserve are to be submitted and approved by the Director of Infrastructure and Development or nominee.
Reason: To ensure that the development proceeds in the manner proposed by the applicant and that civil works are of an appropriate standard.
31. Plans of car park fencing are to be submitted and approved by the Director of Infrastructure and Development or nominee. These plans must demonstrate facilitation of access over existing rights of carriageway for neighbouring properties.
Reason: To ensure that the development does not impede access over existing rights of carriageway registered on the property title.
32. A Pedestrian Management Plan, Traffic Control Plan and a Traffic Management Plan are to be submitted and approved by the Director of Infrastructure and Development or nominee.
Reason: To ensure appropriate measures are in place for pedestrian safety and safe movement of traffic during construction and ongoing operation.
33. A Stormwater Management Plan showing sub-surface drainage of the supermarket and car park is to be submitted and approved by the Director of Infrastructure and Development or nominee.
Reason: To ensure appropriate measures are in place for stormwater management.
34. The plan T196700 from Kelley Covey dated 29 January is not approved. A revised plan showing the pedestrian refuge located further to the east is to be submitted and approved by the Director of Infrastructure and Development or nominee.
Reason: To ensure appropriate measures are in place for pedestrian safety.
35. A dedicated pedestrian access is to be provided between the supermarket car park and the Council car park to the north east of the site. A formal pedestrian pathway is also required between the Council car park and the entrance to the supermarket on Salisbury Street A revised plan showing the access and pathway is to be submitted and approved by the Director of Infrastructure and Development or nominee.
Reason: To ensure appropriate measures are in place for pedestrian safety.
36. A precondition report of the Stable Building must be provided to Council. The report is to be at the expense of the developer.
Reason: To ensure any impacts from the development on the Stables Building are quantifiable.

CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING

37. The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement.

Reason: To ensure compliance with the Environmental Planning and Assessment Regulation 2000

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

38. The owner of the property is to ensure that any building is constructed:

- (a) to meet the setback requirements of the approved plans,
- (b) to be located within the confines of the lot, and;
- (c) so that it does not interfere with any easements or covenants upon the land.

Reason: To avoid any buildings being erected in a location where it would be inappropriate.

39. The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours:-

Monday to Saturday 7.00 AM to 6.00 PM

Sunday & public holidays 8.30 AM to 5.00 PM.

Reason: To ensure that public amenity is not unduly affected by noise.

40. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.

41. The builder shall provide a temporary sanitary service to the building site before building operations are commenced.

Reason: To provide effective sanitation of the site during building construction.

42. All construction materials, sheds, skip bins, spoil, temporary water closets etc. shall be kept wholly within the property and not placed on public land or in a position that may result in materials/debris being washed onto the roadway or into the stormwater drainage system.

Reason: To preserve the amenity of the locality and protect stormwater systems.

43. Temporary kerb and gutter crossings shall be installed to protect existing kerbs, channels and/or laybacks. Such protection shall consist of timber, concrete, steel or the like and shall not cause any diversion or build-up of drainage flow. Materials that could cause interference with council's drainage system shall not be used.

Reason: To ensure that Council's stormwater system is protected.

44. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of Council or the PCA.

Reason: To ensure compliance with approved plans.

45. Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, the Applicant and plumbing/drainage contractor shall ensure that the following procedures are adopted.
- (a) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicular loadings is to be utilised,
 - (b) Create the opening in the kerb by use of either a saw cut or bored hole only – breaking out the kerb by impact methods is not permitted,
 - (c) The kerb adaptor is to be kept flush with the top and outside face of the kerb, and
 - (d) The fixing of the kerb adaptor and filling in of side gaps is to be undertaken by the use of an epoxy resin – mortar or concrete is not to be used.

Reason: Requirement of Council as the Road Authority.

46. Run-off and erosion controls must be implemented before construction, and maintained to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
- (a) divert uncontaminated run-off around cleared or disturbed areas,
 - (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
 - (c) prevent tracking of sediment by vehicles onto roads,
 - (d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

Reason: To prevent pollution from detrimentally affecting the public or environment.

47. All demolition work to be undertaken in accordance with Australian Standard 2601 – The Demolition of Structures.

Reason: To ensure that demolition work is undertaken in a manner that is safe and minimises environmental disturbance.

48. Development involving bonded asbestos material and friable asbestos material:
- (a) work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011,
 - (b) the person having the benefit of the development consent must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the consent commences,
 - (c) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered,
 - (d) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the development consent must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

Reason: To ensure that demolition work is undertaken in a manner that is safe and minimises environmental disturbance.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

49. Any damage caused to kerb, guttering crossovers and/or footpaths during building operations shall be rectified by the developer to the satisfaction of Uralla Shire Council's Director Infrastructure and Development.

Reason: To ensure that public infrastructure is maintained.

50. The developer is to meet the cost of and be responsible for the construction of vehicular entrances and exits in accordance with Council's requirements.

Reason: To provide appropriate access to the site.

51. All works within the road reserve, including blisters, pedestrian refuge and line marking are to be complete.

Reason: To ensure that pedestrian and vehicle access works are completed in a timely manner.

The result of the division decision recorded as follows:

FOR: Cr M Pearce, Cr R Bell, Cr M Dusing, Cr N Ledger, Cr I Strutt

AGAINST: Cr L Sampson, Cr R Crouch, Cr T Toomey, Cr T O'Connor

ABSENT: Nil

11.08/20 CARRIED

The Chair called a short adjournment at 3:50pm.

The Chair resumed the meeting at 4:00pm.

MOTION

Moved: Cr R Bell; Seconded: Cr T O'Connor

To move to the late business Item 8 - Report 1 - Draft Uralla Local Strategic Planning Statement 2020

12.08/20 CARRIED

Item 8 - Report 1 - Draft Uralla Local Strategic Planning Statement 2020

PROCEDURAL MOTION

Moved: Cr T O'Connor; Seconded: Cr T Toomey

To move to Committee of the Whole

13.08/20 CARRIED UNANIMOUSLY

Councillors held a detailed discussion in committee regarding the report.

PROCEDURAL MOTION

Moved: Cr M Dusing; Seconded: Cr R Crouch

To resume Standing Orders

14.08/20 CARRIED UNANIMOUSLY

The Chair outlined details of the discussion held in committee.

MOTION

Moved: Cr R Crouch; Seconded: Cr T O'Connor

That:

1. Following a detailed edit, by a sub-committee of council, on the draft Uralla Local Strategic Planning Statement 2020, place the document on public exhibition from 28th Aug for a period of not less than 28 days;
2. Undertake community consultation concurrently including directly requesting comment from key community organisations including NSW Farmers, Uralla Aboriginal Community, The Uralla Business Chamber, The local and District Rural Fire Service, Tourist operators, Real Estate Agents;
3. Write to the Department advising the status of developing the LSPS and that the submission may be delayed, due to COVID 19 protocols, until Council is satisfied that it has adequately taken into account community feedback.

15.08/20 CARRIED

Report 3 - Cash at Bank and Investments

MOTION

Moved: Cr I Strutt; Seconded: Cr M Dusting

1. Council note the cash position as at 31 July, 2020 consisting of cash and overnight funds of \$819,920, term deposits of \$13,900,000 totalling \$14,719,920 of readily convertible funds.
2. Council note the loan position as at 31 July, 2020 totalling \$2,179,025.

16.08/20 CARRIED

Cr R Bell left room 4:48pm

Cr R Bell returned 4:49pm

Report 4 – 2019-20 Operational Plan Annual Performance

MOTION

Moved: Cr T O'Connor; Seconded: Cr N Ledger

That Council defer consideration of Report 4 2019-20 Operational Plan Annual Performance until after the content of the report is work-shopped with Council.

17.08/20 CARRIED

Report 5 - Schedule of Actions as at 25 Aug 2020

MOTION

Moved: Cr N Ledger; Seconded: Cr I Strutt

That Council receive and note the Schedule of Actions as at 25 Aug 2020.

18.08/20 CARRIED

Cr T O'Connor left meeting 4:55pm

Cr T O'Connor returned 4:57pm

19.08/20 CARRIED

Report 6 – Audit, Risk and Improvement Committee Charter 2020

Mayor sought agreement to continue meeting past 5pm

PROCEDURAL MOTION

Moved: Cr M Dusting / Seconded: Cr T O'Connor

That the Council continue the meeting past 5pm to complete the business in the agenda.

MOTION

Moved: Cr T Toomey; Seconded: Cr R Crouch

That Council defer consideration of report 6 Audit, Risk and Improvement Committee Charter 2020, until the Audit, Risk and Improvement Committee have reviewed the feedback, after the 27th August 2020 meeting and provided a recommendation to Council.

20.08/20 CARRIED

Report 7 – Continuation of Uralla Township and Environs Committee

MOTION

Moved: Cr M Dusting; Seconded: Cr T O'Connor

That Council formally dissolve the Uralla Township and Environs Committee recognising that it has completed the function it was established to perform and that Council considers there are better methods in which to engage with the community on the development of the township and environs (and has resourced this in the 2020/21 Operational Plan); and thank the members of the Committee for their service to the community.

PROCEDURAL MOTION (Cr R Crouch/ Seconded: Cr I Strutt)

To move to Committee of the Whole

21.08/20 CARRIED

Councillors held a detailed discussion in committee regarding the report.

PROCEDURAL MOTION (Moved: Cr M Dusting / Seconded: Cr R Crouch)

To resume Standing Orders

22.08/20 CARRIED

*The Chair outlined details of the discussion held in committee.
Cr Crouch proposed a foreshadowed motion being the alternate recommendation in the report if the motion on the table was lost.
The Chair put the motion on the table:*

MOTION

Moved: Cr M Dusting; Seconded: Cr T O'Connor

That Council formally dissolve the Uralla Township and Environs Committee recognising that it has completed the function it was established to perform and that Council considers there are better methods in which to engage with the community on the development of the township and environs (and has resourced this in the 2020/21 Operational Plan); and thank the members of the Committee for their service to the community.

23.08/20 LOST

24.08/20 MOTION

Moved: Cr R Crouch; Seconded: Cr T Toomey

That Council:

- 1. Place the draft amended Uralla Township and Environs Committee Constitution 2020 Attachment C for public exhibition for a period of not less than 28 days;**
- 2. Subject to no submissions received during public exhibition, adopt the Uralla Township and Environs Committee Constitution 2020 at Attachment C; an**
- 3. Following adoption of the Uralla Township and Environs Committee Constitution 2020, contact the acting Committee Secretary to arrange the recommencement of Committee meetings in accordance with the Committee Constitution and current COVID-19 restrictions.**

25.08/20 CARRIED

Cr Dusting requested that his vote against the motion be recorded.

Cr L Sampson left meeting 5:26

Cr R Crouch left meeting 5:27

Cr L Sampson returned 5:29

Cr R Crouch returned 5:30

Report 8 – Information report to June Council Resolution

MOTION

Moved: Cr T O'Connor; Seconded: Cr R Bell

That Council endorse the further development of the model for ranking candidate roads for upgrading gravel roads incorporating sound engineering principles; with elements such as length of construction, traffic volumes, tourist routes, road alignment and bus routes; economics and road safety issues.

26.08/20 CARRIED

Report 9 - Regional Roads Review and Reclassification

MOTION

Moved: Cr R Bell; Seconded: Cr N Ledger

That

1. **Council advise the Panel that Council requests:**
 - a. **The Regional Roads MR132, MR73 and MR124 remain vested with Council, and**
 - b. **Block Grant funding allocation be reassessed with a view to increase the annual funding to enable Council to be able to meet the necessary maintenance and renewal requirements, and**
 - c. **Bingara Road be reclassified as a Regional Road given its regional function, and**
2. **Council acknowledge that upgrading of Thunderbolts Way from Uralla towards Walcha would increase funding; increase the required workforce and reduce depreciation by reducing or sealed road assets.**

28.08/20 CARRIED

Report 10 - Proposal to endorse the Friends of Munday Lane Reserve Working Group Program of Works

MOTION

Moved: Cr N Ledger; Seconded: Cr M Dusting

That:

- **Endorse the Friends of Munday Lane Reserve Program of Works to be implemented by the working group under guidance from Council staff for the management of Crown reserve, Lot 322 DP 755811 Saumarez Ponds (Barry Munday) Recreation Reserve, and**
- **Consider improvement projects for inclusion in future external grant funding Programs.**

27.08/20 CARRIED

Report 11 - Works Progress Report as at 31 July 2020

MOTION

Moved: Cr R Bell; Seconded: Cr I Strutt

ThatThe report be received and noted for the works completed or progressed during July 2020, and works programmed for August 2020.

28.08/20 CARRIED

Cr Toomey requested her vote against the motion be recorded.

Cr Toomey left the room declaring pecuniary interest on item 14 - 5:52pm

14. MOTIONS ON NOTICE / QUESTIONS WITH NOTICE

Notice of Motion - A policy to facilitate working and online businesses from home

MOTION

Moved: Cr T O'Connor; Seconded: Cr R Bell

That Council have prepared, for consideration by an October Councillor's Strategic Planning Workshop, a policy that could facilitate the expansion and diversification of Uralla Shire's local economy by encouraging home-based enterprises, direct selling and working from home, taking advantage of e-commerce, new technologies and business models, while ensuring the maintenance of the amenity of the particular land use zone, in which the business is situated.

29.08/20 CARRIED

Cr Toomey was absent for the time of the NOM discussion and motion - returned to meeting 6:20pm

15. CONFIDENTIAL MATTERS

Nil.

16. COMMUNICATION OF COUNCIL DECISIONS

Nil

17. CLOSURE OF MEETING

The meeting was closed at 6:19pm

COUNCIL MINUTES CONFIRMED BY:	
RESOLUTION NUMBER:	
DATE:	
MAYOR:	

8. URGENT, SUPPLEMENTARY AND LATE ITEMS OF BUSINESS

9. WRITTEN REPORTS FROM DELEGATES

To be received at the Meeting.

(Or; insert Councillor Delegate Report and start agenda item on new page)

10. ITEMS PASSED IN BULK

To be determined at the Meeting.

(Councillors, Chair/Mayor is seeking to have some agenda items dealt with, in bulk, by Exception – as per Section 13 of Council’s Code of Meeting Policy.

Mayor will read and call through the agenda list items – Reports of Committees and Reports to Council to be adopted by Exception and ask Councillors to identify any individual items of business listed, that Councillors intend to VOTE against the recommendation as recorded in the Business paper – or that they wish to speak on.)

11. MAYORAL MINUTE

There is no Mayoral Minute for the 22 September meeting.

12. REPORTS OF COMMITTEES

Report 1 - Minutes of the Audit, Risk & Improvement Committee Meeting held on 27 August 2020 and Amended Charter



REPORT OF COMMITTEE

Reference/Subject:	Report 1 – Minutes of the Audit, Risk & Improvement Committee Meeting held on 27 August 2020 and Amended Charter
Submitted by:	<i>Executive Manager Corporate Services</i>
Committee:	Audit Risk and Improvement Committee

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	4.2	An effective and efficient organisation
Strategy:	4.2.6	Identify and manage risk associated with all Council activities and ensures a safe and healthy work environment workforce
Activity:	4.2.6.1	Develop and incorporate a risk management framework which is effective and accessible.
Action:	4.2.6.1.3	Facilitate regular meetings of the Audit, Risk and Improvement Committee.

SUMMARY:

The unconfirmed Minutes of the Audit, Risk and Improvement Committee meeting held on 27 August 2020 are attached for Council's information.

OFFICER'S RECOMMENDATION:

That the Minutes from the Audit Risk and Improvement Committee meeting held on 27 August 2020 be noted and the following recommendations be determined:

- (1) That the General Manager conduct a review and evaluation of the resourcing surrounding the work plan and recommendations to be made to Council on same.

- (2) That the Audit Risk and Improvement Committee (ARIC) review and present a new (annual) work plan in consultation with relevant parties (audit/Council administration) for consideration at the next ARIC meeting.

- (3) That the Charter be endorsed as amended.

- (4) That the General Manager remove from the report on Internal Audit and Audit Office Management Letters Action Schedule, actions presented as completed.

- (5) That Council's Internal Auditor provide a report to ARIC on the effectiveness of the Contract Register.
- (6) That Council's Internal Auditor undertake a review of the process surrounding any possible deviation between the Transport Asset Management Plan (Feb 2016 v6) and the related 2019-2020 budget allocations without Council's approval.
- (7) That in relation to the sealing of the asphalt overlay of Hill Street between Bridge and Duke Streets, that Council's Internal Auditor undertake a review of the process for undertaking this work to examine whether a breach of established delegations was evidenced by the splitting of an of order by Council Officers to avoid going to tender.

BACKGROUND:

The Audit, Risk and Improvement Committee met on 27 August 2020.

REPORT:

Recommendations (1) and (2) are in accordance with the discussions that took place at the Audit, Risk and Improvement Committee (ARIC). The work plan will be updated and reviewed at the next ARIC meeting for subsequent recommendation to Council.

Recommendation (3) - the draft Charter has been attached for Councillors' consideration.

Recommendation (4) relates to completed actions, once presented to the Committee do not need to remain on the schedule.

Recommendations (6) and (7) were Motions Without Notice, the Chair agreed to accept the Motions.

(6) Proposed Internal Audit – Transport Asset Management Plan (Feb 2016 v6) and 2019-2020 approved budget expenditure

Council has received the following information in relation to this issue:

1. Report to Council on 25 February 2020 - Report 22 - Funding Approval - Mt Mitchell Road Upgrade Funding;
2. Report to Council 24 March 2020 - Report 2 – Funding for the sprayed seal and safety barriers at Mt Mitchell Road which also included legal advice from LGNSW on this matter. Being subject to legal privilege, the full request by Council and response from LGNSW was included as a confidential attachment (which noted that in summary, the re-sheeting work and the work done as part of the re-sheeting work that can be described as capital renewal, was approved in the budget);
3. Report to Council 23 June 2020 - Report 9 - Information Report to March Council Resolution - Mt Mitchell Road;
4. Report to Council on 25 August 2020 - Report 8 - Information report to June Council Resolution

It is recommended the Council specify what outcome they are seeking prior to any decision to allocate further resources to this item.

(7) Proposed Internal Audit – Hill St and Bridge St Asphalt Procurement

Council have already been informed that:

1. The contractor used for the work undertaken was taken from the LG Procurement panel and the price charged was in accordance with that contract;
2. The contract referred to above was awarded after going to tender; and
3. Section 55(4) of the Local Government Act 1993 'deems' such contracts to have been awarded as a consequence of a tender.

It therefore seems inappropriate to undertake work identifying if a contract was split in order to avoid tender if the price achieved was 'deemed', under section 55(4) to have been achieved through a tender process.

KEY ISSUES:

The Audit, Risk and Improvement Committee discussed the Annual Program, the Charter and the Internal Audit and Audit Office Management Letters Actions Schedule. One of the key issues discussed related to the postponement of reports which was due to the lack of staffing resources.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

Informing - The ARIC minutes are presented to the public Council meeting.
Recommendations from the ARIC are presented in a public report to the Council meeting.

2. Policy and Regulation

ARIC is convened under the *Local Government Amendment (Governance And Planning) Act 2016* and is required to review its charter once every two years.

3. Financial (LTFP)

Recommendations (6) and (7) may require additional resources if the Internal Auditor cannot complete this working within current hours allocated to Uralla Shire Council internal auditing.

4. Asset Management (AMS)

N/A

5. Workforce (WMS)

No change

6. Legal and Risk Management

The Audit, Risk and Improvement Committee is an independent advisory body that assists Council to fulfill its functions by providing advice on risk management, control, governance, business improvement and external accountability responsibilities. The advisory status of the Committee means that it may only make recommendations to management and the Council.

7. Performance Measures

ARIC sets an annual work plan and undertakes a self-assessment annually.

8. Project Management

N/A

Prepared by staff member:	Coordinator Governance and Risk
TRIM Reference Number:	UINT/20/0824
Approved/Reviewed by Manager:	Executive Manager Corporate Services
Department:	Corporate Services
Attachments:	UINT/20/7914 ARIC Unconfirmed Minutes 27 August 2020 UINT/20/6366 Amended Charter



MINUTES

Audit, Risk and Improvement Committee Meeting

27 August 2020, 2:00pm - Council Chambers

Members (voting):

Mr Michael O'Connor - Independent External Member (Chair)
Mr Paul Packham - Independent External Member
Ms Deborah Creed - Independent External Member
Cr Bob Crouch
Cr Tara Toomey

Attendees (non-voting):

Ms Kate Jessep - General Manager
Ms Susie Glasson - Executive Manager Corporate Services
Mr Simon Paul - Chief Financial Officer
Ms Nathalie Heaton - Coordinator Governance and Risk
Mr Carlos Chica - Internal Auditor

Apologies

NIL

Observers

Councillor - Ms I Strutt
Risk Management & Safety Officer - Katie Bryant

1. Meeting Open

1.1 The Chair declared the meeting open at 2:03

2. Welcome

2.1 The Chair welcomed attendees to the meeting.

3. Acknowledgement of Country

3.1 The Chair acknowledged Country and Elders past and present.

4. Apologies, Requests for Leave of Absence and Observers

4.1 The Chair advised there were no apologies from ARIC members. The Chair noted the Mayor's apology.

4.2 The Chair acknowledged the presence of Cr I Strutt & Risk Management & Safety Officer Ms K Bryant as an observer.

4.3 The Chair advised there were no requests for leave of absence.

5. Quorum Confirmation

5.1 The Chair confirmed there was a Quorum.

6. Disclosure and Declarations of Interest

6.1 The Chair M O'Connor disclosed he is member of the Armidale Regional Council Audit and Risk Committee, the Tamworth Audit and Risk Committee, and the Walcha Council Audit and Risk Committee, the New England Weeds County Council Audit, Risk and Improvement Committee, and was recently appointed to Liverpool Plains Shire Audit and Risk Committee.

6.2 D Creed disclosed she is a member of the Walcha Council Audit and Risk Committee.

6.3 P Packham disclosed he is a member of the Armidale Regional Growth Place Activation Peak Advisory Committee.

7. Confirmation of Minutes and Business Arising

7.1 Minutes from the 19 May 2020 Audit, Risk and Improvement Committee Meeting:

MOTION (Moved: Mr M O'Connor / Seconded: Cr R Crouch)

That the Committee confirm the minutes as a true and accurate record of the Committee Meeting held on 19 May 2020.

CARRIED

7.2 Business Arising

The General Manager outlined a proposed new minute form as tabled at meeting.

MOTION:

(Moved: M O'Connor/ Seconded: T Toomey)

That the new minute format presented by the General Manager be implemented.

CARRIED

8. Presentations

8.1 NIL

9. Reports to Committee

9.1 REPORT 1 – Revised Audit, Risk and Improvement Committee Annual Program 2020

OFFICER'S RECOMMENDATION:

That the Audit, Risk and Improvement Committee:

1. Endorse the revised Committee 2020 Annual Program, contained at Attachment A; and
2. Recommend that Council receive and note the revised Committee 2020 Annual Program.

MOTION:

Moved: P Packham; Seconded: D Creed

That the Audit, Risk and Improvement Committee:

1. **advise Council that a review of report on *Revised Audit, Risk and Improvement Committee Annual Program 2020* was undertaken involving a range of considerations including:**
 - a. **The absence of a one page report for this committee on the practical applications regarding risk management of COVID19 restrictions (Governance & Risk).**
 - b. **Consideration on what the delays are in achieving the work plan.**
 - c. **Walk-in representation given on :**
 - i. **Fraud and misconduct –**
 1. **no report has been presented to the meeting due to resourcing constraints;**
 2. **the General Manager reported to ARIC that no occurrences have been identified since 6 July 2020; and**
 3. **the CFO reported to ARIC that no occurrences have been identified since 1 July 2019.**
 - ii. **Compliance Breaches -**
 1. **No report has been presented to the meeting due to resourcing constraints; and**
 2. **Executive Manager Corporate Services reported that she was not aware of any compliance breaches being recorded or reported.**
 - iii. **Policy Status and Policy Review –**
 1. **No report has been presented to the meeting due to resourcing constraints; and**
 2. **The following policies have been drafted but not yet presented to the Executive;**
 - a. **Contractor Management Policy – finalise for October meeting; and**
 - b. **Councillor & Staff Interaction Policy – finalise for October meeting.**
2. **recommend to Council that:**
 - a. **the General Manager conduct a review and evaluation of the resourcing surrounding the ARIC work plan and recommendations be made to Council on same; and**
 - b. **ARIC review and present a new (annual) work plan in consultation with relevant parties (audit/council administration) for consideration at the next ARIC meeting.**

CARRIED

9.2 REPORT 2 – Amended Audit, Risk and Improvement Committee Charter 2020

OFFICER'S RECOMMENDATION

That the Audit, Risk and Improvement Committee receive and note the report

MOTION:

Moved: P Packham; Seconded: Cr R Crouch

That the Audit, Risk and Improvement Committee:

1. advise Council that a review of report on *Amended Audit, Risk and Improvement Committee Charter 2020* was undertaken involving a range of considerations including:
 - a. the role of ARIC as an independent body advising Council;
 - b. 3.2 add internal auditor;
 - c. 3.3 add Mayor;
 - d. 4.5a to read as – ‘the internal audit function shall ultimately report to the audit committee’;
 - e. Accept the new 4.5g; ‘Periodically review the performance of Internal Audit and report the results to Council’
2. recommend to Council that Council endorse the Charter with the above amendments.

CARRIED

9.3 REPORT 3 – Internal Audit and Audit Office Management Letters Actions Schedule as at 27 August 2020

OFFICER'S RECOMMENDATION

That the Audit, Risk and Improvement Committee note the Internal Audit and Audit Office Management Letters Actions Schedule with updates as at 27 August 2020

MOTION:

Moved: D Creed; Seconded: Cr Toomey

That the Audit, Risk and Improvement Committee:

- 1. advise Council that a review of report on *Internal Audit and Audit Office Management Letters Actions Schedule with updates as at 27 August 2020* was undertaken involving a range of considerations including:**
 - a. cash Handling procedure in progress;**
 - b. CAPEX Policy pending development;**
 - c. Alignment of budget with actual accounting processes to record new assets;**
 - d. action completed status;**
 - e. whether supplier masterfile additions should be reviewed by someone other than CFO e.g. General Manager;**
 - f. development of the enterprise risk register;**
 - g. development of the contract register and the officers comment to be revisited;**
 - h. purchasing processes and the lack of an online procurement system and current moderate risk and internal controls and officers comment to be updated to reflect current practices;**
 - i. tendering process - officers comments to be updated and target date to be reviewed;**
 - j. purchase orders raised after invoicing - officers comments to be updated regarding part 3; and**
 - k. 3.1.2 correct spelling of Kingstown.**
- 2. recommend to Council that:**
 - a. the General Manager remove from the report actions presented as completed ; and**
 - b. Council's internal auditor provide a report to ARIC on the effectiveness of the Contract Register.**

CARRIED

The following occurred during the review of item 9.3:

Cr Crouch left meeting 3:57pm

Cr Crouch returned 4:01pm

M O'Connor left meeting 4:01pm

M O'Connor returned 4:03pm

Break introduced by Chair 4:18pm – returning 4:23pm

10. Confidential Business

Nil

11. Motions without Notice:

The Chair advised that he was contacted after the issue of the agenda with a request to raise two motions without notice. The Chair advised the General Manager just prior to the meeting who advised that the motions should have been placed on notice or now be taken on notice. The Chair acknowledged the General Manager's advice; however, informed the meeting that he had already agreed to accept the motions without notice on this occasion.

Cr Crouch read to a Motion without Notice – relating to a letter from Cr O'Connor in May 2020.

MOTION 1:

Moved: Cr R Crouch; Seconded: Cr T Toomey

The ARIC recommend to Council:

That Uralla Shire Council's internal auditor undertake a review of the process, surrounding any possible deviation between the Transport Asset Management Plan (Feb 2016 v6) and the related 2019/20 Budget allocations without Council approval.

CARRIED

MOTION 2:

Moved: Cr R Crouch; Seconded: Cr T Toomey

That ARIC recommend to Council:

That in relation to the sealing of the asphalt overlay of Hill St between Bridge and Duke Streets, that Uralla Shire Council's internal auditor undertake a review of the process for undertaking this work to examine whether a breach of established delegations was evidenced by the splitting of an order by Council officers to avoid going to tender.

CARRIED

11. Next Meeting

The next meeting is scheduled for 15 October 2020, 9:30am Council Chambers, Uralla Shire Council.

12. Meeting Closed

The Chair declared the meeting closed at 5:05pm.



Audit, Risk and Improvement Committee Charter 2020

INFORMATION ABOUT THIS DOCUMENT

Date Adopted by Council		Resolution No.	
Document Owner	Executive Manager Corporate Services		
Document Development Officer	Coordinator Governance and Risk		
Review Timeframe	2 years		
Last Review Date:	2020	Next Scheduled Review Date	2022

Document History

Doc No.	Date Amended	Details
1	October 2014	Adopted by Council – Res # 329/14
2	March 2018	Review for <i>LG Amendment (Governance and Planning) Act 2016</i> , review by Executive.
3	May 2020	Minor amendments to reflect position changes.
4	19 May 2020	Amended by Audit, Risk and Improvement Committee
5	August 2020	Amended following receipt of submission during public exhibition period.

Related Legislation*	<i>NSW Local Government Act 1993</i> <i>Local Government Amendment (Governance and Planning) Act 2016</i>
Related Policies	Risk Management Manuals
Related Procedures/ Protocols, Statements, documents	AS/NZS 31000:2009 Risk Management – Principles and Guidelines Risk OLG Internal Audit Guidelines 2010 Risk Register Risk Management Action Plan Integrated Planning and Reporting Framework documents Internal Audit Plan Internal Audit Charter

TABLE OF CONTENTS

1. OBJECTIVES	2
2. SCOPE AND AUTHORITY	2
3. COMPOSITION AND TENURE	2
3.1. Voting Members	2
3.2. Attendees from Council.....	3
3.3. Other Persons	3
4. ROLE AND RESPONSIBILITIES	3
4.1 Risk Management	3
4.2 Control Framework.....	4
4.3 Legislative Compliance	4
4.4 External Audit	4
4.5 Internal Audit.....	4
4.6 External Accountability.....	5
4.7 Responsibilities of Members	5
5. ADMINISTRATIVE ARRANGEMENTS.....	6
5.1 Meetings	6
5.2 Attendance at Meetings and Quorums	6
5.3 Secretariat	6
5.4 Conflict of Interests	6
5.5 Induction.....	6
5.6 Assessment Arrangements	7
5.7 Review of Audit, Risk and Improvement Committee Charter	7

1. OBJECTIVES

The objective of the Audit, Risk and Improvement Committee (Committee) is to provide professional independent advice and assistance to the Uralla Shire Council (Council) to improve its operations and functions, ensure compliance to legislation, and be accountable for its external responsibilities. This charter outlines and defines the responsibilities and the extent of authority that the Committee is granted.

2. SCOPE AND AUTHORITY

Subject to any legal obligations to protect information and confidentiality, Council authorises the Committee, within the scope of its role and responsibilities to:

- a) Have access to and obtain any information that it requires;
- b) Discuss relevant matters with external and internal auditors and/or other applicable external parties;
- c) Request the attendance of any Council employee or Councillor at Committee meetings; and
- d) Obtain external legal or other professional advice considered necessary to meet its responsibilities.

In accordance with Section 428A of the *Local Government Amendment (Governance and Planning) Act 2016* the Committee must keep under review the following aspects of Council's operations:

- a) Compliance;
- b) Risk management;
- c) Fraud control;
- d) Financial management;
- e) Governance;
- f) Implementation of the strategic plan, delivery program and strategies;
- g) Service reviews;
- h) Collection of performance measurement data by the council; and
- i) Any other matters prescribed by the regulations.

3. COMPOSITION AND TENURE

3.1. Voting Members

The Audit, Risk and Improvement Committee will be composed of five voting members consisting of:

- Two elected Members of Council; and
- Three independent external members (not members of the Council), with one to be delegated Chairperson.

The members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Council. At least one independent external member of the Committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment.

The independent external members will be appointed for the term of Council's electoral cycle, after which they will be eligible for extension or re-appointment following a formal review of their performance by the elected Councillors after the Uralla Shire Council Local Government elections.

The term of a Committee member shall cease earlier on:

1. The day on which the member resigns from the Committee;
2. In the case of a Councillor, the day on which the member ceases to be a Councillor;
3. The day on which the member's appointment is legally terminated by Council; or
4. The day on which the member is incapacitated by law from holding such office.

3.2. Attendees from Council

The following Council officers and employees will be required to attend Committee meetings but will have no voting powers:

- General Manager;
- Chief Financial Officer;
- Executive Manager Corporate Services
- Internal Auditor; and
- Coordinator Governance and Risk.

3.3. Other Persons

When the Committee deems necessary and when required other persons will be invited and/or will be permitted to attend Committee meetings. These persons include, but are not limited to:

- Representatives of Councils external and internal auditors;
- Observers, such as the Mayor and Councillors who are not members of the Committee; and
- Other Council employees required to participate for certain agenda items.

4. ROLE AND RESPONSIBILITIES

The Committee has no executive powers, except those expressly provided by the Council.

In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the *NSW Local Government Act 1993*.

The responsibilities of the Committee may be revised or expanded by the Council from time to time.

The Committee's responsibilities are outlined in the below sections:

4.1 Risk Management

- a) Review whether management has in place a current and comprehensive risk management framework, and associated policy/procedures for effective identification and management of business and financial risks, including fraud;
- b) Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- c) Review the impact of the risk management framework on its control environment and insurance arrangements; and
- d) Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

4.2 Control Framework

- a) Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors;
- b) Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated;
- c) Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with;
- d) Review whether appropriate policies and procedures are in place for the management and exercise of delegations; and
- e) Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

4.3 Legislative Compliance

- a) Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements; and
- b) Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

4.4 External Audit

- a) The Committee has no power of direction over external audit or the manner in which the external audit is planned or undertaken but will act as a forum for the consideration of external audit findings as well as management responses.
- b) At the completion of the annual financial statements, the Committee shall meet to review the audited General Purpose Financial Report and the Audit Report before the documents are presented to Council;
- c) The Committee shall provide input and feedback on the financial statements and performance audit proposed by external auditors; and
- d) Consider significant issues raised through external audit reports and monitor to ensure appropriate course of action is taken.

4.5 Internal Audit

- a) The Internal Audit function shall ultimately report to the Audit Risk and Improvement Committee;
- b) Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Plan, and approve the plan;
- c) Consider the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved Internal Audit Plan;

- d) Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices;
- e) Monitor the implementation of internal audit recommendations by management;
- f) Periodically review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place; and
- g) Periodically review the performance of Internal Audit and report the results to Council.

4.6 External Accountability

- a) Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and supported by appropriate management sign-off on the statements and the adequacy of internal controls;
- b) Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments;
- c) To consider contentious financial reporting matters in conjunction with council's management and external auditors;
- d) Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements;
- e) Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations; and
- f) Satisfy itself there is a performance management framework linked to organisational objectives and outcomes.

4.7 Responsibilities of Members

Members of the Committee are expected to:

- a) Understand the relevant legislative and regulatory requirements appropriate to Council;
- b) Contribute the time needed to study and understand the relevant documentation and briefing materials provided;
- c) Apply good analytical skills, objectivity and good judgment;
- d) Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry; and
- e) Comply with Council's Code of Conduct.

5. ADMINISTRATIVE ARRANGEMENTS

5.1 Meetings

The Committee will meet at least four times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members may make requests to the Chair for additional meetings.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Committee Charter.

It is expected that Committee members will be in attendance at the majority of meetings.

5.2 Attendance at Meetings and Quorums

A quorum will consist of a majority of Committee members, including at least one independent member.

Meetings can be held in person, by teleconference or by video conference.

5.3 Secretariat

The Executive Manager Corporate Services is responsible for ensuring that the Committee has adequate secretariat support. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained. Minutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held.

5.4 Conflict of Interests

Councillors, Council staff and members of Council committees must comply with the applicable provisions of Council's Code of Conduct in carrying out the functions as Council officials. It is the personal responsibility of Council officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.

Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

5.5 Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

5.6 Assessment Arrangements

The Chair of the Committee will initiate a review of the performance of the Committee at least once every two years. The review will be conducted with appropriate input from Council management and any other relevant stakeholders.

5.7 Review of Audit, Risk and Improvement Committee Charter

At least once every two years, the Committee will review the Audit, Risk and Improvement Committee Charter.

Report 2 - Community Grants Program 2020-21 - Round 1 Application Assessments



REPORT OF COMMITTEE

Reference/Subject:	Report 2 – Community Grants Program 2020-21 - Round 1 Application Assessments
Submitted by:	<i>Coordinator Communications & Engagement</i>
Department:	Corporate Services

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	1.3	A diverse and creative culture
Strategy:	1.3.3	Lobby government, companies and other individuals to secure funding for cultural and creative expression fields
Activity:	1.3.3.1	Enhance opportunities for community cultural and creative expression
Action:	1.3.3.1.1	Coordinate and deliver Council’s annual community grants and financial assistance programs

SUMMARY:

This report provides the outcomes of the Community Grants Panel’s assessment of the applications received for Round 1 of the 2020-21 Uralla Shire Community Grants Program and to provide recommendations for determination by Council.

OFFICER’S RECOMMENDATION:

That Council adopt the Community Grant Panel Committee recommendation to:

- (1) Approve Community Grants Program 2020-21 Round 1 funding allocations to the following applicants in accordance with the general grant conditions and special conditions as set out in Table 3 of this report:**
 - a. Uralla Neighbourhood Centre for the amount of \$1,600**
 - b. Kentucky Progress Association for the amount of \$3,000**
 - c. St Joseph’s Catholic School Uralla for the amount of \$2,2000**

Uralla Shire Council
Council Business Paper – 22 September 2020

BACKGROUND:

Council runs two rounds of its Community Grants Program each financial year in accordance with Council's Community Grants Policy and associated Guidelines.

Applications under the first round of the 2020-21 Community Grants Program opened on 1 August 2020. Council invited community groups and organisations to apply for grants up to \$3000 for eligible projects, activities, or events until the closing date of 31 August 2020, 5:00pm.

REPORT:

Council received three community group/organisation applications under Round 1 of the Program.

The Community Grants Panel members assessing the applications were Councillors Bell, O'Connor, and Toomey. No pecuniary interests were declared in the assessment of the applications.

Table 1 – Applications Received

Applicant	Amount requested	Proposed Project
St Joseph's Catholic School Uralla	\$2200	School Car Park Upgrade To reinforce school car park with concrete edging.
Uralla Neighbourhood Centre	\$1600	Uralla Garden Project To erect fencing around the Uralla community garden, signage, and tables.
Kentucky Progress Association	\$3000	Kentucky Park Reserve – Park Fencing To erect a safety fence around the park play equipment in Kentucky Reserve.
Total	\$6,800	

The submissions were assessed by the Community Grants Panel against the criteria as listed in the Community Grants Program Guidelines. The Community Grants Panel's assessments are set out in Table 2 below.

Table 2 – Panel Assessments

Applicant	Assessments
St Joseph's Catholic School Uralla	The Community Grants Panel supported the application for funding for the following reasons: <ul style="list-style-type: none"> • Significant economic and cultural benefit to the Uralla Shire Community
Uralla Neighbourhood Centre	The Community Grants Panel supported / did not support the application for funding for the following reasons: <ul style="list-style-type: none"> • Community Development, Environmental Initiatives and Social Services
Kentucky Progress Association	The Community Grants Panel supported / did not support the application for funding for the following reasons: <ul style="list-style-type: none"> • Sport and recreational activities

The recommendations of the Community Grants Panel Committee are set out below:

Successful Applicants

Outcomes of the assessments, with recommended approved amounts and special conditions (if any) in addition to those contained within the standard General Grant Conditions, are listed in Table 3 below.

Table 3 – Successful Applicants and Special Conditions

Applicant	Amount	Special Conditions
St Joseph's Catholic School Uralla	\$2200	Not applicable
Uralla Neighbourhood Centre	\$1600	Not applicable
Kentucky Progress Association	\$3000	Not applicable
Total approved	\$6,800	

Once the funding allocation is approved and a resolution is passed by Council approving the grants, letters of grant will be forwarded to the successful applicants along with conditions and offer acceptance documentation to be signed and returned to Council.

Unsuccessful Applicants

There were no unsuccessful applicants.

KEY ISSUES:

- Council's 2020-21 budget for its Community Grants Program is \$15,000.
- Council received three applications from community groups/organisations under Round 1 of the 2020-21 Community Grants Program.
- The Community Grants Panel have assessed the applications and provided recommendations to award a total 3 group/organisation applications for a total of \$6,800.

CONCLUSION:

This report contains recommendations from the Community Grants Assessment Plan to award community grants to the successful applicants and to provide written correspondence to the unsuccessful applications.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

Applications for Round 1 of the Community Grants Program were called via Public Notice in Council's newsletter, website and via social media. The Community Grants Program was further advertised via media release.

2. Policy and Regulation

The Community Grants Program Policy can be viewed on Council's website, refer: <https://www.uralla.nsw.gov.au/Council/Council-information/Policies-and-Codes>

3. Financial (LTFP)

Should Council endorse the Community Grants Panel's recommendations, Council will commit \$6,800 under Round 1 of Community Grants awarded during the 2020-21 financial year.

4. Asset Management (AMS)

N/A

5. Workforce (WMS)

N/A

6. Legal and Risk Management

N/A

7. Performance Measures

Successful completion of projects as reported via grant acquittal submitted within 60 days of completion of projects.

8. Project Management

Coordinator Communications and Engagement

Prepared by staff member:	Coordinator Communications and Engagement
TRIM Reference Number:	UINT/20/8111
Approved/Reviewed by Manager:	Interim Executive Manager Corporate Services
Department:	Corporate Services
Attachments:	Nil

13. REPORTS TO COUNCIL

Report 1 – Cash at Bank and Investments



REPORT TO COUNCIL

Reference/Subject:	Report 1 - Cash at Bank and Investments
Submitted by:	<i>Chief Financial Officer</i>
Department:	Organisational Services - Finance

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective:	4.2 An effective and efficient organisation.
Strategy:	4.2.2 Operate in a financially responsible and sustainable manner.
Activity:	4.2.2.1 Maintain and control financial system and improve long-term sustainability
Action:	Maintain cash flow and maximise return on investment within risk parameters provided by the Office of Local Government

SUMMARY:

Attached is a summary of bank accounts, term deposits, cash management account and investments in structured credit instruments. The investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

OFFICER'S RECOMMENDATION:

That:

- 1. Council note the cash position as at 31 August, 2020 consisting of cash and overnight funds of \$2,045,396, term deposits of \$12,656,761 totalling \$14,702,157 of readily convertible funds.**
- 2. Council note the loan position as at 31 August, 2020 totalling \$2,145,192.**

BACKGROUND:

In accordance with Regulation 212 of the Local Government (General) Regulations 2005, the following report is prepared about monies not currently required for use by Council and invested in forms of investment approved by Order of the Minister.

REPORT:

Current term deposits of \$12,656,761 spread over the next twelve months will receive a range of interest from .7% to 1.55% with an average rate of 1.23%. Diary of maturing dates and amounts is attached.

Council's General Fund bank balances (listed in the attachments) have been reconciled to the bank statement as at 31 August, 2020.

KEY ISSUES:

The official interest rate remains at 0.25% and based on current conditions, the Reserve Bank is unlikely to cut rates any further. The current low interest rates will continue to result in reduced investment returns over the coming year.

COUNCIL

1. Community Engagement/ Communication (per engagement strategy)

N/A

2. Policy and Regulation

Local Government Act 1993

Local Government (General) Regulations 2005

Order of the Minister re Investments

3. Financial (LTFP)

Current interest rates affect Council's ability to meet projected investment returns therefore reducing forecast revenue in the long term.

4. Asset Management (AMS)

N/A

5. Workforce (WMS)

N/A

6. Legal and Risk Management

The public presentation of this information and Council noting this report is an important part of Council's management of the risk of not maintaining compliance with the Minister's Orders regarding approved investment types and in-turn reduces the risk of future losses on investments.

7. Performance Measures

N/A

8. Project Management

N/A

Prepared by staff member:	Simon Paul
TRIM Reference Number:	U21/6687
Approved/Reviewed by Manager:	Chief Financial Officer
Department:	Organisational Services - Finance
Attachments:	Council's Investments as at 31 August, 2020 Schedule of loans as at 31 August, 2020

Uralla Shire Council
Council Business Paper – 22 September 2020

Uralla Shire Council				
Investments at 31 August, 2020				
Cash at Bank – Operating Accounts:				
Institution	Account	Bank Statement		
National Australia Bank	Main Account	\$86,148.65		
National Australia Bank	Trust Account	\$31,226.33		
Community Mutual	Bundarra RTC	\$25,988.97		
Total		\$143,363.95		
Business Investment (Cash Management) Account				
Institution	Interest rate	Balance		
Professional Funds	0.15% above RBA cash rate	\$1,902,031.64		
Total		\$1,902,031.64		
Term Deposits:				
Institution	Term	Interest rate	Maturity	Balance
Westpac Banking Corporation	7 months	1.48%	25/09/2020	\$252,281.23
ANZ	8 months	1.40%	30/09/2020	\$500,000.00
ANZ	12 months	1.35%	10/10/2020	\$400,000.00
Commonwealth Bank	9 months	1.13%	10/10/2020	\$1,200,000.00
National Australia Bank	12 months	1.45%	14/10/2020	\$500,000.00
Westpac Banking Corporation	12 months	1.48%	18/10/2020	\$1,335,230.00
National Australia Bank	12 months	1.45%	21/11/2020	\$300,000.00
Westpac Banking Corporation	10 months	1.38%	5/01/2021	\$500,000.00
National Australia Bank	12 months	1.50%	19/01/2021	\$719,250.00
National Australia Bank	9 months	1.05%	26/01/2021	\$500,000.00
Bank of Queensland	7 months	1.55%	10/03/2021	\$800,000.00
Bank of Queensland	12 months	1.40%	12/03/2021	\$800,000.00
National Australia Bank	12 months	1.25%	1/04/2021	\$600,000.00
National Australia Bank	12 months	1.20%	12/04/2021	\$500,000.00
ANZ	9 months	0.70%	26/04/2021	\$800,000.00
National Australia Bank	12 months	1.10%	21/05/2021	\$1,000,000.00
Westpac Banking Corporation	12 months	0.95%	19/06/2021	\$1,350,000.00
Westpac Banking Corporation	12 months	0.85%	25/07/2021	\$600,000.00
0	0	0.00%	0/01/1900	\$0.00
0	0	0.00%	0/01/1900	\$0.00
0	0	0.00%	0/01/1900	\$0.00
Total				\$12,656,761.23

Uralla Shire Council
Council Business Paper – 22 September 2020

Uralla Shire Council		
Loans at 31 August, 2020		
Loans:		
Loan no.	Purpose	Balance
165	MGH Property	\$42,825.89
168	Community Centre	\$25,903.48
176	Library Extensions	\$128,668.72
177	Grace Munro Centre	\$102,965.50
181	Creative Village Works	\$0.00
186	Public Toilets Pioneer Park	\$0.00
187	Undergrounding Power and Main Street Upgrade	\$117,328.58
188	Paving and Power Undergrounding	\$30,432.45
189	Bridge Construction	\$194,057.19
190	Bridge construction & industrial land development	\$1,503,010.26
Total		\$ 2,145,192.07

Report 2 - Development Application 20/2020 – 4 Bay shed – 178 Thunderbolts Way,
Yarrowyck



REPORT TO COUNCIL

Reference/Subject:	Report 2 - Development Application 20/2020 – 4 Bay shed – 178 Thunderbolts Way, Yarrowyck
Submitted by:	<i>Manager Development and Planning</i>
Department:	Infrastructure and Development

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	2.1	An attractive environment for business, tourism and industry
Strategy:	2.1.4	Implement tools to simplify development processes and encourage quality commercial, industrial, and residential development
Activity:	2.1.4.1	Process building and development application
Action:	2.1.4.1	Assess and determine development, construction, and other regulatory applications

NOTE TO COUNCILLORS:

In accordance with the provisions of S375A of the Local Government Act 1993, a Division is to be called whenever a motion for a planning decision is put to the meeting, for the purpose of recording voting on planning matters.

SUMMARY:

Proposal:	4 bay shed
Property description:	Lot 51 DP 1266073 Assessment 10389
Applicant:	New England Sheds
Owner:	Luke Noakes
Zoning:	RU2 Rural Landscape
Date received:	24 June 2020
Public notification or exhibition:	Notification
Exhibition period:	30 June -15 July 2020
Submissions:	1
Other approvals:	Nil

OFFICER'S RECOMMENDATION:

That Council approve the Development Application 20/2020 for a shed at 178 Thunderbolts Way, Yarrowyck (Lot 51 DP 1266073) subject to the following conditions of consent:

• *PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)*

(a) *Compliance with National Construction Code & insurance requirements under the Home Building Act 1989*

(b) *Please Note: A reference to the National Construction Code is a reference to that Code as in force on the date the application is made for the relevant:*

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or*
- (b) construction certificate, in every other case.*

1. The work must be carried out in accordance with the requirements of the *National Construction Code*.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
3. For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW H102 of Volume One of the *National Construction Code*.

(c) *Erection of signs*

(d) *Please Note: This does not apply in relation to:*

- (a) building work, subdivision work or demolition work that is carried out inside an existing building, which does not affect the external walls of the building development consent, in the case of a temporary structure that is an entertainment venue, or*
- (b) Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.*
- (c) a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.*

4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.
5. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(e) **Notification of *Home Building Act 1989* requirements**

(f) **Please Note:** *This does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.*

6. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the relevant owner-builder permit.
7. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under the above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

GENERAL CONDITIONS

8. The development shall be implemented in accordance with:
- (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
 - (b) The details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.

9. The owner of the property is to ensure that any structure is installed:
- (a) to meet the setback requirements of the approved plans,
 - (b) to be located within the confines of the lot, and;
 - (c) so that it does not interfere with any easements or covenants upon the land.

Reason: To avoid any structures being erected in a location where it would be inappropriate.

10. The structure is to be inspected at the following stages of construction:
- before the pouring of footings**
 - before covering drainage (under hydrostatic test)
 - before pouring any reinforced concrete structure **
 - before covering the framework for any wall, roof or other building element **
 - before covering waterproofing in any wet area**
 - before covering any stormwater drainage connections
 - when the building work is completed and all conditions of consent have been addressed**

** denotes a critical stage inspection under Section 109C of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a *development where a critical stage or other nominated inspection has not been carried out.

Council has limited capacity for inspections, which may only be on specific days. Please contact Council well in advance to arrange an inspection.

*All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer

Reason: To ensure compliance with appropriate standards.

11. A Construction Certificate must be obtained from a Certifying Authority before work commences.

Reason: To ensure compliance with Cl.146 of the Environmental Planning and Assessment Regulation 2000.

12. Occupancy of the building is not to take place until the Principal Certifying Authority (PCA) has carried out a final inspection and an Occupation Certificate issued.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and to restrict the use of the premises until the terms of the Development Consent have been complied with so as to ensure the health and safety of occupants of the building.

13. Roof water is to be disposed in a manner that does not cause a nuisance for neighbouring properties, by one of the following methods:

- (a) By piping onto a hardened surface and directed away from the building.
- (b) By piping 3.0 metres clear of any building to a rubble pit.

Reason: To alleviate any potential stormwater problems with respect to the buildings on the allotment or adjoining allotments.

14. The shed is not to be used as a domicile without prior written approval from Council.

Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.

15. The responsible person for plumbing and drainage work must ensure that the responsible person has given Council a notice of work in an approved form that specifies the work to be carried out and the responsible person for the work.

The notice of work must be provided no later than 20 business days before the work concerned is carried out in the case of work that involves a proposed alternative solution, or no later than 2 business days before the work concerned is carried out in any other case.

Reason: Statutory requirement

16. The responsible person for plumbing and drainage work must provide Council, and the person for whom the work is carried out, with a certificate of compliance within 2 business days after the work is completed.

Reason: Statutory requirement

Note: A certificate of compliance is a written document, in an approved form, that certifies that the plumbing and drainage work to which it relates is code compliant.

17. On completion of plumbing and drainage work that consists of or includes carrying out work on a sanitary drainage system, the responsible person for the work must supply a plan of the work, in the approved form, to the following persons:

- a) The owner of the land or the owner's agent,
- b) The Council.

Reason: Statutory requirement

CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING

18. The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement.

Reason: To ensure compliance with the Environmental Planning and Assessment Regulation 2000

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

19. The owner of the property is to ensure that any building is constructed:

- (a) to meet the setback requirements of the approved plans,
- (b) to be located within the confines of the lot, and;
- (c) so that it does not interfere with any easements or covenants upon the land.

Reason: To avoid any buildings being erected in a location where it would be inappropriate.

20. The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours:-

Monday to Saturday 7.00 AM to 5.00 PM

Sunday & public Holidays No construction activities are to take place.

Reason: To ensure that public amenity is not unduly affected by noise.

21. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.

BACKGROUND:

Development application 20/2020 for a 4 bay shed was received on 24 June 2020. As one submission was received during the notification period it has been referred to council for determination.

REPORT:

The application in its original form had the proposed shed in close proximity to a boundary on a lot separate from the dwelling. The two lots have since been amalgamated which provided a greater boundary setback.

KEY ISSUES:

Visual amenity: The one submission received raised an objection to the proposed development on the grounds that it would have a negative impact on the rural outlook from their property. While it is reasonable to suggest that the proposed development will have some impact on the view shed of 174 Thunderbolts Way, the nature and scale of the shed is consistent with rural residential living and the courts have generally held that impacts on the view shed of a neighbouring property are not grounds for refusal or modification of a proposal.

CONCLUSION:

No significant adverse impacts are known or expected as a result of approving the development application.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

Nil

2. Policy and Regulation

Uralla Development Control Plan 2011

Uralla Local Environmental Plan 2012

Environmental Planning and Assessment Regulation 2000

Environmental Planning & Assessment Act 1979

3. Financial (LTFP)

Nil

4. Asset Management (AMS)

Nil

5. Workforce (WMS)

Nil

6. Legal and Risk Management

Nil

7. Performance Measures

Nil

8. Project Management

Nil

9. Disclosure of Political Donations and Gifts

Has a Political Donations Disclosure Statement been received in relation to this application?	No
Political Donation Disclosure Statement register details	N/A
Have staff received a gift or benefit from anyone involved in this application that needs to be disclosed?	No
Gift and benefits register details	N/A

Prepared by staff member: Manager Development and Planning
TRIM Reference Number: UJNT/20/8116
Approved/Reviewed by Manager: Director Infrastructure and Development
Department: Infrastructure & Development
Attachments: Development Assessment Report
 Submission from Fay Hyde
 Site plan

Development Assessment Report

DA Number: DA-20-2020 **Council:** Uralla Shire Council
Location: 178 Thunderbolts Way YARROWYCK
Development Description: Shed
Title Details: Lot: 51 DP: 1266073

Property Details/History

	Checked	Comments
File History	No	
Title Plan	Yes	
Check Ownership	Yes	

Application Type

Is this application an Integrated Development Application? No
Is it a BASIX affected development? No

Concurrence/Referral

Section 4.13 – EP & A Act

Does this application require concurrence or referral? No
Is there any other issue that requires notation? No
Does this application require referral for decision by Council? Yes

Local Environmental Plan

Section 4.15(1)(a)(i) – EP & A Act

This land is zoned: RU2 Rural Landscape

List the relevant clause/clauses applicable under the LEP

Clause	Compliance	Comment
Land Use Table	Yes	The proposed land use requires development consent.

Development Control Plan

Section 4.15(1)(a)(iii) – EP & A Act

Does Uralla DCP 2011 apply to this land/proposal? Yes

Chapter	Compliance	Comment
4	Yes	

Is there a draft DCP which may affect this proposal? Yes

Comment: The current draft DCP has a requirement for 25m setbacks for ancillary structures in the RU2 Rural Landscape zone.

Regional Environmental Plan

The proposed development is not inconsistent with the New England North West Regional Plan.

State Environmental Planning Policy

Is this proposal affected by a SEPP? Yes

<u>List all relevant SEPPs</u>		
SEPP	Compliance	Comment
State Environmental Planning Policy (Koala Habitat Protection) 2019	Yes	Tier 1 development for the purposes of the SEPP.

Environmental Impacts

Section 79c(1)(b) – EP & A Act

Does this proposal have any potential environmental impacts? No

Environmental Impacts – Heritage

Section 4.15(1)(b) – EP & A Act

Does this proposal have any potential impact on?

Heritage	Impact	Comment
European	No	
Aboriginal	No	

Flooding

Section 4.15(1)(b) – EP & A Act

Is this property flood affected? No

Bush Fire Prone Land

Section 4.15(1)(b) – EP & A Act

Is this property bush fire prone as per the Bush Fire Prone Map? Yes

Category: Category1/Buffer

Comment: Non-habitable building.

Infrastructure

Has an engineering assessment been completed? No

Does this proposal have any potential infrastructure impacts? No

Construction Assessment

Is a construction assessment required? No

Section 68 Assessment

Section 68 – LGA Act

Is a section 68 approval required?

No

Notification

Section 4.15(1)(d) – EP & A Act

Was this application notified?

Yes

Were there any written submissions received?

Yes

If Yes, what was the number of submissions received?

1

Submission Maker	Issue	Comment
Faye Hyde	Visual amenity	While it is reasonable to suggest that the proposed development will have some impact on the viewshed of 174 Thunderbolts Way, the nature and scale of the shed is consistent with rural residential living and the courts have generally held that impacts on the viewshed of neighbouring properties are not grounds for refusal or modification of proposals.

Public Interest

Section 79c(1)(e) – EP & A Act

Does this proposal have any construction or safety issues?

No

Site Suitability

Section 4.15(1)(c) – EP & A Act

Is this a suitable site for this proposal

Yes

Assessing Officer General Comment

ASSESSMENT – KEY ISSUES

No issues warranting further detailed consideration have been identified.

Recommendation

No significant adverse impacts are known or expected on the natural, social or economic environment as a result of the approving the application. In that context it would be appropriate to approve the Development Application subject to the attached recommended conditions of development consent.

Conclusion

I confirm that I am familiar with the relevant heads of consideration under the Environmental Planning & Assessment Act and Local Government Act (if applicable) and have considered them in the assessment of this application.

I certify that I have no pecuniary or non-pecuniary interest in this application.

Additional Notes Attached:

No

Signed:

Matt Clarkson, Manager of Development and Planning

Date: 7.9.2020

PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)

Compliance with National Construction Code & insurance requirements under the Home Building Act 1989

Please Note: A reference to the National Construction Code is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

1. The work must be carried out in accordance with the requirements of the *National Construction Code*.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
3. For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW H102 of Volume One of the *National Construction Code*.

Erection of signs

Please Note: This does not apply in relation to:

- (a) building work, subdivision work or demolition work that is carried out inside an existing building, which does not affect the external walls of the building development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- (c) a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.
5. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Notification of *Home Building Act 1989* requirements

Please Note: *This does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.*

6. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the relevant owner-builder permit.
7. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under the above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

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 - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
 - (b) The details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.

9. The owner of the property is to ensure that any structure is installed:
 - (a) to meet the setback requirements of the approved plans,
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Reason: To avoid any structures being erected in a location where it would be inappropriate.

10. The structure is to be inspected at the following stages of construction:
- before the pouring of footings**
 - before covering drainage (under hydrostatic test)
 - before pouring any reinforced concrete structure **
 - before covering the framework for any wall, roof or other building element **
 - before covering waterproofing in any wet area**
 - before covering any stormwater drainage connections
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Council has limited capacity for inspections, which may only be on specific days. Please contact Council well in advance to arrange an inspection.

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Reason: To ensure compliance with appropriate standards.

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- Reason: To ensure compliance with Cl.146 of the Environmental Planning and Assessment Regulation 2000.*
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- Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and to restrict the use of the premises until the terms of the Development Consent have been complied with so as to ensure the health and safety of occupants of the building.*
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- (a) By piping onto a hardened surface and directed away from the building.
 - (b) By piping 3.0 metres clear of any building to a rubble pit.
- Reason: To alleviate any potential stormwater problems with respect to the buildings on the allotment or adjoining allotments.*
14. The shed is not to be used as a domicile without prior written approval from Council.
- Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.*
15. The responsible person for plumbing and drainage work must ensure that the responsible person has given Council a notice of work in an approved form that specifies the work to be carried out and the responsible person for the work.
- The notice of work must be provided no later than 20 business days before the work concerned is carried out in the case of work that involves a proposed alternative solution, or no later than 2 business days before the work concerned is carried out in any other case.
- Reason: Statutory requirement*

16. The responsible person for plumbing and drainage work must provide Council, and the person for whom the work is carried out, with a certificate of compliance within 2 business days after the work is completed.

Reason: Statutory requirement

Note: A certificate of compliance is a written document, in an approved form, that certifies that the plumbing and drainage work to which it relates is code compliant.

17. On completion of plumbing and drainage work that consists of or includes carrying out work on a sanitary drainage system, the responsible person for the work must supply a plan of the work, in the approved form, to the following persons:
 - a) The owner of the land or the owner's agent,
 - b) The Council.

Reason: Statutory requirement

CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING

18. The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement.

Reason: To ensure compliance with the Environmental Planning and Assessment Regulation 2000

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

19. The owner of the property is to ensure that any building is constructed:
 - (a) to meet the setback requirements of the approved plans,
 - (b) to be located within the confines of the lot, and;
 - (c) so that it does not interfere with any easements or covenants upon the land.

Reason: To avoid any buildings being erected in a location where it would be inappropriate.

20. The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours:-

Monday to Saturday 7.00 AM to 5.00 PM

Sunday & public Holidays No construction activities are to take place.

Reason: To ensure that public amenity is not unduly affected by noise.

21. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.

ADVISORY NOTES – GENERAL

22. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
23. It is possible that a covenant may affect the land which is the subject of this consent. The grant of this consent does not necessarily override that covenant. You should seek legal advice regarding the effect of any covenants which affect the land.
24. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new

development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

25. Any alteration to the drawings and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s4.55 of the Act or a fresh development application. No works other than those approved under this consent shall be carried out without the prior approval of Council.
26. Telecommunications Act 1997 (Commonwealth): Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
27. Prior to any works being undertaken within the road reserve, (including the footpath), a Section 138 approval must be obtained from Council. Please contact Council to obtain an application form.
28. Pursuant to Section 94(1)(a) of the *Local Government Act 1993 (General) Regulation 2005*, prior to any water main extension work or sewer main extension work the developer is to apply for a Section 68 Certificate approval and submit proposed plans.

END

From: [REDACTED]
Sent: Wednesday, 15 July 2020 8:59 PM
To: Council
Subject: Development application no DA-20-2020

Follow Up Flag: Follow up
Flag Status: Flagged

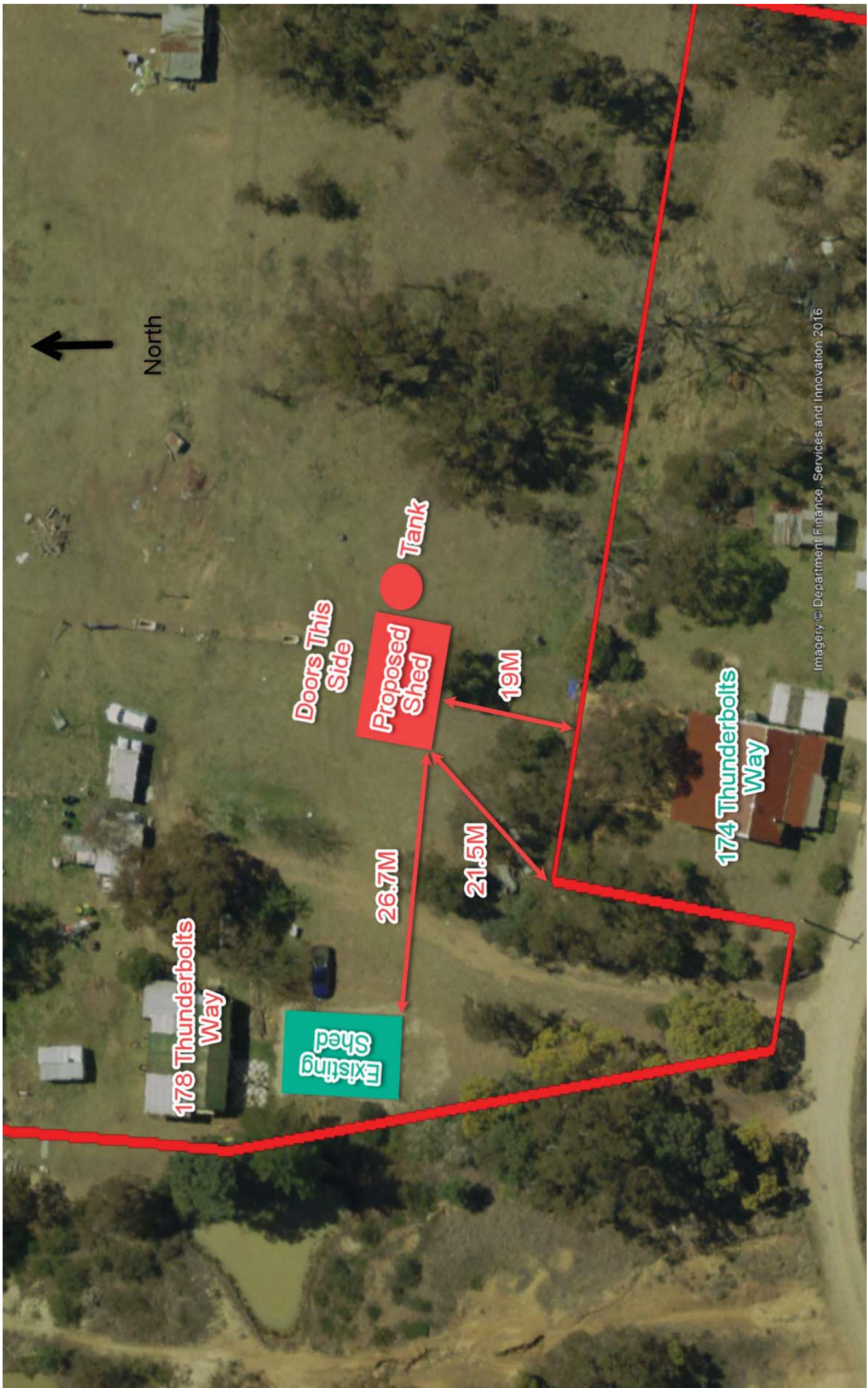
178Thunderbolts Way Uralla

Wanting to express my objection to the above development as i feel it will impose on the rural outlook from my residence and no consideration has been thought of as far as size of shed and height .With so much land available I think more thought should have been put into this build by the owners.

Yours sincerely Faye Hyde

[REDACTED]

Sent from my iPad



Imagery © Department Finance, Services and Innovation 2016

Report 3 - Works Progress Report as at 31 August 2020



REPORT TO COUNCIL

Reference/Subject:	Report 3 - Works Progress Report as at 31 August 2020
Submitted by:	<i>Manager Civil Infrastructure</i>
Department:	Infrastructure & Development

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	2.3	A safe and efficient network of arterial roads and supporting infrastructure; and town streets, footpaths and cycle ways that are adequate, interconnected and maintained
Strategy:	2.3.1	Provide an effective road network that balances asset conditions with available resources and asset utilisation
Activity:	2.3.1.1	Deliver road and drainage maintenance services and capital works programs

SUMMARY:

The purpose of this report is to inform Council of the works that have been completed or progressed to the following month, and works being undertaken in the current month.

OFFICER'S RECOMMENDATION:

That the report be received and noted for the works completed or progressed during August 2020, and works programmed for September 2020.

BACKGROUND:

Council is kept informed on the progress of maintenance and construction works within the Shire.

REPORT:

A. Works Undertaken in August 2020

- 1. Main Road Maintenance**

MR73 Thunderbolts Way	Patching
MR124 Bundarra Road	Patching

- 2. Sealed Roads Maintenance**

Uralla Streets	Patching
Torryburn Road	Patching
Enmore Area	Patching
Invergowrie Area	Patching

3. Unsealed Roads Maintenance Grading

Laura Homestead Road	Graded
Baldersleigh Road	Graded
Goldfinch Street	Graded
Bakers Creek Road	Graded
Athol Rod	Graded
Allinghams Road	Graded
Balala Road	Graded
Danehurst Road	Graded
Jobsons Lane	Graded
Borgers Road	Graded
Glenburnie Road	Graded
Retreat Road	Graded
Mabbotts Lane	Graded

4. Construction

Bingara Road	Completed sub-grade course construction Commenced sub-base course construction
--------------	---

5. Bridge / Sign

Town	Cleaned stormwater grates
Rural Roads	Replace damaged guardrails and sign maintenance Sign maintenance
Regional Roads	
Urban and rural streets	Signs replaced
Rowan Avenue	Surface works completed
Depot	Assist in clean-up

6. Town and Parks

Uralla	Recreational area maintenance, cemetery maintenance, cleaned gutters, mowing, sporting field maintenance, tree pruning
--------	--

B. Works to be continued/undertaken in September 2020

1. Main Road Maintenance

Bitumen patching
Sign and guidepost maintenance
Mowing

2. Sealed Roads Maintenance

Bitumen patching
Signs and guidepost maintenance
Mowing

3. Unsealed Roads Maintenance

Grading – Bendemeer Road, Lana
Road,
Rowena Road, Retreat Road

4. Bridge/Sign

Bridge maintenance

General maintenance

Wonga Abutment improvement

Drainage maintenance

Hawthorn Drive and Northeys Road

5. Construction

Bingara Road upgrade

Continue sub-base and base course construction

Retreat Road upgrade

Preliminary works

6. Town Area

Maintenance

General maintenance and up-keeping

C. Roads To Recovery and Local Roads & Community Infrastructure Funding Program

The following projects are funded and undertaken in 2020-21:

1. Project: Kingstown Road rehabilitation (chainage 6.5km to 6.75km, 7.5km to 7.75km and 18km to 19km from intersection of Bridge Street).
Scope of works: Pavement widening, stabilising, additional base course, drainage improvement and bitumen sealing.
Funding: \$404,250
2. Project: Arding Road rehabilitation (2.25km to 3km from intersection of New England Highway).
Scope of works: Additional base course, stabilising, drainage improvement and bitumen sealing.
Funding: \$215,630
3. Project: Torryburn Road (11.5km to 11.75 and 12.25 to 12.5km from intersection of Thunderbolts Way).
Scope of works: Pavement widening, additional base course, stabilising, drainage improvement and bitumen sealing.
Funding: \$134,750
4. Retreat Road (8.18km to 10.18km from Kingstown Road intersection).
Scope of works: Upgrade from unsealed to sealed road and drainage improvement
Funding: \$400,000
5. Project: Maitland Street (King Street to Wood Street)
Scope of works: Asphalt overlay
Funding: \$82,775

KEY ISSUES:

Nil

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

Weekly posts to Council's Facebook and internal weekly bulletin keep the community informed of progress.

2. Policy and Regulation

Procurement Policy; Infrastructure Asset Management Policy; and other applicable Civil Infrastructure and Works policies of Council
Local Government Act (1993), Roads Act (1993), Work Health & Safety Act (2011), Environmental Planning & Assessment Act (1979) and Australian Standards.

3. Financial (LTFP)

In accordance with budget

4. Asset Management (AMS)

In accordance with Asset Management Plan

5. Workforce (WMS)

Council staff and contractors

6. Legal and Risk Management

Maintaining Council assets to minimise legal and risk exposure

7. Performance Measures

Works completed to appropriate standards

8. Project Management

Works Manager, Overseer & Director Infrastructure & Development

Prepared by staff member:	Manager Civil Infrastructure
Approved/Reviewed by Manager:	Director Infrastructure & Development
Department:	Infrastructure & Development
TRIM Reference Number:	UINT/20/8205
Attachments:	1. Works Program to 31 August 2020

Capital Works Program at 31 August 2020

ID	Task Name	Comments	Estimates to Date	Actual Costs to Date	July 29/06	August 27/07	September 24/08	October 21/09	November 19/10	December 16/11	January 11/01	February 8/02	March 8/03	April 5/04	May 3/05	June 31/05
1	Roads Construction		\$0.00													
2	Bingra Road upgrade, ch 6600 to 15000.		\$2,856,000.00	\$2,080,324.91												
3	Road construction (ch8900 - 11100), drainage & erosion control	Restart NSW	\$794,183.00	\$277,694.36												
4	Toleys Gully Bridge	Growing Local Economies	\$1,100,000.00													
5	Survey, investigation and tender		\$45,000.00	\$40,062.99												
6	Bridge construction		\$448,500.00													
7	Bridge approaches construction		\$551,000.00													
8	Sifer Rd - MR73(South)	Sifer Rd / Blocksept	\$247,840.00													
9	Design		\$20,000.00													
10	Construction & install safety barriers		\$227,840.00													
11	Regional Roads - REPAIR Program (Ext Funding \$187,226)	REPAIR / Block Grant	\$363,880.00													
12	Thunderbolts Way(MR73C), REPAIR reconstruction ch 22000to 22650 (adjacent Gwydir River bridge)		\$177,177.00													
13	Thunderbolts Way(MR73C), REPAIR reconstruction ch 1300 to 1730 (Rifle Range)		\$287,912.00													
14	Upgrade		\$400,000.00													
15	Retreat Rd (2km)	LRCI	\$400,000.00	\$6751.04												
16	Renewals 1		\$2,484,234.00													
17	Reseals - Urban		\$70,343.00													
18	Reseals - Rural		\$372,269.00													
19	Reseals - Regional		\$289,268.00													
20	Rehabilitation - Sealed Rural Roads		\$1,442,634.00													
21	Kingstown Road (8.25km - 8.75km)	RZR	\$134,750.00													
22	Kingstown Road (11.50km - 12.50km)	RZR	\$269,500.00													
23	ADING Road (2.25km - 3km)	RZR	\$215,634.00													
24	Toryburn Road (11.5km - 11.75km)	LRCI	\$67,375.00													
25	Toryburn Road (12.25 - 12.5km)	LRCI	\$67,375.00													
26	Hawthorne Drive (0 - 2km)	FLR	\$655,000.00													
27	Rehabilitation - Sealed Urban Roads		\$307,720.00													
28	Uralla Street (Uralla Creek - Hill St)		\$21,000.00													
29	East Street (Duke St - Salisbury St)		\$99,820.00													
30	Queen Street (Central School - Park St)		\$104,125.00													
31	Mallard Street (King St - Wood St)	LRCI	\$82,775.00													
32	Construction Projects		\$195,606.00													
33	Footpath (TBA)		\$60,256.00													
34	Bike Track (Plane Avenue)		\$64,750.00													
35	Kerb & Gutter (road - TBA)		\$70,600.00													
36	Resheeting		\$503,373.00													
37	Unsealed Rural Roads (TBC)		\$482,668.00													
38	Unsealed Regional Roads (TBA)		\$207,005.00													

█ Task
█ Split
█ Milestone
█ Summary
█ Manual Task
█ Duration-only
█ Manual Summary Rollup
█ Manual Summary
█ Start-only
█ Finish-only
█ External Tasks
█ External Milestone
█ Project Summary
█ Inactive Task
█ Inactive Milestone
█ Inactive Summary
█ Deadline
█ Progress
█ Manual Progress
█ Slippage

Report 4 – Election of Deputy Mayor



REPORT TO COUNCIL

Reference/Subject:	Report 4 – Election of Deputy Mayor
Submitted by:	Coordinator Governance & Risk
Department:	General Manager's Office

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	4.1	A strong, accountable and representative Council
Strategy:	4.1.3	Provide open, accountable and transparent decision making for the community
Activity:	4.1.3.1	Implement and maintain a transparent and accountable decision making framework
Action:	4.1.3.1.9	Council ordinary and extraordinary meetings are conducted and open to the public

SUMMARY:

The purpose of this report is for Council to elect a Deputy Mayor in accordance with section 231 of the *Local Government Act 1993*. This report recommends that the term of the Deputy Mayor be for one year; the method of voting be preferential ballot; and the nominations and voting remain secret, with nomination forms and voting ballot papers to be destroyed.

OFFICER'S RECOMMENDATION:

- (1) That Council elect a Deputy Mayor for the period from 22 September 2020 until the Local Government Election to be held in September 2021.**
- (2) That the Mayor call for nominations for the position of Deputy Mayor.**
- (3) That should there be more than one nomination for the position, the method of election of the Deputy Mayor be by way of preferential ballot. That the nominations and voting remain secret and that the nomination forms and voting ballot papers be destroyed at the conclusion of this Ordinary Meeting.**

Following the nomination(s)/ballot

- (4) That Cr be appointed as Deputy Mayor for the period from 22 September 2020 until the Local Government Election to be held in September 2021.**

BACKGROUND:

Council has previously considered the election of the Deputy Mayor resolving that the term of the Deputy Mayor be for one year; the method of voting be preferential ballot; and the nominations and voting remain secret, with nomination forms and voting ballot papers being destroyed following the conclusion of each Ordinary Meeting.

The term of the proposed Deputy Mayor appointment is until the Local Government elections which are to be held in September 2021.

REPORT:

Under Section 231 of the *Local Government Act 1993* (the Act), a council may elect a Deputy Mayor to assist the Mayor in the performance of their duties. Section 231 of the Act provides:

231 Deputy mayor

- (1) The councillors may elect a person from among their number to be the deputy mayor.*
- (2) The person may be elected for the mayoral term or a shorter term.*
- (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
- (4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

Term of the Deputy Mayor

Section 231 (2) of the Act provides that the Deputy Mayor may be elected for the mayoral term or a shorter term, such as:

1. For a period of 12 months
2. For the period of the Mayoral Term
3. For another period determined by Council

Returning Officer

Schedule 7(1) of the Local Government (General) Regulation 2005 (the Regulation) states that the “General Manager (or a person appointed by the General Manager) is the Returning Officer.”

Nomination

Schedule 7(2) of the Regulation provides:

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.*
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) The nomination is to be delivered or sent to the returning officer.*
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

Nomination forms have been provided as an attachment to this business paper. Completed nomination forms should be returned to the General Manager prior to the commencement of the Council meeting.

Election

Schedule 7(3) of the Regulation provides:

- (1) If only one councillor is nominated, that councillor is elected.*
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot; or by open voting.*
- (3) The election is to be held at the Council meeting at which the Council resolves the method of voting.*
- (4) In this clause:
“ballot” has its normal meaning of secret ballot;

“open voting” means voting by a show of hands or similar means.*

The following additional information is provided in respect to an election by preferential ballot and by ordinary ballot.

Preferential ballot

As per its normal interpretation, the ballot papers are to contain the names of all candidates and Councillors mark their votes 1, 2, 3 and so on against the various names, so as to indicate their order of preference for all of the candidates.

Ordinary ballot:

This is the usual method adopted in New South Wales. Ballots are secret with only one candidate's name written on a ballot paper.

Where there are two candidates, the person with the most votes is elected.

If the ballots for the two candidates are tied, the one to be elected is to be chosen by lots, with the first name out being declared elected.

Where there are three or more candidates, the person with the lowest number of votes is eliminated and the process started again until there are only two candidates. The determination of the election would then proceed as if the two were the only candidates. In the case of three or more candidates where a tie occurs, the one to be excluded will be chosen by lot.

Choosing by Lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen, on the basis detailed above.

KEY ISSUES:

- Determine the term of the Deputy Mayor, either 12 months or other term.
- Determine the method of election as open voting, preferential ballot, or ordinary ballot.
- Resolve the appointment of the Deputy Mayor.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

Nil.

2. Policy and Regulation

- NSW Local Government Act 1993.
- NSW Local Government Regulation (General) 2005.
- Code of Meeting Practice.

3. Financial (LTFP)

Nil

4. Asset Management (AMS)

Nil

5. Workforce (WMS)

Nil

6. Legal and Risk Management

Nil

7. Performance Measures

Nil

8. Project Management

Nil

Prepared by staff member: Nathalie Heaton, Coordinator Governance & Risk

TRIM Reference Number: UINT/20/07797

Approved/Reviewed by Manager: General Manager's Office

Attachments: Nomination Form



NOMINATION FORM – Deputy Mayor

To be completed and returned to the General Manager prior to the commencement of the Ordinary Meeting of Council held 22 September 2020

*We, and
[Name of First Nominator] [Name of Second Nominator]

hereby nominate the following Councillor for the position of Deputy Mayor of Uralla Shire Council for the period commencing 24 September 2019:

Name of Councillor Nominee:

*Signed [First Nominator] Date:

*Signed [Second Nominator] Date:

Councillor Nominee

I accept my nomination for the position of Deputy Mayor of Uralla Shire Council for the period commencing 24 September 2019:

*Signed [Councillor Nominee] Date:



Report 5 – Councillor Committee Representation



REPORT TO COUNCIL

Reference/Subject:	Report 5 – Councillor Committee Representation
Submitted by:	<i>Coordinator Governance & Risk</i>
Department:	General Manager’s Office

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	4.1	A strong, accountable and representative Council
Strategy:	4.1.3	Provide open, accountable and transparent decision making for the community
Activity:	4.1.3.1	Implement and maintain a transparent and accountable decision making framework
Action:	4.1.3.1.9	Council ordinary and extraordinary meetings are conducted and open to the public

SUMMARY:

The purpose of this report is for Council to appoint its delegates to committees and external bodies upon which Council is represented. Delegates can be elected for the term of Council or for a shorter period of time as determined by Council. Council has previously determined representation annually.

OFFICER’S RECOMMENDATION:

That Council:

- (1) Review the Committees Register, contained at Attachment A, and resolve to appoint Councillor delegates to each of the committees and external bodies for the 2020-21 year.**
- (2) Appoint as Council’s representatives to the committees and external bodies for 2020-21 year:**

Specific Purpose Committees/Panels	Councillor Representatives
Audit, Risk and Improvement Committee	1. Cr 2. Cr
Australia Day Committee	1. Cr 2. Cr
Community Grants Panel	1. Cr 2. Cr 3. Cr

Uralla Shire Council
Council Business Paper – 22 September 2020

External Boards, Committees and Organisations	Councillor Delegate(s)
Arts North West	1. Cr (Advisory Council) 2. Cr (Delegate Alternate)
Central Northern Regional Library	1. Cr
Community Safety Precinct Committee	1. Cr M Pearce
Country Mayors Association	1. Cr M Pearce
Local Traffic Committee	1. Cr (Member) 2. Cr (Alternate)
Mid North Weight of Loads	1. Cr
New England Joint Organisation	1. Cr M Pearce
New England Weeds Authority	1. Cr
Northern Joint Regional Planning Panel	1. Cr (Panel Member) 2. General Manager (Panel Member) 3. Cr (Alternate)
Section 355 Committees	Councillor Delegate(s)
Bundarra School of Arts Hall Committee	1. Cr
Uralla Township and Environs Committee	1. Cr 2. Cr

and;

(3) Write to each committee and external body on which Council is represented and advise of their Councillor delegate/s for the 2020-21 year.

BACKGROUND:

Following the quadrennial Local Government Elections, Council is required to determine its delegates on committees, including those operated by Council and those operated by external stakeholders, and those external bodies on which Council is represented by an elected representative. In 2016, 2017, and 2018 Council has resolved to appoint Councillor delegates for a one-year term, with Councillors' committee assignments being reviewed in September each year.

REPORT:

The Committees Register, contained at Attachment A, lists those committees and external bodies on which Council is currently represented, including Council's representation entitlement on each committee and external body and the endorsed Councillor delegates for 2018-19. Each committee and external body has varying requirements with respect to meeting frequency.

Council should note that the Uralla Township and Environs Committee Constitution does not specify how many Councillor delegates are to be appointed to the Committee. When the Committee was formed at Council's April 2018 Ordinary Meeting, Council resolved to appoint two Councillor delegates to the Committee. Council again determined at its September 2018 Ordinary Meeting to retain the two delegates to the Committee.

KEY ISSUES:

- Determine the term of representation for Committee representation.
- Appoint the Councillor delegates to each committee and external body.

COUNCIL IMPLICATIONS:

- 1. Community Engagement/ Communication (per engagement strategy)**
Informing only – letters to committee; update Council’s Website.
- 2. Policy and Regulation**
S355 committee are formed under the *Local Government Act 1993 (NSW)*
- 3. Financial (LTFFP)**
Nil
- 4. Asset Management (AMS)**
Nil
- 5. Workforce (WMS)**
Nil
- 6. Legal and Risk Management**
Nil
- 7. Performance Measures**
Council representatives attend most meetings for which they are Council’s delegate.
- 8. Project Management**
Nil

Prepared by staff member: Nathalie Heaton, Coordinator Governance and Risk

TRIM Reference Number: UINT/20/7802

Approved/Reviewed by Manager: General Manager

Attachments: Committees Register 2019-20 UINT/20/7803

Committees Register 2019/2020

Specific Purpose Committees		
Committee	Representation	Delegate/s 2020-21
Audit, Risk and Improvement Committee	Two (2) Councillors	Cr R Crouch Cr T Toomey
Australia Day Committee	Two (2) Councillors	Cr L Sampson Cr N Ledger
Community Grants Panel	Three (3) Councillors	Cr R Bell Cr T Toomey Cr T O'Connor

External Boards, Committees and Organisations		
Arts North West	One (1) Councillor + One (1) Delegate	Cr N Ledger (Advisory Council) Cr I Strutt (Delegate Alternate)
Central Northern Regional Library	One (1) councillor	Cr I Strutt
Community Safety Precinct Committee	Mayor	Cr M Pearce
Country Mayor's Association	Mayor	Cr M Pearce
Local Traffic Committee	One (1) councillor	Cr R Bell (Member) Cr N Ledger (Alternate)
Mid North Weight of Loads	One (1) councillor	Cr R Bell
New England Joint Organisation	Mayor	Cr M Pearce
New England Weeds Authority	One (1) councillor	Cr M Dusing
Northern Joint Regional Planning Panel	Two (2) council delegates	Cr R Bell (Panel Member) General Manager (Panel Member) Cr I Strutt (Alternate)

Section 355 Committees		
Bundarra School of Arts Hall Committee	One (1) Councillor	Cr N Ledger
Uralla Township and Environs Committee	Two (2) Councillors* <i>*Councillor representation is not specified in Committee Charter.</i>	Cr I Strutt Cr L Sampson

UINT/2020/07803
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Report 6 - Code of Conduct Annual Statistical Report



REPORT TO COUNCIL

Reference/Subject::	Report 6 – Code of Conduct Annual Statistical Report
Submitted by:	<i>Coordinator Governance & Risk</i>
Department:	Corporate Services

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	4.1	A strong, accountable and representative Council
Strategy:	4.1.5	Undertake the civic duties of Council with the highest degree of professionalism and ethics

SUMMARY:

This report provides a statistical summary of Code of Conduct complaints for 2019-2020 in accordance with Sections 11.1 and 11.2 of Council's "Procedures for the Administration of the Code of Conduct 2019".

OFFICER'S RECOMMENDATION:

That Council:

- (1) Receive and note the Code of Conduct Annual Statistical Report; and**
- (2) Provide the Office of Local Government with the Code of Conduct Annual Statistical Report for the period 1 September 2019 to 31 August 2020, by 31 December 2020.**

BACKGROUND:

Council is required to report annually to the Office of Local Government on Code of Conduct complaint statistics for the period 1 September of the previous year to 31 August of the current year.

Uralla Shire Council
Council Business Paper – 22 September 2020

Council's Procedures for the Administration of the Code of Conduct 2019 advises as follows:

Section 11.1

The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)*
- b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period*
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints*
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period*
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period*
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and*
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.*

Section 11.2

The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

REPORT:

Code of Conduct statistical summary for the period 1 September 2019– 31 August 2020 to be reported to the Office of Local Government (OLG) is shown in Table 1 below:

Table 1 – Code of Conduct Statistics for the period 1 September 2019 – 31 August 2020

Annual Reporting Requirement Descriptor	Annual Statistic
<i>a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)</i>	Councillors - 5 General Manager - 0
<i>b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period</i>	2
<i>c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints</i>	2 Training was undertaken
<i>d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period</i>	0
<i>e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period</i>	5 Mediation/training undertaken
<i>f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and</i>	0
<i>g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.</i>	Cost was not disclosed separately from training in invoice

COUNCIL IMPLICATIONS:

- 1. Community Engagement/ Communication (per engagement strategy)**
Not applicable.
- 2. Policy and Regulation**
Code of Conduct statistical reporting is prepared in accordance with Sections 11.1-11.2 of the Procedures for the Administration of the Code of Conduct 2019
- 3. Financial (LTFP)**
There are no financial implications in presenting the Annual Report.
- 4. Asset Management (AMS)**
Not Applicable.
- 5. Workforce (WMS)**
The Code of Conduct forms part of the staff and Councillor induction package.
- 6. Legal and Risk Management**
The report complies with the Procedures for the Administration of the Code of Conduct 2019.
- 7. Performance Measures**
Council meets its statutory deadlines.
- 8. Project Management**
Not applicable.

Prepared by staff member:	Coordinator Governance & Risk
TRIM Reference Number:	UINT/20/8401
Approved/Reviewed by Manager:	General Manager
Department:	Corporate Services
Attachments:	Nil

Report 7 - Amendments to the Code of Conduct



REPORT TO COUNCIL

Reference/Subject::	Report 7 – Amendments to the Code of Conduct
Submitted by:	<i>Coordinator Governance & Risk</i>
Department:	Corporate Services

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	4.1	A strong, accountable and representative Council
Strategy:	4.1.5	Undertake the civic duties of Council with the highest degree of professionalism and ethics

SUMMARY:

The Office of Local Government has informed Council of amendments to the Code of Conduct and its ancillary Procedures.

OFFICER'S RECOMMENDATION:

That:

- (1) Under section 440 of the Local Government Act 1993 that Council adopt the revised Code of Conduct to reflect the Office of Local Government's amendments dated 14 August 2020;**

- (2) Under section 440 of the Local Government Act 1993 that Council adopt the revised Procedures for the Administration of the Model Code of Conduct to reflect the Office of Local Government's amendments; and**

- (3) That Expressions of Interest be sought for Code of Conduct Reviewers.**

BACKGROUND:

The 2018 Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW were prescribed under the Local Government (General) Regulation 2005 on 14 December 2018.

The Office of Local Government has recently made amendments to the Model Code of Conduct and its ancillary Procedures. The Model Code of Conduct has been amended in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment [2019]*. This case related to options Councils have when taking disciplinary action against Councillors for breaches of their code of conduct.

Council cannot resolve to have a Code of Conduct which is lower in standard than the model. However, in the case of gifts, Council may choose to cap them at a lower amount. It is recommended that Council amend its Code of Conduct in line with the amended model policy.

Minute No. 18.10/19, the following was resolved:

That Council:

1. *Determine the following in relation to the questions posed by the Minister for Local Government (the Minister):*
 - a. *That \$50 is an appropriate monetary value for the cap on the value of gifts that may be accepted by Councillors.*
 - b. *If the \$50 cap on the value of gifts may be accepted by Councillors is not appropriate, at what value should it be set? – Not applicable.*
 - c. *Not applicable, but if it is suggested that the cap on the value of gifts that may be accepted should be raised, it should be raised uniformly for all Council officials.*
 - d. *If it is suggested that the cap on the value of gifts that may be accepted should be raised for Councillors and not for other Council officials such as Council staff, why does your Council believe that Councillors should be subject to a different standard than the one that applies to other classes of Council officials in relation to the acceptance of gifts – Not applicable.*
2. *Provide the Office of Local Government with a submission based on the determination at point 1 above.*

REPORT:

Amendments to the Model Code of Conduct:

The Model Code of Conduct has been amended by the Office of Local Government to:

- (1) Remove as a breach, failure to comply with a Council resolution requiring action in relation to a Code of Conduct breach (because it is now redundant).
- (2) The language under clause 3.6 (discrimination) has been updated to reflect more contemporary standards.
- (3) Reference is made to the Audit, Risk and Improvement Committee in anticipation of the commencement of the requirement for all Councils to appoint an ARIC following the next local government elections.

- (4) Amendments have been made to the gifts and benefits provisions of the Model Code of Conduct (in response to some feedback from Councils), as follows:
- a. The \$50 cap has been lifted to \$100.
 - b. Items with a value of \$10 or less are not 'gifts or benefits' for the purposes of the Model Code of Conduct and do not need to be disclosed.
 - c. Clarify that benefits and facilities provided by Council (as opposed to third parties) to staff and Councillors are not 'gifts and benefits' for the purpose of the Model Code of Conduct.
 - d. The cap on the value of meals and refreshments has been removed and may be accepted by Council officials in conjunction with the performance of their official duties.

Council can endorse the Code of Conduct as amended by the Office of Local Government. In doing so, Council can set a lower value for the cap on gifts and benefits.

Amendment to the Procedures:

Consistent with the Supreme Court's decision, Councils have the following options when taking disciplinary action against Councillors for breaches of their code of conduct under the new Procedures:

- (1) That a Councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or
- (2) That a Councillor be formally censured for a breach under section 440G *and* the matter referred to the Office of Local Government for further disciplinary action under the misconduct provisions of the Act.

The process for censuring Councillors for breaches of the Code of Conduct has been significantly strengthened so that Councillors are made publicly accountable to their electors for their conduct. When censuring Councillors, Councils are required to **specify in their resolution the grounds on which the Councillor is being censured** by disclosing the investigator's findings and determination and any other grounds that the Council considers may be relevant or appropriate.

Councillors may seek to avoid public censure for breaches of the Code of Conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the Council. Investigators can finalise their investigations without a report to the Council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.

The process for referral by Councils of Code of Conduct breaches by Councillors to the Office of Local Government for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with the Office of Local Government before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow the Office of Local Government to take further disciplinary action.

Other amendments have been made to the Procedures to:

- (1) Allow panels of conduct reviewers to be appointed without a resolution of the council; and
- (2) Allow the referral of investigators' reports to the Office of Local Government for action under the misconduct provisions of the Act where the Council will not have a quorum to deal with the matter.

Clause 3.9 of the Code of Conduct Procedures state that the following:

A panel of conduct reviewers established under this Part is to have a term of up to four years.

Council's current panel for Conduct reviewers was established in 2017 and it is recommended that Council seek Expressions of Interest for a new panel of Conduct Reviewers to commence once the term of the previous panel has elapsed.

CONCLUSION:

Within the attachments are copies of the amended Code of Conduct and the Procedures to Administer the Code of Conduct.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

No community engagement is required for the Code of Conduct as the standard is set by the Office of Local Government.

Councillors will receive an updated copy of the Code of Conduct, staff will be informed of the amendments and where to access the Code.

2. Policy and Regulation

This report relates to the Code of Conduct and its ancillary Procedures.

3. Financial (LTFP)

No significant costs identified. Advertising costs for review of the Conduct Reviewer Panel.

4. Asset Management (AMS)

Not applicable.

5. Workforce (WMS)

The Code of Conduct will form part of the new employee induction package.

6. Legal and Risk Management

Complaints Coordinators will need to update Conduct Reviewers on the legislative changes.

Under section 440 of the Local Government Act 1993 that Council must adopt a Code of Conduct.

S440(3): A council must adopt a code of conduct (the "adopted code") that incorporates the provisions of the model code. The adopted code may include provisions that supplement the model code.

7. Performance Measures

Councillors and staff conduct is in accordance with the Code of Conduct. Code of conduct complaints are managed in accordance with policy.

8. Project Management

Not applicable.

Prepared by staff member:	Coordinator Governance & Risk
TRIM Reference Number:	UINT/2020/05332
Approved/Reviewed by Manager:	Director of Infrastructure & Development
Department:	Infrastructure & Development
Attachments:	Amended Code of Conduct UINT/2020/08357 Amended Procedures UINT/2020/08361



DRAFT

Policy:

Code of Conduct

2020

INFORMATION ABOUT THIS DOCUMENT

Date Adopted by Council		Resolution No.	
Document Owner	Executive Manager Corporate Services		
Document Development Officer	Coordinator Governance and Risk		
Review Timeframe	4 years		
Last Review Date:	September 2020	Next Scheduled Review Date	2024

Document History

Doc No.	Date Amended	Details/Comments eg Resolution No.
1	September 2020	Draft prepared

Further Document Information and Relationships

Related Legislation*	NSW Local Government Act 1993 NSW Local Government (General) Regulation 2005
Related Policies	Code of Conduct 2019 Procedures for the Administration of the Code of Conduct 2019
Related Procedures/ Protocols, Statements, documents	

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

TABLE OF CONTENTS

PART 1	INTRODUCTION	2
PART 2	DEFINITIONS.....	3
PART 3	GENERAL CONDUCT OBLIGATIONS.....	5
PART 4	PECUNIARY INTERESTS.....	8
PART 5	NON-PECUNIARY CONFLICTS OF INTEREST.....	14
PART 6	PERSONAL BENEFIT.....	19
PART 7	RELATIONSHIPS BETWEEN COUNCIL OFFICIALS.....	22
PART 8	ACCESS TO INFORMATION AND COUNCIL RESOURCES	24
PART 9	MAINTAINING THE INTEGRITY OF THIS CODE.....	27
	SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21.....	29
	SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21.....	36
	SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37	39

PART 1 INTRODUCTION

This *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”) is made under section 440 of the *Local Government Act 1993* (“LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”).

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

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

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s or joint organisation’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not “council officials” for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council’s or joint organisation’s adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council’s or joint organisation’s adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council’s adopted code of conduct applies to, must comply with the applicable provisions of their council’s code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council’s code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council’s audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation

joint organisation	a joint organisation established under section 400O of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	<i>the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b) the behaviour creates a risk to health and safety.

- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours
 - d) teasing, practical jokes or 'initiation ceremonies'
 - e) exclusion from work-related events
 - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g) displaying offensive material
 - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards
 - f) legitimately exercising a regulatory function
 - g) legitimately implementing a council policy or administrative processes.

Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
 - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any

occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

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

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

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

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code

- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
- (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position

identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest

- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

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

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

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

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

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

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

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

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

What disclosures must be made by council advisers?

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

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

What disclosures must be made by a council committee member?

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

What disclosures must be made by a councillor?

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

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor’s or designated person’s interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at

which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
 - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose

interests are relevant under clause 4.3) in that person's principal place of residence, and

(c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business

relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.

- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council’s area, and
 - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person’s principal place of residence, and
 - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part

in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

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

Other business or employment

5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.

5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:

- a) conflict with their official duties
- b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
- c) require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also

ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

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

Gifts and benefits

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

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient,

manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

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

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

Gifts and benefits of token value

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

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

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.

6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

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

Improper and undue influence

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

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

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

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively
 - c) carry out reasonable and lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters

- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.14, only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council

- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

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

Personal information

- 8.12 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
 - b) the *Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) the council's privacy management plan
 - e) the Privacy Code of Practice for Local Government

Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

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

Council record keeping

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

Councillor access to council buildings

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

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

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

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

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

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

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

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

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

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

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

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

interest means:

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

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

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

Part 2: Pecuniary interests to be disclosed in returns

Real property

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

Gifts

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

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:

- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
- b) was made by a relative of the traveller, or
- c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
- d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
- e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
- g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:

- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
- b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
- c) the nature of the interest, or the position held, in each of the corporations, and
- d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:

- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
- b) required to apply its profits or other income in promoting its objects, and
- c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or

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

Debts

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

Discretionary disclosures

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

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

'Disclosures by councillors and designated persons' return

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

Important information

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

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

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

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access)*

Act 2009, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

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

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]

[date]

A. Real Property

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

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June
Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June
Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June
Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

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

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth

undertaken by me at any time
since 30 June

and overseas
countries in which
travel was
undertaken

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
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F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

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

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

I. Dispositions of property

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

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

J. Discretionary disclosures

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

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

Important information

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

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

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

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

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

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

Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the day of 20 .

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

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

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

Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	
---	--

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

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]



DRAFT

Policy:

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

2020

INFORMATION ABOUT THIS DOCUMENT

Date Adopted by Council		Resolution No.	
Document Owner	Executive Manager Corporate Services		
Document Development Officer	Coordinator Governance and Risk		
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1	September 2020	Draft prepared

Further Document Information and Relationships

Related Legislation*	NSW Local Government Act 1993 NSW Local Government (General) Regulation 2005
Related Policies	Code of Conduct 2019 Procedures for the Administration of the Code of Conduct 2019
Related Procedures/ Protocols, Statements, documents	

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

TABLE OF CONTENTS

PART 1 INTRODUCTION	3
PART 2 DEFINITIONS.....	3
PART 3 ADMINISTRATIVE FRAMEWORK	5
PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?.....	7
PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?	9
PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS.....	16
PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER	21
PART 8 OVERSIGHT AND RIGHTS OF REVIEW	28
PART 9 PROCEDURAL IRREGULARITIES	30
PART 10 PRACTICE DIRECTIONS	30
PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER.....	30
PART 12 CONFIDENTIALITY	31

PART 1 INTRODUCTION

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

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

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator

conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations

the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

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

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

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

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses

5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.

3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.

3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.

3.19 The general manager must not undertake the role of complaints coordinator.

3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.

3.21 The role of the complaints coordinator is to:

- a) coordinate the management of complaints made under the council's code of conduct
- b) liaise with and provide administrative support to a conduct reviewer
- c) liaise with the Office, and
- d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.

4.2 The following are not "code of conduct complaints" for the purposes of these procedures:

- a) complaints about the standard or level of service provided by the council or a council official

- b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
- c) complaints about the policies or procedures of the council
- d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.

4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.

4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.

4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.

4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

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

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

Delegation by general managers and mayors of their functions under this Part

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

Consideration of complaints by general managers and mayors

- 5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or
 - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or

- e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one

requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

- 5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

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

How are code of conduct complaints about the general manager to be dealt with?

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

How are complaints about both the general manager and the mayor to be dealt with?

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or

- b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

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

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
 - a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

- 5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.

- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or

- b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

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

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

Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.

6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.

6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:

- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
- b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
- c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
- d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
- e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
- f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
- g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - i) any previous proven breaches of the council's code of conduct
 - j) whether the conduct complained of forms part of an ongoing pattern of behaviour
 - k) whether there were mitigating circumstances giving rise to the conduct complained of
 - l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
 - m) the significance of the conduct or the impact of the conduct for the council
 - n) how much time has passed since the alleged conduct occurred
 - o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER

What matters may a conduct reviewer investigate?

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

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.

- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

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

7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:

- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- c) refer the matter to an external agency.

7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated

- c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:

- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
- b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
- c) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.

7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:

- a) that the council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

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

- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.

- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

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

Complaints about conduct reviewers

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

Practice rulings

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

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the

sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.

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

- iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

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

PART 9 PROCEDURAL IRREGULARITIES

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

PART 10 PRACTICE DIRECTIONS

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

PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
 - a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
 - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period

- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 CONFIDENTIALITY

12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.

12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.

12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.

12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:

- a) the complainant
- b) the complaints coordinator
- c) the Office, and
- d) any other person the general manager or their delegate considers should be notified of the determination.

12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.

12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

DRAFT

Report 8 – Schedule of Ordinary Meetings 2020-2021



REPORT TO COUNCIL

Reference/Subject:	Report 8 – Schedule of Ordinary Meetings 2020-2021
Submitted by:	<i>Coordinator Governance & Risk</i>
Department:	General Manager's Office

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	4.1	A strong, accountable and representative Council
Strategy:	4.1.3	Provide open, accountable and transparent decision making for the community
Activity:	4.1.3.1	Implement and maintain a transparent and accountable decision making framework
Action:	4.1.3.1.7	Council ordinary and extraordinary meetings are conducted and open to the public

SUMMARY:

This report recommends that Council adopt the Schedule of Meetings for 2020-2021 and resolve to place a Public Notice on council's website, social media platform, Council newsletter and in local print media, detailing the date, commencement time and venue of each ordinary meeting scheduled for the 2020-2021 period.

OFFICER'S RECOMMENDATION:

That Council:

(1) Adopt the Ordinary Meeting cycle for 2020-20201 as follows:

- Tuesday 27 October 2020**
- Tuesday 24 November 2020**
- Tuesday 15 December 2020**
- Tuesday 23 February 2021**
- Tuesday 23 March 2021**
- Tuesday 27 April 2021**
- Tuesday 25 May 2021**
- Tuesday 22 June 2021**
- Tuesday 27 July 2021**
- Tuesday 24 August 2021**
- Tuesday 28 September 2021**

- (2) Place a Public Notice on council’s website, social media platform, council newsletter and in local print media detailing the date, commencement time and venue of each Ordinary Meeting scheduled for the 2020-2021 period, in accordance with clauses 3.4-3.6 of the Uralla Shire Council Code of Meeting Practice.**

BACKGROUND:

Section 365 of the *Local Government Act 1993* (the Act) requires Council to meet at least ten (10) times each year, each time in a different month. Section 9(1) of the Act requires Council to give notice to the public of the times and places of its meetings.

Clause 232 of the Local Government (General) Regulation 2005 (the Regulation) provides that a public notice issued under Section 9 of the Act must be given in accordance with the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) which was prescribed on 14 December 2018. Under the Model Meeting Code, Council was required to adopt a code of meeting practice, incorporating the mandatory provisions of the Model Meeting Code no later than 12 months following the next ordinary council elections.

At its Ordinary Meeting held 26 February 2019, Council adopted the Code of Meeting Practice 2019 (**30.02/19**). Council’s Code of Meeting Practice 2019 is consistent with the relevant sections of the Act and the Regulation listed above and the Model Meeting Code.

REPORT:

The proposed Schedule of Meetings for 2020-21 lists eleven (11) Ordinary Meetings of Council in the 2020-2021 period. The dates, times and venue listed in the Schedule are in accordance with council’s Code of Meeting Practice 2019, Section 3, clause 3.1 which sets the ordinary meetings of council as follows:

Timing of ordinary council meetings

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

- *February to November: on the fourth (4th) Tuesday of the month*
- *December – on the third (3rd) Tuesday of the month.*
- *January – No meeting held in January.*
- *Meetings to commence at 12:30pm and held at Uralla Shire Council Chambers.*

Section 3, clauses 3.4, 3.5 and 3.6 set out the notice which must be given to the public as follows:

Notice to the public of Council meetings

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

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

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

The Code of Meeting Practice 2019 stipulates that council publish the notice on its website and “in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible”. Therefore it is suggested that Council place the public notice on its website as per clause 3.5 above as well as publish the notice to its social media platform, Council newsletter and in local print media in order to reach as many members of the community as possible.

COUNCIL IMPLICATIONS:

- 1. Community Engagement/ Communication (per engagement strategy)**
Advertising in the Council newsletter, local print media, its social media platform and the website
- 2. Policy and Regulation**
 - NSW Local Government Act 1993
 - NSW Local Government Regulation (General) 2005
 - Code of Meeting Practice 2019
- 3. Financial (LTFP)**
No change to the Council financial resources required for the recommendation.
- 4. Asset Management (AMS)**
Nil
- 5. Workforce (WMS)**
Council resources facilitate Council meeting administration.
- 6. Legal and Risk Management**
The recommendation is low risk and meets a legislative requirement of Council. S9 of the *Local Government Act 1993* states: A Council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are Councillors.
- 7. Performance Measures**
Council's combined Delivery Program 2017-21 and Operational Plan 2020-21 commits Council, at Action 4.1.3.1.7, to conducting Ordinary and Extraordinary Meetings and ensuring that those meetings are open to the public. The adoption of the Schedule of Meetings is listed as the measure and target for this action.
- 8. Project Management**

Uralla Shire Council
Council Business Paper – 22 September 2020

Nil

Prepared by staff member:	Nathalie Heaton Coordinator Governance & Risk
TRIM Reference Number:	UINT/20/07781
Approved/Reviewed by Manager:	General Manager
Department:	General Manager's Office
Attachments:	Nil

Report 9 – General Manager Performance Review Panel



REPORT TO COUNCIL

Reference/Subject:	Report 9 – General Manager Performance Review Panel
Submitted by:	<i>Coordinator Governance & Risk</i>
Department:	Corporate Services

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	4.1	A strong, accountable and representative Council.
Strategy:	4.1.3	Provide open, accountable and transparent decision making for the community
Activity:	4.1.3.1	Implement and maintain a transparent and accountable decision making framework

SUMMARY:

The purpose of this report is to adopt the *General Manager Performance Review Charter* and appoint the General Manager Performance Review Committee.

OFFICER'S RECOMMENDATION:

That:

- (1) Council adopt the *General Manager Performance Review Committee Charter*.**
- (2) Council note that in accordance with the *General Manager Performance Review Committee Charter* the Mayor and Deputy Mayor are appointed to the General Manager Performance Review Committee.**
- (3) A councillor be appointed to the General Manager Performance Review Committee, for a one year term, by open means (show of hands).**
- (4) Cr..... is appointed to the General Manager Performance Review Committee.**

BACKGROUND:

The previous General Manager Performance Review Panel/Committee had been established in accordance with the Office of Local Government (OLG) guidelines for the appointment and oversight of general managers at the time; however, no Charter has been established.

Further, the councillor position on the General Manager Performance Review Panel/Committee is currently vacant and Council recently appointed a new General Manager.

REPORT:

The Office of Local Government (OLG) current *Guidelines for the Appointment and Oversight of General Managers* recommend that the General Manager's performance be administered through the establishment of a *General Manager Performance Review Committee Charter*.

A draft *General Manager Performance Review Committee Charter* is attached.

The General Manager Performance Review Committee ('the Committee') should meet following this Ordinary meeting and provide to Council's October 2020 Ordinary Meeting a recommendation of the general manager's performance objectives and review timeline for the next year.

Council's engagement of LGNSW Management Solutions for the recruitment of the current general manager included assisting Council with the setting of the annual performance goals.

The consultant has been tentatively booked for 14 October 2020 to meet with the Committee to progress the setting of annual performance goals and the review timeline.

KEY ISSUES:

- To adopt the *General Manager Performance Review Charter*.
- To appoint the General Manager Performance Review Committee.
- At the October 2020 Ordinary Meeting, the Committee to provide a recommendation to Council for the General Manager's performance objectives and performance review timeline for the next year.

COUNCIL IMPLICATIONS:

1. Community Engagement/Communication (per engagement strategy)

N/A

2. Policy and Regulation

Local Government Act 1993 (NSW)

Division of Local Government Department of Premier and Cabinet - *Guidelines for the Appointment and Oversight of General Managers*

3. Financial (LTFP)

Council has budgeted \$7,000 for the costs of the external facilitator.

4. Asset Management (AMS)

N/A

5. Workforce (WMS)

The *General Manager Performance Review Committee Charter* and implementation is critical to enable Council to align the General Manager's performance goals with Council's Community Strategic Plan goals.

6. Legal and Risk Management

The establishment and implementation of the *General Manager Performance Review Charter* provides Council to risk manage the performance of the general manager. It also facilitates fairness and balance on the Committee.

7. Performance Measures

General Manger performance management.

The Charter provided for training for Committee members in the performance management of the general manager.

8. Project Management

N/A

Prepared by staff member:	Coordinator Governance and Risk
TRIM Reference Number:	UINT/20/8592
Approved/Reviewed by Manager:	General Manager
Department:	General Manager's Office
Attachments:	General Manager Performance Review Charter

The General Manager Performance Review Committee Charter

Purpose

The General Manager Performance Review Committee has been established following consideration of the Office of Local Government Guidelines for the Appointment and Oversight of General Managers. The focus of the Performance Review Committee is to monitor and review the General Manager's performance in accordance with the Office of Local Government, Standard Contract General Managers of Local Councils in New South Wales.

Scope

The Performance Review Committee has full delegation for the whole process of performance management, including discussions regarding performance, any actions that should be taken and the determination of the new annual performance agreement.

The day-to-day oversight of the General Manager is the responsibility of the Mayor. The Mayor also has a legislative role, in consultation with the councillors, to lead performance appraisals of the general manager.

The Performance Review Committee may make recommendations, however does not have decision making authority in relation to renewal of contract and salary adjustments above annual indexations provided for in the Standard Contract - General Managers of Local Councils in New South Wales.

Responsibilities and Functions

The responsibilities and functions of the Performance Review Committee are to:

- Conduct the performance reviews of the General Manager on an annual basis.
- Develop an agreed annual performance agreement. The performance agreement should contain but not be limited to key indicators that measure how well the General Manager has met expectations with respect to:
 - service delivery targets from the Council's Delivery Program and Operational Plan;
 - budget compliance; - organisational capability;
 - timeliness and accuracy of information and advice to Councillors;
 - timely implementation of council resolutions;
 - management of organisational risks;
 - implementation of both internal and external audit recommendations;
 - leadership.
- Report the findings and recommendations of those reviews to a Closed Session of Council, including salary adjustments above those outlined in the General Manager's Contract. This is not an opportunity to debate the results or re-enact the performance review of the General Manager.
- Report recommendations on contract renewal to a Closed Session of Council. Subsequently, the decision by Council to offer a new contract and a salary package should be reported to an open meeting of Council.

Performance management:

- Is an essential component of corporate governance, allowing a Council to monitor and respond to how the General Manager delivers against the goals and outcomes required by Council
- Engenders a mutual understanding of what is expected of the General Manager by Council
- Links the General Manager’s personal performance objectives with Council’s organisational goals as identified in Council’s strategic and operational plans
- Should be a constructive and collaborative process between the parties
- Promotes communication and provides feedback on performance between the General Manager and Council
- Addresses the leadership qualities of the General Manager that are set out in the agreement

Composition of the Performance Review Committee

The Performance Review Committee is to be comprised of:

- Mayor
- Deputy Mayor
- One Councillor appointed by the Council
- One Councillor may be nominated by the General Manager (optional). The intent of the inclusion of the General Manager’s appointment of a Councillor is to allow procedural fairness and balance on the Committee
- The Council and the General Manager may agree on the involvement of an external facilitator (optional) to assist with the process of performance review and the development of new performance agreements. This person is selected by agreement of the Performance Review Committee and the General Manager. The external facilitator is an active participant on the Performance Review Committee
- Council may consider including an independent observer (optional) on the Committee. This person is selected by the Performance Review Committee. The independent observer is not an active participant on the Performance Review Committee

All Councillors will be provided with the opportunity to provide feedback to the Performance Review Committee on the General Manager’s performance. An annual Closed Briefing Session will be provided for this feedback to occur, however feedback can be provided to the Mayor at any time during the year by appointment, outside of this Briefing Session.

Terms of Appointment

Committee Members	Appointment
Mayor	4 Years
Deputy Mayor	1 Year
Councillor appointed by the Council	1 Year
Councillor nominated by the General Manager	1 Year (optional)
External Facilitator	Term of Council (optional) by the General Manager (If there is a decision to appoint, the General Manager and the Performance Review Committee will select the Facilitator)

Obligations of Members

Members of the Performance Review Committee, in performing their duties, shall:

- Act honestly and in good faith;
- Participate in the work of the Performance Review Committee;
- Perform their duties in a manner that ensures public trust in the integrity, objectivity, and political impartiality;
- Exercise the care, diligence and skill that would be expected of a reasonable person;
- Comply with the Performance Review Committee Charter; and
- Comply with Council's Code of Conduct.

Meetings

The Performance Review Committee will assess the performance of the General Manager in the first quarter of the financial year on an annual basis. The Committee may also choose to undertake more frequent interim reviews of the General Manager's performance.

Meetings comprising the review are:

- Confidential Briefing Session for Councillors to provide feedback on the General Manager's performance and provide feedback for the development of the following year's Performance Agreement;
- Performance Review Committee to discuss and compile feedback on the General Manager's performance against the current Performance Agreement;
- Performance Review Committee meeting with the General Manager to provide feedback on performance against the current Performance Agreement. The agenda for this meeting would normally include:
 - Outlining the process of the meeting;
 - Discussing and reaching agreement on the rating that should be given against each objective;
 - Noting any significant issues which should be taken into account at the next Performance Agreement Review;
 - Identifying actions to be taken immediately to alleviate any specific problem areas, to enhance performance, to remove any barriers to achievement of performance, and agree on steps necessary to bring this about;
 - Dealing with any other issues which are performance-related and which the General Manager or the Committee see as warranting discussion.
 - Performance Review Committee meet with the General Manager to develop and agree on a new performance review agreement
- Facilitation of the process is the responsibility of the Mayor in consultation with the Manager HR and the External Facilitator to ensure the Committee knows of and applies contemporary performance review practices; and
- Meetings will be chaired by the Mayor. A quorum will consist of all members of the Performance Review Committee.

Reporting Minutes of meetings will be recorded through the following output documents:

- Performance Agreement (this document is the agreement by which the performance of the General Manager will be assessed against);

Uralla Shire Council
Council Business Paper – 22 September 2020

- Performance Review (this document is the assessment by the Performance Review Committee of the General Manager’s performance); and
- Minutes of a Closed Session of Council recording the findings and recommendations of the annual performance review and recommendations for contract renewal and salary adjustments above those outlined in the General Manager’s Contract.

The following will be reported to Council by the Performance Review Committee in Closed Session:

- The findings and recommendations of the performance review along with the new agreed performance agreement for the next review period. NOTE: This is not an opportunity to debate the results or re-enact the performance review of the General Manager.
- Any new performance agreement.

Evaluation and Review

A review of the Performance Review Committee will be undertaken within 12 months of a newly elected Council to ensure the purpose, membership and operation of the Committee is effective and to make appropriate changes.

Confidentiality

The performance management report of any Council staff member, including the General Manager, should not be released to the public and should be retained on the appropriate confidential Council employment file. Release of such personal information to other than the Performance Review Committee, the General Manager and the Councillors in confidence may be a breach of privacy legislation.

References

NSW Local Government Act 1993

Office of Local Government Standard Contract General Managers of Local Councils in NSW

Guidelines for the Appointment and Oversight of General Managers – Office of Local Government, July 2011

Code of Conduct Adopted by Council

Version control:

Version	Action	Date
0.1	Draft presented to 22 September 2020 Council meeting recommending endorsement.	17 Sep 2020
1.0	<i>Pending Council endorsement</i>	

Report 10 – NSW Bushfire Community Resilience and Economic Recovery Fund Projects



REPORT TO COUNCIL

Reference/Subject:	Report 10 – NSW Bushfire Community Resilience and Economic Recovery Fund Projects
Submitted by:	<i>Coordinator Communications & Engagement</i>
Department:	Corporate Services

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	2.1	An attractive environment for business, tourism and industry
Strategy:	2.1.1	Promote the Uralla Shire and the regional as a place to live, work, visit and invest.

SUMMARY:

Council was awarded \$100,000 in grant funding from the State Government under the NSW Bushfire Community Resilience & Economic Recovery Fund – Phase 1.

OFFICER'S RECOMMENDATION:

That Council:

- (1) Request an extension to the project completion date from 31 Dec 2020 to 30 June 2021.
- (2) Request the following minor amendments to the funding agreement in regards to its activity scope and budget allocation within the total grant amount of \$100,000:
 - a. Project 1 – Addition of gap analysis in liaison with Uralla Shire Business Chamber, include the impacts of COVID-19 and the engagement of a Googlemaps and analytics consultant to work with businesses.
 - b. Project 2 – Include print cost in the budget allocation.
 - c. Project 3 - Add a 100 photo stock of tourism photos by a professional photographer for marketing Uralla Shire and produce one video with shorter social media edits.

BACKGROUND:

NSW Bushfire Community Resilience and Economic Recovery Fund Project is provided through the joint disaster recovery funding arrangement between the NSW and Commonwealth Government. This funding is to assist in delivering immediate support for locally led community resilience and economic recovery activities.

This grant will enable Council to undertake activities in accordance with Council resolutions **X08.02/20** and **X11.02.20**.

MOTION (Crs T Toomey / R Crouch)

That the General Manager:

- 1. contact each food or beverage business in the Uralla Shire reliant on town water*
- 2. understand what the additional costs that transitioning to a new water source for their business have been*
- 3. for food and beverage businesses who have not made the transition due to the cost, understand what the costs are*
- 4. provide a report to the Council at the 24 March 2020 meeting seeking funding from the State and Federal Governments*
- 5. continue to acknowledge and publicly thank those volunteers who have stepped in from the start and who continue to step in, to distribute the water and care for our community during this time*

X08.02/20 CARRIED

MOTION (Crs T Toomey / L Sampson)

That Council:

seek funding from the State and Federal government to meet the cost of :

- a. The development of a Uralla Shire map which identifies businesses operating within the Uralla Shire; and*
- b. A visit by a travel writer who will ensure that their appraisal will appear in some form of media to promote Uralla Shire Council in a positive light; and*
- c. Creating a promotional social media video of Uralla Shire as part of a long term online campaign.*

X11.02/20 CARRIED

REPORT:

The aims of these projects are for Council to endeavour to understand impacts on local businesses, assist with economic recovery, facilitate preparedness and resilience of local businesses to keep the local economy healthy and sustainable, and to develop marketing media projects in an aim to boost local economy and support business recovery with local tourism.

In light of the global COVID-19 pandemic these impacts may differ slightly from the original Council resolutions from February. On 15 September, 2020 Council held a strategic workshop regarding value add opportunities for the projects and small funding reallocations.

Uralla Shire Council
Council Business Paper – 22 September 2020

The proposed activity scope are outlined in the following table. Proposed budget allocations are commercial in confidence until the procurement process is completed and has been provided to Councillors under separate cover.

	Project Title	Funding Agreement	Opportunities
Project 1	Local Business Survey & Workshops	<ul style="list-style-type: none"> • Conduct community engagement to understand the impacts on local businesses of decreased trade due to bushfires, drought and arsenic contamination. • Engage a Registered Training Organisation to conduct workshops/online sessions. • Liaise with Uralla Shire Business Chamber to assist businesses to be disaster ready. 	<ul style="list-style-type: none"> • Add the impact of COVID-19. • Use some of the existing data from a pilot study undertaken by an independent consultant to direct questions in an online survey. • Using the information gathered to deliver disaster preparedness workshops for local businesses. • Work with Uralla Shire Business Chamber to fund gap analysis to identify growth and new business opportunities. Engage a Google Maps and Analytics consultant to workshop and work with business to register and utilise Google Maps. Also adding Council landmarks, spaces etc.
Project 2	Shire-wide map	<ul style="list-style-type: none"> • Council will develop a Shire-wide map as part of a promotional campaign. • The map will highlight different types of businesses for tourists including accommodation, restaurants/cafés, attractions, as well as provide information for local residents on businesses and services. • The map will be distributed online through Council's website and social media channel and printed copies will be made available through Council's Visitor Information Centre. 	<ul style="list-style-type: none"> • Use the survey from Project 1 to identify needs and businesses interested in taking part in the map. • Print distribution of where the map will be available and ongoing costs of printing and upkeep.
Project 4	Promotional Video & Images	<ul style="list-style-type: none"> • Create two promotional videos to encourage future tourism to the Shire and promote local businesses. • A shorter video will be used on social media to attract visitors and promote tourism in the Shire. • The longer video will be utilised at the Visitor Information Centre to provide visitors with a more in-depth look and encourage exploration in the region. • The videos would highlight local businesses, activities, the warmth of the local community, as well as the landscape and natural attractions. 	<ul style="list-style-type: none"> • Add a 100 photo stock of tourism photos by a professional photographer for marketing Uralla Shire. • One video with shorter social media edits.

After the request for extension Council staff will advertise Requests for Quotes, and will work closely with suppliers and contractors to commence project activities and deliver the project goals to the community.

CONCLUSION:

In order to deliver these projects within key milestones and keep funding Council will need to seek an extension of time to deliver the four projects.

COUNCIL IMPLICATIONS:

1. Community Engagement/Communication (per engagement strategy)

Development of specific strategies or activities will require community engagement with businesses and

2. Policy and Regulation

- Uralla Shire Council Communications Plan
- Uralla Shire Council Community Engagement Strategy

3. Financial (LTFP)

Potential loss of funding due to not meeting key project milestones.

4. Asset Management (AMS)

N/A

5. Workforce (WMS)

Engagement of consultants and external suppliers where necessary.

6. Legal and Risk Management

Public relations risk - medium; in order to effectively engage with local businesses community time and resources will need to be adequately prepared.

7. Performance Measures

Successful completion of projects and feedback received from local businesses and community engagement.

8. Project Management

Coordinator Communications and Engagement.

Prepared by staff member:	Coordinator Communications and Engagement
TRIM Reference Number:	UJNT/20/8438
Approved/Reviewed by Manager:	Acting Executive Manager Corporate Services
Department:	Corporate Services
Attachments:	Nil

Report 11 – Resolution Action Status @ 22 Sep 2020



REPORT TO COUNCIL

Reference/Subject:	Report 11 – Resolution Action Status @ 22 Sep 2020
Submitted by:	<i>Executive Assistant</i>
Department:	General Manager's Office

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	4.1	A strong, accountable and representative Council
Strategy:	4.1.1	Provide clear direction for the community through the development of the Community Strategic Plan, Delivery Program, and Operational Plan

SUMMARY:

The purpose of this report is to provide Council with the Resolution Action Status updates as at 22 Sep 2020.

OFFICER'S RECOMMENDATION:

That Council receive and note the Resolution Action Status as at 22 Sep 2020.

BACKGROUND:

Following every council meeting, the resolutions of council which require action are compiled into a single document. This document is referred to as the Resolution Action Status. The purpose of the Resolution Action Status is to track the progress of actions and provide confirmation to Council when these actions are complete. The Resolution Action Status is presented to Council at its ordinary meetings.

REPORT:

The Resolution Action Status shows actions which are either currently pending or completed. Actions which were completed as at the date of the report to the last Council ordinary meeting, 25 Aug 2020, have been removed from the document.

Prepared by staff member:	Executive Assistant
TRIM Reference Number:	UINT/20/5445
Approved/Reviewed by Manager:	General Manager
Department:	General Manager's Office
Attachments:	Resolutions Action Status as at 22 Sep 2020

RESOLUTION ACTION STATUS
Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
23 Mar 2015	26.03/15	Land Disposal – Karava Place, Uralla	That Council: 1. Give the General Manager delegation to negotiate payment options; and 2. Endorse the fixing of the Council Seal on any necessary documentation relating to the subdivision and sale.	MDP/DID	2/6/15	Lot 103 – No agreement made Looking to finalise transfer of Lot 103	B
23 Nov 2015	24.11/15	Bergen Road Land Acquisition and Exchange for Road Works	That the Council approve for the exchange of land associated with the reconstruction of Bergen Road and authorise the General Manager to complete all documentation.	DID	June 2020	Survey plans completed. Awaiting result of other like applicants. Item to be revisited.	B
25 July 2016	18.07/16	2.18.06.10 Gazetting of Land Acquired for approaches to new Emu Crossing Bridge	That Council: 1. Proceed with the compulsory acquisition of the Land described as Lot 1, 2 and 3 in Deposited Plan 1208204 (and formerly known as part of Lot 38 in Deposited Plan 753662 and part of the Crown Land described as Lot 110 in Deposited Plan 753656) for the purpose of a public road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991. 2. Make an application to the Minister and the Governor for approval to acquire the Land described as Lot 1, 2 and 3 in Deposited Plan 1208204 (and formerly known as part of Lot 38 in Deposited Plan 753662 and part of the Crown Land described as Lot 110 in Deposited Plan 753656) by compulsory process under Section 177 of the Roads Act 1993.	DID DID	June 2020	1. Noted. 2. August 2019. Department of Planning, Industry and Environment, Lands and Water has advised of no objection to the compulsory acquisition of Lot 110. Advice referred to Council solicitors to progress.	B B

RESOLUTION ACTION STATUS
Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
28 Feb 2017	23.02/17	<p>Dept: I&R Submitted by: Director I & R Reference/Subject: Report 13 - Uralla Local Traffic Committee</p>	<p>That: 1. The minutes of the Uralla Local Traffic Committee held on 6 December 2016 be noted by Council. 2. For the King St and Maitland St intersection, Council prepare a couple of intersection layouts incorporating traffic calming and considering pedestrian continuity for the consideration of the Traffic Committee in response to the recorded accident history. 3. Council drafts a Road Closure policy for review by the LTC. 4. That Council undertake further investigation regarding sight distances and other factors affecting traffic at the Bargibal access from Thunderbolts Way for submission to the next Local Traffic Committee Meeting.</p>	DID		1. Noted 2. Completed 3. Under preparation. Draft to be Circulated to LTC. 4. Completed	C C B C
25 July 2017	22.07/17	<p>Dept: I&R: Submitted by: Dir I&R Reference/Subject: Report 11 - Uralla Sporting Complex</p>	<p>That Council; (a) endorse the proposed upgrades to the Uralla Sports complex including the construction of the canteen facilities and disabled toilets and access, (b) provide additional seating around the perimeters of the fields and oval if residual funding is available, and (c) develop a plan of management for the sharing of the facilities among the user groups, (d) staff investigate relocation and redevelopment of the playground area.</p>	MDP		a) Completed b) Seating provided through SCCF Round 2 funding. c) Under preparation. d) Playground completed – turf to be placed in the spring. Funded under Stronger Country Communities Fund Round 1. Further works to the playground have been undertaken under SCCF Round2	C C B C C

RESOLUTION ACTION STATUS
Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
24 April 2018	50.04/18	Dept: I&R Submitted by: DID Ref/Subject: Late Report 2 – Industrial Land Subdivision	That Council resolve to: <ul style="list-style-type: none"> Endorse option 2 of the Kehoe Myers report dated 6 April 2018 for the subdivision of the Uralla Industrial Estate, being Lot 14 DP 787477, Rowan Avenue Uralla, Progress detailed design of the subdivision and the construction of Stage 1, Install billboard signage at the property indicating the endorsed layout and undertake additional marketing of the project. 	DID		Noted Detailed design completed. Signage installed. Valuation received. Probity advice received and probity plan developed. DA Consent concluded. Grant funding application lodged under the Building Better Regions Fund Round 4 was unsuccessful	C C B
24 July 2018	35.07/18	Dept: DIR Submitted by: MDP Ref/Subject: Report 14 - Petition for a Primitive Campground at The Glen recreation area.	That; Council consider the proposal detailed in the petition in the preparation of the Uralla Open Spaces Strategy.	MDP		Funding secured. RFQ to be prepared.	B
25 Sept 2018	30.09/18	Dept: DID Submitted by: MDP Ref/Subject: Report 16 – Recommendations of Uralla Township and Environs Committee July and August 2018 meetings	That Council resolve to: <ol style="list-style-type: none"> Consider readoption of the lapsed slogan, “Find Yourself In Uralla”, and the stylised copperplate “Uralla” logo, in the context of the development of a Destination Marketing Plan Consider installation of “Find Yourself” street banners in Uralla should the slogan be readopted through the future development of a Destination Marketing Plan. Engage with Uralla Arts in relation to their proposal to design a makeover for The Glen recreation area information shelter. Engage with Uralla Arts in relation to their proposal to provide a strategy for the completion of “Constellations of the South” installation at The Glen recreation area. Engage with Uralla Arts in relation to their proposal to provide specifications and cost estimates for walking track works and exercise stations at The Glen recreation area. Incorporate minor “Fibonacci” design components within a prominent existing park or other public area within Uralla to gauge public interest in the concept. Write to the Uralla Township and Environs Committee and advise that no funding is available under the Regional Tourism Product Development Program for upgrading or developing meeting and/or local community facilities— including picnic or playground areas, local parks, barbecues, meeting facilities and regional and town entry features. Advertise the Uralla Township and Environs Committee member vacancy resulting from the resignation of Fay Porter. Provide a copy of this report and Council’s resolution to the Uralla Township and Environs Committee. 	MDP		1. Noted 2. Noted 3. Engagement commenced 4. Application lodged under SCC Round 3 by Uralla Arts. 5. Pending – will be undertaken as part of the development of the Open Spaces Strategy 6. Pending 7. Complete 8. Complete 9. Complete	C C B C B B C C

RESOLUTION ACTION STATUS

Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
28 Nov 2018	29.11/18	Dept: I & R Submitted by: DID Ref/Subject: Report 15 - Heritage Advisory Services Summary Nov 2018	That; 1. The Heritage Advisory Services Summary for November 2018 be received and noted by Council; and 2. That consideration be given to utilising the bronze plaques prepared for the Old Cemetery in Uralla as part of the Open Spaces Strategy.	DID/MDP		1. Complete 2. Pending Open Spaces Strategy preparation.	C B
18 Dec 2018	34.12/18	Submitted by: Cr Tara Toomey Ref/Subject: Notice of Motion 1 – Bridge St Design Project	That; Should funding be received for the High Pedestrian Activity Area-Bridge Street Detailed Design, Council resolve to; 1) As part of the community engagement strategy for the project: a) Publicise proposed designs of the project to the Uralla Shire community via Council's newsletter and Facebook page and other print media where relevant. b) Provide relevant additional information to any address where street frontage is impacted by the design. c) Give consideration to suggestions and/or ideas which come from community consultation activities and provide feedback to the community which articulates that consideration. 2) Give consideration to the design intent of the Creative Village project and confirm to the design consultant the elements of the Creative Village project Council would like to see incorporated into the detailed design. 3) Request the design consultant address the potential for the project to increase traffic on local streets parallel to Bridge Street. 4) Refer the draft detailed design to the UTEC committee for comment. 5) Review traffic and accident data for local streets parallel to Bridge Street to determine if there has been an increase in traffic numbers and accidents over time. 6) Receive advice from the General Manager about the arrangements for the planting and maintenance of those blisters in Bridge Street not currently maintained by the generosity of volunteers. 7) Define the impact of any proposed project design on our Long Term Financial Plan and the next annual budget after implementation of the design is commenced.	DID		Noted. Funding not yet received.	B
26 Feb 2019	48.02/19	Dept: Infrastructure & Development Submitted by: MDP Ref/Subject: Report 25 - Recommendations of UTEC November and December 2018 meetings	That Council receive and note the minutes of Uralla Township and Environs Committee for Tuesdays 13 November and 11 December 2018 and adopt the following suggestions as recommendations: 1. Council provide clear parameters to the Uralla Township and Environs Committee. 2. Council explore the concept of Uralla 2358 in the development of a Fibonacci Discovery Park or other options in the Pioneer Park Precinct with the Uralla community and seek avenues of funding as part of the development of the Open Space Strategy.	MDP		1. Completed 2. Pending Open Spaces Strategy preparation.	C B

RESOLUTION ACTION STATUS
Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
25 June 2019	10.06/19	Dept: Infrastructure & Regulation Submitted by: MWWSS Ref/Subject: Late Report 2 – Funding Approval Safe and Secure Water Program Bundarra Sewer Scheme	1. Note the advice from Hon. Minister Melissa Pavey MP regarding revised NSW Government funding of up to \$6.557 million to complete the Bundarra Sewerage Scheme; and 2. Authorise the General Manager to undertake the necessary negotiations to extinguish the funding agreement with Infrastructure NSW and enter into a new funding agreement with NSW Department of Industry – Water.	MWWSS		1. Noted. Funding Deed under review. 2. Tender has now closed. Submissions are under review.	C B
25 June 2019	16.06/19	Dept: Corporate Services Submitted by: A/CGR Ref/Subject: Report 3 – Review of Council Policies – Update	That council hold additional workshops to continue review of council's policy landscape.	EMCS	July 2019	Additional workshops are currently being held to accommodate the back log due to COVID-19 deferrals	A
27 Aug 2019	15.08/19	Dept: Corporate Services Submitted by: CGR Reference/Subject: Report 5 – Complaints Management Policy 2019	That Council 6. Receive a biannual report outlining: <ul style="list-style-type: none"> The number of complaints received; The outcomes of complaints including matters resolved at the front line; Issues arising from complaints; Systemic issues identified; and The number of requests received for internal and/or external review of our complaint handling. 	EMCS	Aug 2019	6. Pending - CRM not yet implemented due to lack of resources. Expected to report to Council for the third quarter in 2021 Financial Year	A
27 Aug 2019	31.08/19	Dept: Infrastructure & Development Submitted by: EMC Report 12 – Public exhibition and consultation outcomes for proposed resignation of management from selected Council managed Crown Reserves	That Council make a written application to the Minister for Department of Industry - Crown Lands requesting approval of Uralla Shire Council's resignation as Crown Land Manager of Crown land reserves identified as: <ul style="list-style-type: none"> Lot 31 DP 755838 Kentucky South Reserve; Lot 153 DP 755838 Kentucky South Reserve; Lot 7010 DP 93183 Bundarra CBD Reserve; and Lot 7002 DP 1072010 Rocky River Recreation Reserve. 	EMC		In progress. Advice provided to Crown Lands. Discussions with Crown Lands regarding ongoing obligations continuing.	B

RESOLUTION ACTION STATUS

Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
26 Nov 2019	17.11/19	Submitted by: Cr N Ledger – Notice of Motion 2 – Munday’s Lane Community Group	That Council staff liaise with the Munday Lane community group regarding the community’s intentions for the Barry Munday Reserve and report back to Councillor Lane regarding their proposal.	DID	May 2020	Report provided to Council’s August meeting. Program of works endorsed.	C C
26 Nov 2019	20.11/19	Submitted by: Cr N Ledger Ref/Subject: Notice of Motion 3 - Water motion sewage treatment options	That council explore avenues to reuse water from the treated sewage effluent.	DID	Feb 2020	Underway. Progressing option with UPC at the moment.	B
26 Nov 2019	39.11/19	Dept: Infrastructure & Development Submitted by: DID Ref/Subject: Report 7 - Works Progress Report as at 31 October 2019	That; 1. the report be received and noted for the works completed or progressed during October 2019, and works programmed for November 2019. 2. Council review the updated transport asset management plan in the New Year to confirm priorities.	MCI	Feb 2020	1. Noted 2. Underway	C B
17 Dec 2019	18.12/19	Department: General Manager’s Office Submitted by: Acting GM Reference/Subject: Report 7 – Report and Recommendations from the Drought Management Workshop held 10th December, 2019	That; 1. Review the top 10 to 20 water users in Uralla and work with them to reduce their water use. 2. Investigate State or Federal funding for increasing the weir storage at Bundarra and other alternative water sources for Uralla. 3. Place information on water usage online in an easily accessible location. 4. Include contingency planning triggers in the Drought Management Plan. 100 days out of day 0 for normal usage and 40 days for emergency firefighting. 5. Review alternative water supply options. 6. Investigate the use of smart meters.	DID	Dec 2019	1. Pending 2. Letter sent. To be included in IWCM strategy. 3. Complete 4. Pending 5. Pending IWCM 6. Pending	B B C B B B
17 Dec 2019	34.12/19	Department: Infrastructure & Development Submitted by: DID Reference/Subject: Report 17 – Treated Sewage Effluent Options Report December 2019	That Council approve funding from the Water Fund reserves of \$50,000 to fund a study to investigate effluent reuse and determine optimal options for reuse of the Uralla Sewage Treatment Plant effluent. Councillors thank the staff for the preparation of the report.	DID	Feb 2020	Pending.	A

RESOLUTION ACTION STATUS
Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
17 Dec 2019	38.12/19	Department: Infrastructure and Development Submitted by: DID Reference/Subject: Late Report 2 – Drought Communities Extension Programme	<p>That Council:</p> <ol style="list-style-type: none"> 1. Participate in the Drought Communities Extension Programme to undertake community infrastructure improvements, community facility improvements, community events (focused on drought preparedness and resilience), public land improvement, tourism and economic diversification, infrastructure and amenity upgrading and improvement; funding is unlikely to extend to all projects. 2. Authorise a committee comprising of the Mayor, the Deputy Mayor, Director of Infrastructure and Development and the General Manager to determine the amount of funding to be attributed to each project and provide a monthly progress report. 3. Secure the necessary human resources to: <ol style="list-style-type: none"> a) Scope the necessary works and pricing to support the funding application(s); b) Assist in the preparation of the funding application; c) If successful, procure and coordinate the contractors and materials necessary to deliver the works; and d) Liaise with the stakeholders of the facilities and/or activities to which the funding will be directed. 5. Wherever possible utilise resources, businesses and suppliers from within the Uralla Shire Council area for works and/or activities delivered in accordance with the program. 6. Approve the commencement of the works after internal assessment identifies the projects as eligible and prior to the funding agreement being finalised. 7. Schedule a workshop on the possible options and refurbishment requirements for the Uralla Courthouse. 	DID	Feb 2020	<ol style="list-style-type: none"> 1. Noted 2. In progress 3. Ongoing 4. Application being lodged 5. Noted 6. Works commenced for some projects 7. Pending 	<p>B</p> <p>B</p> <p>C</p> <p>C</p> <p>C</p> <p>C</p> <p>A</p>

RESOLUTION ACTION STATUS
Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
04 Feb 2020	X08.02/20	Submitted by: Cr T Toomey Reference/Subject: Notice of Motion 2 - Economic Reparations to Impacted Businesses	That the General Manager: 1. contact each food or beverage business in the Uralla Shire reliant on town water 2. understand what the additional costs that transitioning to a new water source for their business have been 3. for food and beverage businesses who have not made the transition due to the cost, understand what the costs are 4. provide a report to the Council at the 24 March 2020 meeting seeking funding from the State and Federal Governments 5. continue to acknowledge and publicly thank those volunteers who have stepped in from the start and who continue to step in, to distribute the water and care for our community during this time	CCE	Feb 2020	- Pilot survey by independent consultant conducted in Feb/Mar 2020. - Council received funding through the NSW Bushfire Community Resilience & Economic Recovery Fund to undertake Local business engagement and support project which is in progress. - Volunteers publically acknowledged and thanked including at the 2020 Northern Inland Volunteer of the Year Awards. (Mayors Volunteer Awards)	B
04 Feb 2020	X11.02/20	Submitted by: Cr T Toomey Reference/Subject: Notice of Motion 3 – Proactive Marketing to Recover Brand Damage	That Council; seek funding from the State and Federal government to meet the cost of: a. The development of a Uralla Shire map which identifies businesses operating within the Uralla Shire; and b. A visit by a travel writer who will ensure that their appraisal will appear in some form of media to promote Uralla Shire Council in a positive light; and c. Creating a promotional social media video of Uralla Shire as part of a long term online campaign.	CCE	June 2020	In Progress - Funding through the NSW Bushfire Community Resilience & Economic Recovery Fund.	B
25 Feb 2020	30.02/20	Department: Infrastructure & Development Submitted by: MDP Reference/Subject: Report 15 – Amended Uralla Development Control Plan 2011 Amendment No 5	That Council: 1. Endorse the draft amendment No. 5 of the Uralla Development Control Plan 2011 for public exhibition for a second period of not less than 28 days; and 2. Give the General Manager delegated authority to adopt the Uralla Development Control Plan 2011 as amended if no submissions are received from the public or the Department of Planning, Industry and Environment.	MDP	March 2020 Sept 2020	Public exhibition 13 March - 27 May 2020. Extended exhibition on NSW Planning Portal. Amendments being incorporated in response to Councillor input.	C B

RESOLUTION ACTION STATUS
Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
24 March 2020	05.03/20	Submitted By: Mayor, Cr M Pearce Reference/Subject: COVID-19: Instrument of Delegation to the Mayor (Emergency Administrative Provisions)	That: 1. Council adopt the Instrument of Delegation to the Mayor dated 24 March 2020 as detailed in Attachment 1 to this Mayoral Minute except as; develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council, to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area, and (i) to determine the process for appointment of the general manager by the council and to monitor the general manager's performance 2. That the General Manager provide a consolidated report once a month to all Councillors specifying any actions taken under this delegation as adopted by Council. 3. Once activation of the current Business Continuity Plan ceases, a consolidated report to the first available meeting of Council will be submitted which lists all decisions made under this delegation.	GM	May 2020	To date, the Mayor has not been required to take any actions or exercise any delegated authorities under the Emergency Administrative Provisions adopted by Council on 24 March 2020.	B
24 March 2020	19.03/20	Submitted by: Cr, N Ledger Reference/Subject: Notice of Motion 1 - Expansion of waste collection services	That, prior to further research regarding domestic waste collection, Council first considers this report, scheduled to be received by Council in the next quarter.	DID	June 2020	Noted	B

RESOLUTION ACTION STATUS

Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
24 March 2020	21.03/20	Department: Infrastructure & Development Submitted by: MDP Reference/Subject: Confidential Report 1 - Tender for the refurbishment of the Uralla Visitor Information Centre	That Council : 1. Accept the compliant and preferred tenderer recommended by the evaluation panel as outlined in the report for the refurbishment of the Uralla Shire Visitor Information Centre. 2. Provide the funding for the Visitor Information Centre project from the Drought Communities Programme Extension funding application of \$100,000 and an application for funding from the Local Drought Stimulus Package of \$369,300.	MDP	June 2020 Aug 2020	1. Delayed due to motion being presented at April meeting and the confirmation of grant funding approval. 2. Application under Drought Stimulus Programme has been approved for balance funding. 3. Tender awarded.	C C C
05 May 2020	09.05/20	Department: Corporate Services Submitted by: EMCS Reference/Subject: Report 3 - Review of Uralla Township and Environs Committee	That Council: 1. Invite submissions from current members of the Uralla Township and Environs Committee to comment on the Committee's present functions and performance in relation to the Committee's Constitution; 2. In addition to point 1 above, seek public comment on the Committee's performance by way of Public Notice for a period of not less than 28 days; and 3. Receive a report to the June 2020 Ordinary Meeting to: a. Review the value of the Committee; and b. Determine the review or re-adoption of the Committee Constitution and the extension of the Committee's term.	EMCS	June 2020	1. UTEC members invited to lodge submissions with Council. Two submissions received. 2. Public Notice advertised, closing 8 June 2020. No submissions received. 3. Reported to Aug 2020 meeting.	C C C

RESOLUTION ACTION STATUS
Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
05 May 2020	17.05/20	<p>Department: Infrastructure and Development Submitted by: MDP Reference/Subject: Report 7 - Recommendations of Uralla Township and Environs Committee February 2020 meeting</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1. Receive and note the minutes of February 2020 meeting of the Uralla Township and Environs Committee (UTE), and: 2. a) purchase two copies each of the authoritative publications "Colour Schemes for Old Australian Houses ISBN 0-9594923-3-x" and "More Colours for Old Australian Homes ISBN 1—875253-04-1" to hold in the library reference section and Council's Customer Service Section as well as provide copies of the heritage paints guidance brochure, prepared by staff, to the public on request; b) request a report to a Council meeting on a proposal to amend the UTEC constitution in respect to the election of the chairperson and quorum requirements, for Council consideration, before the term of the committee comes to an end on 30 June 2020; c) convene a workshop of councillors, Mrs Gwen Fuller, Uralla Garden Club, UTEC members and James Sinclair to develop options for Fuller Park; d) write to Riley Watson asking him to provide his suggestions for skatepark additions to the Uralla Township and Environs Committee through Council. 	MDP	June 2020	<ol style="list-style-type: none"> 1. Noted 2. a) Publications have been purchased and made available; Heritage paints brochure available on website and hardcopy. b) Completed – workshop July 2020, report to Council Aug 2020. c) Letter of advice to convene workshop when appropriate has been sent to Gwen Fuller. d) Attempts to contact have been made. Council will engage with a skate park designer to determine what improvements/additions could be made. 	C
05 May 2020	18.05/20	<p>Department: Infrastructure and Development Submitted by: MDP Reference/Subject: Report 8 - DIVISION DECISION – DA-44-2018 – Natural Burial Ground - 192 Dumaresq Road, Saumarez Ponds</p>	<p>That Report 8 lay on the table and the development application be deferred until 03 July 2020, pending receipt of a geotechnical report outlined in NSW Public Health Regulation 2012. Should the geotechnical report not be received before this time, the application be put back before Council for determination.</p>	MDP	June 2020 July 2020	<p>Applicant contacted and invited to provide additional information.</p> <p>Additional information received. Application must now go to DPIE for concurrence as it is a controlled activity under the Water Management Act 2000.</p>	C B

RESOLUTION ACTION STATUS

Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
26 May 2020	45.05/20	Department: Infrastructure & Development Submitted by: MDP Reference/Subject: Confidential Report 1 - Ward Bros Quarry	That Council: 1. Note the Debt Settlement Deed of Agreement between Ward Bros and Uralla Shire Council, 2. Authorise the Acting General Manager to sign the deed on behalf of Council, and 3. Review the S94 quarry operator charges and reporting arrangements to improve accountability and administrative obligations.	MDP	June 2020	1. Noted 2. Debt Settlement Agreement complete 3. Pending	C C A
23 June 2020	07.06/20	Department: Corporate Services Submitted by: EMCS Reference/Subject: Report of Committee 1 - Recommendations of the Audit, Risk and Improvement Committee	That Council: 1. Receive and note the Audit, Risk and Improvement Committee Biennial Report for the period 1 January 2018 to 31 March 2020 at Attachment A; and 2. Place the draft Audit, Risk and Improvement Committee Charter 2020 at Attachment B on public exhibition for a period of 28 days, and, subject to no submissions received during public exhibition, adopt the draft Audit, Risk and Improvement Committee Charter 2020 at Attachment B.	EMCS	June 2020	1. Noted 2. public exhibition completed 23 July 2020 – AIRC advice to Council in Sep 2020 agenda.	C B
23 June 2020	23.06/20	Department: Infrastructure & Development Submitted by: MCI Reference/Subject: Report 9 - Information Report to March Council Resolution - Mt Mitchell Road	That Council: 1. Note and receive the information provided. 2. Directs the General Manager to obtain Council's consent prior to expending additional funds under the s94 (now s7.11) reserves for road works. 3. Be provided with the following information which impacts on the adopted Uralla Shire Transport Asset Management Plan: a. A copy of the external consultant's report referred to in the officer's report; b. The traffic count data for Mount Mitchell and Retreat Roads, including location of the counter; and c. Details of the safety issues referred to in the report.	MCI	July 2020	1. Noted 2. Noted 3. Pending	C C A
23 June 2020	26.06/20	Department: Infrastructure and Development Submitted by: MDP Reference/Subject: Report 11 - Amended Uralla Development Control Plan 2011 Amendment No. 5	That Council defers consideration of this matter pending further response to questions to Council officers in respect to the Development Control Plan.	MDP	July 2020	Noted	B

RESOLUTION ACTION STATUS

Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
23 June 2020	27.06/20	Department: Infrastructure & Development Submitted by: DID Reference/Subject: Report 12 - Request for Additional Plaque in Honour of Arnold Goode on Rotunda in Alma Park	That Council: 1. Supply and install the requested additional plaque in honour and recognition of the contribution Arnold Goode has made to the community as a local historian and model citizen of Uralla; and 2. Approve funding of \$500 to meet the costs for the supply and installation of the plaque.	DID	July 2020	1. Plaque received, installation pending 2. Noted	B C
25 Aug 2020	04.08/20	Committee Report 1 - Budget Review & Finance Committee Report LTFP 2030 Department: Finance Submitted by: CFO	That Council: 1. Set a strategic objective for the General Fund to achieve a balanced operating result before capital grants by 2022/2023 including the full funding of depreciation, amortisation and impairment of intangible assets and infrastructure, property, plant equipment, and to build reserves of \$4 million over the remaining seven years of the long term financial plan (LTFP); and 2. To inform the implementation of the strategic objective, Council: a) consider shire continuity and financial sustainability including a review of financial performance measures; b) review service standards and councils operating costs; c) undertake community engagement on the above and financial strategies; d) prepare and endorse policy/plans to inform the construction of the LTFP; and undertake further community consultation on the LTFP.	CFO	Aug 20	1. Noted for inclusion in the preparation of the next budget & LTFP 2. Noted	B B

RESOLUTION ACTION STATUS
Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
06.Aug 2020	06.08/20	Report 2 - Summary for the New England Weeds Authority Ordinary Meetings in June 2020. Submitted by: <i>Environmental Management Coordinator</i> Department: Infrastructure and Development	That Council endorse support of the ZNET Plus project "Let's Talk About Water" (2020) and, subject to both Council and ZNET Plus agreeing to only speak on behalf of their own areas of responsibility, provide in-kind resources as follows: 1. General Manager to allocate reasonable staff resources to attend meetings and provide Council perspective 2. General Manager to allocate reasonable staff resources to provide Council technical review of publications to be used for consultation; 3. General Manager to allocate staff resources to attend public meetings where appropriate and purpose of attendance is defined; 4. Promotion of the project on Council's relevant platforms; 5. ZNET Plus invited to workshop community engagement material with Councillors in advance of community engagement sessions with copies of workshop material provided to the General Manager at least five days in advance of the workshop; 6. To provide access to the water infrastructure to the project team as far as it supports their work; and 7. Uralla Shire Council to extend invitation to host a workshop at the end of the project for other regional councils.	DID	Oct 20	1. Noted 2. Noted 3. Noted 4. Noted 5. Scheduled 6 Oct 6. Noted, per 1 and 2 above. 7. Noted and pending	C C C C B C B

RESOLUTION ACTION STATUS

Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
25 Aug 2020	15.08/20	Item 8 - Report 1 - Draft Uralla Local Strategic Planning Statement 2020 Submitted by: <i>Manager of Development and Planning</i> Department: <i>Infrastructure & Development</i>	That Council: 1. Following a detailed edit, by a sub-committee of council, on the draft Uralla Local Strategic Planning Statement 2020, place the document on public exhibition from 28th Aug for a period of not less than 28 days; 2. Undertake community consultation concurrently including directly requesting comment from key community organisations including NSW Farmers, Uralla Aboriginal Community, The Uralla Business Chamber, The local and District Rural Fire Service, Tourist operators, Real Estate Agents; 3. Write to the Department advising the status of developing the LSPS and that the submission may be delayed, due to COVID 19 protocols, until Council is satisfied that it has adequately taken into account community feedback.	MDP	Sept 30	1. Works disseminated to Councillors for feedback 2. Workshop scheduled with Councillors 27 Aug 3. Follow up with Councillors & Community Elders 4. Submission of LSP in draft form by Sept 30	C C B B
25 Aug 2020	17.08/20	Report 4 - Operational Plan Annual Performance Submitted by: <i>Executive Manager Corporate Services</i> Department: <i>Corporate Services</i>	That Council defer consideration of Report 4 2019-20 Operational Plan Annual Performance until after the content of the report is work-shopped with Council	EMCS	Sept 20	1. Workshop held 15/9/20 Invitation to Councillors to provide feedback out of session emailed 15/9/20	B
25 Aug 2020	20.08/20	Audit, Risk and Improvement Committee Charter 2020 Submitted by: <i>Executive Manager Corporate Services</i> Department: <i>Corporate Services</i>	That Council defer consideration of report 6 Audit, Risk and Improvement Committee Charter 2020, until the Audit, Risk and Improvement Committee have reviewed the feedback, after the 27th August 2020 meeting and provided a recommendation to Council.	CFO	Sept 20	1. Noted – See September 2020 Council report with recommendations from ARIC.	C

RESOLUTION ACTION STATUS

Key A: Action B: Being processed C: Completed

MEETING DATE	RESOLUTION NO.	REPORT TITLE	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION DATE	COMMENTS	STATUS
25 Aug 2020	25.08/20	Report 7 Continuation of Uralla Township and Environs Committee Submitted by: Executive Manager Corporate Services Department: Corporate Services	That Council: 1. Place the draft amended Uralla Township and Environs Committee Constitution 2020 Attachment C for public exhibition for a period of not less than 28 days; 2. Subject to no submissions received during public exhibition, adopt the Uralla Township and Environs Committee Constitution 2020 at Attachment C; and 3. Following adoption of the Uralla Township and Environs Committee Constitution 2020, contact the acting Committee Secretary to arrange the recommencement of Committee meetings in accordance with the Committee Constitution and current COVID-19 restrictions.	EMCS	Sept 2020	1. On exhibition	B
25 Aug 2020	26.08/20	Report 8 Information report to June Council Resolution Submitted by: Manager of Civil Infrastructure Department: Infrastructure & Development	That Council endorse the further development of the model for ranking candidate roads for upgrading gravel roads incorporating sound engineering principles; with elements such as length of construction, traffic volumes, tourist routes, road alignment and bus routes; economics and road safety issues.	DID	Dec 2020	1. Noted. Further development underway.	C
25 Aug 2020	27.08/20	Report 10 Proposal to endorse the Friends of Munday Lane Reserve Working Group Program of Works Submitted by: Environmental Management Coordinator Department: Infrastructure & Development	That Council: 1. Endorse the Friends of Munday Lane Reserve Program of Works to be implemented by the working group under guidance from Council staff for the management of Crown reserve, Lot 322 DP 75581.1 Saumarez Ponds (Barry Munday) Recreation Reserve, and 2. Consider improvement projects for inclusion in future external grant funding Programs.	DID	Sept 2020	1. Noted 2. Included in list	C
25 Aug 2020	29.08/20	Notice of Motion: A policy to facilitate working and online businesses from home Submitted by: Cr T. O'Connor	That Council have prepared, for consideration by an October Councillor's Strategic Planning Workshop, a policy that could facilitate the expansion and diversification of Uralla Shire's local economy by encouraging home-based enterprises, direct selling and working from home, taking advantage of e-commerce, new technologies and business models, while ensuring the maintenance of the amenity of the particular land use zone, in which the business is situated.	Executive Team	Oct 2020	1. Policy developed has commenced	B

Responsibility Matrix

Each of the resolution actions is assigned to a responsible local government officer, who provides progress reports to the Council each month. Set out below is the responsibility legend used throughout this Schedule of Actions document:

• GM	General Manager	General Manager's Office
• EA	Executive Assistant	General Manager's Office
• CFO	Chief Financial Officer	General Manager's Office
• MHR	Manager Human Resources	General Manager's Office
• DID	Director Infrastructure and Development	Infrastructure and Development
• MCI	Manager Civil Infrastructure	Infrastructure and Development
• AM	Asset Manager	Infrastructure and Development
• MDP	Manager Development and Planning	Infrastructure and Development
• EMC	Environmental Management Coordinator	Infrastructure and Development
• MWWS	Manager Waste, Water and Sewerage Services	Infrastructure and Development
• EMCS	Executive Manager Corporate Services	Corporate Services
• CCE	Coordinator Communications and Engagement	Corporate Services
• TPOO	Tourism Promotion and Operations Officer	Corporate Services
• CTI	Coordinator Technology and Information	Corporate Services
• CGR	Coordinator Governance and Risk	Corporate Services
• RMSO	Risk Management and Safety Officer	Corporate Services
• MMG	Manager McMaugh Gardens Aged Care	McMaugh Gardens Aged Care Services
• MCC	Manager Community Care	Community Care Services

Report 12 – Council and Uralla Shire Business Chamber support



REPORT TO COUNCIL

Reference/Subject::	Report 12 – Council and Uralla Shire Business Chamber support
Submitted by:	General Manager
Department:	General Manager

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	2.1	An attractive environment for business, tourism and industry.
Strategy:	2.1.1	Promote the Uralla Shire and the regional as a place to live, work, visit and invest.

SUMMARY:

The Council and Uralla Shire Business Chamber's missions have strong alignment and the two entities are able to support each other in a range of areas.

OFFICER'S RECOMMENDATION:

That Council:

- (1) receive the outcomes of the strategic workshop held on 8 September 2020 as summarised in the report to Council on 22 September 2020 titled 'Council and Uralla Shire Business Chamber support; and**
- (2) note that the General Manager will give a presentation to the Uralla Shire Business Chamber on this report.**

BACKGROUND:

The Uralla Shire Business Chamber (USBC) was incorporated on 27 June 2017.

The USBC vision is *to be the meeting place for business and community growth*. USBC's mission is *to support business development to keep the Uralla district as the best place in New England to do business and to live*.

Further information on the USBC including their constitution can be found on their website at <https://urallabusinesschamber.org.au/>.

Uralla Shire Council
Council Business Paper – 22 September 2020

Uralla Shire Council's mission is: *The Uralla Shire Council is committed to creating a unique environment which offers an excellent quality of life and economic opportunities for its people.*

The USBC's mission is aligned with Council's mission.

Business membership of the USBC is \$100 per annum (\$10 for associate, non-voting) and they currently have approximately 27 members.

Council is not eligible to be a member of the Business Chamber; however, in 2019 Council was a major sponsor of the USBC Awards night which is an important fundraiser for the USBC.

REPORT:

The USBC has extended an invitation to the General Manager to be guest speaker at a monthly meeting on the topic of USBC and Council support.

On 8 September 2020, Council held a strategic workshop on this topic with Regional Development Australia Northern Inland (Inc) (RDANI) representative Mr David Thompson, Senior Project Officer.

The workshop considered the functional relationship of Uralla Shire Council, RDANI and USBC. RDANI shared their experience and observations from working with other business chambers. The workshop also considered Council's role and the support each organisation can provide generally and in regard to four key areas of focus:

- **Business attraction** – creating an environment that is attractive to business
- **Growth of existing businesses** – from RDANI's experience, only a small number of businesses in any town that desire to grow and have the capacity to grow
- **Tourism** – attracting visitors
- **Residents** – attracting residents

Uralla Shire Council
Council Business Paper – 22 September 2020

The following table represents possible roles for USBC and Council support of USBC roles:

Focus Area	General			Ideas *subject to funding / grant funding
	Investment Prospectus / Shire branding & promotion	Liaison, information sharing and advocacy	Council infrastructure & services	
Business Attraction	Yes	Yes	Yes	Council: <ul style="list-style-type: none"> • Business gap analysis* (1) • Develop online investment prospectus (2) • Business incubator space* (3) • Co-working office hub*(4) • Council main street upgrade* • Public space amenity • Business support web page (5)
Growth of existing business	Yes	Yes	Yes	Encourage USBC to secure grant funding for part-time economic development officer – addressing barriers to business, pursuing business grants, liaison with RDANI, local member and Council. Council: <ul style="list-style-type: none"> • co-working office hub* • Council main street upgrade* • public space amenity • smart region internet of things gateway infrastructure*
Tourism – attract visitors	Yes	Yes	Yes	Encourage USBC to: Network tourism businesses to develop packages; and Collaborate with Council on tourism strategy, packages and branding. Council: <ul style="list-style-type: none"> • Visitor information centre services; possible point of sale for tourism bookings. • further develop regional tourism strategy (6) • develop Uralla Shire Tourism branding (7) • enhanced digital experience (8) • develop Events Strategy and Toolkit* • pursue trail opportunities* (9) • Council main street upgrade* • public space amenity
Attract Residents	Possibly	Possibly	Yes	Council: <ul style="list-style-type: none"> • Develop new residents online welcome kit* • Develop Events Strategy & Toolkit* (10) • Develop a how to renovate in Uralla kit* (11) • Increase resourcing to support development application process*

- (1) In partnership with RDANI and USBC seek funding to undertake a shire business gap analysis to identify opportunities for growth and investment
- (2) Seek funding to develop an online Shire investment prospectus that links to business gap analysis and opportunities, USBC business directory, key statistical data and competitive advantage information (including industry metrics, weather, health and education services, transport etc.), recent and current investments by business and Council into the Shire e.g. UPC solar farm; road and bridge upgrades
- (3) Establish a business incubator location, selection process and conditions (e.g. 12 month time limit).
- (4) Seek funding to refurbish the Old Court House (fee for service) – co-working office hub.
- (5) <https://www.uralla.nsw.gov.au/Council/Business-Support>
 - a. Business support and resources – links to NSW Government business support services
 - b. Small business drought support - NSW Small Business Commission has developed a fact sheet outlining support for non-farm based businesses.
 - c. Business initiatives – Veterans’ recognition program; new initiatives can be added and promoted here
- (6) Link to New England High Country tourism partnership.
- (7) Consistency of the Visit Uralla Brand and tourism management – brand the experience of visiting our shire.
- (8) Digitisation of maps for tourist routes and trails, bird watching, high conservation value sites, strong social media presence and website.
- (9) Adventure tourism - trekking, road and cross country bike trails, rock climbing.
- (10) Simplify approvals process for those who want to hold events in Uralla Shire and provide assistance and guidance – website as first impression.
- (11) Encourage residents to purchase and renovate older housing stock.

The USBC is eligible to apply for Council Community Grants.

CONCLUSION:

The Uralla Shire Business Chamber is a local, incorporated entity and the USBC mission is closely aligned to Council’s mission and consequently there are a range of opportunities for partnership outcomes as outlined in this report.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

Development of specific strategies or activities will require community engagement particularly where new resources are required.

2. Policy and Regulation

Local Government Act 1993 (NSW)

s 8A Guiding principles for councils

- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (g) Councils should work with others to secure appropriate services for local community needs.

3. Financial (LTFP)

There are no direct financial implications associated with the recommendation. New initiatives will require new funding via grants or other resource allocation.

4. Asset Management (AMS)

n/a

5. Workforce (WMS)

No new allocation. In-kind staff support will be limited as it will require reallocation from existing areas.

6. Legal and Risk Management

Public relations risk – low; it is appropriate for Council to engage with the USBC and its local businesses.

7. Performance Measures

Feedback from the USBC following the General Manager's presentation and subsequent take-up of ideas presented and/or related ideas.

8. Project Management

n/a

Prepared by staff member:	General Manager
TRIM Reference Number:	#
Approved/Reviewed by Manager:	General Manager
Department:	General Manager's Office
Attachments:	Nil

Report 13 – LGNSW Annual Conference 2020



REPORT TO COUNCIL

Reference/Subject:	Report 13 – LGNSW Annual Conference 2020
Submitted by:	General Manager
Department:	General Manager's Office

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	4.1	A strong, accountable and representative Council
Strategy:	4.1.4	Provide strong representation for the community at the region, state and federal levels
Activity:	4.1.4.1	Maintain effective partnerships and advocacy activities

SUMMARY:

This report recommends Council designate its delegate to the LGNSW Annual Conference to be held 23 November 2020.

OFFICER'S RECOMMENDATION:

That:

- (1) The Mayor and General Manager attend the LGNSW Annual Conference on 23 November 2020; and**
- (2) Should the Mayor be unable to attend the LGNSW Annual Conference, the Deputy Mayor attend as his proxy.**

BACKGROUND:

The LGNSW Annual Conference will be held 23 November 2020 in an online forum.

The LGNSW Annual Conference is the main policy making event for the local government sector and provides the opportunity for local councils to submit motions for consideration and debate by delegates. Motions passed at the conference become resolutions which LGNSW then takes forward on behalf of councils' as part of their advocacy agenda.

LGNSW has invited its member councils to submit motions for consideration by delegates at the conference.

Uralla Shire Council is allocated one vote for each motion put to the conference.

REPORT:

Uralla Shire Council has not prepared any motions for submission to the conference this year.

Council should designate its delegate to the conference.

KEY ISSUES:

- The LGNSW Annual Conference provides Council the opportunity to submit motions for consideration and debate by delegates.
- Motions passed at the LGNSW Annual Conference will guide LGNSW's advocacy work for the following year.
- Uralla Shire Council has one allocated vote for each motion put to the conference.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

The conference provides the Council to participate in the agenda setting for LGNSW for the following year.

2. Policy and Regulation

N/A

3. Financial (LTFFP)

N/A

4. Asset Management (AMS)

N/A

5. Workforce (WMS)

N/A

6. Legal and Risk Management

N/A

7. Performance Measures

N/A

8. Project Management

N/A

Prepared by staff member:	Executive Manager Corporate Services
TRIM Reference Number:	UINT/20/7574
Approved/Reviewed by Manager:	General Manager
Department:	General Manager's Office
Attachments:	Nil

14. MOTIONS ON NOTICE/QUESTIONS WITH NOTICE

There are no Motions on Notice or Questions with Notice.

15. CONFIDENTIAL MATTERS

There are no confidential matters.

16. COMMUNICATION OF COUNCIL DECISIONS

17. CONCLUSION OF THE MEETING

END OF BUSINESS PAPER