

Blayney Shire Council



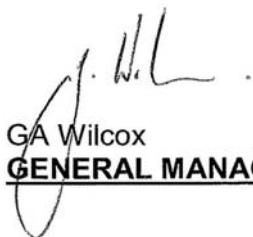
4 December 2012

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Monday, 10 December 2012 at 6.00 pm for consideration of the following business -

- (1) Acknowledgement of Country
- (2) Recording of Meeting Statement
- (3) Apologies for non-attendance
- (4) Confirmation of Minutes
- (5) Matters arising from Minutes
- (6) Disclosures of Interest
- (7) Mayoral Minute
- (8) Reports of Staff
 - (a) General Manager
 - (b) Corporate Services
 - (c) Engineering Services
 - (d) Environmental Services
- (9) Delegates Reports
- (10) Committee Reports
- (11) Questions from Councillors
- (12) Closed Meeting

Yours faithfully



GA Wilcox
GENERAL MANAGER

**5:30 PM PRESENTATION TO COUNCILLORS BY:
- GARRY TAUNTON - B2B**

| DECEMBER 2012 | | | |
|----------------------|----------|---|----------|
| Wednesday 12 | 10.30 am | Central Tablelands Water Council Meeting | |
| 2013 | | | |
| JANUARY 2013 | | | |
| | | <i>Traditionally the month of January is kept free for planning purposes.</i> | |
| FEBRUARY 2013 | | | |
| Monday 4 | 4.00 pm | Councillor Workshop – Discuss Budget 2013/14 & IP&R | BSCC |
| Friday 8 | 9.00 am | NSW Association of Mining Related Councils – Executive | |
| Saturday 9* | 9.30 | Lachlan Regional Transport Committee | |
| Monday 11 | 6.00 pm | Blayney Ordinary Meeting of Council | BSCC |
| Tuesday 12* | | Arts OutWest | |
| Wednesday 13 | 10.30 am | Central Tablelands Water Council Meeting | Grenfell |
| Wednesday 27 | 10.00 am | Centroc Board | |
| MARCH 2013 | | | |
| Friday 1 | 2.30 pm | Upper Macquarie County Council | Kelso |
| Wednesday 6 | 10.00 am | WBC Board | |
| Monday 11 | 6.00 pm | Blayney Ordinary Meeting of Council | BSCC |
| | | <i>Central West Libraries date to be released</i> | |
| APRIL 2013 | | | |
| Friday 5 | 2.30 pm | Upper Macquarie County Council | Kelso |
| Monday 8 | 6.00 pm | Blayney Ordinary Meeting of Council | BSCC |
| Wednesday 10 | 10.30 am | Central Tablelands Water Council Meeting | Blayney |
| MAY 2013 | | | |
| Wednesday 1 | 10.00 am | WBC Board | Cabonne |
| Friday 3 | 2.30 pm | Upper Macquarie County Council | Kelso |
| Monday 6 | 4.00 pm | Councillor Workshop – Budget documents, & Operational Plan 2013/14 | |
| Friday 10 | 9.00 am | NSW Association of Mining Related Councils | |
| Saturday 11* | 9.30 | Lachlan Regional Transport Committee | |
| Monday 13 | 6.00 pm | Blayney Ordinary Meeting of Council | BSCC |
| Tuesday 14* | | Arts OutWest | |

INDEX OF REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON MONDAY 10 DECEMBER 2012

| | |
|---|---|
| GENERAL MANAGER'S REPORTS | 1 |
| 01) BETTER STRONGER LOCAL GOVERNMENT - THE CASE FOR SUSTAINABLE CHANGE | 2 |
| CORPORATE SERVICES REPORTS..... | 3 |
| 02) REVIEW OF AGENCY INFORMATION GUIDE | 4 |
| 03) ADOPTION OF POLICIES | 6 |
| 04) PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY | 8 |
| 05) REVIEW OF LAND | 9 |
| 06) DIVISION OF LOCAL GOVERNMENT - REVIEW OF IP&R PLANS | 11 |
| 07) DISCLOSURES BY NEWLY ELECTED COUNCILLORS | 11 |
| 08) SALE OF INDUSTRIAL LAND..... | 13 |
| 09) REPORT OF COUNCILS INVESTMENTS AS AT 27 NOVEMBER 2012..... | 15 |
| 10) ADOPTION OF INTERNAL AUDIT CHARTER | 18 |
| 11) ANNUAL REPORT 2011/12 | 19 |
| ENGINEERING SERVICES REPORTS | 21 |
| 12) BLAYNEY FLOOD STUDY AND MANAGEMENT STUDY | 22 |
| 13) DRAFT NSW FREIGHT AND PORTS STRATEGY | 24 |
| 14) MINING SAFER ROADS..... | 26 |
| 15) TRUCK AND DOG TENDER PURCHASE..... | 28 |
| ENVIRONMENTAL SERVICES REPORTS | 31 |
| 16) DELEGATION TO COUNCIL OF FUNCTIONS UNDER THE PLUMBING AND DRAINAGE ACT 2012..... | 32 |
| 17) EXAM RESULTS FOR PLANNING AND ENVIRONMENTAL SERVICES TRAINEES | 34 |
| 18) DEVELOPMENT APPLICATION NO.203/2012 - ERECTION OF A TOURIST INFORMATION SIGN AT 3481 MID WESTERN HIGHWAY, BLAYNEY | 35 |
| 19) DEVELOPMENT OF LOCAL LAND SERVICES (LLS) BY NSW GOVERNMENT AND LOCAL GOVERNMENT CONSULTATION..... | 45 |
| DELEGATES REPORTS..... | 47 |
| COMMITTEE REPORTS | 53 |
| 20) MINUTES OF THE BLAYNEY SHIRE AUDIT COMMITTEE MEETING - 25 OCTOBER 2012..... | 54 |
| 21) MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING HELD ON FRIDAY 19 OCTOBER 2012..... | 55 |
| CLOSED MEETING REPORTS | 57 |
| 22) USE OF CENTREPOINT FACILITIES BY SMALL USER GROUPS - FEES/CHARGES TO BE PAYED AND USE OF FACILITIES..... | ERROR! BOOKMARK NOT DEFINED. |
| ATTACHMENTS..... | 61 |

GENERAL MANAGER'S REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 10 DECEMBER 2012



01) **BETTER STRONGER LOCAL GOVERNMENT - THE CASE FOR SUSTAINABLE CHANGE**
(General Manager)

RECOMMENDED:

1. That Council workshop a response to the Better Stronger Local Government – The Case for Sustainable Change Report and provide a response to the Panel.

REPORT

The Independent local government review Panel has released the initial report “Better Stronger Local Government – The Case for Sustainable Change”. Councillors have been provided a copy of this report for consideration. The report highlights the issues raised by local government across New South Wales and identifies areas that need to be addressed in the Panels future reports. The WBC Alliance Executive Manager Donna Galvin has provided a summary of issues raised in the paper and highlighted areas that are of interest to the Alliance councils. This document is attached.

It appears from the report that many councils have not addressed the criteria of the issues paper and have neglected to identify change areas. Blayney Shire made a submission to the panel and presented a verbal submission to the panels meeting at Orange this year. It is considered that council should continue to be proactive towards the panel objectives and provide feedback to develop local government towards a better future for all NSW residents.

BUDGET IMPLICATIONS

In-house submission to be prepared from existing resources.

POLICY IMPLICATIONS

No change to existing policies.

IPR LINK

DP6.3.3 – Support actions for the sustainable future of local government.

Attachments

- 1 Summary Key Points from Independent Review Panel 3 Pages

CORPORATE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 10 DECEMBER 2012



02) REVIEW OF AGENCY INFORMATION GUIDE
(Director Corporate Services)

RECOMMENDED:

1. That Council adopt the Agency Information Guide and Proactive Release Program for the ensuing 12 months and make same available through Council's website.

REPORT

Council at its October 2010 meeting it adopted its first publication guide as required under Section 21 of the Government Information (Public Access) Act.

Recent amendments to the GIPA Act passed by NSW Parliament came into effect on 19 March 2012 and included renaming the Publication Guide to the "Agency Information Guide" (AIG).

Section 20 of the Government Information (Public Access) Act prescribes that Council must have an agency information guide. Council must also review, adopt and make its Agency Information Guide available to the public online. An "agency information guide" is a guide that:

- a) describes the structure and functions of the Council, and
- b) describes the ways in which the functions (including, in particular, the decision-making functions) of the Council affect members of the public, and
- c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the Council's policy and the exercise of the Council's functions, and
- d) identifies the various kinds of government information held by the Council, and
- e) identifies the kinds of government information held by the Council that the Council makes (or will make) publicly available, and
- f) specifies the manner in which the Council makes (or will make) government information publicly available, and
- g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

Council must make government information publicly available as provided by its AIG. This is done via Council's website.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP6.3.1 – Provide a framework for the efficient and effective administration of Council.

Attachments

1 Blayney Shire Council Agency Information Guide 12 Pages

03) ADOPTION OF POLICIES
(Director Corporate Services)

RECOMMENDED:

1. That the following polices be adopted and included in Council's policy register:

| No. | Policy Name |
|------------|---------------------------|
| 2D | Internal Reporting Policy |
| 3E | Interest – Private Works |
| 4C | Corporate Card Policy |
| 11B | Records Management Policy |
| 18C | Waste Collection Policy |

REPORT

Council at its meeting held 12 November 2012 resolved to place the following policies on public exhibition for 28 days:

| No. | Policy Name |
|------------|---------------------------|
| 2D | Internal Reporting Policy |
| 3E | Interest – Private Works |
| 4C | Corporate Card Policy |
| 11B | Records Management Policy |
| 18C | Waste Collection Policy |

The closing date for public exhibition is 10 December 2012. At the time of report preparation Council had not received any submissions in relation to this policy. Should any submissions be received before the close of the exhibition period they will be tabled at the Council meeting.

The above policies were amended as part of a review of all Council policies.

A copy of the amended policies has been provided as an attachment to this business paper.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

As outlined above.

IP&R LINK

DP6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

- | | | |
|----------|---|----------|
| 1 | 2D Protected Disclosures: Internal Reporting Policy | 21 Pages |
| 2 | 3E Interest - Private Works Policy | 2 Pages |
| 3 | 4C Corporate Card Policy | 4 Pages |
| 4 | 11B Records Management Policy | 4 Pages |
| 5 | 18C Waste Collection Policy | 4 Pages |

04) PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY
(Director Corporate Services)

RECOMMENDED:

1. That the Payment of Expenses and the Provision of Facilities to the Mayor and Councillors policy be adopted and included in Council's policy register.

REPORT

Following Council's November Ordinary Meeting, Council's Draft Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy was placed on public exhibition and the public were invited to make submissions.

The closing date for public exhibition is 10 December 2012. At the time of report preparation Council had not received any submissions in relation to this policy. Should any submissions be received before the close of the exhibition period they will be tabled at the Council meeting.

The policy was tabled for consideration as part of its statutory obligation to adopt a policy concerning expenses and facilities on an annual basis pursuant to section 253 of the Local Government Act 1993. Upon adoption Council must submit its policy with the Council resolution and any submissions received to the Division of Local Government.

A copy of the Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy has been provided as an attachment to this business paper.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

As outlined above.

IP&R LINK

DP6.3.1 – Provide a framework for the efficient and effective administration of Council.

Attachments

- | | | |
|---|---|-------------|
| 1 | Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy | 14 Pages |
|---|---|-------------|

05) REVIEW OF LAND
(Director Corporate Services)

RECOMMENDED:

1. That Council undertake necessary preliminary work to reclassify Lot 7 DP236443 and Lot 19 DP244853 as operational land.
2. That design works commence to develop the land for residential subdivision purposes.

REPORT

Council has recently undertaken a review of land holdings in the Blayney township to identify surplus stock.

The following properties are deemed to be surplus to Council's needs and have the potential to generate revenue for Council:

Lot 7 DP 236443 - 11 Beaufort St, Blayney
Lot 19 DP244853 - 1 Beaufort St, Blayney

Council proposes in its Operational Plan (OP 4.1.12a) a review and identification of surplus Council assets. Council's Parks and Gardens Asset Management Plan (5.6) has identified 14 Gilchrist Street as surplus to Council's needs.

This land is currently classified as "community land" pursuant to section 25 of the Local Government Act. The land will require reclassification to "operational land" prior to any sale of land. Reclassification of land will be undertaken in accordance with Division 1 of the Local Government Act and will require amendment to Council's local environmental plan (LEP). A resolution of Council to classify land as "operational" will be required following this process in accordance with section 29 of the Local Government Act.

The reclassification of Council-owned land supports a more sustainable shire by:

- Easing demand for scarce residential land in Blayney
- Providing housing opportunities for current and future generations to reside and live in the Blayney Shire.
- Supports local businesses and the commercial town centre.
- Supports the use of existing community services and facilities and schools.
- Create employment opportunities.
- Reduces the pressure to subdivide land outside of current land zoning.
- Improving amenity of the area.

A map of surplus land is provided as an attachment for information of Councillors.

BUDGET IMPLICATIONS

There will be costs associated with land development. Council has restricted cash (reserve) for land development purposes to fund preliminary expenses. Council has a policy that proceeds of land sales to be restricted for future land development.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP4.1.5 Implement the Blayney Shire Council Asset Management Plans

DP4.1.12 Identify surplus Council owned assets for possible sale to be invested in infrastructure reserve.

Attachments

1 Map of Surplus Land 1 Page

06) DIVISION OF LOCAL GOVERNMENT - REVIEW OF IP&R PLANS
(Director Corporate Services)

RECOMMENDED:

1. That the Division of Local Government Review Summary of Council's Integrated Planning and Reporting documentation be received and that the action be taken to address the areas of further development be addressed.

REPORT

As part of its commitment to supporting councils in their implementation of the Integrated Planning and Reporting (IP&R) reforms and ensuring the effective implementation of the IP&R Framework, the Division of Local Government has reviewed the suite of documents prepared by all Group 3 councils.

Accordingly Blayney Shire Council has received individual feedback on their IP&R documents.

The review summarises findings on each of Council's planning documents and has highlighted the strengths and areas of further development.

Overall the review is positive with three areas for further development as follows:

- Community Strategic Plan should include long term strategies, and also identify any major projects that might impact on the Long Term Financial Plan.
- The Community Engagement Strategy would be enhanced with information on specific social justice groups and other stakeholders in the community that have been identified for particular engagement activities.
- The long term Financial Plan should include a scenario that indicates the likely consequences if the Special Variation is not approved.

Council will seek to develop these areas highlighted as part of the upcoming review of the suite of IP&R documentation.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

- 1 Division of Local Government Correspondence 4 Pages

07) DISCLOSURES BY NEWLY ELECTED COUNCILLORS
(Director Corporate Services)

RECOMMENDED:

1. That the “Disclosures by Councillors and Designated Persons” Returns for Councillors Kingham, Oates and Somerville as tabled be received.

REPORT

In accordance with Sect 450A of the Local Government Act 1993, all returns disclosing interests of newly elected Councillors, must be tabled at the first meeting of Council following the last day for lodgement of the returns. This date will be 3 December 2012.

Accordingly, a copy of the returns will be tabled at this meeting for the newly elected Councillors as follows:

- Councillor Kingham;
- Councillor Oates; and
- Councillor Somerville.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

Nil

08) SALE OF INDUSTRIAL LAND
(Director Corporate Services)

RECOMMENDED:

1. That Council approve the offer by Mid West Concrete Pty Ltd seeking to purchase 112 Marshalls Lane (Lot 22 DP1056047) in the amount of \$80,000.

REPORT

Council is in receipt of correspondence from Mid West Concrete Pty Ltd seeking to purchase 112 Marshalls Lane (Lot 22 DP1056047) as part of proposed expansion plans. The offer is in the amount of \$80,000.

The area of the subject parcel is 4.67 ha, connection to power and water would be available and the land is undulated requiring significant earthworks to develop.

In 2010 Council offered to sell this land at \$260,000 based on \$7.50/m² (the average sale price for undeveloped land industrial land being \$7.50 - \$10/m²) and 25% of the area being unusable with a gully adjacent to the western boundary.

Mid West Concrete Pty Ltd has based their offer on 75% of land being unusable and reference is made to \$400,000 of earthworks including 50,176m³ of landfill to develop the 1ha that is sought to be developed.

Council currently incurs approximately \$2,372 per annum on rates & charges (land) and sparingly undertakes slashing / mowing.

The 2011 land valuation by the Valuer General was \$203,000 with no deviation from the 2007 valuation and is held in Council's books at this valuation.

Sale of the land will encourage economic growth of business in the industrial area and aligns to Council's corporate plan objectives.

BUDGET IMPLICATIONS

Council will benefit from proceeds in the amount of \$80,000 and payment of land rates and no ongoing expenditure on the property. Sale of the property will however see the write off of \$130,273 for the asset held in Council's books. Proceeds from such land sales are held as Restricted cash for future land development purposes.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP1.6.3 Support and encourage the establishment or expansion of local businesses.

Attachments

- 1 Mid West Concrete Letter of Offer 4 Pages
- 2 Map - 112 Marshalls Lane 1 Page

09) REPORT OF COUNCILS INVESTMENTS AS AT 27 NOVEMBER 2012
 (Manager Financial Services)

RECOMMENDED:

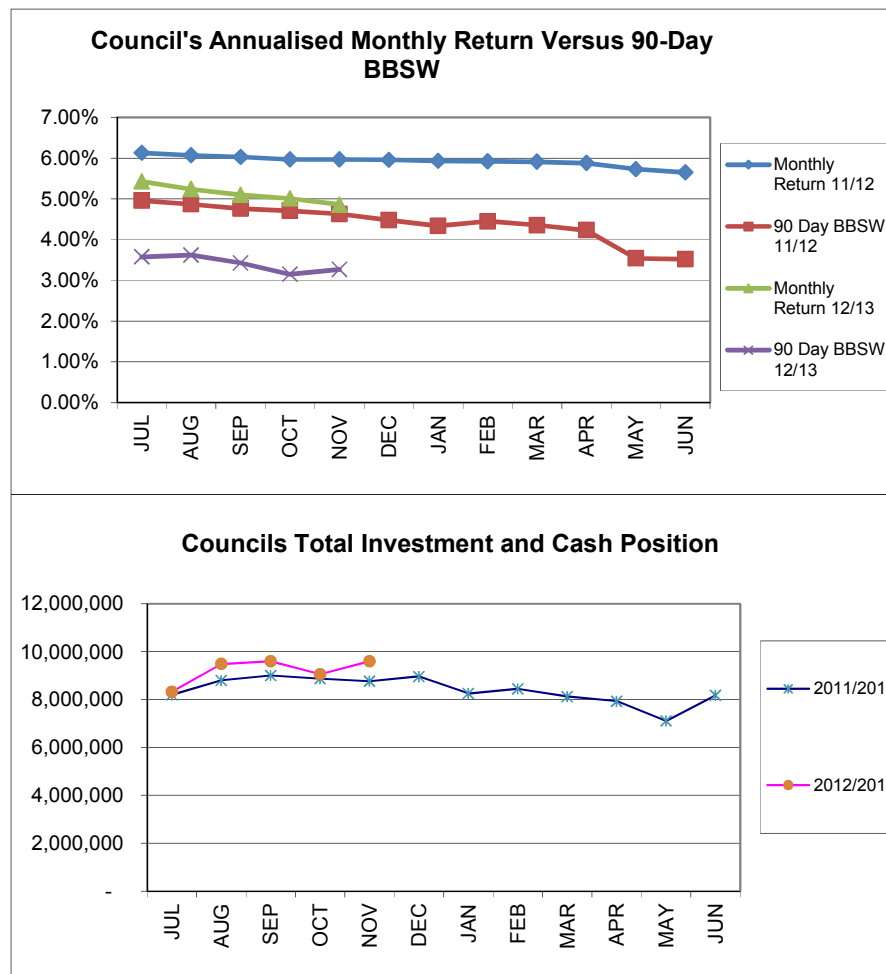
1. That the report indicating Council’s investment position as at 27 November 2012 be received and noted.
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted.

REPORT

This report provides details of Council’s Investment Portfolio as at 27 November 2012.

Council’s total investment and cash position as at 27 November 2012 is \$9,598,353. Investments earned interest of \$38,233 for the month of November 2012.

Council’s monthly net return annualised for November of 4.86% outperformed the 90 day Bank Bill Swap Rate of 3.27%.



REGISTER OF INVESTMENTS AND CASH AS AT 27 NOVEMBER 2012

| Institution | Maturity | Amount \$ | Monthly Net Return Annualised |
|---|-----------------|---------------------|--------------------------------------|
| <u>Term Deposits</u> | | | |
| NAB | 4/02/2013 | 500,000.00 | 5.13% |
| Bankstown City Credit Union | 4/12/2012 | 500,000.00 | 5.00% |
| Rural Bank | 4/12/2012 | 500,000.00 | 5.05% |
| Beirut Hellenic Bank Ltd | 15/01/2013 | 500,000.00 | 4.70% |
| The Rock Building Society | 11/12/2012 | 500,000.00 | 4.95% |
| ME Bank | 13/02/2013 | 500,000.00 | 4.80% |
| Bank of Queensland | 5/02/2013 | 500,000.00 | 4.65% |
| Railways Credit Union | 19/02/2013 | 500,000.00 | 4.43% |
| IMB | 4/12/2012 | 500,000.00 | 4.90% |
| Police & Nurses Credit Union | 7/02/2013 | 500,000.00 | 4.38% |
| Gateway Credit Union | 26/02/2013 | 500,000.00 | 4.41% |
| ING | 30/01/2013 | 500,000.00 | 5.17% |
| Peoples Choice | 18/12/2012 | 500,000.00 | 4.80% |
| B & E Ltd | 9/01/2013 | 500,000.00 | 4.75% |
| Police Credit Union | 26/03/2013 | 500,000.00 | 4.71% |
| Warwick Credit Union | 19/02/2013 | 500,000.00 | 5.17% |
| Total | | 8,000,000.00 | 4.79% |
| <u>Collateralised Debt Obligation (CDO's)</u> | | | |
| ANZ Custodian (Kakadu, BBSW + 140 points) | 20/03/2014 | 500,000.00 | 4.78% |
| Total | | 500,000.00 | 4.78% |
| Total Investments | | 8,500,000.00 | 4.79% |
| Benchmark: BBSW 90 Day Index | | | 3.27% |
| Commonwealth Bank - At Call Account | | 356,680.06 | |
| Commonwealth Bank Balance | | 741,672.61 | |
| TOTAL INVESTMENTS & CASH | | 9,598,352.67 | |

| Summary of Investment movements - NOVEMBER | | |
|---|---------------------------------|----------------------------------|
| Financial Institution | Invst/(Recall) Amount \$ | Commentary |
| <u>Term Deposits</u> | | |
| Bank of Queensland | (508,313.70) | Term Deposit matured 06/11/2012 |
| Bank of Queensland | 500,000.00 | Term Deposit invested 06/11/2012 |
| Police & Nurses Credit Union | (506,158.08) | Term Deposit matured 07/11/2012 |
| Police & Nurses Credit Union | 500,000.00 | Term Deposit invested 07/11/2012 |
| Railways Credit Union | (506,232.88) | Term Deposit matured 15/11/2012 |
| Railways Credit Union | 500,000.00 | Term Deposit invested 15/11/2012 |
| Gateway Credit Union | (506,176.71) | Term Deposit matured 20/11/2012 |
| Gateway Credit Union | 500,000.00 | Term Deposit invested 20/11/2012 |
| Police Credit Union | 500,000.00 | Term Deposit invested 22/11/2012 |
| Bank of Cyprus Australia | (506,108.22) | Term Deposit matured 27/11/2012 |

Collateralised Debt Obligations (CDO's)

As per Council's Auditor recommendations the disclosure of the impact of market conditions on the value of the Collateralised Debt Obligations held is provided. It is estimated by ANZ Custodian Services that the market value of Kakadu is \$118,134 as at 31 October 2012. It is anticipated that as the investment draws near to maturity the market value will increase. Council is also involved in ongoing legal action to minimise any losses.

Council's monthly net return annualised for November on the CDO is 4.78% outperforming the 90 day Bank Bill Swap Rate of 3.27%.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Chris Hodge, certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council Policy.

BUDGET IMPLICATIONS

A good investment strategy optimises Council's return on investments.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP6.3.2 – Maintain a stable and secure financial structure for Council.

Attachments

Nil

10) ADOPTION OF INTERNAL AUDIT CHARTER
(Director Corporate Services)

RECOMMENDED:

1. That Council adopt the Internal Audit Charter.

REPORT

Council at its July 2012 meeting adopted the Internal Audit Charter for public exhibition following recommendation from the Blayney Shire Audit Committee.

The closing date for public exhibition was 6 August 2012 and Council had not received any submissions in relation to this matter.

The Internal Audit Charter is a formal written document that defines the Internal Auditor's purpose, authority and responsibility within Blayney Shire Council. The Charter establishes:

- The Internal Audit role within Council and recognises the importance of such an independent and objective service to Council
- The authority to access all records, personnel, and other information relevant to the performance of internal audits
- The scope of the Internal Auditing activities

BUDGET IMPLICATIONS

Costs associated with Audit Committee meetings and associated service reviews have been provided for in Council's 2012/13 budget.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

- 1 Blayney Shire Council Internal Audit Charter 8 Pages

11) **ANNUAL REPORT 2011/12**
(Director Corporate Services)

RECOMMENDED:

1. That Council note the 2011/12 Annual Report lodgement.

REPORT

Council is required to prepare an Annual Report on its activities annually and lodge it to the Division of Local Government (DLG) and placed it on Council's website by 30 November.

The 2011/12 Annual Report was lodged with the DLG and placed on Council's website by the prescribed due date.

A copy is provided as a separate attachment for information of Councillors.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

Nil.

ENGINEERING SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 10 DECEMBER 2012



12) **BLAYNEY FLOOD STUDY AND MANAGEMENT STUDY**
(Director Infrastructure Services)

RECOMMENDED:

1. That the progress report on the Blayney Flood Study and Management Study be received and noted.

REPORT

Executive Summary

Councillors approved the establishment of the Blayney Floodplain Management Committee at its November 2012 meeting.

This report provides a further update on the matter.

Background Information

Council's Director Infrastructure Services and Director Planning and Environmental Services met with NSW Office of Environment and Heritage (OEH) officers in November to discuss aspects of the Floodplain Risk Management program, and refine the proposed work plan.

Council has subsequently submitted its work plan to OEH for approval, and will commence preparation of a Request for Quotation (RFQ) document for the preparation of a:

1. Flood Study – Defines the nature and extent of the flood problem.
2. Floodplain Risk Management Study – Determine and evaluate options for the floodplain in consideration of social, ecological, and economic factors relating to flood risk.
3. Floodplain Risk Management Plan – Preferred options are publicly exhibited and revised, subject to responses provided, and provides information for forward planning for flood prone land.

In summary the proposed work plan is as follows:

| Date | Work Description |
|-------------------|---|
| Dec. 12 – Mar. 13 | RFQ documentation, advertising, Report to Council |
| Apr. 13 – Sep. 13 | Draft Flood Study |
| Oct. 13 – Feb. 14 | Final Flood Study, Public Exhibition, Report to Council |
| Mar. 14 – Sep. 14 | Floodplain Risk Management Study, Report to Council |
| Oct. 14 – May 15 | Floodplain Risk Management Plan, Report to Council |

Councillors may consider this a long time frame, however in consultation with OEH officers, the work required is extensive, and will necessitate considerable data analysis and research prior to community engagement.

Floodplain Risk Management

Council in conjunction with NSW OEH staff and the Floodplain Management Committee will operate within the defined floodplain risk management process

as documented in the “Floodplain Development Manual” published in April 2005 by the NSW Government. This document is designed to assist councils in formulating management plans. In order to successfully attract funding, Council is required to adopt the process as outlined in the manual.

BUDGET IMPLICATIONS

Funding shall be allocated as part of the Quarterly Budget Review process.

POLICY IMPLICATIONS

The establishment of the Floodplain Risk Management Committee will enable the development of a Floodplain Risk Management Policy, further inform the Blayney Local Environment Plan (LEP), and update and further inform Council’s Emergency Management Plans and Policies.

IP&R REFERENCES

- DP 1.1.2 – Promote sustainable development and protection of our natural resources through the planning system.
- DP 3.4.1 – Pursue sustainable land use practices based on the protection and restoration of natural resources, innovative land use policies and government and community partnerships.
- DP 6.4.1 – Provide support for emergency management in Blayney Shire in accordance with the SERM Act.

Attachments

Nil

13) **DRAFT NSW FREIGHT AND PORTS STRATEGY**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council receive the report for advice and consideration.

REPORT

Executive Summary

The NSW Government has recently released the Draft NSW Freight and Ports Strategy (The Strategy), for stakeholder engagement.

Comment is currently being sought and can be lodged up to Monday 11 February 2013.

Background Information

The NSW Government is currently undertaking the development of key documents for its overall strategic planning framework, including the NSW Long Term Transport Master Plan (LTTMP).

Council has previously made submissions to the development of the draft LTTMP and provided a response to the draft plan, to which Councillors have been provided a copy of the submission.

A key component of the LTTMP is the Freight and Ports Strategy. The document is available for download from <http://freightandportsstrategy.transport.nsw.gov.au/the-strategy/>

Further documents to be developed include Regional Transport Plans, including one for the Central West.

The Strategy is aimed at also responding to Infrastructure Australia's National Port Strategy, and providing a framework for industry, all levels of government, and stakeholders to guide investment and other decisions to enhance freight logistics in NSW.

Such a document is considered important for Blayney. Being the location of both the Sealink and Linfox Intermodal Terminals, the intersection of the Main Western Railway and the Blayney – Demondrille Railway, and large freight generators/manufacturers like Australian Native Landscapes, Nestle Purina, Newcrest Mining (Cadia Valley Operations) and Metziya (Sealink).

It is noted that The Strategy includes a Case Study on the Blayney – Demondrille Railway, and concludes with the comment that, *“if successful, this regional infrastructure model may have applicability to similar regions.....”*.

Key elements to be included in the Blayney Shire Council submission will include discussion on the Blayney – Demondrille Railway, Bells Line

Expressway and support for the completion of the Maldon- Dombarton Railway.

Council shall prepare its submission to ensure lodgment in accordance with NSW Government timeframes.

BUDGET IMPLICATIONS

Nil Effect

POLICY IMPLICATIONS

Nil Effect

IP&R REFERENCES

DP 1.2.2 – Improve transport linkages across the Local Government Area to support the mining industry.

DP 1.5.1 – Advocate for increased funding for transportation assets through Federal and State programs.

DP 4.4.1 – Advocate for the upgrading of rail infrastructure.

Attachments

Nil

14) **MINING SAFER ROADS**
(Director Infrastructure Services)

RECOMMENDED:

1. That the report on the awarding of a “Certificate of Recognition” to Councils Road Safety Program by the Australian College of Road Safety in the 3M – ACRS Diamond Road Safety Award category for the ‘Mining Safer Roads’ road safety project be received and noted.

REPORT

Executive Summary

The ‘Kids of Cadia’ road safety project was developed in 2008 by Council’s Road Safety Officer Iris Dorsett in conjunction with Newcrest Mines as a pilot community engagement program.

The report is provided in order to update Council on the recognition the project is achieving.

Background Information

In the 4 years since the project commenced, the successful delivery of this program in the Blayney Shire has attracted much attention from external agencies.

One of these agencies is the Mine Safety Advisory Council (MSAC) who is a peak Work Health and Safety (WHS) body representing the mining and extractives industry in NSW and is resourced by industry and the NSW Department of Industry and Investment. MSAC is engaged in a number of initiatives in the pursuit of achieving world-leading WHS practises for the mining industry in NSW.

As part of its strategy MSAC seconded and sponsored Tablelands Area Road Safety Officer, Iris Dorsett to deliver the road safety project to remote and rural mine areas. As a result **‘Mining Safer Roads’** is the portable project that was successfully developed and delivered to remote regions in NSW during 2009 – 2011 inclusive.

The project was nominated for a 3M – ACRS Diamond Road Safety Award 2012 via the Australian College of Road Safety and has received a Certificate of Recognition – for **‘Mining Safer Roads’** - a winning, innovative contribution to improving road safety.

This is the second award **‘Mining Safer Roads’** has received. In May 2012 it was awarded a Highly Commended in the 2012 Institute of Public Engineers Association (IPWEA) Excellence in Road Safety Awards.

BUDGET IMPLICATIONS

Nil Effect

POLICY IMPLICATIONS

Nil Effect

IP&R REFERENCES

DP 6.4.3 – Educate communities on road and pedestrian safety.

Attachments

Nil

15) **TRUCK AND DOG TENDER PURCHASE**
(Operations Manager)

RECOMMENDED:

1. That Council not accept tenders received under the WBC Alliance tender for the Supply of a Truck and Dog Trailer.
2. That Council approve for quotations to be called from Local Government Procurement in accordance with Section 55 3(a) of the *Local Government Act 1993 No.30*.

REPORT

Executive Summary

Blayney Shire Council, on behalf of the WBC Alliance, and in conjunction with Wellington Shire Council, undertook a tender for the replacement of a truck and dog trailer for both Wellington and Blayney Councils. The tender received three (3) conforming submissions

Submissions Summary

Tenderers were requested to submit separate pricing for the tipping truck and dog trailer, and also provide pricing if two (2) units were bought, or just one (1), so that Council could determine any benefit offered through joint purchasing with Wellington Council.

The tender was advertised on 9 October 2012 in the Sydney Morning Herald, with ads running later across the WBC Alliance region in the Western Advocate, Central Western Daily, and the Daily Liberal, with the legislated minimum of 21 days provided for submissions.

At the close of tenders on 30 October 2012, the documentation had being downloaded by seven (7) companies, with three (3) submissions received as listed below:

| |
|-----------------------------------|
| Supplier |
| Tracserv Pty. Ltd. (Isuzu) |
| West Orange Motors (Freightliner) |
| Volvo Commercial Vehicles (Volvo) |

Table 1: Tender Submissions

Following the closure of tenders, Council staff contacted those suppliers who had downloaded the documents, but had not placed a submission. Through discussion with the suppliers, it was determined that they desired to submit a tender, but had not been able to complete the submission in time.

Analysis of Tenders

Due to the limited response received through the tendering process, Blayney Shire Council representatives considered that the tenders received did not provide an acceptable cross section of trucks that are available within the market, and was therefore unable to make a suitably informed decision.

Prior to making a purchasing decision, it is recommended that Blayney Shire Council seek further quotations in order to suitably assess what is available within the marketplace, and to compare trucks available against each other. Wellington Shire Council may wish to continue to progress the opportunities made available through the WBC Alliance, Supply of Truck and Dog Trailer tender hosted by Blayney Shire Council.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R REFENCES

DP 6.1.1 – Resource sharing and collaboration within WBC Alliance.

Attachments

Nil

ENVIRONMENTAL SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 10 DECEMBER 2012



16) **DELEGATION TO COUNCIL OF FUNCTIONS UNDER THE PLUMBING AND DRAINAGE ACT 2012**
(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council accepts the delegation and resolves to affix the Council Seal to the Instrument of Delegation and returns the acceptance of delegation to Fair Trading NSW.
2. That Council delegates the power of delegation to the General Manager.

REPORT

The *Plumbing and Drainage Act 2012* (the Act) was passed by Parliament on 9 November 2011 and established a single scheme of regulation of on-site plumbing and drainage work in NSW and established NSW Fair Trading as the NSW plumbing regulator.

The legislation is being implemented in stages. In the first stage, the Act commenced on 1 July 2012 and implemented the *Plumbing Code of Australia* as the new technical standard across all of NSW. Fair Trading became the plumbing regulator in areas that, immediately before commencement of the Act, were within the areas of operations of the Sydney Water Corporation, Hunter Water Corporation, and other licensed utility operations under the *Water Industry Competition Act 2006*.

Local councils in other areas continued to retain compliance and inspection roles in relation to plumbing and drainage work.

In the second stage from 1 January 2013, Fair Trading will become the single regulator across NSW. From that date, Fair Trading intends to delegate certain functions back to local councils in order to continue the important regulatory role of councils in their local areas.

Section 21 of the Act allows the plumbing regulator to delegate any of the plumbing regulator's functions to a local council, or any other person the regulator considers has the necessary skills, knowledge or experience to exercise the function. Council may, in turn, subdelegate any of these functions, but only as set out in the Act.

Fair Trading will delegate the functions of plumbing regulator to councils outside the Sydney Water Corporation and the Hunter Water Corporation areas of operation. The instrument of delegation has been prepared and provided to council for this purpose and requires Council's Seal to be affixed to it.

Acceptance of the delegation is required to enable council to continue to undertake activities in the regulation of on-site plumbing and drainage work.

The Delegation notes that the regulatory function is to be exercised in accordance with the requirements of the Act and guidelines, if any, issued by the plumbing regulator. At present there are no guidelines in force and Fair Trading will work with councils in developing any such guidelines in the future.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

Attachments

- | | | |
|----------|---|-------------------|
| 1 | Instrument of Delegation under Section 21 of the Plumbing and Drainage Act 2011 | 2 Pages |
|----------|---|-------------------|

17) **EXAM RESULTS FOR PLANNING AND ENVIRONMENTAL SERVICES TRAINEES**

(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council note the excellent results the Trainee Development Officer and Trainee Health and Building Surveyor have achieved this year and offer them Council's congratulations in achieving these results.

REPORT

Council employs two trainees in the Planning and Environmental Services Division.

Tracie Smart is Council's Trainee Development Officer and Andrew Ballard is Council's Trainee Health and Building Surveyor and as a condition of their employment are required to undertake tertiary education studies.

Tracie is enrolled at the University of New England (Armidale) in the Bachelor of Urban and Regional Planning Degree Course and has achieved two Distinctions and two Credit passes in completing the first year of her degree.

Andrew is undertaking the Building Surveying Course at TAFE's Open Training and Education Network (OTEN) and has achieved a Distinction and Credit pass in two subjects and met the required competencies in two other subjects and he has achieved accreditation as an A4 Accredited Certifier – Building Inspector, in his first year of employment at Council.

Both trainees show a keen understanding of the roles of their jobs and a willingness to learn and participate in all activities related to their work roles and provide invaluable assistance to Councils customers and staff.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

Attachments

Nil

18) **DEVELOPMENT APPLICATION NO.203/2012 - ERECTION OF A TOURIST INFORMATION SIGN AT 3481 MID WESTERN HIGHWAY, BLAYNEY**
(Senior Town Planner)

RECOMMENDED:

1. That Council refuse the application for the following reasons:
 - a. The “tourist facility” the subject of this signage does not fall within the definition as set down under the Model Provisions, that is: *“an establishment providing for holiday accommodation or recreation and may include a boat shed, boat landing facilities, camping ground, caravan park, holiday cabins, hotel, house boat, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any such activities.”*
 - b. The sign does not fall within the provision of State Environmental Planning Policy No.64 (Advertising and Signage), for a tourist information sign.
 - c. The signage threatens the safety of the travelling public in the vicinity of an intersection, as it has the potential to distract drivers negotiating the intersection.
 - d. The signage would compromise the rural landscape and the visual amenity of the approaches to the township of Blayney.
 - e. NSW Roads and Maritime Services has recommended Council refuse the application for being inconsistent with State Environmental Planning Policy No.64 (Advertising and Signage).

REPORT

| | |
|------------------------------|--------------------------------------|
| Applicant: | O'Brien Wash & Go |
| Owner: | DJ & JE Price |
| Application No: | DA 203/2012 |
| Zone: | 1(a) General Rural |
| Date Received: | 21 September 2012 |
| Assessment No: | 2445-10000-7 |
| Property: | 3481 Mid Western Highway, Blayney |
| Proposed Development: | Erection of Tourist Information Sign |

Description of Proposal

The proposed development is to be located on the Mid Western Highway north east of Blayney CBD on a rural property. The site is located on the southern side of the Highway, and opposite the junction with Guyong Road. The sign structure is currently located within a crown road reserve, and is to be relocated slightly to the north east onto private land. A sign board would then be erected on the structure.

The sign is intended to be a tourist information sign, to direct the travelling public to a tourist facility. The “tourist facility” is claimed to be the food/drink vending machines, amenities (toilet and shower) and “rest area” at O'Brien’s Wash & Go car wash facility, 900m to the south

west. The car wash facility was approved under DA 78/2011, and included toilets and vending machines, but no shower or rest area.

The sign board would be 4m x 2.4m in area, and the structure would be 3.9m high. It would be located 1.5m in from the existing fence. The content of the sign relates to a “tourist facility”, the car and truck wash, a dog wash and a rest area. It contains symbols relating to toilets, an ATM, a shower, food and drink, and the fact that it is open 24 hours.

Section 79C Evaluation - matters for consideration

79C (a)(i) the provisions of any environmental planning instrument

1. State Environmental Planning Policies

State Environmental Planning Policy No 64 (Advertising and Signage) is relevant to this development.

The aims of the SEPP are considered as follows:

- (a) To ensure that signage (including advertising):
 - i) Is compatible with the desired amenity and visual character of an area
 - ii) Provides effective communication in suitable locations
 - iii) Is of high quality design and finish

Comment: The signage as proposed is 10sqm in board area, 1.5m inside the fence, and 3.9m in height above natural ground level. It is proposed to be located within a rural site on the approaches to the town of Blayney, in the vicinity of the intersection of Dungeon Road and the Mid-Western Highway. Although the land was currently zoned General Rural, it is now zoned Scenic Protection under the Blayney LEP 2012, which prohibits such signage. The signage is intended to direct the travelling public to a “tourist facility”. However the dominant and approved use for the “tourist facility” site is a truck and car wash facility. The developer promotes food and drink vending machines, showers, toilets, and ATM and a dedicated rest area with outdoor seating and heater for the cold weather. However the rest area and shower have not had approval from Council. The “rest area” facility is unclear. Council considers that all these facilities are ancillary to the car and truck wash facility, and do not constitute a “tourist facility”.

“*tourist facility*” as defined in the Model Provisions, is as follows:

“means an establishment providing for holiday accommodation or recreation and may include a boat shed, boat landing facilities, camping ground, caravan park, holiday cabins, hotel, house boat, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any such activities.”

- (b) To regulate signage (but not content) under Part 4 of the Act

Comment: Council has considered the proposal in accordance with relevant legislation under Part 4 of the E P & A Act.

- (c) To provide time-limited consents for the display of certain advertisements

Comment: No time limit is relevant to this proposal.

- (d) To regulate the display of advertisements in transport corridors

Comment: The development has been considered under the provisions of the SEP 64 and associated Guidelines, which regulate advertisements in transport corridors.

- (e) To ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

Comment: There is no particular significant public benefit to be derived from this development. The subject of the signage content is not considered to be a “tourist facility”, as claimed.

Assessment Criteria

1. Character of the area – the development site is within a rural area adjacent to a transport corridor. The sign in this location would detract from the rural character of the locality, and provide potential for safety issues relating to the distraction of the travelling public by advertising signage. The locality was a rural zone under Blayney LEP 1998, but has been zoned as Rural Landscape under Blayney LEP 2012. Therefore the landscape aspect of the precinct has been identified as significant and Blayney LEP 2012 prohibits signage in this zone.
2. Special areas - The Belubula River is located less than 100m to the east, where impact is expected to be minimal. There are no other special areas such as environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, or residential areas, relevant to the application.
3. Views and vistas – the signage would not obscure views through the area, but may compromise views of the approaches to Blayney township.
4. Streetscape, setting or landscape - the sign board would be 4m x 2.4m in area, and the structure would be 3.9m high. It would be located 1.5m in from the existing fence. A number of other signs are already located in the vicinity, relating to genuine tourist facilities and farm business. It is unlikely that the sign would contribute to visual interest, and it would not protrude above tree canopies. Vegetation management would not be applicable.
5. Site and building – There are no other structures in the immediate vicinity of the sign location.
6. Associated devices and logos with advertisements and advertising – No particular devices are associated with the sign construction. The sign would contain reference to a “tourist facility” but also incorporate mention of the existing car and truck wash facility closer to town.
7. Illumination – no illumination is associated with this sign.
8. Safety – the sign is to be located adjacent to an intersection, and within 1m of the Highway boundary. It has the potential to distract drivers negotiating the intersection.

Under the provisions of SEPP 64, and where Council has no Development Control Plans that apply to the land, the advertisement must relate to the land on which the advertisement is to be displayed, or to premises situated on that land or adjacent land. Alternatively, the advertisement should be a notice directing the travelling public to tourist facilities or activities or places of scientific, historical or scenic interest.

The signage as proposed has been called a “tourism information sign” on the development application form. The details provided describe primarily the car wash facility, and its associated amenities. The existence of a tourist facility is not represented, and a tourist facility is not approved by Council for the site. In addition it is noted that the shower has not been approved by Council under the consent for the car wash, and that the food and beverage services are offered from vending machines.

Under State Environmental Planning Policy No. 64 development such as this within a road corridor along a classified road (the Mid-Western Highway), must be referred to Roads and Maritime Services for concurrence. In this regard, the application must submit a Statement of Environmental Effects which has considered the provisions of SEPP No. 64, together with the RMS document, *Transport Corridor Outdoor Advertising and Signage Guidelines*.

In this instance an SEE has been submitted. However although the developer was advised to have regard for the *Guidelines* by correspondence of 27 September 2012, no assessment was included with the application.

The application was referred to the RMS on 8 October 2012, and a response (as attached) was received on 23 October 2012. RMS comments were:

RMS objects to the proposed development. The car/truck wash, amenities and food vending machines included in the sign do not fall within the definition of ‘tourist facilities’. The proposed development is therefore inconsistent with SEPP 64 and should be refused.

2. Regional Environmental Planning Policies

As of 1 July 2009, regional environmental planning policies (REPs) are no longer part of the hierarchy of environmental planning instruments in NSW. All existing REPs are now deemed State Environmental Planning Policies (SEPPs). The Department of Planning is reviewing all these remaining REPs as part of the NSW planning system reforms.

3. Local Environmental Plans

The land was zoned 1(a) General Rural under the Blayney Local Environmental Plan 1998 when this application was submitted. The objectives of this zone were considered as follows:

(a) Protecting, enhancing and conserving:

(i) Agricultural land in a manner which sustains its efficient and effective agricultural production potential,

Comment: The development is not for agricultural production.

(ii) Soil stability by controlling and locating development in accordance with soil capability

Comment: Relocation of the sign structure would have minimal erosion impacts.

(iii) Forests of existing and potential commercial value for timber production

Comment: The development does not involve clearing of land, and there are no forest reserves impacted by the relocation activity.

(iv) Valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development in order to ensure the efficient extraction of those deposits

Comment: There are no such resources known to be impacted upon by this development.

(v) Trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation

Comment: There is no significant vegetation relevant to this proposal, on an already highly disturbed site.

(vi) Water resources for use in the public interest

Comment: No additional water resources are required for the development. Any water for dust suppression would be sourced from farm dams.

(vii) Areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitat

Comment: There are no such areas known to be on or adjacent to this site.

(viii) Places and buildings of archaeological or heritage significance, including Aboriginal relics and places

Comment: There are no such places or buildings relevant to this proposal.

(b) Preventing the unjustified development of prime crop and pasture land otherwise than for the purpose of agriculture

Comment: The development is located in the edge of the paddock of a large agricultural property, but is unlikely to have any impact upon agricultural operations.

(c) Ensuring that any allotment created for intensive agricultural land uses is potentially and physically capable, on its own, of sustaining a range of such uses or other agricultural land uses as a commercial agricultural operation suitable to the locality

Comment: The proposed development does not include subdivision.

(d) Facilitating farm adjustments

Comment: The development does not include farm adjustment arrangements.

(e) Minimizing the cost to the community of:

- (i) Fragmented and isolated development of rural land

Comment: The development would not result in the fragmentation or isolation of rural land.

- (ii) Providing, extending and maintaining public amenities and services

Comment: The developer would bear the cost of service extension or enhancement, if required. However, no such works are required.

- (f) Identifying land suitable for future urban development, for rural residential development and for other non-agricultural development, in accordance with the need for that development

Comment: The land is not suitable for future urban development.

- (g) Allowing a range of rural living styles in appropriate locations within the zone

Comment: The development does not relate to residential development.

- (h) Encouraging the establishment of rural and related industries within the zone.

Comment: The development does not relate to rural or rural related industries.

Clause 10 General considerations for development within rural and environmental protection zones

The general requirements are considered as follows:

- (a) The present use of the land, the potential use of the land for the purpose of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production.

Comment: The development is on the edge of a large rural property, but it is unlikely that it will significantly affect agricultural operations.

- (b) Vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights)

Comment: Impact on these resources could be minimized through attention to erosion and sediment control during earthworks. No land clearing is required for the development.

- (c) The future recovery from known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials.

Comment: It is not expected that there would be any significant impact on these resources from the development.

- (d) The protection of areas of significance for nature conservation or of high scenic recreational value, and of places and buildings of archaeological or heritage significance, including Aboriginal relics and places

Comment: There are no such known significant areas, places or buildings relevant to this development.

- (e) The cost of providing, extending and maintaining public amenities and services to the site of the proposed development.

Comment: The cost of any service enhancement to cater for this development would be borne by the developer, however, no service extension is required.

- (f) Future expansion of settlements in the locality

Comment: The proposed development is unlikely to have an impact on settlement expansion.

Council must also consider the effect of the proposed development on adjoining land and other land in the locality.

Comment: The adjoining land in this vicinity comprises similar rural land. Stock grazing is the most common landuse. Adjoining residents have been notified and no submissions were received.

Clause 21 Development along arterial roads

Council cannot consent to the carrying out of development on land which has a frontage to an arterial road, unless access to that land is provided by a road other than the arterial road, wherever practicable, and Council is satisfied that the safety and efficiency of the arterial road will not be adversely affected.

Comment: The proposed development has direct access off the Mid Western Highway. However following the construction phase, site access required would be minimal due to the nature of the development.

The safety of the Highway is addressed through referral to Roads and Maritime Services, under State Environmental Planning Policy No. 64 (Advertising and Signage).

Clause 32 Advertising structures

This Clause is superseded by State Environmental Planning Policy No. 64 (Advertising and Signage), which has been considered above.

79C (a)(ii) the provisions of any draft environmental planning instrument

Draft State Environmental Planning Policies

There are no State Environmental Planning Policies relevant to this development.

Local Environmental Plans

Under the Blayney Local Environmental Plan 2012 the land is zoned RU2 Rural Landscape. The objectives of this zone are considered as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

Comment: The development is on the edge of a large rural property, but it is unlikely that it will significantly affect agricultural operations.

- To maintain the rural landscape character of the land

Comment: The sign would impact upon the rural landscape visual amenity. This zone is generally intended for rural land with landscape values or land that has reduced agricultural capability. In this case the land has been identified as having landscape values. The erection of such a large sign would impinge upon the scenic nature of the landscape approaches to Blayney township.

- To provide for a range of compatible land uses, including extensive agriculture.

Comment: The proposed landuse is compatible with existing landuses in terms of impact on adjoining agriculture operations.

The display of advertisements other than business or building identification signs is prohibited under the SEPP in the scenic protection zones. At lodgment of the application the land was zoned 1(a) General Rural. However, under the Blayney LEP 2012 the land is zoned RU2 Rural Landscape, and the development for “*signage*” is therefore prohibited.

The finalization of the Blayney LEP 2012 has occurred on 23 November 2012 and it is relevant that the Plan be considered in this assessment.

There are no other relevant clauses of the 2012 Plan that require consideration for this development.

4. Transport Corridor Outdoor Advertising and Signage Guidelines

The development is required to have regard for the provisions of this Guideline, under State Environmental Planning Policy No. 64 (Advertising and Signage). The aims and assessment criteria are considered above.

In terms of landuse compatibility:

- (a) The advertising structure should not be inconsistent with the land use objectives for the area.

Comment: The landuse objectives are examined earlier in this report.

- (b) Advertisements must not be placed on land where the signage is visible from certain area, if it is likely to significantly impact amenity of those areas. This includes a scenic protection area.

Comment: The land is now zoned rural landscape and this matter has been examined earlier in this report.

- (c) Advertisement should not dominate the skyline or compromise significant views that add to the character of the area.

Comment: The land use would not dominate the skyline, but may compromise significant views along the valley into Blayney township.

- (d) They should not be located so as to diminish the heritage values of heritage items or areas.

Comment: There are no heritage items or areas relevant to this development.

- (e) Where possible, advertising should be placed within the context of other built structures in preference to non-built areas, being used to enhance the visual landscape.

Comment: The proposal is intended for a non-built area, and is not appropriate in the rural landscape.

A Statement of Environmental Effects was provided with the development application which provided minimal information in regard to adequate detail information. Revised signage and locational detail was provided, as assessed. No justification was offered for erecting the advertisement in the proposed location.

The developer was advised prior to lodgment of the development application, of the necessary requirements, and chose to lodge the application in its current form.

Road Safety

The Guideline provides certain safety assessment criteria which must be applied as a minimum in design and assessment of all proposals on or within the vicinity of a classified road. These include:

- a) An advertisement must not obstruct views of the road by drivers, pedestrians or cyclists;
- b) Should not distract at a critical time, eg. road hazard, intersection, traffic control device, emergency vehicle access point.
- c) It must not distract the driver's attention away from the road environment, or reduce the visibility and effectiveness of traffic and directional signage, regulatory signs or advisory signs.
- d) It should not be located where it may give incorrect information on road alignment.
- e) It must not interfere with stopping sight distances for the road's design speed or the effectiveness of a traffic control device.
- f) It must not create a physical obstruction or hazard.
- g) Where the sign structure is not breakable, it must be located outside the clear zone or behind a crash barrier.
- h) The sign content should not compromise road safety.

Comment: The proposed sign would be located adjacent to an intersection and within 1m of the Highway boundary. It has the potential to distract drivers negotiating the intersection.

Public Benefit Test

This must be applied in certain circumstances, including if the advertisement requires RMS (RTA) concurrence under SEPP 64. This aspect of the Guideline does not apply to this development.

79C (a)(iv) any matters prescribed by the regulations

There are no aspects of the regulations relevant to this development.

79C (b) the likely impacts of that development

Context and setting

The proposed development is to be located on the edge of the Mid Western Highway east of the Blayney CBD, near the intersection of the Highway with Guyong Road. It would be located in a rural area along the approaches to the township of Blayney, in an area which has been identified as Rural Landscape by Blayney LEP 2012. There are other signs in the vicinity which relate to tourist facilities and business identification on farms. There are two power poles/power lines in the vicinity of the sign location which would need to be avoided.

Access, transport and traffic

The proposed development is not expected to generate additional traffic.

Services/utilities

The proposed development would not require connection to any services or utilities.

Site design, internal design and construction

The site design relates to a sign structure in a paddock on the edge of the highway. The structure already exists but is located within an unformed crown road reserve. The developer wishes to relocate the sign approximately 50m to the north east.

The structure is of metal construction on concrete footings, and the site is accessed via an existing farm gate off the Highway onto the crown road.

Hazards – technological, natural

There are no particular known natural hazards relevant to the development. The development has the potential to distract drivers negotiating the adjacent intersection.

Noise and vibration

There are no known vibration or noise impacts relevant to the development.

Environmental impact – flora, fauna, land resources, air and water pollution, micro climate

There are no matters such as flora, fauna or land resources relevant to the development. The site is within a disturbed rural landscape where exotic vegetation predominates.

Water

The Belubula River passes the site less than 100m to the east. The sign is not expected to impact on the River or its riparian area.

Waste

Any waste associated with the development would relate to construction waste, which would be appropriately collected, stored and removed off site to an approved waste facility.

Safety, Security and Crime Prevention

The proposed development should not lead to issues relating to security or crime prevention. The development should not lead to health issues for the wider community. It is on private fenced land, with no public access. However, the location of the sign adjacent to an intersection has the potential to distract drivers.

Economic impact

The proposed development is not expected to lead to significant economic impact. It is claimed to direct the travelling public to a “tourist facility” (vending machines, amenities and a rest area), which is not an accepted definition of the term. The sign also advertises the car

and truck wash, and the developer has exploited a number of other more appropriate measures to advertise this facility.

Social Impact

The proposed development is expected to have social impact on the community. The amenity issues have been addressed in the above report, relating to compromise of the scenic nature of the locality and the safety of the travelling public.

Cumulative impact, Principles of Ecologically Sustainable Development, Sustainability and Climate Change

Cumulative Impact

Cumulative impact relates to the proliferation of signage in a rural landscape area. Other signage in the location relates to genuine tourist facilities and business identification signage on farms. The addition of this sign would compromise the visual amenity of the approaches to Blayney and its surrounding rural character.

Climate Change

The NSW Sea Level Rise Policy Statement 2009 outlines the Government's objectives and commitments in regards to sea level rise adaptation. A key Government commitment is that it will promote and support an adaptive risk-based approach to managing the impacts of sea level rise. The proposal would not significantly contribute to climate change and will not change the risk profile of the site in regard to the impacts of sea level rise.

Ecologically Sustainable Development

All potential environmental interactions should have regard for the Precautionary Principle (prevent environmental degradation and protect local environment), Inter-generational Equity (not to compromise the environment for future generations), Improved Valuation and Pricing of Environmental Resources (to utilize the land with minimal environmental impact to result in an economic benefit to the community) and conservation of biological diversity and ecological integrity. The proposal would not present significant threats of serious or irreversible environmental damage, and the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations, for the conservation of biological diversity and ecological integrity.

Other

The following impacts have been considered and are not relevant to the proposal: bushfire, flooding, heritage and contamination.

79C (b) Suitability of the site for the development

The above assessment details the aspects of the development which render it unsuitable for the site. The development would not be compatible with the existing landscape, and would be a threat to road safety.

79C (d) Any submissions made in accordance with this Act or the Regulations

The development was notified to adjoining landowners from 8 October 2012 for 14 days, and no submissions were received.

79C (e) The public interest

There are not expected to be any significant impacts on the public interest from this development. There are no relevant State or Federal policies, no easements, covenants or service provision matters.

Conclusions

The proposed development has been assessed under the provisions of all relevant legislation, and found to be unsuitable for the site and the locality. The development would compromise the rural landscape and the visual amenity on the approaches to Blayney township. It would also have the potential to distract drivers in its proposed location adjacent to an intersection.

The activity claimed as a ‘tourist facility’ does not fall within the definition as set down in the Model Provisions, as emphasized by Roads and Maritime Services.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

Attachments

- 1 Location Plan 1 Page
- 2 Sign Details 2 Pages
- 3 RMS Letter 1 Page

19) DEVELOPMENT OF LOCAL LAND SERVICES (LLS) BY NSW GOVERNMENT AND LOCAL GOVERNMENT CONSULTATION

(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council receive the report for advice and consideration.

REPORT

Local Land Services are the new regional service delivery organisation that will replace Catchment Management Authorities, Livestock Health and Pest Authorities and incorporate Department of Primary Industry agricultural advisory services across NSW.

The NSW Government has established a Stakeholder Reference Panel to guide the development of Local Land Services. The Panel will consist of representatives from LHPA, CMA, NSW Farmers, Greening Australia, Landcare NSW, DPI organisations and the Local Government and Shires Associations.

The Local Land Services Reference Panel has released a set of draft regional boundaries for eleven (11) new organisations (see the draft map attached). The proposed boundaries are a significant change from the existing Catchment Management Authority (CMA) regions and are more in line with other regional frameworks, including being based on Local Government boundaries.

In addition, the Reference Panel will consider a range of other key features of the Local Land Services in coming months, especially governance structures, funding frameworks and core functions.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

Attachments

- | | | |
|---|---|--------|
| 1 | Local Land Services Boundaries | 1 Page |
| 2 | Local Land Services Boundaries with CMA | 1 Page |

DELEGATES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 10 DECEMBER 2012





Report from the Mayor on the Centroc Board meeting and AGM 22 November 2012 in Grenfell

I attended the Centroc Board meeting and AGM in Grenfell and provide the following report for councils information. Formal meeting minutes will be provided in due course.

Speakers in attendance were Professor Vann and Mr Mark Burdack of Charles Sturt University (CSU). They provided an update on advocacy for a medical school in regional NSW including a campus at Orange. A request was made for advocacy from both Centroc and this Council where follow-up advice will be provided from Centroc in due course. Media from Centroc through members will also occur. The key point made by the speakers was that when doctors are trained in regional areas they are much more likely to remaining in regional areas, in comparison to when they spend shorter times as part of outreach programs from city based institutions.

The Board meeting considered reports including the following:

- Bells Line of Expressway** where members expressed their disappointment at the outcomes of the Long Term Corridor Plan and resolved to undertake further advocacy and support the Bells Line of Expressway Group particularly its efforts to work with Councils in Western Sydney.
- Transport Infrastructure** where members expressed concern regarding the Infrastructure NSW "First Things First" strategy advice to the State Government. They resolved to provide a regional response. Please find advice on all submissions lodged by Centroc in the past quarter below.
- Water Infrastructure** where the substantial activity of the Centroc Water Utilities' lliance was noted and it was resolved to do further advocacy regarding Local Water Utilities being included in the Local Government Review Process. It was also resolved to invite the Local Government Review Panel to the next Board meeting.
- Regional Development** where the region has commenced a review of population data with a view to challenging the Department of Planning's long term projections for decline in Central NSW
- Member Council operational support** where Centroc is currently running regional contracts in fuel, road signs, bitumen emulsion, load shifting training and assessment, of which most members are participating in all. Four Councils (Bathurst, Oberon, Orange with Lithgow now joining in) are also participating in a trial of online training with the hopes that this technology will be rolled out regionally late 2013 as part of the ongoing cost savings of the Centroc Training service. The regional contract for Internal Audit which some members are involved in is due to expire in June 2013 and Centroc will go to tender for a new contract early in the new year in preparation. A new meeting of all Directors of Corporate Services will occur early in the new year to continue to explore cost savings opportunities for all

members. Members have collectively saved a net total of \$1,266,425 in the last three years with all of the aforementioned projects.

- Planning** - where the Board resolved to continue its advocacy around local government reform where special mention was made of issues members have been experiencing regarding procurement.
- A Federal Tourism Industry Region Funding** grant opportunity building on the work outlined at the Centroc Summit was resolved to be progressed.
- Late reports** were tabled. Firstly on support for apprentices, particularly through the SkillSet model where further advice will be provided to Council from Centroc. Secondly a request for cross ROC support for the engineering school proposal being mooted by CSU. There are meetings being held across regional NSW to progress this proposal.

Centroc has lodged a number of submissions on behalf of the region in the past quarter:

- Centroc Submission on Red Tape Review Local Government Compliance and Enforcement November 2012
- Centroc Submission on the Draft NSW Transport Masterplan October 2012
- Centroc Submission on Maquarie River to Orange Pipeline October 2012
- Centroc Submission to the Green Paper on Planning Reforms in NSW October 2012
- Centroc Submission on Funding our Emergency Services October 2012
- Centroc Submission on Strengthening your Community Independent Local Government Review Panel Consultation Paper September 2012

These and the Centroc business papers are available on the Centroc website at centroc.com.au or via Centroc staff through the General Manager.

There are a number of significant events coming up on the Centroc calendar and Councillors are encouraged to keep an eye out for them, firm dates will be provided in due course:

- n event showcasing the innovation and value for money of the Centroc Water Utilities' Alliance.
- workshop that determines the region's response to be facilitated by Mr Ian McCormack, recently retired General Manager of Parkes Shire Council who has a lot of experience in Local Government in this region.
- A Board meeting at Parliament House being co-ordinated by Mr Andrew Gee, Member for Orange.

I have asked Ms Bennett, Executive Officer of Centroc to attend a meeting of Council to provide a more comprehensive update on the activities of Centroc in the near future.

At the Centroc AGM the new Executive was welcomed:

- Cr Ken Keith (Mayor Parkes) as Chair
- Cr B West (Mayor Cowra) as Deputy Chair
- Cr P Miller (Councillor Forbes) as immediate past chair
- Cr J Davies (Mayor Orange) Centroc Executive Member
- Cr M Statham (Mayor Lithgow) Centroc Executive Member

- Cr Morse (Mayor Bathurst) Centroc Executive Member
- Mr K Boyd Secretary/Treasurer and Chair of GMAC

Messers Sherley, Bailey, Styles, Devery and Steffen forming the balance of the Executive.

Cr Miller, outgoing Chair was thanked for her vigorous advocacy on behalf of the region. The Annual Report and Statements were provided and will be sent to all Councillors in due course. I commend these to you as they provide a good overview of what is happening in the region.

I think you can see from the above that there is a lot of valuable collaborative activity going on in this region, and I commend this report to you for noting.

| |
|---|
| Recommendation/s |
| That the Mayoral Report on the Centroc Board meeting and AGM 22 November in Grenfell be noted. |

COMMITTEE REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 10 DECEMBER 2012



20) **MINUTES OF THE BLAYNEY SHIRE AUDIT COMMITTEE MEETING - 25 OCTOBER 2012**
(Director Corporate Services)

RECOMMENDED:

1. That the Minutes of the Blayney Shire Audit Committee meeting held 25 October 2012 be received and noted.

REPORT

The Blayney Shire Audit Committee held a meeting on Thursday 25 October 2012, at the Council Works Depot Training Room. A copy of the minutes from this meeting is provided as an attachment to this business paper.

BUDGET IMPLICATIONS

Costs associated with holding of Audit Committee meetings and associated service reviews have been provided for in Council's 2012/13 budget.

POLICY CONSIDERATIONS

Nil effect.

IP&R LINK

DP6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

- 1 Blayney Shire Audit Committee Minutes 3 Pages

21) **MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING HELD ON FRIDAY 19 OCTOBER 2012**
(Assets Manager)

RECOMMENDED:

1. That the recommendations of the Blayney Traffic Committee meeting held on 19 October 2012 be adopted.

REPORT

The minutes of the Blayney Traffic Committee meeting held on Friday 19 October 2012 are attached and Councillors attention is drawn to the following items:

- Henry Street Options; and
- Lawson Street B Double Route.

Attachments

1 Traffic Committee Minutes 19/10/2012 2 Pages

CR S Ferguson
MAYOR

MR GA Wilcox
GENERAL MANAGER

CLOSED MEETING REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 10 DECEMBER 2012



22) **USE OF CENTREPOINT FACILITIES BY SMALL USER GROUPS – FEES/CHARGES TO BE PAID AND USE OF FACILITIES**

This matter is considered to be confidential under section 10a(2)(i) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

ATTACHMENTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 10 DECEMBER 2012



BLAYNEY SHIRE COUNCIL



AGENCY INFORMATION GUIDE (*previously Publication Guide*)

Date of Adoption: 11/10/2010 Minute No. 1010/012
Date of Approval by Office of Information Commissioner: 09/12/2010
Review Date: 20/06/2011 Minute No. 1106/006
10/12/2012 Minute No.

Prepared in accordance with the provisions of Section 20 of the
Government Information (Public Access) Act 2009.

CONTENTS

| | |
|--|----|
| STRUCTURE AND FUNCTIONS OF COUNCIL | 3 |
| Introduction | 3 |
| Organisational Structure | 4 |
| Council Functions | 5 |
| HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC | 6 |
| HOW THE MEMBERS OF THE PUBLIC CAN PARTICIPATE IN COUNCIL'S POLICY DEVELOPMENT AND THE EXERCISE OF FUNCTIONS | 7 |
| INFORMATION HELD BY BLAYNEY SHIRE COUNCIL | 8 |
| 1. Records | 8 |
| 2. Policy Documents | 8 |
| 3. General Information | 8 |
| HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL DOCUMENTS CONCERNING THEIR PERSONAL AFFAIRS | 10 |
| ACCESS TO INFORMATION BY THE COUNCIL | 10 |
| Open Access Information | 11 |
| Proactive Release of Information | 11 |
| Informal Access Requests | 11 |
| Formal Access Applications | 11 |
| PUBLIC OFFICER – RIGHT TO INFORMATION OFFICER | 11 |
| OFFICE OF THE INFORMATION COMMISSIONER | 12 |

STRUCTURE AND FUNCTIONS OF COUNCIL

INTRODUCTION

Blayney Shire Council is constituted under the Local Government Act 1993 and was proclaimed in August 1978.

The Council is an undivided area, with seven (7) Councillors. The Mayor is elected each year by the Councillors from among their numbers.

The roles of the Councillors, as members of the body corporate are:

- to direct and control the affairs of the Council in accordance with the Local Government Act and other applicable legislation;
- to participate in the optimum allocation of the Council's resources for the benefit of the area;
- to play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions;
- to review the performance of the Council and its delivery of services, management plans and revenue policies of the Council;
- The role of a Councillor is, as an elected person:
 - to represent the interests of the residents and ratepayers;
 - to provide leadership and guidance to the community;
 - to facilitate communication between the community and the Council.

The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic, between its meetings and performs any other functions that the Council determines.

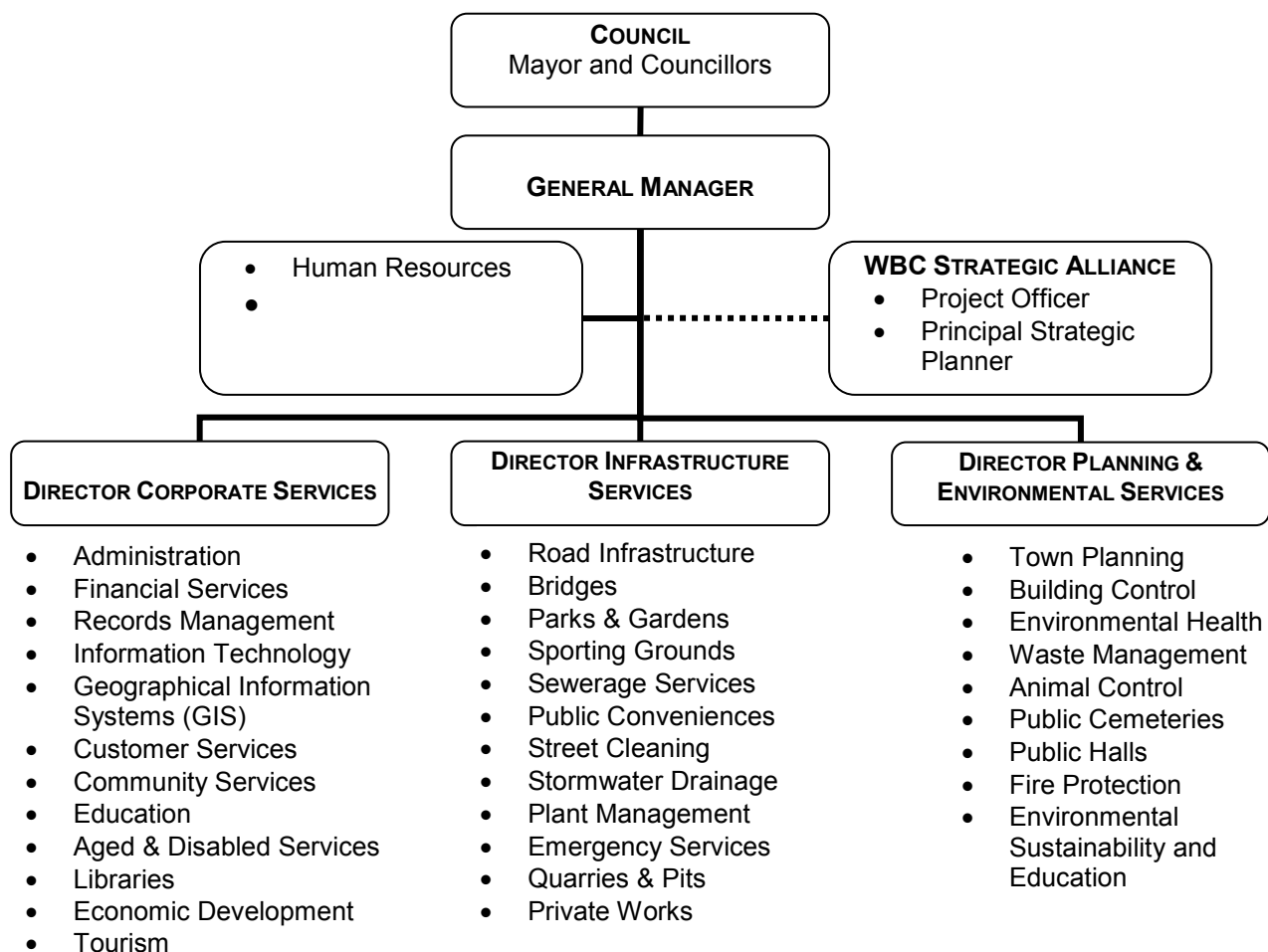
The Principal Officer of the Council is the General Manager. The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff, as well as the implementation of Council's Equal Employment Opportunity Management Plan.

To assist the General Manager in the exercise of these functions, there are three (3) Directorates of Council. These Directorates are Corporate Services, Planning and Environmental Services and Infrastructure Services. Each of these Directorates is headed by a Director.

ORGANISATIONAL STRUCTURE

The functional structure of the organisation is set out in the below diagram:

MANAGEMENT STRUCTURE – BLAYNEY SHIRE COUNCIL



COUNCIL FUNCTIONS

Council has functions conferred or imposed on it by the Local Government Act, 1993. These functions are:

| SERVICE FUNCTIONS | REGULATORY FUNCTIONS | ANCILLARY FUNCTIONS | REVENUE FUNCTIONS | ADMINISTRATIVE FUNCTIONS | ENFORCEMENT FUNCTIONS |
|---|--|---|---|--|--|
| Including: * Provision of community health, recreation, education & information services * Environmental protection * Waste removal & disposal * Land & property, industry & tourism development & assistance * Civil Infrastructure Planning * Civil Infrastructure Maintenance & Construction | Including: * Approvals * Orders * Building Certificates | Including: * Resumption of land. * Powers of entry and inspection | Including: * Rates * Charges * Fees * Borrowings * Investments | Including: * Employment of staff * Management plans * Financial reporting * Annual reports | Including: * Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations * Prosecution of offences * Recovery of rates and charges. |

As well as the Local Government Act, Council has powers under a number of other Acts including:

Coastal Protection Act 1979

Community Land Development Act 1989

Companion Animals Act 1998

Contaminated Land Management Act 1997

Conveyancing Act 1919

Environmental Planning and Assessment Act 1979

Fire Brigades Act 1989

Fluoridation of Public Water Supplies Act 1957

Food Act 1989

Government Information (Public Access) Act 2009

Heritage Act 1977

Impounding Act 1993

Library Act 1939

Noxious Weeds Act 1993

Privacy & Personal Information Protection Act 1998

Protection of the Environment Operations Act 1997

Public Health Act 2010

Recreation Vehicles Act 1983

Roads Act 1993

State Emergency & Rescue Management Act 1989

State Emergency Service Act 1989

Strata Schemes (Freehold Development) Act 1973

Strata Schemes (Leasehold Development) Act 1986

Strata Schemes Management Act 1996

Swimming Pools Act 1992

Unclaimed Money Act 1995

HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

As a service organisation, the majority of the activities of Blayney Shire Council have an impact on the public. The following is an outline of how the broad functions of Council affect the public.

Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as child care services and libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.

Ancillary functions affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the non payment of rates and charges and unregistered dogs.

Community planning and development functions affect areas such as cultural development, social planning and community profile and involves:

- Advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Plan.
- Providing support to community and sporting organisations through provision of grants, training and information.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as Australia Day Awards and Youth Week, as well as promoting events of others.

HOW THE MEMBERS OF THE PUBLIC CAN PARTICIPATE IN COUNCIL'S POLICY DEVELOPMENT AND THE EXERCISE OF FUNCTIONS

Councils in New South Wales are elected every four years. The next elections are to be held in September 2016.

At each election, voters elect seven Councillors for a four year term. The Mayor is elected each year by the Councillors from among their numbers. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non residential roll. Voting is compulsory.

Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

Members of the public are able to attend Council meetings (second Monday of each month – except January) in the Council Chamber, 41 Church Street, Blayney.

The opportunity is offered to interested persons to address Council prior to meetings on any matters that are within its jurisdiction. A Public Forum Speaker Request Form must be completed and lodged on or before the 1st Monday of the month. Forms available from Council's website link:

<http://www.blayney.local-e.nsw.gov.au/images/documents/blayney/L/zzpublicforum.pdf>

Council also has the following Community Committees comprising and including members of the public:

- Blayney Shire Access Advisory Committee
- Blayney Shire Audit Committee
- Blayney Shire Council Australia Day Committee
- Blayney Shire Economic Development Committee
- Blayney Shire Financial Assistance Committee
- Blayney Shire Sports Council
- Blayney Shire Tidy Town Committee
- Cemetery Forum

Community Committee meeting times are promoted on Council's website. Invitations for membership of committees are called after Council elections every four (4) years and as committee vacancies arise. Notification of vacancies are publicised on Council's website and in the local newspaper. Members of the public interested in being involved with any community committee should contact Council in the first instance to enquire of any vacancies.

INFORMATION HELD BY BLAYNEY SHIRE COUNCIL

Council holds a wide range of information, in both hard copy and electronic form in respect of the wide range of functions undertaken by it. That information is contained in:

1. Records – either Physical or electronic
2. Policy documents
3. General Information

1. RECORDS

Prior to 1996 Council had a “hard copy” records system, with material being held as physical records. Since then, Council’s records have been maintained in electronic format, physical records being dispensed with, except for development/building/construction applications.

Council’s records are not available on the website however this information may be made available either by informal release or via an access application, unless there is an overriding public interest against disclosure of the information, in accordance with the provisions of GIPA.

Members of the public who require an informal release or an access application can do so by contacting the Right to Information Officer at Council on telephone (02) 6368 2104.

2. POLICY DOCUMENTS

Council’s policies are maintained in a policy register – access to which is available from Council’s website using the following link:

http://www.blayney.local-e.nsw.gov.au/index.php?option=com_jentlacontent&view=article&id=486149:policies-1a-19o-&catid=1494:policies-plans-reports-blayney&Itemid=2003

3. GENERAL INFORMATION

The following list of general information held by Council has been divided into four sections as outlined by the Government Information (Public Access) Regulation 2009:-

1. Information about Council;
2. Plans and Policies;
3. Information about Development Applications;
4. Approvals, Orders and other Documents.

The Government Information (Public Access) Regulation 2009 requires that these documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council’s website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

These documents are:

1. Information about Council

- The model code of conduct prescribed under section 440 (1) of the LGA
- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy
- Annual Reports of Bodies Exercising Functions Delegated by Council
- Any Codes referred to in the Local Government Act
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for any meeting of Council or any Committee of Council
- Minutes of any meeting of Council or any Committee of Council
- Departmental Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters

2. Plans and Policies

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

3. Information about Development Applications

Development Applications and any associated documents received in relations to a proposed development:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspections Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports

- Records of decisions on Development Applications including decisions on appeals
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

4. Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the LGA
- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the Authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land

HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL DOCUMENTS CONCERNING THEIR PERSONAL AFFAIRS

As far as practicable, Council documents will be accessible by members of the public during office hours.

Persons interested in obtaining access to documents or who wish to seek an amendment to the Council's records concerning their personal affairs, should contact a Customer Service Officer. If you experience difficulty in obtaining documents or information you should contact Council's Public Officer.

ACCESS TO INFORMATION HELD BY THE COUNCIL

Blayney Shire Council is dedicated to good public decision making, transparency and accountability, and will provide access to information in accordance with the provisions of the GIPA Act.

Council has adopted a policy on access to information, to facilitate public access to the information held by Council. This policy is publicly available from Council's policy register on Council's website using the following link:

<http://www.blayney.local-e.nsw.gov.au/images/documents/blayney/mig/13360-2G2AccessstoInformationPolicy.pdf>

In accordance with the GIPA Act, Council will make information available to the public in the following ways, unless there is an overriding public interest against disclosure of information:

OPEN ACCESS INFORMATION

Through the mandatory disclosure of open access information (see above, Information Held by Council) – where practicable, this information will be made available free of charge on Council's website. Where it is not practicable for Council to provide open access information on the website, the information will be made available free of charge in at least one other format.

To access information that is not currently available on Council's website, please contact Council's Right to Information Officer on (02) 6368 2104.

PROACTIVE RELEASE OF INFORMATION

Through the proactive release of as much information as possible – this information will be made available free of charge, or at the lowest reasonable cost.

INFORMAL ACCESS REQUESTS

In response to an informal request (without the need for a formal application, unless there are good reasons to require one) – this information will be made available free of charge, subject to any reasonable conditions that may be imposed by Council. Council may require a written record of an informal request to access information.

FORMAL ACCESS APPLICATIONS

In response to a formal access application (for information that Council does not provide proactively or informally) – application fees and processing charges apply as per the GIPA Act.

The GIPA Act sets out the procedure for making and dealing with formal access applications. An application for information that is not already available by other means must be made on the "Formal Access Application" form, which is available at the Council Chamber or on Council's website using the following link:

<http://www.blayney.local-e.nsw.gov.au/images/documents/blayney/mig/13104-FormalAccessApplicationform.pdf>

A formal application is not a valid application unless it is accompanied by an application fee of \$30. The application fee counts as payment of the first hour of any processing charge that may be payable by the applicant. Processing charges for dealing with formal access applications are charged at a rate of \$30 per hour for each hour of processing time.

Enquiries regarding formal access applications should be made to Council's Right to Information Officer on (02) 6368 2104.

PUBLIC OFFICER – RIGHT TO INFORMATION OFFICER

The Director Corporate Services has been appointed as the Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. The Director Corporate Services is also Council's Right to Information Officer and, as such, is responsible for determining applications for access to documents or for the amendment of records. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer. Also, if you would like to amend a document of Council which you feel is incorrect it is necessary for you to make written application to the Public Officer (Right to Information Officer) in the first instance.

Enquiries should be addressed as follows:

General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

Email: council@blayney.nsw.gov.au

OFFICE OF THE INFORMATION COMMISSIONER

If you require any other advice or assistance about access to information you may contact the Office of the Information Commissioner by telephone on 1800 463 626 (free call), in person at Level 11, 1 Castlereagh Street, Sydney 2000, in writing to GPO Box 7011 Sydney NSW 2001 or by email at oinquiry@informationcommissioner.nsw.gov.au . Further information may also be obtained from website: www.oic.nsw.gov.au



Blayney Shire Council

Policy Register

Policy No 2D

| | |
|----------------------------|--|
| Policy Title | Public Interest Disclosures: Internal Reporting Policy |
| Document/File No | C13-12 |
| Officer Responsible | Director Corporate Services |
| Last Review Date | 10/12/2012 |

Objectives

This policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Blayney Shire Council, its staff and Councillors.

Policy Statement

Blayney Shire Council



Internal Reporting Policy

CONTENTS:

| | |
|---|----|
| DEFINITIONS | 3 |
| 1. PURPOSE AND CONTEXT OF THE POLICY | 4 |
| 2. ROLES AND RESPONSIBILITIES IN COUNCIL | 5 |
| 3. COUNCIL COMMITMENT | 5 |
| 4. WHAT SHOULD BE REPORTED? | 6 |
| a. Corrupt conduct | 6 |
| b. Maladministration | 7 |
| c. Serious and substantial waste in local government | 7 |
| d. Government information contravention | 7 |
| e. Other wrongdoing | 7 |
| 5. WHEN WILL A REPORT BE PROTECTED? | 8 |
| 6. HOW TO MAKE A REPORT | 8 |
| 7. CAN A REPORT BE ANONYMOUS? | 8 |
| 8. MAINTAINING CONFIDENTIALITY | 9 |
| 9. WHO CAN RECEIVE A REPORT WITHIN THE BLAYNEY SHIRE COUNCIL? | 9 |
| a. General Manager | 9 |
| b. Mayor | 10 |
| c. Disclosures coordinator | 10 |
| d. Disclosures officers | 10 |
| 10. WHO CAN RECEIVE A REPORT OUTSIDE OF THE BLAYNEY SHIRE COUNCIL | 10 |
| a. Investigating authorities | 11 |
| b. Members of Parliament or journalists | 11 |
| 11. THE INVESTIGATION PROCESS | 12 |
| 12. FEEDBACK TO STAFF WHO REPORT WRONGDOING | 13 |
| 13. PROTECTION AGAINST REPRISALS | 13 |
| a. Responding to reprisals | 14 |
| b. Protection against legal action | 15 |
| 14. SUPPORT FOR THOSE REPORTING WRONGDOING | 15 |
| 15. SANCTIONS FOR MAKING FALSE OR MISLEADING DISCLOSURES | 16 |
| 16. SUPPORT FOR THE SUBJECT OF A REPORT | 16 |
| 17. REVIEW | 16 |
| 18. MORE INFORMATION | 16 |
| 19. RESOURCES | 17 |
| 20. LEGISLATION AND REFERENCES | 18 |

| | |
|---|-----------|
| Blayney Shire Council references and relevant Codes & Policies | 18 |
| External References | 18 |
| 21. DIAGRAM: INTERNAL (PROTECTED DISCLOSURES) REPORTING SYSTEM | 19 |

INTERNAL REPORTING POLICY

PUBLIC INTEREST DISCLOSURES ACT 1994

DEFINITIONS

Three key concepts in the internal reporting system are “corrupt conduct”, “maladministration” and “serious and substantial waste of public money”. Definitions of these concepts are outlined below.

(1) Corrupt conduct

“Corrupt conduct” is defined in the Independent Commission Against Corruption Act 1988 (sections 8 and 9). The definition used in the Act is intentionally quite broad - corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.

Corrupt conduct can take many forms, i.e. taking or offering bribes, public officials dishonestly using influence, blackmail, fraud, election bribery and illegal gambling are some examples.

(2) Maladministration

“Maladministration” is defined in the Public Interest Disclosures Act as conduct that involves action or inaction of a **SERIOUS NATURE** that is:

◆ **contrary to law** (s.11(2)(a)) - for example:

- ◆ decisions or actions contrary to the law or ultra vires
- ◆ decisions or actions contrary to lawful and reasonable orders from persons or body's with authority to make or give such orders
- ◆ a breach of natural justice/procedural fairness
- ◆ unauthorised disclosure of confidential information

◆ **unreasonable** (s.11(2)(b)) - for example:

- ◆ decisions or actions:
 - ◆ inconsistent with adopted guidelines or policy
 - ◆ made or taken without obvious relationship to the facts or circumstances
 - ◆ so unreasonable that no reasonable person could so decide or act (i.e. irrational)
- ◆ relevant considerations not taken into account or irrelevant considerations taken into account
- ◆ serious delay
- ◆ wrong, inaccurate or misleading advice leading to detriment

- ◆ means used not reasonably proportional to ends to be achieved (i.e. excessive use of authority)
- ◆ failure to rectify identified mistakes, errors, oversights or improprieties

- ◆ **unjust** (s.11(2)(b)) - for example:
 - ◆ decisions or actions not justified by any evidence, so unreasonable that no reasonable person could so decide to act (i.e. irrational), or unconscionable
 - ◆ partial, unfair or inequitable decisions or actions
 - ◆ abuse of power

- ◆ **oppressive** (s.11(2)(b)) - for example:
 - ◆ unconscionable decisions or actions
 - ◆ abuse of power, intimidation or harassment
 - ◆ punitive, harsh, cruel or offensive decisions or actions

- ◆ **improperly discriminatory** (s.11(2)(b)) - for example:
 - ◆ inconsistent application of laws, policies or practices when there is no reasonable, justifiable or appropriate reason to do so
 - ◆ distinctions applied not authorised by law, or failure to make a distinction which is authorised or required by law
 - ◆ failure to perform duties impartially and equitably

- ◆ **based wholly or partially on improper motives** (s.11(2)(c)) - for example:
 - ◆ decisions or actions for a purpose other than that for which power was conferred
 - ◆ decisions or actions for personal advantage
 - ◆ bad faith

1. PURPOSE AND CONTEXT OF THE POLICY

The purpose of the Public Interest Disclosures Act (PID) 1994 is:

1. To encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector; and
2. To ensure that any public official who wishes to make a disclosure receives legal protection from reprisals, and that the matters raised in any disclosure are properly investigated.

The Act aims to encourage and facilitate the disclosure - in the public interest - of corrupt conduct, maladministration and serious and substantial waste in the public sector. This is achieved by:

- enhancing and augmenting established procedures for making disclosures concerning such matters;
- protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures; and
- providing for those disclosures to be properly investigated and dealt with.

This policy seeks to:

1. To establish an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Blayney Shire Council, members of Council staff and Councillors. This enables protected disclosures to be made to the Disclosure Coordinator, a nominated Disclosures Officer, the Mayor, or the General Manager.
2. To complement the normal means of communication between managers and members of Council staff. (Members of Council staff are encouraged to continue to raise appropriate matters at any time with their managers but they also have the right to make protected disclosures in accordance with this policy.)
3. To ensure that Council will take all reasonable steps to protect any Councillor or member of Council staff or Council contractor who makes a disclosure from any detrimental action in reprisal for making that disclosure.

2. ROLES AND RESPONSIBILITIES IN COUNCIL

This policy will apply to:

- Members of Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Council.

The policy may also apply to other people who perform public official functions and their conduct and activities could be investigated by an investigating authority. This can include volunteers and those contracted to work for Council.

Members of Council staff are encouraged to support those who have made disclosures, as well as protect and maintain their confidentiality. Staff must not victimize or harass anyone who has made a disclosure.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to continue to raise appropriate matters at any time with their supervisors, but as an alternative have the option of making a protected disclosure in accordance with this policy.

3. COUNCIL COMMITMENT

Blayney Shire Council, as an ethical Council, is committed to acting in accordance with the spirit and letter of the PID Act by:

- creating a climate of trust, where Council staff are comfortable and confident about reporting wrongdoing
- encouraging staff to come forward if they have witnessed what they consider to be wrongdoing within the council

- keeping the identity of the staff member disclosing wrongdoing confidential, wherever possible and appropriate
- protecting staff who make disclosures from any adverse action motivated by their report
- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- keeping staff who make reports informed of their progress and the outcome
- encouraging staff to report wrongdoing within Council, but respecting any decision to disclose wrongdoing outside Council, provided that disclosure outside Council is made in accordance with the PID Act
- ensuring managers and supervisors at all levels in Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing
- providing adequate resources, both financial and human, to:
 - encourage reports of wrongdoing
 - protect and support those who make them
 - provide training for key personnel
 - investigate allegations
 - properly manage any workplace issues that the allegations identify or create
 - correct any problem that is identified
 - reassess or review the policy each year to ensure it is still relevant and effective.

4. WHAT SHOULD BE REPORTED?

You should report any wrongdoing you see within the Blayney Shire Council. Reports about the four categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention – will be dealt with under the PID Act as protected disclosures and according to this policy.

a. Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on [what can be reported](#).

b. Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on [what can be reported](#).

c. Serious and substantial waste in local government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on [what can be reported](#).

d. Government information contravention

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guideline on [what can be reported](#).

e. Other wrongdoing

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with the Blayney Shire Council's policies.

Even if these reports are not dealt with as protected disclosures, the Blayney Shire Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

5. WHEN WILL A REPORT BE PROTECTED?

The Blayney Shire Council will support any staff who report wrongdoing. For a report to be considered a protected disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing. (the Ombudsman Guidelines provides further detail on when a report will be protected).
- The report has to be made to one or more of the following:
 - a position nominated in this policy – see section 9 (b), (c) & (d) below
 - the General Manager
 - one of the investigating authorities nominated in the PID Act – see section 10 below

Reports by staff and councillors will not be considered to be protected disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of the council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

6. HOW TO MAKE A REPORT

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

7. CAN A REPORT BE ANONYMOUS?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the Blayney Shire Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

8. MAINTAINING CONFIDENTIALITY

The Blayney Shire Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the council's code of conduct, as this may mean certain information will have to be tabled at a council meeting. If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the disclosures coordinator and the General Manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

9. WHO CAN RECEIVE A REPORT WITHIN THE BLAYNEY SHIRE COUNCIL?

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that – for a report to be a protected disclosure – it must be made to a public official in accordance with the council's disclosure procedures. For the Blayney Shire Council, this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a protected disclosure must refer the staff member making the report to one of the positions listed below. The broader responsibilities of these positions will be outlined in the guidelines supporting this policy.

If you are council staff and your report involves a councillor, you should make it to the General Manager or the Mayor. If you are a councillor and your report is about another councillor, you should make it to the General Manager or the Mayor.

The following positions are the only staff within the Blayney Shire Council who can receive a protected disclosure.

a. General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The General Manager must make sure there are systems in place in the Blayney Shire Council to support and protect staff who report wrongdoing. They are also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The General Manager may be contacted on 02 6368 2104.

b. Mayor

If you are making a report about the General Manager, you should make your report to the Mayor. They are responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The Mayor must make sure there are systems in place in the *Blayney Shire Council* to support and protect staff who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The Mayor may be contacted on 02 6368 2104

c. Disclosures coordinator

The disclosures coordinator has a central role in dealing with reports made by staff. They receive them, assess them, and refer them to the people within the *Blayney Shire Council* who can deal with them appropriately.

The Disclosures Coordinator (Director Corporate Services) may be contacted on telephone 02 6368 2104.

d. Disclosures officers

Disclosures officers work with the disclosures coordinator, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

Council's Disclosures Officers may be contacted as follows:

- Director of Engineering on telephone: 02 6368 2104
- Director Environmental Services on telephone: 02 6368 2104
- Human Resources Officer on telephone: 02 6368 2104

10. WHO CAN RECEIVE A REPORT OUTSIDE OF THE BLAYNEY SHIRE COUNCIL

Staff are encouraged to report wrongdoing within the Blayney Shire Council, but internal reporting is not your only option. If you follow the guidance below, your report can still be a protected disclosure.

You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to the Blayney Shire Council. If your report is about the General Manager or the Mayor, you should consider making it to an investigating authority.

You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.

a. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration
- the Police Integrity Commission (PIC) — for police misconduct
- the PIC Inspector — for disclosures about the PIC or its staff
- the Division of Local Government, Department of Premier and Cabinet — for serious and substantial waste in local government (reports about serious and substantial waste in State government agencies should be made to the Auditor General)
- the ICAC Inspector — for disclosures about the ICAC or its staff
- the Information Commissioner — for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with the Blayney Shire Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

b. Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, the Blayney Shire Council or investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Blayney Shire Council code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Blayney Shire Council, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

11. THE INVESTIGATION PROCESS

All disclosures will be promptly and thoroughly assessed. Decisions as to the most appropriate action to be taken on the disclosure will also be made promptly. The basis for these decisions will be properly documented.

If an internal investigation is to be conducted, terms of reference will be drawn up in order to clarify the key issues to be investigated. An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation plan is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.

An internal investigation will be authorised by the General Manager and the disclosure coordinator with an appropriate investigator appointed.

Strict security will be maintained during the investigative process. All information obtained will be secured to prevent unauthorised access.

All relevant witnesses will be interviewed and documents examined. Contemporaneous notes of all discussions, phone calls and interviews will be made. Where possible, interviews will be taped.

A report will be prepared when an investigation is complete. This report will include:

- the allegations;
- a statement of relevant facts and the evidence relied upon in reaching any conclusions;
- the conclusions reached and their basis; and
- recommendations to address any wrongdoing identified and any other matters arising during the investigation.

The principles of procedural fairness (natural justice) will be observed. In particular, where adverse comment about a person is to be included in the report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.

A flowchart of Blayney Shire Council's Internal Reporting System is annexed to this policy.

12. FEEDBACK TO STAFF WHO REPORT WRONGDOING

Staff who report wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

This information will be given to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Blayney Shire Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

13. PROTECTION AGAINST REPRISALS

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the protected disclosure.

The Blayney Shire Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has

made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

a. Responding to reprisals

The Blayney Shire Council will act to protect staff who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the disclosures coordinator or the General Manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the disclosures coordinator or the General Manager.

If the disclosures coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the General Manager for a decision
- give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals. If the allegation of reprisal action is about the General Manager, the Mayor may issue similar directions. These may include:

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
- relocating the member of staff who made the disclosure or the subject officer within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosure agrees to it. The disclosures coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

b. Protection against legal action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

14. SUPPORT FOR THOSE REPORTING WRONGDOING

The Blayney Shire Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a protected disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

All staff who report wrongdoing will be supported, protected and their disclosures appropriately acted upon. No staff member who reports wrongdoing through the appropriate channels will suffer disciplinary action for having done so.

Staff within Blayney Shire Council who can receive an internal protected disclosure will also support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those suffering any form of reprisal. Details of support officers appear in section 9 of this policy.

All supervisors must notify the disclosures coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

15. SANCTIONS FOR MAKING FALSE OR MISLEADING DISCLOSURES

It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

16. SUPPORT FOR THE SUBJECT OF A REPORT

The Blayney Shire Council is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

17. REVIEW

This policy will be reviewed by council every twelve/eighteen months. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

18. MORE INFORMATION

Staff can access advice and guidance about the PID Act from Blayney Shire Council Disclosures Coordinator (Director Corporate Services / Public Officer on telephone 6368 2104) and the NSW Ombudsman (for general advice on telephone 9286 1000) or its website at www.ombo.nsw.gov.au.

19. RESOURCES

The contact details for external investigating authorities that staff can make a protected disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 21, 133 Castlereagh Street,
Sydney NSW 2000

For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office
Phone: 02 9275 7100
Facsimile: 02 9275 7200
Email: mail@audit.nsw.gov.au
Web: www.audit.nsw.gov.au
Address: Level 15, 1 Margaret Street,
Sydney NSW 2000

For disclosures about police misconduct:

Police Integrity Commission (PIC)
Phone: 02 9321 6700
Toll free: 1800 657 079
Facsimile: 02 9321 6799
Email: contactus@pic.nsw.gov.au
Web: www.pic.nsw.gov.au
Address: Level 3, 111 Elizabeth Street,
Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street,
Sydney NSW 2000

For disclosures about serious and substantial waste in local government agencies:

Division of Local Government in the Department of Premier and Cabinet
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: dlq@dlq.nsw.gov.au
Web: www.dlg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra,
NSW 2541

For disclosures about breaches of the GIPA Act:

Information Commissioner
Toll free: 1800 463 626
Facsimile: 02 8114 3756
Email: ocinfo@oic.nsw.gov.au
Web: www.oic.nsw.gov.au
Address: Level 11, 1 Castlereagh Street,
Sydney NSW 2000

20. LEGISLATION AND REFERENCES

Blayney Shire Council references and relevant Codes & Policies

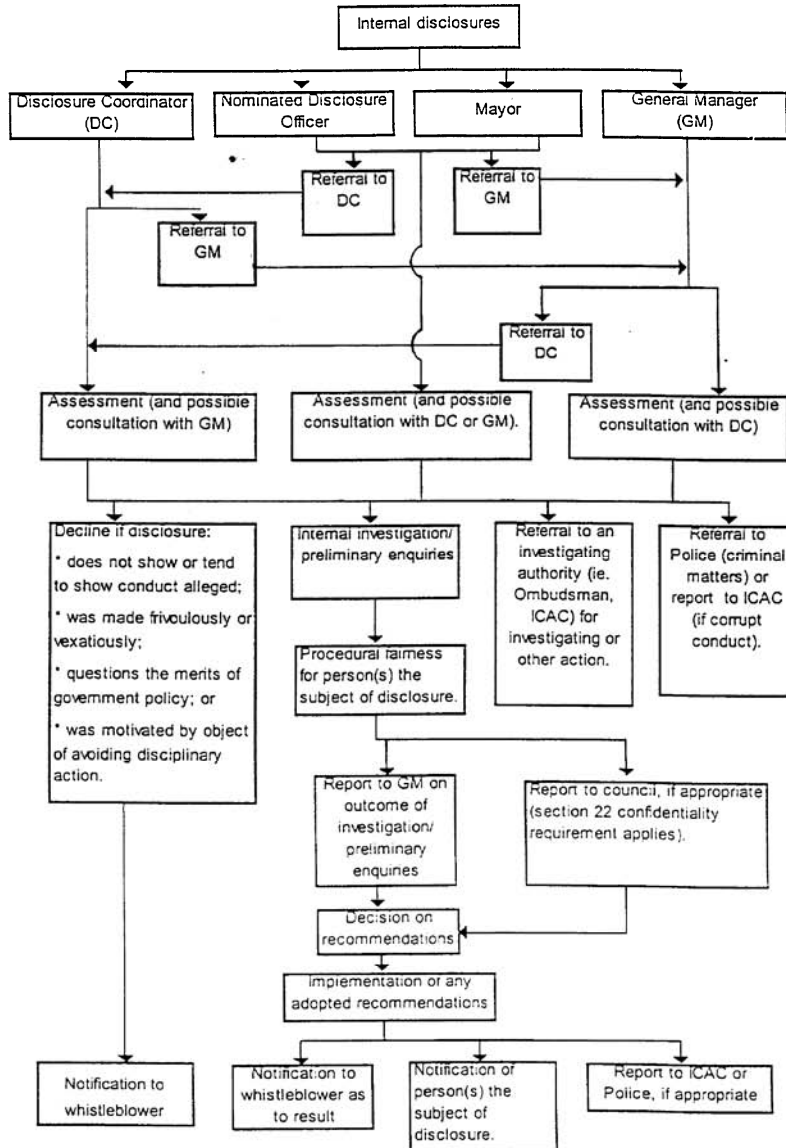
- 1B Code of Conduct
- 2C Complaints Management Policy
- 2F Fraud Control Policy
- 9A Occupational Health and Safety Policy
- 7P Grievance Handling Policy and Procedure

External References

- Independent Commission Against Corruption and the Local Government Managers Association of NSW: Governance Health Check 2004
- NSW Ombudsman: Changes to the public interest guidelines system – information for public authorities 2011
- NSW Ombudsman: Model internal reporting policy (local government) 2011
- NSW Ombudsman: Public Interest Disclosures Guidelines 2011
- NSW Ombudsman: What should be reported – http://www.ombo.nsw.gov.au/publication/PDF/guidelines/PID_guideline_B2-What_should_be_reported_6June2011.pdf

21. DIAGRAM: INTERNAL (PROTECTED DISCLOSURES) REPORTING SYSTEM

INTERNAL REPORTING SYSTEM



End of Policy

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