



ATTACHMENTS TO REPORTS OF THE BLAYNEY SHIRE COUNCIL
MEETING
HELD ON TUESDAY 25 FEBRUARY 2025

CORPORATE SERVICES REPORTS

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Quarterly Budget Review 2024-2025

**Period ending
31 December 2024**

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/10/24 to 31/12/24

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Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/10/24 to 31/12/24

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2021:

31 December 2024

It is my opinion that the Quarterly Budget Review Statement for Blayney Shire Council for the quarter ended 31/12/24 indicates that Council's projected financial position at 30/06/25 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

However, long term it is acknowledged that this position will not be sustainable into the future with Council having forecast ongoing operating deficits in the General Fund and declining levels of unrestricted cash throughout the 10 years as detailed in the Long Term Financial Plan. Council has been proactive in attempting to address its ongoing sustainability issues as outlined below:

Action taken to address future financial sustainability includes:

- | |
|--|
| a. In June 2022 Council engaged LG Solutions to undertake an independent strategic financial review of Council's financial position and sustainability which identified 45 recommendations. |
| b. Council formed a working group comprising Councillors and senior management to develop an action plan. Council was able to action 25 of the recommendations during preparation of the 2023/24 Operational Plan however this was not enough to address the ongoing projected deficits within the Long Term Financial Plan. |
| c. Council adopted the 2023/24 to 2026/27 Delivery Plan and 2023/24 Operational Plan on 27 June 2023, Council resolved to commence the Special Variation application process |
| d. Council engaged Morrison Low, who specialise in providing financial modelling to local government, to undertake a further independent financial assessment and to assist Council with commencing the Special Rate Variation process. |
| e. Council's SV application was approved by IPART in May and the SV was endorsed by Council following adoption of the 2024/25 Operational Plan and 2024/25 - 2027/28 Delivery Plan. |
| f. In the Long Term Financial Plan assumptions were made on receipt of revenue streams from the McPhillamy's mine, as recommended for inclusion by IPART, and will need to be reassessed with the next iteration of the Long Term Financial Plan. This will be undertaken with review of Council's Resource Strategy as part of Council adoption of its IP&R documents before the end of June 2024 |

Signed: Tiffaney Irlam

date: 18/02/2025

Tiffaney Irlam
Responsible Accounting Officer

Blayney Shire Council

PART 1:

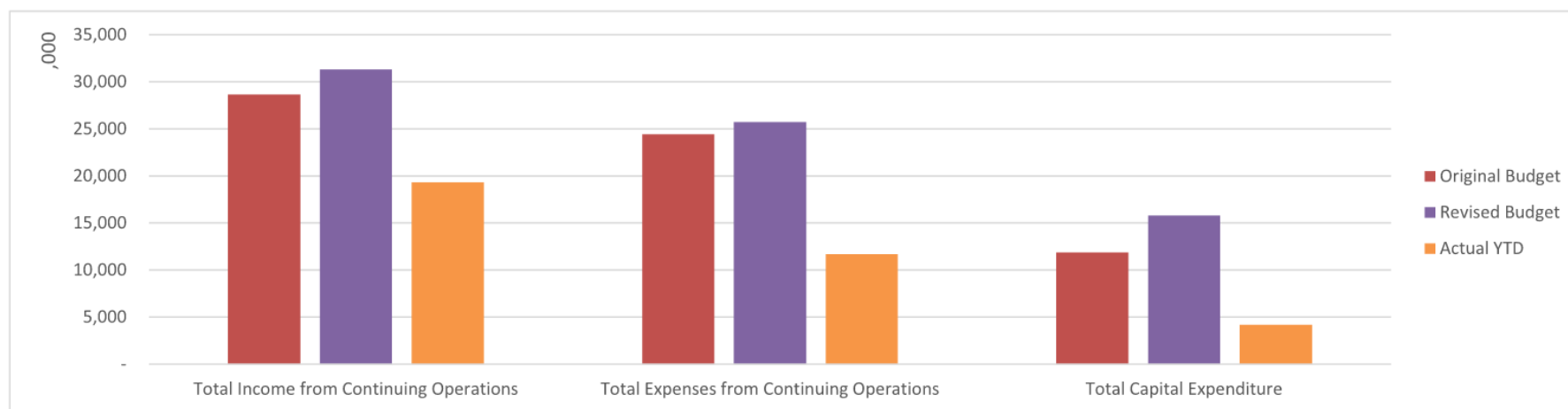
Income & Expenses Budget Summary

Budget review for the quarter ended 31 December 2024

Income & Expenses - Council Consolidated

(\$000's)

	Original Budget \$ 000	Revised budget 2024/25	Other than by QBRS Dec Qtr	Variations for this Dec Qtr	Projected Year End Result	Actual YTD figures
Total Income from Continuing Operations	28,655	31,327	-	760	32,087	19,308
Total Expenses from Continuing Operations	24,444	25,722	47	707	26,476	11,705
Net Operating Result from Continuing Operations	4,211	5,605	(47)	53	5,611	7,603
Total Capital Expenditure	11,872	15,800	412	(118)	16,094	4,180



Blayney Shire Council

Quarterly Budget Review Statement

for the period 01/10/24 to 31/12/24

Income & expenses budget review statement

Budget review for the quarter ended 31 December 2024

Income & expenses - Council Consolidated

(\$000's)	Original budget 2024/25	Revised budget** 2024/25	Other than by QBRS Dec Qtr	Variations for this Dec Qtr	Notes	Projected year end result	Actual YTD figures *	% Budget Remaining
Income								
Rates and annual charges	14,055	14,055		-		14,055	13,892	1%
User charges and fees	1,772	1,772		(1)	i	1,771	1,057	40%
Other revenues	278	282		20	a,i	302	184	39%
Grants and contributions - operating	5,907	6,650		(12)	b	6,638	738	89%
Grants and contributions - capital	5,760	7,685		(124)	d	7,561	2,336	69%
Interest and investment revenue	863	863		635	g	1,498	855	43%
Net gain from disposal of assets	(5)	(5)		242	h	237	246	0%
Share of interests in joint ventures	25	25		-		25	-	100%
Total income from continuing operations	28,655	31,327	-	760		32,087	19,308	40%
Expenses								
Employee benefits and on-costs	8,249	8,242		1	i	8,243	3,775	54%
Borrowing costs	173	173		-		173	68	61%
Materials and services	6,256	6,742	47	(3)	b,i	6,786	2,622	61%
Depreciation and amortisation	8,363	8,483		644	f	9,127	4,567	50%
Legal costs	58	78		(5)	i	73	38	48%
Consultants	165	764		65	c,e,i	829	47	94%
Other expenses	1,180	1,240		5	b,i	1,245	588	53%
Total expenses from continuing operations	24,444	25,722	47	707		26,476	11,705	56%
Net operating result from continuing operations	4,211	5,605	(47)	53		5,611	7,603	
Discontinued operations - surplus/(deficit)		-				-		
Net operating result from all operations	4,211	5,605	(47)	53		5,611	7,603	
Net Operating Result before Capital Items	(1,549)	(2,080)	(47)	177		(1,950)	5,267	

* Rates and annual charges are levied in full in July with minor variations made throughout the year. There are other income and expenditure items that vary in timing when paid or received (e.g. weekly, monthly or annually).

** Revised Budget represents the adopted budget as at the September Quarterly Budget Review Statement

Blayney Shire Council

Quarterly Budget Review Statement

for the period 01/10/24 to 31/12/24

Income & expenses budget review statement

Budget review for the quarter ended 31 December 2024

Income & expenses - General Fund

(\$000's)	Original budget 2024/25	Revised budget** 2024/25	Other than by QBRS Dec Qtr	Variations for this Dec Qtr	Notes	Projected year end result	Actual YTD figures	% Budget Remaining
Income								
Rates and annual charges	12,432	12,432				12,432	12,501	-1%
User charges and fees	1,407	1,407		(1)	i	1,406	750	47%
Other revenues	278	282		20	a,i	302	184	39%
Grants and contributions - operating	5,907	6,457		(12)	b	6,445	738	89%
Grants and contributions - capital	5,620	7,545		(124)	d	7,421	2,223	70%
Interest and investment revenue	582	582		540	g	1,122	640	43%
Net gain from disposal of assets	(5)	(5)		242	h	237	246	0%
Share of interests in joint ventures	25	25				25	-	100%
Total income from continuing operations	26,246	28,725	-	665		29,390	17,282	41%
Expenses								
Employee benefits and on-costs	7,904	7,897		1	i	7,898	3,618	54%
Borrowing costs	151	151				151	59	61%
Materials and services	5,261	5,437	47	(8)	i	5,476	2,148	61%
Depreciation and amortisation	7,588	7,708		640	f	8,348	4,179	50%
Legal costs	58	78		(5)	i	73	38	48%
Consultants	165	764		65	c,e,i	829	29	97%
Other expenses	1,180	1,238		5	i	1,243	587	53%
Total expenses from continuing operations	22,307	23,273	47	698		24,018	10,658	56%
Net operating result from continuing operations	3,939	5,452	(47)	(33)		5,372	6,624	
Discontinued operations - surplus/(deficit)		-				-		
Net operating result from all operations	3,939	5,452	(47)	(33)		5,372	6,624	
Net Operating Result before Capital Items	(1,681)	(2,093)	(47)	91		(2,049)	4,401	

* Rates and annual charges are levied in full in July with minor variations made throughout the year. There are other income and expenditure items that vary in timing when paid or received (e.g. weekly, monthly or annually).

** Revised Budget represents the adopted budget as at the September Quarterly Budget Review Statement

Blayney Shire Council

Quarterly Budget Review Statement

for the period 01/10/24 to 31/12/24

Income & expenses budget review statement

Budget review for the quarter ended 31 December 2024

Income & expenses - Sewer Fund

(\$000's)	Original budget 2024/25	Revised budget** 2024/25	Other than by QBRs Dec Qtr	Variations for this Dec Qtr	Notes	Projected year end result	Actual YTD figures	% Budget Remaining
Income								
Rates and annual charges	1,623	1,623				1,623	1,391	14%
User charges and fees	365	365				365	307	16%
Other revenues		-				-	-	0%
Grants and contributions - operating		193				193	-	100%
Grants and contributions - capital	140	140				140	113	19%
Interest and investment revenue	281	281		95	g	376	215	43%
Net gain from disposal of assets		-				-	-	0%
Share of interests in joint ventures		-				-	-	0%
Total income from continuing operations	2,409	2,602	-	95		2,697	2,026	25%
Expenses								
Employee benefits and on-costs	345	345				345	157	54%
Borrowing costs	21	21				21	9	57%
Materials and services	972	1,282		5	i	1,287	474	63%
Depreciation and amortisation	775	775		4	f	779	388	50%
Legal costs	5	5				5		100%
Consultants	18	18				18	18	0%
Other expenses	1	3				3	1	67%
Total expenses from continuing operations	2,137	2,449	-	9		2,458	1,047	57%
Net operating result from continuing operations	272	153	-	86		239	979	
Discontinued operations - surplus/(deficit)		-				-		
Net operating result from all operations	272	153	-	86		239	979	
Net Operating Result before Capital Items	132	13	-	86		99	866	

* Rates and annual charges are levied in full in July with minor variations made throughout the year. There are other income and expenditure items that vary in timing when paid or received (e.g. weekly, monthly or annually).

** Revised Budget represents the adopted budget as at the September Quarterly Budget Review Statement

Blayney Shire Council

Quarterly Budget Review Statement

for the period 01/10/24 to 31/12/24

Income & expenses budget review statement

Budget review for the quarter ended 31 December 2024

Income & expenses - Council Consolidated

(\$000's)	Original budget 2024/25	Revised budget* 2024/25	Other than by QBRs Dec Qtr	Variations for this Dec Qtr	Notes	Projected year end result	Actual YTD figures
Income							
Governance	86	86				86	8
Administration	354	358		256	a,h,i	614	417
Public order & safety	64	64		(19)	d	45	13
Health	9	9				9	6
Environment	1,802	1,891		4	i	1,895	1,812
Community services & education	3	3				3	3
Housing & community amenities	227	286		(12)	b	274	184
Sewer supplies	2,409	2,602		95	g	2,697	2,026
Recreation & culture	289	355		(105)	d	250	145
Manufacturing & construction	644	644				644	261
Transport & communication	8,498	10,756				10,756	2,544
Economic affairs	152	155		1	i	156	109
General purpose revenue	14,093	14,093		540	g	14,633	11,780
Share of Interest in Joint Ventures	25	25				25	
Total income from continuing operations	28,655	31,327	-	760		32,087	19,308
Expenses							
Governance	704	792				792	308
Administration	5,676	5,731		54	f,i	5,785	2,432
Public order & safety	874	876		(46)	f	830	406
Health	20	20				20	9
Environment	2,333	2,526	27	91	c,e,f	2,644	1,015
Community services & education	21	21				21	10
Housing & community amenities	740	804	20			824	320
Sewer supplies	2,137	2,449		9	f,i	2,458	1,047
Recreation & culture	3,589	3,687		70	f	3,757	1,611
Manufacturing & construction	613	733		(84)	f	649	306
Transport & communication	7,299	7,632		612	f	8,244	3,959
Economic affairs	438	451		1	i	452	282
Total expenses from continuing operations	24,444	25,722	47	707		26,476	11,705
Net operating result from continuing operations	4,211	5,605	(47)	53		5,611	7,603
Discontinued operations - surplus/(deficit)		-				-	
Net operating result from all operations	4,211	5,605	(47)	53		5,611	7,603
Net operating result before capital items	(1,549)	(2,080)	(47)	(707)		(1,950)	5,267

* Revised Budget represents the adopted budget as at the September Quarterly Budget Review Statement

Blayney Shire Council

PART 3A:

Operating Income & Expenses Budget Review Statement (By Function/Activity - Detailed)

Quarterly Budget Review Statement

for the period 01/10/24 to 31/12/24

Budget review for the quarter ended 31 December 2024

Operating Income & Expenses - Council Consolidated (Excludes Capital Grants and Contributions)

(\$000's)	Operating Income								Operating Expenditure							
	Original Budget 2024/25	Revised Budget* 2024/25	Other than by QBRS Dec Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%	Original Budget 2024/25	Revised Budget* 2024/25	Other than by QBRS Dec Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
Governance																
Council	86	86				86	8	90.7%	704	792		-		792	308	61.1%
Administration																
Executive Services	13	13				13	5	61.5%	748	748				748	354	52.7%
Corporate Services	184	188		14	a,i	202	82	59.4%	2,200	2,214		7	f,i	2,221	1,169	47.4%
Engineering & Works	152	152		242	h	394	327	17.0%	2,311	2,332		38	f	2,370	724	69.5%
Environmental	5	5				5	3	40.0%	417	437		9	f,i	446	185	58.5%
	354	358	-	256		614	417	32.1%	5,676	5,731	-	54		5,785	2,432	58.0%
Public Order & Safety																
Rural Fire Service	50	50				50	6	88.0%	679	681		(46)	f	635	321	49.4%
Animal Control	14	14				14	7	50.0%	136	136				136	56	58.8%
Emergency Services	-	-				-	-	0.0%	59	59				59	29	50.8%
Other Public Order & Safety	-	-				-	-	0.0%	-	-				-	-	0.0%
	64	64	-	-		64	13	79.7%	874	876	-	(46)		830	406	51.1%
Health																
Administration/Food Control	9	9				9	6	33.3%	20	20				20	9	55.0%
	9	9	-	-		9	6	33.3%	20	20	-	-		20	9	55.0%
Environment																
Noxious Plants	-	-				-	-	0.0%	141	141	27			168	89	47.0%
Domestic Waste Management	1,181	1,181				1,181	1,181	0.0%	1,123	1,123				1,123	431	61.6%
Other Waste Management	621	621		4	i	625	625	0.0%	629	733		10	c	743	257	65.4%
Street Cleaning	-	-				-	-	0.0%	188	188				188	105	44.1%
Other Environmental Protection	-	-				-	-	0.0%	-	-				-	-	0.0%
Urban Stormwater Drainage	-	89				89	6	93.3%	252	341		81	e,f	422	133	68.5%
	1,802	1,891	-	4		1,895	1,812	4.4%	2,333	2,526	27	91		2,644	1,015	61.6%
Community Services & Education																
Community Services Administration	-	-				-	-	0.0%	10	10				10	5	50.0%
Child Care	-	-				-	-	0.0%	5	5				5	5	0.0%
Youth Services	3	3				3	3	0.0%	6	6				6	-	100.0%
	3	3	-	-		3	3	0.0%	21	21	-	-		21	10	52.4%
Housing & Community Amenities																
Public Cemeteries	78	78				78	48	38.5%	100	100				100	44	56.0%
Public Conveniences	7	7				7	4	42.9%	192	197	20			217	79	63.6%
Street Lighting	25	25				25	-	100.0%	87	87				87	33	62.1%
Town Planning	142	201		(12)	b	189	78	58.7%	361	420				420	164	61.0%
	252	311	-	(12)		299	130	56.5%	740	804	20	-		824	320	61.2%

Blayney Shire Council

PART 3A:

Operating Income & Expenses Budget Review Statement (By Function/Activity - Detailed)

Quarterly Budget Review Statement

for the period 01/10/24 to 31/12/24

Budget review for the quarter ended 31 December 2024

Operating Income & Expenses - Council Consolidated (Excludes Capital Grants and Contributions)

(\$000's)	Operating Income								Operating Expenditure							
	Original Budget 2024/25	Revised Budget* 2024/25	Other than by QBRS Dec Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%	Original Budget 2024/25	Revised Budget* 2024/25	Other than by QBRS Dec Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
Recreation & Culture																
Public Libraries	85	83				83	83	0.0%	291	323				323	129	60.1%
Public Halls	21	21				21	13	38.1%	231	235				235	117	50.2%
Other Cultural Services	-	-				-	-	0.0%	7	7				7	5	28.6%
Centrepont Sport & Leisure	-	-				-	-	0.0%	1,213	1,210		29	f	1,239	515	58.4%
Sporting Grounds	22	22				22	20	9.1%	450	451		8	f	459	212	53.8%
Parks & Gardens	-	-				-	-	0.0%	1,155	1,151		27	f	1,178	524	55.5%
Blayney Showground	23	73				73	21	71.2%	242	310		6	f	316	109	65.5%
	151	199	-	-		199	137	31.2%	3,589	3,687	-	70		3,757	1,611	57.1%
Mining Manufacturing & Construction																
Building Control	261	261				261	107	59.0%	208	208				208	117	43.8%
Quarries & Pits	383	383				383	154	59.8%	405	525		(84)	f	441	189	57.1%
	644	644	-	-		644	261	59.5%	613	733	-	(84)		649	306	52.9%
Transport & Communication																
Local Roads	2,506	2,506				2,506	111	95.6%	5,884	5,879		554	f	6,433	3,299	48.7%
Regional Roads	348	348				348	180	48.3%	283	283				283	82	71.0%
Bridges - Local	2	2				2	-	100.0%	582	587				587	258	56.0%
Bridges - Regional	-	-				-	-	0.0%	-	-				-	-	0.0%
Footpaths	-	-				-	-	0.0%	176	176		6	f	182	89	51.1%
Kerb and Gutter	-	-				-	-	0.0%	185	185		27	f	212	105	50.5%
Other Transport and Communication	135	468				468	92	80.3%	189	522		25	f	547	126	77.0%
	2,991	3,324	-	-		3,324	383	88.5%	7,299	7,632	-	612		8,244	3,959	52.0%
Economic Affairs																
Tourism & Area Promotion	37	37				37	23	37.8%	328	341				341	188	44.9%
Industrial Development & Promotion	13	13				13	-	100.0%	15	15				15	4	73.3%
Real Estate	-	-				-	-	0.0%	13	13				13	7	46.2%
Other Business - Private Works	102	102		1	i	103	86	16.5%	82	82		1	i	83	83	0.0%
	152	152	-	1		153	109	28.8%	438	451	-	1		452	282	37.6%
General Purpose Revenue																
General Purpose Revenues	14,118	14,118		540	g	14,658	11,780	19.6%	-	-	-			-	-	0.0%
Sewerage Services	2,269	2,330		95	g	2,425	1,913	21.1%	2,137	2,449		9	f,i	2,458	1,047	57.4%
Surplus/(Deficit) From Ordinary Activities Before Capital Grants & Contributions	22,895	23,489	-	884		24,373	16,972	30.4%	24,444	25,722	47	707		26,476	11,705	55.8%

* Revised Budget represents the adopted budget as at the September Quarterly Budget Review Statement

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/10/24 to 31/12/24

Income & expenses budget review statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

	Income \$000	Expenditure \$000
a Income for the sale of land for unpaid rates budgeted in error.	19	
	19	-
b Remove projected grant funding for the Local Heritage Fund & Heritage Advisory program that will not be forthcoming in 2024/2025.	(12)	
	(12)	-
c Revise September QBRS adjustment for environmental reporting compliance works at the waste facility as directed by the EPA as quote returned higher than estimated.		10
	-	10
d Reduction to capital grants and contribution from the following projects due to unspent or unrealised funding: - <i>Blayney Rotary lookout project</i> - <i>Rural Fire Service Shed Blayney</i> - <i>Recreational Fishing Trust Carcoar Dam facility upgrades</i>	(80) (19) (25) (124)	
		-
e Varied program of works relating to the NSW Flood Recovery Grant (previously allocated to capital expenditure): - <i>Stormwater design and analysis - Industrial area</i>		50
	-	50
f Adjustment of budget allowance for depreciation due to asset indexation: - <i>Plant & Equipment</i> - <i>Urban Stormwater Drainage</i> - <i>Open Space & Other Recreation</i> - <i>Other Remediation Assets</i> - <i>Roads, Bridges & Footpaths</i> - <i>Other Transport</i> - <i>Sewerage Network</i>		10 31 70 (84) 554 58 4
	-	643
g Adjustment of budget allowance for interest on investments exceeding current provision - <i>General Fund</i> - <i>Sewer Fund</i>	540 95 635	
		-
h Profit on sale of major plant item which was replaced in 2023/24.	242	
	242	-
i Minor budget adjustments	-	4
	-	4
	760	707
Net adjustment to operating result		53

Approved changes to revised budget since the last QBRS

Budget Variations approved other than by QBRS by resolution of Council

Date	Resolution	Item	Income \$000	Expenditure \$000
26/11/2024	2410/030	Bring forward continued funding for roadside weed control for Upper Macquarie County Council from 2025/26 allocation		27
			-	27
17/12/2024	2412/018	Increased compliance activities relating to Council's bore network		20
			-	20
TOTAL			-	47

Blayney Shire Council

Quarterly Budget Review Statement

for the period 01/10/24 to 31/12/24

Capital budget review statement

Budget review for the quarter ended 31 December 2024

Capital budget - Council Consolidated

(\$000's)	Original budget 2024/25	Revised budget 2024/25	Other than by QBRS Dec Qtr	Variations for this Dec Qtr	Notes	Projected year end result	Actual YTD figures
Capital expenditure							
New assets							
- Plant & equipment	1,752	2,812		56	5	2,868	263
- Land & buildings	-	-		-		-	-
- Sewer	120	120		-		120	8
- Roads, Bridges, Footpaths	424	600	355	-		955	147
- Other	158	300		(105)	1,4	195	34
Renewal assets (replacement)							
- Plant & equipment	-	-		-		-	-
- Land & buildings	634	769		(19)	4	750	106
- Sewer	500	610	57	-		667	408
- Roads, bridges, footpaths	7,685	9,988		(50)	2,3	9,938	2,962
- Other	133	135		-		135	9
Loan repayments (principal)	466	466		-		466	243
Total capital expenditure	11,872	15,800	412	(118)		16,094	4,180
Capital funding							
Rates & other untied funding	3,075	3,129		(52)	2,3,6	3,077	893
Capital grants & contributions	5,966	8,186		(124)	1,4	8,062	2,342
Reserves:							
- External restrictions	640	912	412			1,324	494
- Internal allocations	1,713	2,869		58	5	2,927	122
New loans	-	-		-		-	-
Receipts from sale of assets							
- Plant & equipment	478	704		-		704	329
- Land & buildings	-	-		-		-	-
Total capital funding	11,872	15,800	412	(118)		16,094	4,180
Net capital funding - surplus/(deficit)	-	-	-	-		-	-

Blayney Shire Council

PART 4A:

Capital Budget Review Statement

Budget review for the quarter ended 31 December 2024

Capital Budget - Council Consolidated
(\$000's)

LAND & BUILDINGS

Building Renewal Work

RFS Shed Blayney

Blayney Library - Exterior Painting

Blayney Community Centre - Fire Door Replacement

Blayney Community Centre - Camera Installation

SCCF5 - KGO Grandstand Upgrades

R4R8 - Amenities Refurbishment - Carrington Park

R4R8 - Amenities Refurbishment - Heritage Park

TOTAL LAND & BUILDINGS

OTHER STRUCTURES

Public Cemeteries - Infrastructure Works

Bore - Waste Facility

Waste Facility - Leachate Collection Stage 1

Waste Facility - Leachate Collection Preliminary Costs Stage 2

Blayney Rotary Lookout

Redmond Oval War Memorial Gates

RFCG Carcoat Dam Boat Ramp Seal & Carpark Improvements

RFCG Carcoat Dam Boating Safety and Fishing Facilities Upgrade

Village Enhancement Program

TOTAL OTHER STRUCTURES

Quarterly Budget Review Statement

for the period 01/10/24 to 31/12/24

Project ID		Original Budget 2024/25	Revised Budget** 2024/25	Other than by QBRs Dec Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
11401630	R	634	634				634	23	96%
CX0133	R		21		(19)	4	2	-	100%
CX0192	R		14				14	14	0%
CX0189	R		2				2	-	100%
CX0188	R		1				1	1	0%
CX0161	R		36				36	7	81%
CX0147	R		8				8	8	0%
CX0116	R		53				53	53	0%
		634	769	-	(19)		750	106	86%
12202610	R	12	17				17	6	65%
11902610	N		3				3	3	0%
CX0177	N		50				50	26	48%
CX0195	N		20				20	1	95%
CX0186	N	158	158		(80)	1	78	4	95%
12807630	N		12				12		100%
CX0174	N		32				32		100%
CX0168	N		25		(25)	4	-	-	0%
	R	121	118	-	(105)		118	3	97%
		291	435	-	(105)		330	43	87%

Blayney Shire Council

PART 4A:

Capital Budget Review Statement

Budget review for the quarter ended 31 December 2024

Capital Budget - Council Consolidated
(\$000's)

INFRASTRUCTURE

Local Roads - Construction

R4R8 Forest Reefs Road/Tallwood Road Intersection
R4R9 Richards Lane upgrade
R4R9 Browns Creek Road
AGRN1034 Rodd Street Carcoar Storm Damage
AGRN1034 Errowanbang Road/Panuara Road Intersection
Spring Hill Road Design Work
LRCI Forest Reefs Road Cowriga Creek Heavy Patching
Icely St Guardrail Renewals RdBarrier134
Gravel Resheeting
Heavy Patching Program
Reseal Program
Kerb and Gutter Network Renewals

TOTAL LOCAL ROADS CONSTRUCTION

Regional Roads

R4R9 Hobbys Yard Road Patching

TOTAL REGIONAL ROADS

Bridges

R4R9/REPAIR - Belubula Way over Icely Creek
AGRN1034 Coombing St over Belubula River Bridge
Leabeater Street Grubbenbun Creek
Newbridge Road Evans Plains Creek
Newbridge Road Culvert
Carcoar Dam Road Culvert
Brady Road Culvert Investigation
Coombing Street Crossing design
Matthews Road Cowriga Creek Barrier Renewal
Culvert Renewal Program
FCB Four Mile Creek, Swallow Creek

TOTAL BRIDGES

		Quarterly Budget Review Statement							for the period 01/10/24 to 31/12/24	
Project ID		Original Budget 2024/25	Revised Budget** 2024/25	Other than by QBRs Dec Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%	
340206	R		145				145	57	61%	
340257	R	1,246	1,259				1,259	33	97%	
340247	R	600	669				669	473	29%	
340288	R		420				420	10	98%	
340330	R		79				79		100%	
340360	R	60	60				60		100%	
340361	R	310	310				310		100%	
340375	R		-		45	3	45	-	100%	
340075	R	418	418				418	303	28%	
340060	R	800	800				800	41	95%	
340063	R	455	455				455	324	29%	
341461	R	66	66				66	48	27%	
		3,955	4,681	-	45		4,726	1,289	73%	
340281	R	2,000	2,278				2,278	149	93%	
		2,000	2,278	-	-		2,278	149	93%	
341061	R		20				20		100%	
340339	R		46				46		100%	
340889	R		22				22	10	55%	
340884	R		12				12	6	50%	
340904	R	233	228		100	2	328	8	98%	
340867	R	77	77	(67)			10		100%	
340925	R		-		24	3	24		100%	
340879	R	1,000	200		(150)	2	50		100%	
340919	R		90		(69)	3	21		100%	
340863	R	173	173				173	74	57%	
340910	R		1,578				1,578	1,249	21%	
		1,483	2,446	(67)	(95)		2,284	1,347	41%	

Blayney Shire Council

PART 4A:

Capital Budget Review Statement

Budget review for the quarter ended 31 December 2024

Capital Budget - Council Consolidated
(\$000's)

Footpaths

Spot Renewals	341261	R	51	51			51		100%
Design Works - Three Brothers Road to Accessible Amenities at Newbridge Showground	341361	N	10	10			10		100%
Heritage Pavement for Millthorpe Village - Victoria St - Montgomery St	341362	N	281	281	338		619		100%
Charles St - FP - Adelaide St - Osman St (Blayney AMP 8)	341363	N	51	51			51		100%
Hawke St - FP - Stirling Pl - Ewin St (Blayney AMP 19)	341364	N	30	30	(30)		-		0%
Ewin St - FP - Existing - Palmer Street (Blayney AMP 18)	341365	N	24	24			24		100%
Naylor St - FP - Stoke Ln - Bridge (Carcoar AMP Ad2)	341366	N	28	28	(28)		-		0%
SCCF4 - Belubula River Walk Stage 4 (Martin St - Charles St - Boardwalk to Island)	341337	N		5			5		100%
SCCF5 - Plumb St/Palmer St FP - Piggott Pl - Orange Rd	341353	N		171	17		188	147	22%
SCCF5 - Orange Rd FP - Binstead St - Palmer St	341354	R		123			123	94	24%
R4R8 Trunkey St - SP - Showground - Newbridge Hotel / Toomey St (AMP 1)	341341	R		41			41	12	71%
R4R8 - Millthorpe (AMP 10B) Glenorie Rd SP Stage 2 - Rail Overbridge to Dog Run	341340	R		5			5	1	80%
R4R8 - King George Oval Parking & Pedestrian Integration	341344	R		109			109		100%
TOTAL FOOTPATHS			475	929	297	-	1,226	254	79%

Stormwater

Stormwater Drainage Renewals	190661	R	196	196			196	19	90%
Hawke Street Drainage Improvements	190682	R		-	125		125		100%
Stormwater Drainage - Stabback & Unwin St	190675	R		58			58	51	12%
TOTAL STORMWATER			196	254	125	-	379	70	82%

TOTAL INFRASTRUCTURE

Project ID	Original Budget 2024/25	Revised Budget** 2024/25	Other than by QBRs Dec Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
	475	929	297	-		1,226	254	79%
	196	254	125	-		379	70	82%
TOTAL INFRASTRUCTURE	8,109	10,588	355	(50)		10,893	3,109	71%

Blayney Shire Council

PART 4A:

Capital Budget Review Statement

Budget review for the quarter ended 31 December 2024

Capital Budget - Council Consolidated
(\$000's)

PLANT & EQUIPMENT

Light Vehicle*

Light Vehicle Replacement

TOTAL LIGHT VEHICLE*

Minor Plant*

Small Plant & Tools

TOTAL MINOR PLANT*

Major Plant

Dynapac CA3500

Dynapac CA3500

Dynapac CA500PD

Isuzu NH Rigid Haul Truck

Hino 500 Series

Hino 500 Series

Hino 500 Series

Toro GM 3310 Front Deck Mower RD

Toro GM 3310 Front Deck Mower RD

Toro GM 3310 Front Deck Mower RD

John Deere 6095MC

John Deere 6095MC

Hyundai Loader HL740-9

Volvo 12t Tipper

Dog Trailer

TOTAL MAJOR PLANT

Quarterly Budget Review Statement

for the period 01/10/24 to 31/12/24

Project ID		Original Budget 2024/25	Revised Budget** 2024/25	Other than by QBRs Dec Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
			-						
			-						
N		404	520				520	115	78%
		404	520	-	-		520	115	78%
140506	N	33	33				33		100%
		33	33	-	-		33	-	100%
140561	N	157	157				157		100%
140561	N	157	157				157		100%
140561	N	205	205				205		100%
140561	N	87	87				87		100%
140561	N	125	125				125		100%
140561	N	125	125				125		100%
140561	N	125	125				125		100%
140561	N	-	-		74	5	74		100%
140561	N	-	-		73	5	73		100%
140561	N	-	-		73	5	73		100%
140561	N	81	81		(81)	5	-		0%
140561	N	81	81		(81)	5	-		0%
140561	N		368				368		100%
140561	N		416				416		100%
140561	N		94				94		100%
		1,143	2,021	-	58		2,079		100%

Blayney Shire Council

PART 4A:

Capital Budget Review Statement

Budget review for the quarter ended 31 December 2024

Capital Budget - Council Consolidated
(\$000's)

Quarterly Budget Review Statement

for the period 01/10/24 to 31/12/24

	Project ID		Original Budget 2024/25	Revised Budget** 2024/25	Other than by QBRS Dec Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
Information Technology										
Councillors - Mobile Device Replacements	CX0179	N	17	17		(2)	6	15	15	0%
Network Switches 10GB Upgrade	CX0183	N	8	8				8	6	25%
Mobile Device Replacements	CX0163	N	5	5				5	2	60%
Mobile Phone Replacements	CX0164	N	5	5				5	3	40%
Aerial Imagery	CX0165	N		56				56		100%
PC Replacements	CX0181	N	60	60				60	60	0%
Server Replacement	CX0180	N	11	10				10	10	0%
UPS Battery Backup	CX0182	N	7	7				7	7	0%
AssetFinda Field App	CX0184	N	13	13				13	13	0%
Airlock Project	CX0185	N	18	18				18	15	17%
TOTAL INFORMATION TECHNOLOGY			144	199	-	(2)		197	131	34%
Other Plant & Equipment Purchases										
Administration Office - Minor Asset Purchases	140061	N	4	4				4		100%
Blayney Community Centre - Minor Assets	280361	N	6	13				13	6	54%
Blayney Community Centre - Fridge Replacement	280361	N		4				4	4	0%
Blayney Library - Minor Asset Purchases	280261	N	18	18				18	7	61%
TOTAL OTHER PLANT & EQUIPMENT PURCHASES			28	39	-	-		39	17	56%
TOTAL PLANT & EQUIPMENT			1,752	2,812	-	56		2,868	263	91%
Sewerage Services										
Aerator Replacement STP	260066	R		24	23			47		100%
STP Microwave Link Upgrade	CX0190	R		5				5	5	0%
Lining/Replacement of Sewer Mains	260065	R	450	507	34			541	366	32%
Replacement of pumps in SPS	260064	R	50	74				74	37	50%
Monoscreen Step Screen Failure	260062	N	90	90				90	7	92%
Recycled Water Treatment Plant	260081	N	30	30				30	1	97%
TOTAL SEWERAGE SERVICES			620	730	57	-		787	416	47%

Blayney Shire Council

PART 4A:

Capital Budget Review Statement

Budget review for the quarter ended 31 December 2024

Capital Budget - Council Consolidated
(\$000's)

Quarterly Budget Review Statement

for the period 01/10/24 to 31/12/24

Project ID	Original Budget 2024/25	Revised Budget** 2024/25	Other than by QBRS Dec Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
Principal Loan Repayments								
Bridge Replacement Program	150	150				150	75	50%
Works Depot	25	25				25	25	0%
Millthorpe Sewer	70	70				70	34	51%
Residential Land Development	133	133				133	66	50%
CentrePoint Major Upgrade	88	88				88	44	51%
	466	466	-	-		466	243	48%
Total Capital Expenditure***	11,872	15,800	412	(118)		16,094	4,180	
Asset Sales/ Trades-Ins								
Light Vehicle Replacement	154	229				229	75	67%
Major Plant Sales	32	304				304	254	16%
Minor Plant Sales	292	292				292		100%
	478	825	-	-		825	329	
Net Capital Expenditure	11,394	14,975	412	(118)		15,269	3,851	
Right of Use Assets (Leasing Costs)								
Forklift	2	13				13	3	
Photocopiers	16	16				16	8	
	18	29	-	-		29		

* Light vehicle and plant replacements are budgeted at full cost in the Capital Expenditure Program but are offset by trade in value on existing vehicles/plant as detailed on page 12

** Revised Budget represents the adopted budget as at the September Quarterly Budget Review Statement

*** Open purchase orders relating to capital items as at 31/01/2025 totalled \$2,210,000 (GST exclusive)

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/10/24 to 31/12/24

Capital budget review statement

Recommended changes to revised budget

Budget variations being recommended include the following material items:

Notes	Details	Variations to:
		Expenditure \$000
1	Reduction to the budget on the Blayney Rotary lookout project in line with reduction in capital contribution	(80)
		(80)
2	Varied program of works relating to the NSW flood recovery grant (balance reallocated to operational expenditure): - Coombing St crossing over Belubula River - Newbridge Rd culvert	(150) 100
		(50)
3	Budget reallocation from Matthews Road guardrail renewal: - Matthews Rd Cowriga Creek barrier renewal - Icely St guardrail renewal - Brady Rd culvert investigation	(69) 45 24
		-
4	Reduction to the budget on the following projects for grant funding not required - Rural Fire Service Shed Blayney - Recreational Fishing Trust Carcoar Dam facility upgrades	(19) (25)
		(44)
5	Revise plant replacement program to save on significant unscheduled maintenance costs: - Defer purchase of two John Deere 6095MC tractors from 24/25 until 28/29 - Bring forward purchase of three Toro Mowers from 27/28 to 24/25	(162) 220
		58
6	Minor budget adjustments	(2)
		(2)
TOTAL		(118)

Approved changes to revised budget since the last QBRS

Date	Resolution	Item	Expenditure
			\$000
17/12/2024	2412/018	Additional budget for emergency works relating to the reticulation sewer network	34
			34
17/12/2024	2412/018	Additional budget for the Plumb St / Palmer St Blayney footpath project	17
			17
17/12/2024	2412/018	Additional maintenance activities at Council's sewer treatment plant	23
			23
17/12/2024	2412/019	Additional funding for Millthorpe CBD improvement works - Heritage Pavement for Millthorpe Village - Victoria St - Montgomery St	338
			338
26/11/2024	2411/012	Deferral of budget for the below projects to approve Hawke Street kerb and gutter works - Hawke St footpath - Stirling Pl - Ewin St (Blayney AMP 19) - Naylor St footpath - Stoke Ln - Bridge (Carcoar AMP Ad2) - Carcoar Dam Rd culvert - Hawke St kerb and gutter improvements	(30) (28) (67) 125
			-
TOTAL			412

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/10/24 to 31/12/24

Cash & investments budget review statement

Budget review for the quarter ended 31 December 2024

Cash & investments - Council Consolidated

(\$000's)	Opening balance 1/07/2024	Revised budget 2024/25	Other than by QBRS Dec Qtr	Variations for Dec Qtr	Notes	Projected year end result	Actual YTD figures
Externally restricted ⁽¹⁾							
Developer Contributions - General	1,683	1,625	(355)			1,270	1,735
Developer Contributions - Sewer	2,058	2,058				2,058	2,227
Specific Purpose Unexpended Grants	6,727	4,455				4,455	5,186
Sewerage Services	6,625	6,515	(57)			6,458	6,240
Domestic Waste Management	658	485				485	658
Voluntary Planning Agreements	589	444	(27)			417	662
Total externally restricted	18,340	15,582	(439)	-		15,143	16,708
Internally allocated ⁽²⁾							
Plant and Vehicle Replacement	1,769	1,003		184	i,ii	1,187	2,649
Employees Leave Entitlement	1,063	1,063				1,063	1,063
CentrePoint	35	35				35	35
Emergency Works / Natural Disaster	89	89				89	89
Election Reserve	70	10		(5)	iii	5	70
Environmental Projects – Belubula River	27	27				27	27
I.T Reserve	394	394				394	394
Property Account	1,565	1,510				1,510	1,598
Property Account - Borrowings	733	733				733	660
Quarry	806	806				806	806
Village Enhancement Program	232	232	(20)			212	232
Security bonds, deposits & retentions	465	465				465	465
Financial Assistance Grant	3,145	-				-	-
Carryover Works	215	-				-	-
Total internally allocated	10,608	6,367	(20)	179		6,526	8,088
Unrestricted (ie. available after the above Restrictions)	4,094	7,486	-	-		7,486	9,195
Total Cash & investments	33,042	29,435	(459)	179		29,155	33,991

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/10/24 to 31/12/24

Cash & investments budget review statement

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 31/12/24

Reconciliation status

The YTD cash & investment figure reconciles to the actual balances held as follows:		\$ 000's
Cash at bank (as per bank statements)		3,491
Investments on hand		30,500
less: unpresented cheques	(Timing Difference)	
add: undeposited funds	(Timing Difference)	
less: identified deposits (not yet accounted in ledger)	(Require Actioning)	
add: identified outflows (not yet accounted in ledger)	(Require Actioning)	
less: unidentified deposits (not yet actioned)	(Require Investigation)	
add: unidentified outflows (not yet actioned)	(Require Investigation)	
Reconciled cash at bank & investments		33,991
Balance as per QBRs review statement:		33,991

Recommended changes to revised budget

Budget variations being recommended include the following material items:

Notes	Details	Variations \$000
i	Profit on sale of major plant item which was replaced in 2023/24.	242
		242
ii	Revise plant replacement program to save significant unscheduled maintenance costs: - <i>Defer purchase of two John Deere tractors from 24/25 to 28/29</i> - <i>Bring forward replacement of three Toro lawnmowers from 27/28 to 24/25</i>	162 (220) (58)
ii	Minor budget adjustments	(5) (5)
TOTAL		179

Approved changes to revised budget since the last QBRs

Budget Variations approved other than by QBRs by resolution of Council

Date	Resolution	Item	Variations \$000
17/12/2024	2412/018	Costs associated with completing compliance activities relating to Council's bore network	(20)
			(20)
17/12/2024	2412/018	Costs associated with completing maintenance activities relating to Council's sewerage treatment plant	(23)
			(23)
17/12/2024	2412/018	Costs associated for undertaking emergency repair works of the reticulation sewer network	(34)
			(34)
17/12/2024	2412/018	Additional funding for the completion of the Plumb St / Palmer St Blayney footpath project	(17)
			(17)
17/12/2024	2412/019	Additional funding for the construction of the Millthorpe CBD improvement works	(338)
			(338)
26/11/2024	2410/030	Additional funding to fund roadside weed control relating to Upper Macquarie County Council	(27)
			(27)
TOTAL			(459)

Blayney Shire Council

Quarterly Budget Review Statement

for the period 01/10/24 to 31/12/24

Key performance indicators budget review statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 December 2024

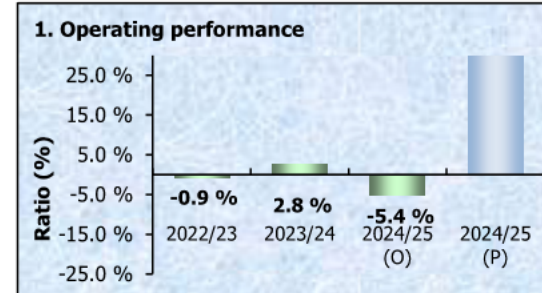
(\$000's)	Current projection		Original budget 24/25	Actuals prior periods	
	Amounts	Indicator		23/24	22/23
	24/25	24/25			

NSW local government industry key performance indicators (OLG):

1. Operating performance

Operating revenue (excl. capital) - operating expenses	5,267	31.5 %	-5.4 %	2.8 %	-0.9 %
Operating revenue (excl. capital grants & contributions)	16,726				

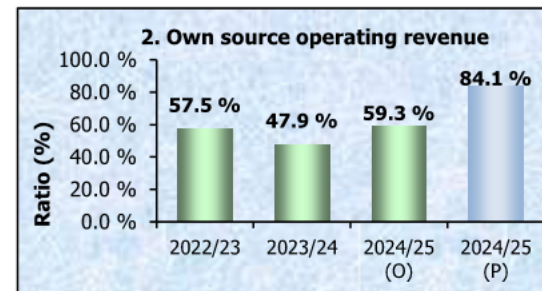
This ratio measures Council's achievement of containing operating expenditure within operating revenue.



2. Own source operating revenue

Operating revenue (excl. ALL grants & contributions)	16,234	84.08 %	59.3 %	47.9 %	57.5 %
Total Operating revenue (incl. capital grants & cont)	19,308				

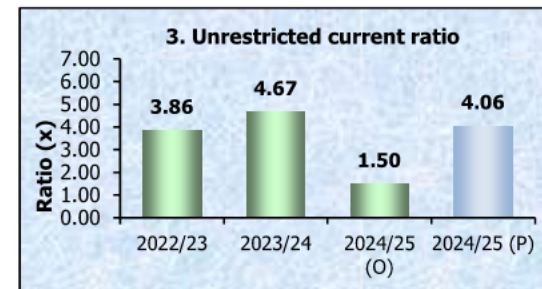
This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.



3. Unrestricted current ratio

Current assets less all external restrictions	21,155	4.06	1.50	4.67	3.86
Current liabilities less specific purpose liabilities	5,213				

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.



Quarterly Budget Review Statement
for the period 01/10/24 to 31/12/24

Key performance indicators budget review statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 December 2024

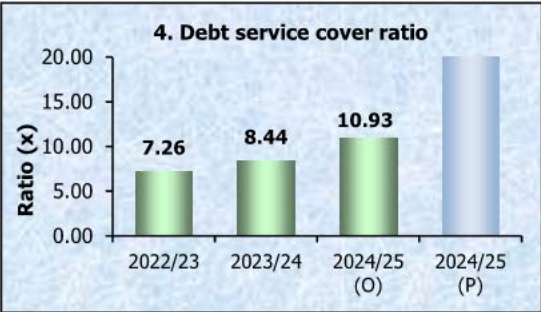
(\$000's)	Current projection		Original budget 24/25	Actuals prior periods	
	Amounts	Indicator		23/24	22/23
	24/25	24/25			

NSW local government industry key performance indicators (OLG):

4. Debt service cover ratio

Operating result before interest & dep. exp (EBITDA)	9,902	31.82	10.93	8.44	7.26
Principal repayments + borrowing interest costs	311				

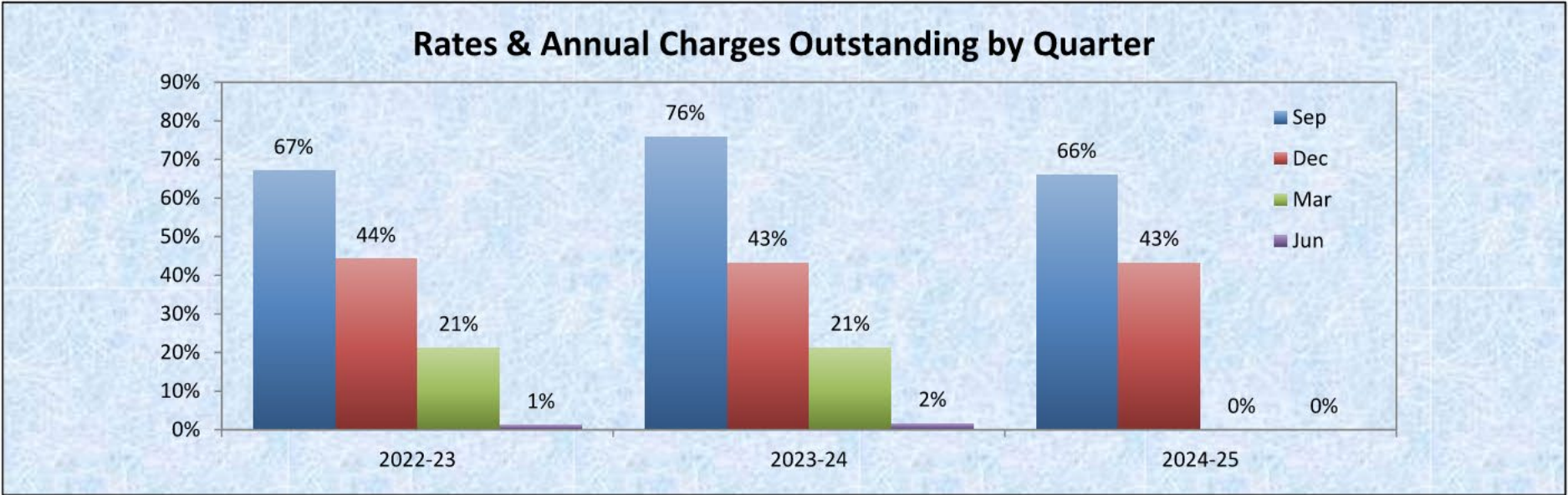
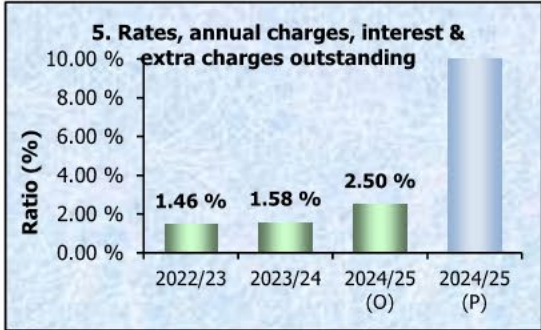
This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.



5. Rates, annual charges, interest & extra charges outstanding

Rates, annual & extra charges outstanding	6,062	43.36 %	2.50 %	1.58 %	1.46 %
Rates, annual & extra charges collectible	13,983				

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.



Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/10/24 to 31/12/24

Contracts budget review statement

Budget review for the quarter ended 31 December 2024

Part A - Contracts listing - contracts entered into during the quarter > \$50,000

Contractor	Project ID	Contract detail & purp	Contract	Total
			Value GST Incl	Budget GST Excl**
STABILISED PAVEMENTS OF AUST	340247	T6/2023 Browns Creek (R4R9)	60,000	668,897
JOSH NIXON EXCAVATIONS PTY LTD	340910	T4/2023 Four Mile Creek (FLB)	89,579	1,578,481
TONY LEAHEY MOTOR GROUP	11401610	Fleet replacement program	196,854	219,459
PETRO NATIONAL P/L T/AS OILSPUS HOLDINGS	11405010	S1/2022 Supply of fuel	112,990	591,418
DAVIS EARTHMOVING & QUARRYING PTY LTD	11903010	Waste facility concrete crushing	67,618	305,499
FULTON HOGAN INDUSTRIES PTY LTD	13400630	T20/2019 Reseal program	453,681	455,270
GEOFABRICS AUSTRALASIA PTY LTD	19901640	Store items for major projects	71,536	-
HEIDELBERG MATERIALS AUSTRALIA PTY LTD	19901640	T6/2023 Road base materials	57,068	-
DUBBO MOTOR GROUP	32600620	Fleet replacement program	63,449	57,681
JR & EG RICHARDS (NSW) PTY LTD	32600650	W2-2023 Sewer Relining	68,159	506,674
CARTERS GENERAL ENGINEERING PTY LTD	32600660	Sewer Treatment Plant Aerator Replacement	51,887	47,170
OUTLINE GLOBAL	CX0165	Aerial imagery	60,583	55,000
PREMISE NSW PTY LTD ORANGE	CX0195	Blayney Waste Facility Leachate Collection	58,243	70,000

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.
4. Figures shown include GST.
5. Total budgets are not disclosed where the order is applied across multiple project numbers

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/10/24 to 31/12/24

Contracts budget review statement

Budget review for the quarter ended 31 December 2024

Part B - Contracts listing - contracts paid during the quarter > \$50,000

Contractor	Project ID	Contract detail & purp	Contract Value GST Incl	Total Budget GST Excl**
AITKEN ROWE TESTING LABORATORIES PTY LTD	340128	Heavy patching program / Geotech investigation	54,073	800,000
BELGRAVIA HEALTH AND LEISURE GROUP PTY LTD	12806150	T4/2024 CentrePoint management fees	102,808	409,952
FULTON HOGAN INDUSTRIES PTY LTD	13400630	T20/2019 Reseal program	443,323	455,270
GEOFABRICS AUSTRALASIA PTY LTD	19901640	Store items for major projects	71,461	-
HADLOW EARTHMOVING	11902030 & 11903040	T5/2018 Management of Blayney Waste Facility	217,379	634,948
HADLOW EARTHMOVING	340910	Four Mile Creek (FLB) road construction	40,106	1,578,481
HEIDELBERG MATERIALS AUSTRALIA PTY LTD	340247	T6/2023 Browns Creek (R4R9)	131,694	668,897
IBERDROLA AUSTRALIA ENERGY MARKETS PTY LTD		CNSWJO electricity large sites contract	63,079	-
JR RICHARDS & SONS	11902020 & 11903030	Netwaste - Kerbside waste collection	141,640	697,284
PETRO NATIONAL P/L T/AS OILSPLUS HOLDINGS	11405010	S1/2022 Supply of fuel	67,192	591,418
STABILISED PAVEMENTS OF AUST	340247	T6/2023 Browns Creek (R4R9)	59,288	668,897

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.
4. Figures shown include GST.
5. Total budgets are not disclosed where the order is applied across multiple project numbers

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/10/24 to 31/12/24

Consultancy & legal expenses budget review statement

Consultancy & legal expenses overview

Expense	YTD expenditure (actual dollars)	Budgeted (Y/N)
Consultancies	47,239	Y
Legal Fees	38,176	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Expenditure included in the above YTD figure but not budgeted includes:

Details

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/10/24 to 31/12/24

Loans Summary
Budget review for the quarter ended 31 December 2024

LOAN DETAILS	Loan Term	Original Principal	Int %**	Opening Balance	Year to date			Closing Balance	Scheduled Completion date
					Interest	Principal	Repayments		
Blayney Works Depot	20	600,000	6.00%	25,292	573	25,292	25,865	0	21-Dec-24
Millthorpe Sewer	20	900,000	8.05%	291,859	11,437	34,037	45,474	257,822	26-Feb-28
Residential Land Development*	10	1,320,000	2.09%	694,364	7,084	66,225	73,309	628,139	28-Jun-29
Bridge Replacement Program	20	3,000,000	3.97%	2,301,952	45,379	63,648	109,027	2,238,304	15-Feb-38
CentrePoint	20	2,000,000	2.36%	1,649,980	19,342	43,528	62,869	1,606,452	13-Feb-40
Cowriga Creek Bridge	20	500,000	2.36%	412,495	4,835	10,882	15,717	401,613	13-Feb-40
		8,320,000	3.78%	5,375,942	88,650	243,611	332,262	5,132,331	

* Residential Land Development loan is funded under the Low Cost Loans Initiative (LCLI) subsidising 50% of the interest payable

** Weighted average interest rate

Plan of Management for Community Land (Crown Reserves)

Open Space

Parks

Sportsgrounds

Community Facilities



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Key Information

This Plan of Management ('PoM') is a generic plan for Blayney Shire Council ('Council') for the community land listed in Appendix A and was adopted by Council on XX/XX/XXXX.

It covers all of the Council managed Crown reserves classified as 'community land' and further categorised as park, sportsground, general community use, and natural area. Maps outlining the categorisation of each reserve to which this PoM applies can be found in Appendix B.

The PoM is required in accordance with Section 3.23 of the *Crown Land Management Act (2016)* (CLM Act) and Section 36 of the *Local Government Act (1993)* (LG Act). It outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

Recognition of Indigenous Australians

Community Land Crown Reserves managed by Council are in areas traditionally occupied by the Wiradjuri Aboriginal people and lie within the area of the Wiradjuri Region of the New South Wales Aboriginal Land Council.

Council embrace the fact that Aboriginal and Torres Strait Islander peoples' have existed continuously as distinct societies, with diverse and unique laws, cultures, knowledge and worldviews. Council pays its respects to the First Nations Peoples and their Elders past and present who hold the authority, memories, knowledge and traditions of a living Aboriginal cultures.

Council recognise Aboriginal and Torres Strait Islander peoples' right to self determination. In exercising self-determination, Indigenous peoples have rights to strengthen their institutions, practice, teach and protect cultural traditions and knowledge systems and develop and use their lands and waters.

All decision making activities concerning Blayney Shire Council Crown Reserves shall proceed from an initial presumption of Indigenous authority as self determining peoples, and as rights holders, whose knowledge and contributions must be recognised, respected and valued.

Blayney Shire Council respects Aboriginal and Torres Strait Islander values and worldviews and acknowledges the wisdom and multiplicity of the Indigenous knowledge system.

The practical application of this PoM shall be conducted with *Yindamarra*, a Wiradjuri concept which means:

"To act with honour and respect, wisdom, to go slowly and act responsibly, be gentle and polite and honest with each other, be careful of the words and actions you put out to the world and understand the impact they have"¹.

¹ Native Title Newsletter 2019 Issue 2.

Definitions

Act in reference to an act affecting native title is to be defined pursuant to Section 226 of The Commonwealth Native Title Act (1993) (NTA), in which:

- An act includes the following acts:
 - the making, amendment or repeal of any legislation;
 - the grant, issue, variation, extension, renewal, revocation or suspension of a licence, permit, authority or instrument;
 - the creation, variation, extension, renewal or extinguishment of any interest in relation to land or waters;
 - the creation, variation, extension, renewal or extinguishment of any legal or equitable right, whether under legislation, a contract, a trust or otherwise;
 - the exercise of any executive power of the Crown in any of its capacities, whether or not under legislation;
 - an act having any effect at common law or in equity.
- *Acts by any person* means an *act* may be done by the Crown in any of its capacities or by any other person.

Assistance animal also referred to as a 'Service Animal' is a dog or other animal:

- accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a person with a disability to alleviate the effect of the disability; or
- accredited by an animal training organisation prescribed by the Commonwealth Disability Discrimination Regulations 2019 for the purposes of this paragraph; or
- trained:
 - to assist a person with a disability to alleviate the effect of the disability; and
 - to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

Bushland means land that contains primarily native vegetation and that vegetation is:

- The natural vegetation or a remainder of the natural vegetation of the land, or
- Although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.

Community land means land that is classified as community land under Division 1 of Part 2 of Chapter 6 of the LG Act and Section 3.23(7) of the CLM Act.

Council means Blayney Shire Council established under the Local Government Act 1993 for the Local Government Area of Blayney.

Crown land means:

- land that was Crown land as defined in the Crown Lands Act (1989) immediately before the Act's repeal,

- land that becomes Crown land because of the operation of a provision of this Act or a declaration made under section 4.4,
- land vested, on and from the repeal of the Crown Lands Act (1989), in the Crown (including when it is vested in the name of the State).

Crown land manager, in relation to Crown land means a person appointed as a Crown land manager of the land under Division 3.2 of the CLM Act.

Crown road means a public road that is declared to be a Crown road pursuant to the Roads Act (1993).

Designated Development means development that is declared to be designated development by an environmental planning instrument or the Environmental Planning and Assessment Regulations.

Disability, in relation to a person means:

- total or partial loss of the person's bodily or mental functions; or
- total or partial loss of a part of the body; or
- the presence in the body of organisms causing disease or illness; or
- the presence in the body of organisms capable of causing disease or illness; or
- the malfunction, malformation or disfigurement of a part of the person's body; or
- a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;

and includes a disability that:

- presently exists; or
- previously existed but no longer exists; or
- may exist in the future (including because of a genetic predisposition to that disability); or
- is imputed to a person.

To avoid doubt, a **disability** that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

Disability Aid in relation to a person with a disability, is equipment (including a palliative or therapeutic device) that:

- is used by the person; and
- provides assistance to alleviate the effect of the disability.

Emergency works means works carried out in response to—

- a sudden natural event, including a storm, flood, tree fall, bush fire, land slip or coastal inundation, or
- accident, equipment failure or structural collapse, or
- damage caused by vandalism, arson or a pollution incident.

Environmental management works means—

- works for the purpose of avoiding, reducing, minimising or managing the environmental effects of development (including effects on water, soil, air, biodiversity, traffic or amenity), and
- environmental protection works.

Environmental Protection Legislation means the following Acts (and regulations and other instruments made under those Acts):

- Protection of the Environment Administration Act (1991),
- Contaminated Land Management (1997),
- Dangerous Goods (Road and Rail Transport) Act (2008),
- Environmental Trust Act (1998),
- Ozone Protection Act (1989),
- Pesticides Act (1999),
- Protection of the Environment Operations Act (1997),
- Radiation Control Amendment Act (2010),
- Recreation Vehicles Act (1983),
- Waste Avoidance and Resource Recovery Act (2001).

Environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes re-vegetation or bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works (within the meaning of the Coastal Management Act (2016)).

Erection, in relation to a structure, includes any work carried out in creating the structure.

Filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the Internet or by other means) and includes such acts or things as may be prescribed by the regulations as being filming, but does not include:

- still photography;
- video recording of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event;
- recording for the immediate purposes of a television program that provides information by way of current affairs or daily news; or
- any act or thing prescribed by the regulations as not being filming.

Fishing means recreational fishing only that is not carried out by a commercial operator in the course of the operator's business. The activity must be carried out in accordance with any applicable requirements of the Fisheries Management (1994).

Lease Confers an exclusive right to possession on the tenant/lessee. It is usually a written document and often registered on the title.

Leisure refers to the free time that people can spend away from their everyday responsibilities (e.g. work and domestic tasks) to rest, relax and enjoy life. It is during leisure time that people participate in recreation and sporting activities.

Licence does not confer an exclusive right to possession and confers on the licensee the right to use the land, or part of it, for a limited purpose, often for a limited time.

Native title holder as an expression, in relation to native title, means:

- a) if a prescribed body corporate is registered on the National Native Title Register as holding the native title rights and interests on trust—the prescribed body corporate; or
- b) in any other case—the person or persons who hold the native title.

Native title rights and interests means Native title rights and interests under section 223 of the NTA:

The expression native title or native title rights and interests means the communal, group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters, where:

- a) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders; and
- b) the Aboriginal peoples or Torres Strait Islanders, by those laws and customs, have a connection with the land or waters; and
- c) the rights and interests are recognised by the common law of Australia.
- d)
- e) Rights and interests includes:
 - a) Hunting, gathering, or fishing, rights and interests (*see Section 223(2) of the NTA*)
 - b) Statutory rights and interests (*see Section 223(3) of the NTA*)

Objective means an end towards which efforts are directed.

Performance Target means an objective or goal to be performed.

Playground means an outdoor structure/area for children to play on.

Public notice means a physical notice providing information to the public that is displayed in a conspicuous place on or near Community land (or a commonly used access point to the land).

Public reserve means:

- a public park, or
- any land conveyed or transferred to the council under section 340A of the Local Government (1919), or
- any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act (1919), or
- any land dedicated or taken to be dedicated under section 49 or 50, or

- any land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act (1913), or
- any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act (1989), or
- Crown managed land that is dedicated or reserved for public recreation or for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the CLM Act, being Crown managed land in respect of which a council has been appointed as its Crown land manager under that Act or for which no Crown land manager has been appointed, or
- land declared to be a public reserve and placed under the control of a council under section 52 of the State Roads Act (1986), or
- land dedicated as a public reserve and placed under the control of a council under section 159 of the Roads Act (1993), and includes a public reserve of which a council has the control under section 344 of the Local Government Act (1919) or section 48, but does not include a common.

Recreation refers to all those activities that people choose to do to refresh their bodies and minds and make their leisure time more interesting and enjoyable. Examples of recreation activities are walking, swimming, meditation, reading, playing games and dancing.

Recreation, leisure and sports activities may involve individuals, small groups, teams or whole communities and are relevant to people of all different ages, abilities and levels of skill.

Skate Park/Ramp means a constructed facility used for skating.

Sport refers to any type of organized physical activity, e.g. soccer, rugby, football, basketball and athletics. It includes both team and individual sports that often have a competitive element. Mentions of specific sports such as “football” are intended to include all possible variations and modifications of the game (such as touch football, and kickball).

Temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure, but only if that structure remains in place for less than 30 days.

1. Introduction

Blayney Shire Council is located in Central Tablelands of New South Wales with a land area of approximated 152,470 hectares. Predominately rural in nature, the region fosters mining and farming, including dairying, beef, lamb, wool and viticulture. The 2019 Australian Bureau of Statistics (ABS) estimated resident population of Blayney Shire was 7,379.

Blayney Shire Council has produced a generic Plan of Management that covers all of the community land within the Shire to complement Council’s overarching planning strategy that manages assets collectively as a shire-wide network. *Map 1* below shows a network classification and intended sport and recreation character of each town and village in the shire.

The network hierarchy informs the aspirations and strategies for each place and its assets, and is simply classified as ‘Regional’, ‘District’ or ‘Local’. It is a hierarchy that will assist Council in its decision making, and reinforces the overall principle, that is to provide efficient servicing for the whole Shire, in a complementary and equitable way. Each village character will be supported through Council works and investment, and improved quality and range of services can be more efficiently delivered in higher order areas of service.



2. Plan of Management Purpose

The Local Government Act (1993) (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The Crown Land Management Act (2016) (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the Local Government Act (1993) (LG Act). Therefore, all Crown land reserves managed by council are also required to have a PoM under the LG Act.

The purpose of this generic PoM is to:

- a) contribute to the council's broader strategic goals and vision as set out in Blayney Shire Council Community Strategic Plan;
- b) ensure compliance with the Local Government Act (1993) and the Crown Land Management Act (2016);
- c) provide clarity in the future development, use and management of the community land; and
- d) ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of Crown Reserve plans of management can be found in Appendix C of this document.

3. Plan of Management Guiding Principles

This PoM has been prepared in accordance with the Principles of Crown Land Management pursuant to Section 1.4 of the CLM Act.

The Guiding Principles that govern this PoM are:

- To guide and facilitate a complementary sport, recreation and general community use.
- To create a complementary and accessible network of sport and recreation assets that benefits the health, well-being, social capital and pride of the entire community.
- To generate participation through active and passive recreation, formal and informal sport, training, spectating, or volunteering.
- Prioritise multi-purpose, integrated facility planning that delivers efficient and cost-effective infrastructure with the intent of creating a world class multi-use facility.
- To ensure the built facilities sustainably interacts and compliments the reserves natural environment.
- To develop sustainable practices that foster respect and understanding of the biodiversity of the entire local area in which the natural resources of the land are conserved wherever practicable and all resources are used and managed with the intent of long term sustainability.
- To ensure the area of Crown Land is inclusive, integrated and diverse in which the public space is linked, visible, and easy for members of the community to get to and provides opportunities for a range of activities targeting different age groups and interests.

3.1. Process of Preparing this Plan of Management
 Figure 1 illustrates the process undertaken by the council in preparing this PoM.

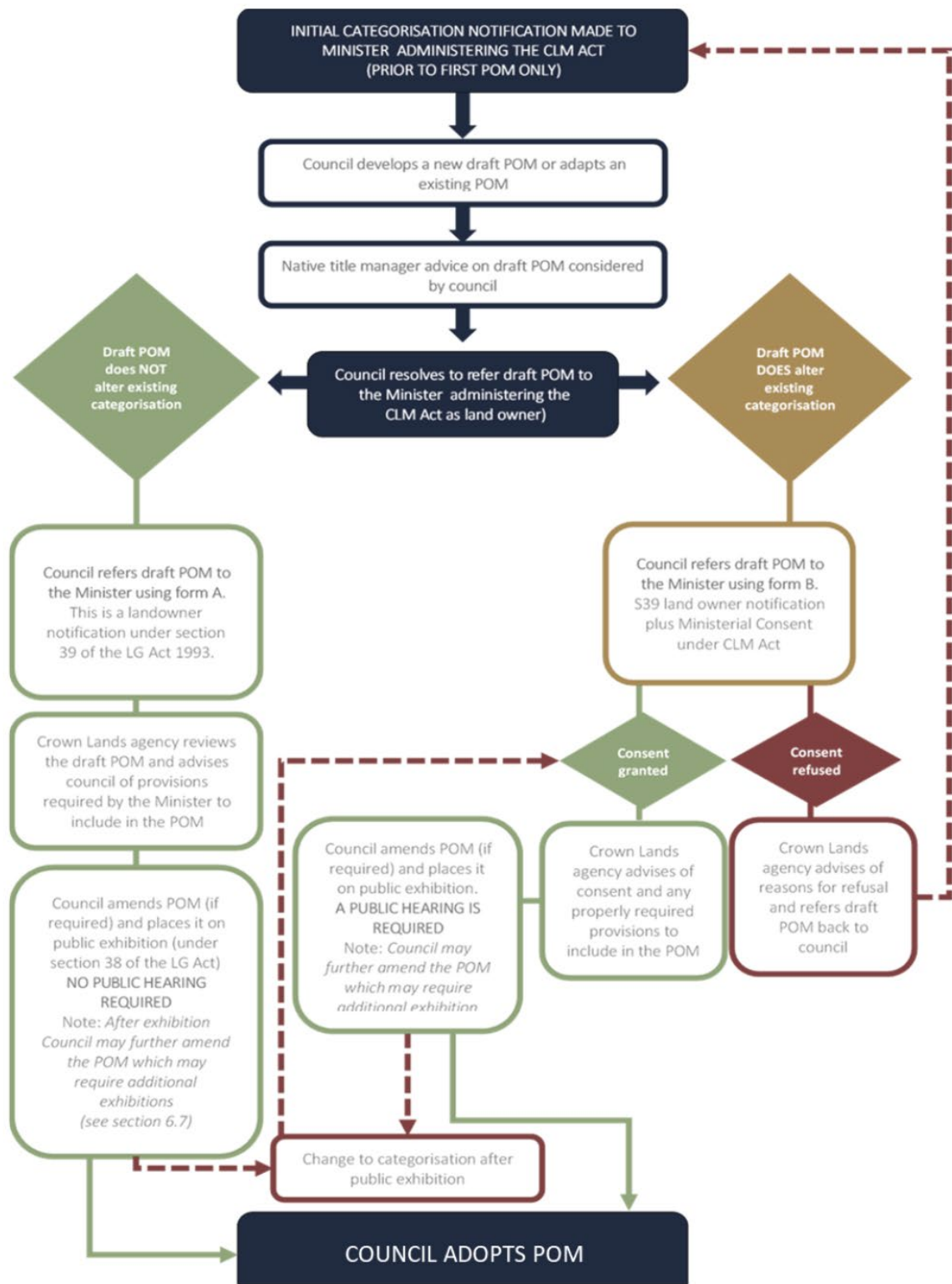


Figure 1

4. Land that Applies to this Plan of Management

This generic PoM applies to community land that is managed by Blayney Shire Council and listed in Appendix A.

4.1. Categorisation of Community Land

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

Park – for areas primarily used for passive recreation.

Sportsground – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.

General community use – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.

Cultural significance – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.

Natural area – for all areas that play an important role in the area's ecology. This category is further categorised into bushland, escarpment, foreshore, watercourse and wetland categories.

All community land to which this PoM applies (see Appendix A) is categorised as one or more of the following:

- a) a natural area;
- b) a sportsground;
- c) a park; and/or
- d) general community use.

All land that is categorised as a natural area is to be further categorised as **bushland**.

Required land information is tabled in Appendix A. The specific categories relevant to each parcel of Community Land have been produced graphically on maps displayed in Appendix B.

5. Community Consultation

This PoM was placed on public exhibition from [XX/XX/XXXX to XX/XX/XXXX], in accordance with the requirements of section 38 of the *Local Government Act 1993*. A total of [XX] submissions were received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the *Local Government Act 1993*, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Industry and Environment – Crown Lands, as representative of the state of NSW, which is the owner of

the Reserve. Council has included in the plan any provisions that have been required by the Department of Planning, Industry and Environment – Crown Lands.

5.1. Indigenous Rights Holder Engagement

Council recognises that Aboriginal people are more than stakeholders, they are rights-holders. Indigenous rights holder engagement about the reserve management operations shall be approached with the following core principles:

- Encompass a two-way understanding of Crown Reserve management requirements and processes for Aboriginal cultural heritage protection and Aboriginal cultural heritage values.
- Propel communication to develop greater understanding and appreciation of Aboriginal cultural heritage.
- Welcome opportunities that promote and support that establishment of partnerships, agreements and/or other mechanisms that aim to protect and conserve significant Aboriginal cultural heritage values.

6. Relevant Documents

The below mentioned relevant documents act as a primary source for common provisions of this PoM. All relevant documents listed are subject to scheduled or intermittent review. To ensure currency and continuity, the latest version of each said document is to be incorporated into the provisions of this PoM. The most up-to-date versions of the below listed documents are available on the Blayney Shire Council website <https://www.blayney.nsw.gov.au/>.

6.1. Blayney Shire Council Policies, Procedures and Guidelines

All relevant Blayney Shire Council Strategic Policies, Operational Policies, Procedures and Guidelines relevant to this PoM are listed in Appendix D.

6.2. Blayney Shire Community Strategic Plan

The Community Strategic Plan (Appendix H) is a community document with priorities and aspirations for the future of the Shire covering a period of at least 10 years. Future direction, allocation of funding and prioritisation of resources for community land are guided by this document.

6.3. Blayney Shire Council Shire Sport & Recreation Plan

The Sport & Recreation Plan (Appendix I) is a tool designed to aid Council in meeting its responsibilities to support and maintain sport and recreation networks across the Shire. The strategic conceptual objective that governs this plan is that all individual parcels of community land are to be viewed under a collective lens and be treated as one integrated network. This document outlines a cost-effective multi-purpose integrated management strategy for community land.

- 6.4.

Blayney Shire Council Sport and Recreation Master Plan

The Sport and Recreation Master Plan (Appendix J) outlines performance targets for further development on community land. Supplementary to this plan is the Delivery Program and Operational Plan available on the Blayney Shire Council website.
- 6.5.

Blayney Shire Council Parks and Recreation Asset Management Plan

The Parks & Recreation Asset Management Plan (Appendix K) is a comprehensive document that provides processes and procedures to ensure community land assets are provided, maintained, disposed or replaced in a financially sustainable manner.
- 6.6.

Blayney Showground Master Plan

The Blayney Showground Master Plan (Appendix L) is specific to the future direction and management of Crown Reserve 89744 - Blayney Showground.
- 6.7.

Blayney Shire Asset Management Strategy

The Blayney Shire Asset Management Strategy (Appendix M) is designed to assist Council in improving the way it delivers services for parks and recreational facilities, transport assets, buildings and other Structures and sewer networks.
- 6.8.

Blayney Shire Council Business Continuity Plan

The Business Continuity Plan (Appendix N) has been developed as a Risk Management tool and identifies the more serious risks faced by Council in delivering core services provided by its administration and engineering and maintenance services. The plan provides preventative actions and contingency plans for an event which could disrupt Council’s core business functions.
7.

Objectives

All the Community Land to which this PoM applies shall be approached collectively, as a shire-wide strategic network. Objectives and performance targets for each individual sector of Community Land and its assets shall be made in consideration with and complementary to every other parcel of Community Land within the Shire, forming an all encompassing network.

Community land is valued for its important role in the social, intellectual, spiritual, and physical enrichment of residents, workers, and visitors to the Blayney Shire area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Blayney Shire Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Council intends to permit and encourage a broad range of appropriate activities.
- 7.1.

Local Government Act Objectives

The LG Act establishes core objectives for all categories of community land which are listed below in *Table 1*. Council must manage the community land in accordance with the core

objectives of the relevant category of land. The significance of the prescribed core objectives is to ensure that any activities or uses of the land are consistent with the core objectives for that category of land.

Table 1 – Local Government Act Objectives

Land Category	Local Government Act Objectives
Natural Area	to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area
	to maintain the land, or that feature or habitat, in its natural state and setting
	to provide for the restoration and regeneration of the land
	to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion
	to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994.
Bushland	to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi, and micro-organisms) of the land and other ecological values of the land.
	to protect the aesthetic, heritage, recreational, educational, and scientific values of the land
	to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion
	to restore degraded bushland
	to protect existing landforms such as natural drainage lines, watercourses, and foreshores
	to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term
	to protect bushland as a natural stabiliser of the soil surface.
Sportsground	to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games.
	to ensure that such activities are managed having regard to any adverse impact on nearby residences.
Park	to encourage, promote and facilitate recreational, cultural, social, and educational pastimes and activities.
	to provide for passive recreational activities or pastimes and for the casual playing of games.
	to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

Land Category	Local Government Act Objectives
General Community Use	<p>to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <ul style="list-style-type: none"> - in relation to public recreation and the physical, cultural, social, and intellectual welfare or development of individual members of the public, and - in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

7.2. Local Environmental Plan Objectives

The Blayney Local Environmental Plan (LEP) land use zones for each parcel of community land is listed in Appendix A. Council must make future development decisions for community land in accordance with the lands zoning and zone objectives listed in *Table 2* below:

Table 2 – LEP Zone Objectives

Zone	Zone Objectives
B2	To provide a range of retail, business, entertainment, and community uses that serve the needs of people who live in, work in, and visit the local area.
	To encourage employment opportunities in accessible locations.
	To maximise public transport patronage and encourage walking and cycling.
	To preserve Adelaide Street as the retail and commercial centre of the Town of Blayney to support the needs of Blayney.
R1	To enable other land uses that provide facilities or services to meet the day to day needs of residents.
RE1	To enable land to be used for public open space or recreational purposes.
	To provide a range of recreational settings and activities and compatible land uses.
	To protect and enhance the natural environment for recreational purposes.
RU1	To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
	To enable function centres, restaurants and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.
	To minimise the fragmentation and alienation of resource lands.
	To minimise conflict between land uses within this zone and land uses within adjoining zones.
	To encourage diversity in primary industry enterprises and systems appropriate for the area.
RU2	To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
	To maintain the rural landscape character of the land.
	To provide for a range of compatible land uses, including extensive agriculture.

Zone	Zone Objectives
	To encourage development that will not have an adverse impact on the environmental and scenic qualities of the existing landscape.
RU5	To provide for a range of land uses, services and facilities that are associated with a rural village.
	To minimise conflict between land uses within this zone and land uses within adjoining zones.
	To encourage and provide opportunities for population and local employment growth commensurate with available services.
	To minimise the impact of non-residential uses and ensure those uses are in character and compatible with the surrounding residential development.

7.3. Blayney Shire Council Objectives

Objectives for this PoM are incorporated within the below relevant documents listed in Table 3.

Table 3 – Blayney Shire Council Objectives

Relevant Document	Description
Blayney Shire Community Strategic Plan (Appendix H)	<ul style="list-style-type: none"> - Values - The Local and Visitor Economy Strategic Objectives - Community, Sport, Heritage and Culture Strategic Objectives - Natural Environment Strategic Objectives - Local Governance and Finance Strategic Objectives - Public Infrastructure and Services Strategic Objectives
Parks & Recreation Asset Management Plan (Appendix K)	<ul style="list-style-type: none"> - Goals and Objectives of Asset Ownership - Customer Research Expectations - Customer Levels of Service - Technical Levels of Service - Future Demand - Demand Forecasts - Demand Impact on Assets - Asset capacity and performance - Levels of Service - Funding Strategy - Performance Measures - Monitoring and Improvement Program - Monitoring and Review Procedures - Strategic and Corporate Goals - Key Assumptions Made in Financial Forecasts - Status of Asset Management Practices
Blayney Shire Council Asset Management Strategy (Appendix M)	<ul style="list-style-type: none"> - Financial & Asset Management Core Competencies - Council's Vision, Mission, Goals and Objectives - Asset Management Vision - Asset Management Strategies - Goals and Objectives for Infrastructure Services

Relevant Document	Description
Blayney Showground Master Plan (Appendix L)	Only Applies to Blayney Showground (Reserve 89744): <ul style="list-style-type: none"> - Vision - SWOT Analysis
Blayney Shire Community Strategic Plan and (Appendix H)	<ul style="list-style-type: none"> - Public Infrastructure and Services Strategic Objectives - The Local and Visitor Economy Strategic Objectives - Natural Environment Strategic Objectives - Local Governance and Finance Strategic Objectives - Community, Sport, Heritage and Culture Strategic Objectives - Values
Town and Village Community Plans (available on Blayney Shire Council Website)	<ul style="list-style-type: none"> - Objectives outlined in each individual Town and Village Community Plan https://www.blayney.nsw.gov.au/community/town-and-village-community-plans
Blayney Shire Sport and Recreation Plan (Appendix I)	<ul style="list-style-type: none"> - Indications of Community Need

8. Performance Targets

Performance targets for this PoM are incorporated within the below relevant documents listed in *Table 4*:

Table 4 – Performance Targets

Relevant Document	Performance Target
Blayney Showground Master Plan (Appendix L)	Only Applies to Blayney Showground (Reserve 89744): <ul style="list-style-type: none"> - Action Plan - Projects - Quarterly User Group Meetings to review operations - Funding Arrangements
Blayney Shire Sport and Recreation Plan (Appendix I)	<ul style="list-style-type: none"> - Strategic Actions - Implementation Plan - Funding Options
Blayney Shire Community Strategic Plan (Appendix H)	<ul style="list-style-type: none"> - Community Engagement Strategy - Links to Federal, NSW and Regional Plans
Town and Village Community Plans (available on Blayney Shire Council Website)	<ul style="list-style-type: none"> - Projects outlined in each individual Town and Village Community Plan https://www.blayney.nsw.gov.au/community/town-and-village-community-plans
Parks & Recreation Asset Management Plan (Appendix K)	<ul style="list-style-type: none"> - Lifecycle Management Plan - Demand Management Plan - Projected Operating and Capital Expenditure - Asset Management Practices - Asset Monitoring and Improving Program

Relevant Document	Performance Target
	<ul style="list-style-type: none"> - Asset Programs to Meet Demand - Lifecycle Management Plan - Operations and Maintenance Plan - Projected Operations and Maintenance Expenditure - Renewal/Replacement Plan - Projected Capital Renewal Expenditure - Creating/Acquisition/Upgrade Plan - Projected Capital Upgrade Expenditure - Projected Operating and Capital Expenditure - Risk Management Plan - Improvement Plan - Asset Plan Improvement and Monitoring - Asset Monitoring and Review Procedures - Funding Strategy - Projected Upgrade/Exp/New 10-Year Capital Works Program - Projected 10-year Capital Renewal and Replacement Works Program
Blayney Shire Council Asset Management Strategy (Appendix M)	<ul style="list-style-type: none"> - Asset Management Improvement Plan
Blayney Shire Council Sport and Recreation Master Plan (Appendix J)	<ul style="list-style-type: none"> - Upgrade proposals with mapping for: <ul style="list-style-type: none"> - King George VI Oval (Reserve 66163) - Blayney Dakers Oval (Reserve 72309) - Blayney Showground (Reserve 89744) - Naylor Street Playground (referred to as Carcoar Sports Ground) (Reserve 76865) - Redmond Oval (Reserve 29953) - Newbridge Oval (Reserve 69484) - Lyndhurst Recreation Ground (Reserve 590121)

9. Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 5 sets out these requirements for community land categorised as Park, Natural Area (further categorised as bushland), General Community Use and Sportsground.

Table 5. Objectives and performance targets, means of achieving them and assessing achievement for community land

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
For All Land Categories (Sportsground, Park, General Community Use, Natural Area – Bushland)			
Safety and Risk Management Maintenance of all Community Reserves and Facilities	To ensure the safety of public/staff when visiting community reserves	Ensure that all works carried out within reserves complies with Council's OH&S Policy.	Weekly WH&S Reporting in Manex Meeting.
		Ensure on site safety and inspect contractor operations.	Contractor Safety Management Plan and routine Contractor inspections during Public Work projects.
		Ensure damaged or Dangerous equipment is removed or replaced	Routine inspections undertaken as programmed and non-routine inspections as required, subject to Customer Requests or other demand. Maintenance response prioritized accordingly and within budget allocations and reported.
			Asset Condition Profile and Asset Management Improvement Plan in Asset Management Strategy (Appendix M)
			Monitoring and Improvement Program in Parks and Recreation Asset Management Plan (Appendix K)
			Maintenance and inspection schedule in accordance with Facility Services Listing in Parks and Recreation Asset Management Plan (Appendix K)
	Ensure the public is not at threat from flood	Council has a Local Emergency Management Officer who acts as the liaison between the local emergency services and co-ordinates Council's planning and response to emergencies.	Assessment conducted in accordance with the Implementation and Review section of the Blayney Shire Council Business Continuity Plan (see Appendix N) and the Enterprise Risk Management Plan in Blayney Shire Council Policy 21 'Enterprise Risk Management Policy and Plan' which includes

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
	Ensure the public is not at threat from Fire.	Relevant fire safety system is in place in all buildings and facilities which includes a hydraulic fire safety system, fire detection and alarm system and a mechanical ducted smoke control system.	provisions for inspections, compliance, and internal controls.
		Natural areas are to be closed from the public whilst there is a high threat of fire entering the reserve.	
	To protect the public from litter hazards	Provide appropriate means of disposal for sharps where appropriate.	Suitable disposal bins provided.
			Maintenance schedule in accordance with Facility Services Listing in Parks and Recreation Asset Management Plan (Appendix K)
		Reduce the amount of litter dumping incidents.	Ensure number of bins provided are adequate for the area. Report dumping incidents to Outdoor Operations crew.
	Discourage anti – social behaviour	Provide lighting to improve safety and to act as a deterrent for antisocial behaviour where appropriate	Critical Risk and Treatment Plan in Parks and Recreation Asset Management Plan (Appendix K)
			Future Direction 2 ‘Build the Capacity and Capability of Local Governance and Finance’ reviewed 6 monthly in the Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
		Redesign areas that suffer anti-social behaviour to foster casual surveillance.	Critical Risk and Treatment Plan in Parks and Recreation Asset Management Plan (Appendix K)
	Reduce occurrence of graffiti, theft, and vandalism	Immediate removal of graffiti. Prompt repair of vandalism.	All incidents reported in weekly Manex meeting as they occur, with discussion and implementation of appropriate action specific to the situation.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
		Lock Facilities and amenity buildings and reduce access to facilities and buildings where required.	Critical Risk and Treatment Plan in Parks and Recreation Asset Management Plan (Appendix K)
General maintenance and management	Ensure infrastructure / facilities are appropriate to the needs of users.	New works undertaken to ensure all community reserves and their facilities are fit for purpose and of a suitable quality to promote physical, cultural, educational, and recreational activity amongst the community	'Improvement Plan' in Parks & Recreation Asset Management Plan (Appendix K).
			'Asset Management Improvement Plan' in the Asset Management Strategy (Appendix M).
			'Blayney Town Implementation Plan' in Blayney Shire Sport and Recreation Plan (Appendix I).
			'Demand Management Plan' in Parks & Recreation Asset Management Plan (Appendix K).
			Future Direction 1 'Maintain and Improve Public Infrastructure Services', Future Direction 2 'Build the Capacity and Capability of Local Governance and Finance', Future Direction 3 'Promote Blayney Shire to Grow the Local and Visitor Economy', and Future Direction 4 'Enhance Facilities and Networks that Support Community, Sport, Heritage and Culture' reviewed in the Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
		Repair or replace outdated facilities to an acceptable standard.	Future Direction 1 'Maintain and Improve Public Infrastructure Services' reviewed in the Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
			Maintenance schedule in accordance with Facility Services Listing in Parks and Recreation Asset Management Plan (Appendix K)

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
		Understand demand for new services through a combination of managing existing assets, upgrading of existing assets and providing new assets to meet demand and demand management.	'Demand Management Plan' in Parks & Recreation Asset Management Plan (Appendix K).
		To provide fit for purpose sporting areas, playgrounds and passive recreation spaces/facilities that support participation in sports, recreation and healthy lifestyles.	Customer Level of Service in Parks and Recreation Asset Management Plan (Appendix K)
			Facility Services Listing in Parks and Recreation Asset Management Plan (Appendix K).
	To have a safe maintenance program in place	Safe work method statements are in place for all maintenance procedures.	WH&S Report tabled in weekly Manex Meeting.
			Quarterly Risk, Work Health and Safety Quarterly report tabled to Council meetings.
			Maintenance schedule in accordance with Facility Services Listing in Parks and Recreation Asset Management Plan (Appendix K)
	To limit public contact with chemicals whilst in community reserves	Record all chemical spraying and use appropriate signs to indicate affected areas.	Quarterly Risk, Work Health and Safety Quarterly report tabled in Council meetings.
	Reduce the amount of litter and number of dumping incidents.	Clean up dumped rubbish immediately where appropriate.	Respond to all Customer Requests concerning dumped rubbish.
		Ensure number of bins provided are adequate for the area. Report dumping incidents to Outdoor Operations crew.	Respond to all Customer Requests concerning dumped rubbish. Maintenance schedule in accordance with Facility Services Listing in Parks and Recreation Asset Management Plan (Appendix K)

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
		Install signage and or fencing to discourage dumping.	In accordance with Blayney Shire Council Policy 26D 'Signs as Remote Supervision Policy' and the 'Blayney Best Practice Guide for Signs as Remote Supervision' the Infrastructure Department will conduct site risk audits on these facilities for appropriateness of using Signs as Remote Supervision. The information from the site risk audits will be entered into Council's asset management system describing the location, condition and appropriateness of each sign.
Accessibility	Provide safe and accessible community reserves that can be enjoyed by every member of the community	Locate and construct walking tracks/cycle ways where appropriate to improve access to and within community reserves.	Future Direction 4 'Enhance Facilities and Networks that Support Community, Sport, Heritage and Culture' reviewed in the Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
			Future Direction 1 'Maintain and Improve Public Infrastructure and Services' reviewed in the Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
		Ensure amenities take into account the needs of the physically disabled.	Accessibility compliance is considered prior to works commencing on all projects in accordance with appropriate Standard. Outcome reported to Council meeting through the six monthly status report on Council's Disability Inclusion Action Plan.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
		Ensure all new and upgraded structures and facilities are accessible to all.	Accessibility compliance is considered prior to works commencing on all projects in accordance with appropriate Standard. Outcome reported to Council meeting through the six monthly status report on Council's Disability Inclusion Action Plan.
			Future Directions 1 'Maintain and Improve Public Infrastructure and Services' reviewed in the Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
			Future Direction 4 'Enhance Facilities and Networks that Support Community, Sport, Heritage and Culture' reviewed in the Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
		Increase the number of facilities that are accessible by all.	Blayney Shire Council 'Active Movement Strategy 10 Year Program' available for review on Blayney Council website: blayney.nsw.gov.au/community/access-and-mobility/access-and-mobility
			Asset Management Improvement Plan in Asset Management Strategy (Appendix M)
			Demand Management Plan in Parks and Recreation Asset Management Plan (Appendix K)
			Future Directions 1 'Maintain and Improve Public Infrastructure and Services' reviewed in the Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
			Future Direction 4 'Enhance Facilities and Networks that Support Community, Sport, Heritage and Culture' reviewed in the Delivery Plan Performance Status Report tabled at Council every 6 months.
			Blayney Town Network Implementation Plan in Blayney Shire Sport and Recreation Plan (Appendix I)
			Council's Disability Inclusion Action Plan available for review on Blayney Council website: blayney.nsw.gov.au/community/access-and-mobility/access-and-mobility .
			Blayney Shire Council 'Active Movement Strategy 10 Year Program' available for review on Blayney Council website: blayney.nsw.gov.au/community/access-and-mobility/access-and-mobility
		Identify suitable locations for development of suitable access for people with disabilities or with prams. Where possible, the reserve should be accessible for all.	Demand Management Plan in Parks and Recreation Asset Management Plan (Appendix K)
			Blayney Town Network Implementation Plan in Blayney Shire Sport and Recreation Plan (Appendix I)
			Blayney Shire Disability Inclusion Working Group meetings held.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
		Provide access for emergency or service vehicles.	Future Direction 1 'Maintain and Improve Public Infrastructure and Services', Future Direction 4 'Enhance Facilities and Networks that Support Community, Sport, Heritage and Culture' and Future Direction Future Direction 2 'Build the Capacity and Capability of Local Governance and Finance', reviewed in the Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
		Provide the whole community with appropriate access to community reserves	Demand Management Plan in Parks and Recreation Asset Management Plan (Appendix K).
		Inspect roads, parking areas and walking tracks annually and maintain when necessary	Asset Management Improvement Plan in Asset Management Strategy (Appendix M)
			Facility Services Listing in Parks and Recreation Asset Management Plan (Appendix K)
Land use and planning framework	Consider maintenance costs in the planning and design of capital works for Community Reserves	Ensure future maintenance budgets take into account the future requirements of new developments.	Projected 10 Year Capital Renewal and Replacement Works Program and Capital Upgrade/New Works Program in Parks & Recreation Asset Management Plan (Appendix K).
			Blayney Town Network Implementation Plan in Blayney Shire Sport and Recreation Plan (Appendix I)

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
	To enhance the recreational opportunities of the community by providing a wide range of Community Reserves	Facilitate as many recreational opportunities that align with LG Act category objectives	Future Direction 4 'Enhance Facilities and Networks that Support Community, Sport, Heritage and Culture', Future Direction 3 'Promote Blayney Shire to Grow the Local and Visitor Economy', Future Direction 2 'Build the Capacity and Capability of Local Governance and Finance', and Future Direction 1 'Maintain and Improve Public Infrastructure and Services' reviewed in the Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
			Projected 10 Year Capital Upgrade/New Works Program in Parks & Recreation Asset Management Plan (Appendix K).
			Asset Management Improvement Plan in Asset Management Strategy (Appendix M)
			Blayney Town Network Implementation Plan in Blayney Shire Sport and Recreation Plan (Appendix I)
			Blayney Shire Council Sport and Recreation Plan (Appendix J)
			Future Direction 4 'Enhance Facilities and Networks that Support Community, Sport, Heritage and Culture' and Future Direction 1 'Maintain and Improve Public Infrastructure and Services' reviewed in the Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
	Protect Our Natural Environment	Sustainable waste management and recycling or reuse of waste will extend the life of Council's landfill and provide opportunities for industry to reduce costs.	Future Direction 5 'Protect Our Natural Environment' reviewed in Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
			Facility Services Listing in Parks and Recreation Asset Management Plan (Appendix K)
		Crown Lands are better managed to control weeds, pest species and bushfire.	Future Direction 5 'Protect Our Natural Environment' reviewed in Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
			Facility Services Listing in Parks and Recreation Asset Management Plan (Appendix K)
			Ongoing liaison, support and participation with Local Land Services, Landcare and Upper Macquarie County Council
		Protect and enhance biodiversity, native vegetation, river and soil health.	Council continues to actively participate in Local Land Services (LLS) programs, and as part of the Environment and Waterways Alliance.
			Facility Services Listing in Parks and Recreation Asset Management Plan (Appendix K)
			Council continues to actively participate in Environment and Waterways Alliance.
For Land Categorised as Park			
Safety and Risk Management	To ensure the safety of public/staff when visiting parks	Recreation equipment, including playing facilities, tables, and the like shall be installed and maintained in accordance with acceptable standards.	Technical Levels of Service, Asset Management Practices, Monitoring and Improvement Program and Facility Service Listing in Parks and Recreation Asset Management Plan (Appendix K).
		Ensure that playgrounds are replaced in accordance with industry accepted lifespan.	10-year planning period of 'Lifecycle Management Plan' in Parks & Recreation Asset Management Plan (Appendix K)

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Landscape character and design	Ensure that the landscape character of Parks is retained	Retain and enhance where possible, inherent landscape features.	Future Direction 4 of the Delivery Program 'Enhance facilities and networks that supports Community, Sport, Heritage and Culture' reviewed in the Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
			Improvement Plan found in Parks and Recreation Asset Management Strategy (Appendix K).
			Blayney Town Network Implementation Plan and master Plan Concept in Blayney Shire Sport and Recreation Plan (Appendix I)
			Blayney Shire Council Sport and Recreation Plan (Appendix J)
	Design Playgrounds to benefit the whole community	Incorporate shade into designs where possible.	Maintenance, upgrade and new works are undertaken to ensure playgrounds are fit for purpose and of a suitable quality to promote recreational activity amongst the community. See Parks & Recreation Asset Management Plan (Appendix K).
			Blayney Town Network Implementation Plan in Blayney Shire Sport and Recreation Plan (Appendix I)
		Ensure that associated facilities e.g. bubbler, seating is incorporated into playgrounds.	Blayney Shire Council Sport and Recreation Plan (Appendix J) Future Direction 4 'Enhance Facilities and Networks that Support Community, Sport, Heritage and Culture' and Future Direction 1 'Maintain and Improve Public Infrastructure and Services' reviewed in Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
		Provide landscaping to improve play value where possible.	Blayney Town Network Implementation Plan and master Plan Concept in Blayney Shire Sport and Recreation Plan (Appendix I) Future Direction 4 'Enhance Facilities and Networks that Support Community, Sport, Heritage and Culture' and Future Direction 1 'Maintain and Improve Public Infrastructure and Services' Six monthly Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
For Land Categorised as Sportsground			
Safety and Risk Management	To ensure the safety of public when visiting Sportsgrounds.	Broad risk management approaches to assessing ground conditions	Consideration of general player safety measures, such as boundary placement and padding, and assessments of ground surfaces before play and in the case of inclement weather.
			Co-operation between sporting clubs and LGAs in establishing and maintaining sports ground inspections and reviewing extrinsic risk factors.
			Regular maintenance of sportsgrounds conducted pursuant to Facility Service Listing in Parks and Recreation Asset Management Plan (Appendix K).
			Asset Capacity and Performance – Known Service Performance Deficiencies in Parks and Recreation Asset Management Plan (Appendix K).
General Use of Sportsground	To maximise appropriate community use of sportsgrounds while maintaining the sportsgrounds	Ensure all activities occurring at sportsgrounds are consistent with the LG Act 'core objectives' for sportsgrounds and bookings for use are within	Quarterly internal Sportsground bookings audit conducted.
			On the spot assessment undertaken during initial stage of booking process with Sporting Hire Application Form.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
	in the best possible condition.	the carrying capacity for each individual sportsground.	Demand Management Plan in Parks and Recreation Asset Management Plan (Appendix K). Calendar booking system subject to daily review by booking coordinator and quarterly internal audit.
Use of Sportsgrounds for Organised Sport	To manage Council's sportsgrounds appropriately for organised sport.	Regulate use of sportsgrounds by sporting clubs, schools, commercial operators and others.	Calendar booking system subject to daily review by booking coordinator and quarterly internal audit by Corporate Services Department.
			Community satisfaction as gauged from feedback.
		Manage sports field bookings to ensure that user groups are distributed as evenly as possible around the fields.	Demand Management Plan and Customer Levels of Service in Parks and Recreation Asset Management Plan (Appendix K)
		Offer a wide range of sporting opportunities to meet identified community needs.	Future Direction 4 'Enhance Facilities and Networks that Support Community, Sport, Heritage and Culture' and Future Direction 1 'Maintain and Improve Public Infrastructure and Services' reviewed in Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
			Appropriate fees charged for different user groups that is reviewed annually and tabled in Delivery Program (DP) and Annual Operational Plan (OP) published on Council website https://www.blayney.nsw.gov.au/your-council/council-publications .
			Accessibility compliance is considered prior to works commencing on all projects in accordance with Council's Disability Inclusion Action Plan available on Blayney Shire Council

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
			Website: https://www.blayney.nsw.gov.au/community/access-and-mobility/access-and-mobility
			Demand Management Plan and Customer Levels of Service in Parks and Recreation Asset Management Plan (Appendix K)
		Charge fees for sporting clubs, schools and commercial/business hirers and other groups wishing to use sportsgrounds exclusively for the purpose of organised sport.	Accessibility compliance is considered prior to works commencing on all projects in accordance with Council's Disability Inclusion Action Plan available on Blayney Shire Council Website: https://www.blayney.nsw.gov.au/community/access-and-mobility/access-and-mobility
	Ensure that access to sportsgrounds is provided to people with disabilities and with prams.	Identify suitable locations for development of suitable access for people with disabilities or with prams. Where possible, sportsgrounds should be accessible for all.	Blayney Shire Disability Inclusion Working Group meetings.
			Blayney Shire Council 'Active Movement Strategy 10 Year Program' available for review on Blayney Council website: blayney.nsw.gov.au/community/access-and-mobility/access-and-mobility
			Projected 10 Year Capital Renewal and Replacement Works Program and Capital Upgrade/New Works Program in Parks & Recreation Asset Management Plan (Appendix K).
		Ensure amenities associated with sportsgrounds take into account the needs of the physically disabled	In accordance with Blayney Shire Council Policy 26D 'Signs as Remote Supervision Policy' and the 'Blayney Best Practice Guide for Signs as Remote Supervision' the Infrastructure Department will conduct site risk audits on these facilities for appropriateness of

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
			<p>using Signs as Remote Supervision. The information from the site risk audits will be entered into Council's asset management system describing the location, condition and appropriateness of each sign.</p> <p>Ongoing liaison between Council and user groups.</p> <p>Ongoing liaison between Council and user groups. Assessed in 'Improvement Plan' of Parks & Recreation Asset Management Plan (Appendix K)</p>
Provision of Associated Infrastructure and Facilities at Sportsgrounds	To provide structures and facilities at sportsgrounds that are functional, well sited, visually attractive and which meet user needs.	When financially viable and possible upgrade pre-existing or facilitate initial instillation of Ancillary facilities include spectator seating, clubrooms, changing rooms, public toilets, storage facilities, scoreboards, and flood lights as well as picnic tables, BBQ's, fitness equipment and playgrounds.	<p>Ongoing liaison between Council and user groups. Assessed in 'Improvement Plan' of Parks & Recreation Asset Management Plan (Appendix K) Future Direction 4 'Enhance Facilities and Networks that Support Community, Sport, Heritage and Culture' and Future Direction 1 'Maintain and Improve Public Infrastructure and Services' reviewed in Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.</p>
Signage	To ensure signage at sportsgrounds is clear, consistent and visible.	Standardise naming and informative signage at all sportsgrounds	<p>Ongoing liaison between Council and user groups. Assessed in 'Improvement Plan' of Parks & Recreation Asset Management Plan (Appendix K) Future Direction 4 'Enhance Facilities and Networks that Support Community, Sport, Heritage and Culture' and Future Direction 1 'Maintain and Improve Public Infrastructure and Services' reviewed in Delivery Plan Performance Status Report tabled</p>

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
			at meetings of Council every 6 months. Facility Services Listing in Parks and Recreation Asset Management Plan (Appendix K)
Relationship between Council and Sports Clubs	Foster relationship between Council and sporting user groups in a bid to provide opportunities for the community to be involved in a wide range of active recreational programs.	Liaise with all existing sports clubs and encourage them to provide for juniors, females, older adults and people of all abilities through different forms of the game. Work towards developing opportunities to enhance sporting facilities to better benefit sporting groups.	Ongoing liaison between Council and groups. Assessed in 'Improvement Plan' of Parks & Recreation Asset Management Plan (Appendix K) Future Direction 4 'Enhance Facilities and Networks that Support Community, Sport, Heritage and Culture' and Future Direction 1 'Maintain and Improve Public Infrastructure and Services' reviewed in Delivery Plan Performance Status Report tabled at meetings of Council every 6 months. Facility Services Listing in Parks and Recreation Asset Management Plan (Appendix K) Prompt response to Customer Service Requests in accordance with Customer Levels of Service in Parks and Recreation Asset Management Plan (Appendix K)
	To maintain all sportsgrounds and associated facilities to appropriate standards to respond to the needs and expectations of organised sporting groups, and commensurate with Council resources.	Carry out regular maintenance work at all sportsgrounds to appropriate standards. Maintenance, upgrade and new works are undertaken to ensure sportsgrounds and sporting facilities are fit for purpose and of a suitable quality to promote physical activity amongst the community.	Annual cost of maintenance work monitored and reported in Quarterly Budget Review Statement tabled quarterly in Council Meetings and Council Annual Report and End of Term Reports. Annual cost of maintenance work monitored and reported in Quarterly Budget Review Statement tabled quarterly in Council Meetings and Council Annual Report and End of Term Reports.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
			Regular inspections of key Infrastructure undertaken pursuant to Technical Levels of Service Plan in Parks and Recreation Asset Management Plan (Appendix K).
		Undertake emergency repairs and additional maintenance work as required.	Prompt response and remediation of hazards. Conformance with Blayney Shire Council Business Continuity Plan (see Appendix N) and the Implementation and Review section.
		Monitor the cost of maintenance and replacement work in order to provide adequate resources to facilitate the above actions and prevent future problems.	Ongoing liaison between Council and various user groups
For Land Categorised as General Community Use			
Safety and Risk Management	To ensure the safety of public/staff when visiting general community use Areas.	Facilities, tables, and the like shall be installed and maintained in accordance with acceptable standards.	Calendar booking system subject to daily review by booking coordinator and quarterly internal audit by Corporate Services Department.
		Prevent unsafe usage of the general community use areas.	Calendar booking system subject to daily review by booking coordinator and quarterly internal audit by Corporate Services Department.
		Install facilities / amenities where required.	Coordination with IT Department and Cleaning services to set up facilities/rooms according to the needs of each individual user group specific to their booking requirements.
Relationship between Council and General Community Use Facilities and User Groups	Foster relationship between Council and user groups in a bid to provide opportunities for the community to be involved in a	Liaise with all existing user groups and encourage them to provide for juniors, females, older adults and people of all abilities through different programs and activities.	Community satisfaction as gauged from feedback.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
	wide range of active recreational, educational and cultural programs.		
Use of General Community Use Facilities by User Groups	To manage Council's General Community Use Facilities appropriately for various user groups	Regulate use of General Community Use Facilities by user groups, local businesses, clubs, schools, commercial operators and others.	Demand Management Plan and Customer Levels of Service in Parks and Recreation Asset Management Plan (Appendix K)
		Manage General Community Use Facilities bookings to ensure that user groups are attended to.	Demand Management Plan and Customer Levels of Service in Parks and Recreation Asset Management Plan (Appendix K)
		Offer a wide range of cultural, social, educational and recreational opportunities to meet identified community needs.	Prompt response and remediation of hazards.
			Quarterly inspections of Key infrastructure.
			All incidents reported in weekly Manex meeting as they occur, with discussion and implementation of appropriate action specific to the situation.
For Land Categorised as Natural Area – Bushland			
Safety and Risk Management	To ensure the safety of public when visiting natural areas.	Respond promptly to reports of hazards within reserves.	Technical Levels of Service Plan in Parks and Recreation Asset Management Plan (Appendix K).
		Conduct quarterly inspections of infrastructure and formed walking trails	Response to Customer Service Requests as they come.
	Ensure that health and safety of the community is not threatened by contact with dogs.	Install signage instructing owners that dogs must be always on a lead, except in designated off leash areas.	Facility Services Listing Plan in Parks and Recreation Asset Management Plan (Appendix K).
General maintenance and management	Reduce the occurrence of vandalism.	Repair any sites that have been vandalised.	In accordance with Blayney Shire Council Policy 26D 'Signs as Remote Supervision Policy' and the 'Blayney Best Practice Guide for Signs as Remote Supervision' the Infrastructure Department will

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
			conduct site risk audits on these facilities for appropriateness of using Signs as Remote Supervision. The information from the site risk audits will be entered into Council's asset management system describing the location, condition and appropriateness of each sign.
	Reduce the amount of litter and number of dumping incidents.	Clean up dumped rubbish immediately where appropriate.	Facility Services Listing Plan in Parks and Recreation Asset Management Plan (Appendix K).
			Facility Services Listing Plan in Parks and Recreation Asset Management Plan (Appendix K). In accordance with Blayney Shire Council Policy 26D 'Signs as Remote Supervision Policy' and the 'Blayney Best Practice Guide for Signs as Remote Supervision' the Infrastructure Department will conduct site risk audits on these facilities for appropriateness of using Signs as Remote Supervision. The information from the site risk audits will be entered into Council's asset management system describing the location, condition and appropriateness of each sign.
		Provide rubbish bins where necessary	Facility Services Listing Plan in Parks and Recreation Asset Management Plan (Appendix K). In accordance with Blayney Shire Council Policy 26D 'Signs as Remote Supervision Policy' and the 'Blayney Best Practice Guide for Signs as Remote Supervision' the Infrastructure Department will conduct site risk audits on these facilities for appropriateness of using Signs as Remote Supervision. The information from

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
			the site risk audits will be entered into Council's asset management system describing the location, condition and appropriateness of each sign. Future Direction 5 'Protect Our Natural Environment' reviewed in Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
		Install signage and or fencing to discourage dumping.	Facility Services Listing Plan in Parks and Recreation Asset Management Plan (Appendix K). In accordance with Blayney Shire Council Policy 26D 'Signs as Remote Supervision Policy' and the 'Blayney Best Practice Guide for Signs as Remote Supervision' the Infrastructure Department will conduct site risk audits on these facilities for appropriateness of using Signs as Remote Supervision. The information from the site risk audits will be entered into Council's asset management system describing the location, condition and appropriateness of each sign. Future Direction 5 'Protect Our Natural Environment' reviewed in Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
Biodiversity conservation	Maintain ecological processes and systems when managing natural areas.	Minimise the degree of disturbance in natural areas. Create habitat corridors through revegetation where possible. Consult with RFS about obtaining their fire history data so ecological burns	Facility Services Listing Plan in Parks and Recreation Asset Management Plan (Appendix K). In accordance with Blayney Shire Council Policy 26D 'Signs as Remote Supervision Policy' and the 'Blayney Best Practice Guide for Signs as Remote Supervision' the Infrastructure Department will conduct site risk audits on these

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
		can be planned if necessary.	facilities for appropriateness of using Signs as Remote Supervision. The information from the site risk audits will be entered into Council's asset management system describing the location, condition and appropriateness of each sign. Future Direction 5 'Protect Our Natural Environment' reviewed in Delivery Plan Performance Status Report tabled at meetings of Council every 6 months.
Ensure domestic animal usage in natural areas is undertaken in a responsible manner	Prevent domestic animals from accessing natural areas except under direct control.	Erect signage and issue fines where appropriate.	
Manage and or eradicate pest plants and animals.	Control weeds using best management practices.	Develop an ongoing maintenance program of areas treated.	

10. Land Use and Management

As Crown Land Managers of Community Land, Blayney Shire Council holds the right to:

- a) Appoint contractors to operate reserve facilities.
- b) Regularly make minor changes to Community land (i.e. replanting garden beds, replacing damaged play equipment, excavating and/or clearing and/or tree lopping for the protection of public health or public safety).
- c) Undertake normal maintenance and routine inspection of the reserves, facilities and equipment (i.e. cleaning public amenities, mowing, irrigation, building/equipment repairs, painting, addressing damaging acts of vandalism).
- d) Conduct Environmental Protection Works to protect the natural environment of the reserve which encompasses land, air, water, fauna as well as the human environment that includes both indigenous and non-Indigenous cultural and build heritage (i.e. clearing of noxious plants, rubbish collection and/or introduced animals).
- e) Carry out emergency works when required.
- f) Conduct hazard reduction work when required autonomously or in collaboration with local Aboriginal groups and the Rural Fire Service.

- g) Limit Blayney Showground's ability to sell, auction, exchange or transport more than 50,000 head of cattle or 200,000 animals of any type (including cattle) per annum.
- h) Authorise domestic pets to use the reserves only where signage expressly permits, provided the animals are registered, leashed and under control of a responsible person at all times, and do not cause a loss of amenity to other users of the land².

10.1. Management Authority

For the purpose of this PoM, the management authority is Blayney Shire Council, in accordance with provisions set out in the LG Act. Council's responsibility for management of the land may be delegated to and undertaken by a Section 355 Committee, trusteeship, or other authorised persons or organisations. Where Council's responsibilities have been delegated, the provisions of this PoM continue to apply.

10.2. Managing Natural Vegetation on Community Land

10.2.1. Clearing Community Land

Clearing native vegetation on community land is permissible for:

- a) all Council land management activities that entail any construction, operation or maintenance of infrastructure, so long as the native vegetation does *not* comprise (or be likely to comprise) of:
 - i. a threatened species or part of a threatened ecological community or the habitat of a threatened species under the [Biodiversity Conservation Act 2016](#), or
 - ii. the habitat of threatened species, populations or ecological communities of fish under the [Fisheries Management Act 1994](#).
- b) the purpose of environmental protection works.
- c) a traditional Aboriginal cultural activity (other than a commercial cultural activity).
- d) the removal or reduction of an imminent risk of serious personal injury or damage to property.
- e) For the construction or maintenance of fencing (other than boundary fencing) to improve the management of the land, with a maximum distance of clearing for the purposes of a fence not exceeding 6 metres and only for fencing that is reasonably required to be constructed on the land.

² With the exception of assistance animals that are used to accompany any person with a disability (within the meaning of the Disability Discrimination Act 1992 of the Commonwealth); to which Council allows full access to all Community reserves.

10.2.2. Managing Natural Area (Bushland)

Council management of all Natural Areas of community land shall be in line with the key principles of the national standards for the practice of ecological restoration in Australia.

The National Standard for Ecological Restoration “provides a framework for conceptualising, defining and measuring ecological restoration, particularly at a time of rapid environmental change” through the following principles:

- a) Ecological restoration practice is based on an appropriate local indigenous reference ecosystem
- b) Restoration inputs will be dictated by level of resilience and degradation
- c) Recovery of ecosystem attributes is facilitated by identifying clear targets, goals, and objectives
- d) Full recovery is the goal of ecological restoration even if outcomes take long time frames
- e) Restoration science and practice are synergistic social aspects are critical to successful ecological restoration

Management actions of ‘Natural Areas (Bushland)’ must be consistent with the strategies and tactics set out in *Table 6* below:

Table 6 – Natural Area Management Strategies and Tactics

Strategy	Tactic	Examples of Activities
Manage Disturbance	Fire management	Cultural burnings
		Construction of firebreaks to manage wildfire
		Plant fire resistant vegetation
	Water management	Irrigation
		Install in-stream barriers and sediment traps
		Encourage natural inundation
	Reduce physical disturbance	Remodel topography through soil conservation works
Manage vehicle and people access		
Mitigate external degradation drivers	Control weed impacts	Chemical spraying
		Mechanical weed removal
	Control pest impacts	Reduce numbers of feral or overabundant native herbivores
		Reduce numbers of exotic predators (wild dogs, foxes and cats)
	Nutrient control	Apply soil amendments for nutrient absorption and exchange
		Manage effluent disposal
		Manage stock access to water bodies
Active rehabilitation	Planting	Planting of tube stock
		Broadcast or direct drill seeding
		Enrichment planting
	Thinning	Selective removal of individual plants by mechanical or chemical application
		Removal of all plants in small patches
	Habitat enhancement	Install nest or hollow boxes
		Relocate large woody debris
		Add or encourage pollinators
Reintroductions	Reintroduce key animal or plant species	

11. Use & Development of Community Land

11.1. General Requirements for Development on Community Land

All development on Community land must:

- meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, or if there are no such relevant provisions, must be structurally adequate,
- must not, if it relates to an existing building:
- cause the building to contravene the Building Code of Australia, or
- compromise the fire safety of the building or affect access to any fire exit, and
- must not be designated development, and
- if it is likely to affect a State or local heritage item or a heritage conservation area:
 - must involve no more than minimal impact on the heritage significance of the item or area, and

- must not involve the demolition of a building or work that is, or is part of, a State or local heritage item, and
- if it involves the demolition of a building, must be carried out in accordance with Australian Standard AS 2601—2001, The demolition of structures, and
- g) must be installed in accordance with the manufacturer's specifications, if applicable
- h) must not involve the removal of asbestos unless that removal is undertaken in accordance with Working with Asbestos: Guide 2008 (ISBN 0 7310 5159 9) published by the WorkCover Authority.
- i) Must not cause greater disturbance on native vegetation than necessary, and
- j) Does not result in an increase in stormwater run-off or erosion.

11.2. Development Permitted Without Consent

Developments permitted without consent pursuant to specific legislative reprieves are listed in *Table 7*. In addition, the CLM Act permits certain types of developments to be made without consent from the minister, listed in *Table 8*.

Table 7 - Developments Permitted Without Consent Legislation

Legislation	Development Permitted without Consent
Rural Fires Act 1997	Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.
Clause 65 ISEPP	Development for any purpose so long as it is for the purpose of implementing any item listed in this PoM.
	Roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges.
	Recreation areas and recreation facilities (outdoor), but not including grandstands
	Visitor information centres, information boards and other information facilities.
	Lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard.
	Landscaping, including landscape structures or features (such as artwork) and irrigation systems.
	Amenities for people using the reserve, including toilets and change rooms.
	Food preparation and related facilities for people using the reserve.
	Maintenance depots.
	Portable lifeguard towers.
	Environmental management works.
	Demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).
	Construction or maintenance of— <ul style="list-style-type: none"> - walking tracks, raised walking paths (including boardwalks), ramps, stairways or gates - bicycle-related storage facilities, including bicycle racks and other bicycle parking facilities (except for bicycle paths) - handrail barriers or vehicle barriers

Legislation	Development Permitted without Consent
	<ul style="list-style-type: none"> - ticketing machines or park entry booths - viewing platforms with an area not exceeding 100m² - sporting facilities, including goal posts, sight screens and fences, if the visual impact of the development on surrounding land uses is minimal - play equipment if adequate safety measures (including soft landing surfaces) are provided and, in the case of the construction of such equipment, so long as the equipment is situated at least 1.2m away from any fence - seats, picnic tables, barbecues, bins (including frames and screening), shelters or shade structures - portable lifeguard towers if the footprint of the tower covers an area no greater than 20 square metres
	Routine maintenance of playing fields and other infrastructure, including landscaping.
	Routine maintenance of roads that provide access to or within those playing fields, including landscaping.
Section 47E LG Act	toilet facilities*
	small refreshment kiosks*
	shelters for persons from the sun and weather*
	picnic facilities*
	structures (other than accommodations for spectators) required for the playing of games or sports*
	playground structures*
	work sheds or storage sheds*

* Council cannot delegate consent to the development of community land if:

- the development involves extensions to an existing building that would occupy more than 10 per cent of its existing area.
- The location of the development has not been specified in the PoM and the development is likely to be intrusive to nearby residents.

Table 8 –CLM Act Developments Without Ministerial Consent

Legislation	Development Permitted without Consent from the Minister
Section 2.23 CLM Act	The repair, maintenance, restoration or renovation of an existing building on the land if it will not do any of the following—
	<ul style="list-style-type: none"> - Alter the footprint of the building by adding or removing more than one square metre (or any other area that may be prescribed by the regulations). - Alter the existing building height by adding or removing one or more storeys. - Involve excavation of the land.
	The erection of a fence approved by Council or the repair, maintenance or replacement of a fence erected with Council's approval.

Legislation	Development Permitted without Consent from the Minister
	The erection of signage approved by the manager or the repair, maintenance or replacement of signage erected with the manager's approval.
	The erection, repair, maintenance or replacement of a temporary structure on the land.
	The installation, repair, maintenance or replacement of services on the land.
	The erection, repair, maintenance or replacement of any of the following on the land— <ul style="list-style-type: none"> - a building or other structure on the land permitted under the lease - a toilet block - a structure for the protection of the environment
	The carrying out on the land of any other development permitted under this PoM for the land.

11.3. Future Uses and Developments

Different sports/games/recreational activities ('activities') could increase or decrease in popularity, demographics of the region could change, arising technologies could alter methods of service delivery and activities could develop. Reserve facilities and ancillary developments may change over time to reflect arising community needs or emerging activity trends.

The purpose of this PoM is to give sufficient flexibility for minor changes in use and management without the necessity for a statutory revision to the PoM.

11.3.1. Use and Development Requirements

Council must always meet the following requirements prior to implementing new uses and developments on Community land:

- The use and development of community land should be compatible with the reserve purpose and assigned categorisation.
- The intended function of the land and the wider community context must always be considered when assigning permissible uses and deciding future developments.
- The environmental impact of the activities that any uses or developments incite must be taken into account, as well as the ability of the land to support said activities.
- Aboriginal rights and interests must always be taken into account prior to any new uses and developments being undertaken on Community land.

11.4. Permissible Uses & Developments

For Community land listed in Appendix A:

- Current, potential and future purpose and uses of Community land are listed in Appendix E; and
- Current, potential and future developments of Community land are listed in Appendix F.

The anticipated uses and associated development identified in Appendix E and F are not to be interpreted as verbatim but should be read as a general overview of current, potential or desired future use. Sympathetic, compatible uses and developments that are not listed, but are in line with an item listed, shall also be validated under this PoM.

To ensure currency, items listed in Appendix E and F shall be subject to intermittent review, based on when the need arises and when new applicable items warrant mention.

12. Leases, Licences & Other Estates

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the Local Government (General) Regulation 2005
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993* (Cth)
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the Local Government (General) Regulation 2005
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

12.1. Current Long Term Use Agreements

Current lease and licence agreements on Community land for use that is greater than a 12-month period are listed in the *Table 9* below:

Table 9 - Current Lease and Licence Agreements

Reserve Details	User Group	Tenure Type	Tenure Term
Reserve 69798 Blayney Golf Course	Blayney Golf Club	Lease for occupation of the golf course including fairways and greens.	21 Years
Reserve 66163 King George V Park	Blayney Shire Community Mens Shed Carpark	Licence Agreement for Occupation of Land for Mens Shed Carpark	20 Years

This PoM expressly authorises current leases and other agreements until the end of their current terms, without exercise of an option. A review of usage patterns and conditions of the lease or licence agreement should be undertaken before expiry if an extension of the period is sought.

12.2. Key Principles of Granting Leases, Licences & Other Estates

The key principles of granting tenure over Council managed community land are:

- a) To ensure the tenure purpose/s is consistent with the purpose/s for which the Crown land is reserved or dedicated (or is ancillary or incidental).
- b) Certain tenures cannot be granted over the Crown land if they are prohibited under the NTA. Native title legislation always overrides the CLM Act.
- c) Tenures are to be granted to suitable holders in the best interest of managing the Crown land in accordance with the objects and principles of the CLM Act.
- d) Market rent should be sought and obtained for tenure. A rebate, or waiver, to market rent may be granted where suitable, though final rent generally should not be less than the statutory minimum rent. The final rent amount is to be the best return possible for the CLM to invest in maintaining and improving the Crown reserve over the long term.
- e) To ensure the process undertaken to select a suitable holder is open, transparent and accountable so that dealings promote fairness and competition.
- f) That any activity associated with the tenure must be consistent with the permissible uses and developments listed in Appendix E and Appendix F and all of the objectives for this PoM listed in Section 8.

12.2.1. General Tenure Provisions for Park, General Community Use and Sportsground

A lease, licence or other estate may be granted to all Council managed Community Land categorised as Park, General Community Use and Sportsground:

- a) For the provision of public utilities and works associated with or ancillary to public utilities.
- b) For the purpose of providing pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider.
- c) For the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation to any of the following:
 - i) public recreation; or
 - ii) the physical, cultural, social and intellectual welfare or development of persons, including, but not limited to, maternity welfare centres, infant welfare centres, kindergartens, nurseries, childcare centres, family day-care centres, surf lifesaving clubs, restaurants or refreshment kiosks.
 - iii) To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games without adversely impacting nearby residents.
 - iv) To improve the land in such a way that encourages, promotes and facilitates recreational, cultural, social and educational pastimes and activities.
 - v) To improve the land in such a way that encourages, promotes and facilitates passive recreational activities or pastimes and the casual playing of games.

- d) For the provision of public roads.
- e) For a residential purpose in relation to housing owned by the council.
- f) For a short-term, casual purpose of the playing of a musical instrument, or singing, for fee or reward that does not involve the erection of a permanent building or structure and does not occupy the land for more than three consecutive days.
- g) For a short-term, casual purpose of the engaging in a trade or business that does not involve the erection of a permanent building or structure and does not occupy the land for more than three consecutive days.
- h) For a short-term, casual purpose of the playing of a lawful game or sport that does not involve the erection of a permanent building or structure and does not occupy the land for more than three consecutive days.
- i) For a short-term, casual purpose of the delivery of a public address that does not involve the erection of a permanent building or structure and does not occupy the land for more than three consecutive days.
- j) For a short-term, casual purpose of Commercial photographic sessions that does not involve the erection of a permanent building or structure and does not occupy the land for more than three consecutive days.
- k) For a short-term, casual purpose of picnics and private celebrations such as weddings and family gatherings that does not involve the erection of a permanent building or structure and does not occupy the land for more than three consecutive days.
- l) For a short-term, casual purpose of filming sessions that does not involve the erection of a permanent building or structure and does not occupy the land for more than three consecutive days.
- m) For filming projects to be carried out Community Land that is not considered by Council as being of Aboriginal Cultural Significance.

12.2.2. General Tenure Provisions for Natural Area, Bushland

A lease, licence or other estate may be granted to all Council managed Community Land categorised as Natural Area - Bushland:

- a) For the provision of public utilities and works associated with or ancillary to public utilities.
- b) For the purpose of providing pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider.
- c) For the provision of public roads.
- d) For the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation to any of the following:
 - i. Information kiosks.
 - ii. Refreshment kiosks (but not restaurants).

12.3. Leases, Licences and Other Estates Public Notice Requirements

Licences and leases are used to formalise the use of community land by groups, organisations or individuals providing facilities or services for public use.

The Minister's consent is required for easements, leases or licences over crown land. For leases and licences for periods in excess of five years, Council must give public notice of the proposal, exhibit a notice on the land and notify owners or occupiers of adjoining land. The maximum lease period is 21 years.

12.4. Leases, Licences and Other Estates That Require No Public Notice

Leases, licences and other estates in respect of community land can be granted immediately by Council, without the public notice required under Section 47 of the LG Act for the following community events:

- a) A public performance (that is, a theatrical, musical or other entertainment for the amusement of the public)
- b) The playing of a musical instrument, or singing, for fee or reward
- c) Engaging in a trade or business
- d) Playing of any lawful game or sport
- e) Delivering a public address
- f) Conducting a commercial photographic session
- g) Picnics and private celebrations such as weddings and family gatherings,
- h) Filming

Provided the use and occupation of community land for any of the above listed community events does not involve the erection of a permanent building or structure and does not occupy the land for more than three consecutive days. If any use occurs more than once, the period from the first occurrence until the last occurrence is not more than 12 months.

12.5. Use of Any Road or Fire Trail on Community Land

Council allows the short-term, casual purpose use of any road or fire trail that was in existence on 1 January 2001 on community land:

- a) To transport building materials and equipment required in relation to building work that is to be, or is being, carried out on land adjoining the community land; or
- b) To remove waste that is consequential on such work.

12.6. Use of Community Land with No Road or Fire Trail

Council allows the short-term, casual purpose use of any community land that does not have an existing road or fire trail:

- a) to transport building materials and equipment required in relation to building work that is to be, or is being, carried out on land adjoining the community land, or
- b) to remove waste that is consequential on such work,

If the work is for the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of

the wider public for the purpose of public recreation or for the physical, cultural, social and intellectual welfare or development of persons.

12.7. Biodiversity Stewardship Agreements

Council supports Biodiversity Stewardship Agreements where appropriate. Other carbon sequestration projects may also be relevant. The term for Biodiversity Stewardship Agreements and other carbon sequestration projects are in-perpetuity agreements under the Biodiversity Conservation Act 2016.

12.8. Telecommunications Towers

Under the Commonwealth Telecommunications Act 1993, towers deemed 'low impact' are permitted without Council approval. Negotiation must take place for towers of national significance.

Telecommunication towers installed in open space:

- a) Can only be installed in Crown land reserves that have the capacity to visually absorb them and accommodate them without degrading the useability of the land.
- b) Should ideally not be placed in areas categorised as 'Natural Area'; alternative locations must be exhausted before consideration is given to said areas.
- c) Must have minimal impact on reserve users.
- d) Must comply with Council's planning guidelines.
- e) Should be situated in a location determined by Council based on the least possible adverse effect on the use of the land for its LG Act core objectives of classification.

12.8.1. Tenure Requirements

Before granting a lease or licence on Crown land, Council must:

- a) Ensure all leases issued must be consistent with the intended use of the land.
- b) Achieve compliance with relevant legislation, Crown land management rules, policies, regulations, guidelines and fact sheets.
- c) Regard and comply with tenure provisions under the LG Act.
- d) Make sure there is compatibility of the lease with the reserve purpose.
- e) Assess the environmental impacts of the proposed activity and the ability of the land to support the activity.
- f) Ascertain whether the term of the tenure is appropriate and consider the impacts the proposed lease will have on current and future use of the land.
- g) Ensure any development consents or any other consents required under the EP&A Act are conducted.
- h) Allow provisions for conducting rent reviews (at least every three years) and provisions for consumer price index rent increases annually.
- i) Following community engagement requirements set out in the LG Act.

- j) Comply with any applicable requirements of the Commonwealth NTA and have regard for any existing claims over the land under the NSW Aboriginal Land Rights Act 1983³.

12.9. Types of Tenures Authorised by Council

Purposes for which leases, licences and other estates may be authorised by Council on Community land are listed in Appendix G. Sympathetic, compatible uses that are not listed in Appendix G but are in line with an item listed in the General Provisions of this section or Uses and Developments listed in Appendix E and Appendix F, shall also be validated under this PoM.

13. Fees and Charges

Council may from time to time, determine the fees or charges payable in respect of any one or more of the following:

- a) the use of the whole or any part of the land or any structure or enclosure in or on the land,
- b) the parking or use of any vehicle or class of vehicles on the land,
- c) the use of electricity, gas and water,
- d) the disposal of rubbish and the cleaning of the land,
- e) the removal of effluent.

14. Prohibited Activities

Section 9.4 (1) (b), 9.5 (1) (b) and 9.5 (2) of the CLM Act prohibits certain actions being taken in Crown Land Reserves. These prohibitions shall not prevent Aboriginal people from continuing their traditional use of the land for hunting, gathering (except for purposes of sale) or for ceremonial or religious purposes pursuant to Section 211 of the NTA.

14.1. Unauthorised Use of Community land

With the exception of preserving native title rights and interests, Council prohibits any person(s) from doing the following on Community land:

- a) Reside.
- b) Erect a permanent structure.
- c) Graze stock.
- d) Drive stock.
- e) Interfere (i.e. remove, cut, dig up, disturb, displace) with plants, trees, timber, turf, stone, clay, shells, earth, sand and/or gravel that is on, in or forms part of the land.

³ The grant of a lease that creates a right of exclusive possession, such as a commercial lease, has a direct impact on native title holders as it effectively excludes them from the land and prevents them from exercising their native title rights. Council must thoroughly assess the direct impact any proposed lease may have on native title holders and submit native title advice pursuant to Section 8.7 of the CLM Act.

- f) Deposit or leave any of the following on Crown land except in a place or receptacle provided for the purpose:
- any rubbish or litter, refuse, dead animal or other similar matter,
 - vehicles or parts of them,
 - watercraft or aircraft or parts of them,
 - household effects, appliances, materials or waste,
 - clothing,
 - agriculture, building, commercial or industrial materials or waste,
 - machinery, plant or equipment or parts of them,
 - chemicals or metals,
 - vegetable matter,
 - stone, sand, shells, clay, earth or ash,
 - radioactive material,
 - hospital or biological waste,
 - abattoir waste,
 - toxic or hazardous waste, liquid waste,
 - computers, televisions, printers and other electronic devices.

14.2. Council Authority to Restrict Structure or Land Use

With the exception of preserving native title rights and interests, Council reserves the right to prohibit the following activities by public notice on Community land:

- a) Using a structure on the land without lawful authority;
- b) Any of the activities listed in Clause 13 of the Crown Land Management Regulation 2018.

15. Change and Review of Plan of Management

This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in Council priorities.

This PoM may be reviewed, if required, and the updated plan will be adopted by Council.

The Appendices to this PoM may be updated from time to time, reflecting significant changes to the condition of the community land, or to reflect new acquisitions or dedications of land.

Relevant documents that contain performance targets and objectives specifically relevant to this PoM are regularly updated and reviewed. The most current version of the relevant document shall always apply to this PoM.

16. Disclaimer

Any matter or thing done or omitted to be done for the purpose of the administration of this PoM by Blayney Shire Council, a Councillor, a member of a committee of the Council or an employee of council or any other person acting under the direction of Blayney Shire Council is done in good faith pursuant to Section 731 of the Local Government Act 1993.

If there is an inconsistency between this PoM and any other Council created document that is relevant to this PoM, whether made before or after the commencement of this PoM, this PoM prevails to the extent of the inconsistency.

	Date	Minute No.
Adopted by Council:		
Date of Ministerial Consent		N/A

DRAFT



APPENDIX A - Generic Plan of Management List of Community Land

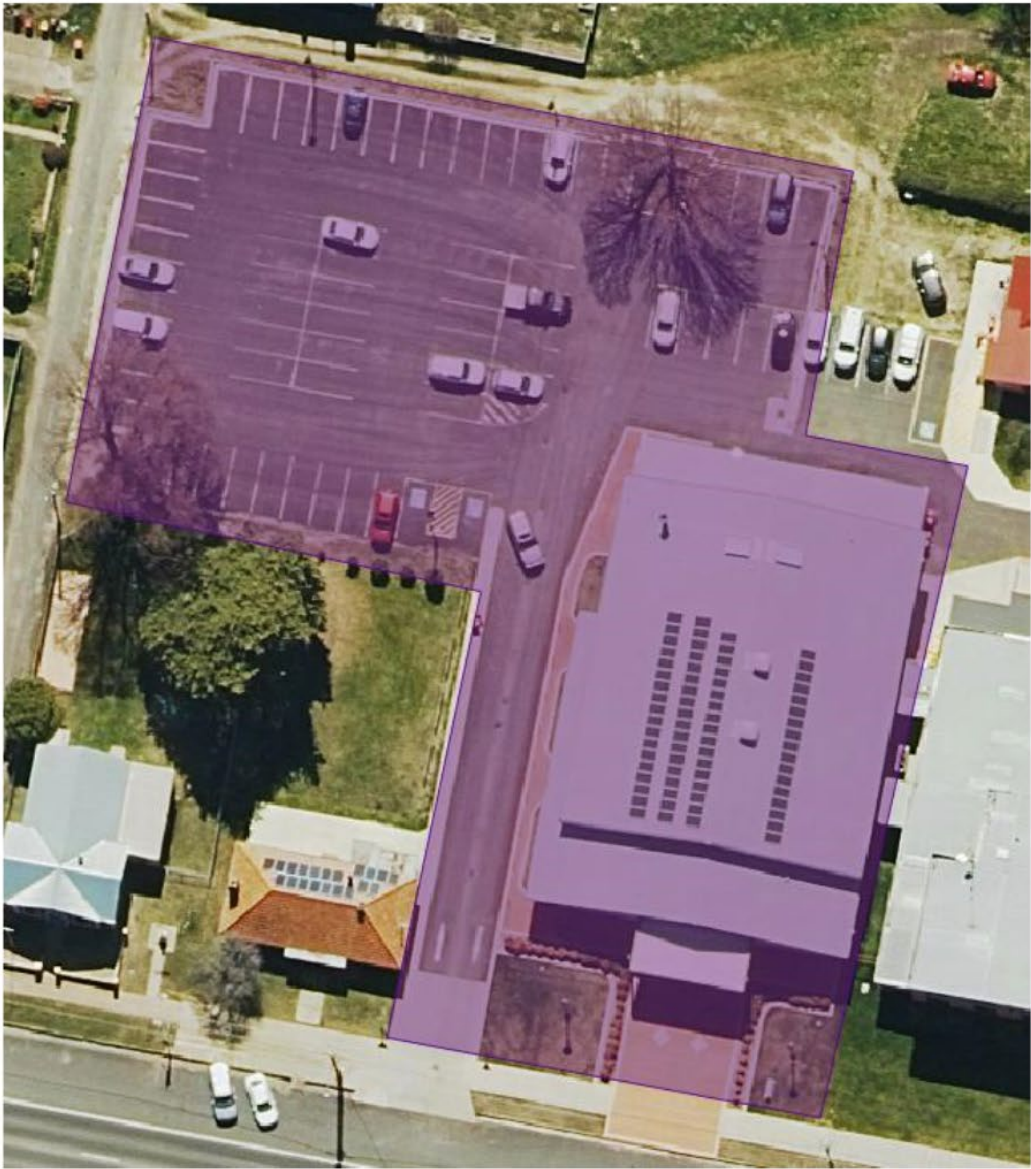
Reserve No.	Reserve Name	Reserve Gazetted Purpose(s)	Gazetted Date	LEP Zone	Location	Land Parcel/s	Area (M ²)
29953	Redmond Oval	Public Recreation	23/09/1899	RE1	44 Park St, Millthorpe	Lot 235 DP 750384	27,199.95
66163	King George V Park	Plantation; Public Recreation	07/08/1936	RE1	20 Carcoar St, Blayney	Lots 22-23 DP 726951, Lot 2 DP 1085587	5,1993
69484	Newbridge Public Recreation Reserve	Public Recreation	23/08/1940	RE1	40 Three Brothers Rd, Newbridge	Lot 1 DP 154867	29,613.71
69798	Blayney Golf Course	Public Recreation	10/01/1941	RU1	4261 Mid Western Highway, Blayney	Lot 23 DP 568101, Lots 100, 316 DP 750380, Lot 7006 DP 1023241, Lot 7011 DP 1023246	43,0351.33
72309	Blayney Dakers Oval Reserve	Public Recreation	13/06/1947	RU2	52 Ogilvy St, Blayney	Lot 7302 DP 1157001	32,048.96
76865	Naylor Street Playground	Public Recreation	02/07/1954	RU5	8 Naylor St, Carcoar	Lots 7002-7003 DP 1023332	16,631.94
77618	Neville Recreation Reserve	Public Recreation	27/05/1955	RU1	Kentucky Rd, Neville	Lot 7007 DP 1001763	15,636.22
84123	Millthorpe Reserve	Public Utility	21/12/1962	RU5	44 Park St, Millthorpe	Lot 9 DP 750384	13,377.77
84340	Heritage Park	Public Recreation	22/03/1963	RU1	10 Adelaide St, Blayney	Lot 317 DP 750380, Lot 701 DP 1023215	27,022.75
84343	Heritage Park	Public Recreation	22/03/1963	RE1	2 Adelaide St, Blayney	Lot 320 DP 750380	13,079.51

Reserve No.	Reserve Name	Reserve Gazetted Purpose(s)	Gazetted Date	LEP Zone	Location	Land Parcel/s	Area (M ²)
89482	Pound Flat	Public Recreation	27/06/1975	RU5	2 Coombing St, Carcoar	Lot 201 DP 1126303	12,988.24
89744	Blayney Showground	Public Recreation; Showground	05/03/1976	RE1	22 Marshalls Lane, Blayney	Lot 3 DP 540356, Lot 1 DP 575355	195,330.83
97871	Kurt Fearnley Park	Public Recreation	16/08/1985	RU5	1 Icely St, Carcoar	Lot 1 DP 1090769	2,138.61
97872	Innes Park	Public Recreation	16/08/1985	RU2	89 Adelaide St, Blayney	Lot B DP 354739	301.61
					3763 Midwestern Highway, Blayney	Lot 1 DP 1076672	159.53
					3763 Midwestern Highway, Blayney	Lot 7004 DP 1023256	298.03
					3763 Midwestern Highway, Blayney	Lot 1 DP 779754	1,172.1
					1 Adelaide St, Blayney	Lot A DP 373865	748.47
					1 Roseberry Pl, Blayney	Lot 18 DP 244853	16,300
					3 Roseberry Pl, Blayney	Lot 1 DP 244853	811.55
					23 Medway St, Blayney	Lot 103 DP 253377	12,600
					14 Gilchrist St, Blayney	Lot 3 Sec 6 DP 1450	963.95
590105	Carrington Park / Centrepont Sport & Leisure	Public Recreation	23/06/1882	R1	71 Osman St, Blayney	Lot 2 DP 1038633 Lot 1 DP 1038633	19,246.69
590121	Lyndhurst Showground	Recreation; Showground	27/10/1915	RE1	6511 Mid Western Highway, Lyndhurst	Lot 7302 DP 1148005	49,627.08

Reserve No.	Reserve Name	Reserve Gazetted Purpose(s)	Gazetted Date	LEP Zone	Location	Land Parcel/s	Area (M ²)
1000284	Community Centre	Community Purposes	30/09/1960	B2	41 Church St, Blayney	Lot 24 , Section 14 DP 758121	4,317.51
1002972	Centrepont Sport & Leisure Centre	Public Recreation	29/09/2000	R1	79 Osman St, Blayney	Lot 1 DP 1038633	1,339.45

APPENDIX B - Land Maps and Categorisation

Reserve No.	Reserve Name	Category / Key
1000284	Community Centre	General Community Use



Reserve No.	Reserve Name	Category / Key
590105	Carrington Park / Centrepont Sport & Leisure	General Community Use
		Park
		Sportsground



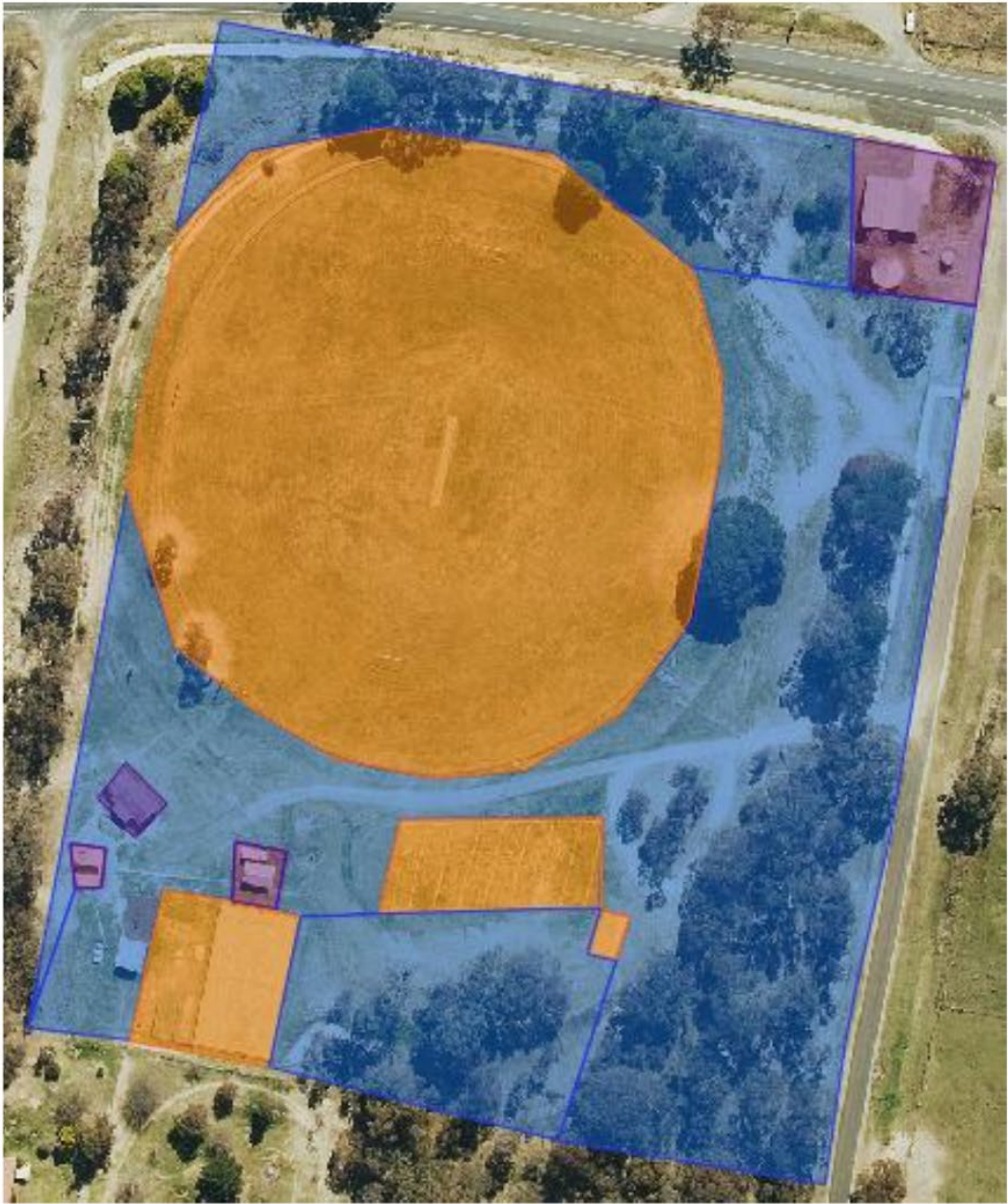
Reserve No.	Reserve Name	Category / Key
1002972	Centrepont Sport & Leisure	<div></div> Sportsground



Reserve No.	Reserve Name	Category / Key
29953	Redmond Oval	<div>Sportsground</div> <div>Park</div>



Reserve No.	Reserve Name	Category / Key
590121	Lyndhurst Showground	General Community Use
		Park
		Sportsground



Reserve No.	Reserve Name	Category / Key
66163	King George V Park	<div>Sportsground</div>
		<div>Park</div>



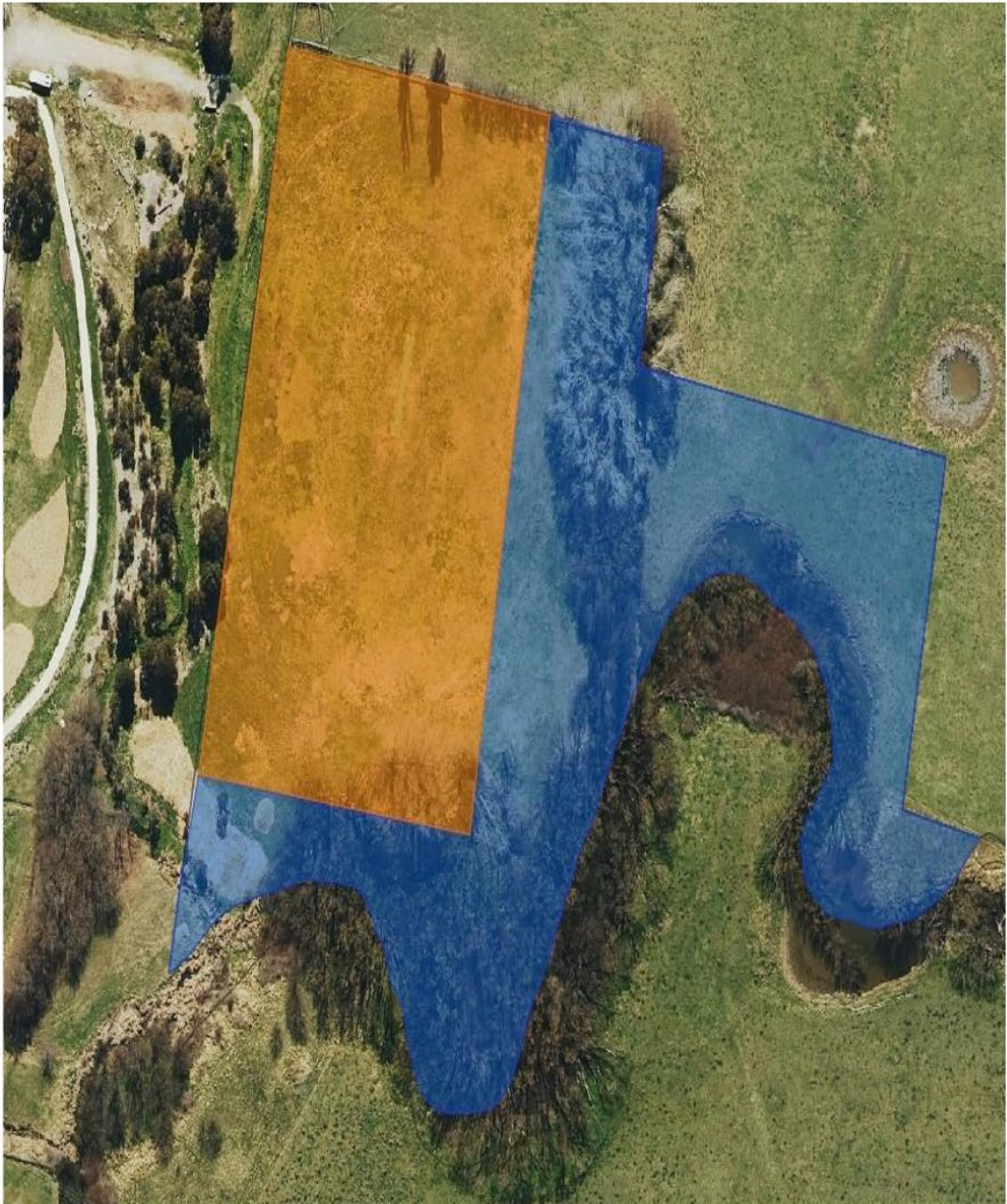
Reserve No.	Reserve Name	Category / Key	
69484	Newbridge Public Recreation Reserve	<div></div>	Sportsground
		<div></div>	Park
		<div></div>	General Community Use



Reserve No.	Reserve Name	Category / Key
69798	Blayney Golf Course	<div>Natural Area - Bushland</div> <div>Sportsground</div>



Reserve No.	Reserve Name	Category / Key
72309	Blayney Dakers Oval Reserve	<div>Sportsground</div> <div>Park</div>



Reserve No.	Reserve Name	Category / Key
76865	Naylor Street Playground	<div>Sportsground</div> <div>Park</div>



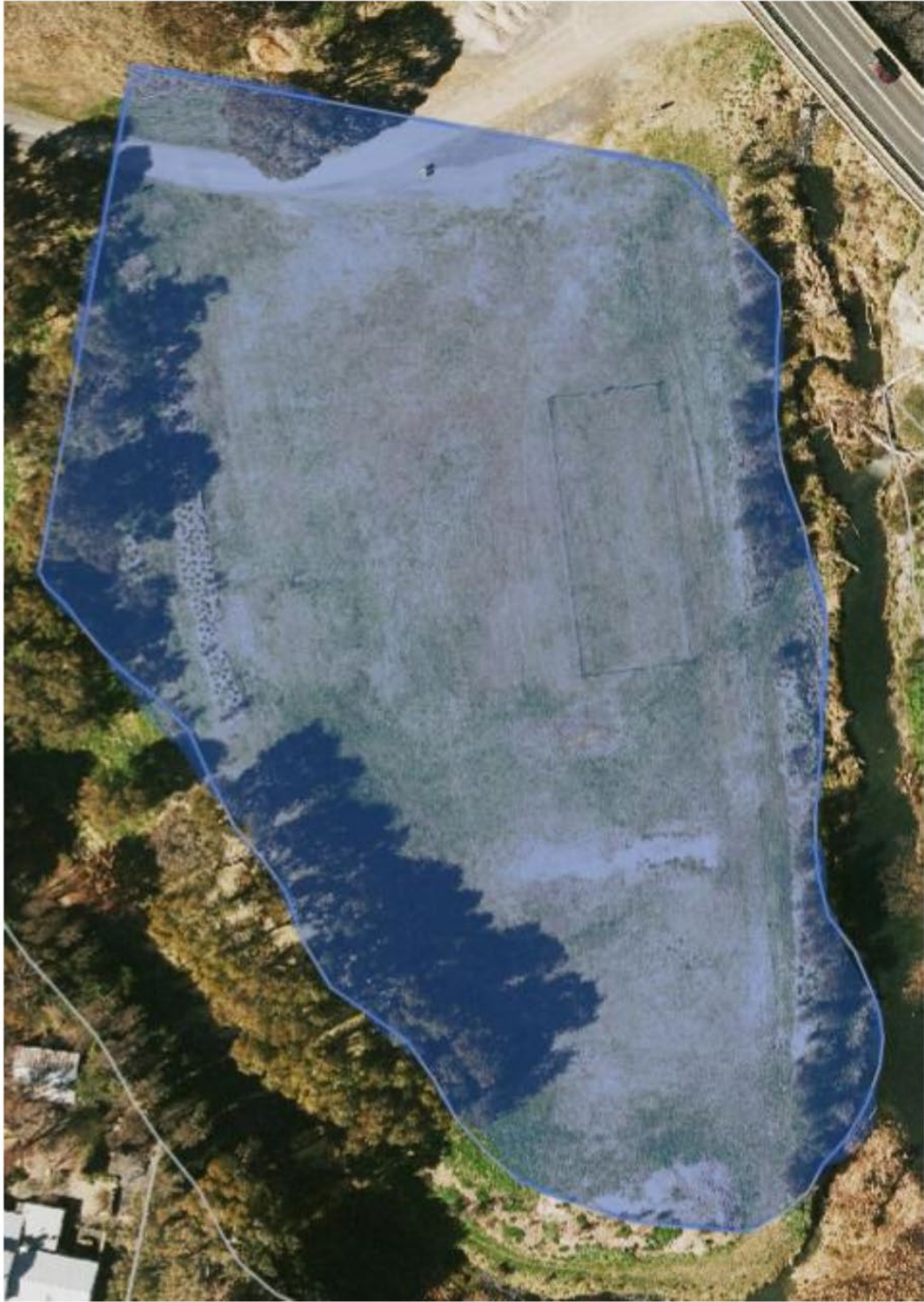
Reserve No.	Reserve Name	Category / Key	
84340	Heritage Park	<div></div>	Sportsground
		<div></div>	Park



Reserve No.	Reserve Name	Category / Key	
84343	Heritage Park	<div></div>	Sportsground
		<div></div>	Park



Reserve No.	Reserve Name	Category / Key
89482	Pound Flat	Park



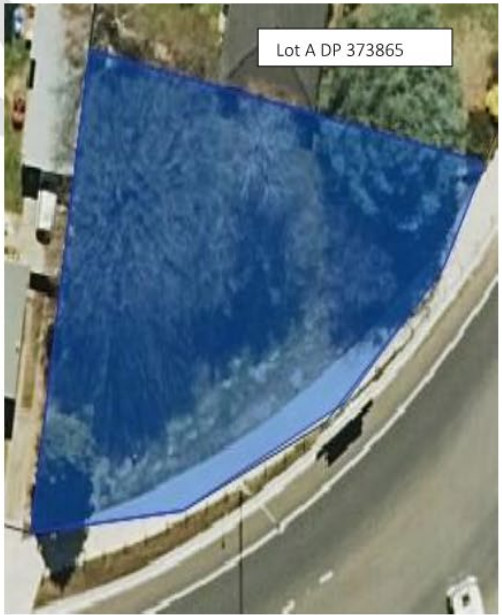
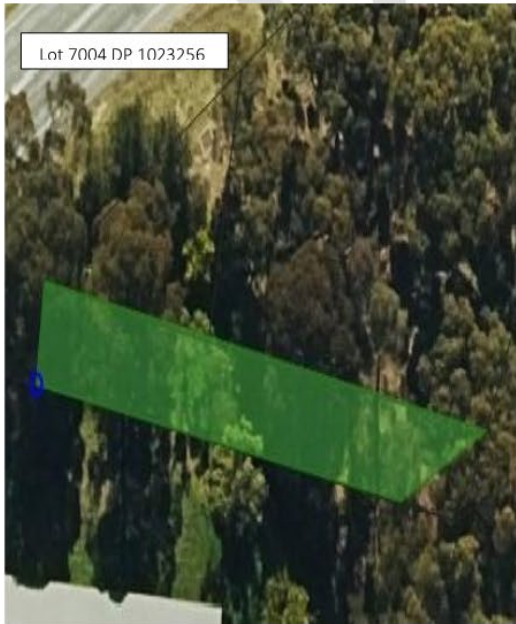
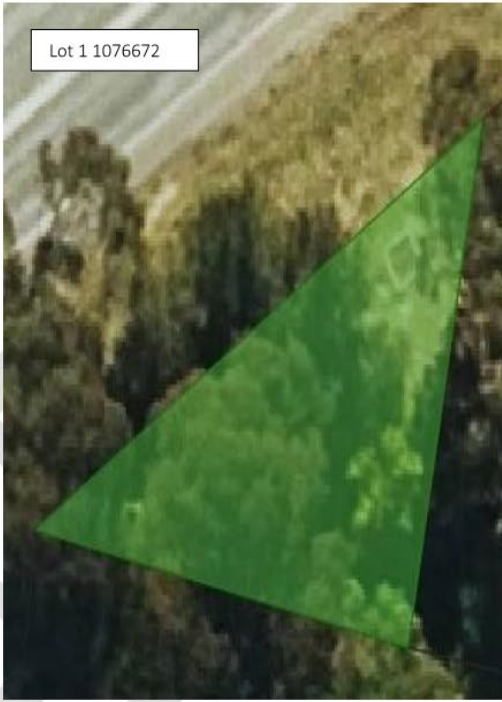
Reserve No.	Reserve Name	Category / Key
89744	Blayney Showground	<div></div> Sportsground
		<div></div> General Community Use
		<div></div> Park



Reserve No.	Reserve Name	Category / Key
97871	Kurt Fearnley Park	Park



Reserve No.	Reserve Name	Category / Key
97872	Innes Park	<div></div> Park
		<div></div> Natural Area - Bushland



Reserve No.	Reserve Name	Category / Key
97872 (continued)	Innes Park	<div></div> Park
		<div></div> Natural Area - Bushland



Reserve No.	Reserve Name	Category / Key
97872 (continued)	Innes Park	Park
		Natural Area - Bushland

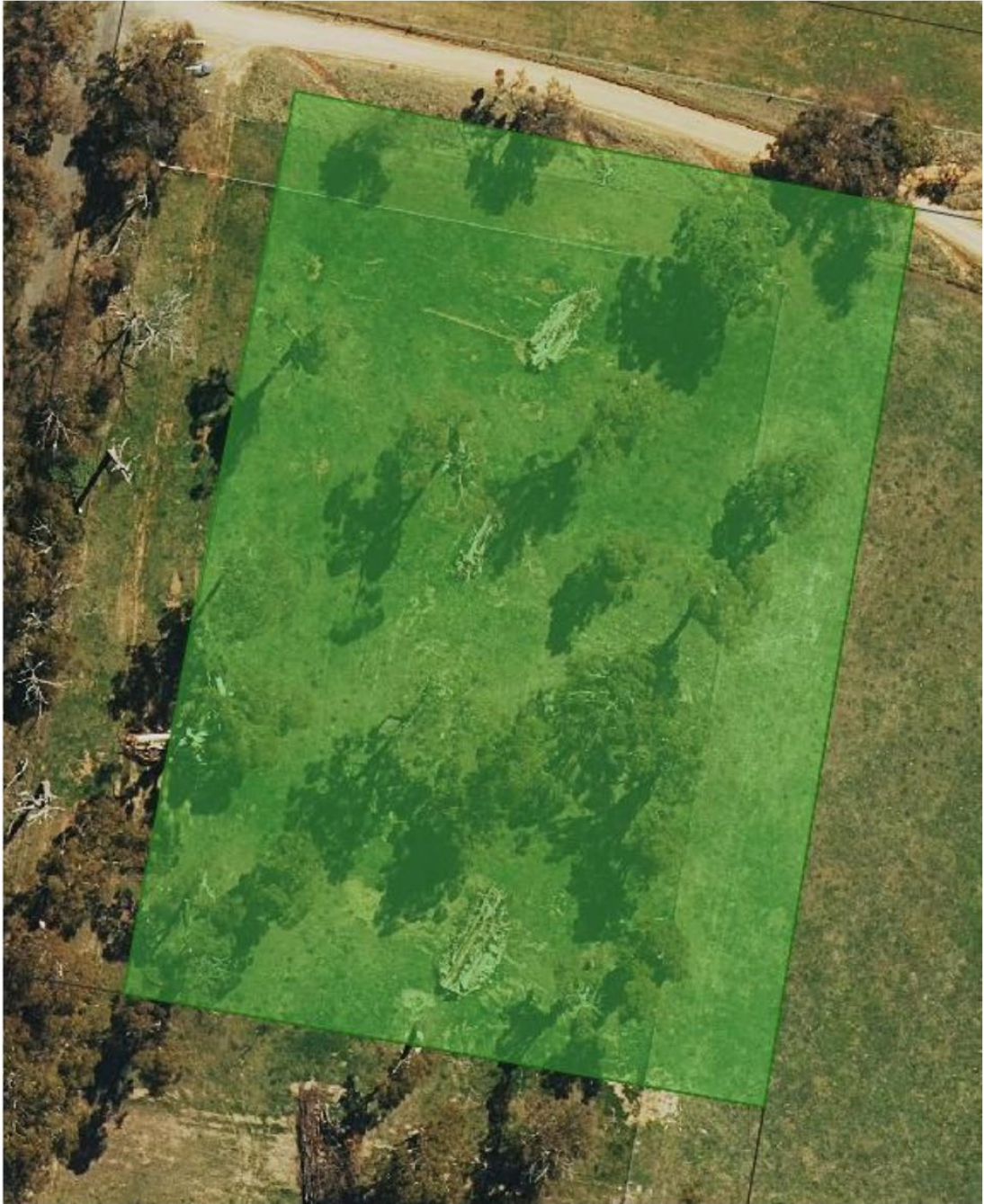
Lot 1 DP 779754



Reserve No.	Reserve Name	Category / Key
84123	Millthorpe Reserve	Natural Area - Bushland



Reserve No.	Reserve Name	Category / Key
77618	Neville Recreation Reserve	<div></div> Natural Area - Bushland



APPENDIX C - Legal Framework

This section describes the legislative and policy framework applying to the land covered under this PoM. You can find further information regarding these Acts at www.legislation.nsw.gov.au.

A reference to a statute, legislation, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them made by any legislative authority.

Local Government Act 1993

Section 35 of the *Local Government Act 1993* (LG Act) provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.
- Section 36 of the Act provides that a plan of management for community land must identify the following:
 - the category of the land,
 - the objectives and performance targets of the plan with respect to the land,
 - the means by which the council proposes to achieve the plan's objectives and performance targets,
 - the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,
 - and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
 - i. the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - ii. the use of the land and any such buildings or improvements as at that date, and
- b) must:
- c) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
- d) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
- e) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the LG Act, a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

Classification of Public Land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45 and 46) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections

31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the minister administering the CLM Act.

Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of ‘environmental protection’ cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (‘EP&A Act’) provides the statutory planning framework to control the use and development of land in New South Wales.

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

The SEPP (Infrastructure) 2007 (‘ISEPP’) provides a consistent planning regime for the provision of infrastructure and services across NSW, including those on public land.

Local Environmental Plan (LEP)

A Local Environmental Plan (‘LEP’) is the primary local planning instrument that sets a range of controls for development in Blayney Shire. The Blayney Local Environment Plan provides the local development control framework for the community reserves listed in this PoM.

Planning Controls Applying

The land to which this PoM applies is subject to provisions of Blayney Shire Councils Local Environment Plan 2012 ('BLEP2012'). BLEP2012 replaces the development controls in Blayney Local Environmental Plan 1998 ('BLEP1998') except for two deferred areas in Zone 1(c) - Rural Small Holdings along Forest Reefs Road (west of Cowriga Creek) and Browns Creek Road.

Development consent under the EP&A Act and adherence to all other Environmental Protection Legislation is required for development under the provisions of the identified Local Environmental Plans.

Development Control Plans may also apply to the land.

Native Title Act 1993

The Commonwealth *Native Title Act 1993* (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- granting leases, licences, permits, forestry rights, easements or rights of way over the land
- mortgaging the land or allowing it to be mortgaged
- imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

Aboriginal Land Rights Act 1983

The Aboriginal Land Rights Act 1983 ('ALRA') was established principally to return certain Crown lands to Aboriginal peoples in NSW, as compensation for dispossession and the ongoing disadvantage suffered by Aboriginal communities as a result.

The ALRA legally recognises that Land is of spiritual, social, cultural, and economic importance to Aboriginal peoples and that the decisions of past Governments have progressively reduced the amount of Aboriginal land without compensation.

The ALRA also established a network of democratically representative Aboriginal Land Councils across the state. The Aboriginal Land Council that provides support and services to Aboriginal people within Blayney Shire Council is the Orange Local Aboriginal Land Council (Orange LALC).

Other Relevant Legislation and Policies

Community land categorised as Park, Sportsground, General Community Use, and/or Natural Area shall be managed and developed in accordance with all relevant legislation and policies, including but not limited to:

- Biodiversity Conservation Act 2016
- Biosecurity Act 2015
- Contaminated Land Management Act 1997
- Conveyancing Act 1919
- Disability Discrimination Act 1992 (Cwlth)
- Disability Inclusion Act 2014
- Environment Protection and Biodiversity Act 1999 (Cwlth)
- Firearms Act 1996
- Fisheries Management 1994
- Heritage Act 1977
- Local Land Services Act 2013
- National Parks and Wildlife Act 1974
- Pesticides Act 1999
- Protection of the Environment Operations Act 1997
- Real Property Act 1900
- Roads Act 1993
- Rural Fires Act 1997
- Telecommunications Act 1997 (Cwlth)
- Water Management Act 2000
- Weapons Prohibition Act 1998
- Work Health and Safety Act 2011
- A Vegetation Management Plan for the Sydney Region (Green Web Sydney)
- Australian Natural Heritage Charter State Environmental Planning Policy No 21 — Caravan Parks (1992 EPI 204)
- Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005
- National Local Government Biodiversity Strategy
- NSW Biodiversity Strategy
- NSW Invasive Species Plan 2008-2015
- State Environmental Planning Policies (SEPPs)

APPENDIX D - Relevant Council Policies, Procedures and Guidelines

No.	Ref.	Document Name
1D	SP	Code of Conduct for Council Staff
2B	SP	Media Policy
2C	SP	Complaints Management Policy
2I	SP	Enterprise Risk Management Policy & Plan
2J	SP	Unreasonable and Unreasonably Persistent Customer Policy
2K	SP	Legislative Compliance Policy
3G	SP	Procurement of Goods & Services Policy
3H	SP	Community Infrastructure Policy
3J	SP	Disposal of Assets
3L	SP	Community Engagement Strategy
8B	SP	Social Media Policy
9A	SP	Work Health and Safety Policy
9G	SP	Event Management Policy
9I	SP	Community Banner Usage Policy
11B	SP	Records Management Policy
11C	SP	Privacy Management Plan
18C	SP	Waste Collection Policy
19Q	SP	Enforcement Policy
22B	SP	Asset Management Policy
26D	SP	Signs as Remote Supervision Policy
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APPENDIX E - Purpose and Uses

Category	Purpose/Use ⁴
Park	Passive recreation and casual playing of games including children's play, hiking, biking, wildlife observation, picnicking, horseback riding, running/jogging, climbing, picnicking, camping, wildlife viewing, observing and photographing nature.
	Group recreational use such as picnics, private celebrations, reunions, parties, galas.
	Festivals, parades, markets, fairs, auctions and similar events and gatherings.
	Exhibitions, trade shows, workshops.
	Filming and photographic projects.
	Restricted access ancillary areas used for various purposes including but not limited to storage areas associated with functions or various user groups or gardening equipment.
	Service areas ancillary to the use of land (e.g. loading areas, rubbish areas, car spaces, bicycle racks).
	Tourist based activities.
	Community gardens.
	Fenced, off leash areas for dogs.
	Short term camping for the attendance of a specific event taking place on a relevant reserve that has appropriate camping facilities.
	Publicly accessible ancillary areas such as toilet facilities.
	Camping and camping related ancillary such as power stations, camp buildings (kitchen and laundries).
	Recreation and meeting areas.
	Skate park facilities for users of bicycles, scooters, skate boards, roller blades and bikes.
	Entertainment such as open air cinemas, jumping castles, and children's petting zoo.
	Low intensity commercial hire (e.g. recreational equipment hire).

⁴ The expressions used in are intended to provide a circuitous impression as opposed to a literal interpretation. References such as 'oval' are not explicit to a particular playing surface or specific sport but instead offer an inference of utility.

Category	Purpose/Use ⁵
Sportsground	Organised and informal sporting activities and games consistent with the nature of the particular land and any relevant facilities, e.g. <ul style="list-style-type: none"> - Oval (cricket, football, rugby, track and field athletics, Australian rules, baseball, softball). - Marked court and/or multipurpose courts that can be used for things such as tennis, netball, volleyball, badminton. - Fitness facility (fitness machines and equipment for strength training and cardiovascular training, individual and group personal training sessions, fitness and health classes). - Aquatic facility (learn to swim classes, squad training, fitness and health classes including aqua aerobics, childcare, multipurpose rooms for activities, recreational and competitive swimming and diving, organised water sports including water polo, diving, hydrotherapy facilities, Physiotherapy, Exercise Physiology, Remedial Massage, Pilates). - Equestrian facility (accommodating, training or competing equids, riding school, farriers, tack shop, vets, pasture board, riding academy, riding centre, hiring of horses for pleasure riding, working stock sports, stock handling, western riding, rodeo, horse racing, equestrian field sports, horse show and equestrian exhibition disciplines, games with horses, equestrian driving sports, equestrian weaponry activities).
	Use of sportsground and relevant sportsground facilities by schools, formalised sporting clubs, visitors and/or community groups.
	Sports training.
	Short term camping for the attendance of a specific event taking place on a relevant reserve that has appropriate camping facilities.
	Promotion of organised and unstructured recreation, cultural or sporting activities.
	Festivals, parades, markets, fairs, auctions, charity events, circus, painting competitions, dramatics, dance and music competitions and similar events and gatherings
	Short term camping for a related sporting event.
	Family change room, adult accessible change room, and locker areas.
	Sports pavilions shared by various sports clubs and user groups that have the capacity to provide shelter, change and toilet facilities, indoor recreation and meeting spaces and dining areas, activity areas, kitchens and canteens for a range of sports groups.
	Shower and toilet facilities including parents change room.

⁵ The expressions used in are intended to provide a circuitous impression as opposed to a literal interpretation. References such as 'oval' are not explicit to a particular playing surface or specific sport but instead offer an inference of utility.

Sportsground	Kiosk, canteen, café uses.
	Leasing private buildings, facilities, or particular pieces of land located on Crown reserves for exclusive use.
	Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas).
	Equid and/or livestock ancillary areas (barns, stables, riding hall, boarding stable, livery yard, livery stable, box stall, stall).
	Spectator and viewing areas.
General Community Use	Public recreational activities that provide physical, cultural, social and intellectual welfare or development opportunities for individual members of the public.
	Recreational activities such as film nights, discos, family fun days and barbeques, and outdoor activities such as wilderness adventure programs.
	Short term camping for the attendance of a specific event taking place on a relevant reserve that has appropriate camping facilities.
	Playing of games such as chess and checkers.
	Group recreational use, such as picnics and private celebrations.
	Festivals, parades, markets, fairs, auctions, charity events, circus, painting competitions, dramatics, dance and music competitions and similar events and gatherings.
	Exhibitions, filming and photographic projects.
	Public address (speeches), debating competitions, recitals, choir. Busking.
	Café or refreshment areas (kiosks/restaurants) including external seating
	Community gardens
	Use of Helicopters, hot air balloons, aircraft
	Low intensity commercial activities (e.g. recreational equipment hire)
	Restricted access ancillary areas (e.g. storage areas associated with functions, gardening equipment)
	Service areas ancillary to the use of land (e.g. loading areas, car spaces, bicycle racks)
	Publicly accessible ancillary areas, such toilet facilities
Natural Area – Bushland	Passive recreation that is of minimal disturbance to the land including hiking, wildlife observation, picnicking, wildlife viewing, observing and photographing nature.
	Publicly accessible ancillary areas, such toilet facilities.
	Tourist based activities that promote experiencing the natural environment without damaging it or disturbing its habitats.
	Restricted access ancillary areas used for various purposes including but not limited to storage areas associated with functions or various user groups or gardening equipment.
	Service areas ancillary to the use of land (e.g. loading areas, rubbish areas, car spaces, bicycle racks).

Natural Area – Bushland	Activities authorised under a Biodiversity Banking and Offsets Scheme (Biobanking) to conserve land of high biodiversity value such as land containing endangered ecological communities, inter alia.
	Establishing, enhancing, maintaining vegetation to provide: <ul style="list-style-type: none"> - A windbreak; - Enhanced scenic value or visual screening; - A habitat for native wildlife; - A suitable buffer for the protection of water quality and ecological processes; - Bushland corridors designed to protect larger pockets of remnants of vegetation
	Partnerships, research, and innovation opportunities to improve bushland and biodiversity management.
	Engaging and collaborating with local bushland volunteer groups, private landowners, local businesses, and State Government, to motivate and inspire the community to value, protect and enhance our bushland.
	Education facilities to broaden the community's knowledge on our local bushland and biodiversity, including threatened species and communities.
	Activities to protect and improve tree health include leaving bushland around trees intact, restoring native understorey, minimising soil compaction and root disturbance, preventing ring barking and trunk damage, controlling pests and diseases, and preventing and controlling dieback.
	Promotion of organised and unstructured recreation activities.
	Planned cultural burns and other related bushfire management activities.

APPENDIX F - Developments

Category	Developments ⁶
Park	Development for the purpose of improving access, amenity, and the visual character of the park.
	Amenities to facilitate the safety, use and enjoyment of the park e.g. children's play equipment, amphitheatres, exercise courses/stations.
	Shared walking trails, footpaths and boardwalks.
	Installations such as drinking fountains, bins, seating, lighting, dog dropping collection points.
	Lighting, seating, toilet facilities, courts or marked areas such as access paths and activity trails.
	Construction of private buildings and facilities that is leased for exclusive use.
	Hard and soft landscaped areas.
	Landscape design including but not limited to paths, statues, sculptures, water features, use of landscape design to assist with wayfinding.
	Play spaces for children and adults including passive play spaces and structures for climbing, balancing, running, swinging, rocking, or rolling.
	Infrastructure that supports users of play spaces such as direct access to toilets, drinking fountains, seats at various heights, shade, and shelter over viewing areas.
	BBQ facilities and seating areas.
	Picnic and rest areas and complementary structures such as a rotunda.
	Shade and shelter.
	Ancillary service, transport or loading areas.
	Commercial development which is complementary to and supports the use of the area such as cafes, kiosks, recreational hire equipment stands, nature centres, commercial recreation and tour operations, accommodation, commercial filming and photography.
	Community gardens, conservatories, greenhouses.
	Café or refreshment areas (kiosks, restaurants, mobile food and beverage vans, pop up food stalls) including external seating.
	Wayfinding systems incorporating cues such as architecture, landscape design, fountains, flagpoles, lighting, landmarks and other orientation points.

⁶ The expressions used in are intended to provide a circuitous impression as opposed to a literal interpretation. References such as 'oval' are not explicit to a particular playing surface or specific sport but instead offer an inference of utility.

Category	Developments ⁶
Park	Signs and information about key features including walking trails, places of interest, interactive elements and components of the area, as well as the location of car parking, toilets and buildings.
	<p>Temporary facilities for special recreational events including but not limited to:</p> <ul style="list-style-type: none"> - Portable toilets - parking areas - transport drop off points - event bus stops - tents or marquees for market stalls and exhibitors - heavy vehicles such as horse trucks and horse floats - food vendor vehicles and stalls - drinking water units - rubbish and recycling bins - pathways - fencing barriers - scooter recharge points - onsite transport - signage and information - hearing augmentation - information - access map of site
Sportsground	Development for the purpose of conducting and facilitating organised sport (both amateur and professional)
	Approach routes for both vehicles and pedestrians.
	Parking spaces
	Shade structures.
	Construction of private buildings and facilities that is leased for exclusive use.
	Provision of amenities to facilitate use and enjoyment of the community land including change rooms, toilets, storage, first aid areas.
	Café/kiosk facilities.
	Equipment sales/hire areas.
	Meeting rooms/staff areas.
	Compatible, small scale commercial uses (e.g. physiotherapy practice, dietician).
	<p>Temporary facilities for special sporting events including but not limited to:</p> <ul style="list-style-type: none"> - toilets - parking areas - transport drop off points - event bus stops - tents or marquees for market stalls and exhibitors - heavy vehicles such as horse trucks and horse floats - food vendor vehicles and stalls

Category	Developments ⁶
Sportsground	<ul style="list-style-type: none"> - drinking water units - rubbish and recycling bins - pathways - fencing barriers - scooter recharge points - onsite transport - signage and information - hearing augmentation - information - access map of site
General Community Use	Development for the purposes of improving access, amenity and the visual character of the park.
	Development for the purpose of creating public recreational activities that provide physical, cultural, social and intellectual welfare or development opportunities for individual members of the public.
	Amenities to facilitate the safety, use and enjoyment of the area e.g. amphitheatres, pergolas, Bandstand.
	Hard and soft landscaped areas.
	Construction of private buildings and facilities that is leased for exclusive use.
	BBQ facilities and sheltered seating areas.
	Ancillary service, transport or loading areas.
	Commercial development which is sympathetic to and supports use in the area, e.g. cafes, kiosks, recreation hire equipment areas.
	Community gardens.
	Cultural infrastructure such as libraries, art galleries, museums, civic centres, theatres.
	Lighting, seating, toilet facilities, courts or marked areas (e.g. access paths and activity trails)
	Car parking
	Educational related developments including buildings or structures used to teach students
	Temporary facilities for community events including but not limited to: <ul style="list-style-type: none"> - toilets - parking areas - transport drop off points - event bus stops - tents or marquees for market stalls and exhibitors - heavy vehicles such as horse trucks and horse floats - food vendor vehicles and stalls - drinking water units - rubbish and recycling bins - pathways - fencing barriers - scooter recharge points

Category	Developments ⁶
General Community Use	<ul style="list-style-type: none"> - onsite transport - signage and information - hearing augmentation - information - access map of site
Natural Area - Bushland	Approach routes for both vehicles and pedestrians.
	Parking spaces.
	Shade structures.
	Walkways.
	Pathways.
	Bridges.
	Causeways.
	Observation platforms.
	Signs.
	Information kiosks.
	Refreshment kiosks (but not restaurants).
	Work sheds or storage sheds required in connection with the maintenance of the land.
	Toilets or rest rooms.
	<p>The erection or use of any building or structure necessary to enable a filming project to be carried out, so long as:</p> <ul style="list-style-type: none"> - the building or structure so erected is temporary in nature and removed as soon as practicable at the conclusion of the filming project; - any damage to the land caused by the erection or use of the building is made good; and - the land is restored as nearly as possible to pre-filming project condition.

APPENDIX G – Leases, Licences and other Estates Authorised by Council

Type of Tenure	Category of Land	Sympathetic, Compatible Purposes for which Tenure May Be Authorised
Lease	Park	Commercial activities which are sympathetic to and support use in the area and are of appropriate scale (e.g. recreational equipment sale/hire. Restaurants or café/kiosk areas including seating and tables)
		Management of park facilities (such as Courts and skateparks)
		Carparks
	Sportsground	Commercial activities which are sympathetic to and support use in the area and are of appropriate scale (e.g. sporting uses, recreational equipment sale/hire, Restaurants or café/kiosk areas including seating and tables)
		Sports facility management or operations. Management of sporting oval, marked/multipurpose courts, fitness facilities, aquatic facilities, equestrian facilities.
		Health or medical practitioners associated with the relevant facility (e.g. Physiotherapy, Exercise Physiology, Remedial Massage, Pilates)
		Classes and workshops for activities that complement sportsground facilities (e.g. personal training for gym facilities, horse riding lessons for equestrian facility or swimming classes for the aquatic facility)
		Sports club and associated facilities
		Carparks
		Sporting uses developed/operated by a private operator
		Equine related businesses associated with relevant facilities (e.g. tack shop, vets, pasture board, riding academy, riding centre, hiring of horses for pleasure riding)
	General Community Use	Commercial activities which are sympathetic to and support use in the area and are of appropriate scale (e.g. recreational equipment sale/hire. Restaurants or café/kiosk areas including seating and tables)
		Management of halls, community buildings, courts
		Carparks
		Libraries, galleries, museums, information and resource services.
		Citizens centres
		Classes and workshops for activities such as yoga, art and craft
		Children's services (childcare or vacation care)

Type of Tenure	Category of Land	Sympathetic, Compatible Purposes for which Tenure May Be Authorised
		Community based interest groups for a range of social, cultural or recreational purposes including youth and aged, people with disabilities, Mens Sheds, Scouts and Guides etc.
		Health or medical practitioners for the physical welfare or development of the community such as Women's health services, healthcare centres, mental health centres, dental health services
		Cultural purposes such as concerts, theatrical productions
		Educational purposes such as education classes and workshops
	Natural Area	Nil
Licence	Park	Clubhouses, including canteen operation (appropriate to scale of sports activities)
		Recreational purposes including sports tuition, fitness classes, dance classes and games
		Commercial activities which are sympathetic to and support use in the area and are of appropriate scale (e.g. recreational equipment sale/hire. Restaurants or café/kiosk areas including seating and tables)
		Management of park facilities (such as Courts and skateparks)
		Carparks
		Children's services (childcare or vacation care)
		Community gardens
		Commercial filming and photography
		Any licence proposal that encapsulates the community benefit, exhibits compatibility with this PoM and ensures the capacity of the area is able to support the activity
	Sportsground	Sports facility management or operations. Management of sporting oval, marked/multipurpose courts, fitness facilities, aquatic facilities, equestrian facilities
		Management of sportsground facilities such as courts, tracks, equestrian arenas, and ovals.
		Horsemanship clinics.
		Clubhouses, including canteen operation (appropriate to scale of sports activities)
		Recreational purposes including sports tuition, fitness classes, dance classes and games

Type of Tenure	Category of Land	Sympathetic, Compatible Purposes for which Tenure May Be Authorised
		Health or medical practitioners associated with the relevant facility (e.g. Physiotherapy, Exercise Physiology, Remedial Massage, Pilates)
		Classes and workshops for activities that complement sportsground facilities (e.g. personal training for gym facilities, horse riding lessons for equestrian facility or swimming classes for the aquatic facility)
		Sports club and associated facilities
		Carparks
		Children's services (childcare or vacation care)
		Sporting uses developed/operated by a private operator
		Equine related businesses associated with relevant facilities (e.g. tack shop, vets, pasture board, riding academy, riding centre, hiring of horses for pleasure riding)
		Commercial activities associated with the facility which are sympathetic to and support use in the area and are of appropriate scale (e.g. sports tuition, sale or hire of sports goods)
		Commercial activities that are ancillary to the facility which are sympathetic to and support use in the area and are of appropriate scale (e.g. recreational equipment sale/hire, restaurants or café/kiosk areas including seating and tables, mobile café, food trucks/carts)
		Children's services (childcare or vacation care)
		Any licence proposal that encapsulates the community benefit, exhibits compatibility with this PoM and ensures the capacity of the area is able to support the activity
		Seasonal Allocations for sporting clubs, school sporting groups or other relevant user groups where occupancy is granted for the portion of the year relating to defined seasonal dates.
	General Community Use	Any licence proposal that encapsulates the community benefit, exhibits compatibility with this PoM and ensures the capacity of the area is able to support the activity.
		Clubhouses, including canteen operation (appropriate to scale of sports activities)
		Classes, workshops, or similar catering to physical, cultural, social or intellectual development of individuals or members of the public

Type of Tenure	Category of Land	Sympathetic, Compatible Purposes for which Tenure May Be Authorised
		Community based interest groups for physical, cultural, social or intellectual purposes including charities, youth and aged, Mens Shed, Scouts and Guides, etc
		Carparks
		Health or medical practitioners for the physical welfare or development of the community such as Women's health services, healthcare centres, mental health centres, dental health services
		Cultural purposes such as concerts, theatrical productions
		Commercial activities which are sympathetic to and support use in the area and are of appropriate scale (e.g. recreational equipment sale/hire. Restaurants or café/kiosk areas including seating and tables)
		Management of halls, community buildings, courts
		Libraries, galleries, museums, information and resource services.
		Citizens centres
		Children's services (childcare or vacation care)
		Seasonal Allocations for user groups where occupancy is granted for the portion of the year relating to defined seasonal dates.
Short Term Casual Licences	Natural Area	Information kiosks.
		Refreshment kiosks.
	Park	Private celebrations such as weddings and other family gatherings
		Cultural purposes including concerts / performances
		Community events and festivals; fairs, fetes, markets, auctions and other short-term-fundraising activities or initiatives
		Recreation purpose including fitness classes, dance classes, games, art and craft
		Small scale commercial uses, e.g. mobile café, hire of sports and recreational equipment
		Broadcasting or filming, including cinema / television
		Conducting commercial photography session
		Community events
		Any Short Term Use proposal that encapsulates the community benefit, exhibits compatibility with this PoM and ensures the capacity of the area is able to support the activity.
		Mobile Health services units such as Breastscreen NSW Vans and Service NSW Vans

Type of Tenure	Category of Land	Sympathetic, Compatible Purposes for which Tenure May Be Authorised
Short Term Casual Licences	Sportsground	Sporting fixtures and events
		Ancillary sporting uses such as rehearsals, practice sessions, guest events, gala days, club meetings
		Cultural purposes including concerts and performances
		Community events and festivals; fairs, fetes, markets, auctions and other short-term-fundraising activities or initiatives
		Recreation purpose including fitness classes, dance classes, games, art and craft
		Small scale commercial uses, e.g. mobile café, hire of sports and recreational equipment
		Broadcasting or filming, including cinema / television
		Conducting commercial photography session
		Uses associated with the promotion or enhancement of sporting groups, fixtures and events: e.g. "guest" events, gala days, club meetings
		Mobile Health services units such as Breastscreen NSW Vans and Service NSW Vans
		Any Short Term Use proposal that encapsulates the community benefit, exhibits compatibility with this PoM and ensures the capacity of the area is able to support the activity.
	General Community Use	Functions and events (such as commemorative functions, product launches, film releases, balls, school formals. Weddings, educational programs, corporate functions)
		Recreation purpose including fitness classes, dance classes, games, art and craft
		Cultural purposes including concerts and performances
		Community events and festivals; fairs, fetes, markets, auctions and other short-term-fundraising activities or initiatives
		Recreation purpose including fitness classes, dance classes, games, art and craft
		Small scale commercial uses, e.g. mobile café, hire of sports and recreational equipment
		Broadcasting or filming, including cinema and television
		Conducting commercial photography session
		Mobile Health services units such as Breastscreen NSW Vans and Service NSW Vans
		Displays, exhibits, fairs, fashion parades and shows

Type of Tenure	Category of Land	Sympathetic, Compatible Purposes for which Tenure May Be Authorised
Short Term Casual Licences		Classes, workshops or similar catering to physical, cultural, social or intellectual development of individuals or members of the public
		Community based interest groups for physical, cultural, social or intellectual purposes including charities, youth and aged, Mens Shed, Scouts and Guides, etc
		Children's services (childcare or vacation care)
		Small scale commercial uses, e.g. mobile café, hire of sports and recreational equipment
		Any Short Term Use proposal that encapsulates the community benefit, exhibits compatibility with this PoM and ensures the capacity of the area is able to support the activity.
	Natural Area	Scientific studies
		Small scale commercial for mobile businesses only, e.g. mobile café, mobile dog grooming van, mobile coffee van.
		Mobile Health services units such as Breastscreen NSW Vans and Service NSW Vans
		Scientific studies and surveys or similar
		Temporary erection of structures necessary to enable filming projects to be carried out.

APPENDIX H – Blayney Shire Community Strategic Plan

<https://www.blayney.nsw.gov.au/council/council-information/plans-and-strategies>

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APPENDIX I – Blayney Shire Council Shire Sport & Recreation Plan

https://www.blayney.nsw.gov.au/ArticleDocuments/963/BlayneyShireSRP_2017-HR.pdf.aspx

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APPENDIX J – Blayney Shire Council Sport and Recreation Master Plans

<https://www.blayney.nsw.gov.au/ArticleDocuments/827/Blayney%20Sport%20and%20Recreation%20MasterPlans.pdf.aspx>

DRAFT

APPENDIX K – Blayney Shire Council Parks and Recreation Asset Management Plan

<https://www.blayney.nsw.gov.au/council/council-information/plans-and-strategies#resourcing>

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APPENDIX L – Blayney Showground Master Plan 2024

<https://www.blayney.nsw.gov.au/council/council-information/plans-and-strategies#master>

DRAFT

APPENDIX M – Blayney Shire Council Strategic Asset Management Plan

<https://www.blayney.nsw.gov.au/council/council-information/plans-and-strategies#resourcing>

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APPENDIX N – 2024/25 – 2027/28 Delivery Program and 2024/25 Operational Plan

<https://www.blayney.nsw.gov.au/council/council-information/plans-and-strategies>

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Code of Conduct for Councillors

Policy	1B
Officer Responsible	Director Corporate Services
Last Review Date	27/06/2022 <u>XX/XX/XXXX</u>

Strategic Policy

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PART 1 INTRODUCTION

This code of conduct applies to councillors. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") which is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005-2021* ("the Regulation").

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

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

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

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

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

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

Note: References in this code of conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting this code of conduct, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting this code of conduct, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

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

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joint organisation	a joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 20052021</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
- b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

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

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

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

Work health and safety

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

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

- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

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

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

Binding caucus votes

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

3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.

3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.

3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).

3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

3.22 You must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:

- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
- b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
- c) deliberately seek to impede the consideration of business at a meeting.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

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

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is

offered to the public generally, or to a section of the public that includes persons who are not subject to this code

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

- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a councillor?

- 4.8 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.9, and
 - (b) must disclose pecuniary interests in accordance with clause 4.16 and comply with clause 4.17 where it is applicable.

Disclosure of interests in written returns

- 4.9 A councillor must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor, and
 - (b) 30 June of each year, and
 - (c) the councillor becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.10 A councillor need not make and lodge a return under clause 4.9 paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor in the preceding 3 months.
- 4.11 A councillor must not make and lodge a return that the councillor knows or ought reasonably to know is false or misleading in a material particular.
- 4.12 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.13 Returns required to be lodged with the general manager under clause 4.9(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.14 Returns required to be lodged with the general manager under clause 4.9(e) must be tabled at the next council meeting after the return is lodged.
- 4.15 Information contained in returns made and lodged under clause 4.9 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.16 A councillor who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which

the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

- 4.17 The councillor must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.18 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.16 and 4.17 where they participate in the meeting by telephone or other electronic means.
- 4.19 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.20 A general notice may be given to the general manager in writing by a councillor to the effect that the councillor or the councillor's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
 - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.21 A councillor is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor has an interest in the matter of a kind referred to in clause 4.6.
- 4.22 A councillor does not breach clauses 4.16 or 4.17 if the councillor did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.23 Despite clause 4.17, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.24 Clause 4.17 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or

repeal applies to the whole or a significant portion of the council's area, and

- (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- (c) the councillor made a special disclosure under clause 4.25 in relation to the interest before the commencement of the meeting.

4.25 A special disclosure of a pecuniary interest made for the purposes of clause 4.24(c) must:

- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
- (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

4.26 The Minister for Local Government may, conditionally or unconditionally, allow a councillor who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

4.27 A councillor with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.26, must still disclose the interest they have in the matter in accordance with clause 4.16.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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

- official's extended family that the council official has a close personal relationship with, or another person living in the same household
- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

Political donations

5.13 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

5.14 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:

- a) made by a major political donor in the previous four years, and
- b) the major political donor has a matter before council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17. A disclosure made under this clause must be recorded in the minutes of the meeting.

5.15 For the purposes of this Part:

- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
- b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.

5.16 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

5.17 Despite clause 5.14, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

5.18 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

- 5.19 The Minister for Local Government may, conditionally or unconditionally, allow a councillor who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 5.20 Where the Minister exempts a councillor from complying with a requirement under this Part under clause 5.19, the councillor must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Personal dealings with council

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

PART 6 PERSONAL BENEFIT

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

Gifts and benefits

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

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
- f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
- g) personally benefit from reward points programs when purchasing on behalf of the council.

- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to the general manager in writing. The recipient or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.

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

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
 - b) gifts of alcohol that do not exceed a value of \$50
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person

associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

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

"Cash-like gifts"

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

Improper and undue influence

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

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

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

Obligations of staff

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

- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain council information

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

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information
 - c) only release confidential information if you have authority to do so
 - d) only use confidential information for the purpose for which it is intended to be used
 - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
 - g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

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

Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.

- 8.14 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.16 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.17 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.18 You must not convert any property of the council to your own use unless properly authorised.

Internet access

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

Council record keeping

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

records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

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

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral

submission invited under the Procedures will not constitute a breach of this clause.

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

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

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

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

9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

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

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

Complaints alleging a breach of this Part

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

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.9

Part 1: Preliminary

Definitions

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

address means:

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

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

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

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

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

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

- a) in the case of a return made under clause 4.9(a), the date on which a person became a councillor
- b) in the case of a return made under clause 4.9(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.9(c), the date on which the councillor became aware of the interest to be disclosed.

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

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

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

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Gifts, loans etc. from related corporations: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans

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made, or goods or services supplied, to a councillor by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporatio

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Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.9 of this code must disclose:
- a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
- a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor.

For the purposes of clause 5 of this schedule, "interest" includes an option to purchas

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Gifts

9. A person making a return under clause 4.9 of this code must disclose:
- a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
- a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of ~~the~~ ³²onee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

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Contributions to travel

12. A person making a return under clause 4.9 of this code must disclose:

- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
- b) the dates on which the travel was undertaken, and
- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:

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

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

Interests and positions in corporations

15. A person making a return under clause 4.9 of this code must disclose:

- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
- b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
- c) the nature of the interest, or the position held, in each of the corporations, and
- d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:

- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and

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- b) required to apply its profits or other income in promoting its objects, and
- c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor

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

19. A person making a return under clause 4.9 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

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

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

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.9 of the code must disclose:

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

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

Dispositions of real property

23. A person making a return under clause 4.9 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

A person making a return under clause 4.9 of this code must disclose particulars of each disposition of real property to another person

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(including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property

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

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Sources of income

26. A person making a return under clause 4.9 of this code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:

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

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

The source of any income received by the person that they ceased to receive prior to becoming a councillor need not be disclose

29. d.

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

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Debts

31. A person making a return under clause 4.9 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:

- a) on the return date, and
- b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.9 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. f. A liability to pay a debt need not be disclosed by a person in a return if

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

Discretionary disclosures

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

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.9

'Disclosures by councillors and designated persons' return

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

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

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2. n.

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

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3. n.

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

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This form must be completed using block letters or type

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5. d.

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

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6. u.

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

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7. g.

Important information

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

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

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

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

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

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

as at [return date]

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

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

A. Real Property

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

B. Sources of income

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

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

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

		conducted (if applicable)	
<hr/>			
2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June			
Sources of income I received from a trust since 30 June			
Name and address of settlor		Name and address of trustee	
<hr/>			
3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June			
Sources of other income I received at any time since 30 June			
<i>[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i>			
<hr/>			
C. Gifts			
Description of each gift I received at any time since 30 June		Name and address of donor	
<hr/>			
D. Contributions to travel			
Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken	
<hr/>			
E. Interests and positions in corporations			
Name and address of each corporation in which I had an interest (if interest or held a position at the return date/at any time since 30 June	Nature of any	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
<hr/>			
F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)			
<hr/>			
G. Positions in trade unions and professional or business associations			
Name of each trade union and each professional or business association in which I held any position (whether		Description of position	
<hr/>			

remunerated or not) at the return date/at
any time since 30 June

H. Debts

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

I. Dispositions of property

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

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

J. Discretionary disclosures

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.25

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

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

2. u.

Important information

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

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

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

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

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

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

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

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

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

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	

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

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

Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

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

Councillor's signature

Date

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

End

Adopted:	20/05/2019	1905/011
Last Reviewed:	21/09/2020	2009/008
	27/06/2022	2206/013
Next Reviewed:	18/02/2025 XX/XX/XXXX	

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Code of Conduct for Council Staff

Policy	1D
Officer Responsible	Director Corporate Services
Last Review Date	27/06/2022 XX/XX/XXXX

Strategic Policy

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PART 1 INTRODUCTION

This code of conduct applies to members of council staff, including general managers. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") which is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005-2021* ("the Regulation").

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

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

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

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

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

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

Note: References in this code of conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting this code of conduct, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting this code of conduct, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council’s audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA

LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 20052021</i>
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and
- b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

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

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

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

Work health and safety

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

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

- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Obligations in relation to meetings

- 3.15 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.16 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.17 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

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

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is

- offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - (f) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - (g) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - (h) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - (i) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - (j) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a council committee member

4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a

designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest

- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clause 4.18, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

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

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

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

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

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

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

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

What disclosures must be made by a council committee member?

4.16 A council committee member must disclose pecuniary interests in accordance with clause 4.25 and comply with clause 4.26.

4.17 For the purposes of clause 4.16, a “council committee member” includes a member of staff of council who is a member of the committee.

Disclosure of interests in written returns

4.18 A designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the designated person’s interests as specified in schedule 1 to this code within 3 months after:

- (a) becoming a designated person, and
- (b) 30 June of each year, and
- (c) the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.19 A person need not make and lodge a return under clause 4.18, paragraphs (a) and (b) if:

- (a) they made and lodged a return under that clause in the preceding 3 months, or
- (b) they have ceased to be a designated person in the preceding 3 months.

4.20 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

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

4.22 Returns required to be lodged with the general manager under clause 4.18(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.

4.23 Returns required to be lodged with the general manager under clause 4.18(c) must be tabled at the next council meeting after the return is lodged.

4.24 Information contained in returns made and lodged under clause 4.18 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Note: For the purpose of clauses 4.25 to 4.32, a “council committee member” includes a member of staff of council who is a member of a council committee.

Disclosure of pecuniary interests at meetings

4.25 A council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the committee

at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

- 4.26 The council committee member must not be present at, or in sight of, the meeting of the committee:
- (a) at any time during which the matter is being considered or discussed by the committee, or
 - (b) at any time during which the committee is voting on any question in relation to the matter.
- 4.27 A disclosure made at a meeting of a council committee must be recorded in the minutes of the meeting.
- 4.28 A general notice may be given to the general manager in writing by a council committee member to the effect that the council committee member, or the council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
 - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council committee after the date of the notice.
- 4.29 A council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.30 A person does not breach clauses 4.25 or 4.26 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.31 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.
- 4.32 A council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.31, must still disclose the interest they have in the matter in accordance with clause 4.25.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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

close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.25 and 4.26.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken

to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

Note: For the purpose of clauses 5.13 and 5.14, a “council committee member” includes a member of staff of council who is a member of a council committee.

Loss of quorum as a result of compliance with this Part

- 5.13 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.
- 5.14 Where the Minister exempts a committee member from complying with a requirement under this Part under clause 5.13, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.15 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.16 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.17 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.18 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.19 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage the council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

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

PART 6 PERSONAL BENEFIT

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

Gifts and benefits

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

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
 - b) gifts of alcohol that do not exceed a value of \$50
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person

associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

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

“Cash-like gifts”

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

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

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

Obligations of staff

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

Inappropriate interactions

- 7.5 You must not engage in any of the following inappropriate interactions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters

- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators being overbearing or threatening to council staff
- f) council staff being overbearing or threatening to councillors or administrators
- g) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- h) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- i) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- j) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Refusal of access to information

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

Use of certain council information

- 8.8 In regard to information obtained in your capacity as a council official, you must:
 - a) subject to clause 8.13, only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from

- any information to which you have access by virtue of your position with council
- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.9 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.10 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information
 - c) only release confidential information if you have authority to do so
 - d) only use confidential information for the purpose for which it is intended to be used
 - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
 - g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

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

Use of council resources

- 8.12 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.13 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.

- 8.14 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.16 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.17 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
 - a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.18 You must not convert any property of the council to your own use unless properly authorised.

Internet access

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

Council record keeping

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

records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.24 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.25 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral

submission invited under the Procedures will not constitute a breach of this clause.

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

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

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

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

9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

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

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

Complaints alleging a breach of this Part

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

9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.18

Part 1: Preliminary

Definitions

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

address means:

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

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

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

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

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

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

- a) in the case of a return made under clause 4.18(a), the date on which a person became a designated person
- b) in the case of a return made under clause 4.18(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.18(c), the date on which the designated person became aware of the interest to be disclosed.

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

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

that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.18 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a designated person.
8. For the purposes of clause 5 of this schedule, “interest” includes an option to purchase.

Gifts

9. A person making a return under clause 4.18 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.18 of this code must disclose:

- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.18 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.

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

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

19. A person making a return under clause 4.18 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

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

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

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.18 of the code must disclose:
 - a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a designated person.

Dispositions of real property

23. A person making a return under clause 4.18 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.18 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

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

Sources of income

26. A person making a return under clause 4.18 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a designated person need not be disclosed.

Debts

30. A person making a return under clause 4.18 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
31. A liability to pay a debt must be disclosed by a person in a return made under clause 4.18 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
32. A liability to pay a debt need not be disclosed by a person in a return if:

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

Discretionary disclosures

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

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.18

'Disclosures by councillors and designated persons' return

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

Important information

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

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

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

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

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

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

as at [return date]

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

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

A. Real Property

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

B. Sources of income

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

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

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

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

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

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

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

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

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
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D. Contributions to travel

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

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

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

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

H. Debts

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

I. Dispositions of property

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

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

J. Discretionary disclosures

End

Adopted:	20/05/2019	1905/011
Last Reviewed:	21/09/2020	2009/008
	27/06/2022	2206/013
Next Reviewed:	18/02/2025 XX/XX/XXXX	



**Code of Conduct for Council
Committee Members, Delegates of
Council and Council Advisers**

Policy	1E
Officer Responsible	Director Corporate Services
Last Review Date	27/06/2022 XX/XX/XXXX

Strategic Policy

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PART 1 INTRODUCTION

This code of conduct applies to council committee members and delegates of council who are not councillors or staff of the council. It also applies to advisers of council for the purposes of clause 4.12. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") which is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation ~~2005~~ 2021* ("the Regulation").

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

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

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

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

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

Failure by a council committee member or delegate of the council to comply with a council's code of conduct may give rise to disciplinary action.

Note: References in this code of conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting this code of conduct, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting this code of conduct, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.12, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA

LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 20052021</i>
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
- b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

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

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

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

Work health and safety

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

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

- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Obligations in relation to meetings

- 3.15 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.16 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.17 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

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

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is

- offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - (j) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - (k) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a council committee member

4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

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

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clause 4.15, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

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

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

What disclosures must be made by council advisers?

4.12 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

4.13 A person does not breach clause 4.12 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

4.14 A council committee member must disclose pecuniary interests in accordance with clause 4.22 and comply with clause 4.23.

Note: A council committee member identified by council as a "designated person" for the purposes of clause 4.8(b) must also prepare and submit written returns of interests in accordance with clause 4.15.

Disclosure of interests in written returns

- 4.15 A designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a designated person, and
 - (b) 30 June of each year, and
 - (c) the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.16 A person need not make and lodge a return under clause 4.15, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a designated person in the preceding 3 months.
- 4.17 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.18 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.19 Returns required to be lodged with the general manager under clause 4.15(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.20 Returns required to be lodged with the general manager under clause 4.15(c) must be tabled at the next council meeting after the return is lodged.
- 4.21 Information contained in returns made and lodged under clause 4.15 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.22 A council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.23 The council committee member must not be present at, or in sight of, the meeting of the committee:
- (a) at any time during which the matter is being considered or discussed by the committee, or
 - (b) at any time during which the committee is voting on any question in relation to the matter.

- 4.24 A disclosure made at a meeting of a council committee must be recorded in the minutes of the meeting.
- 4.25 A general notice may be given to the general manager in writing by a council committee member to the effect that the council committee member, or the council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
 - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council committee after the date of the notice.
- 4.26 A council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.27 A person does not breach clauses 4.22 or 4.23 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.28 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.
- 4.29 A council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.28, must still disclose the interest they have in the matter in accordance with clause 4.22.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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

official's extended family that the council official has a close personal relationship with, or another person living in the same household

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.22 and 4.23.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

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

Loss of quorum as a result of compliance with this Part

- 5.13 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.
- 5.14 Where the Minister exempts a committee member from complying with a requirement under this Part under clause 5.13, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Personal dealings with council

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

PART 6 PERSONAL BENEFIT

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

Gifts and benefits

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

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to the general manager in writing. The general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
 - b) gifts of alcohol that do not exceed a value of \$50
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person

associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

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

“Cash-like gifts”

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

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Use of certain council information

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

Use and security of confidential information

- 7.2 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 7.3 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information
 - c) only release confidential information if you have authority to do so
 - d) only use confidential information for the purpose for which it is intended to be used
 - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
 - g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

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

Use of council resources

- 7.5 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.

- 7.6 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 7.7 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 7.8 You must not use council resources (including council staff), property or facilities for the purpose of assisting the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.9 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
 - a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.10 You must not convert any property of the council to your own use unless properly authorised.

Internet access

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

Council record keeping

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

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 8.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 8.2 For the purposes of clause 8.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 8.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 8.5 For the purposes of clauses 8.3 and 8.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 8.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 8.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral

submission invited under the Procedures will not constitute a breach of this clause.

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

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

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

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

8.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

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

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

Complaints alleging a breach of this Part

8.14 Complaints alleging a breach of this Part by a council committee member or delegate of council are to be managed by the general manager in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.15

Part 1: Preliminary

Definitions

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

address means:

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

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

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

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

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

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

- a) in the case of a return made under clause 4.15(a), the date on which a person became a designated person
- b) in the case of a return made under clause 4.15(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.15(c), the date on which the designated person became aware of the interest to be disclosed.

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

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

that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.15 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a designated person.
8. For the purposes of clause 5 of this schedule, “interest” includes an option to purchase.

Gifts

9. A person making a return under clause 4.15 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.15 of this code must disclose:

- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.15 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.

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

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

19. A person making a return under clause 4.15 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

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

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

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.15 of the code must disclose:
 - a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a designated person.

Dispositions of real property

23. A person making a return under clause 4.15 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.15 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

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

Sources of income

26. A person making a return under clause 4.15 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.15 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.15 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:

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

Discretionary disclosures

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

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.15

'Disclosures by councillors or designated persons' return

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

Important information

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

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

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

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

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

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

as at [return date]

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

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

A. Real Property

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

B. Sources of income

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

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

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

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

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

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

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

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

C. Gifts

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

D. Contributions to travel

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

E. Interests and positions in corporations

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

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

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

H. Debts

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

I. Dispositions of property

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

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

J. Discretionary disclosures

End

Adopted:	20/05/2019	1905/011
Last Reviewed:	21/09/2020	2009/008
	27/06/2022	2206/013
Next Reviewed:	18/02/2025 XX/XX/XXXX	



**Procedures for the Administration of
the Model Code of Conduct for Local
Councils in NSW**

Policy	1F
Officer Responsible	Director Corporate Services
Last Review Date	27/06/2022 XX/XX/XXXX

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PART 1 INTRODUCTION

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

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2005-2021* (“the Regulation”). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

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

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

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

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

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

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

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA

code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser

delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i> <u>2021</u>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

3.1 The council must establish a panel of conduct reviewers.

- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.

- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

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

council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.

3.19 The general manager must not undertake the role of complaints coordinator.

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

3.21 The role of the complaints coordinator is to:

- a) coordinate the management of complaints made under the council's code of conduct
- b) liaise with and provide administrative support to a conduct reviewer
- c) liaise with the Office, and
- d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

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

4.2 The following are not "code of conduct complaints" for the purposes of these procedures:

- a) complaints about the standard or level of service provided by the council or a council official
- b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
- c) complaints about the policies or procedures of the council
- d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.

4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of

conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

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

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

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

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

- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

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

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

Consideration of complaints by general managers and mayors

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

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or
 - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or

- e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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

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

- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and

- b) the person must be given an opportunity to respond to the allegation, and
- c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

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

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

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

5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:

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

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

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

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

5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the

offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

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

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

5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:

- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
- b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
- c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

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

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

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

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

be taken as a determination that there has been a breach of the council's code of conduct.

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

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

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

5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:

- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
- b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

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

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

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

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

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

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

- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS

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

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or

- d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
 - a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

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

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and

appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.

- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
 - a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - i) any previous proven breaches of the council's code of conduct
 - j) whether the conduct complained of forms part of an ongoing pattern of behaviour

- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of

investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

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

7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

7.15 Investigations are to be undertaken without undue delay.

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

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

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

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

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

7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:

- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- c) refer the matter to an external agency.

- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide

the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

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

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

Final investigation reports

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

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

7.35 The investigator's final report must:

- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

7.36 At a minimum, the investigator's final report must contain the following information:

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

- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
- a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.

- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.

- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.

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

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:

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

8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 9 PROCEDURAL IRREGULARITIES

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

PART 10 PRACTICE DIRECTIONS

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

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

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
 - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
 - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
 - g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

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

PART 12 CONFIDENTIALITY

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the

general manager or their delegate, and consider any submission made by them.

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

12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:

- a) the complainant
- b) the complaints coordinator
- c) the Office, and
- d) any other person the general manager or their delegate considers should be notified of the determination.

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

12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

End

Adopted:	20/05/2019	1905/011
Last Reviewed:	21/09/2020	2009/008
	27/06/2022	2206/013
Next Reviewed:	<u>18/02/2025</u> <u>XX/XX/XXXX</u>	

Future Direction 1 – Maintain and Improve Public Infrastructure and Services

Strategic Objectives/Strategies	Actions	Current Status
1.1 Plan and develop integrated transport networks, providing choices that enable people and freight to move and travel, in a safe, accessible and efficient manner		
Sealed roads and unsealed roads, bridges and culverts will be maintained in accordance with agreed service levels and Blayney Shire Roads Strategy	Maintain Transport infrastructure in accordance with; Road Hierarchy, Renewal and Maintenance Policy and the Pathways in accordance with Councils' Pathway Hierarchy, Standard and Maintenance Policy.	Defect inspection, repairs and customer requests of pathways and roads have been reviewed, and repair works prioritised in accordance with Council policies.
	Develop and implement a Bridge and Culvert Renewal and Maintenance Policy.	Review undertaken. Bridge and Culvert maintenance to be incorporated into the Transport Asset Management Plan.
	Deliver heavy patching, culvert renewal, initial sealing, resealing and gravel resheeting programs in accordance with budgetary allocations	Resealing and gravel resheeting work majority complete. Heavy patching works currently being prepared for contracted delivery.
	Undertake reconstruction and rehabilitation on Forest Reefs and Hobbys Yards Roads in accordance with budgetary allocations.	Rehabilitation works on Forest reefs road complete. Heavy patching works scoped and programmed. Hobbys Yards Road rehabilitation works designed and construction commenced.
	Prioritise road rehabilitation and upgrade works in line with the Blayney Shire Roads Strategy.	2024/25 road allocations and capital works prioritisation were set at the 22 October 2024 Council meeting.

Strategic Objectives/Strategies	Actions	Current Status
Lobby and advocate for the re-opening of the Blayney-Demondrille Railway Line	Attendance at and involvement in advocacy activities.	Blayney-Demondrille Railway line included as a regional priority for the CNSWJO Transport Matrix Projects review.
Deliver the Active Movement Strategy priorities to provide safe and accessible connecting pathway networks	Undertake construction of; Belubula River Walk Stages 3 and 4,	Millthorpe Mainstreet Design progressed and finalised at the December 2024 Council meeting. Plumb Street and Orange Road footpaths works commenced.
	Undertake construction of pathways in; <ul style="list-style-type: none"> • Trunkey Street, Newbridge, • Elliott Street Millthorpe and • Pathways within the King George Oval Pedestrian Project. 	All projects complete.
Plan for future transport and road infrastructure to service future needs	Attendance at and involvement in advocacy activities.	Design of Richards Lane Millthorpe and approval from TfNSW being progressed. Grant application for Coombing St Carcoar bridge was unsuccessful. Barry Road Bridge Strengthening grant (\$200k) grant lodged. \$320k grant application lodged for Blake Street Millthorpe pedestrian linkage and activation.

Strategic Objectives/Strategies	Actions	Current Status
		South Blayney MasterPlan grant lodged with NSW Regional Housing Strategic Planning Fund seeking (\$303 total (\$228 grant / \$75k Council) to MasterPlan residential development (including infrastructure hierarchy)
1.2 The Blayney health service; medical centres, aged care providers, primary and ancillary support and emergency service agencies provided in the Shire meet the future needs of the community		
Advocate to both NSW and Federal Government Ministers of Health, to ensure that Aged Care Services are maintained in Carcoar (Uralba) and Blayney (Lee Hostel), and the Blayney Health Services Clinical Services Plan is delivered	Attendance at and involvement in advocacy activities.	Mayor and General Manager attended the 'official sod turning' for the redevelopment of the Blayney Hospital. Advocacy on Aged Care has been undertaken as required.
Provide support for emergency management in Blayney Shire in accordance with State Emergency and Rescue Management (SERM) Act	Provide oversight of construction of new RFS Station Blayney and refurbishment of Blayney Fire and Rescue Station, facilitate meetings with zone commanders and local brigade captains.	New RFS station was opened on 19 October 2024. Meeting with RFS and Council leadership team occurred 24 September 2024
	Chair the Local Emergency Management Committee.	LEMC meetings undertaken as per meeting schedule.
Advocate to NSW Police and Emergency Services agencies for appropriate service levels.	Participate in the development and implementation of the Blayney Shire Local Emergency Management Plan.	Local Emergency Management Plan review has been completed and endorsed at Regional Emergency Management Committee.

Strategic Objectives/Strategies	Actions	Current Status
	Attendance at and involvement in NSW Police Chifley District Command and other emergency services agencies meetings.	Coordination with emergency services occurs predominately in LEMC meetings.
1.3 The community is provided with access to quality lifelong education and training		
Advocate on behalf of the community to Government to support accessible quality local education	Attendance at and involvement in advocacy activities.	No issues raised during the period that required advocacy.
	Engage with Schools Infrastructure NSW.	No issues raised during the period that required advocacy.
Work with registered training organisations, key business and employment service agencies to support traineeships, trade apprenticeships and skills development	Appoint Council Delegate to the Skillset Board.	NA. Council appointed the General Manager as the Skillset Member Representative at the 17 December 2024 meeting.
	Work with training organisations as opportunities arise to achieve national recognised training outcomes.	Council was successful in obtaining funding under round 1 of the NSW Apprentices, Trainees and Cadets program for: Cadet Planner, Finance Trainee, Works Operator, Parks & Gardens Operator

1.4 Residents and business have access to reliable utilities, information and communication technologies across the Shire		
Lobby the Federal Government for improved internet and mobile phone access to all our villages to facilitate growth	Attendance at and involvement in advocacy activities.	No specific issues raised during the period that required advocacy.
Investigate and support emerging communication technologies that support our community	Support applications for funding for improved communications infrastructure, as required.	No grant opportunities during the period.
	Utilise smart technology and expand Council smart hub systems.	Review of smarthub system undertaken. Training of staff occurred for the issuing and setup of access for facilities linked to the SmartHub Platform.
Ensure appropriate utility services (electricity, gas, water) are available in the Blayney Shire		Council delegates appointed to Central Tablelands Water. Considered in Development Application assessments.

Future Direction 2 – Build the Capacity and Capability of Local Governance and Finance

Strategic Objectives/Strategies	Actions	Current Status
2.1 Council is recognised as a valuable partner with government and private business stakeholders		
Meaningful two-way communication and engagement between NSW and Federal Governments, regional organisations, business, industry, stakeholders and communities of interest	Attendance at and involvement in advocacy activities.	Council attended; LGNSW conference, Country Mayors, Mining & Energy Related Councils, Central NSW JO.
		During the period, Council met and/or spoke with: Hon Andrew Gee (Federal Member for Calare), Hon Tayna Plibersek (Federal Minister for Environment and Water), Senator Jonathon Duniam (Federal Opposition spokesperson for Environment and Water), Senator Ross Cadell, Hon David Littleproud (Federal Deputy Opposition Leader); Hon Chris Minns (Premier of New South Wales), Hon Paul Toole (member for Bathurst), Hon. Sam Faraway MLC (NSW MLC), Hon Phil Donato (member for Orange)
Provide for the efficient and effective administration of Council	Audit, Risk and Improvement Committee (ARIC) meetings held.	ARIC established to conform with new guidelines. ARIC meetings held in August and November with minutes tabled to next scheduled Council meeting.

Strategic Objectives/Strategies	Actions	Current Status
	Implementation of Strategic Internal Audit Plan.	Draft Request for Quotations for Review of Procurement prepared with a view to going to market in late January 2025.
	Development of Service Plans and Service Review Framework.	Service reviews in progress for Library Services and Parks fleet.
	Pursue partnerships and grant funding opportunities to deliver projects identified in Asset Management Plans and Integrated Planning and Reporting documents.	Grant applications have been submitted for several projects as outlined in 1.1.
2.2 Responsible management practices, delivery of services and renewal of assets across the Blayney Shire		
Identify and implement improvement opportunities to optimise Council's financial sustainability	Implement Building and Other Structures Asset Management Plan.	Building renewal schedule currently being prepared and forecast for SRV funds. Scoping occurred for painting and repairs of buildings.
	Reporting to Audit Risk and Improvement Committee.	ARIC meetings updated on status of implementation of FSR recommendations. Improvements and efficiencies report to ARIC on a quarterly basis.
Review Council's financial performance in the Long Term Financial Plan and report against Office of Local Government Financial Performance Ratios	Finalise Financial Sustainability Review (FSR).	Review finalised and implementation of FSR recommendations undertaken. In 2023/24 Council resolved to apply to the NSW Independent Pricing and Regulatory Tribunal (IPART) for a 3 year SV from 2024/25 that was approved.

Strategic Objectives/Strategies	Actions	Current Status
	Annual Financial Statements finalised and audited.	Financial Statements lodged with the OLG on 08/10/2024. Recognised as 2 nd Council in state to lodge audited financial statements.
Significant capital projects are assessed and reviewed prior to lodgement and/or allocation of funding	All proposed projects are considered and assessed in accordance with Capital Projects Operating Guideline and / or Capital Expenditure Review. Guideline	Several grant applications were lodged during the period as outlined under 'Future direction 1'. Delivery of a number of grant funded capital projects completed and/or currently in progress.
Council is an employer of choice	Implement Workforce Management Plan strategies.	Council was successful in obtaining grant funding for: 4 positions. Council continues to use initiatives in relation to recruitment and retention strategies.
Effective management of land under Council control	Finalisation of Crown Lands Plans of Management Program.	Draft Crown Lands Plans of Management Program finalised with Parks, Ovals and Open Space document lodged for review by Crown Lands NSW and Ministerial Approval.
	Regular meetings with Crown Lands NSW.	There was no meeting with Crown Lands during the period. Next scheduled meeting is 7 February 2025.

Strategic Objectives/Strategies	Actions	Current Status
2.3 Town Associations, Village Committees and local organisations are capable, resilient, and involved in decision making about issues that impact their own community		
Facilitate constructive and timely communication between Council and the Town & Village Committees /Progress Associations	Engagement with town and village communities on priorities for allocation of VEP funding.	2024 Community Survey for new Community Strategic Plan was completed during the period (222 responses received). Council was at the Blayney High School and Blayney Twilight shopping event undertaking community engagement.
Continue to support local community infrastructure projects via the Community Financial Assistance Program and Village Enhancement Plan (VEP) allocations	Community Financial Assistance Program funding rounds called biannually and funding allocated.	Round 1 Community Financial Assistance Program promoted and assessed. Funds awarded was \$17,805
Support the development and implementation of improvement projects for the local Halls, School of Arts and other community facilities		Applications received through Community Financial Assistance Program for enhancement of halls and community facilities. 4 applications approved during period.
Work proactively with community groups to support local events	Attendance at and involvement in Orange360 activities.	Council delegate appointed at the 22 October 2024 council meeting. Delegate attendance to monthly meetings.
	Increase social media presence and interaction with community.	Social media posts completed throughout the year.

Strategic Objectives/Strategies	Actions	Current Status
	Facilitation of Event Management Applications and support of event organisers.	10 event management applications received during period. 6 funding applications received under Tourism Development Program during the period, with Council allocating \$9,000 to 5 groups.
2.4 The community and ratepayers have confidence in and are engaged with Blayney Shire Council		
Deliver Council's Community Engagement Strategy utilising various channels and methods to enhance community awareness and participation in Council services and decision making	Review Community Engagement Strategy.	Community Engagement Strategy was endorsed by Council at the 17 December 2024 council meeting.
	Review Community Participation Plan.	Targeted for 2025 subject to resource availability
	Investigate Online Rates Tool.	Council has implemented Flexi-pay through Council's mailing house, Forms Express. Ratepayers registered with this online platform are able to access the following information/services: <ul style="list-style-type: none"> • Up to 5 years of rates notices • Outstanding rates balances (updated weekly) • Initiate payment plans and access additional payment methods.
Information is delivered effectively and efficiently	Increase e-newsletter distribution list.	51 new subscribers in reporting period

Strategic Objectives/Strategies	Actions	Current Status
Encourage sound governance practice and build the capacity and capability of local leaders within community organisations	Promote Online Planning and Customer Request platforms.	DA lodgement advice and guidance provided on Council's website.
Encourage sound governance practice and build the capacity and capability of local leaders within community organisations	Seek training opportunities to build capacity and capability of local leaders	Council has worked with the RDA Central West to coordinate opportunities in Blayney Shire for 2025.

Future Direction 3 – Diversify and Grow the Blayney Shire Local and Visitor Economy

Strategic Objectives/Strategies	Actions	Current Status
3.1 A viable and productive agricultural sector		
Support the growth of the Shire while preserving productive agricultural land and integrate sustainable industries into the future	Ensure Land Use conflict is minimised and/or mitigated where on or adjoining agricultural lands and operations.	Assessment occurs with individual development applications and through the Planning Proposal process if agricultural lands are involved
Ensure local planning instruments and strategies support the agricultural sector		
Maintain the availability and quality of water for use in rural areas	Manage the water supply bores in rural locations to provide a secure 'non-potable' supply of water to the Shire.	Village bores inspected and maintained with Council budgets. Council resolved to allocate funding to address compliance issues at Redmond Oval Bore.
	Participate in Central NSW Water Utilities Alliance.	Council staff attended the Central NSW Water Utilities Alliance meeting.
3.2A responsible and prosperous mining industry that is engaged with the community, working towards the improvement of the Shire		
Engage and advocate on behalf of the community on the corporate and environmental responsibilities of the mining sector	Attend Community Consultative Committee meetings.	Council attended numerous meetings with various politicians in relation to the section 10 declaration in relation to the McPhillamys Gold Project at Kings Plains.
	Attend Mining and Energy Related Councils (MERC) meetings.	Meetings (including AGM) were attended during the period.

Strategic Objectives/Strategies	Actions	Current Status
	Advocate to the NSW Government for continuation of the Resources for Regions funding program.	Ongoing. Issue raised with; MERC, NSW Minerals Council, Central NSW JO and NSW Government. Central NSW JO at the 14 November 2024 Board meeting presented a letter to the NSW Premier seeking support for mining impacted Councils under the Regional Development Trust Fund program.
3.3 Growing and connected tourism networks that add value to the vision and appeal of our heritage villages and tourism product within the Shire		
Implement the Orange Region Destination Management Plan	Work with Orange 360 to support Orange Region Destination Marketing activities.	Ongoing – Tourism Manager Sub Committee structure reviewed and split to two functional working groups; Visitor Economy Development Committee and Tourism, Event and Communications Forum.
Work with, and support Orange360 and Central NSW Tourism	Review Blayney Visitor Information Centre operations.	Ongoing support provided as needed and attendance at monthly VIC meetings. TV photo slideshow reviewed and updated.
Provide support to local businesses and event organisers	Allocate funding through the Tourism Development Program.	\$7,000 of funding allocated in 2024/25 \$2,000 allocated from 2025/26 budget.

3.4 An attractive shire for employment opportunities with industrial, business, tourism and planned housing residential growth		
Implement the Blayney Mainstreet and Millthorpe Village Centre Masterplans	Deliver High Pedestrian Activity Areas in Blayney and Millthorpe.	TfNSW implemented the Blayney HPZ in June 2024. Millthorpe HPZ in consultation with TfNSW not eligible to proceed.
	Develop projects and identify funding opportunities for Blayney Mainstreet and Millthorpe Village Centre Masterplan projects.	Detail design for Millthorpe Masterplan underway – stage 1 completed. Detail design for Blayney Masterplan currently out for tender.
Facilitate the development of new residential housing in Blayney and Villages	Work with stakeholders and partners to identify affordable housing opportunities.	No specific opportunities during the period.
Seek opportunities to build a vibrant local retail and business sector	Support business opportunities.	Council has worked with the RDA Central West to coordinate opportunities in Blayney Shire for 2025.
Regularly review and update, planning instruments, strategies and policies	Commence Millthorpe Settlement Strategy Addendum.	Awaiting completion of the Sewer Strategic Business Plan prior to being able to progress.
	Commence a Planning Proposal to update the Blayney Local Environmental Plan 2012 in response to the Blayney Flood Study (Storm 2022).	Deferred until the review of the Town of Blayney Flood Study is completed.

Future Direction 4 – Enhance recreational facilities and networks that support health and wellbeing of the community, sport, heritage and cultural interests

Strategic Objectives/Strategies	Actions	Current Status
4.1 We are an inclusive, diverse and welcoming community		
Engage with young people to facilitate and progress activities within the Shire	Allocate funding through Youth Week Grants program.	Government funding secured for Youth Week.
Implement the Disability Inclusion Action Plan	Six monthly and annual reporting on outcomes from Disability Inclusion Action Plan.	DIAP Annual report adopted at August 2024 Council meeting.
	Engagement of Disability Inclusion Working Group.	Meeting held 1 August 2024. Nominations sought for DIWG in new Council term with 2 endorsed at December 2024 meeting.
Facilitate engagement of key stakeholders of the local community services sector	Support Blayney Interagency meetings and networks.	Council continues to offer facility for meetings. No meetings sought during year.
4.2 Provide facilities that support increased participation in sport and fitness activities		
Sporting events are supported by Council, volunteers and state sporting bodies so that they are coordinated and well resourced	Implement Councils' Parks and Recreation Asset Management Plan.	Implemented and operational

Strategic Objectives/Strategies	Actions	Current Status
Implement Blayney Shire Sports and Recreation Masterplan to enhance and improve sporting facilities	Deliver sports lighting at King George Oval, Blayney.	Project Completed
	Deliver carpark improvements at King George Oval, Blayney.	Project Completed
	Review the Blayney Shire Sport and Recreation Masterplan.	Focus has been on finalisation of the Blayney Showground MasterPlan.
	Coordinate User Group meetings for sporting facilities and major projects.	Showground User Group meeting was had in relation to the MasterPlan on 23 September 2024.
CentrePoint Sport and Leisure Centre is managed in a manner to maximise patronage and participation in fitness activities	Ensure fitness programs and services maximise patronage and participation at CentrePoint.	Ongoing reporting by Belgravia Leisure indicates efforts to maximise patronage
4.3 Heritage and First Nations significant sites in the natural and built environment are protected		
Identify items of natural and built heritage in Blayney Shire	Ongoing engagement with Orange Local Aboriginal Lands Council.	No opportunities during the period.
Heritage Advisory services continue to be provided to owners of heritage items ensuring heritage is preserved whilst allowing development to occur	Facilitate and provide Heritage Architect Advisory service.	The Heritage Architect Advisory service continues with visits from Heritage Advisor on a monthly basis.
	Allocate funding through Local Heritage Assistance Program.	Applications under assessment

Strategic Objectives/Strategies	Actions	Current Status
Ensure the Shire’s 8 heritage listed cemeteries are maintained and protected	Finalisation of the Blayney Shire Cemeteries Vegetation Plan.	Operations Plan for Blayney Shire Cemeteries implemented.
4.4The shire is a centre for cultural interest, arts, performance and entertainment		
Encourage the use of the Blayney Shire Community Centre as a facility for events	Number of events that utilise Blayney Shire Community Centre	Statistics for reporting period: Conferences 0 Meetings: External 85 Internal 43 Other functions 31 Days unused 68
Provide effective and consumer friendly library services in the Blayney Shire	Maintain and operate Blayney Library via Service Level Agreement in place with Orange City Council	Library Service delivered per SLA. Statistics for period: Members: 1,973 Loans: In-person 4,182 E-loans 6,952 Other: PC Bookings: 268 Wi-Fi: 152
Maintain partnerships with local arts and cultural groups	Music Scholarship program and maintain Council’s support of Regional Music Programs	3 Music Scholarships awarded following December auditions.
	Continued support of Arts OutWest, Platform Arts Hub and local museums	2025 – 2028 MOU executed; Bradley Bradley appointed as representative on advisory board.

Strategic Objectives/Strategies	Actions	Current Status
		<p>Ongoing support to Sidetrack Arts Incorporated for Platform Arts Hub space through MOU.</p> <p>Resources provided to Golden Memories Museum Millthorpe to become a Visitor Information Outlet.</p> <p>Continued sharing of funding opportunities relevant to groups.</p>

Future Direction 5 – Protect our Natural Environment

Strategic Objectives/Strategies	Actions	Current Status
5.1 Retain and enhance open spaces; with a focus on regeneration of native vegetation		
Ongoing liaison, support and participation with Local Land Services, Landcare and as a constituent Council Upper Macquarie County Council	Attendance at and involvement in advocacy activities.	Council delegates appointed to Upper Macquarie Council and meetings attended.
Maintain and strengthen partnerships with organisations responsible for natural resource management and feral pest control		Meeting with constituent Councils for Central Tablelands Weeds Authority on 20 December 2024.
Review the Roadside Vegetation Management Plan to ensure high environmental value vegetation is protected, road safety outcomes maintained, and any clearing is undertaken following agreed principles and guidelines		<p>Environmental Factors reviewed as part of major construction works.</p> <p>Vegetation mapping maintained in Council's GIS system. Roadside mowing undertaken as part of Council routine operations.</p> <p>Upper Macquarie County Council roadside weed spraying program currently in progress.</p>
Support Council's native tree planting program and community engagement	Implement Native Tree Planting Program.	Public space tree planting limited to minor replacements.
	Develop a Parkland Tree Planting design, replacement and expansion program.	Street trees maintained in accordance with street tree policy.

Strategic Objectives/Strategies	Actions	Current Status
		No parkland tree planting designs undertaken. Some tree and landscaping design required as part of Blayney CBD detail design (currently out for tender)
	Prepare concept plan for Presidents Walk.	No budget allocation within current DP/OP to progress.
	Detailed design for Beaufort Street Park.	No budget allocation within current DP/OP to progress
5.2 The Belubula River, waterways and tributaries that flow into our regional water catchments and water supply sources are clean, healthy and biodiverse		
Prepare a shire wide onsite sewerage wastewater strategy	Finalise and implement Blayney Shire Onsite Sewerage Management Policy.	Policy drafted but requires review prior to progressing to consider the full legal obligations and potential impact on residents.
Clean up waterways throughout the Shire including removal of willow trees, other noxious species, creating wildlife habitat		Maintaining best practice management of buffer zones for water courses, creating new and retaining existing habitats. Physical removal of weeds.
Stormwater Management Plans are prepared for Blayney, Millthorpe and Carcoar and projects scoped for funding	Stormwater Management Plan for Blayney.	Blayney township local flood study currently underway (draft model complete) which will inform this plan.
	Progress Millthorpe Stormwater Management Plan study.	Stormwater management has been considered in 50 lot subdivision DA and in Richards Lane culvert design.

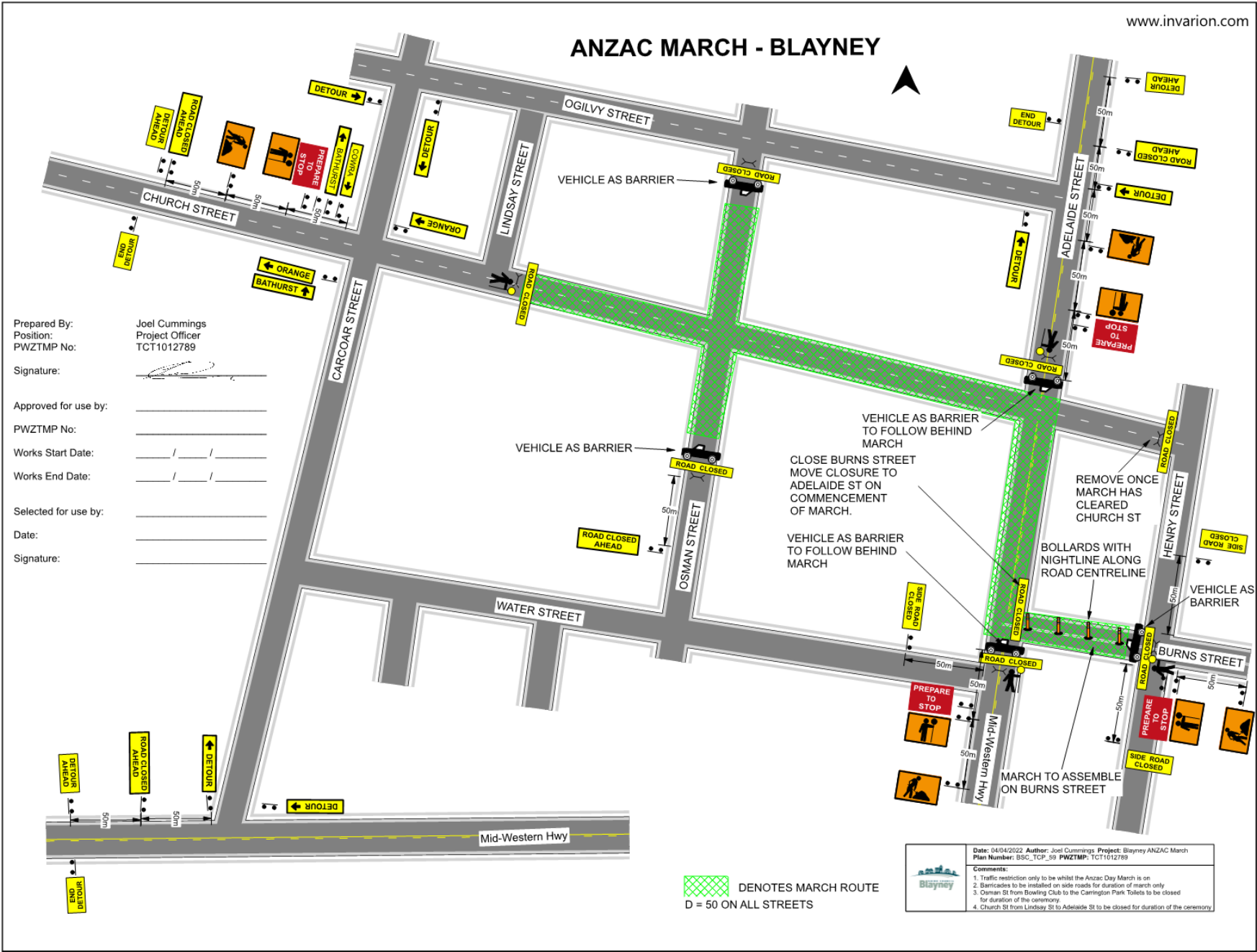
Strategic Objectives/Strategies	Actions	Current Status
Ensure provision of Sewerage Treatment and Recycled Water Treatment Plant is adequate for the growth of the Shire and promotes Residential Development	Sewerage Strategic Business Plan	STP Capacity assessment completed as well as hydraulic modelling of flood events. Continuing project.
5.3 We are on the path to achieving net zero emissions and adapting to climate change risks and opportunities		
Facilitate new energy sources, sustainable development and farming practices within the Shire	Finalise Business Case and Capital Expenditure Review for Blayney Solar Farm	Council is seeking to prioritise investigation of overland flow in the industrial area (including this land).
Implement the Blayney Shire Renewable Energy Action Plan	Lodge Development Application for Blayney Solar Farm	DA not yet lodged for reasons detailed above.
Continue to investigate and challenge emerging renewable energy sources	Investigate behind the meter battery/solar solutions	Specialist energy consultant has provided an updated report regarding installation of additional PV panels and battery opportunities.
	Develop Fleet strategy for electric/hybrid vehicle solutions	Being undertaken and led through CNSWJO identifying Opportunities and barriers for EV charging and development of a fleet strategy. EOI lodged with NSW Government, advising of interest in hosting a fast EV charger in the Blayney Shire Community Centre carpark.

5.4 Recycling and innovative diversion of waste will reduce the volume deposited in Council's Landfill		
Ensure Waste Management Services are delivered in a financially sustainable manner	Review Village Recycling Station Service	Review by waste consultant presented to Councillor workshop. Will not be proceeding at this time.
Develop and promote programs with NetWaste that increase recycling and reuse	Support Garage Sale Trail.	Held in November 2024 with 48 garage sales registered
	Review Bulky Waste Collection Service.	Review by waste consultant presented to Councillor workshop. Will not be proceeding at this time.
	Investigate establishment of 'return and earn' opportunities within the Shire	Return & Earn vending machine located at Bernardi's Supermarket.
Review services and introduction of a Green Bin in Waste Collection Services	Investigate voucher system for Blayney Waste Management Facility.	Review by waste consultant received and presented to Councillor workshop but will not be proceeding at this time.

Street Event – ANZAC Day (Blayney) – April 2025

Conditions considered appropriate for the Event Organiser to comply with include the following:-

- a. The Event Organiser shall obtain approval from NSW Police, with submission of a Notice of Intention to Hold a Public Assembly, in accordance with the Summary Offences Act 1988, and a copy provided to Blayney Shire Council, prior to the event.
- b. Blayney Shire Council, on behalf of the Event Organiser shall obtain a Road Occupancy Licence, in accordance with the Roads Act 1993 (s144) from Transport for NSW, with a copy provided to Blayney Shire Council, prior to the event.
- c. A Traffic Management Plan (TMP) and a Traffic Guidance Scheme (TGS) must be prepared for each event by an appropriately qualified person, and shall be provided to the Blayney Traffic Committee for approval prior to the event.
- d. Implementation of the approved Traffic Guidance Scheme (TGS) is to be completed by persons appropriately qualified to do so.
- e. All personnel carrying out traffic control duties must hold a Transport for NSW (TfNSW) authorised traffic controller's ticket.
- f. The Event Organiser shall make arrangements for the procession to be followed by a medium rigid vehicle such as Rural Fire Service Truck to provide protection.
- g. The Event Organiser is to comply with the requirements of the "Guide to Traffic and Transport Management for Special Events" (version 3.5) dated 1 July 2018, for a Class 3 event.
- h. Blayney Shire Council will, advertise the march and temporary road closures, at least seven days prior to the event, in the local media.



Street Event – ANZAC Day Services (Villages) – April 2025

Conditions for Millthorpe and Neville considered appropriate for the Event Organiser to comply with include the following:-

- a. The Event Organiser shall obtain approval from NSW Police, with submission of a Notice of Intention to Hold a Public Assembly (via chifleyrms@police.nsw.gov.au), in accordance with the Summary Offences Act 1988, and a copy provided to Blayney Shire Council, prior to the event.
- b. Blayney Shire Council, on behalf of the Event Organiser shall obtain a Road Occupancy Licence, in accordance with the Roads Act 1993 (s144) from Transport for NSW, with a copy provided to Blayney Shire Council, prior to the event.
- c. Council shall be provided with an up to date copy of a \$20M Public Liability Insurance Policy indicating Blayney Shire Council's interests, and the date and location of the event.
- d. A Traffic Management Plan (TMP) and a Traffic Guidance Scheme (TGS) must be prepared for the Class 3 events by an appropriately qualified person, and shall be provided to the Blayney Traffic Committee for approval prior to the event.
- e. Implementation of the approved Traffic Guidance Scheme (TGS) is to be completed by persons appropriately qualified to do so.
- f. All personnel carrying out traffic control duties must hold a Transport for NSW (TfNSW) authorised traffic controller's ticket.
- g. The Event Organiser shall make arrangements for the procession to be followed by a medium rigid vehicle such as Rural Fire Service Truck to provide protection.
- h. The Event Organiser is to comply with the requirements of the "Guide to Traffic and Transport Management for Special Events" (version 3.5) dated 1 July 2018, for a Class 3 event.
- i. Blayney Shire Council will, advertise the march and temporary road closures, at least seven days prior to the event, in the local media.

ANZAC DAY MARCH 2023

Time on _____ Time off _____

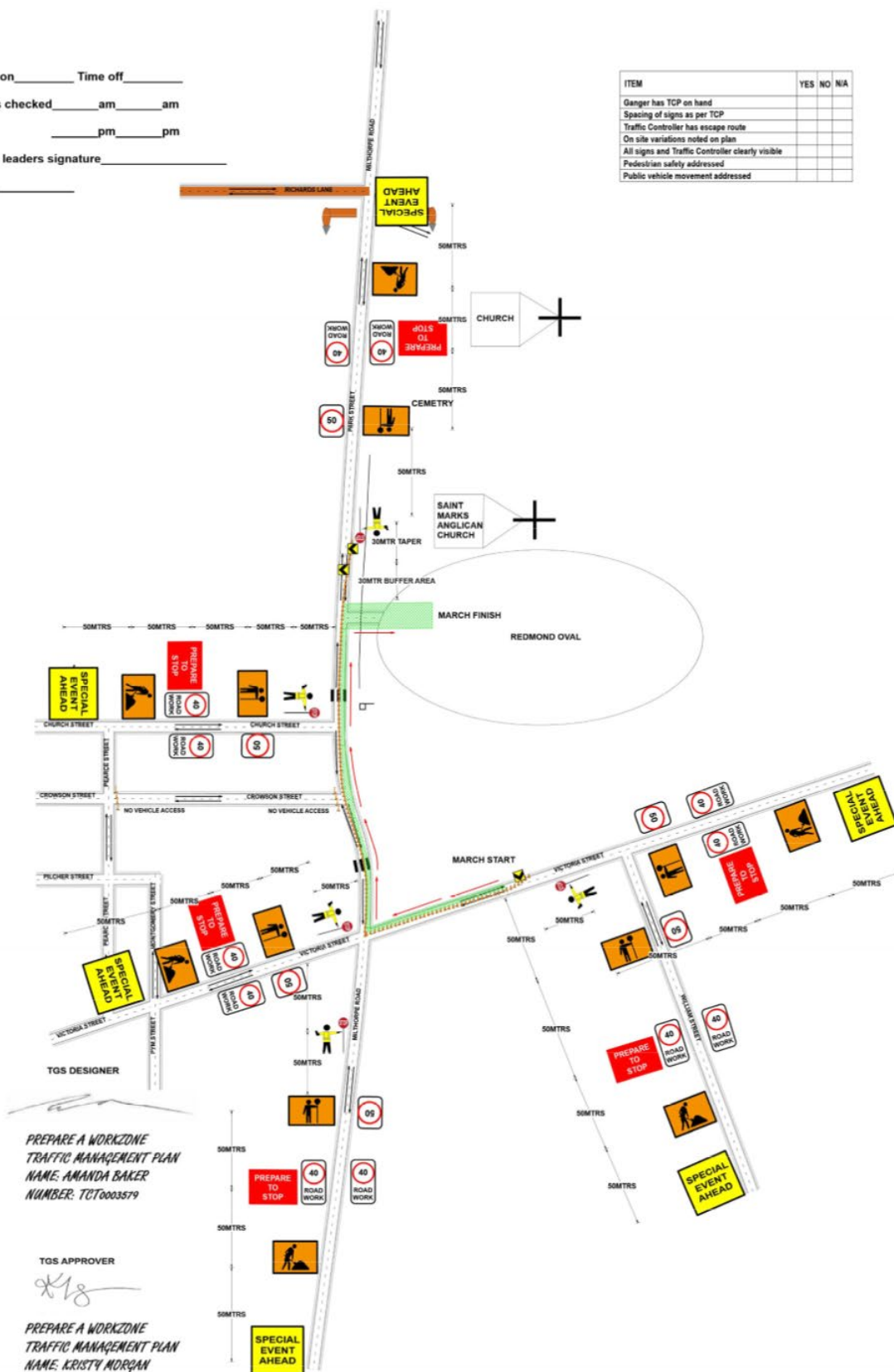
Signs checked _____ am _____ am

_____ pm _____ pm

Team leaders signature _____

Date _____

ITEM	YES	NO	N/A
Ganger has TCP on hand			
Spacing of signs as per TCP			
Traffic Controller has escape route			
On site variations noted on plan			
All signs and Traffic Controller clearly visible			
Pedestrian safety addressed			
Public vehicle movement addressed			



Date: 21.2.2023 **Author:** Amanda Baker **Project:** Anzac Day March 2023 - Park and Victoria Street's - Millthorpe

Comments:

T.G.S. 210220231A

A Anzac Day March is to be held in Millthorpe from Victoria Street through to Redmond Oval via Park Street.

Victoria Road and Park Street are to be closed down to one lane to accommodate for the march.

One lane is to be left open for traffic to pass the event and is to be controlled by Traffic Controllers or Police.

The event is expected to take around 30-60 minutes to complete.

The Site is to be setup as per TGS.

Please Note - All signs are to be setup in accordance with the TCAWM V6.

All conrotatory speed signage must be covered.

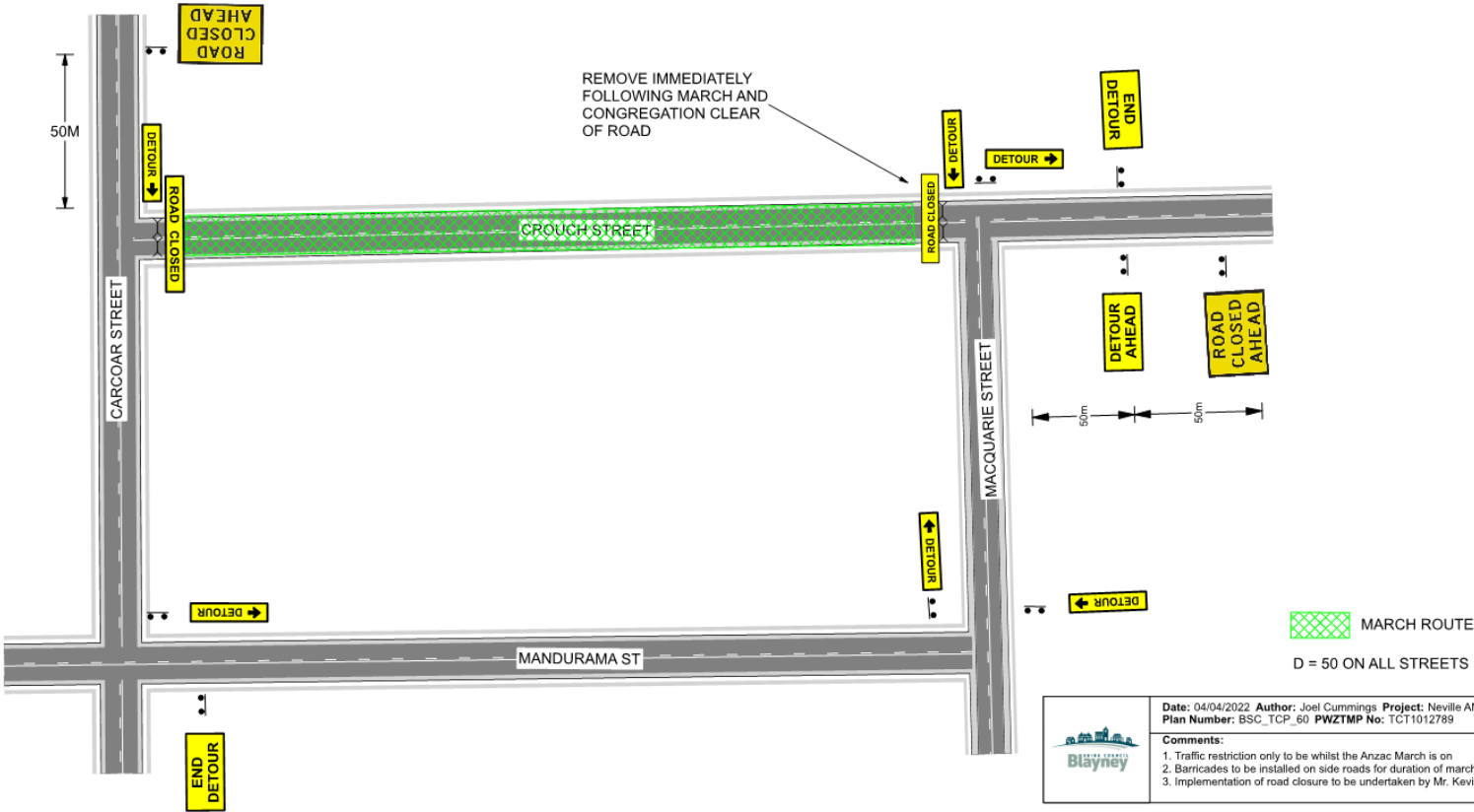
If changes need to be made on site a qualified PWZ - Prepare Work Zone Staff member must record them on TGS




MIDWEST TRAFFIC MANAGEMENT

Prepared By: Joel Cummings
Position: Project Officer
PWZTMP No: TCT1012789
Signature: _____
Approved for use by: _____
PWZTMP No: _____
Works Start Date: ____/____/____
Works End Date: ____/____/____
Selected for use by: _____
Date: _____
Signature: _____

ANZAC MARCH - NEVILLE



 **Date:** 04/04/2022 **Author:** Joel Cummings **Project:** Neville ANZAC March
Plan Number: BSC_TCP_60 **PWZTMP No:** TCT1012789
Comments:
1. Traffic restriction only to be whilst the Anzac March is on
2. Barricades to be installed on side roads for duration of march only
3. Implementation of road closure to be undertaken by Mr. Kevin Radburn

Street Event – Newbridge Winter Solstice 2025

Conditions considered appropriate for the Event Organiser to comply with include the following:-

- a. The Event Organiser shall obtain approval from NSW Police, with submission of a Notice of Intention to Hold a Public Assembly (via chifleyrms@police.nsw.gov.au), in accordance with the Summary Offences Act 1988, and a copy provided to Blayney Shire Council, prior to the event.
- b. Council shall be provided with an up to date copy of a \$20M Public Liability Insurance Policy indicating Blayney Shire Council's interests, and the date and location of the events.
- c. A Traffic Management Plan (TMP) and a Traffic Guidance Scheme (TGS) must be prepared for the event by an appropriately qualified person, and shall be provided to the Blayney Traffic Committee for approval prior to the event.
- d. Implementation of the approved Traffic Guidance Scheme (TGS) is to be completed by persons appropriately qualified to do so.
- e. All Event Marshalls, Traffic Controllers and participants must be consulted and advised of the risk management and contingency arrangements in case of an emergency.
- f. A Risk Assessment must be completed and a Risk Management Plan submitted to Council prior to the event.
- g. The Event Organiser shall ensure high-visibility vests are provided and worn by all volunteers.
- h. The Event Organiser must inform all relevant persons involved in the organisation of the event of the Conditions of Approval.
- i. The Event Organiser is to notify all Emergency Services of the event and associated road closures, including Orange Base, Bathurst and Blayney Hospitals.
- j. The Event Organiser is to notify all business proprietors and residents affected by the event at least 7 days prior to the event.
- k. The Event Organiser shall comply with the requirements of the "NSW Guide to Traffic and Transport Management for Special Events" (version 3.5) dated 1 July 2018, for a Class 2 event.
- l. The Event Organiser will advertise the temporary road closures, including a contact number for an event organiser, at least seven days prior to the event, in the local media.

Time on _____ Time off _____

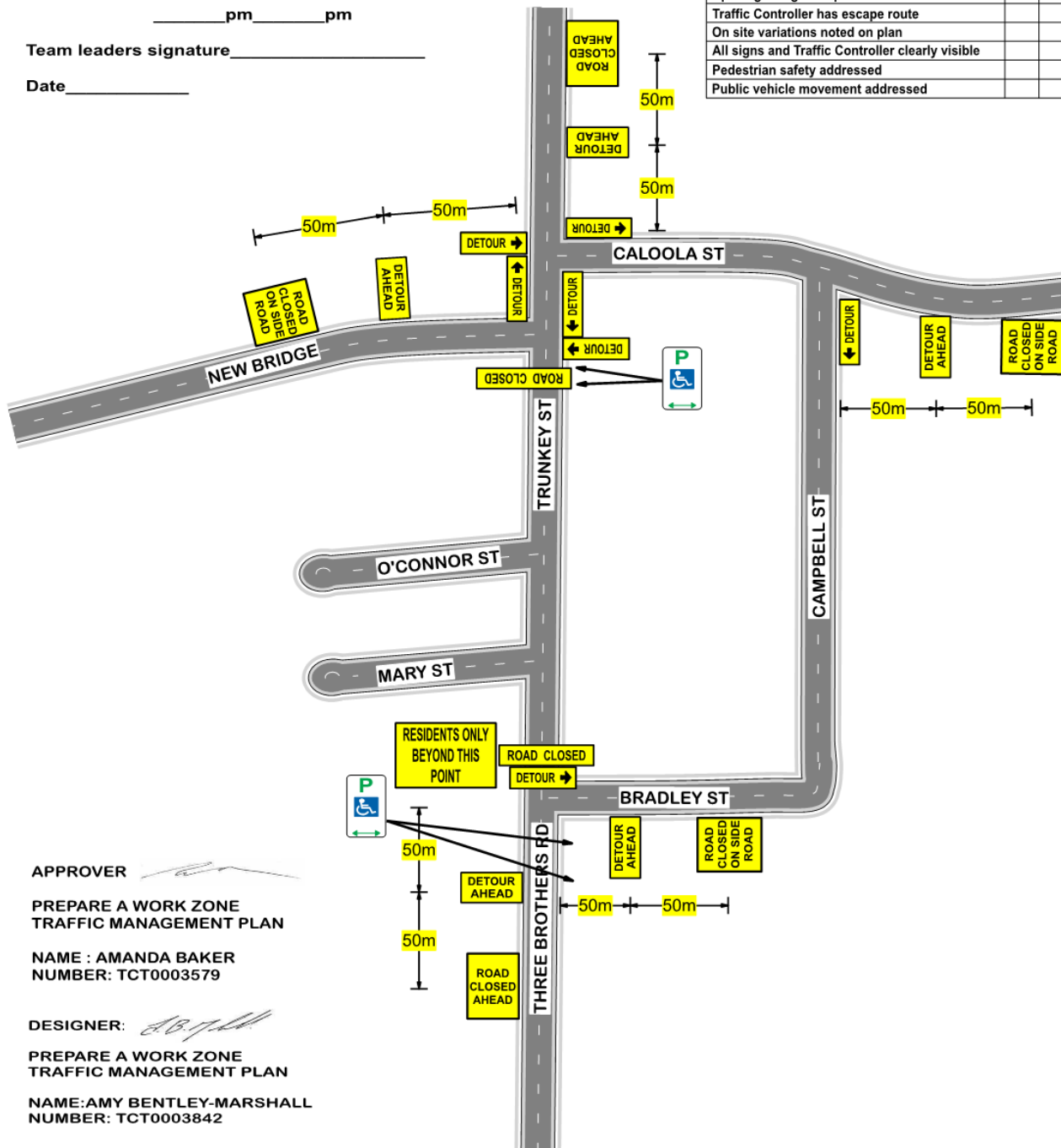
Signs checked _____ am _____ am

_____ pm _____ pm

Team leaders signature _____

Date _____

ITEM	YES	NO	N/A
Ganger has TGS on hand			
Spacing of signs as per TGS			
Traffic Controller has escape route			
On site variations noted on plan			
All signs and Traffic Controller clearly visible			
Pedestrian safety addressed			
Public vehicle movement addressed			



APPROVER _____

PREPARE A WORK ZONE
TRAFFIC MANAGEMENT PLAN

NAME : AMANDA BAKER
NUMBER: TCT0003579

DESIGNER: _____

PREPARE A WORK ZONE
TRAFFIC MANAGEMENT PLAN

NAME: AMY BENTLEY-MARSHALL
NUMBER: TCT0003842



Date: 22/01/2025 Author: AMY BENTLEY-MARSHALL Project: NEWBRIDGE WINTER SOLSTIVE - NEWBRIDGE ROAD - NEWBRIDGE

Comments:
TGS # 22125 - NWS

Site to be set up as per the TGS.
Modifications must only be made by a current Select/Modify (PREPARE A WORK ZONE TRAFFIC MANAGEMENT PLAN) holder.
Any additional side roads are to be set up in the same manner.
Delineation to be placed as required for the works as set out in traffic control on worksites manual.
Pedestrians and driveways are to be monitored as required.
Traffic Controllers are required to close the road down as required by the works.
Stop/Slow control is to be used to accommodate works.
Signs can be place at +25% or -10% tolerance in distance from original position if required.

MIDWEST TRAFFIC MANAGEMENT