NOTICE OF MEETING

NOTICE is hereby given that an Ordinary Meeting of Gwydir Shire Council will be held in the Warialda Office Council Chambers, on Thursday 11 April 2019 (commencing at 3.00pm) to discuss the items listed in the Agenda.

Your attendance is respectfully requested.

Yours faithfully,

Max Eastcott  
General Manager
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</tr>
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</table>
OFFICIAL OPENING AND WELCOME – MAYOR

APOLOGIES

CONFIRMATION OF THE MINUTES

RECOMMENDATION:

THAT the Minutes of the Ordinary Meeting held on Thursday, March 28, 2019 as circulated be taken as read and CONFIRMED.

THAT the Minutes of the Confidential Ordinary Meeting held on Thursday, March 28, 2019 as circulated be taken as read and CONFIRMED.

PRESENTATION

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

COMMITTEE OF THE WHOLE - CONFIDENTIAL ITEMS


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

MAYORAL MINUTE (If any)
DEFERRED ITEMS – Nil

OFFICERS’ REPORTS (As listed)

COMMITTEE OF THE WHOLE – OPEN

Councillors’ Reports
Item 1  Councillor Activity Statement for March 2019

DELIVERY PROGRAM

GOAL:  4. Proactive Regional and Local Leadership

OUTCOME:  4.1 WE ARE AN ENGAGED & CONNECTED COMMUNITY

STRATEGY:  4.1.2 Enable broad, rich and meaningful engagement to occur - GM - external

The Councillors’ activity schedule for commitments in March 2019 is outlined below:

<p>| March 2019 |
|-----------------|-----------------|-------------------|
| Councillor      | Event                        | Date              |
| Cr J Coulton    | Honey Festival - Warialda    | 2\textsuperscript{nd} Mar |
|                 | Board Meeting – Namoi Unlimited TLC Bingara | 5\textsuperscript{th} Mar |
|                 | Country Mayors Meeting – Sydney + Q &amp; A Parliament House | 8\textsuperscript{th} Mar |
|                 | Gwydir Mental Health Training – Warialda | 12\textsuperscript{th} Mar |
|                 | Committee Meeting - Bingara   | 14\textsuperscript{th} Mar |
|                 | Building Assets Committee Meeting - Bingara | 14\textsuperscript{th} Mar |
|                 | Roads &amp; Transport Steering Committee Meeting – Namoi JO - Tamworth | 15\textsuperscript{th} Mar |
|                 | Tim Cox’s farewell – Imperial Hotel Bingara | 15\textsuperscript{th} Mar. |
|                 | Gwydir Shire Macro Plan – Namoi JO – Tamworth | 22\textsuperscript{nd} Mar. |
|                 | Gwydir Farming Families Gathering – Gravesend. | 27\textsuperscript{th} Mar. |
|                 | Ordinary Council Meeting – Bingara | 28\textsuperscript{th} Mar. |
|                 | Gwydir Farming Families Gathering – Upper Horton | 28\textsuperscript{th} Mar |
|                 | Gwydir Farming Families Gathering – Bingara | 29\textsuperscript{th} Mar. |
|                 | Legacy Presidents Luncheon - Inverell | 31\textsuperscript{st} Mar. |
| Cr Catherine Egan (Deputy Mayor) | Inspection of NAB Bingara | 5\textsuperscript{th} Mar |
|                 | Gwydir Health Alliance – Bingara Medical Centre | 8\textsuperscript{th} Mar |
|                 | Gwydir Health Alliance Meeting - Bingara | 12\textsuperscript{th} Mar. |
|                 | Committee Meeting – Bingara   | 14\textsuperscript{th} Mar. |
|                 | Building Assets Committee - Bingara | 14\textsuperscript{th} Mar. |
|                 | Tim Cox’s farewell – Imperial Hotel- Bingara | 15\textsuperscript{th} Mar. |</p>
<table>
<thead>
<tr>
<th>Cr David Coulton</th>
<th><strong>Gwydir Farming Families Gathering - Gravesend</strong></th>
<th>27(^{th}) Mar.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Ordinary Council Meeting - Bingara</strong></td>
<td>28(^{th}) Mar.</td>
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<td></td>
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<td>28(^{th}) Mar.</td>
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<td></td>
<td><strong>Gwydir Farming Families Gathering - Bingara</strong></td>
<td>29(^{th}) Mar.</td>
</tr>
<tr>
<td><strong>Cr David Coulton</strong></td>
<td><strong>Inspection of NAB - Bingara</strong></td>
<td>5(^{th}) Mar.</td>
</tr>
<tr>
<td></td>
<td><strong>Namoi JO lunch at TLC Bingara</strong></td>
<td>5(^{th}) Mar.</td>
</tr>
<tr>
<td></td>
<td><strong>RFS Joint Meeting – Narrabri</strong></td>
<td>7(^{th}) Mar.</td>
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<tr>
<td></td>
<td><strong>Committee Meeting – Bingara</strong></td>
<td>14(^{th}) Mar.</td>
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<tr>
<td></td>
<td><strong>Gwydir Farming Families Gathering - Bingara</strong></td>
<td>29(^{th}) Mar.</td>
</tr>
<tr>
<td><strong>Cr Stuart Dick</strong></td>
<td><strong>Service Level Agreement and Senior Management Meeting RFS - Narrabri</strong></td>
<td>7(^{th}) Mar.</td>
</tr>
<tr>
<td></td>
<td><strong>Ordinary Council Meeting - Bingara</strong></td>
<td>28(^{th}) Mar.</td>
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<tr>
<td></td>
<td><strong>St Joseph’s School Warialda fire safety talk</strong></td>
<td>29(^{th}) Mar.</td>
</tr>
<tr>
<td><strong>Cr Dixon OAM</strong></td>
<td><strong>Inspection of NAB Bingara</strong></td>
<td>5(^{th}) Mar.</td>
</tr>
<tr>
<td></td>
<td><strong>Committee Meeting – Bingara</strong></td>
<td>14(^{th}) Mar.</td>
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<tr>
<td></td>
<td><strong>Building Assets Committee Meeting - Bingara</strong></td>
<td>14(^{th}) Mar.</td>
</tr>
<tr>
<td></td>
<td><strong>Warialda Rail Meeting – Warialda Rail</strong></td>
<td>25(^{th}) Mar.</td>
</tr>
<tr>
<td></td>
<td><strong>Gwydir Farming Families Gathering - Gravesend</strong></td>
<td>27(^{th}) Mar.</td>
</tr>
<tr>
<td></td>
<td><strong>Ordinary Council Meeting</strong></td>
<td>28(^{th}) Mar.</td>
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</tr>
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<td><strong>Gwydir Farming Families Gathering - Bingara</strong></td>
<td>29(^{th}) Mar.</td>
</tr>
<tr>
<td><strong>Cr T Galvin</strong></td>
<td><strong>Inspection of NAB– Bingara</strong></td>
<td>5(^{th}) Mar.</td>
</tr>
<tr>
<td></td>
<td><strong>Gwydir Health Alliance Meeting – Bingara</strong></td>
<td>12(^{th}) Mar.</td>
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<tr>
<td></td>
<td><strong>Committee Meeting – Bingara</strong></td>
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<td><strong>Gwydir Farming Families Gathering – Upper Horton</strong></td>
<td>28(^{th}) Mar.</td>
</tr>
<tr>
<td><strong>Cr J Moore</strong></td>
<td><strong>Inspection of NAB - Bingara</strong></td>
<td>5(^{th}) Mar.</td>
</tr>
<tr>
<td><strong>Cr G Smith</strong></td>
<td><strong>Committee Meeting - Bingara</strong></td>
<td>14(^{th}) Mar.</td>
</tr>
<tr>
<td>Event Type</td>
<td>Event Name</td>
<td>Date</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td></td>
<td>Ordinary Council Meeting - Bingara</td>
<td>28th Mar.</td>
</tr>
<tr>
<td>Cr F Young</td>
<td>Inspection of NAB - Bingara</td>
<td>5th Mar.</td>
</tr>
<tr>
<td></td>
<td>Namoi Unlimited lunch – TLC - Bingara</td>
<td>5th Mar.</td>
</tr>
<tr>
<td></td>
<td>MDA Region 11 meeting - Gunnedah</td>
<td>12th Mar.</td>
</tr>
<tr>
<td></td>
<td>Gwydir Health Alliance Meeting - Bingara</td>
<td>12th Mar.</td>
</tr>
<tr>
<td></td>
<td>Committee Meeting - Bingara</td>
<td>14th Mar.</td>
</tr>
<tr>
<td></td>
<td>Tim Cox’s farewell Imperial Hotel Bingara</td>
<td>15th Mar.</td>
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<td></td>
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<td>28th Mar.</td>
</tr>
<tr>
<td></td>
<td>Gwydir Farming Families Gathering - Bingara</td>
<td>29th Mar.</td>
</tr>
</tbody>
</table>

**OFFICER RECOMMENDATION**

*THAT the Councillor Activity Schedule for March 2019 be received*
Item 2  Monthly Executive Report for March 2019

FILE REFERENCE

DELIVERY PROGRAM

GOAL:  5. Organisational Management

OUTCOME:  5.1 CORPORATE MANAGEMENT

STRATEGY:  5.1.3 Administrative functions - GM - internal

AUTHOR  General Manager

DATE  1 April 2019

STAFF DISCLOSURE OF INTEREST  Nil

IN BRIEF/ SUMMARY RECOMMENDATION

The monthly Executive report details the activities carried out by the Department during the months of March 2019.

BACKGROUND

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

PLANNING AND DEVELOPMENT

The following Development (D/A)/Complying Development (CDC) and Development Modification (s96) applications have been approved for the month of March 2019.

<table>
<thead>
<tr>
<th>No.</th>
<th>Property Description</th>
<th>Development/ Work</th>
<th>$</th>
<th>D/A</th>
<th>S96</th>
<th>CDC</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/2018</td>
<td>Lot 5 DP 755984 1135 Croppa Creek Road North Star</td>
<td>Modification of DA 5/2018 to include haulage of extracted materials on public roads</td>
<td>$80,000</td>
<td>-</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>36/2018</td>
<td>Lot 20 DP 1120081 31 Park Lane Bingara</td>
<td>Modification of DA 36/2018 to remove condition requiring Bushfire fighting water storage.</td>
<td>$421,837</td>
<td>-</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>3/2019</td>
<td>Lot 4 Section 56 DP 759052 and Lot 5B DP 398887 29 Geddes Street and Stewart Avenue Warialda</td>
<td>2 Lot Urban Subdivision</td>
<td>-</td>
<td>✓</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/2019</td>
<td>Lot 1 Section 34 DP 759052 143 Long Street Warialda</td>
<td>Amenities for Hospital Park</td>
<td>$40,000</td>
<td>✓</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2/2019</td>
<td>Lot 2 DP 731142 75 Cunningham Street Bingara</td>
<td>Erect new 2 bay garage and demolish existing timber garages</td>
<td>$20,000</td>
<td>-</td>
<td>-</td>
<td>✓</td>
</tr>
</tbody>
</table>
The following Development (D/A)/Complying Development (CDC) and Development Modification (s96) applications remain outstanding for the month of March 2019.

<table>
<thead>
<tr>
<th>No</th>
<th>Property</th>
<th>Description and Description of Work</th>
<th>Reason</th>
<th>D/A</th>
<th>S96</th>
<th>CDC</th>
</tr>
</thead>
<tbody>
<tr>
<td>35/2015</td>
<td>Copeton Dam State Park 3533 Copeton Dam Road Copeton</td>
<td>Continued use of existing caravan &amp; camping facilities</td>
<td>Development being assessed as an existing use</td>
<td>✓</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>49/2016</td>
<td>Ceres Ag 'Gunyewarldi' 1470 North Star Road Warialda</td>
<td>Continued occupation/use of rural worker accommodation being the installation of a number of premanufactured cabins</td>
<td>Approved in principal awaiting compliance certification or engineering certification for the cabins</td>
<td>✓</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2/2018</td>
<td>G &amp; L Hosegood ‘Barrak’ 163 Upper Whitlow Road Whitlow</td>
<td>- 20,000m3 quarry for Council use</td>
<td>Awaiting Environmental Impact Statement as the quarry is considered designated development</td>
<td>✓</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>4/2018</td>
<td>Yolarno Pty Ltd (Bindaree Beef) ‘Myola’ 651 Croppa Creek Road North Star</td>
<td>- Increase in capacity of Myola Cattle Feedlot from 20,000 to 35,000 Head</td>
<td>EPA Requested amended and detailed Noise Assessment</td>
<td>✓</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>30/2018</td>
<td>M A Spencer ‘Log Cabin’ 2213 Gulf Creek Road Gulf Creek</td>
<td>- 15,000m³ quarry for Council use</td>
<td>Request for additional information regarding compliance with Biodiversity Conservation Act 2017 for the removal of vegetation</td>
<td>✓</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>35/2018</td>
<td>B Hutchins 63 Bingara Street Warialda</td>
<td>- Mixed residential and commercial development including the opening of ‘Gully Pub’ with a small bar licence and retail antiques business</td>
<td>Request for additional information regarding whether the existing building meets or can meet current fire safety requirements under the National Construction Code for mixed commercial and residential use</td>
<td>✓</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>04/2019</td>
<td>Gwydir Shire Council 1730 Delungra Road Myall Creek</td>
<td>- 15,000m³ Shale Quarry</td>
<td>Being notified to adjoining neighbours and exhibited on Council’s website for a period of 14 days</td>
<td>✓</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>06/2019</td>
<td>N R Bomford 5309 Trevallyn Road Upper Horton</td>
<td>- New Dwelling and demolition of existing dwelling</td>
<td>Being Assessed</td>
<td>✓</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>07/2019</td>
<td>A T Pearlman 1135 Croppa Creek Road North Star</td>
<td>- 2 Lot Rural Subdivision</td>
<td>Being Assessed</td>
<td>✓</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>08/2019</td>
<td>D W Richardson 8 Keera Street Bingara</td>
<td>- Dwelling additions and alterations</td>
<td>Being notified to adjoining neighbours and exhibited on Council’s website for a period of 14 days</td>
<td>✓</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>09/2019</td>
<td>P T Cusack 30 Faithful Street Bingara</td>
<td>- New Dwelling</td>
<td>Being notified to adjoining neighbours and exhibited on Council’s website for a period of 14 days</td>
<td>✓</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>10/2019</td>
<td>N Johnson 37 Stewart Avenue Warialda</td>
<td>- Attached Carport</td>
<td>Being notified to adjoining neighbours and exhibited on Council’s website for a period of 14 days</td>
<td>✓</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>3/2019</td>
<td>John Green P/L 30 Faithful Street Bingara</td>
<td>- 2 Bay Garage</td>
<td>Being Assessed</td>
<td>-</td>
<td>-</td>
<td>✓</td>
</tr>
<tr>
<td>4/2019</td>
<td>R Christensen 92 Lewis Road Gineroi</td>
<td>- Erect roofs over existing decks located on three side of dwelling</td>
<td>Being Assessed</td>
<td>-</td>
<td>-</td>
<td>✓</td>
</tr>
<tr>
<td>46/2018</td>
<td>G M Kelly Lot 6 DP 1097091 Acacia Cres, Warialda</td>
<td>Small timber dwelling</td>
<td>Awaiting further information – 5 part test of Significance</td>
<td>✓</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
There were no Development (D/A)/Complying Development (CDC) or Development Modification (s96) applications approved and not previously reported to Council.

There were no Development (D/A)/Complying Development (CDC) and Development Modification (s96) applications were refused (R)/ withdrawn (W)/ Cancelled (C) for the month of March 2019.

There were no Complying Development (CDC) application/s approved by Private Certifiers and lodged with Council for the month of March 2019.

There were no Development (D/A) and Complying Development (CDC) applications determined where there has been a variation in standards under SEPP 1 or clause 4.6 of the Gwydir Local Environmental Plan 2013 for the month of March 2019.

There were no Subdivision Certificates issued for the month of March 2019 nor in the previous seven (7) months.

The following graph shows Conveyancing Certificates issued for March compared to the previous seven (7) months.
The following graph shows the number of Conveyancing Certificates issued up to and including the month of March 2019 compared with the same period in 2017.

The table below shows a comparison between total applications lodged for the month of March 2019 compared to the last two years (excluding private certifier lodged applications).
The table below shows a comparison between total applications lodged for the month of March 2019 compared to the last two years (excluding private certifier lodged applications).

<table>
<thead>
<tr>
<th>Development Applications</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>182,690</td>
<td>153,250</td>
<td>118,000</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>25,000</td>
<td>49,000</td>
</tr>
</tbody>
</table>

Development Applications Received for the year by locality – March 2019 (includes private certifier lodged applications)
Development Applications received for the year by type – March 2019

![Development Applications by Type Graph]

Development Applications – nine (9) months (excludes private certifier lodged and approved applications)

![Development Applications Timeline Graph]
Complying Development Applications – nine (9) months (excludes private certifier lodged and approved applications)

GWYDIR LEARNING REGION
Automotive Trade Training Centre, Warialda – March 2019

Heavy Vehicle Training
Four private clients have completed their Final Competency Assessments during March. Three Heavy Rigid and one Heavy Combination truck licences were completed. Another three clients received full competency training for a heavy vehicle licence. Two for Heavy Rigid and one for Heavy Combination.

Learner car
Seven clients have received learner lessons during March 2019.

TAFE - Automotive Vocational Preparation Certificate II
Automotive classes continue to be well attended.

Warialda High School
Warialda High School regularly uses the Automotive Trade Training Centre to conduct engineering classes.

The Living Classroom (TLC) Usage during March 2019
Bingara Community College is conducting a ‘Paddock to Plate’ program mostly at TLC on Mondays and Tuesdays through to April 9. There is a prospect of it being continued into Term 2. The participants focus on horticulture and food preparation - 6 ppl.

Namoi Unlimited held a meeting at TLC during March - 13 ppl.
The Northern Inland Risk Management Group meeting – 12 ppl.

Essential Energy held a training session - 18 ppl.

Department of Education and Training Careers Advisors Network meeting – 16 ppl.

JOBS Australia representative visited TLC to assess the prospects for a new Work for Dole program – 1.

Council’s Management Meeting – 19 ppl.

Central Coast Caravanner’s Club visited TLC for a Tour – 12ppl.

Bingara University of the Third Age held an evening event at TLC – 28 ppl.

Jim Phillips of JP Water the designer of the reticulation system at TLC paid a visit and spoke positively of options for the site for water and irrigation training – 1.

Mayor John Coulton and General Manager Max Eastcott brought some visitors to TLC for a visit and inspection – 6 ppl.

Ross Hill Public School, Inverell had their Years 3 and 4 Cohort visit for a field day focusing on Aboriginal Studies and natural food systems. The group attended over three days with Aboriginal stories told by Buddy Hippi - 62, 45 and 50 ppl.

*The following pictures show some of Ross Hill Public School’s activities at The Living Classroom.*
Other GLR Business.
The Trade Training Centre dedicated name signs will be ordered in April.

OFFICER RECOMMENDATION

THAT the monthly Executive report for March 2019 be received

ATTACHMENTS

There are no attachments for this report.
Item 3 Monthly Organisation and Community Development Report for March 2019

FILE REFERENCE

DELIVERY PROGRAM

GOAL: 5. Organisational Management

OUTCOME: 5.1 CORPORATE MANAGEMENT

STRATEGY: 5.1.3 Administrative functions - GM - internal

AUTHOR Organisation Development Director

DATE 1 April 2019

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

The monthly Organisation and Community Development report details the activities carried out by the Department during March 2019.

BACKGROUND

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

COMMENT

Incidents and Near Misses

There were 3 incidents reported in March 2019:

- 1 near miss (Naroo incident with dementia patient)
- 1 vehicle accident (traffic incident with worker using private car for work use)
- 1 vehicle damage incident (windscreen shattered on slasher without warning).

The total number of incidents from 1 July 2018 to now is summarised below.
New significant Incidents - Nil

Significant issues for Management consideration – Nil

Workplace Health and Safety Performance Summary – Attachment 1.

THE ROXY COMPLEX

Theatre
Saturday 23 March – Electoral Commission – State Elections
Sunday 31 March – Kaput – at the Warialda Town Hall
Sunday 24 March – North West Theatre Company (NWTC) Film - 26ppl
Various rehearsals for NWTC during March

Conference Room
Monday 11 March– Mental Health Training for Farmers – approx. 30 people
Tuesday 12 March – Health Alliance Meeting – approx. 20 people
NWTC – Various Reading Times

NWTC Play – It’s my Party and I’ll Cry if I Want To – was due to commence on 30 March, however was postponed to a later date to be advised due to one of the cast members having an accident.

Kaput – was postponed at the last minute due to a family personal emergency for the Star of the one man show. This Show has now been rescheduled to Sunday 2 June and will now be held in the Roxy Theatre, as there is no heating in the Warialda Town Hall. Council’s Building Services could not guarantee the installation being completed by that date.

Exciting New Booking – an exciting new booking has been made for Thursday 2 May at the Roxy. Major Country Music Artist, Travis Collins, will be performing live and will be bringing a support act as well. This is a real coup for The Roxy and Bingara.
## TOURISM

### Warialda Visitor Information Centre

<table>
<thead>
<tr>
<th></th>
<th>Jan 2019</th>
<th>Feb 2019</th>
<th>Mar 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening hrs</td>
<td>157.50</td>
<td>150.00</td>
<td>157.50</td>
</tr>
<tr>
<td>Volunteer hrs</td>
<td>32.00</td>
<td>18.50</td>
<td>29.50</td>
</tr>
</tbody>
</table>

### Bingara Visitor Information Centre

<table>
<thead>
<tr>
<th></th>
<th>Jan 2019</th>
<th>Feb 2019</th>
<th>Mar 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening hrs</td>
<td>165.50</td>
<td>130.00</td>
<td>136.50</td>
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<tr>
<td>Volunteer hrs</td>
<td>22.50</td>
<td>32.00</td>
<td>40.00</td>
</tr>
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</table>

### Income – Warialda VIC

<table>
<thead>
<tr>
<th>Item</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caravan Park</td>
<td>170.00</td>
<td>435.00</td>
<td>168.00</td>
</tr>
<tr>
<td>Plants of Gwydir Shire/Cunningham’s Track</td>
<td>40.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Centre hire</td>
<td>0.00</td>
<td>32.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Merchandise sales</td>
<td>1,629.55</td>
<td>1,559.25</td>
<td>1,147.00</td>
</tr>
<tr>
<td>Goods on consignment sales</td>
<td>100.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>2019 Honey Festival</td>
<td>40.00</td>
<td>557.00</td>
<td>2,470.00</td>
</tr>
<tr>
<td>Kaput live show bookings</td>
<td>-</td>
<td>-</td>
<td>120.00</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$1,939.55</strong></td>
<td><strong>$2,583.25</strong></td>
<td><strong>$3,925.00</strong></td>
</tr>
</tbody>
</table>

Less Caravan Park money banked: 170.00 435.00 168.00
Less 2019 Honey Festival banked: 40.00 557.00 2,470.00
Less Kaput bookings banked: - - 120.00

**Total Monthly Income**

<table>
<thead>
<tr>
<th></th>
<th>Jan 2019</th>
<th>Feb 2019</th>
<th>Mar 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>$1,729.55</td>
<td>$1,591.25</td>
<td>$1,167.00</td>
</tr>
</tbody>
</table>
### Income – Bingara VIC

<table>
<thead>
<tr>
<th>Product</th>
<th>$ Jan</th>
<th>$ Feb</th>
<th>$ Mar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Products on consignment</td>
<td>56.00</td>
<td>0.00</td>
<td>47.00</td>
</tr>
<tr>
<td>Merchandise</td>
<td>580.00</td>
<td>477.50</td>
<td>433.55</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$636.00</strong></td>
<td><strong>$477.50</strong></td>
<td><strong>$480.55</strong></td>
</tr>
<tr>
<td>Less payments to consignees</td>
<td>33.65</td>
<td>0.00</td>
<td>32.90</td>
</tr>
<tr>
<td><strong>Total Merchandise sales/income</strong></td>
<td><strong>$602.35</strong></td>
<td><strong>$477.50</strong></td>
<td><strong>$447.65</strong></td>
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<tr>
<td>Commission received on event bookings</td>
<td>0</td>
<td>96.67</td>
<td>0</td>
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<tr>
<td><strong>Roxy Tour income</strong></td>
<td><strong>$130.00</strong></td>
<td><strong>$94.50</strong></td>
<td><strong>$205.00</strong></td>
</tr>
<tr>
<td><strong>Total Monthly Income Bingara VIC</strong></td>
<td><strong>$732.35</strong></td>
<td><strong>$668.67</strong></td>
<td><strong>$652.65</strong></td>
</tr>
</tbody>
</table>

### Cranky Rock Sites

<table>
<thead>
<tr>
<th></th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Powered sites</td>
<td>41</td>
<td>12</td>
<td>32</td>
</tr>
<tr>
<td>Unpowered sites</td>
<td>6</td>
<td>8</td>
<td>22</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>47</strong></td>
<td><strong>20</strong></td>
<td><strong>54</strong></td>
</tr>
</tbody>
</table>

### Visitors at Warialda VIC

<table>
<thead>
<tr>
<th></th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visitors</td>
<td>245</td>
<td>307</td>
<td>351</td>
</tr>
<tr>
<td>RMS clients</td>
<td>313</td>
<td>299</td>
<td>346</td>
</tr>
<tr>
<td>Cafe</td>
<td>171</td>
<td>296</td>
<td>195</td>
</tr>
<tr>
<td><strong>Total Warialda VIC</strong></td>
<td><strong>729</strong></td>
<td><strong>780</strong></td>
<td><strong>892</strong></td>
</tr>
</tbody>
</table>

### Visitors at Bingara VIC

<table>
<thead>
<tr>
<th></th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>414</td>
<td>315</td>
<td>434</td>
</tr>
</tbody>
</table>
Honey Festival a Hit!
The twelfth annual Regional Australia Bank Warialda Honey Festival was held on Saturday 2 March, with the sun shining and the bees buzzing, the day was a success!

Local community member and Gwydir Shire Mayor, John Coulton, opened the Festival and introduced the Fay Honour Working Busy Bee Awarded. Debbie, Natasha and Elisha presented the award to David Conway who was recognised for his tireless efforts in the community, especially with kick-starting the annual Men’s Health Night event here in Warialda.

“David is a worthy recipient of this award as he is an active member of numerous committees and organisations and is always willing to help,” said Honey Festival committee member, Nikki Adams.
Kids of all ages were entertained throughout the day with the Kids Zone that included a mechanical bull, jousting ring, sumo suits, giant slide, tropical slide and Dora and Diego 5 in 1 jumping castle, as well as the Warialda Anglican Group’s giant snakes and ladders game. The Kiddies Korner kept the younger bubs busy playing with toys on mats kindly donated by BizClean, creating art pieces, decorating biscuits and playing with shaving cream.

“It was great to see the kids playing on the field and running between the rides, while the rest of the family were relaxing under the umbrellas,” said Honey Festival committee member, Georgia Standerwick.

There were plenty of local acts on display throughout the day on the main stage including Martial Arts by Nick King’s Lifestyle Centre, St Joseph’s Catholic School students, Jack Digby and Alexander Dudley. Tamworth based band, Splashpool, closed the event, entertaining and singing classic covers that the crowd enjoyed.
Many market stalls were also on show including gozleme, pizza, lavender, arts and crafts, framing, model aircraft, honey, goat soap and so much more!

The gumboot throwing was back again for a second year with many attendees having a go to see who could throw the boot the furthest. Member for Northern Tablelands, Adam Marshall, hurled an impressive throw only to be beaten by local Denham Marchant in the adult competition.

“It’s great to hold the annual event as it allows farmers to escape the drought for a day, bring their family in to have a fun, relaxed day catching up with family and friends,” said Nikki.

The Festival will return next year, bigger and better at the Warialda Recreation Ground.

“There has been resounding positive feedback from locals and visitors for this year’s event. People have commented on the heat, so we are looking at pushing it even later in the day so it is more like a twilight festival. The Committee is also in talks with other community groups to avoid clashing with other events that may be on around the region” said Georgia.

Drought Events

Gwydir Shire Council has recently been successful in securing a grant of $35,000 to support the Gwydir Shire’s farming community through the devastating financial, social and emotional effects of the current drought.

The funds which have been provided by the Hunter New England and Central Coast Primary Health Network, aim to deliver events and services to communities experiencing tough times due to extreme drought conditions.

These funds were sourced following an increase in calls to the Council’s Social Services Department from residents seeking help and advice.

Over the past month Council has been rolling out a two part initiative to assist our farming community. The first phase, which took place in mid-March saw over 60 Gwydir community members take part in Mental Health Support Skills training. The free 3.5 hour workshops equipped participants with the skills to identify the signs and symptoms of common and disabling mental health problems, how to provide initial help, where and how to get professional help, what sort of help has been shown by research to be effective, and how to provide help in crisis situations.
The second phase has taken the form of social evenings complete with a hearty meal and cold drinks and kicked off in Gravesend on 27 March.

The events have been extremely well attended with 80 participants in Gravesend, 120 in Upper Horton and 100 in Bingara, with more events to come. The feedback has been extremely positive with a number of participants passing on their thanks to the Council.

A range of drought assistance services and agencies have been in attendance and provided advice and assistance to those in need.

There will be four Gwydir Farmer Family gatherings in April – Warialda 2 April, Coolatai 3 April, North Star 10 April and Croppa Creek 11 April.
Upper Horton
Bingara Library

The Gwydir Libraries continue to provide a host of wonderful services to the community. In March the librarians held a number of events for young and old.

Pancake Day

In addition to the regular after school program the librarians held a special Pancake day celebration where the children were taught to cook and serve
pancakes. The children were then able to sample their own cooking with their choice of delicious toppings.

**Girls Only Session**

Girls registered in the library after school programs were treated to a girls only pamper day complete with facials, manicures and discussions on their favourite books. A follow up boys only day will be held in April.

**Golden Oldie Craft session**

The Library commenced the first of their Golden Oldies craft sessions, the Library will be hosting a number of these sessions through the shire in the coming months.

**WEBSITES**
Commonwealth Home Support Program (CHSP)

March 2019 Report for Bingara, Delungra and Warialda

<table>
<thead>
<tr>
<th>MARCH 2019</th>
<th>BINGARA</th>
<th>DELUNGRA</th>
<th>WARIALDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>DAY CENTRE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total active clients</td>
<td>100</td>
<td>20</td>
<td>120</td>
</tr>
<tr>
<td>Clients receiving service</td>
<td>16</td>
<td>12</td>
<td>63</td>
</tr>
<tr>
<td>Total Meals</td>
<td>14</td>
<td>46</td>
<td>182</td>
</tr>
<tr>
<td>Hours Clients Receive in Centre</td>
<td>384</td>
<td>122</td>
<td>501</td>
</tr>
<tr>
<td>SOCIAL SUPPORT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No of Clients</td>
<td>44</td>
<td>12</td>
<td>63</td>
</tr>
<tr>
<td>Individual Hrs</td>
<td>288</td>
<td>11</td>
<td>53</td>
</tr>
<tr>
<td>Group Hrs</td>
<td>96</td>
<td>111</td>
<td>448</td>
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<tr>
<td>Total Hours Received</td>
<td>384</td>
<td>122</td>
<td>501</td>
</tr>
<tr>
<td>FOOD SERVICE (Meals on Wheels)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clients</td>
<td>3</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Meals</td>
<td>73</td>
<td>0</td>
<td>59</td>
</tr>
<tr>
<td>TRANSPORT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Clients</td>
<td>45</td>
<td>3</td>
<td>19</td>
</tr>
<tr>
<td>Number of Trips</td>
<td>167</td>
<td>6</td>
<td>98</td>
</tr>
<tr>
<td>TRANSPORT - YOUTH</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Clients</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Number of Trips</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>ACCESS BUS - INVERELL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Clients</td>
<td>13</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Number of Trips (per month)</td>
<td>2</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>VOLUNTEERS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of Volunteers</td>
<td>6</td>
<td>4</td>
<td>49</td>
</tr>
<tr>
<td>Hours</td>
<td>387</td>
<td>108</td>
<td>233</td>
</tr>
<tr>
<td>ACCOMMODATION UNITS FOR AGED</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Occupancy</td>
<td>6/6</td>
<td>0</td>
<td>13/13</td>
</tr>
</tbody>
</table>

**BINGARA CHSP**

March was another busy month for Bingara CHSP. The regular Tuesday morning teas averaged 16 clients each week. Tables have been arranged in the Linga Longa room to create more space as the numbers are increasing.
The ladies have started with their knitting and crocheting projects for the Orange Festival Stall.

Clients had lunch at Molly May’s café in Manilla on 26th March with 21 clients the three vehicles were at capacity. Everyone enjoyed the day and expressed an interest in returning. The café has lots of items on display and for sale - lollies, cane caskets, teas, and lots more. The café also has an alfresco area out the back as well as seating inside.

Client numbers for Meals on Wheels (MOW) has dropped back to 3 regular clients. Bingara CHSP has lost a couple of volunteer drivers for MOW and is constantly on the lookout for new volunteers.

WARIALDA / DELUNGRA CHSP

There was a slight increase in out of town Transport during March. Clients travelling to Inverell on the access bus always enjoy their day out.

Warialda CHSP has two much needed MOW volunteers.

Warialda Day Centre clients celebrated Pancake Day on 4 March with pancakes, ice cream and maple syrup for dessert (International Pancake Day was 5 March).

Seventeen clients from Warialda and Delungra enjoyed an outing to the Delungra hotel for lunch on Thursday 14 March.

St. Patrick’s Day lunch was celebrated at Warialda and Delungra centres with traditional Irish stew and trifle with green jelly for dessert and was enjoyed by all.

SOCIAL SERVICES

Bingara Neighbourhood Centre

Funding body – Family and Community Services

Be Connected (Broadband for Seniors)

During March ‘Be Connected’ had one new and three returning learners. Topics covered were how to add contacts to your IPad or phone, internet security tips, cutting and pasting as well as using the Be Connected game centre to practice mouse skills.

<table>
<thead>
<tr>
<th>Month</th>
<th>Number of participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>5</td>
</tr>
<tr>
<td>February</td>
<td>6</td>
</tr>
<tr>
<td>March</td>
<td>8</td>
</tr>
</tbody>
</table>

Youth Service

Funding body – Family and Community Services

Youth Council

The Gwydir Youth Council held its first meeting in Warialda on 7 March. The main agenda for this meeting was to decide on the Youth Week event that the young people wanted and to finalise details.
They are planning a Neon Disco to be held at the Roxy on 11 April 2019. The Youth Council has delegated tasks, planned activities for the night and discussed promotion of the event.

A bus will bring Warralda youth to Bingara on the night. To date 40 tickets have been sold. The money raised from the tickets will be placed in a fund to go toward another event at the end of the year; a Toughen Up challenge is being planned.

Other suggestions put forward at the Youth Council meeting include a colour/fun run, guest motivational speakers to attend schools or an event and a joint mural that the young people can design.

Youth Mentoring Afternoon Program – Tuesday
The youth mentoring program began on 2 March. Three participants are gaining assistance to access services including Medicare and Centrelink. The program also aims to assist young people with issues that they are dealing with.

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

Tuesday 5 March the Toy Library hosted the regular monthly visit from the Child and Family Health Nurse to chat with families and weigh and measure baby for Bubz Biz.

Information and resources were displayed to show the wide range of resources available to support families which can be borrowed from the Public Library via the website and then dropped off at the Toy Library.

On Tuesday 12 March information on home safety was provided to families and a discussion with the mums saw some swapping of helpful ideas.

Tuesday 19 March a group session where nursery rhymes prompted by stuffed toys were sung and became a fun game among the children. Families were provided with information on the importance of singing to/with their child to allow positive child development.

Tuesday 26 March, Rural Outreach from Inverell supported the families with conversation, hints and a discussion on activities available for children to do here in Bingara, as well as prompting mums to get time for themselves for a healthy balance of wife, mum and adult.

Gwydir Toy Libraries’ Coordinators attended the Armidale Early Years Conference on Wednesday 20 and Thursday 21 March.

The Kool Skool Kids program had two special events on top of the usual craft, homework help, and games afternoon during March which 18 children attended.

Both the Public Library and Toy Library staff joined to cook pancakes with ice cream and maple syrup for Pancake Day on Tuesday 5 March. On Tuesday 26 March they provided a session which separated the group into boys and girls with special fun just for boys or just for girls.
Supported Playgroup Development Worker

*Funding body – Family and Community Services*

Tuesday 5 March - children were engaged in a playdough making, face painting and music and movement session. 15 children attended the service on this day.

Eight children visited the service on Thursday 7 March, participating in a story time and craft session with town library staff. Information regarding the emergent early literacy skills in young children was provided to families attending the service.

Cooking for morning tea took place on Friday 8 March with 16 children attending. Parents were informed of the importance of including children in everyday life skill experiences such as cooking, chores and self-help skills – toileting and dressing etc. in an attempt to encourage independence for their children as they grow.

Tuesday 12 March - children were provided with an opportunity to exercise their fine motor skills through cotton wool and peg paintings. A handout with hints and tips for at home experiences was provided to all families. 13 children attended.

Sensory play was explored on Thursday 14 March with 11 children in attendance.

Friday 15 March – 12 children attended a cutting experience promoting the development of fine motor and eye/hand coordination skills.

A Science experiment morning took place on Tuesday 19 March with 19 children attending.

Tuesday 26 March - 16 children explored letter recognition through a teddy bear and band aid craft activity.

<table>
<thead>
<tr>
<th>Particulars</th>
<th>January</th>
<th>February</th>
<th>March</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toy Library Members- children utilising the service</td>
<td>34 children</td>
<td>22 children</td>
<td>46 children</td>
</tr>
<tr>
<td>Toy Library Members - Parents/Adults Attending</td>
<td>10 KSK program</td>
<td>70 KSK program</td>
<td>92 KSK program</td>
</tr>
<tr>
<td>Total memberships at Bingara Toy Library</td>
<td>18 adults</td>
<td>20 adults</td>
<td>36 adults</td>
</tr>
<tr>
<td>Toys returned</td>
<td>14 borrowers</td>
<td>16 borrowers</td>
<td>14 borrowers</td>
</tr>
<tr>
<td>Toys borrowed</td>
<td>23 non borrower</td>
<td>21 non borrower</td>
<td>20 non borrower</td>
</tr>
<tr>
<td>Children/ Group using toys (members)</td>
<td>2 birth</td>
<td>2 birth</td>
<td>2 birth</td>
</tr>
<tr>
<td>Craft/songs/stories/Free play</td>
<td>4</td>
<td>10</td>
<td>13</td>
</tr>
</tbody>
</table>
A colour matching experience took place on Thursday 28 March with 9 children engaged in this session.

Staff participated in a professional development opportunity – The Early Years Conference held in Armidale on 20 and 21 March.

<table>
<thead>
<tr>
<th>Warialda Toy Library</th>
<th>January</th>
<th>February</th>
<th>March</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total daily attendance count for children, (no. of children having utilised the service calculating each day over the month)</td>
<td>72</td>
<td>191</td>
<td>187</td>
</tr>
<tr>
<td>Full borrowing members (new)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Non borrowing members (new and/or renew)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Casual borrowing members (new or renew)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Commemorative Birth Certificate – voucher memberships</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Commemorative Birth Certificate applications received</td>
<td>7</td>
<td>16</td>
<td>4</td>
</tr>
<tr>
<td>Toys returned</td>
<td>9</td>
<td>2</td>
<td>13</td>
</tr>
<tr>
<td>Toys borrowed</td>
<td>0</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Groups using the service (FDC carers, Church and Pharmacy)</td>
<td>4</td>
<td>13</td>
<td>4</td>
</tr>
<tr>
<td>Monday group activity morning</td>
<td>19</td>
<td>4</td>
<td>51</td>
</tr>
<tr>
<td>Tuesday group activity morning</td>
<td>16</td>
<td>47</td>
<td>63</td>
</tr>
<tr>
<td>Wednesday group activity</td>
<td>9</td>
<td>68</td>
<td>0</td>
</tr>
<tr>
<td>Thursday group activity morning sessions</td>
<td>9</td>
<td>33</td>
<td>28</td>
</tr>
<tr>
<td>Friday group activity morning</td>
<td>19</td>
<td>43</td>
<td>45</td>
</tr>
</tbody>
</table>

Playgroups continue to provide experiences to enhance the emergent development of all children accessing services across the shire.

This month Warialda and Gravesend explored music and movement experiences, literacy and numeracy recognition and name identification as focus areas throughout playgroup sessions.

During March, Bingara focused on fine motor experiences, letter and number identification, while also catering for sensory exploration through play.

<table>
<thead>
<tr>
<th>Playgroup Location</th>
<th>January</th>
<th>February</th>
<th>March</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warialda – Monday morning</td>
<td>19</td>
<td>47</td>
<td>51</td>
</tr>
<tr>
<td>Gravesend – Wednesday morning holidays</td>
<td>18</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Bingara – Thursday morning</td>
<td>9</td>
<td>28</td>
<td>11</td>
</tr>
<tr>
<td>Total</td>
<td>36</td>
<td>93</td>
<td>82</td>
</tr>
</tbody>
</table>
Bingara Preschool

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

**Vision Screening:** The Statewide Eyesight Preschooler Screening (StEPS) program is an initiative of the NSW Ministry of Health and offers all 4 to 5 year old children a free vision screening assessment. Bingara Preschool welcomes Monique Wynter from the (StEPS) program each year. Monique visited Bingara Preschool on Friday 22 March and conducted the free eye sight screening to all eligible children.

**Transition Program:** Bingara Preschool Director visited Bingara Central School and attended a meeting with the current Kindergarten teacher: The main goal of the meeting was to extend the transition program from Bingara Preschool to Bingara Central School (for the children who attend formal schooling next year). It was decided that from Term 2 the transition children will travel by bus down to the school to attend sport with the current Kindergarten children each Friday. Bingara Preschool has also been invited to attend the annual Easter Hat Parade on 11 April and National Simultaneous Story Time on 22 May at Bingara Central School.

**Created Learning Space:** An extension of the children’s interest, Bingara Preschool created an amazing ‘Grocery Shop’ (inside learning space). With the help of the families, IGA and the Educators, the shop was developed real signs, boxes, money, cash registers and reusable shopping bags. During inside play time, the children extended and explored shopping and monetary concepts.

**Bingara MPS Excursion:** On 7 March, Bingara Preschool attended an excursion to the Bingara MPS (Hospital). The children sang and danced for the residents who expressed their delight and enjoyed watching the children perform. The Bingara MPS provided the children with a healthy morning tea of fruit and crackers. The children and educators then headed out to the Ambulance Station and were shown around the community’s two Ambulances. The paramedics discussed their roles with the children.
Harmony Day Week: Bingara Preschool celebrated Harmony week between 17 – 23 March by providing the following activities for the children: creating origami animals, decorating people chains, singing to Ran Sam Sam and London Bridge. The Educators also created a multicultural learning station which included the world light globe, animals from around the world and multicultural puzzles.

<table>
<thead>
<tr>
<th>Days</th>
<th>March</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuesday</td>
<td>20</td>
</tr>
<tr>
<td>Wednesday</td>
<td>22</td>
</tr>
<tr>
<td>Thursday</td>
<td>23</td>
</tr>
<tr>
<td>Friday</td>
<td>22</td>
</tr>
</tbody>
</table>

Tharawonga Mobile Resource Unit

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

First term is almost complete! Holidays will be from 12 April 2019 until Friday 26 April 2019. Term 2 will be 10 weeks commencing 29 April and ending 5 July 2019.

Most families are now connected to the Childcare Subsidy and payments are coming through regularly. It has been a lengthy process recovering everyone’s accounts after the government ceased enrolments due to the 8 week rule. Every child is allowed 42 days of absence throughout the year. Therefore, as the service takes seven weeks holiday and has two weeks to submit session reports, this rule will impact every service in the northwest that is reliant upon the Childcare Subsidy.

<table>
<thead>
<tr>
<th>Day</th>
<th>Venue</th>
<th>Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>Yetman</td>
<td>8</td>
</tr>
<tr>
<td>Tuesday</td>
<td>North Star</td>
<td>15</td>
</tr>
<tr>
<td>Wednesday</td>
<td>Yallaroi</td>
<td>11</td>
</tr>
<tr>
<td>Thursday</td>
<td>Tulloona</td>
<td>4</td>
</tr>
<tr>
<td>Thursday</td>
<td>Gravesend</td>
<td>8</td>
</tr>
<tr>
<td>Friday</td>
<td>Gravesend</td>
<td>11</td>
</tr>
<tr>
<td>Friday</td>
<td>Crooble</td>
<td>6</td>
</tr>
</tbody>
</table>

CONCLUSION

The activities carried out by the Organisation and Community Development Department are in line with the 2018/2019 Operational Plan and otherwise as directed.

CONSULTATION

Consultation has occurred within the Organisation and Community Development Directorate.
POLICY IMPLICATIONS

Policy implications are those relating to the 2018/2019 Operational Plan and the Policies of Gwydir Shire Council.

FINANCIAL, ECONOMIC and RESOURCE IMPLICATIONS (including Asset Management)

The activities carried out by the Organisation and Community Development Department are in line with the 2018/2019 Operational Plan.

SUSTAINABILITY IMPLICATIONS (Social and Environment)

The activities undertaken by the Organisation and Community Development Department regarding social and environmental factors are targeted in line with the 2018/2019 Operational Plan.

CONCLUSION

The activities carried out by the Organisation and Community Development Department are in line with the 2018/2019 Operational Plan and otherwise as directed.

CONSULTATION

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The activities carried out by the Organisation and Community Development Department are in line with the 2018/2019 Operational Plan.

SUSTAINABILITY IMPLICATIONS (Social and Environment)

The activities undertaken by the Organisation and Community Development Department regarding social and environmental factors are targeted in line with the 2018/2019 Operational Plan.

OFFICER RECOMMENDATION

THAT the monthly Organisation and Community Development report for March 2019 be received

ATTACHMENTS

AT-  WHS Performance Summary - March 2019
Implementing corrective actions resulting from incident investigations is also an important part of reducing the number of incidents and injuries and still need to prioritise completion of corrective actions.

**Analyses** – The above summary is generated from the monthly reportable actions listed in the WHS Action Plan. The number of actions completed this month is 11.

<table>
<thead>
<tr>
<th>Objective</th>
<th>Action</th>
<th>Action</th>
<th>Action</th>
<th>Action</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHS Performance Summary for March 2019</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
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</table>
Item 4 Internal Audit Committee recommendations from meeting held on 28th March 2019

FILE REFERENCE

DELIVERY PROGRAM

GOAL: 5. Organisational Management

OUTCOME: 5.1 CORPORATE MANAGEMENT

STRATEGY: 5.1.1 Financial management and accountability systems - CFO - internal

AUTHOR General Manager

DATE 1 April 2019

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

This report recommends the adoption of the recommendations from the Internal Audit Committee Meeting held on 28th March 2019.

A copy of the minutes have already been circulated.

OFFICER RECOMMENDATION

Final 2018 Management Letter

THAT the Final 2018 Audit Management Letter has been examined and discussed and is now referred to Council for its information.

Audit Engagement Plan 2019 (Draft)

THAT the Audit Engagement Plan 2019 (Draft) has been examined and discussed and is now referred to Council for its information.

FURTHER that the Committee expresses its surprise that the NSW Audit Office can justify such a significant increase in its audit fees well above the current inflation rate.

Update on proposed 2019 Internal Audit Program

THAT the draft internal audit plan for 2019/20 has been examined and discussed and is now referred to Council for its information:

Procurement procedures;
Fraud Control Toolbox;
Waste Operations;
Long Term Financial Plan; and;
Financial Return on Property holdings
FURTHER that the Deputy General Manager be invited to make a presentation to the July Internal Audit Committee Meeting outlining any issues of importance within the Organisational and Community Development Division.

FURTHER that the comparative data information and own source revenue break down are noted.

ATTACHMENTS

There are no attachments for this report.
Item 5  Monthly Investment and Rates Collection Report for March 2019

FILE REFERENCE

DELIVERY PROGRAM

GOAL:  5. Organisational Management

OUTCOME:  5.1 CORPORATE MANAGEMENT

STRATEGY:  5.1.1 Financial management and accountability systems - CFO - internal

AUTHOR  Manager, Finance

DATE  2 April 2019

STAFF DISCLOSURE OF INTEREST  Nil

BACKGROUND

At each monthly Ordinary Meeting, the Council is presented with the schedule relating to Investments, as at the end of the previous month.

In accordance with Clause 19(3) of the Local Government (Financial Management) Regulation 1993, the following information provides details of Council’s funds invested as at 31 March 2019.

### Direct Investments

<table>
<thead>
<tr>
<th>Broker</th>
<th>ID</th>
<th>Investment Name</th>
<th>Rating</th>
<th>Type</th>
<th>Next Rollover</th>
<th>Yield</th>
<th>Current Value</th>
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</thead>
<tbody>
<tr>
<td>NAB</td>
<td>2018.14</td>
<td>NAB</td>
<td>AA</td>
<td>TD</td>
<td>6-05-19</td>
<td>2.70%</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>NAB</td>
<td>2018.15</td>
<td>NAB</td>
<td>AA</td>
<td>TD</td>
<td>6-05-19</td>
<td>2.70%</td>
<td>$1,000,000.00</td>
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<tr>
<td>NAB</td>
<td>2018.16</td>
<td>NAB</td>
<td>AA</td>
<td>TD</td>
<td>14-05-19</td>
<td>2.65%</td>
<td>$1,000,000.00</td>
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<tr>
<td><strong>Grand Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>$3,000,000.00</strong></td>
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### Managed Funds

<table>
<thead>
<tr>
<th>Fund</th>
<th>Investment Horizon</th>
<th>Type</th>
<th>3 Mth Avg Yield</th>
<th>Current Value</th>
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<tbody>
<tr>
<td>Regional Australia Bank</td>
<td>At Call</td>
<td>Cash</td>
<td>See report</td>
<td>$262,313.89</td>
</tr>
<tr>
<td>Tcorp Cash Fund</td>
<td>At Call</td>
<td>Cash</td>
<td>See report</td>
<td>$7,525,290.00</td>
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<tr>
<td>Tcorp Medium Term Fund</td>
<td>At Call</td>
<td>Cash</td>
<td>See report</td>
<td>$533,303.00</td>
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<tr>
<td><strong>Grand Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$8,320,906.89</strong></td>
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</table>

### Total Investments

<table>
<thead>
<tr>
<th>Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct Investments</td>
<td>$3,000,000.00</td>
</tr>
<tr>
<td>Managed Funds</td>
<td>$8,320,906.89</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>$11,320,906.89</strong></td>
</tr>
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</table>
## Cash and Investments

### Total Investments

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>Direct Investments</td>
<td>$3,000,000.00</td>
</tr>
<tr>
<td>Managed Funds</td>
<td>$8,320,906.89</td>
</tr>
<tr>
<td><strong>Grand Total Investments</strong></td>
<td><strong>$11,320,906.89</strong></td>
</tr>
</tbody>
</table>

### Total Cash and Investments

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investments</td>
<td>$11,320,906.89</td>
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<tr>
<td>Cash at bank</td>
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<tr>
<td><strong>Grand Total Cash and Investments</strong></td>
<td><strong>$11,603,278.81</strong></td>
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</table>

### General Fund Cash

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total cash and investments</strong></td>
<td><strong>$11,603,278.81</strong></td>
</tr>
<tr>
<td>LESS:</td>
<td></td>
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<tr>
<td>Water fund*</td>
<td>-$576,178.97</td>
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<tr>
<td>Sewer fund*</td>
<td>-$3,136,821.04</td>
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<td>Waste fund*</td>
<td>-$2,892,354.14</td>
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<td><strong>Other restrictions:</strong></td>
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<tr>
<td>Employee leave entitlements*</td>
<td>-$849,000.00</td>
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<tr>
<td>Carry over works in progress*</td>
<td>$0.00</td>
</tr>
<tr>
<td>Asset replacement*</td>
<td>-$322,910.00</td>
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<tr>
<td>Bonds and deposits</td>
<td>-$2,282,049.56</td>
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<tr>
<td>Unexpended grants*</td>
<td>-$466,000.00</td>
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<tr>
<td>Developer contributions</td>
<td>-$256,000.00</td>
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</table>

*These figures may change with end of year processing

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td><strong>Discretionary General Fund Cash</strong></td>
<td><strong>$822,165.10</strong></td>
</tr>
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</table>

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

RATES COLLECTIONS

The graph below represents a comparative of the percentage collections for the current year against the two previous rating years. The current year collections are up to 31st March 2019.

OFFICER RECOMMENDATION

THAT the monthly Investment and Rates Collection report for March 2019 be received

ATTACHMENTS

There are no attachments for this report.
Item 6  Code of Conduct Review

FILE REFERENCE

DELIVERY PROGRAM

GOAL: 5. Organisational Management

OUTCOME: 5.1 CORPORATE MANAGEMENT

STRATEGY: 5.1.5 Provide responsible internal governance - GM - internal

AUTHOR Public Officer

DATE 3 April 2019

IN BRIEF / SUMMARY RECOMMENDATION


BACKGROUND

The Office of Local Government requires councils to adopt the Division's Model Code and Procedures by 14 June 2019.

The Code of Conduct and Code of Conduct Procedures have been prepared in conjunction with:

- Office of Local Government Model Code of Conduct in NSW 2018;
- Office of Local Government Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2018;
- Office of Local Government Circular 18/44; and,
- The Local Government Act, 1993 (however, nothing in this Code overrides or affects this Act or any other law).

The Office requires Council to appoint members of staff other than the General Manager to act as a complaints coordinator and as an alternate complaints coordinator.

Further, the Office requires that Council ensure that a panel of conduct reviewers.

OFFICER RECOMMENDATION

THAT the attached draft Code of Conduct and draft Code of Conduct Procedures are recommended for adoption by Council.

THAT Council appoints the Organisation and Community Development Director to act as a complaints coordinator and the Public Officer as an alternate complaints coordinator.
THAT Council continues to engage Wilshire Webb Staunton Beattie Lawyers to act as Council’s conduct reviewers.

ATTACHMENTS

AT- Draft Code of Conduct V3 March 2019
AT- Draft Code of Conduct Procedures V3
Draft Gwydir Shire Council Code of Conduct

<table>
<thead>
<tr>
<th>Department</th>
<th>Human Resources</th>
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</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Leeah Daley</td>
</tr>
<tr>
<td>Date Adopted</td>
<td>## 2019 Resolution ###</td>
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<tr>
<td>Trim reference</td>
<td>19/12478</td>
</tr>
<tr>
<td>Version no</td>
<td>3</td>
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<tr>
<td>Next Review</td>
<td>2022</td>
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**REVISION RECORD**

<table>
<thead>
<tr>
<th>Date</th>
<th>Version</th>
<th>Officer</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 2010</td>
<td>1</td>
<td>HR</td>
<td>Initial Policy Ref 10/2190</td>
</tr>
<tr>
<td>March 2013</td>
<td>2</td>
<td>M Bowrey</td>
<td>Policy review 13/8617</td>
</tr>
<tr>
<td>March 2019</td>
<td>3</td>
<td>C Southwell</td>
<td></td>
</tr>
</tbody>
</table>
**TABLE OF CONTENTS**

<table>
<thead>
<tr>
<th>PART</th>
<th>SECTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PART 1</td>
<td>INTRODUCTION</td>
<td>3</td>
</tr>
<tr>
<td>PART 2</td>
<td>DEFINITIONS</td>
<td>4</td>
</tr>
<tr>
<td>PART 3</td>
<td>GENERAL CONDUCT OBLIGATIONS</td>
<td>6</td>
</tr>
<tr>
<td>PART 4</td>
<td>PECUNIARY INTERESTS</td>
<td>9</td>
</tr>
<tr>
<td>PART 5</td>
<td>NON-PECUNIARY CONFLICTS OF INTEREST</td>
<td>16</td>
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<td>PART 6</td>
<td>PERSONAL BENEFIT</td>
<td>21</td>
</tr>
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<td>PART 7</td>
<td>RELATIONSHIPS BETWEEN COUNCIL OFFICIALS</td>
<td>24</td>
</tr>
<tr>
<td>PART 8</td>
<td>ACCESS TO INFORMATION AND COUNCIL RESOURCES</td>
<td>26</td>
</tr>
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<td>PART 9</td>
<td>MAINTAINING THE INTEGRITY OF THIS CODE</td>
<td>30</td>
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<tr>
<td>SCHEDULE 1:</td>
<td>DISCLOSURES OF INTERESTS AND OTHER MATTERS IN</td>
<td>32</td>
</tr>
<tr>
<td>SCHEDULE 2:</td>
<td>WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21</td>
<td></td>
</tr>
<tr>
<td>SCHEDULE 3:</td>
<td>FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST</td>
<td>44</td>
</tr>
<tr>
<td>SCHEDULE 4:</td>
<td>FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED</td>
<td></td>
</tr>
<tr>
<td>UNDER CLAUSE 4.21</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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”.

Attachment 1 - Draft Code of Conduct V3 March 2019
Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

DEFINITIONS

In this code the following terms have the following meanings:

LGA

the Local Government Act 1993

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.

council

includes county councils and joint organisations

council committee

a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to

council committee member

a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee

council official

includes councillors, members of staff of a council, administrators, council committee members (management and advisory), delegates of council, volunteers 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

conduct

includes acts and omissions

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 *Environmental Planning and Assessment Act 1979*

general manager includes the executive officer of a joint organisation

joint organisation a joint organisation established under section 4000 of the LGA

local planning panel a local planning panel constituted under the *Environmental Planning and Assessment Act 1979*

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 Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation

the Regulation the Local Government (General) Regulation 2005

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
GENERAL CONDUCT OBLIGATIONS

**General conduct**
You must not conduct yourself in a manner that:
  a) is likely to bring the council or other council officials into disrepute
  b) is contrary to statutory requirements or the council’s administrative requirements or policies
  c) is improper or unethical
  d) is an abuse of power
  e) causes, comprises or involves intimidation or verbal abuse
  f) involves the misuse of your position to obtain a private benefit
  g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.

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**
You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

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.

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**
You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer’s responsibilities or political, religious or other affiliation.

For the purposes of this code, “harassment” is any form of behaviour towards a person that:
  a) is not wanted by the person
  b) offends, humiliates or intimidates the person, and
  c) creates a hostile environment.

**Bullying**
You must not engage in bullying behaviour towards others.

For the purposes of this code, “bullying behaviour” is any behaviour in which:
  a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and
  b) the behaviour creates a risk to health and safety.
Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

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

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

All council officials, including councillors, owe statutory duties under the Work Health and Safety Act 2011 (WH&S Act). You must comply with your duties under the WH&S 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 WH&S 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 WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

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.

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**
You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

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.

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.

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**
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.

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).

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.

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.
PECUNIARY INTERESTS

What is a pecuniary interest?
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.

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.

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.

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.

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?
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 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 or 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.

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?
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.

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.

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.

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.

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.
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?
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.

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

What disclosures must be made by council advisers?
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.

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

What disclosures must be made by a council committee member?
A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.

For the purposes of clause 4.18, a “council committee member” includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?
A councillor:

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

Disclosure of interests in written returns
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).
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.

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.

The general manager must keep a register of returns required to be made and lodged with the general manager.

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.

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.

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

**Disclosure of pecuniary interests at meetings**

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.

The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:

(a) at any time during which the matter is being considered or discussed by the council or committee, or
(b) at any time during which the council or committee is voting on any question in relation to the matter.

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.

A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

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.

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.

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.

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.

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.

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.
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.

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.
NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

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.

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.

The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.

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.

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

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.

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.

How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

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.

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.

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.

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.
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.

Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

**Political donations**

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.

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.

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.

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.

Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

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

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.

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.

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

Other business or employment

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.

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.

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.

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.

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

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

**Personal dealings with council**
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.

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.
PERSONAL BENEFIT

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.

A reference to a gift or benefit in this Part does not include:
   a) a political donation for the purposes of the Electoral Funding Act 2018
   b) 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
   c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
   d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
      i) the discussion of official business
      ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
      iii) conferences
      iv) council functions or events
      v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits
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.

A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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

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.

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

Gifts and benefits of token value
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 $50. 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 $50
b) gifts of alcohol that do not exceed a value of $50
c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
d) prizes or awards that do not exceed $50 in value.

Gifts and benefits of more than token value
Gifts or benefits that exceed $50 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.

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 $50, 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.

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 $50 in value.

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

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

Improper and undue influence
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.

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.
RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators
Each councillor 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.

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.

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
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.

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

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 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.
ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information
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).

The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.

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.

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.

Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.

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

Use of certain council information
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
Use and security of confidential information

You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

In addition to your general obligations relating to the use of council information, you must:

- only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- protect confidential information
- only release confidential information if you have authority to do so
- only use confidential information for the purpose for which it is intended to be used
- not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

When dealing with personal information you must comply with:

- the Privacy and Personal Information Protection Act 1998
- the Health Records and Information Privacy Act 2002
- the Information Protection Principles and Health Privacy Principles
- the council’s privacy management plan
- the Privacy Code of Practice for Local Government

Use of council resources

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.

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:

- the representation of members with respect to disciplinary matters
- the representation of employees with respect to grievances and disputes
c) functions associated with the role of the local consultative committee.

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.

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.

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.

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.

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

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

Council record keeping
You must comply with the requirements of the State Records Act 1998 and the council's records management policy.

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.

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.

You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or
records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

**Councillor access to council buildings**

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.

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.

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.
MAINTAINING THE INTEGRITY OF THIS CODE

**Complaints made for an improper purpose**
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.

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**
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.

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.

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**
You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

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.
You must comply with a practice ruling made by the Office under the Procedures.

Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

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

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

You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

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.

You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

**Complaints alleging a breach of this Part**

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.

Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.
SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

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

   address means:

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

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

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

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

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

   interest means:

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

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. Interests etc. outside New South Wales: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

3. References to interests in real property: A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.

4. Gifts, loans etc. from related corporations: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods
or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the Corporations Act 2001 of the Commonwealth are all given, made or supplied by a single corporation.
Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
   a) the street address of each parcel of real property in which they had an
      interest on the return date, and
   b) the street address of each parcel of real property in which they had an
      interest in the period since 30 June of the previous financial year, and
   c) the nature of the interest.

6. An interest in a parcel of real property need not be disclosed in a return if
   the person making the return had the interest only:
   a) as executor of the will, or administrator of the estate, of a deceased
      person and not as a beneficiary under the will or intestacy, or
   b) as a trustee, if the interest was acquired in the ordinary course of an
      occupation not related to their duties as the holder of a position required
      to make a return.

7. An interest in a parcel of real property need not be disclosed in a return if
   the person ceased to hold the interest prior to becoming a councillor or
   designated person.

8. For the purposes of clause 5 of this schedule, “interest” includes an option
   to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
   a) a description of each gift received in the period since 30 June of the
      previous financial year, and
   b) the name and address of the donor of each of the gifts.

10. A gift need not be included in a return if:
   a) it did not exceed $500, unless it was among gifts totalling more than
       $500 made by the same person during a period of 12 months or less, or
   b) it was a political donation disclosed, or required to be disclosed, under
       Part 3 of the Electoral Funding Act 2018, or
   c) the donor was a relative of the donee, or
   d) subject to paragraph (a), it was received prior to the person becoming a
       councillor or designated person.

11. For the purposes of clause 10 of this schedule, the amount of a gift other
    than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
   a) the name and address of each person who made any financial or other
      contribution to the expenses of any travel undertaken by the person in
      the period since 30 June of the previous financial year, and
   b) the dates on which the travel was undertaken, and
c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

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

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

**Interests and positions in corporations**

15. A person making a return under clause 4.21 of this code must disclose:
   a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
   b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
   c) the nature of the interest, or the position held, in each of the corporations, and
   d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
   a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
   b) required to apply its profits or other income in promoting its objects, and
   c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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

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

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

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

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

**Positions in trade unions and professional or business associations**

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

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

**Dispositions of real property**

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

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

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.
Sources of income
26. A person making a return under clause 4.21 of this code must disclose:
    a) each source of income that the person reasonably expects to receive in
       the period commencing on the first day after the return date and ending
       on the following 30 June, and
    b) each source of income received by the person in the period since 30
       June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received,
    or reasonably expected to be received, by a person is a reference to:
    a) in relation to income from an occupation of the person:
       (i) a description of the occupation, and
       (ii) if the person is employed or the holder of an office, the name and
            address of their employer, or a description of the office, and
       (iii) if the person has entered into a partnership with other persons,
            the name (if any) under which the partnership is conducted; or
    b) in relation to income from a trust, the name and address of the settlor
       and the trustee, or
    c) in relation to any other income, a description sufficient to identify the
       person from whom, or the circumstances in which, the income was, or is
       reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if
    the amount of the income received, or reasonably expected to be received,
    by the person from that source did not exceed $500, or is not reasonably
    expected to exceed $500, as the case may be.

29. The source of any income received by the person that they ceased to
    receive prior to becoming a councillor or designated person need not be
    disclosed.

30. A fee paid to a councillor or to the mayor or deputy mayor under sections
    248 or 249 of the LGA need not be disclosed.

Debts
31. A person making a return under clause 4.21 of this code must disclose the
    name and address of each person to whom the person was liable to pay
    any debt:
    a) on the return date, and
    b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made
    under clause 4.21 whether or not the amount, or any part of the amount, to
    be paid was due and payable on the return date or at any time in the period
    since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:
    a) the amount to be paid did not exceed $500 on the return date or in the
       period since 30 June of the previous financial year, as the case may be,
       unless:
(i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
(ii) the amounts to be paid exceeded, in the aggregate, $500, or

b) the person was liable to pay the debt to a relative, or
c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
d) in the case of a debt arising from the supply of goods or services:
   (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
   (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or

e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures
34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.
SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

'Disclosures by councillors and designated persons’ return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.

3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.

4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.

5. This form must be completed using block letters or typed.

6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word “NIL” is to be placed in an appropriate space under that heading.

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

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.
The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

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

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

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

as at [return date]

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

[councillor's or designated person's signature]

[date]

<table>
<thead>
<tr>
<th>A. Real Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Sources of income</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
</tr>
<tr>
<td>Description of occupation</td>
</tr>
</tbody>
</table>

| 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 (if any) or held a position at the return date/at any time since 30 June | Nature of position | 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 |
1. 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.

<table>
<thead>
<tr>
<th>Pecuniary interest</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)</td>
<td></td>
</tr>
<tr>
<td>Relationship of identified land to the councillor</td>
<td></td>
</tr>
<tr>
<td>[Tick or cross one box]</td>
<td></td>
</tr>
<tr>
<td>☐ 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).</td>
<td></td>
</tr>
<tr>
<td>☐ An associated person of the councillor has an interest in the land.</td>
<td></td>
</tr>
<tr>
<td>☐ An associated company or body of the councillor has an interest in the land.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Matter giving rise to pecuniary interest</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)²</td>
<td></td>
</tr>
<tr>
<td>[Tick or cross one box]</td>
<td></td>
</tr>
<tr>
<td>☐ The identified land.</td>
<td></td>
</tr>
<tr>
<td>☐ Land that adjoins or is adjacent to or is in proximity to the identified land.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Current zone/planning control</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</td>
<td></td>
</tr>
</tbody>
</table>

---

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.
<table>
<thead>
<tr>
<th>Proposed change of zone/planning control</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Effect of proposed change of zone/planning control on councillor or associated person</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Insert one of the following: &quot;Appreciable financial gain&quot; or &quot;Appreciable financial loss&quot;</td>
<td></td>
</tr>
</tbody>
</table>

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

Councillor’s signature

Date

[This form is to be retained by the council’s general manager and included in full in the minutes of the meeting]
## Draft Procedures for the Administration of the Gwydir Shire Council Code of Conduct

<table>
<thead>
<tr>
<th>Department</th>
<th>Human Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Leeah Daley</td>
</tr>
<tr>
<td>Date Adopted</td>
<td>## 2019 Resolution ###</td>
</tr>
<tr>
<td>Trim reference</td>
<td>19/12484</td>
</tr>
<tr>
<td>Version no</td>
<td>3</td>
</tr>
<tr>
<td>Next Review</td>
<td>2022</td>
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</table>

## REVISION RECORD

<table>
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<tr>
<th>Date</th>
<th>Version</th>
<th>Officer</th>
<th>Description</th>
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<tr>
<td>June 2009</td>
<td>1</td>
<td>HR</td>
<td>Initial Policy Ref C.02.08</td>
</tr>
<tr>
<td>March 2014</td>
<td>2</td>
<td>M Bowrey</td>
<td>Policy review 14/13996</td>
</tr>
<tr>
<td>March 2019</td>
<td>3</td>
<td>C Southwell</td>
<td></td>
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PART 1 INTRODUCTION

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

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

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

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

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

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

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

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

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

- **LGA** the *Local Government Act 1993*
- **administrator** an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct  a code of conduct adopted under section 440 of the LGA

code of conduct complaint  a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures

complainant  a person who makes a code of conduct complaint

complainant councillor  a councillor who makes a code of conduct complaint

complaints coordinator  a person appointed by the general manager under these procedures as a complaints coordinator

conduct reviewer  a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager

council  includes county councils and joint organisations

council committee  a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to

council committee member  a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee

councillor  any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations

council official  any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser

delegate of council  a person (other than a councillor or member of staff of a council) or body, and the
individual members of that body, to whom a function of the council is delegated

external agency  a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police

general manager  includes the executive officer of a joint organisation

ICAC  the Independent Commission Against Corruption

joint organisation  a joint organisation established under section 400C of the LGA

mayor  includes the chairperson of a county council or a joint organisation

members of staff of a council  includes members of staff of county councils and joint organisations

the Office  the Office of Local Government

investigator  a conduct reviewer

the Regulation  the Local Government (General) Regulation 2005

respondent  a person whose conduct is the subject of investigation by a conduct reviewer under these procedures

wholly advisory committee  a council committee that the council has not delegated any functions to

PART 3  ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

3.1  The council must by resolution establish a panel of conduct reviewers.

3.2  The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
3.3 The panel of conduct reviewers is to be established following a public expression of interest process.

3.4 An expression of interest for members of the council’s panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.

3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
   a) an understanding of local government, and
   b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and
   c) knowledge and experience of one or more of the following:
      i) investigations
      ii) law
      iii) public administration
      iv) public sector ethics
      v) alternative dispute resolution, and
   d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.

3.6 A person is not eligible to be a conduct reviewer if they are:
   a) a councillor, or
   b) a nominee for election as a councillor, or
   c) an administrator, or
   d) an employee of a council, or
   e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
   f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
   g) a person who has a conviction for an indictable offence that is not an expired conviction.

3.7 A person is not precluded from being a member of the council’s panel of conduct reviewers if they are a member of another council’s panel of conduct reviewers.

3.8 An incorporated or other entity may be appointed to a council’s panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.

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

3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the
termination of the panel until they have finalised their consideration of the matter.

3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.

3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.

3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.

3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.

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

The appointment of complaints coordinators

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

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

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

3.21 The role of the complaints coordinator is to:
   a) coordinate the management of complaints made under the council’s code of conduct
   b) liaise with and provide administrative support to a conduct reviewer
   c) liaise with the Office and
   d) arrange the annual reporting of code of conduct complaints statistics.

PART 4   HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

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

4.2 The following are not “code of conduct complaints” for the purposes of these procedures:
   a) complaints about the standard or level of service provided by the council or a council official
   b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
   c) complaints about the policies or procedures of the council
   d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council’s code of conduct.

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

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

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

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

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

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

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

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

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

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

4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.

4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant’s preferences in deciding how to deal with the complaint.

4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council’s code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

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

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

Consideration of complaints by general managers and mayors

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

What complaints may be declined at the outset?

5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
   a) is not a code of conduct complaint, or
   b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
   c) is trivial, frivolous, vexatious or not made in good faith, or
   d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
   e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council’s code of conduct to be readily identified.
How are code of conduct complaints about staff (other than the general manager) to be dealt with?

5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.

5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.

5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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

5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee
member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council’s code of conduct.

5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager’s satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
   a) censure
   b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
   c) prosecution for any breach of the law
   d) removing or restricting the person’s delegation
   e) removing the person from membership of the relevant council committee.

5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
   a) the substance of the allegation (including the relevant provision/s of the council’s code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
   b) the person must be given an opportunity to respond to the allegation, and
   c) the general manager must consider the person’s response in deciding whether to impose a sanction under clause 5.16.
How are code of conduct complaints about administrators to be dealt with?

5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.

5.19 The general manager must notify the complainant of the referral of their complaint in writing.

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

5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
   a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
   b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
   c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
   d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.

5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

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

5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
   a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
   b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
   c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.

5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.

5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in
writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

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

5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
   a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
   b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.

5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.

5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
   a) the complainant consents in writing to the disclosure, or
   b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
e) it is otherwise in the public interest to do so.

5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

**Code of conduct complaints made as public interest disclosures**

5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council’s internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such
a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
   a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
   b) impeded or disrupted the effective administration by the council of its code of conduct, or
   c) impeded or disrupted the effective functioning of the council.

5.50 A special complaints management arrangement must be in writing and must specify the following:
   a) the code of conduct complaints the arrangement relates to, and
   b) the period that the arrangement will be in force.

5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.
PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.

6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
   a) a panel of conduct reviewers established by the council, or
   b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.

6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.

6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
   a) they have a conflict of interest in relation to the matter referred to them, or
   b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
   c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds $100,000, or
   d) at the time of the referral, they or their employer are the council’s legal service provider or are a member of a panel of legal service providers appointed by the council.

6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.

6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.

6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.

6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
   a) comply with these procedures in their consideration of the matter, or
   b) comply with a lawful and reasonable request by the complaints coordinator, or
   c) exercise their functions in a timely or satisfactory manner.

6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.

6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
   a) to take no action
   b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour.
c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour.

d) to refer the matter to an external agency

e) to investigate the matter.

6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.

6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.

6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.

6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.

6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council’s code of conduct.

6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.

6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
b) that the alleged conduct is sufficiently serious to warrant investigation, and
c) that the matter is one that could not or should not be resolved by alternative means.

6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following:
   a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
   b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
   c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
   d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.

6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.

6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).

6.28 The general manager or mayor may decline to accept the conduct reviewer’s recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.

6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer’s recommendation.
6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:

a) whether the complaint is a code of conduct complaint for the purpose of these procedures

b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council’s code of conduct

c) whether the complaint is trivial, frivolous, vexatious or not made in good faith

d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct

e) whether the complaint raises issues that would be more appropriately dealt with by an external agency

f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of

g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

h) whether the issue/s giving rise to the complaint have previously been addressed or resolved

i) any previous proven breaches of the council’s code of conduct

j) whether the conduct complained of forms part of an ongoing pattern of behaviour

k) whether there were mitigating circumstances giving rise to the conduct complained of

l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)

m) the significance of the conduct or the impact of the conduct for the council

n) how much time has passed since the alleged conduct occurred

o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.
PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER

What matters may a conduct reviewer investigate?

7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.

7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.

7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
   a) disclose the substance of the allegations against the respondent, and
   b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
   c) advise of the process to be followed in investigating the matter, and
   d) advise the respondent of the requirement to maintain confidentiality, and
   e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and
   f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.

7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.

7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
   a) advise them of the matter the investigator is investigating, and
   b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
   c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.

Written and oral submissions

7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.

7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.

7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.

7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.

7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.
How are investigations to be conducted?

7.15 Investigations are to be undertaken without undue delay.

7.16 Investigations are to be undertaken in the absence of the public and in confidence.

7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.

7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
   a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
   b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
   c) refer the matter to an external agency.

7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council’s code of conduct.

7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about
the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.

7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.

7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.
Final investigation reports

7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.

7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

7.35 The investigator’s final report must:
   a) make findings of fact in relation to the matter investigated, and,
   b) make a determination that the conduct investigated either,
      i. constitutes a breach of the code of conduct, or
      ii. does not constitute a breach of the code of conduct, and
   c) provide reasons for the determination.

7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
   a) that the council revise any of its policies, practices or procedures
   b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
   c) that the respondent be counselled for their conduct
   d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council’s representative
   e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
   f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
   g) that findings of inappropriate conduct be made public by publishing the investigator’s findings and determination in the minutes of the council meeting at which the matter is considered
   h) in the case of a breach by the general manager, that action be taken under the general manager’s contract
   i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
   j) in the case of a breach by a councillor, that the council resolves as follows:
      i. that the councillor be formally censured for the breach under section 440G of the LGA, and
      ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
a) that the council revise any of its policies, practices or procedures
b) that a person or persons undertake any training or other education.

7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:
   a) the seriousness of the breach
   b) whether the breach can be easily remedied or rectified
   c) whether the respondent has remedied or rectified their conduct
   d) whether the respondent has expressed contrition
   e) whether there were any mitigating circumstances
   f) the age, physical or mental health or special infirmity of the respondent
   g) whether the breach is technical or trivial only
   h) any previous proven breaches
   i) whether the breach forms part of an ongoing pattern of behaviour
   j) the degree of reckless intention or negligence of the respondent
   k) the extent to which the breach has affected other parties or the council as a whole
   l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct
   m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
   n) whether an educative approach would be more appropriate than a punitive one
   o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
   p) what action or remedy would be in the public interest.

7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.40 At a minimum, the investigator’s final report must contain the following information:
   a) a description of the allegations against the respondent
   b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
   c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
   d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
   e) a description of any attempts made to resolve the matter by use of alternative means
   f) the steps taken to investigate the matter
   g) the facts of the matter
h) the investigator’s findings in relation to the facts of the matter and the reasons for those findings
i) the investigator’s determination and the reasons for that determination
j) any recommendations.

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
   a) the investigator’s findings in relation to the facts of the matter and the reasons for those findings
   b) the investigator’s determination and the reasons for that determination
   c) any recommendations, and
   d) such other additional information that the investigator considers may be relevant.

7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator’s report to the general manager or, where the report relates to the general manager’s conduct, to the mayor, and this will finalise consideration of the matter under these procedures.

7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator’s report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.

7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator’s report to the general manager or, where the report relates to the general manager’s conduct, to the mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor’s conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager’s conduct.

7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the
investigator’s report to be reported to the next ordinary council meeting for the council’s consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).

7.48 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.

7.49 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.

7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator’s recommendation/s.

7.51 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.

7.52 The council must not invite submissions from other persons for the purpose of seeking to re hear evidence previously considered by the investigator.

7.53 Prior to imposing a sanction, the council may by resolution:
   a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
   b) seek an opinion from the Office in relation to the report.

7.54 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.

7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
7.56 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.

7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.

7.58 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.

7.59 A council may by resolution impose one or more of the following sanctions on a respondent:
   a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
   b) that the respondent be counselled for their conduct
   c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council’s representative
   d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
   e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
   f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
   g) in the case of a breach by the general manager, that action be taken under the general manager’s contract for the breach
   h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
   i) in the case of a breach by a councillor:
      i. that the councillor be formally censured for the breach under section 440G of the LGA, and
      ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.60 The council is not obliged to adopt the investigator’s recommendation/s. Where the council proposes not to adopt one or more of the investigator’s recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.

7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.
7.62 Where the council resolves not to adopt the investigator’s recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council’s decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office’s powers of review

8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council’s code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.

8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council’s code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.

8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.

8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.

8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).

8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
8.9 Where the Office makes a practice ruling, all parties must comply with it.

8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

**Review of decisions to impose sanctions**

8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator’s determination and recommendation by the Office.

8.12 A review under clause 8.11 may be sought on the following grounds:
   a) that the investigator has failed to comply with a requirement under these procedures, or
   b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
   c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.

8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.

8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.

8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.

8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.

8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office’s review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
   a) the complaints coordinator must provide a copy of the Office’s determination in relation to the matter to the general manager or the mayor, and
   b) the general manager or mayor must review any action taken by them to implement the sanction, and
   c) the general manager or mayor must consider the Office’s recommendation in doing so.

8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:
   a) the complaints coordinator must, where practicable, arrange for the Office’s determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
   b) the council must:
      i. review its decision to impose the sanction, and
      ii. consider the Office’s recommendation in doing so, and
      iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 9 PROCEDURAL IRREGULARITIES

9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.

9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
   a) the non-compliance is isolated and/or minor in nature, or
   b) reasonable steps are taken to correct the non-compliance, or
   c) reasonable steps are taken to address the consequences of the non-compliance.

PART 10 PRACTICE DIRECTIONS

10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
10.2 The Office will issue practice directions in writing, by circular to all councils.

10.3 All persons performing a function prescribed under these procedures must consider the Office’s practice directions when performing the function.

PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER

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

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

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

PART 12 CONFIDENTIALITY

12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the
consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.

12.3 Prior to seeking the Office’s consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office’s consent, invite them to make a written submission within at least 14 days or such other period specified by the general manager or their delegate, and consider any submission made by them.

12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.

12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
   a) the complainant
   b) the complaints coordinator
   c) the Office, and
   d) any other person the general manager or their delegate considers should be notified of the determination.

12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purport to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.

12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the Government Information (Public Access) Act 2009 or to receive information under the Public Interest Disclosures Act 1994 in relation to a complaint they have made.
Item 7 Monthly Technical Services Report for March 2019

FILE REFERENCE

DELIVERY PROGRAM

GOAL: 5. Organisational Management
OUTCOME: 5.1 CORPORATE MANAGEMENT
STRATEGY: 2.1.1 Plan for and develop the right assets and infrastructure - TS -external

AUTHOR Design and Assets Manager
DATE 3 April 2019

STAFF DISCLOSURE OF INTEREST Nil

BACKGROUND

The monthly Technical Services report has been identified by Council as the process of reporting the activities carried out monthly by the Technical Services Department.

COMMENT

1. TECHNICAL SERVICES AND ADMINISTRATION

Technical Services infrastructure, planning, design and surveys were carried out in-house. The Technical Services staff continue to provide customer service to the Gwydir Shire residents.

2. ENGINEERING SERVICES

2.1 Construction/ Rehabilitation – Regional and Local Roads

Warialda Truck Wash and High Productivity Vehicle Route

Fulton Hogan have completed the bitumen seal of the bypass route between Gwydir Highway and Warialda Road. The seal is a polymer modified “high strength” seal designed to withstand prolonged heavy vehicle traffic. Upon completion of the intersection with Gwydir Highway, traffic will be able to travel from Gwydir Highway to Gragin Road while construction is finalised elsewhere on the project.
Lachlan Hall Construction has poured the main wash down ramp of the truck wash facility and will be moving onto the construction of the solid separation/sludge ponds in April.

Regional Road Capital Works
Council’s 2018/2019 Regional Road REPAIR program continues with the 2.4km long rehabilitation project on North Star Road adjacent the property Mount Mitchell. Sub base and base have been completed for the first 1.2km of the project with staff currently stabilising the sub base of the second 1.2km.
Preconstruction activities for Council’s second REPAIR project, (1.5km of Delungra Road, 16km from Bingara) are complete with construction expected to commence in April.
Gwydir Street Rehabilitation

Bingara staff have commenced preparation works for the recycling of pavement on Gwydir Street Bingara. Works will involve running Council’s Road Reclaimer through the existing failed pavement while adding a stabilising agent to increase strength and durability.

Spring Street Stormwater

Bingara construction staff continue works upgrading stormwater mains near Spring Street, Bingara. Works include a number of new drainage pits and pipelines to reduce inundation of the street during heavy storm events.

Unsealed Road Maintenance

During March, maintenance grades were conducted on the following roads:

- Yammacoona Estate Road
- Blue Knobby Road
- Reserve Creek Road
- Upper Bingara

Maintenance grading is still proving very difficult due to extremely dry conditions, however staff have been able to capitalise on isolated downpours, grading where possible.

Gwydir River Foreshore Accesses

Southern construction staff have reformed accesses to the Gwydir River from Keera Road and White Street. The accesses have been shaped with imported shale material and will be sealed as part of Council’s Drought Relief funded works. The upgraded accesses will provide better all-weather access to popular camping and river access areas along the Gwydir River, Bingara.
2.2 Works – Local, Regional and State Roads

Vegetation Control
SR3 Elcombe Road, SR1 Copeton Dam Road, SR2 Bundarra Road, SR11 Horton Road and MR133 Killarney Gap Road, RR63 Warialda Road, RR7705 North Star Road.

Delivery of Potable Water
The delivery of potable water has been constant since starting in December 2018.

Over this period the Bingara staff have delivered 66 loads of potable water to the Bingara, Upper Horton and Cobbahad residents. Warialda staff have made over 94 deliveries to Warialda, Warialda Rail and Coolatai residents.

Landfill Maintenance (Pushing Up and Grounds Maintenance)
Warialda Rail, Gravesend, Bingara.

Private Works for Councillors and Staff
Sealing of Private Access
Plant Hire

Self Help Program – Nil report

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

3. DESIGN AND ASSET SERVICES
Survey, design and soil testing is continuing for the 2018-2019 works programs. Progress is as follows:

HPV Route Truck Wash
Continued survey set out, steel checks and concrete checks are being completed weekly on this project.

Killarney Gap Road – Back Creek
Survey has been conducted at Back Creek, on Killarney Gap Road. A design is currently being developed to improve the geometry of the existing causeway and improve all-weather access.

Hospital Park - Warialda
Continued survey set out of this project is being completed as needed.

4. NORTH WEST WEIGHT OF LOADS
A meeting is scheduled for 6th May 2019 at The Living Classroom Bingara.

5. TOWN SERVICES – Nil report
6. DEVELOPMENT AND BUILDING SERVICES

6.1 DEVELOPMENT

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

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

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

<table>
<thead>
<tr>
<th>No.</th>
<th>Property Description</th>
<th>Development/Work</th>
<th>$</th>
<th>C/C</th>
<th>B/C</th>
<th>S68</th>
</tr>
</thead>
<tbody>
<tr>
<td>41/2018</td>
<td>240 Airstrip Road, WARRIL bDA NSW</td>
<td>Amenities Building includes 1 shower, 2 toilets (1 being accessible)</td>
<td>$40,000</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>48/2018</td>
<td>Ironbank Road, WARRIL bDA NSW</td>
<td>6m x 6m Shed to be used as storage only</td>
<td>$6,000</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16/2018</td>
<td>154 Duffy's Road, BANGHEE NSW</td>
<td>Install new OSSIM system and carry out water supply work</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2/2019</td>
<td>120 Mosquito Creek Road, WARRIL bDA NSW</td>
<td>Install new OSSIM system and carry out water supply work for proposed amenities</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2/2019</td>
<td>18 View Street, WARRIL bDA RAIL NSW</td>
<td>Swimming Pool</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>No.</th>
<th>Property Description</th>
<th>Development/Work</th>
<th>$</th>
<th>C/C</th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ILLEGAL ACTIVITY

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>No</th>
<th>Inspected</th>
<th>Letter Sent</th>
<th>Application/ Certificate Lodged</th>
<th>Penalty Notice</th>
<th>Legal Action</th>
<th>Refer to Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possible illegal stables built</td>
<td>1</td>
<td>N/A</td>
<td>Letter sent to owner requesting them to contact Council to see if the stables are exempt development or if they need a Building Information Certificate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
6.2 BUILDING MAINTENANCE

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

Staff worked on the following projects during March:

- Upper Horton - landfill fencing.
- Warialda Rail – commenced installation of playground equipment.
- Crooble Hall – commenced awnings over southern doors.
- Warialda Memorial Hall – finished ambulant disability toilet.
- Bingara Showground – completed stables.
- Naroo Hostel – repairs and maintenance.

7. ENVIRONMENTAL SERVICES

Environment and Sustainability Department report February/March 2019

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

- Overgrown properties
- Food premises design and fit-out
- Food handling practices
- Mobile food vendors
- Licensing
- Water carting
- Pet ownership
- Air and water pollution
- Noise pollution
- Littering
- Legislation

Water Surveillance

The Department continues to carry out routine weekly microbiological sampling of the water supply in the towns of Warialda and Bingara, fortnightly sampling of Gravesend and monthly sampling at North Star.
Health Related Inspections for February 2019 and March 2019

Cemeteries
Both Warialda and Bingara Cemeteries continue to be maintained.

With the assistance of Carmen Southwell and the Bingara Historical Society, the new signage (below) has been erected at the Bingara Cemetery.
Food Premise Inspections/Re-inspections

All Food Premises have undergone their annual inspection for 2018. The graph below shows inspections that have been carried out in March 2019. Enquiries or complaints are actioned as necessary.

Compliance and Regulatory Control

Council received complaints regarding roaming stock and dogs, noise, the keeping of animals and other concerns during the month of February and
March 2019. These are investigated and actioned as necessary and are detailed in the following table.

**Inspections and Advice February 2019**

![Inspections and Advice February 2019 graph]

**Inspections and Advice March 2019**

![Inspections and Advice March 2019 graph]

**Regulatory Activity February/March 2019**

![Regulatory Activity February/March 2019 graph]
RIVERSIDE CAMPING

Council’s Compliance Officer now carries out daily checks along the Gwydir River to ensure camping is being conducted in a safe and hygienic manner. Some data is unavailable due to staff being on leave. The graph below shows the available daily camping figures for the month of February and March 2019.
GRAZING PERMITS

The demand for Roadside Grazing Permits has remained steady. Summer storms have offered some reprieve but as the roadsides regenerate after the rains, livestock owners are taking advantage of the extra feed available. As the Consent Authority for road reserves, Council has issued concurrence to the North West Local Land Services. The following graph shows the applications received for March 2019 compared to the previous 5 months.

```
<table>
<thead>
<tr>
<th>Month</th>
<th>Applications</th>
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</thead>
<tbody>
<tr>
<td>Oct-18</td>
<td>10</td>
</tr>
<tr>
<td>Nov-18</td>
<td>4</td>
</tr>
<tr>
<td>Dec-18</td>
<td>8</td>
</tr>
<tr>
<td>Jan-19</td>
<td>6</td>
</tr>
<tr>
<td>Feb-19</td>
<td>12</td>
</tr>
<tr>
<td>Mar-19</td>
<td>14</td>
</tr>
</tbody>
</table>
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WASTE SERVICES

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

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

Council is continuing to supply mulch from chipped green waste to residents.

Steel continues to be stockpiled for collection at the Bingara and Warialda Waste Recovery Centres.

Warialda Rail Landfill

The recent fencing of the Warialda Rail Landfill has been met with mixed reaction, but most residents of the catchment area have been pleased that action has been taken to restrict use to those who live within the immediate area.

The cleanup of the landfill, especially of prohibited or restricted materials, comes at considerable cost to the Council and already, due to the installed security cameras and Council’s ability to monitor access to the site, a penalty notice has been issued for the dumping of unwrapped asbestos at the Warialda Rail Landfill. This has resulted in the offender being issued with a penalty notice and having their access code cancelled for not abiding with the terms and conditions of use of the landfill.
CONTAINER DEPOSIT SCHEME

The Container Deposit Scheme remains popular at the Warialda Landfill. There have now been over 446,322 eligible cans and bottles returned since the inception of the program at the Warialda Landfill in June 2018. As expected, the daily totals have decreased since the end of the holiday period, but with Easter just around the corner it is expected that numbers will again be on the rise. The number of containers deposited indicates that consumers are embracing the scheme and this can only have an increasing positive impact on the volume of garbage deposited at the landfills and the demand for recycling services within the shire. The graph below shows the monthly deposits since the opening of Council’s CDS Site in June 2018.

The NSW Container Deposit Scheme Coordinator, Exchange for Change has just published the details of the volume of containers from return points by LGA and material type on their website: www.exchangeforchange.com.au; by following this link you can view statistics for all collection points within NSW.

Breakdown of Waste Collection for February 2019
Breakdown of Waste Collection for March 2019 - Not available at time of report

Recycling Contamination February 2019

Recycling Contamination March 2019 - Not available at time of report

Organics Contamination February 2019

Organics Contamination March 2019 - Not available at time of report

WASTE APP

The Gwydir Shire Waste APP is up and running and available for download for all iPhone and Android devices. Once you have downloaded the APP you select your property address, then check if it is “yellow” or “green” bin week, what items are able to be disposed of in the recycling bin and lodge a service request; you can even set a reminder to put your bins out.
The graph below shows the number of customers who have downloaded the APP since it has been available. New statistics will be available mid April for the current quarter.

NOXIOUS WEEDS CONTROL

Property Inspection Program

Staff continue to assist farmers and the community with:

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

Section 28 Noxious Weeds Certificates

The graph below shows the noxious weeds certificates issued during February and March 2019, compared to the previous six (6) months.
Weeds Inspections

With the current drought conditions not even the weeds have been thriving, but the recent rains will bring change and the weeds are starting to appear throughout the shire.

The following graph shows the noxious weeds inspections carried out in February and March 2019 compared to the previous five (5) months.

Noxious Weeds Inspections for the month of February 2019

<table>
<thead>
<tr>
<th>Areas Inspected</th>
<th>No.</th>
<th>Ha</th>
<th>Rd km</th>
<th>Weeds Present</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Property</td>
<td>10</td>
<td>2443.95</td>
<td></td>
<td>Tree Pear, Common Pear, African Boxthorn, Rope Pear, Tiger Pear</td>
</tr>
<tr>
<td>Private Property – High Risk</td>
<td>2</td>
<td>2176.4</td>
<td></td>
<td>African Boxthorn, Common Pear, Green Cestrum, Tree Pear</td>
</tr>
<tr>
<td>Roadside</td>
<td>1</td>
<td>101.25</td>
<td>20.25</td>
<td>Green Cestrum</td>
</tr>
<tr>
<td>Waterways</td>
<td>10</td>
<td>6515.9</td>
<td></td>
<td>Green Cestrum, Sagitaria, Tree Pear, Common Pear, African Boxthorn, Tiger Pear, Rope Pear, Mother of Millions, Cats Claw Creeper</td>
</tr>
<tr>
<td>Other Council Lands</td>
<td>6</td>
<td>191.3</td>
<td></td>
<td>Green Cestrum, Sagittaria, Mimosa Bush, African Boxthorn, Mother of Millions, Tree Pear, Cats Claw Creeper</td>
</tr>
<tr>
<td>NWLLS Reserves</td>
<td>4</td>
<td>950.6</td>
<td></td>
<td>Green Cestrum, Common Pear, Tree Pear</td>
</tr>
</tbody>
</table>
Noxious Weeds Inspections for the month of March 2019

<table>
<thead>
<tr>
<th>Areas Inspected</th>
<th>No.</th>
<th>Ha</th>
<th>Rd km</th>
<th>Weeds Present</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Property</td>
<td>6</td>
<td>1709.9</td>
<td></td>
<td>Green Cestrum, Tree Pear, African Boxthorn, Common Pear</td>
</tr>
<tr>
<td>Private Property – High Risk</td>
<td>14</td>
<td>8633.74</td>
<td></td>
<td>Green Cestrum, Tree Pear, African Boxthorn, Tiger Pear, Parthenium Weed, Mother of Millions, Sweet Briar, Common Pear</td>
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<tr>
<td>Roadside</td>
<td>2</td>
<td>482.5</td>
<td>96.5</td>
<td>Mimosa Bush, Common Pear, African Boxthorn</td>
</tr>
<tr>
<td>Roadside Inspections High Risk</td>
<td>9</td>
<td>1714.2</td>
<td>342.8 4</td>
<td>Sweet Briar, Tree Pear, African Boxthorn, Common Pear, Mimosa Bush, Harissa Cactus</td>
</tr>
<tr>
<td>Waterways</td>
<td>2</td>
<td>1962.2</td>
<td></td>
<td>Green Cestrum, Tree Pear, African Boxthorn, Tiger Pear</td>
</tr>
<tr>
<td>Dept of Lands</td>
<td>1</td>
<td>78</td>
<td></td>
<td>Harissa Cactus, Tiger Pear, Mother of Millions</td>
</tr>
<tr>
<td>Grain Handling Facilities</td>
<td>1</td>
<td>4.5</td>
<td></td>
<td>None Found</td>
</tr>
</tbody>
</table>

Noxious weeds control works for February 2019

<table>
<thead>
<tr>
<th>Road/Property</th>
<th>Locality</th>
<th>Weed Code</th>
<th>Area Ha</th>
<th>Road km</th>
<th>High Risk Road</th>
<th>Council Road</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bingara River Common</td>
<td>Bingara</td>
<td>TP</td>
<td>40</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Bingara River Common</td>
<td>Bingara</td>
<td>NB</td>
<td>40</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

Noxious weeds control works for March 2019

<table>
<thead>
<tr>
<th>Road/Property</th>
<th>Locality</th>
<th>Weed Code</th>
<th>Area Ha</th>
<th>Road km</th>
<th>High Risk Road</th>
<th>Council Road</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reedy Creek</td>
<td>Warialda</td>
<td>GC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Warialda Airstrip</td>
<td>Warialda</td>
<td>MB</td>
<td>21.3</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>SH12 Gwydir Highway</td>
<td>Warialda</td>
<td>MB</td>
<td>289.85</td>
<td>57.97</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>SH12 Gwydir Highway</td>
<td>Warialda</td>
<td>MB</td>
<td>289.85</td>
<td>57.97</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>SH12 Gwydir Highway</td>
<td>Warialda</td>
<td>MB</td>
<td>289.85</td>
<td>57.97</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>SR5 Croppa Creek Road</td>
<td>Croppa Creek</td>
<td>AB</td>
<td>61.6</td>
<td>12.32</td>
<td></td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>
WEED OF THE MONTH

All information obtained from North West Weeds (Les Tanner)

Mimosa bush – Vachellia farnesiana

An invasive and thorny plant taking over grazing properties in north-western New South Wales and beyond. It is now well established over large areas around Moree, Pallamallawa, Boggabilla and Yetman. It continues to spread into new areas. (YouTube 2006 Mimosa Bush Awareness video 30 sec)

Mimosa bush near Yetman NSW

Mimosa bush/briar bush/yellow mimosa – Vachellia farnesiana (previously Acacia farnesiana)

This plant is very difficult, and costly, to control (see details of herbicide trials, below). Mimosa bush is NOT a declared noxious weed in New South Wales. It is, in fact, classed as a native plant (despite its supposed origin). Flora of New South Wales states that mimosa bush is: “Native of trop. Amer., probably introduced into Aust. prior to European settlement. Widely cultivated overseas for its decorative qualities and the essential oil obtained from its flowers for use in the perfume industries. It is grown for hedges and windbreaks, however, it may form dense thickets and become weedy.”

Since August 2013, mimosa bush has been declared as a “feral native”, thereby removing major restrictions on its control (Copy of media release).

Mimosa bush has some uses: it is regarded by some as a useful source of food for sheep. Sheep (and goats, camels) tend to keep the plant under control, but over the past 20 years or more changes in land management, reduced sheep numbers and the move into cattle has seen the plant really “take off”. Cattle also find food value in the plant – especially the seed pods. And, the viable seeds
pass unscathed through the stomach and are therefore a major contributor to the ever-increasing number of new plants every year.

Photo (above left) shows close-up of mimosa bush. Note the thorns, and the bean-like seed pods. Each seed pod contains about 10 seeds. The pods are a good food source, rich in protein. Cattle feed on the mimosa bush pods. The seeds pass through the animals and are subsequently

![Mimosa bush seed pod – usually around 10 seeds per pod, dropped at random anywhere in the paddock. Photo shows close-up of seed pods.](image)

**EFFECT ON ANIMALS**

Mimosa bush has useful qualities as a food source at different times of the year. However, it is a very invasive and drought-resistant plant and if left unchecked severely reduces a property’s stock-carrying capacity. As time progresses, the plants can effectively take over the whole paddock! Mustering of livestock becomes very difficult – if not impossible – in areas like these. And of course, wonderful for the wild pig population!

**IDENTIFICATION**

Mimosa bush usually grows to a height of around 1 to 1.5 metres. Almost every part of the plant contains sharp thorns. Flowers are similar to some species of wattle: fluffy and yellow. The seed pods are a prominent feature of the plant. Stock seek out and eat the pods, spreading the seeds as they move on around the paddock.

**MORE INFORMATION:**

*Plants of Western New South Wales*, by Cunningham, Mulham, Milthorpe & Leigh (published by Inkata Press).

**CONTROL METHODS**

Non-Chemical Options: Manual control, in the form of pushing plants out of the ground with a tractor blade or the like, is NOT RECOMMENDED unless followed up with a herbicide treatment program or, where possible, ploughing, cropping etc. While clearing gives an immediate impression that the problem has been solved, the same area will soon be infested with regrowth from broken root parts. And, dozens of small seedlings will also emerge because the parent plants have been taken out.
SLASHING is another non-chemical management option. There is an immediate result of course – the area looks good and can be accessed again by animals and vehicles – but follow-up has to be continued. SLASHING AFTER A FIRE EVENT can produce even better results.

Chemical Options: It seems there is no herbicide that will do a 100% job every time. The plant’s efficient root system is so hard to infiltrate, especially when plants get a bit of size on them (a 10m tap-root on mature plants is not uncommon). Timing is another factor – like all plants, they need to be healthy and with plenty of leaf to absorb the herbicide.

According to NSW DPI’s excellent booklet “Noxious and Environmental Weed Control Handbook Fifth Edition” (and more recent updates) treatments for Mimosa bush include:

<table>
<thead>
<tr>
<th>Chemical options</th>
<th>Rate: Spot/Boom</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fluroxypyr eg Starane Advanced®</td>
<td>1.8 L in 100 L of diesel (≈ 1 L in 55 L diesel)</td>
<td>Basal bark application – treatment of plants up to 5 cm diameter</td>
</tr>
<tr>
<td>Triclopyr + Picloram Access ®</td>
<td>1.0 L in 60 L of diesel</td>
<td>Cut stump/basal bark application. (Ensure all stems are treated. Delay treatment of regrowth on bulldozed plants until regrowth 1m high).</td>
</tr>
<tr>
<td>Tebuthiuron pellets 200g/kg eg Tebulan®, Graslan® etc</td>
<td>2.0 g/m²20 kg/ha</td>
<td>Follow all relevant label instructions when applying product. Estimate the area within 30 cm beyond the drip zone of each target weed or group of weeds and calculate the amount of Tebulan/Graslan to cover area to be treated. Distribute the required dose uniformly within this area. More than one application may be necessary. Preferred timing of application October to April. Results will be dependant on rainfall and subsequent movement of the herbicide into the ground. Nil withholding when used according to label/permit. Please check details as per Permit 13891 (expires 31/3/2023 – for use in Qld and NSW only.)</td>
</tr>
<tr>
<td>Clopyralid 300g/L eg Lontrel®, Clock® 300 etc</td>
<td>500 ml in 100 L of water plus surfactant eg BS1000® 100 mL per 100 L of water</td>
<td>Apply as a high volume spray. Full coverage of shrub is essential. Apply to actively growing shrubs in full leaf. Please check full details as per Permit 14929 (registered until 30/9/2019 – for use in NSW, Qld, SA only. (If using 600g/L clopyralid – eg Lontrel Advanced® – mixing rate would be halved to 250 mL in 100 L of water)</td>
</tr>
<tr>
<td>Clopyralid 600g/L eg Lontrel®, Advanced®:</td>
<td>250 ml in 100 L of water plus surfactant eg BS1000® 100 mL per 100 L of water</td>
<td></td>
</tr>
</tbody>
</table>

IMPORTANT: USE OF PESTICIDES – ALWAYS READ THE LABEL Pesticides must only be used for the purpose for which they are registered and must not be used in any other situation or in any manner contrary to the directions on the label. Never use a herbicide in any way contrary to the label recommendations.
HERBICIDE TRIALS YETMAN COMMON 2006-2010

Participants in the Yetman mimosa bush trials (left to right) Clem McLeod, Les Tanner, Stephen Kneller, Tony Cook, Doug Steiger

November 2006 – North West Weeds County Council (at that time representing Inverell and Gwydir Shire Councils), in conjunction with NSW DPI, Dow Agrosciences, Dupont, Macspred and the Yetman Common Trust, commenced a new series of herbicide trials on mimosa bush. The same trials were replicated in March 2007 to compare results of application timing. See PDF copy of herbicides used.

Results:
(1) 12 months later – an assessment by Tony Cook (NSW DPI)
(2) 24 and 36 months later – assessment by Les Tanner, NW Weeds County Council


Inverell Shire Council continued a further trials during 2007-2010 using various rates of Lontrel®, Grazon Extra®, Graslan® pellets and other available herbicides at other sites in the Yetman Common. Some other applications method were also trialed: mulching and “wet-blade” technology.

Results:
Monitoring and assessments of these trials has all been summarised in the 2-page PDF document Mimosa bush trials Yetman Common 2007-2013 LRT.

Moving on: Gwydir Shire (with assistance from Tony Cook, DPI Tamworth) applied for two (2) APVMA general permits: one to use a mix of Grazon® and Uptake Oil® (or equivalents in other brands) and the other to use Graslan® pellets (or equivalent). The permit for the pellets is still in effect (see herbicide table above).

The trials also confirmed the effectiveness of Clopyralid (eg Lontrel®) on mimosa bush control. This mixture still appears to be the best choice for high volume treatment of mimosa bush. See listing in the herbicides schedule above.

Again, there is no guarantee that any herbicide mixture will do the complete job – especially on a plant that can put down such an effective tap root. It seems we have to accept the fact that most mature plants will require follow-up treatment, whatever we use. That is why it is so important for landholders to get in early and stop this plant before it becomes established. Small plants are not hard to kill.
A SUMMARY OF THE TRIALS – AS AT SEP 2015

- Results to date indicate Clopyralid (eg Lontrel®, Clock® 300 etc) is still the most effective folia spray.
- Good results were achieved from treatments using the Wetblade® system (simultaneous slashing and herbicide application, as in photos). However, while this system instantly converts a thick area of mimosa bush into a “golf course” [almost], its high cost limits use over large areas. A larger unit would certainly be worth investigating.

![Wetblade demo Yetman mimosa bush trials 11 May 2010](image)

- The Velpar® trials plot produced a surprising result. It certainly has potential for use in selected areas but at this stage Velpar® (or equivalents in other brands) is not registered for use on mimosa bush.
- Grassland® pellets (or equivalents in other brands) are easily transported on the quad or the ute and are convenient to use especially on isolated plants. (Results from the pellets on the Yetman trial plot #17 were disappointing – the target patch was very large and very old and possibly did not receive a heavy enough dose?) Generally, good results are being achieved because this treatment is still being widely used by a number of landholders particularly in the Yetman area.
- Starane®/ and Access® (or their equivalents in other brands) in diesel are effective for basal bark application. Very expensive per litre but each litre goes a long way – ideal for small areas and/or isolated plants. Also reasonably effective as an immediate follow-up spray on plants being pushed out with a blade.

DISCLAIMER: The information contained in this web site is based on knowledge and understanding at the time of writing. However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of North West Weeds or the user’s independent adviser, Les Tanner 26/11/2015

OTHER MATTERS AND ACTIVITIES

| February/March 2019 | Priority Weeds Officer – Steven Kneller on Long Service Leave |
RECOMMENDATION
That the Report by the Technical Services Department on the activities of the Department including Notices of Intent, Orders and Penalty Notices issued by Council be noted.

CONCLUSION
The activities carried out by the Technical Services Department are in line with the 2018/2019 Management Plan and otherwise as directed.

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

OFFICER RECOMMENDATION
THAT the monthly Technical Services report for March 2019 be received

ATTACHMENTS
There are no attachments for this report.