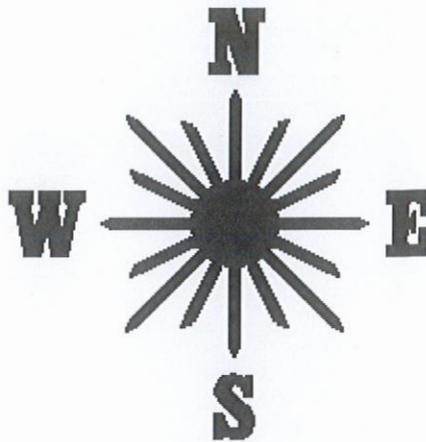


# **CENTRAL DARLING**



## **SHIRE COUNCIL**

### **ORDINARY COUNCIL MEETING**

#### **BUSINESS PAPER**

**23<sup>rd</sup> September 2020**

The Meeting will be held at 9.00am 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, 23<sup>rd</sup> September 2020  
9.00am  
Council Chambers  
21 Reid Street, Wilcannia

### BUSINESS PAPER AGENDA

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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

Leave -Director Business Services

## 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 ORDINARY MEETING – 26<sup>th</sup> August 2020

**Recommendation:**

That the Minutes of the Ordinary Council Meeting held on 26<sup>th</sup> August 2020 be received and confirmed as an accurate record.

Attachments:

1. *Draft Minutes August 2020 Ordinary Council Minutes*

### 5.2 BUSINESS ARISING

NIL

## **6. MAYORAL (ADMINISTRATOR) MINUTE(S)**

NIL REPORT

## **7. FINANCIAL REPORTS**

### **7.1 COMMUNITY GRANTS APPLICATION – CENTRAL DARLING SHIRE PISTOL CLUB INCORPORATED**

**REPORT AUTHOR:** ACTING RATES OFFICER  
**RESPONSIBLE DIRECTOR:** DIRECTOR BUSINESS SERVICES

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#### **EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council's approval for financial assistance to the Central Darling Pistol Club Incorporated to cover the 2020-21 annual rates on the Club's property at 123 Menindee Road Menindee.

#### **RECOMMENDATION:**

**That Council will:**

- 1. Receive the report**
- 2. That Council approve financial assistance, under Council's Community Grants Policy, to the Central Darling Pistol Club Incorporated in the amount of \$494.47 to cover the annual rates and charges levied on its property at 123 Menindee Road Menindee for the 2020-21 period.**

#### **BACKGROUND:**

Council's Community Grants policy was adopted by Council at its Ordinary meeting on 27 February 2019. That policy provides for Council to provide financial assistance to not-for-profit community-based organisations, groups and individuals that meet community needs and to benefit residents within our community. The policy also provides that in-kind support for the waiver of rates, fees, charges, and goods is considered financial assistance within this policy and therefore may be eligible for consideration.

#### **REPORT:**

The Central Darling Pistol Club Incorporated operates its pistol range on its property at 123 Menindee Road Menindee. The financial assistance requested is to cover the annual rates of \$494.47 levied on that property for the 2020-21 period.

The Club's application states that it provides a safe and friendly environment for its members to meet and socialise whilst enjoying the sport of pistol shooting. It also states that the requested assistance would enable the Club to continue to make improvements and provide improved services to its members.

The Club has been in operation for over 20 years and is member of the New South Wales Amateur Pistol Association (NSWAPA) Incorporated, being the relevant peak body for the sport in NSW which in turn is affiliated with through Pistol Australia, Australia's peak pistol shooting body, with Shooting Australia. The objectives of NSWAPA are:

- promote and coordinate responsible pistol shooting sports, both competitive and recreational, of all disciplines within New South Wales, and
- to promote and coordinate participation in, and organisation of statewide competitions supporting sustainable international success in line with AISL's goals.

The application meets the criteria of Council's Community Grants Policy.

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

**Community Strategic Plan Outcome**

Goal 1.4 Improved opportunities for our communities

**Delivery Outcome**

1.4.1 Youth, Sport and Recreation Options for the whole community

Target - Enhance sporting facilities and opportunities in the communities

**SUSTAINABILITY ASSESSMENT:**

|                      | Positive  | Negative |
|----------------------|---|----------|
| <b>Social</b>        | Improve the social welfare of community members through access to sport and recreation facilities and events. | Nil      |
| <b>Environmental</b> | Nil   | Nil      |
| <b>Economic</b>      | Nil   | Nil      |
| <b>Governance</b>    | Nil   | Nil      |

**Financial and Resource Implications:**

Expenditure for the assistance sought is provided for within the 2020-21 budget allocation for the Community Grants program.

**Policy, Legal and Statutory Implications:**

Assistance is permitted under Section 356 of the Local Government Act 1993.

Application satisfies all criteria set out in Council's Community Grants policy.

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

No risks identified.

**OPTIONS:**

Given the application meets all criteria there appears no option but to approve the request.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

**Internal Exhibition**

None required

**External Exhibition**

None required

Attachments

*2. Central Darling Pistol Club Incorporated - Community Grants Application.*

**7.2 RESCISION – TRANSFER OF LAND COUNCIL – 69 HOOD STREET WILCANNIA**

**REPORT AUTHOR:** ACTING RATES OFFICER  
**RESPONSIBLE DIRECTOR:** GENERAL MANAGER

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**EXECUTIVE SUMMARY:**

This report recommends that Council rescind a 2010 resolution to accept transfer of the subject property in full satisfaction of outstanding rates and charges under Section 570 of the Local Government Act 1993 (the LGA).

**RECOMMENDATION:**

**That Council will:**

- 1. Rescind resolution of September 2010 under minute No. 40-9-10 to accept transfer of the land to Council and to classify that land as Operational Land**

**BACKGROUND:**

At its Ordinary Meeting of September 2011, Council received a report detailing previous confusion regarding ownership and use of several parcels of land in Hood Street Wilcannia, including the subject property, 69 Hood Street Wilcannia, being Lot A in Deposited Plan, then, and still, owned by the late Peter King.

The executor of the estate of the late Peter King proposed that Council accept the land in full satisfaction of the rates and charges then outstanding. At that time the outstanding rates and charges, including interest, amounted to \$19,322.87, as at 30 June 2010.

Council resolved to accept the land and to classify it as Operational Land.

The approved transfer of land was not completed, and the property has remained in the ownership of the late Peter King, with rates continuing to be levied and remaining unpaid since that time.

At its Ordinary Meeting on 25 March 2020, Council resolved to sell the land for unpaid rates. The value of rates and charges currently outstanding against the subject property is \$56,434.05.

## REPORT:

Since proposing the sale of land for unpaid rates in March 2020, it has come to our notice that Council previously resolved to accept transfer of the land to Council in full satisfaction of outstanding rates and charges, as provided for by S 570 of the LGA and to classify that land as Operational.

Further research has revealed that, in March 2011, Council's erstwhile Revenue Officer – Rates, issued a letter to the solicitors acting for the executor advising;

*After some consideration Council has decided to wait and list the property in a Sale of Land for Unpaid Rates.*

There is no evidence of rescission of the September 2010 resolution which would have seemed necessary for to support the advice that the transfer would not proceed.

To remedy this position and enable Council to sell the land for unpaid rates, as resolved by Council in March 2020, a rescission of the September 2010 resolution is required.

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

### Community Strategic Plan Outcome

No direct linkages

### Delivery Outcome

No direct linkages

## SUSTAINABILITY ASSESSMENT:

|                      | Positive  | Negative |
|----------------------|---|----------|
| <b>Social</b>        | Nil   | Nil      |
| <b>Environmental</b> | Nil   | Nil      |
| <b>Economic</b>      | Improved cashflow<br>Crystallisation of Bad Debt exposure | Nil      |
| <b>Governance</b>    | Nil   | Nil      |

## Financial and Resource Implications:

Nil

## Policy, Legal and Statutory Implications:

Section 372 (1) of the LGA 1993 provides:

*A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the council's code of meeting practice.*

Section 372(2) of the LGA provides:

*If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.*

Clause 16.3 of Council's Code of Meeting Practice (the Code) reflects S 372(1) of the LGA and provides:

*A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under Clause 3.9.*

Clause 3.9 of the Code provides:

*A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted five (5) business days before the meeting is to be held.*

The above suggests that a rescission of a resolution can only be made if a Councillor put forward such a proposal.

Office of Local Government staff have advised, in their view, that it is within the intent of the legislation that a proposal to rescind a resolution of Council may be considered through a report from Council staff.

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

Not applicable.

**OPTIONS:**

Remove property from sale and attempt to complete the transfer as originally resolved September 2010. This would require withdrawal of the property from the proposed sale of land for unpaid rates scheduled for the last week of October 2020. Given the original resolution was made 10 years ago and letter advising Council would not proceed was issued 9 ½ years ago, it is highly unlikely that this could be achieved as all estate matters and the executors role would in all likely hood have been concluded. Further, the estate would have been finalised on the basis that the land has been sold by Council for unpaid rates already

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

**Internal Exhibition**

Relevant staff have been engaged in formulating this report.

**External Exhibition**

Not applicable.

Attachments

3. *Extract of Business Paper September 2010*
4. *Resolution September 2010 – Minute No. 40-9-10*

### **7.3 COUNCIL 2020-2021 CURRENT GRANTS REGISTER**

**REPORT AUTHOR:** SENIOR FINANCE OFFICER  
**RESPONSIBLE DIRECTOR:** DIRECTOR BUSINESS SERVICES

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#### **EXECUTIVE SUMMARY:**

This report is to provide a summary of Council's current grants and contributions reconciliation 2020-2021 as of 16 September 2020.

#### **RECOMMENDATION:**

**That Council will:**

- 1. Receive and adopt the report**

#### **BACKGROUND:**

Council's commitment to transparency and greater financial management have at the request of the Administrator, developed a Grants and Contributions Register for public access to be presented during ordinary Council Meetings.

#### **REPORT:**

Council's current Grants Register is not in line with current best practice due to the limitations of Council's general ledger and job cost systems. Council is currently in the process of improving those systems in line with best practice reporting. This process is expected to be completed by September 2020.

In August 2020 Council has received 50% advance payment of the \$1,001,818 under the Local Roads and Community Infrastructure Program (\$455,371.82), the project being delivered is the Road Infrastructure of installation of 10 signs with LED display & Community Infrastructure of refurbishment of public building and installation of new kerbing, footpaths and installation of street trees. This project is to be completed by December 2021 with the grants need to be acquitted on a quarterly base from October 2020 to January 2022.

Milestone 1 of the \$760,340 funding of the Stronger Country Community Funding Round 3 (\$304,136). The project being delivered is Skate Park Wilcannia, Menindee Public Toilet Replacement, White Cliffs Murals, Playground renewal and upgrades, Sunset Strip – Children's Adventure Playground, White Cliffs Sound Shell and Youth Leadership Expedition. This project is to be completed by July 2022 with the grants needs to be acquitted by August 2022.

1st quarter instalments payment (\$728,732.25) of the 2020-2021 Financial Assistance Grants (FAGs) funding of \$6,001,896, Council has already received 50% advance payment of \$3,086,967 in May 2020.

First Instalment of \$1,402,000 for the 2020-2021 Regional Road Block Grant was also received which is the first two payments for 2020-21 and the second will follow in January 2021 after the NSW Treasury will release 2020-2021 indexation rates with the budget in October 2020.

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

### **Community Strategic Plan Outcome**

GOAL: 4 A consultative and professional Council providing relevant, attainable and efficient delivery of services.

### **Delivery Outcome**

OBJECTIVE: 4.2 Efficient and effective services

### **Financial and Resource Implications:**

Monitoring of the Current Grants and Contributions Reconciliation 2019/2020 enables timely financial management and improved cash flow processes.

### **Policy, Legal and Statutory Implications:**

Regulation 208 of the Local Government (General) Regulation 2005 provides a requirement that:

A member of the staff of a council who has control of any of the council's accounting records must—

- (a) produce those records for inspection and audit in proper order whenever directed or requested to do so by the council's mayor, responsible accounting officer, general manager (if not the council's responsible accounting officer) or auditor or by the Director-General or a person to whom the Director-General's functions under section 430 of the Act have been delegated or subdelegated under section 745 of the Act, and
- (b) render all practicable assistance to the mayor, responsible accounting officer, general manager, auditor, the Director-General or such a delegate or subdelegate with respect to those records.

### **Risk Management – Business Risk/Work Health and Safety/Public:**

Monthly reporting allows Council to keep informed of the process of the grants register to actual income and costs.

### **OPTIONS:**

There are no alternative options.

### **COUNCIL SEAL REQUIRED:**

No

### **COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Nil

### Attachments

- 5 *Council Current Grants and Contribution Reconciliation.*

## 7.4 CASH AND INVESTMENTS – SEPTEMBER 2020

REPORT AUTHOR: MANAGER FINANCE  
RESPONSIBLE DIRECTOR: DIRECTOR BUSINESS SERVICES

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### EXECUTIVE SUMMARY:

This report is to provide a summary of Council's cash and investments as at 31st August 2020.

### RECOMMENDATION:

That Council will:

1. Receive 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 & Investment Accounts                     | Current Month  | Last Month     | Movement       | Interest Rate | Current Month Interest | YTD Interest |
|--|----------------|----------------|----------------|---------------|------------------------|--------------|
| Westpac 11am Investment Account                | \$8,000,000.00 | \$6,000,000.00 | \$2,000,000.00 | 0.10%         | \$263.01               | \$548.62     |
| Operating Account                              | \$113,553.54   | \$268,658.49   | (\$155,104.86) | 0.01%         | \$24.81                | \$29.63      |
| Post Office Clearing Account                   | \$23,143.81    | \$1,376.80     | \$21767.01     |               |                        |              |
| <b>Total Cash at Bank as at 31 August 2020</b> |                |                |                |               | <b>\$8,136,697.35</b>  |              |

#### Commentary:

For the period ended 31<sup>st</sup> August 2019 Council held a cash balance of \$3.42 million. Council's cash balance for the month ended 31st August 2020 is significantly higher than this amount due primarily to:

- Federal Assistance Grant received in advance \$3,086,967
- Payment for RMS works \$1,081,635
- Receipt of Drought Funding \$400,000

## Restrictions

| Restriction Type                             | Restriction Amount |
|--|--------------------|
| Internal                                     | \$260,000          |
| External                                     | \$1,565,000        |
| <b>Total Restrictions as at 30 June 2020</b> |                    |
| <b>\$1,825,000</b>                           |                    |

## Loan Accounts

| Loan Account                                     | Current Month | Last Month   | Movement      | Interest Rate | Current Month Interest | YTD Interest |
|--|---------------|--------------|---------------|---------------|------------------------|--------------|
| Garbage Trucks                                   | \$280,655.27  | \$293,721.18 | (\$13,065.91) | 3.66%         | \$684.09               | \$1,401.80   |
| <b>Total Loan Liability as at 31 August 2020</b> |               |              |               |               | <b>\$280,655.27</b>    |              |

## Attachments

Nil

## 7.5 PROGRESS TOWARDS SALE OF LAND FOR UNPAID RATES AUCTIONS

**REPORT AUTHOR:** ACTING RATES OFFICER  
**RESPONSIBLE DIRECTOR:** GENERAL MANAGER

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### EXECUTIVE SUMMARY:

This report provides an update on the progress towards the Sale of Land for Unpaid Rates and Charges Auctions planned for late October 2020.

### RECOMMENDATION:

**That Council will:**

- 1. Receive and note the report.**
- 2. Note that monthly reports will be provided to Council until such time that the auctions have concluded and the sale process has been finalised.**

**BACKGROUND:**

Section 713 of the Local Government Act 1993 (the LGA) provides that Council may sell land by public auction where rates and charges remain unpaid for a period of five (5) years or longer.

At its Ordinary Meeting on 25 March 2020, Council resolved to sell 111 properties at public auctions, or by private treaty subsequent to such public auctions, but to defer advertising and scheduling of such auctions until such time that it is considered appropriate to proceed in light of the Covid-19 situation, which was beginning to evolve at that time.

At its Ordinary Meeting on 24 June 2020, Council endorsed that sale of land auctions be conducted in the week commencing 26 October 2020, for 104 properties, with auctions held at venues in Wilcannia, Ivanhoe and Menindee.

Council received and noted a progress report on the matter at the Ordinary Meetings 22 July 2020 and 26 August 2020

**REPORT:**

Since the progress report on the matter was received at the Ordinary Meeting 26 August 2020 the following has occurred:

1. Payment Arrangements – Staff have continued to seek payment or sustainable payment arrangements from those ratepayers with who contact is possible. In some instances, discussions have also occurred with family members of deceased owners. At this stage those efforts have not realised any further payments or negotiation of sustainable payment arrangements.

Two further matters are pending resolution through sale of the property by the owner of one property and payments of outstanding rates on another matter through a refinance arrangement. Both are expected to be completed by 30 September 2020.

2. Full payment of outstanding rates, on one outlying rural parcel, has been made by the adjoining property owner who is seeking possessory title of that land.

There remain 96 properties listed for sale at this time.

3. One property previously identified as having an unoccupied, dilapidated dwelling has now been identified through a surveyor's report as being vacant land with a minor encroachment upon it by an unoccupied, dilapidated dwelling on the adjoining property.
4. Additionally, notices regarding the proposed sale, addressed to the Occupiers and copies of letters previously mailed to owners, have been hand delivered to the three remaining occupied properties, two of which we believe are non-owner occupied.

5. Market appraisals of all but a few properties have been received from the appointed agent/auctioneer to guide staff in setting reserve prices.

### **Adjoining/Surrounding Property Owner Concerns – Land Locked Parcels**

There are now 19 remote rural properties (included in the 96 properties that remain listed for sale) which are land locked and/or effectively occupied by large agricultural holdings/stations. In most cases existing ownership dates back decades, in some cases over 100 years.

We are continuing discussions with a number of these surrounding land holders who have contacted Council expressing concerns that these parcels could be purchased at auction by an outside party to the detriment of their farming operations and the community generally. There are reports that, in other large rural shires, outside parties have purchased land locked parcels as “camp” blocks or a base for hunting feral and non feral animals with access gain by trespassing the surrounding station properties. In many cases, such action would jeopardise biosecurity regulations that apply to the surrounding stations.

All such surrounding property owners have been notified of the proposed sales and staff will continue discussions with the adjoining owners who have contacted us to date.

Staff have also initiated discussions with any adjoining property owners with whom we have not yet had discussions and will continue to liaise with these owners to ensure we have an understanding of their intention in regards to bidding at auction or seeking possessory title

### **Next steps**

Weekly advertising and marketing will commence 26 September 2020 with ads in the Daily Barrier Truth through to the week before the auctions. Online advertising through a number of platforms will also commence late September 2020.

### **Auction Processes**

It is proposed that auctions be conducted in a way so that there is one successful bid per person for all properties initially, and then those not sold, will be offered in a second round when bidders can purchase multiple properties.

The appointed/agent auctioneer is most supportive of this idea and will be involved in explaining the auction processes and rules through local media as agreed to by the General Manager.

## Covid-19

Attendance at real estate auctions remains allowable, with the NSW Government's 4 square metre rule still applicable (at time of writing).

The venues for auctions have Covid-19 protocol plans in place and these will be followed strictly to ensure compliance with NSW Health Orders and guidelines.

Any further tightening or easing of restrictions is difficult to foresee as both Federal and State Governments will make those decisions based on the latest available health data.

In the event of the Covid-19 situation worsening and restrictions being reintroduced and/or tightened, Council may at that time, further defer auctions if it is deemed unsuitable to proceed.

### **Sales to Council, a Councillor, a relative of a Council, Council staff or a relative of Council staff**

Section 716 (3) of The Local Government Act 1993 provides that such sales may only be by auction and not by private treaty whereas other parties may purchase by private treaty should a property not sell at auction.

A separate report seeking approval for Council to purchase several parcels is included within the Confidential section of this meeting's business paper.

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

#### **Community Strategic Plan Outcome**

No direct linkages

#### **Delivery Outcome**

No direct linkages

### **SUSTAINABILITY ASSESSMENT:**

|                      | <b>Positive</b>  | <b>Negative</b> |
|----------------------|--|-----------------|
| <b>Social</b>        | Nil  | Nil             |
| <b>Environmental</b> | Nil  | Nil             |
| <b>Economic</b>      | Improved cashflow<br>Crystallisation of Bad Debt<br>exposure | Nil             |
| <b>Governance</b>    | Nil  | Nil             |

### **Financial and Resource Implications:**

None

### **Policy, Legal and Statutory Implications:**

Local Government Act 1993  
Councils Debt Recovery Policy

## Council's Economic Hardship Policy

### **Risk Management – Business Risk/Work Health and Safety/Public:**

Proceeding to proposed sales is required to reduce further negative impacts on Council's cashflow and Doubtful Debt Exposure.

Previously reported concerns regarding possible unruly behaviour at Wilcannia auctions will be managed through local Police who have indicated they can provide a part time presence (as other operational needs allow) and through private security staff who have been engaged. The private security staff will also assist with ensuring Covid-19 social distancing protocols are respected.

### **OPTIONS:**

None that are viable or that would address the ongoing and growing outstanding rates position.

The situation will however require constant review particularly regarding the Covid-19 situation to ensure the best prospects for successful auctions.

### **COUNCIL SEAL REQUIRED:**

No

### **COMMUNITY ENGAGEMENT AND COMMUNICATION:**

#### **Internal Exhibition**

Regular liaison between relevant staff and Outstanding Collections (Council's agent) has occurred and will continue to occur.

#### **External Exhibition**

The proposed sales have been advertised in the NSW Government Gazette (as required under the Local Government Act 1993), through appropriate local media and on Council's website and social media page(s).

Where contact has been possible, all affected owners, occupants and other known interested parties have been directly notified in writing of Council's decision.

Commercial marketing of the proposed sales will commence 26 September 2020 and continue through to the scheduled auction dates in the week commencing 26 October 2020.

## 8. GOVERNANCE REPORTS

### 8.1 CORRESPONDENCE RECEIVED- TABLED OF PUBLIC INFORMATION

REPORT AUTHOR: GENERAL MANAGER

RESPONSIBLE DIRECTOR: GENERAL MANAGER

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#### EXECUTIVE SUMMARY:

Recent correspondence received by the General Manager has been tabled for Public Information.

#### RECOMMENDATION:

That Council will:

1. Receive and note the report

#### REPORT:

##### **The Hon. Melinda Pavey MP letter of response-Wilcannia Weir.**

Correspondence received by Melinda Pavey MP, is in response to a letter sent by Council in June 2020, enquiring for the reasons why the construction of the Wilcannia weir has been delayed. Construction for the weir was to commence in October 2020, however, has been delayed for 12 months. The Minister has cited in the letter, reasons for construction delays, is due with COVID -19 and changes to the planning pathway for the construction of the weir. The weir project has been confirmed that the project is considered Critical State Significant Infrastructure by NSW government, an in-depth environmental assessment through the preparation of an Environmental Impact Statement now must be undertaken.

##### **NSW State Emergency Operations Centre**

NSW Police Force Deputy Commissioner writes in capacity as the NSW State Emergency Operations Controller under the State Emergency and Rescue Management Act 1989 (NSW) in relation to the upcoming summer season and management of recreational attractions governed by local councils. Compliance with NSW Public Health Orders and COVID Safe plans rests with business owners and landholders. In the case of recreational areas, the local council is responsible for implementing and managing COVID Safe plans and adherence to Public Health Orders.

##### **Murray Darling Association-Media Release**

National Water Minister Keith Pitt announced a new approach to the implementation of the Basin Plan, with cancellation of buyback, and a new approach to compliance at the cornerstone of a suite of new announcements. The MDA, which is the peak group for local councils in the Murray Darling Basin, has long been working for the environmental buyback scheme to be cancelled, with water instead saved through greater efficiencies and more effective project planning and infrastructure investment. In addition to the Murray Darling Basin Plan, there are four major national priorities that must work together to decide future of the Murray-Darling Basin:

- The National Water Infrastructure Grid must plan and invest wisely to deliver a sustainable future into the 21st century.
- Australian agriculture's plan must support Basin farmers and industry to grow and innovate.
- The National Energy Plan, including Snowy 2.0 is essential to our productive future, and

- The National Climate Resilience and Adaptation Strategy must support our communities to respond to the changes in weather and water availability.

#### Attachments

- 6 *The Hon. Melinda Pavey MP letter of response Wilcannia Weir- -Letter.*
- 7 *NSW Police Force Deputy Commissioner, Gary Worboys – Letter*
- 8 *Murray Darling Association – Media Release*

## **8.2 MODEL CODE OF CONDUCT, FOR LOCAL COUNCILS IN NSW.**

**REPORT AUTHOR:** GENERAL MANAGER  
**RESPONSIBLE DIRECTOR:** GENERAL MANAGER

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### **EXECUTIVE SUMMARY:**

The purpose of this report is to seek endorsement for amendments to Council's Code of Conduct and procedures.

### **RECOMMENDATION:**

#### **That Council will:**

- 1 **Receive the report**
- 2 **Resolves to adopt the amendment:**
  - a. **Model Code of Conduct for Local Council in NSW**
  - b. **Procedure for Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers**
  - c. **Procedure for Code of Conduct for Councillors (this includes Administrators)**
  - d. **Procedure for Code of Conduct for Council Staff**
- 3 **Replace a revised version of the "Model Code of Conduct, for Local Councils in NSW" on Council's website.**
- 4 **The General Manager distributes the Code of Conduct and Procedures to the relevant Council staff, Committee's, and Administrator to ensure awareness of the changes.**

### **BACKGROUND:**

At the Ordinary Meeting 17 April 2019, Council adopted the Model Code of Conduct for Local Councils in NSW (minute number 04-04-19). The Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made under section 440 of the *Local Government Act 1993* ("LGA") and the Local Government (General) Regulation 2005 ("the Regulation"). The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

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

#### **REPORT:**

A recent circular to all Councils from the Office of Local Government (Circular 20-32 August 2020), the amendments to the Model Code of Conduct for Local Councils in NSW and Procedures was announced.

The Procedures for the administration of the Model Code of Conduct for Local Councils in NSW (the Procedures) have been amended in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134.

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

The new Model Code of Conduct and Procedures take effect immediately. This is because the amendments to the Procedures largely reflect existing practice following the Supreme Court's decision and the amendments to the Model Code of Conduct are minor in nature. Council needs to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.

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

##### **Community Strategic Plan Outcome**

Goal 4. A consultative and professional Council providing relevant, attainable and efficient delivery of services as per the standards set by Council and providing community development and succession planning.

##### **Delivery Outcome**

Objective 4.2 Efficient and effective services

#### **SUSTAINABILITY ASSESSMENT:**

|                      | <b>Positive</b>                                      | <b>Negative</b> |
|----------------------|--|-----------------|
| <b>Social</b>        | Nil  | Nil             |
| <b>Environmental</b> | Nil  | Nil             |
| <b>Economic</b>      | Nil  | Nil             |
| <b>Governance</b>    | Committee compliance within legislative requirements | Nil             |

#### **Financial and Resource Implications:**

Nil

#### **Policy, Legal and Statutory Implications:**

Nil

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

None

**OPTIONS:**

Nil

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

**Internal Exhibition**

Not Required

**External Exhibition**

Determined as not required, as there are no significant changes being made to the current Code of Meeting Practice.

Attachments

9. *Code of Conduct for Committee Members- Delegates of Council*
10. *Code of Conduct for Councillors*
11. *Code of Conduct for Staff*
12. *Procedures for the Administration of the Model Code of Conduct*
13. *OLG Circular 20-32 August 2020*

**8.3 MODEL CODE OF MEETING PRACTICE- RECORDING OF MEETINGS**

**REPORT AUTHOR:** GENERAL MANAGER  
**RESPONSIBLE DIRECTOR:** GENERAL MANAGER

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**EXECUTIVE SUMMARY:**

The purpose of this report is to seek endorsement for a minor amendment to Council's Code of Meeting Practice for recording of meetings.

**RECOMMENDATION:**

**That Council will:**

- 1 Receive the report**
- 2 Council resolves to adopt the amendment to the Code of Meeting Practice.**
- 3 A revised version of the Model Code of Meeting Practice to be placed on Council's website.**

## **BACKGROUND:**

At the Ordinary Meeting 26 June 2019, Council adopted the Model Code of Meeting Practice (minute number 03-06-19). The Code of Meeting Practice applies to all meetings of Councils and Committees of Councils. Since 14 December 2019, councils have been required to webcast meetings of the council and committees that comprise only of councillors. The webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council's website.

The Model Code of Meeting Practice for Local Councils in NSW requires councils to specify in their codes of meeting practice, the minimum time period that a webcast recording will be made publicly available on a council's website but does not prescribe a minimum period.

## **REPORT:**

A recent circular to all Councils from the Office of Local Government (Circular 20-31/August 2020), the new requirement for councils to retain recordings of meetings on their websites for a minimum of 12 months.

Based on NSW State Archives and Records guidance, the Office of Local Government's (OLG) recommends that webcast recordings of meetings should be retained on councils' websites for a minimum of 12 months, which is now prescribed under the *Local Government Act (General) Regulation 2005*.

Councils must amend their codes of meeting practice to require recordings of meetings of the council and committees that comprise only of councillors to be retained on the council's website for 12 months or more, if they do not already provide for this. Councils are still required to livestream their meetings via an audio-visual link where members of the public are excluded from attending meetings due to COVID-19.

Council current Model Code of Meeting Practice, Webcasting of Meetings, item 5.21- "A recording of each meeting of the Council and Committee of the Council is to be retained on the Council's website for the current and previous financial year", a ( for a minimum of 12 months or more) has been added to the Code of Meeting Practice to provide additional clarity.

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

### **Community Strategic Plan Outcome**

Goal 4. A consultative and professional Council providing relevant, attainable and efficient delivery of services as per the standards set by Council and providing community development and succession planning.

### **Delivery Outcome**

Objective 4.2 Efficient and effective services

**SUSTAINABILITY ASSESSMENT:**

|               | Positive                                   | Negative |
|---------------|--|----------|
| Social        | Nil  | Nil      |
| Environmental | Nil  | Nil      |
| Economic      | Nil  | Nil      |
| Governance    | compliance within legislative requirements | Nil      |

**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**

Not Required

**External Exhibition**

Determined as not required, as there are no significant changes being made to the current Code of Meeting Practice.

Attachments

14. *Model Code of Meeting Practice-Central Darling Shire Council*
15. *OLG Circular 20-31/August 2020*

#### 8.4 MEETINGS AND WORKSHOPS ATTENDED BY THE GENERAL MANAGER

REPORT AUTHOR: GENERAL MANAGER  
RESPONSIBLE DIRECTOR: GENERAL MANAGER

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#### EXECUTIVE SUMMARY:

The information provided is meetings and workshops which the General Manager has attended up to this Council meeting. The report excludes staff meetings and other confidential discussions the General Manager has been involved in. Due to COVID -19, some meetings have been either video/teleconferences or webinars.

#### RECOMMENDATION:

**That Council will:**

**1 Receive and note the report**

#### REPORT:

Thursday 27 August – Water User Reference Group meeting, First Flush (VC)

Friday 28 August – Far South West Joint Organisation Board Meeting (VC)

Wednesday 2 September – Wilcannia Central School, meeting with Principle  
- Telecommunications, Clear Networks (CV)

Monday 7 September- Local Emergency Management Committee (VC)

Tuesday 8 September- MDA Region 4 AGM and ordinary meeting (VC)

Tuesday 15 September – Wilcannia Weir

Wednesday 16 September-Fish Recovery webinar

Friday 18 September -RDA Far West Committee Meeting-Broken Hill

Monday 21 September- Ivanhoe Community Engagement meeting

Tuesday 22 September – Menindee Community Engagement meeting

Wednesday 23 September- Wilcannia Community Engagement meeting

#### Attachments

Nil

## **9. CORPORATE SERVICES REPORTS**

NIL REPORT

## 10. SHIRE SERVICES REPORTS

### 10.1 ROADS AND AERODROMES REPORT

REPORT AUTHOR: ROADS AND ASSETS ENGINEER  
RESPONSIBLE DIRECTOR: DIRECTORE SHIRE SERVICES

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#### EXECUTIVE SUMMARY:

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

#### RECOMMENDATION:

That Council will:

1. Receive and note the report

#### REPORT:

##### State Roads

Council are engaged by Roads and Maritime Services (RMS) to maintain the State Highway network within the Shire boundaries. The two State Highways are the Barrier Highway and the Cobb Highway.

Council are 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).

2020/21 RMCC Routine Maintenance preliminary allocation is: \$1,048,240.00

2019/20 RMCC Works Orders which have been issued, in progress and carry over to this financial year include

1. HW21 111.20.23 Bushley pit 3 extension, \$19,665 (now complete)
2. HW21 111.20.24 Source gravel to Glen Albyn, \$412,502 (now complete)
3. HW21 111.20.25 Glen Albyn Side-track, \$266,163 (now complete)
4. HW21 111.20.26 Source gravel to Rosewood from Bushley 3, \$264,000 (claim \$105,600)
5. HW21 111.20.28 Glen Albyn Sth IS, \$1,947,460 (claim \$463,085.25)

Total: \$2,909,790

2020/21 - No Works Orders have been issued to date

| <b>Works Description</b> | <b>Original Budget</b> | <b>% Expended</b> | <b>Remaining budget</b> |
|--------------------------|------------------------|-------------------|-------------------------|
| RMCC Routine             | \$1,048,240.00         | 17%               | \$866,070               |
| WO 2019/20               | \$2,909,790            | 38%               | \$1,792,25              |
| WO 2020/21               | \$0                    | 0%                | \$0                     |

### **Regional Roads**

Council maintains 790km of Regional Roads throughout the Shire.

202/21 Regional Road Block Grant amount (including traffic and supplementary components) has not been confirmed. The figures below reflect the 2019/20 allocation. Payments to Council's will be made in July and January with any reconciliations required being done in January following State (RMS) budget adoption.

202/21 Regional Roads Repair Program was successful with \$400,000 being 50% of the project costs. The remaining 50% is being sourced from the Regional Roads Block Grant which is reflected in the table below. Refer to determination report included in this agenda.

| <b>Works Description</b>      | <b>Original Budget</b> | <b>% Expended</b> | <b>Remaining Budget</b> |
|-------------------------------|------------------------|-------------------|-------------------------|
| Regional Road Block Grant     | \$2,408,000            | 21%               | \$1,913,571             |
| Regional Roads Repair Program | \$800,000              | 6%                | \$749,842               |

### **Local Roads**

Council maintains 1600km of Local Roads throughout the Shire.

202/21 budget allocation to Local road operational works is \$1,480,000. This is funded from the Financial Assistance Grant – Local Roads Component.

2020/21 Roads to Recovery (R2R) allocation is \$1,502,727. Four capital improvement projects will be delivered this year.

| <b>Works Description</b>                | <b>Original Budget</b> | <b>% Expended</b> | <b>Remaining Budget</b> |
|---|------------------------|-------------------|-------------------------|
| <b>Local Roads Component (FAG)</b>      | \$1,480,000            | 65%               | \$1,480,000             |
| <b>Menindee Street (R2R)</b>            | \$240,000              | 2%                | \$235,440               |
| <b>Little Menindee Creek Road (R2R)</b> | \$450,000              | 1%                | \$445,440               |
| <b>Pumpkin Point Road (R2R)</b>         | \$300,000              | 2%                | \$295,440               |
| <b>Irrigation Road (R2R)</b>            | \$515,727              | 2%                | \$503,757               |

**Aerodromes**

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

The Royal Flying Doctor Services (RFDS) initiated the registration process in 2018 to enable 3 of Council’s aerodromes to be registered in accordance with the CASA regulations. Wilcannia, Ivanhoe and White Cliffs received modest infrastructure improvements to enable the process to be completed. Pursuant to the agreement between Council and the RFDS, the licensing costs will be borne by the RFDS for a 3-year period.

| Works Description | Original Budget | % Expended | Remaining Budget |
|-------------------|-----------------|------------|------------------|
| Aerodromes        | \$124,000       | 8%         | \$113,812        |

#### Attachments

16. Road Maintenance Program July 2020

## 10.2 SERVICES UPDATE

**REPORT AUTHOR:** DEPUTY 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:

| Works Description                       | Original Budget | % Expended | Remaining Budget |
|---|-----------------|------------|------------------|
| Parks & Gardens/<br>Sporting Facilities | \$181,350       | 11%        | \$160,877        |
| Ancillary Works                         | \$250,500       | 9%         | \$227,071        |
| Street Cleaning/Bins                    | \$121,000       | 18%        | \$99,599         |
| Buildings                               | \$674,800       | 27%        | \$489,296        |
| Swimming Pools                          | \$481,200       | 2%         | \$472,885        |
| Domestic Waste                          | \$189,000       | 12%        | \$166,052        |

#### Services Capital Works

Council has received funding to improve facilities throughout the Shire through the Building Stronger Country Communities Projects for Round 1, 2 and 3. The table below reflects expenditure and progress to date.

| <b>Works Description</b>                      | <b>Original Budget</b> | <b>% Expended</b> | <b>Remaining Budget</b> |
|---|------------------------|-------------------|-------------------------|
| Building Stronger Country Communities Round 1 | \$893,640.00           | 100%              | \$0                     |
| Building Stronger Country Communities Round 2 | \$1,395,084            | 42%               | \$804,371               |
| Building Stronger Country Communities Round 3 | \$760,340              | 10%               | \$685,624               |

### **10.3 PLANS OF CONSOLIDATION OF LOTS 97,98,99 AND 101 IN D.P 757463**

**REPORT AUTHOR:** GEOFF LAAN  
**RESPONSIBLE DIRECTOR:** REECE WILSON

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#### **EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council endorsement for the consolidation of Lots 97,98,99 and 101 in Deposited Plan (DP) 757463.

#### **RECOMMENDATION:**

**That Council will:**

- 1. Receive the report**
- 2. Endorse the Consolidation of Lots 97,98,99 and 101 in D.P 757463**
- 3. Authorise the Administrator and General Manager to sign the DP Administration Sheet and affix the Common Seal of Council**

#### **BACKGROUND:**

Lots 97,98,99 and 101 in DP 757463 are located in Ross Street Wilcannia. Council own the parcels of land and six council staff flat accommodation units are located within.

Council recently received funding to enable an additional 3 single unit dwellings to be installed to provide additional housing for Council staff. It is proposed to place the units along the back of the property boundaries.

Council engaged a registered surveyor to complete an identification survey and complete subsequent Plan of Consolidation.

The survey and plan have now been completed and are attached to this report. The plan consolidates the subject 4 lots within DP 757463.

**REPORT:**

To enable lodgement of the Plan of Consolidation, a DP Administration Sheet is required to be signed and sealed and attached to the plan as required by the Registrar General.

The original form has been signed by the Registered Surveyor and now requires the GM and Administrators signatures as well as the Common Seal of Council.

The recommendation above reflects this administrative function to proceed

**LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:****Community Strategic Plan Outcome****GOAL 4:**

A consultative and professional Council providing relevant, attainable and efficient delivery of services as per the standards set by Council and providing community development and succession planning

**Delivery Outcome**

Develop a governance framework that underpins openness and transparency for stakeholders

**SUSTAINABILITY ASSESSMENT:**

|                      | <b>Positive</b>   | <b>Negative</b> |
|----------------------|---|-----------------|
| <b>Social</b>        | Additional Council Housing for additional Council staff | Nil             |
| <b>Environmental</b> | Nil   | Nil             |
| <b>Economic</b>      | Nil   | Nil             |
| <b>Governance</b>    | Nil   | Nil             |

**Financial and Resource Implications:**

Costs for the project are 100% funded

**Policy, Legal and Statutory Implications:**

Signatures and Seals done in accordance with 195D, Conveyancing Act 1919

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

Nil

**OPTIONS:**

Do not consolidate lots

**COUNCIL SEAL REQUIRED:**

Yes

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

**Internal Exhibition**

Nil

**External Exhibition**

Nil

Attachments

17. Plan of Consolidation of Lots 97,98,99 and 101 in D.P. 757463
18. DP Administration Sheet

**10.4 ENVIRONMENTAL SERVICES UPDATE**

**REPORT AUTHOR:** ADMINISTRATION OFFICER - ENVIRONMENTAL  
**RESPONSIBLE DIRECTOR:** DIRECTOR SHIRE SERVICES

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**EXECUTIVE SUMMARY:**

This report is to provide a summary of Council's Environment Services statistics for the month of September 2020.

**RECOMMENDATION:**

**That Council will:**

1. Receive and note the report.

**REPORT:**

| <b><u>Statistics for September 2020</u></b> |  |                  |
|---|--|------------------|
| Development                                 | Number of DAs Approved – New Dwellings     | 0                |
|   | Number of DAs Approved – Renovation        | 0                |
|   | Number of DAs Approved – Other             | 0                |
|   | Total Value of DAs Approved                | \$0              |
|   | Number of Construction Certificates Issued | 0                |
|   | Number of LGA S68 Approvals                | 0                |
| Food Safety                                 | Food Premises Inspected                    | 5                |
| Animal Control Activities                   | Impounded                                  | 4 Dogs<br>2 Cats |
|   | Rehomed                                    | 2 Dog<br>0 Cats  |
|   | Returned to Owner                          | 4 Dog<br>0 Cats  |
|   | Euthanized                                 | 0 Dogs           |

|                |                                |        |
|----------------|--------------------------------|--------|
|                |                                | 2 Cats |
|                | Registrations                  | 0 Dog  |
|                | Microchipped                   | 0      |
|                | Penalty Notices Issued         | 0      |
| Water Sampling | Microbiology Samples Collected | 8      |
|                | Chemistry Samples Collected    | 0      |
|                | Non-Compliant Samples          | 0      |
|                | Darling River Algae Samples    | 0      |

Attachment

Nil

**10.5 POONCARIE ROAD – PROJECT REPORT – SEPTEMBER 2020**

**REPORT AUTHOR:** PROJECTS MANAGER  
**RESPONSIBLE DIRECTOR:** DIRECTOR OF SHIRE SERVICES

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**EXECUTIVE SUMMARY:**

The Pooncarie Road project seals the 61-kilometre section of Council Road MR68C, running south from Menindee, to the southern Shire border. Works are forecast to be completed by 2023.

**RECOMMENDATION:**

**That Council will:**

- 1. Receive and note the report**

**REPORT:**

**Funding Approval**

The initial 50% project funding has been approved by Central Darling Shire Council's two (2) project partners, the New South Wales Government (NSW), and the Commonwealth Government of Australia. Funding is administered by NSW Roads and Maritime Services (RMS). The final 50% project funding has preliminary approval.

Monthly reporting of expenditure is completed by the Director of Shire Services, in accordance with the corresponding 2019 Road Project Proposal Report.

**Community Engagement**

Indigenous participation is integral to the project. Council have created a register for local Indigenous people to express their interest. This meets Council's *Community Engagement Policy* and the project specific *Indigenous Participation Plan*.

A community engagement expression of interest targeting Indigenous participation was advertised throughout the local government and surrounding areas.

### **Stakeholder Management**

A property owner information session will be run by Council informing all adjacent land owners of upcoming works.

### **Preconstruction Works**

Preconstruction works are tracking on programme and will be completed by September.

### **Design**

100% design documentation is complete.

### **Management Plans**

The Review of Environmental Factors (REF) Draft Report is complete and will be finalised pending the Aboriginal Heritage Impact Permit (AHIP). The AHIP is delayed and is the single cause of the project's delay.

The project specific Work, Health and Safety, Environmental Management, and Quality plans are drafted, with completion pending the REF report finalisation.

### **Procurement**

Procurement of earthworks and civil works will be finalised by October utilising companies registered with Council under the existing Contract Plant Hire Rates agreement. Contractors will be appointed based on plant hire rates, plant and operator capability, and experience. Council are confirming engagement with two contractors, with both forecast to commence on-site in October.

### **Programme**

To date, all project tasks are on programme with the exception of the REF, which is delayed by the on-going AHIP process. The REF has consequential delays to project's forecast commencement date. This is currently outside Council's control however Council have engaged experienced environmental and cultural consultants who are assisting in the completion of associated tasks.

The AHIP is forecast to be complete by the end of September, allowing works on-site to commence by October. This forecast has been confirmed by the environmental and cultural consultants.

### **Cost**

All forecast milestones for the Financial Year 2019-2020 were achieved. All preconstruction works have been completed on-budget.

### **Safety**

There have been zero work health and safety incidences on-site.

## 10.6 WATER AND SEWER REPORT

REPORT AUTHOR: PROJECTS ENGINEER  
RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES

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### EXECUTIVE SUMMARY:

The purpose of this report is to provide an update on water and sewer maintenance, capital works and expenditure on 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 remains sourced from the Union Bend Bore Field. Current river water quality is difficult to treat and variable over time. Notwithstanding these circumstances Council's WTP Operator and water treatment consultant undertook jar testing in early September to determine a "recipe" for application to the WTP operation. The jar testing results indicated some prospect of success however the plant operation with these jar testing results was not successful and plant operation went back to bore supply.
- River water quality will continue to be monitored and when stable over time WTP supply will transition back to the river. Raw water is continuing to be sourced from the Darling River.

The Darling River at Wilcannia experienced a modest increase recently from past catchment rainfall in the Central West NSW.

- White Cliffs town water supply is sourced from Wakefield Tank. Wakefield Tank storage supply without further rain is expected to last through to May 2021.
- Ivanhoe town water supply is currently being sourced from Morrison's Tank. Morrison's Tank current capacity is 300 megalitres and town storage dam is 30 megalitres providing remaining supply capacity estimated at 16 months. At the time of writing this report Council was advised by NSW Water of significant flow expected in Willandra Creek and Morrison's Lake providing additional supply for Morrison's Tank and Ivanhoe's water supply beyond existing storage.

| <b>Works Description</b>   | <b>Original Budget</b> | <b>% Expended</b> | <b>Remaining Budget</b> |
|----------------------------|------------------------|-------------------|-------------------------|
| Wilcannia Water            | \$433,500              | 15.4%             | \$366,600               |
| Wilcannia Sewer            | \$230,865              | 16.9%             | \$191,865               |
| White Cliffs Water         | \$165,500              | 10.6%             | \$148,000               |
| Ivanhoe Water              | \$351,000              | 13%               | \$305,700               |
| Aboriginal Communities R&M | \$126,355              | 0.3%              | \$126,305               |

### **Water and Sewer Capital Works**

#### **Restart Program (RNSW 827) - White Cliffs Water Supply Augmentation**

Public Works Advisory (PWA) were engaged to undertake management of the tendering process. The White Cliffs WTP RFT was issued on 5<sup>th</sup> December 2019 and closed on 27 February 2020 following an extension of time of 3 weeks. One tender was received which exceeded project estimates and PWA recommended Council not accept the tender. Council considered this recommendation at the March Ordinary Meeting and resolved to accept the PWA recommendation and not accept the tender.

Council has subsequently considered retendering in the context of the Wilcannia and Ivanhoe WTP projects, and accordingly, Council decided to defer the White Cliffs WTP retendering to align with the tendering of the Wilcannia and Ivanhoe WTP Projects and maximise the opportunity for greater industry interest by issuing RFT's for 3 new WTP's in September/October 2020.

The White Cliffs Water Supply Rising Main and Reticulation draft plans have been received subject to finalisation of the AHIP process w.r.t items of indigenous cultural heritage and inline booster pump design. In this regard Council will complete it's review of reticulation pressure boosting options by end of August 2020.

The program for issuance of the White Cliffs Water Supply Rising Main and Reticulation RFT is expected by September/October August 2020 but will be programmed precisely in consideration of the WTP RFT's expected to be issued at the same time.

#### **Restart Program (RNSW 1869) Safe and Secure Program - Wilcannia Sewer Augmentation**

The completed Wilcannia Sewerage Scoping Study has been forwarded to DPIE and Restart NSW their consideration and Section 60 Approval to enable the project planning to continue.

Capital funding is subject to further funding application by Council and assessment by the DPIE Review Panel.

No further action or advice received at this stage.

#### **Restart Program (RNSW 1869) Wilcannia and Ivanhoe New Water Treatment Plants**

##### **Background**

Council engaged City Water Technology (CWT) to,

1. Finalisation of the preferred water treatment chain and capacity for new WTPs at Wilcannia and Ivanhoe based on the Advanced Treatment Concept Report completed by PWA. CWT's engagement included negotiation on Council's behalf with Department of Industry - Water with respect technical issues.
2. Resolve if possible the IWCM identified issue of unaccounted for non-revenue water, and determine new WTP's capacity for each location, and
3. Secure Section 60 Approval (LGA Act, 1993) from DPIE and issue RFT for new WTP's at Wilcannia, Ivanhoe and White Cliffs.

Council has been offered capital funding for new WTPs at Wilcannia and Ivanhoe to the value of \$3.5 Million and \$2.5 Million respectively. \$200,000 has been approved in the first instance to complete necessary preconstruction works and confirm WTP capacities.

#### Water Loss Considerations

The recent update of the IWCM Issues Paper, taking into account the improved water usage data from Council's Mag flow meters suite at each plant and smart metering at residences, identifies Non-Revenue Water (NRW) at Wilcannia at an unacceptable level.

A first step in clarification of this issue was the completion of a filtered reservoir drop test on Tuesday 18/8/2020 between 1am and 3am. A second drop test was undertaken to confirm the initial drop test results. The 2<sup>nd</sup> drop test results (no drop) were compromised by CWT pumps remaining on automatic control. A 3<sup>rd</sup> drop test was undertaken and this test confirmed the original drop test results. Further resolution of this matter requires scrutiny of the integrity of non-return valves to evaluate possible backflow from the reservoir into the CWT.

These results are being considered in comparison with smart metering data and will be discussed with DPIE and CWT in the week commencing 24/8/2020 with the intension of addressing the NRW issue and agreement with respect to WTP Capacity.

Subject to resolution of this matter the Request for Tenders (RFT) for 3 new WTP's at Wilcannia, Ivanhoe and White Cliffs remain on target to be issued in September/October 2020.

| <b>Works Description</b>   | <b>Original Budget</b> | <b>% Expended</b> | <b>Remaining Budget</b> |
|----------------------------|------------------------|-------------------|-------------------------|
| White Cliffs WTP and Retic | \$5,500,000            | 3%                | \$5,316,961             |
| Wilcannia WTP              | \$3,500,000            | 3%                | \$3,388,025             |
| Ivanhoe WTP                | \$2,500,000            | 2%                | \$2,438,941             |

#### Attachment

Nil

## **11. MINUTES OF COMMITTEE MEETINGS**

### **11.1 MINUTES – DARNICK HALL AGM – 24<sup>th</sup> January 2020**

**Recommendation:**

That the Minutes of the Darnick Hall Section 355 Committee Meeting held on 24<sup>th</sup> January 2020 be received and noted.

Attachments

- 19. Darnick Hall AGM

### **11.2 MINUTES – MENINDEE COMMON – 28<sup>th</sup> JUNE 2020**

**Recommendation:**

That the Minutes of the Menindee Common Section 355 Committee Meeting held on 28<sup>th</sup> June 2020 be received and noted.

Attachments

- 20. Menindee Common

### **11.3 MINUTES- WHITE CLIFFS COMMUNITY ASSOCIATION- 1<sup>st</sup> SEPTEMBER 2020**

**Recommendation:**

That the Minutes of the White Cliffs Community Association Section 355 Committee Meeting held on 1<sup>st</sup> September 2020 be received and noted.

Attachments

- 21. White Cliffs Community Association General Meeting

## 12. 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.

**Recommendation:**

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.

### 12.1 <INSERT REPORT TITLE>

### **13. MEETING CLOSE**

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

The next meeting of Council will be held on Wednesday, 28 October in Wilcannia at 9.00am.

**DRAFT MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN  
THE  
COUNCIL CHAMBERS, 21 REID STREET, WILCANNIA  
ON WEDNESDAY, 26 AUGUST 2020.**

**PRESENT:** Administrator, Bob Stewart

**IN ATTENDANCE:** General Manager, Greg Hill  
Director Shire Services, Reece Wilson  
Director Business Services, Jacob Philp  
Manager Finance, Kevin Smith

**1. OPENING OF MEETING**

The meeting was declared open at 9.02am.

**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**

NIL

**4. DISCLOSURES OF INTEREST**

Resolved

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

**5. CONFIRMATION OF MINUTES**

**5.1 ORDINARY MEETING – 22 JULY 2020**

Resolved

That the Minutes of the Ordinary Council Meeting held on 22 July 2020 be received and confirmed as an accurate record.

Minute Number: 01-08-20

**5.2 BUSINESS ARISING**

NIL

## **6. MAYORAL (ADMINISTRATOR) MINUTE(S)**

### **6.1 ADMINISTRATORS REPORT**

**Resolved**

1. Receive and note the report.

**Minute Number: 02-08-20**

## **7. FINANCIAL REPORTS**

### **7.1 PROGRESS TOWARDS SALE OF LAND FOR UNPAID RATES AUCTIONS**

**Resolved**

1. Receive and note the report.
2. Note that monthly reports will be provided to Council until such time that the auctions have concluded, and the sale process has been finalised.

**Minute Number: 02-08-20**

### **7.2 ADOPT DRAFT LONG TERM FINANCIAL PLAN 2021-30**

**Resolved**

1. Receive the report on DRAFT Long Term Financial Plan 2021-30
2. Note that no Public Submissions were received during the exhibition period towards the DRAFT Long Term Financial Plan 2021-30
3. Adopt the DRAFT Long Term Financial Plan 2021-30
4. That the General Manager will respond to Roy Butler MP, Member for Barwon, of Council resolution.

**Minute Number: 03-08-20**

### **7.3 CASH AND INVESTMENTS – JULY 2020**

**Resolved**

1. Receive and note the report.

**Minute Number: 04-08-20**

### **7.4 COUNCIL 2020-21 CURRENT GRANTS REGISTER**

**Resolved**

1. Receive and note the report.

**Minute Number:05-08-20**

## **8. GOVERNANCE REPORTS**

### **8.1 ANNUAL COMMUNITY SERVICE AWARDS POLICY AND PROCEDURES**

**Resolved**

1. Receive the report
2. Adopt the Annual Community Service Awards policy and implement the framework.

**Minute Number: 06-08-20**

### **8.2 CORRESPONDANCE RECEIVED – TABLED FOR PUBLIC INFORMATION**

**Resolved**

1. Receive and note the report.

**Minute Number: 07-08-20**

### **8.3 MENINDEE SUSTAINABLE DIVERSION LIMITS ADJUSTMENT MECHANISM (SDLAM), STAKEHOLDERS ADVISORY GROUP (SAG)**

**Resolved**

1. Receive and note the report.
2. That Council note the outcomes of a public meeting held in Menindee on 18 July 2020, rejecting the options for the Menindee Lakes Water Saving Project.
3. Council note the resolutions of Wentworth Shire Council and Broken Hill City Council at their August Council Meetings.
4. That Council writes to the Ministers Pavey and Marshall expressing its support for the position of the Stakeholder Advisory Group, in its letter dated 27 July 2020, noting that Council seeks to:
  - i. Ensure critical supply of water for the environment, cultural and human needs along the Darling, at Menindee and within the Lower Darling/Anabranch Systems in dry or low flow years.
  - ii. That the critical human needs of towns, cultural and stock & domestic water needs of riparian landowners are provided for, before access to irrigation is allowed in the Barwon-Darling and Northern Tributaries.
  - iii. Recognition of the importance of the protection of first flush events for the health of the river. Recent reports including the Matthews Report, Murray Darling Basins Authority Response to the Matthews report, the Vertessy Report into the Menindee Fish Kills, the academy of Science report into the Menindee fish kills and the NSW Natural Resources Commission Review of the Barwon-Darling Water Sharing Plan, all support this view.
  - iv. The setting of critical flow triggers for the Barwon-Darling and Lower Darling, and storage volumes in the Menindee Lakes be determined. This will ensure that the protection of the health of the river is made a priority before access to water for irrigation is allowed.
  - v. Note- there have been several previous targets recommended for this purpose in NSW, including the 'Interim North-West flow rules' developed in

the early 1990's and the environment contingency, included in the Lower Murray-Darling Water Sharing Plan. The flow targets included within these strategies provided for turning over water in the weir pools, providing for fish passage, and providing for the dispersal of blue-green algae. Current flow targets seem arbitrary and not linked to any outcomes.

- vi. A volume target for Lake Wetherell and Lake Pamamaroo in the Menindee Lakes Scheme, be set to provide for up to two years security of supply for the Lower Darling to prevent the potential for future fish kills. Suck volume would be consistent with the original intent of the management of the Menindee Lakes, to provide two years drought reserve for far-west NSW.

The above contributes to:

- a) Draw water past Burke, Louth, Tilpa, Menindee & Pooncarie to ensure a healthy connected river.
  - b) Provide for cultural outcomes conducive with a healthy river system.
  - c) Provide critical human needs of towns and stock & domestic water needs of Riparian landowners.
  - d) Aligns with recent government review.
  - e) Provides water quality, fish passage and connectivity
5. That Council requests that the NSW Government reengage with the Chair and Committee of the Stakeholder Advisory Group, in an open and transparent process, to ensure the views of the Menindee Community and all stakeholders form part of the decision-making process.
  6. That any draft proposal for the Menindee Lakes, Lower Darling/Anabranh systems be placed on public exhibition and the wider community of interest, be canvassed prior to any decision making on a final outcome by government.
  7. That Council advise the Wentworth Shire and Broken Hill City Council, of this resolution and seek an urgent meeting with ministers Pavey and Marshall to discuss the abovementioned recommendations.

**Minute Number: 08-08-20**

#### **8.4 DRAFT COMMUNITY ENGAGEMENT POLICY FOR PUBLIC EXHIBITION**

**Resolved**

1. Receive and note the report.
2. Council endorse DRAFT Community Engagement Policy and place on public exhibition for a period of 28 days.

**Minute Number: 09-08-20.**

#### **8.5 MEETINGS AND WORKSHOPS ATTENDED BY THE GENERAL MANAGER**

**Resolved**

1. Receive and note the report.

**Minute Number: 10-08-20**

#### **8.6 CENTRAL DARLING SHIRE BUSINESS CONTINUITY POLICY AND PLAN**

**Resolved**

1. Receive and note the report.
2. Endorse the Central Darling Shire Business Continuity Policy and Plan

**Minute Number: 11-08-20**

**9. CORPORATE SERVICES REPORTS**

NIL

**10. SHIRE SERVICES REPORTS**

**10.1 POONCARIE ROAD – PROJECT REPORT – AUGUST 2020**

**Resolved**

1. Receive and note the report.

**Minute Number: 12-08-20**

**10.2 ENVIRONMENTAL SERVICES UPDATE**

**Resolved**

1. Receive and note the report.

**Minute Number: 13-08-20**

**10.3 ROADS AND AERODROMES REPORT**

**Resolved**

1. Receive and note the report.

**Minute Number: 14-08-20**

**10.4 ANNUAL FIRE SAFETY STATEMENTS**

**Resolved**

1. Receive and note the report.
2. That the inspection report of each Council premises recently undertaken for statutory fire safety measures, be obtained.

**Minute Number: 15-08-20**

**10.5 FOOD PREMISES INSPECTIONS**

**Resolved**

1. Receive and note the report.

Minute Number: 16-08-20

## 10.6 LOCAL STRATEGIC PLANNING STATEMENT

### Resolved

1. Receive and note the report.
2. That Council support the Planning Proposal.
3. That Council submit the supported Planning Proposal to the Department of Planning, Industry and Environment for Gateway Determination.
4. The Planning Proposal is for the reclassification of four (4) allotments, being lots 2, 3 & 4 DP 1201089, and lot 111 DP 1201028, from Community Land to Operational Land, and to discharge Council interests to facilitate the development of a health services facility thereon.

Minute Number: 17-08-20

## 10.7 SERVICES UPDATE

### Resolved

1. Receive and note the report.

Minute Number: 18-08-20

## 10.8 WATER AND SEWER UPDATE

### Resolved

1. Receive and note the report.

Minute Number: 19-08-20

## 11. MINUTES OF COMMITTEE MEETINGS

NIL

## 12. MEETING CLOSE

There being no further business to discuss, the meeting was closed at 9.24am.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Central Darling Shire Council held on Wednesday, 23rd September 2020.

.....  
ADMINISTRATOR

## CENTRAL DARLING PISTOL CLUB INC



INC No – Y0916715

PO BOX 100 MENINDEE NSW 2879

EMAIL – [centraldarlingpc@gmail.com](mailto:centraldarlingpc@gmail.com)

8<sup>th</sup> September 2020

Dear Greg,

On behalf of the Central Darling Pistol Club I would like apply to council for relief from Council Rates. Our club is committed to providing a safe and friendly environment for our members to meet and socialise whilst enjoying the sport of pistol shooting. Relief from council rates would allow us to continue to make improvements and provide a better service to our members.

I hope you will consider our application and look forward to your response.

Regards,

Trevor Jones

CDPC- Secretary

RECEIVED  
11 SEP 2020  
BY: *Uhr*

**Attachment 1 – Recission - Transfer of Land to Council - 69 Hood Street Wilcannia  
- Extract of Business Paper September 2010**

**Unpaid Rates**

Council has received correspondence from Mr Ron Logan, Executor, in respect of the estate of Peter King Deceased and Assessment No. 01056-00000000-000. The correspondence, in short, covers the history of land parcels in Hood Street Wilcannia and assumes some confusion in relation to two parcels now described as Lot 9 on DP 1055590 (Assessment No. 01056-00000000-000), currently owned by the deceased Peter King and Lot A on DP 900668 (Assessment No. 01055-10000000-000) currently owned by Kniediep Pty Ltd.

The correspondence details some of the history relating to numerous transfers of these properties over a number of years and the “facts” that a number of the owners of Lot 9 on DP 1055590 actually resided in the house situated on Lot A on DP 900668 believing this to be the property which they had purchased.

After further investigation findings that the claims of Mr Logan appear to be correct in so far as the property in question, Lot 9 on DP 1055590, does not have a residence and is in fact vacant land and it has been rated as containing a residence on the property.

It would appear that the property containing the residence, Lot A on DP 900668, has only been rated as vacant land and not been rated as containing a residence on the property.

In order to correct the initial rating problem for future levies Assessment No. 01055-10000000-000 will now be rated as residential land containing a residence whilst Assessment No. 01056-00000000-000 will be rated as vacant land.

Currently Assessment 01056-00000000-000 has outstanding rates and charges, including interest, amounting to \$19,322.87 as at 30 June 2010. Mr Logan has indicated that the estate “has no funds to pay these unpaid rates” and has proposed that the property “be transferred to Council, without a sale price, and that the estate receive from Council a form of Release and Indemnity in regard to transfer costs and any outstanding Council rates and charges.” Considering that Council is already able to proceed with a S713 sale, which will result in further costs being incurred in relation to serving of notices and advertising it may be a better option to accept the proposal of Mr Logan as executor of the estate.

**RECOMMENDATION**

***That Council accept the proposal of Mr Logan in relation to the outstanding rates on Assessment No 01056-00000000-000.***

**Attachment 2 – Recission - Transfer of Land to Council - 69 Hood Street Wilcannia  
– Council Resolution September 2010**

**40-9-10**

Resolved On the Motion Of Clr Wellings, Seconded Clr Longfellow That Council accept the proposal of Mr Logan in relation to the outstanding rates on Assessment No 01056-00000000-000 and sign all appropriate documents, affix the Council Seal as required and classify the land as operational.

| Grant Title   | Funding Body   | Funding Division | Responsible Officer | Status       | Date Grant Approved | Grant Completion Date | Total Grant Funds | Expended 20-21 | Amount Unexpended YTD |
|---|--|------------------|---------------------|--------------|---------------------|-----------------------|-------------------|----------------|-----------------------|
| White Cliffs New Water Treatment Plant & Reticulation Network   | Treasurer of NSW/Restart NSW   | State            | Darren Scotti       | Active       | 23/07/2017          | 30/06/2024            | \$ 5,500,000.00   | \$             | 5,318,956.23          |
| Stronger Country Communities Fund Rounding 2                    | Department of Premier And Cabinet  | State            | Andrew Algate       | Active       | 5/12/2018           | 30/06/2020            | \$ 1,395,084.00   | \$ 14,287.84   | 804,370.48            |
| Financial Assistant Grant Entitlement 2019/2020 - Local Roads   | Local Government Grants Commission   | Commonwealth     | Reece Wilson        | Active       | 22/08/2019          | 30/06/2020            | \$ 842,523.60     | \$-            | 488,237.87            |
| Financial Assistant Grant Entitlement 2019/20 Non Roads         | Local Government Grants Commission   | Commonwealth     | Jacob Philp         | Active       | 22/08/2019          | 30/06/2020            | \$ 2,070,210.00   | \$             | -                     |
| Wilcannia Waste Facility  | NSW Environmental Trust  | State            | Reece Wilson        | Hold/Pending | 14/09/2018          | 30/06/2021            | \$ 200,000.00     | \$             | 184,336.19            |
| Menindee Waste Facility   | NSW Environmental Trust  | State            | Reece Wilson        | Hold/Pending | 14/09/2018          | 30/06/2021            | \$ 134,457.00     | \$             | 128,712.00            |
| Ivanhoe Waste Facility  | NSW Environmental Trust  | State            | Reece Wilson        | Hold/Pending | 14/09/2018          | 30/06/2021            | \$ 95,083.00      | \$             | 95,078.35             |
| Aboriginal Communities Water And Sewerage Program               | Department of Planning, Industry & Environment                                   | State            | Reece Wilson        | Active       | 10/09/2019          | 10/09/2024            | \$ 709,130.00     | \$             | 620,456.73            |
| Menindee Fish Hatchery Scoping Study                            | Department of Agriculture  | Commonwealth     | Greg Hill           | Active       | 30/01/2020          | 24/08/2020            | \$ 127,402.00     | \$ 31,900.00   | 95,502.00             |
| Western WAP 1520 Central Darling Shire Council - 2018/19        | Local Land Services  | State            | Reece Wilson        | Active       | 1/07/2018           | 30/06/2020            | \$ 9,335.70       | \$             | 4,708.66              |
| Drought Communities Programme - Extension                       | Department of Planning, Industry & Environment                                   | Commonwealth     | Reece Wilson        | Active       | 1/07/2019           | 31/12/2020            | \$ 1,000,000.00   | \$ 26,902.12   | 722,409.54            |
| Wilcannia Township Gravity Sewer Scheme Scoping Study           | Restart NSW  | State            | Reece Wilson        | Active       | 19/11/2018          | 30/06/2020            | \$ 60,000.00      | \$-            | 9,448.38              |
| Management Plan for Crown Land                                  | NSW Communities & Justice  | State            | Reece Wilson        | Active       | 15/11/2018          | 30/06/2021            | \$ 100,000.00     | \$-            | 265.03                |
| Baaka Cultural Centre   | Infrastructure NSW   | State            | Greg Hill           | Hold/Pending | 7/05/2019           | 30/06/2024            | \$ 3,500,000.00   | \$             | 3,500,000.00          |
| Replacement of Wilcannia Water Treatment Plant                  | Department of Industry   | State            | Darren Scotti       | Hold/Pending | 15/01/2020          |                       | \$ 3,500,000.00   | \$             | 3,500,000.00          |
| Replacement of Ivanhoe Water Treatment Plant                    | Department of Industry   | State            | Darren Scotti       | Hold/Pending | 15/01/2020          |                       | \$ 2,500,000.00   | \$             | 2,500,000.00          |
| Roads to Recovery - Round 1                                     | Department of Infrastructure, Regional Development and Cities                    | Commonwealth     | Reece Wilson        | Active       | 15/03/2019          | 30/06/2024            | \$ 1,502,727.00   | \$-            | 132,823.62            |
| Upgrade of Pooncarrie Road                                      | Roads and Maritime Services  | State            | Mathew O. Bubica    | Active       | 6/03/2019           | 30/06/2021            | \$ 12,500,000.00  | \$ 161,894.27  | 11,463,588.95         |
| Remote Airstrip Upgrade Program Round 7                         | Department of Industry, Science, Energy and Resources                            | Commonwealth     | Reece Wilson        | Active       | 13/05/2020          | 30/06/2021            | \$ 80,000.00      | \$             | 63,615.00             |
| Stronger Country Communities Fund Round 3                       | Department of Premier And Cabinet  | State            | Reece Wilson        | Active       | 6/05/2020           | 30/06/2021            | \$ 760,340.00     | \$ 32,374.27   | 727,965.73            |
| Regional Road Block Grant Assistance                            | Roads and Maritime Services  | State            | Reece Wilson        | Active       | 1/07/2019           | 30/06/2020            | \$ 2,808,000.00   | \$             | 2,660,629.97          |
| Regional Road Repair 2019/2020                                  | Roads and Maritime Services  | State            | Reece Wilson        | Active       | 11/11/2019          | 30/05/2020            | \$ 400,000.00     | \$-            | 474,856.31            |
| Local Roads and Community Infrastructure Program                | Department of Infrastructure, Transport, Regional Development and Communications | Commonwealth     | Reece Wilson        | Active       | 22/05/2020          | 30/06/2021            | \$ 1,001,818.00   | \$             | 1,001,818.00          |
| Maari Ma Night Patrol and Wings Drop in Centre                  | Department of Planning, Industry & Environment                                   | State            | Greg Hill           | Active       | 15/05/2020          | 30/08/2021            | \$ 200,000.00     | \$             | 140,000.00            |
| Baaka Curatorial Co-ordination Project                          | Regional NSW   | State            | Greg Hill           | Active       | 6/05/2020           | 30/06/2021            | \$ 15,000.00      | \$             | 15,000.00             |
| DSP Council Strategic Planning                                  | Department of Planning, Industry & Environment                                   | State            | Reece Wilson        | Active       | 17/06/2020          | 30/06/2021            | \$ 220,000.00     | \$ 63.69       | 219,936.31            |
| DSP Council Capacity and Capability Building                    | Department of Planning, Industry & Environment                                   | State            | Reece Wilson        | Active       | 17/06/2020          | 30/06/2021            | \$ 150,000.00     | \$             | 150,000.00            |
| DSP Infrastructure / Employment Generation / Community Projects | Department of Planning, Industry & Environment                                   | State            | Reece Wilson        | Active       | 17/06/2020          | 30/06/2021            | \$ 1,430,000.00   | \$ 4,064.67    | 1,425,935.33          |
| Menindee Rural Drought Emergency Funding Water Carting          | Department of Planning, Industry & Environment                                   | State            | Reece Wilson        | Active       | 31/12/2018          |                       | \$ 80,000.00      | \$             | 43,645.00             |
| Wilcannia Showgrounds Stimulus Program                          | Department of Planning, Industry & Environment                                   | State            | Reece Wilson        | Active       | 26/06/2020          | 30/06/2021            | \$ 130,000.00     | \$ 243.41      | 129,756.59            |
| Ivanhoe Multi Service Outlet Project                            | Department of Industry, Innovation & Science                                     | Commonwealth     | Greg Hill           | Active       | 29/06/2020          | 31/12/2022            | \$ 450,000.00     | \$             | 450,000.00            |
| Repair 2020/21 Project Funding                                  | Transport for NSW  | State            | Reece Wilson        | Active       | 23/06/2020          | 31/05/2021            | \$ 400,000.00     | \$ 13,568.20   | 126,310.21            |
| Financial Assistant Grant Entitlement 2020/2021 - Local Roads   | Local Government Grants Commission   | State            | Reece Wilson        | Active       | 5/01/2020           | 30/06/2021            | \$ 1,648,446.00   | \$ 184,706.26  | 1,463,739.74          |
| Financial Assistant Grant Entitlement 2020/2021 - Non Roads     | Local Government Grants Commission   | Commonwealth     | Jacob Philp         | Active       | 5/01/2020           | 30/06/2021            | \$ 4,353,450.00   | \$             | 4,353,450.00          |
| BAAKA Curation/CoOrdination Project                             | Museums and Galleries NSW, State Library of NSW and Sydney University            | State            | Greg Hill           | Active       | 5/01/2020           | 30/07/2021            | \$ 90,000.00      | \$             | 90,000.00             |
| Roads to Recovery 2020/21                                       | Department of Infrastructure, Regional Development and Cities                    | Commonwealth     | Reece Wilson        | Active       | 1/07/2020           | 30/06/2021            | \$ 1,500,000.00   | \$             | 1,500,000.00          |
| Baaka Corporation Establishment - Legal Cost                    | Regional NSW   | State            | Greg Hill           | Active       | 20/07/2020          |                       | \$ 25,000.00      | \$             | 25,000.00             |
| COVID-19 Economic Stimulus Package - Emergency Service Levy     | NSW Office of Local Government   | State            | Reece Wilson        | Active       | 23/07/2020          | 30/06/2021            | \$ 75,662.67      | \$             | 75,662.67             |
| Regional Road Block Grant 2020-2021                             | Transport for NSW  | State            | Reece Wilson        | Active       | 4/08/2020           | 30/06/2021            | \$ 1,402,000.00   | \$             | 1,402,000.00          |
| FWJO Toilet Facility Upgrades                                   | Far West Joint Organisation  | State            | Geoff Laan          | Active       | 1/05/2019           | 30/06/2023            | \$ 230,000.00     | \$ 516.29      | 221,857.35            |
| FWJO Tourism Infrastructure Enhancement                         | Far West Joint Organisation  | State            | Andrew Algate       | Active       | 5/01/2019           | 30/06/2023            | \$ 550,000.00     | \$             | 550,000.00            |
| FWJO Tourism Technology   | Far West Joint Organisation  | State            | Jacob Philp         | Active       | 5/01/2019           | 30/06/2023            | \$ 220,000.00     | \$             | 220,000.00            |
|   |  |                  |                     |              |                     |                       | \$ 53,965,668.97  | \$ 470,521.02  | 44,888,809.82         |



The Honourable Melinda Pavey MP  
Minister for Water, Property and Housing

ATTACHMENT 6

IM20/21419

Your ref: xxxxxx

Mr R K Stewart - Administrator  
c/o The General Manager  
Central Darling Shire Council  
PO Box 165  
WILCANNIA NSW 2836

RECEIVED  
04 SEP 2020

BY:.....

Dear Mr Stewart

Thank you for your letter of 25 June 2020 regarding the Wilcannia Weir Environmental Impact Statement (EIS). I apologise for the delay in responding.

WaterNSW is delivering the Wilcannia Weir replacement project on behalf of the NSW and Commonwealth Governments. As you know, construction work was planned to commence in October 2020. However this will now be delayed by 12 months due to delays associated with COVID-19 and changes to the planning pathway.

Preliminary environmental assessments in February 2020 indicated the weir may have an impact on certain species that are listed as vulnerable or critically endangered. This includes the Murray Cod and Silver Perch, which are Federally listed, and other fish such as the Olive Perch and the Darling River Snail. Other biodiversity, including both flora and fauna studies, require in-depth assessment.

Seasonal biodiversity studies were initially planned for April 2020 to understand the project's potential impact on these species. These were delayed due to COVID-19 restrictions. As prescribed by the guidelines, the next opportunity for these important assessments is in early spring and I am advised the survey will be starting shortly in September or October 2020. This will extend the overall project timeline by approximately 6 months.

Additionally, consultation with the Department of Planning, Industry and Environment has since confirmed that the project is considered Critical State Significant Infrastructure (CSSI). This presents delays to the project of up to a further six months. While WaterNSW initially planned to prepare a Review of Environment Factors (REF), in-depth environmental assessments through the preparation of an Environmental Impact Statement (EIS) must now be undertaken. Whilst this may cause a delay, continuing the project under the REF process would carry the risk of legal challenge and the project would be required to stop until the legislative process had concluded. I have attached the latest Project Update for your benefit as it contains a useful comparison of REF and EIS timeframes.

The CSSI planning approval pathway involves mandatory exhibition of the EIS, including supporting studies for public comment. It also recognises that significant impacts may be found as part of the assessment process. Accordingly, the approval authority is now the Minister for Planning and Public Spaces, not WaterNSW, and the Commonwealth in the event that Commonwealth-listed biodiversity is found likely to be significantly impacted.

I understand Council and the community's disappointment with this delay, however WaterNSW is expecting to start construction in August 2021 and the NSW Government is determined to deliver this project as quickly as possible. The best way forward is to ensure a

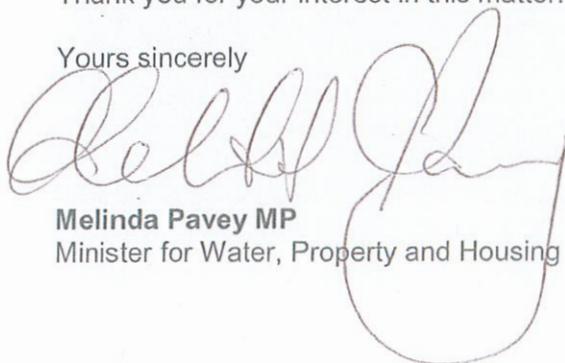
robust process is followed to provide greater water security for Wilcannia – not only for next year, but for the next generation.

I am committed to working with the community through these changes. WaterNSW has established a project team that will continue to communicate via phone, email, video meetings, advertisements, local radio and news. Project updates and flyers are providing information and we will continue to work closely with the community and with a recently established project reference group.

If you require additional information or wish to discuss this matter further, please contact [WilcanniaWeir@waterNSW.com.au](mailto:WilcanniaWeir@waterNSW.com.au) or call 1300 662 077.

Thank you for your interest in this matter.

Yours sincerely

A large, stylized handwritten signature in black ink, appearing to read 'Melinda Pavey'. The signature is written over a faint, large outline of a water drop or similar shape.

**Melinda Pavey MP**  
Minister for Water, Property and Housing

27 AUG 2020



# New South Wales State Emergency Operations Centre

ATTACHMENT



Cr Linda Scott  
President  
Local Government NSW

CC: NSW Mayors

Via email: [executive.assistant@lgnsw.org.au](mailto:executive.assistant@lgnsw.org.au)

01 September 2020

Dear Cr Scott and NSW Mayors

I am writing in my capacity as the NSW State Emergency Operations Controller under the *State Emergency and Rescue Management Act 1989* (NSW) in relation to the upcoming summer season and management of beaches and other summer recreational attractions governed by local councils.

In these extraordinary times it is clear significant work has been undertaken to ensure that public health and safety remains paramount. This must continue and remain a priority into the 2020-21 warmer months.

The NSW Health Orders are ever evolving as the response to the pandemic continues. The current NSW Health Order places restrictions on outdoor gatherings. Any activity must be conducted in a COVID Safe manner with COVID Safe Plans and COVID Safe marshals.

Compliance with NSW Public Health Orders and COVID Safe plans rests with business owners and landholders. In the case of beaches and recreational areas, the local council is responsible for implementing and managing COVID Safe plans and adherence to Public Health Orders.

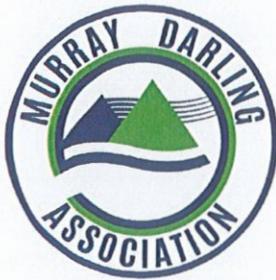
Observance of NSW Health Orders and COVID Safe plans is ultimately everyone's responsibility, however enforcement needs to be a shared responsibility and includes regulatory bodies, NSW Police Force, Rangers, private security and some NSW Health Officials. While enforcement is always an option for NSW Police Force it is more desirable to work with community and provide them with the parameters within which they can safely visit these public places.

It is important now to plan for the warmer months around NSW beaches, parks and other attractions. The Local Emergency Management Committees are also being encouraged to work with local councils to plan and coordinate responses and resources assisting local councils meet community expectations and demand.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Gary Worboys'.

GARY WORBOYS APM  
NSW POLICE FORCE DEPUTY COMMISSIONER  
STATE EMERGENCY OPERATIONS CONTROLLER



admin@mda.asn.au  
www.mda.asn.au  
T (03) 5480 3805  
ABN: 64 636 490 493

1/250 Anstruther St  
P.O. Box 1268  
Echuca, Vic 3564

## MEDIA RELEASE

Friday, September 4, 2020

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### A new approach puts local communities at the heart of the Basin Plan

---

The Murray Darling Association has welcomed the Federal Government's overhaul of the Murray-Darling Basin water buyback scheme as a win for local communities and for the environment.

National Water Minister Keith Pitt has today announced a new approach to the implementation of the Basin Plan, with cancellation of buyback, and a new approach to compliance at the cornerstone of a suite of new announcements.

"The buyback scheme had the best intentions, but as a means of achieving sustainable environmental water recovery it didn't work. It created division, pitting communities and the environment against each other," Murray Darling Association CEO Emma Bradbury said today.

"The two greatest challenges to the implementation of the Murray-Darling Basin Plan were policies that recovered water for the environment at a direct cost to community wellbeing, and disjointed oversight that eroded local confidence in the Plan. Today's announcement goes a long way to addressing those two key issues," Ms Bradbury said.

The MDA, which is the peak group for local councils in the Murray Darling Basin, has long been working for the environmental buyback scheme to be cancelled, with water instead saved through greater efficiencies and more effective project planning and infrastructure investment.

"Today's announcement heralds a step-change in the way our leadership is approaching the implementation the Basin Plan, and a tangible commitment to action in achieving stronger outcomes for the community and the environment," said Ms Bradbury, who sat on the advisory group to the Productivity Commission's Murray-Darling Basin Plan: Five-year assessment in 2018.

That assessment, presented at the MDA's 74<sup>th</sup> National Conference, recommended that the Murray-Darling Basin Authority be restructured to separate its service delivery and its regulatory (compliance) functions into two institutions.

The MDA has also welcomed the announcement that the Inspector-General of Murray-Darling Basin Water Resources will assume responsibility for the revamped scheme under the new title Inspector-General of Water Compliance.

For more information, contact Emma Bradbury on 0429 905 017 or e.bradbury@mda.asn.au

“We need to change the way we manage our water, and while we look forward to seeing more detail, this announcement is a positive step forward,” Ms Bradbury said.

As much as the buyback scheme had its flaws, any new approach to recovering water for the environment must maintain the integrity of restoring a healthy working Murray-Darling Basin system.

“The MDA works with councils, communities, groups and individuals representing farmers, irrigators, First Nations people, scientists, environmentalists and government. We have been finding that even among these diverse groups there is an increasing willingness to work together to build consensus.”

In addition to the Murray Darling Basin Plan, there are four major national priorities that must work together to decide future of the Murray-Darling Basin:

- The National Water Infrastructure Grid must plan and invest wisely to deliver a sustainable future into the 21<sup>st</sup> century.
- Australian agriculture’s plan must support Basin farmers and industry to grow and innovate.
- The National Energy Plan, including Snowy 2.0 is essential to our productive future, and
- The National Climate Resilience and Adaptation Strategy must support our communities to respond to the changes in weather and water availability.

“This is not just about how we use our water in a good year or a bad year. Government and communities must continue to work together, to get these national plans and priorities working together, and to make local leadership a national priority,” Ms Bradbury said. “We look forward to local government taking a more active role as the Minister places communities at the centre of the Basin Plan.”

Minister for Water The Hon Keith Pitt MP will be speaking this month at the Murray Darling Association’s national conference, joining high-level speakers representing the environment, farming and energy interests.

The *Local Leadership: A National Priority* conference, co-hosted by the City of Greater Shepparton, will be held virtually from September 14 to September 16. Speakers also include: Deputy Prime Minister Michael McCormack; Prof Tim Flannery; author and native crop advocate Bruce Pascoe; National Farmers’ Federation President Fiona Simson; National Water Grid Authority CEO Brendan McRandle; Murray Darling Basin Authority CEO Phillip Glyde; Australian Competition and Consumer Commission Deputy Chair Mick Keogh, and many more.

For more information on the conference and to register for the conference please go to [www.mda.asn.au](http://www.mda.asn.au)

|                             |   |
|-----------------------------|---|
| <b>Circular Details</b>     | 20-32 / 14 August 2020 / A708384  |
| <b>Previous Circular</b>    | 19-25 – <i>Penalties available to councils for code of conduct breaches by councillors</i>                                    |
| <b>Who should read this</b> | Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Complaints Coordinators / Conduct Reviewers |
| <b>Contact</b>              | Council Governance Team/ 02 4428 4100/ <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>                             |
| <b>Action required</b>      | Council to Implement  |

## Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures

### What's new or changing

- The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures) have been amended in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134.
- Amendments have also been made to the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
- The new Model Code of Conduct and Procedures have been prescribed under the *Local Government (General) Regulation 2005*.
- The new prescribed Model Code of Conduct and Procedures are available on the Office of Local Government's (OLG) website.

### What this will mean for your council

- The new Model Code of Conduct and Procedures take effect immediately. This is because the amendments to the Procedures largely reflect existing practice following the Supreme Court's decision and the amendments to the Model Code of Conduct are minor in nature.
- Councils should adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.
- Councils' complaints coordinators should bring this circular to the attention of their council's conduct reviewers. Complaints coordinators should also inform conduct reviewers when the council has adopted a new code of conduct and procedures and provide copies.

### Key points

#### Amendments to the Procedures

- Consistent with the Supreme Court's decision, councils have the following options when taking disciplinary action against councillors for breaches of their codes of conduct under the new Procedures:
  - that a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or

- that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.
- The process for censuring councillors for breaches of the code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator's findings and determination and any other grounds that the council considers may be relevant or appropriate.
- Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.
- The process for referral by councils of code of conduct breaches by councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.
- Other amendments have been made to the Procedures to:
  - allow panels of conduct reviewers to be appointed without a resolution of the council, and
  - allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

### ***Amendments to the Model Code of Conduct***

- The Model Code of Conduct has been amended to:
  - remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant)
  - update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards
  - include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.
- Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments:
  - lift the \$50 cap on the value of gifts that may be accepted to \$100
  - clarify that items with a value of \$10 or less are not "gifts or benefits" for the purposes of the Model Code of Conduct and do not need to be disclosed

- clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not “gifts or benefits” for the purposes of the Model Code of Conduct, and
- remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.
- Councils are not obliged to amend their codes of conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100.

**Where to go for further information**

- For further information please contact the Council Governance Team on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).



**Tim Hurst**  
**Deputy Secretary**  
**Local Government, Planning and Policy**



# Model Code of Conduct

for Local Councils  
in NSW

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2020



## **MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW**

2020

### **ACCESS TO SERVICES**

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Website: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)

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Produced by the Department of Planning, Industry and Environment

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# Part 1: Introduction

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

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

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

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

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

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

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

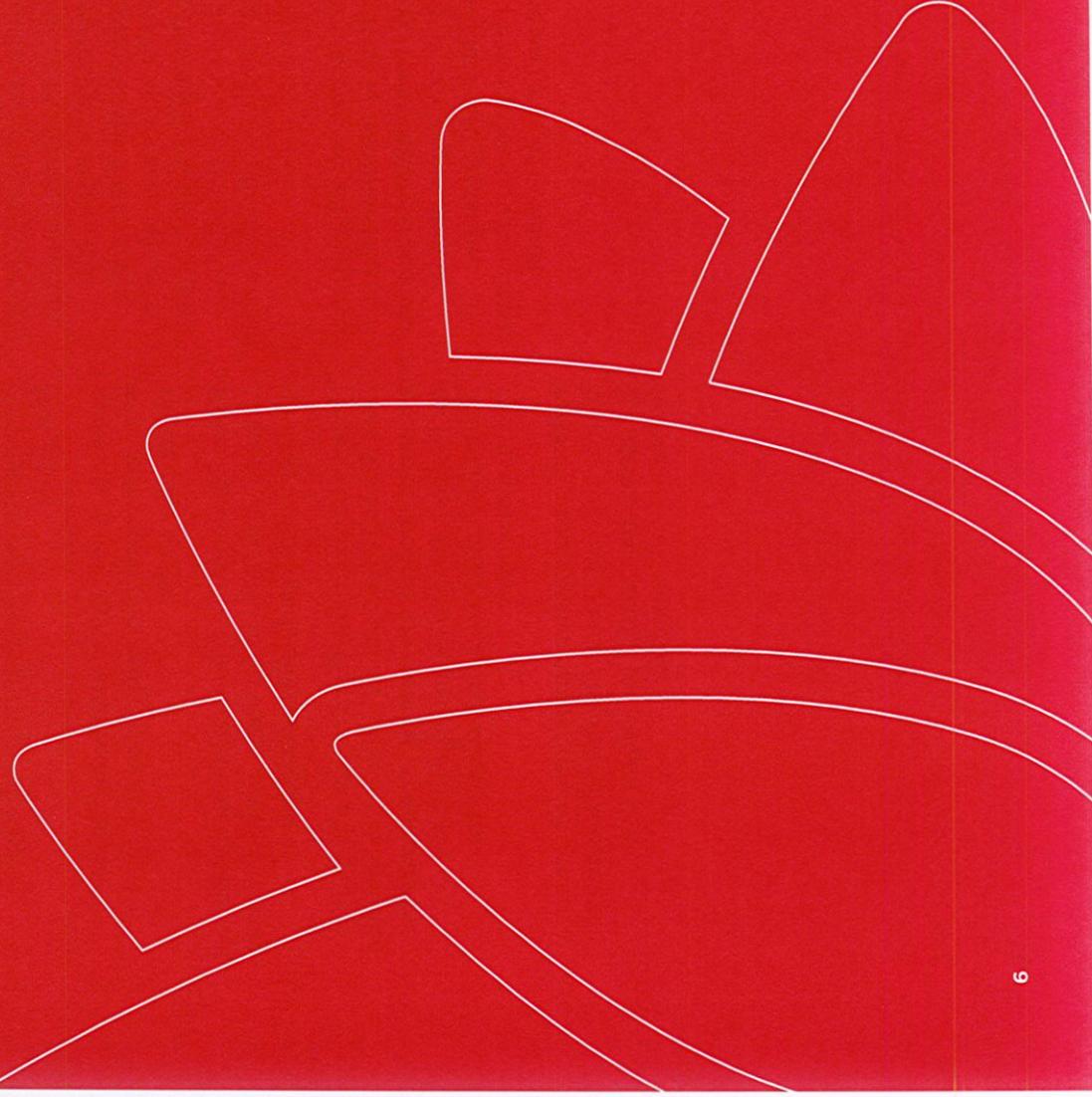
Failure by a member of staff to comply with a council’s code of conduct may give rise to disciplinary action.

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

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

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

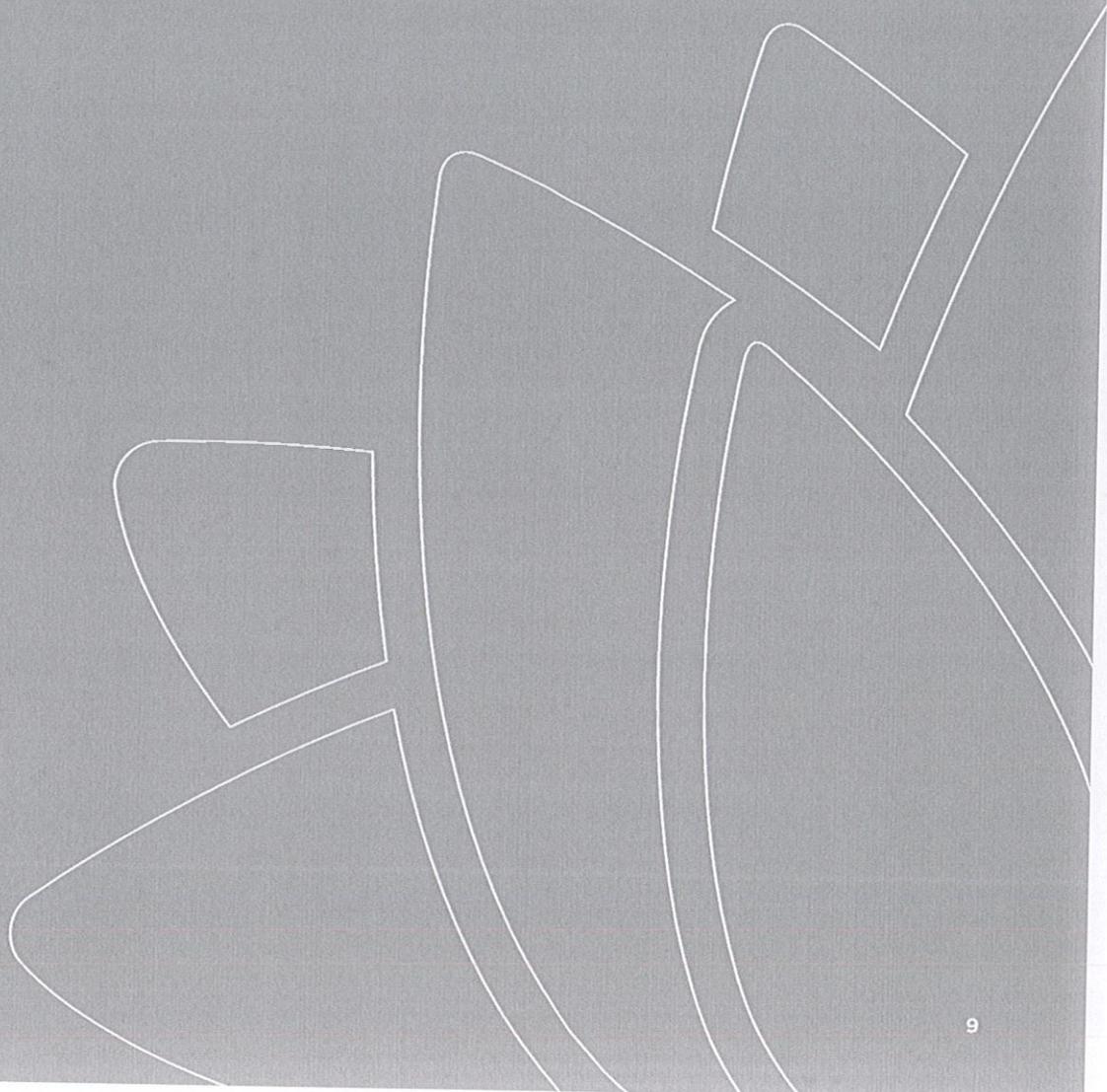
**Part 2:**  
**Definitions**



In this code the following terms have the following meanings:

|                                   |   |
|-----------------------------------|---|
| administrator                     | an administrator of a council appointed under the LGA other than an administrator appointed under section 66  |
| committee                         | see the definition of "council committee"   |
| complaint                         | a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.   |
| conduct                           | includes acts and omissions   |
| council                           | includes county councils and joint organisations  |
| council committee                 | a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee  |
| council committee member          | a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee |
| council official                  | includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers   |
| councillor                        | any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations                       |
| delegate of council               | a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated   |
| designated person                 | a person referred to in clause 4.8  |
| election campaign                 | includes council, state and federal election campaigns  |
| environmental planning instrument | has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>   |
| general manager                   | includes the executive officer of a joint organisation  |
| joint organisation                | a joint organisation established under section 4000 of the LGA  |
| LGA                               | <i>Local Government Act 1993</i>  |
| local planning panel              | a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>  |
| mayor                             | includes the chairperson of a county council or a joint organisation  |

|                               |   |
|-------------------------------|---|
| members of staff of a council | includes members of staff of county councils and joint organisations  |
| the Office                    | Office of Local Government  |
| personal information          | information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion |
| the Procedures                | the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation   |
| the Regulation                | the <i>Local Government (General) Regulation 2005</i>   |
| voting representative         | a voting representative of the board of a joint organisation  |
| wholly advisory committee     | a council committee that the council has not delegated any functions to   |



**Part 3:**

**General Conduct**

**Obligations**

## General conduct

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

## Fairness and equity

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

## Harassment and discrimination

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

## Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
  - the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- aggressive, threatening or intimidating conduct
  - belittling or humiliating comments

- c) spreading malicious rumours
- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

---

## Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

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

---

## Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

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

## Binding caucus votes

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

## Obligations in relation to meetings

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

## Part 4:

# Pecuniary Interests

## What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your "relative" is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
  - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

## What interests do not have to be disclosed?

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

- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
  - (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
  - (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
  - (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
  - (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
    - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
    - ii) security for damage to footpaths or roads
    - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
  - (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
  - (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
  - (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
  - (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
  - (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
  - (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

## What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

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

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

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

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

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

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

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

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

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## What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

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## What disclosures must be made by a council committee member?

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

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## What disclosures must be made by a councillor?

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

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## Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
  - (b) 30 June of each year, and
  - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
  - (b) they have ceased to be a councillor or designated person in the preceding 3 months.

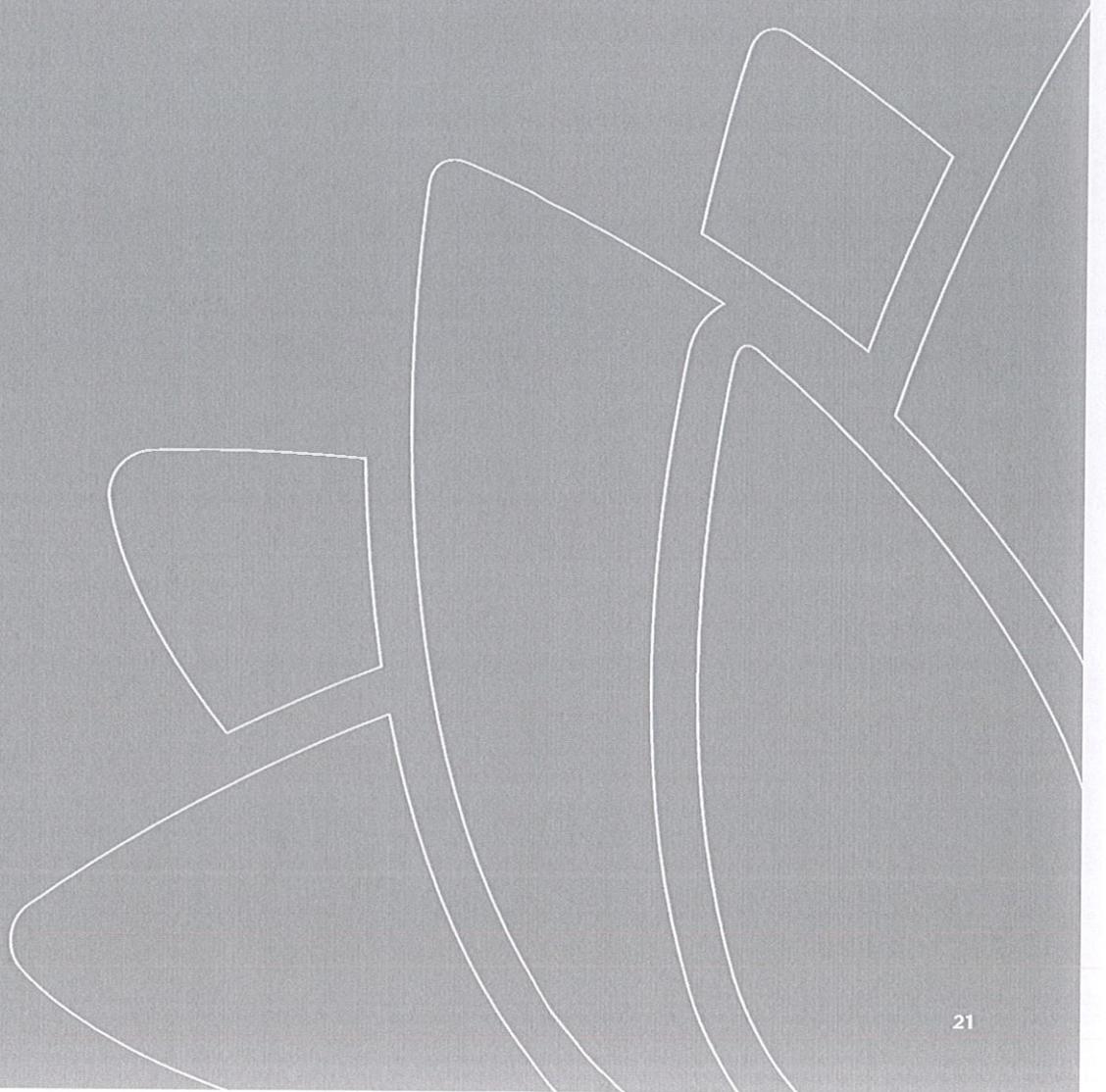
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.
- (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

## Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
    - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
  - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.



**Part 5:**

**Non-Pecuniary Conflicts  
of Interest**

## What is a non-pecuniary conflict of interest?

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

## Managing non-pecuniary conflicts of interest

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

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.
- 5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

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## Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
  - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
  - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

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## Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
    - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

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

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## Other business or employment

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

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

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

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

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

- a) conflict with their official duties
- b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted

- c) require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

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## Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

## Part 6:

# Personal Benefit

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

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## Gifts and benefits

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

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

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

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

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

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

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## Gifts and benefits of token value

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

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

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## Gifts and benefits of more than token value

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

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

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

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

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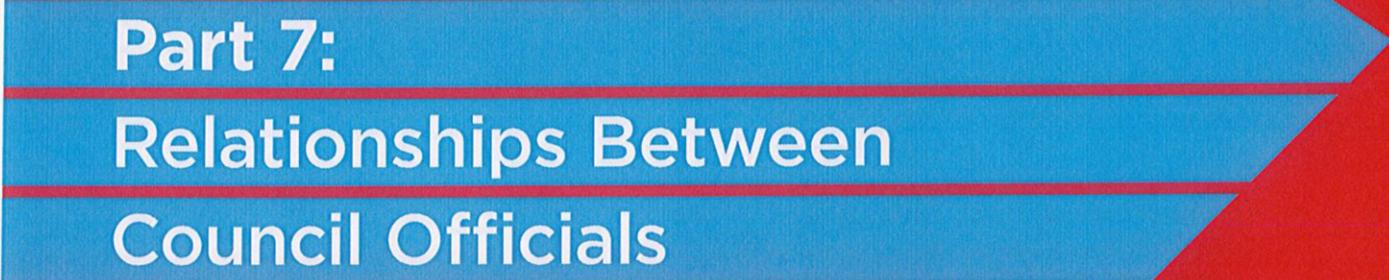
## “Cash-like gifts”

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

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## Improper and undue influence

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



**Part 7:**  
**Relationships Between**  
**Council Officials**

## Obligations of councillors and administrators

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

- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

## Obligations of staff

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

## Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
  - d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
  - e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
  - f) councillors and administrators being overbearing or threatening to council staff
  - g) council staff being overbearing or threatening to councillors or administrators
  - h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
  - i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
  - j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
  - k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
  - l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.





**Part 8:**  
**Access to Information and**  
**Council Resources**

## Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.

- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

## Councillors and administrators to properly examine and consider information

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

## Refusal of access to information

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

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## Use of certain council information

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

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## Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
  - b) protect confidential information
  - c) only release confidential information if you have authority to do so
  - d) only use confidential information for the purpose for which it is intended to be used

- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

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## Personal information

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

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## Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
  - b) the representation of employees with respect to grievances and disputes
  - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
  - b) for other non-official purposes.

- 8.19 You must not convert any property of the council to your own use unless properly authorised.

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## Internet access

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

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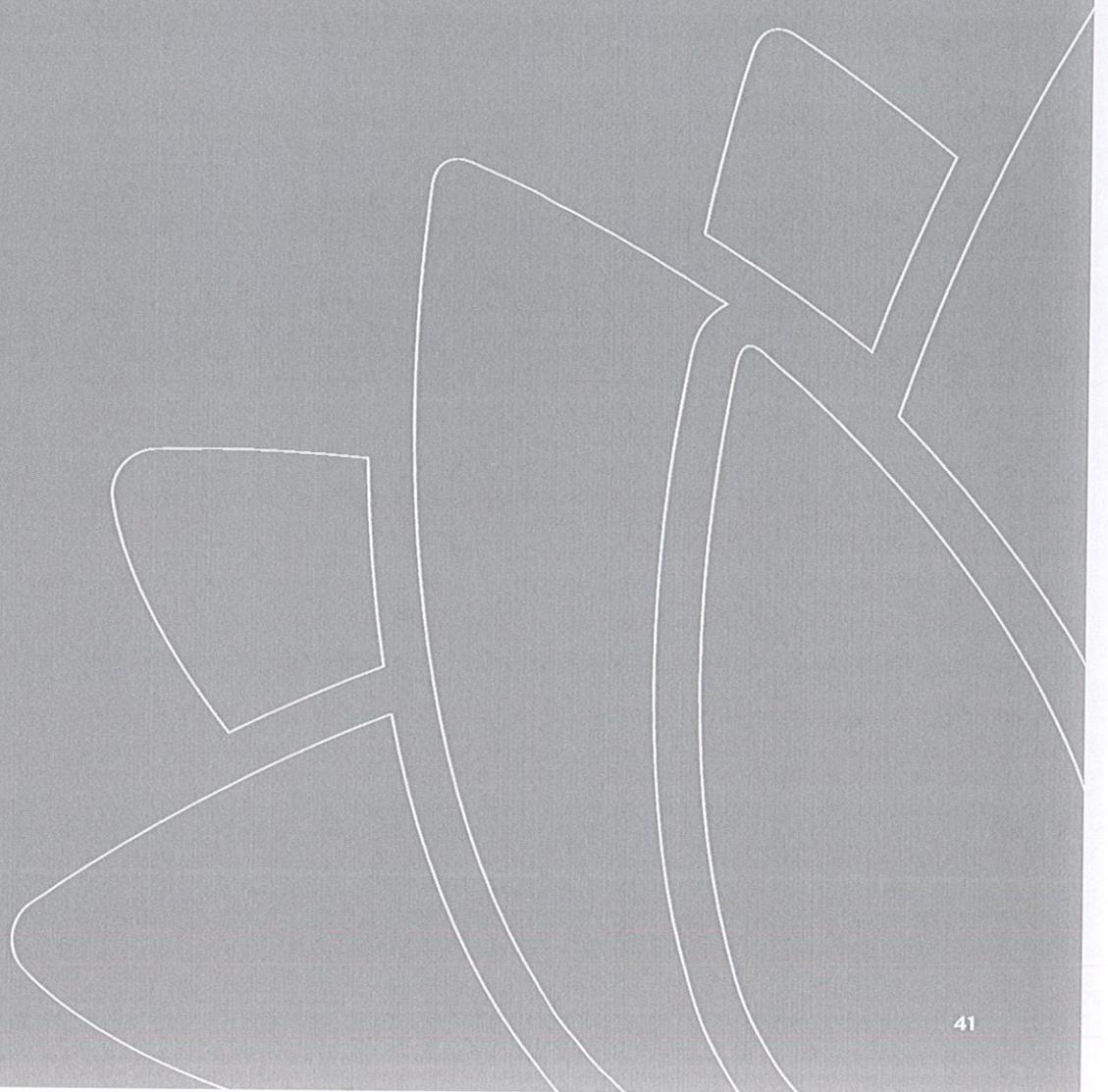
## Council record keeping

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

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## Councillor access to council buildings

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



## Part 9:

# Maintaining the Integrity of this Code

## Complaints made for an improper purpose

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

## Detrimental action

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

## Compliance with requirements under the Procedures

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

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

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

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## Complaints alleging a breach of this Part

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



## Schedule 1:

# Disclosures of Interest and Other Matters in Written Returns Submitted Under Clause 4.21

# Part 1: Preliminary

## Definitions

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

*address* means:

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

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

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

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property

- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

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

*interest* means:

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

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

*occupation* includes trade, profession and vocation.

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

*property* includes money.

*return date* means:

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

*relative* includes any of the following:

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

*travel* includes accommodation incidental to a journey.

## Matters relating to the interests that must be included in returns

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

## Part 2: Pecuniary interests to be disclosed in returns

### Real property

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

### Gifts

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

### Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
  - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and

- b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

## Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and
  - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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

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

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

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

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

## Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:

- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
- b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
- c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

## Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

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## Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
    - (i) a description of the occupation, and
    - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
    - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
  - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

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## Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
  - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

- (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
  - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
  - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
  - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

---

## Discretionary disclosures

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

## Schedule 2:

# Form of Written Return of Interests Submitted Under Clause 4.21

## ‘Disclosures by councillors and designated persons’ return

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

## Important information

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

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

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

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

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

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

as at *[return date]*

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

*[councillor's or designated person's signature]*

*[date]*

### A. Real Property

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

### B. Sources of income

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

Sources of income I received from an occupation at any time since 30 June

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

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

Sources of income I received from a trust since 30 June

| Name and address of settlor | Name and address of trustee |
|-----------------------------|-----------------------------|
|-----------------------------|-----------------------------|

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

Sources of other income I received at any time since 30 June

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

### C. Gifts

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

**D. Contributions to travel**

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June | Dates on which travel was undertaken | Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken |
|---|--------------------------------------|---|
|---|--------------------------------------|---|

**E. Interests and positions in corporations**

| Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|-----------------------------|----------------------------------|---|
|---|-----------------------------|----------------------------------|---|

**F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)****G. Positions in trade unions and professional or business associations**

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

**H. Debts**

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

**I. Dispositions of property**

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

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

**J. Discretionary disclosures**

## Schedule 3:

# Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37

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

## Important information

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

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

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

you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

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

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

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

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

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

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

to be held on the            day of            20            .

**Pecuniary interest**

**Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)**

Relationship of identified land to councillor

*[Tick or cross one box.]*

- The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).
- An associated person of the councillor has an interest in the land.
- An associated company or body of the councillor has an interest in the land.

**Matter giving rise to pecuniary interest<sup>1</sup>**

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)<sup>2</sup>

*[Tick or cross one box]*

- The identified land.
- Land that adjoins or is adjacent to or is in proximity to the identified land.

Current zone/planning control

*[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]*

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

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

---

Proposed change of zone/planning control

*[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]*

---

Effect of proposed change of zone/planning control on councillor or associated person

*[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]*

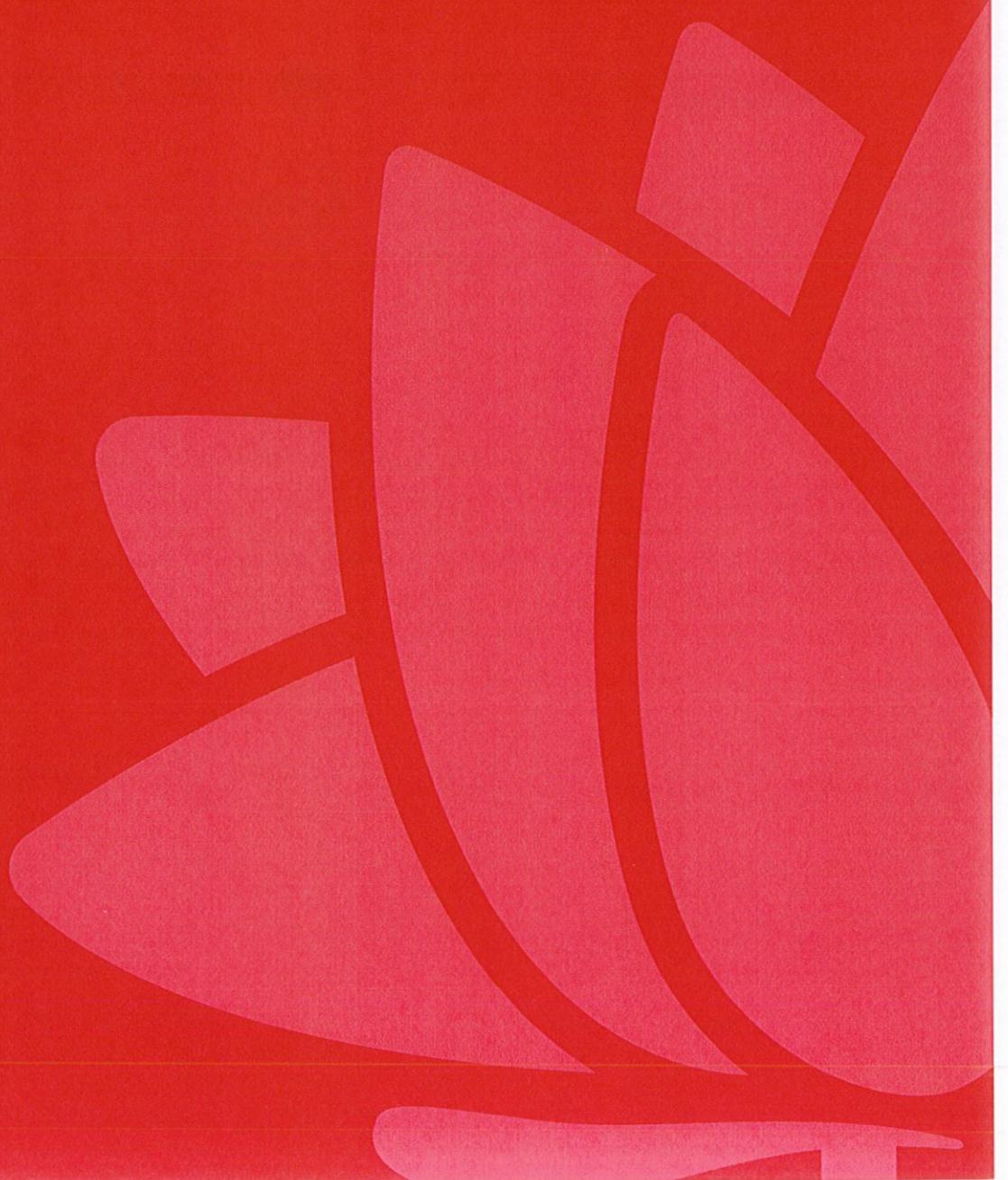
---

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

Councillor's signature

Date

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



|                             |  |
|-----------------------------|--|
| <b>Circular Details</b>     | 20-31 / 14 August 2020 / A717113   |
| <b>Previous Circular</b>    | 20-08 Release of the Guide to Webcasting Council and Committee Meetings                  |
| <b>Who should read this</b> | Councillors / General Managers / Council Governance Staff                                |
| <b>Contact</b>              | Council Governance / (02) 4428 4100 / <a href="mailto:olg@nsw.gov.au">olg@nsw.gov.au</a> |
| <b>Action required</b>      | Council to Implement   |

## New requirement for councils to retain recordings of meetings on their websites for a minimum of 12 months

### What's new or changing

- Since 14 December 2019, councils have been required to webcast meetings of the council and committees that comprise only of councillors. The webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council's website.
- The *Model Code of Meeting Practice for Local Councils in NSW* requires councils to specify in their codes of meeting practice, the minimum time period that a webcast recording will be made publicly available on a council's website but does not prescribe a minimum period.
- Based on NSW State Archives and Records guidance, the Office of Local Government's (OLG) [Guide to Webcasting Council and Committee Meetings](#) recommends that webcast recordings of meetings should be retained on councils' websites for a minimum of 12 months.
- The requirement for councils to retain recordings of meetings on their websites for at least 12 months is now prescribed under the *Local Government (General) Regulation 2005*.

### What this will mean for your council

- Councils must amend their codes of meeting practice to require recordings of meetings of the council and committees that comprise only of councillors to be retained on the council's website for 12 months or more if they do not already provide for this.
- Councils are still required to livestream their meetings via an audio-visual link where members of the public are excluded from attending meetings due to COVID-19.

### Key points

- The amendments to the Regulation require each meeting of a council or committee that comprises only of councillors to be recorded by means of an audio or audio-visual device.
- The recording is to be made publicly available on the council's website at the same time as the meeting is taking place, or as soon as practicable after the meeting.
- The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.

- At the start of each meeting of a council or council committee, the chairperson must inform the persons attending the meeting that the meeting is being recorded and made publicly available on the council's website, and persons attending the meeting should refrain from making any defamatory statements.
- These requirements do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the *Local Government Act 1993*.
- The requirements do not apply to joint organisations.

**Where to go for further information**

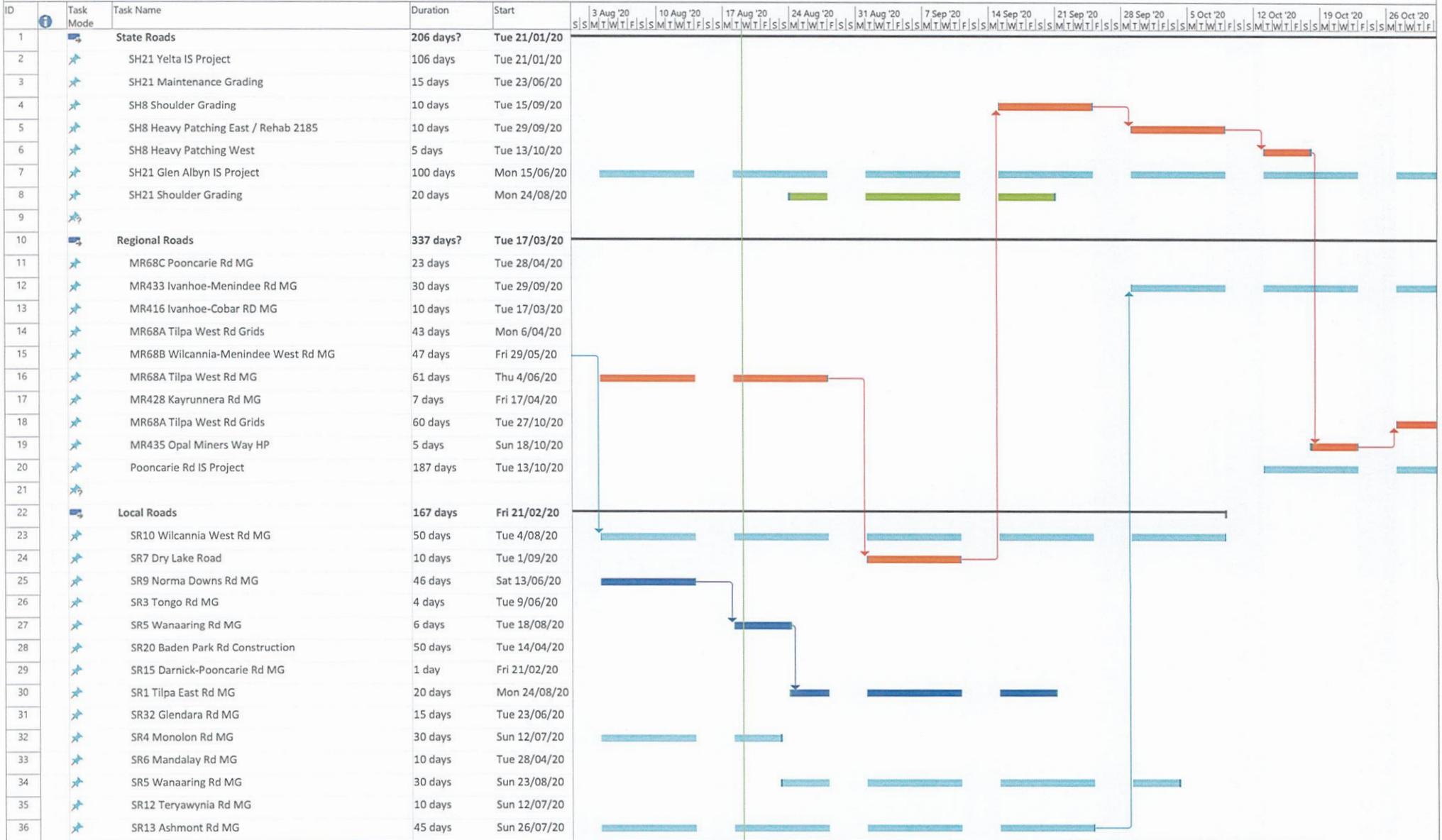
- Contact OLG's Council Governance Team by phone on (02) 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).



**Tim Hurst**  
**Deputy Secretary**  
**Local Government, Planning and Policy**

# Works Program July 2020

# ATTACHMENT 16



Project: Works Program August  
Date: Wed 19/08/20

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





From: Trish Palmer pentola2@bigpond.com  
Subject:  
Date: 11 August 2020 at 1:08 pm  
To: Phil Palmer phil@semiarid.com.au



AGM for Darnick Hall 2020  
24.1.20

Present : R. Mc Kenzie , R Crozier, J & C Johnson, T Neville, B&E Palmer, E & K Rees, I Edson, B & S Palmer Tom Palmer P & T Palmer

Apologise : R Harris, S Crozier, J Mc Kenzie, Beck Palmer T Edson  
Accepted T. Neville, E Palmer

Treasurers report was read by Trish  
Accepted R. Crozier E. Rees

Election of office bearers , remained unopposed.  
President . I Vagg  
Treasurer / Sec Trish Palmer

An update on what the shire achieved in 2019 is as follows ...

News stainless steel benches were installed in the kitchen, new Lino was also laid on the floor. Restumping was carried out to the front of the hall. A new AC was installed and another mobile AC was purchased for use. All weather doors were installed on both toilet doors. We also received a new rain water tank.

The hall has been sprayed for spiders.

Ideas were tossed around in the event of any more grants coming our way:-

Restumping the rest of the hall

Guttering needs attending to if we are to catch the maximum amount of rainfall!

Lino in the bar area of the hall

Whirly birds installed in the top of the roof

Shade area to be built at the front of the Hall, this would need to be the length of the hall, and the same height for it to be efficient.

Meeting closed 7.15 pm .

Monthly Common Meeting held on 28/6/20 10 to 11:45  
 at Civic Hall.  
 Table has been cleaned & hand sanitiser  
 available for COVID 19 protection.  
 Present Bob Ferrin, Joanne, Sandra, Julie  
 & Graham  
 Apologies Bob Denning, Guy, Jane

Minutes of previous meeting read & confirmed  
 Proceed & Graham 2nd slide.

Treasurer report previous balance \$6529-36  
 Common fee banked 512-50  
 Balance 7041-86

Expenditure Nil.

Correspondence Nil

General Business

Need to be put on boundaries still holding.  
 Saturday 27th June a general meeting took place.  
 Budget has taken two of his slots off common.

The damage to fence has discussed  
 Everyone agreed we need to purchase 50 wire posts  
 Bridge to purchase & then be reimbursed for  
 the payment.

General discussion on common notes.  
 At this stage there is not enough members  
 available to hold an Annual General Meeting,  
 due to work commitments.

Meeting closed 11.30

STATEMENT OF RECEIPTS & EXPENDITURE 30/6/20  
MENINDEE COMMON

OPENING BALANCE 1/7/19 \$6,529-36

REGISTRATION FEES BANKED 512-50

EXPENDITURE

SECRETARY FEES NIL

HERDSMAN FEES NIL

LOCAL LAND SERVICES WAIVED

OTHER ITEMS OF EXPENDITURE

30/6/20 PAPER STATEMENT FEE 2-00

CURRENT STATEMENT BALANCE 30/6/20 7,039-86

MENINDEE COMMON

PRESIDENT MURRAY JONES

SECRETARY LORRAINE LOONEY

HERDSMAN JOANNE LOONEY

PO BOX 194  
MENINDEE 2879

RECEIVED  
23 JUL 2020  
BY: *[Signature]*



**Broken Hill**  
Community Credit Union

**The Broken Hill  
Community Credit Union Ltd**

ABN: 12 087 650 762 AFSL: 238020

2 Chloride Street  
Broken Hill NSW 2880  
PO Box 294  
Broken Hill NSW 2880

Phone: (08) 8088 2199  
Fax: (08) 8087 6730  
www.bhccu.com.au



000041 020 - 2879

Menindee Common Trust  
PO Box 194  
MENINDEE NSW 2879

|                  |              |
|------------------|--------------|
| Customer Number  | 59968        |
| BSB Number       | 802-377      |
| Statement Number | 45           |
| Statement Date   | 30 June 2020 |
| Page             | 1 of 2       |



**Tap & Pay  
EVERY DAY**

Paying for everyday purchases has never been easier.  
Even Sandman can do it....



**Account Summary**

| Account Number | Account       | Opening Balance | Total Debits | Total Credits | Closing balance |
|----------------|---------------|-----------------|--------------|---------------|-----------------|
| 37705463       | S1 - Redicash | 6,529.36        | 2.00         | 512.50        | 7,039.86        |

Account: 37705463 S1 - Redicash

Account Name: Menindee Common Trust

| Date     | Eff Date | Transaction Details | Debit | Credit | Balance    |
|----------|----------|---------------------|-------|--------|------------|
| 01/01/20 |          | Opening Balance     |       |        | \$6,529.36 |
| 19/06/20 |          | Deposit             |       | 512.50 | 7,041.86   |
| 30/06/20 |          | Paper Statement Fee | 2.00  |        | 7,039.86   |
| 30/06/20 |          | Closing Balance     |       |        | \$7,039.86 |

Please check all entries listed on this statement are correct. If there are any errors or unauthorised transactions, please contact The Broken Hill Community Credit Union immediately on 08 8088 2199. Information about your account, including details of benefits, fees and charges, is available by phoning us on the number listed above. If you have a complaint, information about our dispute resolution process is available from the same number or by visiting www.bhccu.com.au. For Mortgage Secured Loans please note the current Discharge of Mortgage. Information about the current Discharge of Mortgage is available from the same number or by the name for taxation purposes.

E-41/S-127/I-254

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Community Credit Union

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000050 020 - 2879

Menindee Common Trust  
PO Box 194  
MENINDEE NSW 2879

|                  |              |
|------------------|--------------|
| Customer Number  | 59968        |
| BSB Number       | 802-377      |
| Statement Number | 41           |
| Statement Date   | 30 June 2018 |
| Page             | 1 of 2       |

E-50/S-152/F-304 2



**Account Summary**

| Account Number | Account       | Opening Balance | Total Debits | Total Credits | Closing balance |
|----------------|---------------|-----------------|--------------|---------------|-----------------|
| 37705463       | S1 - Redicash | 5,695.79        | 591.43       | 880.00        | 5,984.36        |

**Account: 37705463 S1 - Redicash**

Account Name: Menindee Common Trust

| Date     | Eff Date | Transaction Details | Debit  | Credit | Balance    |
|----------|----------|---------------------|--------|--------|------------|
| 01/01/18 |          | Opening Balance     |        |        | \$5,695.79 |
| 02/03/18 |          | Your Cheque #589861 | 351.43 |        | 5,344.36   |
| 23/03/18 |          | Deposit             |        | 880.00 | 6,224.36   |
| 24/05/18 |          | Your Cheque #589862 | 240.00 |        | 5,984.36   |
| 30/06/18 |          | Closing Balance     |        |        | \$5,984.36 |



## General Meeting

## White Cliffs Community Hall

Tuesday, 1 September, 2020 – 3:00pm

**Meeting opened:** 3pm

**Welcome:** Robyn Taylor welcomed and thanked everyone for coming to the meeting.

**Acknowledgement:** An acknowledgement of the traditional custodians of the land was delivered by the Robyn Taylor, Chair Person.

**Attendance:** Committee Members, Enid Black, Sue Dowton, Ron Dowton, Rob Dyson Robyn Taylor and Fran Schonberg, community members Richard Allan, Annette Turner, Linsey White, Dick Wagner, Jane Stevenson, Cree Marshal, Tina Brown and Irmhild Bakker.

**Apologies:** Grahame & Maxina Wellings.

**Correspondence:** Nil

Minutes from the previous meeting not read (unavailable – secretary left on desk)

**Business arising from previous minutes:** Nil

**General Business:**

1. **WCCA – Terms of reference:** *discussion points -expansion of the terms of reference to incorporate hall committee, pool committee and be the local conduit for Council's community engagement processes.*

Terms of reference: It was decided that everyone have a think about the terms and report back at the next meeting. It was proposed to wait until we find out if the hall committee would be joining and what is Council expecting in relation to the 10 year plan. Everyone will find out more after the meeting on the 24<sup>th</sup> September.

1. **Committee Structure:** *discussion points - to manage hall, pool and conduct meetings that include the broader community and what resources the committee will need to undertake the change in structure.*
2. **New membership:** *discussion points - how does the WCCA manage expanded memberships. Are members classified as volunteers under Council rules? How does WCCA engage new members - collect members information – collate and disseminate information to Council, members and the community. What reporting does Council require?*

Discussion between members about the Hall committee joining the WCCA. Discussion on how it might work as a sub-committee of WCCA.

- Would the sub-committee report to WCCA or direct to Council?
- Would there be any benefit to the hall committee joining WCCA eg: stronger voice or increased funding?
- Would more people volunteer if the hall committee was part of WCCA or nothing would change?
- Discussion on benefits of committees joining together and running a committee like a business and pay people for work done had proven beneficial within the CWA.
- Discussion on attracting volunteers to clean or as previously discussed at a hall meeting – pay cleaners.
- If it was to run the same as it is now just under the WCCA banner there is no reason to change.

I was decided to leave the hall discussion until the hall committee meet and decide if they are joining WCCA or staying as a separate 355 Committee.

- Grading of local roads need to include grading water runoff areas. When it rains the water runs down the road until it finds the natural runoff areas. This is not good enough as it creates pools and damages the newly graded roads. There needs to be runoff areas graded at regular intervals.
- The large mud hole at the bottom of Turleys Hill to get fixed.
- Road Closure Signage – there needs to be better signage to stop vehicles driving on wet roads. People are still driving around the signs. The signs need to be larger and more visible and state how much the fine is if caught driving. Seek clarification if fines are being enforced.
- Better signage for cattle on the roads. Currently people are hitting cattle – one person hit 5 and was very distressed as he didn't know if he was in the wrong or the property owner. Paul Everett has offered signs if the craft/art group would paint the signs.
- Driving Hazzard – road signs are too bright and can impair vision (especially now with all the black cattle on the road). It was stated that it may not be possible to get new signs but if the signs are tilted it reduces the glare. Ask Council if this is possible.
- More tree planting around the town – discussion about peppercorn tree not surviving the drought due to shallow roots. Leopardwood trees suggested. There is a tree planting program for the stubby house corner by the Tourist Association but it was suggested there needs to be more around town.
- Federation Park – it is well used by tourists and as a donated piece of land for community use it needs to be fixed up and possibly expanded to include picnic table, bench etc.
- Dr Hugh Pringle could be approached to support tree planting and/or support a community garden. The garden could be incorporated into the expansion plans for community facilities on the hall grounds. Explore funding opportunities for a garden. Approach Redi to support a community garden project as they have built them in Wilcannia etc
- Town water storage – Wakefield needs desilting. Council needs to look at increasing the amount of water stored so the town does not run out.
- Water catchment options also could include collection off the National Parks building.
- Tourist information bay – discussion about where the bay should be and the delay in building the new bay.
- Cemetery – needs a memorial wall for ashes. There have been a number of people seeking somewhere to place loved one's ashes. The wall needs to be made of local stone with pipe or blocks for placement of ashes.
- New Water plant – it is proposed to look at including a second pipe to run raw water to dugouts and residences to reduce the use of filtered water for gardens etc.
- Caravan Park upgrade – increase amenities - currently over 100 people in the park with only 4 male and 4 female toilets. The park accommodates 75% of the tourists to the town and it needs the facilities upgraded.

Barry Turner was thanked for all his work on Smiths Hill roads.

A question was asked if the WCCA committee would incorporate a hall committee if it was decided they disband. The committee agreed it would accept the hall committee only if there were people willing to join the sub-committee and Council supported the volunteers with education, training and processes when required.

The Chair Person Robyn Taylor thanked everyone for coming and encouraged everyone to come to the meeting with Council on the 24<sup>th</sup> September.

**Meeting Closed: 4:14pm**

**Next meeting:**