



NOTICE OF MEETING

NOTICE is hereby given that an **Ordinary Meeting of Gwydir Shire Council** will be held in the To be advised, on **Thursday 27 August 2020** (commencing at **9.00am**) to discuss the items listed in the Agenda.

Your attendance is respectfully requested.

Yours faithfully,

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

Max Eastcott
General Manager

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GWYDIR SHIRE COUNCIL

BUSINESS PAPER

AGENDA

**ORDINARY MEETING August 27, 2020
9.00am**

OFFICIAL OPENING AND WELCOME – MAYOR

APOLOGIES

CONFIRMATION OF THE MINUTES

RECOMMENDATION:

THAT the Minutes of the Ordinary Meeting held on Thursday, July 23, 2020 as circulated be taken as read and CONFIRMED.

THAT the Minutes of the Confidential Ordinary Meeting held on Thursday, July 23, 2020 as circulated be taken as read and CONFIRMED.

PRESENTATION

CALL FOR THE DECLARATIONS OF INTERESTS, GIFTS RECEIVED AND CONFLICTS OF INTEREST

COMMITTEE OF THE WHOLE - CONFIDENTIAL ITEMS

- 1. Monthly Confidential Organisation and Community Development Report for July 2020**

It is recommended that the Council resolve into Committee of the Whole with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that the report contains personnel matters concerning particular individuals.

2. Butlers Road Closure Request

It is recommended that the Council resolve into Committee of the Whole with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that the report contains personnel matters concerning particular individuals.

MAYORAL MINUTE (If any)

DEFERRED ITEMS – Nil

OFFICERS' REPORTS (As listed)

COMMITTEE OF THE WHOLE – OPEN

Councillors' Reports

Item 1 Councillors' Monthly Activity Report for July**DELIVERY PROGRAM****GOAL: 4. Proactive Regional and Local Leadership****OUTCOME: 4.1 WE ARE AN ENGAGED & CONNECTED COMMUNITY****STRATEGY: 4.1.2 Enable broad, rich and meaningful engagement to occur - GM - external**

The Councillors' activity schedule for July 2020 commitments is outlined below:

| July, 2020 | | |
|-------------------------------------|--|-----------------------|
| Councillor | Event | Date |
| Cr J Coulton (Mayor) | Namoi Unlimited Meeting /Board Meeting – The Roxy Conference Room | 7 th July |
| | Committee Meeting – The Roxy Conference Room | 9 th July |
| | North Star Store Reopening - Warialda Chambers | 22 nd July |
| | Ordinary Council Meeting – The Roxy Conference Room | 23 rd July |
| | Meeting at Warialda Hospital | 29 th July |
| | Meeting with John Hodge | 29 th July |
| | Steve Kneller's Final Day at Gwydir Shire Council - The Roxy Theatre | 30 th July |
| Cr Catherine Egan (Deputy Mayor) | Bingara Show Committee Meeting – The Bingara Sporting Club | 1 st July |
| | BCS Orange Picking Ceremony | 3 rd July |
| | Namoi Unlimited lunch followed by Board Meeting – The Roxy Conference Room | 7 th July |
| | Committee Meeting – The Roxy Conference Room | 9 th July |
| | Ordinary Council Meeting – The Roxy Conference Room | 23 rd July |
| | Steve Kneller's Final Day at Gwydir Shire Council - The Roxy Theatre | 30 th July |
| Cr David Coulton | Committee Meeting – The Roxy Conference Room | 9 th July |
| | Ordinary Council Meeting – The Roxy Conference Room | 23 rd July |
| | RFS service level agreement – Bingara RFS HQ | 29 th July |
| Cr Stuart Dick | Committee Meeting – The Roxy Conference Room | 9 th July |

| | | |
|--------------|--|-----------------------|
| | Carinda House Meeting | 9 th July |
| | Warialda Historical Society Meeting | 16 th July |
| | Ordinary Council Meeting – The Roxy Conference Room | 23 rd July |
| | RFS Service level agreement – Bingara RFS HQ | 29 th July |
| | RFS Brigade Meeting | 31 st July |
| Cr Dixon OAM | Namoi Unlimited lunch followed by Board Meeting - The Roxy Conference Room | 7 th July |
| | Committee Meeting – The Roxy Conference Room | 9 th July |
| | Ordinary Council Meeting – The Roxy Conference Room | 23 rd July |
| Cr T Galvin | Namoi Unlimited lunch followed by Board Meeting - The Roxy Conference Room | 7 th July |
| | Committee Meeting – The Roxy Conference Room | 9 th July |
| | Ordinary Council Meeting – The Roxy Conference Room | 23 rd July |
| | Steve Kneller's Final Day at Gwydir Shire Council - The Roxy Theatre | 30 th July |
| Cr J Moore | Committee Meeting – The Roxy Conference Room | 9 th July |
| | Warialda Historical Society Meeting | 16 th July |
| | Ordinary Council Meeting – The Roxy Conference Room | 23 rd July |
| Cr G Smith | Namoi Unlimited lunch followed by Board Meeting -The Roxy Conference Room | 7 th July |
| | Committee Meeting – The Roxy Conference Room | 9 th July |
| | Ordinary Council Meeting – The Roxy Conference Room | 23 rd July |
| | RFS Service level agreement – Bingara RFS HQ | 29 th July |
| Cr F Young | Namoi Unlimited lunch followed by Board Meeting – The Roxy Conference Room | 7 th July |
| | Committee Meeting – The Roxy Conference Room | 9 th July |
| | MOU w/Providence – Bingara reception meeting room | 16 th July |

OFFICER RECOMMENDATION**THAT the report be received**

Item 1 Monthly Executive Report for July 2020**FILE REFERENCE** 20/16730**DELIVERY PROGRAM****GOAL:** 5. Organisational Management**OUTCOME:** 5.1 CORPORATE MANAGEMENT**STRATEGY:** 5.1.3 Administrative functions - GM - internal**AUTHOR** General Manager**STAFF DISCLOSURE OF INTEREST** Nil**TABLED ITEMS** Nil**IN BRIEF/ SUMMARY RECOMMENDATION**

The monthly Executive report details the activities carried out by the Department during the months of July 2020.

BACKGROUND

The monthly Executive report forms part of a regular reporting regime. The purpose of the report is to inform Council of the activities carried out within the Department.

COMMENT**TOWN UTILITIES and PLANT**Water and Sewerage:

During July water and sewerage operators attended 33 service line repairs, nine water main breaks and 15 sewer blockages. Approximately 50m of sewer main was replaced in Hope Street, Warialda in two separate locations due to failures of the sewer main. Work was undertaken at Bingara swimming pool as private works to the contractor, Bingara Riverside Caravan Park, Gwydir Oval, footpath to Gwydir River pontoon, Naroo Hostel Warialda, Bingara Central School (private works), Rosehill Drive Bingara, Bingara Courthouse, library, boat ramp shelter and Gragin Road standpipe. Seven hundred and fifty metres of poly was renewed to service the Warialda rifle club.

Council received the draft Gravesend Water Quality Report funded under the Safe and Secure Water program during July; the report will be reviewed and finalised in August. This report will form the basis of a future submission for funding for a Water Treatment Plant at Gravesend.

Council received the draft report for Automation and Telemetry Upgrade funded under the Safe and Secure Water program. The report will be reviewed and finalised in September; this report will form the basis of a future

funding submission for automation and telemetry improvements to Water and Sewer systems.

Bingara Sewer Extension has been progressing with an information session held in the Roxy foyer on 3 July and property audits undertaken during July. Geotechnical investigation will be undertaken during September, with detail costings obtained and a business case developed to be submitted to the Safe and Secure Water Program for funding of the project.

Pontoon pathway

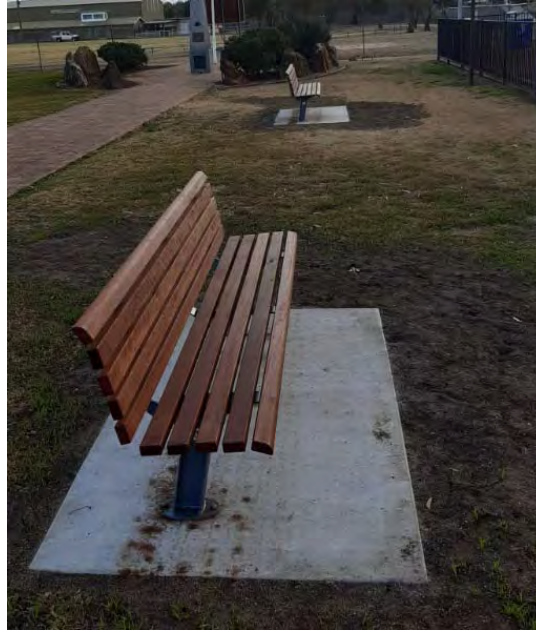
During July, earthworks were undertaken to construct the pathway from the Bingara pool precinct to the Gwydir River picnic area and pontoon. The retaining wall and footpath will be constructed in August.



Footpath earthworks leading to the pontoon on Gwydir River

Parks

All parks and gardens are being maintained. Council is undertaking a weekly inspection of playgrounds and cleaning of handrails and touch areas. Regular mowing, weed control, irrigation, hedging and trimming continued during July. Several dead trees were removed during July and the stumps have been ground. Council will be planting a range of trees in the town streets over the next three months. Two bench seats, including concrete slabs, were installed overlooking Captain Cook Park, Warialda, during July. Trees and garden beds were removed from the car park at the Warialda Memorial Pool. A bench seat was installed at the Delungra CHSP building. The orange trees in Finch Street, Gwydir oval and Keera Street Bingara were pruned during July. The bottle brush trees on the Elcombe Road were trimmed and shaped along with some additional paver cleaning in Warialda. These trimmings are mulched onsite. The parks, ovals and town street areas have been sprayed with broadleaf herbicide to control clover.



Bench seat in Captain Cook Park, Warialda

Cemeteries

Both Bingara and Warialda cemeteries continue to be maintained.

Drought Casuals

During July the team installed two shelters with tables at CWA Park and one shelter and table at Junction Park, Bingara including concrete slabs. The team replaced fences at Bicentennial Park, Bingara Showground and in West Street.



Junction Park, Bingara Shelter

Gwydir Oval Amenities

The new amenities building at Gwydir Oval is 90% complete with electrical work, painting and wet area tiling completed during July. The shower and

toilet partitions will be installed during August. There will be a concreted footpath between the Grandstand and the amenity building and the bitumen in the carpark will be reinstated. The remaining split blocks will be used to construct entrance gates.



Tiling in the Gwydir Oval Amenities building

Bingara Showground

The showground is being maintained with regular mowing and weed control undertaken. The projects undertaken during July in the Phase 1 Stimulus Package included installation of gutters on the bull shed, electrical wiring of the main pavilion and replacement of the cool room motor under the grandstand. Works funded under the Stimulus Package grant to be completed in at the Showground in August include completion of the general purpose shed, awning over cool room at the polocrosse canteen and other maintenance.



Bingara showground bull shed – gutter replacement

Plant and Workshop

Plant P1938 Cat Loader was fitted with a siren during July. The normal horn was not adequate for truck drivers to hear. With some of the contractors using a variety of trucks and trailers to transport gravel, the distance from the loader was making it difficult to hear.

The air blower on P1446 jet patcher was replaced during July due to bearing failure. This proved to be a major task due to the location and size of the blower.



P1446 – Jet patcher air blower

Medium truck P1686 was modified for weed spraying during July. Electronic solenoids were fitted to allow the driver to control weed spraying around guide posts, rather than a two man operation.



P1686 – Medium truck – spray mount

Other maintenance undertaken by the Workshop during July included:

- Fitting new augers to back of P1713 Jetmaster and fitting new condenser for air conditioner
- P1093 -welding cracks in trailer and redo lights
- P1357 - welding trailer repairs to attach non charging battery
- P1955 - fitted bull blade to new grader
- P1851 car - replaced front brake pads
- P1474 – roller - air conditioner repairs
- P1440 – ute - replaced turbo oil return line
- P1475 – roller – brake repairs
- P1473 - fitted new seals and seal rings on grid roller and refit to frame
- P1950 – skid steer - fabricated new broom holder for street sweeper to fit bigger brooms for more service life
- P1689 – water cart - replaced power steering hoses
- Repairs to compressor in Reverse Osmosis water treatment plant at North Star



Bray Logan replacing brushes on P1950 skid steer sweeper

ENVIRONMENTAL and SUSTAINABILITY DEPARTMENT July 2020

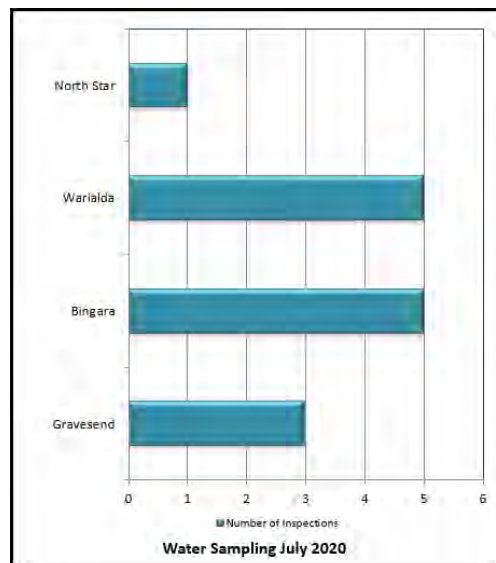
The Department continues to receive enquiries and provide advice on a range of health matters including

- Overgrown properties
- Food premises design and fit-out
- Food handling practices
- Mobile food vendors
- Licensing
- Water carting
- Pet Ownership

Water Surveillance

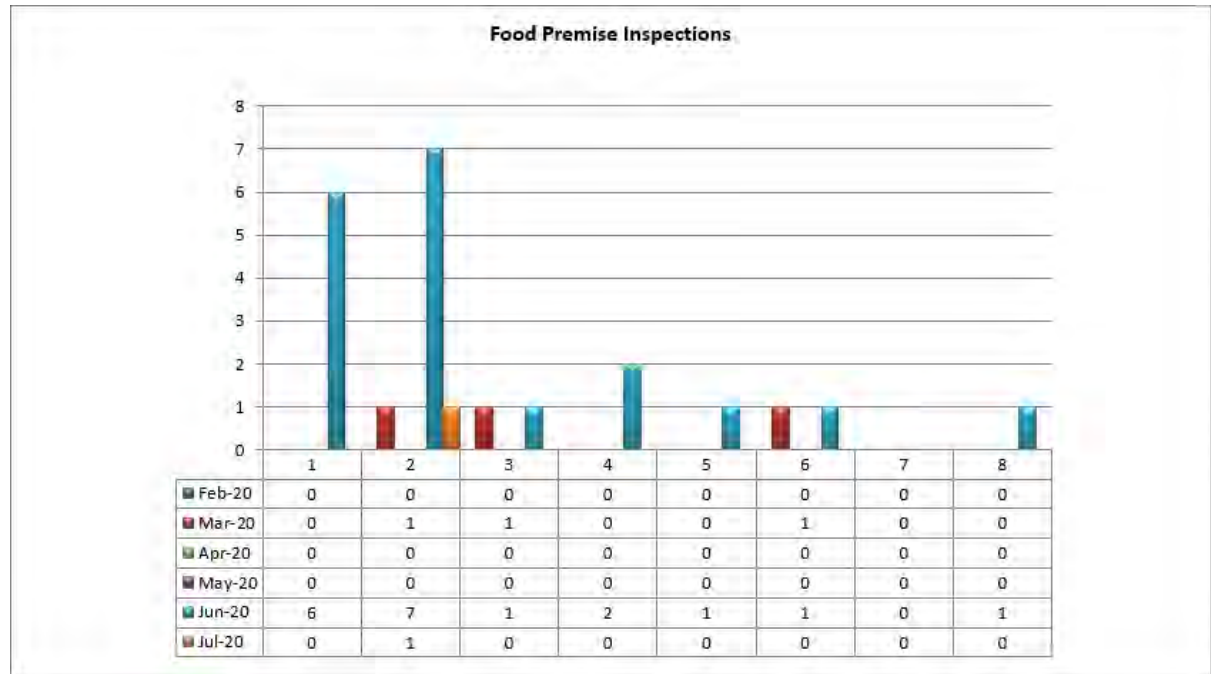
The Department continues to carry out routine weekly microbiological sampling of the water supply in the towns of Warialda and Bingara, fortnightly sampling of Gravesend and monthly sampling at North Star.

Health Related Inspections



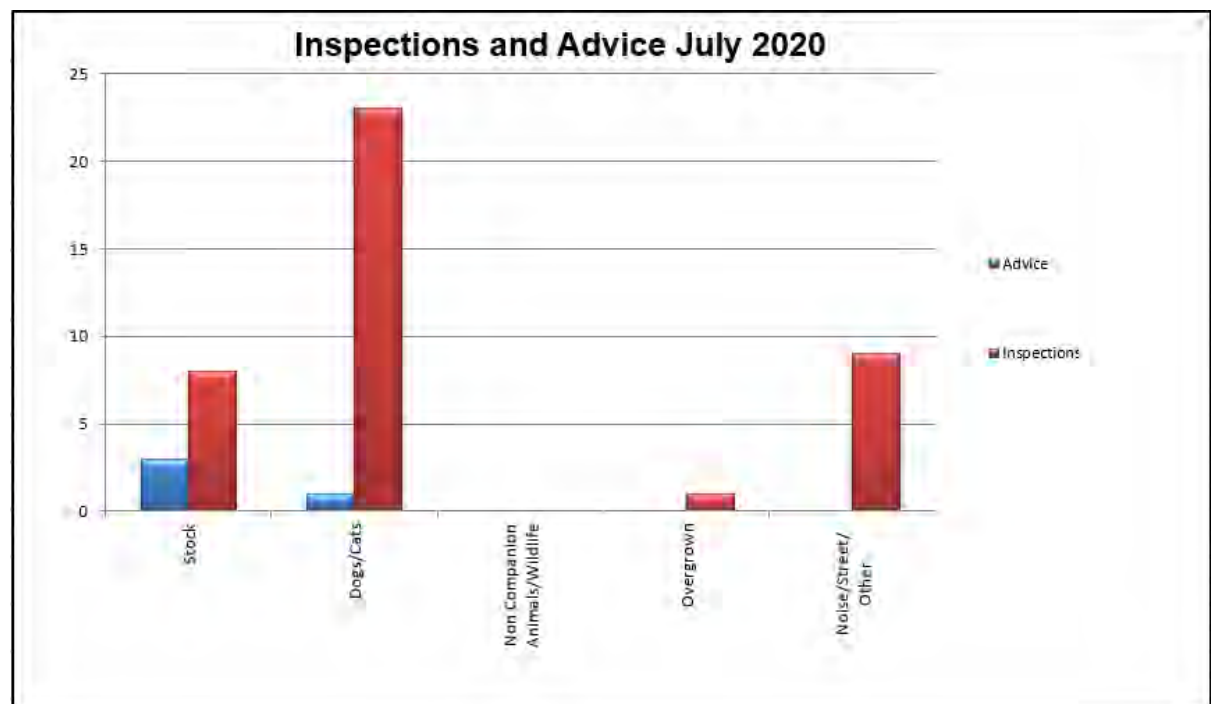
Food Premise Inspections/Re-inspections

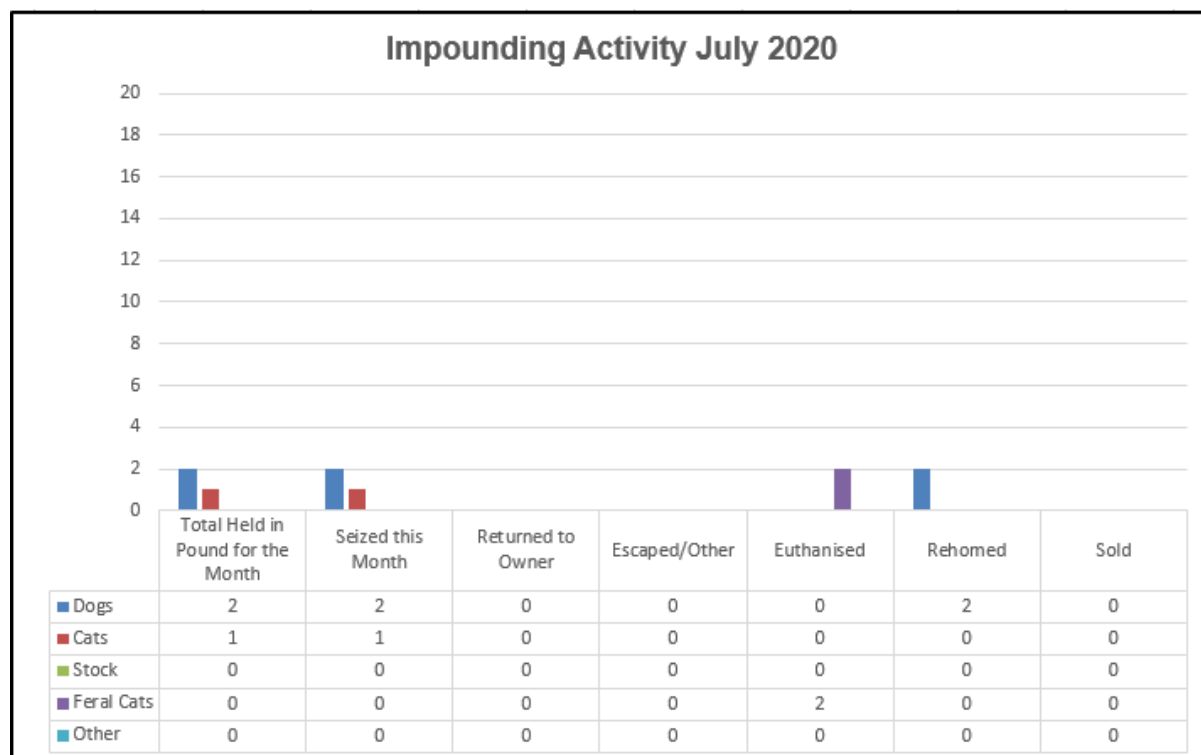
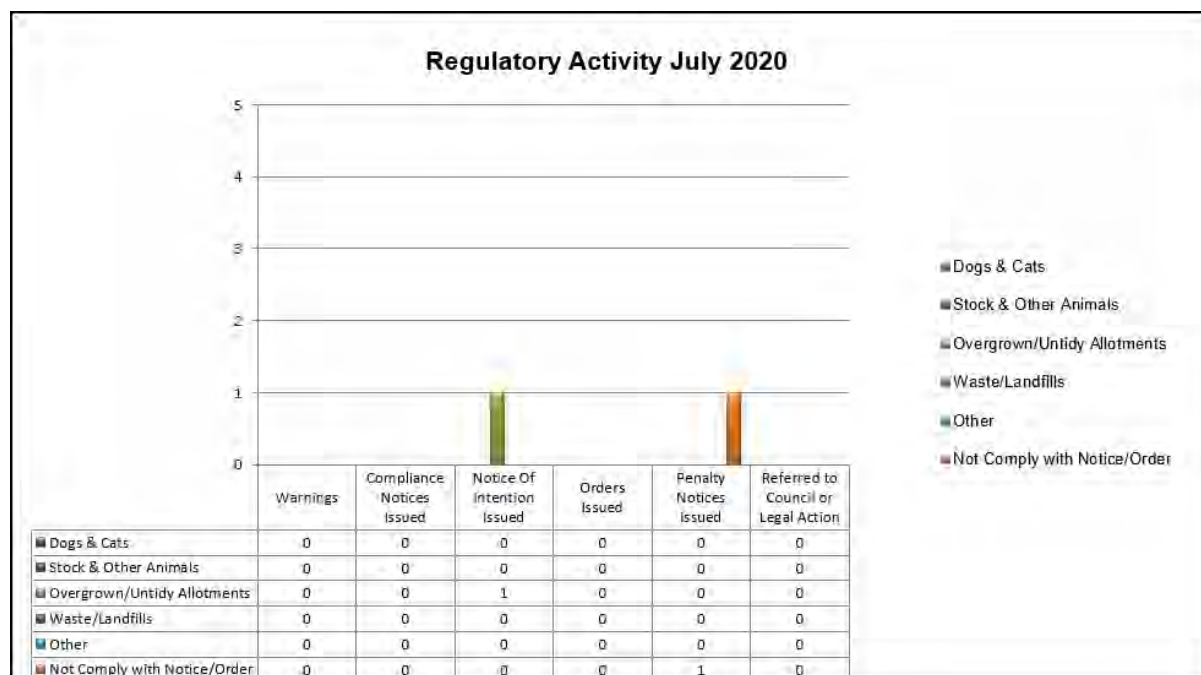
Food Premise Inspections are carried out on an annual basis for each food business. The graph below shows inspections that have been carried for the previous 6 months. Enquiries or complaints are actioned as necessary.



Compliance and Regulatory Control

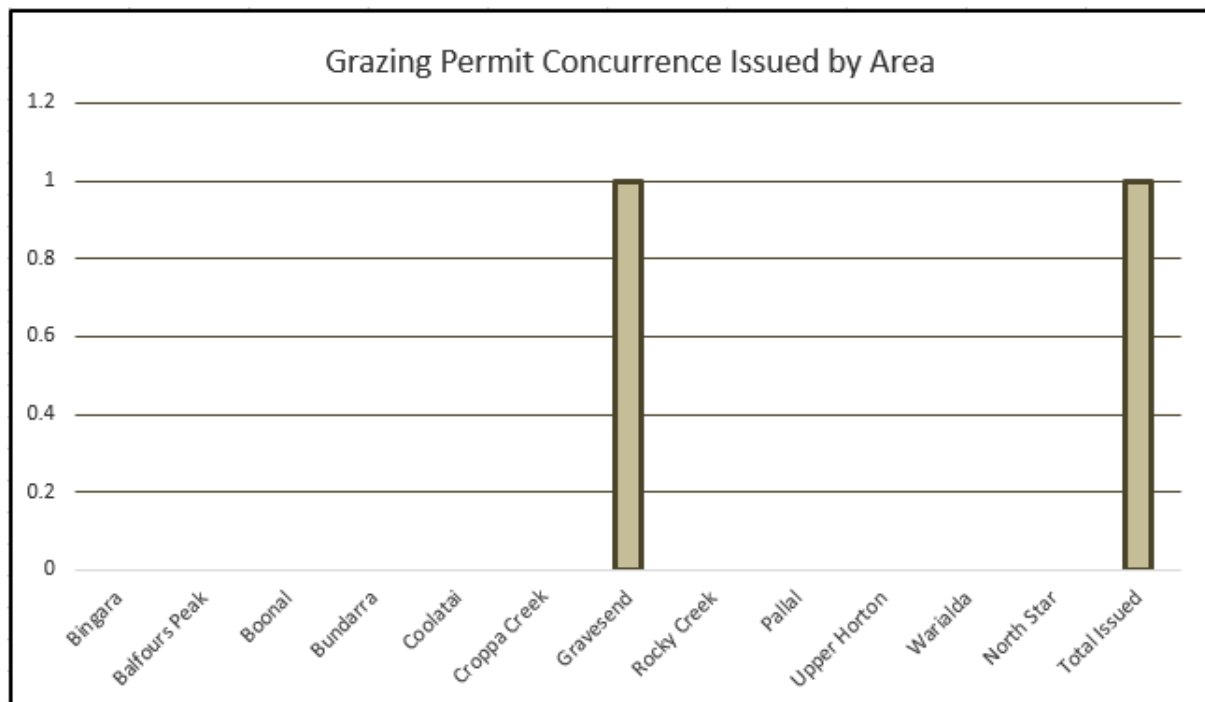
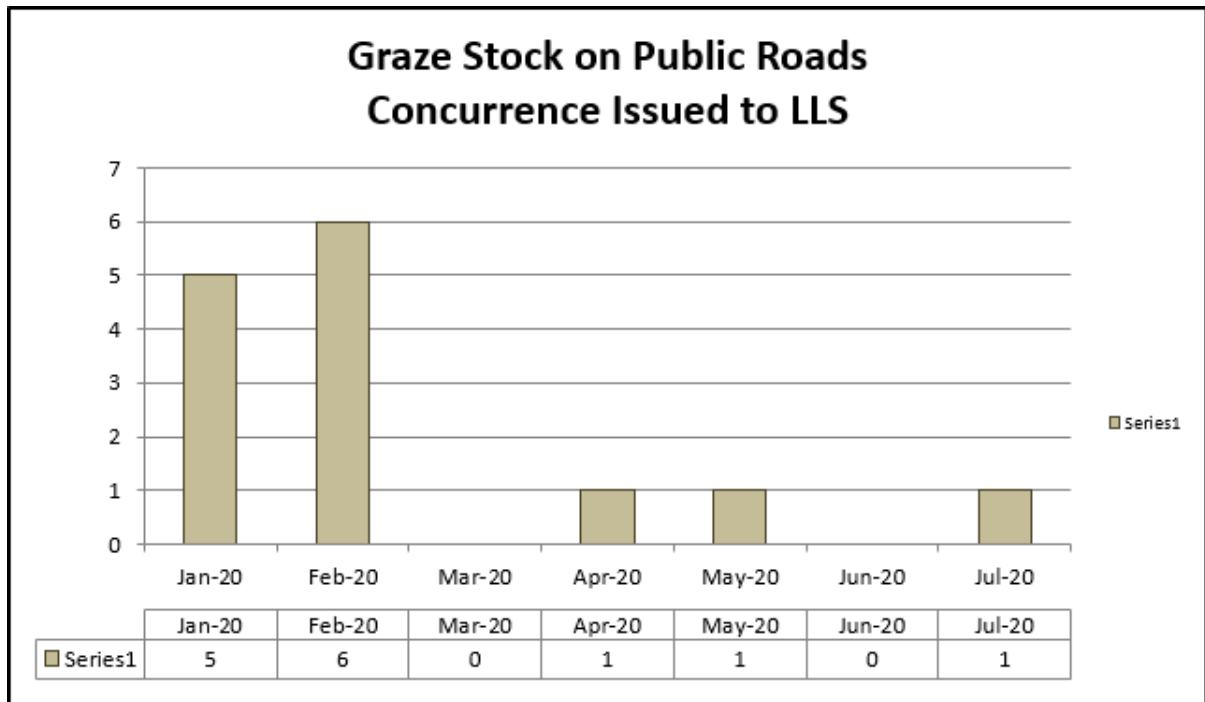
Council received complaints regarding roaming stock and dogs, noise, the keeping of animals and other concerns during the month of July 2020. These are investigated and actioned as necessary and are detailed in the following tables:





Grazing Permits

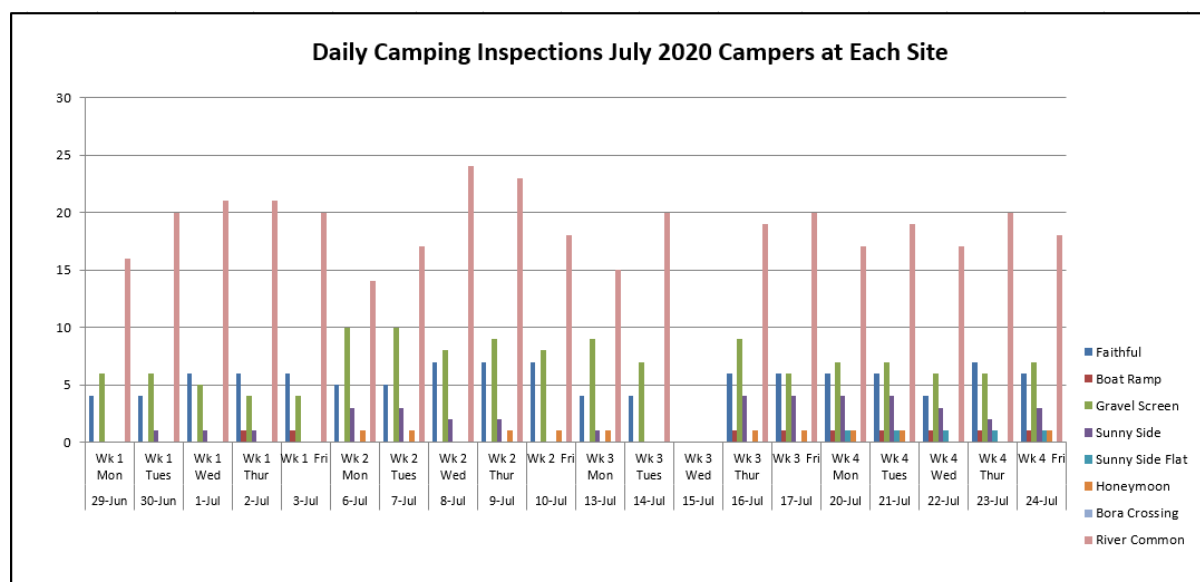
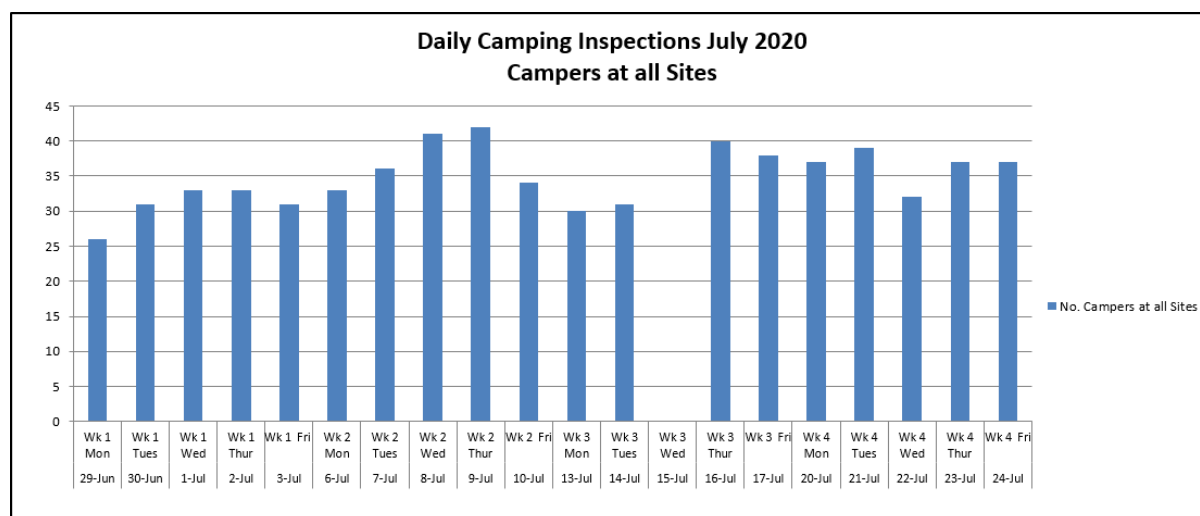
As the Consent Authority for road reserves, Council has issued one concurrence to the North West Local Land Services for Roadside Grazing Permits during the month of July 2020. Recent favorable conditions have provided welcome relief in the district and the demand for roadside grazing has eased. The following graph shows the applications received in July 2020 compared to the previous 6 months.



RIVERSIDE CAMPING

Council’s Compliance Officer aims to carry out daily checks along the Gwydir River to ensure that camping is being conducted in a safe and hygienic manner. Flyers promoting local events and services are distributed to campers and enquires from campers are addressed as necessary. The graphs below show total numbers of campers and the distribution of campers at the different campsites.

Campgrounds opened on 1st June and campers immediately started arriving on the riverbank. The number of campers has remained consistent during July.

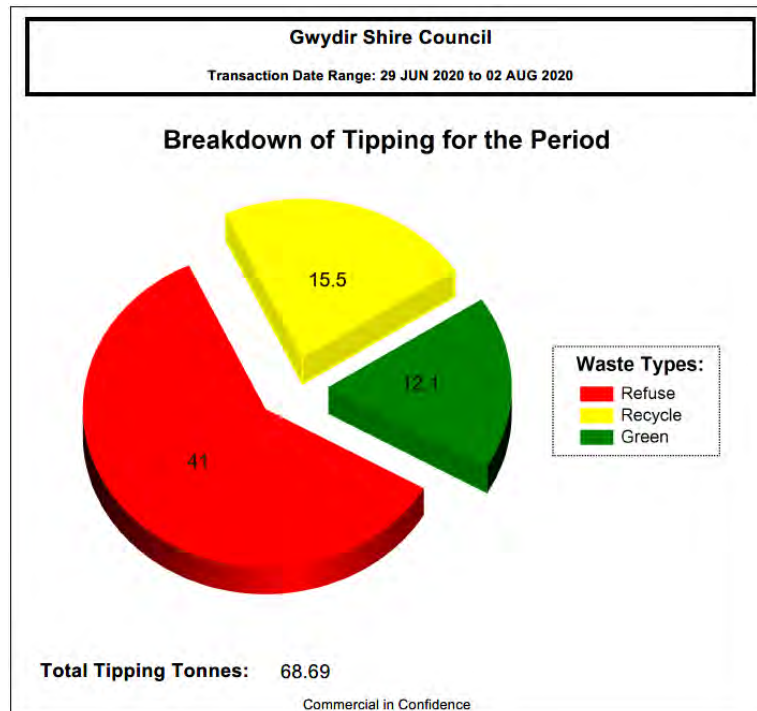


WASTE SERVICES – July 2020

Scheduled kerbside collection of waste, recycling and green waste was carried out throughout the Shire. Customer service requests are processed and actioned as necessary.

All Waste Recovery Centres in the Shire continue to be supervised/monitored and maintained. Staff continue to make changes to the site layout and signage to improve onsite operation and access for residents unloading waste and recyclable materials. Council is continuing to supply mulch from chipped green waste to residents.

Breakdown of Waste Collection

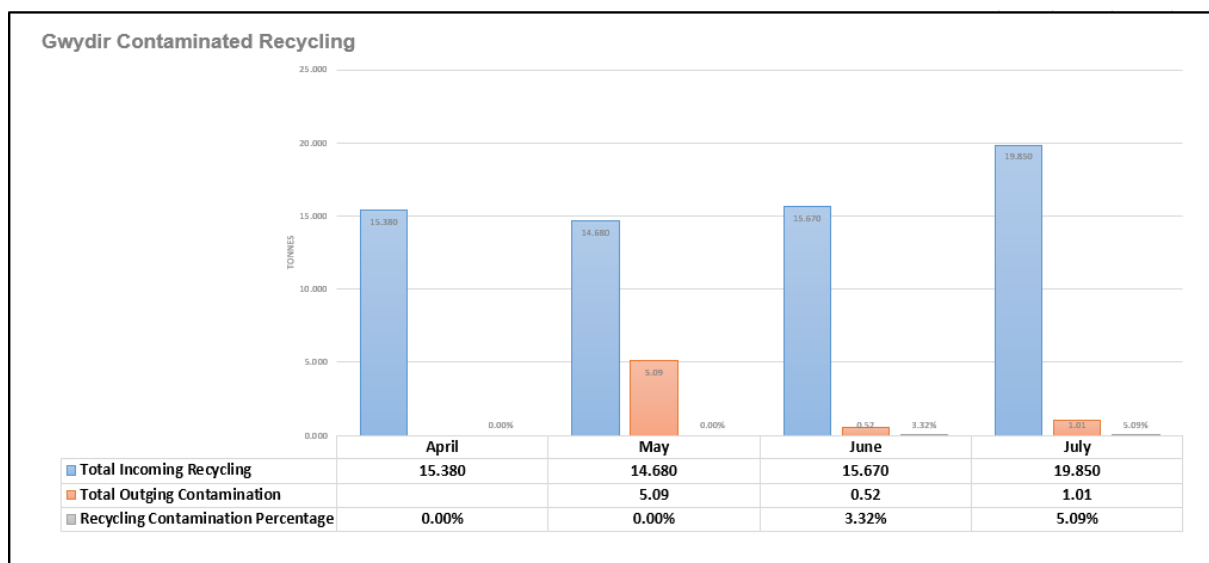


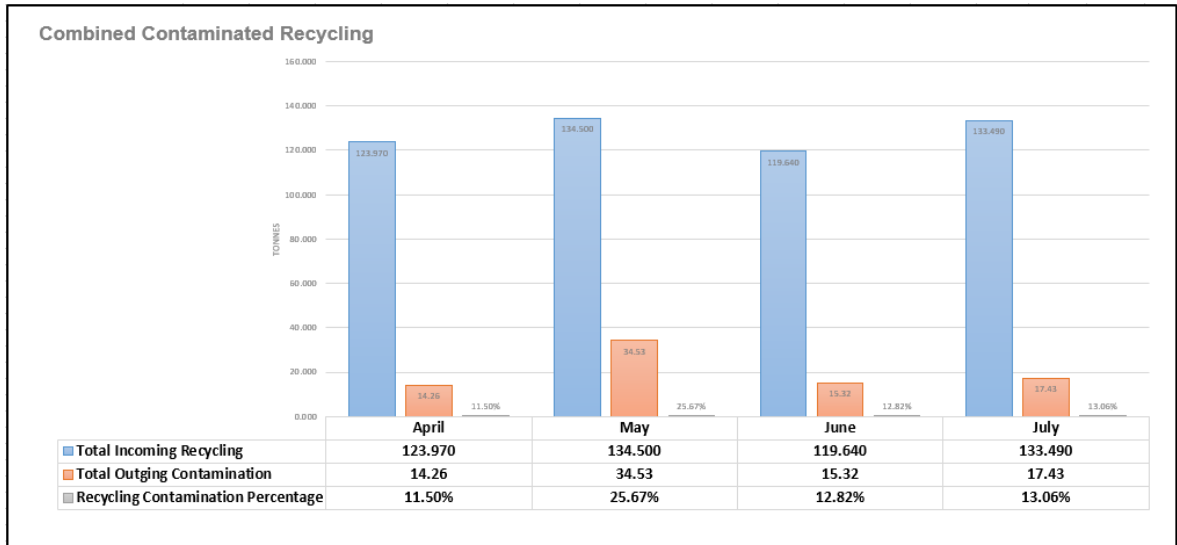
CONTAMINATION REPORTING

Cleanaway has refined the collection of their contamination data and now reports on contamination rates for each Council area (Moree, Narrabri and Gwydir). This gives an accurate reflection of the contamination rate for waste generated within the Gwydir Shire area, rather than the previously reported statistics, which were unable to accurately report which LGA was experiencing problems with contamination in the recycling and organics waste collections.

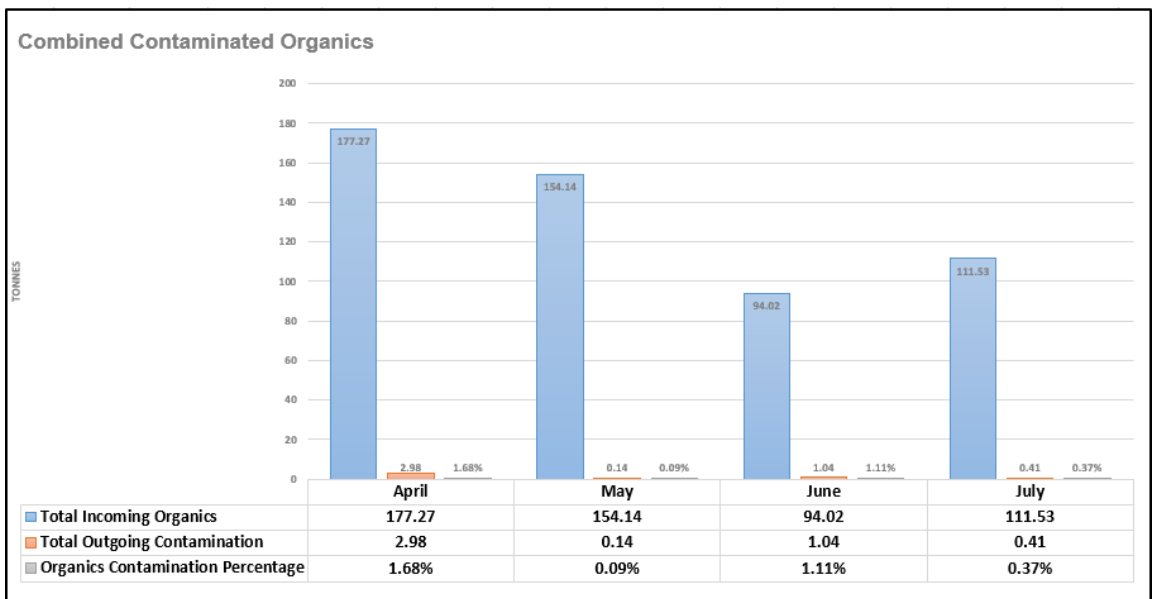
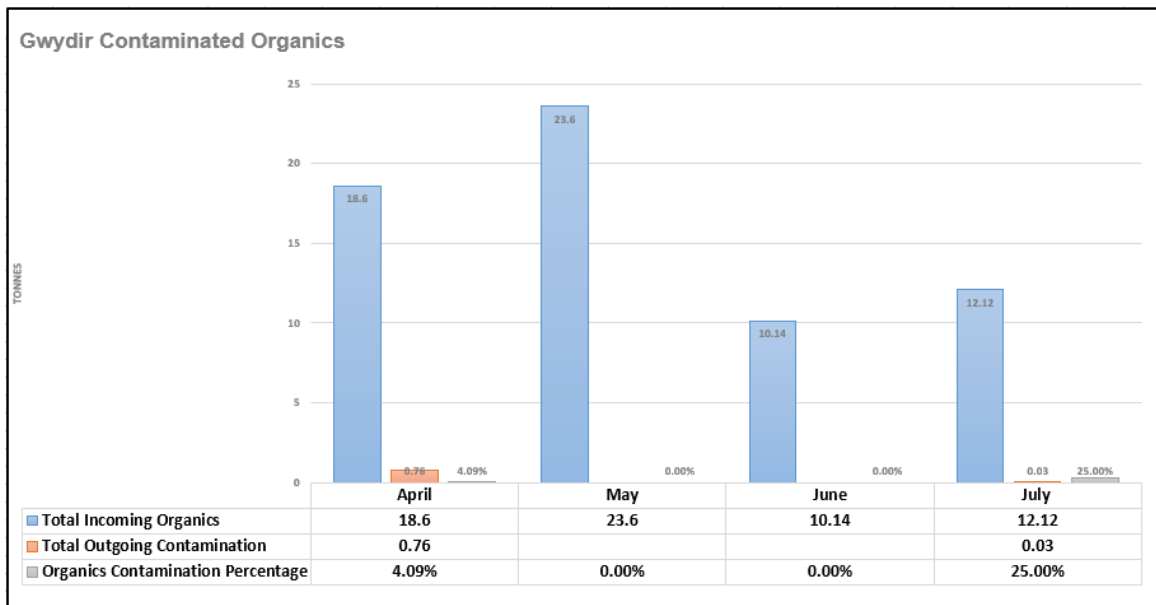
The graphs below show contamination rates for both the Gwydir Shire and the combined collections area for the month of June compared to the previous three months.

Recycling Contamination





Organics Contamination



Comment from Cleanaway

Both Organic & Recycling Contamination rates are holding steady across all shires. Cleanaway will continue working on the Contamination Flow Chart. MPSC are holding the Monash Uni Study over the next 12 weeks and we are hoping this will have a positive effect on the contamination rates in those identified areas. Suggest maybe some targetted Facebook Posts or Media by each Council to highlight to the residents what we are seeing coming through? Regular contaminates for Moree and Narrabri - Plastic Bags, Food Scraps, General Household Waste & Clothes. Narrabri has had an isolated contaminate in the Recycling of Renal (Dialysis) Material, this has been traced back over the past 2 months and we have identified the resident and working with the Renal Outreach to ensure this ceases.

NOXIOUS WEEDS CONTROL

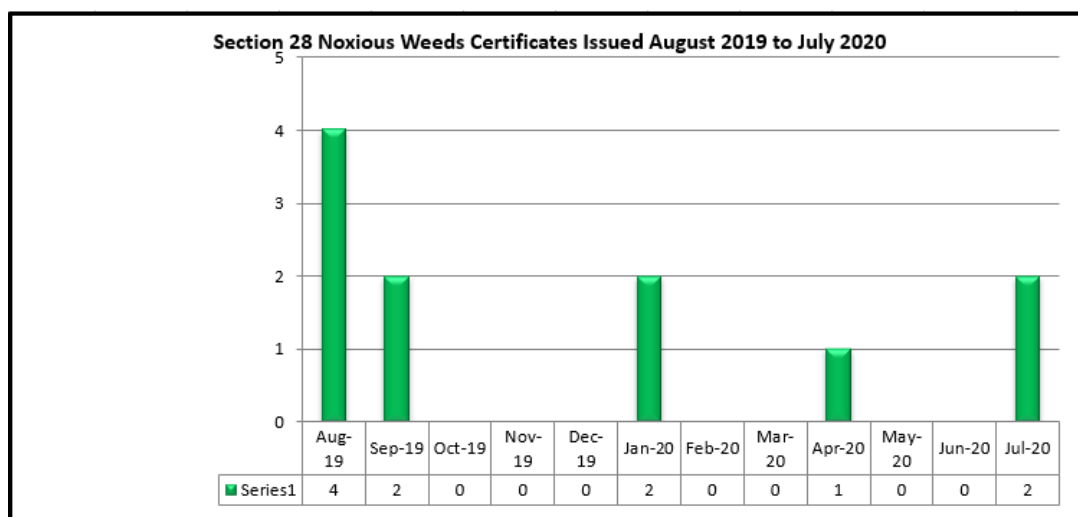
Property Inspection Program

Staff continue to assist farmers and the community with:

- Funding advice
- Noxious weeds advice
- Property inspections
- Spraying of noxious weeds
- Property inspections are currently being undertaken in Section D.

Section 28 Noxious Weeds Certificates

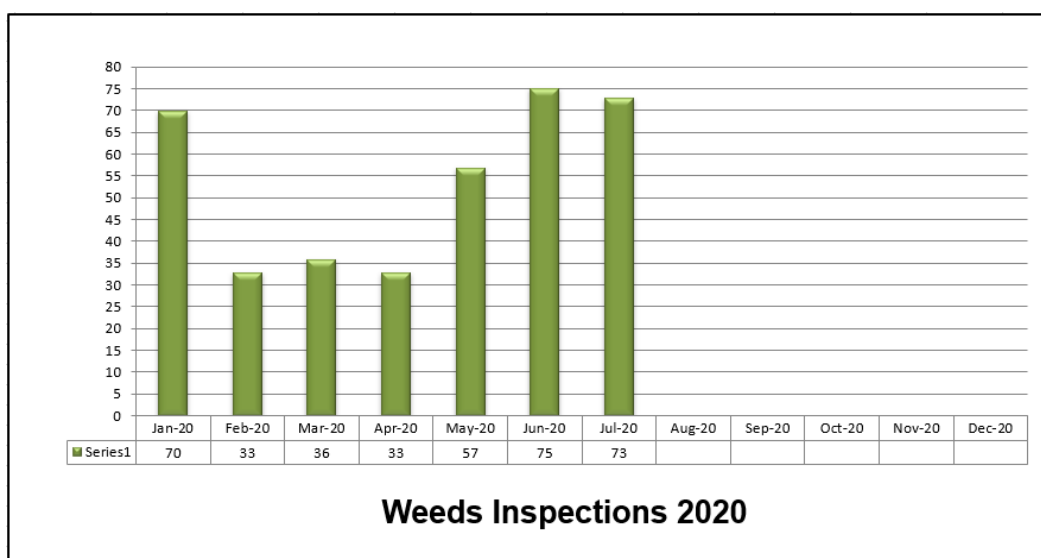
The graphs below show the noxious weeds certificates issued for the past 12 months:



Weeds Inspections

Property inspections are currently being undertaken in Section D, with property owners being offered support and advice on managing weeds during the current adverse conditions.

The following graphs and charts show the noxious weeds inspections carried out in 2020:



Noxious Weeds Inspections for the Month of July 2020

| <i>Areas Inspected</i> | <i>No.</i> | <i>Ha</i> | <i>Rd km</i> | <i>Weeds Present</i> |
|--|------------|-----------|--------------|---|
| Private Property | 7 | 16562 | - | Galvanised Burr, African Boxthorn, Rope Pear, Parthenium |
| Private Property – High Risk | 35 | 34469.8 | - | African Boxthorn, Green Cestrum, Rope Pear, Cats Claw Creeper, Parthenium |
| Private Property – High Risk Re-Inspection | 2 | 3609.5 | - | Parthenium Weed |
| Roadside | 3 | 139.05 | 27.81 | Parkinsonia |
| Roadside – High Risk Pathways | 7 | 1480.8 | 296.16 | Tree Pear, Harissa Cactus, Mimosa Bush, African Boxthorn |
| Waterways – High Risk | 4 | 2749 | - | Cats Claw Creeper, Green Cestrum, African Boxthorn, Rope Pear |
| NWLLS Reserves | 4 | 92 | - | African Boxthorn, Rope Pear, Parthenium |
| Other Council Lands | 3 | 226 | - | Patersons Curse, Green Cestrum, African Boxthorn, Willows, General Weeds |
| Truck Stops | 6 | 60 | - | Tree Pear, Mimosa Bush, African Boxthorn |
| Recreational Areas | 1 | 40 | - | None Found |
| Nurseries | 1 | 1 | - | None Found |

Noxious Weeds Control Works for July 2020

| Road/Property | Locality | Weed Code | Area Ha | Road km | High Risk Road | Council Road | Other |
|------------------------------|-------------|---------------|---------|---------|----------------|--------------|-------|
| Crane Street | Warialda | mm | 10 | | | | 1 |
| Gwydir Hwy | Warialda | pc | 283.95 | 56.79 | | 1 | |
| Old Saleyards | Warialda | pc | 3.5 | | | | 1 |
| Gravesend Recreation Ground | Gravesend | pc | 8 | | | | 1 |
| Myall Creek Memorial | Myall Creek | general weeds | 166 | | | | 1 |
| Bristol East Holding Paddock | North Star | p | 6 | | | | 1 |
| Old Bora Rd | Bingara | mm | 45.6 | 9.12 | | 1 | |
| Bingara River Common | Bingara | marshmallow | 40 | | | | 1 |

PLANNING and DEVELOPMENT

The following Development (D/A)/Complying Development (CDC) and Development Modification (s96) applications were approved during July 2020.

| No. | Property Description | Development/ Work | \$ | D/A | S96 | CDC |
|---------|---|--|-----------|-----|-----|-----|
| 17/2020 | Shane Hancock Lot 267 DP 754819 13 Old Keera Road Bingara | Dwelling and detached garage with attached carport | \$400,000 | ✓ | - | - |
| 05/2020 | R M Ready Lot A DP 377696 46 Keera Street Bingara | Awning addition to rear of existing dwelling | \$6,500 | - | - | ✓ |

The following Development (D/A)/Complying Development (CDC) and Development Modification (s96) applications remain outstanding at the end of July 2020.

| No | Property Description and Description of Work | Reason | D/A | S96 | CDC |
|---------|--|---|-----|-----|-----|
| 49/2016 | Ceres Ag 'Gunyaerwarildi' 1470 North Star Road Warialda - Continued occupation/use of rural worker accommodation being the installation of a number of premanufactured cabins | Approved in principal awaiting compliance certification or engineering certification for the cabins | ✓ | - | - |
| 2/2018 | G & L Hosegood 'Barrak' 163 Upper Whitlow Road Whitlow - 20,000m ³ quarry for Council use | Awaiting Environmental Impact Statement as the quarry is considered designated development | ✓ | - | - |
| 30/2018 | M A Spencer 'Log Cabin' 2213 Gulf Creek Road Gulf Creek - 15,000m ³ quarry for Council use | Request for additional information regarding compliance with Biodiversity Conservation Act 2017 for the removal of vegetation | ✓ | - | - |

| | | | | | |
|---------|---|---|---|---|---|
| 35/2018 | B Hutchins 63 Bingara Street Warialda - Mixed residential and commercial development including the opening of 'Gully Pub' with a small bar licence and retail antiques business | Request for additional information regarding whether the existing building meets or can meet current fire safety requirements under the National Construction Code for mixed commercial and residential use | ✓ | - | - |
| 12/2019 | Gwydir Shire Council 396 Taroona Road Warialda - Quarry | Request for additional information by the assessing Planning Consultant independent of Council | ✓ | - | - |
| 39/2019 | DJ Bull Fairford Road Warialda - 2 Lot Large Lot Subdivision | Request for Additional Information from applicant in relation to requirements under the Biodiversity Conservation Act 2016 | ✓ | - | - |
| 3/2020 | R J Swain 1550 Adams Scrub Road Delungra - 10,000m ³ Gravel Quarry | Awaiting referral response from Technical Service Unit | ✓ | - | - |
| 11/2020 | Marinai Pty Ltd 7114 North Star Road North Star - 30,000 tonne Quarry | Awaiting referral response from Technical Service Unit | ✓ | - | - |
| 12/2020 | M J Randall 284 Horton Road Cobbadah - 30,000 tonne Quarry | Awaiting referral response from Technical Service Unit | ✓ | - | - |
| 15/2020 | B L Rolfe 43 Gragin Road Warialda - Install a 40 ft Shipping Container | With Planning Consultant | ✓ | - | - |
| 16/2020 | Allspec Pty Ltd Vashisht Family Pty Ltd 46 Geddes Street Warialda - Rebranding of Service Station and Installation of 6m high advertising sign | With Planning Consultant | ✓ | - | - |
| 18/2020 | J G Mack 709 Eden Forest Road Gravesend - 2 Lot Rural Subdivision | 14 Day exhibition and neighbour notification | ✓ | - | - |
| 19/2020 | J Skelton and C A Wood 117 High Street Warialda - Garage | 14 Day exhibition and neighbour notification | ✓ | - | - |
| 20/2020 | A T Osborne and K J Molyneux 34 Park Lane Bingara - Additions to existing sheds | 14 Day exhibition and neighbour notification | ✓ | - | - |
| 21/2020 | G R Stewart and O Stewart 21 Keera Street Bingara - Garage and Garden Shed | 14 Day exhibition and neighbour notification | ✓ | - | - |
| 22/2020 | P J O'Keefe 2274 Warialda Road Warialda - Dwelling additions | 14 Day exhibition and neighbour notification | ✓ | - | - |

There were no Development (D/A)/Complying Development (CDC) or Development Modification (s96) applications approved and not previously reported to Council for the July 2020.

There were no Development (D/A)/Complying Development (CDC) and Development Modification (s96) applications refused(R)/ withdrawn (W)/ Cancelled (C) during the month of July 2020.

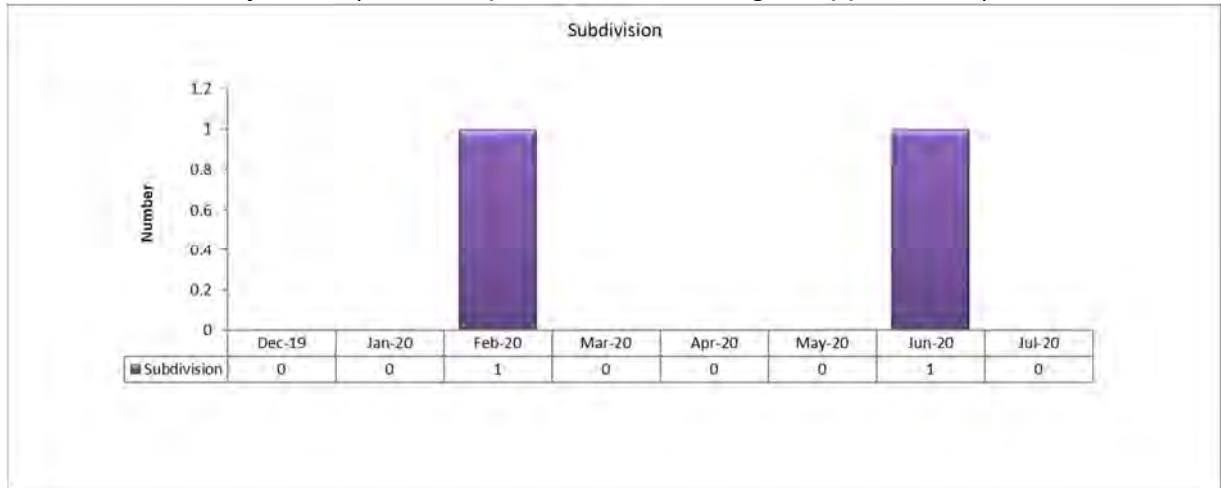
There were no Complying Development (CDC) application/s approved by Private Certifiers and lodged with Council during the month of July 2020.

There were no Development (D/A) and Complying Development (CDC) applications determined where there has been a variation in standards under

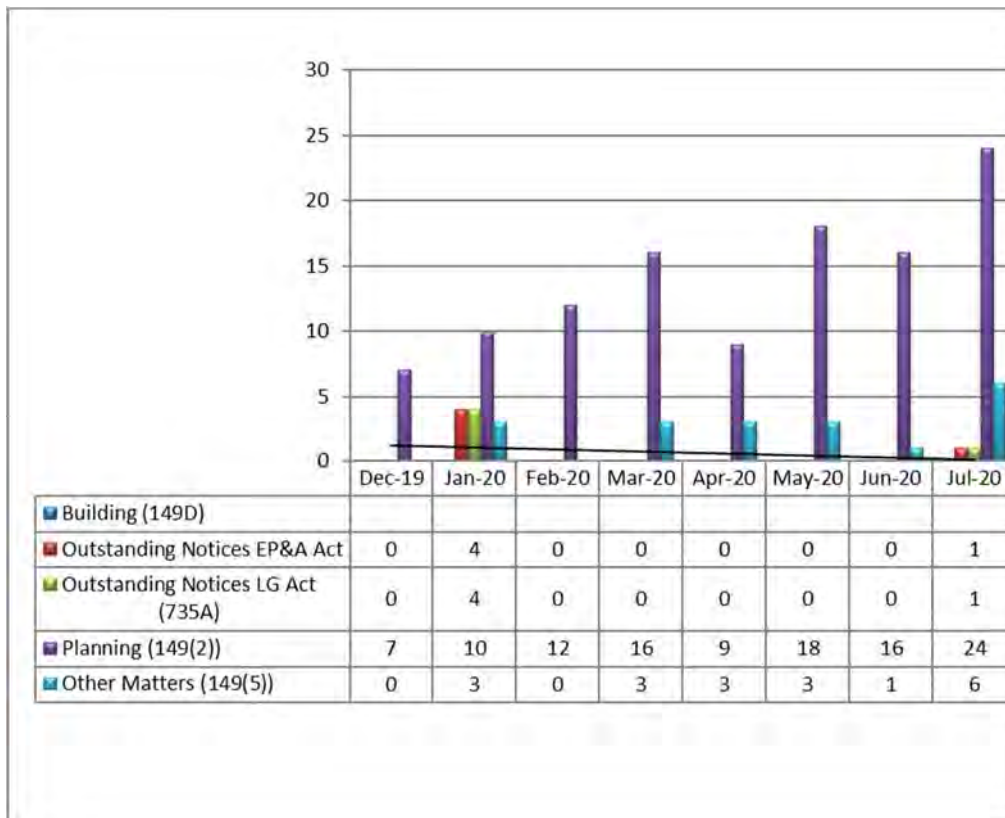
SEPP 1 or clause 4.6 of the Gwydir Local Environmental Plan 2013 during the month of July 2020.

The following Subdivision Certificates were issued during the month of July 2020 and in the previous seven (7) months.

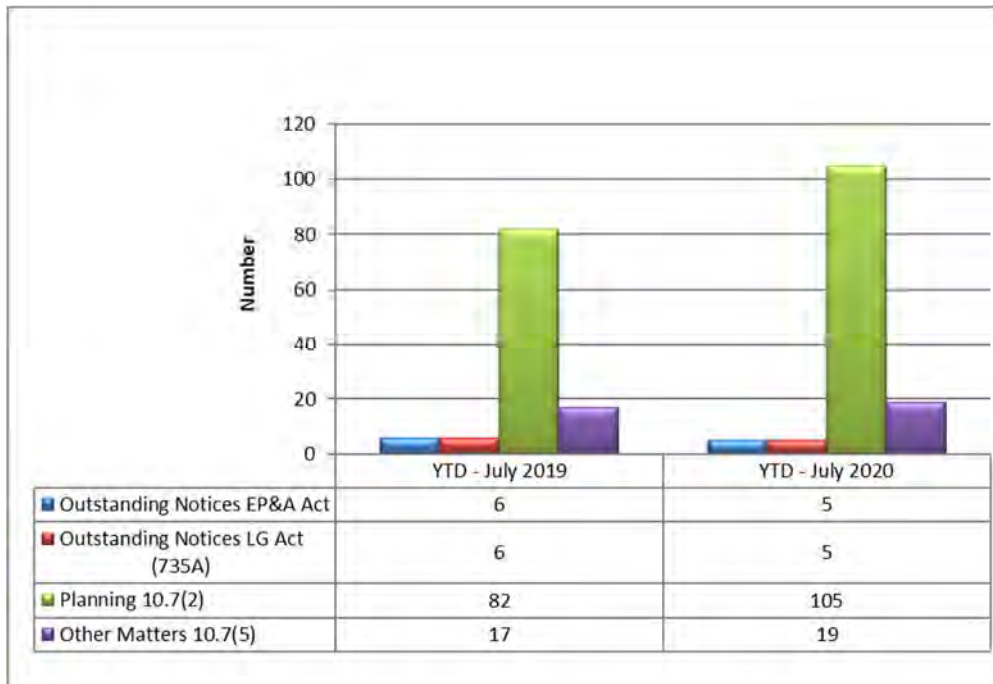
YTD July 2020 (includes private certifier lodged applications)



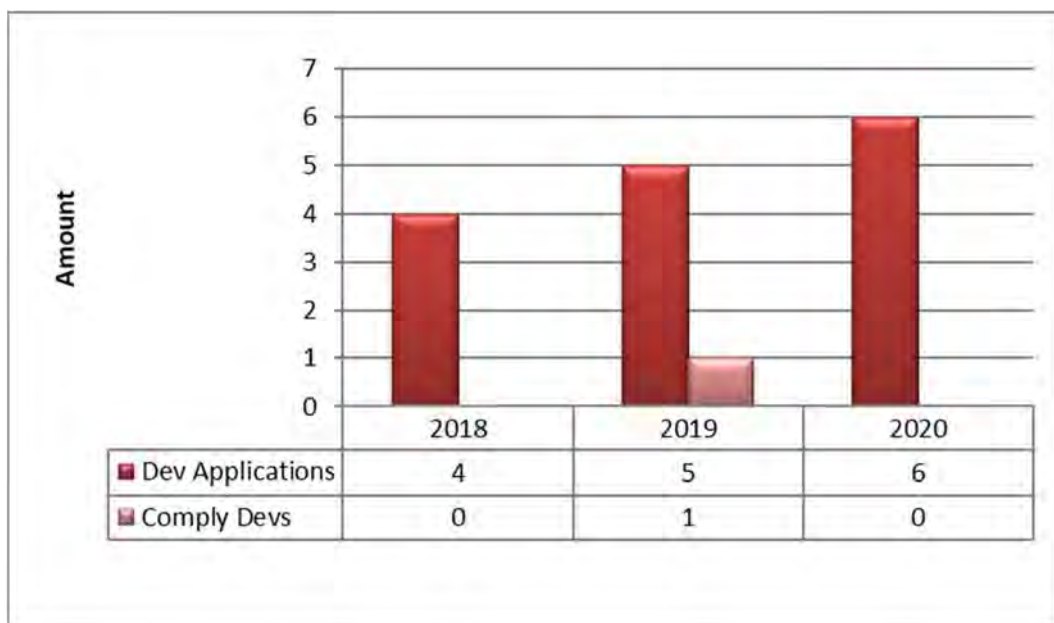
The following graph shows Conveyancing Certificates were issued during the month of July 2020 compared to the previous seven (7) months:



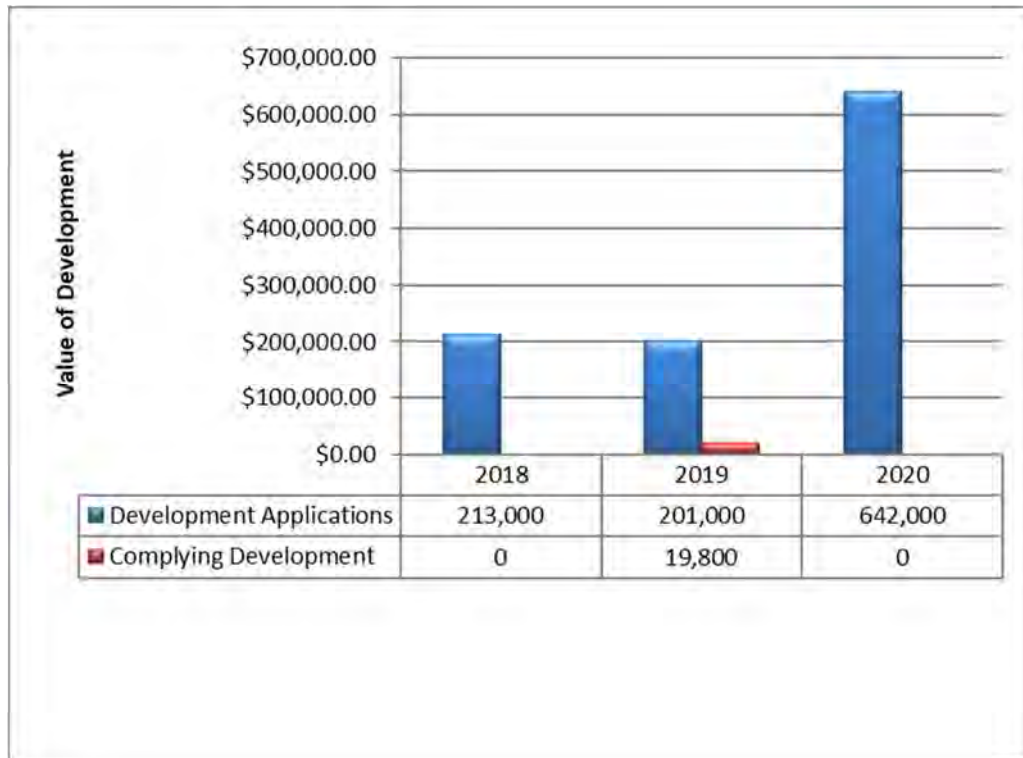
The following graph shows the number of Conveyancing Certificates issued up to and including the month of July 2020 compared with the same period in 2019:



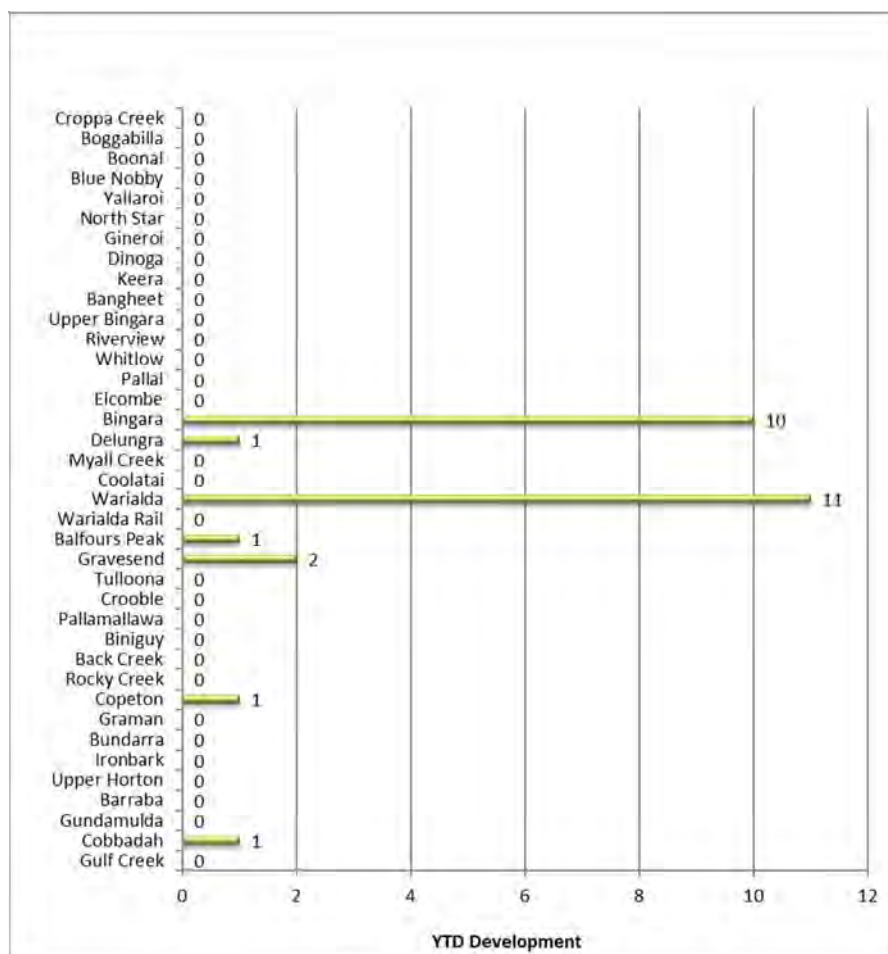
The table below shows a comparison between total applications lodged during the month of July 2020 compared to the same period in the previous two years (excluding private certifier lodged applications):



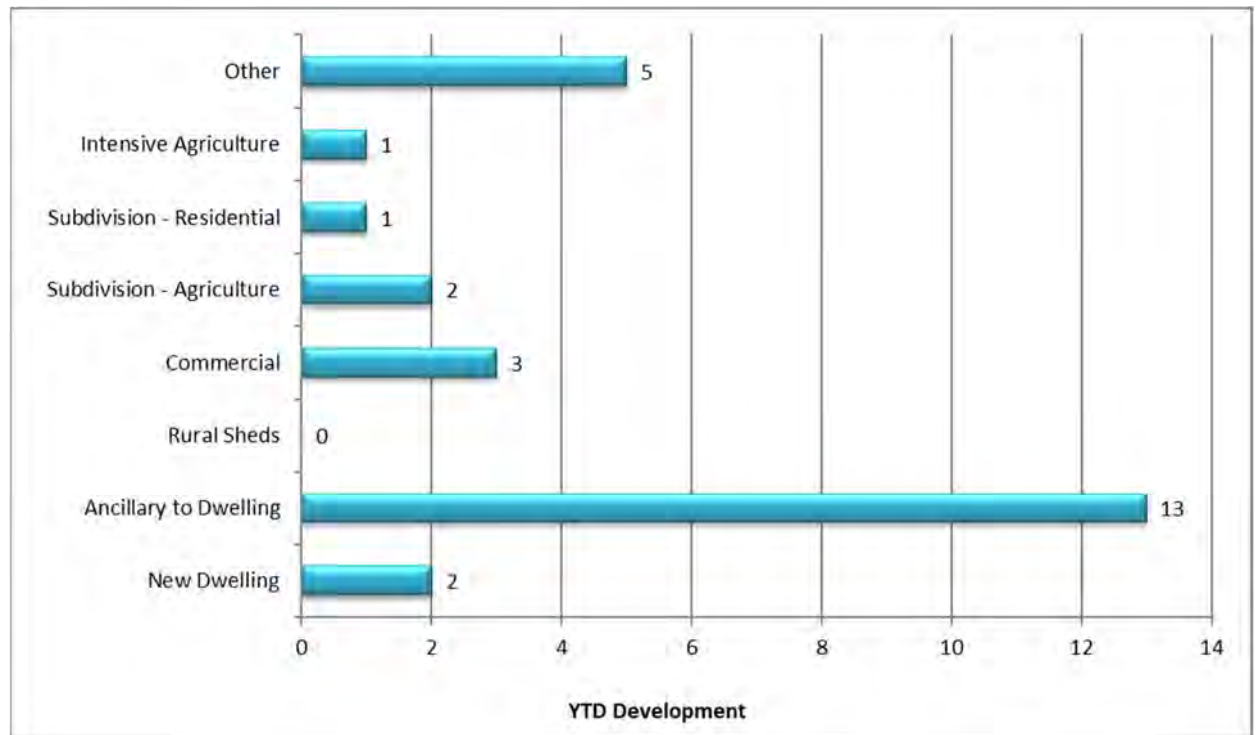
The table below shows a comparison between total value of applications lodged during the month of July 2020 compared to the same period in the previous two years (excluding private certifier lodged applications):



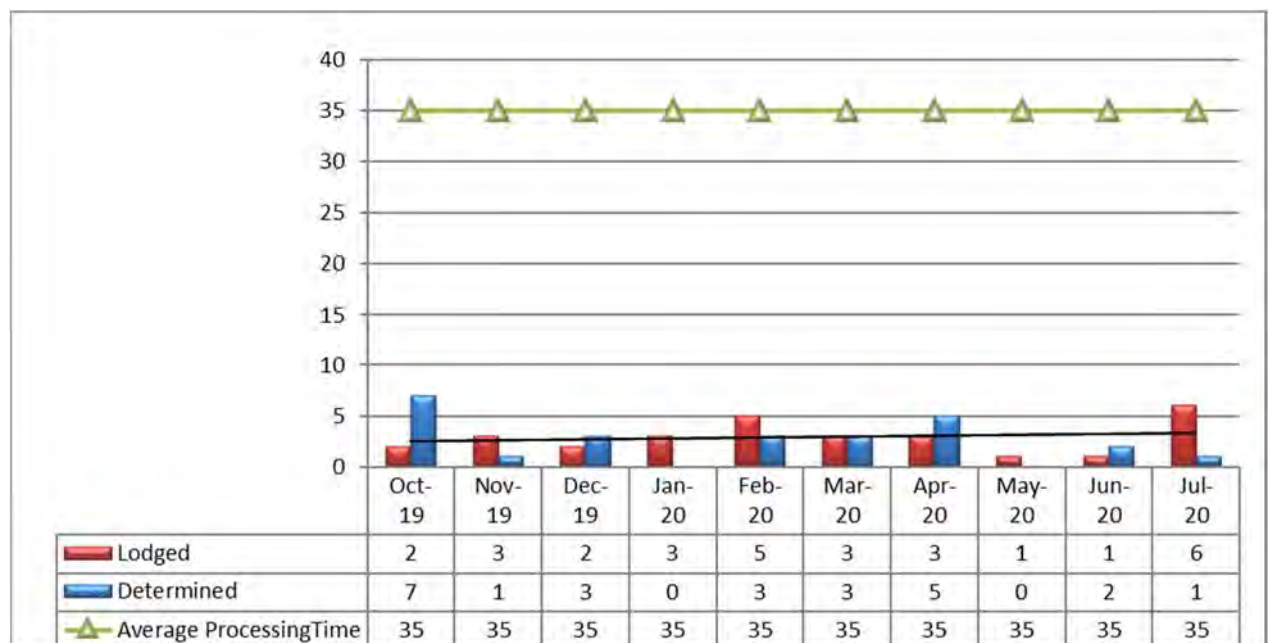
Development Applications Received for the year by locality – YTD July 2020 (includes private certifier lodged applications)



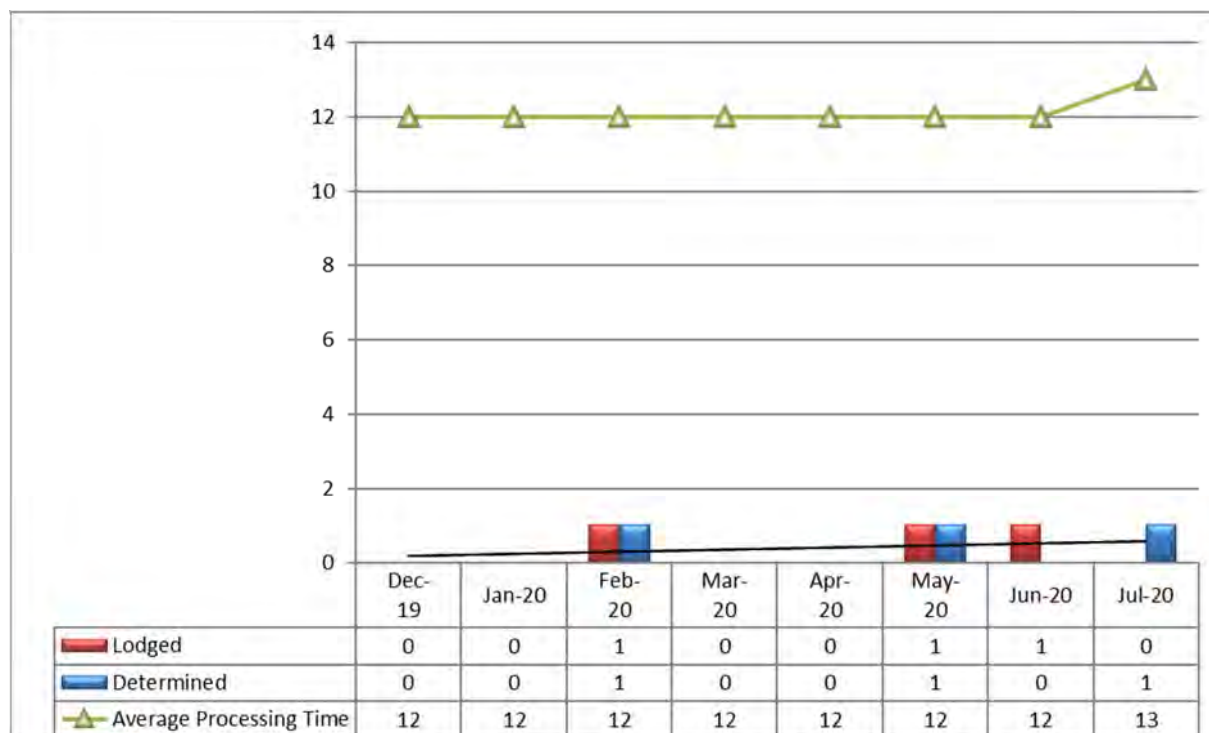
**Development Applications received for the year by type – YTD July 2020
(includes private certifier lodged applications)**



Development Application Analysis – for the nine (9) months up to the end of July 2020 (excludes private certifier lodged and approved applications)



Complying Development Application Analysis – for the nine (9) months up to the end of July 2020 (excludes private certifier lodged and approved applications)



GWYDIR LEARNING REGION

Heavy Vehicle Training

Six Final Competency Assessments (FCA's) for heavy vehicle training were completed during July 2020: two medium rigid (MR), two heavy rigid (HR) and two heavy combination (HC) licences.

Additional training for Statement of Attainment certification courses were provided to an additional five individuals: three of these came under the Smart and Skilled program and two were privately funded. They were for two heavy rigid (HR) and three heavy combination (HC) vehicle training courses.

Learner car

During July there were two lessons in Warialda and one in Inverell. The GLR training car was also utilised by a young person in Warialda to undertake their "P" (provisional) licence assessment.

The learner car driving services also facilitate training and assessment of "older drivers" for required licence testing. Two clients used this service to renew their licences during July, one located at Inverell and the other at Warialda.

ACE Community College is currently looking at starting up driver training within the local area using Gwydir Shire Council's car driver training services.



*Another
GLR
driver
training
success
story*

TAFE - Automotive Vocational Preparation Certificate II

Face to face automotive classes continue for TAFE NSW. Students are in attendance for both new and continuing classes.

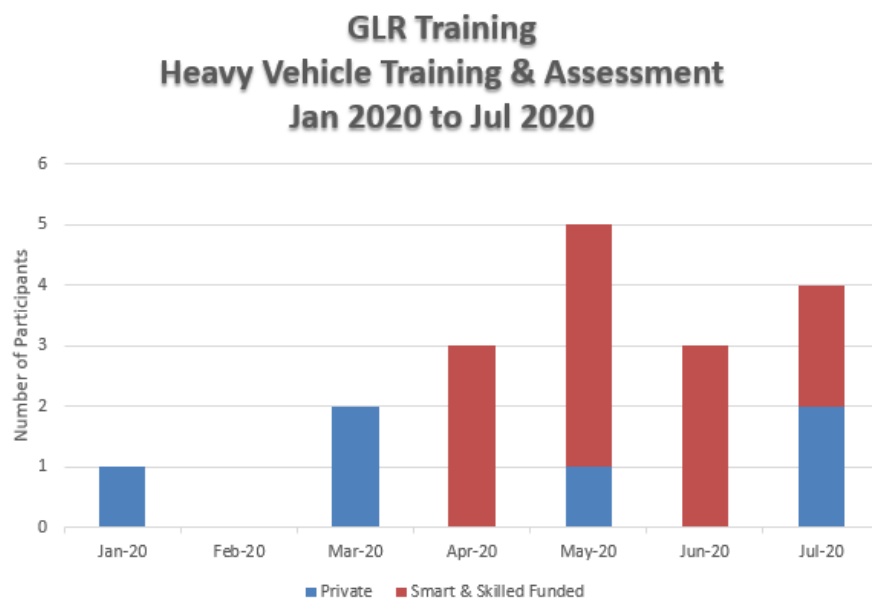
Warialda High School – regularly uses the Automotive Trade Training Centre to conduct engineering classes. These classes are currently being attended.

Community College

The ATTC facilities have been utilised by Community College who now run “Smart and Skilled” funded welding classes one day a week.

Smart and Skilled

Students continue to be enrolled in heavy vehicle training with a steady stream of applications coming from local and regional communities. Truck driver training and assessment has continued throughout most of July.



Summary of Heavy Vehicle Training for 2020 – Note: this graph does not include Private FCA's (Final Competency Assessments) conducted for Craig McDonald.

THE LIVING CLASSROOM

Use of The Living Classroom during July

The COVID19 restrictions are slowly being lifted and visitors are returning to The Living Classroom.

During July, GSC and Vision 2020 conducted a review of Sound Trails and the digital technology system for tourism and promotion at TLC. The presenter was Hamish Sewell with six in attendance.

Jennifer Ingall and her associate from ABC NENW radio paid a visit to TLC to check on the introduced koalas and the other projects underway there.

A Local Stock and Station agent hosted an information evening at TLC with 20 attending.

The pad for the Interpretive Centre at TLC has been laid down.



Building the pad for the Interpretive Centre at TLC

The availability of the excavator at TLC presented an opportunity to commence work on the Spiral Hill and Hollow project. This will be a turfed playground area proving a performance area and a sample of spirals, Fibonacci numbers and the 'golden ratio' in nature.



Working on the spiral hill and hollow project at TLC

The pad for the Cattle Club's livestock barn, a project in conjunction with Bingara Central School has been commenced.

An opportunity was taken during the laying of the Interpretive Centre pad and the Cattle Club barn to re-sheet the entrance road into TLC with the white 'Cranky Rock' gravel.

The first order of live plants for TLC and the Bingara Pool precinct has arrived. They will be re-potted and grown out in TLC Nursery ready for spring/summer planting.

The horticultural assistant employed under the drought relief program will continue at TLC until the end of the calendar year.

Other GLR matters:

The changeover date for the existing CEO of the Gwydir Learning Region Training will take place effective from 1 August. The expanded role within GSC has required the CEO position to become a five day per week position and will operate from the Warialda office.

OFFICER RECOMMENDATION

THAT the monthly Executive report for July 2020 be received

ATTACHMENTS

There are no attachments for this report.

Item 2 Monthly Organisation and Community Services Report for July 2020**FILE REFERENCE** 20/16731**DELIVERY PROGRAM****GOAL:** 5. Organisational Management**OUTCOME:** 5.1 CORPORATE MANAGEMENT**STRATEGY:** 5.1.3 Administrative functions - GM - internal**AUTHOR** Organisation Development Director**STAFF DISCLOSURE OF INTEREST** Nil**IN BRIEF/ SUMMARY RECOMMENDATION**

The Closed monthly Organisation and Community Development report details the confidential activities carried out by the Department during July 2020.

BACKGROUND

The monthly Organisation and Community Development report forms part of a regular reporting regime. The purpose of the report is to inform Council of the activities carried out within the Department.

COMMENT**WHS Report for July 2020****WHS Performance**

No incidents were recorded in July.

There are two Workers Compensation claims which have carried over in to the new financial year, one currently unfit for work and the second one on full time suitable duties.

WHS data and Actions Outstanding are shown in Attachment 1.

Risk

The Crisis Management Team is monitoring the COVID-19 situation and is responding to the pandemic as required.

| JULY 2020 | | |
|---|----------------------|---------------------------------|
| Organisational Lead and Lag Indicator Snapshot | | |
| Lead Indicators | Current Month | Total (from 1 July 2020) |
| Number of Hazards Reported | 0 | 0 |
| Number of Near Misses Reported | 0 | 0 |
| Number of Workplace Verifications | 1 | 1 |

| | | |
|---|----------------------|---------------------------------|
| Number of Tool Box / Safety Meetings / Training | 23 | 23 |
| TOTAL | 0 | 0 |
| Lag Indicators | Current Month | Total (from 1 July 2020) |
| Number of Incidents | 0 | 0 |
| Number of First Aid Treatments (FAT) | 0 | 0 |
| Number of Medical Treatment Injuries (MTI) | 0 | 0 |
| Number of Lost Time Injuries (LTI) | 0 | 0 |
| Working Days Lost Due to Injuries | 0 | 35 |
| Working Days Restricted Duties | 0 | 0 |
| Number of Employees | 198 | 198 |
| Total Hours Worked | 21560 | 21560 |
| Lost Time Injury Frequency Rate (LTIFR) | 0 | 0 |
| Total Recordable Injury Frequency Rate (TRIFR) | 0 | 0 |

AGED CARE SERVICES

Naroo Aged Care Facility, Warialda

COVID-19 restrictions

To comply with COVID-19 restrictions, Naroo has strict visitor restrictions in place along with implementation of a strict Infection Control Policy and Outbreak Management Plan. A designated Infection Control Officer has been appointed and all staff have completed the Infection Control Course.

Staff are required to self-isolate upon return from travel to hot spots including many suburbs in Sydney.

The Naroo Manager:

- links into the Primary Health ACE (Aged Care Emergency Service) Emergency meetings weekly
- accesses up to date reports from the Federal Department of Health (CDNA Guidelines Communicable Diseases Network Australia)
- links in with Public Health Unit weekly
- has strict measures in place for staff and contractors
- has implemented restrictions for visitors (list of restrictions available)
- has COVID-19 Plans and Risk Assessment in place

Training

Naroo staff undertook training in the following courses during July:

- Hand Hygiene
- Medication Administration
- Pain Management – Pharmacological Interventions

Naroo Kitchen Renovation

Practical completion for the project will be 31st July. A final inspection with the builder and a representative from the suppliers of the equipment has been

scheduled. Pending a positive outcome from the inspection, the kitchen staff should transition across to the new kitchen by mid-August.

Naroo Kitchen Staff have undertaken training conducted by the Chef from Rational, the suppliers of the new Combi Oven.

Naroo staff are impressed with the new kitchen.



Naroo staff in the new kitchen: Paula Faint, Kate McManus, Sharna Aitken, Jess McDougall, Lara Mitchell and Sharon Baker





Images of the renovated kitchen at Naroo

Naroo lounge room renovation

New furniture for the lounge room at Naroo has been purchased with funding provided by the Naroo Advisory Committee. This furniture has been a welcome addition to the lounge and dining rooms providing a modern look and adding to resident comfort. The committee's commitment has been incredible and efforts in fundraising have resulted in modern comfy furnishings and flooring for the residents of Naroo.





New furniture adds a bright look to Naroo

Activities

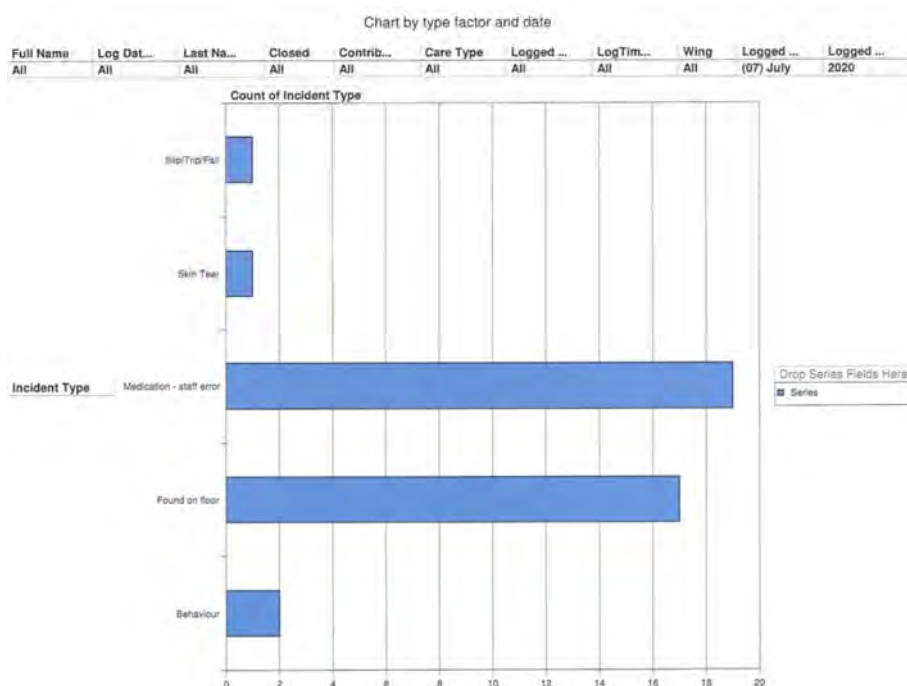
Naroo residents are enjoying pampering foot spas provided by Naroo's Diversion Therapist.

While NAIDOC week has officially been postponed to November, Naroo residents celebrated on the originally scheduled week by undertaking arts and crafts to display.



Craft efforts of Naroo Residents for NAIDOC week

Naroo's Quality Report for July



Summarising issues in Quality Report

There were 2 behaviour incidents, 17 'Resident found on floor', 19 medication errors (staff), 1 skin tear and 1 slip/trip/fall during the month of July

Naroo Budget

ACFI Monthly Revenue: Please note these figures change sometimes due to advance payments:

| Month | \$ Amount | Additional Information |
|---------------|-----------|---|
| 2019 October | 142 072 | |
| 2019 November | 155 736 | |
| 2019 December | 148 762 | |
| 2020 January | 186 177 | |
| 2020 January | 180 848 | |
| 2020 February | 151 733 | |
| 2020 April | 141 873 | 3 new residents were assessed with back pay to be included in May payment |
| 2020 May | 221 565 | |
| 2020 June | 229 097 | Still awaiting COVID 19 payment and grant for staff retention payments |
| 2020 July | 180 367 | |

The Naroo Bond report for July 2020 is Attachment 2.

Gwydir Shire Commonwealth Home Support Program (CHSP) Summary

| | BINGARA | | DELUNGRA | | WARIALDA | |
|---|---------|------|----------|------|----------|-------|
| | June | July | June | July | June | July |
| DAY CENTRE | | | | | | |
| Total active clients | 15 | 20 | 22 | 23 | 97 | 97 |
| Clients receiving service | 10 | 11 | 0 | 11 | 10 | 51 |
| Total meals | 23 | 31 | 0 | 124 | 0 | 145 |
| Hrs clients receive in Centre | 75 | 93 | 0 | 138 | | 337 |
| SOCIAL SUPPORT | | | | | | |
| No of clients | 30 | 42 | 0 | 10 | 10 | 37 |
| Individual hrs | 160 | 334 | 0 | 5 | 67 | 14 |
| Group hrs | 48 | 93 | 0 | 133 | 0 | 282 |
| Total hours received | 208 | 427 | 0 | 138 | 67 | 50 |
| FOOD SERVICE (Meals on Wheels) | | | | | | |
| Clients | 10 | 11 | 0 | 0 | 4 | 5 |
| Meals | 278 | 218 | 0 | 0 | 74 | 105 |
| TRANSPORT | | | | | | |
| Number of clients | 32 | 34 | 0 | 4 | 4 | 19 |
| Number of trips | 148 | 192 | 0 | 20 | 20 | 70 |
| TRANSPORT - YOUTH | | | | | | |
| Number of clients | 0 | 0 | 0 | 0 | 0 | 0 |
| Number of trips | 0 | 0 | 0 | 0 | 0 | 0 |
| ACCESS BUS - INVERELL | | | | | | |
| Number of clients | 4 | 10 | 0 | 1 | 0 | 8 |
| Number of trips (per month) | 1 | 2 | 0 | 4 | 0 | 4 |
| VOLUNTEERS | | | | | | |
| No of volunteers/ mth | 9 | 11 | 0 | 1 | 5 | 6 |
| Monthly volunteer hours | 165 | 443 | 0 | 20 | 67 | 306 |
| ACCOMMODATION UNITS FOR AGED | | | | | | |
| Occupancy | n/a | n/a | 0 | 0 | 13/13 | 13/13 |

CHSP Rooms in Bingara, Warialda and Delungra

Tuesday's morning teas have returned at the Bingara CHSP rooms with social distancing and hygiene rules in place. Clients are enjoying the social activity and interaction with others.

It is planned to have an activities afternoon one afternoon a week if attendance warrants.

The fortnightly bus to Inverell has resumed with numbers limited due to the current COVID restrictions.

Bingara has approximately 12 meals on wheels clients daily and has recruited some younger volunteer drivers as the over 70 year old volunteers are not able to deliver meals due to COVID restrictions.

The out of town transport remains steady as the COVID restrictions have not impacted this service, with specialist appointments still occurring.

All regular meetings have been conducted via ZOOM and it seems this will continue for the foreseeable future.

Warialda/Delungra Day Centres are back in operation with social distancing, PPE and screening checklist in place; clients are enjoying the 'almost' return to normal. Transport usage from Warialda has been average during July.

Most of the Meals on Wheels volunteers are back; the Warialda CHSP coordinator is delivering meals five to six days a month giving her the opportunity to keep in touch with clients.

ECONOMIC DEVELOPMENT, MARKETING and MEDIA

Council's Economic Development Officer will commence maternity leave in August. A temporary Economic Development officer replacement has been appointed and commenced on 16 July.

An internal appointment of a Media and Communications Officer will cover the existing Marketing and Communications Manager role while on maternity leave. The new appointment commenced in mid-July.

Marketing

With the appointment of a Media and Communications Officer, Council now has significantly enhanced Marketing and Communications capacity. The Marketing and Economic Development Manager and Media and Communications Officer are working together to create collaborative workplans to ensure the priorities identified by the Deputy General Manager are addressed strategically and effectively. While capacity has been enhanced, it is unclear at this point whether the (apparent) outputs required to deliver the priorities, actions and tasks align with capacity.

| | |
|--------------------------------|---|
| Review Vision, Values, Mission | Stakeholder engagement research. Create community ownership of values by including input about them in the new Community Strategic Plan process. |
| External Communication | Build on the Gwydir Shire brand, grow and enhance stakeholder engagement by executing an integrated, values-based communication plan. |

Draft workplans address the priorities outlined above as well as the responsibilities included in position descriptions and allocated actions from the 20/21 Operational Plan.

To date the following actions have been undertaken:

- Review and (draft) update of the Communications Plan. This will be a living document over the coming months as further detail and shape are applied.

- The commencement of internal and external stakeholder engagement surveys to gather accurate internal and external pictures of the organisation. This process will form a good foundation on which to build the Community Strategic Plan process.
- Continued development of the new Gwydir Council Website and ongoing social media activities.

Website Development is progressing. The new site will provide capacity for the various Council Department heads to update content and upload relevant files. These updates will be reviewed and finalised by the Media and Communications Officer before going live. With new personnel in both the Marketing and Economic Development Manager role and Media and Communications Officer Role a review of the status, time frames and direction of the website scheduled in August will be reported in September.

Economic Development

As is the case for Marketing, Economic Development plans and aspirations ought to be anchored in a well understood and integrated set of stated values. In this way Marketing and Economic Development fit hand in glove. The greatest challenge is the chicken and egg scenario, relating to business and/or population growth and how to target both rather than one or the other.

| | |
|----------------------------------|---|
| Prioritise Economic Development. | Build on the outcomes of the stake holder engagement surveys and Community Strategic Plan process to identify and integrate community values to attract like-minded residents, businesses and developments by effectively marketing ourselves to Governments, Capital Cities and Regional Cities and Towns. |
|----------------------------------|---|

Existing plans will be reviewed to determine currency and relevance. In addition, similar LGAs' strategic approaches will be researched along with working with internal and external stakeholders to build a picture of what "success" may look like for Gwydir Shire.

Visitor Information Centres/ Roxy Theatre COVID-19 Closures

As of 4 July the Gwydir Shire Visitor Information Centres recommenced regular hours, subject to the evolving COVID-19 situation.

The Roxy is likely to remain closed to large events for the remainder of the year due to the volatile nature of COVID-19 requirements and the long lead time that such events require. However, the venue continues to provide capacity to meet social distancing requirements for several Council meeting requirements.

The Roxy Café remains without a lessee. Staff are working on an intervention plan to see the venue utilised during the current COVID-19 environment and beyond. Contacts generated by the recent online advertising campaign have not produced results.

Services NSW

Council's Services NSW agencies remain open, with the COVID-19 situation monitored to ensure the safety of staff.

Events

Christmas Carnivals in Warialda and Bingara are being planned, subject to COVID-19. The Bingara Special Events Committee will review their decision in October. Warialda stakeholders will be consulted regarding the Warialda Christmas Carnival at that time also.

THE ROXY COMPLEX**Theatre**

| Date | Purpose | Numbers |
|---------|---------------------------------------|------------|
| 3 July | North Bingara sewer extension display | |
| 3 July | Dance classes | Approx 20 |
| 23 July | Dance classes | Approx 20 |
| 26 July | NWTC Film Club | Approx. 30 |

Roxy Conference Room

| Date | Purpose | Numbers |
|---------|----------------------------|-----------|
| 7 July | Namoi JO Meeting | Approx 20 |
| 09 July | Council Committee Meeting | 14 |
| 16 July | Council Management Meeting | 13 |
| 23 July | Council Meeting | 14 |

Roxy Meeting Room

| Date | Purpose | Numbers |
|----------------------|---------|---------|
| No Bookings for July | | |

Roxy Trade Training Kitchen

| Date | Purpose | Numbers |
|----------------------|---------|---------|
| No Bookings for July | | |

VISITOR INFORMATION CENTRES**Bingara Visitor Information Centre**

| Jun 2020 | July 2020 |
|----------------------|-------------------------|
| Opening hrs = 143 | Opening hrs = 182 |
| Volunteering hrs = 0 | Volunteering hrs = 32.5 |

Warialda Visitor Information Centre (June report unavailable)

| June 2020 | July 2020 |
|------------------------|-----------------------|
| Opening hrs = n/a | Opening hrs = 172.5 |
| Volunteering hrs = n/a | Volunteering hrs = 22 |

| Income – Bingara VIC | \$ Jun | \$ July |
|---|-------------------|-------------------|
| Products on consignment | 11.00 | 102.00 |
| Merchandise | 934.50 | 1,524.36 |
| Subtotal | \$945.50 | \$1,626.36 |
| Less payments to consignees | 7.70 | 71.40 |
| Monthly Income Bingara VIC | \$937.80 | \$1,552.96 |
| Roxy Tour Income | 320.00 | 605.00 |
| Total Monthly Income Bingara VIC | \$1,257.80 | \$2,157.96 |

| Visitors at Bingara VIC | Jun | July |
|--------------------------------|------------|-------------|
| | 424 | 713 |

| Income – Warialda VIC | \$ Jun | \$ July |
|--------------------------------|---------------|-------------------|
| Caravan Park | n/a | 0 |
| Centre hire | n/a | 0 |
| Merchandise sales | n/a | 2,761.58 |
| Goods on consignment sales | n/a | 0 |
| Subtotal | 0 | \$2,761.58 |
| Less Caravan Park money banked | 0 | 0 |
| Total Monthly Income | 0 | \$2,761.58 |

| Cranky Rock Sites | Jun | Jul |
|--------------------------|------------|------------|
| Powered sites | n/a | 113 |
| Unpowered sites | n/a | 46 |
| Total | n/a | 159 |

| Visitors at Warialda VIC | Jun | Jul |
|---------------------------------|------------|------------|
| Visitors | n/a | 300 |
| RMS clients | n/a | 247 |
| Cafe | n/a | 252 |
| Total Warialda VIC | n/a | 799 |

SOCIAL SERVICES – July 2020**Bingara Neighbourhood Centre***Funding body – Family and Community Services*

Bingara Neighbourhood Centre, in partnership with Bingara CWA and Ozharvest, has been distributing fresh fruit and vegetables as well as some grocery items to those in need in from the Bingara Court House. The Ozharvest truck has been coming on a fortnightly basis and distributing one bag of groceries to those who attend. Approximately 100 bags of food were distributed at the last event. Residents are asked to register on line for the groceries and all social distancing and contact tracing rules have applied.

Centrelink

Centrelink is back to normal operations, maintaining the social distancing guidelines, with just one person permitted in the office at a time and with extra precautions in place.

Youth Service*Funding body – Family and Community Services***Youth Council**

The youth council held its first meeting since the COVID-19 shutdown during July – the meeting was held via Zoom which seemed to work well. The main focus of the meeting was to work out an alternate event that can be held with the current restrictions. The new event that has been planned is for an online trivia night which will be conducted via Zoom. November is the proposed date for the event, and if restrictions are lifted the event will become a gathering instead. This event was chosen as it allows flexibility to adapt from online to in-person.

Due to a number of members commencing exams in August the next meeting is scheduled for early September.

Youth Mentoring Program

| Month | Number of participants |
|-------|------------------------|
| May | 4 |
| June | 4 |
| July | 4 |

The Youth mentoring program has been assisting young people with Centrelink, Medicare, behaviour management, and licence applications.

Bingara Toy Library*Funding body – Early Childhood Education and Care Directorate
NSW Department of Education and Communities*

| Particulars | MAY 2020 | JUNE 2020 | JULY 2020 |
|--|----------------------------------|--|---|
| Total daily attendance count for children who utilised the service for the month | Closed due to COVID-19 | 29 | 97 |
| Full borrowing memberships New/renew | Memberships frozen until re-open | Memberships frozen until Term 3; every family to join from then. | Membership which were current at time of lockdown were all extended for 2.5 months. |
| Non borrowing memberships New/renew | | 0 | 0 |
| Casual borrowing memberships. New/renew | | 1 | 0 |
| Commemorative Birth Certificate – voucher memberships | | 5 | 0 |
| Toys returned | | 0 | 2 |
| Toys borrowed | | 6 | 0 |
| Children & Groups using toys | | 1 | 0 |
| MONDAY play session | | 7 | 24 |
| TUESDAY play session | | 12 | 23 |
| WEDNESDAY play sessions | | 5 | 10 |
| THURSDAY play sessions | | 5 | 17 |

Sessions at the Bingara Toy Library changed to what is now the new normal during July. The first two weeks were the winter school holidays.

With the new air conditioning up and running the main toy room was rearranged to suit the COVID-19 spacing regulations and toys were limited each day for play. Toys, surfaces, and resources are to be washed, sanitised and/ or removed from circulation for 72 hours.

As of Monday 20 July, all families are required after their first visit to be a minimum of a non-borrowing member. Play sessions are now available Monday through to Thursday from 10am -12.pm.

Guest speakers were booked for Bubz Biz sessions for the next few months and the Outreach service was contacted to see if they were able to resume visiting the shire again.

Bookings are still essential or at least a phone call before arriving to see if there is room for the family.

Families were very pleased to be in the main toy room again and absolutely loved the new heating.

The first outing since lockdown happened on 22 July, when staff and families visited the Community Library for an interactive morning session. Activities included learning about the new library and what it has to offer, morning tea, watching a short movie on the big screen, saw the clip from ABC Landline on the orange picking, learned about the new Bingara pool and how it is going to look, craft and reading books.

Kool Skool Kids program has resumed and gained a new family. The children have been enjoying their heating in the front room.

The postponed birth certificate ceremony from March is now planned for August over two days to meet the COVID-19 spacing regulations.

Supported Playgroup Development Worker

Funding body – Family and Community Services

| Warialda Toy Library | May | June | July |
|--|------------------------|------|------|
| Total daily attendance count for children, (no. of children having utilised the service calculating each day over the month) | Closed due to COVID-19 | 43 | 98 |
| Full borrowing members (new) | | 0 | 0 |
| Non borrowing members (new and/or renew) | | 2 | 0 |
| Casual borrowing members (new or renew) | | 0 | 0 |
| Commemorative Birth Certificate applications received | | 0 | 4 |
| Toys returned | | 0 | 0 |
| Toys borrowed | | 0 | 0 |
| Groups using the service (FDC carers, Church and Pharmacy) | | 0 | 4 |
| Monday group activity morning | | 4 | 23 |
| Tuesday group activity morning | | 15 | 20 |
| Thursday group activity morning | | 12 | 27 |
| Friday group activity morning | | 8 | 28 |

As NSW COVID-19 restrictions eased during July, the Warialda Toy Library was able to continue to facilitate sessions and welcome back families in greater numbers than the previous month.

From 20 July, a total of 20 people including staff, were able to join the play sessions. Attendance numbers however, are noted as being still affected by the threat associated with COVID-19, with some families indicating that they are still hesitant to return.

As the toy library attempts to return to normal sessions, play sessions worked towards incorporating music and movement, literacy and craft, dramatic play and science exploration activities. Cooking and some sensory play experiences are still on hold to maintain hygiene practises and reduce shared contamination of ingredients.

August 2020 will welcome the return of a full calendar being catered for and it is hoped that Warialda Toy Library will again resume hosting special guest speakers in the very near future.



Having fun at the Warialda Toy Library

Bingara Preschool

*Funding body - Early Childhood Education and Care Directorate
NSW Department of Education and Communities*

| Days | January |
|-------------|----------------|
| Tuesday | 24 |
| Wednesday | 22 |
| Thursday | 26 |
| Friday | 19 |

COVID -19 Update: All procedures are still in place to increase infection control. Procedures are as following:

- Social distancing between adults
- Limiting time at drop off and pick up
- Extra cleaning at the Service
- Sanitising all hands upon arrival and departure
- Frequent hand washing
- COVID-19 declaration for families and visitors on arrival.

Orange Picking: On Friday 3 July, Bingara Preschool participated in the Annual Orange Picking Ceremony. The children enjoyed picking the fresh

oranges from the tree. Due to COVID-19, family members were invited to meet the Preschool children down at the event (instead of walking down with the children as in previous years).



Bingara preschool students enjoyed the orange picking

Compliance Visit: Friday 3 July, Bingara Preschool had a Compliance Visit from the Department of Education. The department came to view mandatory documentation including: staff files, staff training plans, accident forms and programming information. The department was satisfied that the Preschool had implemented satisfactory precautions to deal with the COVID-19 restrictions. The department was satisfied that all documentation viewed was current and up to date.

Training: Educators at Bingara Preschool attended 'Strategies on Inclusive Practices' training on Wednesday 8 July. Pedal training facilitated the training and offered many techniques and tools for helping to deliver an inclusive based curriculum at the service.

Transition to School: The Department of Education still has a 'no visitor' policy at schools in NSW. Bingara Central School's Kindergarten teacher will continue to visit Bingara Preschool each Friday at 10am to facilitate the transition program. This is for the benefit of the children who are commencing formal schooling in 2021.

Tharawonga Mobile Resource Unit

*Funding body – Department of Education | Department of Employment
Australian Government*

| Day | Venue | 2-3yo | 3-5yo | Transition to school | Total In Attendance |
|-----------|------------|-------|-------|----------------------|---------------------|
| Monday | Yetman | 1 | 7 | 2 | 8 |
| Tuesday | North Star | 2 | 12 | 3 | 14 |
| Wednesday | Yallaroi | 1 | 4 | 1 | 5 |
| Thursday | North Star | 2 | 9 | 3 | 11 |
| Thursday | Gravesend | 2 | 13 | 5 | 15 |
| Friday | Gravesend | 2 | 12 | 5 | 14 |
| Friday | Crooble | 1 | 6 | 2 | 7 |

July has been a short month for Tharawonga with school holidays in the early part of July and programs resuming on 20 July.

Staff changes have seen the introduction of a new casual staff member who spent Monday 20 July with the team through a staff development day. During this day the team planned for the term ahead and caught up on observations and completed training in Manual Handling tasks. Currently, the team is undertaking a trial of each person having a teaching day where they are responsible for the daily program, setting up the room, signing children in/out manually as well as digitally, observations on children and being the responsible person. Each day will be critically reflected upon towards continually improving this system. The idea is to share the workload among all staff.

Crooble: Two children have left the service at Crooble but a new child has started. Last week children allowed their bodies to be traced onto butcher's paper and then painted themselves in bright colours. These were hung on the wall but will become a keepsake to compare themselves to in the future to show how much they have grown.

Yetman: Yetman has continued with the gardening program with great success due to the teachers watering the plants in the hot house throughout the holidays. The transition program is well underway with children who will attend school increasing their skills of independent living and learning to manipulate fine objects such as pencils and needles for sewing.

North Star: Two children will leave the service at the end of July with their last attendance being 28 July. Wall projects have become popular with the children who have been decorating the teacher's drawings of book characters. Every wall is now showing a book character.

The water leak at the hall has been fixed and grass is gradually returning to the grounds.

Gravesend: Teaching days have been allocated to both regular staff with an Inclusion Support Staff member assisting with ratios so that staff can have programming time and remove themselves from the building for lunch breaks, which was previously impossible with only two staff members.

A sustainable arts program is underway and children are approaching tasks with enthusiasm. The transitioning children are spending time outdoors under cover while the younger children rest. This is working well. A meeting has been arranged with Gravesend school teachers to discuss expectations of children who will be attending Gravesend School next year.

GOVERNANCE

Declarations of Interest

| Declarations of Interest | Pecuniary – significant | Pecuniary – less than significant | Non-Pecuniary – significant | Non-Pecuniary – less than significant |
|--------------------------|-------------------------|-----------------------------------|-----------------------------|---------------------------------------|
| July Ordinary | 0 | 0 | 0 | 0 |

| | | | | |
|----------------|---|---|---|---|
| July Committee | 0 | 1 | 0 | 0 |
|----------------|---|---|---|---|

*Cr Young declared a pecuniary interest in the Touriandi Matter (Item 2 in the Confidential Agenda) as a Touriandi Board Member.

Councillor Disclosure Forms

The annual Electoral Expenditure Disclosure forms for Gwydir Shire Councillors were submitted by the due date 31 July 2020.

The half yearly Disclosure for Gwydir Elected members for the period January to June 2020 forms were submitted by the due date 31 July 2020.

Customer Service Requests (CRM)

2019/20 CRM details for 2019-2020 year

| Department | Outstanding as at 1 July 2020 | Completed during July | Outstanding as at 1 Aug 2020 |
|---------------------|-------------------------------|-----------------------|------------------------------|
| Tech Services | 25 | 15 | 10 |
| Env /Sustainability | 19 | 16 | 3 |
| Town Utilities/P&G | 15 | 9 | 6 |
| Bldg Services | 4 | 2 | 2 |

CRM details for July 2020

| Department | Received during July 2020 | Completed during July | Outstanding as at 1 Aug 2020 |
|---------------------|---------------------------|-----------------------|------------------------------|
| Tech Services | 19 | 18 | 1 |
| Env /Sustainability | 19 | 16 | 3 |
| Town Utilities/P&G | 20 | 14 | 6 |
| Bldg Services | 10 | 8 | 2 |

COMMUNITY ASSETS

Caravan Parks

Council staff continue to enact its COVID-19 Safety Plan which was updated at the beginning of July.

Bingara Caravan Park

Due to COVID-19, the shower and laundry facilities are only available to those staying at the park.

A new Speed Queen washing machine was purchased and installed during July.

Beau Corp (pool) contractors continue to stay in the Caravan Park. This accommodation is offset against the contract.

Warialda Caravan Park

Council staff assisted a young family who self-quarantined at the park. They arrived on 28 July and stayed until 7 August. Assistance included organising delivery of groceries, use of indoor clothesline and liaising with the Warialda Medical Centre for the family members to have COVID-19 testing. The family paid for their accommodation in advance, fully cooperated with local police, were respectful to Council staff and returned home after crossing the Queensland Border on 7 August 2020.

New linen was purchased for the Warialda Caravan Park.

Swimming Pools

Bingara Pool

Construction project update:

- Council staff emailed Councillors on 24 July 2020 advising the progress of the project
- Splash Program Pool – concrete shell poured on 13 July
- 25 metre pool – concrete shell poured on 20 July
- water proofing and tiling commenced on 27 July. This installation will continue for approximately 5-6 weeks
- in accordance with the Big River Dreaming NSW Government Tourism Grant, an artist and zoologist were commissioned to create artworks and interpretive signage which will be displayed onsite. The finished artwork and interpretive signage will tell the story of animals which live on, near and above the Gwydir River. The commissioned artist value-added to her project by collaborating with Bingara's school children and youth through workshops held at the Preschool, Library and Bingara Central School
- Community consultation for the project continued during July including staff presentation at playgroup, liaising with swimming club members, pool lessee, swimming instructors and community members, and media releases and social media posts
- Council staff are finalising the Activities Centre design and plans. Building works are expected to commence late August 2020.



Drone view of the Bingara Pool progress

Warialda Pool

The pool lessee continues to maintain the lawns and machinery in the off season.

Cranky Rock

On 29 July 2020, Cranky Rock Reserve was partially closed to allow for repair works to the lookout track and footbridge. Councillors, staff and the community were advised of the closure which is expected to last until the end of August 2020.



Myall Creek

Council staff attended the Myall Creek Committee Annual General Meeting on Saturday, 18 July. Council congratulates Elizabeth Kakoschke on her election to the Committee.

Libraries

Due to the recent restructure of Council, Carmen Southwell is the new manager of the Libraries as Community Assets Manager.

Council's Community Assets administration staff member has been trained in the basics of the library systems to provide back-up to casual staff as required.

During the month of July (particularly leading up to the Queensland border opening on 10 July) library staff were very busy assisting travellers to complete and print border passes.

Be Connected Tutorials for Seniors

| | Participants for period |
|--------------|-------------------------|
| Bingara | 5 |
| Warialda | 0 |
| Total | 5 |

Statistics

| | Bingara | Warialda |
|----------------------------|---------|----------|
| Door count | 1507 | 1040 |
| PC usage | 192 | 122 |
| WIFI usage | 168 | 128 |
| New memberships | 6 | 7 |
| Loans | 679 | 297 |
| Programs | 13 | 8 |
| Adult program attendees | 25 | 12 |
| Children program attendees | 175 | 22 |
| Personal home delivery | 14 | 8 |

Gwydir Libraries remain quieter than normal due to the COVID-19 health regulations and guidelines for public libraries. Consequently, there were limited attendees at group sessions, and face to face sessions remain in recess until August. Both libraries resumed normal opening hours from 1 July 2020.

Routines continue with every item returned being sanitised as outlined in the COVID-19 Safety Plan. Computers, tables and chairs continue to be sanitised after each use.

Both libraries are still scheduling specific hours each day for the older and vulnerable members of the communities.

'Be Connected' tutorials continue to include Zoom video and email sessions.

Click/Call and Collect services continued throughout July. Home delivery is available to any older or vulnerable members of the community ensuring they have access to the library if they are unable to attend.

After school programs resumed in both libraries for Term 3 with limited attendees as outlined in the COVID-19 plan.

Both library branches hosted school holiday programs and given the restrictions, all sessions were well attended and embraced. In particular, the Lego Challenge was a huge hit.

Bingara Library Brief

The First Friday Book Group resumed on Friday 7 August after being in recess for five months. Knit and Natter, Men's Chat and Chess Club will recommence again in September.

The Bingara Library hosted two information sessions during July. Nine residents from Touriandi Lodge enjoyed a morning in the library which included morning tea, borrowing, and a guided tour of the new library. They were amazed with the transformation.

Parents and toddlers from the Bingara Playgroup visited the library for an information session including a presentation of the proposed new pool precinct.

The Bingara Library opens every fourth Saturday of the month coinciding with the Lions Market Day in Bingara. Families enjoy being able to visit together.

Friday after school program attendees were introduced to the computer program Canva. This proved to be very successful with more sessions planned.

After school programs consist of Lego Club, Book/Craft Club, Homework Helper and Tween Tech Time. All sessions are well attended.

Warialda Library Brief

After school programs consist of Craft, Book Club and Tween Tech Time. All sessions are well attended.

Spring will see Book Club, Knit and Natter and Men's groups introduced in the branch.

Storytime is in recess with sessions being scheduled for August. Once again, this will be hosted in the Toy Library area.

Staff have fully weeded the fiction sections, clearing older and non-borrowed stock making space for incoming new stock.

The branch increased its hours in July making them consistent across three days a week. Older members are pleased to have one extra morning per week to visit the library.

Council's Cleaning Contract

Council office cleaning work practices were trialled and changed so that indoor staff now empty their bin and clean/disinfect their work area/desk. This has reduced contracted cleaning times by 3½ hours each week.

Property Management

Council staff continue to be in regular contact with Council's aged unit tenants and caravan park permanent residents. This contact has proven to be mutually beneficial, as not only do they receive a regular friendly call, but Council obtains information and requests so that assistance and any necessary repairs can be arranged in a timely and effective manner.

Tenant vacated Unit 7, Plunkett Street Warialda on 23 July 2020.

Council staff were advised that the Bingara Veterinary Clinic is changing ownership. A new lease is currently being prepared.

10 Olive Pyrke Terrace Warialda continues to be rented as a commercial rental.

Due to the ongoing negative economic effect of COVID-19, the rent payable by the lessee of the Country Dust Café has been waived until the end of the year.

POLICY IMPLICATIONS

Policy implications are those relating to the 2020/2021 Operational Plan and the Policies of Gwydir Shire Council.

FINANCIAL, ECONOMIC and RESOURCE IMPLICATIONS (including Asset Management)

The activities carried out by the Organisation and Community Development Department are in line with the 2020/2021 Operational Plan.

SUSTAINABILITY IMPLICATIONS (Social and Environment)

The activities undertaken by the Organisation and Community Development Department regarding social and environmental factors are targeted in line with the 2020/2021 Operational Plan.

CONCLUSION

The activities carried out by the Organisation and Community Development Department are in line with the 2020/2021 Operational Plan and otherwise as directed.

OFFICER RECOMMENDATION

THAT the monthly report for Organisation and Community Services for July be received

ATTACHMENTS

AT- WHS Report - July 2020

AT- Naroo Bond Report - July 2020

WHS REPORT – July



| Department | Current Month | | | | Total (Financial Year) | | | |
|------------------------------------|------------------|--------------------|-------------------------|----------------------------------|------------------------|--------------------|-------------------------|----------------------------------|
| | Hazards Reported | Near Miss Reported | Workplace Verifications | Toolbox/Safety Meetings/Training | Hazards Reported | Near Miss Reported | Workplace Verifications | Toolbox/Safety Meetings/Training |
| Social Services | | | | | | | | |
| Nareroo and Aged Services | | | | | | | | |
| Community Assets | | | | | | | | |
| Finance | | | | | | | | |
| People and Culture | | | | | | | | |
| IT and Business | | | | | | | | |
| Improvement | | | | | | | | |
| Marketing and Economic Development | | | | | | | | |
| Safety, Risk & Procurement | | | | | | | | |
| Planning and Environment | | | | 4 | | | | 4 |
| Building Services | | | | | | | | 10 |
| Utilities | | | 1 | 18 | | | 1 | 18 |
| Engineering Services | | | | 1 | | | | 1 |
| TOTAL | 0 | 0 | 1 | 23 | 0 | 0 | 1 | 33 |

Actions Outstanding from 2019-2020 year

| Department | Current Month | | | | Total (Financial Year) | | | | | | |
|------------------------------------|---------------|----------|----------------------|--------------------------|------------------------|-----------------------|-----------------------|--------------------------------|-----------------|----------------|--|
| | Incident Type | Severity | Investigation Status | Corrective Action Status | Investigation Open | Investigation Overdue | Investigations Closed | Actions Scheduled/ In Progress | Actions Overdue | Actions Closed | |
| Social Services | | | | | | | 3 | | 1 | | |
| Naroo and Aged Services | | | | | | | 9 | | 1 | 4 | |
| Community Assets | | | | | | 2 | | | 1 | | |
| Finance | | | | | | | 1 | | 1 | | |
| People and Culture | | | | | | | 1 | | 1 | | |
| IT and Business Improvement | | | | | | | | | 1 | | |
| Marketing and Economic Development | | | | | | | 1 | | 3 | | |
| Safety, Risk & Procurement | | | | | | | | 4 | 2 | 6 | |
| Planning and Environment | | | | | | | 6 | | 1 | | |
| Building Services | | | | | | | 4 | | 1 | 1 | |
| Utilities | | | | | | 1 | | 8 | 7 | 7 | |
| Engineering Services | | | | | | 2 | | 17 | 6 | 6 | |
| TOTAL | | | | | | 5 | 50 | 4 | 26 | 24 | |
| Commentary | | | | | | | | | | | |

Naroo Bond Report – July 2020

Printed Date: 10/08/2020, Last Edn: 31/05/2020

Multi Facility Summary
 Active Accommodation Bonds / Payment Schedule - Summary
 As at 10/08/2020

| FACILITY NAME | Pre 1 July 2014 Payment Arrangements [Bonds] | Agreed Bond | Part Lump Sum Amount | Total Payment Amount | Lump Sum Amount Outstanding | Total Bond Balance Outstanding | Total Retention Deductions | Total Interest Deductions | Total Care Fee Deductions | Total Other Deductions | Balance |
|----------------------------|---|-----------------------|------------------------------|---------------------------|-----------------------------------|--------------------------------------|----------------------------------|---------------------------------|---------------------------------|------------------------------|-----------------------|
| | Post 1 July 2014 Payment Arrangements [RADs/RACs] | Agreed Price | Agreed RAD/RAC Portion | Total RAD/RAC Received | Total RAD/RAC Outstanding | Agreed DAP/DAC Portion | Total DAP/DAC Deductions | Total Care Fee Deductions | Total Other Deductions | | Balance |
| TOTAL | TOTAL | | | | | | | | | | |
| NAROO AGE CARE FACILITY | | | | | | | | | | | |
| Bonds | | \$32,087.73 | \$32,087.73 | \$32,087.73 | \$0.00 | \$0.00 | \$10,856.51 | \$0.00 | \$0.00 | \$0.00 | \$21,211.22 |
| RADs/RACs | | \$2,389,700.55 | \$1,590,817.05 | \$990,817.04 | \$600,000.01 | \$738,883.50 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$890,817.04 |
| TOTAL | | \$2,401,788.28 | \$1,622,884.78 | \$1,022,884.77 | \$600,000.01 | \$738,883.50 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$1,012,028.26 |
| GRAND TOTAL | | \$32,087.73 | \$32,087.73 | \$32,087.73 | \$0.00 | \$0.00 | \$10,856.51 | \$0.00 | \$0.00 | \$0.00 | \$21,211.22 |
| RADs/RACs | | \$2,389,700.55 | \$1,590,817.05 | \$990,817.04 | \$600,000.01 | \$738,883.50 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$890,817.04 |
| TOTAL | | \$2,401,788.28 | \$1,622,884.78 | \$1,022,884.77 | \$600,000.01 | \$738,883.50 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$1,012,028.26 |

Item 3 Monthly Technical Services Report for July 2020**FILE REFERENCE** 20/16732**DELIVERY PROGRAM****GOAL:** 5. Organisational Management**OUTCOME:** 5.1 CORPORATE MANAGEMENT**STRATEGY:** 2.1.1 Plan for and develop the right assets and infrastructure - TS -external**AUTHOR** Manager, Engineering Services**STAFF DISCLOSURE OF INTEREST** Nil**IN BRIEF/ SUMMARY RECOMMENDATION****TABLED ITEMS** Nil**BACKGROUND**

The monthly Technical Services report has been identified by Council as the process of reporting the activities carried out monthly by the Technical Services Department. This includes Engineering, Design and Assets and Building Services.

COMMENT**ENGINEERING SERVICES**2020/2021 Works Program

Following recent funding announcements, the 2020/2021 works program is currently under revision.

North Star Road – Flaggy

Rehabilitation work commenced on the first 500m of a 1.8km patch of North Star Road during July. The works commenced from the intersection of Allandale Road and Yarran Road and address a failed section of pavement with insufficient width and roughness. The project is funded by Regional Block Grant and Repair Program. The project is on a basalt clay subgrade which has required substantial modification prior to importation of new gravel.



North Star Road – Flaggy, Boxing out Shoulders



North Star Road – Flaggy, Stabilising

Gravel Resheeting.

SR31 Eulourie Road

Work has commenced on a 4.1km section of Eulourie Road from “Lyndon” North to the Pallal Road / Eulourie Road intersection



SR31 Eulourie Road, Gravel Resheeting

SR74 Kurrajong Hills Road

Work was completed on a 2km section at the eastern end of Kurrajong Hills Road. A curve with poor sight distance and horizontal alignment at the eastern end of road has been removed in order to better facilitate the movement of heavy vehicles. Work on the western end will commence in August.



SR74 Kurrajong Hills Rd, Resheeting

MR462 Bruxner Way Rehabilitation

Construction staff completed a 2.7km long super patch, pavement stabilisation during July. This project is funded via the RMS Block Grant. The works commence from the intersection of Bruxner Way and Peates Road and address a failed section of pavement towards the Moree Plains Shire Boundary. The construction methodology used allows recycling of existing pavement, resulting in a more cost-effective rehabilitation than a traditional overlay rehabilitation.



MR462 Bruxner Way, Stabilisation Super Patch



MR462 Bruxner Way, Sealed

The Living Classroom

Earthworks have been completed on the building site of the Wellness and Interpretive Centre, while work continues at the cattle barn site.

Staff have also resheeted the internal roads at the Living Classroom.

Myall Creek Memorial

Work continues placing sandstone blocks for seating at the Myall Cree Memorial site and shale has been spread and compacted on surrounding footpath areas. A layer of washed sand will be spread on the floor of the arena.



Myall Creek Arena

MR63 Segment 5240 Linwood

The 'Linwood' segment of the MR63 is completed and was sealed on the 16 July 2020.



Work on the Linwood segment of MR63



MR63 Linwood Construction

Maintenance

Maintenance staff completed the following works in July:

- Concrete slab seats at the Warialda Recreational Ground and Delungra HACC
- Kerb and gutter repairs in Maitland Street, Bingara
- Vegetation control and weed spraying on SR1 Copeton Dam Road, SR2 Bingara Road, SR23 Wearnes Road, SR3 Elcombe Road, MR133 Killarney Gap Road, MR132 Macintyre and Gulf Creek Road, MR134 Delungra Road
- Whipper snipping was completed around guide rails, RMS signs and guideposts, and various signs installed
- Footpath maintenance, Apollo Avenue, Warialda.

Maintenance Grading

Grading has been carried out on SR16 Trevallyn Rd, SR57 Currangandi Rd, SR111 Kiora Rd, SR91 Cracknells Rd, SR56 Glenelg Rd, SR18 Gineroi Rd, SR116 The Forest Rd, SR117 Bundaleer Rd, SR89 Glenarthur Rd, SR102 Noumea Rd, SR88 Kywarra Rd, SR13 Oregon Rd, SR6 Getta Getta Rd, SR63 Gil Gil Creek Rd, SR39 Allandale Rd, SR75 Fairford Rd, SR281 Racecourse Rd.

Seal Maintenance

Seal maintenance is ongoing on all State, Regional and Local roads.

Slashing

Roadside slashing was carried out on the following roads during July:

MR134 Delungra Rd, SR19 Whitlow Rd, Bingara Airstrip, Warialda Airstrip, RR7705 North Star Rd.

DESIGN AND ASSETS

Inland Rail

Throughout July there have been numerous Inland Rail meetings, for both the Narrabri to North Star section and North Star to the Queensland border. For the Narrabri to North Star section, level crossing designs are being finalised with engineering staff liaising with Inland Rail to ensure Council's requirements and community concerns are adequately addressed prior to the acceptance of designs for construction. Engineering staff are working through draft terms of a third-party agreement with Inland Rail which will formalise Council's relationship with the primary construction contractor and address issues such as road dilapidation due to the increase in traffic during the construction phase.

The North Star to QLD Border section's Environmental Impact Statement is being finalised, with public display imminent. Detailed designs for level crossings within GSC are in draft, and are currently with Council for comment.

The Living Classroom

The survey team has been required to work on numerous jobs at The Living Classroom, including construction set-out for the Interpretive Centre.

Horton Road

With the announcement of Fixing Local Roads funding for the Horton Road project the Engineering team has been finalising the detailed design for the 16km upgrade to sealed formation. Staff continue with soil testing, pavement designs and waterway assessments. A preliminary plan set has been completed and the project is on track for construction to commence in late October.

Inland Rail Interface Program (IIP) – Croppa Creek

Engineering staff have been involved in a staged feasibility study for the upgrade of selected infrastructure servicing the road-rail grain freight interface at Croppa Creek. The aim of the study is to assess which infrastructure upgrades would be required in order to meet forecast demands following the completion of the Inland Rail project and the subsequent increase in grain freight leaving the area via rail.

Roads Maintenance Council Contract – Work Orders Issued by RMS

All Work Orders issued by RMS are quality assurance schedule of rates projects carried out by Council staff under the Roads Maintenance Council Contract with Roads and Maritime Services.

All works have now been completed in segment 5340 on MR63 Fossickers Way for Linwood Rehabilitation. A 14mm reseal will be undertaken during the following reseal season.

Design reviews have now been submitted to the RMS again for the remaining two segments programmed for rehabilitation this financial year. These segments include 5150 on MR63 Fossickers Way and 8270 on HW12 Gwydir Highway. Segment 5255 design has been approved and construction will begin in mid-August, expected to take 4-6 weeks to complete. These works will involve reshaping the existing pavement, including a 100mm overlay,

ripped and recompact at 150mm deep, followed by 150mm base layer overlay and 7mm primer seal. Further to our programmed segments of rehabilitation next financial year, RMS is undertaking works at present with a possibility of 3-4 additional segments brought forward and completed this financial year also. These segments are currently in the survey and design stage. An additional safety upgrade project is also being scoped out, west of Gravesend on the Gwydir Highway that will likely include shoulder widening, safety barrier upgrades and sign upgrades. This financial year will see our usual RMCC maintenance program completed throughout the year, as well as the resealing of approximately 13 segments throughout the Shire as well as approximately 4 weeks of heavy patching and a further 4 weeks of reseal preparation. This will all be in addition to the previously mentioned rehabilitation projects throughout MR63 Fossickers Way and HW12 Gwydir Highway.

Routine maintenance continues each week undertaking inspections, rest area services, vegetation control and bitumen repairs.

BUILDING SERVICES

The Department continues to receive enquiries and provide advice on a range of planning and building matters including:

- Minor structure construction e.g. sheds
- Commercial opportunities and construction
- Basix (Building Sustainability Index)
- Bushfire requirements
- Building construction standards and requirements
- Stormwater
- Licensing and owner builder requirements
- Fees and charges

The following Construction Certificate (C/C), Building Information Certificate (BIC) and S68 applications have been approved for the month.

| No. | Property Description | Development/Work | \$ | C/C | BIC | S68 |
|---------|---|----------------------------|----|-----|-----|-----|
| 9/2020 | 93 Bingara Street Warialda Rail NSW 2402 | Install new septic tank | | | | ✓ |
| 10/2020 | 13 Old Keera Road Bingara NSW 2404 | Install new OSSM system | | | | ✓ |

The following Construction Certificate (C/C) applications were approved by a Private Certifier and lodged with Council during the month.

| No. | Property Description | Development/ Work | \$ | C/C |
|-----|----------------------|----------------------|----|-----|
| Nil | | | | |

Illegal Activity

| ACTIVITY | No | ACTION TAKEN | | | | | |
|----------|----|--------------|-------------|---------------------------------------|-------------------|-----------------|------------------------|
| | | Inspected | Letter Sent | Application/ Certificate Lodged | Penalty Notice | Legal Action | Refer to Council |
| Nil | | | | | | | |

No. of Complaints/Inspections

| Type | No. | Yr. to Date | Actioned | Pending |
|----------|-----|-------------|----------|---------|
| Building | 35 | 205 | 205 | 0 |

The Department continues to receive requests to carry out minor maintenance and these are generally dealt with in a timely manner. Otherwise the works are scheduled into maintenance staff building activities including new works for attention.

Projects Worked on during July 2020

Staff worked on the following projects during July:

- Croppa Creek Hall decking – complete.
- Bingara Museum – complete.
- Bingara Showground General Purpose Pavilion – complete.
- Naroo Kitchen upgrade – achieved practical completion.



Gineroi RFS Shed Construction

CONCLUSION

The activities carried out by the Technical Services Department are in line with the 2020/21 Management Plan and otherwise directed.

CONSULTATION

Consultation is carried out within the Technical Services Department during the monthly Technical Services team meetings and other relevant persons.

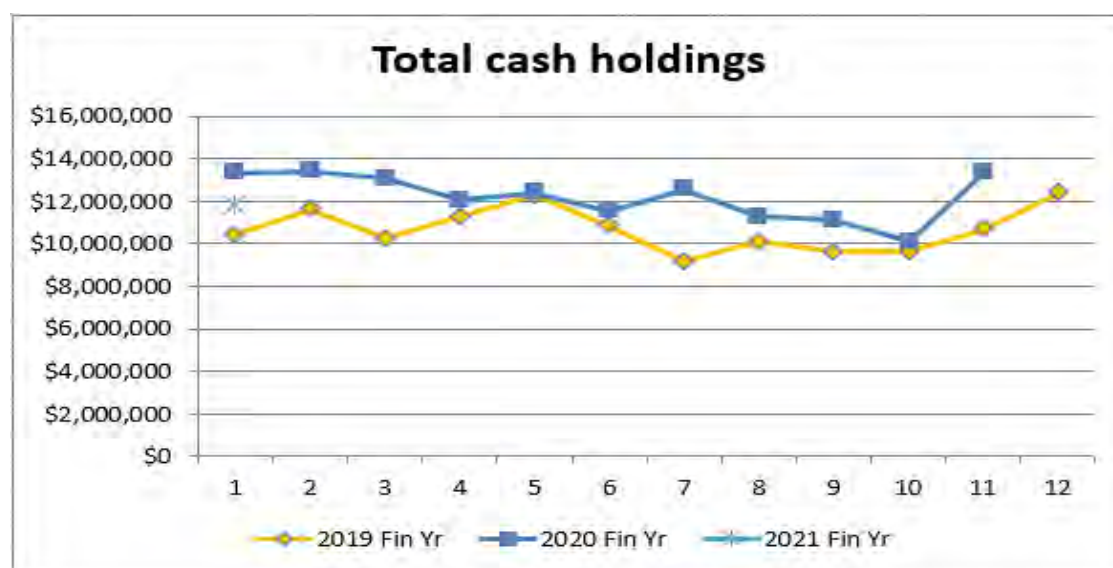
OFFICER RECOMMENDATION

THAT the monthly Technical Services report for July 2020 be received

ATTACHMENTS

There are no attachments for this report.

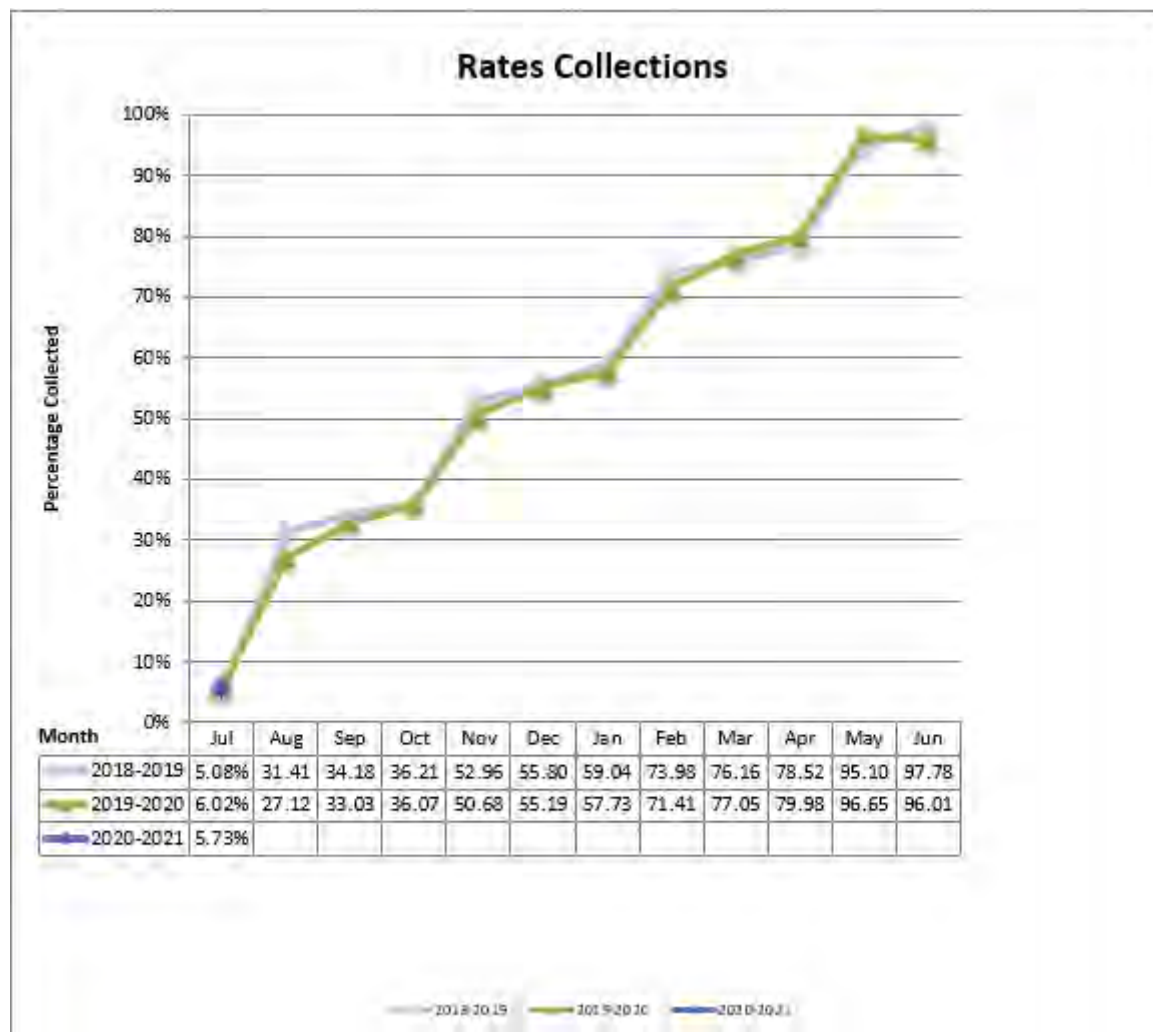
| Cash and Investments | |
|---|------------------------|
| Total Investments | |
| Direct Investments | \$3,000,000.00 |
| Managed Funds | \$8,246,353.88 |
| Grand Total Investments | \$11,246,353.88 |
| Total Cash and Investments | |
| Investments | \$11,246,353.88 |
| Cash at bank | \$ 608,053.88 |
| Grand Total Cash and Investments | \$11,854,407.76 |
| General Fund Cash | |
| Total cash and investments | \$11,854,407.76 |
| LESS: | |
| Water fund* | -\$859,499.45 |
| Sewer fund* | -\$3,229,586.89 |
| Waste fund* | -\$3,236,703.45 |
| Other restrictions: | |
| Employee leave entitlements* | -\$900,000.00 |
| Carry over works in progress* | -\$850,000.00 |
| Asset replacement* | |
| Bonds and deposits | -\$854,000.00 |
| Unexpended grants* | -\$1,502,000.00 |
| Developer contributions | -\$195,000.00 |
| *These figures may change with end of year processing | |
| Discretionary General Fund Cash | \$227,617.97 |



I, Helen Thomas, Finance Manager and Responsible Accounting Officer for Gwydir Shire Council, certify that the Council’s investments have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council’s Investment Policy (F.01.03), as amended.

RATES COLLECTIONS

The graph below represents a comparative of the percentage collections for the current year against the two previous rating years. The current years collections are up to 31 July 2020.



OFFICER RECOMMENDATION

THAT the monthly Investment and Rates Collection report for July be received

ATTACHMENTS

There are no attachments for this report.

certain Regional Roads to State management will ensure they are able to be maintained in line with their significance to the broader network, and in a way that supports the social and economic health of communities across the State. The overall purpose of the project is to contribute to a better managed, contemporary road network for NSW, with benefits that include supporting regional growth, ensuring the funding available to maintain our roads is appropriately distributed, and promoting healthy communities through place-making and engaging with other forms of transport.

An independent panel has been formed that will undertake consultation, receive submissions from councils, Joint Organisations and other stakeholders and make final recommendations to the state government relating to reclassification and transfer of roads.

The proposed timing and key steps in the process are detailed below:

| Key Steps | Timing |
|---|------------------|
| Panel appointed | January 2020 |
| Draft Terms of Reference released for council feedback (four weeks) | January 2020 |
| Terms of Reference established | June 2020 |
| Panel releases background paper with policy principles and invites submissions on priority road transfers | June 2020 |
| Consultation period | June-August 2020 |
| Deadline for council submissions on priority roads | August 2020 |
| Provide interim report to the Minister for Regional Transport and Roads including a proposed priority list of roads to be transferred to state ownership | Late 2020 |
| Second round of submissions for reclassification and transfer opens** | End 2020 |
| Submissions for second round of reclassification and transfer close | Early 2021 |
| Independent Panel delivers final report and recommendations through the Minister for Regional Transport and Roads for consideration by the NSW Government on the Regional Road Transfer and NSW Road Network Classification | July 2021* |

Engineering staff participated in a consultation session with the independent panel and other Namoi Unlimited Councils in late July 2020. The Panel indicated that it was unlikely that all roads transferred to state government control would be reclassified as State Roads, rather that they may be called State Controlled Regional Roads, aimed at providing a lower level of service

than State Roads. Further, the panel reinforced that the primary benefit councils could expect from the transfer process is the removal of depreciation relating to transferred road assets from councils' balance sheet. It is noted that for the 2019/2020 financial year, funding provided to Council by TfNSW for works on Regional Roads exceeded depreciation figures for this asset class.

While ostensibly the initiative would be of significant financial benefit to Council through relieving the burden of managing over 260km of sealed roads, the impact on recurrent grant funding could be significant. The combination of the Block Grant and Repair Program is approximately \$2million annually, constituting 25% of Council's annual road construction and maintenance budget. It is assumed that the ongoing maintenance of roads transferred to state control would be under an arrangement similar to the Road Maintenance Council Contracts (RMCC) that sees Council carry out roadworks as a contractor to TfNSW, however it is unclear at this time whether levels of funding would be maintained under such an arrangement. It is noted that the quantity of RMCC works carried out by Council varies significantly from year to year, in accordance with TfNSW's statewide priorities. It is for this reason that it is recommended that any transfer of roads to state control is conditional upon funding for these roads being guaranteed at existing levels. Further, it is recommended that any transfers are conditional upon Roads to Recovery and Financial Assistance Grant (FAG) funding levels being maintained.

Priority Transfer

It has been noted that priority consideration may be given to roads which *Council is able to demonstrate past or current difficulty in meeting the demands associated with maintaining the road in the short, medium and/or long term to the standard which allows the road to perform as intended as part of the broader network.* At 81.72km, North Star Road represents 31% of Council's Regional Road network, yet analysis of historical maintenance and capital works shows an average annual expenditure of \$1.08million (or approximately 55% of all Regional Road grant funding) on this road. On the basis of this disproportionate level of spending, future works required and historical maintenance issues, RR7705 North Star Road is recommended as a priority submission for transfer to State control.

There is a general consensus among Border Regional Organisation of Councils (BROC) Councils that Bruxner Way is also recommended as a priority submission for transfer to state control.

Reclassification

It appears that Council's road network is generally correctly classified. Possible exceptions include SR1 Copeton Dam Road, which may meet the criteria for reclassification as a Regional Road. A nomination to this effect is supported by Uralla Shire Council, who has expressed an intention to

nominate Bundarra Road (from Bundarra to Gwydir Shire boundary) for reclassification to Regional Road.

A map of the Regional Roads in Gwydir Shire is attached.

OFFICER RECOMMENDATION

THAT Council resolve to transfer Regional Roads to state control on the basis that:

- **Funding for Regional Road construction, maintenance and upgrade works in Gwydir Shire must not be reduced**
- **The level of service on the current network must not be reduced**
- **Funding received by Council from state and federal government such as FAGs and Roads to Recovery must not be reduced**
- **Future maintenance of the state controlled Regional Road network within Gwydir Shire be undertaken on a similar basis as the RMCC**

FURTHER that RR7705 North Star Road be nominated as a priority transfer to state control

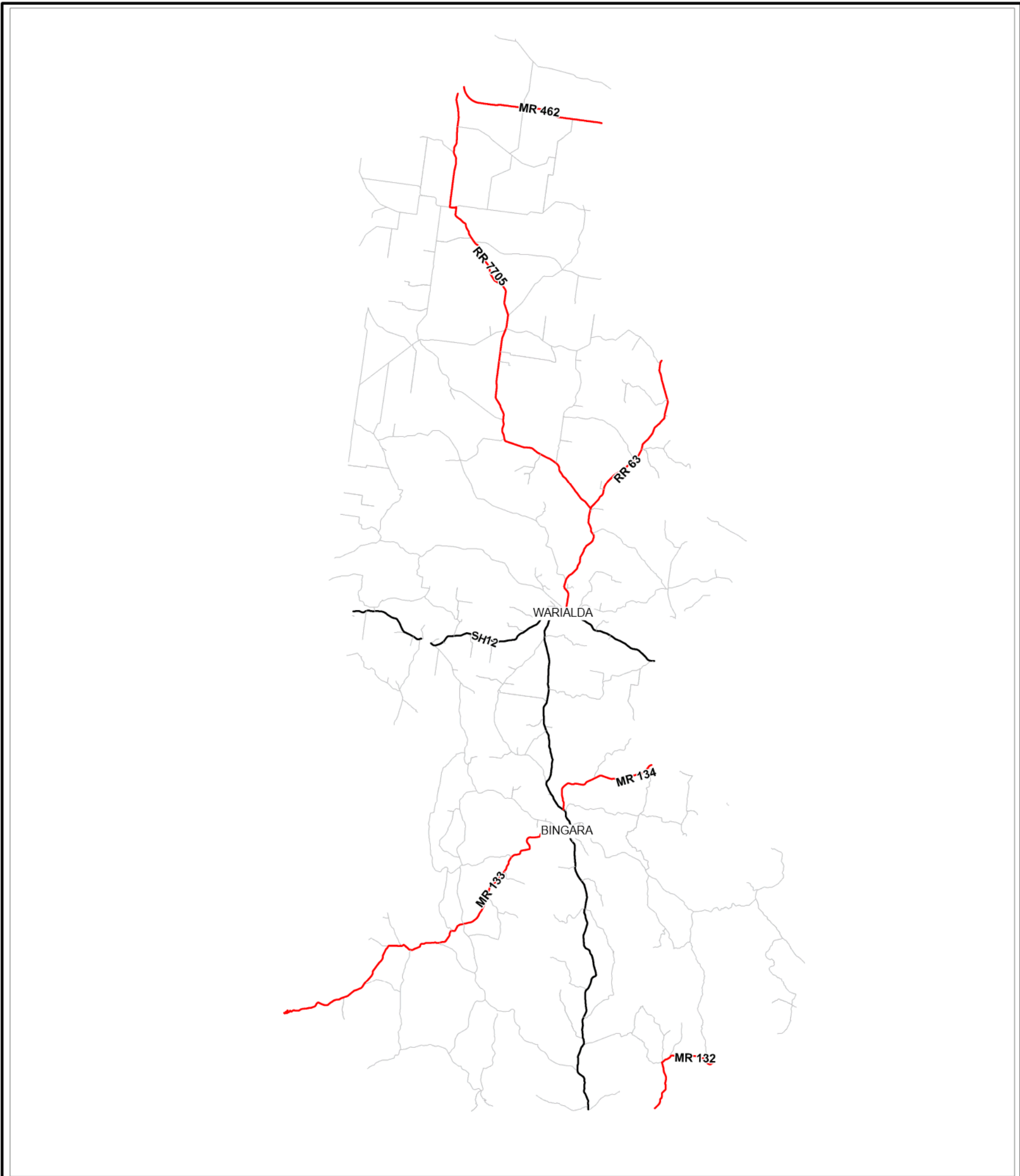
FURTHER that MR462 Bruxner Way be nominated for priority transfer to state control

FURTHER that all other Regional Roads are nominated for transfer to state control in Round 2 of submissions

FURTHER that Copeton Dam Road is investigated to determine its eligibility for reclassification to Regional Road and transfer to state control in Round 2 of submissions

ATTACHMENTS

AT- Map of Regional Roads in Gwydir



Title: Regional Roads in Gwydir Shire

Date: 18/08/2020
 Author: Danielle Perrett
 Scale: 1 in = 6000 m



Projection: MGA Zone 56 (GDA 94)

Map - Regional Roads in Gwydir Shire - 18 August 2020

Legend

- Roads by Class**
- Regional
 - State
 - Arterial
 - Collector
 - Local
 - Minor

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 or location. For accurate boundary information, the services of a
 registered cadastral surveyor should be engaged.

Item 6 Adoption of Reviewed Code of Conduct - Version 4**FILE REFERENCE** 20/19214**DELIVERY PROGRAM****GOAL:** 5. Organisational Management**OUTCOME:** 5.1 CORPORATE MANAGEMENT**STRATEGY:** 5.1.1 Financial management and accountability systems - CFO - internal**AUTHOR** Organisational and Community Development Director**STAFF DISCLOSURE OF INTEREST** Nil**TABLED ITEMS** Nil**BACKGROUND**

The Model Code of Conduct sets the minimum standard 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
- act in a way that enhances public confidence in local government

Section 440 of the *Local Government Act* requires every council (including county councils and joint organisations) to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct.

Council adopted the Gwydir Shire Council Code of Conduct and Procedures for Administration of the Code of Conduct at its Ordinary Meeting on 11 April 2019.

COMMENT

Council received a Circular from the Office of Local Government on 14 August, 2020 advising of the need to amend the Model Code of Conduct for Local Councils in NSW and Procedures.

These amendments were necessary for the following reasons:

- i. The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures) have 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] NSWSC 1134. Further information on this case can be found at <https://www.caselaw.nsw.gov.au/decision/5d6c53cce4b0c3247d7117d8>

- ii. Amendments have also been made to the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
- iii. The new Model Code of Conduct and Procedures have been prescribed under the *Local Government (General) Regulation 2005*.

The Office of Local Government has advised that the new Model Code of Conduct and Procedures take effect immediately. This is because the amendments to the Procedures largely reflect existing practice following the Supreme Court's decision and the amendments to the Model Code of Conduct are minor in nature.

The Office of Local Government has recommended that the Council undertake the following action:

- The Council adopt a Code of Conduct and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.
- Councils' complaints coordinators should bring this circular to the attention of their council's conduct reviewers. Complaints coordinators should also inform conduct reviewers when the council has adopted a new Code of Conduct and procedures and provide copies.

Attached are the draft amended Gwydir Shire Council Code of Conduct and draft amended Procedures for the Administration of the Code of Conduct documents. Below is a list of amendments to each of these documents:

Amendments to the Model Code of Conduct

The Model Code of Conduct has been amended to:

- 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)
- update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards
- include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.

Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments:

- lift the \$50 cap on the value of gifts that may be accepted to \$100
- clarify that 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

- clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not “gifts or benefits” for the purposes of the Model Code of Conduct, and
- remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.

Note: Councils are not obliged to amend their Codes of Conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100.

Amendments 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 Codes of Conduct under the new Procedures:

- that a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or
- that a councillor be formally censured for a breach under section 440G and the matter referred to OLG 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 to ensure 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 OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG 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 OLG to take further disciplinary action.

Other amendments have been made to the Procedures to:

- allow panels of conduct reviewers to be appointed without a resolution of the council, and
- allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

OFFICER RECOMMENDATION

THAT the report be received

FURTHER that the reviewed Draft Gwydir Shire Council Code of Conduct and the Draft Procedures for the Administration of the Code of Conduct be adopted

ATTACHMENTS

AT- Draft Model Code of Conduct - Version 4

AT- Draft Procedures for the Administration of the Code of Conduct



Gwydir Shire Council
**Code of Conduct
Version 4**
(Draft)

TRIM Reference: Version 4:
20/19218
Council
Resolution:



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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 (e.g. 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 | the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation |
| the Regulation | the <i>Local Government (General) Regulation 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.

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PART 4 Pecuniary Interests

What is a pecuniary interest?

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

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 Interests

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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

or other contribution to any
travel undertaken by me at any
time since 30 June

Commonwealth
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) |
|---|-----------------------------|----------------------------------|---|
|---|-----------------------------|----------------------------------|---|

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 |
|---|-------------------------|
|---|-------------------------|

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> | |
| 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> | |

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.

[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



Gwydir Shire Council
**Procedures for the
Administration of the
Code of Conduct
(Draft)**

DRAFT



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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:

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| LGA | the <i>Local Government Act 1993</i> |
| 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 |
| 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 |
| 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 |

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| | 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 400O of the LGA |
| 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 by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution 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 by resolution. 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 three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 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:
- is not a code of conduct complaint, or
 - 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
 - is trivial, frivolous, vexatious or not made in good faith, or
 - relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
 - 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 Chief Executive of 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 investigation, 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 investigation, 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 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 at least 14 days or such other period 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 at least 14 days or such other period 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 at least 14 days or such other period 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 a draft 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 at least 14 days or such other period 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 at least 14 days or such other period 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 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
 - b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach

- c) that the respondent be counselled for their conduct
 - d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
 - e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
 - f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
 - g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered
 - h) in the case of a breach by the general manager, that action be taken under the general manager's contract
 - i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
 - j) 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.
- 7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:
- a) the seriousness of the breach
 - b) whether the breach can be easily remedied or rectified
 - c) whether the respondent has remedied or rectified their conduct
 - d) whether the respondent has expressed contrition
 - e) whether there were any mitigating circumstances
 - f) the age, physical or mental health or special infirmity of the respondent
 - g) whether the breach is technical or trivial only
 - h) any previous proven breaches
 - i) whether the breach forms part of an ongoing pattern of behaviour
 - j) the degree of reckless intention or negligence of the respondent
 - k) the extent to which the breach has affected other parties or the council as a whole
 - l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct

- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
 - n) whether an educative approach would be more appropriate than a punitive one
 - o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
 - p) what action or remedy would be in the public interest.
- 7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), 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.
- 7.40 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.
- 7.41 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 or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.
- 7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, 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. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.
- 7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), 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.

Consideration of the final investigation report by council

- 7.47 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 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).
- 7.48 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.
- 7.49 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.
- 7.50 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/s.

- 7.51 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.
- 7.52 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.53 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.
- 7.54 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.
- 7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.56 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.
- 7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.58 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.
- 7.59 A council may by resolution impose one or more of the following sanctions on a respondent:
- a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
 - b) that the respondent be counselled for their conduct
 - c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
 - d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
 - e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
 - f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
 - g) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach
 - h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
 - i) 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.
- 7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.
- 7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.
- 7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, 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 7.59, paragraph (i), 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.
- 8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and
 - b) the general manager or mayor must review any action taken by them to implement the sanction, and
 - c) the general manager or mayor must consider the Office's recommendation in doing so.
- 8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, 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.
- 8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, 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 at least 14 days or such other period 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.

The Council already has some very detailed environmental information about the area surrounding Warialda from other studies that have been undertaken so the task isn't as onerous as one might imagine.

As part of this strategy the Council wanted to establish that it has the support of the Warialda community. Therefore the attached letter was sent out to each dwelling in the town area of Warialda. A period of over two weeks was allowed for the documentation to be read and understood followed by a house to house survey being undertaken to measure the support for the recommendations contained in the SMK Consulting Report.

The survey was undertaken by 8 members of staff on Monday 17th August 2020 with 280 dwellings responding either at home or later by returning a voting slip to the Council Office. As at 19th August 2020 276 (99%) dwellings indicated that they were supportive of the Council's strategy and 4 (1%) dwellings were unsupportive. There is overwhelming endorsement for the Council's proposal.

COMMENT

The working party will continue to progress the strategy outlined in the SMK Consulting document.

OFFICER RECOMMENDATION

THAT the report regarding the proposed Warialda Fire Break be received

ATTACHMENTS

AT- Communication sent to each dwelling in Warialda

Dear Resident

The Council is writing to you to seek your views in the Council's endeavour to make Warialda safer if a bush fire threatens our town in the future.

The Council would like to create a parkland style buffer zone around Warialda, which would assist our fire fighters in the event of an uncontrolled fire front bearing down on Warialda.

The Council's strongly held view is that the greater the cleared zone, the greater the protection.

The Council is not proposing the clear felling of tress but rather the creation of a parkland area retaining the larger native trees, similar to the western entry to Warialda by clearing the pines and undergrowth with continual maintenance to ensure the area remains free of any fire loading material.

Attached with this letter is a copy of the report from SMK Consultants, the consultant working with the Council to develop the protective ring the Council believes is the minimum required.

We would like it to be as extensive as possible in the buffer zone but we also, at the same time, have to be realistic in what is achievable.

The recommendations in the report are contained on pages 27 to 29.

The Council is having trouble gaining the approval it needs to fully implement the attached report's recommendations because of the current legislated restrictions on land clearing.

The Councillors believe that we can win this fight if the Council has the majority support from the residents of Warialda.

Please read the attached information. In around a week's time the Council's staff will be doorknocking and asking you to indicate whether you do or do not support implementing the recommendations in the attached report.

It is extremely important for the Council to know your view on this issue.

Thank you for taking the time to read this correspondence.

Yours sincerely



John Coulton
Mayor

SMK

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Gwydir Shire Council

Investigation of a Fire break around Warialda

Warialda Town Area

December 2019

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SMK

CONSULTANTS

surveying – irrigation – environmental – planning

ABN 63 061 919 003

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1 Introduction

Gwydir Shire Council engaged SMK Consultants to assess the Fire Break around the town of Warialda. The following report presents an assessment of the current exposure of Warialda to a significant fire event and recommendations identified to improve the readiness of the town in the event of a fire.

Settlement in Warialda commenced in about 1837 after the Surveyor Alan Cunningham passed through the region on a journey between the Hunter Valley and the Darling Downs in Qld. History indicates that Warialda was the first gazetted town in the northwest slopes of NSW and during these early days, provided the administrative centre for a wide region.

The town has grown into a well-established centre for a large cropping and grazing region. Warialda has a population of approximately 1,300 people and is one of the two major towns in the Gwydir Shire, the other being Bingara. The town is settled within a relatively narrow valley landscape with the surrounds supporting extensive areas of Eucalypt, Cypress and Ironbark woodland.

1.1 Purpose of the Report

The purpose of this investigation is to review existing fire breaks around the Warialda town area and firefighting action plan and readiness in the event of a fire.

Once the existing fire breaks are quantified and assessed, the assessment aimed to determine additional work and appropriate actions required to develop appropriate fire breaks and logistics. Once these matters are determined, an action plan is required to rectify any deficiencies in the fire break and facilities and establish an ongoing plan of management for community actions and ongoing responsibilities. The outcome of the assessment will allow Council to improve the asset protection zone for residences, infrastructure within the Warialda town area and logistical requirements in the event of a fire.

1.2 Scope of Assessment

The scope of this assessment is limited to the town area. This includes land included under Zones IN1 – General Industrial, an area of RU5 Large Lot Residential in the north west sector of the town, RE1 Public Recreation land, an area of RE2 Private Recreation (Golf Course), and RU5 Village. Areas of RU5 to the east of the town area are outside of the scope of this report. Land Zoned as RU5 along the Warialda Rail Road (Allan Cunningham Road) between the Gwydir Highway and Warialda Rail is outside of the report scope, along with Warialda Rail. Other land within the town area includes crown reserves. Some of these reserves are administered by Council and other area are administered by a range of government authorities.

The area of RU5 to the east of Warialda is subdivided into 30 Ha or larger Lots and includes uncleared land used for lifestyle blocks. The RU5 land between Warialda and Warialda Rail is located on mostly cleared grazing or cultivation land with a low bushfire risk.

This report included the following scope of works:

- Stage 1 – Investigate the requirements for a fire break around Warialda and prepare preliminary designs and options.
- Stage 2 – Identification of action plans for the town to prepare for a fire event including management of the surrounding fire break, identification of authorities responsible for land outside of Council control and identification of ongoing actions to maintain the fire break and requirements for the town to respond to a significant fire event.

2 Warialda Town Area

2.1 Locality

Warialda has been built within an enclosed valley of woodland. The town is mostly surrounded by crown reserves which have conserved the woodland and provide a key landscape feature for the town's amenity and character. As the town expanded over time, clearing has historically been limited to the minimum requirements, allowing the houses and infrastructure to have the woodland as part of their backyard. This is a feature of the town that has been identified as a significant social community asset and therefore important characteristic. Figure 1 provides an aerial image of Warialda which highlights the extent of development and the surrounding woodland areas.

The Warialda residential area is built on sloping land. The centre of town is traversed by Warialda Creek which has a general slope of 1.2% to the west. The northern side of Warialda Creek has a slope of between 3% and 4% rising from the creek to the north. The southern half of the town rises up from the creek at a slope of approximately 3.9% with the southern edge of the town area extending to the top of the hill within the surrounding woodland.

There are a series of gullies through the town area which act as remnant vegetation zones within the residential area. The northeast part of Warialda has a small gully running to the east of Market Street which links to Warialda Creek. A gully is located at the eastern end of Queen Street but is mainly outside of the existing residential area. All other small gullies and waterways have been incorporated in the built environment and stormwater system within the town area. The gullies are mostly retained as open woodland and part on the public park system within the town.

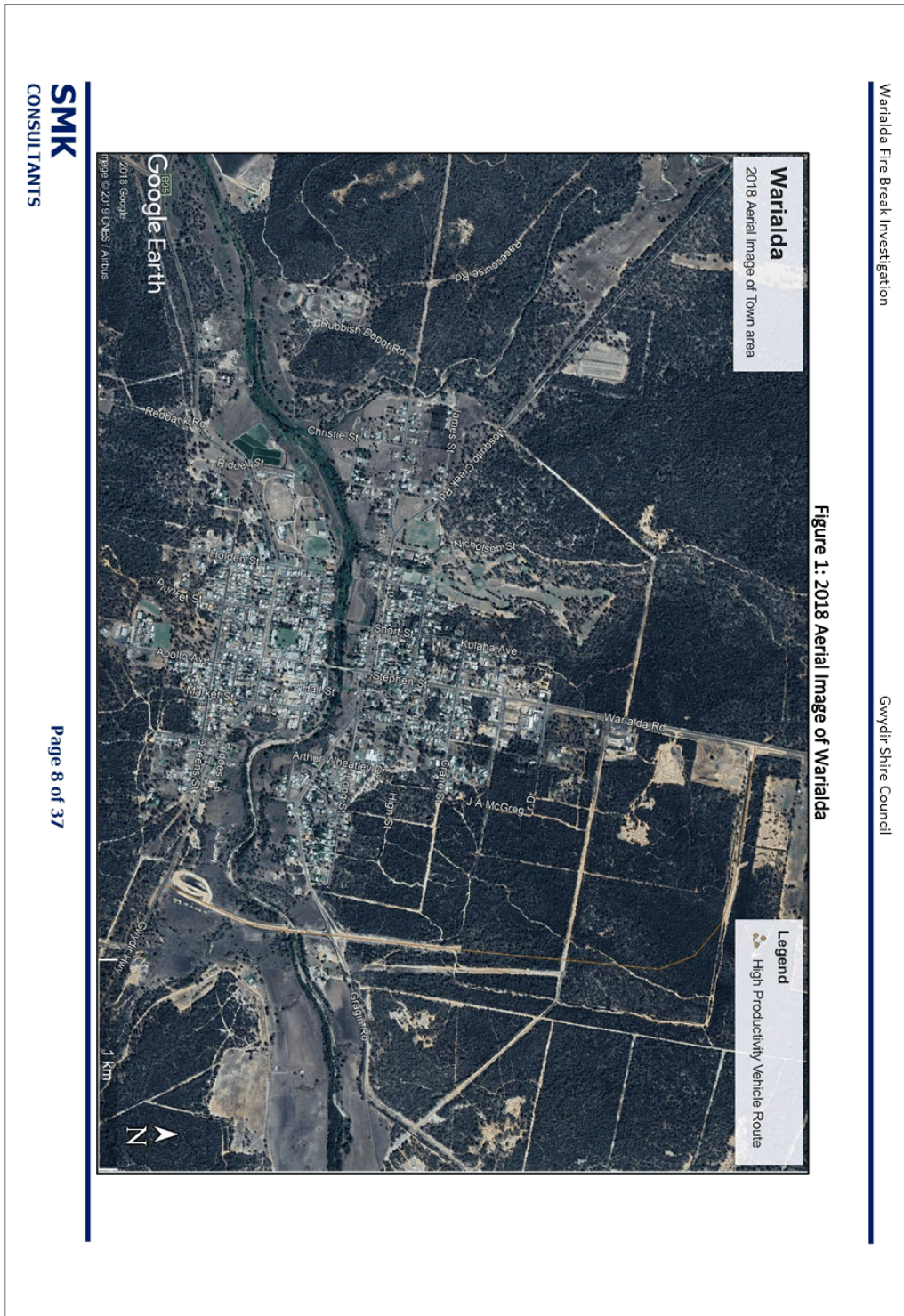
The western sector of Warialda includes mostly cleared open flat ground. Infrastructure along this western area includes the sewage ponds, Warialda Creek corridor which is mostly grassland, Racecourse Creek along the north western section of undeveloped residential lots, a cleared power line corridor to the west of West Street, sporting ovals along Mosquito Creek Road and the Warialda Golf Course in the north of Nicholas Street. This northwest sector has a power line corridor through Lot 7003 in DP1121864.

The northeast sector of the town extends into the edge of a woodland area. The woodland links onto a large area of undeveloped Lots and extends to the north along Fairford Road, covering approximately 1,200 hectares with a perimeter of approximately 18 kilometres. Land outside of this has been partially cleared for farming and grazing.

The southern edge of Warialda joins the Warialda State Conservation Reserve which is an extensive reserve of mostly tall woodland. This woodland is traversed by numerous narrow access tracks along the northern edge but only one main north-south track through the middle. The woodland covers an area of approximately 3,500 hectares of rolling hills.

The land surrounding the larger areas of woodland to the west of town has mostly been cleared and is now used for grazing of stock and some cultivation. An overall view of the landscape identifies two larger areas of woodland as the primary source of bush fires that would impact the town area.

There is an extensive network of travelling stock routes (TSRs) through and around the town area. These are administered by Local Land Services. The management of these areas includes issuing of grazing permits and some active vegetation management programs. TSR management within the town area can include input from Council as they also offer an informal recreation area for local residents.



2.2 Council Assets

The Warialda town area has a municipal water supply system which is piped to the majority of houses. The system source groundwater from four (4) bores located within the town area. The bores are fitted with electric pumps which pump water to three (3) main reservoirs. Two reservoirs are located on the southern edge of Warialda. The third reservoir system is located on the northern edge of the residential section of Warialda. All three reservoir systems are located on high ground and therefore can supply water to the town under gravity flow.

The water main system in Warialda extends through the majority of developed streets within the town to service houses and all facilities. The water main system has strategically located Fire Hydrants for use by Council and in the circumstances of a fire. The hydrants can be used to refill water tankers, clean the water mains or provide additional water in the event of a fire.

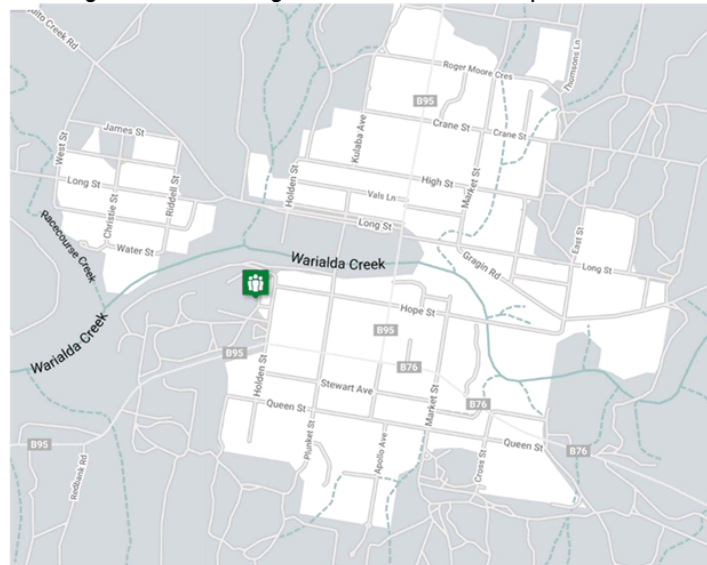
An aerial image of the water hydrant system is presented in appendix 1. Each hydrant is identified within the Council data base system.

It is noted that some signs referring to a **Neighbourhood Safer Place** have been erected. The visibility of these signs appears to be limited as none were identified during this investigation. An investigation of signage and public notification prepared by the South Australian Country Fire Service for rural towns in highly fire prone regions, provides a highly visible system that clearly marks evacuation points. The presence of such signs provides the public, including non-locals with clear directions to emergency evacuation points during a bushfire event. This provides a critical method of notification in circumstances where communication systems are lost.

NSW RFS and Council have selected the Captain Cook Park and adjacent cricket oval as the Neighbourhood Safer Place for Warialda. This is an open area of mown grass sporting ovals with one or more larger pavilion type building to provide shelter. The area is within the "Ember Impact" zone identified by the Warialda Bush Fire Survival Map as a result of the adjoining Warialda Creek which is identified as a "Flame Impact" Zone. The site has extensive short grass APZ surrounds which would minimise the potential of a direct fire hazard.

The following plan has been copied from the NSW RFS website for Neighbourhood Safer Places. To access this map requires the internet via either mobile phone, iPad type device or a computer. Such devices would be available if electricity and telecommunications are available during a fire.

Figure 2: NSW RFS Neighbourhood Safer Places Map for Warialda



An alternative site for the Neighbourhood Safer Place would be the Warialda Public School and oval, which is located within the “Be Aware” zone and adjacent to the main street precinct where the majority of services are available. This site is more isolated from the Ember Impact zone associated with Warialda Creek but has fewer public facilities such as a large pavilion for accommodation of services and evacuees.

The presence of large sign posts to identify the selected travel routes and location of the Warialda Neighbourhood Safer Place is limited at present. This needs to be improved to ensure that locals and non-locals can follow signs to the site in the event of a fire emergency where communications and visibility are limited. It is assumed that road signs could be erected in an emergency. This would depend on whether Council has such signs.

There is no Neighbourhood Safer Place on the northern side of Warialda Creek. It is noted that the Hospital and Aged Care facility has extensive APZs and the services (back-up power supplies) to continue operations in the event of losing power and water. This site would provide an alternative Safer Place on the north side of town in the event that the Stephen Street bridge was made inaccessible.

If equipment and facilities such as food, protective clothing (masks) and temporary shelter is to be provided by Council, it should be located at the Neighbourhood Safer Place.

It is noted that a main communication facility in Warialda located at the southern end of Holden Street adjacent to the southwest water reservoir, is located within the woodland. The structure has no APZ. There is a high risk that this would be burnt in a bushfire which may disrupt phone communications within Warialda. Any plans to maintain local communications

should assume that this facility would be lost in the event of a fire along the southern edge of Warialda.

2.3 Development within Zone RU5 - Village

The majority of the village zone has been developed and occupied by houses and other infrastructure including the hospital, aged care facility and some municipal infrastructure. A large area of relatively undisturbed woodland remains within Zone RU5 in the northeast sector of the town area. This includes land north of Long Street and to the east of Market Street. The woodland within the Zone RU5 area incorporates an area of approximately 54 hectares of land that is mostly retained as crown land and administered by Council.

Large parts of the northwest sector in the Christie Street, Riddell Street and West Street region is subdivided but not developed for houses. The land is mostly used for small grazing paddocks and some cultivation.

RU5 land to the west of the sewage ponds and Nicholson Street are not developed into small lots and support houses on larger parcels of land.

The majority of RU5 Lots along the southern edge of the town are occupied by houses. Approximately six smaller RU5 Lots remain unoccupied by houses along the southern boundary of RU5 land. These Lots appear to be owned by the adjoining houses. They are partly cleared to provide alternative access to the adjoining houses. The High School is located within RU5 zoning. The school area is mostly cleared and supports sporting ovals.

3 Statutory Matters

3.1 Gwydir Bush Fire Risk Management Plan

The Gwydir Bush Fire Management Committee prepared the "Bush Fire Risk Management Plan" (BFRMP) in 2010. This Plan was enacted and forms part of Council policy. Objectives of the BFRMP included:

- Reduce the number of human-induced bush fire ignitions that cause damage to life, property and the environment
- Manage fuel to reduce the rate of spread and intensity of bush fires, while minimising environmental/ecological impacts
- Reduce the community's vulnerability to bush fires by improving its preparedness; and
- Effectively contain fires with a potential to cause damage to life, property and the environment.

The BFRMP identified risks and a risk assessment process. The report identified Bush Fire Management Zones, mainly:

- Asset Protection Zones (APZ)
- Strategic Fire Advantage Zone (SFAZ)
- Land Management Zone (LMZ)
- Fire Exclusion Zone (FEZ)

The BFRMP resulted in preparation of a Fire Risk Management Plan for the Shire to identify Bush Fire Prone Land.

The BFRMP allows bush fire hazard reduction work to be carried out under the Bush Fires Act 1997, in accordance with planned activities to address the objectives as set out above. The use of fire for hazard reduction would require the authority (Council) to obtain a Bush Fire Hazard Reduction Certificate from NSW RFS.

3.2 NSW RFS

Part of the work of NSW RFS involves assisting with Bush Fire Planning. This can occur on an individual basis or through an authority such as Council and a Bush Fire Management Committee. Part of the work completed through NSW RFS and others to date includes a Bush Fire Preparation Map and a Community Protection Plan for Warialda.

The Bush Fire Preparation Map provides information identified for hazard reduction, property planning and preparedness for bush fire. A copy of the current plan is attached in Appendix 2. The plan presents an action list for local authorities. This identifies the agencies responsible for the action and the level of action required. Critical to this plan, various authorities based on land ownership are required to maintain strategic Fire Advantage Zones outlined in blue hatching on the plan. This covers the forest and grassy woodland that adjoins the perimeter of the town area. The plan also identifies a requirement to maintain a network of existing fire break access roads through the surrounding woodland. The primary roads are marked on the plan and have been identified onsite to remain in a cleared and accessible state. A large part of the land identified within this plan is managed by LLS as stock reserves. Council now administers part of other adjoining crown land. The remainder is held by the Crown as reserve land.

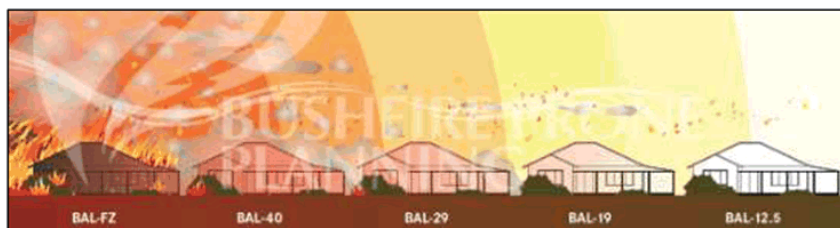
A second map has been prepared by NSW RFS as part of assistance provided to authorities. This map is presented as a Bush Fire Survival Map. The map is presented in Appendix 3. The mapping has identified areas that will be subject to various impacts in the event of a bush fire. The level of impact is summarised below:

- **Flame impact** – Properties directly impacted by fire as the proximity to the surrounding bush will mean that fire and embers will cause damage to the building.
- **Radiant heat impact** – Deadly levels of heat that will impact the property
- **Ember impact** – Impacts from lower levels of heat and significant embers
- **Be aware** – Wind-blown embers can impact the property

The mapping provides a risk assessment for a worst-case fire impact on Warialda. The extent of the zones is generally based on several factors, including vegetation in the adjoining area, slope and aspect of the buildings. The worst case for any building is under a wind or fire movement direction that will result in a fire coming as close to a building as possible. The Bush Fire Survival Map should be used to identify residences and buildings around the edge of Warialda that should be abandoned in the event of a bush fire.

3.3 Bush Fire Attack Level

A review of Warialda identified that the majority of the town area is not exposed to a risk of bush fire due to clearing and a lack of extended remnants of woodland. The review identified that the town perimeter has some bush fire risk due to the proximity of open woodland. In relation to risk, the standard terminology adopted consists of classification of bush fire attack level. This relates to the proximity of a building to the potential source of a fire. The following provides a diagrammatic explanation of Bush Fire Attack level and description of risk:



Source: Bushfire Prone Planning website, 2019

Bush Fire Attack Level

| BAL | Description of risk |
|------------|---|
| BAL – LOW | Lowest risk from a potential fire. |
| BAL – 12.5 | Risk is primarily from potential embers during a fire. |
| BAL – 19 | Moderate risk, particularly from embers and burning debris. |
| BAL – 29 | High risk, particularly from embers, debris and heat. |
| BAL – 40 | Very high risk. Likely to be impacted by embers, debris, heat and potentially flames. |
| BAL – FZ | Extreme risk. Directly exposed to the flames of a potential fire front. |

These terms provide a minor duplication and complexity to the terms utilised in the Bush Fire Survival Map. The BAL terms should be utilised for planning purposes for development of houses and other infrastructure in the town area. The BAL terms should be highlighted to house owners during any discussions relating to bushfire preparations.

3.4 Asset Protection Zone (APZ)

Individual properties in NSW have a right to reduce bush fire risk through the RFS 10/50 Vegetation Clearing Code of Practice. The Code indicates the following:

In accordance with Part 4 Division 9 of the Rural Fires Act 1997, a landowner may carry out the following vegetation clearing work on their own land:

- the removal, destruction (by means other than fire) or pruning of any vegetation (including trees) within 10 metres; and
- the removal, destruction (by means other than fire) or pruning of any vegetation, (except for trees) within 50 metres of an external wall of a building containing habitable rooms that comprises or is part of residential accommodation.

The above measures relating to clearing within their own properties is generally considered exempt under the *Biodiversity Conservation Act 2016* (BC Act) which is the primary article of legislation controlling clearing in NSW. Residents are able to clear within their property boundary. They require permission from adjoining property owners to clear land on adjoining properties. Once outside of the 10m zone from any buildings within the property, only ground cover and shrubs can be cleared. The clearing or lopping of trees will be subject to the BC Act.

The town area of Warialda is included in the 10/50 Code area.

The NSW RFS has a standard process of calculating a minimum width for an APZ. The calculator indicates a minimum APZ of 10m for Warialda based on climate and woodland type in the surrounding area being "Woodland (grassy)". This increases to 20m for a "Forest".

According to NSW RFS, an APZ is defined as:

"Asset Protection Zone (APZ) is referred to as a fire protection zone. Aims to protect human life, property and highly values public assets and values. An area surrounding a development managed to reduce the bushfire fire hazard to an acceptable level. The width of the APZ will vary with slope, vegetation and construction level. The APZ, consisting of an area maintained with minimal fuel loads and, for subdivision, comprising a combination of perimeter road, fire trail, rear yard or a reserve, so that a fire path is not created between the hazard and the building."

4 Bush Fire Hazard Assessment

4.1 Northern Side of Warialda Creek

The eastern bypass road around Warialda has created a fire break consisting of a 22m to 25m clear zone through the woodland to the northeast of Warialda. This is not mapped in the Bush Fire Protection Map as the map was prepared prior to the road being installed. Once complete, the Bypass will provide an outer fire break for the town. The width exceeds the APZ requirement for a Forest Fire but not a "Special Fire Zone" (A Special Fire Zone includes an APZ to protect facilities such as Seniors Living, Tourist Facilities and Schools).

Figure 3: View of northern section of Bypass showing tall forest and clear zone



A second major fire break around the northern side of Warialda has been created by a power line corridor. The power line corridor has a clear width of approximately 17m to 25m. The corridor is subject to variations in shrub and groundcover regrowth and therefore the width varies according to the frequency of maintenance works. The power line passes through vegetation that can be described as tall forest and grassy woodland. The power line corridor would reduce the risk of a fire accessing the perimeter woodland around Warialda but would not stop a forest fire.

Figure 4: Typical clear zone along power line corridor. Historical fires have jumped this fire break due to low shrubs and cypress sucker growth within the corridor.



The network of fire break roads through the woodland on the northern side of Warialda has limited value in that their average width is less than 10m and trees overhang the whole road in many places. These roads could be used as access in the event of a fire.

The Golf course, Nicholson Oval and open cleared land along the western end of James and West Street area provide a clear zone with an APZ in excess of 60m for the northwest sector of Warialda. The area would be subject to mainly Ember Impact and only limited Radiant Heat impact in the event of a fire, assuming that the grass within the APZ is kept short by mowing or grazing. The houses in the central part of James Street would be considered to have a BAL – 29 or less.

Figure 5: West Street looking south along power line corridor with cleared link to Gwydir Highway



Houses at the northern end of Kulaba Avenue have a limited APZ width as the woodland has been retained in this part of Warialda. The majority of buildings have an APZ zone of 10m of clear ground within their property, but the trees extend within 20m. It is recommended that ground cover is controlled within 20m of all buildings and the surrounding woodland. The alternative is for Council to clear the west end of J. A. McGregor Drive (west of Stephen Street) and make a clear zone connection to the north end of Kulaba Avenue.

Properties along the northern edge of Warialda have been built within bushland. Most have APZs greater than 20m, but these zones include tall grass and shrub areas. Lot 370 in DP 704628 (15 JA McGregor Drive) is built within the woodland and has no APZ for a woodland fire.

Houses at the east end of Roger Moore Crescent have a road that is cleared around the outside of their properties which links to the south with Crane Street. The timber is tall; however, ground cover is mostly cleared. This road needs to be maintained as a clear zone by Council. The houses would be prone to High Radiant Heat during a Bush Fire Threat. The risk would be from a crown fire in the tall trees.

Figure 6: Looking north from Crane Street showing track around to Roger Moore Crescent.



The residence within Lot 2 DP61677 (134 High Street) has been built within the woodland area and has little or no APZ. The woodland extends into the building area within the property boundary, but the house has no surrounding ground cover at present. The proximity of the tall trees would increase a Bush Fire Threat to this residence to a “Flame Impact” level and/or a BAL – 40 risk. This is similar to the eastern three residences in Long Street which have an APZ zone in the backyards of 15m to 20m but have tall dense woodland in close proximity.

Figure 7: 134 High Street residence with limited APZ



The Warialda Hospital and Naroo Frail Aged Care Facility are included under special fire protection due to requirements for assisted evacuation and special needs of residents. The 2017 Bush Fire Survival Map has identified the hospital within an ember impact zone (BAL-19) but the Naroo facility had woodland closer to the eastern boundary and risk increased to potential flame impact (BAL-40) or higher.

Work has been done to increase the APZ between these two facilities. The following image shows the clear zone around Naroo which measures to over 60m between the natural woodland and the garden area on the eastern edge of the facility. This is considered as satisfactory but both properties would be at risk of ember impact if the adjoining woodland was on fire. The adjoining woodland connects to a large area of woodland and as discussed above, the available fire breaks are limited to small fires and not major fires.

Figure 8: Fire break around east and northern sides of Naroo Aged Care and Warialda Hospital



The remainder of northern Warialda residences are generally protected by municipal roads or have clear zones around the houses.

The prime infrastructure asset in northern Warialda is the electrical substation. The facility has 10m or more clear zones within the main substation area. The surrounding area consists of crown reserves administered by either Council or others. The area supports grass and shrub growth which would be prone to fire and difficult to access. The following images show the areas of concern in the middle of a drought. This highlights the uncontrolled growth that would present a risk of impact to this facility. Rough tracks are available to access these areas, but no formal fire break is present. Similar vegetation extends to the south to J A McGregor Street which would expose the Council depot to ember impact.

The Council depot would be a critical facility in the middle of a bush fire. The main building is approximately 70m from the closest area of woodland. This is considered to exceed the recommended APZ width. Equipment and minor buildings around the perimeter of the depot would be exposed to fire and heat impact under current vegetation conditions. It is recommended that a localised fire break is formed around the outside of the eastern security fence to allow fire control access in this area to protect flammable materials such as bitumen, diesel, plastic materials or waste oil storages.

Figure 9: Photos of reserve areas around Warialda Substation on Warialda Road



4.2 South Side of Warialda Creek

The southern side of Warialda borders onto an extensive area of woodland. The understorey includes areas of low shrubs and grass. A network of unofficial vehicle tracks has been created along the southern edge of the town area which create fire breaks to a width of 10m or less. These tracks would reduce the risk of a ground fire causing damage to property but have minimal impact in the case of a bush fire which engulfs the woodland. Council occasionally grades these tracks.

The southeast sector of Warialda, east from Cross Street, includes larger Lots which are used for grazing of stock or gardening. The houses along the eastern edge of Cross Street have a clear zone at the rear of the houses and Cross Street itself to provide an APZ outside of the property boundary. The houses to the south of Queen Street between Cross and Market Street have some woodland connectivity in their backyards but remain mapped as having potential Flame Impact (BAL-40) in the event of a fire due to the connectivity to the large area of woodland to the south. It is recommended that a clear fire break be established using one of the east-west tracks in the bush to the south of these houses to form a connection between the most eastern house on Lot 4 in DP801691 (99 Queen St) and the southern end of Apollo Avenue. This would isolate the woodland area that extends into the back of these houses.

It is noted that the Flame Impact Zone associated with Warialda Creek extends onto the Warialda Road, between Cross and Market Streets along the northern edge of the Gwydir Highway. It is also noted that a Fuel depot is located within the Flame Impact Zone. The fuel depot is upslope of a potentially high fire fuel zone being Warialda Creek. At present the creek bank supports a range of unmanaged vegetation. The fuel depot would be regarded as a highly flammable essential service and therefore should be contained within a larger APZ zone. The land between the Depot and the Creek area is partly Council land (road reserve) and crown land (creek reserve). Council (and possibly the fuel depot owner) should jointly manage an APZ zone around the fuel depot.

The High School and associated buildings have a clear zone of 50m or more in addition to cleared tracks around the edge of the property within the adjoining reserve area. This is

considered acceptable as the clear zone generally exceeds the minimum for a woodland area. The clear zone/APZ for a woodland is 40m according to the RFS APZ calculator.

The Southern Reservoir is an important asset. At present, the property has a 10m APZ around the external fence, but shrub growth has become extensive within the property. The entrance road and access road around the concrete reservoir is maintained in a clear condition, however the property would be impacted by embers and therefore the surrounding shrubs as identified in the following photograph would burn and may damage external structures on the reservoir. It is therefore recommended that a 20m APZ is maintained around the reservoir.

Figure 10: Southern fence of Southern Reservoir showing shrub growth within the reservoir compound.



The residence at the southern end of Plunkett Street has been built within the woodland. The house itself has an APZ of 10m to 15m in width which is suitable for a woodland (grassy) region. The residents maintain an additional gravelled access along their southern boundary. The Bush Fire Preparation Map recommends that the southern edge of this house actively undertakes hazard reduction, but the house remains exposed to potential Flame Impact in a bush fire. The existing area of gravelled pavement is considered acceptable to reduce risk, but the residence would remain exposed to ember impact and potentially radiant heat. A recent fire was evident in this area.

Figure 11: Clear zone to south of southern residence in Plunkett Street.



Council's Southern Water Tower is accessed via Plunkett Street. The tower is located within a fenced area. The groundcover within the fenced area is maintained as a clear zone of approximately 15m or more to the east, south and west. The tower and associated infrastructure may be exposed to fire and possible ember issues along the northern side. Additional clearing and maintenance of ground cover is required to protect this asset.

A communication tower is located to the immediate south of the southern water tower. This communication tower has no APZ and is located within dense woodland. This structure remains part of the communications system for Warialda. In the event of a bush fire, the structure would be destroyed as access would be difficult and the tower is surrounded by similar woodland. This is a potential key asset that would be lost during a bushfire approaching the southern edge of Warialda and therefore any communications systems it provides would be lost.

Houses at the southern end of Holden Street adjoin the woodland area on an escarpment. The top of the escarpment is higher than the houses and there is a clear zone of more than 15m around the two houses at the end of the street. Due to the topography (downslope from woodland) the houses are considered as ember prone (BAL-19) and not at risk of Flame Impact.

Houses on the western side of Holden Street (south of Queen Street) back onto a strip of woodland. The houses are upslope of the woodland and therefore at higher risk in the event of a bush fire in this woodland. The strip of woodland is an average of 50m in width and therefore a minor risk. The houses have a 10m APZ along their western boundary in addition to the APZ of up to 40m or more from the western boundary of each property.

Figure 12: Clear zone along west boundary of Lot C/407998 looking south



Warialda Motel and the houses to the west are located in relatively open clear areas maintained with short grass by Council and others. In this condition, the fire risk is considered relatively low other than ember impacts. The grass cover should be kept in such a condition as the area adjoins an extensive woodland to the south and west.

Figure 13: APZ along boundary of Lot 167/751137 looking toward Motel



Warialda has a municipal water supply. The presence of hydrants did not seem to be clearly marked and highly visible to the general public. For example, a hydrant was located within long grass at the southeast end of Market Street. The hydrant had no visible marker. The location of this fire hydrant system is outside of the scope of this report but is noted as a matter for action in section 6 of this report.

4.3 Crown Land Around Warialda

Warialda town area is surrounded by Crown Land include Travelling Stock Routes and Crown Reserves.

In 2018, Council signed a new Licence agreement with the Crown to manage this land. A copy of the Crown Licence Plan is attached in appendix 4. Under Schedule 2 Terms and Conditions, Condition 4 states:

“Hazard Reduction – Fuel load must be maintained on licenced area as per approval Warialda Community Protection Plan (Gwydir BFMC)”.

Under this condition, Council has the legal right and responsibility to manage the fuel load within the Crown area under this agreement. A map showing the strategic areas identified with the Gwydir BFMC is also presented in Appendix 4. The areas shaded as “yellow” represent critical hazard reduction areas which need to be maintained with a low fuel load (grass, shrub layer) to reduce the potential for fires to enter the residential part of Warialda.

Crown land management differs between land held under the 2018 Crown Licence and TSR land managed by Local Land Services (LLS). Council has the authority to manage the land subject to the 2018 Crown Licence. TSR adjoining the town area is controlled by LLS. Permission is required from LLS to undertake any clearing work within TSR.

LLS services have the responsibility of managing the TSRs. At present, this is done by mainly grazing and weed management programs. LLS currently allow the clearing of a 6m wide APZ around the town limit. This is allowed to extend to a practical level of clear zone to enable access for clearing. Any additional clearing such as clearing of 10m or wider zone of forest or grassland is subject to approval from LLS Vegetation officers under the LLS Regulations. Contact must be made with LLS officers to discuss options for any additional clearing. The option of including an LLS officer on the Warialda Fire Break Committee should be investigated on the basis that the LLS is a significant landowner in the local area and manage some critical areas of vegetation adjoining the town boundary.

4.4 Electricity Supply Lines

Major power lines are present along the eastern, northern and western parts of the north side of Warialda. The smaller power lines are administered by Essential Energy. The major power lines are administered by TransGrid. Each supplier has scheduled vegetation maintenance programs.

Based on preliminary knowledge, Essential Energy has a 2-year cycle of vegetation management along power line corridors and TransGrid have a 3-year cycle of vegetation clearing. The clearing is generally limited to tree lopping and sucker management to maintain a 10m to 20m corridor on either side of the power line. The works do not necessarily include grass and shrub management unless these are impeding road access to the power lines.

5 Discussion

Warialda has some unique features in relation to bush fire events. These are highlighted by the Bush Fire Survival Map. There are four standards of threat included in the Survival Map. The town is surrounded by areas that have been mapped as "Flame Impact" prone. The majority of the town is mapped as prone to "Ember Impact". The central zone of the town between the main street and west to Holden Street is classified as an area to "Be aware" of embers which could be considered as a BAL-Low area. This would provide a central area for an evacuation facility.

The remainder of the town extends to the edge of a large woodland and forest surrounding the town. Mapping predicts that Flame Impact would occur on all perimeter areas resulting in loss of houses and infrastructure.

Warialda Creek provides an avenue for fire into the central part of the town, including a potential to encroach the central Stephen Street bridge over the creek. In such circumstances, the town may be separated into two parts with limited access. On this basis, two options are available. Option 1 would be to ensure that the vegetation in the creek is managed and kept in a condition of low fuel hazard. Option 2 would be to provide **Neighbourhood Safe Places** on either side of the creek.

Option 1 is preferable, and it is noted that Council has a landscaping project that includes mowing along the creek area between Plunket Street pedestrian access and the Hope Street low bridge. Option 1 would protect the main bridge and therefore provide access for residences to a central evacuation point in the main street area and Captain Cook Park.

This investigation has identified a network of formal and informal fire breaks around the town area including an eastern Bypass and power line corridors to the north. These cleared zones would provide access to control fires as well as fire breaks to stop fires or reduce their encroachment on the town area. The majority of these fire breaks are located within "Forest areas" which have the highest risk of an intense fire and therefore require additional widths of APZ than the roads and tracks provide. The width of some of these fire breaks is limited to 5m or less when overhanging trees are accounted for.

(It should be noted that this investigation has been undertaken during a period of extensive drought and therefore groundcover was limited. The normal level of ground cover growth (grass, shrubs) could not be quantified in detail.)

Several areas of bushland within the town perimeter require some modification to improve asset protection zones. A review of historical aerial images indicates that some of this work has been done in the past 5-years or less. In particular, work around the hospital and aged care facility has now established an appropriate APZ. Other areas of Council managed land have been identified as requiring treatment.

It should be noted that the surrounding forest includes tall trees where the risk of a crown fire under extreme conditions may not be controllable until it reaches a clear zone or managed forest area of more than 150m in width. In such an event, the Bush Fire Survival Map should be utilised as a core management tool for decisions on evacuation and fire

control. In such an event, the identified Neighbourhood Safe Place would need to be identified and become operational within a short period for local and visitors to the town.

The Bush Fire Preparation Map that has been prepared for Warialda, presents important actions that need to be undertaken to minimise the risk of a bush fire entering the town area.

The issue of smoke and ash hazard during a bushfire should be highlighted. Smoke and ash will potentially fill the town area during a major event. This will result in poor visibility and have severe health implications. Poor visibility will limit the movement of traffic in the town and the visibility of sign posts directing people to evacuation points. The sizing and location of sign posts such as directions and locations to the Neighbourhood Safer Place and any Bushfire Last Resort Refuges needs to be considered for conditions of severe smoke hazard.

During a period of Smoke hazard, the option of providing masks needs to be considered. The minimum standard mask would be a P2 mask. This may assist in reducing health issues created by smoke, embers and ash. Local shops may carry a limited supply of such masks and therefore Council should aim to provide a supply of masks in the event of a fire.

Recent catastrophic fires have identified numerous issues with fire planning. Some of these issues are identified in the following table.

Table 1: Matters identified for consideration as a result of 2019-2020 catastrophic fire events in Australia

| Issue | Comment |
|---|---|
| Electricity | There is a high probability that electricity lines would be damaged in the event of a significant fire. This would result in reduced water and essential services such as electricity for pumping of fuel at local service stations or maintaining basic essential services. Identification of alternative supplies to essential services should form part of the Bush Fire Management planning. This may include a requirement for local service stations and other facilities to have back-up generators in addition to Council providing a suitable generator for the Neighbourhood Safer Place. This would also be required to recharge electrical communication devices. |
| Phone services - communications | Mobile and landline phone systems will be essential during a bush fire event. Part of the system is currently exposed as it is located in woodland and has no APZ. It is therefore essential to identify requirements to maintain phone services as residents will rely upon phones for information (internet/emergency communication) during a fire event. |
| Water | Several days of water are stored in reservoirs at present. These are filled from bores. It would be essential to identify the security of the bores including power supply to the bores and the bore infrastructure. |
| Additional services for evacuees and others | In the event of a significant fire, an additional population may be trapped in Warialda. Services including water, food and short- |

| Issue | Comment |
|------------------------|--|
| | term accommodation should be identified for a potential increase in the normal population for Warialda, including an influx of fire fighters and volunteers. |
| Radio – FM/AM services | The use of FM or AM radio transmissions to the local community has been identified as one of the final communication services if local telecommunication services are lost. It would therefore be essential to secure portable/battery powered radios/wirelesses as a means of communications and public advisory service. |
| Fuel for vehicles | In the event that electricity is not available, fuel storages will require back-up electricity to provide fuel for locals and visitors. This will include the Council depot, local fuel stations and other facilities (Roger Moore Fuels). Access to fuel for residents, visitors and fire fighting related equipment will be essential. |

On the basis of this investigation, the issue of Council being able to manage the forest in a 150m wide zone around the town and key assets needs to be considered. Management in the form of hazard reduction, removal of excessive ground cover, shrub and sucker growth in addition to lopping and selective thinning of mature trees needs to be considered. If a 150m wide managed vegetation zone can be achieved, the potential for a forest fire to reduce to a smaller fire may be achieved as a result of significant reduction in vegetation density whilst retaining the native vegetation and biodiversity values within the 150m management zone. Management within this 150m zone would also retain the landscape characteristics around the town without having a complete clear zone of 50m to 60m adjoining residences and key assets, this losing the ambience of the timbered landscape that has been preserved as part of Warialda.

The plan presented in appendix 5 provides an outline of the recommend 150m managed vegetation zone. The difficulty with this zone is that it is mostly crown land in the form of TSR or part of the Crown Lease held by Council. Current legislation would severely limit the potential for Council to undertake management within this zone due to the statutory limits controlling the departments who manage this crown land. This includes the Local Land Services and Crown Lands. At present, Council has not exemptions to undertaken vegetation management within the crown land to achieve the required protection zone around Warialda.

Obtaining permission to manage this Zone is considered an **urgent** and key outcome if Council is to achieve a suitable buffer around Warialda to be able to protect the town during a significant fire. To date, conversations with Local Land Services and Crown Lands has indicated a significant degree of process and legislative difficulty in allowing Council to obtain permission to establish a 150m wide management zone around the town due to statutory limitations resulting from current legislation including the Biodiversity Conservation Act 2016, the Local Land Services Act 2013 and it is assumed the Crown Land Management Act 2016.

Without the necessary exemptions, these Acts and associated regulations prevent Council from achieving their Duty of Care to protect the township of Warialda from a forest fire event.

6 Recommendations and Actions

The following section provides recommendations for actions to occur to improve the readiness of Warialda during a fire event.

6.1 North Side

The following provides a list of items identified for action on the **northern side** of Warialda.

Table 2: Actions Required for Northern Warialda

| Item for Action | Action Required |
|--|---|
| Eastern Bypass | Maintain a 20m clear zone including lopping of trees and clearing of ground cover. |
| Northern Power Line Corridor | Clear ground cover and sucker regrowth along edge of corridor to maximise effective fire break width of corridor. Responsibility of Essential Energy and TransGrid. |
| Northern fire breaks marked on Bush Fire Preparation Map | Maintain the Fire trails marked as Magenta and Yellow on the Bush Fire Preparation Map as critical for fire access and as fire breaks. |
| Northern electrical substation and critical assets | Create a clear zone of no grass in the form of a fire break road to further protect the substation on Warialda Road and improve the protection of the Council Depot. Liaise with Essential Energy to improve their APZ. |
| Residences with frontage to woodland areas | Provide residents with frontage (backyards) as identified in this report with information or directions to create appropriate APZs. |
| Hospital and Aged Care Facility | Ensure that the APZ to the east of the hospital and aged care facility is maintained as short grass to provide a minimum of 60m of clear zone to the adjoining woodland. |
| Fire Hydrants | Mark key fire hydrants with clear identification and protection structure (posts) and a 10m APZ zone to allow access for emergencies. |
| Clearing requirements – short term | Council to reviewing clearing of west end of J. A. McGregor Drive (west of Stephen Street) and make a clear zone connection to the north end of Kulaba Avenue. |
| Council depot | It is recommended that a fire break is formed around the outside of the eastern security fence to allow fire control access in this area. |
| Open grassland management | Clear and slash grassland between Electricity substation and 161 Warialda Road to formalise northern edge fire break. |

6.2 South Side

The following provides a list of items identified for action on the **southern side** of Warialda.

Table 3: Actions Required for Southern Warialda

| Item for Action | Action Required |
|--------------------|---|
| Southern Reservoir | Create a 20m APZ around the southern reservoir by removing shrub growth within the compound and maintaining >10m APZ outside of the boundary fence. |

| Item for Action | Action Required |
|--|---|
| Southern Water tower | Create a 20m APZ around the southern water tower by controlling shrub growth within the compound and maintaining >10m APZ outside of the boundary fence. |
| Southern communication tower | Establish details of what communications it provides and whether an APZ can be established around the facility. (Land located within TSR – Contact LLS) Subject to approval, create a >10m APZ around the structure, including removal of trees within this zone to ensure communication from this facility are maintained during a bushfire. Liaison with Telstra required. |
| Southern fire breaks marked on Bush Fire Preparation Map | Maintain the Fire trails marked as Magenta and Yellow on the Bush Fire Preparation Map as critical for fire access and as fire breaks. |
| Fire Hydrants | Mark key fire hydrants with clear identification and protection structure (posts) and a 10m APZ zone to allow access for emergencies. |
| Clearing of existing tracks | It is recommended that a clear fire break be established along an east-west track to form a connection between the most eastern house on Lot 4 in DP801691 (99 Queen St) and the southern end of Apollo Avenue. |

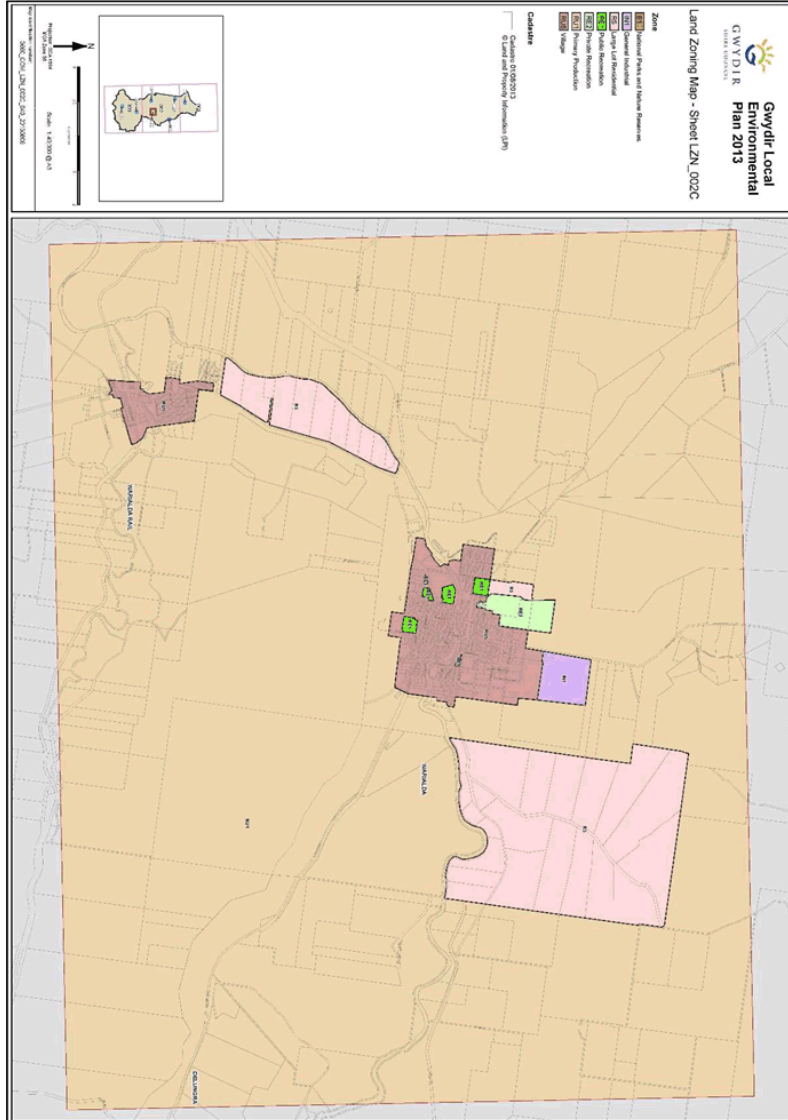
6.3 General Recommendations

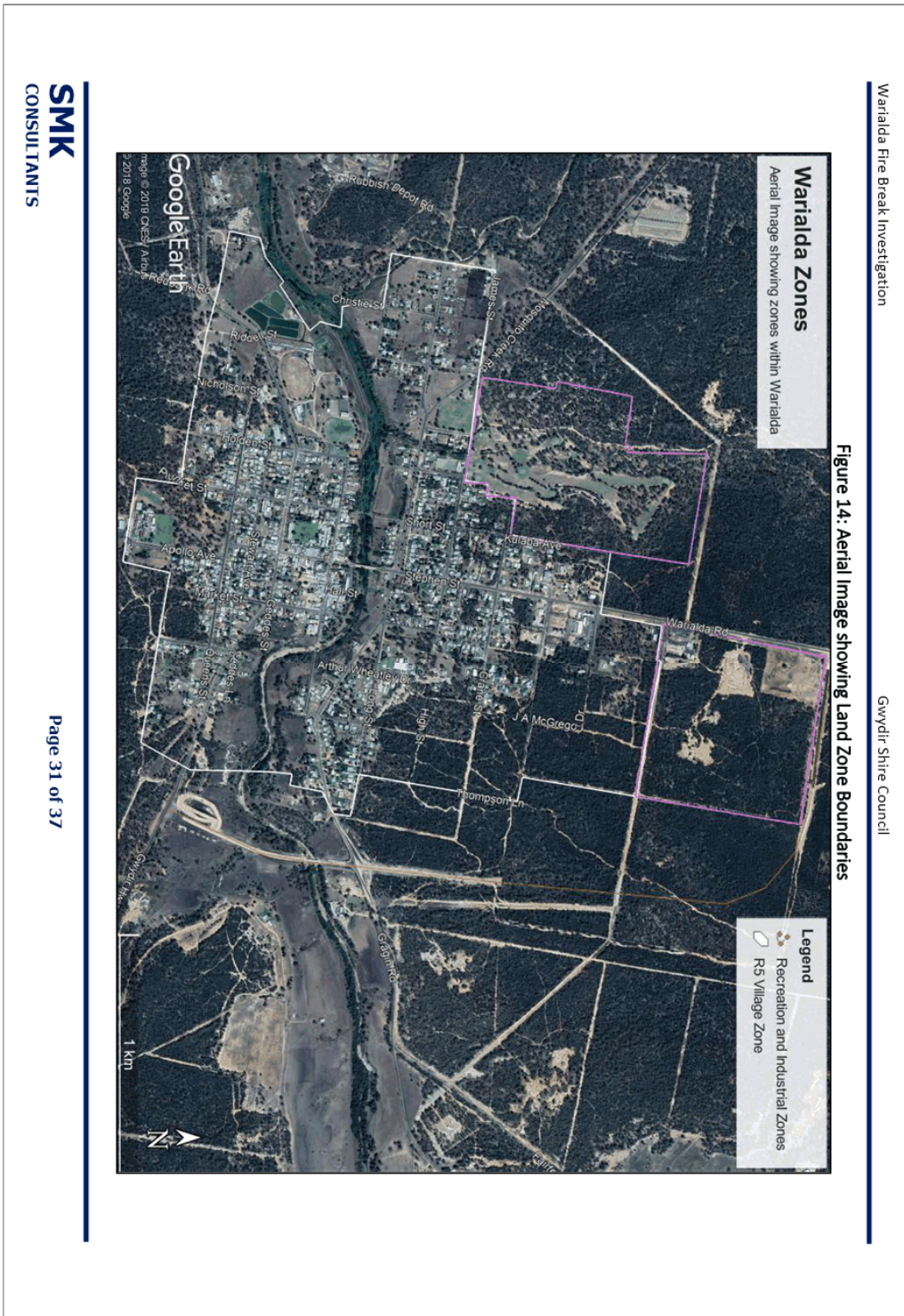
The following presents recommendations for general actions to be instigated by Council and the community to improve fire safety and preparedness within the Warialda town area and immediate surrounds.

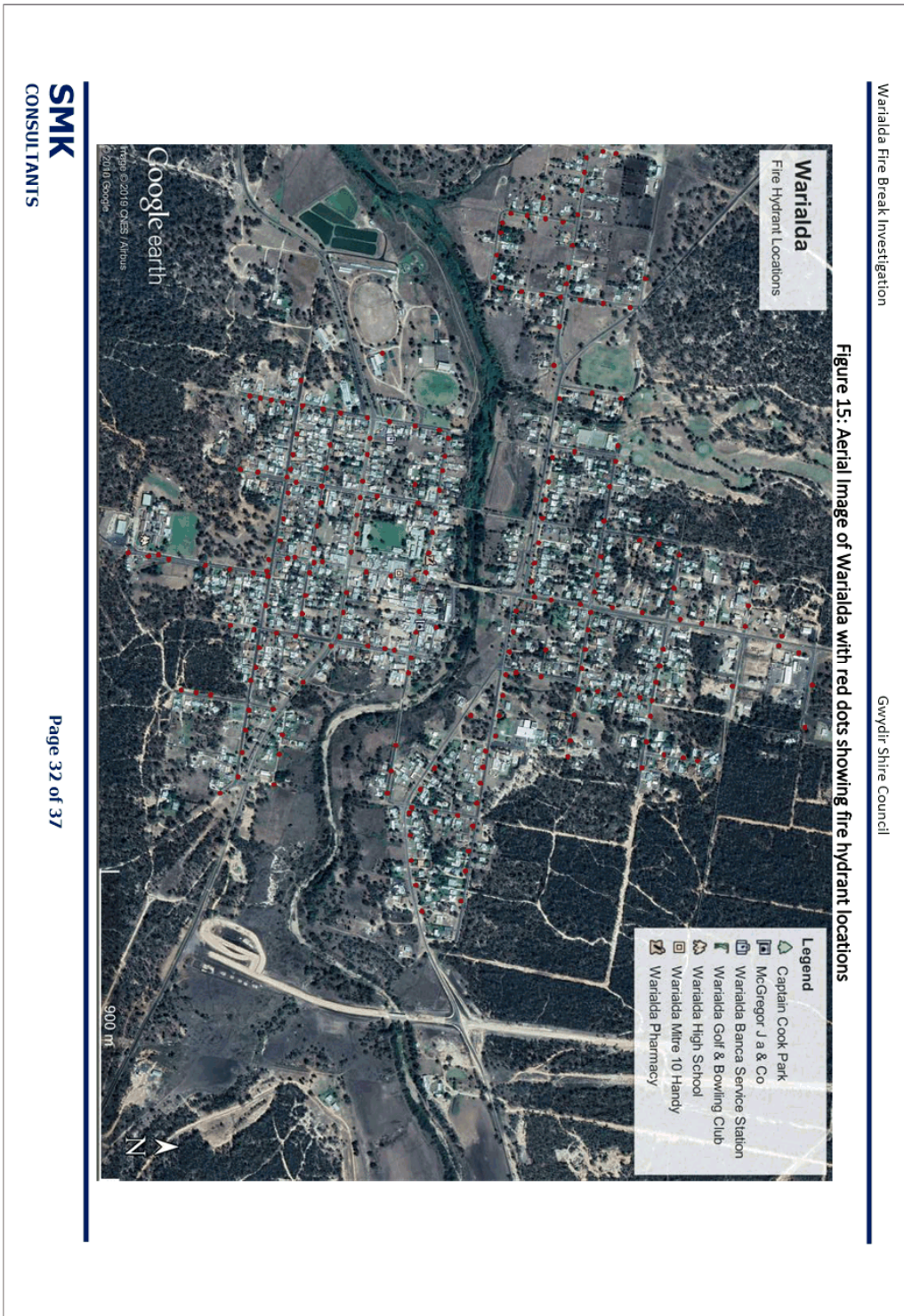
| Item for Action | Action Required |
|---|---|
| 150m Vegetation Management Zone around Warialda | Obtain approvals or exemptions to allow Council to manage the vegetation within a 150m zone around the edge of Warialda residences and key infrastructure from Crown Lands and the Local Land Services. |
| Evacuation centre equipment | Establish a suitable stockpile of equipment required for an evacuation centre including P2 dust masks, potable water, food, accommodation and communication equipment. |
| Evacuation signs | Establish sufficiently sized sign posts to direct residents and visitors to the Neighbourhood Safer Place. Signs to provide directions from north and south sides and be highly visible. |
| Annual inspections | Undertake annual inspections of residences and infrastructure around the edge of the urban and industrial fringe of Warialda to check on fuel loads that may exceed acceptable levels and therefore require management. |

| Item for Action | Action Required |
|---|--|
| General maintenance of vegetation within town area – Parks and Warialda Creek | Undertake a review of clearing and management of grass and tree growth within Warialda Creek between Philp Street to the east and the Neighbourhood Safer Place to the west (Captain Cook Park). |
| Fire Hydrants | Introduce an “Adopt a Fire Hydrant Policy” involving neighbours adjoining a fire hydrant along the edge of a critical fire hazard zone to clear and maintain the visibility of the fire hydrant. Maintain a 10m APZ around fire hydrants on the edge of the residential area. |
| Local Land Services | Maintain contact with Local Land Services who are responsible for maintaining stock reserves adjoining the town area. Purpose will be to liaise with LLS officers to control fuel loads on reserves by grazing, cold burns or clearing/slashing. The option of including an LLS officer on the Warialda Fire Break Committee should be investigated. |
| Warialda Fire Break Committee | The Warialda Fire Break Committee to be responsible for maintenance actions identified in this report, including proactive control measures to reduce fuel loads within the town and surrounding area by direct action or maintaining contact with the relevant authorities who are legally obliged to undertake appropriate fire management actions. The committee would also be responsible for operations of the Neighbourhood Safer Place until other authorities (NSW RFS) were required as a result of a fire. |

Appendix 1: Land Zoning Map for Warialda



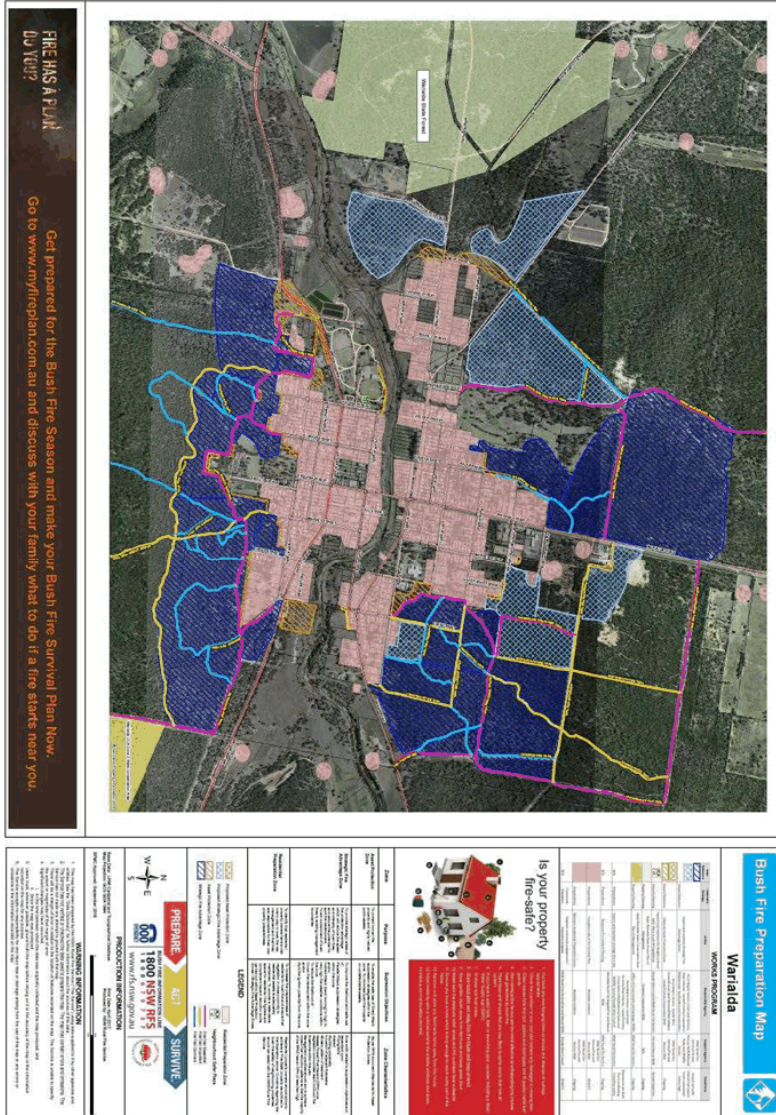




Warialda Fire Break Investigation

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Appendix 2: Current Bush Fire Preparation Map for Warialda

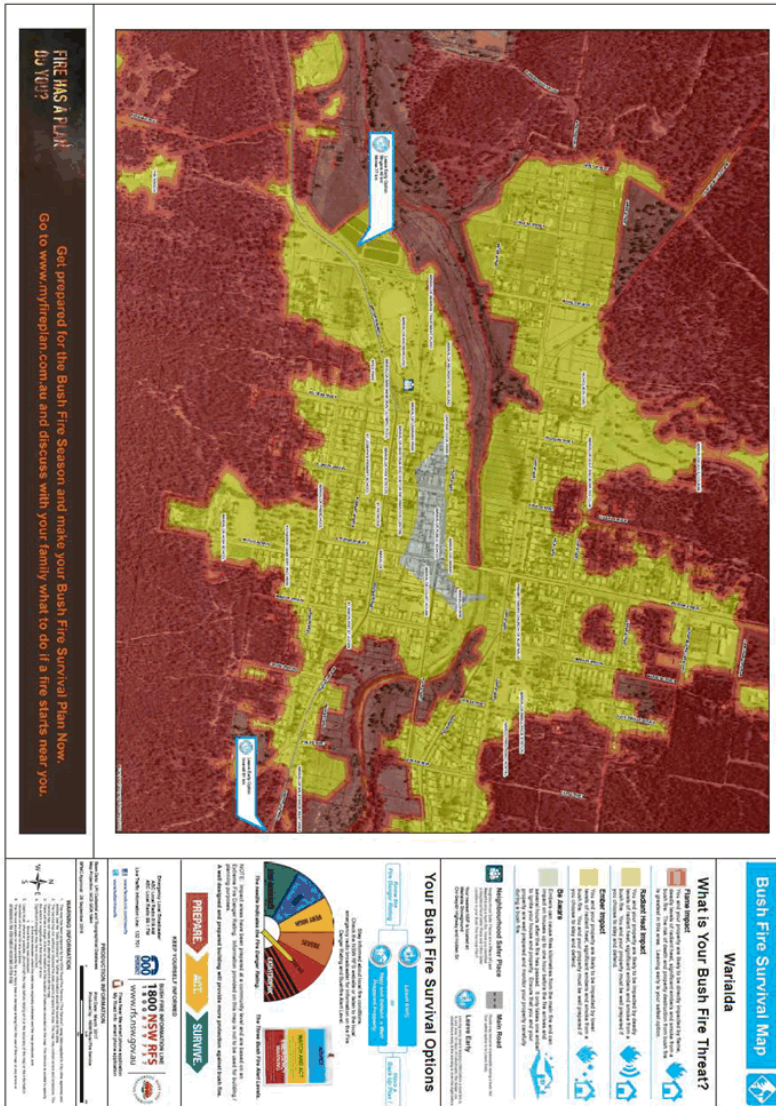


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Appendix 3: Warialda Bush Fire Survival Map

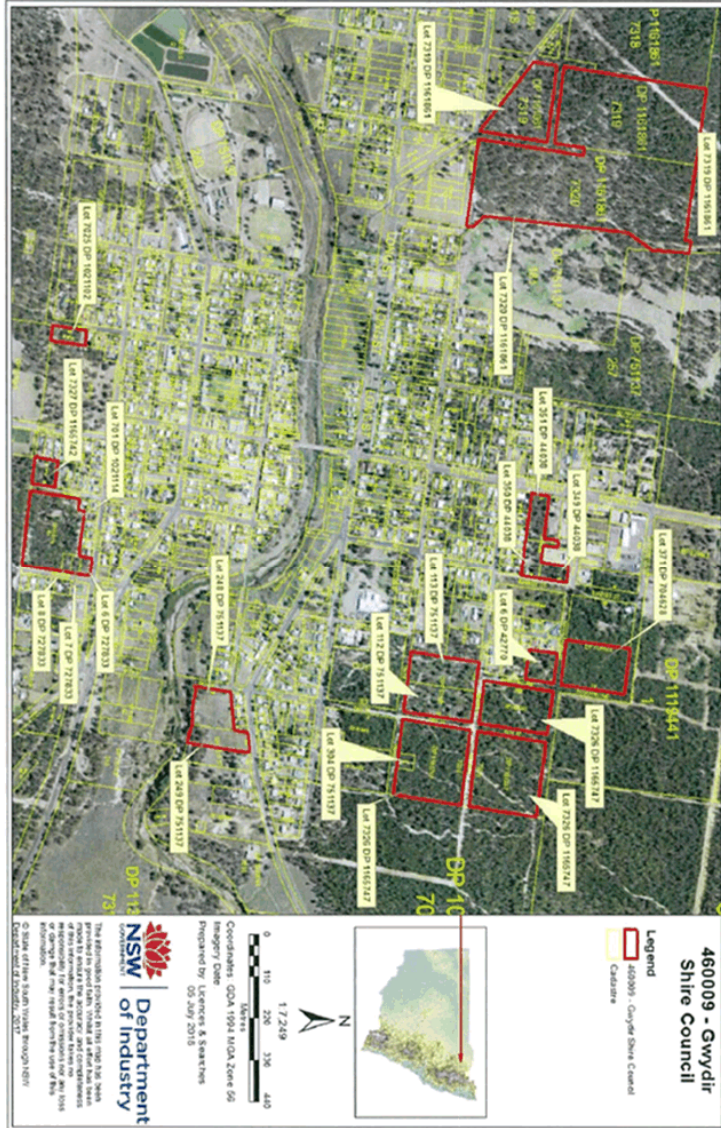


Warialda Fire Break Investigation

Gwydir Shire Council

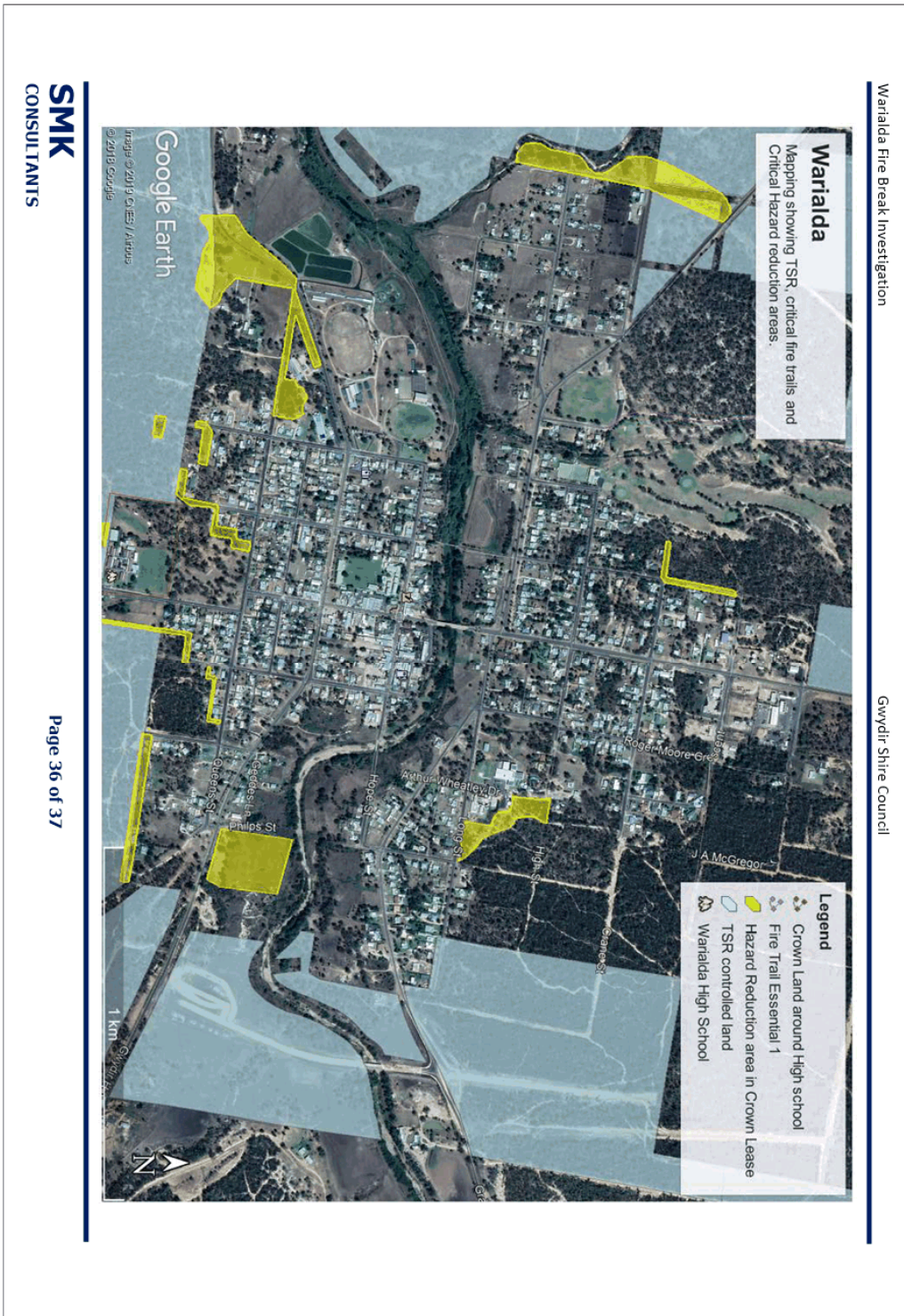
Appendix 4: Warialda Crown Licence Map 2018

Schedule 3



***** End of Schedule 3 *****

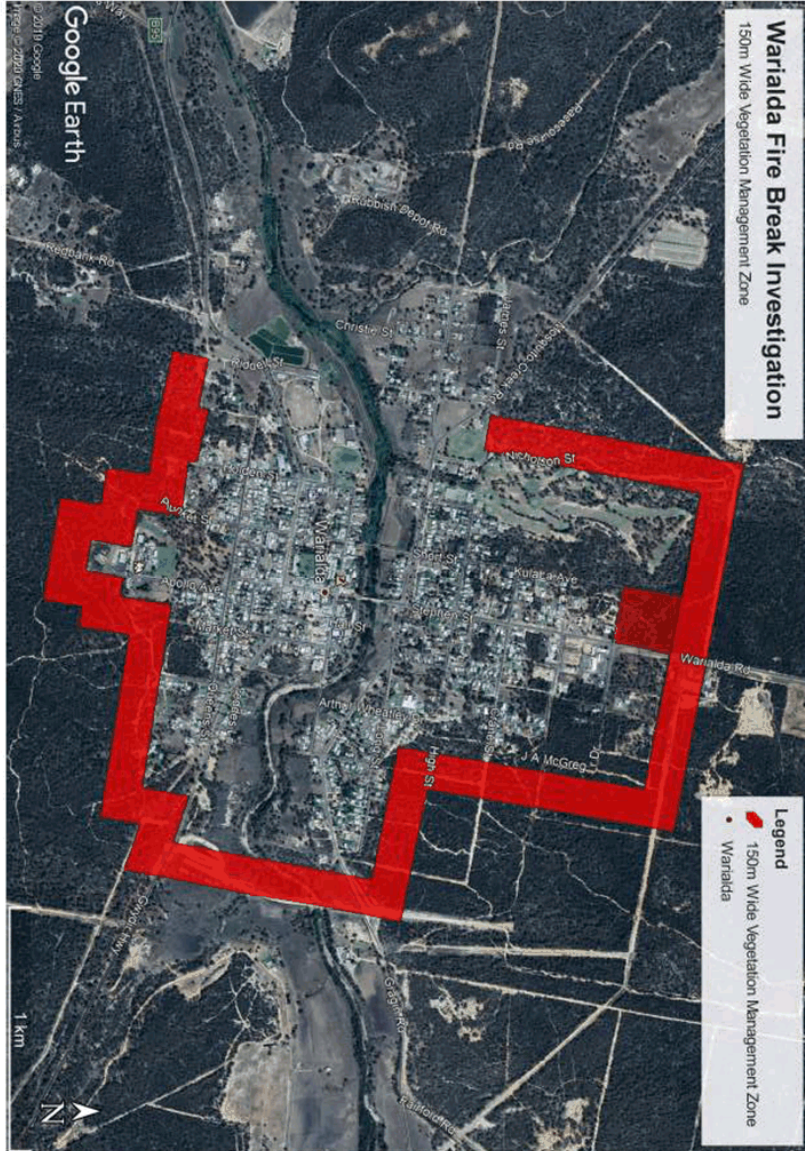
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Appendix 5: Plan showing 150m Vegetation Management Zone around Warialda



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Item 8 Motion to LG NSW 2020 Annual Conference**FILE REFERENCE** 20/19668**DELIVERY PROGRAM****GOAL:** 4. Proactive Regional and Local Leadership**OUTCOME:** 4.1 WE ARE AN ENGAGED & CONNECTED COMMUNITY**STRATEGY:** 4.2.2 Work in partnership to plan for the future - GM - external**AUTHOR** General Manager**STAFF DISCLOSURE OF INTEREST** Nil**IN BRIEF/ SUMMARY RECOMMENDATION**

The 2020 Local Government NSW (LGNSW) annual conference is to be held in the Hunter Valley from Sunday 22 November to Tuesday 24 November 2020.

Motions for consideration and debate may be submitted up to 28 September 2020.

TABLED ITEMS Nil**BACKGROUND**

The following motion will be submitted for debate at the 2020 LGNSW Annual Conference (rolled over from last year) to be held at the Crowne Plaza in the Hunter Valley from 22 to 24 November 2020:

Motion

That the NSW Government amends the Aboriginal Land Rights Act 1983 to:

- 1. Permit land vested in an Aboriginal Land Council (ALC) to be appropriated or resumed with the approval of the ALC and where the Chief Executive Officer of the NSW ALC has issued a dealing approval certificate.**
- 2. Lower the voting threshold in section 42G (5) for Local Aboriginal Land Councils to approve a land dealing for public projects proposed by the NSW Government or a local council, from “not less than 80%” to “not less than 50%” of the voting members of the ALC present at the meeting.**
- 3. Consider alternatives to Native Title restrictions on certificates of title on land granted under the Aboriginal Land Rights Act 1983 where there is evidence that native title over the land has been extinguished.**

COMMENT

The background for Motion:

The acquisition by councils of land owned by an Aboriginal Land Council (ALC), either voluntarily or compulsorily, can be constrained by provisions of the *Aboriginal Land Rights Act 1983 (ALRA Act)*, adding significantly to timeframes and costs for council infrastructure projects.

Land held by a Local Aboriginal Land Council (LALC) cannot be acquired under the *Land Acquisition (Just Terms Compensation) Act 1991*, with or without the LALC's agreement, and cannot be dealt with where Native Title has not been determined. Otherwise, land owned by a LALC can be purchased, but only with the approval of 80% of the LALC members present at a meeting and the approval of the Chief Executive of the NSW ALC.

This motion seeks amendments to streamline council acquisition of land held by LALCs, but importantly, only where the LALC approves the acquisition.

OFFICER RECOMMENDATION

THAT the report be received

FURTHER that Council submits the motion to the 2020 annual LGNSW Conference by 28 September 2020.

ATTACHMENTS

There are no attachments for this report.