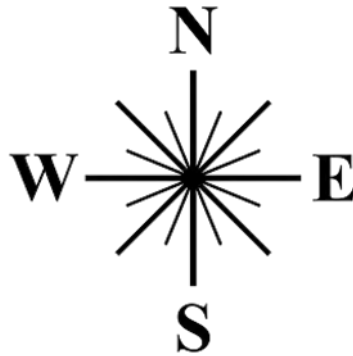


# **CENTRAL DARLING**



## **SHIRE COUNCIL**

### **ORDINARY COUNCIL MEETING**

#### **BUSINESS PAPER**

**13 DECEMBER 2023**

The Meeting will be held at 9:00 AM in the  
Council Chambers, 21 Reid Street, Wilcannia

**MISSION STATEMENT**

To promote the Central Darling Shire area by encouraging development through effective leadership, community involvement and facilitation of services.

**RECORDING AND WEBCAST OF COUNCIL MEETINGS**

Council meetings are recorded and webcast on Council's website, your attendance and/or input may be recorded and publicly broadcast.

**PUBLIC RECORDING PROHIBITED WITHOUT COUNCIL AUTHORITY**

A person may only use a recording device, including audio and visual recording and any device capable of recording speech, to record a Council meeting by the resolution of the Council.

A person may be expelled from a Council meeting for having used a recording device without consent.

**PHOTOGRAPHY PROHIBITED WITHOUT PERMISSION**

Photography is not permitted at a Council meeting without the consent of the General Manager.

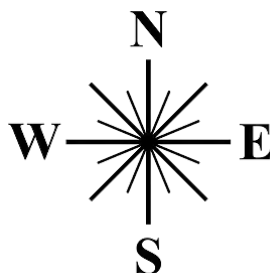
**PUBLIC FORUM - EXTRACT FROM THE CODE OF MEETING PRACTICE POLICY**

1. The Council may hold a public forum prior to each ordinary meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary Council meetings and meetings of Committees of the Council.
2. Public forums are to be chaired by the Mayor or their nominee.
3. To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by same day 8.50am before the date on which the public forum is to be held and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
4. A person may apply to speak on no more than two (2) items of business on the agenda of the Council meeting.
5. Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
6. The General Manager or their delegate may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
7. No more than three (3) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.
8. If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager or their delegate is to determine who will address the Council at the public forum.
9. If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may, in consultation with the Mayor or the

- Mayor's nominated Chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.
10. Approved speakers at the public forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs no more than three (3) days before the public forum. The General Manager or their delegate may refuse to allow such material to be presented.
  11. The General Manager or their delegate is to determine the order of speakers at the public forum.
  12. Each speaker will be allowed five (5) minutes to address the Council. This time is to be strictly enforced by the Chairperson.
  13. Speakers at public forums must not digress from the item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.
  14. A Councillor (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
  15. Speakers are under no obligation to answer a question put under Clause 4.14. Answers by the speaker, to each question are to be limited to three (3) minutes.
  16. Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
  17. The General Manager or their nominee may, with the concurrence of the Chairperson, address the Council for up to three (3) minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
  18. Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
  19. When addressing the Council, speakers at public forums must comply with this code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct, or making other potentially defamatory statements.
  20. If the Chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in Clause 4.19, the Chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the Chairperson's request, the Chairperson may immediately require the person to stop speaking.
  21. Clause 4.20 does not limit the ability of the Chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 14 of this code.
  22. Where a speaker engages in conduct of the type referred to in Clause 4.19, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate.

23. Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a Council or Committee meeting. The Council is to maintain a written record of all conflict-of-interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

**CENTRAL DARLING**



**SHIRE COUNCIL**

**ORDINARY COUNCIL MEETING**

Wednesday, 13 December 2023

9:00 AM

Council Chambers, 21 Reid Street, Wilcannia

**BUSINESS PAPER AGENDA**

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<b>3</b>	<b>APOLOGIES AND LEAVE OF ABSENCE .....</b>	<b>7</b>
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	8.1 PRESENTATION AND ADOPTION OF AUDITED FINANCIAL STATEMENTS 2022-23.....	10
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## **1 OPENING OF MEETING**

The Council Meeting will be declared open by the Mayor/Administrator.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

*We would like to acknowledge the traditional custodians of this land and pay respects to Elders past and present.*

## **3 APOLOGIES AND LEAVE OF ABSENCE**

### **3.1 APOLOGIES**

### **3.2 LEAVE OF ABSENCE**

## **4 DISCLOSURES OF INTEREST**

Pursuant to the Model Code of Conduct for Local Councils in NSW Councillors and Council staff are required to declare any pecuniary or non-pecuniary conflicts of interest.

### **RECOMMENDATION:**

That the Disclosures of Interest – Pecuniary and Non-Pecuniary be received and noted.

## **5 CONFIRMATION OF MINUTES**

### **5.1 PREVIOUS MEETING MINUTES**

### **RECOMMENDATION:**

That the Minutes of the Ordinary Council Meeting held on 22 November 2023 be received and confirmed as an accurate record.

### **Attachments:**

1. [Ordinary Council Meeting - 22 November 2023](#)

## **6 NOTICE OF MOTION**

Nil

## **7 MAYORAL (ADMINISTRATOR) MINUTE(S)**

### **7.1 MAYORAL MINUTE - DECEMBER 2023**

**FILE NUMBER:** GD23/18692  
**REPORT AUTHOR:** ADMINISTRATOR  
**RESPONSIBLE DIRECTOR:** GENERAL MANAGER

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This year has certainly passed quickly a lot has been achieved.

Recent newsworthy items that have come out are:

- A 50% increase by the Federal Government to the annual Roads to Recovery Fund from \$500m to 1b. CDSC depends heavily on this funding to undertake improvements to our local road network.
- The release of a new methodology for the calculation of the annual rate peg set for Councils. Every year IPART decides a rate peg for each council in NSW which sets the maximum amount councils can increase the general income they collect from ratepayers (rates income). IPART set the base rate peg for 2023-24 at 3.7%.

IPART has set the rate peg for the 2024-25 financial year using a new rate peg methodology. The core rate peg for the 2024-25 financial year for each council (i.e. before applying the population factor) ranges from 4.5% to 5.5%.

IPART's rate peg considers the Base Cost Change (BCC) by council group (metropolitan, regional and rural), in addition to a population factor based on each council's population growth and an Emergency Services Levy (ESL) factor to reflect annual changes in each council's ESL contributions that differ from the changes to the council's BCC.

The rate pegs for the 2024-25 financial year also includes a catch-up adjustment for past changes in the superannuation guarantee rate and a council-specific ESL adjustment for some councils. The purpose of the council-specific ESL adjustment is to reflect the increase in the ESL in the years when increases were not captured by the rate peg because they were subsidised by the NSW Government.

The rate peg set for Central Darling is 4-5% and this will be considered as part of the 24-25 budget deliberations.

Councils' membership of LGNSW has contributed to the lobbying efforts to achieve these results. To increase our ability to influence policy we have joined Country Mayors who meet at Parliament House in Sydney. At the recent November Meeting we were addressed by The Premier who outlined the Review the Emergency Service Levy imposed on local Councils and insurance policies.

For Central Darling our 11% contribution towards the RFS and SES totals some \$231,000 that comes from the total General rate take \$913,000. We support the review and will contribute submissions through our various organisational memberships.

Also, we have received the report Menindee Lakes Flood Operations Review 2021-2023 of how Water NSW responded to the event. There are 3 Recommendations, and we will be meeting with the Minister Rose Jackson in early December to discuss this Report, the Fish Kill Report, Funding and Construction of the Wilcannia Weir and Funding of the Water Treatment Plant upgrades.

May I take this opportunity to wish all residents a safe and Merry Christmas as you enjoy this break with family and friends,

To all those volunteers and members that belong to organisations that continue to support our community thank you for your service.

#### **Attachments:**

NIL





## 8 FINANCIAL REPORTS

### 8.1 PRESENTATION AND ADOPTION OF AUDITED FINANCIAL STATEMENTS 2022-23

**FILE NUMBER:** GD23/18660  
**REPORT AUTHOR:** FINANCE MANAGER  
**RESPONSIBLE DIRECTOR:** GENERAL MANAGER

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#### EXECUTIVE SUMMARY:

Council is required to advertise a summary of Audited Annual Financial Statements for the year and formally present them to the public in accordance with the *Local Government Act 1993*. Any person may make a comment with respect to the financial reports within seven days of being presented.

The Audited Financial Statements indicate a Net Operating Result before Capital Items of \$5.645M surplus.

Council has received an unqualified Audit Report.

#### RECOMMENDATION:

That Council will:

1. Receive the report
2. Adopt the 2022-23 Audited Financial Statements and Audit Reports for the 2022-23 financial year.
3. Present the reports to the public, in accordance with *Sections 418 and 419 of the Local Government Act 1993*

#### BACKGROUND:

At the Ordinary Council Meeting held on 27 September 2023 Council resolved the following:

That in accordance with Section 413 of the *Local Government Act 1993*, Council resolved:

1. That its 2022-23 Annual Financial Statements:
  - a. Are in accordance with the *Local Government Act 1993 (as amended and the Regulations made there under)*;
  - b. Are in accordance with the Australian Accounting Standards and Professional Procurements;
  - c. Are in accordance with the Local Government Code of Accounting Practice and Financial Reporting;
  - d. Present fairly the Council's 2021/22 operating result and financial position;
  - e. Are in accord with Council's accounting and other records; and
  - f. That Council is not aware of any matter that would render this report false or misleading in any way.

**REPORT:**

*Section 419 of the Local Government Act 1993* prescribes a Council must present its Audited Financial Reports, together with the Auditor’s reports, at a meeting of the Council.

The Financial Statements 2021/22 have been audited by Council’s auditor. However, *Section 418 of the Local Government Act 1993* prescribes that the Council must give separate notice that it proposes to adopt the Audited Financial Statements, giving the public the opportunity to make comment.

The recommendation is in accordance with the requirements of the *Local Government Act 1993*.

Items to highlight for the period are:

**Income**

Total income reported for the year was \$57.354M. The major components being grants and contributions for operating purposes of \$24.307M, grants and contributions for capital purposes of \$19.683M and user fees and charges of \$9.995M.

**Expenditure**

Total expenditure for the year was \$32.026M. The major components being, materials and contracts of \$19.497M, depreciation and amortisation of \$5.951M and employee benefits of \$5.914M.

**Surplus/Deficit**

Council is reporting an Operating Surplus of \$25.328M. However, once capital grants are removed, Council reports a Net Operating Surplus of \$5.645M.

Council continues to rely heavily on government grants and income received for RMS works.

It should also be noted that depreciation and amortisation of \$5.951M included in Council’s net result is not a cash expense.

**Assets**

Council completed a capital works program of \$18.598M

Councils Audit Report is unqualified.

**LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:**

Focus/Goals/Objectives	Strategic Area	Actions
2 Local & Regional Governance	2.1 Shire governance	2.1.1 Design and implement governance systems within the shire that are culturally responsive and ensure communities have effective local democratic structures and representation
		2.1.2 Undertake ongoing engagement with shire Communities to ensure their

		input in the design of local governance structures and services
		2.1.4 Ensure that governance of the shire is focused on the effective planning and delivery of adequate and appropriate services and facilities to local communities

**SUSTAINABILITY ASSESSMENT:**

	Assessment
<b>Social</b>	Positive
<b>Environmental</b>	Positive
<b>Economic</b>	Positive
<b>Governance</b>	Positive

**Financial and Resource Implications:**

Council’s annual financial result contributes to future economic and financial decision making.

**Policy, Legal and Statutory Implications:**

In accordance with the *Local Government Act 1993*

**Risk Management - Business Risk/Work Health and Safety/Public:**

Having Council’s Annual Financial Statements audited is a key component to managing financial and business risk.

**OPTIONS:**

NIL

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

**Internal Exhibition:**

Not Applicable

**External Exhibition:**

Yes, via website and print media

[Insert exhibition](#)

**Attachments:**

1. [CDSC Audited Financial Statements 2022-23](#) ↓ 

**8.2 CASH AND INVESTMENTS - NOVEMBER 2023**

**FILE NUMBER: GD23/18680**  
**REPORT AUTHOR: MANAGEMENT ACCOUNTANT**  
**RESPONSIBLE DIRECTOR: GENERAL MANAGER**

**EXECUTIVE SUMMARY:**

This report is to provide a summary of Council’s cash and investments as at 30<sup>th</sup> November 2023.

**RECOMMENDATION:**

That Council will

1. receive the report and note the report.

**REPORT:**

In accordance with *Clause 212 of the Local Government (General) Regulations 2005*, a monthly report setting out details of all money that Council has invested under *Section 625 of the Local Government Act 1993* is required to be submitted to Council.

**Cash and Investment Accounts:**

Cash and Investment Accounts	Current Month	Last Month	Movement	Interest Rate	Current Month Interest	YTD Interest
Westpac 11am Investment Account	\$1,200,000.00	\$5,500,000.00	(\$4,300,000.00)	1.35%	\$7,856.16	\$31,444.63
Operating Account	\$7,457,802.01	\$461,340.71	\$6,996,461.30	N/A	NIL	NIL
Post Office Clearing Account	\$46,987.30	\$46,987.30	NIL	N/A	NIL	NIL
<b>Total Cash at bank as of 30<sup>th</sup> November 2023</b>						<b>\$8,704,789.31</b>

**Commentary:**

The net movement of cash for the month of November 2023 was an increase of \$2,296,461.30. Payments for wages and creditors for the month of November 2023 totalled \$ 6,593,897.51. Receipts for the month of November 2023 totalled \$ 9,290,358.81 with major receipts being:

- Transport for NSW (TfNSW) \$8,500,868.86
- Federal Assistance Grant (FAGS) Quarter 2 \$138,142.06
- Restart NSW \$40,375.60

- Department of Regional NSW \$99,000.00
- Receipts expected in December 2023 are:
- Pooncarrie Road expenditure refund \$2,000,000.00

**Restrictions:**

<b>Restricted Cash and Investments</b>	
	Nov-23
<b>Externally Restricted <sup>(1)</sup></b>	<b>(\$000's)</b>
Specific purpose unexpended grants	5,600
Water supplies	-
Sewerage services	481
Domestic waste management	593
<b>Total Externally Restricted</b>	<b>6,674</b>
(1) Funds that must be spent for a specific purpose	
<b>Internally Restricted <sup>(2)</sup></b>	
Employees Leave Entitlements	935
Plant and vehicle replacement	8
Waste Management Reserve	163
<b>Total Internally Restricted</b>	<b>1,106</b>
(2) Funds that Council has earmarked for a specific purpose	
<b>Total Restricted Funds</b>	<b>7,780</b>
<b>Total Cash &amp; Investments</b>	<b>8,705</b>
<b>Unrestricted Funds (ie. available after the above Restrictions)</b>	<b>925</b>

**Commentary:**

The level of unrestricted funds required by Council is generally \$1,000,000. Currently Council's unrestricted funds are below this level. This can occur due to timing differences between when funds are received and when they are spent, for example, some grants require Council to spend the money first and then apply for reimbursements, other grants are milestone driven and are dependent on Council completing certain tasks, meaning that some money is received in advance and other money is received after the completion of the work.

**Attachments:**

NIL

## 9 GOVERNANCE REPORTS

### 9.1 VICTORY CARAVAN PARK OPERATIONS

**FILE NUMBER:** GD23/17991  
**REPORT AUTHOR:** GENERAL MANAGER  
**RESPONSIBLE DIRECTOR:** GENERAL MANAGER

---

#### EXECUTIVE SUMMARY:

This report is to provide Council information on the implementation of the RMS online booking system for Victory Caravan Park, and current operations and upgrades happening at the caravan park.

#### RECOMMENDATION:

That Council will:

1. Receive and note the report, with a further report will be provided to Council at July's 2024 Ordinary Council meeting on the operational performance of Victory Caravan Park.

#### REPORT:

On the 23<sup>rd</sup> October of this year, Council has implemented an online booking system for the Victory Caravan Park. The online booking system is done through a provider called "RMS", who specialise in online bookings for caravan parks and motels. RMS online booking system is accessible by computer or mobile phone. Customers wanting to stay at Victory Caravan Park can either book camp sites in advance to their visit or on arrival at the caravan park. On arrival, customers access the RMS online booking system by a QR code, directing them to the online booking system. The cost to implement RMS online booking system was a fee of \$875, with a licence fee of \$175/month.

Prior to the implementation of the RMS online booking system, Council had in place since 2018, a caretaker managing the caravan park, which they were responsible for collection of camping fees, basic ground maintenance and daily cleaning of the amenities. Remuneration for the caretaker position was free lodging and utilities at the council residence in the caravan park. Over the past three years, the caretaker requested from Council continued and increasing assistance with cleaning of amenities and ground maintenance, which Council staff or contractors had to be engaged.

Since the introduction of the RMS online booking system, Council has seen an increase in revenue. The month of November 2023, takings for Victory Caravan Park was **\$4,191.32**, where 150 visitors stayed. November 2021, the amount was **\$1,450**, which happened to be a time of post Covid19 pandemic and a time when experiencing high volumes of campers throughout the region. No comparison can be made for November 2022, as the caravan park was closed due to flooding of the Darling River.

Prior to the RMS online booking system, cash was collected daily by the caretaker. The RMS system payment method is by credit card or direct debit into Council's bank account, removing any possible fraudulent possibilities of misuse of handling cash. In some instances, campers that don't have accessibility to the RMS online booking system can pay their camping fees at the Wilcannia Office during opening hours.

Whilst the system may not completely capture those campers who do not wish to pay by using the online booking system, or pay at the Council Office, the percentage is very low. In comparison, during the caretaker tenure, it has been reported on several occasions camping fees were not collected due to the absence of the caretaker, or the caretaker arrange for others to collect fees, not endorsed by the General Manager to do so.

The RMS online booking system provides financial and occupancy reporting. A daily report is provided in the late evening. The Council Ranger inspects camper's vehicle registration to match

against the report for payment. If a camper hasn't paid camping fees, the Ranger enquires with the camper as to why not and assist them in payment of the fee.

While the introduction of the RMS system to Victory Caravan Park is new to Council, many other Councils with small caravan parks have introduced the same, or similar online booking systems to reduce cost and mitigate against fraudulent misuse.

Ground maintenance and cleaning of the amenities is currently done by Cultural Solutions, a local indigenous employment company. The engagement of Cultural Solutions is not currently permanent, more so for Council to get an understanding of the actual cost of maintenance and cleaning activities to have the caravan park kept to a high standard.

During December, Victory Caravan Park will be closed for a period of two weeks for upgrades to electrical and irrigation systems. During this time the new toilet and shower amenities block will be completed.

A further report will be provided to Council at July's 2024 Ordinary Council meeting on the operational performance of Victory Caravan Park.

**Attachments:**

NIL



9.2 CENTRAL DARLING HERITAGE TRAIL APP UPDATE

FILE NUMBER: GD23/18272
REPORT AUTHOR: COMMUNITY ENGAGEMENT OFFICER
RESPONSIBLE DIRECTOR: GENERAL MANAGER

EXECUTIVE SUMMARY:

The Central Darling Heritage Trail App was officially launched in April this year. It is a tourism project which was about two years in the making. The unique app features Wilcannia, White Cliffs and Menindee. It can be downloaded free from Apple and Google Play App stores. The app has received a positive response with a FIVE-STAR review on the Apple App Store

This tourism project was supported by the previous NSW Government. It was led by App Consultant, Dr Bernadette Drabsch, Heritage Specialist Ben Churcher and a team of staff and students from the University of Newcastle.

The purpose of this report is to provide an update on the success being seen from the project.

RECOMMENDATION:

That Council will:

- 1. Receive and note the report.

REPORT:

The Central Darling Heritage Trail App contains historic photos, heritage stories and interviews with local people. A mix of walking and driving tour options are available for residents and visitors to the region as they journey in the Shire.



Pictured above is a story in the Barrier Daily Truth.

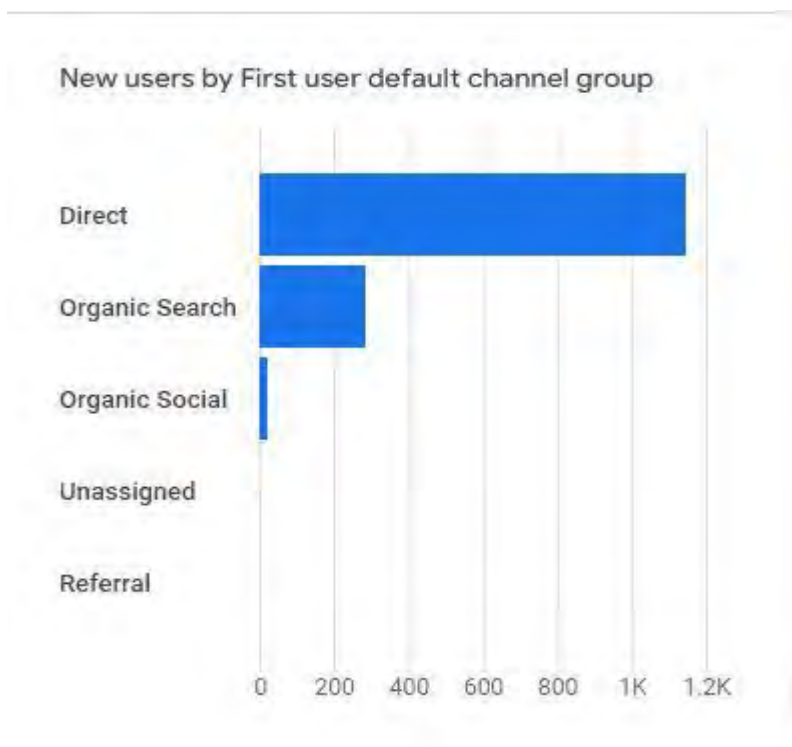
People are enjoying the app, on their own device, while travelling in the Shire. All the stops on the app are GPS tagged, so the information pops up on the user's screen when they approach specific locations. There are also short-embedded podcasts providing general historic overviews of each town.

Analytics shows that people using the app come from across Australia. Most users come from Sydney, followed by Melbourne and Adelaide. There are also users in New Zealand the United States and Canada.

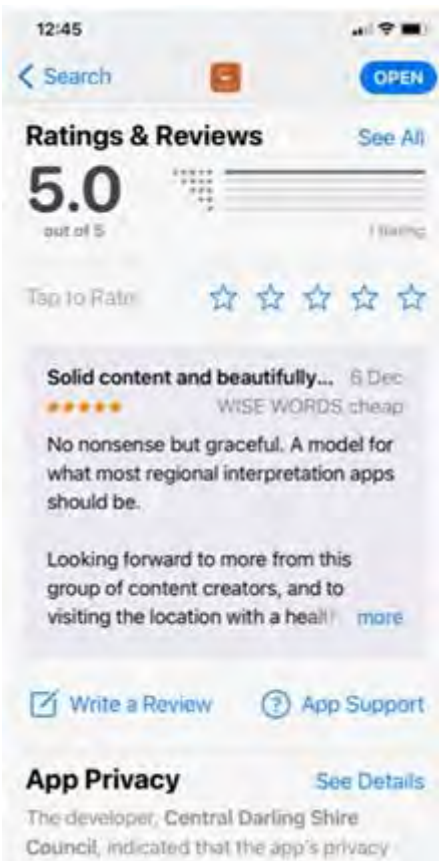
- 724 users were from Sydney.
- 192 users were from Melbourne.
- 182 users were from Adelaide.
- Most people access the app during the middle of the week (Wed/Thursday).



The above diagram shows the users since the app went live.

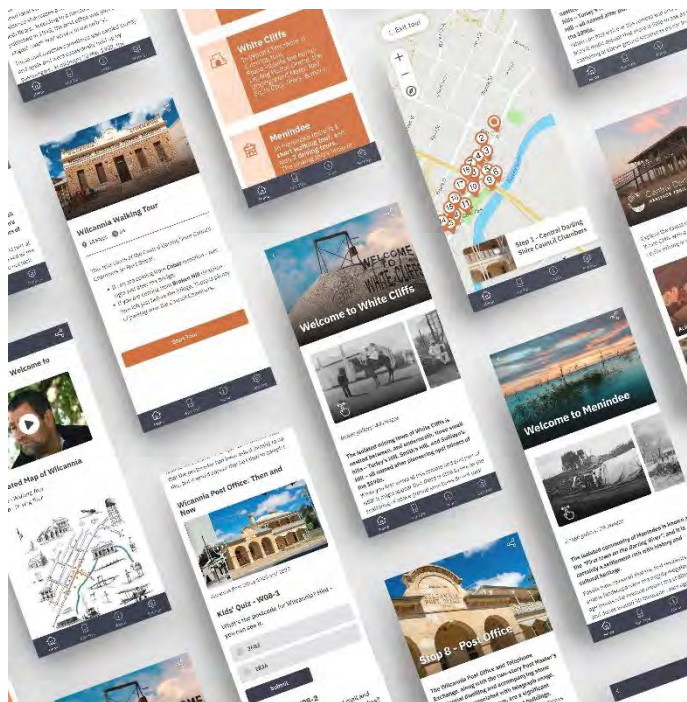


The above diagram shows how people are finding the app. Most people are using the web version (accessing through the QR code which means they aren't getting the full GPS functionality).



The app has received a positive response with a FIVE-STAR review on the Apple App Store.

It provides a modern-day resource that benefits both local and district tourism operators. The Council staff have printed several hundred copies of the app maps for distribution locally and to tourism centres in the region.



# DOWNLOAD THE CENTRAL DARLING HERITAGE TRAIL APP



**DISCOVER THE HISTORY OF THE CENTRAL DARLING SHIRE**



Download the Central Darling Heritage Trail App to unlock resources such as podcasts, guided tours, old photographs, videos, and valuable information about heritage sites in Wilcannia, White Cliffs and Menindee.



Work is currently underway on a second stage to the app. Titled *Stories Behind the Stones* the project aims to unravel stories from the region’s pioneer cemeteries and include these stories in the Central Darling Heritage Trail app. It will provide information about key historical figures who are buried within the featured cemeteries of Wilcannia, White Cliffs Menindee, and the addition of Ivanhoe’s pioneer cemetery. This project was announced in September 2023 and is making good progress. Dr Bernadette Drabsch and Ben Churcher are the team behind this project. They have conducted a field trip to the region meeting community members who shared their stories. The work is being funded by a \$45,455 Community Heritage Grant. The project is due for competition in April 2025.

**LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:**

Focus/Goals/Objectives	Strategic Area	Actions
4 Local Economy	4.3 Tourism	4.3.1 Provide ongoing support to existing local tourism associations and ensure cultural diversity
		4.3.5 Identify and pursue opportunities to use digital technologies to promote tourism across the shire
5 Rural and Urban Land Use	5.3 Local Heritage	5.3.2 Identify grants and funding to promote and support local heritage projects

**SUSTAINABILITY ASSESSMENT:**

	Assessment
<b>Social</b>	Positive
<b>Environmental</b>	NA
<b>Economic</b>	Positive
<b>Governance</b>	NA

**Financial and Resource Implications:**

[Insert implications](#)

**Policy, Legal and Statutory Implications:**

[Insert implications](#)

**Risk Management - Business Risk/Work Health and Safety/Public:**

[Insert management](#)

**OPTIONS:**

[Insert options](#)

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

**Internal Exhibition:**

[Insert exhibition](#)

**External Exhibition:**

[Insert exhibition](#)

**Attachments:**

NIL

**9.3 APPOINTMENT OF ACTING GENERAL MANAGER**

**FILE NUMBER:** GD23/18344  
**REPORT AUTHOR:** GENERAL MANAGER  
**RESPONSIBLE DIRECTOR:** GENERAL MANAGER

**EXECUTIVE SUMMARY:**

This report is for the appointment of Acting General Manager, Mr. Nic Pasternatsky from Tuesday 26 December 2023 to Friday 2 February 2024, while the current General Manager takes annual leave.

**RECOMMENDATION:**

That Council will:

1. Receive the report.
2. Appoint Mr. Nic Pasternatsky as Acting General Manager from Tuesday 26 December 2023 to Friday 2 February 2024, while the current General Manager takes annual leave.

**BACKGROUND:**

The General Manager will be taking annual leave from Tuesday 26 December 2023 to Friday 2 February 2024. An acting General Manager has been sourced externally, rather than Council personnel filling the position during this period. The appointment of a general manager is a non-delegable function of councils under section 377(1)(a) of the *Local Government Act 1993*.

**REPORT:**

Mr. Nic Pasternatsky is an executive who has worked for numerous Sydney Councils in the past 20 years in various roles. Nic will be employed through the Local Government Staff Specialist (LOGO) recruitment agency. It is recommended to Council; Nic Pasternatsky be appointed as Acting General Manager from Tuesday 26 December 2023 to Friday 2 February 2024, while the current General Manager takes annual leave.

**LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPEARTIONAL PLAN:**

<b>Community Plan Strategic Plan Outcomes</b>	<b>Delivery Outcomes</b>
---	--------------------------

**SUSTAINABILITY ASSESSMENT:**

	<b>Assessment</b>
<b>Social</b>	NA
<b>Environmental</b>	NA
<b>Economic</b>	NA
<b>Governance</b>	Positive

**Financial and Resource Implications:**

Nil

**Policy, Legal and Statutory Implications:**

The appointment of a general manager is a non-delegable function of councils under section 377(1)(a) of the *Local Government Act 1993*.

**Risk Management - Business Risk/Work Health and Safety/Public:**

Nil

**OPTIONS:**

Nil

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

**Internal Exhibition:**

Nil

**External Exhibition:**

Nil

**Attachments:**

NIL



**9.4 LOCAL GOVERNMENT ELECTION-SEPTEMBER 2024-ELECTORAL COMMISSION AGREEMENT**

**FILE NUMBER:** GD23/18394  
**REPORT AUTHOR:** GENERAL MANAGER  
**RESPONSIBLE DIRECTOR:** GENERAL MANAGER

---

**EXECUTIVE SUMMARY:**

The Electoral Commissioner has looked favourably upon Council request for the NSW Electoral Commission (NSWEC) to conduct Council's 2024 ordinary election.

To do so, Council will need to adopt the below recommendations which allow Council to enter an arrangement with the Commissioner, for the NSWEC to administer Council's September 2024 ordinary election.

**RECOMMENDATION:**

That Council will:

1. Receive the report.
2. The Central Darling Shire Council resolves pursuant to ss. 296(2) and (5) of the *Local Government Act* 1993 (NSW) ("LG Act") that:
  - (a) an election arrangement is to be entered into for the Electoral Commissioner to administer the ordinary election of councillors for Central Darling Shire Council which is to be held on the second Saturday of September 2024 in accordance with s. 287 of the LG Act, or on such day as ordered by the Minister in accordance with s. 288 of the LG Act; and
  - (b) such electoral arrangement will be entered into by contract between the Electoral Commissioner and the Council.

**BACKGROUND:**

Earlier this calendar year, Electoral Commissioner wrote to all Local Government councils regarding their engagement in the coming September 2024 local Government elections. At the time and on advice from Office of Local Government, the uncertainty if Central Darling Shire was to come out of administration or remain in Administration. Council did not enter into agreement with the Electoral Commission at this time.

Subsequently, with the State Elections and a new political party now in power, the new Minister for Local Government has indicated the potential for Central Darling Shire Council to come out of administration and return to Elected Members. The General Manager has since been in discussion with the Electoral Commission for them to conduct the September 2024 Local Government Election.

**REPORT:**

On advice from the Electoral Commission, the Commissioner has looked favourably upon Council's request for the NSW Electoral Commission to conduct Council's 2024 ordinary election. To do so, Council will need to adopt the above recommendations, which allow Council to enter into an arrangement with the Commissioner for the NSWEC to administer Council's September 2024 ordinary election.

Based on the advice received by the Electoral Commission, and the uncertainty remaining if Council stay or comes out of administration, it would be prudent for Council to enter into agreement for the Electoral Commission to conduct the Local Government Election for Council.

**LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:**

<b>Focus/Goals/Objectives</b>	<b>Strategic Area</b>	<b>Actions</b>
2 Local & Regional Governance	2.1 Shire governance	2.1.1 Design and implement governance systems within the shire that are culturally responsive and ensure communities have effective local democratic structures and representation

**SUSTAINABILITY ASSESSMENT:**

	<b>Assessment</b>
<b>Social</b>	Positive
<b>Environmental</b>	NA
<b>Economic</b>	NA
<b>Governance</b>	Positive

**Financial and Resource Implications:**

The engagement of NSW Electoral Commission will be at a estimated cost of \$30,000, which would need to be budgeted in the 2024/25 Financial Year.

**Policy, Legal and Statutory Implications:**

Nil

**Risk Management - Business Risk/Work Health and Safety/Public:**

Nil

**OPTIONS:**

Council could elect to undertake the Local Government Election itself. However, this action is not advised, due to lack of resources and experience within the organisation.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

**Internal Exhibition:**

Nil

**External Exhibition:**

Nil

**Attachments:**

NIL

**9.5 COST OF CONDUCTING LOCAL GOVERNMENT ELECTIONS AND EXPENSES TO MAYOR AND COUNCILLORS**

**FILE NUMBER:** GD23/18421  
**REPORT AUTHOR:** GENERAL MANAGER  
**RESPONSIBLE DIRECTOR:** GENERAL MANAGER

**EXECUTIVE SUMMARY:**

The report is the result of a motion from the Administrator, to provide Council a report on the cost of conducting Local Government Elections and expenses to the Mayor and Councillors. The cost provided in the report are estimates only. Council will be developing a Councillors Expenses and Facilities Policy and submit budget allocation for Elected Members in the 2024/25 financial year. Council will find it difficult to source additional funds to support Elected Members cost. Due to Councils inability to source revenue from the general fund and restraints with a limited operational budget.

**RECOMMENDATION:**

That Council will:

1. Receive the report.
2. The Administrator and General Manager seek financial assistance from the State Government to support the reintroduction of Elected Members.

**BACKGROUND:**

At the Ordinary Council meeting, 22 November 2023, the Administrator moved a motion: *Council receive a report from the General Manager on the cost of conducting local government elections and expenses to Mayors and councillors.*

With the State Elections and a new political party now in power, the new Minister for Local Government has indicated the potential for Central Darling Shire Council to come out of administration and return to Elected Members.

Earlier this calendar year, the Electoral Commissioner wrote to all Local Government councils regarding their engagement in the coming September 2024 local Government elections. At the time and on advice from Office of Local Government, there was the uncertainty if Central Darling Shire was to come out of administration or remain in Administration.

**REPORT:**

The below table provides estimates on expense to be incurred by Council with the reinduction of Elected Members. The table is separated into two parts, Annual Cost and Set up for Elected Members, which will be incurred prior to their return. The Local Government Elections are not scheduled for September 2024, the 2024/25 Financial Budget would incur three quarters of the annual expenses being estimated. Following the table, there are explanatory notes for each item.

Item	Expenses Type	Estimated Cost
	<b>Annual cost</b>	
1	Councillor Remuneration	\$ 117,270.00
2	Mayor Additional Fee	\$ 28,430.00
3	Travel (local) KMs	\$ 108,000.00
4	Travel & Accommodation (Regional)	\$ 30,000.00
5	ITC support	\$ 5,000.00

	<b>Sub Total</b>	<b>\$ 288,700.00</b>
	<b>Set Up for Elected Members</b>	
6	Mayoral Vehicle	\$ 75,000.00
7	Laptops	\$ 13,500.00
8	Mobile Phone	\$ 9,000.00
9	ITC (Elected Members Portal)	\$ 10,000.00
10	Training	\$ 10,000.00
	<b>Sub Total</b>	<b>\$ 117,500.00</b>
<b>Total estimated cost for 2024/25 Financial Year</b>		<b>\$ 406,200.00</b>

**Item 1:** this relates to the salary for 9 Elected Members. Local Government Remuneration Tribunal has determined the fees for Councillors for 2023/24 FY, a maximum \$13,030.

**Item 2:** Mayoral fee is additional to the Elected Member fees, maximum \$28,430.

**Item 3:** Travel cost reimbursement for Elected Members to use their own private owned vehicles to attend Council and other associated meetings, as well meet with constituents locally.

**Item 4:** Travel and accommodation cost for the mayor and 2-3 Elected Members to attend regional, state and national conferences. Conferences are NSW LGA, Australian Local Government Association, Country Mayors (x6 meetings), Western Alliance (x4 meetings), Western Division.

**Item 5:** ITC support is expenses for MS licencing, mobile phone plans, internet services and allowance for assistance with ITC.

**Item 6:** the provision of a fully maintained vehicle for the mayor to execute their duties.

**Item 7:** the provision and maintenance of nine laptop computers for each elected member.

**Item 8:** the provision and maintenance of nine mobile phones for each elected member.

**Item 9:** the development of Elected Members portal to obtain information (e.g. Council Business Papers and Policies) and another form of communication.

**Item 10:** the provision of training for newly Elected Members

The annual estimated expense for Elected Members is \$278,700, based on the current remuneration. Furthermore, additional \$117,500 will need to be allocated towards the end of this financial year, or early next financial year. The total estimated cost is \$406,200 which will be incurred by Council sometime in the next 12 months.

In the lead up to Local Government Elections in September 2024, Council will be developing a Councillors Expenses and Facilities Policy, which will further detail expenses assigned to Councillor’s budgets and their budgeted limitations. It is expected the above table expenses will increase with CPI and Local Government Remuneration Tribunal determination next year for Elected Members fees.

Councillor expenses will need to be sourced from Council’s general revenue, rates, fees and charges. Council rate revenue for 2023/24 is \$913,000, with a combined rates, fees and charges income of \$2.4m. In Octobers Ordinary Council meeting, a report was tabled for the first Quarter Budget Review (QBR), with a forecast surplus of \$36,000. With the introduction of Elected Members and their expenses, additional funds will need to be sourced for Council operational budget, or Council will need to reduce its level of services in future budgets.

**LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:**

<b>Focus/Goals/Objectives</b>	<b>Strategic Area</b>	<b>Actions</b>
2 Local & Regional Governance	2.1 Shire governance	2.1.4 Ensure that governance of the shire is focused on the effective planning and delivery of adequate and appropriate services and facilities to local communities

**SUSTAINABILITY ASSESSMENT:**

	<b>Assessment</b>
<b>Social</b>	NA
<b>Environmental</b>	NA
<b>Economic</b>	NA
<b>Governance</b>	Positive

**Financial and Resource Implications:**

Nil at this stage

**Policy, Legal and Statutory Implications:**

Councillors Expenses and Facilities policy will be developed in the next 6 months.

**Risk Management - Business Risk/Work Health and Safety/Public:**

Nil

**OPTIONS:**

Nil

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

**Internal Exhibition:**

No

**External Exhibition:**

No

**Attachments:**

NIL

**9.6 ANNUAL CODE OF CONDUCT COMPLAINTS STATISTICS 2022-2023**

**FILE NUMBER:** GD23/18422  
**REPORT AUTHOR:** GOVERNANCE OFFICER  
**RESPONSIBLE DIRECTOR:** GENERAL MANAGER

---

**EXECUTIVE SUMMARY:**

Under the requirements of Council's Code of Conduct, Council's complaints coordinator must, within three months of the end of September each year, report on a range of complaints statistics and forward a copy to the Office of Local Government (OLG).

**RECOMMENDATION:**

That Council will:

1. Receive and note the report

**REPORT:**



The OLG considers that the reporting of complaints statistics:

- is an important accountability mechanism that provides local communities with a valuable insight into the performance of their councils.
- provides it with the means to evaluate Council's implementation of the Code's framework and whether the framework has achieved its policy objectives.

The OLG intends to publish this data.

The OLG requires Council to submit the information through a template. During the reporting period, no Code of Conduct complaints were received by Central Darling Shire Council, and this is reflected in the attached Code of Conduct statistics report.

**Attachments:**

1. [Model Code of Conduct Statistics Cover](#) 
2. [Model Code of Conduct Statistics 2022-2023](#) 

**9.7 DRAFT PUBLIC INTEREST DISCLOSURES POLICY VERSION ONE**

**FILE NUMBER:** GD23/18432  
**REPORT AUTHOR:** GOVERNANCE OFFICER  
**RESPONSIBLE DIRECTOR:** GENERAL MANAGER

---

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek adoption of the Public Interest Disclosures Policy (Version One) and to rescind the superseded Internal Reporting Policy.

**RECOMMENDATION:**

That Council will:

1. Receive the report.
2. Rescind the superseded Internal Reporting Policy.
3. Adopt the draft Public Interest Disclosures Policy.

**BACKGROUND:**

The *Public Interest Disclosures Act 2022* (PID Act 2022) commenced on 1 October 2023 and supersedes the *Public Interest Disclosures Act 1994* (PID Act 1994). Councils have been given six months to comply with the provisions of the new Act.

Council's current policy required under the PID Act 1994 is known as the Internal Reporting Policy. The new PID Act 2022 incorporates significant changes, and under section 42 all Councils must have a public interest disclosure policy. The NSW Ombudsman has published a new model policy, and the draft Public Interest Disclosures Policy has been developed using these guidelines.

**REPORT:**

The public interest disclosure framework in NSW is sometimes described as "whistle-blower" legislation. It is the cornerstone of good governance practice as it seeks to promote a "speak-up" culture for reporting of misconduct by protecting those who speak up from detriment, taking active steps to maintain confidentiality of reports, and imposing duties on agencies to take appropriate action to investigate or otherwise deal with complaints.

The major changes in the new PID Act 2022 include:

- Significantly longer text, more complex and legalistic drafting (and different terminology).
- Greater responsibilities on agencies and the heads of agencies.
- Increased training and awareness obligations.
- Broader scope of the wrongdoing that can be the subject of a report.
- Mandated increased numbers of Council Officers who are trained and authorised to receive public interest disclosures.

Overall, there are more than 20 primary obligations placed on agencies under the PID Act 2022 and associated Regulation. While most of these are technical obligations relating to the process for receiving and handling public interest disclosures, there is a requirement to have a PID policy in place that includes procedures on how matters will be treated.

The training and awareness obligations under the new Act will not only extend to all staff but also to councillors, volunteers, and certain categories of contractor. This will involve the distribution of information (via the staff newsletter or email) about public interest disclosures or delivered through

induction and e-learning training. There are approximately 15 staff, including the General Manager, Directors, Managers, and others with supervisory responsibilities for staff across various worksites, who will require more detailed training (up to three hours) and who will require refresher training every three years thereafter.

The names and contact details of disclosure officers for Council will be published as an annexure to the Policy and updated as and when required on an administrative basis. The Ombudsman will allow until 1 April 2024 for staff that are defined as disclosure officers to attend updated training and these courses will become available in December 2023.

The General Manager and members of the Management/Executive (ManEx) Group have already received some training by completing a 90-minute course delivered by the NSW Ombudsman’s office. Other staff have participated in basic awareness training within the Governance team induction programme which commenced in October 2023.

With the adoption of the new Policy, the existing Internal Reporting Policy will cease to operate and the recommendation to Council is to formally rescind the out-dated policy. The Public Interest Disclosures Policy does not require public comment or submissions, as it is mandatory and does not require any input from the public. The making of PIDs is by Council Officials and not by members of the community.

**LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:**

Focus/Goals/Objectives	Strategic Area	Actions
2 Local & Regional Governance	2.1 Shire governance	2.1.3 Manage governance of the Central Darling region in co-operation with other existing governance systems including those provided by Local Area Land Councils and the Murdi Paaki Regional Assembly and Community Working Parties

**SUSTAINABILITY ASSESSMENT:**

	Assessment
<b>Social</b>	NA
<b>Environmental</b>	NA
<b>Economic</b>	NA
<b>Governance</b>	Positive

**Financial and Resource Implications:**

There are no financial implications associated with this report, as the implementation of the new policy will be managed within existing staff resources. The training provided by the NSW Ombudsman’s office is at no cost to Council.

**Policy, Legal and Statutory Implications:**

The *Public Interest Disclosure Act 2022* prescribes the adoption of a new Public Interest Disclosures Policy to come into effect, with that Policy to supersede the existing Internal Reporting Policy.



**Risk Management - Business Risk/Work Health and Safety/Public:**

Upon adoption, the new Public Interest Disclosures Policy will be effective immediately.

**OPTIONS:**

The provision of options is not considered necessary as the adoption of the Public Interest Disclosures Policy is a legislative requirement and it has been prepared in accordance with the NSW Ombudsman's template.

**COUNCIL SEAL REQUIRED:**

No



**COMMUNITY ENGAGEMENT AND COMMUNICATION:****Internal Exhibition:**

Staff training and awareness sessions have already commenced.

**External Exhibition:**

The Public Interest Disclosures Policy, once adopted by Council, will be made available to the community through Central Darling Shire Council's website.

**Attachments:**

1. [Public Interest Disclosures Policy \(Version One\)](#) ↓ 
2. [Internal Reporting Policy \(superseded\)](#) ↓ 

## 9.8 COMMUNITY ENGAGEMENT UPDATE

**FILE NUMBER:** GD23/18521

**REPORT AUTHOR:** COMMUNITY ENGAGEMENT OFFICER

**RESPONSIBLE DIRECTOR:** GENERAL MANAGER

### EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with an update on Community Engagement activities for 2023.

### RECOMMENDATION:

That Council will:

1. Receive the report

### BACKGROUND:

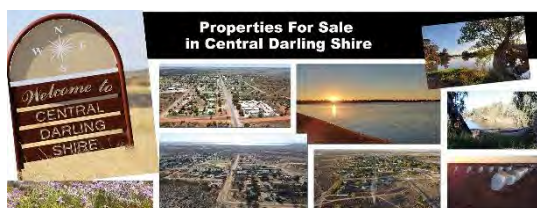
This report provides a summary of Community Engagement activities for 2023.

### REPORT:

#### Overview

During 2023 Council provided information and community messages through various avenues including resident newsletters, staff newsletters, Facebook, LinkedIn, Council website, media releases, public notices, electronic sign (Menindee), school newsletters, promotional flyers and various media interviews involving the Council Administrator, General Manager and Community Engagement Officer.

In August Council was announced the winner of the prestigious RH Dougherty Events and Communications Awards - Excellence in Communication. Division A (population 0 - 30,000 people).



At the July 2023 Ordinary meeting Council endorsed the development and ongoing management of a [Facebook Page - Properties for Sale in Central Darling Shire](#). This page is managed by the Community Engagement officer. Since being started the page has acquired 146 members. At the time of writing three Council properties were listed and one has been sold.

#### Media Coverage

[Council news](#) was reported across local media including the Wilcannia News, the Hillston Spectator Ivanhoe News section, the Barrier Truth, the Daily Liberal, Spencer Gulf Nightly News (which was axed in 2023), Radio 2DRYFM, Radio 2WEB and ABC Radio.

#### Monthly Resident Newsletter

The [resident newsletter](#) is now an important part of the Community Engagement activities for Council. It is being well received and there are requests from government agencies for items to be included in this award-winning newsletter. While it is available on the Council website the focus is on the newsletter being printed and available to all residents because not everyone in the Shire has

access to the internet. The newsletter is also another avenue to promote job vacancies at Council to potential workers based in the Shire. Below is a sample page of the Resident newsletter.

# Central Darling Shire Council

**We're going ahead - Advancing our Shire**

## Message from the ADMINISTRATOR - Bob Stewart

Meetings have continued with the Office of Local Government staff on what a future elected Council will need to be successful particularly addressing the critical issue of funding. Currently Council has placed on public exhibition the proposed adjustment to the Ward boundaries to meet compliance with legislation.

Residents and electors are encouraged to make comment by the closing date of submissions. The proposal may be viewed on our web page. With summer around the corner, it is important we all take precautions and plan for bush fires. Please contact your local RFS brigade if you need any assistance.

**Job Opportunity**

Procurement and Fleet Officer

Please see our website for details



## White Cliffs - road sealing works update



Sealing works have now been completed around Smiths and Turleys Hill, White Cliffs. Line marking, signage and minor drainage works are scheduled to complete the projects. The Smiths Hill and Turleys Hill initial seal projects are funded by the Fixing Local Roads Program and Local Roads and Community Infrastructure Program respectively.

**CHILD CARE**

**Wanting to return to work, but need childcare?**  
Central Darling Shire Council is seeking  
EXPRESSIONS OF INTEREST in Child Care Services

We want to know if there is a need in our communities for Child Care during normal working hours so parents or carers can return to work. If this is something you need and would use please let us know:

- Number of children requiring care.
- Ages of children.
- Your location/town.
- Days & times you would require care.
- Any special needs.
- Your name/phone number if someone needs to follow up for more information.

*This is not a promise that Council will provide the service. Your feedback is important because if there is enough demand the next stage will be advocating to find a service provider.*

Please email your feedback to: [council@centraldarling.nsw.gov.au](mailto:council@centraldarling.nsw.gov.au)



CENTRAL DARLING SHIRE COUNCIL

## Menindee old town weir

The NSW department of Planning and Environment's Water Group has postponed work to remove the remaining sections of Menindee's old town weir to the level of the natural riverbed. The removal was planned for early October 2023. However, the department said following a review of the current river conditions in consultation with the community, it was decided that delaying the work until winter 2024 was a lower risk option.



## Proposal to reclassify Council land is progressing

There has been a significant development in a long-standing land reclassification planning proposal of Council owned community land to operational land. An amendment to the Central Darling Local Environmental Plan 2012 to reclassify 232 council owned properties in the Shire from 'community' to



'operational' land is on public exhibition. Comments must be received by 4pm on October 26, 2023. A Public Hearing will be held at Wilcannia Council Chambers on November 21, 2023. The amendment to the Local

Environmental Plan is to be finalised on or before August 4, 2024. The documents are being exhibited on the NSW Planning Portal and on the Council website under Public Notices and Exhibition Documents.

September 2023 Newsletter - Central Darling Shire Council - PO Box 165 Wilcannia NSW 2836. Phone: 08 8083 8900

### Social Media

Facebook continues to be a valuable tool for communicating to both residents and people outside the Shire.

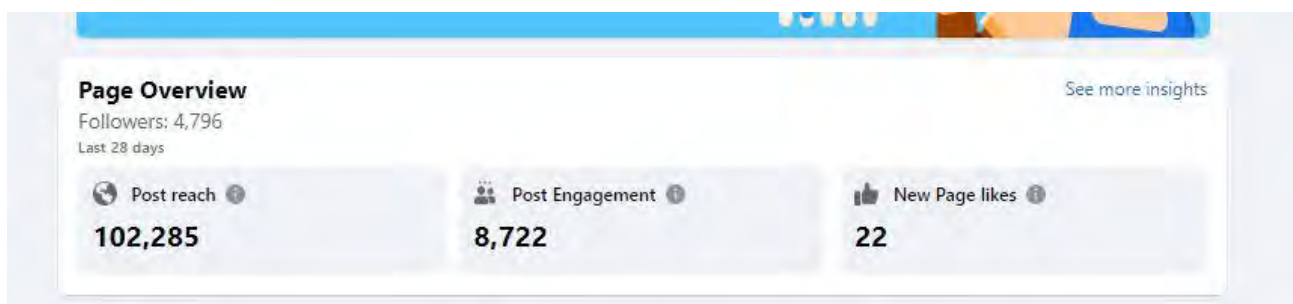
Council Facebook is a high engagement page. At the time of reporting the page had 4,963 followers. In August 2023 this figure was 4,796 followers (as per below snapshot). As a further comparison of the page growth in the Community Engagement report to the April 2023 Council meeting it was noted that the number of Facebook followers was 4,254, which at the time was an increase from 3,918 on the previous reporting period.

Council Facebook is an important source of news and information.

Road reports are consistently the most popular posts on the page.

During the Flood disaster and Fish deaths events posts about these issues were widely received.

Posts showing local people are achieving success are always popular and some samples of these are included below.



Pictured is a page overview for August 2023.





See insights and ads Boost post

Roy Butler MP and 120 others 15 comments · 10 shares

Like Comment Share

View more comments

Anna Harris  
Well deserved always welcomed warmly

Like Reply Send message Hide

Central Darling Shire Council  
Published by Gabriello Johnston · November 18 at 1:15 PM

ABC Broken Hill  
November 16 at 4:45 PM

New South Wales has officially marked the completion of a 132-kilometre bitumen sealing of the Cobb Highway between Ivanhoe and Wilcannia, with residents expect... See more

ABC.NET.AU  
Outback highway finally sealed after 12 years in the making  
Ivanhoe locals hope to see more people now pass through the west

No insights to show Boost a post

Roy Butler MP and 5.3 others 7 comments · 3 shares

Like Comment Share

View more comments

Rob Robertson  
How well I remember the dirt road, travelling in a Ford GTHO and the thunderstorm chasing us into Booligal. Can't wait to head up there again.

Like Reply Hide

**LinkedIn**

Council LinkedIn Page is in growth phase. At the time of writing the page had 231 followers. It was an exciting moment during the year when the page passed 200 followers. In October 2022 the page had 159 followers.

LinkedIn offers exposure to corporate and government organisations. From a business perspective this has obvious benefits. The information sharing and networking opportunities are of benefit.

Council has difficulty recruiting for some vacant positions. Because LinkedIn is a jobs networking site this is another avenue to let people know about job vacancies.

Since the start of the year Council LinkedIn top followers have changed (see snapshot pictured right). There has been a small increase in the percentage for followers from Wilcannia. Melbourne has moved from fourth spot to second spot. Adelaide was not previously on the list for top followers by location.



**Council Website**

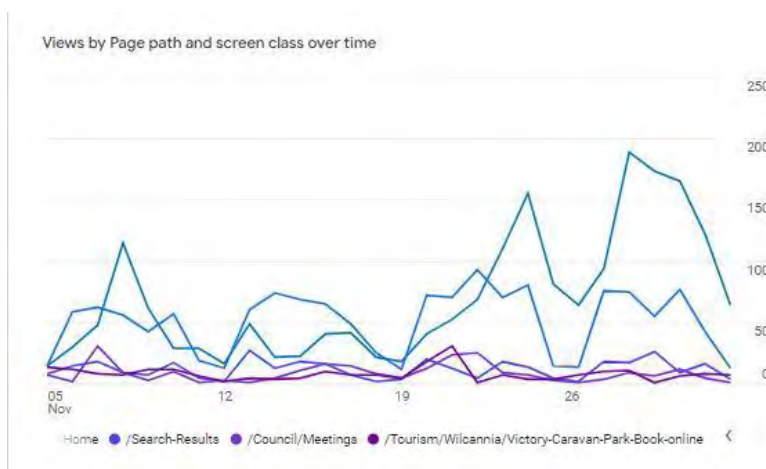
The Community Engagement officer has worked consistently in 2023 to increase awareness about Council’s website page to encourage more people to access the page for information.

The Community Engagement Officer is seeing anecdotal evidence of an increase in interest from staff about placing various items on the website for public viewing. This correlates with an increased awareness in the community about the website as a source of information.

The website is undergoing regular updates, which is a work in progress.

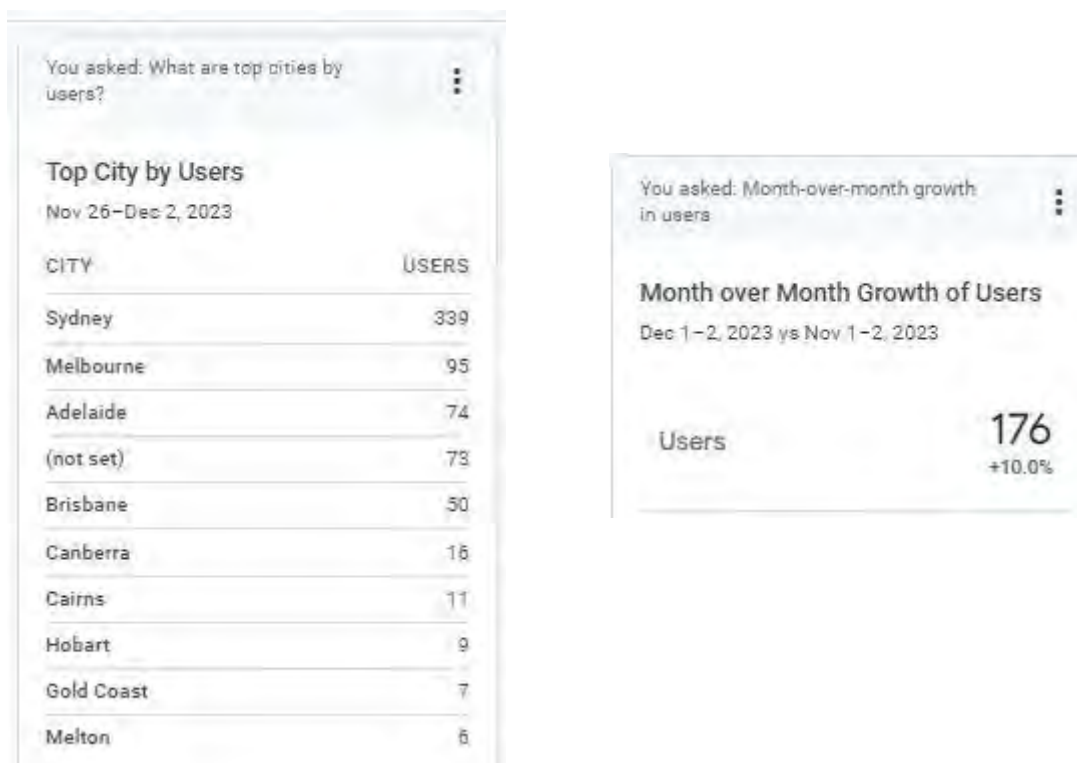
	Page title and screen class	Views	Users	Views per user
		7,576 100% of total	2,165 100% of total	3.50 Avg 0%
1	Road condition update   Central Darling Shire Council	1,925	929	2.07
2	Home   Central Darling Shire Council	1,486	661	2.25
3	Search Results   Central Darling Shire Council	351	151	2.32
4	Meetings   Central Darling Shire Council	237	61	3.89
5	Victory Caravan Park - Book online   Central Darling Shire Council	203	99	2.05
6	Careers   Central Darling Shire Council	178	90	1.98
7	Council   Central Darling Shire Council	143	92	1.55
8	Visit Sunset Strip   Central Darling Shire Council	134	93	1.44
9	Central Darling Shire Flood Mapping   Central Darling Shire Council	113	83	1.36
10	Contact Us   Central Darling Shire Council	106	69	1.54

Pictured above it is noted that, like social media, road condition reports are the most sought-after information on the website. The above example is for a 28 day-period between November and December.



There is a direct relationship between promoting Council news/information on social media and linking this back to the website. The above snapshot shows the spike on the website for interest in booking online for Wilcannia Victory Caravan Park, which was promoted on Council social media.

There was also a spike in website traffic during the flooding emergency and fish deaths events.



Above is information about where visitors the website are coming from, and also the growth being seen in website traffic.

**Summary**

Council Community Engagement activities are seeing continued growth.

There are plans to further grow this space in 2024.

**LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:**

Focus/Goals/Objectives	Strategic Area	Actions
2 Local & Regional Governance	2.1 Shire governance	2.1.2 Undertake ongoing engagement with shire Communities to ensure their input in the design of local governance structures and services

**SUSTAINABILITY ASSESSMENT:**

	Assessment
<b>Social</b>	Positive
<b>Environmental</b>	Positive
<b>Economic</b>	Positive
<b>Governance</b>	Positive

**Financial and Resource Implications:**

Nil

**Policy, Legal and Statutory Implications:**

Nil

**Risk Management - Business Risk/Work Health and Safety/Public:**

Nil

**OPTIONS:**

Nil

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

**Internal Exhibition:**

Nil

**External Exhibition:**

Nil

**Attachments:**

NIL



**9.9 REVIEW OF COUNCILLOR-STAFF INTERACTION POLICY**

**FILE NUMBER:** GD23/18542  
**REPORT AUTHOR:** GOVERNANCE OFFICER  
**RESPONSIBLE DIRECTOR:** GENERAL MANAGER

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**EXECUTIVE SUMMARY:**

The purpose of this report is for Council to consider adoption of the draft Councillor-Staff Interaction Policy (Version Two).

**RECOMMENDATION:**

That Council will:

1. Receive the report, and
2. Adopt the revised Councillor-Staff Interaction Policy.

**BACKGROUND:**

In April 2020, the Office of Local Government (OLG) released a draft Councillor and Staff Interaction Policy for comment. In April 2022, following a consultation process, the Office of Local Government released a model Councillor and Staff Interaction Policy. This Model Policy has been used as the basis of the draft revised Policy.

**REPORT:**

Positive, professional working relationships between Councillors and Staff are a key element of any council's success. If relationships between Councillors and Staff are functioning effectively, the council is more likely to perform effectively. If these relationships break down, it can lead to dysfunction, create a potential corruption risk, and ultimately the council's performance will suffer. A good relationship between Councillors and Staff is based, in large part, on both having a mutual understanding and respect for each other's roles and responsibilities. These are defined in the *Local Government Act 1993* (the LGA) and the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

In broad terms, a Councillor's role is a strategic one. As members of the governing body, Councillors are responsible not only for representing the community, but also for setting the strategic direction of the council and keeping its performance under review. A comprehensive outline of the role of a councillor is provided in the revised Policy. The role of council Staff, under the leadership of the General Manager, is to carry out the day-to-day operations of the council and to implement the decisions, plans, programs, and policies adopted by the governing body.

Councillors need access to information about the council's strategic position and performance to perform their civic functions effectively. The General Manager and Staff are responsible for providing Councillors with this information to facilitate the decision-making process. Given Councillors' role in setting the council's strategic direction and keeping its performance under review, Councillors are entitled to request information about a range of issues.

However, in requesting information, Councillors should not be seeking to interrogate the small or minor details of the council's operations or to direct or influence Staff in the performance of their duties. Councillors should also recognise that a council's resources are finite, and they need to be mindful of the impact of their requests.

Above all, interactions between Councillors and Staff should be positive, respectful, and professional.

It is also inevitable that Councillors and council Staff will engage with their council in their private capacity. This can be for something as simple as attending a customer service counter to make a payment, to more complex matters, such as submitting a development application. In these circumstances, it is vital that Councillors and council Staff do not seek to use, or appear to use, their position within council to obtain a private benefit. To do so could be seen as an attempt to exert pressure on Councillors and/or council Staff with a view to obtaining preferential treatment. Such conduct has the potential to undermine both the integrity of a council’s decision-making processes, as well as the community’s confidence in council, and so must be avoided.

The three main goals of the model Policy are:

- to establish a framework by which Councillors can access the information they need to perform their civic functions,
- to promote positive and respectful interactions between Councillors and Staff, and
- to advise where concerns can be directed if there is a breakdown in the relationship between Councillors and Staff.

Importantly, and to minimise doubt, the revised policy lists the Staff who Councillors are permitted to contact directly and specifies what requests they may make.

The model Councillor-Staff Interaction Policy was developed by the OLG in consultation with Councils. While not mandatory, the Policy reflects best practice and all councils, county councils and joint organisations are encouraged to adopt it. In doing so, they are free to adapt the policy to suit their local circumstances and operating environments or to supplement it with their own provisions.

In the development of Central Darling Shire Council (CDSC)’s revised policy, only one minor amendment has been made to the OLG model. This is to reflect advice received during recent Governance Officer training on best practice policies in preparation for Council elections. The amendment was to add clarification around the most appropriate use of the Councillor Request system, with the additional comments below in italics:

Councillors can use the councillor requests system to:

- b) bring concerns that have been raised by members of the public to the attention of Staff, *with the prior written approval of that person. Councillors and Members of the public are encouraged to use the Customer Requests system to resolve any service issues.*

Clause 3.1(b) of the Model Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to a council’s policies. If adopted by CDSC, a breach of the policy may also constitute a breach of council’s code of conduct. Concerns or complaints about the administration of a council’s councillor request system should be raised with the general manager (or the mayor in the case of a complaint about the general manager). If the matter cannot be resolved locally, Councillors may raise their concerns with OLG.

Both the revised Policy and Version One are attached for Council’s review.

**LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:**

Focus/Goals/Objectives	Strategic Area	Actions
2 Local & Regional Governance	2.1 Shire governance	2.1.3 Manage governance of the Central Darling region in co-operation with other existing governance

		systems including those provided by Local Area Land Councils and the Murdi Paaki Regional Assembly and Community Working Parties
		2.1.4 Ensure that governance of the shire is focused on the effective planning and delivery of adequate and appropriate services and facilities to local communities

**SUSTAINABILITY ASSESSMENT:**

	Assessment
<b>Social</b>	NA
<b>Environmental</b>	NA
<b>Economic</b>	NA
<b>Governance</b>	Positive

**Financial and Resource Implications:**

There are no financial considerations relating to this report.

**Policy, Legal and Statutory Implications:**

Adoption of the revised Policy will support and supplement the Code of Conduct and Code of Meeting Practice.

**Risk Management - Business Risk/Work Health and Safety/Public:**

Adoption of the Policy will reduce the risk of non-compliance with the Code of Conduct in relation to Councillor and Staff interaction by more specifically prescribing the parameters of such interactions.

**OPTIONS:**

That Council adopt the draft Councillor-Staff Interaction Policy Version Two based on the OLG Model or advise of any changes needed before adoption.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

**Internal Exhibition:**

To all Councillors, Staff, volunteers, and certain categories of contractor.

**External Exhibition:**

The Councillor-Staff Interaction Policy does not require public exhibition for comment or submissions, as it does not require any input from the public. It may be made available to the public under the provisions of the *Government Information (Public Access) Act 2009*.

**Attachments:**

1. [Councillors Access to Information Interaction with Staff Version One](#) ↓ 
2. [Councillor - Staff Interaction Policy Version Two December 2023](#) ↓ 

## **10 CUSTOMER SERVICE REPORTS**

Nil

## 11 SHIRE SERVICES REPORTS

### 11.1 ENVIRONMENTAL SERVICES UPDATE

**FILE NUMBER:** GD23/18555  
**REPORT AUTHOR:** SENIOR PLANNER  
**RESPONSIBLE DIRECTOR:** DIRECTOR SHIRE SERVICES

#### EXECUTIVE SUMMARY:

This report is to provide a summary of Council’s Environment Services statistics for the month of November 2023.

#### RECOMMENDATION:

That Council will:

1. Receive and note the report

#### BACKGROUND:

<b>Statistics for October 2023</b>		
Development approvals / final certificates issued under Part 4, Part 5 of the <i>Environmental Planning and Assessment Act 1979</i> . Number of Certificates issued under the <i>Local Government Act 1993</i> .	Number of DAs Approved – New Dwellings	0
	Number of DAs Approved – Renovation	0
	Number of DA s approved – Commercial/ Industrial	1
	Number of DA s approved – Rural Industry/ Agriculture	0
	Number of DAs Approved – Other	0
	Total Value of DAs Approved	\$0
	Number of Construction Certificates / Crown Construction Certificates Issued	0
	Number of Complying Development Certificates issued	0
	Number of LGA S68 Approvals	0
	Number of Occupation Certificates Issued	1
	Number of Building Information Certificates issued	0
	Number of Section 10.7 Planning Certificates issued (S68)	1
	Number of other approvals or certificates issued under the Local Government Act 1993 (S138, S123 etc)	0
Animal Control Activities -	Animals in and Arriving at Council's Facility	
	Seized and impounded	1
	Rehomed	0
	Returned to owner	2
	Euthanised	1
	Registrations	1

	Microchipped	1
	Penalty notices	1
	In pound at the end of month	2
	Incident dog attack	1
Water Sampling	Microbiology Samples Collected	12
	Chemistry Samples Collected	
	Raw water pesticide sample	0
	Microbiology Pool samples	4

Attachment: Nil

**LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPEARTIONAL PLAN:**

<b>Community Plan Strategic Plan Outcomes</b>	<b>Delivery Outcomes</b>
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**SUSTAINABILITY ASSESSMENT:**

	<b>Assessment</b>
<b>Social</b>	Positive
<b>Environmental</b>	Positive
<b>Economic</b>	Positive
<b>Governance</b>	Positive

**Financial and Resource Implications:**

Nil

**Policy, Legal and Statutory Implications:**

NII

**Risk Management - Business Risk/Work Health and Safety/Public:**

Nil

**Attachments:**

NIL

**11.2 ROADS AND AERODROMES**

**FILE NUMBER: GD23/18691**  
**REPORT AUTHOR: DIRECTOR SHIRE SERVICES**  
**RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES**

**EXECUTIVE SUMMARY:**

The purpose of this report is to provide an update on road and aerodrome maintenance and capital works expenditure within the Central Darling Local Government Area.

**RECOMMENDATION:**

That Council will:

1. Receive and note the report

**REPORT:**

**State Roads**

Council is engaged by Transport for NSW (TfNSW) to maintain the State Highway network within the Shire boundaries. The two State Highways are the Barrier Highway and the Cobb Highway.

Council is engaged under contract conditions specified under the Routine Maintenance Council Contract (RMCC). The contract details routine works required to be completed throughout the year and capital works which are supplied to Council via a Works Order (WO).

2023/24 RMCC Routine Maintenance preliminary allocation is: \$1,200,506.

2023/24 RMCC Works Orders value is \$1,812,802.

<b>Works Description</b>	<b>Original Budget</b>	<b>% Expended</b>	<b>Remaining budget</b>
Routine	\$1,200,506	43%	\$679,814
WO	\$1,812,802	96%	\$67,601

**Regional Roads**

Council maintains 790km of Regional Roads throughout the Shire.

2023/24 Regional Road Block Grant amount (including roads, traffic and supplementary components) is \$2,919,000

2022/23 Regional Roads Repair Program was successful with \$400,000 funding of the \$800,000 total cost. MR68C Pooncarie Rd, reconstruct and seal 2.64km of failed pavement which is



programmed for completion by November 2023. Wet weather and flooding delayed construction for several months.

The Regional and Local Roads Repair Program allocation is programmed for completion by June 2024 with \$1,960,000 allocated for unsealed formation improvements for Regional Roads.

The Pooncarie Rd Initial Seal Project is programmed for completion by June 2024. 54km have now been sealed of the 61km. The remaining earthworks, including Karoola realignment, are in progress. The structures are now programmed for completion first quarter of 2024. The pavement and verge damage sustained as part of the earlier flood events have now been approved by TfNSW and are in progress

<b>Works Description</b>	<b>Original Budget</b>	<b>% Expended</b>	<b>Remaining Budget</b>
Regional Road Block Grant	\$2,919,000	42%	\$1,692,235
Regional Roads Repair Program 2022/23	\$800,000	78%	\$178,926
RLRRP – Regional Roads	\$1,960,000	31%	\$1,360,882
Pooncarie Rd IS project	\$39,600,000	87%	\$5,234,806

### **Local Roads**

Council maintains 1600km of Local Roads throughout the Shire.

2023/24 Operating budget is \$1,994,730 funded from the Financial Assistance Grant (FAG) – Local Roads Component.

2022/23 Roads to Recovery (R2R) allocation is \$1,001,818. Two capital improvement projects were carried over to this financial year due to flooding and construction delays.

2023/24 Roads to Recovery (R2R) allocation is \$1,001,818. Three capital improvement projects are programmed for completion by June 2024.

The Regional and Local Roads Repair Program allocation is programmed for completion by June 2024 with \$2,314,021 allocated for unsealed formation and pavement improvements for Local Roads.

An additional \$6,113,728 granted under the Regional and Local Roads Repair Funding has been received. A report to Council detailing works program and funding allocations will be presented to Council early 2024.

Fixing Local Roads (FLR Rd 3) Program was successful for funding of \$1,860,000 with contribution amount of 10% to complete the realignment, construction, and seal of the ring road around Smiths Hill, White Cliffs. Completion programmed for December 2023

The Local Roads and Community Infrastructure Program Phase 3 (LRCI Rd 3) included allocation of \$1,600,000 to complete the realignment, construction, and seal of the ring road around Turleys Hill, White Cliffs. Completion programmed for December 2023

The Fixing Local Roads Pothole Repair Round (Program) has been developed to provide funding for local and regional roads across regional and rural NSW. Council applied to TfNSW for funding to address priority potholes on local roads and regional roads. The application for funding has been successful and the pothole repair work will be carried out by Council as the asset owner in accordance with the terms of the Program and the Deed received Mon 5 December 2022.

Fixing Local Roads (FLR Rd 4) Program was successful for funding of \$2,343,471 with contribution amount of 10% to complete the realignment, construction, and seal of the Racecourse Road Menindee. Initial survey and Environmental works have commenced.

<b>Works Description</b>	<b>Original Budget</b>	<b>% Expended</b>	<b>Remaining Budget</b>
<b>Local Roads Component (FAG)</b>	\$1,994,730	47%	\$1,054,774
<b>Mandalay Rd Floodways (R2R)</b>	\$750,000	12%	\$663,380
<b>Wilc-Menindee East Rd Formation (R2R)</b>	\$251,818	100%	\$0
<b>Ivanhoe-Menindee Rd RCBC (R2R)</b>	\$400,000	0%	\$400,000
<b>Wilc-Menindee East Rd RCBC (R2R)</b>	\$201,818	0%	\$201,818
<b>Teryawynia-Ashmont Rd RCBC (R2R)</b>	\$400,000	0%	\$400,000
<b>Smith's Hill White Cliffs (FLR Rd 3)</b>	\$1,860,000	100%	\$0
<b>Turley's Hill White Cliffs (LRCI Rd 3)</b>	\$1,600,000	78%	\$347,156

<b>Racecourse Rd (FLR Rd 4)</b>	\$2,343,471	2%	\$2,290,450
<b>Fixing Local Roads – Pothole Repair Round</b>	\$821,414	100%	\$0
<b>RLRRP – Local Roads</b>	\$2,314,021	53%	\$1,086,388
<b>Regional &amp; Local Roads Repair Funding</b>	\$6,113,728	0%	\$6,113,728

**Aerodromes**

Council maintains 6 aerodromes throughout the Shire: Wilcannia, Menindee, Ivanhoe, White Cliffs, Tilpa and Emmdale.

Council’s application under the Remote Aerodrome Upgrade Program (RAUP) Rd 9 was successful. Emmdale aerodrome bore supply and grading works will receive \$52,750 being 50% of the project costs will be funded by the Federal Govt. The remaining 50% will be funded by Council.

<b>Works Description</b>	<b>Original Budget</b>	<b>% Expended</b>	<b>Remaining Budget</b>
<b>Aerodromes R&amp;M</b>	\$246,000	20%	\$197,834

**Attachments:**

NIL

**11.3 SERVICES**

**FILE NUMBER:** GD23/18693  
**REPORT AUTHOR:** DIRECTOR SHIRE SERVICES  
**RESPONSIBLE DIRECTOR:** DIRECTOR SHIRE SERVICES

**EXECUTIVE SUMMARY:**

The purpose of this report is to provide an update on the services expenditure on all associated assets within the Central Darling Local Government Area.

**RECOMMENDATION:**

That Council will:

1. Receive and note the report

**REPORT:**

**Services Operational:**

The table below reflects budgets and expenditure to date for each operational area.

<b>Works Description</b>	<b>Original Budget</b>	<b>% Expended</b>	<b>Remaining Budget</b>
Parks & Gardens/ Sporting Facilities	\$137,500	94%	\$8,619
Ancillary Works	\$226,000	7%	\$210,746
Street Cleaning/Bins	\$280,000	44%	\$155,566
Buildings	\$312,550	17%	\$260,034
Swimming Pools	\$331,400	35%	\$213,837
Domestic Waste	\$202,500	97%	\$5,101

Note:

That expenditure detailed for Parks and Gardens includes \$37,178.51 of capital expenditure incurred as part of the Ivanhoe Oval precinct upgrade works. This will be journalled out and amended for the next meeting.

That extensive landfill remediation works were necessary at Ivanhoe, Wilcannia and Menindee. A large portion of expenditure has been incurred as part of D10 Dozer works in this regard. Waste budget will be reviewed and any necessary changes reported as part of quarterly budget reviews.

**Services Capital:**

There are a variety of capital services infrastructure improvements programmed this year which are detailed in the Grants Register section of this Agenda.

**Attachments:**

NIL

**11.4 WATER AND SEWER**

**FILE NUMBER: GD23/18694**  
**REPORT AUTHOR: DIRECTOR SHIRE SERVICES**  
**RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES**

**EXECUTIVE SUMMARY:**

The purpose of this report is to provide an update on water and sewer maintenance, capital works and expenditure and all assets within the Central Darling Local Government Area.

**RECOMMENDATION:**

That Council will:

1. Receive and note the report

**REPORT:**

**Water & Sewerage Operations:**

- Wilcannia’s potable water supply is sourced from the Darling River Weir Pool. Estimated supply once weir stops flowing is 6 months. There are three emergency bores equipped for use for town supply, one of which is in poor condition due to iron and manganese corrosion of bore casing and headworks. Staff are arranging repairs and relining early in the new year.
- White Cliffs town water supply is sourced from Wakefield Tank. Wakefield Tank storage supply is estimated 6 months’ supply remaining. There is no emergency supply for White Cliffs, water carting is necessary in the event of nil rainfall and depleted catchments.
- Ivanhoe town water supply is currently being sourced from Morrison’s Tank. Morrison’s Tank capacity, 250 megalitres. 10 months’ supply remaining. Ivanhoe has 5 emergency bores equipped for use for town supply.
- The Aboriginal Communities Water and Sewer Program contributes to Councils operational costs for services supplied to the Wilcannia Mallee and Waralli precincts.

<b>Works Description</b>	<b>Original Budget</b>	<b>% Expended</b>	<b>Remaining Budget</b>
Wilcannia Water	\$479,500	40%	\$288,231
Wilcannia Sewer	\$230,000	26%	\$170,085
White Cliffs Water	\$181,200	26%	\$133,370
Ivanhoe Water	\$335,700	27%	\$245,149
Tilpa Water	\$23,000	100%	\$0
Aboriginal Communities Water and Sewer program	\$144,770	28%	\$103,885

**Water and Sewer Capital Works**

- Sewer Pump Well Upgrade Works have commenced in Wilcannia. The new diesel generator pump units are designed to automatically start if existing pump infrastructure fails, reducing the risk of an overflow event.

The works are being completed by Pensar, a company engaged by DPE Water Group as part of the new Wilcannia Weir Project

- In 2021 Council entered into a contract with Membrane Systems Australia (MSA).

Following lengthy discussions and disagreements as to the nature and effect of the Contract, Council has elected to agree to terminate the Contract as the only alternative was costly and expensive legal proceedings in attempting to enforce Council's position. As a result, the Contract was terminated June 2023.

After discussion between the parties and their legal advisors, it was agreed to terminate the Contract with details to remain commercial in confidence.

Plant and partially assembled equipment purchased by MSA as part of the contractual arrangement prior to the termination was available for Council to collect. These items are now in Council possession.

Council resolved to seek fresh tenders for the three water treatment plants via selective tender and those tenderers attended a pretender meeting in Broken Hill on Thursday 31<sup>st</sup> August. Tenderers had opportunity to inspect all equipment and seek clarification on queries raised. Tenderers were granted an additional two weeks for tender period which, for White Cliffs, closed 9<sup>th</sup> October 2023 and Wilcannia/ Ivanhoe 23<sup>rd</sup> October 2023.

Council resolved to award tender to SNG to complete the White Cliffs WTP project. Works are in progress and contractual matters are being finalised.

- The White Cliffs Reticulation works commenced 22 May 2023 and have been in progress to date. Approximately 60% of the town reticulation upgrade length have been completed.

Council has formally written to the funding providers, updating project expenditure to date and WTP tendered prices. The change request for initial funding allocations will be determined and options for project completion will be updated following further discussions.

- Tilpa Village emergency water supply works including a 17km pipeline and bore were completed by June 2023. Further water quality testing is required and possible water treatment and storage options are being investigated
- Smart meters and valve replacements are scheduled for 2023/24 in Ivanhoe and Wilcannia.
- Asbestos Cement (AC) mains replacement works are in progress in Wilcannia
- Electrical switchboards at Ivanhoe, Morrisons Lake inlet and storage, will be replaced and be upgraded. This will ensure smooth operation, better control, and proper maintenance of raw water assets for Ivanhoe township. An experienced and well-referenced contractor is engaged to deliver the job.

The table below reflects expenditure for Capital Projects.

<b>Works Description</b>	<b>Original Budget</b>	<b>% Expended</b>	<b>Remaining Budget</b>
White Cliffs WTP and Retic	\$5,500,000	58%	\$2,314,846
Wilcannia WTP	\$3,500,000	48%	\$1,835,042
Ivanhoe WTP	\$2,500,000	47%	\$1,334,614
Smart Meters	\$50,000	0%	\$50,000
AC Main Replacements	\$150,000	78%	\$33,256
Tilpa Reservoir	\$50,000	0%	\$50,000
Ivanhoe Raw Water Switchboard Upgrades	\$75,000	0%	\$75,000

**Attachments:**

NIL



**11.5 PLANT HIRE RATES 2024 - 2026 TENDER METHOD****FILE NUMBER: GD23/18703****REPORT AUTHOR: DIRECTOR SHIRE SERVICES****RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES**

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**EXECUTIVE SUMMARY:**

The purpose of this report is to provide Council with information relating to the new water treatment plants so an informed decision can be made with respect to the tender method used for procurement.

**RECOMMENDATION:**

That Council will:

1. Receive the report
2. Select the Open Tender method for the Plant Hire Rates Contract 2024 to 2026
3. Endorse the Standing Order Deed and Conditions of Contract
4. Advertise tender opening period from 14 December 2023 to 31 January 2024 and formally invite existing registered contractors to submit new tenders.

**BACKGROUND:**

Council engage local contractors through a Plant Hire Rates Contract.

The current Plant Hire Rates Contract finishes January 31, 2024.

**REPORT:**

Clause 166 of the Local Government Regulation 2005 requires Council to decide whether tenders are to be by open tendering or selective tendering. The recommendation above seeks to invite tenders by the Open Tendering method.

The Standing Order Deed and Conditions of Contract form part of the contract documents. An amendment to the existing conditions of contract is that:

*10.1 Council will pay the Contractor within Thirty (30) days of receipt by Council of a Tax Invoice that complies with the requirements of clause and where the details on the invoice correspond exactly with the hours of work on the Plant Sheets, and the Plant Hire Rate registered. Contractors are not to contact the Council seeking payment prior to Thirty (30) days from receipt of the Tax Invoice. Where the Plant Sheets, Tax Invoice and plant hire rates do not correspond, Council's Creditors Office will correspond with the Contractor's nominated Administration Contact either by*

phone or email. Payment will be made to the Contractor within Thirty (30) days of agreement being reached.

Contractors are currently paid on a fourteen (14) day period with up to twenty one (21) days contract payment terms.

The recommendation above seeks to endorse the Deed and Conditions of Contract which are attached for Council’s perusal.

**LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:**

Focus/Goals/Objectives	Strategic Area	Actions
6 Infrastructure and Services	6.3 Local and regional roads	6.3.3 Maintain an annual schedule of road works according to the Asset Management Plan
		6.3.4 Ensure ongoing funding to provide road maintenance and upgrade services across the shire
	6.5 Local services	6.5.1 Ensure the planning and provision of services to Central Darling Shire communities reflects current and future community needs

**SUSTAINABILITY ASSESSMENT:**

	Assessment
<b>Social</b>	Negative
<b>Environmental</b>	NA
<b>Economic</b>	Positive
<b>Governance</b>	Positive

**Financial and Resource Implications:**

Nil at this time. The tender results will be reported to Council following close of tender.

**Policy, Legal and Statutory Implications:**

In accordance with Clause 166 of the Local Government (General) Regulation 2021.

**Risk Management - Business Risk/Work Health and Safety/Public:**

Nil for tender method

**OPTIONS:**

Seek tenders via the Selective tender method

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

**Internal Exhibition:**

Nil

**External Exhibition:**

Advertise tenders from 14 December 2023 to 31 January 2024

**Attachments:**

1. [Standing Order Deed - Central Darling Shire Council Plant Hire 2024-2026](#) ↓ 

**11.6 DRAFT CENTRAL DARLING DEVELOPMENT CONTROL PLAN**

**FILE NUMBER:** GD23/18704  
**REPORT AUTHOR:** SENIOR PLANNER  
**RESPONSIBLE DIRECTOR:** DIRECTOR SHIRE SERVICES

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**EXECUTIVE SUMMARY:**

Council to endorse the commencement of consultation for the Draft Central Darling Development Control Plan 2024.

The Development Control Plan provides detailed guidance on development as stipulated in the *Central Darling Local Environmental Plan 2012*.

Council is required to endorse the commencement government agency, community and stakeholder consultation.

The Draft Central Darling Development Control Plan will need a formal public exhibition/ consultation period of 28 days before Council can endorse the final Development Control Plan.

**RECOMMENDATION:**

That Council will:

1. Receive the report
2. Endorse the commencement of consultation on the Draft Central Darling Development Control Plan 2024.
  - (a) Note that the required exhibition period for the draft development control plan is 28 days.
    - (i) Endorse the public exhibition of the Draft Central Darling Development Control Plan 2024 in February 2024.

**BACKGROUND:**

Central Darling Shire Council has prepared a draft development control plan.

The Central Darling Development Control Plan 2024 is required to provide guidance in the future development within the Central Darling Shire Council area.

The development control plan will provide guidance for development on land that is classified as flood control lots along the Darling/ Baaka River.

The development control plan will encourage development that will enhance the natural and built environment of the Central Darling Shire Council area. The development control plan will assist suitable development within the Wilcannia Heritage Conservation area.

The *Environmental Planning and Assessment Act 1979* states the purpose of the development control plan is as follows:

*“3.42 Purpose and status of development control plans*

*(cf previous s 74BA)*

*(1) The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development—*

*(a) giving effect to the aims of any environmental planning instrument that applies to the development,*

*(b) facilitating development that is permissible under any such instrument,*

*(c) achieving the objectives of land zones under any such instrument.*

*The provisions of a development control plan made for that purpose are not statutory requirements.”*

**REPORT:**

Central Darling Shire Council is required to consult with the Department of Planning, The Department of Environment, the Rural Fire Service, NSW Water, NSW Crown Lands, Department of Community services, Department of Health, NSW Transport, NSW Police and other relevant government agencies on the draft Central Darling Development Control Plan 2024.

Council will also consult with community groups and stakeholders within the Central Darling Shire Council area on the proposed development controls.

After the preliminary consultation, the draft DCP will be amended, making any changes required to the draft Central Darling Development Control Plan 2024. Following the preliminary consultation, the formal exhibition will commence for a minimum of 28 days.

The exhibition will be on the Central Darling Shire Council Website, and a hard copy will be available in Council offices.

**LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPEARTIONAL PLAN:**

<b>Focus/Goals/Objectives</b>	<b>Strategic Area</b>	<b>Actions</b>
1 Community and Culture	1.1 Housing	1.1.9 Ensure that the design and construction of all future social housing is sustainable and environmentally sensitive and responsive to cultural needs
2 Local & Regional Governance	2.1 Shire governance	2.1.1 Design and implement governance systems within the shire that are culturally responsive and ensure communities have effective local democratic structures and representation
		2.1.2 Undertake ongoing engagement with shire Communities to ensure their input in the design of local governance structures and services
3 Natural Environment	3.1 The Baaka / Darling River, Menindee Lakes and Willandra Creek	3.1.7 Create protection zones along the river to preserve the riverside environment and Aboriginal cultural heritage near Wilcannia and Menindee
5 Rural and Urban Land Use	5.3 Local Heritage	5.3.1 Ensure that local Aboriginal and European heritage sites and buildings and places of cultural values are well maintained and preserved

**SUSTAINABILITY ASSESSMENT:**

	<b>Assessment</b>
<b>Social</b>	Positive
<b>Environmental</b>	Positive

<b>Economic</b>	Positive
<b>Governance</b>	Positive

**Financial and Resource Implications:**

The Development Control Plan enables the council flood mapping and future controls of development on flood affected land to be enforced. The Development Control Plan will direct development that benefits the Central Darling Shire Council area and residents.

**Policy, Legal and Statutory Implications:**

The Development Control plan will provide guidance on development as mandated within the Central Darling Local Environmental Plan 2012.

**Risk Management - Business Risk/Work Health and Safety/Public:**

N/A

**OPTIONS:**

The Development Control Plan is required to use the Central Darling Flood mapping and assist with appropriate development across the Central Darling Shire Council area.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

**Internal Exhibition:**

This will commence in December 2023

**External Exhibition:**

The draft Central Darling Development Control Plan 2024 will be forwarded to the appropriate government agencies and community groups and interested stakeholders.

**Attachments:**

1. [Draft Central Darling Development Control Plan 2024](#) ↓ 

## **12 MINUTES OF COMMITTEE MEETINGS**

### **12.1 ARIC MEETING MINUTES 22/11/2023**

**FILE NUMBER: GD23/18705**

**REPORT AUTHOR: EXECUTIVE ASSISTANT**

**RESPONSIBLE DIRECTOR: GENERAL MANAGER**

---

#### **RECOMMENDATION:**

1. That the Minutes of the ARIC Meeting held on 22/11/2023 be received and noted.

#### **Attachments:**

1. [ARIC Meeting Minutes 22.11.2023](#)  

## 13 RESOLUTION TRACKER

### 13.1 RESOLUTION TRACKER - NOVEMBER 2023

FILE NUMBER: GD23/18701

REPORT AUTHOR: EXECUTIVE ASSISTANT

RESPONSIBLE DIRECTOR: GENERAL MANAGER

---

#### RECOMMENDATION:

1. That the Resolution Tracker from the Ordinary Council Meeting held on 22/11/2023 be received and noted and any amendments be noted.

#### Attachments:

1. [RESOLUTION TRACKER - NOVEMBER 2023](#) ↓ 



## 14 CONFIDENTIAL MATTERS

The *Local Government Act 1993* provides that Council may close to the public that part of the meeting that deals with matters of a confidential nature.

The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting and recorded in the minutes of the meeting.

The *Local Government Act 1993* provides that Council may close to the public that part of the meeting that deals with matters of a confidential nature.

The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting and recorded in the minutes of the meeting.

### RECOMMENDATION:

That Council Meeting move into Confidential to consider the matters listed in the confidential section of the agenda in accordance with Section 10A 2 of the Local Government Act 1993 for the reasons specified.:

#### 14.1 2024 Outstanding Community Service Awards Nominations

**FILE NUMBER: GD23/18347**

**REPORT AUTHOR: COMMUNITY ENGAGEMENT OFFICER**

**RESPONSIBLE DIRECTOR: GENERAL MANAGER**

---

Item 14.1 is confidential under the Local Government Act 1993 Section 10A(2) - (d) and (f) as it relates to commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret

and details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

### RECOMMENDATION:

That Council moves out of Confidential and back into Open Chambers.

## **15 MEETING CLOSE**

The Ordinary Council Meeting will be declared closed by the Mayor/Administrator.

The next Ordinary Council Meeting will be held on Wednesday, 28 February 2024 in Council Chambers, 21 Reid Street, Wilcannia at 10:30 AM.

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE  
COUNCIL CHAMBERS, 21 REID STREET, WILCANNIA  
ON WEDNESDAY, 22 NOVEMBER 2023**

**PRESENT:** Administrator, Bob Stewart

**IN ATTENDANCE:** Greg Hill (General Manager)  
 Reece Wilson (Director Shire Services)  
 Glenda Dunn (Senior Planning Officer)  
 Kevin Smith (Finance Manager)  
 Darryl Telfer (Acting Rates Officer)  
 John Carleton (Operations Manager)  
 Kara Mohr (Risk & WHS Officer)  
 Natalie Batson (Executive Assistant)  
 Nerida Carr (Governance Officer)  
 Jane McEwan (Customer Service Manager)  
 Shirley Burraston (Management Accountant)  
 Uday Mamidala (Finance Officer)  
 Gabrielle Johnstone (Community Engagement)

**1 OPENING OF MEETING**

The meeting was declared open at 9:00am

**2 ACKNOWLEDGEMENT OF COUNTRY**

An acknowledgement of the traditional custodians of the land was delivered by the Administrator, Bob Stewart.

**3 APOLOGIES AND LEAVE OF ABSENCE**

**3.1 APOLOGIES**

Nil

**3.2 LEAVE OF ABSENCE**

Nil

**4 DISCLOSURES OF INTEREST**

Pursuant to the Mode Code of Conduct for Local Councils in NSW Councillors and Council staff are required to declare any pecuniary or non-pecuniary conflicts of interest.

**RESOLVED: OCM 01-11-2023**

Mover: Administrator Bob Stewart

That the Disclosures of Interest – Pecuniary and Non–Pecuniary be received and noted.

**CARRIED**

No declarations were received.

## **5 CONFIRMATION OF MINUTES**

### **5.1 PREVIOUS MEETING MINUTES**

#### **RESOLVED: OCM 02-11-2023**

Mover: Administrator Bob Stewart

That the minutes of the Ordinary Council Meeting held on 25 October 2023 be received and confirmed as an accurate record.

**CARRIED**

## **6 NOTICE OF MOTION**

Nil

## **7 MAYORAL (ADMINISTRATOR) MINUTE(S)**

### **7.1 MAYORAL MINUTE - NOVEMBER 2023**

#### **RESOLVED: OCM 03-11-2023**

Mover: Administrator Bob Stewart

As per report

**CARRIED**

## **8 FINANCIAL REPORTS**

### **8.1 CASH AND INVESTMENTS - OCTOBER 2023**

#### **RESOLVED: OCM 04-11-2023**

Mover: Administrator Bob Stewart

That Council will

1. receive the report and note the report.

**CARRIED**

### **8.2 GRANTS REGISTER - OCTOBER 2023**

#### **RESOLVED: OCM 05-11-2023**

Mover: Administrator Bob Stewart

That Council:

1. receive and note the report.

**CARRIED**

### **8.3 QUARTERLY BUDGET REVIEW AS AT 30 SEPTEMBER 2023**

#### **RESOLVED: OCM 06-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report
2. Adopt the variations to Council's 2023/24 Annual Budget.
3. Note that the projected operating surplus for the financial year 2023/24 is \$34,000.

**CARRIED**

## **9 GOVERNANCE REPORTS**

### **9.1 LOCAL GOVERNMENT ELECTION 2024-ENGAGEMENT OF ELECTORAL COMMISSION**

#### **RESOLVED: OCM 07-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report
2. Authorise the General Manager to negotiate the engagement of the NSW Electoral Commission to potentially conduct the September 2024 Local Government Election.

**CARRIED**

### **9.2 MEMORANDUM OF UNDERSTANDING BETWEEN WEST DARLING ARTS AND CENTRAL DARLING SHIRE COUNCIL**

#### **RESOLVED: OCM 08-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report
2. Council defers signing Memorandum of Understanding between West Darling Arts and Central Darling Shire Council for the Financial Year 2023/24.
3. Consideration be given to fund West Darling Arts \$5,000 in budget preparation for 2024/25 Financial Year.
4. Consideration be given to sign Memorandum of Understanding between West Darling Arts and Central Darling Shire Council on the outcome of council's Budget for the Financial Year 2024/25 and Council Long Term Financial Plan.

**CARRIED**

### 9.3 CHRISTMAS AND NEW YEAR OFFICE CLOSURES

**RESOLVED: OCM 09-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report
2. For the Christmas/ New Year period, Council offices at Wilcannia, Menindee, and Ivanhoe will close at 3pm Friday 22<sup>nd</sup> December and reopen on Monday 8<sup>th</sup> January 2024.

**CARRIED**

### 9.4 ORDINARY COUNCIL MEETING DATES FOR 2024

**RESOLVED: OCM 10-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report
2. Adopts the commencement of the Ordinary Council meeting time to be 10.30am
3. Adopts the following dates for Ordinary Council meetings to be held at 21 Reid Street Wilcannia:
  - No meeting in January 2024
  - Wednesday 28 February 2024
  - Wednesday 20 March 2024
  - Wednesday 17 April 2024
  - Wednesday 22 May 2024
  - Wednesday 26 June 2024
  - Wednesday 24 July 2024
  - Wednesday 28 August 2024
  - Wednesday 25 September 2024
  - Wednesday 23 October 2024
  - Wednesday 27 November 2024
  - Wednesday 18 December 2024

**CARRIED**

### 9.5 HUMAN RESOURCE POLICIES

**RESOLVED: OCM 11-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report

2. Endorse the Employee Vehicle Policy for placement on Council's website.

**CARRIED**

## **9.6 DELIVERY AND OPERATIONAL PLAN PROGRESS REPORT 2022-2023**

### **RESOLVED: OCM 12-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report
2. Place the Report on Council's website for Public Information.

**CARRIED**

## **9.7 NEW POLICY - GRANTS MANAGEMENT**

### **RESOLVED: OCM 13-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report.
2. Approve the draft Grants Management Policy.

**CARRIED**

## **9.8 DRAFT ANNUAL REPORT 2022/2023**

### **RESOLVED: OCM 14-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive and note the report.
2. Note that the Certified Financial Statements are not completed and not available for inclusion in the draft report.
3. Approve the Draft Annual Report for Central Darling Shire Council 2022 – 2023.
4. Approve on the completion of the Annual Report for Central Darling Shire Council 2022 – 2023 that it be placed on the council's website and be provided to the Minister for Local Government (via OLG) once the Certified Financial Statements are available and included.

**CARRIED**

## **10 CUSTOMER SERVICE REPORTS**

### **10.1 COMMUNITY GRANTS APPLICATION**

#### **RESOLVED: OCM 15-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report.
2. Provide \$400 Community Grant to the Sunset Strip Progress Association INC to host their Annual Christmas function.
3. Provide \$150 Community Grant to St Johns Parish of Wilcannia to cover cost of a plaque for the unidentified infant graves at the Wilcannia Cemetery.

**CARRIED**

## **10.2 GENERAL SERVICE REQUESTS AND COMPLAINTS**

**RESOLVED: OCM 16-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive and note the report.

**CARRIED**

## **11 SHIRE SERVICES REPORTS**

### **11.1 FINALISATION OF THE PLANNING PROPOSAL - RECLASSIFICATION OF COUNCIL OWNED LAND FROM COMMUNITY LAND TO OPERATIONAL LAND**

**RESOLVED: OCM 17-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report
  1. Note that there were no submissions on the exhibition and public notification of the public hearing into the Planning Proposal to reclassify Council owned community land to operational land.
  2. Note: The public hearing on the Planning Proposal to reclassify council owned community land to operational land was held on 21 November 2023, and a Public Hearing Report has been completed.
  3. Endorse the forwarding a copy of this report and any other relevant information including the Planning Proposal, to the NSW Department of Planning and Environment and NSW Parliamentary Counsels Office for a review of the Planning Proposal and any submissions received. And in accordance with the *Environmental Planning & Assessment Act 1979* the Minister for Planning (or a delegate on their behalf) take the appropriate actions to secure the making of the Amendment to the *Central Darling Local Environmental Plan 2012*.

**CARRIED**

### **11.2 ENVIRONMENTAL SERVICES UPDATE**

**RESOLVED: OCM 18-11-2023**



Mover: Administrator Bob Stewart

That Council will:

1. Receive and note the report

**CARRIED**

### **11.3 ADDITION OF ANNUAL CARAVAN PARK LICENCE FEES TO COUNCIL FEES AND CHARGES**

**RESOLVED: OCM 19-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report
2. Endorse the exhibition of the proposed fee for the annual licence to operate a caravan park or camping ground.
  - (a) Adopt the annual fee for the licence to operate a caravan park or camping ground into Central Darling shire Council fees and charges.

**CARRIED**

### **11.4 POONCARIE ROAD CONSTRUCTION - YAMPOOLA ALIGNMENT**

**RESOLVED: OCM 20-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report
2. That Council proceed with Pooncarie Rd construction along the existing alignment, within the road reserve, at Yampoola Crossing.
3. That the General Manager write to the authors of the emails outlining the resolution, thanking them for their submissions and enclosing a copy of the report.
4. That the following notes of discussion from the Administrator be noted in the minutes:

Pooncarie Road upgrade major infrastructure project for the shire and is subject to delivery timeframe from the funding bodies.

Council adopted an alignment plan for this location.

As the reports sets out there are compelling reasons both culturally and timing to retain the existing alignment.

The design has recognised that the alignment will require the need for advisory speed signage and safety engineering structures. These will be provided in accordance with the relevant standards that are applied for road design across the state for this class of road.

The total project will have 5 such locations appropriately signposted and engineered to consider the risk.

I also reference Councils adopted Community Participation Plan and note there is no requirement to advertise or notify as it is exempt development, and we are staying on the existing alignment.

I thank the residents who contacted me and apologise hat it took a while to obtain this report.

Given that the timeframe between the original resolution is more than 3 month a recission motion is not required and Council may consider the matter.

It is disappointing in that this report has come later in the process and not earlier for Council's consideration.

However, I appreciate that operationally that field decisions need to be made and recognise the reasoning behind and the pressures our staff have been under due to work loads.

**CARRIED**

## **11.5 ROADS AND AERODROMES**

### **RESOLVED: OCM 21-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive and note the report

**CARRIED**

## **11.6 SERVICES UPDATE**

### **RESOLVED: OCM 22-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive and note the report

**CARRIED**

## **11.7 WATER AND SEWER UPDATE**

### **RESOLVED: OCM 23-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive and note the report

**CARRIED**

## **12 MINUTES OF COMMITTEE MEETINGS**

### **12.1 ARIC MINUTES 25/10/2023**

#### **RESOLVED: OCM 24-11-2023**

Mover: Administrator Bob Stewart

1. That the Minutes of the ARIC Committee held on 25/10/2023 be received and noted.

**CARRIED**

## 13 RESOLUTION TRACKER

### 13.1 RESOLUTION TRACKER - OCTOBER 2023

#### RESOLVED: OCM 25-11-2023

Mover: Administrator Bob Stewart

1. That the Resolution Tracker from the Ordinary Council Meeting held on 25/10/2023 be received and noted and any amendments be noted.
2. That Director Shire Services will table a report on Menindee Landfill in an upcoming meeting.

**CARRIED**

## 14 CONFIDENTIAL MATTERS

It was resolved that Council moved into Confidential to consider the matters listed in the confidential section of the agenda in accordance with Section 10A 2 of the *Local Government Act 1993* for the reasons specified. Confidential section was closed to the public and began at 9:47am.

#### RESOLVED: OCM 26-11-2023

Mover: Administrator Bob Stewart

That Council move into Confidential to consider the matters listed in the confidential section of the agenda in accordance with Section 10A 2 of the Local Government Act 1993 for the reasons specified.:

### 14.1 Overdue Rates and Charges - Proposed Payment Arrangements and Future Write off of Interest and Legal Costs

Item 14.1 is confidential under the Local Government Act 1993 Section 10A(2) - (b) as it relates to discussion in relation to the personal hardship of a resident or ratepayer.

### 14.2 Provision of Traffic Control Services

Item 14.2 is confidential under the Local Government Act 1993 Section 10A(2) - (c) as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

### 14.3 Asset Valuations, award of tender

Item 14.3 is confidential under the Local Government Act 1993 Section 10A(2) - (c) as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

### 14.4 Ivanhoe Water Treatment Plant Tender

Item 14.4 is confidential under the Local Government Act 1993 Section 10A(2) - (c) as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

### 14.5 White Cliffs Water Treatment Plant Tender

Item 14.5 is confidential under the Local Government Act 1993 Section 10A(2) - (c) as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**CARRIED**

**RESOLVED: OCM 27-11-2023**

Mover: Administrator Bob Stewart

That Council moves out of Confidential and back into Open Chambers.

**CARRIED**

The General Manager reviewed the resolutions of the confidential matters and reported the following for the listed reports:

**14.1 OVERDUE RATES AND CHARGES - PROPOSED PAYMENT ARRANGEMENTS AND FUTURE WRITE OFF OF INTEREST AND LEGAL COSTS**

**RESOLVED: OCM 28-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report and deal with in confidential.

**CARRIED**

**14.2 PROVISION OF TRAFFIC CONTROL SERVICES**

**RESOLVED: OCM 29-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report.
2. That the tenderers representing best value be awarded this contract as the Panel Source suppliers to Central Darling Shire Council for the period 1 January 2024 to 31 December 2025.
3. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 December 2026

**CARRIED**

**14.3 ASSET VALUATIONS, AWARD OF TENDER**

**RESOLVED: OCM 30-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report

2. Resolve to award tender VPR650561 to AssetVal for a four (4) year rolling asset valuation program. **CARRIED**

#### **14.4 IVANHOE WATER TREATMENT PLANT TENDER**

##### **RESOLVED: OCM 31-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report.
2. Advise all tenderers that council are unable to award tender due to funding constraints and will formally respond to all tenderers within 30 business days.
3. Liaise with the funding providers and seek additional funding to complete the new Ivanhoe Water Treatment Plant project.

**CARRIED**

#### **14.5 WHITE CLIFFS WATER TREATMENT PLANT TENDER**

##### **RESOLVED: OCM 32-11-2023**

Mover: Administrator Bob Stewart

That Council will:

1. Receive the report
2. Resolve to award tender to SNG Engineering Pty Ltd
3. Delegate authority to its General Manager to execute any documents required to be executed as part of the contract administration process that do not require the Common Seal of Council.
4. Liaise with the funding providers and seek additional funding to complete the full scope of works that the original scope included.

**CARRIED**

#### **MOTION**

##### **MOTION WITHOUT NOTICE**

Mover: Administrator Bob Stewart

1. That council receive a report from the General Manager on the cost of conducting local government elections and expenses to Mayors and councillors.
2. That council receive a confidential report on measures taken to minimise the risk to cyber security exposure and any financial impacts this will have to council.

#### **15 MEETING CLOSE**

There being no further business to discuss, the meeting was closed at **10:19am**.

The minutes of this meeting were confirmed at the Ordinary Council Meeting of the Central Darling Shire Council held on Wednesday, 13 December 2023.

.....  
**ADMINISTRATOR**

# Central Darling Shire Council

## ANNUAL FINANCIAL STATEMENTS

for the year ended 30 June 2023

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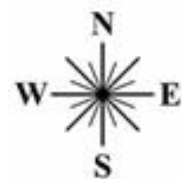


# Central Darling Shire Council

## GENERAL PURPOSE FINANCIAL STATEMENTS

for the year ended 30 June 2023

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## Central Darling Shire Council

### General Purpose Financial Statements

for the year ended 30 June 2023

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#### Overview

Central Darling Shire Council is constituted under the Local Government Act 1993 (NSW) and has its principal place of business at:

21 Reid Street  
Wilcannia NSW 2836

Council's guiding principles are detailed in Chapter 3 of the LGA and includes:

- principles applying to the exercise of functions generally by council,
- principles to be applied when making decisions,
- principles of community participation,
- principles of sound financial management, and
- principles for strategic planning relating to the development of an integrated planning and reporting framework.

A description of the nature of Council's operations and its principal activities are provided in Note B1-2.

Through the use of the internet, we have ensured that our reporting is timely, complete and available at minimum cost. All press releases, financial statements and other information are publicly available on our website: [www.centraldarling.nsw.gov.au](http://www.centraldarling.nsw.gov.au).

## Central Darling Shire Council

### General Purpose Financial Statements

for the year ended 30 June 2023

### Understanding Council's Financial Statements

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#### Introduction

Each year NSW local governments are required to present audited financial statements to their council and community.

#### What you will find in the Statements

The financial statements set out the financial performance, financial position and cash flows of Council for the financial year ended 30 June 2023.

The format of the financial statements is standard across all NSW Councils and complies with both the accounting and reporting requirements of Australian Accounting Standards and requirements as set down by the Office of Local Government.

#### About the Councillor/Management Statement

The financial statements must be certified by senior staff as 'presenting fairly' the Council's financial results for the year and are required to be adopted by Council – ensuring both responsibility for and ownership of the financial statements.

#### About the Primary Financial Statements

The financial statements incorporate five "primary" financial statements:

##### 1. The Income Statement

Summarises Council's financial performance for the year, listing all income and expenses. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

##### 2. The Statement of Comprehensive Income

Primarily records changes in the fair value of Council's Infrastructure, property, plant and equipment.

##### 3. The Statement of Financial Position

A 30 June snapshot of Council's financial position indicating its assets, liabilities and "net wealth".

##### 4. The Statement of Changes in Equity

The overall change for the year (in dollars) of Council's "net wealth".

##### 5. The Statement of Cash Flows

Indicates where Council's cash came from and where it was spent. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

#### About the Notes to the Financial Statements

The Notes to the Financial Statements provide greater detail and additional information on the five primary financial statements.

#### About the Auditor's Reports

Council's financial statements are required to be audited by the NSW Audit Office.

In NSW the auditor provides 2 audit reports:

1. an opinion on whether the financial statements present fairly the Council's financial performance and position, and
2. their observations on the conduct of the audit, including commentary on the Council's financial performance and financial position.

#### Who uses the Financial Statements?

The financial statements are publicly available documents and must be presented at a Council meeting between seven days and five weeks after the date of the audit report.

The public can make submissions to Council up to seven days subsequent to the public presentation of the financial statements.

Council is required to forward an audited set of financial statements to the Office of Local Government.

## Central Darling Shire Council

### General Purpose Financial Statements

for the year ended 30 June 2023

### Statement by Councillors and Management

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Statement by Councillors and Management made pursuant to Section 413 (2c) of the *Local Government Act 1993* (NSW)

**The attached general purpose financial statements have been prepared in accordance with:**

- the *Local Government Act 1993* and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the Local Government Code of Accounting Practice and Financial Reporting.

**To the best of our knowledge and belief, these statements:**

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

**We are not aware of any matter that would render these statements false or misleading in any way.**

**Signed in accordance with a resolution of Council made on 25 September 2023.**



---

Robert Stewart  
Administrator  
15 November 2023



---

Gregory Hill  
General Manager  
15 November 2023



---

Kevin Smith  
Acting Responsible Accounting Officer  
15 November 2023

## Central Darling Shire Council

### Income Statement

for the year ended 30 June 2023

Original unaudited budget 2023	\$ '000	Notes	Actual 2023	Actual 2022
<b>Income from continuing operations</b>				
2,483	Rates and annual charges	B2-1	<b>2,439</b>	2,321
9,716	User charges and fees	B2-2	<b>9,995</b>	12,223
405	Other revenues	B2-3	<b>695</b>	734
8,744	Grants and contributions provided for operating purposes	B2-4	<b>24,307</b>	12,507
24,394	Grants and contributions provided for capital purposes	B2-4	<b>19,683</b>	18,530
54	Interest and investment income	B2-5	<b>110</b>	56
–	Other income	B2-6	<b>125</b>	145
–	Net gain from the disposal of assets	B4-1	<b>–</b>	114
<b>45,796</b>	<b>Total income from continuing operations</b>		<b>57,354</b>	46,630
<b>Expenses from continuing operations</b>				
6,968	Employee benefits and on-costs	B3-1	<b>5,914</b>	5,706
7,696	Materials and services	B3-2	<b>19,497</b>	15,443
39	Borrowing costs	B3-3	<b>6</b>	10
4,324	Depreciation, amortisation and impairment of non-financial assets	B3-4	<b>5,951</b>	4,524
2,257	Other expenses	B3-5	<b>658</b>	448
<b>21,284</b>	<b>Total expenses from continuing operations</b>		<b>32,026</b>	26,131
<b>24,512</b>	<b>Operating result from continuing operations</b>		<b>25,328</b>	20,499
<b>24,512</b>	<b>Net operating result for the year attributable to Council</b>		<b>25,328</b>	20,499
<b>118</b>	<b>Net operating result for the year before grants and contributions provided for capital purposes</b>		<b>5,645</b>	1,969

The above Income Statement should be read in conjunction with the accompanying notes.

Central Darling Shire Council | Statement of Comprehensive Income | for the year ended 30 June 2023

## Central Darling Shire Council

### Statement of Comprehensive Income

for the year ended 30 June 2023

\$ '000	Notes	2023	2022
<b>Net operating result for the year – from Income Statement</b>		<b>25,328</b>	20,499
<b>Other comprehensive income:</b>			
Amounts which will not be reclassified subsequently to the operating result			
Gain (loss) on revaluation of infrastructure, property, plant and equipment	C1-5	<b>11,232</b>	2,765
<b>Total items which will not be reclassified subsequently to the operating result</b>		<b>11,232</b>	2,765
<b>Total other comprehensive income for the year</b>		<b>11,232</b>	2,765
<b>Total comprehensive income for the year attributable to Council</b>		<b>36,560</b>	23,264

The above Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

Central Darling Shire Council | Statement of Financial Position | for the year ended 30 June 2023

## Central Darling Shire Council

### Statement of Financial Position

as at 30 June 2023

\$ '000	Notes	2023	2022
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	C1-1	12,154	13,610
Receivables	C1-3	15,357	3,382
Inventories	C1-4	654	395
<b>Total current assets</b>		<b>28,165</b>	<b>17,387</b>
<b>Non-current assets</b>			
Receivables	C1-3	188	131
Infrastructure, property, plant and equipment (IPPE)	C1-5	223,740	196,158
Right of use assets	C2-1	109	340
Investments accounted for using the equity method	D2-1	867	932
<b>Total non-current assets</b>		<b>224,904</b>	<b>197,561</b>
<b>Total assets</b>		<b>253,069</b>	<b>214,948</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Payables	C3-1	5,064	3,701
Income received in advance	C3-1	168	131
Contract liabilities	C3-2	2,094	1,002
Lease liabilities	C2-1	118	253
Employee benefit provisions	C3-3	1,222	1,084
<b>Total current liabilities</b>		<b>8,666</b>	<b>6,171</b>
<b>Non-current liabilities</b>			
Lease liabilities	C2-1	12	106
Employee benefit provisions	C3-3	29	25
Provisions	C3-4	524	1,369
<b>Total non-current liabilities</b>		<b>565</b>	<b>1,500</b>
<b>Total liabilities</b>		<b>9,231</b>	<b>7,671</b>
<b>Net assets</b>		<b>243,838</b>	<b>207,277</b>
<b>EQUITY</b>			
Accumulated surplus	C4-1	172,835	147,507
IPPE revaluation reserve	C4-1	71,003	59,771
<b>Council equity interest</b>		<b>243,838</b>	<b>207,278</b>
<b>Total equity</b>		<b>243,838</b>	<b>207,278</b>

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

Central Darling Shire Council | Statement of Changes in Equity | for the year ended 30 June 2023

Central Darling Shire Council

Statement of Changes in Equity

for the year ended 30 June 2023

\$ '000	Notes	2023			2022		
		Accumulated surplus	IPPE revaluation reserve	Total equity	Accumulated surplus	IPPE revaluation reserve	Total equity
Opening balance at 1 July		147,507	59,771	207,278	127,008	57,006	184,014
Net operating result for the year		25,328	–	25,328	20,499	–	20,499
<b>Other comprehensive income</b>							
Gain (loss) on revaluation of infrastructure, property, plant and equipment	C1-5	–	11,232	11,232	–	2,765	2,765
<b>Other comprehensive income</b>		–	11,232	11,232	–	2,765	2,765
<b>Total comprehensive income</b>		25,328	11,232	36,560	20,499	2,765	23,264
<b>Closing balance at 30 June</b>		172,835	71,003	243,838	147,507	59,771	207,278

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Central Darling Shire Council

Statement of Cash Flows

for the year ended 30 June 2023

Original unaudited budget 2023	\$ '000	Notes	Actual 2023	Actual 2022
<b>Cash flows from operating activities</b>				
<i>Receipts:</i>				
2,639	Rates and annual charges		2,275	2,316
8,097	User charges and fees		10,222	15,305
54	Interest received		108	120
33,138	Grants and contributions		38,687	28,620
–	Other		–	1,259
<i>Payments:</i>				
(7,150)	Payments to employees		(5,848)	(5,511)
(10,519)	Payments for materials and services		(22,314)	(15,496)
(14)	Borrowing costs		(6)	(10)
–	Other		(1,388)	(29)
26,245	<b>Net cash flows from operating activities</b>	G1-1	<b>21,736</b>	26,574
<b>Cash flows from investing activities</b>				
<i>Receipts:</i>				
–	Proceeds from sale of IPPE		–	161
<i>Payments:</i>				
(29,673)	Payments for IPPE		(22,931)	(21,344)
(29,673)	<b>Net cash flows from investing activities</b>		<b>(22,931)</b>	(21,183)
<b>Cash flows from financing activities</b>				
<i>Payments:</i>				
–	Repayment of borrowings		–	(150)
(466)	Principal component of lease payments		(262)	(358)
(466)	<b>Net cash flows from financing activities</b>		<b>(262)</b>	(508)
(3,894)	<b>Net change in cash and cash equivalents</b>		<b>(1,457)</b>	4,883
8,727	Cash and cash equivalents at beginning of year		13,610	8,727
4,833	<b>Cash and cash equivalents at end of year</b>	C1-1	<b>12,153</b>	13,610

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.



## Central Darling Shire Council

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## Central Darling Shire Council

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## A About Council and these financial statements

### A1-1 Basis of preparation

These financial statements were authorised for issue by Council on 25 September 2023. Council has the power to amend and reissue these financial statements in cases where critical information is received from public submissions or where the OLG directs Council to amend the financial statements.

The principal accounting policies adopted in the preparation of these financial statements are set out below.

These policies have been consistently applied to all the years presented, unless otherwise stated.

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the *Local Government Act 1993 (Act)* and *Local Government (General) Regulation 2021 (Regulation)*, and the Local Government Code of Accounting Practice and Financial Reporting.

Council is a not for-profit entity.

The financial statements are presented in Australian dollars and are rounded to the nearest thousand dollars.

#### **Historical cost convention**

These financial statements have been prepared under the historical cost convention, as modified by the revaluation of certain financial assets and liabilities and certain classes of infrastructure, property, plant and equipment.

#### **Significant accounting estimates and judgements**

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Council's accounting policies.

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that may have a financial impact on the Council and that are believed to be reasonable under the circumstances.

#### **Critical accounting estimates and assumptions**

Council makes estimates and assumptions concerning the future.

The resulting accounting estimates will, by definition, seldom equal the related actual results.

The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include:

- (i) estimated fair values of infrastructure, property, plant and equipment – refer Note C1-5.
- (ii) estimated tip remediation provisions – refer Note C3-4.
- (iii) employee benefit provisions – refer Note C3-3.

#### **Significant judgements in applying the Council's accounting policies**

- (i) Impairment of receivables

Council has made a significant judgement about the impairment of a number of its receivables – refer Note C1-3.

### **Monies and other assets received by Council**

#### **The Consolidated Fund**

In accordance with the provisions of Section 409(1) of the Local Government Act 1993 (NSW), all money and property received by Council is held in the Council's Consolidated Fund unless it is required to be held in the Council's Trust Fund.

Cash and other assets of the following entities have been included as part of the Consolidated Fund:

- General purpose operations
- Water service
- Sewerage service

## A1-1 Basis of preparation (continued)

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### The Trust Fund

In accordance with the provisions of Section 411 of the *Local Government Act 1993 (NSW)* (as amended), a separate and distinct Trust Fund is maintained to account for all money and property received by the council in trust which must be applied only for the purposes of, or in accordance with, the trusts relating to those monies.

Trust monies and property subject to Council's control have been included in these reports.

### Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the taxation authority is included with other receivables or payables in the Statement of Financial Position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities that are recoverable from, or payable to, the taxation authority, are presented as operating cash flows.

### Volunteer services

Volunteer Services are considered to be not material.

### New accounting standards and interpretations issued but not yet effective

#### New accounting standards and interpretations issued but not yet effective

Certain new accounting standards and interpretations have been published that are not mandatory for the 30 June 2023 reporting period. Council has not applied any pronouncements before its operative date in the annual reporting period beginning 1 July 2022.

As at the date of authorisation of these financial statements Council does not consider that any of these new (and still to be applied) standards and interpretations are likely to have a material impact on the Council's future financial statements, financial position, financial performance or cash flows.

### Going concern

Council has been under administration since 23 December 2013 due to its poor financial position.

Since that time Council has operated on an altered business model by reducing staff and contractors and tightly controlling expenditure.

Central Darling Shire received Ministerial approval under section 410 of the *Local Government Act 1993*, to allow Council to continue utilising restricted cash reserves to cover operational shortfalls until 30 June 2022, at which time any such outstanding funds must be restored.

The financial statements for the 2023 financial year have been prepared on a going concern basis and demonstrate that Council now has a much improved financial position and no longer requires the use of restricted cash to cover operational expenditure.

### New accounting standards adopted during the year

During the year Council adopted all accounting standards and interpretations (as issued by the Australian Accounting Standards Board) which were mandatorily effective from the first time at 30 June 2023.

**B Financial Performance**

**B1 Functions or activities**

**B1-1 Functions or activities – income, expenses and assets**

Income, expenses and assets have been directly attributed to the following functions or activities. Details of those functions or activities are provided in Note B1-2.

\$ '000	Income		Expenses		Operating result		Grants and contributions		Carrying amount of assets	
	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022
<b>Functions or activities</b>										
Governance	–	3	348	286	(348)	(283)	–	–	–	–
Administration	360	515	3,015	612	(2,655)	(97)	30	90	17,038	6,587
Public order and safety	166	313	833	578	(667)	(265)	148	150	14,085	13,689
Health	1	–	224	–	(223)	–	–	–	24	–
Environment	1,958	646	1,052	532	906	114	308	–	751	1,554
Community services and education	159	87	85	283	74	(196)	169	56	2,601	1,876
Housing and community amenities	2,542	1,519	1,076	1,173	1,466	346	–	1,000	8,266	7,569
Water supplies	2,346	1,786	1,508	1,515	838	271	1,299	697	22,992	19,858
Sewerage services	349	403	348	208	1	195	–	–	7,165	6,742
Recreation and culture	904	884	1,088	1,197	(184)	(313)	2,081	1,381	5,755	3,887
Transport and communications	36,847	28,265	19,954	16,509	16,893	11,756	29,558	18,644	173,042	152,643
Economic affairs	1,278	2,771	2,495	3,238	(1,217)	(467)	897	451	1,350	543
General purpose income	10,444	9,438	–	–	10,444	9,438	9,500	8,568	–	–
<b>Total functions and activities</b>	<b>57,354</b>	<b>46,630</b>	<b>32,026</b>	<b>26,131</b>	<b>25,328</b>	<b>20,499</b>	<b>43,990</b>	<b>31,037</b>	<b>253,069</b>	<b>214,948</b>

## B1-2 Components of functions or activities

---

Details relating to the Council's functions or activities as reported in B1-1 are as follows:

### Governance

Includes costs relating to Council's role as a component of democratic government, including elections, subscriptions to local authority associations, meetings of Council and policy-making committees, public disclosures (e.g. GIPA) and legislative compliance.

### Administration

Includes corporate support, executive services, shire services and any other Council policy compliance.

### Public order and safety

Includes Council's fire and emergency services levy, fire protection, emergency services, enforcement of regulations and animal control.

### Health

Includes immunisations, food control and health clinics.

### Environment

Includes noxious plan and insect/vermin control; other environmental protection; solid waste management, including domestic waste; other waste management; other sanitation; and garbage, street cleaning, drainage and stormwater management.

### Community services and education

Includes administration and education; social protection (welfare); migrant, Aboriginal and other community services and administration, youth services; aged and disabled services and children's services.

### Housing and community amenities

Includes public cemeteries; public conveniences; street lighting; town planning; and other community amenities

### Water supplies

Supply of water services to W ilcannia, Menindee, White Cliffs and Ivanhoe.

### Sewerage services

Supply of sewerage services to W ilcannia.

### Recreation and culture

Includes community centres and halls, sporting grounds, venues, swimming pools, parks and gardens, and other sporting, recreational and cultural services.

### Transport and communications

Includes sealed and unsealed roads, bridges, footpaths, parking areas, and aerodromes.

### Economic affairs

Includes camping areas and caravan parks, tourism and area promotion, and other business undertakings.

### General purpose income

Includes grant funding not directly attributable to the above categories.

## B2 Sources of income

### B2-1 Rates and annual charges

\$ '000	2023	2022
<b>Ordinary rates</b>		
Residential	352	340
Farmland	474	474
Business	47	48
Less: pensioner rebates (mandatory)	(14)	(15)
<b>Rates levied to ratepayers</b>	<b>859</b>	<b>847</b>
Pensioner rate subsidies received	7	8
<b>Total ordinary rates</b>	<b>866</b>	<b>855</b>
<b>Annual charges (pursuant to s496, 496A, 496B, 501 &amp; 611)</b>		
Domestic waste management services	530	491
Water supply services	673	624
Sewerage services	278	256
Waste management services (non-domestic)	101	104
Less: pensioner rebates (mandatory)	(19)	(20)
<b>Annual charges levied</b>	<b>1,563</b>	<b>1,455</b>
Pensioner annual charges subsidies received:		
– Water	2	2
– Sewerage	1	1
– Domestic waste management	7	8
<b>Total annual charges</b>	<b>1,573</b>	<b>1,466</b>
<b>Total rates and annual charges</b>	<b>2,439</b>	<b>2,321</b>

Council has used 2019 year valuations provided by the NSW Valuer General in calculating its rates.

#### Accounting policy

Rates and annual charges are recognised as revenue at the beginning of the rating period to which they relate. Prepaid rates are recognised as a financial liability until the beginning of the rating period.

Pensioner rebates relate to reductions in rates and certain annual charges for eligible pensioners' place of residence in the local government council area that are not subsidised by the NSW Government.

Pensioner rate subsidies are received from the NSW Government to provide a contribution towards the pensioner rebates and are recognised within the underlying revenue item based on their substance.

## B2-2 User charges and fees

\$ '000	Timing	2023	2022
<b>Specific user charges (per s502 - specific 'actual use' charges)</b>			
Water supply services	2	303	438
<b>Total specific user charges</b>		<b>303</b>	<b>438</b>
<b>Other user charges and fees</b>			
<b>(i) Fees and charges – statutory and regulatory functions (per s608)</b>			
Building regulation	2	4	17
Private works – section 67	2	660	2,438
Regulatory/ statutory fees	2	1	1
Regulatory fees	2	1	–
Section 10.7 certificates (EP&A Act)	2	11	13
Section 603 certificates	2	7	8
Town planning	2	30	37
Other		1	–
<b>Total fees and charges – statutory/regulatory</b>		<b>715</b>	<b>2,514</b>
<b>(ii) Fees and charges – other (incl. general user charges (per s608))</b>			
Caravan park	2	38	54
Cemeteries	2	8	11
Community centres	2	6	8
Multipurpose centre	2	9	15
Transport for NSW works (state roads not controlled by Council)	2	8,900	9,120
Swimming centres	2	2	4
Waste disposal tipping fees	2	10	57
Water connection fees	2	4	2
<b>Total fees and charges – other</b>		<b>8,977</b>	<b>9,271</b>
<b>Total other user charges and fees</b>		<b>9,692</b>	<b>11,785</b>
<b>Total user charges and fees</b>		<b>9,995</b>	<b>12,223</b>
<b>Timing of revenue recognition for user charges and fees</b>			
User charges and fees recognised over time (1)		–	–
User charges and fees recognised at a point in time (2)		9,995	12,223
<b>Total user charges and fees</b>		<b>9,995</b>	<b>12,223</b>

### Accounting policy

Revenue arising from user charges and fees is recognised when or as the performance obligation is completed and the customer receives the benefit of the goods / services being provided.

The performance obligation relates to the specific services which are provided to the customers and generally the payment terms are within 30 days of the provision of the service or in some cases such as caravan parks, the customer is required to pay on arrival or a deposit in advance. There is no material obligation for Council in relation to refunds or returns.

Where an upfront fee is charged such as joining fees for the leisure centre the fee is recognised on a straight-line basis over the expected life of the membership.

Licences granted by Council are all either short-term or low value and all revenue from licences is recognised at the time that the licence is granted rather than over the term of the licence.



**B2-3 Other revenues**

\$ '000	Timing	2023	2022
Fines – other	2	3	1
Legal fees recovery – rates and charges (extra charges)	2	81	16
Legal fees recovery – other	2	–	5
Commissions and agency fees	2	71	136
Diesel rebate	2	20	10
Insurance claims recoveries	2	46	11
Sales of inventories	2	122	98
Sales – general	2	37	35
Aboriginal communities water & sewer scheme	2	117	142
Other	2	198	280
<b>Total other revenue</b>		<b>695</b>	<b>734</b>
<b>Timing of revenue recognition for other revenue</b>			
Other revenue recognised over time (1)		–	444
Other revenue recognised at a point in time (2)		695	290
<b>Total other revenue</b>		<b>695</b>	<b>734</b>

**Accounting policy for other revenue**

Where the revenue relates to a contract with customer, the revenue is recognised when or as the performance obligation is completed and the customer receives the benefit of the goods / services being provided.

Where the revenue relates to a contract which is not enforceable or does not contain sufficiently specific performance obligations then revenue is recognised when an unconditional right to a receivable arises or the cash is received, which is earlier.

Other revenues are recognised as revenue when the service has been provided, or when the penalty has been applied, whichever occurs first.

**B2-4 Grants and contributions**

\$ '000	Timing	Operating 2023	Operating 2022	Capital 2023	Capital 2022
<b>General purpose grants and non-developer contributions (untied)</b>					
<b>General purpose (untied)</b>					
<b>Current year allocation</b>					
Financial assistance – general component	2	1,399	2,494	–	–
Financial assistance – local roads component	2	509	883	–	–
<b>Payment in advance - future year allocation</b>					
Financial assistance – general component	2	5,590	3,829	–	–
Financial assistance – local roads component	2	2,002	1,362	–	–
<b>Amount recognised as income during current year</b>		<b>9,500</b>	<b>8,568</b>	<b>–</b>	<b>–</b>
<b>Special purpose grants and non-developer contributions (tied)</b>					
<b>Cash contributions</b>					
<b>Previously specific grants:</b>					
Water supplies	1	–	–	1,199	1,397
Bushfire and emergency services	2	148	150	–	–
Community care	2	100	46	–	–
Economic development	2	733	–	49	441
Employment and training programs		62	90	–	–
Environmental programs	2	247	–	–	–
Floodplain management	1	–	–	77	–
Heritage and cultural	2	30	18	–	–
Recreation and culture	1	15	27	2,440	–
Storm/flood damage	1	4,935	90	–	793
Airport	1	–	–	100	150
Youth	2	111	10	–	–
Street lighting	2	8	8	–	–
Crown Land Administration	2	–	212	–	–
Transport (roads to recovery)	2	139	390	–	–
Transport (other roads and bridges funding)	2	5,291	–	15,593	14,413
Other specific grants	1	–	80	225	–
<b>Previously contributions:</b>					
Recreation and culture	1	–	–	–	1,336
Transport for NSW contributions (regional roads, block grant)	2	2,863	2,808	–	–
Tourism	2	125	10	–	–
<b>Total special purpose grants and non-developer contributions – cash</b>		<b>14,807</b>	<b>3,939</b>	<b>19,683</b>	<b>18,530</b>
<b>Total special purpose grants and non-developer contributions (tied)</b>		<b>14,807</b>	<b>3,939</b>	<b>19,683</b>	<b>18,530</b>
<b>Total grants and non-developer contributions</b>		<b>24,307</b>	<b>12,507</b>	<b>19,683</b>	<b>18,530</b>
<b>Comprising:</b>					
– Commonwealth funding		9,639	9,048	2,440	2,638
– State funding		14,668	3,459	17,018	15,892
– Other funding		–	–	225	–
		<b>24,307</b>	<b>12,507</b>	<b>19,683</b>	<b>18,530</b>

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B2-4 Grants and contributions (continued)

Developer contributions

\$ '000	Operating 2023	Operating 2022	Capital 2023	Capital 2022
Total grants and contributions	<b>24,307</b>	12,507	<b>19,683</b>	18,530
<b>Timing of revenue recognition for grants and contributions</b>				
Grants and contributions recognised over time (1)	15	45	4,041	18,530
Grants and contributions recognised at a point in time (2)	<b>24,292</b>	12,462	<b>15,642</b>	-
Total grants and contributions	<b>24,307</b>	12,507	<b>19,683</b>	18,530

continued on next page ...

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**B2-4 Grants and contributions (continued)**

**Unspent grants and contributions**

Certain grants and contributions are obtained by Council on the condition they be spent in a specified manner or in a future period but which are not yet spent in accordance with those conditions are as follows:

\$ '000	Operating 2023	Operating 2022	Capital 2023	Capital 2022
<b>Unspent grants and contributions</b>				
Unspent funds at 1 July	435	–	2,715	4,327
<b>Add:</b> Funds recognised as revenue in the reporting year but not yet spent in accordance with the conditions	–	–	561	–
Add: Funds received for the provision of goods and services				
<b>Add:</b> Funds received and not recognised as revenue in the current year	6,213	3,939	2,094	19,533
<b>Less:</b> Funds recognised as revenue in previous years that have been spent during the reporting year	(114)	(3,504)	(1,745)	(16,818)
<b>Less:</b> Funds received in prior year but revenue recognised and funds spent in current year	–	–	(1,002)	(4,327)
<b>Unspent funds at 30 June</b>	<b>6,534</b>	<b>435</b>	<b>2,623</b>	<b>2,715</b>

**Accounting policy**

**Grants and contributions – enforceable agreement with sufficiently specific performance obligations**

Grant and contribution revenue from an agreement which is enforceable and contains sufficiently specific performance obligations is recognised as or when control of each performance obligations is transferred.

The performance obligations vary according to the agreement but include the provision of goods or services or the achievement of milestone deliverables. Payment terms vary depending on the terms of the grant, cash is received upfront for some grants and on the achievement of certain payment milestones for others.

Performance obligations may be satisfied either at a point in time or over time and this is reflected in the revenue recognition pattern. Point in time recognition occurs when the beneficiary obtains control of the goods / services at a single time (e.g. completion of the project when a report / outcome is provided), whereas over time recognition is where the control of the services is ongoing throughout the project (e.g. provision of community health services through the year).

Where control is transferred over time, generally the input methods being either costs or time incurred are deemed to be the most appropriate methods to reflect the transfer of benefit.

**Capital grants**

Capital grants received by Council under an enforceable contract for the acquisition or construction of infrastructure, property, plant and equipment to identified specifications which will be under Council’s control on completion are recognised as revenue as and when the obligation to construct or purchase is completed.

For construction projects, this is generally as the construction progresses in accordance with costs incurred since this is deemed to be the most appropriate measure of the completeness of the construction project.

For acquisitions of assets, the revenue is recognised when the asset is acquired and controlled by the Council.

**Other grants and contributions**

Assets, including cash, received from other grants and contributions are recognised at fair value when the asset is received. Council considers whether there are any related liability or equity items associated with the asset which are recognised in accordance with the relevant accounting standard.

Once the assets and liabilities have been recognised then income is recognised for any remaining asset value at the time that the asset is received.

### B2-5 Interest and investment income

\$ '000	2023	2022
<b>Interest on financial assets measured at amortised cost</b>		
– Overdue rates and annual charges (incl. special purpose rates)	52	55
– Cash and investments	58	1
<b>Total interest and investment income (losses)</b>	<b>110</b>	<b>56</b>
<b>Interest and investment income is attributable to:</b>		
<b>Unrestricted investments/financial assets:</b>		
Overdue rates and annual charges (general fund)	21	22
General Council cash and investments	57	1
<b>Restricted investments/funds – external:</b>		
Water fund operations	26	29
Sewerage fund operations	6	4
<b>Total interest and investment income</b>	<b>110</b>	<b>56</b>

#### Accounting policy

Interest income is recognised using the effective interest rate at the date that interest is earned.

### B2-6 Other income

\$ '000	Notes	2023	2022
<b>Reversal of impairment losses on receivables</b>			
Rates and annual charges		92	108
<b>Total reversal of impairment losses on receivables</b>	C1-3	<b>92</b>	<b>108</b>
<b>Rental income</b>			
<b>Other lease income</b>			
Leaseback fees - council vehicles		2	3
Other		31	34
<b>Total rental income</b>	C2-2	<b>33</b>	<b>37</b>
<b>Total other income</b>		<b>125</b>	<b>145</b>

### B3 Costs of providing services

#### B3-1 Employee benefits and on-costs

\$ '000	2023	2022
Salaries and wages	4,700	4,727
Employee leave entitlements (ELE)	768	547
Superannuation	489	427
Workers' compensation insurance	197	249
Fringe benefit tax (FBT)	46	(1)
Training costs (other than salaries and wages)	4	–
Protective clothing	3	–
Other	90	116
<b>Total employee costs</b>	<b>6,297</b>	<b>6,065</b>
Less: capitalised costs	(383)	(359)
<b>Total employee costs expensed</b>	<b>5,914</b>	<b>5,706</b>
Number of 'full-time equivalent' employees (FTE) at year end	42	44

#### Accounting policy

Employee benefit expenses are recorded when the service has been provided by the employee.

##### *Retirement benefit obligations*

All employees of the Council are entitled to benefits on retirement, disability or death. Council contributes to various defined benefit plans and defined contribution plans on behalf of its employees.

##### *Superannuation plans*

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

Council participates in a defined benefit plan under the Local Government Superannuation Scheme, however, sufficient information to account for the plan as a defined benefit is not available and therefore Council accounts for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans, i.e. as an expense when it becomes payable – refer to Note E3-1 for more information.

**B3-2 Materials and services**

\$ '000	Notes	2023	2022
Raw materials and consumables		<b>16,268</b>	12,820
Contractor costs		<b>720</b>	394
Administrator fees and associated expenses	F1-2	<b>165</b>	160
Advertising		<b>22</b>	22
Audit Fees	F2-1	<b>53</b>	75
Bank charges		<b>7</b>	14
Cleaning		<b>73</b>	15
Computer software charges		<b>340</b>	220
Cost of sales		<b>61</b>	71
Electricity and heating		<b>244</b>	254
Fire control expenses		<b>136</b>	103
Insurance		<b>713</b>	580
Office expenses (including computer expenses)		<b>246</b>	297
Postage		<b>5</b>	2
Printing and stationery		<b>54</b>	37
Street lighting		<b>12</b>	11
Subscriptions and publications		<b>80</b>	63
Tourism expenses (excluding employee costs)		<b>2</b>	-
Telephone and communications		<b>140</b>	105
Travel expenses		<b>45</b>	56
Valuation fees		<b>18</b>	17
Training costs (other than salaries and wages)		<b>85</b>	79
Other expenses		<b>7</b>	4
<b>Legal expenses:</b>			
– Legal expenses: debt recovery		<b>1</b>	37
Expenses from short-term leases		<b>-</b>	7
<b>Total materials and services</b>		<b>19,497</b>	<b>15,443</b>

**Accounting policy**

Expenses are recorded on an accruals basis as the Council receives the goods or services.

**B3-3 Borrowing costs**

<b>\$ '000</b>	<b>2023</b>	2022
<b>(i) Interest bearing liability costs</b>		
Interest on leases	<b>6</b>	8
Interest on loans	<b>–</b>	2
<b>Total interest bearing liability costs expensed</b>	<b>6</b>	10
<b>Total borrowing costs expensed</b>	<b>6</b>	10

**Accounting policy**

Borrowing costs incurred for the construction of any qualifying asset are capitalised during the period of time that is required to complete and prepare the asset for its intended use or sale. Other borrowing costs are expensed as incurred.



### B3-4 Depreciation, amortisation and impairment of non-financial assets

\$ '000	Notes	2023	2022
<b>Depreciation and amortisation</b>			
Plant and equipment		260	246
Furniture and fittings		1	1
<b>Infrastructure:</b>			
– Buildings – non-specialised	C1-5	973	850
– Other structures		322	307
– Roads		3,368	1,915
– Stormwater drainage		26	24
– Water supply network		591	689
– Sewerage network		138	98
Right of use assets	C2-1	264	369
<b>Reinstatement, rehabilitation and restoration assets:</b>			
– Tip assets	C1-5	8	25
<b>Total depreciation, amortisation and impairment for non-financial assets</b>		<b>5,951</b>	<b>4,524</b>

#### Accounting policy

##### Depreciation and amortisation

Depreciation and amortisation are calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives. Useful lives are included in Note C1-5 for IPPE.

##### Impairment of non-financial assets

Council assets held at fair value that are not held primarily for their ability to generate net cash flow, and that are deemed to be specialised, are not tested for impairment since these assets are assessed on an annual basis to ensure that the carrying amount is not materially different from fair value and therefore an impairment loss would be captured during this assessment.

Intangible assets not yet available for use, are tested annually for impairment, or more frequently if events or changes in circumstances indicate that they might be impaired.

Other non-financial assets that do not meet the criteria above are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows that are largely independent of the cash inflows from other assets or groups of assets (cash-generating units).

Impairment losses for revalued assets are firstly offset against the amount in the revaluation surplus for the class of asset, with only the excess to be recognised in the Income Statement.

**B3-5 Other expenses**

<b>\$ '000</b>	Notes	<b>2023</b>	2022
<b>Impairment of receivables</b>			
Rates and annual charges		<b>152</b>	–
Other		<b>17</b>	–
<b>Total impairment of receivables</b>	C1-3	<b>169</b>	–
<b>Net share of interests in joint ventures and associates using the equity method</b>			
Joint arrangements		<b>65</b>	208
<b>Total net share of interests in joint ventures and associates using the equity method</b>	D2-1	<b>65</b>	<b>208</b>
<b>Other</b>			
Contributions/levies to other levels of government			
– Emergency services levy (includes FRNSW, SES, and RFS levies)		<b>284</b>	211
– Other contributions/levies		<b>19</b>	18
Donations, contributions and assistance to other organisations (Section 356)		<b>121</b>	11
<b>Total other</b>		<b>424</b>	<b>240</b>
<b>Total other expenses</b>		<b>658</b>	<b>448</b>

**Accounting policy**

Other expenses are recorded on an accruals basis when Council has an obligation for the expenses.

Impairment expenses are recognised when identified.

**B4 Gains or losses**

**B4-1 Gain or loss from the disposal, replacement and de-recognition of assets**

\$ '000	Notes	2023	2022
<b>Gain (or loss) on disposal of property (excl. investment property)</b>			
Proceeds from disposal – property		-	11
Less: carrying amount of property assets sold/written off		-	(7)
<b>Gain (or loss) on disposal</b>		<b>-</b>	<b>4</b>
<b>Gain (or loss) on disposal of plant and equipment</b>			
	C1-5		
Proceeds from disposal – plant and equipment		-	150
Less: carrying amount of plant and equipment assets sold/written off		-	(40)
<b>Gain (or loss) on disposal</b>		<b>-</b>	<b>110</b>
<b>Net gain (or loss) from disposal of assets</b>		<b>-</b>	<b>114</b>

**Accounting policy**

Gains and losses on disposals are determined by comparing proceeds with carrying amount. The gain or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer and the asset is de-recognised.

## B5 Performance against budget

### B5-1 Material budget variations

Council's original budget was adopted by the Council on 29 June 2022 and is not required to be audited. The original projections on which the budget was based have been affected by a number of factors. These include state and federal government decisions, including new grant programs, changing economic activity, environmental factors, and by decisions made by Council.

While these General Purpose Financial Statements include the original budget adopted by Council, the Act requires Council to review its financial budget on a quarterly basis, so it is able to manage the variation between actuals and budget that invariably occur during the year.

**Material variations of more than 10%** between original budget and actual results or where the variance is considered material by nature are explained below.

**Variation Key:** **F** = Favourable budget variation, **U** = Unfavourable budget variation.

\$ '000	2023 Budget	2023 Actual	2023 ----- Variance -----	
<b>Revenues</b>				
<b>Rates and annual charges</b>	2,483	2,439	(44)	(2)% <b>U</b>
<b>User charges and fees</b>	9,716	9,995	279	3% <b>F</b>
<b>Other revenues</b>	405	695	290	72% <b>F</b>
Additional revenues not anticipated in original budget.				
<b>Operating grants and contributions</b>	8,744	24,307	15,563	178% <b>F</b>
Additional unbudgeted grants recieved for flood damage. Prepayment of federal assistance funding, not budgeted for.				
<b>Capital grants and contributions</b>	24,394	19,683	(4,711)	(19)% <b>U</b>
Take-up of funding from capital grants was reduced due to focus on major maintenance and repair works resulting from periods of flood and storm damage to infrastructure.				
<b>Interest and investment revenue</b>	54	110	56	104% <b>F</b>
Council has benefited from an increase in interest rates during the year and also from unspent grants funds over the period.				
<b>Net gains from disposal of assets</b>	-	-	-	∞ <b>F</b>
<b>Other income</b>	-	125	125	∞ <b>F</b>
Actually income budgeted in other revenues.				

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**B5-1 Material budget variations (continued)**

\$ '000	2023 Budget	2023 Actual	2023 ----- Variance -----	
<b>Expenses</b>				
<b>Employee benefits and on-costs</b>	6,968	5,914	1,054	15% <b>F</b>
Savings were made on Salaries and Wages due to a number of positions becoming vacant. This was partially offset by increases in additional consulting costs reflected in increased Materials and Services.				
<b>Materials and services</b>	7,696	19,497	(11,801)	(153)% <b>U</b>
Increase in expenditure due to additional unbudgeted private works, together with works associated with additional grant funding.				
<b>Borrowing costs</b>	39	6	33	85% <b>F</b>
Interest expense budget includes landfill remediation interest expense not charged.				
<b>Depreciation, amortisation and impairment of non-financial assets</b>	4,324	5,951	(1,627)	(38)% <b>U</b>
Depreciation charges increased for the year due to an increase in asset values through indexation at 30 June 2022.				
<b>Other expenses</b>	2,257	658	1,599	71% <b>F</b>
Variance due to some actual expenditure originally budgeted for as other expenditure now treated as Materials and Services.				
<b>Statement of cash flows</b>				
<b>Cash flows from operating activities</b>	26,245	21,736	(4,509)	(17)% <b>U</b>
Variance due to expenditure incurred for grant funded projects not claimed as yet.				
<b>Cash flows from investing activities</b>	(29,673)	(22,931)	6,742	(23)% <b>F</b>
Variance due to underspend of budget due to lack of resources.				
<b>Cash flows from financing activities</b>	(466)	(262)	204	(44)% <b>F</b>
Variance due to excessive estimate of budgeted leasing payments.				

**C Financial position**

**C1 Assets we manage**

**C1-1 Cash and cash equivalents**

<b>\$ '000</b>	<b>2023</b>	2022
<b>Cash assets</b>		
Cash on hand and at bank	<b>10,654</b>	12,510
Cash equivalent assets		
– Short-term deposits	<b>1,500</b>	1,100
<b>Total cash and cash equivalents</b>	<b>12,154</b>	<b>13,610</b>

**Reconciliation of cash and cash equivalents**

Total cash and cash equivalents per Statement of Financial Position	<b>12,154</b>	13,610
<b>Balance as per the Statement of Cash Flows</b>	<b>12,154</b>	<b>13,610</b>

**Accounting policy**

For Statement of Cash Flow presentation purposes, cash and cash equivalents include: cash on hand; deposits held at call with financial institutions; other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value; and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the Statement of Financial Position.

**C1-2 Restricted and allocated cash, cash equivalents and investments**

\$ '000	2023 Current	2023 Non-current	2023	2022 Current	2022 Non-current	2022
<b>(a) Externally restricted cash, cash equivalents and investments</b>						
<b>Total cash, cash equivalents and investments</b>	<b>12,154</b>	<b>–</b>	<b>12,154</b>	13,610	–	13,610
Less: Externally restricted cash, cash equivalents and investments	<u>(10,991)</u>	<u>–</u>	<u>(10,991)</u>	<u>(4,888)</u>	<u>–</u>	<u>(4,888)</u>
<b>Cash, cash equivalents and investments not subject to external restrictions</b>	<b>1,163</b>	<b>–</b>	<b>1,163</b>	8,722	–	8,722

**External restrictions**

**External restrictions – included in liabilities**

External restrictions included in cash, cash equivalents and investments above comprise:

Specific purpose unexpended grants – general fund	<u>2,094</u>	<u>1,002</u>
<b>External restrictions – included in liabilities</b>	<b>2,094</b>	<b>1,002</b>

**External restrictions – other**

External restrictions included in cash, cash equivalents and investments above comprise:

Specific purpose unexpended grants (recognised as revenue) – general fund	<u>7,063</u>	<u>2,148</u>
Sewer fund	<u>1,447</u>	<u>1,286</u>
Domestic waste management	<u>387</u>	<u>452</u>
<b>External restrictions – other</b>	<b>8,897</b>	<b>3,886</b>
<b>Total external restrictions</b>	<b>10,991</b>	<b>4,888</b>

Cash, cash equivalents and investments subject to external restrictions are those which are only available for specific use by Council due to a restriction placed by legislation or third-party contractual agreement.

\$ '000	2023 Current	2023 Non-current	2023	2022 Current	2022 Non-current	2022
<b>(b) Internal allocations</b>						
<b>Cash, cash equivalents and investments not subject to external restrictions</b>	<b>1,163</b>	<b>–</b>	<b>1,163</b>	8,722	–	8,722
Less: Internally restricted cash, cash equivalents and investments	<u>–</u>	<u>–</u>	<u>–</u>	<u>–</u>	<u>–</u>	<u>–</u>
<b>Unrestricted and unallocated cash, cash equivalents and investments</b>	<b>1,163</b>	<b>–</b>	<b>1,163</b>	8,722	–	8,722

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C1-2 Restricted and allocated cash, cash equivalents and investments (continued)

\$ '000	2023 Current	2023 Non-current	2023	2022 Current	2022 Non-current	2022
<b>(c) Unrestricted and unallocated</b>						
<b>Unrestricted and unallocated cash, cash equivalents and investments</b>	<b>1,163</b>	<b>-</b>	<b>1,163</b>	<b>8,722</b>	<b>-</b>	<b>8,722</b>



### C1-3 Receivables

\$ '000	2023		2022	2022
	Current	Non-current	Current	Non-current
Rates and annual charges	558	321	390	292
Interest and extra charges	74	91	59	94
User charges and fees	610	124	369	78
– Other income accruals	4,484	–	–	–
Government grants and subsidies	7,701	–	1,306	–
Net GST/PAYG receivable	2,394	–	1,678	–
Other debtors	30	–	16	–
<b>Total</b>	<b>15,851</b>	<b>536</b>	<b>3,818</b>	<b>464</b>
<b>Less: provision for impairment</b>				
Rates and annual charges	(360)	(205)	(270)	(202)
Interest and extra charges	(62)	(77)	(50)	(79)
User charges and fees	(72)	(66)	(116)	(52)
<b>Total provision for impairment – receivables</b>	<b>(494)</b>	<b>(348)</b>	<b>(436)</b>	<b>(333)</b>
<b>Total net receivables</b>	<b>15,357</b>	<b>188</b>	<b>3,382</b>	<b>131</b>
<b>Externally restricted receivables</b>				
<b>Water supply</b>				
– Specific purpose grants	799	–	–	–
– Rates and availability charges	114	–	128	–
– Other	159	–	42	–
<b>Sewerage services</b>				
– Rates and availability charges	46	–	14	–
– Other	6	–	–	–
<b>Total external restrictions</b>	<b>1,124</b>	<b>–</b>	<b>184</b>	<b>–</b>
<b>Unrestricted receivables</b>	<b>14,233</b>	<b>188</b>	<b>3,198</b>	<b>131</b>
<b>Total net receivables</b>	<b>15,357</b>	<b>188</b>	<b>3,382</b>	<b>131</b>

\$ '000	2023	2022
<b>Movement in provision for impairment of receivables</b>		
Balance at the beginning of the year (calculated in accordance with AASB 139)	769	883
Movement in provisions recognised during the year	73	(114)
<b>Balance at the end of the year</b>	<b>842</b>	<b>769</b>

#### Accounting policy

Receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. Receivables are generally due for settlement within 30 days.

#### Impairment

Impairment of financial assets measured at amortised cost is recognised on an expected credit loss (ECL) basis.

When determining whether the credit risk of a financial asset has increased significantly since initial recognition, and when estimating ECL, the Council considers reasonable and supportable information that is relevant and available without undue cost or effort. This includes both quantitative and qualitative information and analysis based on Council's historical experience and informed credit assessment, and including forward-looking information.

When considering the ECL for rates debtors, Council takes into account that unpaid rates represent a charge against the rateable property that will be recovered when the property is next sold. For non-rates debtors, Council uses the presumption that an asset which is more than 30 days past due has seen a significant increase in credit risk.

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### C1-3 Receivables (continued)

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The Council uses the presumption that a financial asset is in default when:

- the other party is unlikely to pay its credit obligations to the Council in full, without recourse by the Council to actions such as realising security (if any is held) or
- the financial assets (for non-rates debtors) are more than 90 days past due.

Credit losses are measured as the present value of the difference between the cash flows due to the entity in accordance with the contract, and the cash flows expected to be received. This is applied using a probability weighted approach.

On initial recognition of the asset, an estimate of the expected credit losses for the next 12 months is recognised. Where the asset has experienced significant increase in credit risk then the lifetime losses are estimated and recognised.

Council uses the simplified approach for trade receivables where the expected lifetime credit losses are recognised on day 1.

There has been no change in the estimation techniques or significant assumptions made during the current reporting period.

The Council writes off a trade receivable when there is information indicating that the debtor is in severe financial difficulty and there is no realistic prospect of recovery, e.g. when the debtor has been placed under liquidation or has entered into bankruptcy proceedings, or when the receivables are over 5 years past due, whichever occurs first.

Where the Council renegotiates the terms of receivables due from certain customers, the new expected cash flows are discounted at the original effective interest rate and any resulting difference to the carrying value is recognised in profit or loss.

Rates and annual charges outstanding are secured against the property.

**C1-4 Inventories**

\$ '000	2023 Current	2023 Non-current	2022 Current	2022 Non-current
<b>Inventories at cost</b>				
Stores and materials	654	-	395	-
<b>Total inventories</b>	<b>654</b>	<b>-</b>	<b>395</b>	<b>-</b>

**Accounting policy**

**Raw materials and stores, work in progress and finished goods**

Raw materials and stores, work in progress and finished goods are stated at the lower of cost and net realisable value. Costs are assigned to individual items of inventory on the basis of weighted average costs. Costs of purchased inventory are determined after deducting rebates and discounts. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

C1-5 Infrastructure, property, plant and equipment

By aggregated asset class	At 1 July 2022			Asset movements during the reporting period							At 30 June 2023		
	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount	Additions renewals <sup>1</sup>	Additions new assets	Depreciation expense	WIP transfers	Adjustments and transfers	Revaluation decrements to equity (ARR)	Revaluation increments to equity (ARR)	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
<b>\$ '000</b>													
Capital work in progress	7,322	–	7,322	–	4,259	–	(992)	–	–	–	10,589	–	10,589
Plant and equipment	4,654	(2,355)	2,299	–	877	(260)	–	–	–	–	5,530	(2,615)	2,915
Furniture and fittings	17	(2)	15	9	10	(1)	24	–	–	–	61	(3)	58
<b>Land:</b>													
– Operational land	129	–	129	–	–	–	–	–	(79)	–	50	–	50
– Community land	1,600	–	1,600	–	–	–	–	–	–	797	2,397	–	2,397
<b>Infrastructure:</b>													
– Buildings – non-specialised	40,706	(26,840)	13,866	297	277	(973)	404	–	–	2,038	41,196	(25,288)	15,908
– Other structures	10,073	(6,109)	3,964	121	869	(322)	459	–	–	260	12,242	(6,891)	5,351
– Roads, bridges, footpaths	183,736	(39,717)	144,019	8,197	7,542	(3,368)	–	–	–	6,571	208,467	(45,504)	162,963
– Stormwater drainage	1,486	(791)	695	–	–	(26)	–	–	–	52	1,599	(879)	720
– Water supply network	43,426	(26,871)	16,555	–	399	(591)	105	–	–	1,231	47,278	(29,579)	17,699
– Sewerage network	6,786	(1,952)	4,834	–	–	(138)	–	–	–	362	7,310	(2,251)	5,059
<b>Reinstatement, rehabilitation and restoration assets - refer Note C3-5:</b>													
– Tip assets	1,324	(464)	860	–	–	(8)	–	(821)	–	–	503	(472)	31
<b>Total infrastructure, property, plant and equipment</b>	<b>301,259</b>	<b>(105,101)</b>	<b>196,158</b>	<b>8,624</b>	<b>14,233</b>	<b>(5,687)</b>	<b>–</b>	<b>(821)</b>	<b>(79)</b>	<b>11,311</b>	<b>337,222</b>	<b>(113,482)</b>	<b>223,740</b>

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

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C1-5 Infrastructure, property, plant and equipment (continued)

By aggregated asset class	At 1 July 2021			Asset movements during the reporting period							At 30 June 2022		
	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount	Additions renewals <sup>1</sup>	Additions new assets	Carrying value of disposals	Depreciation expense	WIP transfers	Revaluation decrements to equity (ARR)	Revaluation increments to equity (ARR)	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
<b>\$ '000</b>													
Capital work in progress	6,911	–	6,911	3,733	345	–	–	(3,667)	–	–	7,322	–	7,322
Plant and equipment	4,568	(2,550)	2,018	–	567	(40)	(246)	–	–	–	4,654	(2,355)	2,299
Furniture and fittings	17	(1)	16	–	–	–	(1)	–	–	–	17	(2)	15
<b>Land:</b>													
– Operational land	130	–	130	–	6	(7)	–	–	–	–	129	–	129
– Community land	1,600	–	1,600	–	–	–	–	–	–	–	1,600	–	1,600
<b>Infrastructure:</b>													
– Buildings – non-specialised	34,673	(22,408)	12,265	–	358	–	(850)	243	–	1,849	40,706	(26,840)	13,866
– Other structures	9,279	(5,615)	3,664	–	–	–	(307)	510	–	97	10,073	(6,109)	3,964
– Roads	152,545	(34,358)	118,187	7,253	9,775	–	(1,915)	2,914	–	7,805	183,736	(39,717)	144,019
– Stormwater drainage	1,379	(710)	669	–	–	–	(24)	–	–	49	1,486	(791)	695
– Water supply network	46,455	(21,095)	25,360	–	–	–	(689)	–	(8,116)	–	43,426	(26,871)	16,555
– Sewerage network	6,240	(2,388)	3,852	–	–	–	(98)	–	–	1,081	6,786	(1,952)	4,834
<b>Reinstatement, rehabilitation and restoration assets (refer Note C3-5):</b>													
– Tip assets	487	(439)	48	838	–	–	(25)	–	–	–	1,324	(464)	860
<b>Total infrastructure, property, plant and equipment</b>	<b>264,284</b>	<b>(89,564)</b>	<b>174,720</b>	<b>11,824</b>	<b>11,051</b>	<b>(47)</b>	<b>(4,155)</b>	<b>–</b>	<b>(8,116)</b>	<b>10,881</b>	<b>301,259</b>	<b>(105,101)</b>	<b>196,158</b>

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

## C1-5 Infrastructure, property, plant and equipment (continued)

### Accounting policy

Infrastructure, property, plant and equipment are held at fair value. Independent comprehensive valuations are performed at least every five years, however the carrying amount of assets is assessed by Council at each reporting date to confirm that it is not materially different from current fair value.

Water and sewerage network assets are indexed at each reporting period in accordance with the Rates Reference Manual issued by Department of Industry, Science and Resources.

Increases in the carrying amounts arising on revaluation are credited to the revaluation reserve. To the extent that the increase reverses a decrease previously recognising profit or loss relating to that asset class, the increase is first recognised as profit or loss. Decreases that reverse previous increases of assets in the same class are first charged against revaluation reserves directly in equity to the extent of the remaining reserve attributable to the class; all other decreases are charged to the Income Statement.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to Council and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the Income Statement during the financial period in which they are incurred.

When infrastructure, property, plant and equipment are acquired by Council for nil or nominal consideration, the assets are initially recognised at their fair value at acquisition date.

Land is not depreciated. Depreciation on other assets is calculated using the straight-line method to allocate their cost, net of their residual values, over their estimated useful lives as follows:

<b>Plant and equipment</b>	Years	<b>Other equipment</b>	Years
Office equipment	5 to 10	Playground equipment	5 to 15
Office furniture	10 to 20	Benches, seats etc.	10 to 20
Computer equipment	4		
Vehicles	5 to 8	<b>Buildings</b>	
Heavy plant/road making equipment	5 to 8	Buildings: masonry	50 to 100
Other plant and equipment	5 to 15	Buildings: other	20 to 40
<b>Water and sewer assets</b>		<b>Stormwater assets</b>	
Dams and reservoirs	80 to 100	Drains	80 to 100
Bores	20 to 40	Culverts	50 to 80
Reticulation pipes: PVC	70 to 80	Flood control structures	80 to 100
Reticulation pipes: other	25 to 75		
Pumps and telemetry	15 to 20		
<b>Transportation assets</b>		<b>Other infrastructure assets</b>	
Sealed roads: surface	20	Swimming pools	50
Sealed roads: structure	50	Unealed roads	20
Unsealed roads	20	Other open space/recreational assets	20
Bridge: concrete	100	Other infrastructure	20
Bridge: other	50		
Road pavements	60		
Kerb, gutter and footpaths	40		

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each reporting date.

### Land under roads

Land under roads is land under roadways and road reserves including land under footpaths, nature strips and median strips.

Council has elected not to recognise land under roads acquired before 1 July 2008 in accordance with AASB 1051 Land Under Roads.

### Crown reserves

Crown reserves under Council's care and control are recognised as assets of the Council. While ownership of the reserves remains with the Crown, Council retains operational control of the reserves and is responsible for their maintenance and use in accordance with the specific purposes to which the reserves are dedicated.

## C1-5 Infrastructure, property, plant and equipment (continued)

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Improvements on Crown reserves are also recorded as assets, while maintenance costs incurred by Council and revenues relating to the reserves are recognised within Council's Income Statement.

### **Rural Fire Service assets**

Under Section 119 of the Rural Fire Services Act 1997 (NSW), "all firefighting equipment purchased or constructed wholly or from money to the credit of the Fund is to be vested in the council of the area for or on behalf of which the firefighting equipment has been purchased or constructed".

Council has assessed the value of the rural fire service plant and equipment "Red Fleet" and determined the value of these assets are not material and have not recognised them in the financial statements.

Externally restricted infrastructure, property, plant and equipment

\$ '000	as at 30/06/23			as at 30/06/22		
	Gross carrying amount	Accumulated depn. and impairment	Net carrying amount	Gross carrying amount	Accumulated depn. and impairment	Net carrying amount
<b>Water supply</b>						
WIP	4,250	–	4,250	3,052	–	3,052
Land						
– Operational land	28	–	28	81	–	81
Buildings	656	656	–	656	656	–
Infrastructure	47,306	29,579	17,727	43,426	26,871	16,555
<b>Total water supply</b>	<b>52,240</b>	<b>30,235</b>	<b>22,005</b>	<b>47,215</b>	<b>27,527</b>	<b>19,688</b>
<b>Sewerage services</b>						
WIP	608	–	608	608	–	608
Infrastructure	7,310	2,251	5,059	6,786	1,952	4,834
<b>Total sewerage services</b>	<b>7,918</b>	<b>2,251</b>	<b>5,667</b>	<b>7,394</b>	<b>1,952</b>	<b>5,442</b>
<b>Domestic waste management</b>						
Plant and equipment	874	639	235	874	601	273
<b>Total domestic waste management</b>	<b>874</b>	<b>639</b>	<b>235</b>	<b>874</b>	<b>601</b>	<b>273</b>
<b>Total restricted infrastructure, property, plant and equipment</b>	<b>61,032</b>	<b>33,125</b>	<b>27,907</b>	<b>55,483</b>	<b>30,080</b>	<b>25,403</b>



## C2 Leasing activities

### C2-1 Council as a lessee

#### Plant & Equipment

Council has leases over plant and equipment for works and services provided by Council. The total annual cost of leases for 2023 FY is \$270,000.

#### IT Equipment

Leases for IT equipment are generally for low value assets, except for significant items such as photocopiers. The leases are for between 1 and 3 years with no renewal option, the payments are fixed, however some of the leases include variable payments based on usage. Total Annual Lease payments is approximately \$26,000.

#### (a) Right of use assets

\$ '000	Plant & Equipment	Ready to use	Total
<b>2023</b>			
Opening balance at 1 July	340	-	340
Additions to right-of-use assets	33	-	33
Depreciation charge	(264)	-	(264)
<b>Balance at 30 June</b>	<b>109</b>	<b>-</b>	<b>109</b>
<b>2022</b>			
Opening balance at 1 July	433	-	433
Additions to right-of-use assets	276	-	276
Depreciation charge	(369)	-	(369)
<b>Balance at 30 June</b>	<b>340</b>	<b>-</b>	<b>340</b>

#### (b) Lease liabilities

\$ '000	2023 Current	2023 Non-current	2022 Current	2022 Non-current
Lease liabilities	118	12	253	106
<b>Total lease liabilities</b>	<b>118</b>	<b>12</b>	<b>253</b>	<b>106</b>

#### (c) (i) The maturity analysis

The maturity analysis of lease liabilities based on contractual undiscounted cash flows is shown in the table below:

\$ '000	< 1 year	1 – 5 years	> 5 years	Total	Total per Statement of Financial Position
<b>2023</b>					
Cash flows	120	12	-	132	130
<b>2022</b>					
Cash flows	253	106	-	359	359

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**C2-1 Council as a lessee (continued)**

**(d) Income Statement**

The amounts recognised in the Income Statement relating to leases where Council is a lessee are shown below:

<b>\$ '000</b>	<b>2023</b>	2022
Interest on lease liabilities	<b>6</b>	8
Depreciation of right of use assets	<b>264</b>	369
Expenses relating to short-term leases	<b>–</b>	7
	<b>270</b>	<b>384</b>

**(e) Statement of Cash Flows**

Total cash outflow for leases	<b>268</b>	358
	<b>268</b>	<b>358</b>

**Accounting policy**

At inception of a contract, Council assesses whether a lease exists – i.e. does the contract convey the right to control the use of an identified asset for a period of time in exchange for consideration?

Council has elected not to separate non-lease components from lease components for any class of asset and has accounted for payments as a single component.

At the lease commencement, Council recognises a right-of-use asset and associated lease liability for the lease term. The lease term includes extension periods where Council believes it is reasonably certain that the option will be exercised.

The right-of-use asset is measured using the cost model where cost on initial recognition comprises: the lease liability, initial direct costs, prepaid lease payments, estimated cost of removal and restoration, less any lease incentives received. The right-of-use asset is depreciated over the lease term on a straight-line basis and assessed for impairment in accordance with the impairment of asset accounting policy.

The lease liability is initially recognised at the present value of the remaining lease payments at the commencement of the lease. The discount rate is the rate implicit in the lease, however where this cannot be readily determined then the Council's incremental borrowing rate for a similar term with similar security is used.

Subsequent to initial recognition, the lease liability is measured at amortised cost using the effective interest rate method. The lease liability is re-measured when there is a lease modification, or change in estimate of the lease term or index upon which the lease payments are based (e.g. CPI).

Where the lease liability is re-measured, the right-of-use asset is adjusted to reflect the re-measurement.

**Exceptions to lease accounting**

Council has applied the exceptions to lease accounting for both short-term leases (i.e. leases with a term of less than or equal to 12 months) and leases of low-value assets. Council recognises the payments associated with these leases as an expense on a straight-line basis over the lease term.

**Leases at significantly below market value / Concessionary leases**

Council has elected to measure the right of use asset arising from the concessionary leases at cost which is based on the associated lease liability at initial recognition.

## C2-2 Council as a lessor

### Operating leases

Council leases 1 vehicle only at a weekly amount of \$35 and also receives rental for staff accommodation.

\$ '000	2023	2022
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#### (i) Assets held as investment property

The amounts recognised in the Income Statement relating to operating leases where Council is a lessor are shown below

#### (ii) Assets held as property, plant and equipment

Lease income (excluding variable lease payments not dependent on an index or rate)	33	37
<b>Total income relating to operating leases for Council assets</b>	<b>33</b>	<b>37</b>

Maturity analysis of future lease income receivable showing the undiscounted lease payments to be received after reporting date for operating leases:

### Accounting policy

When Council is a lessor, the lease is classified as either an operating or finance lease at inception date, based on whether substantially all of the risks and rewards incidental to ownership of the asset have been transferred to the lessee. If the risks and rewards have been transferred then the lease is classified as a finance lease, otherwise it is an operating lease.

When Council has a sub-lease over an asset and is the intermediate lessor then the head lease and sub-lease are accounted for separately. The classification of the sub-lease is based on the right-of-use asset which arises from the head lease rather than the useful life of the underlying asset.

If the lease contains lease and non-lease components, the non-lease components are accounted for in accordance with AASB 15 *Revenue from Contracts with Customers*.

The lease income is recognised on a straight-line basis over the lease term for an operating lease and as finance income using amortised cost basis for finance leases.

### C3 Liabilities of Council

#### C3-1 Payables

\$ '000	2023 Current	2023 Non-current	2022 Current	2022 Non-current
<b>Payables</b>				
Goods and services – operating expenditure	3,243	–	1,758	–
Goods and services – capital expenditure	1,555	–	1,628	–
Accrued expenses:				
– Salaries and wages	266	–	315	–
<b>Total payables</b>	<b>5,064</b>	<b>–</b>	<b>3,701</b>	<b>–</b>
<b>Income received in advance</b>				
Payments received in advance	168	–	131	–
<b>Total income received in advance</b>	<b>168</b>	<b>–</b>	<b>131</b>	<b>–</b>
<b>Total payables</b>	<b>5,232</b>	<b>–</b>	<b>3,832</b>	<b>–</b>

#### Payables relating to restricted assets

\$ '000	2023 Current	2023 Non-current	2022 Current	2022 Non-current
<b>Externally restricted assets</b>				
Water	113	–	359	–
Sewer	339	–	279	–
Payables relating to externally restricted assets	452	–	638	–
<b>Total payables relating to restricted assets</b>	<b>452</b>	<b>–</b>	<b>638</b>	<b>–</b>
<b>Total payables relating to unrestricted assets</b>	<b>4,780</b>	<b>–</b>	<b>3,194</b>	<b>–</b>
<b>Total payables</b>	<b>5,232</b>	<b>–</b>	<b>3,832</b>	<b>–</b>

#### Accounting policy

Council measures all financial liabilities initially at fair value less transaction costs, subsequently financial liabilities are measured at amortised cost using the effective interest rate method.

#### Payables

Payables represent liabilities for goods and services provided to Council prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

### C3-2 Contract Liabilities

\$ '000	Notes	2023 Current	2023 Non-current	2022 Current	2022 Non-current
<b>Grants and contributions received in advance:</b>					
Unexpended capital grants (to construct Council controlled assets)	(i)	2,094	-	1,002	-
<b>Total grants received in advance</b>		<b>2,094</b>	<b>-</b>	<b>1,002</b>	<b>-</b>
<b>Total contract liabilities</b>		<b>2,094</b>	<b>-</b>	<b>1,002</b>	<b>-</b>

#### Notes

(i) Council has received funding for the Local Roads & Community Infrastructure program which has not been fully expended at 30 June. The funds received are under an enforceable contract which requires Council to undertake approved works in accordance with the grant approval and the assets are under Council's control and recognised as part of Council's IPPE. The revenue is recognised over time as the works are completed, and the contract liability reflects the funds received which cannot yet be recognised as revenue. The revenue is expected to be recognised in the next 12 months.

#### Contract liabilities relating to restricted assets

\$ '000	2023 Current	2023 Non-current	2022 Current	2022 Non-current
<b>Externally restricted assets</b>				
Water	1,449	-	-	-
Unspent grants held as contract liabilities (excl. Water & Sewer)	645	-	1,002	-
<b>Contract liabilities relating to externally restricted assets</b>	<b>2,094</b>	<b>-</b>	<b>1,002</b>	<b>-</b>
<b>Total contract liabilities relating to restricted assets</b>	<b>2,094</b>	<b>-</b>	<b>1,002</b>	<b>-</b>
<b>Total contract liabilities</b>	<b>2,094</b>	<b>-</b>	<b>1,002</b>	<b>-</b>

#### Significant changes in contract liabilities

The reduction in contract liabilities is primarily due to completion of major capital road project works during the year, with a reduction in carryover works funded by capital grants.

#### Accounting policy

Contract liabilities are recorded when consideration is received from a customer / fund provider prior to Council transferring a good or service to the customer, Council presents the funds which exceed revenue recognised as a contract liability.

### C3-3 Employee benefit provisions

\$ '000	2023		2022	
	Current	Non-current	Current	Non-current
Annual leave	587	–	618	–
Long service leave	570	29	466	25
ELE on-costs	65	–	–	–
<b>Total employee benefit provisions</b>	<b>1,222</b>	<b>29</b>	<b>1,084</b>	<b>25</b>

#### Current employee benefit provisions not anticipated to be settled within the next twelve months

\$ '000	2023	2022
The following provisions, even though classified as current, are not expected to be settled in the next 12 months.		
Provisions – employees benefits	659	584
	<b>659</b>	<b>584</b>

#### Description of and movements in provisions

\$ '000	ELE provisions			Total
	Annual leave	Long service leave	ELE on-costs	
<b>2023</b>				
At beginning of year	618	491	–	1,109
Additional provisions	303	123	52	478
Amounts used (payments)	(334)	(15)	–	(349)
Other	–	–	13	13
Total ELE provisions at end of year	<b>587</b>	<b>599</b>	<b>65</b>	<b>1,251</b>
<b>2022</b>				
At beginning of year	545	546	–	1,091
Additional provisions	319	–	–	319
Amounts used (payments)	(246)	(55)	–	(301)
Total ELE provisions at end of year	<b>618</b>	<b>491</b>	<b>–</b>	<b>1,109</b>

#### Accounting policy

Employee benefit provisions are presented as current liabilities in the Statement of Financial Position if Council does not have an unconditional right to defer settlement for at least 12 months after the reporting date, regardless of when the actual settlement is expected to occur and therefore all annual leave and vested long service leave (or that which vests within 12 months) is presented as current.

#### Short-term obligations

Liabilities for wages and salaries (including non-monetary benefits, annual leave and accumulating sick leave expected to be wholly settled within 12 months after the end of the period in which the employees render the related service) are recognised in respect of employees' services up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled. The liability for annual leave and accumulating sick leave is recognised in the provision for employee benefits. All other short-term employee benefit obligations are presented as payables.

#### Other long-term employee benefit obligations

The liability for long-service leave and annual leave that is not expected to be wholly settled within 12 months after the end of the period in which the employees render the related service is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method.

Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

### C3-3 Employee benefit provisions (continued)

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**On-costs**

The employee benefit provisions include the aggregate on-cost liabilities that will arise when payment of current employee benefits is made in future periods.

These amounts include superannuation, payroll tax and workers compensation expenses which will be payable upon the future payment of certain leave liabilities which employees are entitled to at the reporting period.

### C3-4 Provisions

\$ '000	2023 Current	2023 Non-Current	2022 Current	2022 Non-Current
<b>Asset remediation/restoration:</b>				
Asset remediation/restoration (future works)	-	524	-	1,369
<b>Sub-total – asset remediation/restoration</b>	<b>-</b>	<b>524</b>	<b>-</b>	<b>1,369</b>
<b>Total provisions</b>	<b>-</b>	<b>524</b>	<b>-</b>	<b>1,369</b>
<b>Total provisions relating to unrestricted assets</b>				
<b>Total provisions</b>	<b>-</b>	<b>524</b>	<b>-</b>	<b>1,369</b>

#### Current provisions not anticipated to be settled within the next twelve months

The following provisions, even though classified as current, are not expected to be settled in the next 12 months: Nil.

#### Description of and movements in provisions

\$ '000	Other provisions	
	Asset remediation	Total
<b>2023</b>		
At beginning of year	1,369	1,369
<b>Changes to provision:</b>		
- Revised discount rate	(845)	(845)
Total other provisions at end of year	<b>524</b>	<b>524</b>
<b>2022</b>		
At beginning of year	717	717
<b>Changes to provision:</b>		
- Revised discount rate	652	652
Total other provisions at end of year	<b>1,369</b>	<b>1,369</b>

#### Nature and purpose of provisions

##### Asset remediation

Council has a legal/public obligation to make, restore, rehabilitate and reinstate the council's landfills.

##### Accounting policy

Provisions are recognised when Council has a present legal or constructive obligation as a result of past events, it is probable that an outflow of resources will be required to settle the obligation, and the amount has been reliably estimated.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the reporting date. The discount rate used to determine the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as a borrowing cost.

##### Asset remediation – tips and quarries

Close-down and restoration costs include the dismantling and demolition of infrastructure, and the removal of residual materials and remediation of disturbed areas. Estimated close-down and restoration costs are provided for in the accounting period when the obligation arising from the related disturbance occurs, whether this occurs during the development or during the operation phase, based on the net present value of estimated future costs. Provisions for close-down and restoration costs do not include any additional obligations which are expected to arise from future disturbance.



### C3-4 Provisions (continued)

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The cost estimates are calculated annually during the life of the operation to reflect known developments, e.g. updated cost estimates and revisions to the estimated lives of operations, and are subject to formal review at regular intervals.

The ultimate cost of environmental remediation is uncertain and cost estimates can vary in response to many factors, including changes to the relevant legal requirements, the emergence of new restoration techniques, or experience at other locations. The expected timing of expenditure can also change, for example in response to changes in quarry reserves or production rates. As a result, there could be significant adjustments to the provision for close down and restoration and environmental clean-up, which would affect future financial results.

Other movements in the provisions for close-down and restoration costs, including those resulting from new disturbance, updated cost estimates, changes to the estimated lives of operations, and revisions to discount rates, are capitalised within infrastructure, property, plant and equipment. These costs are then depreciated over the lives of the assets to which they relate.

## C4 Reserves

### C4-1 Nature and purpose of reserves

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#### **IPPE Revaluation reserve**

The infrastructure, property, plant and equipment revaluation reserve is used to record increments / decrements of non-current asset values due to their revaluation.

## D Council structure

### D1 Results by fund

General fund refers to all Council activities other than water and sewer. All amounts disclosed in this note are gross i.e. inclusive of internal charges and recoveries made between the funds. Assets and liabilities shown in the water and sewer columns are restricted for use for these activities.

#### D1-1 Income Statement by fund

\$ '000	General 2023	Water 2023	Sewer 2023
<b>Income from continuing operations</b>			
Rates and annual charges	1,491	670	278
User charges and fees	9,596	392	7
Interest and investment revenue	78	26	6
Other revenues	578	59	58
Grants and contributions provided for operating purposes	24,307	-	-
Grants and contributions provided for capital purposes	18,484	1,199	-
Other income	125	-	-
<b>Total income from continuing operations</b>	<b>54,659</b>	<b>2,346</b>	<b>349</b>
<b>Expenses from continuing operations</b>			
Employee benefits and on-costs	5,896	18	-
Materials and services	18,596	777	124
Borrowing costs	6	-	-
Depreciation, amortisation and impairment of non-financial assets	5,222	591	138
Other expenses	450	122	86
<b>Total expenses from continuing operations</b>	<b>30,170</b>	<b>1,508</b>	<b>348</b>
<b>Operating result from continuing operations</b>	<b>24,489</b>	<b>838</b>	<b>1</b>
<b>Net operating result for the year</b>	<b>24,489</b>	<b>838</b>	<b>1</b>
<b>Net operating result attributable to each council fund</b>	<b>24,489</b>	<b>838</b>	<b>1</b>
<b>Net operating result for the year before grants and contributions provided for capital purposes</b>	<b>6,005</b>	<b>(361)</b>	<b>1</b>

D1-2 Statement of Financial Position by fund

\$ '000	General 2023	Water 2023	Sewer 2023
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	10,792	–	1,447
Receivables	14,233	1,072	52
Inventories	653	–	–
<b>Total current assets</b>	<b>25,678</b>	<b>1,072</b>	<b>1,499</b>
<b>Non-current assets</b>			
Receivables	188	–	–
Infrastructure, property, plant and equipment	196,068	22,005	5,667
Investments accounted for using the equity method	867	–	–
Right of use assets	109	–	–
<b>Total non-current assets</b>	<b>197,232</b>	<b>22,005</b>	<b>5,667</b>
<b>Total assets</b>	<b>222,910</b>	<b>23,077</b>	<b>7,166</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Payables	4,697	28	339
Income received in advance	168	–	–
Contract liabilities	645	1,449	–
Lease liabilities	118	–	–
Employee benefit provision	1,222	–	–
Bank overdraft	–	85	–
<b>Total current liabilities</b>	<b>6,850</b>	<b>1,562</b>	<b>339</b>
<b>Non-current liabilities</b>			
Lease liabilities	12	–	–
Employee benefit provision	29	–	–
Provisions	524	–	–
<b>Total non-current liabilities</b>	<b>565</b>	<b>–</b>	<b>–</b>
<b>Total liabilities</b>	<b>7,415</b>	<b>1,562</b>	<b>339</b>
<b>Net assets</b>	<b>215,495</b>	<b>21,515</b>	<b>6,827</b>
<b>EQUITY</b>			
Accumulated surplus	159,031	11,360	2,444
Revaluation reserves	56,465	10,155	4,383
<b>Council equity interest</b>	<b>215,496</b>	<b>21,515</b>	<b>6,827</b>
<b>Total equity</b>	<b>215,496</b>	<b>21,515</b>	<b>6,827</b>

## D2 Interests in other entities

\$ '000	Council's share of net assets	
	2023	2022
<b>Council's share of net assets</b>		
<b>Net share of interests in joint ventures and associates using the equity method – assets</b>		
Joint Arrangement	867	932
<b>Total net share of interests in joint ventures and associates using the equity method – assets</b>	<b>867</b>	<b>932</b>
<b>Total Council's share of net assets</b>	<b>867</b>	<b>932</b>

### D2-1 Interests in joint arrangements

#### Net carrying amounts – Council's share

\$ '000	Place of business	Nature of relationship	Interest in ownership		2023	2022
			2023	2022		
	Far South West Joint Organisation		25.0%	25.0%	867	932
<b>Total carrying amounts – material joint ventures</b>					<b>867</b>	<b>932</b>

#### Material joint ventures

The following information is provided for joint ventures that are individually material to the Council. Included are the total amounts as per the joint venture financial statements, adjusted for fair-value adjustments at acquisition date and differences in accounting policies, rather than the Council's share.

#### Summarised financial information for joint ventures

\$ '000	Far South West Joint Organisation	
	2023	2022
<b>Statement of financial position</b>		
<b>Current assets</b>		
Cash and cash equivalents	3,465	3,652
Other current assets	11	93
<b>Current liabilities</b>		
Other current liabilities	10	19
<b>Net assets</b>	<b>3,466</b>	<b>3,726</b>
<b>Statement of comprehensive income</b>		
Income	(260)	(801)
<b>Profit/(loss) from continuing operations</b>	<b>(260)</b>	<b>(801)</b>
<b>Profit/(loss) for the period</b>	<b>(260)</b>	<b>(801)</b>
<b>Total comprehensive income</b>	<b>(260)</b>	<b>(801)</b>
<b>Share of income – Council (%)</b>	<b>25.0%</b>	<b>25.0%</b>
<b>Profit/(loss) – Council (\$)</b>	<b>(65)</b>	<b>(208)</b>
<b>Total comprehensive income – Council (\$)</b>	<b>(65)</b>	<b>(208)</b>
<b>Summarised Statement of cash flows</b>		
Cash flows from operating activities	(186)	(860)
<b>Net increase (decrease) in cash and cash equivalents</b>	<b>(186)</b>	<b>(860)</b>

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**D2-1 Interests in joint arrangements (continued)**

\$ '000	Far South West Joint Organisation	
	2023	2022
<b>Reconciliation of the carrying amount</b>		
Opening net assets (1 July)	3,726	4,527
Profit/(loss) for the period	(260)	(801)
<b>Closing net assets</b>	<b>3,466</b>	<b>3,726</b>
<b>Council's share of net assets (%)</b>	<b>25.0%</b>	25.0%
<b>Council's share of net assets (\$)</b>	<b>867</b>	932

**Accounting policy**

The council has determined that it has only joint ventures.

**Joint ventures:**

Interests in joint ventures are accounted for using the equity method in accordance with *AASB128 Investments in Associates and Joint Ventures*.

Under this method, the investment is initially recognised as a cost and the carrying amount is increased or decreased to recognise the Council's share of the profit or loss and other comprehensive income of the joint venture after the date of acquisition.

If the Council's share of losses of a joint venture equals or exceeds its interest in the joint venture, the Council discontinues recognising its share of further losses.

The Council's share in the joint venture's gains or losses arising from transactions between itself and its joint venture are eliminated.

Adjustments are made to the joint venture's accounting policies where they are different from those of the Council for the purposes of the consolidated financial statements.

## E Risks and accounting uncertainties

### E1-1 Risks relating to financial instruments held

Council's activities expose it to a variety of financial risks including (1) price risk, (2) credit risk, (3) liquidity risk and (4) interest rate risk.

The Council's overall risk management program focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the financial performance of the Council.

Council does not engage in transactions expressed in foreign currencies and is therefore not subject to foreign currency risk.

Financial risk management is carried out by Council's finance section under policies approved by the Council.

A comparison by category of the carrying amounts and fair values of Council's financial assets and financial liabilities recognised in the financial statements is presented below.

\$ '000	Carrying value 2023	Carrying value 2022	Fair value 2023	Fair value 2022
<b>Financial assets</b>				
<b>Measured at amortised cost</b>				
Cash and cash equivalents	12,154	13,610	12,154	13,610
Receivables	15,545	3,513	15,545	3,513
<b>Total financial assets</b>	<b>27,699</b>	<b>17,123</b>	<b>27,699</b>	<b>17,123</b>
<b>Financial liabilities</b>				
Payables	5,064	3,701	5,064	3,700
<b>Total financial liabilities</b>	<b>5,064</b>	<b>3,701</b>	<b>5,064</b>	<b>3,700</b>

Council's objective is to maximise its return on cash and investments whilst maintaining an adequate level of liquidity and preserving capital.

Council's finance area manages the cash and Investments portfolio with the assistance of independent advisors.

Council has an investment policy which complies with the Local Government Act 1993 and Minister's investment order 625. This policy is regularly reviewed by Council and its staff and an investment report is tabled before Council on a monthly basis setting out the portfolio breakup and its performance as required by Local Government regulations.

The risks associated with the instruments held are:

- **Price risk** – the risk that the capital value of Investments may fluctuate due to changes in market prices, whether there changes are caused by factors specific to individual financial instruments or their issuers or are caused by factors affecting similar instruments traded in a market.
- **Interest rate risk** – the risk that movements in interest rates could affect returns and income.
- **Liquidity risk** – the risk that Council will not be able to pay its debts as and when they fall due.
- **Credit risk** – the risk that the investment counterparty will not complete their obligations particular to a financial instrument, resulting in a financial loss to Council – be it of a capital or income nature.

Council manages these risks (amongst other measures) by diversifying its portfolio and only purchasing investments with high credit ratings or capital guarantees.

Council also seeks advice from independent advisers before placing any funds in cash equivalents and investments.

**E1-1 Risks relating to financial instruments held (continued)**

**(a) Market risk – interest rate and price risk**

\$ '000	2023	2022
<p>The impact on result for the year and equity of a reasonably possible movement in the price of investments held and interest rates is shown below. The reasonably possible movements were determined based on historical movements and economic conditions in place at the reporting date.</p>		
<p>Impact of a 1% movement in interest rates</p>		
– Equity / Income Statement	122	134
<p>Impact of a 10% movement in price of investments</p>		

**(b) Credit risk**

**Pre-ambble**

Council’s major receivables comprise (i) rates and annual charges and (ii) user charges and fees. Council manages the credit risk associated with these receivables by monitoring outstanding debt and employing stringent debt recovery procedures. Council also encourages ratepayers to pay their rates by the due date through incentives.

The credit risk for liquid funds and other short-term financial assets is considered negligible, since the counterparties are reputable banks with high quality external credit ratings.

There are no significant concentrations of credit risk, whether through exposure to individual customers, specific industry sectors and/or regions. The level of outstanding receivables is reported to Council monthly and benchmarks are set and monitored for acceptable collection performance.

Council makes suitable provision for doubtful receivables as required and carries out credit checks on most non-rate debtors. There are no material receivables that have been subjected to a re-negotiation of repayment terms.

**Credit risk profile**

**Receivables – rates and annual charges**

Credit risk on rates and annual charges is minimised by the ability of Council to recover these debts as a secured charge over the land; that is, the land can be sold to recover the debt. Council is also able to charge interest on overdue rates and annual charges at higher than market rates which further encourages payment.

\$ '000	Not yet overdue	overdue rates and annual charges				Total
		< 5 years	1 - 2 years	2 - 5 years	≥ 5 years	
<b>2023</b>						
Gross carrying amount	–	179	356	229	115	879
<b>2022</b>						
Gross carrying amount	–	254	221	137	70	682



**E1-1 Risks relating to financial instruments held (continued)**

**Receivables - non-rates and annual charges and contract assets**

Council applies the simplified approach for non-rates and annual charges debtors and contract assets to provide for expected credit losses, which permits the use of the lifetime expected loss provision at inception. To measure the expected credit losses, non-rates and annual charges debtors and contract assets have been grouped based on shared credit risk characteristics and the days past due.

The loss allowance provision is determined as follows. The expected credit losses incorporate forward-looking information.

\$ '000	Not yet overdue	Overdue debts				Total
		0 - 30 days	31 - 60 days	61 - 90 days	> 91 days	
<b>2023</b>						
Gross carrying amount	–	4,114	3,234	1,565	6,595	15,508
Expected loss rate (%)	0.00%	0.00%	0.00%	0.00%	4.20%	1.79%
<b>ECL provision</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>277</b>	<b>277</b>
<b>2022</b>						
Gross carrying amount	–	65	9	1	3,525	3,600
Expected loss rate (%)	0.00%	0.00%	0.00%	0.00%	8.40%	8.23%
<b>ECL provision</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>296</b>	<b>296</b>

**(c) Liquidity risk**

Payables, lease liabilities and borrowings are both subject to liquidity risk; that is, the risk that insufficient funds may be on hand to meet payment obligations as and when they fall due.

Council manages this risk by monitoring its cash flow requirements and liquidity levels, and by maintaining an adequate cash buffer. Payment terms can be extended, and overdraft facilities drawn upon in extenuating circumstances.

Borrowings are also subject to interest rate risk: the risk that movements in interest rates could adversely affect funding costs. Council manages this risk through diversification of borrowing types, maturities and interest rate structures.

The finance team regularly reviews interest rate movements to determine if it would be advantageous to refinance or renegotiate part or all of the loan portfolio.

The timing of cash flows presented in the table below to settle financial liabilities reflects the earliest contractual settlement dates. The timing of expected outflows is not expected to be materially different from contracted cashflows.

The amounts disclosed in the table are the undiscounted contracted cash flows for non-lease liabilities (refer to Note C2-1(b) for lease liabilities) and therefore the balances in the table may not equal the balances in the Statement of Financial Position due to the effect of discounting.

\$ '000	Weighted average interest rate	Subject to no maturity	payable in:			Total cash outflows	Actual carrying values
			≤ 1 Year	1 - 5 Years	> 5 Years		
<b>2023</b>							
Payables	0.00%	–	5,064	–	–	5,064	5,064
<b>Total financial liabilities</b>		<b>–</b>	<b>5,064</b>	<b>–</b>	<b>–</b>	<b>5,064</b>	<b>5,064</b>
<b>2022</b>							
Payables	0.00%	–	3,700	–	–	3,700	3,701
<b>Total financial liabilities</b>		<b>–</b>	<b>3,700</b>	<b>–</b>	<b>–</b>	<b>3,700</b>	<b>3,701</b>

## E2-1 Fair value measurement

The Council measures the following asset and liability classes at fair value on a recurring basis:

- Infrastructure, property, plant and equipment
- Investment property
- Financial assets and liabilities

The fair value of assets and liabilities must be estimated in accordance with various accounting standards for either recognition and measurement requirements or for disclosure purposes.

AASB 13 Fair Value Measurement requires all assets and liabilities measured at fair value to be assigned to a 'level' in the fair value hierarchy as follows:

**Level 1:** Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.

**Level 2:** Inputs other than quoted prices included within level 1 that are observable for the asset or liability, either directly or indirectly.

**Level 3:** Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

Fair value measurement hierarchy									
\$ '000	Notes	Date of latest valuation		Level 2 Significant observable inputs		Level 3 Significant unobservable inputs		Total	
		2023	2022	2023	2022	2023	2022	2023	2022
<b>Recurring fair value measurements</b>									
<b>Infrastructure, property, plant and equipment</b> <span style="float: right;">C1-5</span>									
				<b>2,915</b>	2,299	-	-	<b>2,915</b>	2,299
				<b>58</b>	15	-	-	<b>58</b>	15
	30/06/2023	01/07/2019		<b>50</b>	1,206	-	-	<b>50</b>	1,206
				-	-	<b>2,397</b>	523	<b>2,397</b>	523
	30/06/2023	30/06/2018		<b>15,908</b>	13,866	-	-	<b>15,908</b>	13,866
	30/06/2019	30/06/2019		-	-	<b>5,351</b>	3,964	<b>5,351</b>	3,964
	30/06/2020	30/06/2020		-	-	<b>162,963</b>	144,019	<b>162,963</b>	144,019
	30/06/2019	30/06/2019		-	-	<b>720</b>	695	<b>720</b>	695
	30/06/2022	30/06/2022		-	-	<b>17,699</b>	16,555	<b>17,699</b>	16,555
	30/06/2022	30/06/2022		-	-	<b>5,059</b>	4,834	<b>5,059</b>	4,834
				<b>18,931</b>	17,386	<b>194,189</b>	170,590	<b>213,120</b>	187,976

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## E2-1 Fair value measurement (continued)

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### Valuation techniques

Where Council is unable to derive fair valuations using quoted market prices of identical assets (ie. level 1 inputs) Council instead utilises a spread of both observable inputs (level 2 inputs) and unobservable inputs (level 3 inputs).

The fair valuation techniques Council has employed while utilising level 2 and level 3 inputs are as follows:

### Infrastructure, property, plant and equipment (IPPE)

#### Stormwater drainage

The Stormwater Drainage asset class consists of Council's pits and Culverts. AssetVal Pty Ltd completed the valuation of these assets in 2019. The valuation methodology adopted was based on current replacement cost of the asset.

Replacement costs (unit rates) and useful lives for Stormwater Drainage assets were determined through professional judgement on behalf of AssetVal Pty Ltd, which incorporated standard unit rates applied to the dimensions of the asset and considered environmental factors based on asset location. Other significant inputs considered in the valuation of these assets are asset condition, remaining useful life, and pattern of consumption.

This asset class is categorised as Level 3 as some of the above-mentioned inputs used in the valuation of these assets require significant professional judgement and are therefore unobservable. Valuation techniques remained the same for this reporting period.

Valuation of Stormwater Drainage has been indexed at 30 June 2023, to account for increases in cost indices since the last comprehensive revaluation.

#### Other structures

Council's other structure assets comprise of fences, flagpoles, monuments and the like. AssetVal Pty Ltd completed the valuation of these assets in 2019.

Replacement costs (unit rate) and useful lives of Council's other structure assets were determined through professional judgement on behalf of AssetVal Pty Ltd, which incorporated standard unit rates applied to the dimensions of the asset and considered environmental factors based on the assets location. Other significant inputs considered in the valuation of these assets are asset condition, remaining useful life and pattern of consumption.

This asset class is categorised as Level 3 as some of the above-mentioned inputs used in the valuation of these assets require significant professional judgement and are therefore unobservable. Valuation techniques remained the same for this reporting period.

Valuation of Other Structures has been indexed at 30 June 2023, to account for increases in cost indices since the last comprehensive revaluation.

#### Buildings

Council engaged AssetVal Pty Ltd to value all buildings and shelters in 2023. The valuation methodology adopted was based on current replacement cost of the asset.

The valuation aspects are generally, but not limited to the location, size, condition, style and utility of the asset. Replacement cost, asset condition, remaining useful life and building components are some of the inputs used in fair value determination. Since most of these inputs are observable, the asset class has been classified as Level 2. Valuation techniques remained the same for this reporting period.

#### Roads, bridges, footpaths and bulk earthworks

Council's roads & Bridges are componentised into the pavement, surface and formation and further separated into segments for inspection and valuation.

The valuation of assets was completed by APV Valuers in June 2020.

The current replacement cost approach was adopted to value Council's assets. The replacement costs (based on unit rates), useful lives and conditions were determined by technical information provided by Council's asset planners and professional judgement on behalf of APV.

## E2-1 Fair value measurement (continued)

Some of the other significant inputs considered in the valuation of these assets are remaining useful life, pattern of consumption, dimensions, and components.

This asset class is categorised as Level 3 as some of the above-mentioned inputs used in the valuation of these assets require significant professional judgement and are therefore unobservable. Valuation techniques remained the same for this reporting period.

Valuation of all Roads Infrastructure has been indexed at 30 June 2023, to account for increases in cost indices since the last comprehensive revaluation.

### **Water supply network**

This asset category includes Dams & Weirs, Mains, Reservoirs and treatment plants.

The valuation of assets was completed by APV Valuers P/L effective 30 June 2022.

The current replacement cost approach was adopted to value Council's assets. The replacement costs (based on unit rates), useful lives and conditions were determined by technical information provided by Council's asset planners and professional judgement on behalf of APV.

Some of the other significant inputs considered in the valuation of these assets are remaining useful life, pattern of consumption, dimensions, and components. Valuation techniques remained the same for this reporting period.

Valuation of Water Infrastructure has been indexed at 30 June 2023, to account for increases in cost indices since the last comprehensive revaluation.

### **Sewerage network**

This asset category includes Mains, Pumping stations and sewerage ponds.

The valuation of assets was completed by APV Valuers P/L effective 30 June 2022.

The current replacement cost approach was adopted to value Council's assets. The replacement costs (based on unit rates), useful lives and conditions were determined by technical information provided by Council's asset planners and professional judgement on behalf of APV.

Some of the other significant inputs considered in the valuation of these assets are remaining useful life, pattern of consumption, dimensions, and components. Valuation techniques remained the same for this reporting period.

Valuation of Sewer Infrastructure has been indexed at 30 June 2023, to account for increases in cost indices since the last comprehensive revaluation.

### **Community land**

Assets within the "Community Land" class are Council owned land, and Care Control Management land [Crown] of which Council derives current and future economic benefits arising from the use of the land asset.

Council's community land is valued on the Land Value (LV), provided by the Valuer General with base date 01/07/2022.

Currently all Council assets in this asset class are based on LV, however, should Council have an asset in future for which a LV is not provided, the replacement cost will be used. Replacement cost will be based on average unit rates for similar properties, land use, dimensions, land size and shape, which are not considered observable based on market evidence, therefore, placing the whole asset class in Level 3. Valuation techniques remained the same for this reporting period.

### **Operational land**

Council's operational land includes all of Council's land classified as operational land under Local Government Act 1993. Council's community land is valued on the Land Value (LV), provided by the Valuer General with base date 01/07/2022.

Currently all Council assets in this asset class are based on a modelled market based valuation process, however, should Council have an asset in future for which this valuation process is not available, the replacement cost will be used. Replacement cost will be based on average unit rates for similar properties, land use, dimensions, land size and shape, which are not considered observable based on market evidence, therefore, placing the whole asset class in Level 3. Valuation techniques remained the same for this reporting period.

E2-1 Fair value measurement (continued)

Fair value measurements using significant unobservable inputs (level 3)

Significant unobservable valuation inputs used (for level 3 asset classes) and their relationship to fair value.

The following table summarises the quantitative information relating to the significant unobservable inputs used in deriving the various level 3 asset class fair values.

	Valuation technique/s	Unobservable inputs
<b>Infrastructure, property, plant and equipment</b>		
Other structures	Current replacement cost	Replacement cost Asset condition rating Remaining useful life
Roads, bridges, footpaths and bulk earthworks	Current replacement cost	Replacement cost Asset condition rating Remaining useful life
Stormwater drainage	Current replacement cost	Replacement cost Asset condition rating Remaining useful life
Water supply network	Current replacement cost	Replacement cost Asset condition rating Remaining useful life
Sewerage network	Current replacement cost	Replacement cost Asset condition rating Remaining useful life
Community Land	Current replacement cost	Replacement cost Asset condition rating

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## E2-1 Fair value measurement (continued)

A reconciliation of the movements in recurring fair value measurements allocated to Level 3 of the hierarchy is provided below:

\$ '000	Crown / Community land		Other structures		Roads, bridges, footpaths		Stormwater drainage	
	2023	2022	2023	2022	2023	2022	2023	2022
<b>Opening balance</b>	<b>523</b>	523	<b>3,964</b>	3,664	<b>144,019</b>	118,187	<b>695</b>	669
<b>Total gains or losses for the period</b>								
<b>Other movements</b>								
Transfers from/(to) another asset class	1,077	-	-	-	-	-	-	-
Purchases (GBV)	-	-	1,449	510	15,739	19,942	-	-
Depreciation and impairment	-	-	(322)	(307)	(3,368)	(1,915)	(26)	(24)
Asset Revaluation	797	-	260	97	6,571	7,805	52	49
Rounding	-	-	-	-	2	-	(1)	1
<b>Closing balance</b>	<b>2,397</b>	523	<b>5,351</b>	3,964	<b>162,963</b>	144,019	<b>720</b>	695

\$ '000	Water supply network		Sewerage network		Total	
	2023	2022	2023	2022	2023	2022
<b>Opening balance</b>	<b>16,555</b>	25,360	<b>4,834</b>	3,852	<b>170,590</b>	<b>152,255</b>
Transfers from/(to) another asset class	-	-	-	-	1,077	-
Purchases (GBV)	504	-	-	-	17,692	20,452
Depreciation and impairment	(591)	(689)	(138)	(98)	(4,445)	(3,033)
Asset Revaluation	1,231	(8,116)	362	1,081	9,273	916
Rounding	-	-	1	(1)	2	-
<b>Closing balance</b>	<b>17,699</b>	16,555	<b>5,059</b>	4,834	<b>194,189</b>	<b>170,590</b>

### Highest and best use

All of Council's non-financial assets are considered as being utilised for their highest and best use.

## E3-1 Contingencies

The following assets and liabilities do not qualify for recognition in the Statement of Financial Position, but their knowledge and disclosure is considered relevant to the users of Council’s financial report.

### LIABILITIES NOT RECOGNISED

#### 1. Guarantees

##### (i) Defined benefit superannuation contribution plans

Council is party to an Industry Defined Benefit Plan under the Local Government Superannuation Scheme, named The Local Government Superannuation Scheme – Pool B (the Scheme) which is a defined benefit plan that has been deemed to be a ‘multi-employer fund’ for purposes of AASB119 Employee Benefits for the following reasons:

- Assets are not segregated within the sub-group according to the employees of each sponsoring employer.
- The contribution rates have been the same for all sponsoring employers. That is, contribution rates have not varied for each sponsoring employer according to the experience relating to the employees of that sponsoring employer.
- Benefits for employees of all sponsoring employers are determined according to the same formulae and without regard to the sponsoring employer.
- The same actuarial assumptions are currently used in respect of the employees of each sponsoring employer.

Given the factors above, each sponsoring employer is exposed to the actuarial risks associated with current and former employees of other sponsoring employers, and hence shares in the associated gains and losses (to the extent that they are not borne by members).

##### *Description of the funding arrangements.*

Pooled Employers are required to pay future service employer contributions and past service employer contributions to the Fund.

The future service employer contributions were determined using the new entrant rate method under which a contribution rate sufficient to fund the total benefits over the working life-time of a typical new entrant is calculated. The current future service employer contribution rates are:

Division B	1.9 times member contributions for non-180 Point Members; Nil for 180 Point Members*
Division C	2.5% salaries
Division D	1.64 times member contributions

\* For 180 Point Members, Employers are required to contribute 8.0% of salaries for year ending 30 June 2023 (increasing to 8.5% in line with the increase in the Superannuation Guarantee) to these members’ accumulation accounts, which are paid in addition to members’ defined benefits.

The past service contribution for each Pooled Employer is a share of the total past service contributions of \$20.0 million per annum for 1 January 2022 to 31 December 2024, apportioned according to each employer’s share of the accrued liabilities as at 30 June 2022. These past service contributions are used to maintain the adequacy of the funding position for the accrued liabilities.

The adequacy of contributions is assessed at each triennial actuarial investigation and monitored annually between triennials.

##### *Description of the extent to which Council can be liable to the plan for other Council’s obligations under the terms and conditions of the multi-employer plan*

As stated above, each sponsoring employer (Council) is exposed to the actuarial risks associated with current and former employees of other sponsoring employers and hence shares in the associated gains and losses.

However, there is no relief under the Fund’s trust deed for employers to walk away from their defined benefit obligations. Under limited circumstances, an employer may withdraw from the plan when there are no active members, on full payment of outstanding additional contributions. There is no provision for allocation of any surplus which may be present at the date of withdrawal of the Council.

There are no specific provisions under the Fund’s trust deed dealing with deficits or surplus on wind-up.

**E3-1 Contingencies (continued)**

The amount of Council employer contributions to the defined benefit section of the Local Government Superannuation Scheme and recognised as an expense for the year ending 30 June 2023 was \$15,605.01. The last valuation of the Scheme was performed by Richard Boyfield FIAA on 30 June 2022, and covers the period ended 30 June 2023.

The amount of additional contributions included in the total employer contribution advised above is \$12,898.80. Council's expected contribution to the plan for the next annual reporting period is \$18,528.00.

The estimated employer reserves financial position for the Pooled Employers at 30 June 2023 is:

Employer reserves only *	\$millions	Asset Coverage
Assets	2,290.9	
Past Service Liabilities	2,236.1	102.4%
Vested Benefits	2,253.6	101.7%

\* excluding member accounts and reserves in both assets and liabilities.

Council's share of that deficiency cannot be accurately calculated as the Scheme is a mutual arrangement where assets and liabilities are pooled together for all member councils. For this reason, no liability for the deficiency has been recognised in Council's accounts. Council has a possible obligation that may arise should the Scheme require immediate payment to correct the deficiency.

The key economic long term assumptions used to calculate the present value of accrued benefits are:

Investment return	6.0% per annum
Salary inflation *	3.5% per annum
Increase in CPI	6.0% per annum for FY 22/23 2.5% per annum thereafter

\* Plus promotional increases

The contribution requirements may vary from the current rates if the overall sub-group experience is not in line with the actuarial assumptions in determining the funding program; however, any adjustment to the funding program would be the same for all sponsoring employers in the Pooled Employers group.

**(ii) Statewide Limited**

Council is a member of Statewide Mutual, a mutual pool scheme providing liability insurance to local government.

Membership includes the potential to share in either the net assets or liabilities of the fund depending on its past performance. Council's share of the net assets or liabilities reflects Council's contributions to the pool and the result of insurance claims within each of the fund years.

The future realisation and finalisation of claims incurred but not reported to 30 June this year may result in future liabilities or benefits as a result of past events that Council will be required to fund or share in respectively.

**(iii) StateCover Limited**

Council is a member of StateCover Mutual Limited and holds a partly paid share in the entity.

StateCover is a company providing workers compensation insurance cover to the NSW local government industry and specifically Council.

Council has a contingent liability to contribute further equity in the event of the erosion of the company's capital base as a result of the company's past performance and/or claims experience or as a result of any increased prudential requirements from APRA.

These future equity contributions would be required to maintain the company's minimum level of net assets in accordance with its licence requirements.

**(iv) Other guarantees**

Council has provided no other guarantees other than those listed above.

continued on next page ...

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## E3-1 Contingencies (continued)

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### 2. Other liabilities

#### (i) Third party claims

The Council is involved from time to time in various claims incidental to the ordinary course of business including claims for damages relating to its services.

Council believes that it is appropriately covered for all claims through its insurance coverage and does not expect any material liabilities to eventuate.

#### (ii) Potential land acquisitions due to planning restrictions imposed by Council

Council has classified a number of privately owned land parcels as local open space or bushland.

As a result, where notified in writing by the various owners, Council will be required to purchase these land parcels.

At reporting date, reliable estimates as to the value of any potential liability (and subsequent land asset) from such potential acquisitions has not been possible.

### ASSETS NOT RECOGNISED

#### (i) Infringement notices/fines

Fines and penalty income, the result of Council issuing infringement notices is followed up and collected by the Infringement Processing Bureau.

Council's revenue recognition policy for such income is to account for it as revenue on receipt.

Accordingly, at year end, there is a potential asset due to Council representing issued but unpaid infringement notices.

Due to the limited information available on the status, value and duration of outstanding notices, Council is unable to determine the value of outstanding income.

F People and relationships

F1 Related party disclosures

F1-1 Key management personnel (KMP)

Key management personnel (KMP) of the council are those persons having the authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.

The aggregate amount of KMP compensation included in the Income Statement is:

\$ '000	2023	2022
<b>Compensation:</b>		
Short-term benefits	572	618
Post-employment benefits	57	61
Other long-term benefits	5	5
<b>Total</b>	<b>634</b>	<b>684</b>

**F1-2 Councillor and Mayoral fees and associated expenses**

<b>\$ '000</b>	<b>2023</b>	2022
<p>The aggregate amount of Administrator fees and associated expenses included in materials and services expenses in the Income Statement are:</p>		
Administrator fee	<b>135</b>	138
Other Administrator expenses	<b>30</b>	22
<b>Total</b>	<b>165</b>	<b>160</b>

**F2 Other relationships**

**F2-1 Audit fees**

\$ '000	2023	2022
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During the year, the following fees were incurred for services provided by the auditor of Council, related practices and non-related audit firms

**Auditors of the Council - NSW Auditor-General:**

**(i) Audit and other assurance services**

Audit and review of financial statements

**Total Auditor-General remuneration**

<b>53</b>	<b>75</b>
<b>53</b>	<b>75</b>

Total audit fees

<b>53</b>	<b>75</b>
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## G Other matters

### G1-1 Statement of Cash Flows information

#### Reconciliation of net operating result to cash provided from operating activities

\$ '000	2023	2022
<b>Net operating result from Income Statement</b>	<b>25,328</b>	20,499
<b>Add / (less) non-cash items:</b>		
Depreciation and amortisation	5,951	4,524
(Gain) / loss on disposal of assets	–	(114)
Unwinding of discount rates on reinstatement provisions	(24)	652
Share of net (profits)/losses of associates/joint ventures using the equity method	65	208
<b>Movements in operating assets and liabilities and other cash items:</b>		
(Increase) / decrease of receivables	(12,105)	3,869
Increase / (decrease) in provision for impairment of receivables	73	(114)
(Increase) / decrease of inventories	(259)	(138)
Increase / (decrease) in payables	1,485	85
Increase / (decrease) in other accrued expenses payable	(49)	172
Increase / (decrease) in other liabilities	37	238
Increase / (decrease) in contract liabilities	1,092	(3,325)
Increase / (decrease) in employee benefit provision	142	18
<b>Net cash flows from operating activities</b>	<b>21,736</b>	<b>26,574</b>

## G2-1 Commitments

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### Capital commitments (exclusive of GST)

Council made no material forward commitments during the year, other than completion of major road improvements to Pooncarie Road which are largely funded by capital grants.

### G3-1 Events occurring after the reporting date

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Council is unaware of any material or significant events that would affect the financial results, financial position, or disclosures in these financial statements.

## G4 Statement of performance measures

### G4-1 Statement of performance measures – consolidated results

\$ '000	Amounts 2023	Indicator 2023	Indicator 2022	Benchmark
<b>1. Operating performance ratio</b>				
Total continuing operating revenue excluding capital grants and contributions less operating expenses <sup>1,2</sup>	<b>5,618</b>	<b>14.95%</b>	7.01%	> 0.00%
Total continuing operating revenue excluding capital grants and contributions <sup>1</sup>	<b>37,579</b>			
<b>2. Own source operating revenue ratio</b>				
Total continuing operating revenue excluding all grants and contributions <sup>1</sup>	<b>13,272</b>	<b>23.18%</b>	33.12%	> 60.00%
Total continuing operating revenue <sup>1</sup>	<b>57,262</b>			
<b>3. Unrestricted current ratio</b>				
Current assets less all external restrictions	<b>16,050</b>	<b>2.94x</b>	3.12x	> 1.50x
Current liabilities less specific purpose liabilities	<b>5,461</b>			
<b>4. Debt service cover ratio</b>				
Operating result before capital excluding interest and depreciation/impairment/amortisation <sup>1</sup>	<b>11,667</b>	<b>43.53x</b>	12.74x	> 2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	<b>268</b>			
<b>5. Rates and annual charges outstanding percentage</b>				
Rates and annual charges outstanding	<b>340</b>	<b>12.12%</b>	9.08%	< 10.00%
Rates and annual charges collectable	<b>2,806</b>			
<b>6. Cash expense cover ratio</b>				
Current year's cash and cash equivalents plus all term deposits	<b>12,154</b>	<b>4.89 months</b>	7.58 months	> 3.00 months
Monthly payments from cash flow of operating and financing activities	<b>2,485</b>			

(1) Excludes fair value increments on investment properties, reversal of revaluation decrements, reversal of impairment losses on receivables, net gain on sale of assets and net share of interests in joint ventures and associates using the equity method and includes pensioner rate subsidies

(2) Excludes impairment/revaluation decrements of IPPE, fair value decrements on investment properties, net loss on disposal of assets and net loss on share of interests in joint ventures and associates using the equity method



G4-2 Statement of performance measures by fund

\$ '000	General Indicators <sup>3</sup>		Water Indicators		Sewer Indicators		Benchmark
	2023	2022	2023	2022	2023	2022	
<b>1. Operating performance ratio</b>							
Total continuing operating revenue excluding capital grants and contributions less operating expenses <sup>1,2</sup>	<b>16.82%</b>	8.69%	<b>(31.47)%</b>	(39.12)%	<b>0.29%</b>	48.39%	> 0.00%
Total continuing operating revenue excluding capital grants and contributions <sup>1</sup>							
<b>2. Own source operating revenue ratio</b>							
Total continuing operating revenue excluding capital grants and contributions <sup>1</sup>	<b>21.58%</b>	31.39%	<b>48.89%</b>	60.97%	<b>100.00%</b>	100.00%	> 60.00%
Total continuing operating revenue <sup>1</sup>							
<b>3. Unrestricted current ratio</b>							
Current assets less all external restrictions	<b>2.89x</b>	3.12x	<b>0.69x</b>	2.26x	<b>(0.05)x</b>	0.34x	> 1.50x
Current liabilities less specific purpose liabilities							
<b>4. Debt service cover ratio</b>							
Operating result before capital excluding interest and depreciation/impairment/amortisation <sup>1</sup>	<b>42.16x</b>	11.66x	∞	∞	∞	∞	> 2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)							
<b>5. Rates and annual charges outstanding percentage</b>							
Rates and annual charges outstanding	<b>25.78%</b>	13.95%	<b>(63.33)%</b>	4.32%	<b>(54.86)%</b>	4.74%	< 10.00%
Rates and annual charges collectable							
<b>6. Cash expense cover ratio</b>							
Current year's cash and cash equivalents plus all term deposits	<b>4.48 months</b>	7.17 months	<b>0.00</b>	0.00	<b>82.69 months</b>	141.58 months	> 3.00 months
Monthly payments from cash flow of operating and financing activities							

(1) - (2) Refer to Notes at Note 25a above.

(3) General fund refers to all of Council's activities except for its water and sewer activities which are listed separately.

**End of the audited financial statements**

## H Additional Council disclosures (unaudited)

### H1-1 Council information and contact details

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**Principal place of business:**

**21 Reid Street**  
Wilcannia NSW 2836

**Contact details**

Mailing Address:  
PO Box 165  
Wilcannia NSW 2836

**Opening hours:**

9:00am - 5:00pm  
Monday to Friday

**Telephone:** 08 8083 8900**Facsimile:** 08 8091 5994**Internet:** [www.centraldarling.nsw.gov.au](http://www.centraldarling.nsw.gov.au)**Email:** [council@centraldring.nsw.gov.au](mailto:council@centraldring.nsw.gov.au)**Officers****General Manager**

Gregory Hill

**Acting Responsible Accounting Officer**

Kevin Smith

**Public Officer**

Kevin Smith (Acting)

**Auditors**

Audit Office of NSW  
Level 19 Tower 2 Darling Park  
201 Sussex St  
Sydney NSW 2000

**Other information**

**ABN:** 65 061 502 429



**INDEPENDENT AUDITOR'S REPORT**  
**Report on the general purpose financial statements**  
**Central Darling Shire Council**

To the Councillors of Central Darling Shire Council

### Opinion

I have audited the accompanying financial statements of Central Darling Shire Council (the Council), which comprise the Statement by Councillors and Management, the Income Statement and Statement of Comprehensive Income for the year ended 30 June 2023, the Statement of Financial Position as at 30 June 2023, the Statement of Changes in Equity and Statement of Cash Flows for the year then ended and notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion:

- the Council's accounting records have been kept in accordance with the requirements of the *Local Government Act 1993*, Chapter 13, Part 3, Division 2 (the Division)
- the financial statements:
  - have been prepared, in all material respects, in accordance with the requirements of this Division
  - are consistent with the Council's accounting records
  - present fairly, in all material respects, the financial position of the Council as at 30 June 2023, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- all information relevant to the conduct of the audit has been obtained
- no material deficiencies in the accounting records or financial statements have come to light during the audit.

My opinion should be read in conjunction with the rest of this report.

### Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I have fulfilled my other ethical responsibilities in accordance with APES 110.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

### **Other Information**

The Council's annual report for the year ended 30 June 2023 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the special purpose financial statements and Special Schedules (the Schedules).

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the special purpose financial statements and Special Schedule - Permissible income for general rates.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

### **The Councillors' Responsibilities for the Financial Statements**

The Councillors are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the *Local Government Act 1993*, and for such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

### **Auditor's Responsibilities for the Audit of the Financial Statements**

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf). The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- on the Original Budget information included in the Income Statement, Statement of Cash Flows, and Note B5-1 'Material budget variations
- on the Special Schedules. A separate opinion has been provided on Special Schedule - Permissible income for general rates
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Manuel Moncada

Director, Financial Audit  
Delegate of the Auditor-General for New South Wales

30 November 2023  
SYDNEY



Mr Bob Stewart  
 Administrator  
 Central Darling Shire Council  
 PO Box 165  
 WILCANNIA NSW 2836

Contact: Manuel Moncada  
 Phone no: 02 9275 7333  
 Our ref: R008-16585809-48991

30 November 2023

Dear Administrator

**Report on the Conduct of the Audit  
 for the year ended 30 June 2023  
 Central Darling Shire Council**

I have audited the general purpose financial statements (GPFS) of the Central Darling Shire Council (the Council) for the year ended 30 June 2023 as required by section 415 of the *Local Government Act 1993* (the Act).

I expressed an unmodified opinion on the Council's GPFS.

This Report on the Conduct of the Audit (the Report) for the Council for the year ended 30 June 2023 is issued in accordance with section 417 of the Act. This Report should be read in conjunction with my audit opinion on the GPFS issued under section 417(2) of the Act.

**INCOME STATEMENT**

**Operating result**

	<b>2023</b>	<b>2022</b>	<b>Variance</b>
	<b>\$m</b>	<b>\$m</b>	<b>%</b>
Rates and annual charges revenue	2.4	2.3	↑ 4.3
Grants and contributions revenue	44.0	31.0	↑ 41.9
Operating result from continuing operations	25.3	20.5	↑ 23.4
Net operating result before capital grants and contributions	5.6	2.0	↑ 180

Council’s operating result (\$25.3 million including the effect of depreciation and amortisation expense of \$6 million) was \$4.8 million higher than the 2021–22 result. This was mainly due to increased revenue from grants.

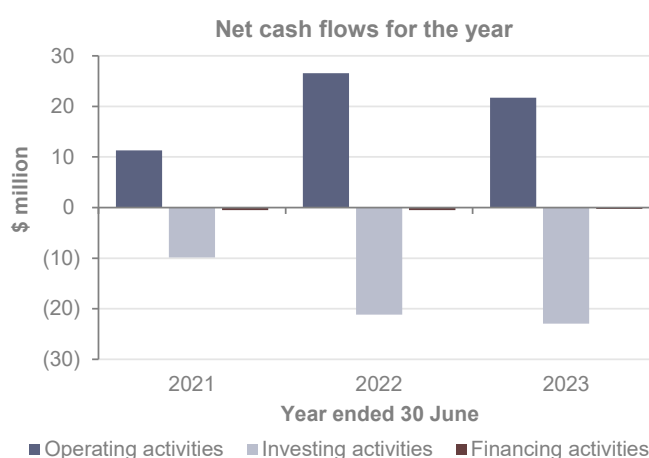
The net operating result before capital grants and contributions (\$5.6 million) was \$3.6 million higher than the 2021–22 result. This was due to the receipt of additional grants provided for operating purposes.

Rates and annual charges revenue (\$2.4 million) increased by \$0.1 million (4.3 per cent) in 2022–2023.

Grants and contributions revenue (\$44 million) increased by \$13 million (41.9 per cent) in 2022–2023. This was mainly due to the receipt of additional funding for flood damage and road repairs.

## STATEMENT OF CASH FLOWS

- The Statement of Cash Flows illustrates the flow of cash and cash equivalents moving in and out of Council during the year and reveals that cash decreased by \$1.5 million to \$12.2 million at the close of the year.



## FINANCIAL POSITION

### Cash and investments

Cash and investments	2023	2022	Commentary
	\$m	\$m	
<b>Total cash, cash equivalents and investments</b>	<b>12.2</b>	<b>13.6</b>	<ul style="list-style-type: none"> <li>External restrictions include unspent specific purpose grants and domestic waste management charges, and sewerage funds</li> </ul>
Restricted cash and investments:			<ul style="list-style-type: none"> <li>Council has not set aside any internally restricted funds</li> </ul>
• External restrictions	11.0	4.9	
• Internal allocations	-	-	



## PERFORMANCE

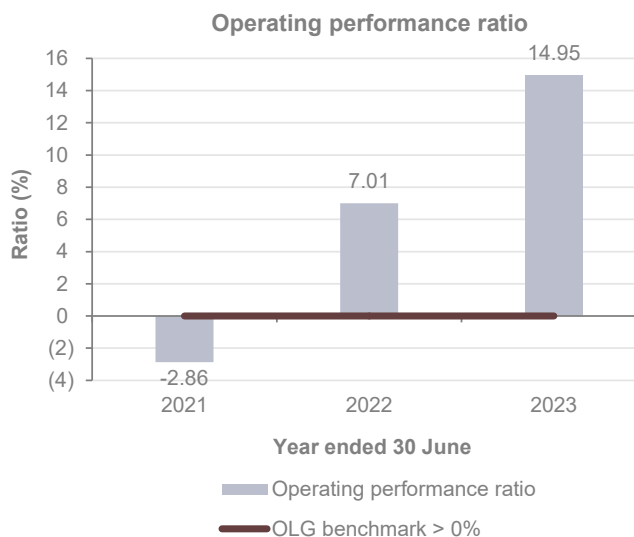
### Performance measures

The following section provides an overview of the Council's performance against the performance measures and performance benchmarks set by the Office of Local Government (OLG) within the Department of Planning and Environment.

#### Operating performance ratio

The Council met the OLG benchmark for the current reporting period.

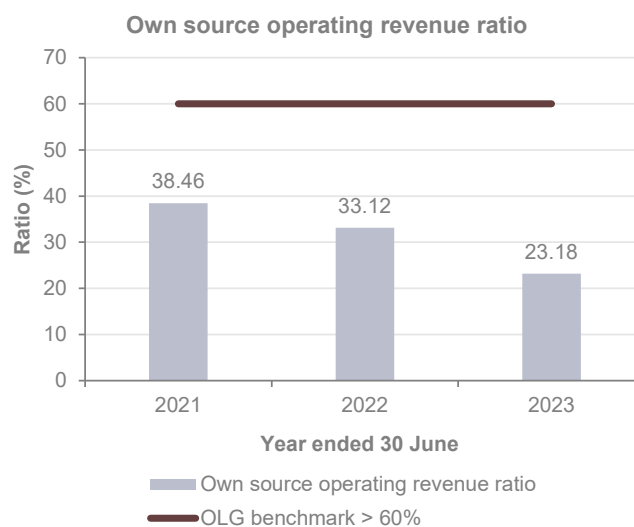
The 'operating performance ratio' measures how well council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements). The benchmark set by OLG is greater than zero per cent.



#### Own source operating revenue ratio

The Council did not meet the OLG benchmark for the current reporting period.

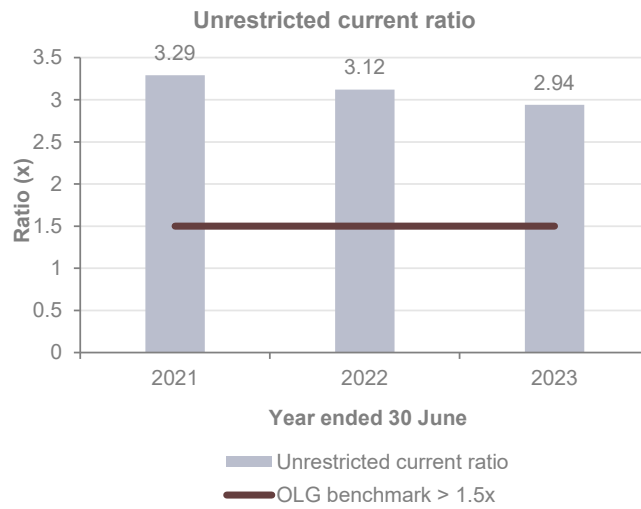
The 'own source operating revenue ratio' measures council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions. The benchmark set by OLG is greater than 60 per cent.



**Unrestricted current ratio**

The Council met the OLG benchmark for the current reporting period.

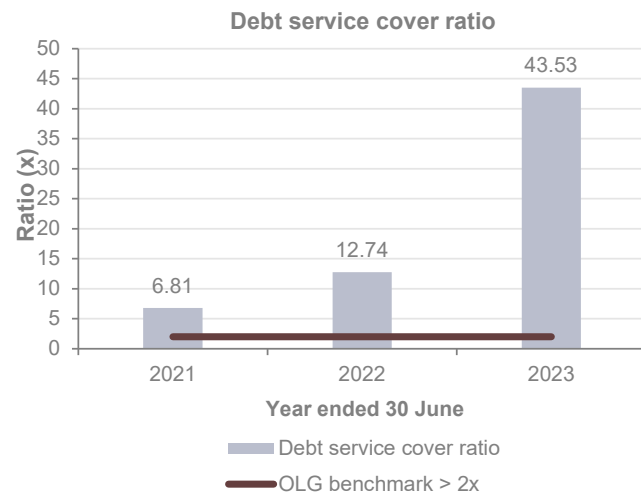
The 'unrestricted current ratio' is specific to local government and represents council's ability to meet its short-term obligations as they fall due. The benchmark set by OLG is greater than 1.5 times.



**Debt service cover ratio**

The Council met the OLG benchmark for the current reporting period.

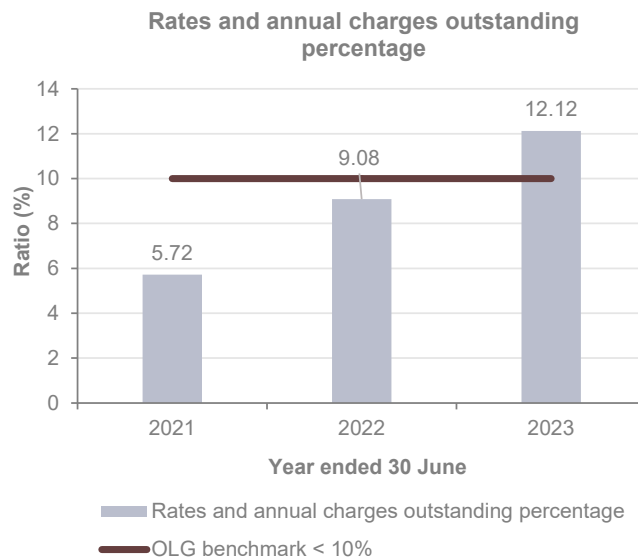
The 'debt service cover ratio' measures the operating cash to service debt including interest, principal and lease payments. The benchmark set by OLG is greater than two times.



**Rates and annual charges outstanding percentage**

The Council did not meet the OLG benchmark for the current reporting period.

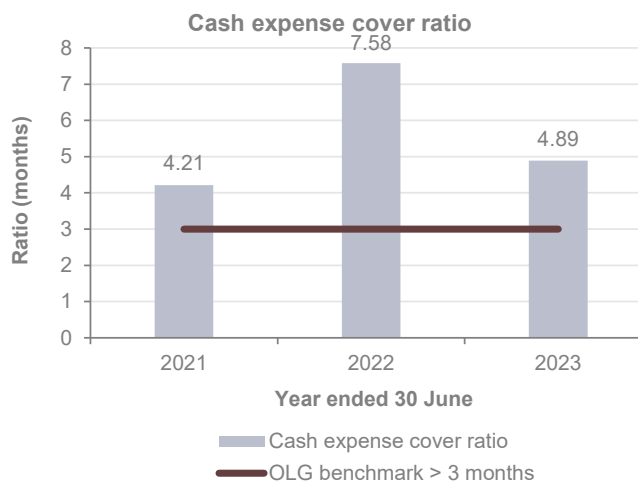
The 'rates and annual charges outstanding percentage' assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts. The benchmark set by OLG is less than 10 per cent for regional councils.



**Cash expense cover ratio**

The Council met the OLG benchmark for the current reporting period.

This liquidity ratio indicates the number of months the council can continue paying for its immediate expenses without additional cash inflow. The benchmark set by OLG is greater than three months.



**Infrastructure, property, plant and equipment renewals**

- Council's asset renewal additions for the year were \$8.6 million compared \$11.8 million for the prior year
- The level of asset renewals during the year represented 154 percent of the total depreciation expense (\$5.6 million) for the year.

**OTHER MATTERS**

**Legislative compliance**

My audit procedures did not identify any instances of non-compliance with legislative requirements or a material deficiency in the Council's accounting records or financial statements. The Council's:

- accounting records were maintained in a manner and form to allow the GPFS to be prepared and effectively audited
- staff provided all accounting records and information relevant to the audit.

The Council's:

- accounting records were maintained in a manner and form that facilitated the preparation and the effective audit of the GPFS
- staff provided all accounting records and information relevant to the audit.



Manuel Moncada

Director, Financial Audit

Delegate of the Auditor-General for New South Wales

# Central Darling Shire Council

SPECIAL PURPOSE FINANCIAL STATEMENTS  
for the year ended 30 June 2023

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## Central Darling Shire Council

### Special Purpose Financial Statements

for the year ended 30 June 2023

Contents	Page
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#### Background

- i. These Special Purpose Financial Statements have been prepared for the use by both Council and the Office of Local Government in fulfilling their requirements under National Competition Policy.
- ii. The principle of competitive neutrality is based on the concept of a 'level playing field' between persons/entities competing in a market place, particularly between private and public sector competitors.

Essentially, the principle is that government businesses, whether Commonwealth, state or local, should operate without net competitive advantages over other businesses as a result of their public ownership.

- iii. For Council, the principle of competitive neutrality and public reporting applies only to declared business activities.

These include **(a)** those activities classified by the Australian Bureau of Statistics as business activities being water supply, sewerage services, abattoirs, gas production and reticulation, and **(b)** those activities with a turnover of more than \$2 million that Council has formally declared as a business activity (defined as Category 1 activities).

- iv. In preparing these financial statements for Council's self-classified Category 1 businesses and ABS-defined activities, councils must **(a)** adopt a corporatisation model and **(b)** apply full cost attribution including tax-equivalent regime payments and debt guarantee fees (where the business benefits from Council's borrowing position by comparison with commercial rates).

## Central Darling Shire Council

### Special Purpose Financial Statements

for the year ended 30 June 2023

### Statement by Councillors and Management

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#### Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached special purpose financial statements have been prepared in accordance with:

- NSW Government Policy Statement, *Application of National Competition Policy to Local Government*
- Division of Local Government Guidelines, *Pricing and Costing for Council Businesses: A Guide to Competitive Neutrality*
- The Local Government Code of Accounting Practice and Financial Reporting
- Sections 3 and 4 of the NSW Department of Planning and Environment, *Water's Regulatory and assurance framework for local water utilities*.

To the best of our knowledge and belief, these statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year,
- accord with Council's accounting and other records; and
- present overhead reallocation charges to the water and sewerage businesses as fair and reasonable.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 25 September 2023.



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Robert Stewart  
**Administrator**  
15 November 2023



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Gregory Hill  
**General Manager**  
15 November 2023



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Kevin Smith  
**Acting Responsible Accounting Officer**  
15 November 2023

Central Darling Shire Council | Income Statement of water supply business activity | for the year ended 30 June 2023

## Central Darling Shire Council

### Income Statement of water supply business activity

for the year ended 30 June 2023

\$ '000	2023	2022
<b>Income from continuing operations</b>		
Access charges	670	622
User charges	389	438
Fees	3	–
Interest and investment income	26	29
Other income	59	–
<b>Total income from continuing operations</b>	<b>1,147</b>	<b>1,089</b>
<b>Expenses from continuing operations</b>		
Employee benefits and on-costs	18	–
Materials and services	777	699
Depreciation, amortisation and impairment	591	689
Other expenses	122	127
<b>Total expenses from continuing operations</b>	<b>1,508</b>	<b>1,515</b>
<b>Surplus (deficit) from continuing operations before capital amounts</b>	<b>(361)</b>	<b>(426)</b>
Grants and contributions provided for capital purposes	1,199	697
<b>Surplus (deficit) from continuing operations after capital amounts</b>	<b>838</b>	<b>271</b>
<b>Surplus (deficit) from all operations before tax</b>	<b>838</b>	<b>271</b>
<b>Surplus (deficit) after tax</b>	<b>838</b>	<b>271</b>
<b>Plus accumulated surplus</b>	<b>10,522</b>	10,251
<b>Plus adjustments for amounts unpaid:</b>		
<b>Closing accumulated surplus</b>	<b>11,360</b>	10,522
<b>Return on capital %</b>	<b>(1.6)%</b>	(2.2)%
<b>Subsidy from Council</b>	<b>1,246</b>	1,147
<b>Calculation of dividend payable:</b>		
Surplus (deficit) after tax	838	271
Less: capital grants and contributions (excluding developer contributions)	(1,199)	(697)
<b>Surplus for dividend calculation purposes</b>	<b>–</b>	<b>–</b>
<b>Potential dividend calculated from surplus</b>	<b>–</b>	<b>–</b>



Central Darling Shire Council | Income Statement of sewerage business activity | for the year ended 30 June 2023

## Central Darling Shire Council

### Income Statement of sewerage business activity

for the year ended 30 June 2023

\$ '000	2023	2022
<b>Income from continuing operations</b>		
Access charges	278	256
User charges	5	-
Fees	2	1
Interest and investment income	6	4
Other income	58	142
<b>Total income from continuing operations</b>	<b>349</b>	<b>403</b>
<b>Expenses from continuing operations</b>		
Materials and services	124	76
Depreciation, amortisation and impairment	138	98
Other expenses	86	34
<b>Total expenses from continuing operations</b>	<b>348</b>	<b>208</b>
<b>Surplus (deficit) from continuing operations before capital amounts</b>	<b>1</b>	<b>195</b>
<b>Surplus (deficit) from continuing operations after capital amounts</b>	<b>1</b>	<b>195</b>
<b>Surplus (deficit) from all operations before tax</b>	<b>1</b>	<b>195</b>
Less: corporate taxation equivalent (25%) [based on result before capital]	-	(49)
<b>Surplus (deficit) after tax</b>	<b>1</b>	<b>146</b>
<b>Plus accumulated surplus</b>	<b>2,443</b>	<b>2,249</b>
<b>Plus adjustments for amounts unpaid:</b>		
- Corporate taxation equivalent	-	48
<b>Closing accumulated surplus</b>	<b>2,444</b>	<b>2,443</b>
<b>Return on capital %</b>	<b>0.0%</b>	<b>3.6%</b>
<b>Subsidy from Council</b>	<b>227</b>	<b>4</b>
<b>Calculation of dividend payable:</b>		
Surplus (deficit) after tax	1	146
<b>Surplus for dividend calculation purposes</b>	<b>1</b>	<b>146</b>
<b>Potential dividend calculated from surplus</b>	<b>-</b>	<b>73</b>

Central Darling Shire Council | Statement of Financial Position of water supply business activity | for the year ended 30 June 2023

## Central Darling Shire Council

### Statement of Financial Position of water supply business activity

as at 30 June 2023

\$ '000	2023	2022
<b>ASSETS</b>		
<b>Current assets</b>		
Receivables	1,072	170
<b>Total current assets</b>	<b>1,072</b>	<b>170</b>
<b>Non-current assets</b>		
Infrastructure, property, plant and equipment	22,005	19,688
<b>Total non-current assets</b>	<b>22,005</b>	<b>19,688</b>
<b>Total assets</b>	<b>23,077</b>	<b>19,858</b>
<b>LIABILITIES</b>		
<b>Current liabilities</b>		
Contract liabilities	1,449	–
Bank overdraft	85	–
Payables	28	359
<b>Total current liabilities</b>	<b>1,562</b>	<b>359</b>
<b>Total liabilities</b>	<b>1,562</b>	<b>359</b>
<b>Net assets</b>	<b>21,515</b>	<b>19,499</b>
<b>EQUITY</b>		
Accumulated surplus	11,360	10,522
Revaluation reserves	10,155	8,977
<b>Total equity</b>	<b>21,515</b>	<b>19,499</b>

Central Darling Shire Council | Statement of Financial Position of sewerage business activity | for the year ended 30 June 2023

## Central Darling Shire Council

### Statement of Financial Position of sewerage business activity

as at 30 June 2023

\$ '000	2023	2022
<b>ASSETS</b>		
<b>Current assets</b>		
Cash and cash equivalents	1,447	1,286
Receivables	52	14
<b>Total current assets</b>	<b>1,499</b>	<b>1,300</b>
<b>Non-current assets</b>		
Infrastructure, property, plant and equipment	5,667	5,442
<b>Total non-current assets</b>	<b>5,667</b>	<b>5,442</b>
<b>Total assets</b>	<b>7,166</b>	<b>6,742</b>
<b>LIABILITIES</b>		
<b>Current liabilities</b>		
Payables	339	279
<b>Total current liabilities</b>	<b>339</b>	<b>279</b>
<b>Total liabilities</b>	<b>339</b>	<b>279</b>
<b>Net assets</b>	<b>6,827</b>	<b>6,463</b>
<b>EQUITY</b>		
Accumulated surplus	2,444	2,443
Revaluation reserves	4,383	4,020
<b>Total equity</b>	<b>6,827</b>	<b>6,463</b>

## Note – Significant Accounting Policies

A statement summarising the supplemental accounting policies adopted in the preparation of the special purpose financial statements (SPFS) for National Competition Policy (NCP) reporting purposes follows.

These financial statements are SPFS prepared for use by Council and the Office of Local Government. For the purposes of these statements, the Council is a non-reporting not-for-profit entity.

The figures presented in these special purpose financial statements have been prepared in accordance with the recognition and measurement criteria of relevant Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board (AASB) and Australian Accounting Interpretations.

The disclosures in these special purpose financial statements have been prepared in accordance with the *Local Government Act 1993* (Act), the *Local Government (General) Regulation 2021* (Regulation) and the Local Government Code of Accounting Practice and Financial Reporting.

The statements are prepared on an accruals basis. They are based on historic costs and do not take into account changing money values or, except where specifically stated, fair value of non-current assets. Certain taxes and other costs, appropriately described, have been imputed for the purposes of the National Competition Policy.

The Statement of Financial Position includes notional assets/liabilities receivable from/payable to Council's general fund. These balances reflect a notional intra-entity funding arrangement with the declared business activities.

### National Competition Policy

Council has adopted the principle of 'competitive neutrality' in its business activities as part of the National Competition Policy which is being applied throughout Australia at all levels of government. The framework for its application is set out in the June 1996 NSW Government Policy statement titled 'Application of National Competition Policy to Local Government'. *The Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality* issued by the Office of Local Government in July 1997 has also been adopted.

The pricing and costing guidelines outline the process for identifying and allocating costs to activities and provide a standard for disclosure requirements. These disclosures are reflected in Council's pricing and/or financial reporting systems and include taxation equivalents, Council subsidies, and returns on investments (rate of return and dividends paid).

### Declared business activities

In accordance with Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality, Council has declared that the following are to be considered as business activities:

#### Category 1

(where gross operating turnover is over \$2 million)

Nil

#### Category 2

(where gross operating turnover is less than \$2 million)

##### a. Combined Water Supply

The Central Darling Shire Water Supply comprises the operations and assets of Council's Water Supply System which services the towns of Wilcannia, Ivanhoe and White Cliffs.

##### b. Sewerage Services

The Central Darling Shire Sewerage Service comprises the whole of the operations and assets of Council's Sewerage Reticulation and Treatment System servicing the township of Wilcannia.

### Taxation equivalent charges

Council is liable to pay various taxes and financial duties. Where this is the case, they are disclosed as a cost of operations just like all other costs.

However, where Council does not pay some taxes which are generally paid by private sector businesses, such as income tax, these equivalent tax payments have been applied to all Council-nominated business activities and are reflected in Special Purpose Financial Statements.

For the purposes of disclosing comparative information relevant to the private sector equivalent, the following taxation equivalents have been applied to all Council-nominated business activities (this does not include Council's non-business activities):

continued on next page ...

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## Note – Significant Accounting Policies (continued)

### Notional rate applied (%)

Corporate income tax rate – **25% (21/22 25%)**

Land tax – the first \$969,000 of combined land values attracts **0%**. For the combined land values in excess of \$969,000 up to \$5,925,000 the rate is 100 + **1.6%**. For the remaining combined land value that exceeds \$5,925,000 a premium marginal rate of **2.0%** applies.

Payroll tax – **5.45%** on the value of taxable salaries and wages in excess of \$1,200,000.

In accordance with the Department of Planning and Environment (DPE) - Water's regulatory and assurance framework, a payment for the amount calculated as the annual tax equivalent charges (excluding income tax) must be paid from water supply and sewerage business activities.

The payment of taxation equivalent charges, referred to in the regulatory and assurance framework as a 'dividend for taxation equivalent', may be applied for any purpose allowed under the *Local Government Act, 1993*.

Achievement of substantial compliance to sections 3 and 4 of DPE - Water's regulatory and assurance framework is not a prerequisite for the payment of the tax equivalent charges, however the payment must not exceed \$3 per assessment.

### Income tax

An income tax equivalent has been applied on the profits of the business activities.

Whilst income tax is not a specific cost for the purpose of pricing a good or service, it needs to be taken into account in terms of assessing the rate of return required on capital invested.

Accordingly, the return on capital invested is set at a pre-tax level - gain/(loss) from ordinary activities before capital amounts, as would be applied by a private sector competitor. That is, it should include a provision equivalent to the corporate income tax rate, currently 25% (21/22 25%).

Income tax is only applied where a gain/ (loss) from ordinary activities before capital amounts has been achieved.

Since the taxation equivalent is notional – that is, it is payable to Council as the 'owner' of business operations - it represents an internal payment and has no effect on the operations of the Council. Accordingly, there is no need for disclosure of internal charges in the SPFS.

The rate applied of 25% is the equivalent company tax rate prevalent at reporting date. No adjustments have been made for variations that have occurred during the year.

### Local government rates and charges

A calculation of the equivalent rates and charges for all Category 1 businesses has been applied to all assets owned, or exclusively used by the business activity.

### Loan and debt guarantee fees

The debt guarantee fee is designed to ensure that Council business activities face 'true' commercial borrowing costs in line with private sector competitors. In order to calculate a debt guarantee fee, Council has determined what the differential borrowing rate would have been between the commercial rate and Council's borrowing rate for its business activities.

#### (i) Subsidies

Government policy requires that subsidies provided to customers, and the funding of those subsidies, must be explicitly disclosed. Subsidies occur where Council provides services on a less than cost recovery basis. This option is exercised on a range of services in order for Council to meet its community service obligations. The overall effect of subsidies is contained within the Income Statements of business activities.

#### (ii) Return on investments (rate of return)

The NCP policy statement requires that councils with Category 1 businesses 'would be expected to generate a return on capital funds employed that is comparable to rates of return for private businesses operating in a similar field'.

Funds are subsequently available for meeting commitments or financing future investment strategies. The rate of return is disclosed for each of Council's business activities on the Income Statement.

continued on next page ...

Page 9 of 13

## Note – Significant Accounting Policies (continued)

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The rate of return is calculated as follows:

**Operating result before capital income + interest expense**

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**Written down value of I,PP&E as at 30 June**

As a minimum, business activities should generate a return equal to the Commonwealth 10 year bond rate which is 4.02% at 30/6/23.

### (iii) Dividends

Council is not required to pay dividends to either itself (as owner of a range of businesses) or to any external entities.

Local government water supply and sewerage businesses are permitted to pay an annual dividend from its water supply or sewerage business surplus.

Each dividend must be calculated and approved in accordance with the DPE – Water's regulatory and assurance framework and must not exceed:

- 50% of this surplus in any one year, or
- the number of water supply or sewerage assessments at 30 June 2023 multiplied by \$30 (less the payment for tax equivalent charges, not exceeding \$3 per assessment).

In accordance with the DPE – Water's regulatory and assurance framework a Dividend Payment form, Statement of Compliance, Unqualified Independent Financial Audit Report and Compliance Audit Report are required to be submitted to the DPE – Water.



**INDEPENDENT AUDITOR'S REPORT**  
**Report on the special purpose financial statements**  
**Central Darling Shire Council**

To the Councillors of Central Darling Shire Council

### **Opinion**

I have audited the accompanying special purpose financial statements (the financial statements) of Central Darling Shire Council's (the Council) Declared Business Activities, which comprise the Statement by Councillors and Management, the Income Statement of each Declared Business Activity for the year ended 30 June 2023, the Statement of Financial Position of each Declared Business Activity as at 30 June 2023 and Significant accounting policies note.

The Declared Business Activities of the Council are:

- Water supply
- sewerage

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Council's declared Business Activities as at 30 June 2023, and their financial performance for the year then ended, in accordance with the Australian Accounting Standards described in the Significant accounting policies note and the Local Government Code of Accounting Practice and Financial Reporting 2022–23 (LG Code).

My opinion should be read in conjunction with the rest of this report.

### **Basis for Opinion**

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as the auditor of councils
- precluding the Auditor-General from providing non-audit services.

I have fulfilled my other ethical responsibilities in accordance with APES 110.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

### **Emphasis of Matter - Basis of Accounting**

Without modifying my opinion, I draw attention to the Significant accounting policies note to the financial statements which describes the basis of accounting. The financial statements have been prepared for the purpose of fulfilling the Council's financial reporting responsibilities under the LG Code. As a result, the financial statements may not be suitable for another purpose.

### **Other Information**

The Council's annual report for the year ended 30 June 2023 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the general purpose financial statements and Special Schedules (the Schedules).

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the general purpose financial statements and Special Schedule 'Permissible income for general rates'.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

### **The Councillors' Responsibilities for the Financial Statements**

The Councillors are responsible for the preparation and fair presentation of the financial statements and for determining that the accounting policies, described in the Significant accounting policies note to the financial statements, are appropriate to meet the requirements in the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

### **Auditor's Responsibilities for the Audit of the Financial Statements**

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf). The description forms part of my auditor's report.



The scope of my audit does not include, nor provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Manuel Moncada

Director, Financial Audit  
Delegate of the Auditor-General for New South Wales

30 November 2023  
SYDNEY

# Central Darling Shire Council

SPECIAL SCHEDULES  
for the year ended 30 June 2023

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## Central Darling Shire Council

### Special Schedules

for the year ended 30 June 2023

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Report on infrastructure assets as at 30 June 2023	6

Central Darling Shire Council | Permissible income for general rates | for the year ended 30 June 2023

## Central Darling Shire Council

### Permissible income for general rates

\$ '000	Notes	Calculation 2022/23	Calculation 2023/24
<b>Notional general income calculation <sup>1</sup></b>			
Last year notional general income yield	a	884	885
Plus or minus adjustments <sup>2</sup>	b	(1)	-
<b>Notional general income</b>	c = a + b	<b>883</b>	<b>885</b>
<b>Permissible income calculation</b>			
Or rate peg percentage	e	0.70%	3.70%
Or plus rate peg amount	i = e x (c + g)	6	33
<b>Sub-total</b>	k = (c + g + h + i + j)	<b>889</b>	<b>918</b>
Plus (or minus) last year's carry forward total	l	(6)	(2)
<b>Sub-total</b>	n = (l + m)	<b>(6)</b>	<b>(2)</b>
<b>Total permissible income</b>	o = k + n	<b>883</b>	<b>916</b>
Less notional general income yield	p	885	912
<b>Catch-up or (excess) result</b>	q = o - p	<b>(2)</b>	<b>4</b>
<b>Carry forward to next year <sup>3</sup></b>	t = q + r + s	<b>(2)</b>	<b>4</b>

#### Notes

- (1) The notional general income will not reconcile with rate income in the financial statements in the corresponding year. The statements are reported on an accrual accounting basis which include amounts that relate to prior years' rates income.
- (2) Adjustments account for changes in the number of assessments and any increase or decrease in land value occurring during the year. The adjustments are called 'supplementary valuations' as defined in the *Valuation of Land Act 1916 (NSW)*.
- (3) Carry forward amounts which are in excess (an amount that exceeds the permissible income) require Ministerial approval by order published in the *NSW Government Gazette* in accordance with section 512 of the *Local Government Act 1993*. The OLG will extract these amounts from Council's Permissible income for general rates Statement in the financial data return (FDR) to administer this process.

Central Darling Shire Council | Permissible income for general rates | for the year ended 30 June 2023



## INDEPENDENT AUDITOR'S REPORT

### Special Schedule – Permissible income for general rates

#### Central Darling Shire Council

To the Councillors of Central Darling Shire Council

### Opinion

I have audited the accompanying Special Schedule – Permissible income for general rates (the Schedule) of Central Darling Shire Council (the Council) for the year ending 30 June 2024.

In my opinion, the Schedule is prepared, in all material respects in accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting 2022–23 (LG Code) and is in accordance with the books and records of the Council.

My opinion should be read in conjunction with the rest of this report.

### Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Schedule' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I have fulfilled my other ethical responsibilities in accordance with APES 110.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

### Emphasis of Matter - Basis of Accounting

Without modifying my opinion, I draw attention to the special purpose framework used to prepare the Schedule. The Schedule has been prepared for the purpose of fulfilling the Council's reporting obligations under the LG Code. As a result, the Schedule may not be suitable for another purpose.

### Other Information

The Council's annual report for the year ended 30 June 2023 includes other information in addition to the Schedule and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the general purpose financial statements, special purpose financial statements and Special Schedule 'Report on infrastructure assets as at 30 June 2023'.

My opinion on the Schedule does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the general purpose financial statements and the special purpose financial statements.

In connection with my audit of the Schedule, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the Schedule or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

### **The Councillors' Responsibilities for the Schedule**

The Councillors are responsible for the preparation of the Schedule in accordance with the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation of the Schedule that is free from material misstatement, whether due to fraud or error.

In preparing the Schedule, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

### **Auditor's Responsibilities for the Audit of the Schedule**

My objectives are to:

- obtain reasonable assurance whether the Schedule as a whole is free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the Schedule.

A description of my responsibilities for the audit of the Schedule is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar8.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar8.pdf). The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited Schedule on any website where it may be presented
- about any other information which may have been hyperlinked to/from the Schedule.



Manuel Moncada

Director, Financial Audit  
Delegate of the Auditor-General for New South Wales

30 November 2023  
SYDNEY

Central Darling Shire Council

Report on infrastructure assets as at 30 June 2023

Asset Class	Asset Category	Estimated cost to bring assets to satisfactory standard \$ '000	Estimated cost to bring to the agreed level of service set by Council \$ '000	2022/23 Required maintenance <sup>a</sup> \$ '000	2022/23 Actual maintenance \$ '000	Net carrying amount \$ '000	Gross replacement cost (GRC) \$ '000	Assets in condition as a percentage of gross replacement cost				
								1	2	3	4	5
<b>Buildings</b>	Buildings	2,000	–	–	–	15,908	41,196	6.0%	65.0%	25.0%	4.0%	0.0%
	Buildings – non-specialised	450	–	93	335	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Buildings – specialised	100	–	31	33	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Other	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Community Services	1,200	–	31	13	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Council Housing	2,000	–	21	75	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Water	400	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Economic Activity	750	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Transport	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Amenities / Toilets	80	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	<b>Sub-total</b>	<b>6,980</b>	<b>–</b>	<b>176</b>	<b>456</b>	<b>15,908</b>	<b>41,196</b>	<b>6.0%</b>	<b>65.0%</b>	<b>25.0%</b>	<b>4.0%</b>	<b>0.0%</b>
<b>Other structures</b>	Other structures	–	–	270	212	4,413	7,338	22.0%	0.0%	78.0%	0.0%	0.0%
	Other	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	<b>Sub-total</b>	<b>–</b>	<b>–</b>	<b>270</b>	<b>212</b>	<b>4,413</b>	<b>7,338</b>	<b>22.0%</b>	<b>0.0%</b>	<b>78.0%</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Roads</b>	Roads	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Sealed roads	2,000	–	1,422	1,016	71,841	94,317	20.0%	48.0%	15.0%	15.0%	2.0%
	Unsealed roads	10,500	–	1,800	6,504	61,654	66,105	5.0%	40.0%	20.0%	30.0%	5.0%
	Bridges	300	–	–	–	15,234	22,895	0.0%	100.0%	0.0%	0.0%	0.0%
	Footpaths	600	–	33	22	1,119	2,111	0.0%	25.0%	50.0%	25.0%	0.0%
	Other road assets	280	–	–	–	2,571	5,527	50.0%	0.0%	40.0%	10.0%	0.0%
	Bulk earthworks	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Other	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Kerb and Gutter	300	–	–	–	2,594	4,092	5.0%	60.0%	20.0%	15.0%	0.0%
	Aerodromes	280	–	205	136	7,950	13,420	75.0%	25.0%	0.0%	0.0%	0.0%
	Other road assets (incl. bulk earth works)	–	–	40	226	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	<b>Sub-total</b>	<b>14,260</b>	<b>–</b>	<b>3,500</b>	<b>7,904</b>	<b>162,963</b>	<b>208,467</b>	<b>16.9%</b>	<b>48.4%</b>	<b>15.1%</b>	<b>17.1%</b>	<b>2.5%</b>
	Water supply network	3,400	–	80	88	5,726	22,976	0.0%	0.0%	25.0%	50.0%	25.0%
	Other	–	–	36	40	875	1,396	95.0%	5.0%	0.0%	0.0%	0.0%
	Treatment Plants	5,800	–	298	339	707	3,806	0.0%	0.0%	0.0%	50.0%	50.0%
	Bores	50	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%

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Central Darling Shire Council | Report on infrastructure assets as at 30 June 2023 | for the year ended 30 June 2023

Central Darling Shire Council

Report on infrastructure assets as at 30 June 2023 (continued)

Asset Class	Asset Category	Estimated cost to bring assets to satisfactory standard \$ '000	Estimated cost to bring to the agreed level of service set by Council \$ '000	2022/23 Required maintenance <sup>a</sup> \$ '000	2022/23 Actual maintenance \$ '000	Net carrying amount \$ '000	Gross replacement cost (GRC) \$ '000	Assets in condition as a percentage of gross replacement cost				
								1	2	3	4	5
Water supply network	Weirs, Storage Tanks, Dams	8,450	–	1	1	9,586	16,705	0.0%	0.0%	0.0%	5.0%	95.0%
	Pump Station	650	–	108	139	805	2,395	0.0%	0.0%	0.0%	100.0%	0.0%
	<b>Sub-total</b>	<b>18,350</b>	<b>–</b>	<b>523</b>	<b>607</b>	<b>17,699</b>	<b>47,278</b>	<b>2.8%</b>	<b>0.1%</b>	<b>12.1%</b>	<b>35.2%</b>	<b>49.8%</b>
Sewerage network	Sewerage network	480	–	52	9	1,323	2,259	0.0%	0.0%	0.0%	100.0%	0.0%
	Other	180	–	30	13	358	586	0.0%	0.0%	0.0%	100.0%	0.0%
	Pumping Station	650	–	3	76	837	1,036	0.0%	0.0%	0.0%	100.0%	0.0%
	Treatment Plants	150	–	6	25	2,541	3,429	0.0%	0.0%	0.0%	100.0%	0.0%
	<b>Sub-total</b>	<b>1,460</b>	<b>–</b>	<b>91</b>	<b>123</b>	<b>5,059</b>	<b>7,310</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>100.0%</b>	<b>0.0%</b>
Stormwater drainage	Stormwater drainage	120	–	295	114	720	1,599	0.0%	0.0%	50.0%	50.0%	0.0%
	Other	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Box Culverts	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Pipes	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Pits	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Outlets	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Gross Pollutant Traps	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	<b>Sub-total</b>	<b>120</b>	<b>–</b>	<b>295</b>	<b>114</b>	<b>720</b>	<b>1,599</b>	<b>0.0%</b>	<b>0.0%</b>	<b>50.0%</b>	<b>50.0%</b>	<b>0.0%</b>
Open space / recreational assets	Swimming pools	650	–	202	205	938	4,904	0.0%	35.0%	0.0%	0.0%	65.0%
	Other	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Recreation	350	–	128	144	–	–	0.0%	0.0%	50.0%	50.0%	0.0%
	<b>Sub-total</b>	<b>1,000</b>	<b>–</b>	<b>330</b>	<b>349</b>	<b>938</b>	<b>4,904</b>	<b>0.0%</b>	<b>35.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>65.0%</b>
<b>Total – all assets</b>	<b>42,170</b>	<b>–</b>	<b>5,185</b>	<b>9,765</b>	<b>207,700</b>	<b>318,092</b>	<b>12.8%</b>	<b>40.7%</b>	<b>17.0%</b>	<b>19.5%</b>	<b>10.0%</b>	

(a) Required maintenance is the amount identified in Council's asset management plans.

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## Central Darling Shire Council

### Report on infrastructure assets as at 30 June 2023 (continued)

#### Infrastructure asset condition assessment 'key'

#	Condition	Integrated planning and reporting (IP&R) description
1	Excellent/very good	No work required (normal maintenance)
2	Good	Only minor maintenance work required
3	Satisfactory	Maintenance work required
4	Poor	Renewal required
5	Very poor	Urgent renewal/upgrading required

Central Darling Shire Council | Report on infrastructure assets as at 30 June 2023 | for the year ended 30 June 2023

## Central Darling Shire Council

### Report on infrastructure assets as at 30 June 2023

#### Infrastructure asset performance indicators (consolidated) \*

\$ '000	Amounts 2023	Indicator 2023	Indicator 2022	Benchmark
<b>Buildings and infrastructure renewals ratio</b>				
Asset renewals <sup>1</sup>	<b>8,615</b>	<b>159.01%</b>	282.93%	> 100.00%
Depreciation, amortisation and impairment	<b>5,418</b>			
<b>Infrastructure backlog ratio</b>				
Estimated cost to bring assets to a satisfactory standard	<b>42,170</b>	<b>19.32%</b>	19.49%	< 2.00%
Net carrying amount of infrastructure assets	<b>218,289</b>			
<b>Asset maintenance ratio</b>				
Actual asset maintenance	<b>9,765</b>	<b>188.33%</b>	161.95%	> 100.00%
Required asset maintenance	<b>5,185</b>			
<b>Cost to bring assets to agreed service level</b>				
Estimated cost to bring assets to an agreed service level set by Council	<b>–</b>	<b>0.00%</b>	0.00%	
Gross replacement cost	<b>318,092</b>			

(\*) All asset performance indicators are calculated using classes identified in the previous table.

(1) Asset renewals represent the replacement and/or refurbishment of existing assets to an equivalent capacity/performance as opposed to the acquisition of new assets (or the refurbishment of old assets) that increases capacity/performance.

Central Darling Shire Council | Report on infrastructure assets as at 30 June 2023 | for the year ended 30 June 2023

## Central Darling Shire Council

### Report on infrastructure assets as at 30 June 2023

#### Infrastructure asset performance indicators (by fund)

\$ '000	General fund		Water fund		Sewer fund		Benchmark
	2023	2022	2023	2022	2023	2022	
<b>Buildings and infrastructure renewals ratio</b>							
Asset renewals <sup>1</sup>	<b>183.73%</b>	354.84%	<b>0.00%</b>	0.00%	<b>0.00%</b>	0.00%	> 100.00%
Depreciation, amortisation and impairment							
<b>Infrastructure backlog ratio</b>							
Estimated cost to bring assets to a satisfactory standard	<b>11.77%</b>	10.58%	<b>81.18%</b>	108.40%	<b>25.76%</b>	28.20%	< 2.00%
Net carrying amount of infrastructure assets							
<b>Asset maintenance ratio</b>							
Actual asset maintenance	<b>197.66%</b>	158.23%	<b>116.06%</b>	217.67%	<b>135.16%</b>	190.00%	> 100.00%
Required asset maintenance							
<b>Cost to bring assets to agreed service level</b>							
Estimated cost to bring assets to an agreed service level set by Council	<b>0.00%</b>	0.00%	<b>0.00%</b>	0.00%	<b>0.00%</b>	0.00%	
Gross replacement cost							

(1) Asset renewals represent the replacement and/or refurbishment of existing assets to an equivalent capacity/performance as opposed to the acquisition of new assets (or the refurbishment of old assets) that increases capacity/performance.

## Office of Local Government

### Model Code of Conduct Complaints Statistics

Reporting Period: 1 September 2022 - 31 August 2023

*Date Due:* **31 December 2023**

*Survey return email address:* [codeofconduct@olg.nsw.gov.au](mailto:codeofconduct@olg.nsw.gov.au)

<b>Council Name:</b>	<b>Central Darling Shire Council</b>
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<b>Contact Name:</b>	<b>Nerida Carr</b>
<b>Contact Phone:</b>	<b>(08) 8083 8822</b>
<b>Contact Position:</b>	<b>Governance Officer</b>
<b>Contact Email:</b>	<a href="mailto:carrn@centraldarling.nsw.gov.au">carrn@centraldarling.nsw.gov.au</a>

All responses to be numeric.

**Where there is a zero value, please enter 0.**

Enquiries:            Performance Team  
                          Office of Local Government  
                          Phone: (02) 4428 4100  
                          Enquiry email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

Model Code of Conduct Complaints Statistics 2022-23 Central Darling Shire Council			
Number of Complaints			
1	The total number of complaints <b>received</b> in the reporting period about councillors and the General Manager (GM) under the code of conduct from the following sources:		
i	Community	<input type="text" value="0"/>	
ii	Other Councillors	<input type="text" value="0"/>	
iii	General Manager	<input type="text" value="0"/>	
iv	Other Council Staff	<input type="text" value="0"/>	
2	The total number of complaints <b>finalised</b> about councillors and the GM under the code of conduct in the following periods:		
i	3 Months	<input type="text" value="0"/>	
ii	6 Months	<input type="text" value="0"/>	
iii	9 Months	<input type="text" value="0"/>	
iv	12 Months	<input type="text" value="0"/>	
v	Over 12 months	<input type="text" value="0"/>	
Overview of Complaints and Cost			
3	a	The number of complaints <b>finalised at the outset</b> by alternative means by the GM or Mayor	<input type="text" value="0"/>
	b	The number of complaints <b>referred to the Office of Local Government (OLG)</b> under a special complaints management arrangement	<input type="text" value="0"/>
	c	The number of code of conduct complaints <b>referred to a conduct reviewer</b>	<input type="text" value="0"/>
	d	The number of code of conduct complaints <b>finalised at preliminary assessment</b> by conduct reviewer	<input type="text" value="0"/>
	e	The number of code of conduct complaints <b>referred back to GM or Mayor</b> for resolution after preliminary assessment by conduct reviewer	<input type="text" value="0"/>
	f	The number of finalised code of conduct complaints <b>investigated by a conduct reviewer</b>	<input type="text" value="0"/>
	g	Cost of dealing with code of conduct complaints via preliminary assesment	<input type="text" value="0"/>
	h	Progressed to <b>full investigation by a conduct reviewer</b>	<input type="text" value="0"/>
	i	The number of finalised complaints investigated where there was found to be <b>no breach</b>	<input type="text" value="0"/>
	j	The number of finalised complaints investigated where there was found to be <b>a breach</b>	<input type="text" value="0"/>
	k	The number of complaints referred by the GM or Mayor <b>to another agency</b> or body such as the ICAC, the NSW Ombudsman, OLG or the Police	
	i	ICAC	<input type="text" value="0"/>
	ii	NSW Ombudsman	<input type="text" value="0"/>
	iii	OLG	<input type="text" value="0"/>
	iv	Police	<input type="text" value="0"/>

v	Other Agency (please specify)	0
	<input style="width: 100%;" type="text"/>	
l	The number of complaints being investigated that are <b>not yet finalised</b>	0
m	The <b>total cost</b> of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	0
<b>Preliminary Assessment Statistics</b>		
4	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
a	To take no action (clause 6.13(a) of the 2020 Procedures)	0
b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2020 Procedures)	0
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2020 Procedures)	0
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2020 Procedures)	0
e	To investigate the matter (clause 6.13(e) of the 2020 Procedures)	0
f	Other action (please specify)	0
	<input style="width: 100%;" type="text"/>	
<b>Investigation Statistics</b>		
5	The number of investigated complaints resulting in a determination that there was <b>no breach</b> , in which the following recommendations were made:	
a	That the council revise its policies or procedures	0
b	That a person or persons undertake training or other education (clause 7.40 of the 2020 Procedures)	0
6	The number of investigated complaints resulting in a determination that there <b>was a breach</b> in which the following recommendations were made:	
a	That the council revise any of its policies or procedures (clause 7.39 of the 2020 Procedures)	0
b	In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.37(a) of the 2020 Procedures)	0
c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.37(b) of the 2020 Procedures)	0
d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.37(c) of the 2020 Procedures)	0
7	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2020 Procedures)	0
<b>Categories of misconduct</b>		
8	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a	General conduct (Part 3)	0

b	Non-pecuniary conflict of interest (Part 5)	0
c	Personal benefit (Part 6)	0
d	Relationship between council officials (Part 7)	0
e	Access to information and resources (Part 8)	0
<b>Outcome of determinations</b>		
9	The number of investigated complaints resulting in a determination that there was a breach in which the council:	
a	Adopted the independent conduct reviewers recommendation	0
b	Failed to adopt the independent conduct reviewers recommendation	0
10	The number of investigated complaints resulting in a determination where:	
a	The external conduct reviewers decision was overturned by OLG	0
b	Council's response to the external conduct reviewers recommendation was overturned by OLG	0
11	Date Code of Conduct data was presented to council	14-Dec-22



# PUBLIC INTEREST DISCLOSURE POLICY

<b>Document Reference No:</b>	GD22/	<b>Version:</b>	One
<b>Service Unit:</b>	Governance		
<b>Author:</b>	Governance Officer		
<b>Responsible Director:</b>	General Manager		
<b>Authorisation Date:</b>		<b>Review Date:</b>	Dec 2025
<b>Minute No:</b>			

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## Public Interest Disclosure Policy

**Purpose**

All government agencies in NSW are required to have a Public Interest Disclosure (**PID**) Policy under section 42 of the *Public Interest Disclosures Act 2022* (**PID Act**).

At Central Darling Shire Council (CDSC) we take reports of serious wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing. The integrity of our organisation relies upon our staff, volunteers, contractors, and subcontractors speaking up when they become aware of wrongdoing.

This policy sets out:

- how CDSC will support and protect you if you come forward with a report of serious wrongdoing.
- how we will deal with the report and our other responsibilities under the PID Act.
- who to contact if you want to make a report.
- how to make a report.
- the protections which are available to you under the PID Act.

This policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detrimental action.
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act. This policy will provide you with information on:

- ways you can make a voluntary PID to CDSC under the PID Act.
- the names and contact details for the nominated disclosure officers in CDSC.
- the roles and responsibilities of people who hold specified roles under the PID Act and who are employees of CDSC.
- what information you will receive once you have made a voluntary PID.
- protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you.
- CDSC procedures for dealing with disclosures.
- CDSC procedures for managing the risk of detrimental action and reporting detrimental action.
- CDSC record-keeping and reporting requirements.
- how CDSC will ensure it complies with the PID Act and this policy.

**Application**

This policy applies to, and for the benefit of, all public officials in NSW. You are a public official if you are:

- a person employed in or by an agency or otherwise in the service of an agency – including Councils.
- a person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate.
- an individual in the service of the Crown.

## Public Interest Disclosure Policy

- a statutory officer.
- a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer.
- an employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of an agency or exercises functions of an agency, and are involved in providing those services or exercising those functions.
- a judicial officer.
- a Member of Parliament (**MP**), including a Minister.
- a person employed under the *Members of Parliament Staff Act 2013*.

The General Manager of CDSC and other nominated disclosure officers and managers within CDSC have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for CDSC may use this policy if they want information on who they can report wrongdoing to within CDSC.

This policy does not apply to:

- people who have received services from CDSC and want to make a complaint about those services.
- people, such as some contractors, who provide services to CDSC - for example, employees of a company that sold computer software to CDSC.

This means that if you are not a public official, this policy does not apply to your complaint. However, you can still make a complaint to CDSC. This can be done by:

- Phoning our Customer Service Team on (08) 8083 8900.
- Filling in an online Customer Request Form on our website, under the "Have your Say" section: <https://www.centraldarling.nsw.gov.au/Council/Have-Your-Say>.

### Definitions

For the purposes of this policy:

**Agency** - 'Agency' is defined in section 16 of the PID Act to mean any of the following:

- a public service agency
- a group of staff comprising each of the following services, or a separate group of those staff: – the NSW Police Force – the Teaching Service of New South Wales – the NSW Health Service – the Transport Service of New South Wales
- a statutory body representing the Crown
- an integrity agency
- a public authority whose conduct or activities are authorised to be investigated by an integrity agency under another Act or law
- a state-owned corporation or its subsidiaries
- a Local Government Authority
- a Local Aboriginal Land Council
- the Department of Parliamentary Services, the Department of the Legislative Assembly and the Department of the Legislative Council.

### **Corrupt Conduct**

Corrupt conduct in the PID Act has the same meaning as in sections 7, 8 and 9 of the Independent Commission Against Corruption Act 1988. It involves deliberate or intentional

## Public Interest Disclosure Policy

wrongdoing involving (or affecting) a public official or agency in NSW. Corrupt conduct includes:

- conduct of any person that adversely affects, or could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials, or any agency
- any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of their official functions
- any conduct of a public official or former public official that constitutes or involves a breach of public trust
- any conduct of a public official or former public official that involves the misuse of information or material that they acquired during their official functions, whether for their benefit or for the benefit of any other person.

**Detrimental Action** - Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment, or a threat of detriment, to a person (whether express or implied) as defined under section 32 of the PID Act. Detriment to a person includes:

- injury, damage or loss
- property damage
- reputational damage
- intimidation, bullying or harassment
- unfavourable treatment in relation to another person's job
- discrimination, prejudice or adverse treatment
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

**Disclosure Coordinator** – is the person that holds the position of Governance Officer.

**Disclosure Officer** – those persons identified as “disclosure officers” per Annexure A to this policy.

**Government Information Contravention** – a failure, other than a trivial failure, by an agency or public official to exercise functions in accordance with the *Government Information (Information Commissioner) Act 2009*, *Government Information (Public Access) Act 2009* (GIPA Act) or the *State Records Act 1998*.

**Integrity Agency** – as defined in section 19 of the PID Act:

- the Ombudsman
- the Auditor-General
- the Independent Commission Against Corruption
- the Law Enforcement Conduct Commission
- the Inspector of the Independent Commission Against Corruption
- the Inspector of the Law Enforcement Conduct Commission
- the Secretary of the Department of Planning, Industry and Environment (when exercising certain functions under the Local Government Act 1993)
- the Privacy Commissioner
- the Information Commissioner
- a person or body declared by the regulations to be an integrity agency.

## Public Interest Disclosure Policy

**Local government pecuniary interest contravention** - the contravention of an obligation in relation to a pecuniary interest imposed by the *Local Government Act 1993* (LG Act) or a code of conduct adopted by a Council under section 440(3) of the LG Act.

**Mandatory PID** – where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.

**Pecuniary Interest** – an interest that a person has in a matter because they have a reasonable likelihood, or expectation, of appreciable financial gain or loss to themselves or someone within their family.

**Privacy contravention** - a failure, other than a trivial failure, by an agency or public official to exercise functions in accordance with the *Privacy and Personal Information Protection Act 1998* or the *Health Records and Information Privacy Act 2002*.

**Public Interest Disclosure** – when a public official reports serious wrongdoing in their workplace, or in another public authority. Serious wrongdoing includes corrupt conduct, serious maladministration and serious and substantial waste of public money.

**Public Official** – as defined in section 14 of the PID Act as follows:

- (a) a person employed in or by an agency or otherwise in the service of an agency,
- (b) a person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate,
- (c) an individual in the service of the Crown,
- (d) a statutory officer,
- (e) a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor, or volunteer,
- (f) if an entity, under a contract, subcontract, or other arrangement, is to provide services on behalf of an agency or exercise functions of an agency in whole or in part—an employee, partner or officer of the entity who is to be involved in providing the services in whole or in part, or who is to exercise the functions,
- (g) a judicial officer,
- (h) a member of Parliament, including a Minister,
- (i) a person employed under the Members of Parliament Staff Act 2013.

**Serious maladministration** - defined in the PID Act as conduct, other than conduct of a trivial nature, of an agency or public official relating to a matter of administration that is unlawful, unreasonable, unjust, oppressive, or improperly discriminatory, or based wholly or partly on improper motives.

**Serious and substantial waste of public money** – includes any uneconomical, inefficient, or ineffective use of resources, whether authorised or unauthorised, and which results in a loss of public funds or resources.

**Serious wrongdoing** - per section 13 of the PID Act, 'serious wrongdoing' means one or more of: corrupt conduct, serious maladministration, government information contravention, a privacy contravention, or a serious and substantial waste of public money.

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**Voluntary PID** – a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.

**Witness PID** - A PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

**Provisions**

**1. How to make a report of serious wrongdoing**

**(a) Reports, complaints and grievances**

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, if they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy, but we will also make sure we follow our Workplace Grievance and/or Incidents Procedure.

It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have certain decisions that we must make on how we will deal with the PID and how we will protect and support the person who has made the report.

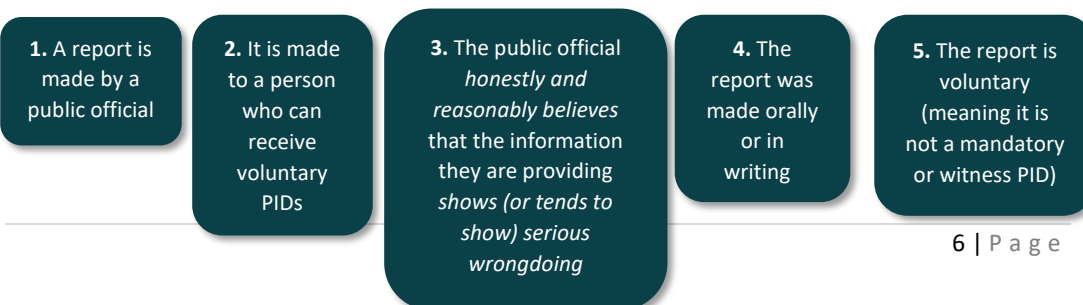
**(b) When will a report be a PID?**

There are three types of PIDs in the PID Act. These are:

2. *Voluntary PID*: This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
3. *Mandatory PID*: This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
4. *Witness PID*: This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 2 of this policy. Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and ‘whistleblowing’. They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:



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If the report has all five features, it is a voluntary PID.

You will not be expected to prove that what you reported happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing. Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review via a written request to the General Manager, or we make seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 7 of this policy.

### (c) Who can make a voluntary PID?

Any public official can make a voluntary PID — see 'Who this policy applies to'. You are a public official if:

- you are employed by CDSC.
- you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of CDSC, or
- you work for an entity (such as a non-government organisation) who is contracted by CDSC to provide services or exercise functions on behalf of CDSC — if you are involved in undertaking that contracted work.

A public official can make a PID about serious wrongdoing relating to *any* agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside our agency. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Annexure B of this policy has a list of integrity agencies.

### (d) What is serious wrongdoing?

Reports must be of one or more of the following categories of serious wrongdoing to be a voluntary PID (in addition to having the other features set out here). When you make your report, you do not need to state to CDSC what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing. Serious wrongdoing is defined in the PID Act as:

- corrupt conduct — such as a public official accepting a bribe.
- serious maladministration — such as an agency systemically failing to comply with proper recruitment processes when hiring staff.
- a government information contravention — such as destroying, concealing, or altering records to prevent them from being released under a Government Information Public Access application.
- a local government pecuniary interest contravention — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship.
- a privacy contravention — such as unlawfully accessing a person's personal information on an agency's database.

## Public Interest Disclosure Policy

- a serious and substantial waste of public money — such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

**(e) Who can I make a voluntary PID to?**

For a report to be a voluntary PID, it must be made to certain public officials.

Making a report to a public official who works for CDSC

You can make a report inside CDSC to:

- The General Manager.
- a disclosure officer for CDSC — a list of disclosure officers for CDSC and their contact details can be found at Annexure A of this policy.
- your manager — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

Making a report to a recipient outside of CDSC

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- the *head of another agency* — this means the head of any public service agency.
- an *integrity agency* — a list of integrity agencies is located at Annexure B of this policy.
- a *disclosure officer for another agency* — ways to contact disclosure officers for other agencies is in an agency's PID policy which can be found on their public website.
- a *Minister or a member of a Minister's staff* but the report *must be made in writing*.

If you choose to make a disclosure outside of CDSC, it is possible that your disclosure will be referred to us so that appropriate action can be taken.

Making a report to a Member of Parliament or journalist

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from CDSC:
  - notification that CDSC will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
  - the following information at the end of the investigation period:
    - notice of CDSC's decision to investigate the serious wrongdoing.
    - a description of the results of an investigation into the serious wrongdoing.

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- details of proposed or recommended corrective action because of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

**(f) What form should a voluntary PID take?**

You can make a voluntary PID:

- *in writing* — this could be an email or letter to a person who can receive voluntary PIDs.
- *orally* — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
- *anonymously* — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for us to investigate the matter(s) you have disclosed if we cannot contact you for further information.

**(g) What should I include in my report?**

You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

- date, time, and location of key events.
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved.
- your relationship with the person(s) involved, such as whether you work closely with them.
- your explanation of the matter you are reporting.
- how you became aware of the matter you are reporting.
- possible witnesses.
- other information you have that supports your report.

**(h) What if I am not sure if my report is a PID?**

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for us to understand what is or may be occurring. We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if your report is not a PID, it may fall within another one of the agency's policies for dealing with reports, allegations, or complaints.



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**(i) Deeming that a report is a voluntary PID**

The General Manager can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'. By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act. If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the General Manager of CDSC to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the General Manager. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

**(j) Who can I talk to if I have questions or concerns?**

If you require further information about this policy, how public interest disclosures will be handled and the PID Act you can:

- confidentially contact a nominated disclosure officer within CDSC.
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: [pidadvice@ombo.nsw.gov.au](mailto:pidadvice@ombo.nsw.gov.au), or
- access the NSW Ombudsman's PID guidelines which are available on its website.

If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may need to seek independent legal advice.

**2. Protections****(a) How is the maker of a voluntary PID protected?**

When you make a voluntary PID you receive special protections under the PID Act. We are committed to taking all reasonable steps to protect you from detriment because of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with. We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report, or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

- *Protection from detrimental action*
  - A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation, or dismissal.
  - Once we become aware that a voluntary PID by a person employed or otherwise associated with CDSC that concerns serious wrongdoing relating to CDSC has been made, we will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
  - It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
  - A person may seek compensation where unlawful detrimental action has been taken against them.
  - A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Public Interest Disclosure Policy

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- **Immunity from civil and criminal liability**  
Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued, or criminally charged for breaching confidentiality.
- **Confidentiality**  
Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.
- **Protection from liability for own past conduct**  
The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

**(b) Protections for people who make mandatory and witness PIDs.**



Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- **A mandatory PID:** This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- **A witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
<b>Detrimental action</b> — It is an offence to take detrimental action against a person based on the suspicion, belief, or awareness that a person has made, may have made or may make a PID.	✓	✓
<b>Right to compensation</b> — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
<b>Ability to seek injunction</b> — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	✓	✓

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<p><b>Immunity from civil and criminal liability</b> — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for:</p> <ul style="list-style-type: none"> <li>• breaching a duty of secrecy or confidentiality, or</li> <li>• breaching another restriction on disclosure.</li> </ul>		
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**3. Reporting detrimental action**

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report this directly to us by contacting (by email or phone) either the Human Resources Officer or the Risk and WHS Officer.

You can also report any experience of adverse treatment or detrimental action to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

**4. General support**

A key contact person will be allocated to the maker of the report. This contact person will take steps to protect the discloser’s interest, for example, if they are at risk of detrimental action. People who have made a report may also obtain wellbeing support via the Employee Assistance Program.

**5. Roles and responsibilities of CDSC employees**

Certain people within CDSC have responsibilities under the PID Act.

**General Manager**

**(a) As the head of the agency, the General Manager is responsible for:**

- fostering a workplace culture where reporting is encouraged.
- receiving disclosures from public officials.
- ensuring there is a system in place for assessing disclosures.
- ensuring CDSC complies with this policy and the PID Act.
- ensuring that CDSC has appropriate systems for:
  - overseeing internal compliance with the PID Act.
  - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action.
  - implementing corrective action if serious wrongdoing is found to have occurred.
  - complying with reporting obligations regarding allegations or findings of detrimental action.
  - complying with yearly reporting obligations to the NSW Ombudsman.

PID reporting functions outlined above have been delegated by the General Manager to CDSC’s Governance Officer.

**(b) Disclosure officers**

Disclosure officers are responsible for:

#### Public Interest Disclosure Policy

- receiving reports from public officials.
- receiving reports when they are passed on to them by managers or supervisors.
- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate member/s of the Governance team.
- ensuring that any oral reports that have been received are recorded in writing.

#### **(c) Managers and Supervisors**

The responsibilities of managers and supervisors include:

- receiving reports from persons that report to them or that they supervise.
- passing on reports they receive to a disclosure officer.

#### **(d) All employees**

All employees must:

- report suspected serious wrongdoing or other misconduct.
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of CDSC.
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

### **6. How we will deal with voluntary PIDs**

#### **(a) How CDSC will acknowledge that we have received a report and keep the person who made it informed**

When a disclosure officer in CDSC receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- An acknowledgment that the report has been received. This acknowledgement will:
  - state that the report will be assessed to identify whether it is a PID.
  - state that the PID Act applies to how we deal with the report.
  - provide clear information on how you can access this PID policy.
  - provide you with details of a contact person and available supports.
- If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:
  - that we are investigating the serious wrongdoing.
  - that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral
  - If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you about the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.

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- If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
  - o a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
  - o information about any corrective action because of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.
- Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.
- There may be some details about both the findings made because of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.

**(b) How CDSC will deal with voluntary PIDs**

Once a report that may be a voluntary PID is received we will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. This assessment will be made by a panel usually consisting of the Human Resources Officer, Risk and WHS Officer, and Governance Officer. A panel representative will then consult with the General Manager and ensure that we comply with the requirements in the PID Act.

Even if the report is not classified as a voluntary PID, it will still be dealt with in a manner consistent with our Workplace Grievances and Incidents Procedure or through an alternate process. We will let you know that the PID Act does not apply to the report and how we will deal with the concerns raised in the report.

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a disclosure officer, request an internal review via the General Manager, or request that the matter be conciliated. We can, but do not have to, request the NSW Ombudsman to conciliate the matter.

If further investigations reveal that the subject matter does not have all the features of a PID, we may stop dealing with the report under the PID Act and will advise this decision in writing.

If the report is a voluntary PID:

- In most cases we will investigate to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. The investigation may be conducted by member/s of the Governance team, or an external investigator via LG NSW. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been reported and investigated.
- There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.

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- Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.
- If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

**(c) How CDSC will protect the confidentiality of the maker of a voluntary PID**

We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential. Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- when the public official or delegate reasonably considers it necessary to disclose the information to protect a person from detriment
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
- where the information has previously been lawfully published
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
- when the information is disclosed for the purposes of proceedings before a court or tribunal
- when the disclosure of the information is necessary to deal with the disclosure effectively
- if it is otherwise in the public interest to disclose the identifying information.

We will not disclose identifying information unless it is necessary and authorised under the PID Act. We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to not unnecessarily disclose information from which the maker of the report can be identified. We will do this by:

- limiting the number of people who aware of the maker's identity or information that could identify them.
- ensuring that any person who knows the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential.
- ensuring that only authorised persons have access to emails, files or other documents that contain information about the identity of the maker.
- advising the maker about the importance of maintaining confidentiality, for example, by telling them not to discuss their report with other staff.

If confidentiality cannot or is unlikely to be maintained, CDSC will:

- advise the person whose identity may become known.
- implement strategies to minimise the risk of detrimental action.
- provide additional support to the person who made the PID.

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- remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental activity is a criminal offence and may also be a disciplinary matter.

**(d) How CDSC will assess and minimise the risk of detrimental action**

CDSC will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses, or the person the report is about. We will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

Detrimental action against a person is an act or omission that causes, comprises, involves, or encourages detriment to a person or a threat of detriment to a person (whether express or implied). Detrimental action does not include:

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct
- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct
- the lawful making of adverse comment, resulting from investigative action
- the prosecution of a person for a criminal offence
- reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.

We will take steps to assess and minimise the risk of detrimental action by describing the protection options (for example working remotely or approved leave for the duration of the investigation) and outlining the supports that will be provided.

**(e) How CDSC will deal with allegations of a detrimental action offence**

If we become aware of an allegation that a detrimental action offence has occurred or may occur, we will:

- take all steps possible to stop the action and protect the person(s)
- take appropriate disciplinary action against anyone that has taken detrimental action
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable)
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

**(f) What CDSC will do if an investigation finds that serious wrongdoing has occurred**

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, we will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- a formal apology
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing
- providing additional education and training to staff where required

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- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

The General Manager and Governance Officer will receive the findings of an investigation and consult with appropriate members of the Management/Executive (ManEx) group on the steps to be taken to address any findings. The most senior person of the affected business unit will be responsible for ensuring that corrective action takes place, and progress on implementation will be monitored and reported to the Audit and Risk Improvement Committee (ARIC) by the Governance Officer. The maker of the PID will be notified in writing by the General Manager of the proposed corrective action.

### 7. Review and dispute resolution

#### (a) Internal review

People who make voluntary PIDs can seek internal review of the following decisions made by CDSC:

- that CDSC is not required to deal with the report as a voluntary PID
- to stop dealing with the report because we decided it was not a voluntary PID
- to not investigate the serious wrongdoing and not refer the report to another agency
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

We will ensure internal reviews are conducted in compliance with the PID Act. If you would like to make an application for an internal review, you must apply in writing to the General Manager within 28 days of being informed of our decision. The application should state the reasons why you consider CDSC's decision should not have been made. You may also submit any other relevant material with your application.

#### (b) Voluntary dispute resolution

If a dispute arises between us and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where CDSC and the maker of the report are willing to resolve the dispute.

### 8. Other CDSC obligations

#### (a) Record-keeping requirements

We must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that CDSC complies with its obligations under the *State Records Act 1998*. All information relating to PID reports and investigations will be classed as highly confidential, and only available to Council Officials who are directly involved in these processes. All documents pertaining to a PID matter will be stored in CDSC's Electronic Document Management System with restricted access control.

#### (b) Reporting of voluntary PIDs and CDSC annual return to the Ombudsman

Each year we provide an annual return to the NSW Ombudsman which includes:



## Public Interest Disclosure Policy

- information about voluntary PIDs received by CDSC during each return period (yearly with the start date being 1 July).
- action taken by CDSC to deal with voluntary PIDs during the return period.
- how CDSC promoted a culture in the workplace where PIDs are encouraged.

The Governance Officer is responsible for collecting information and lodging the annual return. Statistical results will be published in CDSC's Annual Report and available to the public via Council's website.

### **(c) How CDSC will ensure compliance with the PID Act and this policy**

We will ensure compliance with the PID Act by reporting annually to the ARIC:

- types and numbers of matters reported.
- activities undertaken which have promoted and encouraged the making of PIDs.
- responses and corrective actions taken.
- monitoring the effectiveness of controls.

## **Legislation**

*Public Interest Disclosures Act 2022*

*Government Information (Public Access) 2009, NSW*

*Local Government Act 2009*

*Privacy and Personal Information Act 1998*

## **Related Documents**

This policy should be read in conjunction with:

- Code of Conduct
- Complaints Management Policy
- Risk Management Policy
- Fraud and Corruption Prevention Policy
- Statement of Business Ethics Policy

## **Monitoring and Review**

This policy will be monitored and reviewed by the General Manager to ensure compliance. Once adopted, it remains in force until it is reviewed by Council. It is to be reviewed approximately every two (2) years to ensure that it meets requirements, or sooner if the General Manager determines appropriate.

Public Interest Disclosure Policy

### **Annexure A — Names and contact details of disclosure officers for Central Darling Shire Council**

Details of disclosure officers will be updated as and when required on an administrative basis.

General Manager – Greg Hill. E: [hillg@centraldarling.nsw.gov.au](mailto:hillg@centraldarling.nsw.gov.au) Phone (08) 8083 8900 or 0429 915 904

Director of Shire Services – Reece Wilson. E: [wilsonr@centraldarling.nsw.gov.au](mailto:wilsonr@centraldarling.nsw.gov.au) Phone (08) 8083 8905 or 0429 915 992

Finance Manager – Kevin Smith. E: [smithk@centraldarling.nsw.gov.au](mailto:smithk@centraldarling.nsw.gov.au) Phone (08) 8083 8911 or 0417 590 902

Customer Services Manager – Jane McEwan. E: [mcewanj@centraldarling.nsw.gov.au](mailto:mcewanj@centraldarling.nsw.gov.au) Phone (08) 8091 4392 or 0429 914 392

Operations Manager – John Carleton. E: [john.carlton@centraldarling.nsw.gov.au](mailto:john.carlton@centraldarling.nsw.gov.au) Phone (08) 8083 8825 or 0455 238 654

Human Resources Officer – Evelyn Pollard. E: [pollarde@centraldarling.nsw.gov.au](mailto:pollarde@centraldarling.nsw.gov.au) Phone (08) 8083 8815 or 0459 632 220

Risk and WHS Officer – Kara Mohr. E: [mohrk@centraldarling.nsw.gov.au](mailto:mohrk@centraldarling.nsw.gov.au) Phone (08) 8083 8808 or 0459 671 438

Governance Officer – Nerida Carr (Disclosures Co-ordinator). E: [carrn@centraldarling.nsw.gov.au](mailto:carrn@centraldarling.nsw.gov.au) Phone (08) 8083 8822 or 0427 911 854

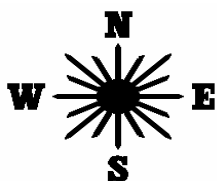
Public Interest Disclosure Policy

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Public Interest Disclosure Policy

**Annexure B — List of integrity agencies**

Integrity agency	What they investigate	Contact information
<b>The NSW Ombudsman</b>	Most kinds of <b>serious maladministration</b> by most agencies and public officials (but not NSW Police, judicial officers or MPs)	<b>Telephone:</b> 1800 451 524 between 9am to 3pm Monday to Friday <b>Writing:</b> Level 24, 580 George Street, Sydney NSW 2000 <b>Email:</b> <a href="mailto:info@ombo.nsw.gov.au">info@ombo.nsw.gov.au</a>
<b>The Auditor-General</b>	<b>Serious and substantial waste of public money</b> by auditable agencies	<b>Telephone:</b> 02 9275 7100 <b>Writing:</b> GPO Box 12, Sydney NSW 2001 <b>Email:</b> <a href="mailto:governance@audit.nsw.gov.au">governance@audit.nsw.gov.au</a>
<b>Independent Commission Against Corruption</b>	<b>Corrupt conduct</b>	<b>Telephone:</b> 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday <b>Writing:</b> GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 <b>Email:</b> <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>
<b>The Inspector of the Independent Commission Against Corruption</b>	<b>Serious maladministration</b> by the ICAC or the ICAC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> PO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:oiicac_executive@oiicac.nsw.gov.au">oiicac_executive@oiicac.nsw.gov.au</a>
<b>The Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the NSW Police Force or the NSW Crime Commission	<b>Telephone:</b> 02 9321 6700 or 1800 657 079 <b>Writing:</b> GPO Box 3880, Sydney NSW 2001 <b>Email:</b> <a href="mailto:contactus@lecc.nsw.gov.au">contactus@lecc.nsw.gov.au</a>
<b>The Inspector of the Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the LECC and LECC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> GPO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:oiilecc_executive@oiilecc.nsw.gov.au">oiilecc_executive@oiilecc.nsw.gov.au</a>
<b>Office of the Local Government</b>	<b>Local government pecuniary interest contraventions</b>	<b>Email:</b> <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>The Privacy Commissioner</b>	<b>Privacy contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>
<b>The Information Commissioner</b>	<b>Government information contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>



**Central Darling Shire Council**

<b>Title of Policy</b>	Internal Reporting Policy (Public Interests Disclosures Act)		
<b>This applies to</b>	All Council officials		
<b>Author</b>	Michael Boyd	<b>Date approved:</b>	
<b>Position of Author</b>	General Manager	<b>Authorised by:</b>	
<b>Legislation, Australian Standards, Code of Practice</b>	Local Government Act 1993 Public Interests Disclosures Act 1994 Government Information (Public Access) Act 2009 Independent Commission Against Corruption Act 1988 NSW Ombudsman’s Guidelines		
<b>Related Policies/Procedures</b>	Code of Conduct Gifts and Benefits Policy Privacy Management Plan Access to Information Policy Payment of Expenses and Provision of Facilities to Councillors Policy Complaints Management Policy Statement of Business Ethics		

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## 1. Purpose and context of the policy

The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Central Darling Shire Council, what can be reported and how reports of wrongdoing will be dealt with by Council.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the Public Interest Disclosures Act 1994 (PID Act).

The system enables such internal disclosures to be made to the General Manager or the Mayor (as an alternative), the Disclosure Coordinator or a nominated Disclosure Officer.

Any individual who comes forward and reports wrongdoing is helping to promote integrity, accountability and good management within Council.

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the Staff Grievance and Dispute Procedure. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to Human Resources to be dealt with in accordance with the Staff Grievance and Dispute Procedure.

## 2. Organisational commitment

Council values integrity in public administration and is committed to providing an ethical workplace.

It is the responsibility of all employees, Managers, Senior Staff and Councillors and is in the public interest to report any known or suspected incidents of corrupt conduct, maladministration, serious and substantial waste of public money, breaches of the Government Information Public Access Act and local government pecuniary interest contravention. To do so is to help to promote integrity, accountability and good governance within the Council.

This policy has been designed to assist Councillors and employees to report such instances and provides information on the protection they will receive under the PID Act.

The policy is also designed to complement normal communication channels between management and employees who are encouraged to continue to raise appropriate matters at any time with their managers.

## 3. Who does this policy apply to?

This policy will apply to:

- both Council staff and Councillors;
- permanent employees, whether full-time or part-time;
- temporary or casual employees;
- consultants;
- individual contractors working for Council;
- employees of contractors providing services to Council; and

- other people who perform council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

The policy also applies to public officials of another council or public authority who report wrongdoing relating to Central Darling Shire Council.

## 4. Roles and responsibilities

### a. The role of Council staff and Councillors

Staff and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All Council staff and Councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing;
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality;
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect; and
- respect the rights of any person the subject of reports.

Staff and Councillors must not:

- make false or misleading reports of wrongdoing; or
- victimise or harass anyone who has made a report

Additionally, the behaviour of all Council staff and Councillors involved in the internal reporting process must adhere to the Council's code of conduct. A breach of the code could result in disciplinary action.

### b. The role of the Council

The Council has a responsibility to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

The Council will assess all reports of wrongdoing it receives from staff and Councillors and deal with them appropriately. Once wrongdoing has been reported, the Council takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. The Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

The Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

To ensure the Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.



### c. Roles of key positions

#### **General Manager**

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture and ensuring the Council complies with the PID Act. The General Manager can receive reports from staff and Councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with;
- deal with reports made under the Council's code of conduct in accordance with the Council's adopted code of conduct;
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;
- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified ;
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC); and
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

#### **Disclosures Coordinator**

The Disclosures Coordinator has a central role in the Council's internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact in the Council for the reporter. The Disclosures Coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager);
- deal with reports made under the Council's code of conduct in accordance with the Council's adopted code of conduct;
- coordinate the Council's response to a report;
- acknowledge reports and provide updates and feedback to the reporter;
- assess whether it is possible and appropriate to keep the reporter's identity confidential;
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified;
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report;
- ensure the Council complies with the PID Act; and
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

### **Mayor**

The Mayor can receive reports from staff and Councillors about the General Manager. Where the Mayor receives such reports, the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with;
- deal with reports made under the Council's code of conduct in accordance with the Council's adopted code of conduct procedures;
- refer reports to an investigating authority, where appropriate;
- liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;
- refer actual or suspected corrupt conduct to the ICAC; and
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

### **Supervisors and Line Managers**

Supervisors and line managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and line managers should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do;
- identify reports made to them in the course of their work which could be public interest disclosures and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy,
- implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report; and
- notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.

## **5. What should be reported?**

You should report any suspected wrongdoing within the Council, or any activities or incidents you see within the Council that you believe are wrong.

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman's *Guideline B2: What should be reported?*

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. This might include:

- harassment or unlawful discrimination; or

- practices that endanger the health or safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, the Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

#### **a. Corrupt conduct**

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others;
- acting dishonestly or unfairly, or breaching public trust; or
- a Council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.

#### **b. Maladministration**

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful; or
- refusing to grant an approval for reasons that are not related to the merits of their application.

#### **c. Serious and substantial waste of public money**

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

For example, this could include:

- not following a competitive tendering process for a large scale contract; or
- having bad or no processes in place for a system involving large amounts of public funds.

#### **d. Breach of the Government Information (Public Access) Act (GIPA Act)**

A breach of the GIPA Act is a failure to properly fulfil functions under that Act.

For example, this could include:

- destroying, concealing or altering records to prevent them from being released;
- knowingly making decisions that are contrary to the legislation; or
- directing another person to make a decision that is contrary to the legislation.

#### **e. Local government pecuniary interest contravention**

A local government pecuniary interest contravention is a failure to comply with requirements under the Local Government Act 1993 relating to the management of pecuniary interests.

These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at Council and Council committee meetings and leave the meeting while the matter is being discussed. 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.

For example, this could include:

- a senior Council staff member recommending a family member for a Council contract and not declaring the relationship; or
- a Councillor participating in consideration of a DA for a property they or their family have an interest in.

## 6. Assessment of reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The Disclosures Coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report, the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

## 7. When will a report be treated as a public interest disclosure?

The Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention;
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing; and
- the report has to be made to either the General Manager or, for reports about the General Manager the Mayor, a position nominated in this policy (see section 8), an investigating authority or in limited circumstances to an MP or journalist (see section 9b).

Reports by staff are not public interest disclosures if they:

- mostly question the merits of government policy; or
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

## 8. Who can receive a report within the Council?

Staff are encouraged to report general wrongdoing to their supervisor. However the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

The following positions are the only people within the Council who are authorised to receive a

public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 4).

If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

#### General Manager

*The General Manager  
Central Darling Shire Council  
PO Box 165 Wilcannia NSW 2836  
Phone (08) 8083 8900*

#### Mayor (for reports about the General Manager only)

*The Mayor  
Central Darling Shire Council  
PO Box 165 Wilcannia NSW 2836  
Phone (08) 8083 8900*

#### Disclosures Coordinator

*Disclosures Coordinator  
Central Darling Shire Council  
PO Box 165 Wilcannia NSW 2836  
Phone (08) 8083 8900*

## 9. Who can receive a report outside of the Council?

Staff and Councillors are encouraged to report wrongdoing within the Council, but internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority; or
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

### a. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the General Manager or the Mayor.

The relevant investigating authorities for the Council are:

- The Independent Commission Against Corruption (ICAC) — for reports about corrupt conduct.
- The Ombudsman — for reports about maladministration.
- The Information Commissioner — for disclosures about a breach of the GIPA Act.
- The Office of Local Government— for disclosures about local councils.

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that the investigating authority may well discuss any such reports with the Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff or Councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

#### **b. Members of Parliament or journalists**

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager;
- a person nominated in this policy, including the Mayor for reports about the General Manager; or
- an investigating authority.

Also, the Council or the investigating authority that received your initial report must have either:

- decided not to investigate the matter;
- decided to investigate the matter, but not completed the investigation within six months of the original report;
- investigated the matter but not recommended any action as a result; or
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is, in fact, substantially true.

#### **c. Other external reporting**

If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or our code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

## **10. How to make a report**

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.

## 11. Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.

## 12. Feedback to staff who report wrongdoing

The individual who reported wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received;
- the timeframe for when you will receive further updates; and
- the name and contact details of the people who can tell you what is happening.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. We will attempt to get this information to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report – likely timeframes for any investigation;
- information about the resources available within the Council to handle any concerns you may have; and
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation;
- information about the progress of the investigation and reasons for any delay; and
- advice if your identity needs to be disclosed for the purposes of investigating the matter and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified; and
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

Behaviour of all people involved in the PID process needs to adhere to the Council's code of conduct. A breach of the code of conduct could result in disciplinary action.

### 13. Maintaining confidentiality

The Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

### 14. Managing the risk of reprisal and workplace conflict

When a staff member or Councillor reports wrongdoing, the Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, the Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace;
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified; or
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

### 15. Protection against reprisals

The Council will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for staff and Councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another



because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to employment;
- dismissal from, or prejudice in, employment;
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the Council's code of conduct, which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

It is important for staff and Councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where the Council has reasonable grounds to take such action.

#### **a. Responding to allegations of reprisal**

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal by the General Manager, you can alternatively report this to the Mayor.

All supervisors must notify the Disclosures Coordinator or the General Manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the General Manager, the Mayor can alternatively be notified.

If the Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, the Council will:

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue.
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff.
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter.
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.
- refer any breach of Part 8 of the Council's code of conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government.
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

**b. Protection against legal action**

If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

## 16. Support for those reporting wrongdoing

The Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator.

Through its Employee Assistance Program, Council has retained a company called Optum to provide support to any employee for these related issues. Any employee can call Optum on **1300 361 008** to access these services – there is no charge to the employee, and calls can be made during working hours. Please advise your Director if you need time off to make a call.

## 17. Sanctions for making false or misleading statements

It is important all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. The Council will not support staff or Councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the code of conduct resulting in disciplinary action. In the case of Councillors, disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

## 18. The rights of persons the subject of a report

The Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time, you will be:

- advised of the details of the allegation;
- advised of your rights and obligations under the relevant related policies and procedures;
- kept informed about the progress of any investigation;
- given a reasonable opportunity to respond to any allegation made against you; and
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential, unless otherwise agreed to by the subject officer.

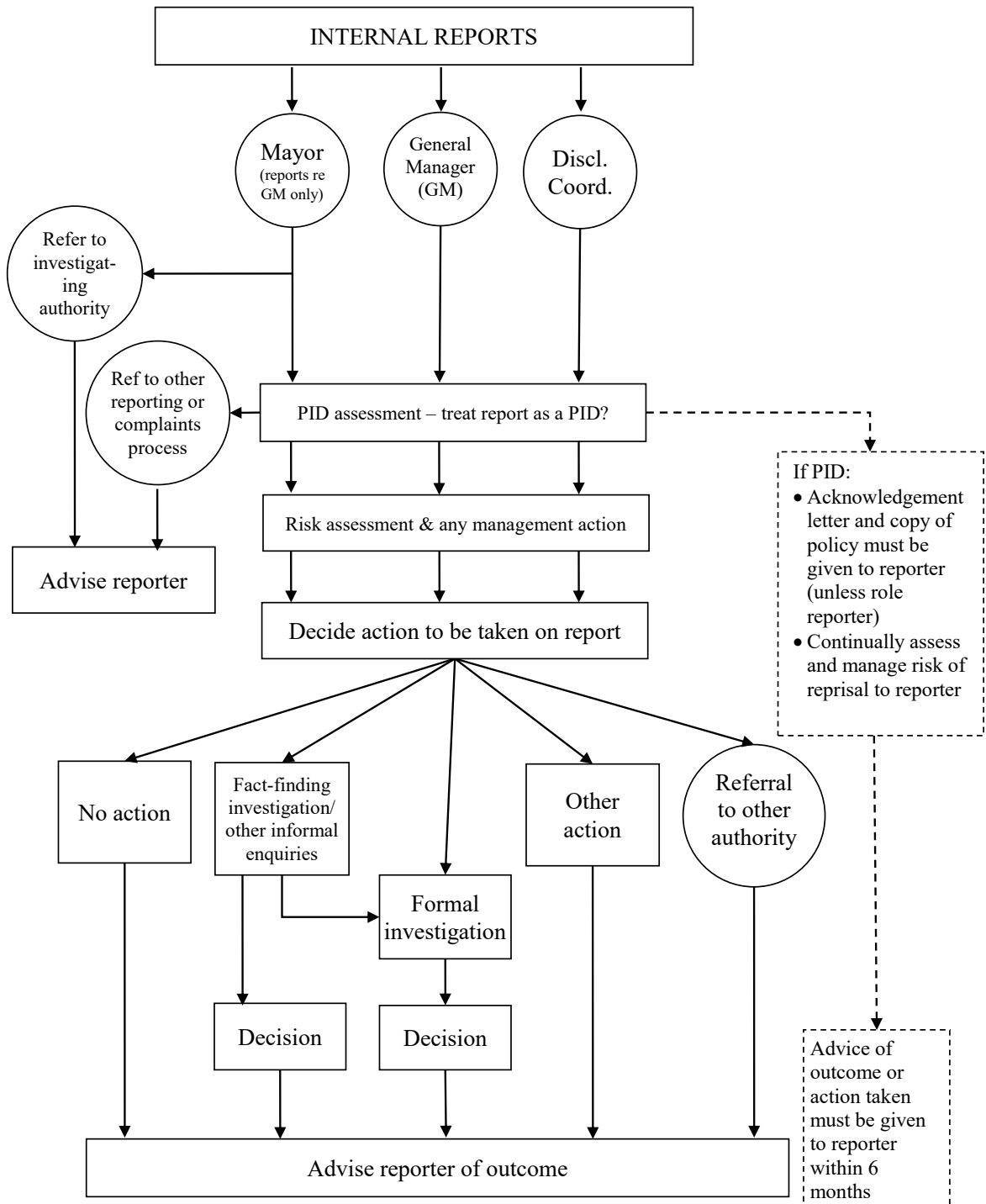
## **19. Review**

This policy will be reviewed by the Council every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

## **20. More information**

More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the disclosures coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

21. Flow chart of internal reporting process



## 22. Resources

The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.

**For disclosures about corrupt conduct:**

Independent Commission Against  
Corruption (ICAC)  
Phone: 02 8281 5999  
Toll free: 1800 463 909  
Tel. typewriter (TTY): 02 8281 5773  
Facsimile: 02 9264 5364  
Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
Address: Level 21, 133 Castlereagh Street,  
Sydney NSW 2000

**For disclosures about breaches of the  
GIPA Act:**

Information Commissioner  
Toll free: 1800 472 679  
Facsimile: 02 8114 3756  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)  
Address: Level 11, 1 Castlereagh Street,  
Sydney NSW 2000

**For disclosures about maladministration:**

NSW Ombudsman  
Phone: 02 9286 1000  
Toll free (outside Sydney metro): 1800 451  
524  
Tel. typewriter (TTY): 02 9264 8050  
Facsimile: 02 9283 2911  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
Address: Level 24, 580 George Street,  
Sydney NSW 2000

**For disclosures about local councils:**

Office of Local Government  
Phone: 02 4428 4100  
Tel. typewriter (TTY): 02 4428 4209  
Facsimile: 02 4428 4199  
Email: [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au)  
Web: [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)  
Address: 5 O'Keefe Avenue, Nowra, NSW  
2541



<b>Title of Policy</b>	Councillors Access to Information & Interaction with Staff		
<b>This applies to</b>	All Councillors and staff		
<b>Author</b>	Michael Boyd	<b>Date approved:</b>	
<b>Position of Author</b>	General Manager	<b>Authorised by:</b>	
<b>Legislation, Australian Standards, Code of Practice</b>	Local Government Act 1993 Local Government (General) Regulation 2005 Government Information (Public Access) Act 2009 Government Information (Public Access) Regulation 2009 Privacy and Personal Information Protection Act 1998 Health Records and Information Privacy Act 2002 State Records Act 1998		
<b>Related Policies/Procedures</b>	Council's Code of Conduct Council's Procedures for the Administration of the Council's Code of Conduct Council's Code of Meeting Practice		

**INTRODUCTION**

There often needs to be personal interaction between Councillors and senior officers, particularly regarding access to and provision of information, to effectively integrate policy making and service delivery. This has created the need for a policy that helps Councillors and staff to understand fully their respective roles and how they should operate, in order to carry out these roles effectively.

Formalising procedures to specify how these roles should be exercised should be done without trying to restrict a Councillor's legal right to access staff and information. This policy is not intended to limit any statutory and common law rights Councillors have to access information. However, Councillors should avoid any perceptions of wrongdoing when exercising their role as an elected representative, particularly the appearance of trying to improperly influence staff.

## **OBJECTIVES**

The objectives of this policy are to:

- Document communication channels to ensure the provision of accurate information from Council records systems to Councillors, within reasonable timeframes to assist Councillors in the performance of their civic duties.
- Define appropriate professional interactions between Councillors and Council staff
- Outline Councillors rights of access to Council buildings
- Identify inappropriate interactions between Councillors and Council staff
- Outline a process for reporting breaches.

The spirit of this policy is to ensure compliance with the Local Government Act 1993 and the Government Information (Public Access) Act 2009 (GIPA) and that Councillors have the same information upon which to make decisions and to ensure that any interaction between Councillors and staff is consistent with Council's Code of Conduct.

## **POLICY STATEMENTS**

### **Rights as Councillors**

Councillors have a right to inspect any record of the Council provided that it is relevant to the exercising of the Councillors responsibility in his or her civic office and is not subject to privacy, confidentiality or legal restraint. As a general rule those records immediately seen as relevant to the exercising of a Councillor's responsibility of civic office are matters before a Council meeting, either currently of within the current term of the Council and/or matters known by the General Manager to come before the Council in the near future.

Councillors can request the General Manager, the Public Officer or a person nominated by the General Manager to provide access to a particular Council record.

Councillors are responsible for the safe keeping and secure disposal of Council Confidential Business Papers.

### **Rights as Members of the Public**

Notwithstanding the rights above, Councillors also have the same general right as members of the public to inspect and take away copies of Council records and documents and are subject to the same constraints.

In this regard, the GIPA Act and Council's Access to Information Policy set out the information accessible by members of the public and whether a formal or informal application under the GIPA Act is required. Council's Publication Guide sets out the Open Access Information and other kinds of information that Council makes publicly available and/or routinely publishes on its website.

Councillors can request access to other documents of the Council either by a Notice of Motion to the Council, or a request for access to information under the GIPA Act.

Councillors who have a personal (as distinct from civic) interest in a document of Council have no less and no more rights than a member of the public regarding access to that document.

### **Use of Information**

Reference should be made to Council's Code of Conduct which offers specific guidance to Councillors in dealing with information provided to them in the course of their civic duties.

In this regard, Councillors have a role both as a member of the governing body of the Council and as an elected person and importantly the Code recognises the difficulty for Councillors to reconcile these two areas of responsibility when dealing with Council information and documents. It notes that while it is desirable in the public interest to maintain open government, not all information available to Councillors is available to members of the public. Councillors are made privy to information of a confidential nature the disclosure of which is specifically prohibited in certain circumstances. The right of Councillors to have access to records is for the purpose of exercising the office of Councillor. It does not carry with it the right to disclose any information obtained by a Council to another person, unless it is already in the public domain. A Councillor has no authority to release documents on behalf of Council.

A Councillor shall not cause the by-passing of the GIPA Act provision by providing to a member of the public, information made available to the Councillor as an elected representative.

Council's General Manager will provide further guidance and assistance to Councillors in determining whether a document is confidential and/or not to be released.

The State Records Act 1998 requires that any records created or received by Councillors that relate to the business of Council, which are not captured by other methods, are to be registered in Council's records systems. Such records are accessible to other persons subject to the provisions of the GIPA Act, Privacy and Personal Information Protection Act 1998 and the Health Records and Information Privacy Act 2002.

### **Provision of Advice**

The General Manager is responsible to the Council for the performance and direction of staff and the day to day management of the Council. Therefore, it is appropriate that all requests for information and approaches to staff outside the forum of a Council, or Committee meeting, be directed to the General Manager or someone nominated by the General Manager.

Only senior officers and managers nominated by the General Manager can provide advice to Councillors.

For all straightforward advice on administrative matters, it is recommended that Councillors put their requests for information or advice in writing, to be answered by the General Manager or appropriate senior officer. These written requests then form part of Council records and can be filed appropriately.

Staff are to document discussions and advice provided to Councillors, including by telephone, email or fax, in accordance with record keeping requirements under the State Records Act. 1998.

### **Inappropriate interactions**

In accordance with Council's Code of Conduct, the following are some examples of inappropriate interactions:

- Councillors approaching staff and staff organisations to discuss individual or



- operational staff matters other than broader industrial policy issues
- Council staff approaching Councillors and administrators to discuss individual or operational staff matters other than workforce industrial policy issues
- Council staff refusing to give information that is available to other Councillors to a particular Councillor
- A Councillor who has lodged a development application with Council, discussing the matter with Council staff in staff-only areas of the Council
- Councillors requesting staff to undertake work for them or any other person
- Councillors being overbearing or threatening to Council staff
- Councillors making personal attacks on Council staff in a public forum
- Councillors directing or pressuring Council staff in the performance of their work, or recommendations they should make
- Council staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the public
- Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals
- Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by the General Manager or, in the case of the Mayor, exercising their power under Section 226 of the Local Government Act 1993.

#### **Access to Council offices**

Councillors are entitled to access the Council Chamber, staff areas and public areas of the Council's administrative buildings during normal business hours and for adopted Council Meetings, Councillor Briefings and Community Committee meetings.

Councillors needing access to these and other facilities at other times must obtain authority from the General Manager.

Councillors must ensure that when they are within a staff area (normally with permission) they avoid giving rise to the appearance that they may improperly influence Council staff decisions.

#### **Reporting breaches**

In the case of a complaint against a Councillor, this is to be reported to the Mayor and/or Council and in the case of a staff member to the General Manager, in accordance with the Council's Code of Conduct.

Where a Councillor believes that the General Manager has failed to comply with the policy, the Councillor shall immediately report to the Mayor who will engage with the General Manager and/or report to Council. Before reports are provided to Council, all aspects of the allegations must be investigated.

The Council must decide whether a matter report to it under this policy reveals a breach. The procedures set out in Council's Code of Conduct apply.



# COUNCILLOR – STAFF INTERACTION POLICY

<b>Document Reference No:</b>	GD/22/16295	<b>Version:</b>	Two
<b>Service Unit:</b>	Governance		
<b>Author:</b>	Governance Officer		
<b>Responsible Director:</b>	General Manager		
<b>Authorisation Date:</b>		<b>Review Date:</b>	
<b>Minute No:</b>			

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Councillor – Staff Interaction Policy

## **Purpose**

The Councillor and Staff Interaction Policy (the Policy) provides a framework for Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised Staff. The Policy complements and should be read in conjunction with Central Darling Shire Council's Code of Conduct (the Code of Conduct).

The aim of the Policy is to facilitate a positive working relationship between Councillors, as the community's elected representatives, and Staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between Councillors and Staff to assist both parties in carrying out their day-to-day duties professionally, ethically, and respectfully.

It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

The objectives of the Policy are to:

- a) establish positive, effective, and professional working relationships between Councillors and Staff defined by mutual respect and courtesy.
- b) enable Councillors and Staff to work together appropriately and effectively to support each other in their respective roles.
- c) ensure that Councillors receive advice in an orderly, courteous, and appropriate manner to assist them in the performance of their civic duties.
- d) ensure Councillors have adequate access to information to exercise their statutory roles.
- e) provide direction on, and guide Councillor interactions with, Staff for both obtaining information and in general situations.
- f) maintain transparent decision making and good governance arrangements.
- g) ensure the reputation of Council is enhanced by Councillors and Staff interacting consistently, professionally, and positively in their day-to-day duties.
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

## **Application**

This Policy applies to all Councillors and Council Staff.

This Policy applies to all interactions between Councillors and Staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.

This Policy applies whenever interactions between Councillors and Staff occur, including inside or outside of work hours, and at both Council and non-Council venues and events.

This Policy does not confer any delegated authority upon any person. All delegations to Staff are made by the General Manager.

## Councillor – Staff Interaction Policy

The Code of Conduct provides that Council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

### Definitions

For the purposes of this policy:

**Councillor/s** – means a person elected to civic office as a member of the governing body of Council who is not suspended, including the Mayor/Administrator.

**General Manager** – means the General Manager of Central Darling Shire Council and includes their delegate or authorised representative.

**Official business** - Means functions that the Mayor/Administrator or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes:

- meetings of Council and committees of the whole
- meetings of committees facilitated by Council
- civic receptions hosted or sponsored by Council
- meetings, functions, workshops, and other events to which attendance by a Councillor has been requested or approved by Council

**Staff/Council Staff** – means full-time, part-time, casual, temporary, and fixed-term employees of Central Darling Shire Council.

### Provisions

#### Principles, Roles, and Responsibilities

Several factors contribute to a good relationship between Councillors and Staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.

The Council's governing body and its administration (being Staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.

Section 232 of the Local Government Act 1993 (the LGA) states that the role of a Councillor is as follows:

- a) to be an active and contributing member of the governing body
- b) to make considered and well-informed decisions as a member of the governing body
- c) to participate in the development of the integrated planning and reporting framework
- d) to represent the collective interests of residents, ratepayers, and the local community
- e) to facilitate communication between the local community and the governing body
- f) to uphold and represent accurately the policies and decisions of the governing body
- g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

Councillor – Staff Interaction Policy

The administration’s role is to advise the governing body, implement Council’s decisions and to oversee service delivery.

It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

Council commits to the following principles to guide interactions between Councillors and Staff:

<b><u>Principle</u></b>	<b><u>Achieved by</u></b>
<b>Equitable and consistent</b>	Ensuring appropriate, consistent, and equitable access to information for all Councillors within established service levels
<b>Considerate and respectful</b>	Councillors and Staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
<b>Ethical, open and transparent</b>	Ensuring that interactions between Councillors and Staff are ethical, open, transparent, honest and display the highest standards of professional conduct
<b>Fit for purpose</b>	Ensuring that the provision of equipment and information to Councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for the client group of people.
<b>Accountable and measurable</b>	Providing support to Councillors in the performance of their role in a way that can be measured, reviewed, and improved based on qualitative and quantitative data

Councillors are members of the Council’s governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the *Local Government Act 1993* (LGA). Councillors need to accept that:

- a) responses to requests for information from Councillors may take time and consultation to prepare and be approved prior to responding
- b) Staff are not accountable to them individually
- c) they must not direct Staff except by giving appropriate direction to the General Manager by way of a Council or committee resolution, or by the Mayor/Administrator exercising their functions under section 226 of the LGA
- d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of Staff in the exercise of their functions
- e) they must not contact a member of Staff on Council-related business unless in accordance with this Policy

#### Councillor – Staff Interaction Policy

- f) they must not use their position to attempt to receive favourable treatment for themselves or others.

The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay.

Council Staff need to understand:

- a) they are not accountable to individual Councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body.
- b) they should not provide advice to Councillors unless it has been approved by the General Manager or a Staff member with a delegation to approve advice to Councillors.
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner.
- d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties.
- e) they must provide full and timely information to Councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

#### **The Councillor Requests system**

Councillors have a right to request information provided it is relevant to Councillor's exercise of their civic functions. This right does not extend to matters about which a Councillor is merely curious.

Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest unless the information is otherwise publicly available.

The General Manager may identify Council support Staff under this Policy for the management of requests from Councillors.

Councillors can use the Councillor requests system to:

- a) request information or ask questions that relate to the strategic position, performance, or operation of the Council
- b) bring concerns that have been raised by members of the public to the attention of Staff, with the prior written approval of that person. Councillors and Members of the public are encouraged to use the Customer Requests system to resolve any service issues.
- c) request ICT or other support from the Council administration
- d) request that a Staff member be present at a meeting (other than a meeting of the Council) for the purpose of providing advice to the meeting. Such requests must be made within a reasonable timeframe before the meeting. The General Manager, or members of Staff that are listed at Schedule 1 of this Policy, are responsible for determining:
- a) whether a Staff member can attend the meeting; and
- b) which Staff member will attend the meeting.

Staff members who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.

## Councillor – Staff Interaction Policy

Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a Councillor's request lacks specificity, the General Manager or Staff member authorised to manage the matter is entitled to ask the Councillor to clarify their request and the reason(s) why they are seeking the information.

Staff must make every reasonable effort to assist Councillors with their requests and do so in a respectful manner.

The General Manager or the Staff member authorised to manage a Councillor request will provide a response within 14 days/10 business days. Where a response cannot be provided within that timeframe, the Councillor will be advised, and the information will be provided as soon as practicable.

Councillors are required to treat all information provided by Staff appropriately and to observe any confidentiality requirements.

Staff will inform Councillors of any confidentiality requirements for information they provide so Councillors can handle the information appropriately.

Where a Councillor is unsure of confidentiality requirements, they should contact the General Manager, or the Staff member authorised to manage their request.

The General Manager may refuse access to information requested by a Councillor if:

- a) the information is not necessary for the performance of the Councillor's civic functions, or
- b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of Staff time and resources, or
- c) the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
- d) the General Manager is prevented by law from disclosing the information.

Where the General Manager refuses to provide information requested by a Councillor, they must act reasonably. The General Manager must advise a Councillor in writing of their reasons for refusing access to the information requested.

Where a Councillor's request for information is refused by the General Manager, the Councillor may instead request the information through a resolution of the Council by way of a notice of motion. This clause does not apply where the General Manager refuses a Councillor's request for information because of conflict of interest or law per c) and d) above.

Nothing prevents a Councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.

Where a Councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of Staff time and resources the Council may, on the advice of the General Manager, resolve to limit the number of requests the Councillor may make.

Councillor requests are state records and must be managed in accordance with the State Records Act 1998.

### Councillor – Staff Interaction Policy

A report will be provided to Council quarterly regarding the performance and efficiency of the Councillor requests system against established key performance indicators.

#### **Access to Council Staff**

Councillors may directly contact members of Staff that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise Councillors promptly of any changes.

Councillors can contact Staff listed in Schedule 1 about matters that relate to the Staff member's area of responsibility. If Councillors would like to contact a member of Staff not listed in Schedule 1, they must receive permission from the General Manager.

Councillors should as far as practicable, only contact Staff during normal business hours.

If a Councillor is unsure which authorised Staff member can help with their enquiry, they can contact the General Manager or the Executive Support Officer who will provide advice about which authorised Staff member to contact.

The General Manager may direct any Staff member to contact Councillors to provide specific information or clarification relating to a specific matter.

A Councillor or member of Staff must not take advantage of their official position to improperly influence other Councillors or members of Staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor/Administrator in the first instance, or alternatively to the Office of Local Government (OLG), NSW Ombudsman, or the NSW Independent Commission Against Corruption (ICAC).

#### **Councillor Access to Buildings**

Councillors are entitled to have access to the Council chamber, committee room, Mayor/Administrators's office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.

Councillors must not enter Staff-only areas of Council buildings without the approval of the General Manager.

#### **Appropriate and inappropriate interactions**

Examples of appropriate interactions between Councillors and Staff include, but are not limited to, the following:

- a) Councillors and Council Staff are courteous and display a positive and professional attitude towards one another
- b) Council Staff ensure that information necessary for Councillors to exercise their civic functions is made equally available to all Councillors, in accordance with this Policy and any other relevant Council policies
- c) Council Staff record the advice they give to Councillors in the same way they would if it was provided to members of the public
- d) Council Staff, including Council's executive team members, document Councillor requests via the Councillor requests system



## Councillor – Staff Interaction Policy

- e) Council meetings and Councillor briefings are used to establish positive working relationships and help Councillors to gain an understanding of the complex issues related to their civic duties
- f) Councillors and Council Staff feel supported when seeking and providing clarification about Council related business
- g) Councillors forward requests through the Councillor requests system and Staff respond in accordance with the timeframes stipulated in this Policy

Examples of inappropriate interactions between Councillors and Staff include, but are not limited to, the following:

- a) Councillors and Council Staff conducting themselves in a manner which:
  - i) is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
  - ii) constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory
- b) Councillors approaching Staff and Staff organisations to discuss individual or operational Staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- c) Staff approaching Councillors to discuss individual or operational Staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- d) Staff refusing to give information that is available to other Councillors to a particular Councillor, unless conflict of interest provisions apply
- e) Councillors who have lodged an application with the Council, discussing the matter with Staff in Staff-only areas of the Council
- f) Councillors being overbearing or threatening to Staff
- g) Staff being overbearing or threatening to Councillors
- h) Councillors making personal attacks on Staff or engaging in conduct towards Staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media
- i) Councillors directing or pressuring Staff in the performance of their work, or recommendations they should make
- j) Staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community

Where a Councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of Staff at risk, the General Manager may restrict the Councillor's access to Staff.

Any concerns relating to the conduct of Staff under this Policy should be raised with the General Manager.

### Complaints

Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a Councillor or member of Council Staff), or the Mayor/Administrator (if the complaint is about the General Manager). This does not prevent matters being reported

Councillor – Staff Interaction Policy

to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

### **Legislation**

*Government Information (Public Access) 2009*

*Local Government Act 1993*

*Local Government (General) Regulation 2005*

*Privacy and Personal Information Protection Act 1998*

*State Records Act 1998*

### **Related Documents**

OLG Model Code of Conduct

OLG Model Code of Meeting Practice

### **Monitoring and Review**

This policy will be monitored and reviewed by the General Manager to ensure compliance. Once adopted, it remains in force until it is reviewed by Council. It is to be reviewed approximately every two (2) years to ensure that it meets requirements, or sooner if the General Manager determines appropriate.

Councillor – Staff Interaction Policy

**Schedule 1 – Authorised Staff contacts for Councillors**

1. This Policy provides that Councillors may directly contact members of Staff that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact Staff listed below about matters that relate to the Staff member’s area of responsibility.
3. Councillors should as far as practicable, only contact Staff during normal business hours.
4. If Councillors would like to contact a member of Staff not listed below, they must receive permission from the General Manager or their delegate.
5. If a Councillor is unsure which authorised Staff member can help with their enquiry, they can contact the General Manager or the Executive Support Officer who will provide advice about which authorised Staff member to contact.
6. In some instances, the General Manager may direct a Council Staff member to contact Councillors to provide specific information or clarification relating to a specific matter.

<b><i>Authorised Staff members name</i></b>	<b><i>Position</i></b>
Greg Hill	General Manager

DRAFT

# STANDING ORDER DEED

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**BETWEEN**

**CENTRAL DARLING SHIRE COUNCIL (ABN 65 061 502 439)**

**and**

**CONTRACTOR .....**

**STANDING ORDER DEED FOR PLANT HIRE**

### Standing Order Deed

Date

Parties

**Central Darling Shire Council (ABN 65 061 502 439)**

of 21 Reid Street, Wilcannia NSW 2836

**(Council)**

**REGISTERED NAME OF CONTRACTOR**

.....  
.....

**ACN/ABN -**

.....  
....

**of address**

.....  
.....

.....  
.....

**(Contractor)**

Recitals

- A. The parties wish to establish a system of contracting whereby the Council may utilise the Contractor as a pre-qualified contractor to supply the Services for the Term.
- B. The Contractor has agreed to supply the Services in accordance with pre-agreed terms and rates.
- C. If the Council issues a Services Order to the Contractor for the supply of the Services, the Council and the Contractor shall be deemed to have entered into a Contract for the supply of the Services in accordance with the terms of this Deed

The parties agree, in consideration of, among other things, the mutual promises contained in this agreement as follows:

## 1. Definitions and interpretation

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### 1.1 Definitions

In this Deed:

**Business Day** means any day other than:

- (a) a Saturday, Sunday or public holiday in New South Wales; or
- (b) 27, 28, 29, 30 or 31 December.

**Confidential Information** means all information, in whatever form, (including any idea, concept, drawing, specification, data, conclusion or summary) disclosed to the Contractor by, or on behalf of, the Council, or produced by the Contractor or any of its consultants relating to:

- (a) the operation or business of the Contractor;
- (b) the financial, business and commercial information of the Council; and
- (c) the content and subject matter of this Deed,

other than information that:

- (d) at the time of disclosure, was generally and publicly available, or subsequently becomes so available other than by breach of any duty or obligation;
- (e) at the time it was disclosed to the Contractor, was in the possession of the Contractor lawfully and without breach of any duty or obligation; or
- (f) has been disclosed to the Contractor and was not generally and publicly available at that date of disclosure, but subsequently through no act or omission of the Contractor (or any person to whom it disclosed that information) becomes available from another source, not subject to any duty or obligation of confidence.

**Contract** has the meaning given in clause 2.3(d).

**Contract Conditions** means the terms and conditions set out in Schedule 3.

**Deed** means this Standing Order Deed.

**Schedule of Rates** means the schedule of rates and prices in Schedule 2, which shall not be subject to rise and fall for the duration of the Term.

**Services** means the:

- (a) the supply of Plant; and/or
- (b) the supply of Plant operators,

as described in the relevant Services Order.

**Services Order** means a Services order in the form set out in Schedule 1 (including its attachments) and issued in accordance with clause **Error! Reference source not found.**

**Term** means the period of two years from the date of execution of this Deed, or if the Council exercises its power under clause 2.5(a), the extended period applicable.

## 1.2 Interpretation

In this Deed:

- (a) headings are for convenience only and do not affect interpretation; and
- (b) unless the context indicates a contrary intention:
  - (i) if more than one person is identified as the Contractor, that expression refers to them, and the obligations of the Contractor under this Deed bind them, jointly and severally;
  - (ii) "person" includes an individual, the estate of an individual, a corporation, an authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;
  - (iii) a reference to a party includes that party's executors, administrators, successors and permitted assigns, including persons taking by way of novation and, in the case of a trustee, includes a substituted or an additional trustee;
  - (iv) a reference to a document (including this Deed) is to that document as varied, novated, ratified or replaced from time to time;
  - (v) a reference to a statute includes its delegated legislation and a reference to a statute or delegated legislation or a provision of either includes consolidations, amendments, re-enactments and replacements;
  - (vi) a word importing the singular includes the plural (and vice versa), and a word indicating a gender includes every other gender;
  - (vii) a reference to a party, clause, schedule, exhibit, attachment or annexure is a reference to a party, clause, schedule, exhibit, attachment or annexure to or of this Deed, and a reference to this Deed includes all schedules, exhibits, attachments and annexures to it;
  - (viii) if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning;
  - (ix) "includes" in any form is not a word of limitation; and
  - (x) a reference to "\$" or "dollar" is to Australian currency.

## 2. OPERATION

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### 2.1 Commencement

This Deed comes into operation upon execution by both the parties.

Commencement date nominated by Council is 1<sup>st</sup> February 202

### 2.2 Expiry

(a) Subject to clause 2.2(b), this Deed shall cease to have any effect upon its termination or expiration of the Term, whichever occurs first.

(b) Notwithstanding clause 2.2(a) and unless otherwise agreed in writing, all Services Orders:

- (i) issued by the Council in accordance with clause 2.3 during the Term; or
- (ii) as otherwise agreed,

must be fulfilled by the Contractor in accordance with the terms of the relevant Contract.

### 2.3 Standing Order

(a) This Deed is a non-revocable standing offer by the Contractor during the Term to carry out the Services in accordance with the:

- (i) the Contract Conditions;
- (ii) the Schedule of Rates; and
- (iii) otherwise in accordance with the terms of this Deed and a completed Services Order.

(b) The parties agree that the Council may, at any time on or before the expiry of the Term, require the Contractor to carry out Works by issuing the Contractor a Services Order in accordance with the process set out in this clause 2.3.

(c) The Council may require the Contractor to carry out the Services by issuing a Services Order to the Contractor from time to time on or before the expiry of the Term.

(d) The parties acknowledge and agree that a separate Contract will be formed between the parties upon issue of the Transport Order and the Council and the Contractor must carry out and complete their respective obligations under the Contract in accordance with:

- (i) the Contract Conditions;
- (ii) the Schedule of Rates; and
- (iii) otherwise in accordance with the terms of this Deed and a completed Services Order,



(Contract).

## 2.4 No Guarantee of Work

The Contractor acknowledges and agrees that:

- (a) the Council has made no representations that the Contractor will be engaged to perform the Services;
- (b) the Council is not, by executing this Deed, bound to engage the Contractor to perform the Services;
- (c) without limiting clause 2.4(a) or 2.4(b), the Contractor acknowledges and agrees that:
  - (i) the Council has the right to encourage other contractors to perform the Services, even though the Council may have provided the Contractor with a forecast or estimate of the quantity of Services which the Council may require the Contractor to perform during the Term; and
  - (ii) without limiting clause 2.4(c)(i), the Contractor acknowledges that forecasts and estimates of Services, if given, are given for general guidance only and do not oblige the Council to engage the Contractor to perform the Services forecasted or estimated and do not constitute a representation of the quantity of Services which the Council will or may require the Contractor to perform during the Term; and
- (d) the Council may at any time engage other contractors to perform the Services.

## 2.5 Term

- (a) The Council may, in its absolute discretion and without being obliged to give any reasons, by giving the Contractor notice in writing at least one month prior to the expiration of the Term, extend the Term for a further period nominated by it. The Council may exercise its powers under this clause 2.5(a) more than once, but may only extend the Term for an aggregate of 1 year
- (b) If the Council notifies the Contractor in accordance with clause 2.5(a), the Term will be extended for the further period as notified by the Council.

## 3. ORDER OF PRECEDENCE

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In the case of conflict between any of the documents constituting this Deed, the order of precedence shall be the order set out below:

- (a) this Deed (excluding the Contract Conditions);
- (b) the Contract Conditions; and
- (c) the Services Order.

#### 4. CONFIDENTIALITY

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- (a) Subject to clauses 4(b), 4(c) and 4(d) the Contractor must:
- (i) treat as confidential, and keep confidential, any Confidential Information;
  - (ii) not copy, duplicate or otherwise reproduce any documents containing Confidential Information, without the prior consent of the Council; and
  - (iii) not allow any of its employees, subcontractors or consultants or any third party to copy, duplicate or otherwise reproduce any documents containing Confidential Information, without the prior consent of the Council.
- (b) The Contractor must not disclose Confidential Information other than:
- (i) to its employees, subcontractors or consultants as and when required under a Contract;
  - (ii) to its legal advisers, financial advisers and auditors;
  - (iii) with the prior consent of the Council; or
  - (iv) to the extent:
    - (A) required by any law, any statutory body, the rules of any stock exchange, or any applicable accounting standards; or
    - (B) ordered by any court,
- without having, to the extent practicable, consulted with the Council with a view to agreeing the form, content, timing and manner of disclosure.
- (c) If the Contractor discloses Confidential Information under clause 4(b) it must use reasonable endeavours to ensure that no person to whom it disclosed that Confidential Information discloses it to any other person and that no such person uses the Confidential Information for any other purpose other than for the purposes of fulfilling the Contractor's obligations under this Deed or a Contract.
- (d) The Contractor and its employees, subcontractors or consultants may only use the Confidential Information for the purposes of fulfilling the Contractor's obligations under this Deed or a Contract.
- (e) If required to do so by the Council, on the earlier date of the expiry of this Deed or the completion of a Contract, the Contractor must return to the Council all documentation disclosed to the Contractor by, or on behalf of the Council, (including Confidential Information which the Contractor disclosed to any other person) and any copies of that documentation.

## 5. TERMINATION OF STANDING ORDER DEED

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### 5.1 Termination for default

- (a) If the Contractor:
- (i) suffers an Insolvency Event; or
  - (ii) commits a substantial breach of this Deed,
- then the Council may:
- (iii) issue a notice to the Contractor identifying the breach and the time in which the Contractor must rectify the breach;
  - (iv) terminate this Deed without further notice if the Contractor fails to rectify the breach within the time specified in the Council's notice; and
  - (v) if the Deed is terminated by the Council pursuant to clause 5.1(a)(ii), the parties' rights shall be the same as they would have been under the law governing the Deed had the Contractor repudiated the Deed and the Council elected to treat the Deed as at an end and recover damages.
- (b) For the purpose of this clause 5 an 'Insolvency Event' occurs if:
- (i) the Contractor informs the other party in writing, or its creditors generally, that the person is insolvent or is unable to proceed with the Deed for financial reasons;
  - (ii) execution is levied against the Contractor by a creditor;
  - (iii) if the Contractor is an individual person or partnership including an individual person, the person:
    - (A) commits an act of bankruptcy;
    - (B) has a bankruptcy petition presented against him or her or presents his or her own petition;
    - (C) is made bankrupt;
    - (D) makes a proposal for a scheme or arrangement or a composition; or
    - (E) has a deed of assignment or deed of arrangement made, accepts a composition, is required to present a debtors petition, or has a sequestration order made, under Part X of the *Bankruptcy Act 1966* (Cth); or
  - (iv) if the Contractor is a corporation, any one of the following:
    - (A) the Contractor is unable to pay its debts as and when they fall due;

- (B) notice is given of a meeting of creditors with a view to the Contractor entering into a deed of company arrangement;
- (C) the Contractor enters a deed of company arrangement with creditors;
- (D) a controller, administrator, receiver, receiver and manager, provisional liquidator or liquidator is appointed to the Contractor;
- (E) an application is made to the court for the winding up of the Contractor and not stayed within 14 days;
- (F) a winding up order is made in respect of the Contractor;
- (G) the Contractor resolves by special resolution that it be wound up voluntarily (other than for a members' voluntary winding up);  
or
- (H) a mortgagee of any property of the Contractor takes possession of that property.

## 5.2 Termination for convenience

- (a) The Council may, at any time at its absolute discretion by giving 30 Business Days' written notice to the Contractor, terminate this Deed for convenience, whether or not the Contractor is in default.
- (b) If the Council terminates this Deed for convenience in accordance with paragraph 5.2(a), the Contractor is not entitled to any costs, expenses, loss or damage as a consequence of such termination (including loss of anticipated profits).

## 6. MISCELLANEOUS

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### 6.1 Notices

All communications (including notices, consents, approvals, requests and demands) under or in connection with this Deed:

- (a) must be in writing;
- (b) must be addressed as follows (or as otherwise notified by that party to each other party from time to time):

#### **Council**

Name: **Central Darling Shire Council**

Address: 21 Reid Street, Wilcannia NSW 2836

Email: **council@centraldarling.nsw.gov.au**

Attention: **General Manager**

**Contractor**

**Name:** .....

**Address:** .....

**Email:** .....

**Attention:** .....

- (c) must be signed by the party making the communication or (on its behalf) by the solicitor for, or any attorney, director, secretary or authorised agent of, that party;
- (d) must be delivered or posted by prepaid post to the address or sent by email to the email address, in accordance with clause 6.1(b); and
- (e) are taken to be received by the addressee:
  - (i) **(in the case of prepaid post)** on the third Business Day after the date of posting to an address within Australia, and on the fifth Business Day after the date of posting by airmail to an address outside Australia;
  - (ii) **(in the case of email)** once sent by the sender, unless the sender receives notice that the email transmission has been unsuccessful or could not be delivered or an out of office notice indicates that the recipient is unavailable. Any email sent on a day which is not a Business Day will be deemed not to have been received until the next Business Day; and
  - (iii) **(in the case of delivery by hand)** on delivery at the address of the addressee as provided in clause 6.1(b).

**6.2 Governing law**

This Deed is governed by and must be construed according to the law of New South Wales.

**6.3 Jurisdiction**

Each party irrevocably:

- (a) submits to the non-exclusive jurisdiction of the courts of the State of New South Wales, and the courts competent to determine appeals from those courts, with respect to any proceedings that may be brought at any time relating to this Deed; and
- (b) waives any objection it may now or in the future have to the venue of any proceedings, and any claim it may now or in the future have that any

proceedings have been brought in an inconvenient forum, if that venue falls within clause 6.3(a).

#### **6.4 Amendments**

This Deed may only be varied by a deed executed by or on behalf of each party.

#### **6.5 Waiver**

- (a) Failure to exercise or enforce, or a delay in exercising or enforcing, or the partial exercise or enforcement of, a right, power or remedy provided by law or under this Deed by a party does not preclude, or operate as a waiver of, the exercise or enforcement, or further exercise or enforcement, of that or any other right, power or remedy provided by law or under this Deed.
- (b) A waiver or consent given by a party under this Deed is only effective and binding on that party if it is given or confirmed in writing by that party.
- (c) No waiver of a breach of a term of this Deed operates as a waiver of another breach of that term or of a breach of any other term of this Deed.

#### **6.6 Further acts and documents**

Each party must promptly do all further acts and execute and deliver all further documents (in form and content reasonably satisfactory to that party) required by law or reasonably requested by another party to give effect to this Deed.

#### **6.7 Counterparts**

This Deed may be executed in any number of counterparts and by the parties on separate counterparts. Each counterpart constitutes the deed of each party who has executed and delivered that counterpart.

#### **6.8 No representation or reliance**

- (a) Each party acknowledges that no party (nor any person acting on a party's behalf) has made any representation or other inducement to it to enter into this Deed, except for representations or inducements expressly set out in this Deed.
- (b) Each party acknowledges and confirms that it does not enter into this Deed in reliance on any representation or other inducement by or on behalf of any other party, except for representations or inducements expressly set out in this Deed.

#### **6.9 Entire agreement**

To the extent permitted by law, in relation to its subject matter, this Deed:

- (a) embodies the entire understanding of the parties, and constitutes the entire terms agreed by the parties; and
- (b) supersedes any prior written or other agreement of the parties.

**6.10 Severability**

If at any time any provision of this Deed is or becomes illegal, invalid or unenforceable in any respect, the remaining provisions shall in no way be impaired or affected thereby.

**6.11 Civil Liability Act**

The parties agree that, to the extent permitted by law, the operation of Part 4 of the *Civil Liability Act 2002* (NSW) is excluded in relation to all and any rights, obligations and liabilities under this Contract whether such rights, obligations or liabilities are sought to be enforced as a breach of contract or a claim in tort or otherwise at law or in equity.

### Signing page

**Executed** as a deed on.....

**Executed** for and on behalf of **Central Darling Shire Council (ABN 65 061 502 439)** by its representative in the presence of:

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Signature of representative

\_\_\_\_\_  
Full name of witness (print)

\_\_\_\_\_  
Full name of representative (print)

\_\_\_\_\_  
Address of witness (print)

**Executed** by .....  
**(ABN .....)** in accordance with section 127 of the *Corporations Act 2001* (Cth) by:

\_\_\_\_\_  
Signature of Director

\_\_\_\_\_  
Signature of Director/Company Secretary

\_\_\_\_\_  
Full name (print)

\_\_\_\_\_  
Full name (print)



## Schedule 1 - Services Order

**Note:**

Service Order to be supplied by Council prior to start.

Schedule 2 - Schedule of Rates

SCHEDULE 2 - CENTRAL DARLING SHIRE COUNCIL SCHEDULE OF PLANT HIRE RATES										
PLANT ITEM	Registration Number	Make	Model	Year of Manufacture	Class condition of registration, Clause 4	Capacity	Attachment & Features	Normal Rate general conditions clause 6.0	Standby Rate general conditions clause 6.0	Travel Rate Float (General Conditions Clause 9.0)
								\$ /HOUR	\$ /HOUR	\$ /HOUR
								\$ /HOUR	\$ /HOUR	\$ /HOUR
								\$ /HOUR	\$ /HOUR	\$ /HOUR
								\$ /HOUR	\$ /HOUR	\$ /HOUR
								\$ /HOUR	\$ /HOUR	\$ /HOUR
								\$ /HOUR	\$ /HOUR	\$ /HOUR
								\$ /HOUR	\$ /HOUR	\$ /HOUR
								\$ /HOUR	\$ /HOUR	\$ /HOUR
								\$ /HOUR	\$ /HOUR	\$ /HOUR
								\$ /HOUR	\$ /HOUR	\$ /HOUR

## Schedule 3 - Conditions of Contract

### 1. Interpretation

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- 1.1 The Contract must be read in conjunction with the Deed.
- 1.2 Unless otherwise defined, capitalised terms in the Contract Conditions have the same meaning given to them in the Deed.

### 2. Definition of Terms

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- 2.1 In these Contract Conditions:
- (a) **Council's Overseers & Gangers** means Council's representatives on work sites that supervise the works operations, and issue instructions to the Contractors.
  - (b) **Engineer** means the Director Shire Services of the Central Darling Shire Council.
  - (c) **Hire Period** means the period of time each item of plant works continuously, which may vary from hours to months and shall be nominated in the Services Order or as otherwise agreed between the parties.
  - (d) **Plant** includes all roadworks machinery, including graders, scrapers, loaders, rollers, tipping trucks, water trucks etc.
  - (e) **Plant Sheet** means a record of the hours worked for each item of Plant supplied by the Contractor, in a form required by the Principal, at its absolute discretion.
  - (f) **Plant Sheet Number** means the individual number allocated by the Principal to each Plant Sheet.
  - (g) **Site** means the place or places nominated in the Services Order where:
    - (i) Plant is to be delivered; or
    - (ii) Plant is to be moved to or from.

### 3. General Obligations

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- 3.1 The Contractor must supply the Services to the Council on the terms of the Services Order including these Contract Conditions and any directions by the Principal.
- 3.2 All plant must comply with all of the requirements set out in Appendix A – 'TPR-G22 – Truck and Plant Requirements, Issue No: 2, July 2019'. This is the requirement under the Transport NSW Routine Maintenance Council Contract.

#### 4. Directions

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- 4.1 The Contractor or his representative shall comply with all reasonable directions from the Engineer and Council's Overseers and Gangers. In the event that the Engineer requires the dismissal or removal from site of any person, the Contractor shall comply with such requisition, otherwise no further payment will be made on account of the work until the requisition is remedied.
- 4.2 When any direction is given orally, the Engineer shall as soon as practicable after it is so given confirm it in writing. (This shall not include day to day or daily operational instructions unless so deemed necessary by the Engineer).

#### 5. Working Periods and Hours of work

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- 5.1 The Council's Shire Services Department operates construction and roadworks either by five consecutive work days with two days off, or ten consecutive work days with four days off. Council makes no guarantee that one particular pattern will be adopted on any type of works. The daily start and finish time at each worksite shall be nominated by the Council's Overseer or Ganger on site.
- 5.2 All operators must have an unpaid break of a minimum half hour after every five (5) hours of consecutive operation of plant. This must be adhered to under all circumstances.

#### 6. Plant Sheets

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- 6.1 The Council's Ganger or Overseer shall complete the Council Plant Sheets daily. At the end of the Hire Period, the Contractor or operator of each item of Plant must sign off on the Plant Sheet for the hours of work. When an item of Plant is only required for short hire periods, the Plant Sheet will be completed and signed off by the Contractor when the item of Plant ceases work.
- 6.2 When the Contractor or operator signs off on the Plant Sheet, the Principal will supply the Contractor with a yellow carbon copy of the completed Plant Sheet to raise the Tax Invoice.

#### 7. Hire Rate

8. The Contractor acknowledges and agrees that only one of the following rates is payable for any particular hire period
- 

- 8.1 **Normal Rate** - When the Plant ordered by the Council with an operator is in operation on a work site

- 8.2 **Standby Rate** - When the Plant ordered by the Council with an operator is available for work under any of the following circumstances;
- (a) When, due to weather or at the direction of the Council, the Plant is not worked for a full shift, then the balance between the hours worked at Normal rate and an eight (8) hour shift will be paid at Standby Rate.
  - (b) Standby rate will not be paid where the operator is advised before the end of a shift that the plant will not be required on the following day or days.
  - (c) Standby rate will not be paid for drawn items of plant where the towing plant receives standby rate.
  - (d) Payment due to poor weather conditions will be limited to one full shift per two-week period, where a shift is eight (8) hours.
- 8.3 No amount is payable in respect of periods when the plant is rendered idle due to breakdown, strikes, reasons within the Contractor's control or reasons beyond the Council's control other than weather.
- 8.4 All hours of hire shall be calculated to the nearest one half of an hour.
- 8.5 Payments will not be made for meal breaks, or for morning or afternoon tea breaks.

## 9. Tax Invoice

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- 9.1 The Contractor is to raise a Tax Invoice for the hours of work their machines have worked in each Work Period. It is imperative that the hours of work are the same on the Contractor's Tax Invoice as on the Council's copy of the Plant Sheet, and that the Plant Hire Rates are the same as those in Schedule 2. The Contractor's Tax Invoice is to include corresponding Plant Sheet Number.
- 9.2 The Tax Invoice must state the Contractors ABN and be a GST invoice with GST charges stated separately. The Tax Invoice must clearly list the Contractor's registered name, the business address and a contact phone number during business hours. On the bottom of the Tax Invoice, or enclosed with the Tax Invoice, is to be a statement signed by the Contractor that no wages, superannuation or allowances are due and owing by the Contractor in respect to any employee of the Contractor working on the relevant site. Payment of Tax Invoice will not be paid if the statement is not attached to the Tax Invoice.
- 9.3 If any such wages or allowances are owing, then the Council may upon production of satisfactory evidence of a judgement or order of a court, pay the amount of the judgement or order including any costs awarded, thereby to the workpersons and any amount so paid would be deducted or recovered by the Council from the Contractor.
- 9.4 The Tax Invoice is to be posted or emailed to Council's Finance Department;

Accounts Payable  
Central Darling Shire Council

PO Box 165  
WILCANNIA NSW 2836

Email: [accountspayable@centralsdarling.nsw.gov.au](mailto:accountspayable@centralsdarling.nsw.gov.au)

- 9.5 The Contractor must phone the Creditors Office at the Council to confirm Council's receipt of the Tax Invoice on 08 8083 8900

## 10. Payment

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- 10.1 Council will pay the Contractor within Thirty (30) days of receipt by Council of a Tax Invoice that complies with the requirements of clause 9 and where the details on the invoice correspond exactly with the hours of work on the Plant Sheets, and the Plant Hire Rate registered. Contractors are not to contact the Council seeking payment prior to Thirty (30) days from receipt of the Tax Invoice. Where the Plant Sheets, Tax Invoice and plant hire rates do not correspond, Council's Creditors Office will correspond with the Contractor's nominated Administration Contact either by phone or email. Payment will be made to the Contractor within Thirty (30) days of agreement being reached.
- 10.2 The Contractor must submit with Registration their bank account details by completing Form One, as all payments will be made by Electronic Funds Transfer

## 11. Travel

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- 11.1 Travel consists of the moving of an item of Plant to a new Site or the relocation of an Item of Plant from one Site to another.
- 11.2 The Contractor acknowledges and agrees that each road is considered to be one Site and the Contractor will not be paid to move camps within one Site.
- 11.3 Council will pay travel costs on a normal hourly rate for each item of plant. In cases where it is more economical or expeditious that a float be hired from another Contractor to transport items of plant, then this shall be carried out.
- 11.4 In cases where a float is hired to transport Plant, a separate Plant Sheet will be provided detailing the hours associated with the float.
- 11.5 Council will pay travel of the Plant to the Site, either the distance from the nearest Council depot or the Contractor's depot, whichever is the lesser. At the end of the Hire Period, Council will pay travel to Council's Depot or the Contractor's Depot, whichever is the lesser.
- 11.6 Council will pay travel from the completed Site to the new Site.
- 11.7 When Plant is being moved, there are two categories;

- (a) **Self Propelled** Plant which travels under its own power. Travel costs will be paid per hour on a normal hourly rate
  - (b) **Floated** Plant which requires floating. Travel costs will be paid per hour, for the float only.
- 11.8 When travelling to the Site, the Contractor travels at their own risk, holding full responsibility for the Plant and Plant configuration. **The Contractor must comply with all Transport for NSW Standards and Regulations when travelling on any public roads.**

## 12. Period and Termination of Hire

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- 12.1 Council may terminate the hire of Plant on twenty four (24) hours' notice for any reason. Without the consent of Council, the Contractor may not terminate earlier than the time of the expiration of the anticipated period of hire specified by Council, unless due to mechanical failure. These conditions apply to any extension of the hire
- 12.2 If the Contractor fails to deliver the Plant at the commencement of the Hire Period, or without the consent of Council, withdraws the Plant before the expiration of the Hire Period or commits any breach of the conditions of plant hire, the Council may recover from the Contractor any costs, expenses or damages thereby incurred.
- 12.3 Should Council be dissatisfied with the condition, quality, capacity of the Plant, performance of the operator, or should a breach of the conditions of the Contract occur, the Contractor is not entitled to the amount, if any, for the travel from site of the plant, or for travel to the site of a replacement item if such is required by the Engineer.
- 12.4 On termination of the hire under clause 12.2 and 12.3 above, the Contractor shall forthwith remove the Plant from the Site. If the Contractor fails to remove the Plant then Council may, after reasonable notice to the Contractor, dispose of the plant and if by sale, shall account to the Contractor for any nett proceeds.
- 12.5 Council reserves the right to carry out safety inspections on the Plant at any time.
- 12.6 Council will also inspect the safety aspects of the operator in relation to all requirements set out in the Contract, along with their overall safety performance in carrying out their required duty.
- 12.7 As a result of such inspections, Council reserves the right to stand down any operator or item of Plant where they have been deemed to be unsafe by Council. This requirement is in accordance with Central Darling Shire's Safety Management System.

## 13. Risk

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- 13.1 Except to the extent that Plant is lost or damaged by a wilful and malicious act of the Council's employees, all Plant hired to the Council is at the care and risk of the Contractor at all times.

The operator is supplied by the Contractor and remains the servant and agent of the Contractor.

- 13.2 The Contractor indemnifies the Council against any claim, liability, loss or damage, including the costs of defending or settling any action or claim, in respect of;
- (a) personal injury or the death of any person, and
  - (b) loss of or damage to any property (including the property of the Council), and
  - (c) any other loss however arising suffered by the Council,
- arising out of or in connection with the hire and use of Plant by the Council.

## 14. Insurance

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- 14.1 The Contractor must have and maintain the following policies of insurance in forms acceptable to, and with insurers approved by the Council, during the Hire Period:
- (a) Worker’s Compensation Insurance under the Worker’s Compensation Act 1987 (NSW), Worker’s Compensation Legislation Amendment Act 2012 and Worker’s Compensation Amendment Act 2015, covering all persons employed or deemed to be employed by the Contractor in connection with the Hire (including, without limitation, all Operators).
  - (b) A Broadform Public and Products Liability Policy appropriate to the Contractor’s activities for an amount of **not less than \$20 million**, for any one occurrence in respect of any liability for:
    - (i) personal injury or death of any person; and
    - (ii) loss of or damage to property including property of the Council arising out of or in connection with the hire or use of the Plant.

The Public and Products Liability Policy must contain a “cross liability” clause so that each of the insured parties will be considered as a separate and distinct unit and the term “Insured” in the policy will apply to each party as if a separate policy had been issued to each of the parties in its name alone and the insurers waive all rights of subrogation or action, which they may have or acquire against any of the parties.

- (c) Motor Vehicle/Plant – Third Party Property Damage insurance to cover the registered motor vehicle being used to deliver or service a plant item, and the registered plant item (or plant with an unregistered vehicle permit), provided by the Contractor. The motor vehicle/plant insurance can either be a “comprehensive motor vehicle insurance” or “third party property damage motor vehicle insurance” where the limit of liability should **not be less than \$20 million**.

The Motor Vehicle / Plant insurance policy must contain a “cross liability” and a “waiver of subrogation” clause as required in the Broadform Public and Products Liability Policy.



- (d) Current NSW Compulsory Third Party Personal Injury (CTP) Insurance and current Registration as required by Transport NSW
  - (e) Such other insurances as may from time to time be required by the Council.
- 14.2 The Contractor must ensure that each policy under clause 14.1, other than Worker's Compensation Cover, is in the name of the Contractor and the Council as an additional named insured as defined in clause 15 below.
- 14.3 Without in any way limiting the circumstances where the Council may make a claim as an additional named insured, the Council must have the right to claim under the relevant policy where:
- (a) there is loss or damage to any Council property;
  - (b) an employee of the Council is injured due to the negligence of the Contractor or its employees, agents or subcontractors;
  - (c) a third party is claiming against the Council (or has joined the Council) for loss or damage to the third party's property or injury to the third party:
    - (i) as a consequence of the act or omission of the Contractor or its employees, agents or subcontractors, or
    - (ii) arising out of the use of plant hired without an operator and is operated by a Council employee or its agent.
- 14.4 The Contractor shall pay insurance deductibles/excess relating to insurances required under the Contract.
- 14.5 No policy of insurance is to contain any exclusion, endorsement or alteration unless first approved by the Council.
- 14.6 Insurances held by the Contractor are to be subject to jurisdiction of Australia (including all States and Territories of Australia).
- 14.7 Each of the Contractor's subcontractors and any other persons invited onto a Council site by the Contractor must have and maintain insurances as per clause 14.1 during periods of their engagement or presence on site.
- 14.8 The Contractor must hold the following evidence of insurance covers at its office:
- (a) up to date certificates of currency for each policy noting the Council as an additional named insured; and
  - (b) a copy of each policy duly issued, stamped and signed by the insurer.
- 14.9 If a notice of cancellation is given to the Contractor's insurance the Contractor must cease to operate for the Council and immediately notify the Council.

- 14.10 The Contractor must supply a copy of the three current insurance policies listed in clause 5.9. These copies are to be attached to the Company Details for Registration Form. Council will also conduct random audits to sight the original insurances held by the Contractor. The Contractor will assist in the audit and provide evidence of the terms and currency of the insurances whenever requested by the Council. When the following insurances expire, it is the Contractor's responsibility to submit evidence of the renewed policy to Council's Shire Services Department.

## 15. Registration Certificate and Licences

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- 15.1 All Plant tendered and associated service vehicles not exempt from registration must be either fully registered, covered by an unregistered vehicle permit or 'exempt from registration' for the duration of hire and travel to and from all work sites. The appropriate registration label must be affixed in a secure, visible location. All old labels must be removed.
- 15.2 Operators must hold current driving licences and WorkCover certificates for the item of plant which they are operating. Items requiring WorkCover operation Tickets include;
- (a) Forklift LF
- 15.3 A copy of all operator's current motor vehicle driver's licence and WorkCover Certificates must be attached to each Nominated Operators Form, Form Three.
- 15.4 Grader drivers, Loader operators and slasher operators must hold current Safework Apply Traffic Control Plans Certificates.
- 15.5 A copy of all current registration papers must be attached to the Schedule of Plant Hire form for each item of plant. When Plant Registration expires a copy of the new registration must be sent to the Council's Engineering Department.

## 16. Contractor's General Responsibilities

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- 16.1 The Contractor must supply plant in good working order and maintain the plant in that condition.
- 16.2 Unless otherwise specifically advised in the Services Order, the Contractor must unload and load the plant at the site.
- 16.3 When the plant is required for night work or when so instructed by Council, the Contractor must fit efficient lights to the Plant as required by WorkCover.
- 16.4 The Contractor must ensure that the Plant is safe and supplied with all necessary shields, guards, spark arrestors, lights, indicators and other safety apparatus.
- 16.5 Plant must have at least one amber beacon which is wired through the ignition switch and is active whenever the plant is travelling or in operation on the job site. The beacon shall be

mounted as near as possible to the top for the plant, and be clearly visible in normal daylight at a distance of 200 metres in all directions. The beacon shall be either a rotating type (minimum 55 watt halogen), LED (minimum 25 watts) or strobe light (minimum 8 joule double pulse) type, in reference and accordance with Appendix A, Clause 2.1.7.

- 16.6 The Contractor must have trained and competent operators to operate all items of Plant registered.
- 16.7 The Contractor must reinstate at their own expense any gates, fences, grids or other property damaged during their operations, including cleaning out grids, which have been filled or partly filled by their operations. The Contractor is also responsible for the replacement cost of guideposts which are damaged by known operators.
- 16.8 The Contractor must pay all wages, overtime, accommodation, travelling expenses and other entitlements of the operator and of any other personnel necessary for the efficient operation of the Plant.
- 16.9 The Contractor must provide accommodation for its operators, including its own suitable power, drinking and washing water, shower and sanitary facilities, and make provision for the disposal of all effluent and wastes in accordance with legislative requirements. No waste is to be disposed of at the camp site or work site. The Contractor is also responsible for the supply of all drinking and domestic water for its operators on Site.
- 16.10 It is the Contractor's responsibility to ensure that all auxiliary plant and equipment used by the Contractor complies with all Safework and Transport NSW Legislation Requirements.
- 16.11 The Contractor must supply all fuel, oil, grease, spare parts, cutting edges, tyres, etc, for the continuous and satisfactory operation of the Plant. Any waste materials obtained from services or repairs on site must be disposed of at a registered landfill.
- 16.12 The Plant must be ready to commence operations on each work site at the starting time each day. 'Plant Start-Up Check' sheets are to be completed by each operator every morning prior to the commencement of work. This is to be undertaken outside normal working hours.
- 16.13 'Hired Plant & Operator Checklist' forms are to be completed at the commencement of work at every new Site.
- 16.14 The Plant must work continuously as required during the Hire Period.
- 16.15 The Contractor must carry out all repairs to the plant expeditiously. As far as practicable, all adjustments and repairs shall be carried out on wet days or outside normal working hours. The Contractor shall provide all tools and equipment required to carry out repairs.
- 16.16 The Contractor must ensure that when the Plant is unattended on a Site that the Plant is in a safe condition and is not liable to be or to become a safety hazard.
- 16.17 All items of Plant must be fitted with UHF CB transceivers to allow easy communication on work sites for work instruction and safety requirements. Transceivers shall only be used for work related matters when on a work site, and not for general conversational use.

- 16.18 The Contractor must supply all necessary Risk equipment to permit effective communication between the Contractor's operator and the Contractor's depot.
- 16.19 All items of Plant registered must have a complete First Aid Kit and a working, suitable, compliant fire extinguisher in the cabin to be used in the case of an emergency.
- 16.20 The Contractor and all operators are required to undergo Council's general induction prior to commencing any work within Central Darling Shire. Further, the Contractor and each operator is required to complete a Site-Specific Risk Assessment (template provided by Council) before commencing work on any new site and at the start of each period on any ongoing site. Site Specific Risk Assessments undertaken by Contractors are to be available for inspection and held on Site.

## 17. Inspections

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- 17.1 The Council reserves the right to inspect plant prior to commencement of hire and during the Hire period. The Contractor shall make the plant available for inspection when required.
- 17.2 The inspection will certify that the machine is capable of carrying out the work for which it is to be hired, and that it conforms to all statutory requirements, including the Work Health and Safety Act. A copy of the Inspector's Report will be provided to the Contractor in those cases where the machine has been assessed as not suitable or unsafe.

## 18. Traffic Control

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- 18.1 A current Traffic Control Plan (TCP) applies to every worksite. Council is responsible for the administration of all TCP's. All operators are to work in accordance with the TCP. Where a worksite has a Council supervisor present, that supervisor is responsible for implementation of the TCP's. Where a worksite does not have a permanent Council supervisor present, the senior plant operator (Grader driver, loader operator or slasher operator) is responsible for the implementation of the TCP's.
- 18.2 Every operator is to work within the boundaries as outlined by the person responsible for the TCP on that Site.
- 18.3 Grader drivers, Loader operators and slasher operators must hold current Safework Implement Traffic Control Plans Certificates, (Yellow card)
- 18.4 Council will supply each Maintenance Grader with two sets of relevant warning signs in accordance to Australian Standard 1742.3 "Manual of Uniform Traffic Control Devices, Part 3 – Traffic Control Devices for Works on Roads" and the relevant TCP. As Stated above, the operator is responsible for the implementation of the TCP.
- 18.5 The warning signs shall be weighted or pegged down at all times.

## 19. Haulage Equipment

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Vehicles or equipment hauling material over public roads shall be fitted with tight tailgates and shall have a freeboard of not less than 75mm without cones or piles material that may spill on to the roadway. Vehicles when loaded shall comply with the requirements of the Roads Act 1993 or such lower load limit as may have been set by the relevant authority.

## 20. Assignment and Sub-Letting

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The Contractor shall not assign or sub-let plant hire or any part thereof without the approval in writing of the Council.

## 21. Substitution

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- 21.1 A Contractor may substitute another machine if the registered item of Plant becomes unserviceable or is sold during the Hire Period providing the Council is notified in writing with a completed copy of a Schedule of Rates Form with full details of the replacement machine.
- 21.2 A substitution cannot be made for a machine that is unavailable with a more expensive tendered machine, unless the Contractor offers it at the same rate as the unavailable machine.

## 22. Tow Multi-Tyred Rollers

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Grader drawn multi-tyred rollers are to be supplied with the appropriate compactor tyres and are to be loaded to the maximum carrying capacity recommended by the manufacturer. Rollers with standard vehicle tyres fitted will not be hired. Additional payment for graders or loaders will not be made when towing their own multi-tyred rollers. Any additional costs are to be allowed for in the hire rate for the roller.

## 23. Consequences of Non-Compliance

---

- 23.1 If the Contractor breaches the Contract, the Principal may stand down items of Plant associated with such breaches. The stand down periods will be for a minimum of one week but may be indefinite, unless otherwise determined by Council, taking into consideration the seriousness of the breach.
- 23.2 Council at all times reserves the right to cancel an item of Plant Registered for serious or continual breaches of the Contract.

## 24. Dissatisfaction with Director Shire Services

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- 24.1 If a Contractor is dissatisfied with any direction of the Council's Overseer/Ganger then the Contractor has a right to refer his/her concern to Council's Engineer, who has the power to review and change any direction of the Overseer/Ganger.
- 24.2 Similarly, if a Contractor is dissatisfied with any direction of the Engineer then the Contractor has a right to refer his concern to Council's General Manager, who has the authority to review and change any direction of the Engineer.

## 25. Disclosure of Interests

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The Contractor will be required to make declarations of full names of partnerships, and in the case of companies, Directors and General Managers full names must also be supplied.

## 26. Performance Reviews and Auditing

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- 26.1 The Council will conduct on going performance reviews of the Contractor to assess the overall performance of plant hired.
- 26.2 The Council reserves the right to audit all Contractors at any time during the Registration Period in regard to the necessary Insurance policies and Registration papers as listed in Clauses Twelve (12) and Thirteen (13). Council retains the prerogative and authority to view these policies at any time.

## 27. Purchase of new plant after the Registrations Close

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If a Contractor replaces an item of plant which they register for hire, the Council must be notified immediately. If the Contractor chooses to change the rate of the new item of plant, then they must re-submit to the Council a new item on a new Schedule of Plant Hire Rates Form. If Council is not informed, the new item of plant will be paid at the original rate of the old plant item.

## 28. Work Health and Safety

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- 28.1 The Contractor must comply with Council's safety requirements, WorkCover requirements, the Work Health and Safety Act 2011 and the Work health and Safety Regulation 2017 (NSW). This includes the Contractor and any other person on the worksite for whom the Contractor is responsible.
- 28.2 All on site personnel (Contractors and operators) must have a **current general construction induction training card (White Card)** in accordance with Work Health and Safety Regulation 2017.

- 28.3 It is the responsibility of the Contractor that all of their operators must wear safety boots and safety vests at all times on the work site. Council reserves the right to stand plant down immediately when an operator is sighted not wearing a safety vest or safety boots.
- 28.4 The Contractor is also responsible for the wearing of Hearing Protection where required.
- 28.5 The Contractor and the operators must complete Council's general induction prior to start of the hire period.
- 28.6 The Contractor must provide a signed Site-Specific Risk Assessment on a weekly basis. Payment may be withheld if contractors are not complying with WHS requirements.

## 29. Project Management System

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- 29.1 The Contractor is responsible to supply Council with a complete copy of their company Project Management System Documentation including an Environmental Management Plan, Quality Plan, and Safety Plan. This system is then to be examined by Council to ensure the Management System is to the required standard.
- 29.2 Where the supplied Management System from the Contractor does not meet the standard required by Council, or where Contractors do not have their own Management System, the Contractor may agree to adopt and work under the Council's Management System. Plant will not be hired from any company where an agreement to work under Council's Management System or supply an acceptable Management System of their own, has not taken place.

## 30. Safe Working Method Statements

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- 30.1 The Contractor must carry out all duties in adherence to the relevant Safe Work Method Statement for that duty. The Safe Work Method Statement will be administered to the Contractor by Council Representatives.

# **APPENDIX A**

## **TRUCK AND PLANT REQUIREMENTS**



# TRUCK AND PLANT REQUIREMENTS

Roads and Maritime Services | July 2019  
Document No. | RMS TPR-G22 | Issue no: 2

## Specification



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**Truck and Plant Requirements**

**TPR-G22**

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**TPR-G22**

**Truck and Plant Requirements**

**REVISION REGISTER**

<b>Ed/Rev Number</b>	<b>Clause Number</b>	<b>Description of Revision</b>	<b>Authorised By</b>	<b>Date</b>
Issue 1		First issue.	MCQ	29.05.19
Issue 2	1.2.4	Reverse alarm requirement on the truck and trailer combinations changed.	MCQ	23.07.19
	1.2.6	RMS changed to NHVR.		
	1.5.11	Heading title changed. Evidence of service records requirement added.		
	2.2.12	Heading title changed. Evidence of service records requirement added.		
	2.3.6	Sentence reworded.		

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## **RMS SPECIFICATION TPR-G22**

### **TRUCK AND PLANT REQUIREMENTS**

#### **1 TRUCK REQUIREMENTS**

All trucks must comply with the *Work Health and Safety Act 2011 (NSW)* and associated Regulations, Commonwealth and other NSW legislation, and relevant Australian Standards, in addition to the requirements set out below.

##### **1.1 REGISTRATION**

All trucks must meet the current requirements for NSW registration and have full registration for the duration of the hire.

##### **1.2 GENERAL SAFETY REQUIREMENTS**

###### **1.2.1 Neutral Start Switches**

Neutral start switches must operate on all trucks with automatic transmissions.

###### **1.2.2 Brakes**

Service brakes, parking brakes and trailer brakes must be fully operational and free from any defects. Air brake systems must be free from leaks and contamination.

###### **1.2.3 Seat Belts**

Seat belts when fitted must be free of defects and worn at all times. Seat belts must not be removed where they are fitted as part of the original manufacturer's equipment.

###### **1.2.4 Reverse Alarm**

All trucks must be fitted with a reverse alarm that is automatically activated when reverse gear is selected.

Alarms which vary the output in response to changes in the surrounding noise level, i.e. self-adjusting type alarms (e.g. "Smart Alarm"), are preferred.

The alarm's noise level range must be:

- (a) 87 to 112 dB(A) for self-adjusting tonal (beeper) alarms at 1 metre distance from the alarm;
- (b) 87 to 107 dB(A) for self-adjusting broadband (squawker) alarm.

All self-adjusting tonal and broadband alarms must be mounted with an unobstructed "vision" to the rear of the truck. All alarms must be clearly audible above the noise level of the truck. Fixed output reverse alarms must have a minimum noise level of 87 dB(A).

Truck and trailer combinations must be fitted with a reverse alarm on the prime mover and on the rear-most trailer.

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**1.2.5 Compulsory Signs**

Tipper trucks must have a NSW Electrical Hazard Warning notice fitted which is clearly visible to the driver whilst the hoist is being operated. The Electrical Hazard Warning must display the minimum safe working distances.

**1.2.6 Amber Beacon**

Trucks must have at least one amber beacon that is active whenever the truck is travelling or operating on the job site.

The beacon must be either:

- (a) halogen rotating type, minimum 55 watts; or  
LED, minimum 25 watts; or
- (b) strobe light, minimum 8-joule double pulse.

The beacon (whether halogen, LED or strobe) must:

- (i) flash between 120 to 200 times per  
minute; be mounted as near as possible to
- (iii) be clearly visible in normal daylight up to a distance of 200 metres (and closing) in all directions.

The amber beacon must not be a strobe light for trucks operating under an NHVR issued Class 1 Oversize Overmass permit and must be clearly visible at a distance of 500 metres.

**1.3 MECHANICAL REQUIREMENTS****1.3.1 Leaks**

The engine, transmission, driveline, hydraulics and fuel system must not have any leaks that allow oil or fuel to drip on the road surface, exhaust system or onto brake components. Steering and brake systems must be free from leaks. Use of catch trays or tanks to contain leaks is unacceptable as a remedy.

**1.3.2 Engine**

The engine must start easily and provide sufficient power. Frequent jump-starting is dangerous and unacceptable.

**1.3.3 Cooling System**

The cooling system must provide efficient cooling for all types of climatic conditions. All drive belts and hoses must be free from deterioration and/or leaks.

**1.3.4 Exhaust System**

The exhaust system must be free from leaks and be securely mounted.

**1.3.5 Exhaust Smoke**

Trucks must not emit visible smoke for continuous periods of more than 10 seconds (refer *Protection of the Environment Operations Act 1997 (NSW)*).

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**1.3.6 Transmission and Final Drive**

The transmission and final drive must operate to the manufacturer's specifications and be free of

**1.3.7 Hydraulics**

All hydraulic functions must respond quickly and smoothly, and be free from leaks and hydraulic creep.

**1.4 CAB/CHASSIS REQUIREMENTS****1.4.1 Cabin**

The cabin must be free from damage, cracks, advanced rust, missing or loose bolts, sharp edges or protrusions that could cause injury.

Steps and handrails must be in good condition as originally manufactured.

**1.4.2 Windows**

The windscreen and all other windows must be free from defects that impair visibility. All glass must be of an approved safety type.

**1.4.3 Suspension**

Suspension components must not be broken, loose, cracked, cut, missing or modified. All nuts, bolts and locking devices must be in place and secure. The maximum allowable wear in any suspension component must not exceed manufacturers' specifications, or where these are not available, 3 mm.

**1.4.4 Steering**

Steering components must not be broken, loose, cracked, cut, missing or modified. All nuts, bolts and locking devices must be in place and secure. The maximum allowable free play in any steering joint must not exceed manufacturers' specifications, or where these are not available, 3 mm.

Rotational free play at the steering wheel must not exceed 100 mm.

The steering must operate smoothly in both directions.

**1.4.5 Tyres**

Tyres must be free from deep cuts, bulges, exposed cords or other signs of carcass failure. Tyres must be of the correct type, load rating and size to suit the wheel rims and must meet all legal requirements.

**1.5 MISCELLANEOUS REQUIREMENTS****1.5.1 Controls and Switches**

Controls and switches must be in good condition, perform as designed and be clearly and permanently labelled to indicate the direction of movement and/or function.

**1.5.2 Seats**

All seats must be in good condition, secure and must not affect the operator's ability to operate the truck.

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**1.5.3 Work Attachments/Tools**

All attachments must be in good condition and working order.

**1.5.4 Fifth Wheel (Turntable)**

Clearance in the fifth wheel must be within the manufacturer's specifications

**1.5.5 Electrical System**

All electrical equipment must operate as intended by the manufacturer. Electrical wiring and connections, both inside and outside the truck, must be secure and free from any damage or corrosion. Insulation must not be chafed or exposed to excessive heat.

The battery must be securely mounted and free from any cracks or leaks. Loose electrical connections, which could cause arcing, are unacceptable.

**1.5.6 Truck Security**

Parts of the truck which are critical to its operation and which are subject to vandalism must be adequately protected. Cabins must be capable of being locked.

**1.5.7 Tarping**

Provide secure tarping to cover loads carried.

**1.5.8 Truck Body**

Trucks and trailers with hydraulic tipping bodies must have a self-supporting safety prop permanently attached to support the body when required. Tip-over axle/body tippers are exempt from safety props.

Bodies must be free of any defects that will allow any loss of material.

**1.5.9 Tow Bar**

Tow couplings must be stamped with the manufacturer's name and capacity.

Trailer brake connections must be dual line air with self-sealing quick release couplings.

Safety chain connections must be of an approved type and capacity.

**1.5.10 Truck Operating and Safety Information**

Ensure that the owner's manual and any other safety information provided for the truck is readily available for the use of truck drivers and other persons affected by the operation of the truck.

A copy of plant risk assessment and safe work method statement must also be readily available for use by the truck driver.

**1.5.11 Daily Inspection and Service/Maintenance Records**

Daily inspections must be carried out and reports must be filled out prior to the commencement of each shift and must be available in the truck for inspection.

Evidence of service records must be readily available in the truck.



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**1.6 NONCONFORMITY**

A truck with any of the following nonconformities must not be used on the Site for the Works:

- (a) defective neutral start where an automatic transmission is fitted;  
defective service, park or emergency brakes;
- (b) defective seat belt or absence of a seat belt when required;
- (c) inoperative or inaudible reverse alarm;
- (d) dangerous suspension, steering or tyres;  
dangerous chassis defects;
- (e) continuous dark exhaust smoke;  
truck is unregistered;
- (f) any other condition which could impair the safe operation of the truck.

If the truck is on the Site at the time the nonconformity is identified, it must be immediately removed from the Site.

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**TPR-G22**

**Truck and Plant Requirements**

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## **2 PLANT REQUIREMENTS**

All plant must comply with the WHS legislation and relevant Australian Standards or equivalent, in addition to the requirements set out below.

### **2.1 REGISTRATION REQUIREMENTS**

#### **2.1.1 Registration**

All registrable plant must meet the current requirements for NSW registration and have either full or conditional registration.

Both number plates must be securely attached to and clearly displayed on the plant item.

#### **2.1.2 Equipment**

The minimum equipment requirements for plant are shown in Table 2. These requirements are in accordance with those in the RMS Conditional Registration Vehicle Sheets.

#### **2.1.3 Windscreen Wipers**

Plant with windscreen must have an operative windscreen wiper, which effectively clears the screen directly in front of the operator and gives an adequate view in front of the plant. Wipers fitted to other windows must also operate effectively.

#### **2.1.4 Lights and Reflectors**

The requirements for lights and reflectors are shown in Table 2.

Plant for night work must have suitable and efficient lights, including headlights or work lights.

#### **2.1.5 Reflective Tape**

Plant required to be fitted with reflective tape are shown in Table 2.

##### **1. Material**

The tape must be **red** and **yellow** with a retro-reflective surface. Photometric performance and durability must comply with Class 2 in accordance with AS/NZS 1906.

##### **2. Size**

Tape must be in strips of at least 50 mm high by 200 mm long. Plant which are over 6 metres in length require additional tape to be fitted to the centre of the machine.

##### **3. Installation**

The tape must be evenly applied to the rear and sides of the plant. Tape must not be applied to the front of plant.

Where practical, the lower edge of the tape must be between 400 mm and 1,500 mm from the ground, with the outermost edge less than 150 mm from the corners of the plant.

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**TPR-G22****Truck and Plant Requirements**

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**2.1.6 Horn**

All plant must be equipped with a clearly audible horn. Exhaust whistles, compression whistles, sirens or alternating tone horns are not acceptable.

**2.1.7 Amber Beacon**

Plant must have at least one amber beacon that is wired through the ignition switch and is active whenever the plant is travelling or operating on the job site.

The beacon must be either:

- (a) halogen rotating type, minimum 55 watts; or
- (b) LED, minimum 25 watts; or
- (c) strobe light, minimum 8-joule double pulse.

The beacon (whether halogen, LED or strobe) must:

- (i) flash between 120 to 200 times per
- (ii) minute; be mounted as near as possible to
- (iii) be clearly visible in normal daylight up to a distance of 200 metres (and closing) in all directions.

Truck mounted plant may be fitted with a switch to turn the beacon off when travelling on roads outside the jobsite.

Green flashing lights must not be used on any item other than a stationary operational fire brigade, accredited NSW Rural Fire Service, ambulance or police emergency site command vehicle.

**2.1.8 Rear Vision Mirrors**

All plant must be fitted with rear vision mirrors that provide adequate rear vision on both sides of the plant.

**2.2 GENERAL SAFETY REQUIREMENTS****2.2.1 Neutral Start**

Neutral start switches must operate on all transmissions other than manual gearboxes fitted with a mechanical type clutch. Excavators and skid steer loaders are exempt from the normal type of neutral start switch; however, travel levers must self-centre to the neutral position.

All OEM safety equipment/hydraulic locks must operate as originally designed.

**2.2.2 Service Brakes**

Brake components must be free from leaks or defects and be securely mounted. Brake controls must be fully operational and free from any defects. Air tanks must be free of contamination.

Plant fitted with steel drums or a combination of steel drums/rubber tyres or tracks, while on the maximum operating gradient specified by the manufacturer, must be capable of stopping within the distances shown in the table below:

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**TPR-G22**

**Truck and Plant Requirements**

Plant operating mass	Stopping distance from 5 km/h
Less than 5,400 kg	1.2 metres
5,400 kg to 13,600 kg	1.5 metres
Greater than 13,600 kg	1.9 metres

Plant fitted with rubber tyres, while on the maximum operating gradient specified by the manufacturer, must be capable of stopping within the distances shown in the table below:

Plant operating mass	Stopping distance from 30 km/h
Up to 2,500 kg	9 metres
Greater than 2,500 kg	14 metres

Where it is not possible to test the brakes of load-carrying plant in a loaded condition, e.g. water tankers and dump trucks, this plant may be subjected to a brake test in a loaded condition at a time agreed with you.

**2.2.3 Park Brake**

On implement-type plant, the park brake must be capable of holding the plant item on an incline of:

- (a) 15%, i.e. approximately 1 in 7 or 9 degrees to the horizontal, for wheeled plant; or
- (b) 25%, i.e. 1 in 4 or 14 degrees to the horizontal, for rollers.

For truck-mounted plant, the emergency brake must be capable of stopping the truck within the distances shown in the table below:

Plant operating mass	Stopping distance from 30 km/h
Up to 2,500 kg	22 metres
Greater than 2,500 kg	34 metres

**2.2.4 Emergency Stop Devices**

Emergency stops must be prominent, clearly and durably labelled and easily accessible to the operator. Handles, bars or push buttons must be coloured red. These devices must not be affected by any electrical or electronic malfunction.

**2.2.5 Protective Structures**

Earthmoving machinery (designed to have a mass of 700 to 100,000 kg) must be fitted with a protective structure conforming to AS 2294.

Tractors designed to have a mass of 560 kg or more, but less than 15,000 kg, must be fitted with a protective structure conforming to AS 1636.

The following International Standards may also be applicable for excavators:

- (a) ISO 12117;
- (b) ISO 12117-2.

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**TPR-G22****Truck and Plant Requirements**

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**Exceptions:**

There are exceptions to the rules about protective structures. To apply these exceptions, a risk assessment for the risks from falling objects or tip-over or roll-over must be carried out and alternative control measures established.

The following types of earth-moving machinery may be excepted:

- (i) power
- (ii) shovels;
- (iii) paving machines;
- (iv) equipment designed to be operated by a person in a standing position.

**2.2.6 Seat Belts**

All earth-moving machinery fitted with a roll-over protective structure must be fitted with seat belts conforming to one of the following Standards:

- Australian Standard AS 2664;
- Society of Automotive Engineers SAE J386;
- International Standard ISO 6683.

All tractors fitted with a roll-over protective structure must be fitted with seat belts conforming to one of the following Standards:

- Australian/New Zealand Standard AS/NZS 2596;
- Society of Automotive Engineers SAE J386 or equivalent.

Each seat belt assembly or part assembly must be permanently and legibly marked with the following:

- (a) manufacturer's name and trademark;
- (b) date of manufacture by month and year;
- (c) manufacturer's identification code (relevant standard).

**Exclusions:**

Earthmoving equipment, which under the previous Clause 2.2.5 may or may not be required to have protective structures, must be assessed individually for their requirement for seat belts, depending upon their safe operation and risk assessment outcomes; for example, earthmoving equipment, which has been designed for safe operation with the operator in a standing position.

The exclusions outlined above may be applied providing that the risks associated with not complying with the above requirements have been identified and assessed and other means are used to control them. The risk assessment must be in writing and the controls must form part of the Safe Work Method Statement.

**2.2.7 Reverse or Travel Alarm**

All plant must be fitted with a reverse alarm, which is clearly audible and automatically activated when the reverse gear is selected.

Excavators and plant with restricted operator vision in both forward and reverse directions must be fitted with a travel alarm, which operates in both directions. Alternatively, two alarms may be fitted.

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## TPR-G22

## Truck and Plant Requirements

Alarms which vary the output in response to changes in the surrounding noise level, i.e. self-adjusting type alarms (e.g. "Smart Alarm"), are preferred.

The alarm's base noise level must be not less than 87 dB(A) measured at a distance of 1 metre.

All self-adjusting tonal (beeper) and all broadband (squawker) alarms must be mounted with an unobstructed "vision" to the rear of the plant. Fixed output reverse alarms with a minimum noise level of 87 dB(A) are acceptable.

For rollers with an operating mass less than 4,500 kg, an alarm with a base noise level of 85 dB(A) is acceptable, provided the plant:

- (a) has a noise level less than 80 dB(A);
- (b) does not have an enclosed cab.

### 2.2.8 Compulsory Signs

Minimum compulsory sign requirements are shown in Table 1 at the end of this section.

#### 1. Hearing Protection

Any plant with a noise level above 85 dB(A) must be fitted with two 225 mm hearing protection signs, one on each side, and one 50 mm hearing protection sign fitted to the operator's console.

#### 2. Safe Working Load

Safe working load signs must be distinctively labelled on all backhoes, excavators and loaders that are used for lifting loads.

#### 3. Electrical Hazard Warning

Plant whose height can alter whilst working must be fitted with a NSW Electrical Hazard Warning notice that displays the minimum safe working distances.

#### 4. Roll-over Hazard - Seat Belt Warning

All plant fitted with a roll-over protective structure (ROPS) canopy must have a safety sign warning that a roll-over hazard exists, requiring the operator to wear the seat belt.

#### 5. Articulation Joint Crush Zone

#### 6. Hydraulic Steering

Plant with hydraulic steering must have a sign warning of the importance of maintaining hydraulic fluid level.

#### 7. Confined Space

Plant with a confined space, e.g. water tankers, must have a sign fitted near the entry point to the confined space.

#### 8. Dual Control

#### 9. Left Hand Drive

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**TPR-G22****Truck and Plant Requirements**

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**10. Water-filled Tyres**

Plant with water-filled tyres must have a warning sign adjacent to each tyre.

**11. Lime/Cement Spreaders**

Lime/cement spreaders are to be fitted with the following warning signs to advise the operator of the personal protective equipment to be worn:

- (i) dust mask;
- (ii) eye protection (goggles not glasses);
- (iii) gloves;
- (iv)

**2.2.9 Quickhitch**

All hydraulic quickhitches must comply with AS 4772:2008. The quickhitch and all attachments must be correctly matched to each other.

Hitches must be identified with:

- (a) a unique identification mark;
- (b) manufacturer's name and model; maximum rated
- (c) attachment capacity; mass of the hitch;

**2.2.10 Machinery Guards**

All rotating, moving or hot components must be fitted with an appropriate safety guard to prevent injury to any person.

**2.2.11 Plant Operating and Safety Information**

Ensure that the operator's manual and any other safety information provided for the plant is readily available for the use of plant operators and other persons affected by the operation of the plant.

A copy of plant risk assessment and safe work method statement must also be readily available for use by the plant operator.

**2.2.12 Daily Inspection and Service/Maintenance Records**

Daily inspections must be carried out and reports must be filled out prior to the commencement of each shift and must be available in the plant item for inspection.

Evidence of service records must be readily available in the plant.

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**2.3 MECHANICAL REQUIREMENTS****2.3.1 Leaks**

The engine, transmission, drive-line, hydraulics and fuel system must not have any leaks which allow oil or fuel to drip on the road surface, or on exhaust system or on brake components. Steering and brake systems must be free from leaks. Use of catch trays or tanks to contain leaks is unacceptable as a remedy.

**2.3.2 Engine**

The engine must start easily and provide sufficient power. Frequent jump-starting is dangerous and unacceptable.

**2.3.3 Cooling System**

The cooling system must provide efficient cooling for all climatic conditions. All drive belts and hoses must be free from deterioration and/or leaks.

**2.3.4 Exhaust System**

The exhaust system must be free from leaks and be securely mounted.

**2.3.5 Exhaust Smoke**

Plant must not emit visible smoke for continuous periods of more than 10 seconds each (refer *Protection of the Environment Operations Act 1997 (NSW)*).

**2.3.6 Transmission and Final Drive**

The transmission and final drive must operate to the manufacturer's specifications and be free of leaks.

Manual transmissions coupled to a hydrostatic drive must be locked in gear to prevent accidental gear selection, when a separate effective service brake is not fitted.

**2.3.7 Hydraulics**

All hydraulic functions must respond quickly and smoothly, and be free from leaks and hydraulic creep. The time for the hydraulics to "warm up" must be within manufacturer's specifications.

Plant used as a crane with a safe working load greater than 1,000 kg must be fitted with anti-drop valves.

**2.4 CHASSIS REQUIREMENTS****2.4.1 Chassis/Frame**

The chassis/frame must be free from cracks, advanced rust, missing or loose bolts, sharp edges or protrusions that could cause personal injury.



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**2.4.2 Body/Cabin/Steps/Handrails**

The body/cabin/steps/handrails must be free from cracks, advanced rust, missing or loose bolts, sharp edges or protrusions that could cause injury. All doors, door locks and latches must be secure and functional.

Plant with fully enclosed cabins that have no opening windows must have an operational air conditioner fitted.

Steps and handrails must be in good condition as originally manufactured.

**2.4.3 Windows**

The windscreen and all other windows must be free from defects that impair visibility. All glass must be of an approved safety type.

All window tint must comply with Vehicle Standards Information Sheet VSI 3 "Windscreens and window tinting".

**2.4.4 Suspension**

Suspension components must not be broken, loose, cracked, cut, missing or modified. All nuts, bolts and locking devices must be in place and secure. The maximum allowable wear in any suspension component is 3 mm.

**2.4.5 Steering**

Steering components must not be broken, loose, cracked, cut, missing or modified. All nuts, bolts and locking devices must be in place and secure. The maximum allowable free play in any steering joint is 3 mm. Rotational free play at the steering wheel must not exceed 100 mm.

The steering must operate smoothly in both directions. The operation of the steering, from lock to lock, on plant with full hydraulic steering is to be checked at approximately half the maximum engine speed.

**2.4.6 Tyres**

Tyres must be free from deep cuts, bulges, exposed cords or other signs of carcass failure. Traction tyres must provide adequate grip. Tyres must be of the correct type, load rating and size to suit the wheel rims.

**2.4.7 Tracks**

Tracks and related equipment must be in good condition and must provide sufficient traction.

**2.5 MISCELLANEOUS REQUIREMENTS****2.5.1 Controls and Switches**

All controls and switches must:

- (i) be secure;
- (ii) function correctly and be free of excessive wear;
- (iii) perform as designed;

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(iv) be permanently and clearly labelled to indicate the direction of the movement.

**2.5.2 Seat**

The operator's seat must be in good condition, secure and must not affect the operator's ability to operate the plant.

**2.5.3 Work Attachments/Tools**

All attachments must be securely mounted, free from cracks, leaks or any defects and be in good working order (attachments include items such as buckets, blades, cutting edges, tynes, hydraulic tools, etc).

**2.5.4 Articulation Joints**

Clearance in the articulation joint must be within the manufacturer's specifications. There must also be a means of locking the articulation joint.

**2.5.5 Electrical System**

All electrical equipment must operate as intended by the manufacturer. Electrical wiring and connections, both inside and outside the plant, must be secure and free from any damage or corrosion. Insulation must not be chafed or exposed to excessive heat.

The battery must be securely mounted and free from any cracks or leaks. Loose connections, which could cause arcing, are unacceptable.

**2.5.6 Plant Security**

Parts of the plant that are critical to its operation and are subject to vandalism must be adequately protected, e.g. engine covers, console covers and cabins, by appropriate locking devices.

**2.5.7 Noise Level**

Determine the noise level at the operator's position in accordance with AS/NZS 1269.1. The noise level will be:

- (a) included in the information required by Clause 2.2.11 and the Project WHS Management Plan where appropriate;
- (b) the controls, that ensure people on the site are not exposed to noise levels which exceed a level equivalent to 85 decibels [85 dB(A)] over an eight hour day, are incorporated into the Safe Work Method Statement.

**2.5.8 Lifting Requirements**

Plant that may be used as cranes, e.g. backhoes, loaders and excavators, having components used for lifting, e.g. hooks and lugs, that do not have a manufacturer's ID and SWL, require a structural engineer's certificate for these components.

**2.6 NONCONFORMITIES**

Plant with any of the following defects must not be used on the Site for the Works, and if the plant is located on the Site at the time the defect is identified, must be immediately removed from the

- (a) defective neutral start switch;

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- (b) defective service, park or emergency brakes;
- (c) defective seat belt or absence of a seat belt when ROPS is fitted;
- (d) inoperative or inaudible reverse/travel alarm;
- (e) mechanical lock pin not available or not fitted to the quick hitch;
- (f) machinery guards not fitted;
- (g) no manual transmission lock where required;
- (h) dangerous suspension, steering or tyres;
- (i) any other condition, which could impair the safe operation of the plant.

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**h and Safety (Major Works)**

**imum Compulsory Sign Requirements**

	Hearing Protection	SWL	Electrical Hazard Plate	Roll-over Hazard, Wear Seat Belt	Articulation Joint Crush Zone	Hydraulic Steering Warning <sup>(1)</sup>	Confined Spaces	Dual Control <sup>(1)</sup>	Left Drive
<b>ider</b>	Yes <sup>(3)</sup>	Yes <sup>(2)</sup>	Yes	Yes	No <sup>(4)</sup>	Yes	No	No	No
	Yes <sup>(3)</sup>	No	No	Yes	Yes	Yes	No	No	No
	Yes <sup>(3)</sup>	Yes	Yes	No	Yes <sup>(2)</sup>	Yes <sup>(2)</sup>	No	No	Yes <sup>(2)</sup>
	Yes <sup>(3)</sup>	No	No	Yes	No	Yes	No	No	No
<b>ork platform</b>	Yes <sup>(3)</sup>	No	Yes	Yes	Yes	Yes	No	No	Yes <sup>(2)</sup>
	Yes <sup>(3)</sup>	Yes <sup>(2)</sup>	Yes	No	No	No	No	No	No
	Yes <sup>(3)</sup>	Yes <sup>(2)</sup>	Yes	Yes <sup>(2)</sup>	No	Yes	No	No	Yes <sup>(2)</sup>
<b>nt spreader<sup>(5)</sup></b>	Yes <sup>(3)</sup>	No	No	Yes	Yes <sup>(2)</sup>	Yes	No	No	No
	Yes <sup>(3)</sup>	Yes <sup>(2)</sup>	Yes	No	Yes <sup>(2)</sup>	No	Yes	No	No
<b>roller</b>	Yes <sup>(3)</sup>	No	No	Yes	No	Yes	Yes <sup>(2)</sup>	Yes <sup>(2)</sup>	Yes <sup>(2)</sup>
<b>er</b>	Yes <sup>(3)</sup>	No	No	Yes	Yes	Yes	No	Yes <sup>(2)</sup>	No
	Yes <sup>(3)</sup>	No	No	No	No	Yes	No	Yes <sup>(2)</sup>	Yes <sup>(2)</sup>
	Yes <sup>(3)</sup>	No	Yes	No	No	Yes	No	Yes <sup>(2)</sup>	Yes <sup>(2)</sup>
	Yes <sup>(3)</sup>	No	No	Yes	Yes	Yes	No	No	Yes <sup>2</sup>
<b>oader</b>	Yes <sup>(3)</sup>	Yes <sup>(2)</sup>	Yes <sup>(2)</sup>	Yes	No	Yes	No	No	No
<b>m roller</b>	Yes <sup>(3)</sup>	No	No	Yes	Yes	Yes	No	Yes <sup>(2)</sup>	No
<b>er</b>	Yes <sup>(3)</sup>	No	No	Yes <sup>(2)</sup>	Yes <sup>(2)</sup>	Yes	No	Yes <sup>(2)</sup>	Yes <sup>(2)</sup>
	Yes <sup>(3)</sup>	No	Yes <sup>(2)</sup>	No	Yes <sup>(2)</sup>	Yes <sup>(2)</sup>	Yes	Yes <sup>(2)</sup>	No
<b>m roller</b>	Yes <sup>(3)</sup>	No	No	Yes	Yes	Yes	No	Yes <sup>(2)</sup>	No
<b>r</b>	Yes <sup>(3)</sup>	No	No	Yes	Yes	Yes	No	Yes <sup>(2)</sup>	No
	Yes <sup>(3)</sup>	Yes <sup>(2)</sup>	No	Yes	No	Yes	No	No	No
<b>er</b>	Yes <sup>(3)</sup>	No	No	Yes <sup>(2)</sup>	Yes <sup>(2)</sup>	Yes <sup>(2)</sup>	Yes	No	No

ns required for registration.  
 at these warning signs must be fitted where applicable.  
 ection signs must be fitted when noise levels exceed 85 dB(A).  
 ided that these signs be fitted near the boom area.

<sup>(5)</sup> Lime/cement spreaders must be fitted with warning signs to advise eye protection, dustmask, gloves and overalls must be worn during operation.

<sup>(6)</sup> All plant with water-filled tyres must have a warning sign adjacent to each ty

<sup>(7)</sup> Emergency stop devices must be clearly marked/labelled.

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**Plant Requirements**

**Minimum Plant/Equipment Requirements**

	Amber rotating beacon <sup>(1)</sup>	Brake lights & turn signals <sup>(1)</sup>	Headlights, tail lights & clearance lights <sup>(1)</sup>	Rear reflectors <sup>(1)</sup>	Reflective tape <sup>(1)</sup>		Rear vision mirror(s) <sup>(1)</sup>	Horn <sup>(1)</sup>	Reverse or travel alarm
					Rear	Side			
	Yes	Yes	Yes <sup>(2)</sup>	Yes	No	No	Yes	Yes	Yes
	Yes	Yes	No	Yes	Yes <sup>(3)</sup>	Yes	Yes	Yes	Yes
	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
	Yes	No	No	Yes	No	No	Yes	Yes	Yes
	Yes	Yes	Yes	Yes	Yes <sup>(3)</sup>	Yes	Yes	Yes	Yes
<b>platform</b>	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
	Yes	No	No	Yes	No	No	Yes	Yes	Yes
	Yes	Yes	Yes <sup>(2)</sup>	Yes	Yes <sup>(3)</sup>	No <sup>(5)</sup>	Yes	Yes	Yes
<b>reader</b>	Yes	Yes	Yes <sup>(2)</sup>	Yes	No	No	Yes <sup>(4)</sup>	Yes <sup>(4)</sup>	Yes <sup>(4)</sup>
	Yes	Yes	Yes <sup>(2)</sup>	Yes	Yes <sup>(3)</sup>	No	Yes	Yes	Yes
<b>er</b>	Yes	Yes	No	No	Yes <sup>(3)</sup>	Yes	Yes	Yes	Yes
	Yes	Yes	No	No	Yes <sup>(3)</sup>	Yes	Yes	Yes	Yes
	Yes	Yes	No	No	Yes <sup>(3)</sup>	Yes	Yes	Yes	Yes
	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes
	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes
	Yes	Yes	No	Yes	Yes <sup>(3)</sup>	Yes	Yes	Yes	Yes
<b>r</b>	Yes	No	No	Yes	Yes <sup>(3)</sup>	No	Yes	Yes	Yes
<b>oller</b>	Yes	Yes	No	No	Yes <sup>(3)</sup>	Yes	Yes	Yes	Yes
	Yes	Yes	No	Yes	Yes <sup>(3)</sup>	Yes	Yes	Yes	Yes
	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
<b>oller</b>	Yes	Yes	No	No	Yes <sup>(3)</sup>	Yes	Yes	Yes	Yes
	Yes	Yes	Yes <sup>(1)</sup>	Yes	No	No	Yes	Yes	Yes
	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes

<sup>1</sup> is required for registration.

<sup>2</sup> if plant item is on full 24 hour use registration.

<sup>3</sup> reflectors.

<sup>4</sup> cable.

<sup>5</sup> 24 hr registration use require side amber reflectors to be fitted.

## Central Darling Shire Council



### APPENDIX A – REFERENCED DOCUMENTS

Appendix A lists the full titles of documents referenced in this Specification.

#### Australian Standards

AS/NZS 1269.1	Occupational noise management – Measurement and assessment of noise immission and exposure
AS 1636	Tractors– Roll-over protective structure – Criteria and tests
AS/NZS 1906	Retroreflective materials and devices for road traffic control purposes
AS 2294	Earth-moving machinery – Protective structures
AS/NZS 2596	Seat belt assemblies for motor vehicles (ECC Regulation No. 16, MOD)
AS 2664	Earthmoving machinery – Seat belts and seat belt anchorages
AS 4772	Earth-moving machinery – Quickhitches for excavators and backhoe loaders

#### International Standards

ISO 6683	Earth-moving machinery – Seat belts and seat belt anchorages – Performance requirements and tests
ISO 12117	Earth-moving machinery – Tip-over protection structure (TOPS) for compact excavators – Laboratory tests and performance requirements
ISO 12117-2	Earth-moving machinery – Laboratory tests and performance requirements for protective structures of excavators – Part 2: Roll-over protective structures (ROPS) for excavators of over 6 t

#### NSW Government

Work Health and Safety Act 2011  
 Protection of the Environment Operations Act 1997

#### Society of Automotive Engineers

SAEJ386                      Operator Restraint System for Off-Ro

# **APPENDIX B**

## **COMPANY DETAILS FOR REGISTRATION**

**APPENDIX B**

**COMPANY DETAILS FOR REGISTRATION**

Trading Name: .....

Company Name: .....

Company Partners: .....  
 (Where applicable)

Company Principle: ..... (Where  
 applicable)

Company Directors: .....  
 (Where applicable)

Street Address: .....  
 .....  
 .....

Postal Address: .....  
 .....

Email address: .....

Contact Persons:	Name	Phone No. Bus. hours	Mobile
Plant Hire:	.....	.....	.....
Administration:	.....	.....	.....

**BANK ACCOUNT DETAILS**

Account nominated for Tax Invoices payments to be deposited into.

Bank: .....

Branch: .....

Account Name: .....

BSB Number: .....

Account Number: .....



# **APPENDIX C**

## **NOMINATED OPERATORS FORM**

**APPENDIX C**  
**NOMINATED OPERATORS FOR EACH ITEM OF PLANT**

**Nominated Primary Operator;**

Name: .....

Residential Address: .....

.....

Drivers Licence:      Number-      .....

   Class -      .....

   Expiry date-      .....

White Card:              Certificate No.-      .....

   Issue Date -      .....

Traffic Control Certificates:

   Title -      .....

   Certificate No. -      .....

   Valid To -      .....

**For the following Plant Item(s);**

Type	Make	Model	Registration

Company Name: .....

Signature: .....

Position: .....

Date: .....

# **APPENDIX D**

## **PROJECT MANAGEMENT SYSTEM AGREEMENT**

**APPENDIX D**

**PROJECT MANAGEMENT SYSTEM AGREEMENT**

This is an agreement between \_\_\_\_\_ and the Central Darling Shire Council that the above Contractor has adopted the Central Darling Shire’s Project Management System whilst undertaking any works under the Plant Hire Agreement for Central Darling Shire Council, for the following designated period;

**12am 1<sup>st</sup> February 2024 to 12am 31<sup>st</sup> January 2026.**

The Contractor agrees to carry out all work under the direction of Central Darling Shire Council, which will be in accordance with Central Darling Shire Council’s Integrated Management System (IMS) Documents. Pursuant to these requirements, the Contractor is required to complete documents as directed by Central Darling Shire Council. Reference is made in parenthesis to the relevant Clauses in the Transport NSW Routine Maintenance Council Contract for State Road Maintenance;

- **Quality Management System** (Q4M, Clause 4)
- **WH&S** (G22, Clause 2.1, 2.2, 3.2)
- **Environmental Management Plan**, (G36, Clause 3)

**CONTRACTOR**

**COUNCIL**

**Company Name**

**Company Name**

\_\_\_\_\_

Central Darling Shire Council

**Representative’s Name**

**Representative’s Name**

\_\_\_\_\_

\_\_\_\_\_

**Position**

**Position**

\_\_\_\_\_

Management System Representative

**Signature**

**Signature**

\_\_\_\_\_

\_\_\_\_\_

**Date**

**Date**

\_\_\_\_\_

\_\_\_\_\_

# **CENTRAL DARLING Development Control Plan 2024**

January 2024

**Central Darling Shire  
Council**

**Central Darling  
Development Control Plan  
2024**

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## Central Darling Development Control Plan 2024

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### Chapter 1: Introduction

#### 1.1. Name of Plan

This plan is known as Central Darling Development Control Plan 2024

#### 1.2. Land to which this plan applies.

This plan applies to all land within the Central Darling Shire Council Local Government Area

#### 1.3. Date of Commencement

This plan was adopted by Council on February March or April 2024

Subsequent amendments have occurred as described in the Schedule of Amendments in the following table.

Amendment Number	Nature of Amendment	Adopted by Council	Date it became Effective
1	xxxx	xxx	xxx

#### 1.4. Relationship to other plans and policies

This plan is under the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*, and the *Central Darling Local Environmental Plan 2012*.

#### 1.5. Aims of this Plan

The aims of this plan are as follows:

- Define development standards and controls to achieve the outcomes desired by the community of Central Darling Shire Council local government area.
- Provide clear and concise development guidelines for various forms of development.
- Encourage innovation in design and development by the provision of clearly stated development controls and standards.
- Provide certainty of development outcomes for applicants and the community.
- Provide development controls in relation to flood control lots subject to flooding from the Darling Baaka River.

#### 1.6. Definitions

Definitions used in this DCP are derived from and are included in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*, and the *Central Darling Local Environmental Plan 2012*.

### Chapter 2: Information Requirements

#### 2.1. Introduction

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Central Darling  
Shire Council 2024

## Central Darling Development Control Plan 2024

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This section of the DCP outlines the matters that have to be submitted with the Development Application.

### State Environmental Planning Policy (Sustainable Buildings) 2022

A BASIX certificate must be submitted with the application for all development as required by State Environmental Planning Policy (Sustainable Buildings 2022).

## 2.2. Statement of Environmental Effects

A Statement of Environmental Effects is required to be lodged with all Development applications through the NSW Planning Portal at <https://apps.planningportal.nsw.gov.au>. All development applications must meet the development standards outlined in this development control plan.

## 2.3. Plans and Reports

### 2.1.1. Site Plans

A detailed site plan is required with all applications for residential development. In preparing this plan, an analysis of the range of environmental factors that will influence the proposed development is required. These factors may be both internal and external to the site. The level of site analysis varies with the complexity of the project.

For small alterations and additions, a simple plan/diagram outlining key site characteristics, such as: -

- Refer to the registered survey drawing (by a registered land surveyor).
- North point.
- Location and size of any other buildings or structures on the subject lot:
- Location of trees, boundaries, buildings and streets.
- Location of sewer and water lines and septic.
- Location of any drainage line or natural waterways.
- Location of any easements.

### 2.1.2. Site location Plans / Floor Plans / Elevations / Sections / construction or engineering details.

Detailed floorplans and elevation along with sections of the building are to be supplied drawn to scale 1:1000, 1:500, 1:200 for site / location plans.

For Floor plans elevations and sections drawn to scale – 1:100, 1:50, 1:20 as required.

For details – construction and structural drawings – 1:20 or 1:10.

### 2.1.3. Landscape Plans

A landscape plan is to accompany all development applications which involve residential, commercial, tourist or industrial buildings.

## 2.4. Potential Site Contamination

A statement must be included providing a history of the site to ascertain if it is potentially contaminated.

## 2.5. Development Notification

### 2.5.1. Development that must be notified

All development applications that involve alteration to the external configuration of a building, the erection of a new building, or variation to an adopted building line are to be exhibited or notified to adjoining landowners and the community upon the Central Darling Shire Council website.

The types of development that will be exhibited or notified comprise:

- Single storey dwelling house.

## Central Darling Development Control Plan 2024

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- Installation of one or more manufactured dwellings,
- Single storey additions to a house.
- Minor dwelling additions such as: open car port, pergola, veranda.
- Private swimming pool.
- Detached garage or shed associated with a dwelling.
- New commercial, tourism or industrial buildings
- Any building on land within RU1 Primary Production,
- Subdivision creating additional lots.
- Commercial or industrial development within a business or industrial zone.
- Farm buildings over 200m
- Rural Industrial development.

Note: Only complying development or exempt development is not exhibited or notified on the Central Darling Shire Council website.

Written notice to adjoining landowners shall contain the following minimum information:

- Real property description and address of the land.
- Applicant's name.
- Description of the proposal for which consent is sought.
- The period in which submissions must be made.
- A notification plans.

### 2.5.2. Development that must be Advertised

The following kinds of development will be advertised:

- All residential development including new buildings, installation of manufactured dwellings, modification or additions to a dwelling,
- New commercial, tourist or industrial or rural industrial development,
- Modification or alterations to commercial, tourist or industrial or rural industrial development,
- Demolition of a building identified as a heritage item in Schedule 5 to the *Central Darling Local Environmental Plan 2012*.
- Use of a heritage item for a purpose prohibited within the zone, as provided for by clause 5.10(10) of the *Central Darling Local Environmental Plan 2012*.
- Major Council projects (not including utility service infrastructure) with a value exceeding \$1,000,000, or likely to be of significant community interest.
- Non-residential uses in or adjacent to the R5 Large Lot Residential, and RU5 Village Land use Zones.
- Subdivisions creating more allotments.
- Within the R5 Large Lot Residential or, RU5 Village Land use Zones, development applications for the purposes of:
  - ⇒ semi-detached dwellings; dual occupancies; attached dwellings; multi dwelling housing; residential flat buildings; seniors housing; hostels; boarding houses; group homes; tourist and visitor accommodation; boarding houses; caravan parks; exhibition homes; exhibition villages.
- Any development identified by Senior Council staff that should be advertised in the public interest.

These developments will be advertised by:

- Notice of the development in a local newspaper, containing the same information as is required to be given in the written notice;
- Written notice of the proposal to be given to all adjoining landowners.
- Period of exhibition to comprise a minimum of 28 days from the date notice is published (plus an additional 7 days of exhibition where the period of exhibition coincides with Public School Holidays, or additional day/s for a Public Holiday).

## Central Darling Development Control Plan 2024

### Chapter 3: Natural Hazards

#### 3.1. Introduction

A number of site constraints and hazards can exist when building in the Shire. These hazards can include bushfire, land slip and flooding.

The aim of this section of the DCP is to: -

- To advise the community of the approach that Council will take in considering development applications for residential development proposals within the Shire on land the subject of natural hazards.
- To ensure that acceptable standards of safety to life and property are applied when Council considers proposals for development on a flood control lot, flood liable and bushfire prone land.
- To ensure that development that is approved in flood liable areas is structurally capable of withstanding the effects of flowing floodwaters including debris and buoyancy forces.
- To ensure that development is not permitted on a flood control lot or flood liable and bushfire prone areas where that development would result in unnecessary risk of life to occupants or rescuers or unwarranted public costs.
- To inform the community of Council's requirements in relation to the development and use of a flood control lot or flood liable and bushfire prone land;
- To encourage development and construction that is compatible with a flood control lot or flood and bushfire hazard control measures.

#### 3.2. Flooding

##### 3.2.1. Flood Affected Land – Land adjacent to the Darling Baaka River

- A significant amount of land along the Darling Baaka River and its tributaries is now mapped as being on flood control lots or flood prone land.
- The *Central Darling Local Environmental Plan 2012* LEP states that land at or below the flood planning level the flooding provisions of the LEP apply. Council has adopted 1:100 ARI flood is the level in the 2023 Flood study report.
- If a development is proposed for land identified as being flood control lots or flood prone land the flood controls of this DCP will apply.
- Development (dwellings or ancillary development or structures) will not be permitted within the 20m setback from the Darling Baaka River edge, in accordance with NSW Water and NSW Environment Guidelines. Areas subject to flood may require a minimum setback of 40m from the Darling/ Baaka River edge.

**3.2.2.** Note: Land adjacent to the Darling Baaka River is Crown Land or land owned by NSW Water. Development is not permitted on Crown Land or the Darling Baaka River.

##### 3.2.3. Access

- Flood free vehicle access is required for all dwellings on a flood control lot.
- For development of existing lots, where flood free vehicle access is not possible, the development must be able to achieve safe wading criteria as specified in Figure L1 of the Floodplain Development Manual.
- Use of Council roads and streets must follow Central Darling Shire Council directions on use of roads during and after flood or rain events, particularly on unsealed roads.

##### 3.2.4. On-site Sewer Management

Onsite sewer management facilities must be sited and designed to withstand flooding conditions (including consideration of structural adequacy, avoidance of inundation, and flushing/leaking into flowing flood waters). Tank and trench style of systems are not permitted on land affected by the Flood Planning Level.

All sewer fixtures must be located above the 1% Flood.

##### 3.2.5. General Development Requirements

- No building or work (including land filling, fencing, excavation) shall be permitted on flood control lots or flood affected land where in the opinion of Council, such building or work will obstruct the movement of floodwater or cause concentration or diversion of floodwaters.
- A development application must be accompanied by a flooding report by a qualified professional that



## Central Darling Development Control Plan 2024

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demonstrates the building or structure can withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate.

- A survey plan prepared by a registered surveyor showing existing ground levels, finished ground levels, finished floor levels, flood levels and location of existing/proposed buildings and safe evacuation path on the site relative to AHD. This survey plan is to have regard to the flood planning level of the 1:100 ARI flood.
- All materials used in construction shall be flood compatible.
- Development must be designed in accordance with the Flood Control manual (on Central Darling shire Council website).

### 3.2.6. Residential Development

- Floor levels of all habitable rooms, or rooms with connection to sewer infrastructure shall not be less than the flood planning level which is 500mm (freeboard) above the level of the highest known flood.
- Upon completion and prior to the occupation (where relevant), a certificate by a registered surveyor showing the finished ground and floor levels conform to approved design levels shall be submitted to Council.
- Additions to existing buildings will only be permitted, with limitations, as follows:
  - ⇒ where the floor level of the proposed addition is located below the flood standard the maximum increase in floor area is not to exceed 10% of the floor area of the existing dwelling; or
  - ⇒ where the floor level of the proposed addition is located above the flood standards the maximum increase in habitable floor space shall not exceed 100m<sup>2</sup>.
- Where additions are below the 500mm “freeboard” (the flood planning level) Council must be satisfied that the addition will not increase risk to inhabitant in the event of a flood.
- Rebuilding part of a dwelling may be permitted provided the building maintains the same dimensions which result in the same impact on flood behaviour.

### 3.2.7. Commercial / Retail / Industrial Development

- Development shall incorporate measures to seal or flood proof buildings, to avoid activities or fittings susceptible to flood damage, or to store the contents of buildings above the flood planning level.

### 3.2.8. Subdivision

- Residential subdivision will not be permitted where any lot to be created will be fully inundated by flood higher than the flood planning level event and the creation of such lot will create the potential for increased intensity of development on flood control lots or flood liable land.

## Central Darling Development Control Plan 2024

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### 3.2.9. Landfilling

- Survey plan prepared by a registered surveyor is required, showing the contour levels of natural surface, any existing fill and the designed contour levels for the finished work.
- A report certified by a consulting engineer is required to detail the impact of the proposed fill on adjoining properties and, where levee banks are proposed, and the methods of internal drainage.
- Applications shall be accompanied by a construction management plan to show.
  - ⇒ source of fill, including contamination assessment
  - ⇒ an assessment of the impact of haulage vehicles on roads
  - ⇒ precondition report of all haulage routes
  - ⇒ details of method of compaction of fill and associated impacts: control of dust, sedimentation, water quality impacts, noise and vibration
  - ⇒ contingency for containment of fill in the event of a flood during placement.

### 3.2.10. Non-residential rural buildings

- Not permitted in “floodway’s”.
- Floor areas shall be located above the flood planning level.

Definitions are as per the Floodplain Development Manual (NSW Government)

### 3.3. Bushfire

The publication *Planning for Bushfire Protection* was developed by the NSW Rural Fire Service in collaboration with the Department of Planning. This Guideline provides the necessary planning considerations when developing areas for residential use in residential, rural residential, rural and urban areas when development sites are in close proximity to areas likely to be affected by bushfire events. This document is adopted for the purposes of this DCP and is available from the Rural Fire Service website [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au).

All development in land identified as being Bushfire prone land must be in accordance with the requirements of the *Environmental Planning and Assessment Act, 1979* and “Planning for Bushfire Protection”. Council requires a report by a professional person qualified to issue are report on development within a bushfire affected area.

- That all residential development located within identified high bushfire risk areas is in accordance with the recommendations of publication “Planning for Bushfire Protection”.

#### 3.3.2. Council recommends.

- Prior to the submission of a development application for residential development, contact should be made with Council to ascertain whether or not the proposed development will be located within a high-risk bushfire area;
- Where the development is located within a high-risk bushfire area, preliminary discussions should be convened with the NSW Rural Fire Service to ascertain the Department’s likely requirements;
- Prior to the submission of a development application for residential development, contact should be made with Council to ascertain whether a threatened species (flora & fauna) assessment is required.

## Central Darling Development Control Plan 2024

### Chapter 4: Development Types

#### 4.1. Introduction

This chapter provides controls for all of the development types that are anticipated within the Shire. These include the following:

- Housing (including dual occupancy and multi-unit development – more than 2 dwellings per lot)
- Manufactured dwellings
- Land Subdivision
- Industrial
- Commercial
- Tourism
- Community and public buildings
- Intensive livestock
- Intensive plant agriculture

#### 4.2. Objectives

- To ensure that all development is compatible with the surrounding development.
- To ensure that development does not impact on the surrounding development by way of overshadowing or privacy.
- To ensure that development has adequate access to services and utility infrastructure.

#### 4.3. General Housing and Ancillary Structures

##### 4.3.1. Building Setbacks

The building setbacks are related to the RU5 village zone and R5 large lot residential zone in the Central Darling Local Environmental Plan. They are set out in the following table.

Zone	Street Frontage	Side / Rear Boundary	Outbuildings	
			Size	Cumulative Outbuildings
Primary Production (RU1)	20 m	10m	Not specified	
Village (RU5)	4.5 m	1.5m side boundary 4.5m rear boundary	50 m <sup>2</sup>	100 m <sup>2</sup>
Large Lot Residential (R5) 2 ha	6 m	Side boundary 2m. rear boundary 6m	100 m <sup>2</sup>	100 m <sup>2</sup>

**Central Darling Development Control Plan 2024**

**4.3.2. Design**

- The front façade of a residential dwelling/ manufactured dwelling must have a front door and window facing the primary street frontage. The garage and or carport must be set back at least 1m behind the front building line (RU5 Village zone - building line is the mandatory front setback i.e. at least 6m from the front boundary line).

**4.3.3. Building Height**

Measured from natural ground level to:

- Topmost roof ridge: maximum 8.5m.

**4.3.4. Utilities**

- Buildings and structures are to be located 1.5m clear of utility infrastructure.
- For sewer mains, structures are to be located a minimum of one and half metres or the equivalent invert depth, whichever is greater, from the centreline of the main.
- Stormwater runoff must not exceed infrastructure capacity.

**4.3.5. Site Coverage**

The maximum site coverage for all buildings is set out in the following table.

Zone	Cumulative site Coverage
Primary Production (RU1)	Not Specified
Village (RU5)	60%
Large Lot Residential (R5) 2 ha	30%

**4.3.6. Solar Access**

- Two storey development >2m from the boundary does not require a shadow diagram or notification.
- Two storey dwellings <2m from the boundary shall ensure habitable rooms of adjoining dwellings and major part of their landscaped open space to retain a minimum of 4hrs sunlight between 9am-3pm on 21st June (winter solstice).

**4.3.7. Privacy**

- Single storey development must be set back at least 1.5m from side boundary and must not louvres to enable privacy for the adjoining dwelling.
- Development of more than one storey require privacy louvres to restrict overlooking of adjoining dwellings.

**4.3.8. Parking**

- Provision for parking of two vehicles at least 1m behind the front building line either in a garage or carport of parking hardstand must be provided upon the lot.

## Central Darling Development Control Plan 2024

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### 4.3.9. Access

- All weather vehicular access is required for all new or altered dwellings.

### 4.3.10. Fencing

- Street fencing shall be open or combination of open panels and masonry columns to a maximum height of 1.2 metres above ground level existing, for front fences and fences to the front building line.
- All side and rear fences maximum height of 1.8 m above ground level existing, behind the front building line.
- Where a street fence is proposed, the section of side boundary fencing located in front of the front building line shall be open or combination of open panels and masonry columns to match front fence with a maximum height of 1.2m above ground level existing.
- Street fencing details are required with DA for dwelling.
- no barb wire on front or side fence is permitted.
- For corner lots the front fence must not obstruct site lines therefore the fence in front of the front building line has a maximum height of 1.2m above ground level existing.

### 4.3.11. Outbuildings and Detached Garages and car ports.

- Not within front building line (must be located minimum 1m behind front building line or 6m from front boundary lot line).
- Not in front of main dwelling, must be located at least 1m behind the front building line (6m +1m from front building line for RU5 Village zone).
- Maximum height of 6m to peak of roof or not greater than the maximum roof ridge of dwelling house.

### 4.3.12. Temporary Workers Accommodation during dwelling construction

- Permitted in Village (RU5) zones. This applies to the Primary Production RU1 Zone
- Written evidence that finance is available for erection of the proposed permanent dwelling within a period not exceeding 12 months.
- Maximum period of occupation is 12 months.
- Cannot be situated in front of the proposed dwelling.
- Footings of the main dwelling must be constructed and inspected before occupation of the temporary accommodation.
- Occupation of the temporary accommodation by the owner and immediate family only

### 4.3.13. Relocated Dwellings

- Dwelling not to be moved onto site before development consent issued and no work is to commence on the erection of the dwelling until the Construction Certificate is approved by Council or the Principal Certifying Authority.
- The DA must include:
  - ⇒ A comprehensive report prepared by an accredited Building Surveyor or Structural Engineer certifying the soundness of the building; and
  - ⇒ Photographic evidence of the dwelling supported by a description of its condition.

### 4.3.14. Pools

- Must be located in the rear yard.
- Must comply with the requirements under the swimming pool act with accompanying statutory pool fencing and childproof gates.
- Any associated retaining walls or decks are not to exceed 1.0 metres above natural surface level.

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- Pool pump enclosure must have a sound-proof enclosure.

**4.3.15. Water tanks**

- Located behind the street setback of the existing dwelling.
- Maximum height of 3.2 metres
- Suitably screened where visible from a public place or street

**4.3.16. Car Ports**

- Must be located 1m behind the front building line of the dwelling (at least 7m from front boundary line).

**4.4. Residential Dual Occupancy**

**4.4.1. Building Setbacks**

The building setbacks are set out in the following table.

Zone	Single Storey			2 Storeys		
	Street Frontage	Side Boundary	Rear boundary	Street Frontage	Side Boundary	Rear boundary
Village (RU5)	4.5 m	1.5 m	4.5m	6m	2m	6m
Large Lot Residential (R5)	6 m	2m	6m	6 m	2m	6m

- Setback for a secondary frontage/ corner lot minimum of 2m setback.
- A side boundary wall of a residential dwelling must contain windows and opening for at least 30% and the maximum length of an unbroken wall is 10m.

**4.4.2. Maximum site coverage of all development**

- The site coverage of a new dwelling house and all ancillary development on a lot in Zone RU5 must not be more than 60% or R5 large lot residential that has an area of less than 4,000m<sup>2</sup> must not be more than 30 per cent.
- **Maximum floor area for new dwelling houses**
- The floor area of a new dwelling house on a lot in Zone RU5 Village zone must not be more than 300 m<sup>2</sup> or R5large lot residential that has an area of less than 4,000m<sup>2</sup> must not be more than 430m<sup>2</sup>.
- **Maximum floor area for new outbuildings**
- The floor area of a new outbuilding on a lot in Zone RU5 Village zone 50 m<sup>2</sup>, or R5 Large Lot residential zone that has an area of less than 4,000m<sup>2</sup> must not be more than the following—
- (a) 500m<sup>2</sup>, if the only purpose of the outbuilding is for agricultural use,
- (b) 100m<sup>2</sup>, in any other case.
- **Setbacks and maximum floor area for balconies, decks, patios, terraces and verandahs**
- (1) The total floor area of all balconies, decks, patios, terraces and verandahs on a lot must not be more than 12m<sup>2</sup> if—
- (a) any part of the structure is within 6m from a side or the rear boundary, and
- (b) the structure has any point of its finished floor level more than 2m above ground level (existing).
- (2) A balcony, deck, patio, terrace or veranda must not have any point of its finished floor level—
- (a) if it is located within 3m of a side or the rear boundary—more than 2m above ground level (existing), or

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- (b) if it is located more than 3m but not more than 6m from a side or the rear boundary—more than 3m above ground level (existing), or
- (c) if it is located more than 6m from a side or the rear boundary—more than 4m above ground level (existing).
- (3) Any detached balcony, deck, patio, terrace or verandah (including any alterations or additions to the detached balcony, deck, patio, terrace or verandah) must not have a floor level that is more than 600mm above ground level (existing).
- (4) This clause does not apply to a balcony, deck, patio, terrace or verandah that is located on the front elevation of a dwelling house unless the dwelling house is located on a battle-axe lot.

**4.4.3. Design**

- For corner lots, dwellings shall be designed to present to and have vehicle access from alternate frontages, unless one street is a collector road or greater, where both shall be accessed from the lesser street classification.

**4.4.4. Building Height**

Measured from natural ground level to:

- 8.5 m above ground level existing for the maximum ridge point of the dwelling.
- Basements are permitted if 2/3 of the floor to ceiling height of the basement is excavated below existing ground level.
- Note: basements are not permitted on flood control lots as identified in the Central Darling flood mapping.

**4.4.5. Utilities**

- Buildings and structures are to be located not less than 2m clear of utility infrastructure.
- For sewer mains, structures are to be located a minimum of two metres or the equivalent invert depth, whichever is greater, from the centreline of the main.
- Stormwater runoff must not exceed infrastructure capacity.

**4.4.6. Site Coverage**

- Residential zones: Maximum site coverage of 75% (includes all hardstand areas).

**4.4.7. Solar Access**

- Two storey development >2m from the boundary does not require a shadow diagram or notification.
- Two storey dwellings <2m from the boundary shall ensure habitable rooms of adjoining dwellings and major part of their landscaped open space to retain a minimum of 4hrs sunlight between 9am-3pm on 21st June (winter solstice).

**4.4.8. Privacy**

- Development of more than one storey must locate and size windows to habitable rooms to avoid facing onto windows, balconies or courtyards of adjoining dwellings.

**4.4.9. Parking**

Parking is to meet the requirements set out in the following table:

Number of beds in each dwelling	Parking spaces per dwelling
1	1
2	1
3	2
4 or more	2

- Rooms capable of occupation as a bedroom (eg study) are treated as a bedroom for the purpose of calculating parking requirements.

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- 1 visitor space must be provided onsite where on-street parking within the property’s street frontage is not available.

**4.4.10. Access**

- All weather 2WD access is required to the dwelling.
- Dimensions to meet Australian Standard AS2890.1 Parking Facilities.
- All parking and manoeuvring areas to be hardstand (pavers or concrete).
- Onsite turning areas must be provided onsite where fronting a major road.

**4.4.11. Landscaping**

- Minimum of 50m2 of landscaping for each dwelling

**4.4.12. Private Open Space**

- Private open space must be provided in accordance with the following table in relation to its position relative to the dwelling for solar access.

Private Open Space Location	Minimum Amount	Minimum Dimension
North	16 m <sup>2</sup>	4 m x 4 m
East	16 m <sup>2</sup>	4 m x 4 m
South	16 m <sup>2</sup>	4 m x 4 m
West	16 m <sup>2</sup>	4 m x 4 m

- Must be directly accessible from a living area.
- Area calculation does not contain intrusions such as drying areas, electricity substation, water tanks, hot water systems, retaining walls.

**4.4.13. Fencing**

- Street fencing shall be open or combination of open panels and masonry columns to a maximum height of 1.8 metres.
- Where a street fence is proposed, the section of side boundary fencing located in front of the building setback shall be open or combination of open panels and masonry columns to match front fence.
- Street fencing details are required with DA for dwelling.

**4.4.14. Outbuildings and Detached Garages**

- Not within front building line setback.
- Not in front of main dwelling if <4,000m<sup>2</sup> lot.
- Maximum height of 3.2m to eave, 3.6m to peak of roof or match house roof pitch for, Large Lot Residential (R5) or Village (RU5)
- Not specified for Primary Production zone

**4.4.15. Ridgelines**

- Development roofline must not project above the ridgeline where visible from any public road or place.

**4.4.16. Pools**

- Where visible from a public place or road, details of screening are to be supplied.
- Any associated retaining walls or decks are not to exceed 1.0 metres above natural surface level.
- Pool pump enclosure to be placed greater than 5 metres from a habitable room in a dwelling on adjoining property or within a sound-proof enclosure.

**4.4.17. Water tanks**

- Located behind the street setback of the existing dwelling.



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- Maximum height of 3.2 metres
- Suitably screened where visible from a public place or street

### 4.4.18. Car Ports

- Must be located at least 1m behind the front building line setback.

### 4.4.19. Facilities

- Letterboxes to be provided at the front property boundary in accordance with Australia Post requirements. Strata developments require an additional letter box for the Body Corporate.
- Clothes drying facilities are required to be free of access ways. Clothes lines and hoists shall be located at the rear of development and adequately screened from adjoining roads.

### 4.4.20. Utilities and Services

- Servicing strategy required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale of development.

### 4.4.21. Future Subdivision

- Dual occupancy development must consider potential future subdivision and locate buildings with adequate access to and clearance from utilities.

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**4.5. Residential Multi-Dwelling Development**

**4.5.1. Building Setbacks - greater than 2 dwellings per lot**

The building setbacks are set out in the following table.

Zone	Single Storey		2 Storeys	
	Street Frontage	Side / Rear Boundary	Street Frontage	Side / Rear Boundary
Village (RU5)	4.5 m, 5.5 m to garage	1 m (675 mm <sup>#</sup> ) side boundary (terrace housing does not require side setback from the adjoining dwelling) 4 m rear boundary	4.5 m, 5.5 m to garage	2m side boundary Except for terrace housing which requires no setback. 6 m rear boundary
Large Lot residential (R5)	6 m, 7 m to garage	2 m side boundary (terrace housing does not require side setback from the adjoining dwelling) 6 m rear boundary	6 m, 7 m to garage	3m side boundary Except for terrace housing which requires no setback. 6 m rear boundary

<sup>#</sup> roof eaves, sunhoods, gutters, downpipes, chimney flues, light fittings, electricity and gas metres, and aerials.

- No concession to secondary frontage.

**4.5.2. Density**

- Minimum lot size for a dwelling 300 m<sup>2</sup> in the Village (RU5) Zone (must include area for a holding tank or septic tank)
- Minimum lot size for a dwelling 300 m<sup>2</sup> in the Large lot Residential (R5) Zone (must include area for a holding tank or septic tank)

**4.5.3. Design**

- For corner lots, dwellings be designed to present to and have vehicle access from alternate frontages, unless one street is a collector road or greater, where access shall be obtained from the lesser street classification.
- No continuous section of wall built on a side boundary shall exceed 50% of the length of the boundary up to a maximum of 10m.

**4.5.4. Building Height**

Measured from natural ground level to:

- Topmost ceiling: maximum 8.5m
- Top of the ridge: maximum 10m

**4.5.5. Utilities**

- Buildings and structures are to be located clear of utility infrastructure.
- For sewer mains, structures are to be located a minimum of two metres or the equivalent invert depth, whichever is greater, from the centreline of the main.
- Stormwater runoff must not exceed infrastructure capacity.

**4.5.6. Site Coverage**

- Residential zones: Maximum site coverage of 75% (includes all hardstand areas).

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### 4.5.7. Solar Access

- Shadow diagrams are required for developments of  $\geq 2$  storeys and need to demonstrate habitable rooms of adjoining dwellings and major part of their landscaped open space to retain a minimum of 4hrs sunlight between 9am-3pm on 21st June (winter solstice).

### 4.5.8. Privacy

- Multi-storey development must locate and size windows to habitable rooms to avoid facing onto windows, balconies or courtyards of adjoining dwellings.

### 4.5.9. Parking

Parking is to meet the requirements set out in the following table:

Number of beds in each dwelling	Parking spaces per dwelling	Visitor Spaces
1	1 (enclosed)	1 per 5 dwellings *
2	1 (enclosed)	
3	2 (both enclosed)	1 per 3 dwellings*
4 or more	2 (both enclosed)	1 per 2 dwellings*

\* This is the minimum requirement

- Rooms capable of occupation as a bedroom (eg study) are treated as a bedroom for the purpose of calculating parking requirements.

### 4.5.10. Access

- All weather 2WD access is required to the dwelling.
- Dimensions to meet Australian Standard AS2890.1 Parking Facilities.
- Stack parking is not deemed to satisfy parking requirements.
- • All parking and manoeuvring areas to be hardstand (pavers or concrete).
- Developments requiring 4 or more car spaces are to provide adequate turning dimensions to allow all vehicles to enter and leave the site in a forward direction.

### 4.5.11. Landscaping

- Landscaping shall be provided on the basis of 50m<sup>2</sup> per dwelling for the development site.
- Location and grouping of plant types shall be multi-functional providing privacy, security, shading and recreation functions.
- Landscaping shall comprise only native, drought and frost tolerant species.
- Landscaping shall allow solar access to windows, solar collectors, living areas and drying areas in winter and shade to buildings and outdoor spaces in summer.
- Minimum width of 2m required for all landscaped areas.

### 4.5.12. Private Open Space

- Private open space must be provided in accordance with the following table in relation to its position relative to the dwelling for solar access.

Private Open Space Location	Minimum Amount	Minimum Dimension
North	16 m <sup>2</sup>	4 m x 4 m

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East	16 m <sup>2</sup>	4 m x 4 m
South	16 m <sup>2</sup>	4 m x 4 m
West	16 m <sup>2</sup>	4 m x 4 m

- Must be directly accessible from a living area.
- Area calculation does not contain intrusions such as drying areas, electricity substation, water tanks, hot water systems, retaining walls.

**4.5.13. Outdoor Lighting**

- Must provide certification of compliance with AS4282 Control of Obtrusive Effects of Outdoor Lighting if >10 dwellings proposed.

**4.5.14. Adaptability**

Development of 5 or more units must provide 1 in 5 units capable of conversion to adaptable housing in accordance with AS4299, Class C level.

**4.5.15. Facilities**

- Screened garbage storage required inside front property boundary, at the rear of each unit or within garages. Storage locations to be included in landscape plan.
- Letterboxes provided at the front property boundary in accordance with Australia Post requirements. Strata developments require an additional letter box for the Body Corporate.
- Clothes drying facilities required free of access ways. Clothes lines and hoists shall be located at the rear of development and adequately screened from adjoining roads.

**4.5.16. Utilities and Services**

- Multi- dwellings must provide adequate holding tank or septic tanks for all dwellings on the lot.
- Servicing strategy is required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale of development.

**4.5.17. Storage**

- Must provide a minimum of 5m<sup>3</sup> of dedicated storage area per dwelling in addition to the standard internal storage provision (e.g. wardrobes, kitchen cupboards, pantry, linen press).

**4.5.18. Fencing**

- Street fencing shall be open or combination of open panels and masonry columns to a maximum height of 1.8 metres.
- Where a street fence is proposed, the section of side boundary fencing located in front of the building setback shall be open or combination of open panels and masonry columns to match front fence.
- Street fencing details are required with DA for dwelling.

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### 4.5.19. Outbuildings and Detached Garages

- Not within building setback.
- Not in front of main dwelling if <4,000m<sup>2</sup> lot.
- Maximum height of 3.2m to eave, 3.6m to peak of roof or match house roof pitch for Large Lot Residential (R5) or Village (RU5)

### 4.5.20. Ridgelines

- Development roofline must not project above the ridgeline where visible from any public road or place.

### 4.5.21. Pools

- Where visible from a public place or road, details of screening are to be supplied.
- Any associated retaining walls or decks are not to exceed 1.0 metres above natural surface level.
- Pool pump enclosure to be placed greater than 15 metres from a habitable room in a dwelling on adjoining property or within a sound-proof enclosure.

### 4.5.22. Water tanks

- Located behind the front building line of the new or existing dwelling.
- Maximum height of 3.2 metres
- Suitably screened where visible from a public place or street

## 4.6. Subdivision

### 4.6.1. Lot size

- "Lot size map" and Clause 4.1 of LEP 2012 of the Central Darling LEP 2012 prescribe the minimum lot sizes for all new allotments.
- Minimum lot sizes do not apply to Strata and Community Title Subdivisions.
- Residential lots must be able to accommodate a rectangle suitable for building purposes behind the street setback (note there is no concession to a second street frontage for setbacks).
- Easements are not to encumber more than 10% of the total area of the lot.

### 4.6.2. Servicing Strategy

- All development applications shall provide a servicing strategy (water, sewer, septic tank, stormwater, telecommunications and electricity) to demonstrate that it is feasible for the subdivision to be serviced in accordance with the requirements of Council's Engineering Guidelines for Subdivision and Developments.
- The strategy shall include evidence that the developer has consulted with Council's Manager of Water and Wastewater in relation to the availability and capacity of the existing water and sewer networks consistent with the likely future use of the land.
- For new estates this shall include nomination of a maximum number of equivalent tenements that will be serviced by the infrastructure.

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### 4.6.3. Sewer

- The servicing strategy shall identify the method of providing sewer to the proposed lots in accordance with the Council's Engineering Guidelines for Subdivision and Development.
- Residential lots are to be serviced by gravity sewer. Detail of any lot filling required to achieve minimum grade shall be provided.
- The area within proposed lots shall be capable of being serviced by gravity sewer (unless located within an estate where an alternate sewer or septic tank system is established).
- Reticulated sewer is required where the Lot Size Map specifies a minimum lot size of up to and including 4000m<sup>2</sup>.
- On-site sewer management facilities will be required when developing lots where the Lot Size Map specifies a minimum area of 1 hectare or greater.

### Water

- The Servicing Strategy shall identify the method of providing water to the proposed lots in accordance with the Council's Engineering Guidelines for Subdivision and Development.
- On-site water storage requirements will be applied when future development occurs on lots where the Lot Size Map specifies a minimum area of 20 hectares or greater.

### 4.6.4. Stormwater Drainage

- The servicing strategy shall include consideration of flows up to the 1:100 ARI flood event or existing natural flow, existing developed flow and post developed flow.
- Minor flows are to be piped to a 1:5 ARI flood event.
- Location of major flows are to be defined to a designated overland flow path up to a 1:100 ARI flood event and are to be dedicated as a drainage reserve.
- Measures to control stormwater flow and water quality are required.
- Where drainage is required to the rear of the lot, inter-allotment drainage shall be located in easements in favour of the upstream properties benefitted by the easement.
- Lot layout and easements are to be established so that no future development will rely upon pump-out, infiltration systems or any other method other than connection to the gravity piped system.

### 4.6.5. Telecommunications

- Telecommunications are to be provided underground.

### 4.6.6. Electricity

- For subdivision of land in the Primary Production Zone electricity supply is required and may be overhead.

### 4.6.7. Battle-axe shaped lots

- Minimum area for battle-axe shaped lot is 800m<sup>2</sup> excluding the access handle.

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- Access handles shall be of a minimum width of 4.5 metres, of which 3 metres is to be constructed and sealed with asphaltic concrete or interlocking pavers at the time of subdivision.
- The topography of the site may require installation of kerbing to manage overland stormwater.
- Battle-axe lots must also share a common boundary with a public reserve of at least 15 metres in length.
- Only 1 Torrens title lot is to use battle-axe handle access.

### 4.6.8. Industrial lots

- Industrial lots shall have a minimum street frontage and square width of 24m and an area of 1,000m<sup>2</sup>.
- Industrial subdivision cannot be serviced by cul-de-sac road formation.

### 4.6.9. Road Network Design

- The road hierarchy shall be defined.
- Roads to be all weather sealed 6m wide pavement with table drains and entry culvert.
- Residential subdivision must incorporate appropriate facilities and opportunities for pedestrian and bicycle movement.
- The alignment, width and design standard for all roads shall be in accordance with the expected traffic volume, type of traffic and desired speed in accordance with the Council's Engineering Guidelines for Subdivision and Development.
- Kerb and gutter are required for subdivision where the Lot Size Map specifies a minimum lot size of up to and including 2 ha.
- The road pavement requirement will be determined based on vehicle movements (both current and future) and with consideration to the existing development and character of the locality. Generally, sealed pavement will be required where the Lot Size Map specifies a minimum lot size of up to and including 10 hectares.
- A road within a residential subdivision servicing 15 lots or more must include a constructed pedestrian footpath.
- Subdivision layouts shall make provision for road connection to adjoining undeveloped land.
- Subdivision design shall ensure that individual allotments are within 400 metres walking distance of a collector road.
- Roads to be designed having regard to topographic contours to minimise cut and fill.

### 4.6.10. Culs-de-sac

- Radius of a cul-de-sac bowl in a residential subdivision shall not be less than 12.5 metres.
- The design must accommodate stormwater drainage overland flow paths.
- Alternate cul-de-sac configuration is not permitted, such as "hammerhead" or "Y" shapes.

### 4.6.11. Landscaping

- Subdivision involving new road construction shall include street tree planting of suitable species.
- Landscape plans shall be provided for all dual use drainage reserves to enhance recreational opportunities and visual amenity without compromising drainage function.

### 4.6.12. Site Access

- Public road access is required to all lots.
- Commercial or industrial subdivision shall include provision of a kerb layback which is -
  - ⇒ located at either end of the property frontage.
  - ⇒ not closer than 6m to an intersecting road or break in a traffic island; and
  - ⇒ located so that sight distance is adequate.
  - ⇒ No direct access to arterial or sub-arterial roads shall be permitted where alternatives are available.

### 4.6.13. Lot Orientation

- Where residential subdivision involves a road running north-south, allotments are to be designed to provide solar access for future development.
- Orientation shall minimise potential overshadowing impacts of existing and future buildings.

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### 4.6.14. Open Space

- Open space provision within residential subdivision will be determined compliance with the provisions of the Site-Specific Design Criteria.
- Where required, subdivision design must provide open space achieving the following criteria:
  - ⇒ Minimum area of 0.5ha;
  - ⇒ Buffered from main roads and identified hazards for improved safety.
  - ⇒ Safely accessible by pedestrian and cycleway links.
  - ⇒ Connectivity maximised between open space.
  - ⇒ Walkable access to highest number of the population.
  - ⇒ High passive surveillance opportunities.
  - ⇒ Minimum slope; and
  - ⇒ Provide complimentary uses of open space (drainage, conservation, cycleways etc.) that ensures ongoing usability.

### 4.6.15. Vegetation

- The design shall accommodate the retention of any significant trees and vegetation.

### 4.6.16. Garbage collection

- Road design must accommodate the legal movement of garbage collection vehicles.
- Allotments are to allow for placement of garbage receptacles for collection within the alignment of that lot.
- Temporary turning facilities shall be provided to facilitate garbage collection services.

### 4.6.17. Community Title Subdivision

Community title subdivision must include community facilities that are shared between the residents of the development. It is not appropriate that this form of development be used as an alternative to strata title where the only shared component is a driveway.



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**4.6.18. Contamination**

All subdivision development applications are to include consideration of potential land contamination.

**4.6.19. Road Widths**

Road widths are determined based on the road category, in accordance with the table below.

Road Category	Indicative Traffic Volume (vehicles per day)	Road Width (metres)				
		Road Reserve	Traffic Lane	Parking Lane	Median	Verge (footway)
1. Arterial	> 10,000	34	4 x 3.5	2 x 3.0	1 x 5.0	2 x 4.5
2. Sub-Arterial (divided)	6,000 - 10,000	32	4 x 3.5	2 x 3.0	1 x 5.0	2 x 3.5
3. Distributor	4,000 - 6,000	20	2 x 3.5	2 x 3.0	Nil	2 x 3.5
4. Collector	2,000 - 4,000	20	2 x 3.5	2 x 3.0	Nil	2 x 3.5
5.1 Local Serving > 15 lots	500 - 2,000	18	2 x 3.5	2 x 3.0	Nil	2 x 3.5
5.2 Culs-de-sac and short loops	150 - 500	15	2 x 4.0	Nil	Nil	2 x 3.5
5.3 Minor culs-de-sac	0 - 150	13	1 x 6.0	Nil	Nil	2 x 3.5
5.4 Local Access street (laneway)	0 - 50	13	1 x 6.0	2.5 (parking bays)	Nil	2 x 3.5
6. Industrial	NA	25	2 x 3.5	2 x 5.5	Nil	2 x 3.5

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### 4.7. Industrial Development

#### 4.7.1. Building Setbacks

- Street setback must be a minimum of 5m.
- No concession for secondary frontage.
- Street setback must be landscaped.
- Side and rear setbacks to meet BCA requirements.

#### 4.7.2. Design

- Building elevations to the street frontage or where visible from a public road, reserve, railway or adjoining residential area are to incorporate variations in façade treatments, roof lines and building materials.
- Low scale building elements such as display areas, offices, staff amenities are to be located at the front of premises and constructed in brick or finished concrete.
- Roofing materials should be non-reflective where roof pitch is greater than 17 degrees or not visible from a public road.

#### 4.7.3. Utilities and Services

- Servicing strategy is required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale and nature of development.
- Applications must demonstrate adequate provision for storage and handling of solid wastes.
- Trade Waste Application and facilities are required where liquid wastes (excluding domestic waste from a hand wash basin, shower, bath or toilet) are to be discharged to Council's sewerage system.
- Onsite stormwater capture and reuse shall be provided for maintenance of landscaping. Storage tanks shall be appropriately located and screened.
- Buildings and structures are to be located clear of utility infrastructure.
- For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of the main.

#### 4.7.4. Landscaping

- Landscaping is required:
  - ⇒ in the front 5m of street setback;
  - ⇒ side and rear setbacks where visible from public place or adjoining residential area; and
  - ⇒ areas adjacent to building entrances and customer access points.
- Landscaping or shade structures shall be provided in outdoor car parking areas where >10 spaces are required, to provide shading and soften the visual impact of large hard surfaces.
- Landscaping shall comprise only low maintenance, drought and frost tolerant species.

#### 4.7.5. Fencing

- Open work or storage areas visible from a public place or street must be fenced by masonry materials or pre-coloured metal cladding of minimum 2m height. Fencing to be located behind the building setback.
- Security fencing must be also located behind the building setback area except when of a decorative nature to be integrated in the landscaped area.

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### 4.7.6. Traffic and Access

- The Traffic Assessment is required to demonstrate the adequacy of:
  - ⇒ road network,
  - ⇒ site access,
  - ⇒ loading/unloading facilities, and
  - ⇒ safe on-site manoeuvring for largest design vehicle
  - ⇒ wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the design vehicle.
- Unsealed vehicle movement areas are not acceptable due to environmental management impacts.
- All vehicles must be able to enter and exit the site in forward direction.
- Site access not permitted:
  - ⇒ Close to traffic signals, intersection or roundabouts with inadequate sight distances;
  - ⇒ Opposite other large developments without a median island;
  - ⇒ Where there is heavy and constant pedestrian movement on the footpath;
  - ⇒ Where right turning traffic entering the site may obstruct through traffic.
- Separate signposted entrance and exit driveways are required for developments requiring more than 50 parking spaces or where development generates a high turnover of traffic.
- The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.
- Driveways must be provided in accordance with Australian Standard AS2890.1 Parking Facilities.

### 4.7.7. Parking

The parking requirements are set out in the following table.

Land Use	Parking Requirement
Industrial retail	1 space per 45m <sup>2</sup> GFA
Industrial	1 space per 75m <sup>2</sup> GFA or 1 space per 2 employees. Whichever is Greater
Transport / Truck Depot	space for each vehicle present at peak time onsite and driver parking
Vehicle Body Repair Workshop or Repair Station	1 per 40m <sup>2</sup> GFA or 3 spaces per workshop bay. Whichever is Greater
Warehouses	1 space per 300m <sup>2</sup> GFA or 1 space per employee. Whichever is Greater
Other	Based on predicted

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peak vehicle use

- A Portion of customer parking to be provided convenient to the public entrance.

**4.7.8. Loading / unloading Facilities**

- Adequate space and facilities are required to be provided wholly within the site.
- Loading and delivery bays must be designed to allow vehicles to enter and exit the site in a forward direction.
- Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage and be linemarked and signposted.

**4.7.9. Outdoor Signage**

- Single occupant industrial site:
  - ⇒ one free standing advertisement within the 5m landscaped setback; and
  - ⇒ one advertisement integrated within the facade of the building, but no higher than the building roof line.
- Multiple unit industrial site:
  - ⇒ one index board near site entrance or within the 5m landscaped setback; and
  - ⇒ one advertisement integrated within the facade of each unit, but no higher than the building roof line.
- Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.

**4.7.10. Outdoor lighting**

- Must comply with Australian Standard AS4282 Control of Obtrusive Effects of Outdoor Lighting.

**4.7.11. Noise**

- Windows, doors and other wall openings shall be arranged to minimise noise impacts on residences where proposed within 400m of a residential zone.
- External plant (generators, air conditioning plant etc.) shall be enclosed to minimise noise nuisance where adjoining residential area.

**4.8. Commercial & Retail Development**

**4.8.1. Building Setbacks**

- No minimum setbacks are specified.
- Side and rear setbacks must meet BCA requirements.

**4.8.2. Height**

No height restrictions.

**4.8.3. Outdoor Lighting**

- Demonstrate compliance with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.

**4.8.4. Outdoor Signage**

- A single business premises is permitted to have:
  - ⇒ one under awning sign,
  - ⇒ one top hamper sign, and

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- ⇒ one fascia sign,
- ⇒ that do not project above or beyond that to which it is attached. One of which may be illuminated, but not flashing, moving or floodlit.
- Design and location of signage must be shown on plans with DA.
- Where there is potential for light spill from signage to adjoining properties, all illuminated signage shall be fitted with a timer switch to dim or turn off the light by 11pm each night.
- Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.

### 4.8.5. Design

- Building facades shall be articulated by use of colour, arrangement of elements or by varying materials.
- Large expansive blank walls not permitted unless abutting a building on an adjoining allotment.
- Plans must show the location of all external infrastructure (including air conditioning units, plant rooms, ducting) and demonstrate how it will be screened from view from a public place or road.
- Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as landmark feature of the street.

### 4.8.6. Post supported verandahs and balconies

- Set back a minimum of 600 mm from the back of the kerb.
- Must complement the style, materials and character of the building being altered.
- Public liability insurance to Council requirements, and a Council license is required for verandah or balcony awning over the public footpath.
- Not to interfere with operation of or access to utility infrastructure.

### 4.8.7. Utilities and Services

- Servicing strategy required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale and nature of development. Evidence of consultation with the Council is to be provided.
- Applications must demonstrate adequate provision for storage and handling of solid wastes.
- Trade Waste Application and facilities are required where liquid wastes (excluding domestic waste from a hand wash basin, shower, bath or toilet) are to be discharged to Council's sewerage system.
- Buildings and structures are to be located clear of utility infrastructure.
- For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of the main. See Council Policy "Excavating/Filling or Building Adjacent to or Over Existing Sewer Mains" for further detail.

### 4.8.8. Traffic and Access

- All vehicles must be able to enter and exit the site in a forward direction.
- Design must demonstrate no conflict between pedestrian, customer vehicles and delivery vehicles.

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- Wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the design vehicle.
- Unsealed vehicle movement areas are not acceptable due to environmental management impacts.
- Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage and be linemarked and signposted.
- Site access not permitted:
  - ⇒ Close to traffic signals, intersection or roundabouts with inadequate sight distances;
  - ⇒ Opposite other large developments without a median island;
  - ⇒ Where there is heavy and constant pedestrian movement on the footpath;
  - ⇒ Where right turning traffic entering the site may obstruct through traffic.
- Separate, signposted entrance and exit driveways are required for developments requiring more than 50 parking spaces or where development generates a high turnover of traffic.
- The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.
- Driveways must be provided in accordance with AS 2890.1 Parking Facilities

**4.8.9. Parking**

Land Use	Parking Requirements
Bulky Goods	1 space per 45 m <sup>2</sup> GFA
Business	1 space per 25 m <sup>2</sup> GFA
Brothels	1 space per staff working at any one time plus 1 space per room where sexual services are provided
Childcare Centre	1 space per every 5 children (based on maximum allowed)
Drive-in takeaway food shop	1 space per 8.5 m <sup>2</sup> GFA plus 1 space per 3 seats
Health Consulting Rooms	3 spaces per practitioner plus 1 space per employee
Hotel	1 space per hotel unit plus 1 space per 3.5 m <sup>2</sup> licensed public floor area
Major Retail Premises	Refer to RTA Guidelines
Medical Centres	1 space per 25 m <sup>2</sup> GFA or 3 spaces per practitioner plus 1 space per employee whichever is greater
Motel	1 space per accommodation unit plus 1 space per 2 employees
Restricted Premises	1 space per 23 m <sup>2</sup> GFA (leasable)
Retail Premises shops < 1,000 m GFA	1 space per 25 m <sup>2</sup> GFA
Retail Premises shops > 1,000 m GFA	2 spaces per 16 m <sup>2</sup> GFA
Retail Premises video	3 spaces per 16 m <sup>2</sup> GFA

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NB. Other land use requirements are provided in Parking Schedule of the Discretionary Development Standards

### 4.8.10. Brothels and Restricted Premises

- Must be located at least 150m from any of the following:
  - ⇒ Existing dwelling;
  - ⇒ Residential zone;
  - ⇒ Place of worship;
  - ⇒ Any place designated for and utilised by children (e.g. childcare centre, community facility, educational establishment, entertainment facility, recreation area/facility);
  - ⇒ Any other sex services premises.

### 4.8.11. Landscaping

- Landscaping or shade structures shall be provided in outdoor car parking areas where >10 spaces are required, to provide shading and soften the visual impact of large hard surfaces.
- Edging to be provided to retain mulch and protect the landscaping from damage from vehicles.
- Landscaping shall comprise only low maintenance, drought and frost tolerant species.

## 4.9. Heritage

### 4.9.1. Heritage Items

There are a number of buildings and sites within the Shire which have heritage significance. They are listed in the heritage schedule of the *Central Darling LEP 2012*.

The following objectives are in the *Central Darling LEP 2012* and are repeated here to provide context to the issue:

- (a) to conserve the environmental heritage of Central Darling Shire Council, and*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

When carrying out development on the same lot as a heritage item or on lots in the vicinity, it is necessary to carry out an assessment of the impact of the development on the heritage item.

### 4.9.2. Subdivision

- Subdivision proposals must be consistent with the prevailing subdivision pattern.
- Subdivision of a property containing a heritage item must:
  - ⇒ o Maintain existing building curtilage;
  - ⇒ o Provide for outbuildings and garaging; and
  - ⇒ o Ensure significant landscape features and vegetation are retained.

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### 4.9.3. Alterations and/or additions to existing heritage items

- Destruction of important elements such as chimneys, windows and gables will not be permitted.
- Original details such as panelling, ceilings, skirtings, architraves or remaining door and window furniture, must be retained.
- Fire safety upgrading of buildings must be undertaken in accordance with the NSW Heritage Office manual titled "Heritage on Fire".
- In relation to siting of alterations and additions, the following criteria apply –
  - ⇒ Basement additions are not permitted at the front elevation
- Extensions or alterations to heritage items should not project beyond the front building line.
- Side additions should not compromise the ability for driveway access to the rear of the block
- Front and side setbacks should be typical of the spacing between buildings located in the vicinity of the new development.
- Extensions or additions to a building on a heritage listed site must only occur at the rear of the existing building or where not visible from the street.
- In relation to roofing -
  - ⇒ Original roof material must be matched in material and colour.
  - ⇒ Skillion roofs of additions must be pitched rather than flat and should be of a depth which is secondary to that of the main building.
  - ⇒ Roof pitch of additions must match existing.
  - ⇒ Roofing must maintain the scale and massing of the existing roof form.
  - ⇒ All roof openings must be located on the rear pitch of the roof and not be visible from the street.
- In relation to size and scale -
  - ⇒ Building bulk and large expanses of solid masonry should be avoided through the use of recesses, bays, vertical elements and/or the use of additional surface treatments/materials.
- In relation to materials and colours -
  - ⇒ Extensions or alterations must retain existing materials and finishes and use compatible materials for new work.
- New face brickwork should match the existing brick in colour and texture, and type of jointing and mortar colour.
  - ⇒ Unpainted face brick or stone must remain unpainted and unrendered.
- Original timber windows must be retained, repaired or reconstructed in existing buildings. New doors and windows must be of materials consistent with the existing building.
- Colour schemes must match the period of the building.
  - Mock historical details must not be applied

### 4.9.4. Change of Use of a Heritage Item

- Adaptive reuse of a building must:
  - ⇒ Retain all significant fabric of the heritage listed building.
  - ⇒ Retain the general appearance of the building so that its original role can be readily interpreted

### 4.9.5. Fencing of Heritage Items

- Original fences must be retained and maintained unless they are beyond repair.
- Fences must be of a scale comparable with the street and the building.



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- Front fences must be of materials characteristic to the surrounding area, particular to the street and suitable to the era of the house. Examples include timber picket, low masonry, palisade and hedges.
- Plain or colour treated metal fences are not permitted on any street frontage or side boundary in front of the street setback or heritage item.

### 4.9.6. New Development

- Design shall give consideration to the following -
  - ⇒ New development must have a hipped or gabled roof without unnecessary secondary projections.
  - ⇒ New development must use materials which are consistent with the overall character of the streetscape, as defined by reference to the original older buildings in the immediate locality.
  - ⇒ Openings in visible frontages must retain a similar ratio of solid to void as to that established by the original older buildings.
  - ⇒ If a large area of glass is required, vertical mullions must be used to suggest vertical orientation. A large window could also be set out from the wall to form a simple square bay window making it a contributory design element rather than a void.
- The quality and quantity of existing street front garden landscaping must be maintained.
- Siting of new development shall give consideration to the following -
  - ⇒ New development must be aligned to the predominant building line and must provide for the retention of curtilages around heritage buildings.
  - ⇒ Where there is no identifiable setback pattern, new buildings should be setback at the same distance from the street as the adjoining properties.
  - ⇒ New development must be sited behind the building line of any adjoining heritage item.
  - ⇒ Development patterns such as subdivision layout, setbacks and spaces between buildings should be maintained.
  - ⇒ Size and scale of new development must be consistent with surrounding buildings in terms of the average predominant height, size and proportions.
- Selection of materials should include consideration of the following -
  - ⇒ Bricks of mixed colours (mottled) and textured 'sandstock' bricks are not permitted.
- Building bulk and large expanses of solid masonry must be avoided through the use of recesses, bays, vertical elements and/or the use of additional surface treatments/materials.
- Corrugated galvanized iron (or zinalume finish) is a most appropriate roofing material for new buildings in historic areas.

### 4.9.7. New Ancillary Structures

- Any ancillary structures (e.g. carport, garage, shed) must:
  - ⇒ not be located between the main dwelling front building line and the street frontage;
  - ⇒ be no greater than one storey with an attic;
  - ⇒ must be constructed of materials complementary to the main dwelling;
  - ⇒ be located between the rear of the dwelling and the rear boundary.
- Garages must:
  - ⇒ have simple rectangular plans;
  - ⇒ have doors restricted to single car width;

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- ⇒ have a roof form which is gabled or hipped with roof pitch equal or less than that of the main dwelling;
- ⇒ be detached from the existing house;
- ⇒ be set to the rear of the dwelling;
- ⇒ constructed of materials of simple character i.e. weatherboards, vertical shiplap boards and corrugated metal roof sheeting;
- Carports must:
  - ⇒ be of timber frame construction. Standard steel frame carports and garages are not appropriate;
  - ⇒ have a roof pitch slightly lower than that of the main building – generally 25 – 30o;
  - ⇒ be detached from the existing house;
  - ⇒ be set to the rear of the dwelling.

**4.10. Animal Boarding or Training Establishment**

**4.10.1. Building Setbacks**

- All following proposed new structures or expansion of existing structures for the purpose of dog kennels, are required to comply with the minimum separation distances outlined below:

Element	Distance
Front building setback	65 m
Side or rear building setback	25 m
All residential zones	300 m
Any dwelling on a neighbouring property	200 m

**4.10.2. Noise**

- Must comply with the Industrial Noise Policy of the Environment Protection Authority and any relevant policy.
- Sound-proofed holding sheds for all distressed animals must be provided.

**4.10.3. Waste and Water Management**

- Must demonstrate that waste can be managed without detriment to the environment.
- Stormwater must be disposed of in a manner that does not interfere with adjoining land uses.
- Stormwater and wastewater generated from the cleaning of structures and yard areas will require treatment to remove pathogens prior to being reused on-site for irrigation purposes.
- Applications are to demonstrate that an adequate water supply (reticulated water, rainwater tanks and surface waters) is available to support the proposed development.
- Applications must not solely rely on reticulated water supply to service the needs of the development and must demonstrate an integrated approach to water management using alternate water sources in conjunction with reticulated water.
- Stormwater drains are to be wide, gently sloping open drains that are well vegetated to minimise erosion potential and facilitate filtering of solid particles contained in the runoff.

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- In addition to the controls above, the following apply to animal boarding and training establishments for the purpose of dog kennels:
  - ⇒ The flooring of kennels must be constructed from concrete to facilitate ease in cleaning and must be a minimum of 75mm thick.
  - ⇒ Concrete flooring must have a graded fall to the front opening and must be serviced by a catchment drain that is integrated into the on-site wastewater management system prior to any reuse on-site.
  - ⇒ Yard areas must be designed to allow cleansing and removal of refuse and must be fully turfed or concreted. Brick, asphalt or earth yard areas are not permitted.

### 4.10.4. Transport and Access

- Internal access roads must be of all-weather design constructed and have turning areas adequate for large articulated vehicles where required.
- The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses.
- The timing and manner of transport activities associated with the development including the frequency, times, routes and number of animal deliveries and pick-ups, feed deliveries and clean-outs must take into consideration the impact on adjoining neighbours.
- Car parking and manoeuvring areas for vehicles must be constructed in accordance with Council's Design Specifications.

### 4.10.5. Landscaping

- Where native vegetation is limited in its capacity to provide visual screening then the following vegetation design controls apply:
  - ⇒ Site boundaries – vegetative screen. Rows of vegetation to be established and maintained
  - ⇒ Site boundaries – vegetative windbreak (where provided). 3 rows of vegetation to be established and maintained
  - ⇒ Around Site Structures Grassed areas are to be kept maintained
  - ⇒ Open Stormwater Drains Grassed areas are to be kept maintained
- All plantings are to be in groups, consist of advanced stock and are to be a minimum of 12m from buildings to allow adequate air movements. In bushfire prone areas, fire retardant species must be utilised and separation from buildings must be consistent with the requirements of Planning for Bushfire Protection.
- The mature height of tall species should be sufficient to intercept a direct line of sight from a neighbouring dwelling or roadway (measured 2m above the natural ground level).
- Landscaping must not impede on any required area for on-site effluent disposal.

## 4.11. Land Forming Development

### 4.11.1. Definition

Land forming development means works associated with agriculture that involve the process of adjusting or altering the natural formation or surface of land, and includes the construction of levees, drains, channels and dams.

### 4.11.2. Consideration of Development

When considering an application for land forming development, it shall take into consideration the following matters:

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- The effect of the development of the potential for wind erosion;
- The effect of the development on the landscape and scenic quality of the land;
- Whether any trees or other vegetation on the land should be preserved;
- The topography of the site and adjoining land, in particular, the level of the land to be developed in relation to the surrounding land;
- The flood liability of the land;
- The likely effect of flooding on adjoining or other land in the locality as a result of the development of the land;
- The risk of soil erosion and other land degradation;
- The loss of important vegetation systems and natural wildlife habitats;
- An estimation of natural peak discharge from the holding for a one in twenty, one in fifty and one in one-hundred-year rainfall pattern (based on Rational Method as set out in "Australian Rainfall and Run-off") or on such other method as the Council may agree to;
- An estimation of peak discharge from the holding for a one in twenty, one in fifty and one in one-hundred-year rainfall pattern after the completion of the development; and
- A whole farm plan indicating the proposed overall irrigation layout pattern including provisions for supply, drainage and on farm storage.

### 4.11.3. Design of Land forming

- The land forming design must be able to:
  - ⇒ Maximise the distance of storm water travel to the discharge point of the holding;
  - ⇒ Maximise time concentration by slowing the rate of stormwater run-off;
  - ⇒ Minimise the volume of overland flow per unit area; and
  - ⇒ Provide buffers such as retention basins and vegetation plots to increase the time of concentration.

### 4.11.4. Plans

The following details are to be included on land forming development plans:

- *Site Plans* are recommended to be a scale to fit on an A3 or A1 sheet and should show existing and proposed lot boundaries, extent of works, features, vegetation, drainage lines, contours, existing buildings, flood prone land, existing and proposed roads, land capability, areas of special significance and any hazard land.
- *Survey Plans* are recommended to be a suitable scale to fit on an A1 or A3 sheet. These plans should indicate detailed locations of all lots and the balance of title, dimensions and areas lots.
- *Detail Plans* are required to show the following:
  - ⇒ Existing vegetation and trees on the land;
  - ⇒ Existing levels and topographical details of the land including contour lines drawn at suitable intervals;
  - ⇒ The natural pattern of rainfall run-off;
  - ⇒ Divert stormwater away from or around critical features such as steep slopes or unstable soil;
  - ⇒ Provide for zero net increase in peak discharge from the holding and direct such discharge to the natural discharge point; and

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- ⇒ Preserve natural drainage lines through the property or make provision for adequate alternative drainage lines.

**4.11.5. Levels**

- All plans should indicate falls for surface run-off. This may be done using ratios of percentage slope, i.e. 1 in 80 or 3%.
- Levels should also be indicated as spot levels or contour lines.
- Where changes of level are being incorporated into the design, both new and existing levels should be shown.

**4.12. Intensive Livestock Agriculture**

**4.12.1. Siting and Setbacks**

- Development for the purposes of intensive livestock agriculture, are required to comply with the minimum buffer’s distances outlined below

	<b>Intensive livestock agriculture (except poultry farms)</b>	<b>Poultry farms</b>
Front building setback	175 m	50 m
Side or rear building setback	150 m	50 m
Dwelling on same property	100 m	50 m
Any dwelling on a neighbouring property	150 m	150 m
All residential zones	500 m	500m

- Development must be in accordance with the “Blue Book” Code of Practice for Animal Care produced by the Department of Primary Industries.
- Sites with a slope greater than 5% must not be used for intensive livestock agriculture.
- Sites that have residual chemicals in the soil such as organochlorides and arsenic must not be used for intensive livestock agriculture.
- Development must be located having regard to the topography and microclimate of the area to ensure concentration of odours cannot occur.

**4.12.2. Noise, odour and dust**

- Where possible, buildings and facilities are to be located out of the line of sight of adjoining neighbours.
- Locate all stationary noise generating machinery within sheds and where practical away from property boundaries.
- Ensure that feed grain is stored in a dry storage area to prevent fermentation.
- Prevent entry of drainage/seepage water into site sheds and storage facilities through the construction of earth contour banks and drainage.
- Feeding troughs and self-feeders must be designed to minimise any spillage that could potentially contribute to odour emissions.
- Appropriately silenced forklifts should be utilised to reduce night noise generation.

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- Noise levels generated must not exceed the requirements of the NSW Industrial Noise Policy (NSW EPA, 2000).
- Industry Best Practice Management measures developed to eliminate or reduce odour are to be employed.
- Where practical, major truck deliveries and produce transport should be scheduled for reasonable hours of the day.
- In addition to the above, the following controls apply to poultry sheds:
  - ⇒ All poultry sheds are to be appropriately cleaned out after every batch.
  - ⇒ Sheds or structures must be adequately ventilated.
  - ⇒ Shed curtains or shutters must be utilised during shed clean outs (to minimise the impact of dust on adjoining land users). As far as practicable, dust generated must stay within property boundaries.
  - ⇒ The type of litter material chose for shed floors must have regard to its propensity to produce dust.

### 4.12.3. Soil and Water Management

- Local drainage patterns are to be maintained and stormwater flows effectively managed.
- Development must incorporate the construction of stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and treat wastewater and run-off.
- Suitable impermeable sedimentation pond structures must be constructed that will not contaminate surface and ground waters.
- Development must provide appropriate methods for the adequate management and handling of litter, manure, composting and removal of dead animals.
- Runoff from feeding pens and site buildings (sealed or compacted) is to be collected in sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm.
- All sedimentation ponds are to be de-sludge to remove build-up of solid effluent when their storage capacity is reduced by more than 25%.
- Loads of litter, manure and feed being transported to the property are to be adequately covered.
- Prompt and safe disposal of feed by-products is to be arranged where recycling is not possible to avoid the harbouring of pests and vermin.
- Diversion banks may need to be constructed to intercept and divert runoff away from manure stockpile and carcass disposal area.
- Runoff from shed roofs, access tracks and hard stands (sealed or compacted) is to be collected and stored on site.

### 4.12.4. Transport and Access

- Internal access roads must be of all-weather design constructed and have turning areas adequate for large articulated vehicles where required.
- The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses.
- The timing and manner of transport activities associated with the development including the frequency, times, routes and number of animal deliveries and pick-ups, feed deliveries and clean-outs must take into consideration the impact on adjoining neighbours.
- Car parking and manoeuvring areas for vehicles must be constructed in accordance with Council's Design Specifications.

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### 4.12.5. Landscaping

- Where native vegetation is limited in its capacity to provide visual screening then the following vegetation design controls apply:
  - ⇒ Site boundaries – vegetative screen. Rows of vegetation to be established and maintained
  - ⇒ Site boundaries – vegetative windbreak (where provided). 3 rows of vegetation to be established and maintained
  - ⇒ Around Site Structures - Grassed areas are to be kept maintained
  - ⇒ Earth dam banks - Grassed areas are to be kept maintained
  - ⇒ Open Stormwater Drains - Grassed areas are to be kept maintained
- Landscaping must incorporate a mixture of trees, shrubs and groundcovers, and where practicable utilise species that are endemic to the Central Darling Shire.
- All plantings are to be in groups, consist of advanced stock and are to be a minimum of 12m from sheds to allow adequate air movements. In bushfire prone areas, fire retardant species must be utilised and separation from buildings must be consistent with the requirements of Planning for Bushfire Protection.
- The mature height of tall species should be sufficient to intercept a direct line of sight from a neighbouring dwelling or roadway (measured 2m above the natural ground level).
- Tree planting must not impede on the available area for on-site effluent disposal.

### 4.13. Intensive Plant Agriculture

#### 4.13.1. Siting and Setbacks

- Development for the purposes of intensive plant agriculture, are required to comply with the minimum buffer’s distances outlined below

	Horticulture (field based)	Controlled environment structures (igloos)	Viticulture
Front building setback	Nil	20 m	40 m
Side or rear building setback	Nil	20 m	40 m
All residential zones	200 m	200 m	200 m
Dwelling on same property	20 m	20 m	20 m
Any other dwelling	50 m	50 m	50 m

- Development for the purposes of intensive plant agriculture must accommodate future expansion of the farm while maintaining recommended buffer distances.
- Must not be located on visually prominent locations such as ridgelines and highly exposed areas.
- Must, where possible, be sited in locations that maximise opportunities for cooperative packing and labour pooling.
- Must, where practical, be sited in locations that minimise impact to the amenity of surrounding land uses.
- Sites with a slope greater than 5% must not be used for intensive plant agriculture, other than for the purposes of viticulture, which may be located on slopes up to 20%.

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- Sites that have residual chemicals in the soil such as organochlorides and arsenic must not be used for intensive plant agriculture.

### 4.13.2. Controlled Environment Structures

- All controlled environment structures, including covering materials, are to be kept well maintained and in good condition.
- The orientation of controlled environment structures must be determined in accordance with the direction of prevailing winds to take advantage of cooling summer breezes.
- Where possible, controlled environment structures are to be a minimum of 4 metres in height to encourage adequate ventilation, provide optimal growing environment and increase the overall efficiency.
- Development must include the planting and maintenance of vegetative screens and windbreaks.
- Controlled environment horticulture structures are to be raised to facilitate the drainage of stormwater away from structures.

### 4.13.3. Noise and Odour

- Where possible, site building and facilities are to be located out of the line of visual impact of neighbouring dwellings.
- Ensure that feed grain is stored in a dry storage area to prevent fermentation.
- Prevent entry of drainage/seepage water into site sheds and storage facilities through the construction of earth contour banks and drainage.
- Appropriately silenced forklifts should be utilised to reduce night noise generation.
- Noise levels generated must not exceed the requirements of the NSW Industrial Noise Policy (NSW EPA, 2000).
- Where practical, major truck deliveries and produce transport should be scheduled for reasonable hours of the day. Council acknowledges that farmers need to access markets early in the morning therefore requiring nighttime vehicle movements.
- Locate all stationary noise generating machinery within sheds and where practical away from property boundaries.

### 4.13.4. Soil, Waste and Water Management

- Intensive plant or horticultural operations are to incorporate grassed inter-row areas or cover crops between production areas crop rows in order to:
  - ⇒ reduce erosion potential,
  - ⇒ improve soil organic matter,
  - ⇒ provide trafficable areas in wet weather,
  - ⇒ act as biological filters for water run-off, and
  - ⇒ reduce pest and disease levels.
- The existing soil moisture content must be assessed prior to undertaking any cultivation practices to avoid damage to the soil structure from cultivating when too dry or moist.
- Cultivation between crop rows must be minimised and only undertaken for moisture retention and ground preparation.
- Viticulture farms are to incorporate cover crops in their overall farm management practices to reduce erosion potential, improve soil organic matter and reduce pest and disease levels.
- Any cultivation of the site must follow the natural contour lines to increase soil water retention and to minimise erosion potential.



## Central Darling Development Control Plan

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- Applications are to demonstrate that an adequate water supply is available to support the proposed development.
- Water quality tests must be performed to demonstrate that levels of salts, minerals, and pH are suited for horticultural use.
- Stormwater drains are to be wide, gently sloping open drains that are well vegetated to minimise erosion potential and facilitate filtering of solid particles contained in the runoff.
- Local drainage patterns are to be maintained and stormwater flows effectively managed.
- Development must incorporate the construction of stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and treat wastewater and run-off.
- Runoff from site buildings (sealed or compacted) is to be collected in sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm.
- Diversion banks may need to be constructed to intercept and divert runoff away from any composting areas.
- Viticulture farms must consider soil types and their suitability for the production of grapes over the proposed development site.

### 4.13.5. Pest Management

- Pesticide use must meet the requirements of any relevant pesticide legislation (currently being the *NSW Pesticides Act 1999* and associated regulations such as the *Pesticides Regulation 2009*, *Pesticides Amendment (Records) Regulation 2001* and the *Pesticides Amendment (User Training) Regulation*, administered through the NSW Department of Environment, Climate change and Water).
- The storage, transport, and keeping of records for all pesticides used in intensive plant agriculture farms are to be in accordance with any relevant legislation (currently being the *NSW Pesticides Regulation 1995*).

### 4.13.6. Transport and Access

- Internal access roads must be of all-weather design constructed and have turning areas adequate for large articulated vehicles where required.
- The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses.
- The timing and manner of transport activities associated with the development including the frequency, times, routes and number of deliveries and pick-ups must take into consideration the impact on adjoining neighbours.

### 4.13.7. Landscaping

- Where native vegetation is limited in its capacity to provide visual screening then the following vegetation design controls apply:
  - ⇒ Site boundaries – vegetative screen. Rows of vegetation to be established and maintained
  - ⇒ Site boundaries – vegetative windbreak (where provided). 3 rows of vegetation to be established and maintained
  - ⇒ Around Site Structures - Grassed areas are to be kept maintained
  - ⇒ Earth dam banks - Grassed areas are to be kept maintained
  - ⇒ Open Stormwater Drains - Grassed areas are to be kept maintained
- All plantings are to be in groups, consist of advanced stock and are to be a minimum of 12m from structures to allow adequate air movements. In bushfire prone areas, fire retardant species must be utilised and separation from

### Central Darling Development Control Plan

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- buildings must be consistent with the requirements of Planning for Bushfire Protection.
- The mature height of tall species should be sufficient to intercept a direct line of sight from a neighbouring dwelling or roadway (measured 2m above the natural ground level).
  - Landscaping must not impede on the available area for on-site effluent disposal.
  - The mature height of tall species must not impede or shade the available growing area for horticultural crops.
  - Landscaping must incorporate a mixture of shrubs and groundcovers, and where practical utilise species that are endemic to the Central Darling Shire.

## Central Darling Development Control Plan

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### Chapter 6: General Development Specifications

#### 6.1. Introduction

This chapter covers the development specifications for a number of developments associated types like parking, landscaping, outdoor lighting and advertising and signage that has not been discussed in the previous chapter.

#### 6.2. Other Development Types

##### 6.2.1. Parking

- Parking must be provided as per the Schedule in Appendix 1.
- Where calculation of parking spaces required results in a fraction of a space, the total required number of spaces will be the next highest whole number.
- Parking and traffic requirements will be based on consideration of:
  - ⇒ likely peak usage times;
  - ⇒ the availability of public transport;
  - ⇒ likely demand for off street parking generated by the development;
  - ⇒ existing traffic volumes on the surrounding street network; and
  - ⇒ efficiency of existing parking provision in the location.
- Comply with Australian Standard AS2890.1 Parking Facilities.
- Where existing premises are being redeveloped or their use changed, the following method of calculation shall apply: -
  - (a) Determine the parking requirements of the previous or existing premises in accordance with Appendix A;
  - (b) Determine the parking requirement of the proposed development in accordance with Appendix I to these Guidelines;
  - (c) Subtract the number of spaces determined in (a) above from the number of spaces calculated in (b) above;
  - (d) The difference calculated in (c) above represents the total number of parking spaces to be provided either in addition to the existing on-site car parking or as a cash-in-lieu contribution to Council where applicable.

##### 6.2.2. Landscaping

- Location and grouping of plant types shall be multi-functional providing privacy, security, shading and recreation functions.
- Landscaping or shade structures shall be provided in outdoor car parking areas where >10 spaces are required, to provide shading and soften the visual impact of large hard surfaces.
- Landscaping shall comprise low maintenance, drought and frost tolerant species.

##### 6.2.3. Outdoor Lighting

- All developments shall demonstrate compliance with Australian Standard AS4282 Control of Obtrusive Effects of Outdoor Lighting.
- Sweeping lasers or searchlights or similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.

## Central Darling Development Control Plan

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### 6.2.4. Outdoor Advertising / Signage

- Where there is potential for light spill to adjoining properties, all illuminated signage shall be fitted with a timer switch to dim or turn off by 11pm each night.
- Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.
- Advertising in Primary Production zones may only:
  - ⇒ advertise a facility, activity or service located on the land; or
  - ⇒ direct travelling public to a tourist facility or building or place of scientific, historical or scenic interest within the area. Cannot include names of proprietary products or services or sponsoring businesses. Each sign must be sited a minimum distance of 1km from each other.
- External illumination to signs must be top mounted and directed downwards.
- The following types of signs are not acceptable:
  - ⇒ Portable signs on public footways and road reserves including A Frame and Sandwich Boards;
  - ⇒ Electronic trailer mounted road signs used for promotional or advertising purposes;
  - ⇒ Outdoor furniture (including chairs, bollards and umbrellas) advertising products such as coffee, alcohol or soft drink;
  - ⇒ A roof sign or wall sign projecting above the roof or wall to which it is affixed;
  - ⇒ Flashing or intermittently illuminated signs;
  - ⇒ Advertisements on parked motor vehicles or trailers (whether or not registered) for which the principal purpose is for advertising;
  - ⇒ Signs fixed to trees, lights, telephone or power poles;
  - ⇒ Signs which could reduce road safety by adversely interfering with the operation of traffic lights or authorized road signs;
  - ⇒ Any sign which would in the opinion of Council, be unsightly, objectionable or injurious to the amenity of the locality, any natural landscape, public reserve or public place;
  - ⇒ Numerous small signs and advertisements carrying duplicate information; and
  - ⇒ Overhead banners and bunting, except in the form of temporary advertisement.

### 6.3. Environmental Controls

#### 6.3.1. Environmental Effects

- The application documentation shall identify any potential environmental impacts of the development and demonstrate how they will be mitigated. These impacts may relate to:
  - ⇒ Traffic
  - ⇒ Flood liability
  - ⇒ Slope
  - ⇒ Construction impacts
  - ⇒ Solid and Liquid Waste
  - ⇒ Air quality (odour and pollution)
  - ⇒ Noise emissions
  - ⇒ Water quality
  - ⇒ Sustainability

## Central Darling Development Control Plan

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### 6.3.2. Soil and Erosion Control

- Runoff shall be managed to prevent any land degradation including offsite sedimentation.
- Cut and fill will be minimised, and the site stabilised during and after construction.
- Arrangements in place to prompt revegetation of earthworks to minimise erosion.

### 6.3.3. Vegetation

Development design shall accommodate the retention of any significant trees and vegetation.

### 6.3.4. Waste Management

General waste storage and collection arrangements shall be specified.

### 6.3.5. Noise

- Where relevant, applications are to contain information about likely noise generation and the method of mitigation.

### 6.3.6. Geology

- The design process must give consideration to the potential impact of erosive soils, saline soils, soils of low wet strength, highly reactive soils and steep slopes and document how these constraints are addressed.

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD IN THE  
COUNCIL CHAMBERS, 21 REID STREET, WILCANNIA  
ON WEDNESDAY, 22 NOVEMBER 2023**

**PRESENT:** Allan Carter  
Jay Nankivell - Member  
Dave Tanner

**IN ATTENDANCE:**  
Reece Wilson (Director Shire Services)  
Kevin Smith (Finance Manager)  
Manuel Moncada (Member)  
Phil Swaffield (Member)  
Brett Hanger (Member)  
Kara Mohr (Risk & WHS Officer)  
Natalie Batson (Executive Assistant)  
Laurie Knight (Guest)  
Shirley Burraston (Management Accountant)  
Jane McEwan (Customer Service Manager)  
Uday Mamidala (Finance Officer)

## **1 OPENING OF MEETING**

The meeting was declared open at 10:33am

## **2 ACKNOWLEDGEMENT OF COUNTRY**

An acknowledgement of the traditional custodians of the land was delivered by the chairperson.

## **3 APOLOGIES AND LEAVE OF ABSENCE**

### **3.1 APOLOGIES**

Paul Bright  
Greg Hill  
Robert Stewart

### **3.2 LEAVE OF ABSENCE**

Nil

## **4 DISCLOSURES OF INTEREST**

Pursuant to the Mode Code of Conduct for Local Councils in NSW Councillors and Council staff are required to declare any pecuniary or non-pecuniary conflicts of interest.

**RESOLVED: ARIC 01-11-2023**

Mover: Member Dave Tanner

Seconder: Member Allan Carter

That the Disclosures of Interest – Pecuniary and Non–Pecuniary be received and noted.

**CARRIED**

No declarations were received.

**5 CONFIRMATION OF MINUTES****5.1 PREVIOUS MEETING MINUTES****RESOLVED: ARIC 02-11-2023**

Mover: Member Allan Carter

Seconder: Member Dave Tanner

That the minutes of the Audit Risk and Improvement Committee Meeting held on 25 October 2023 be received and confirmed as an accurate record.

**CARRIED****6 REPORTS****6.1 WORK HEALTH AND SAFETY PERFORMANCE REPORT****COMMITTEE RECOMMENDATION**

Mover: Member Allan Carter

Seconder: Member Dave Tanner

That the Audit Risk and Improvement Committee Meeting will:

1. Receive and note the report

**6.2 WORK HEALTH AND SAFETY PERFORMANCE REPORT****RESOLVED: ARIC 03-11-2023**

Mover: Member Allan Carter

Seconder: Member Dave Tanner

That the Audit Risk and Improvement Committee Meeting will:

1. Receive and note the report

**CARRIED****6.3 WORK HEALTH AND SAFETY POLICIES**

**RESOLVED: ARIC 04-11-2023**

Mover: Member Allan Carter  
Seconded: Member Dave Tanner

That the Audit Risk and Improvement Committee Meeting will:

- 1. Receive and note the report

**CARRIED**

**6.4 DRAFT ANNUAL FINANCIAL STATEMENTS 2022-23**

**COMMITTEE RECOMMENDATION**

Mover: Member Dave Tanner  
Seconded: Member Allan Carter

That the Audit Risk and Improvement Committee Meeting will:

- 1. Receive the report

**6.5 QUARTERLY BUDGET REVIEW AS AT 30 SEPTEMBER 2023**

**RESOLVED: ARIC 05-11-2023**

Mover: Member Dave Tanner  
Seconded: Member Allan Carter

That the Audit Risk and Improvement Committee Meeting will:

- 1. Receive the report
- 2. Adopt the variations to Council's 2023/24 Annual Budget.
- 3. Note that the projected operating surplus for the financial year 2023/24 is \$34,000.**CARRIED**

**7 MEETING CLOSE**

There being no further business to discuss, the meeting was closed at **10:49am**.

The minutes of this meeting were confirmed at the Audit Risk and Improvement Committee Meeting of the Central Darling Shire Council held on .

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**CHAIRPERSON**



Meeting Date	Section	Item Number	Item Header	Resolution Number	Resolution	Responsible Officer	Resolution Status
19/10/2022	NOTICE OF MOTION	6.1	MENINDEE LANDFILL	03-10-22	That a report on the Menindee Landfill be presented to a future Council Meeting detailing 1. Requirements to address disposal, recycling, Fire control, windblown litter (including upgrade fencing) and signage to improve operations at the landfill. 2. Estimate to seal the existing gravel road to the landfill. 3. That Options be developed including costings for public consultation. 4. That a future Management Plan and Operational Procedures be developed.	Reece Wilson;#29;#Greg Hill;#57	IN PROGRESS
19/10/2022	NOTICE OF MOTION	6.2	MENINDEE RFS FACILITIES	04-10-22	That the GM meet with RFS Zone Management to determine any future Plans to upgrade or replace the Menindee RFS Shed.	Greg Hill;#57	IN PROGRESS
22/02/2023	SHIRE SERVICES REPORT	11.2	PROPOSED ACCESS ROAD FOR THE NEW WILCANNIA WEIR AND COMMUNITY RIVER PLACE AT UNION BEND PARK	10-02-2023	1. Receive the report 2. Note the status of the Wilcannia Weir project and proposed access road 3. Council staff continue negotiations with Department Planning and Environment – Regional Projects - Water, for Council preferred design and source of remuneration for ownership and ongoing maintenance for proposed access roads. 4. Council staff continue negotiations with Department Planning and Environment – Regional Projects - Water, with proposed Community River Place area at the Union Bend Park upgrade and the ongoing future maintenance of the Crown Reserve. 5. A report be provided to Council on the outcomes of discussion with Department Planning and Environment – Regional Projects- Water, on the proposed access road and Community River Place area at the Union Bend Park.	Reece Wilson;#29	ONGOING
22/02/2023	SHIRE SERVICES	11.7	WASTE SERVICES, MENINDEE	15-02-2023	Receive the report Bring a further report to implement all actions recommended by the Waste Facilities Operations Strategic Plan and the Menindee Waste Facility Long Term Plan of Management including time schedule, budget implications and the possibility of sealing the tip road.	Reece Wilson;#29	IN PROGRESS
24/05/2023	SHIRE SERVICES REPORTS	11.1	PLANNING PROPOSAL – RECLASSIFICATION OF COUNCIL OWNED LAND FROM COMMUNITY LAND TO OPERATIONAL LAND	14-05-2023	1. Endorse the submission of the Planning Proposal at Attachment 1 and supporting documentation to the Department of Planning and Environment through the Planning Portal to seek a Gateway Determination. 2. Endorse the preparation of a second Planning Proposal for Lot 8 DP1182315 (Beth Street, White Cliffs) as it may have been dedicated as a public reserve requiring the consent of the Minister to achieve reclassification. 3. Subject to the receipt of a gateway determination from the Department of Planning and Environment, proceed with both Planning Proposals and consultation is undertaken with the community and government agencies in accordance with Schedule 1, Division 1, Clause 4 of the Environmental Planning and Assessment Act 1979 and any directions of the Gateway Determination. 4. Endorse Council staff organising a Public Hearing pursuant to Section 29 of the Local Government Act 1993 at the end of the public exhibition period of both the Planning Proposals. 5. Should no objections be received, a copy of this report and any other relevant information (including the Planning Proposal(s)) is sent to the NSW Department of Planning and Environment and/or NSW Parliamentary Counsels Office, in accordance with the Environmental Planning & Assessment Act 1979 to request the Minister for Planning (or a delegate on their behalf) undertake the appropriate actions to secure the making of the Amendment to the Central Darling Local Environmental Plan 2012.	Greg Hill;#57	IN PROGRESS

SHIRE SERVICES 28/06/2023 REPORTS	URBAN AND RURAL 11.2 ADDRESSING PROJECT	20-06-2023	<ol style="list-style-type: none"> <li>1. Receive the report</li> <li>2. Endorse the adoption of the Urban and Rural Project street addresses and numbering for use on the councils rates and addressing systems as listed in the attachment report item 11.2 pages 159 - 220</li> <li>3. Inform Commonwealth and State agencies of the new street addressing and numbering to assist the local community.</li> </ol> <p>(a) Endorse the submission of the new street addresses and numbering to the Geographic names board.</p>	Glenda Dunn;#100;#Reece Wilson;#29	IN PROGRESS
GOVERNANCE 26/07/2023 REPORTS	FACEBOOK MARKETPLACE PAGE- PROPERTIES FOR SALES 9.1 IN CENTRAL DARLING SHIRE	OCM 09-07-2023	<ol style="list-style-type: none"> <li>1. Receive the report</li> <li>2. Endorse the development and ongoing management of a Facebook Marketplace Page called "Properties for Sale in Central Darling Shire".</li> <li>3. Sell the following parcels of land on Facebook Marketplace Page called "Properties for Sale in Central Darling Shire":                     <ol style="list-style-type: none"> <li>(a) Lot 1 DP906421 &amp; Lot B DP 312008 (40A- 40B Reid Street WILCANNIA NSW 2836)</li> <li>(b) Lot B DP 402894 (38 Hood Street WILCANNIA NSW)</li> <li>(c) Lot 1 DP 907814, Lot 1 DP 907815 &amp; Lot 2 DP 983994 (16A Wilson Street WILCANNIA NSW)</li> </ol> </li> <li>4. Set the asking prices of the parcels in Recommendation 3 above according to the latest land values determined by the NSW Valuer General.</li> <li>5. Authorise the General Manager to directly negotiate with purchasers the sale price and other terms of sale of the parcels listed in Recommendation 3 above.</li> </ol>	Gabrielle Johnston;#133;#Greg Hill;#57	IN PROGRESS
GOVERNANCE 26/07/2023 REPORTS	VIABILITY ASSESSMENT OF THE MENINDEE NATIVE FISH 9.2 HATCHERY	OCM 10-07-2023	<ol style="list-style-type: none"> <li>1. Receive and note the report and attachments</li> <li>2. Council writes to Hon. Tanya Plibersek and the Department (DCCEEW) acknowledging correspondence received and seek further clarification on:                     <ol style="list-style-type: none"> <li>(a) Remaining funds from the original allocation</li> <li>(b) Confirmation of the timeframe of June 2024 for completion of the project, and if this could be extended further.</li> <li>(c) The guidelines for alternative projects, the type and nature of the project, if there could be multiple projects be undertaken, and do the project/s need to be Menindee specific or elsewhere located in the shire.</li> <li>(d) That a further report be tabled for council.</li> </ol> </li> </ol>	Greg Hill;#57	IN PROGRESS
GOVERNANCE 26/07/2023 REPORTS	COMMUNITY SERVICES 9.5 AWARDS 2023	OCM 13-07-2023	<ol style="list-style-type: none"> <li>1. Receive the report.</li> <li>2. Endorse public exhibition of the draft revised Community Services Policy for 28 days.</li> <li>3. Report to Ordinary Council meeting following public exhibition for any necessary changes and adoption of the policy.</li> </ol>	Gabrielle Johnston;#133	IN PROGRESS
GOVERNANCE 30/08/2023 REPORTS	COMMUNITY HERITAGE GRANTS-STORIES BEHIND THE 9.5 STONES	OCM 12-08-2023	<ol style="list-style-type: none"> <li>1. Receive the report.</li> <li>2. Acknowledge the engagement of Dr Bernadette Drabsch and Mr. Ben Churcher in accordance with the Local Government Act 1993 - Section 55 (3) services being sought are of such as specialized and urgent in nature.</li> <li>3. Endorse the General Manager to engage Dr Bernadette Drabsch and Mr. Ben Churcher for \$45,455 (ex gst)</li> <li>4. A report be presented to Council on completion of Stories behind the Stones modules.</li> </ol>	Greg Hill;#57	IN PROGRESS
GOVERNANCE 30/08/2023 REPORTS	COUNCIL WARD BOUNDARIES 9.6 REVIEW.	OCM 13-08-2023	<ol style="list-style-type: none"> <li>1. Receive the report.</li> <li>2. Place Option 1 and Option 2 Public Exhibition for 28 days and open for public comment for 42 days (concurrently).</li> <li>3. At the closure of the Public Exhibition and Public Comment, a report be prepared and presented to Council on the preferred option.</li> </ol>	Greg Hill;#57	IN PROGRESS
SHIRE SERVICES 30/08/2023 REPORTS	WATER TREATMENT PLANT, 11.5 TENDER METHOD	OCM 20-08-2023	<ol style="list-style-type: none"> <li>1. Receive the report</li> <li>2. Select the Selective Tender method for the construction of new water treatment plants.</li> </ol>	Reece Wilson;#29	IN PROGRESS

27/09/2023	GOVERNANCE REPORTS	9.3 EMPLOYEE HOUSING POLICY	OCM 10-09-2023	1. Receive the report 2. Endorse the Employee Housing Policy for placement on Council’s website.	Evelyn Pollard;#115	IN PROGRESS
27/09/2023	GOVERNANCE REPORTS	NEW POLICY - GRANTS 9.5 MANAGEMENT	OCM 12-09-2023	1. Receive the report. 2. Approve the draft Grants Management Policy. 3. Place the draft Grants Management Policy on public exhibition for a period of 28 days to allow for public review and submissions.	Nerida Carr;#138	IN PROGRESS
27/09/2023	SHIRE SERVICES REPORTS	11.8 WEEDS BIOSECURITY	OCM 20-09-2023	1. Receive the report 2. Draft a Memorandum of Understanding between Broken Hill City Council and Central Darling Shire Council for the engagement of a Weeds Biosecurity Officer.	Reece Wilson;#29	IN PROGRESS
25/10/2023	GOVERNANCE REPORTS	WILCANNIA MOTEL ACCOMODATION BUSINESS 9.2 CASE	OCM 06-10-2023	1. Receive the report and note the recommendations in the Wilcannia Motel Accommodation Business Case Report. 2. Endorse the location at 35 and 37 Reid St, Wilcannia, (DP759091 Section 3, Lot 4 & DP759091 Section 3, Lot 5) as the preferred location for the construction for the proposed Wilcannia Motel. 3. The General Manager pursues funding opportunities with the Federal and State Governments for the development of the Wilcannia Motel. 4. The General Manager explores the possibility of private, public partnerships with Council for the development and lease arrangement of the Wilcannia Motel. 5. The General Manager to provide Council with ongoing reports on future progress for funding opportunities.	Greg Hill;#57	IN PROGRESS
25/10/2023	SHIRE SERVICES REPORTS	PLAN OF MANAGMENT FOR COMMUNITY LAND CROWN RESERVE 85567 UNION BEND PARK, LOT 7315 DP 1181235 11.5 WILCANNIA	OCM 15-10-2023	1. Receive the report 2. Adopt the Draft Plan of Management for the Crown Reserve lot 85567 - Union Bend Park, with land use category as a “park” Lot 7315 DP 1181235, Wilcannia. (a) Send the Draft Plan of Management for the Crown Reserve lot 85567	Glenda Dunn;#100;#Reece Wilson;#29	IN PROGRESS
22/11/2023	RESOLUTION TRACKER	RESOLUTION TRACKER - 13.1 OCTOBER 2023	OCM 25-11-2023	1. That the Resolution Tracker from the Ordinary Council Meeting held on 25/10/2023 be received and noted and any amendments be noted. 2. That Director Shire Services will table a report on Menindee Landfill in an upcoming meeting.	Reece Wilson;#29;#Greg Hill;#57	IN PROGRESS
22/11/2023	CONFIDENTIAL MATTERS	14.4	IVANHOE WATER TREATMENT PLANT TENDER	1. Receive the report. 2. Advise all tenderers that council are unable to award tender due to funding constraints and will formally respond to all tenderers within 30 business days. 3. Liaise with the funding providers and seek additional funding to complete the new Ivanhoe Water Treatment Plant project.	Reece Wilson;#29	IN PROGRESS
22/11/2023	CONFIDENTIAL MATTERS	WHITE CLIFFS WATER 14.5 TREATMENT PLANT TENDER	OCM 32-11-2023	1. Receive the report 2. Resolve to award tender to SNG Engineering Pty Ltd 3. Delegate authority to its General Manager to execute any documents required to be executed as part of the contract administration process that do not require the Common Seal of Council. 4. Liaise with the funding providers and seek additional funding to complete the full scope of works that the original scope included.	Reece Wilson;#29	IN PROGRESS