



**ATTACHMENTS TO REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON MONDAY 21 SEPTEMBER 2020**

CORPORATE SERVICES REPORTS

08 Amendment to Code of Conduct and Procedures

Attachment 2: Code of Conduct for Councillors 1

Attachment 3: Code of Conduct for Council Staff..... 45

Attachment 4: Code of Conduct for Council Committee Members,
Delegates of Council and Council Advisers 85

Attachment 5: Procedures for the Administration of the Model
Code of Conduct for Local Councils in NSW..... 119

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

17 Draft Blayney Settlement Strategy 2020

Attachment 1: Draft Blayney Shire Settlement..... 173



Code of Conduct for Councillors

Policy	1B
Officer Responsible	Director Corporate Services
Last Review Date	21/09/2020

Strategic Policy

TABLE OF CONTENTS

PART 1 INTRODUCTION 3

PART 2 DEFINITIONS 4

PART 3 GENERAL CONDUCT OBLIGATIONS..... 6

PART 4 PECUNIARY INTERESTS 10

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST 15

PART 6 PERSONAL BENEFIT 19

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS 22

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES 24

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE..... 28

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.9 30

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.9 38

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.25..... 42

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* ("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

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 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
- 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(c) 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 facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor has an interest includes a reference to any real property situated in Australia in which the councillor has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor 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 4.9 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.
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 4.9 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 donee, 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.

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
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

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

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. 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.

24. A person making a return under clause 4.9 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

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

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.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor 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 4.9 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. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the

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

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).
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

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

Important information

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

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

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

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

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

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

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

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

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

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to 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	
Next Reviewed:	19/04/2021	



Code of Conduct for Council Staff

Policy	1D
Officer Responsible	Director Corporate Services
Last Review Date	21/09/2020

Strategic Policy

TABLE OF CONTENTS

PART 1 INTRODUCTION 3

PART 2 DEFINITIONS 4

PART 3 GENERAL CONDUCT OBLIGATIONS..... 6

PART 4 PECUNIARY INTERESTS 9

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST 14

PART 6 PERSONAL BENEFIT 18

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS 21

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES 23

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE..... 27

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN
WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.18 29

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED
UNDER CLAUSE 4.18 36

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* ("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 2005</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
---	---------------------------

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	
Next Reviewed:	19/04/2021	



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

Policy	1E
Officer Responsible	Director Corporate Services
Last Review Date	21/09/2020

Strategic Policy

TABLE OF CONTENTS

PART 1 INTRODUCTION 3

PART 2 DEFINITIONS 4

PART 3 GENERAL CONDUCT OBLIGATIONS..... 6

PART 4 PECUNIARY INTERESTS 9

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST 14

PART 6 PERSONAL BENEFIT 17

PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES 20

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE..... 22

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN
WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.15 24

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED
UNDER CLAUSE 4.15 31

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* ("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 2005</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	
Next Reviewed:	19/04/2021	



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	21/09/2020

Strategic Policy

Procedures for the
Administration of

The Model Code of Conduct

for Local Councils in NSW

2020



PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

2020

ACCESS TO SERVICES

The Office of Local Government is located at:

Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541

Postal Address: Locked Bag 3015, Nowra, NSW 2541

Phone: 02 4428 4100

Fax: 02 4428 4199

TTY: 02 4428 4209

Email: olg@olg.nsw.gov.au

Website: www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday

9.00am to 5.00pm

(Special arrangements may be made if these hours are unsuitable)

All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact us on 02 4428 4100.

DISCLAIMER

While every effort has been made to ensure the accuracy of the information in this publication, the Office of Local Government expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© Department of Planning, Industry and Environment 2020

Produced by the Department of Planning, Industry and Environment

Contents

Part 1:	Introduction	4
Part 2:	Definitions	6
Part 3:	Administrative Framework	10
Part 4:	How May Code of Conduct Complaints be Made?	14
Part 5:	How are Code of Conduct Complaints to be Managed?	18
Part 6:	Preliminary Assessment of Code of Conduct Complaints About Councillors or the General Manager by Conduct Reviewers	26
Part 7:	Investigations of Code of Conduct Complaints About Councillors or the General Manager	32
Part 8:	Oversight and Rights of Review	40
Part 9:	Procedural Irregularities	44
Part 10:	Practice Directions	46
Part 11:	Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager	48
Part 12:	Confidentiality	50

Part 1: Introduction

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

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

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

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

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

Note: In adopting the Model Code Procedures, joint organisations should 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:

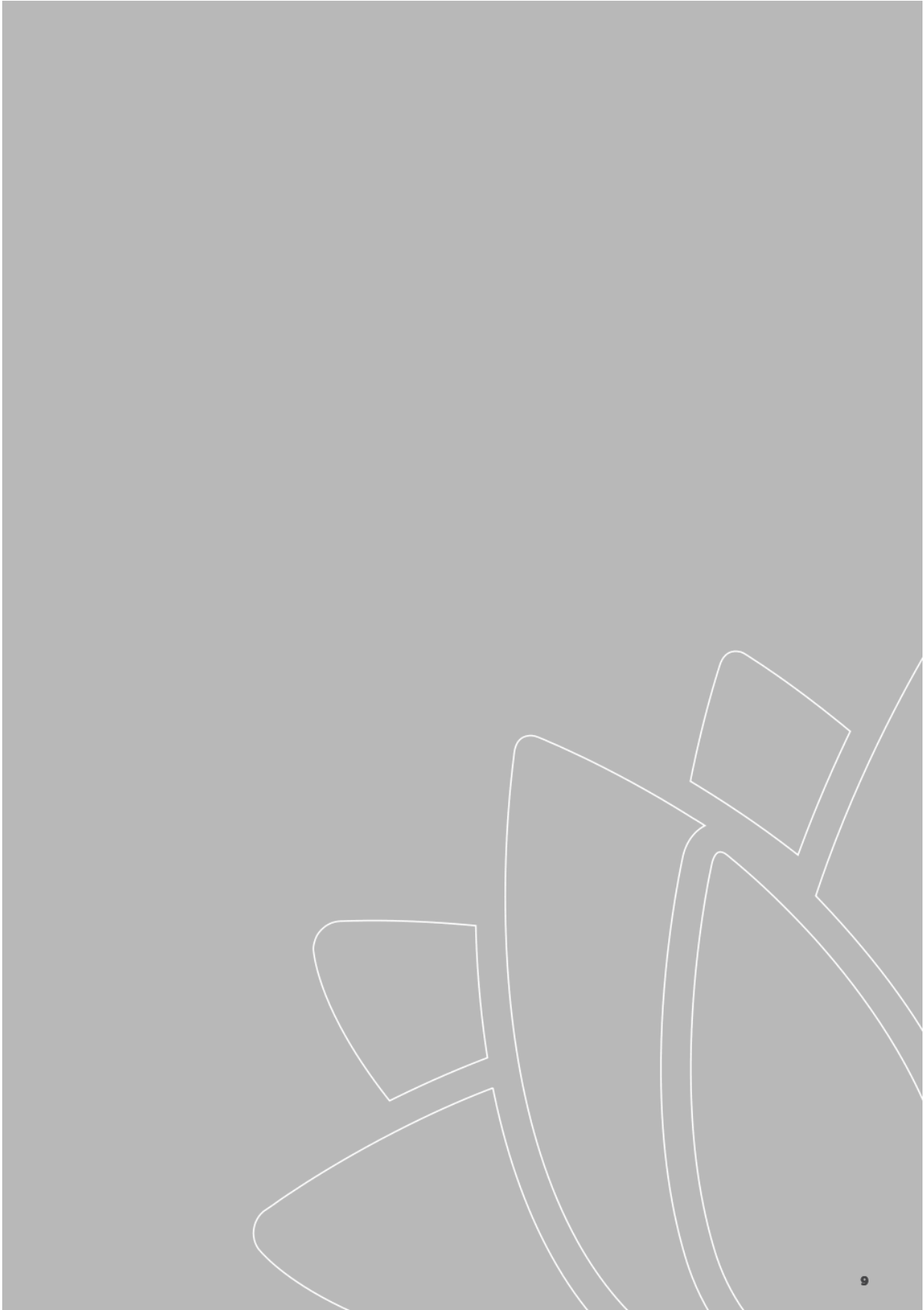
Definitions

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

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

ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 4000 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>
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.

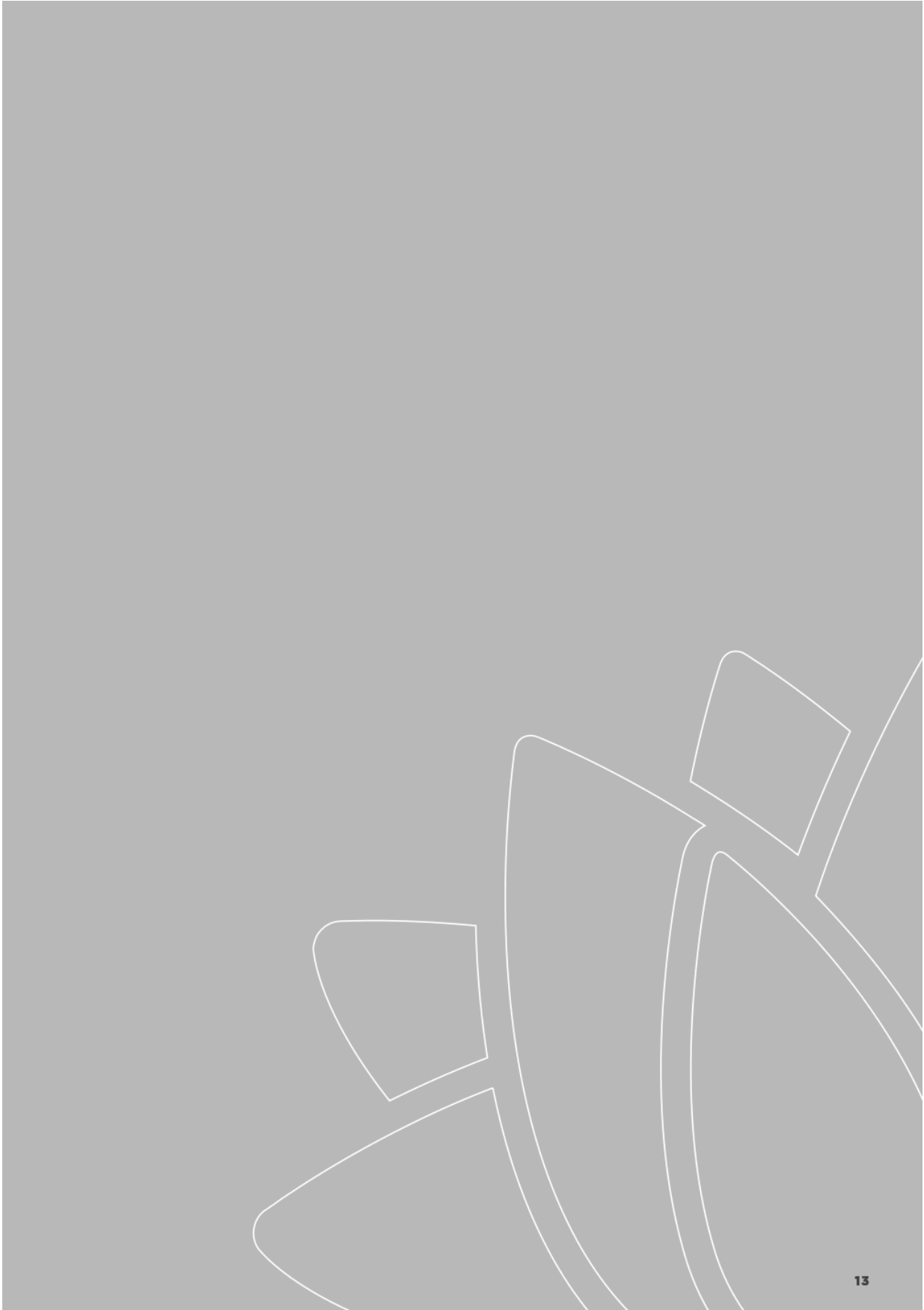
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be 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?

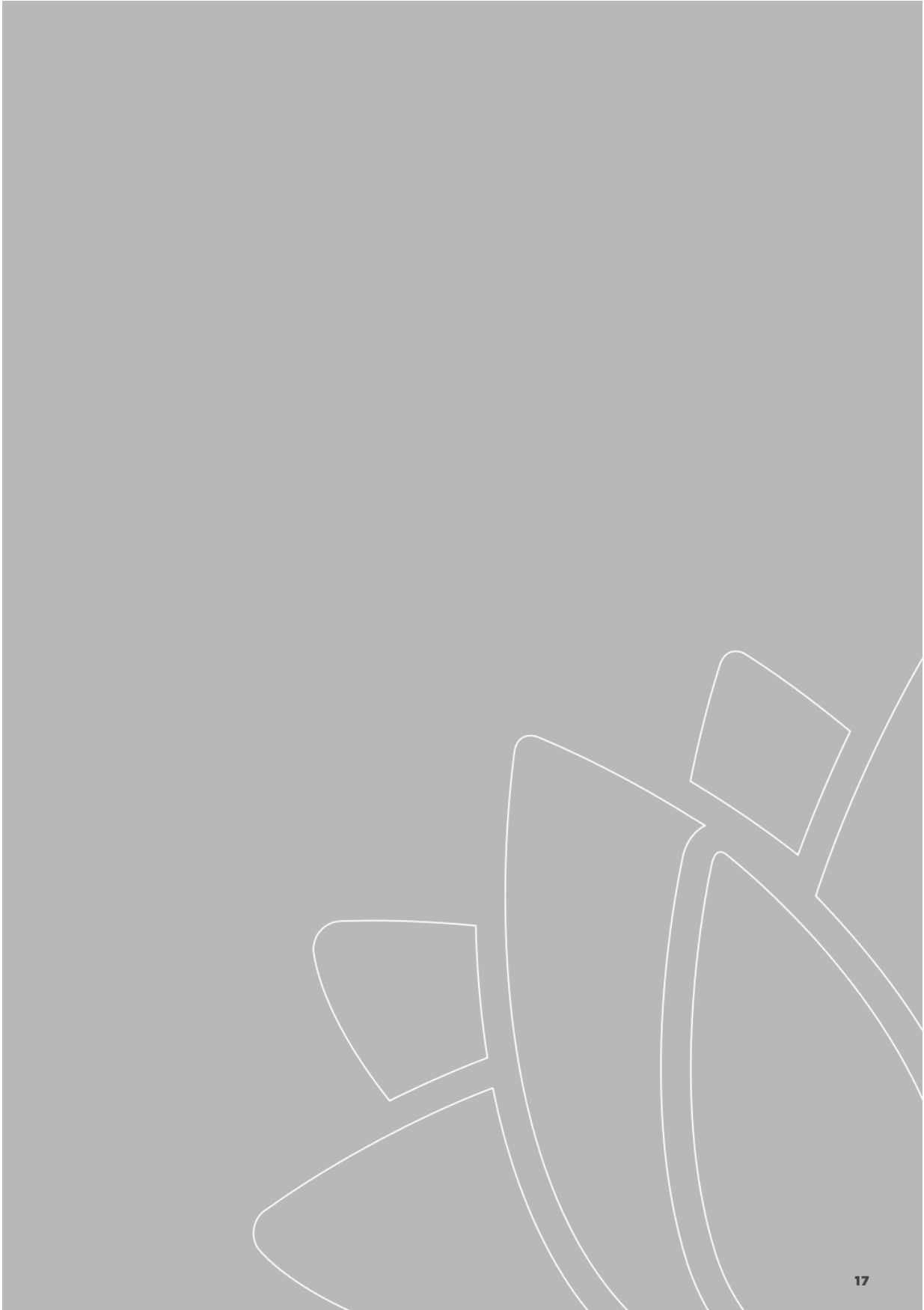
- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint 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?

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.

Preliminary Assessment of Code of Conduct Complaints About Councillors or the General Manager by Conduct Reviewers

- 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.

- 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.

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.

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.

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

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.

Investigations of Code of Conduct Complaints About Councillors or the General Manager

- 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.

Investigations of Code of Conduct Complaints About Councillors or the General Manager

- 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

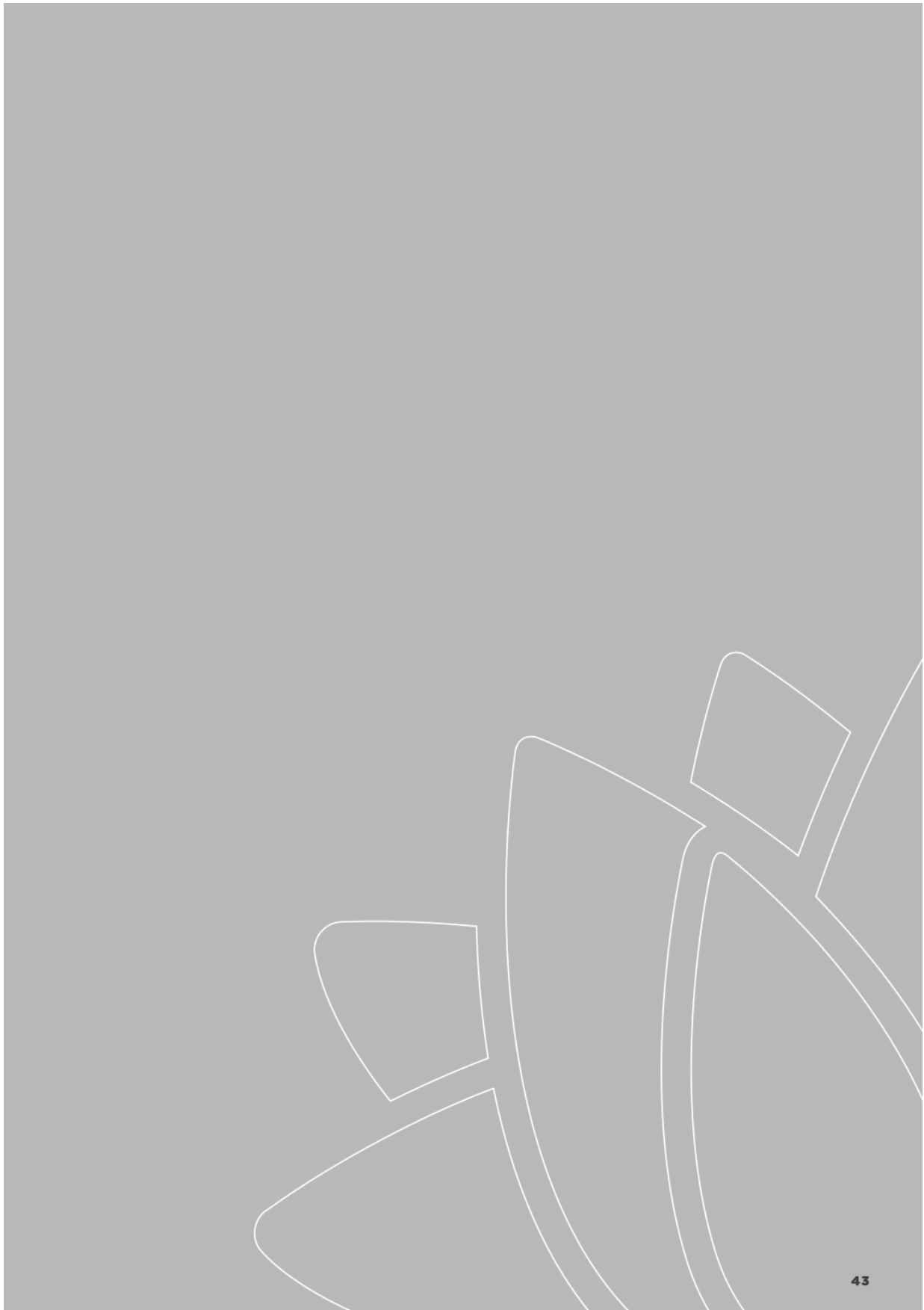
- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, 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:
- that the investigator has failed to comply with a requirement under these procedures, or
 - that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

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

- 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

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

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	
Next Reviewed:	19/04/2021	



Blayney Shire Settlement Strategy

DRAFT

Client: Blayney Shire Council

Date: 30 August 2020



Contact:

Liz Densley
Liz.densley@elton.com.au
02 9387 2600

SYDNEY 02 9387 2600

Level 6, 332 - 342 Oxford Street
Bondi Junction NSW 2022

www.elton.com.au
consulting@elton.com.au
Sydney | Brisbane | Canberra | Darwin | Melbourne | Perth
ABN 56 003 853 101

Disclaimer: The information contained in this document produced by Elton Consulting is solely for the use of Blayney Shire Council for whom it has been prepared and Elton Consulting undertakes no duty to or accepts any responsibility to any third party who may rely upon this document.

Document Status

Date Issued	Revision	Author	Approved
24 February 2020	Draft	Jacqui Salter & Nick Gunn	Liz Densley
6 April 2020	Draft for Exhibition	Jacqui Salter & Nick Gunn	Liz Densley
13 July 2020	Draft for Exhibition V1.2	Jacqui Salter & Nick Gunn	Liz Densley
27 August 2020	Draft for Exhibition V1.3	Jacqui Salter & Nick Gunn	Liz Densley

Contents

EXECUTIVE SUMMARY	I
Methodology	ii
Housing Vision and Guiding Principles	iv
Population and Demographics	iv
Housing Demand	v
Constraints to Development	vi
Key Recommendations	vi
1 INTRODUCTION	1
1.1 Document Structure	2
1.2 Planning Policy and Context	2
1.3 NSW Plans and Policies	3
1.3.1 Central West and Orana Regional Plan 2036	3
1.3.2 State Environmental Planning Policies	4
1.3.3 Other NSW policies	6
1.3.4 Council Strategies and Plans	7
1.4 Local Environmental Plan	9
1.5 Local Government Area Snapshot	11
1.6 Housing Vision	15
2 SETTLEMENTS	16
3 THE EVIDENCE	43
3.1 Demographic overview	43
3.1.1 Population	43
3.1.2 Mobility	44
3.1.3 Age distribution trends	45
3.1.4 Households	46
3.1.5 Household Characteristics	48
3.1.6 Dwelling Characteristics	48
3.1.7 Employment	49
3.1.8 Household income	51
3.1.9 Key Findings	54
3.2 Housing Demand	54
3.2.1 DPIE Population and Dwelling Forecasts	54
3.2.2 Blayney dwelling approvals data – 2008/9 – 2019/20	55
3.2.3 Key Findings	57
3.3 Housing Supply	58
3.3.1 Capacity of the land use controls	59
3.3.2 Key Findings	66
3.4 Opportunities and constraints analysis	67
3.4.1 Environmental Constraints	67
<hr/>	
Blayney Shire Settlement Strategy	

3.4.2	Potable Water	70
3.4.3	Sewer	70
3.4.4	Transport	72
3.5	Individual Settlements	73
3.5.1	Blayney	73
3.5.2	Millthorpe	86
3.5.3	Carcoar	91
3.5.4	Mandurama and Lyndhurst	93
3.5.5	Newbridge, Neville and Barry	96
3.6	Summary of dwelling potential	99

4 PLANNING PRIORITIES & ACTIONS 102

4.1	Local Housing Strategy Objectives	102
4.2	Land use planning approach	103
4.3	Key Recommendations	104
4.3.1	Blayney	104
4.3.2	Millthorpe	105
4.3.3	Settlements Summary	108
4.4	Mechanisms to Deliver the Options	110
4.4.1	Local Environmental Plan	110
4.4.2	Development Control Plan	111
4.4.3	Adaptable Housing Policy	111
4.5	Actions	112

FIGURES

Figure 1	Context	1
Figure 2	State Planning Hierarchy	2
Figure 3	Inward migration % change 2011-2016	45
Figure 4	Population age distribution 2006 - 2016	46
Figure 5	Forecast population age trends 2016 - 2036	46
Figure 6	Number of people per household 2016	47
Figure 7	Change in people per household 2006-2016	48
Figure 8	Types of tenure in Blayney Shire LGA 2016	49
Figure 9	Median weekly household income in Blayney Shire 2016	51
Figure 10	Average household income	52
Figure 11	Dwelling Approvals	56
Figure 12	Blayney Local Centre opportunities and constraints	74
Figure 13	Blayney R1 General Residential zone opportunities and constraints	76
Figure 14	Blayney South opportunities and constraints	78
Figure 15	Quamby Place	79
Figure 16	Blayney West Opportunities and Constraints	81
Figure 17	Palmer Street	82
Figure 18	Hill Street	84
Figure 19	Browns Creek Road – Current Zoning	85

Blayney Shire Settlement Strategy

Figure 20	Browns Creek Road – Aerial	86
Figure 21	Millthorpe Village opportunities and constraints	88
Figure 22	Forest Reefs Road Precinct opportunities and constraints	90
Figure 23	Carcoar opportunities and constraints	92
Figure 24	Mandurama opportunities and constraints	94
Figure 25	Lyndhurst opportunities and constraints	95
Figure 26	Barry opportunities and constraints	97
Figure 27	Neville opportunities and constraints	97
Figure 28	Newbridge opportunities and constraints	98

TABLES

Table 1	State Environmental Planning Policies	4
Table 2	State plans and policies	6
Table 3	Local Plans and Policies	8
Table 4	Population trends by Settlement 2006-2016	43
Table 5	Industry sector of employment	49
Table 6	Income per week by settlement 2016	52
Table 7	Rental & mortgage repayments in Blayney Shire 2006-2016	53
Table 8	Changes in % rental & mortgage stress in Blayney Shire 2011-2016	53
Table 10	Population change in Blayney Shire 2006-2036	55
Table 11	Dwelling demand	56
Table 12	Theoretical dwelling capacity	60
Table 14	Key Constraints	67
Table 15	Blayney local centre Opportunities and Constraints	74
Table 16	Blayney R1 General Residential Opportunities and Constraints	76
Table 17	Blayney South opportunities and constraints	79
Table 18	Blayney West Opportunities and Constraints	82
Table 18	Millthorpe Village opportunities and constraints	88
Table 20	Forest Reefs Road opportunities and constraints	90
Table 21	Carcoar opportunities and constraints	92
Table 22	Mandurama and Lyndhurst opportunities and constraints	94
Table 23	Additional dwelling total expected capacity	99

Blayney Shire Settlement Strategy

Executive Summary

Introduction

The purpose of the Blayney Shire Settlement Strategy (the 'Strategy') is to identify sufficient land to meet the short and medium term housing needs generated by the changing demographic profile and population growth of the Blayney Shire, particularly within Blayney and Millthorpe.

In considering the opportunities for growth, the Strategy also looks at the opportunities available in the villages other than Blayney and Millthorpe, including:

- » Carcoar
- » Mandurama
- » Lyndhurst
- » Neville
- » Newbridge
- » Barry

The strategy also addresses existing housing supply within the large lot residential area which extends for approximately 7km along Forest Reefs Road from Millthorpe towards Forest Reefs. This area is identified in the Strategy as West Millthorpe / Forest Reefs.

The Strategy provides a framework for housing delivery which primarily will be implemented through changes to the Blayney Local Environmental Plan 2012 (BLEP 2012) and the Blayney Development Control Plan 2018 (Blayney DCP 2018). However, the Strategy will not control the housing market and Council will need to continue to work with local developers and land owners to ensure that a supply of land is available for residential development.

The Blayney Shire Council needs to plan for housing to support population growth and change within the Blayney Shire, including the potential demand for housing associated with major construction projects and spill over growth from the nearby regional centres of Orange and Blayney.

Demographic analysis indicates that while there has been modest growth in the Blayney Shire over the last 10 years (approximately 665 people), there has been significant inward migration into the Shire from a wide variety of locations. This, combined with escalating average rents, a downward trend in rental vacancy rates and an upward trend in sale prices of dwellings, indicates there is latent, or unmet, demand for new housing in the Shire.

In addition, it is also necessary to encourage housing which is suitable for an ageing population and which can alleviate housing affordability concerns.

In response, the Strategy identifies:

- » **urban residential land** – opportunities for infill development and to better realise a full range of residential accommodation typologies currently permitted under the BLEP 2012 planning controls;
- » **future urban land** – investigation areas for future urban residential land that will be critical in the delivery of housing in the very long term in both Blayney and Millthorpe; and
- » **growth of villages** – provides for increased certainty and improved environmental outcomes in villages where reticulated sewer is unavailable by increasing the minimum lot size for new dwellings and monitoring growth of villages.

Methodology

The Strategy has been developed over a number of stages as discussed below.

Stage 1 – Background

Following an initial inception meeting with Council staff, Elton Consulting reviewed a number of Council planning documents including the existing Blayney Settlement Strategy 2012, the Blayney Local Environmental Plan 2012 and Blayney Development Control Plan 2018, the Orange, Blayney and Cabonne Regional Economic Development Strategy 2018-2022, the Central West and Orana Regional Plan 2036 and population and demographic data.

A Background Paper was prepared as a working document to inform the initial stakeholder engagement undertaken under Stage 2.

The key issues identified in the Stage 1 analysis were:

- » Where to accommodate growth and diversity of housing, particularly catering to an ageing population;
- » Character and heritage, and implications for development;
- » Appropriateness of land use zones (Millthorpe particularly);
- » Importance of the entrances to towns and villages;
- » The relationship between urban and rural land uses and minimising productive land loss;
- » Availability of reticulated water and sewer services, and impact on lot sizes;
- » The need for smaller homes and accessible homes; and
- » Minimum lot sizes for residential development.

The insights from consultation generally confirmed the key issues identified through the Stage 1 analysis.

Stage 2 – Stakeholder Engagement

This Key Issues Discussion Paper contained the key takeaways from the analysis of the evidence base. The contents of this paper were presented in a Councillor and Council staff workshop and targeted community consultation workshops on May 28 and 29, 2019. The engagement at this stage focused on testing the evidence gathered to date, explored the character of the existing towns and villages and identified elements of a local housing vision and identified potential areas for housing growth.

The sessions were broken into two parts to help develop a local housing vision and to identify potential growth opportunities and constraints.

Using aerial maps overlaid with land use zoning, participants were invited to provide their insights on key entrance points; elements of character and heritage that are important to retain; and opportunities for growth

Insights

While all of the workshops had a slightly different focus the feedback was remarkably consistent. The key insights from consultation were as follows.

- » Participants value and want to **maintain heritage and character** of towns and villages, particularly Carcoar and Millthorpe. New development in these villages should occur away from the historic core to protect tourism and maintain the integrity of the villages.
- » **Lack of housing that is suitable** for those looking to downsize and, as a result, there is strong support for more **compact styles of housing**.
- » Design, materials and landscaping are important in new development and **contemporary housing should be appropriate for a rural lifestyle**. A common reaction to modern examples of housing was that it was 'appropriate in the city but not in Blayney'.
- » Participants understand that modern housing will not look the same as existing housing. They very much want to see a **variety of housing design**, and not 'cookie-cutter' houses. However, participants generally understood and acknowledged the challenges in delivering contemporary housing that is attractive and suits their needs.
- » There is strong support for **street trees and landscaping** as creating attractive environments. Many participants felt that good landscaping is very important to the overall look and feel of a house.
- » Generally, participants **support growth** in the villages, and particularly growth that would attract families to the area. There is some concern about the short-lived nature of demand generated from the mine.
- » Participants, including council staff and Councillors, emphasised their view that there is **demand for housing in Millthorpe and Carcoar**. This demand is not likely to be reflected in the demographics or development application data, as there is little available for sale to meet this demand.
- » Council is in the process of delivering a 14 lot subdivision in Blayney town, with land parcels selling for around \$130,000. There was a **sense of excitement** amongst the residential builders and developers who participated in the workshops, who view this as a positive sign for the market.

The insights from consultation generally confirmed the key issues identified through the Stage 1 analysis.

Stage 3 – Draft Strategy

The information gathered in the initial stages of the project was used to inform the preparation of the Strategy in draft form. The Strategy focuses on the land use planning mechanisms that can be implemented to facilitate the provision of housing and residential accommodation in the most suitable locations across the Shire. The Strategy also recognises the key role that the villages play in the housing market and as complete communities in their own right, regardless of size. Looking for opportunities to support the sustainable growth of villages was an important function of the Strategy.

The Strategy has been developed in line with the Local Housing Strategy Guideline and Template published by the NSW Government. To that end, the document also addresses the relevant Directions of the Central West and Orana Regional Plan 2036.

The preparation of the Strategy has been overseen by Council's Planning and Environmental Services Directorate.

Housing Vision and Guiding Principles

The housing vision and principles reflect the outcomes of the early stakeholder consultation undertaken by Council. The priorities and principles support delivery of a vision, underpin the Strategy and inform the housing actions outlined in Section 5 of the Strategy.

Housing Vision and Guiding Principles:

- » Promote housing development that responds to housing need, including affordability and appropriate housing for an ageing population.
- » Provide a diversity of dwelling types in a range of appropriate locations responsive to the demographic trends within Blayney Shire Council.
- » Respond to a wide range of residential accommodation requirements, both long and short term, generated by large projects occurring in the Blayney Shire Council area to capture the economic benefits within the Shire.
- » Ensure growth occurs in a contiguous and logical manner concentrating on the central areas of settlements and promoting quality infill development.
- » Provide flexibility in zoning and Development Control Plans for high quality urban design outcomes and provide and support opportunities for urban intensification through infill and adaptive reuse.
- » Ensure future development efficiently uses land, existing infrastructure and services to minimise the burden of infrastructure delivery.
- » Establish or maintain clear and logical physical boundaries for the containment of urban settlements of urban development.
- » Appropriately respond to the development pressures being experienced in some parts of the Shire and promote development in areas of decline where practical and considering constraints.
- » Provide for development that will complement and reinforce existing and future settlement structure, character and uses and allow for the creation of legible and integrated growth.
- » Ensure residential development avoids areas of environmental significance, agricultural and/or economic resources, potential hazards, high landscape value and manages development in areas of cultural heritage value.
- » Avoid or minimise conflict between land uses.

Population and Demographics

Growth across the Blayney Shire has been modest over the past decade, increasing by 9% to 7,259 in 2016. Population projections undertaken by the Department of Planning, Industry and Environment (DPIE) forecast this growth to continue with a projected population of 8,000 living in 3,200 dwellings by 2036. This is an increase of approximately 300 dwellings to 2036.

However, analysis undertaken as part of this Strategy, based on trends in housing approvals and other factors, suggests there is more demand for housing than DPIE has forecast. The anticipated population growth will generate the need for an additional 560 dwellings by 2036 the majority of which will be in the serviced urban areas of Blayney and Millthorpe.

While overall growth has been modest, Blayney Shire has experienced a significant turnover of population with 30% of residents in the Shire in 2016 being new, not having lived in the Blayney Shire in 2011.

As is typical across NSW and Australia, the population of the Blayney Shire is aging. In 2016, over 40% of the resident population was aged over 50. A function of the changing demographic profile is the corresponding change in housing and accommodation needs. Household size is trending down but there is not a corresponding downward trend in the size of dwellings. This continued change is likely to generate an increase in demand for smaller dwellings.

Housing Demand

The majority of recent growth has been through residential development in Blayney and Millthorpe including the large lot residential development around Millthorpe.

Both the DPIE dwelling forecast and the application of historic trends in dwelling approvals have been used to estimate dwelling demand to 2036.

For the purposes of analysis, the housing demand has been assumed to be **560 dwellings** (28 dwellings per year assuming 20 years from 2016 figures).

Housing appropriate for families is required in the short to long term. Housing appropriate for the aging population will be required to allow current residents to age in place. Additionally, housing appropriate for ageing populations can be appropriate for residents seeking affordable and efficient living options.

Blayney Shire's dwelling tenure is weighted more towards ownership with or without a mortgage as opposed to renting. Around half of rental properties are managed by private real estate agencies, although this has seen a steady increase from 2006 to 2016 (from 48% to 57%). Rental properties are available but there has been a marked increase in rents in the 2017-18 period, rising by 9% as compared to Orange and Cabonne rising by 3% in the same period. Rental vacancy rates were also critically low during this period. This is a strong indicator of unmet demand.

It should be noted that the forecast demand does not account for accommodation needs driven by major projects, Council will also need to consider how to address demand generated should the McPhillamys Gold Project proceed.

Housing Supply

Blayney Shire has residentially zoned land available for immediate needs, however, location and ownership factors continue to influence supply.

A common misconception is that if land is zoned, vacant and undeveloped, then it is available for immediate development. In practice, this may not be the case. In fact, there is often a 'disconnect' between the amount of zoned land and actual delivery of housing lots.

Land that is rezoned for residential development may not necessarily be delivered to the market. This could be due to a variety of reasons, including planning constraints (e.g. statutory requirements, difficulties with infrastructure provision, fragmentation of ownership, etc.), capacity constraints (e.g. bushfire, flooding, slope and landslip, etc.) and commercial pressures. Each has the potential to severely impede the supply response to demand pressures. The adequacy of land release is therefore crucial for the supply of housing, with the supply of housing directly impacting the price of housing.

Planning controls within the BLEP 2012 provide an opportunity for development (including infill) in the R1 General Residential zone. The BLEP 2012 also provides for a full range of residential accommodation typologies and this may not be fully appreciated by landowners and the development industry. The existing zoned land and infill development is not expected to provide a

substantial stream of future housing supply but it does present an opportunity to contain some growth within the existing urban footprint.

Based on an assessment of the current planning controls and land supply, there is capacity for an additional **671 dwellings** within the Blayney Shire. This assumes that land available for residential subdivision and development will be made available. This is not always the case and Council needs to consider alternative sites and planning controls to ensure that there is a sufficient supply of land and that it can be made available for development. Opportunities for an additional **826 lots** have been identified in the existing settlements, predominately in Blayney (**442**) and Millthorpe (**370**).

Council will need to look at opportunities for the provision of additional land to be zoned for residential development focusing on housing diversity, suitable for an older demographic and accessible to services and facilities.

Constraints to Development

The Strategy includes consideration of environmental constraints at a broad, settlement wide level. The combined constraints to development are identified in the Town and Village Snapshots in **Section 2**. The maps identify land that is significantly environmentally constrained and in doing so identify the land that is least constrained. This is particularly important in Blayney and Millthorpe where additional land will be required for urban development.

Key Recommendations

The key areas identified for growth in Blayney and Millthorpe are identified in the Town Structure Plans below.

Blayney

Blayney is the largest town within the Blayney Shire and will continue to experience the largest growth in terms of demand for dwellings. Key recommendations include the following:

- » Identification of short and medium term Future Investigation /Urban Release Areas to the west and south of the township.
- » Preservation of land to the south of the town in the long term for future investigation as required (beyond the life of the Strategy)
- » Additional residential land uses in the town centre without compromising the integrity of the main street.
- » Consideration of a mixed-use zone north of the rail corridor in Hill Street.
- » Extension of the urban zone to land that is not impacted by flood on Lower Farm Street.
- » Protection of the primary east-west and north-south entrances to town.
- » Consideration of additional planning controls that will enable the delivery of dual occupancy development within existing residential areas by allowing subdivision of lots below the minimum lot size.
- » Encouragement of in-fill development accessing laneways where practical.
- » Reduction of the minimum lot size for the R5 Large Lot Residential zone on Browns Creek Road from 20ha to 2ha, with an average of 5ha.

Millthorpe

The preservation of the heritage character of Millthorpe and the integrity of the urban form of the existing village is key to managing growth in Millthorpe. In particular, consideration needs to be given to the protection of the entrances to the village.

The expansion of Millthorpe to the north on land already zoned RU5 Village and to the east on land zoned RU1 Primary Production will provide a logical and efficient extension to the village structure. Notwithstanding, topography and drainage are also key limiting factors in these areas. Consideration will also need to be given to the management of the water catchment, which can be accommodated through water sensitive urban design and treatment of stormwater within the site in a similar manner as development within the Sydney Drinking Water Catchment.

These areas should not be developed until such time as a Development Control Plan is in place that includes a master plan, which will ensure that development occurs in a logical and cost-effective manner in accordance with a staging plan. The Development Control Plan should include a road and transport hierarchy, landscape strategy, open space network, stormwater and water quality management controls and detailed urban design controls.

The key recommendations include the following:

- » Establishment of Future Investigation Areas north of Vittoria Road and Kingham and Fleet Streets and south of Pitt and Morley Streets subject to master planning and rezoning.
- » Inclusion of the existing RU5 Village zoned land West of Millthorpe Road and the adjoining R5 Large Lot Residential Land north of the Village zone and south of Richards Lane / Springvale Lane, in a Development Control Plan to ensure that the area is developed in an orderly and efficient manner having regard to the existing historic character and visual amenity of the entrance village.
- » Protection of key town entrances as important visual corridors that contribute to the character of the village.
- » Consideration of the opportunity to create green linkages or a "green grid" around the village, particularly in the north as part of future development.
- » Contraction of the Village zone to the area that is providing commercial and mixed use development and consider a residential zone for the balance of the village.
- » Inclusion of an additional provision in the LEP that allows for dwellings on RU1 Primary Production zoned land in certain circumstances where the lot has an area of at least 2ha and is within 500m of the RU5 Village zone (or as otherwise zoned).
- » A minimum lot size of 2ha for land within the R5 Large Lot Residential zone to the north of Millthorpe.
- » Consideration of land south of Forest Reefs Road for serviced rural residential development under a R2 Low Density Residential zone with a 4,000sqm minimum lot size (Future Investigation Area).

Carcoar

Carcoar is significantly constrained by slope and the historic subdivision pattern. While there are significant parcels of vacant land, construction of a dwellings with associated on-site sewer treatment is challenging. In the interim, an increase in the minimum lot size for the erection of a dwelling to 4,000sqm should improve certainty for new entrants into Carcoar and assist in the protection of the environment from contamination.

The historic layout will continue to provide opportunities for additional residential development should reticulated sewer become available.

Recommendations:

- » Protect the land to the north of Carcoar from fragmentation below 2ha to enable future expansion of the village should reticulated sewerage become available.
- » Increase the minimum lot size for the erection of a dwelling applicable to land in the RU5 Village zone to 4,000sqm, with the ability to reduce the minimum lot size to 1,000sqm if reticulated sewerage is provided.
- » Inclusion of an additional provision in the BLEP that allows for dwellings on RU1 Primary Production zoned land in certain circumstances where the lot has an area of at least 2ha and is within 500m of the RU5 Village zone.

Smaller Villages

The smaller villages all have some opportunity for expansion and in the case of Lyndhurst, the R5 Large Lot Residential zone. Historically, the growth of the villages has been limited. None the less, it remains important to provide opportunities for growth as a key element of housing affordability within the Shire. Council should closely monitor land take up in villages over the medium term. There are opportunities immediately adjacent to the villages that could be suitable for small expansions, however, until such time as the existing supply has been exhausted, the focus should be on consolidation rather than expansion into otherwise rural land.

Like Carcoar, increasing the minimum lot size for new subdivision and erection of new dwellings in the villages is recommended.

In order to facilitate the continued growth of the villages, the Strategy recommends the inclusion of an additional provision in the BLEP that allows for dwellings on certain RU1 Primary Production zoned land in certain circumstances. Those circumstances may vary between villages, however, may include where:

- » The title already exists;
- » The lot has an area of at least 2ha;
- » The lot is within 500m of an existing RU5 Village zone; and
- » The lot has direct access / frontage to an existing formed road.

Recommendations:

Mandurama, Newbridge and Neville

- » Increase the minimum lot size applicable to land in the RU5 Village zone to 4000 m².
- » Include a provision in the BLEP that allows for dwellings on RU1 Primary Production zoned land in certain circumstances where the lot has an area of at least 2ha and is within 500m of the RU5 Village zone.

Lyndhurst

- » Increase the minimum lot size applicable to land in the RU5 Village zone to 4,000 sqm.
- » Increase the minimum lot size for a dwelling in the R5 Large Lot Residential zone to 1ha.
- » Include a provision in the BLEP that allows for dwellings on RU1 Primary Production zoned land in certain circumstances where the lot has an area of at least 2ha and is within 500m of the RU5 Village zone or R5 Large Lot Residential zones.

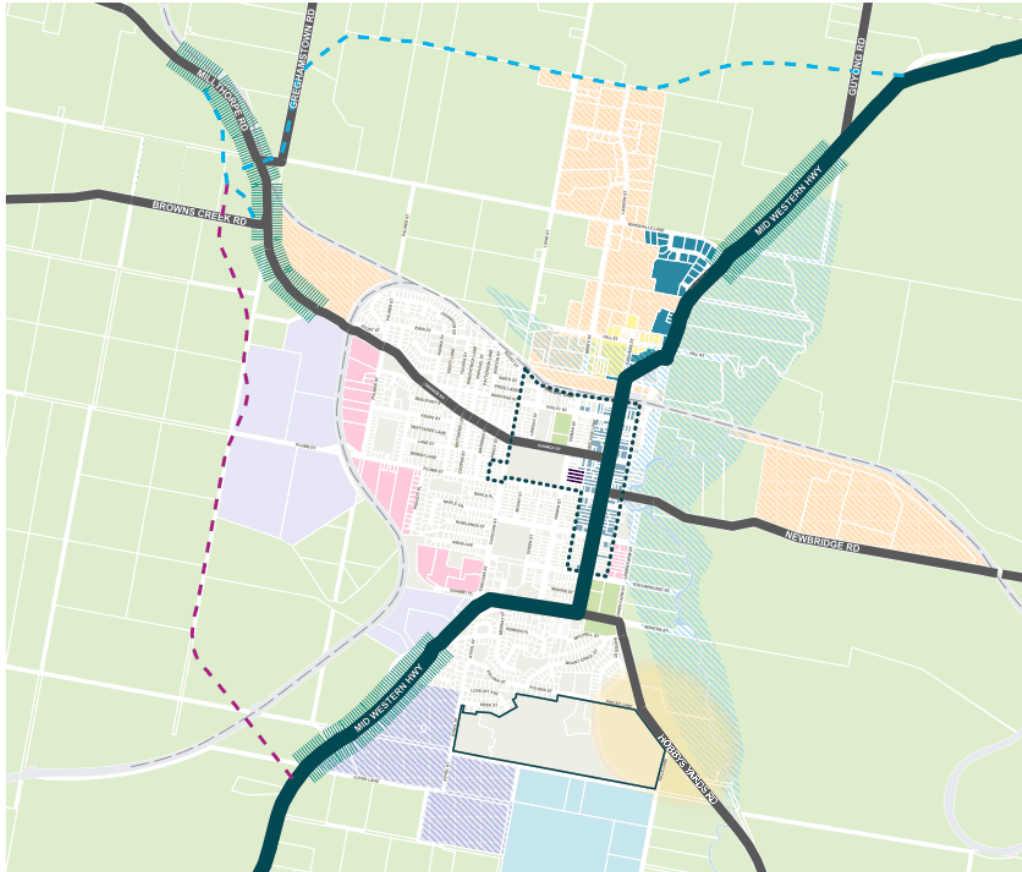
Barry


















- » Increase the minimum lot size applicable to land in the R5 Large Lot Residential zone to 4,000 sqm.

- » Include a provision in the BLEP that allows for dwellings on RU1 Primary Production zoned land in certain circumstances where the lot has an area of at least 2ha and is within 500m of the R5 Large Lot Residential zone.

BLAYNEY TOWN STRUCTURE PLAN

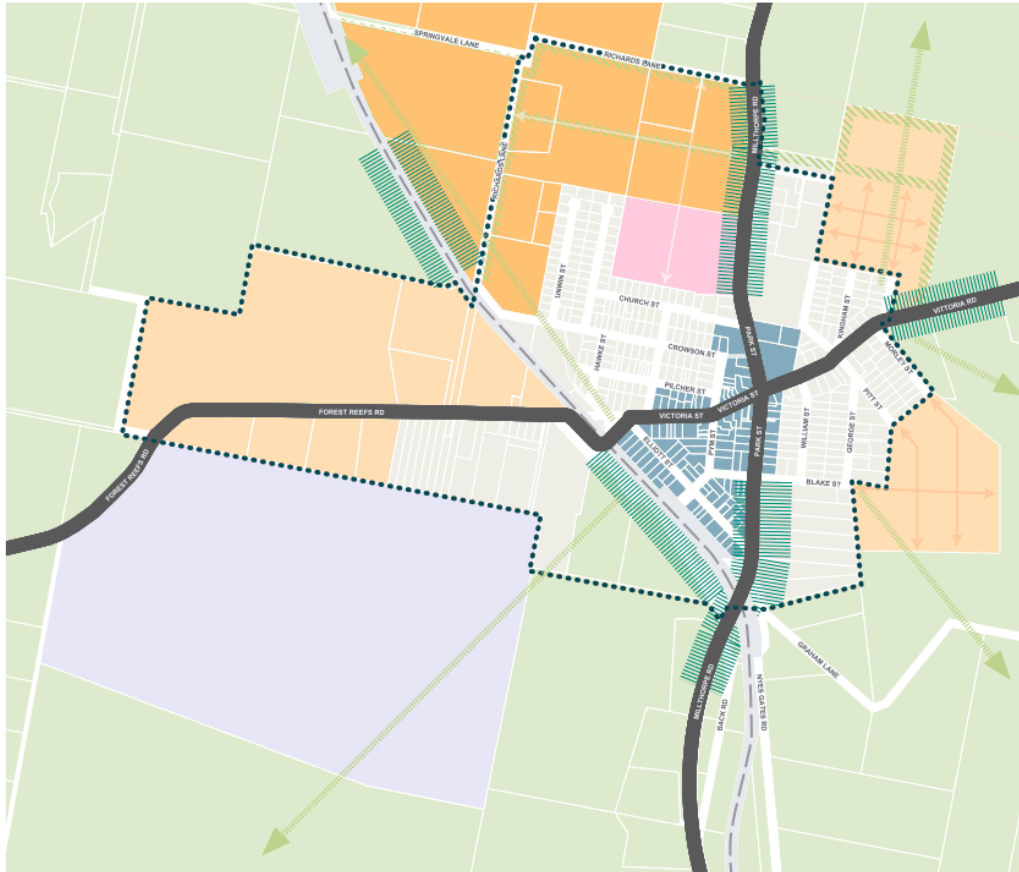
Provide opportunities for in-fill development by enabling subdivision of dual occupancy. Zone land to encourage further subdivision and improve efficiency of existing infrastructure.



- | | | |
|---|---|---|
|  Preserve very long term by continuing to limit further fragmentation of land adjoining the existing urban area. |  Apply a Mixed Use zone in Hill Street to accommodate residential uses. Provide guidelines in DCP |  Town Centre. |
|  Identify land as future investigation area short/medium term. Protect from fragmentation into smaller rural residential lots. |  Consider suitability of residential uses on certain sites in the town centre in particular the former bowling club. |  Urban area. |
|  Identify land as future investigation area - long term subject to rezoning. |  Continue to work with landowners to release existing zoned land for residential development. |  Development potential (infill). |
|  Protect visual amenity of key entrances to town. |  Proposed heavy vehicle route stage 1. |  Existing enterprise corridor / industrial. |
|  Extend the Business Development zone to land along the Highway fronting Hill Street. |  Proposed heavy vehicle route stage 2. |  Heritage Conservation area. |
| | |  Flood plain. |
| | |  Sewerage treatment plant and buffer. |

MILLTHORPE TOWN STRUCTURE PLAN

Note: The Strategy considered the land identified in the 2012 Settlement Strategy both future large lot residential and residential. There is sufficient land supply for large lot residential on zoned land without the need for any additional land.



- Identify connection opportunities from Church and Stabback Streets. Consider heritage character and traditional grid layout (arrows). Minimum lot size of 2HA.
- Large Lot Residential Investigation Area (2012) consider opportunity for R2 Low Density Residential, serviced with a MLS 4000m².
- Key growth area for zoned R5 Low Density Residential Development.
- Future investigation area options subject to master planning and rezoning. Consider heritage character, drainage, visual amenity and traditional grid or modified grid layout (arrows).
- Protect visual amenity of key entrances to town.
- Consider the "green grid" and opportunities for linking public spaces.
- Urban area.
- Village zone to concentrate on Park, Pym and Victoria Streets. Consider a Mixed Use zone.
- Development potential, subject to master planning.
- Heritage Conservation area.
- Include a provision to enable the erection of a dwelling on existing lots with an area of 2HA and located within 500m of the Village-zoned land (RUS). Other requirements apply.

1 Introduction

The Blayney Settlement Strategy was adopted in 2011 with an approved addendum in January 2012. This review of the Strategy stems from recent changes to the strategic planning framework in NSW and the introduction of the Central West and Orana Regional Plan 2036 and the need for Council to respond to the relevant actions.

A key driver for this review is the need for Blayney Council to ensure that the land use controls support the anticipated growth and change in population, including workers who may move to the area as a result of major projects and spill over growth from Orange and Bathurst.

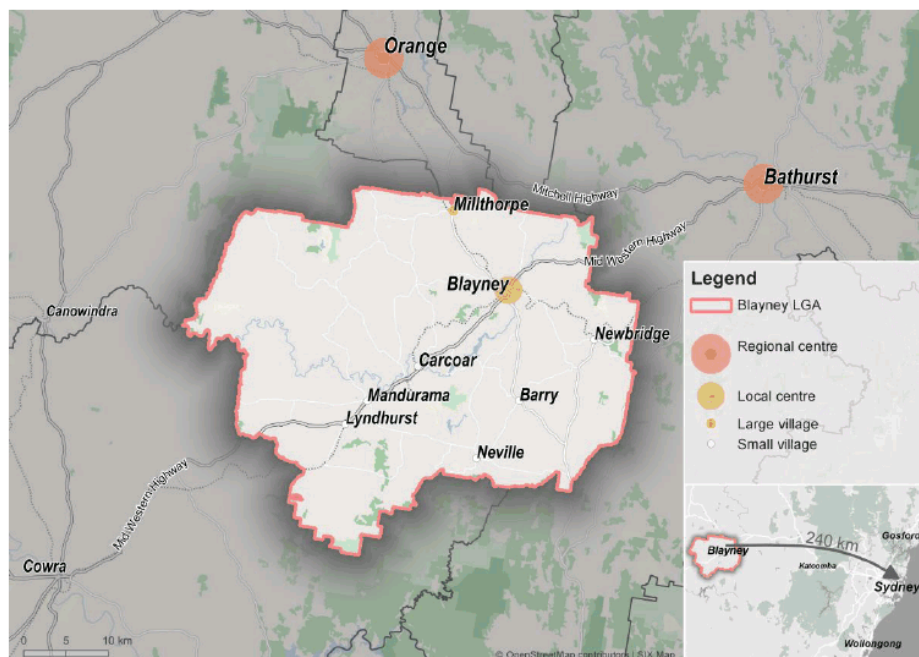
Demographic analysis indicates that while there has been modest growth in the Blayney Shire population over the last 10 years of approximately 665 people, there has also been significant inward migration into the Shire from a wide variety of locations. This, combined with escalating average rents, a downward trend in rental vacancy rates and an upward trend in sale prices of dwellings indicates there is latent, or unmet, demand for residential accommodation in the Shire.

It is also important to ensure that appropriate planning controls are in place to facilitate suitable housing for the ageing population and affordable housing over the next 20 years.

The review will result in a 16-year Settlement Strategy for Blayney Shire’s key settlements of Blayney and Millthorpe and the smaller villages of Carcoar, Mandurama, Lyndhurst, Neville, Newbridge and Barry (refer **Figure 1**).

Therefore the key objective of the review is to identify the housing needs of the Blayney Shire to 2036 and make recommendations for the Blayney Shire planning framework to ensure sufficient land is available to meet the short and medium term housing needs.

Figure 1 Context



1.1 Document Structure

The Strategy has been prepared generally in accordance with the Local Housing Strategy Guideline published by the NSW Government (2018). The document has been structured to align, where possible, to this guideline and is divided into four sections as follows:

Section 1 – Introduction – examines the planning framework in which the Strategy needs to be considered, including the planning policy and context, local government snapshot and housing vision.

Section 2 – Settlements – provides snapshots of the key controls, constraints and opportunities for the towns and villages.

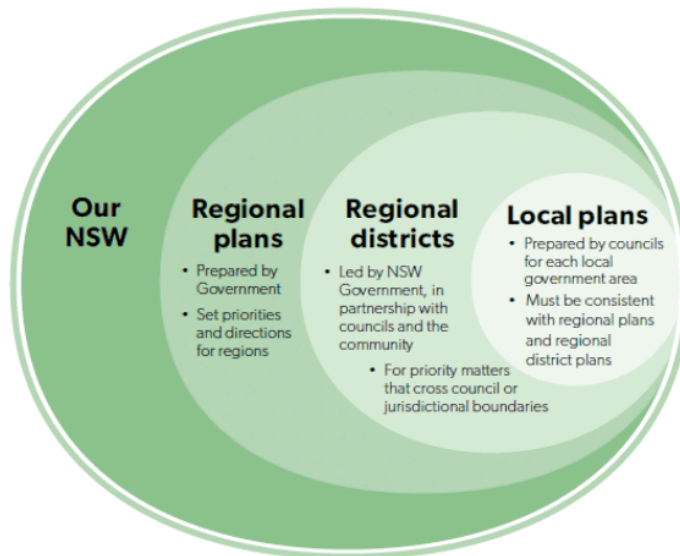
Section 3 – The Evidence – comprises an overview and analysis of demographic, housing and affordability statistics to establish the local context and housing needs.

Section 4 – Planning Priorities & Actions – recommends strategies and actions in line with the Regional Plan and includes indicative measure and timeframes.

1.2 Planning Policy and Context

In planning for growth in the Blayney Shire it is important to understand the strategic policy and planning framework that applies to the area. This framework is set primarily by the NSW Government and Council. The planning policy framework is illustrated as follows:

Figure 2 State Planning Hierarchy



Source: Central West and Orana Regional Plan 2036. Note: There are no Regional districts declared in the Central West and Orana Region

In the context of the planning hierarchy, Council has a role in leading local strategic planning. This includes:

- » Local Strategic Planning Statements
- » Local Housing Strategies
- » Local Environmental Plans
- » Town Centre and Precinct Plans
- » Development Control Plans
- » Other strategic plans and policies adopted by Council

The Local Strategic Planning Statement sets out the land use vision, priorities and actions for the local area.

1.3 NSW Plans and Policies

The NSW State Government also has a lead role in developing infrastructure plans and policies that guide specific land uses and the interaction between them.

1.3.1 Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan 2036 (the 'Regional Plan'), came into force in June 2017 and outlines a 20-year framework to guide the development and growth of sustainable communities balancing opportunities for new homes and jobs with the protection of the region's natural environment.

The overarching vision for the Plan is: *The most diverse regional economy in NSW with a vibrant network of centres leveraging the opportunity of being at the heart of NSW.*

The Regional Plan anticipates that the region will grow by an additional 23,450 people to over 300,000 by 2036.

The Regional Plan recognised two distinct areas; Central West and Orana. The Central West includes the council areas of Lachlan, Parkes, Forbes, Weddin, Cabonne, Cowra, Orange, Bathurst, Blayney, Lithgow and Oberon. Orana includes the council areas of Bogan, Coonamble, Dubbo, Gilgandra, Mid-Western, Narromine, Warren and Warrumbungle. As a collective, regional strengths in transport and logistics, agribusiness, tourism, mining and renewables and a growing services sector come together in a productive and diverse economy.

The Regional Plan is centred around four goals aimed at achieving the vision, each of which is supported by a number of directions and actions:

Goal 1: The most diverse economy in NSW

Goal 2: Stronger, healthier environment and diverse heritage

Goal 3: Quality freight, transport and infrastructure networks

Goal 4: Dynamic, vibrant and healthy communities.

There are eight Directions and a number of corresponding Actions under Goal 4 **Dynamic, vibrant and healthy communities** that have been considered in the development of the Strategy to the extent that they are relevant to the delivery of housing in the Blayney Shire.

Direction 22: Manage growth and changes in regional cities and strategic and local centres

Direction 23: Build the resilience of towns and villages

Direction 25: Increase housing diversity and choice

Direction 26: Increase housing choice for seniors

Direction 27: Deliver a range of accommodation options for seasonal, itinerant and mining workforces

Direction 28: Manage rural residential development

Direction 29: Deliver healthier built environments and better urban design

The development of a local housing strategy is an important step in addressing the policy directions in the Regional Plan and will ensure a ready supply of well-located land for residential development that maximise the use of existing infrastructure and protects environmentally sensitive areas including heritage conservation areas.

1.3.2 State Environmental Planning Policies

A number of State Environmental Planning Policies (SEPPs) need to be considered in the context of delivering housing. Generally, these policies will form part of the statutory consideration of specific development applications and rezoning proposals.

The most relevant SEPPs are highlighted in the following table.

Table 1 State Environmental Planning Policies

SEPP	Implication for the Strategy
Exempt and Complying Development Codes SEPP Inland Code Greenfield Housing Code Medium Density Housing Code	<p>Referred to as the Codes SEPP, this policy allows for certain development, in particular circumstances to be undertaken without a development approval from Council. This includes single dwellings, dual occupancy and multi-dwelling housing.</p> <p>This means that Council has little influence in terms of the design, setback, material and landscaping elements of development.</p> <p>It highlights the need for clear and precise DCPs and structure plans for Urban Release Areas so that elements such as street width, footpaths and street trees, open space networks and linkages, community facilities and water and sewer infrastructure can all be considered and resolved prior to any residential development occurring in an area.</p>
State Environmental Planning Policy No 21— Caravan Parks	<p>Caravan parks provide an alternative low cost long-term accommodation.</p> <p>The aim of the policy is to ensure that such development is properly managed, promoting social and economic welfare of the community and includes the provision of adequate community facilities on site.</p> <p>The SEPP provides the matters for consideration in the assessment of development prior to granting consent.</p> <p>Caravan parks may provide an opportunity to deliver temporary accommodation of mining industry employees.</p>

SEPP	Implication for the Strategy
State Environmental Planning Policy No 36 - Manufactured Home Estates	<p>Like caravan parks, Manufactured Home Estates provide affordable housing in a medium density environment as an alternative to traditional housing.</p> <p>A manufactured home is a "dwelling" for the purpose of the BLEP.</p>
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	<p>The policy applies to land within New South Wales that is zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purpose, including village and rural zones on the edges of towns and villages.</p> <p>Much of the land surrounding Blayney and all of the villages could be developed under this policy.</p>
<p>State Environmental Planning Policy Primary Production and Rural Development 2019 (PPRD)</p> <p>Objectives include:</p> <ul style="list-style-type: none"> » Facilitate use of land for primary production; » Reduce rural land sterilisation; and » Identify and preserve state significant agricultural land. 	<p>Replaces five former agricultural-themed SEPPs and gives priority to agricultural uses over rural living uses, addressing concerns that the preceding Rural Lands SEPP was contradictory in its attempt to balance the two incompatible land uses.</p> <p>This gives effect to the NSW Right to Farm Policy, which applies to any Planning Proposal (PP), the mechanism that rezones land, in a rural zone or any PP seeking to change the minimum lot size in an environmental zone. A PP must demonstrate consistency with the priority of minimising rural land fragmentation and land-use conflict.</p> <p>Development in or contiguous with existing urban areas is preferable to ensure productive land remains viable.</p> <p>Large lot rural residential should be carefully considered and all opportunities to future-proof existing residential land resources to support population growth should be considered.</p>
State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)	<p>The policy identifies the need for affordable housing within each area of the State. The SEPP allows for Councils to include affordable housing contribution schemes and amend their local environmental plans to reference the schemes.</p> <p>Given the concerns about access to affordable housing in the Blayney Shire, Council should consider how this SEPP could be applied in the Shire.</p>
State Environmental Planning Policy Affordable Rental Housing	<p>The policy provides incentives for the delivery of affordable rental housing as part of a development proposal.</p>
Blayney Shire Settlement Strategy	5

1.3.3 Other NSW policies

While the Regional Plan and environmental planning policies provide the most relevant guidance for residential development in the region, there are a number of other policies that impact land use planning for settlements in some form. These are summarised in the following table.

Table 2 State plans and policies

Description and Objectives	Key implications for Settlement Strategy
State	
A 20-Year Economic Vision for Regional NSW	
<p>Bringing together long-term planning and existing strategies like the Future Transport Strategy 2056, NSW State Infrastructure Strategy, and the regional plans the NSW Government's 20-Year Economic Vision (July 2018) sets out a clear pathway for ensuring that Regional NSW will continue to be a vibrant and growing part of our economy, and that people are supported in their decision to live in the regions.</p> <p>It identifies Orange Blayney Cabonne as a Functional Economic Region (FER) with Orange being its hub. The FER is categorised as a Growth Centre, with people migrating to the regional city of Orange.</p>	<p>The sub-region is expected to exhibit strong growth and will likely benefit from infrastructure projects in the coming two decades. Orange is expected to drive the growth, but it is likely that there will be spill over into Blayney Shire. There is some evidence, discussed further in this strategy, to suggest this is occurring.</p>
Future Transport 2056	
<p>This transport and land use planning strategy sets out a long-term vision for the NSW transport network. It identifies the following projects relevant to the region:</p> <ul style="list-style-type: none"> » Mt Victoria to Orange road corridor improvements (parts underway); » Extending Bathurst commuter rail to Orange (0-10 year investigation initiative); and » Electrification of intercity to Bathurst (10-20 year investigation initiative). <p>No major projects are planned that will directly impact settlements in Blayney. However, the infrastructure improvements will increase the attractiveness of the locality for a diverse range of people.</p> <p>As road and rail infrastructure continues to improve within the region, including the establishment of the Parkes Intermodal Freight Terminal, the opportunity for the regions networks will integrate further. New manufacturing, transport and logistics sectors will allow growth within Blayney Shire. The location within the region and improved connections with Sydney, Melbourne and Canberra will continue to provide for growth and opportunities within the national and international markets</p>	<p>Road and rail improvements / extensions will drive more growth in Orange, which may have spill over effects into Millthorpe and Blayney, being within half an hour drive.</p> <p>Reliable train services into Orange will increase appeal of Millthorpe and Blayney.</p> <p>Millthorpe and Blayney are therefore most likely to come under pressure for additional housing. There is evidence that this is occurring.</p> <p>Blayney and Millthorpe are also most likely to benefit from new economic opportunities derived from the Inland Rail project being on the key rail corridor to Orange and on to Parkes.</p>

Description and Objectives	Key implications for Settlement Strategy
<p>through the Canberra Airport and new Western Sydney Airport. In turn, this may increase demand for housing in Blayney Shire.</p>	
<p>NSW Right to Farm Policy</p>	
<p>Emphasises the need for appropriate zoning and permissible land uses that are compatible with agricultural activities. The policy supports local strategies that guide land use and minimise conflict. Relevant actions from the policy include reviewing current land use planning mechanisms and instruments, with the aim of delivering a planning policy framework that supports the management of current and future farming practices.</p> <p>This is a clear direction in the Central West and Orana Regional Plan 2036 and a key objective of SEPP Primary Production and Rural Development 2019.</p>	<p>Increased policy emphasis on the preservation and viability of agricultural uses may require limiting of opportunities for large-lot residential rezoning and development outside existing settlements, and more reliance on land within the existing urban area to supply new housing or logical extensions of existing settlements.</p>
<p>Maintaining Land for Agricultural Industries Policy</p>	
<p>To guide the local planning process to provide certainty and security for agricultural enterprises over the long term. This recognises the best agricultural land is a limited resource; it should not be alienated either directly (by lands being used for non-agricultural purposes) or indirectly (by incompatible developments on adjacent land).</p> <p>Guidance is provided to plan makers around:</p> <ul style="list-style-type: none"> » Planning instruments and their structure to continue agricultural uses. » Minimising land use conflicts. » Factors for consideration in the conversion of land, including impacts on surrounding uses, alternative sites for non-agricultural uses, the finality of a change in use away from agriculture. » Minimum area for dwelling entitlements to minimise residential uses and resulting conflicts. 	<p>The policy aligns with the overall objectives and implications of the PPRD and the Right to Farm Policy. Future housing supply should be provided as infill development or on land contiguous with the urban area.</p>

1.3.4 Council Strategies and Plans

The Local Strategic Planning Statement sets out the land use vision, priorities and actions for the local area.

The local plans and policies are summarised below.

Table 3 Local Plans and Policies

Description and Objectives	Key Implications for Settlement Strategy
Blayney Shire Community Strategic Plan 2018-2028	
<p>The Community Strategic Plan out the community's priorities, aspirations and vision for the next 10 years:</p> <p>'With positive population growth, employment opportunities, increased diversity of industry and economic growth, Blayney Shire's township, villages and settlements will be dynamic and prosperous, welcoming those who live here and also those who visit.</p> <p>Strengths include the availability of serviced and accessible industrial land, the major mining and manufacturing / transport businesses, well preserved heritage architecture and streetscapes, railway infrastructure which can be re-opened if required and proximity to Bathurst and Orange airports.</p> <p>Residential land supply is limited in Blayney town and constrained by the industrial estate and the river.</p> <p>Limited capacity exists in Carcoar, Mandurama and Lyndhurst for residential development if sewerage servicing is constrained.</p> <p>A Business Case should be developed to provide access to sewerage services for Carcoar, Mandurama and Lyndhurst.</p> <p>Investment by the NSW government should be sought to re-open:</p> <ul style="list-style-type: none"> » Blayney to Demondrille railway; and » Newbridge railway station for on-request services. 	<p>Identify opportunities for housing and potential for growth, particularly in Millthorpe, given proximity to Orange and Orange airport</p> <p>There is a need to identify opportunities in Blayney given limited residential land supply</p> <p>The Strategy needs to consider the implications of no sewer services in some villages.</p>
Blayney Local Strategic Planning Statement	
<p>Builds on the Community Strategic Plan by setting out planning priorities and actions to achieve a 20-year vision for land use planning in the Blayney Shire. The priorities are consistent with those set out in the NSW Government's Central West and Orana Regional Plan 2036.</p> <p>The most relevant priorities relate to:</p> <ul style="list-style-type: none"> » Leveraging the Shire's strategic location close to the centres of Orange and Bathurst, as well as Sydney and Canberra, to attract new jobs and people; and » Increasing housing diversity to accommodate a growing and aging population. <p>The statement notes the majority of growth has been, and will continue to be, in the Settlements of Blayney, Millthorpe and Newbridge.</p>	<p>Most residential development should be focused in Blayney and Millthorpe, due to their strategic locations and higher levels of services and infrastructure to support growth.</p> <p>Demand for medium density and retirement living is expected to increase. Greater housing diversity will be required to cater for the changing and growing population.</p>
Blayney Employment Lands Study 2016	

Description and Objectives	Key Implications for Settlement Strategy
<p>Assesses the viability and strategic merit in re-zoning part of the industrial-zoned land in the north of Blayney town to residential.</p> <p>The assessment found:</p> <ul style="list-style-type: none"> » The land is not suitable for housing. » It would be difficult to replace lost industrial land in future. » Alternative options for large lot residential should be identified. 	<p>Residential land should not be co-located with industrial land in north Blayney, to prevent land use conflicts.</p> <p>The industrial land is considered to have long term value and should not be relied upon to provide future residential land at this time.</p>
Blayney 2020 Masterplan	
<p>Provides strategies to:</p> <ul style="list-style-type: none"> » Develop and grow key economic activities in the Shire; Tourism, Agriculture, Food & Beverage manufacturing, manufacturing; » Reinvigorate and grow the Blayney town centre; and » Identifies and maps significant vacant land and buildings in Blayney town's centre. <p>Notes:</p> <ul style="list-style-type: none"> » Limited opportunity to grow outwards, due to the need to protect productive rural land; and » Need for appropriate zoning and dwellings for aged care and seniors housing in Blayney centre. 	<p>The need to protect agricultural land results in the need to limit large lot residential development. The subdivision and development of vacant land and buildings close to the main street should encouraged to cater to growth.</p> <p>The strategy should consider ways of encouraging housing diversity near the main street and how to ensure suitable housing can be developed for the Blayney's ageing population.</p>
Blayney Floodplain Risk Management Study 2016	
<p>To address the existing, future and continuing flood risk in Blayney town and develop formal floodplain risk management strategies to protect the community.</p>	<p>The Floodplain is close to the main street, constraining growth immediately to the east of Blayney centre.</p> <p>Flooding from the Belubula River presents the highest risk to properties around Henry Street and Farm Lane. These areas have limited development potential.</p>

1.4 Local Environmental Plan

The Blayney Local Environmental Plan 2012 (the 'BLEP') is a statutory instrument that provides for land use planning in the Blayney Shire. The BLEP provides the mechanism for the approval of development. It identifies a number of general aims specific to housing and provides detailed land use zones and development permissibility. The BLEP also includes development standards for lot sizes for dwellings and provisions to manage development on certain land or land uses.

The relevant aims of this Plan are as follows:

- (a) to encourage development that **complements and enhances the unique character and amenity of Blayney including its settlements**, localities, and its rural areas,
- (b) to provide for **a range of development opportunities that will contribute to the social, economic and environmental resources of Blayney** in a way that allows present and future generations to meet their needs by **implementing the principles of ecologically sustainable development**,
- (c) to **facilitate and encourage sustainable growth and development** that—
 - (i) avoids and minimises risks to human life and property and minimises the cost of development by **restricting development in areas prone to natural hazards and significant environmental constraints**, and
 - (ii) protects, enhances and conserves prime agricultural land and the contribution that agriculture makes to the regional economy, and
 - (iii) avoids or minimises impact on drinking water catchments to protect and enhance water availability and safety for human consumption, and
 - (iv) **protects and enhances** environmentally sensitive areas, ecological systems, areas of a high scenic, recreational or conservation value, and **areas that have potential to contribute to improved environmental and scenic outcomes**, and
 - (v) **protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance**, including Aboriginal relics and places, and
 - (vi) encourages the sustainable management, development and conservation of natural and human-made resources whilst avoiding or minimising any environmental and social impacts, and
 - (vii) **encourages a range of housing choices** in planned urban and rural locations to address population growth and **meet the diverse needs of the community**, and
 - (viii) allows for the **orderly growth** of land uses while **minimising conflict between land uses** within the zone and land uses within adjoining zones, and
 - (ix) promotes the **efficient and effective delivery of utilities, infrastructure and services that minimises long-term costs** to government, authorities and the community.

Residential zones

The BLEP includes three primary residential zones; General Residential (R1), Large Lot Residential (R5) and Village (RU5). The R1 zone applies to the residential areas within Blayney town, while other settlements, including Millthorpe, are typically zoned RU5 Village. The Large Lot Residential zone is reserved for land that might otherwise be called rural residential development.

Residential accommodation in a number of forms, is equally permissible in both the R1 and RU5 zones, including for example residential flat buildings, multi dwelling housing, attached dwellings and dual occupancy. Although there is diversity in relation to the type of residential development that is permissible, the typical typology is single detached dwellings.

Minimum lot size

The minimum lot size in the R1 zone and the RU5 zone in Millthorpe is 450sqm, however, despite the minimum lot size the median lot size in the R1 zone in Blayney is 885sqm. In Millthorpe, the lot sizes range from over 670sqm in Unwin Street to larger than 1000sqm on the eastern side of

the village in William Street and between Morley and Pitt Streets. Across the village, the median lot size is 810sqm.

The R1 and RU5 zones also permit both attached and detached dual occupancy development, however, the BLEP does not include provisions (typical in many planning instruments) that specifically deal with the subdivision of dual occupancy below the minimum lot size. The exclusion of these provisions may be impacting the delivery of dual occupancy development.

The R5 Large Lot Residential zone has been applied to land on the fringe of all settlements within the Shire and is accompanied by a range of lot sizes from 4000sqm to 20ha. The R5 Large Lot Residential Zone applies extensively at West Millthorpe / Forest Reefs. The range of permissible land uses is more restrictive than the urban zones.

Heritage conservation

All Local Environmental Plans are required to include a clause dealing with heritage conservation. In the case of the BLEP, the provisions apply to heritage items, heritage conservation areas (HCA) and Aboriginal objects. The BLEP has a map identifying the heritage items and heritage conservation areas and these are also described in Schedule 5 of the BLEP. There are 355 individual heritage items and heritage conservation areas in Blayney, Carcoar, Millthorpe and Newbridge. The HCAs have an important function in terms of preserving the historic character of a place. They also provide council with greater autonomy in terms of managing the built form outcome of development, including dwellings that would otherwise fall under the Exempt and Complying Development Code SEPP.

Flexibility in the planning instrument is important in encouraging development, however in reviewing the operation of the BLEP in the context of the Strategy, consideration has been given to the built form outcomes and community feedback in relation to the desire for diversity of housing including more dual occupancy development and the importance of conserving the character of the urban areas that are experiencing pressure for growth in particular, Millthorpe. The application and effect of the BLEP and particular zones and clauses, including minimum lot sizes is discussed further in **Section 3**.

1.5 Local Government Area Snapshot

Blayney Shire is in the Central West region of New South Wales, approximately 250km west of Sydney, and has an area of 152,470 hectares. The Shire is dissected by the Mid-Western Highway, which links Bathurst and Cowra, via Blayney, Carcoar, Mandurama and Lyndhurst. Blayney Shire is within close proximity to the regional centres of Orange and Bathurst. Millthorpe, in particular, benefits from its location between Blayney and Orange.

Economy

There are 2,922 resident workers in Blayney Shire (ABS 2016). The six largest employing industries in Blayney are:

- » Mining (661 employed, 22.6%);
- » Agriculture, Forestry and Fishing (367 employed, 12.3%);
- » Manufacturing (356 employed, 11.9%);
- » Education and Training (182 employed, 6.1%);
- » Health Services (180 employed, 6.0%); and
- » Retail Trade (176 employed, 5.9%).

Mining in particular, along with agribusiness and transport and logistics, is expected to grow significantly in the future. Approval is currently being sought by Regis Resources Ltd for the McPhillamy's Gold Project at the locality of Kings Plains, 8km from Blayney town. The Environmental Impact Assessment anticipates a peak construction workforce of 710 full-time equivalent (FTE) workers. During operations, an average workforce of 260 FTE employees will be required, peaking at 320 FTE employees in years four and five.

The Flyers Creek Wind Farm, anticipated to commence construction early to mid-2021, will have a construction period of approximately 18 months. This may overlap with the peak period of temporary housing requirements for construction workers of the McPhillamy's Gold Project, should consent be granted.

The NSW Government has identified the three LGAs of Orange, Blayney and Cabonne as making up a Functional Economic Region (FER) with Orange as its hub. The FER is categorised as a Growth Centre, with people migrating to the regional city of Orange.

The employment structure of the wider subregion is transitioning, as Orange is moving towards becoming the agri-finance hub of Regional NSW while also experiencing significant growth in health and public administration.

While Orange is expected to be the driver of this growth, it is likely that there will be spill over into Blayney Shire, increasing demand for housing and services in combination with workers for major projects. There is evidence suggesting this is already placing increasing pressure on housing, particularly in the northern parts of the Shire, based on rent increases and vacancy rates.

The 2012 Settlement Strategy indicates that the Shire has a relative lack of diversity of employment, which increases the vulnerability of the Shire to a downturn in either agriculture, mining or food manufacturing. Since 2011, employment in mining and manufacturing has grown strongly (+214 and +56 employed respectively) and employment in agriculture has grown at a much slower rate (+19 employed). Growth in these sectors suggests that demand for housing would also have grown over this period.

Population and Housing

On the evening of the ABS' 2016 census, 7,259 people lived in Blayney Shire, occupying 2,645 dwellings. An additional 350 dwellings or 11.8% of the total dwellings in the Blayney Shire were unoccupied. The Department of Planning, Industry and Environment (DPIE) projects a population of 8,000 living in 3,200 dwellings in Blayney Shire by 2036.

However, while there has been modest growth of approximately 665 people between 2006 and 2016, approximately 30% of people that resided in Blayney Shire in 2016 did not do so prior in 2011 (excluding children under 5 years as of the 2016 Census). Therefore, there has been significant change in the population which is likely creating housing pressures, particularly in certain locations (discussed further in Section 2).

In 2016, 40% of the Blayney Shire population were 50 years of age and older. Close to 19% were aged between 35 to 49 years of age, while school aged children, pre-schoolers and babies represented 27%. From 2006 to 2016, the growth in the proportion of older workers and retirees has been significant in relation to the total population.

The 2016 Census confirmed the predominant housing type in Blayney Shire is detached dwellings, with 94% of all private occupied dwellings being detached. 81% of the occupied housing stock was three bedroom or more (2,151 dwellings). However, there were 709 lone person households and a further 800 couple-only households. This indicates a high mismatch between dwelling stock size and typologies compared to housing need.

Of a total 2,656 occupied dwellings in the Shire, most are owned with a mortgage (approximately 38% of all stock), followed by outright ownership (approximately 35%) and rentals (approximately 23%), including rental from social housing providers and the like. The remainder is mainly households that did not state tenure type. By comparison, in NSW dwelling tenure is generally very evenly spread, with around 32% of dwellings each owned with a mortgage, owned outright, or rented. Blayney Shire's dwelling tenure is weighted more towards ownership with or without a mortgage as opposed to renting. Around half of rental properties are managed by private real estate agencies, although this has seen a steady increase from 2006 to 2016 (from 48% to 57%).

The number of private rented dwellings remained relatively steady between the 2011 and 2016, being 586 to 604 rented dwellings. However, there has been a marked increase in dwelling rental prices in the 2017-18 period, rising by 9% as compared to Orange and Cabonne that rose by 3% in the same period. Rental vacancy rates were also critically low during this period. This is an indicator of unmet demand.

Further discussion is provided in Section 2 of this report.



Population

Estimated Resident Population (ERP) for the whole LGA as of 2016 census

7,259

Population over 65 as of the 2016 census

19%

Projected population for the whole LGA to 2036

8,000 (+741)

Population over 65 by 3036

24% (+500)

Projected annual growth rate

0.3% per year

Average Household Size 2016 census

2.51 persons

Lone Person Households

26.7%



Property

BLAYNEY

Total number of dwellings 1,219

MILLTHORPE

Total number of dwellings 299

LGA

Total number of dwellings 3,184

MEDIAN RESIDENTIAL LAND VALUE Median house price

www.realestate.com.au/neighbourhoods/

Blayney
\$300,000

Millthorpe
\$453,000

TOTAL PRIVATE DWELLINGS FOR THE WHOLE LGA AS OF THE 2016 CENSUS – 3,184

% of detached dwellings –

94%

% of medium density dwellings –

6%

% of high-density dwellings –

>0.1%

Number of dwellings approved

2008/20017 –

319

* includes dual occupancy attached, villa and town house development

^ residential flat buildings, shop top housing



Employment and Income

2,922

residents employed 2016 census

\$1,277

median household weekly income 2016 census

INDUSTRY OF EMPLOYMENT

Mining 22.6 %

Agriculture 12.3 %

Manufacturing 11.9 %

1.6 Housing Vision



Housing in Blayney Shire offers choices to suit people no matter their age. New housing is varied, sympathetic to existing heritage and in keeping with the rural character of the Shire. Our streets are tree-lined and landscaping is a feature of new housing

Based on feedback in consultation, the elements that inform the housing vision for the Shire are:

- » The character and heritage of villages are key considerations in the delivery of new housing;
- » New development should be sympathetic to the existing village character and should offer variety, interesting roof lines and materials that complement existing housing;
- » In villages with important historic cores that are experiencing demand, growth should occur away from highly valued historic cores;
- » Housing should be appropriate to the rural setting;
- » Housing needs to provide choices to people of all ages;
- » Housing also needs to be affordable;
- » Street trees, landscaping and footpaths are valued, both for aesthetic reasons and for access; and
- » Housing should be designed to be energy efficient where possible.

2 Settlements

The Strategy considers Blayney and Millthorpe and the smaller villages of Carcoar, Mandurama, Lyndhurst, Neville, Newbridge and Barry. The strategy also addresses the large lot residential area of Millthorpe West / Forest Reefs. The urban character, planning controls and constraints vary between the individual settlements and these are illustrated in the individual settlement snapshots as follows.

For each of the settlements there is:

- » An overview of the significant demographic trends in the settlement;
- » The vision for the settlement from the Blayney Community Plan 2018 – 2028;
- » An overview description of the settlement (village or township);
- » A summary of what was heard in consultation to inform this review of the Settlement Strategy; and
- » A statement of the key recommendations of the previous 2012 Settlement Strategy and whether they were implemented.

Larger townships of Blayney and Millthorpe

For the larger and most populous townships that are also attracting the most growth, the above is explored for various precincts in the each of the townships.

Landholding and vacant titles in smaller villages

A key aspect of some of the smaller settlements is the pattern of landholdings and the number of land titles that are vacant. The historic subdivision layout of the villages is overlaid by the current ownership pattern. For example, in most villages it is not unusual for individuals to own multiple lots even though there is only a single dwelling on the property. Understanding the ownership pattern, assists in determining where there may be opportunities for additional dwellings in each village and in doing so the capacity of that villages to accommodate growth.

Blayney Township Overview

Existing and Indicative
Future Urban Areas

Key outcomes of demographic

- Blayney town centre is attracting high numbers of single and couple-only households.
- It is one of the areas in the Shire attracting significant inward migration from outside and within the LGA
- Smaller housing stock is low and is declining.
- Blayney is one of the key areas of growth in the LGA, but this growth is now becoming constrained

"We are the quintessential rural country town and by engaging with our vibrant, welcoming, innovative and caring community we will build a better Blayney."
Vision for Blayney (Community Plan 2018-2028)

Township Overview

Blayney is the largest centre in the Shire and well placed to accommodate the workforce of surrounding mines and service their needs. Blayney is a 30-minute drive from key centres of Bathurst and Orange.

Blayney has great schools and recreational facilities including a new state park, and offers housing affordability. However, it has limited housing diversity and choice, with very few medium density offerings. These housing choices are actually declining (likely to be a result of classification of some as short-term rentals). Increased demand is expected for smaller housing types to meet requirements of an ageing population (increasing single and couple-only households).

Vacant residential land supply in Blayney township appears to exhibit little change, which may be a result of some planning mechanisms that are a barrier to change. Blayney township is constrained to the east by the river and flood impacts and to the north by industry, which limits the Blayney's capacity to expand its urban footprint. A significant parcel of land has been rezoned to the south of the town, however it has not yet been subdivided. The key land release opportunity is west of Blayney. However, there are some key constraints, most notably the high cost of infrastructure delivery. It is essential this is revisited.

What we heard during consultation

- Preference for growth to be accommodated in the original grid of the town, including in the underutilised land within the urban boundary.
- Support for dual occupancy, townhouses and multi-dwelling typologies in the original grid.
- Outside of the original grid, opportunities include west of the railway line and south of the tourist park.



Blayney Town Centre

Blayney Town Centre Overview

The centre of Blayney offers the opportunity to diversify the types of housing available in the township. Access to retail, health and other services makes it the most suitable area in Blayney Shire for the provision of more compact and affordable housing as well as housing for an ageing population.

The Blayney 2020 Masterplan recommends strategies for the reinvention of the Blayney town centre. In particular, it identifies significant vacant land and vacant buildings in the vicinity of the main street which would be suitable for development.

More intensive residential development in the town centre would:

- Assist with the reinvention of the centre more generally, as it would serve to increase foot traffic and make business more viable; and
 - Better cater to the aging population of Blayney Shire.
- The minimum lot size for multi-dwelling housing in the DCP may act as a disincentive to development.
- Most of the town centre is within the Blayney Heritage Conservation Area (HCA). Development will be required to be sensitive to the heritage significance of the surrounding buildings and the HCA as a whole. Flooding to the east of the main street will limit the locations and type of residential development in the centre, however, there may be opportunity to extend the urban area into Lower Farm Street where it is above the 1 in 100 year flood level.

2012 Settlement Strategy

- Key recommendations in 2012 Settlement Strategy
- Replace the village zone with business zoned land – **implemented.**
 - Introduce a heritage conservation area over business zone – **implemented.**
- Recommendation in Community Plan 2018-2028 to adopt a DCP for Blayney and review Residential Land Strategy and LEP. A DCP for Blayney Shire was introduced in 2018 and this project reviews the Residential Land Strategy.

Character & Planning Controls

Key residential & tourist typologies	Detached dwellings on single lots Retirement village (only one) Hotel / pub accommodation Motels Bed & Breakfast
Land use zoning	B2 Local Centre (town centre core) R1 General Residential
Permitted residential typologies	All residential accommodation permitted with consent with exception of rural workers dwellings
Minimum lot size	1000sqm (B2 zone) 450sqm (R1 zone) – adjacent to the B2 zone
Heritage	A heritage conservation area applies to most of the town centre and there are many heritage items along the main street.

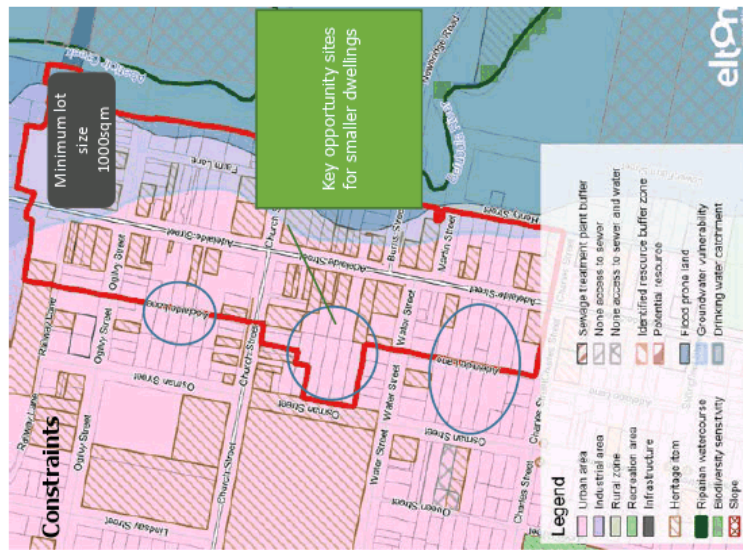
What we heard during consultation

- Preference for growth to be accommodated in the original grid of the town, including in the underutilised land within the urban boundary.
- Support for dual occupancy, townhouses and multi-dwelling typologies in the original grid.
- Outside of the original grid, opportunities include west of the railway line and south of the tourist park.

Locality description

The town centre is located on the eastern boundary of the settlement, on the western bank of the Belubula River.

The area has a high diversity of land uses, including residential, shops, hospitality, places of worship, health services, public administration and recreation.



Blayney South

Precinct overview

The site was identified at the time as providing the majority of supply of suitably zoned land for residential purposes. However, since then no subdivisions have occurred in the southern portion.

If developed approximately 17.5 hectares of vacant land would be made available, excluding the heritage item and the sewerage plant buffer zone, accommodating up to 130 dwellings. If this is released by the landowner, adjustment to other parts of the strategy should occur.

Additional zoned and un-zoned land is available in Quamby Place that could be considered for development in the short term.

Land at Lucks Lane may provide a future opportunity to link into the existing urban areas and could be identified in the long term to avoid short term fragmentation for rural residential development.

Key recommendations from the 2012 Settlement Strategy

Analysis undertaken for the 2012 Settlement Strategy identified a 41.5 ha site at the southern-most extremity of this area. It was considered suitable for development and able to deliver approximately 280 dwellings, despite constraints such as:

- Adjacent heritage item
- Presence of drainage channels through the site
- Need for a buffer from the existing Blayney Sewerage Treatment Plant at the eastern edge of the site.

This site, as well as several smaller sites, were rezoned for urban use in accordance with the recommendations of the Strategy.

Character & Planning Controls

Key residential & tourist typologies	Detached dwellings on single lots A small number of rural-residential lots
Land use zoning	R1 General Residential
Permitted residential typologies	Attached dwellings, Semi-detached dwellings, Boarding houses, Dwelling houses, Dual occupancies, Residential flat buildings, Seniors housing, Shop top housing
Minimum lot size	450 sqm (NOTE: generally, development in the area has delivered larger lots around 800 sqm)
Setbacks	Front: 4.5m Side: 900mm Rear: 1.5m
Heritage	Heritage item
Sewerage Plant Buffer	Impacts the eastern part of the site

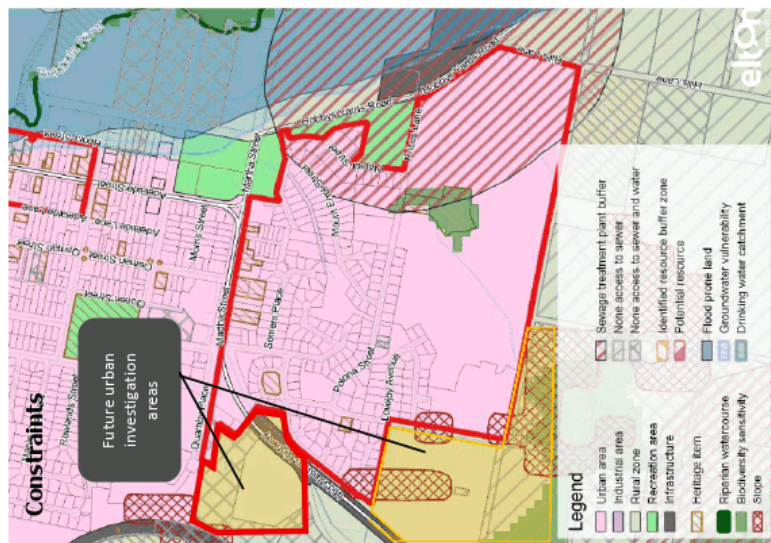
What we heard during consultation

- Desire to develop appealing housing land blocks to attract more families.
- Desire to grow the population base of Blayney.
- Need for greater diversity of lot sizes.

Locality description

This area is located in the south of township of Blayney. It is bounded by the Mid-Western Highway to its north and west, and Hobby's Yard Road to the east.

The northern half of the precinct is characterised by detached dwelling houses on curvilinear streets. The southern half is characterised by large, vacant parcels, zoned and suitable for development.



Blayney Infill

Precinct Overview

This area, as with all of Blayney, offers reasonable affordability but low level of housing diversity and choice, with very few non-separate dwelling offerings.

Demand for medium density and smaller housing types is expected to rise as the population of Blayney ages and the number of single-person and couple-only households increases.

There is some vacant land supply within this area. The 2012 Strategy identified vacant land that is serviced, zoned and suitable for low density infill housing. This is a prime opportunity for some smaller dwelling typologies, but planning controls and market factors are likely to inhibiting take-up. This includes the land area for each dwelling in multi-dwelling development in the DCP.

Medium density – including multi-dwelling housing, attached and semi-detached dwellings – are permissible in the R1 zone. However, in the last five years, no applications for multi-dwelling housing have been received by Council. Just one application for a dual occupancy in this area has been received.

Given demand driven by potential approvals of major projects, planning controls offer an opportunity to provide incentives for multi-dwelling housing and dual occupancy. The existing laneway structure offers a key opportunity for this type of development.

Key recommendations in 2012 Settlement Strategy

- Replace village zone with R5 on the western side of town – **implemented**
- Replace remaining village zone with general residential – **implemented**
- A new medium density housing overlay in DCP – **implemented**
- Heritage conservation area over residential zone – partially implemented
- heritage conservation only covers the western portion of the general residential area
- Investigation area for future residential area to the south of Quamby Place

Character & Planning Controls

Key residential & tourist typologies	Detached dwellings on single lots A very small number of dual occupancies and multi-dwelling developments
Land use zoning	R1 General Residential R5 Large Lot Residential (western edge)
Permitted residential typologies	Attached dwellings, Semi-detached dwellings, Boarding houses, Dwelling houses, Dual occupancies, Residential flat buildings, Seniors housing, Shop top housing
Minimum lot size	450 sqm 6,000 sqm (buffer to rail line)
Setbacks	R1: Front, 4.5m; Side, 0.9m; Rear, 1.5m R5: Front, 8m; Side, 3m; Rear, 6m
Heritage	North eastern quarter is part of a Heritage Conservation Area A number of individual heritage items also exist in this area.

What we heard during consultation

- Preference for growth to be accommodated in the original grid of the town, including in the underutilised land within the urban boundary.
- Support for dual occupancy, townhouses and multi-dwelling typologies in the original grid.
- Outside of the original grid, opportunities include west of the railway line and south of the tourist park

Locality description

This is the residential area in Blayney township. The development is almost exclusively single detached dwellings with a range of lot sizes from over 1,000sqm to 450sqm which is now the minimum lot size for subdivision.

The housing stock varies in age from original late 19th Century dwellings on the original grid, typically listed as heritage items, to modern low density dwellings in cul-de-sac urban structure.

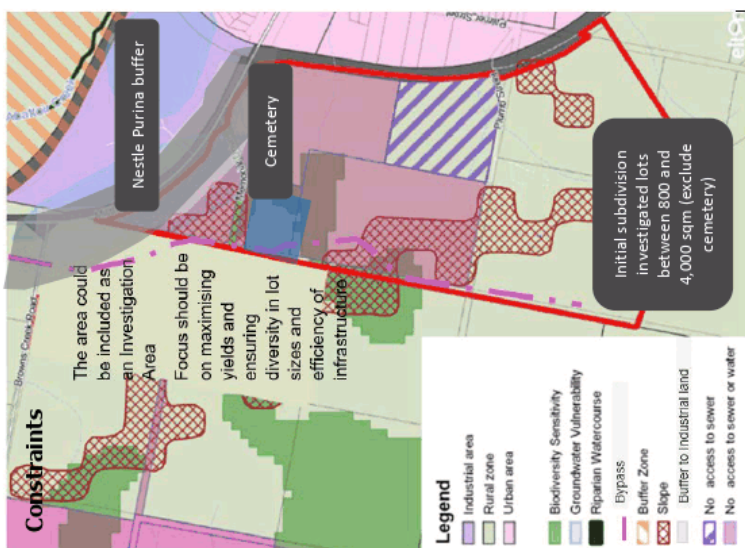


Blayney West

Locality description

This area is located to the north-west of the township of Blayney, west of the Blayney-Demondrille Railway Line and extending to the Orange-Milthorpe Road to the north and to the south of Plumb Street.

Currently the area contains only a few rural dwellings and a cemetery. It is impacted by various constraints.



Potential precinct overview

This area is a key opportunity for residential expansion for Blayney township, as the areas to the north and east of the township are constrained by industrial activities and flood impacts respectively. The land is owned by two landowners and early conversations with Council suggest interest in subdivision. The area is contiguous with the existing urban boundary, however, it is separated by the rail line.

A concept subdivision report was prepared for this area in 2014 on behalf of Council. The report indicates that the area could provide up to 119 lots for new dwellings, including 18 large lots (over 4000sqm). There are significant issues with the forecasted servicing costs.

Additional key constraints noted in the subdivision report are:

- The need to protect the industrial activities at Nestle Purina and also the potential for industrial uses to impact desirability of residential lots.
- The need to protect the railway line from encroachment so as not to impact on the future operation of the line.
- Slope in certain parts of the site exceeds 10%.
- Groundwater vulnerability affects some land fronting the Orange-Milthorpe Road.
- Protecting the scenic qualities of the land due to the ridgeline to the western and south sides of the site, which is why the land is zoned RU2 Rural Landscape. This would likely preclude significant development above RL930.

Infrastructure requirements to facilitate development include an intersection upgrade and realignment of Memorial Drive, upgrading the level crossing via Plumb Street, enhancing sewer capacity, drainage buffers and detention systems, and a reservoir to service development over RL900.

Key recommendations in 2012 Settlement Strategy

- Extend scenic protection to align with the actual visual catchment – **implemented.**

Character & Current Planning Controls

Key residential & tourist typologies	Detached rural dwellings (minimal development)
Land use zoning	RU2 Rural Landscape (at present)
Permitted residential typologies	Dual occupancies, dwelling houses
Minimum lot size	100 ha (at present) but initial subdivision investigations suggest 800 to 4000 sqm lots
Setbacks	Public road frontage: 20m Side or rear boundary: 50m
Heritage	There are two heritage items within the area – Lime Kilns, General Cemetery – and two items on lots that partially fall within the area – the former Blayney Copper Mine, Marsden Family Vault.
Visual impacts	Dwellings must be located away from ridgelines or seek to minimise their impact on the skyline. Buildings must be designed and constructed to integrate with the surrounding rural landscape.

What we heard during consultation

- Preference for growth to be accommodated in the original grid of the town, including in the underutilised land within the urban boundary.
- Support for dual occupancy, townhouses and multi-dwelling typologies in the original grid.
- Outside of the original grid, opportunities include west of the railway line and south of the tourist park

Blayney Business

Key Issues and opportunities

The business zones do not have a residential function other than the existing residential uses. Previous investigation suggested that the residential uses are unlikely to relocate from Hill Street and there appears to be no change since 2015 in this regard.

A significant proportion of the area is flood affected in an extreme event.

There is opportunity to reconsider the difference between the objectives and land use tables between the B5 and B6 zones and rationalise into a single zone or consider a Mix Use zone and remove the Enterprise Corridor zone. This would need to be in line with the outcomes of the Subregional Rural and Industrial Land Strategy.

In the longer term, consideration should be given to relocating the school out of the business area to avoid land use conflict. The residential and school uses have the potential to inhibit growth of the area.

Residential uses should continue to be discouraged from the business areas.

Character & Planning Controls

Key residential & tourist typologies	Residential accommodation is limited. Detached dwellings. St Joseph's Central School on Hill Street
Land use zoning	B5 Business Development B6 Enterprise Corridor
Permitted residential typologies	No residential accommodation permissible in the B5 zone. The B6 zone allows Backpackers accommodation and B&B accommodation. Dwellings are an existing use
Minimum lot size	Not applicable for residential development Minimum lot size is 2,000sqm
Setbacks	Not applicable for residential uses
Heritage	There are four heritage items on the corner of Hill and Adelaide Street North including the former St Joseph's Convent and Church and "Thurlistone" house and garden.

Key recommendations in 2012 Settlement Strategy

- Not applicable.

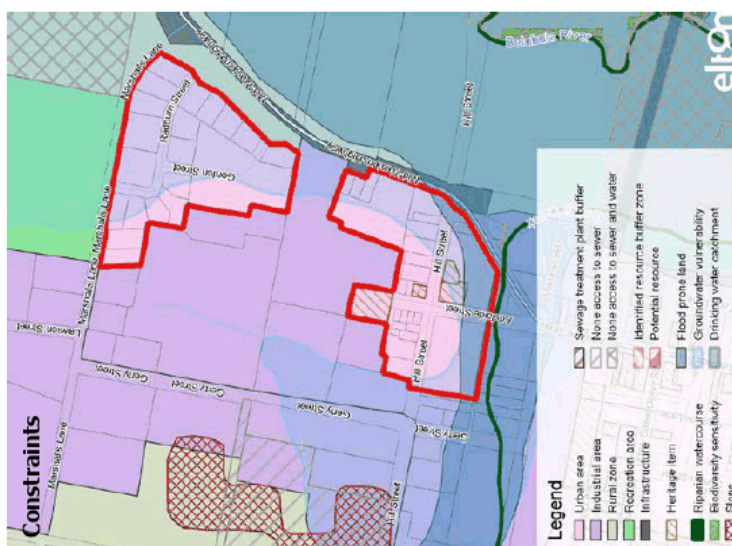
What we heard during consultation

- This part of Blayney was not discussed in the consultation for the housing strategy as it is a business and industrial area.
- However, during a previous consultation we heard that:
 - Further residential land uses could be considered in Hill Street.
 - Land use conflict is an issue and should be avoided.

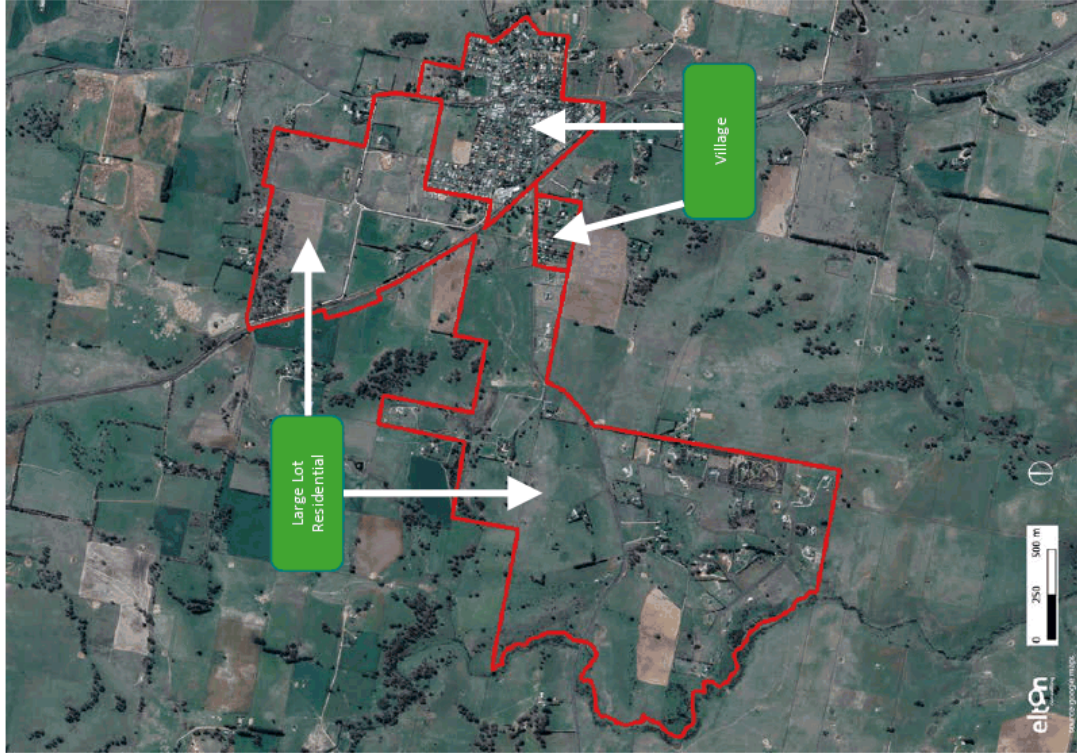
Locality description
Blayney has a business area located north of the town separated by Abattoir Creek in the south, Hill and Gerty Streets to the west and the Mid Western Highway to the east.

Development is varied with a range of light industrial and business uses. There is limited residential accommodation is scattered through this area is older housing stock.

The Catholic School is also located in Hill Street.



Millthorpe overview



Vision (Community Plan 2018-2028)

"Working together to make the heritage village of Millthorpe, a friendly, prosperous, dynamic, safe and environmentally sustainable community."

Who lives here?
 In 2016, there were 708 people living in Millthorpe. Since 2006, the population has increased by 67 people:
 • Most people in Millthorpe are between 25 to 49 years of age (close to 43%).
 • The majority of households are family households (approx. 80%), and most family households have children (close to 76%).

Village Overview
 Being 23kms from Orange and close to Orange airport, Millthorpe is well placed to leverage the economic and population growth of Orange and the region. It has a growing school, child care facilities and is a centre for small to medium businesses with a strong local economy. It has strong brand recognition as a tourist destination. In March 2019, the railway station reopened with access to Sydney, Blue Mountains, Bathurst, Broken Hill and Dubbo.

Millthorpe has seen recent development activity, particularly in the north east of the village. However, demand for large lot residential "lifestyle" lots in Millthorpe West / Forest Reefs is greater than demand for smaller village lots. Whether this is a reflection of the land availability in the urban area or the attractiveness of larger lots is unclear. Housing prices in Millthorpe are high comparative to Blayney township, and more on par with Orange and Bathurst.

Millthorpe's outward expansion is limited by the need to protect agricultural and resource-rich land, the importance of maintaining the visual corridors on the north and south entry points and the drinking water to the north-east boundary of the village. Topography to the south east and drainage in the immediate north are key constraints to the orderly and economic expansion of the village.

The entire village is in the Heritage Conservation Area. The northern entry to Millthorpe from Orange is via a tree-lined road that provides a picturesque entrance to the town and makes a key contribution to the character of the village.

There are very few vacant lots in the village or that part of the large lot residential land that has been developed in Charles Booth Way off Forest Reefs Road.

What we heard in consultation

- Growth needs to be met through additional land supply and must not negatively impact the historic core or village entrances—especially from the north.
- Millthorpe village should be contained as a well-defined area, distinctly separate from future residential land.
- Potential growth opportunities include:
 - North east extending along Vittoria Street, provided that impacts on the Orange drinking water catchment can be managed; and
 - South of Forest Reefs Road to extend the existing RU5 and R5, for lots over 1000sqm.

Millthorpe - village

Key Issues and Opportunities

Millthorpe is likely to benefit from growth in Orange and could be an attractive option for housing given its proximity to the economic opportunities in Orange and the airport.

The 2012 Settlement Strategy found that there was sufficient land supply to meet demand for the next 10 years, noting that a significant amount of demand would be met by large lot residential land. It did not propose to change the existing urban boundary.

A strong level of development activity was seen in Millthorpe's village zone between 2008-2018—41 development applications. There is limited vacant land supply in existing serviced urban area of Millthorpe village.

There are two key opportunities in Millthorpe – land zoned RU5 that is vacant and not yet subdivided in the north of Millthorpe; and potential to expand the urban boundary in the east, along Victoria Road.

The area of zoned land in the north is around 7 hectares. Council's 2012 Settlement Strategy states this area could yield around 35 lots of 1000sqm (which was the minimum lot size under the previous planning controls). Under the current minimum lot size of 450sqm, or if lot sizes similar to the recent subdivisions to the west of the area were adopted of around 700sqm, the yield could be even higher. This entry point to Millthorpe from Orange along Millthorpe Road is a picturesque, tree-lined avenue and is a key issue for development of Millthorpe. Drainage is also a constraint.

Another potential opportunity for growth in Millthorpe is to expand the urban boundary at the eastern edge of the village, either along Forest Reefs Road or Pitt Street. In the last 10 years there have been a number of development and subdivision applications in the Pitt/Morley/Victoria Street area. The land is identified as groundwater vulnerable and is within a drinking water catchment; however, these constraints should be able to be addressed by Water Sensitive Urban Design principles and the provision of reticulated water and sewer.

Key recommendations of the 2012 Settlement Strategy

- Extension to the drinking water catchment to be immediately to the east of the village – implemented
- Reduce the village zone to not include surrounding roads – implemented
- Promote a compact settlement to maximise access to town's service and facilities, avoid urban sprawl and minimise impacts on surrounding agricultural uses
- Further investigation into the suitability of an extension of the Village Zone to the corner of Forest Reefs Road and Glenorie Road, if population estimates deem necessary.

Character & Planning Controls

Key residential & tourist typologies	Detached dwellings; motel
Land use zoning	RU5 Village
Permitted residential typologies	Dwelling House are permitted in RU5. The R5 zone allows Dwelling House, Dual Occupancies and B&B accommodation
Minimum lot size	450sqm
Lot sizes	Typical lot sizes in Millthorpe are around 800sqm and 1000sqm
Setbacks	RU5 front setback 4.5m and 900mm for side and 1.5m rear
Heritage	There is a heritage conservation area over most of the village, that applies to part of the large lot residential area. There are a considerable number of heritage items through the town, especially along Park, Victoria and Pym Streets.

What we heard in consultation

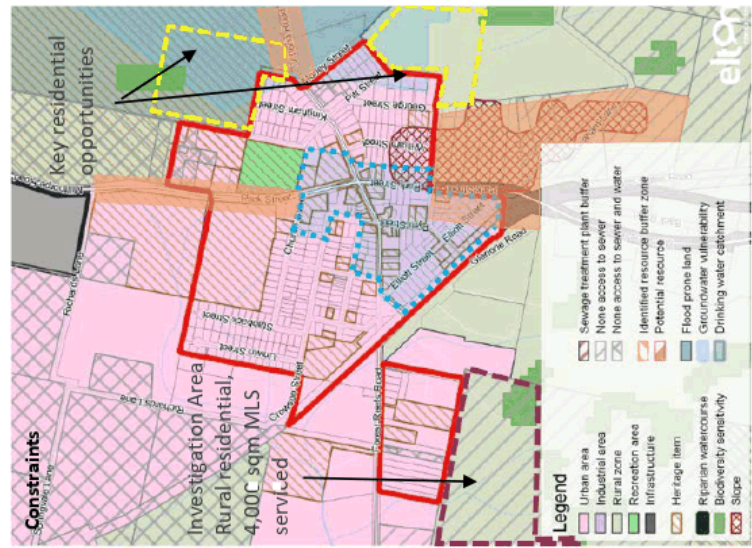
- Growth needs to be met through additional land supply and must not negatively impact the historic core or village entrances—especially from the north, which should remain as open space.
- Millthorpe village should be contained as a well-defined area, distinctly separate from future residential land.

Locality description

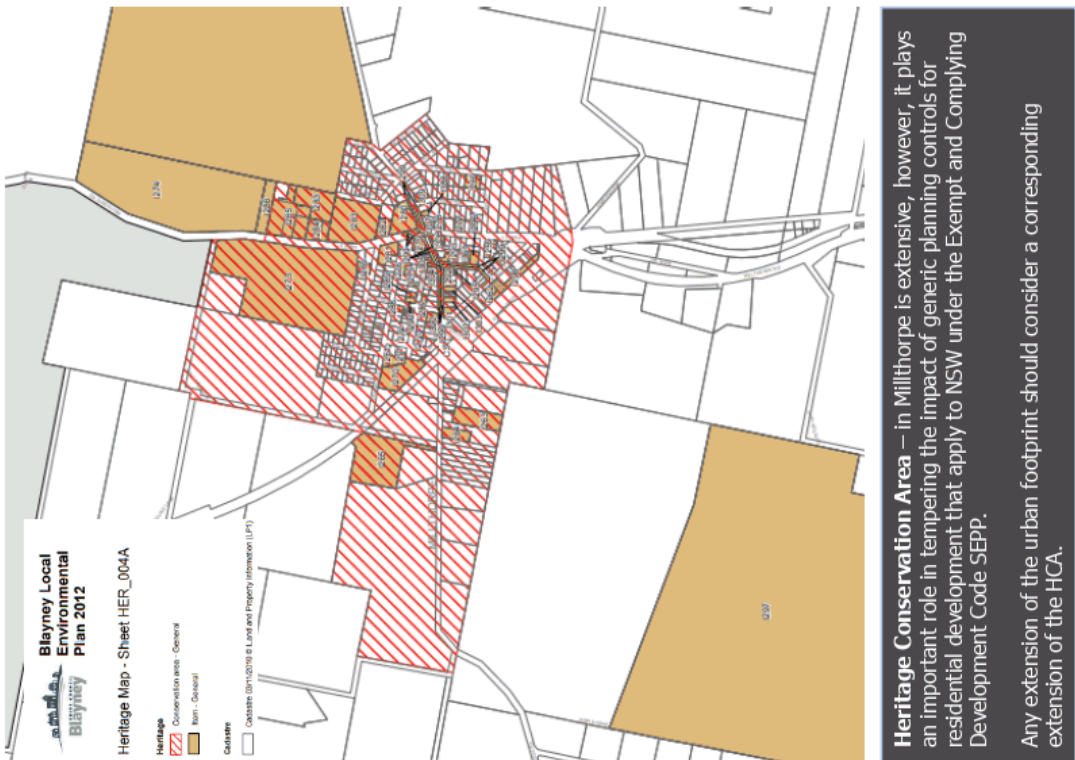
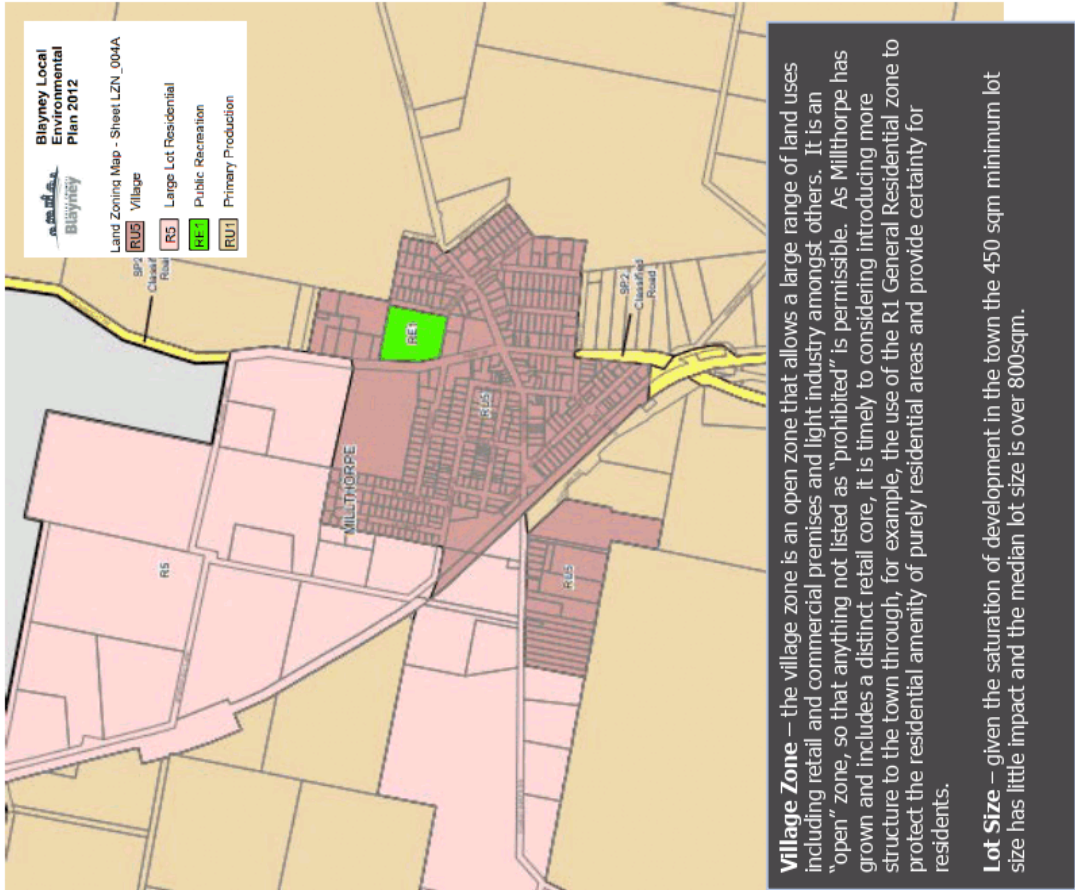
Millthorpe town centre is clustered around the intersection of the primary arterial roads of Park and Victoria Streets, at a junction point between Orange and Blayney.

The heritage town centre is positioned at a declined location from this intersection, at Victoria and Pym Streets. The area has a select number of land uses, including low density residential, public recreation and school infrastructure.

Millthorpe town centre and its immediate surrounds are classified as a conservation area, incorporating numerous local and two state heritage items.

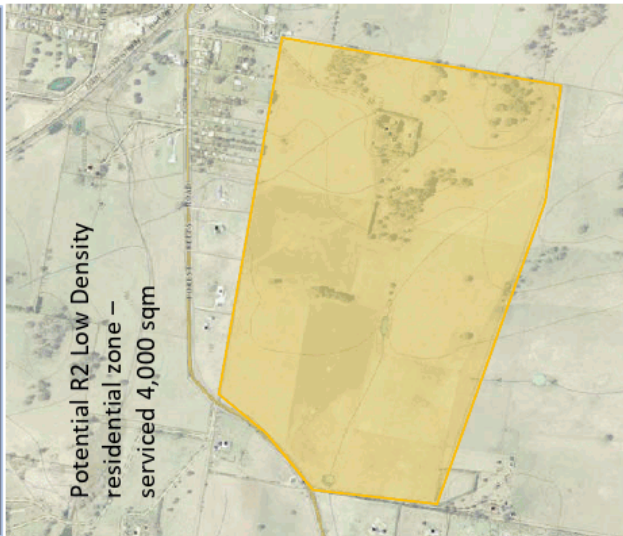


Millthorpe - village



Large Lot Residential North Millthorpe / Millthorpe West / Forest Reefs

Locality description
The North Millthorpe and Millthorpe West / Forest Reefs large lot residential zone consists of three distinct areas. The first two are east of Coweringa Creek, separated by the rail line. The smaller of the two areas is located to the town's north. Despite its relative proximity to the town centre and associated servicing and infrastructure, investigations have indicated that servicing would be difficult and the resulting yield may not warrant the expense. The area retains its rural character. The larger area (Millthorpe West / Forest Reefs) extends from the town's western boundary for approximately 7Kms. It is characterised by large, modern houses on lots of approximately 2ha.



Character & Planning Controls	
Key residential & tourist typologies	Detached dwellings on large single lots
Land use zoning	R5 Large Lot Residential
Permitted residential typologies	Dwelling houses
Height of building	n/a
Minimum lot size	4000sqm and 2ha
Floorspace controls	n/a
Setbacks	Front: 8m Side: 3m Rear: 6m
Heritage	A heritage conservation area extends along Forest Reefs Road and applies to part of this area.

What we heard in consultation

- Growth needs to be met through additional land supply and must not negatively impact the historic core or village entrances—especially from the north. Which should remain as open space.
- Millthorpe village should be contained as a well-defined area, distinctly separate from future residential land.
- Opportunities identified for new large lot development included south of Forest Reefs Road and to the north of the village.

Key Issues and Opportunities

The rural residential areas to the north and west of Millthorpe, including Millthorpe West and Forest Reefs) offers scenic rural landscapes and views, with easy access to the services and facilities of Millthorpe.

The 2012 Settlement Strategy identified a significant supply of undeveloped land zoned R5 Large Lot Residential:

- North and north west of the village. Under the lot size controls at that time – which remain current today – it was estimated 120 lots could be delivered. This would require water and sewer. Having regard to the challenges in servicing this has been revised back to 30 additional lots with an average lot size of 2 ha.
- Area 2 West of the village. This area extends along Forest Reefs Road. The opportunity for additional development in the existing zoned land is 115 -122 lots with a lot size of 2ha. This estimate has regard to current ownership and subdivision patters and environmental constraints. There are 75 lots approved but not yet developed through this area.

As with the villages, providing suitable on-site sewer is a challenge, particularly in areas of groundwater vulnerability.

A significant amount of large lot residential land remains undeveloped. The feasibility of extending reticulated water and sewer west along Forest Reefs Road to improve the yield on the undeveloped northern side of the road may be an option. Re-subdivision of the existing rural residential lots would be difficult because of the siting of the dwellings.

NSW strategic priorities require the protection of agricultural and resource-rich land, meaning that outward growth is to be minimised. Any further expansion of the large lot residential zone should therefore be limited to comply with these strategic directions.

The 2012 Strategy identified land for future rural residential south of Forest Reefs Road. This could be considered for additional serviced rural residential development in an R2 Low Density Residential zone with a minimum lot size of 4,000 sqm. This area could yield approximately 160 lots subject to master planning for staging of subdivision and infrastructure delivery.

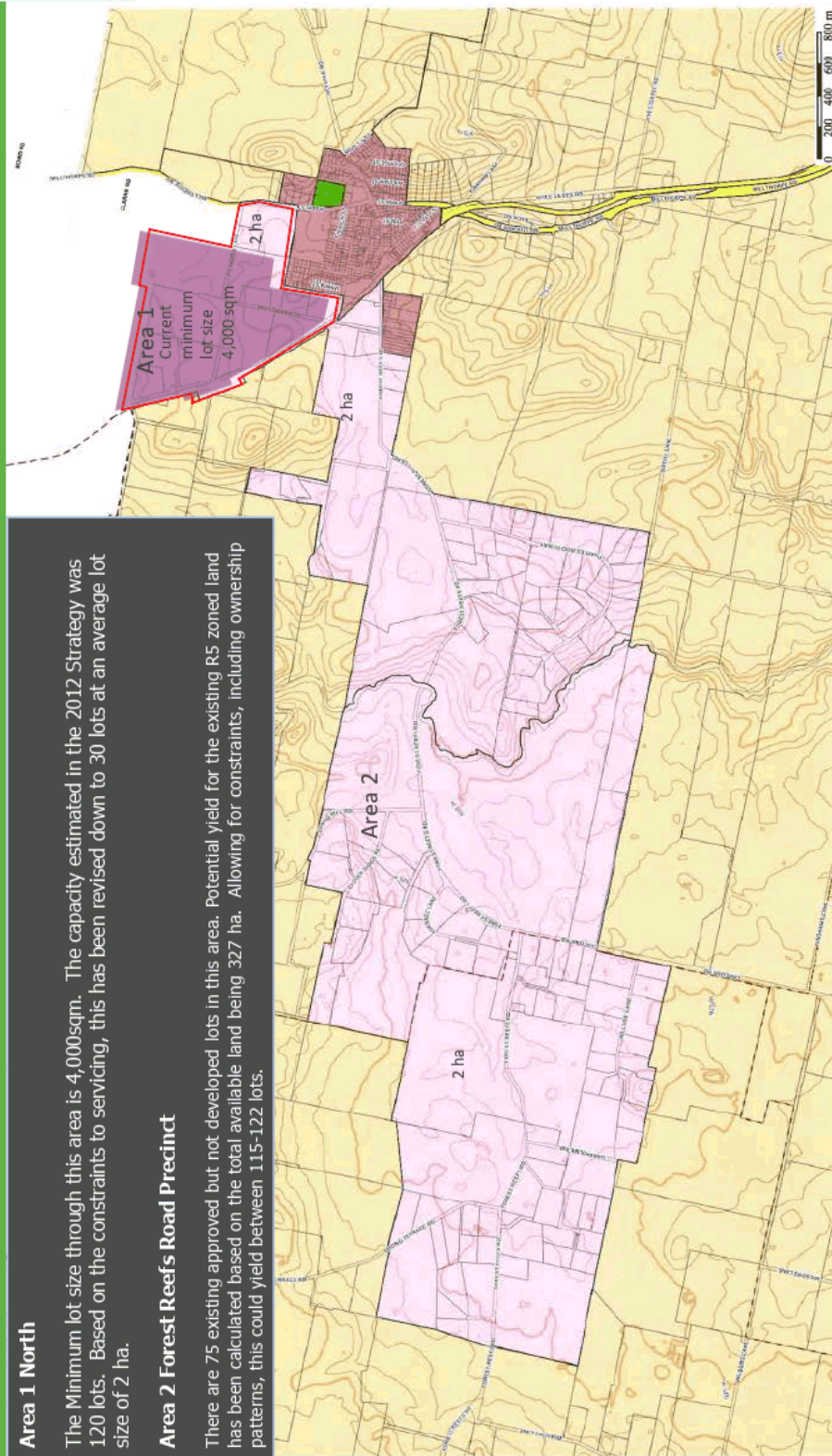
Lot Residential North Millthorpe / Millthorpe West / Forest Reefs

Area 1 North

The Minimum lot size through this area is 4,000sqm. The capacity estimated in the 2012 Strategy was 120 lots. Based on the constraints to servicing, this has been revised down to 30 lots at an average lot size of 2 ha.

Area 2 Forest Reefs Road Precinct

There are 75 existing approved but not developed lots in this area. Potential yield for the existing R5 zoned land has been calculated based on the total available land being 327 ha. Allowing for constraints, including ownership patterns, this could yield between 115-122 lots.



Barry

Vision (from Community Plan 2018-2020)

"Barry and Hobbys Yards are peaceful heritage villages surrounded by productive sustainable farming land with room for growth. The meeting place for a creative and engaged community and home to many families enjoying a rural lifestyle."

Character & Planning Controls, Servicing

Key residential & tourist typologies	Detached dwellings on single lots
Land use zoning	R5 Large Lot Residential
Permitted residential typologies	Dual occupancies, Dwelling houses
Minimum lot size	2000sqm and 8000sqm
Lot sizes	Predominantly 2000 – 2100sqm
Setbacks	Front: 8m; Side: 3 m; Rear: 6m
Heritage	Cottages to the north east
Servicing	None

Village Overview

Barry benefits from good accessibility to Blayney town and associated services and employment. However, its location further afield from Bathurst and Orange make it less likely to benefit from growth in those regional centres than other settlements in Blayney Shire.

There are limited natural hazards and constraints in the village – much of the village is relatively flat and free from flood and bushfire threats. However, land closer to Coombing Creek may experience flooding.

The village is in the drinking water catchment for Lake Rowlands, the primary water source for Blayney. Therefore, extra precaution is required as Barry is not sewered.

Lack of centralised water, sewer, high voltage electricity and patchy phone and internet constrain business potential.

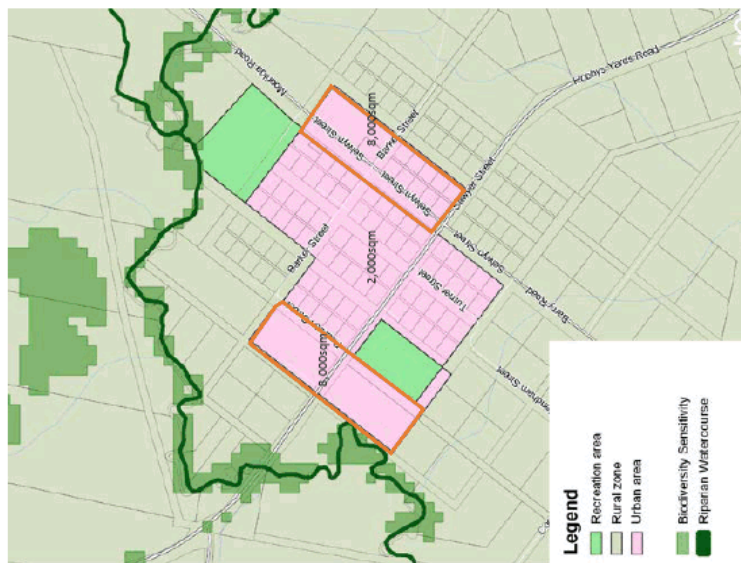
In 2012 it was identified that land supply exceeded demand, with potential for up to 39 additional dwellings under current controls.

Indications from current comparisons of landholding and vacant land overleaf suggests that most of this capacity remains.

Who lives here?

Barry village has a very small population of approximately 93* people and has exhibited very limited growth from 2006 – 2016, while approximately 167 people live in the broader statistical division. Generally, the area has an ageing population with more one and two person households between 2006 – 2016.

*Estimated population not including people living on surrounding rural land



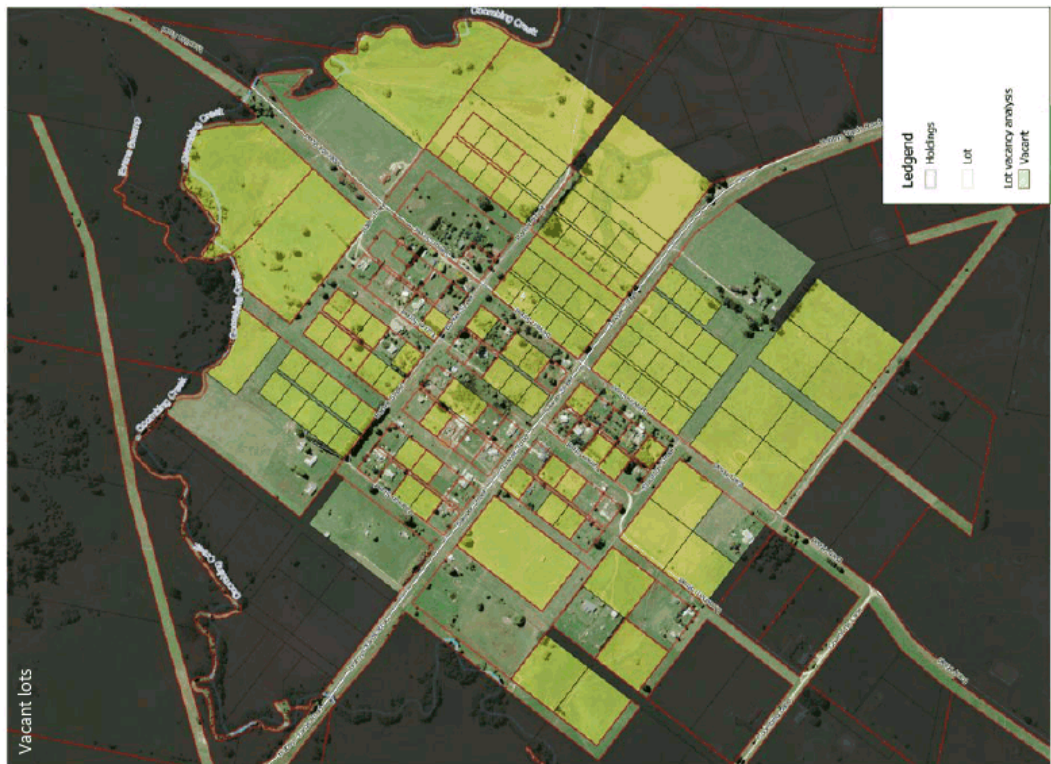
Key recommendations of the 2012 Settlement Strategy

- Replace 'village zone' with large lot residential to negate the issue of oversupply of urban land – implemented
- Changes to the MLs, rural centre core 2000m2 and rural centre periphery 8,000m2 – implemented
- Remove the surrounding roads from the large lot residential zone – implemented
- Rezone land surrounding Barry environment protection zone or a drinking water catchment to provide additional controls to protect water catchment quality – implemented as drinking water catchment

What we heard in consultation

- Generally for the smaller villages, growth was considered desirable in order to ensure economic viability as well as opportunities for families to find affordable and suitable accommodation.
- Combination of infill — taking advantage of underutilised landholdings — and growth outside the existing urban boundary for large lot residential should be used to accommodate growth.

Barry



Carcoar

Vision (from Community Plan 2018-2020)

"Living and celebrating our history, culture and rural lifestyle we are a welcoming and prosperous community."

Character & Planning Controls, Servicing

Key residential & tourist typologies	Detached dwellings on single lots Bed and breakfast Pub / hotel accommodation
Land use zoning	RU5 Village and R5 Large Lot Residential
Permitted residential typologies	RU5: Dwelling houses R5: Dual occupancies, Dwelling houses
Minimum lot size	3000sqm, 6000sqm and 2 ha
Lot sizes	Most lots are between 1,900 and 2,100sqm
Setbacks	RU5 Front: 4.5m; Side: 900mm; Rear: 1.5m R5 Front: 8m; Side: 3m; Rear: 6m
Heritage	A Heritage Conservation Area covers the whole town with many heritage items concentrated in the town centre
Servicing	Water only Potential for sewer medium-long term

Key recommendations of the 2012 Settlement Strategy

- Extend RU2 zone to align with property boundaries – implemented.
- Extending village zone to include railway station and surrounding roads and parks from village zone – implemented.
- MLS of village zone to be 3,000 MLS – implemented.
- New R5 zones to the north west, east of the highway and to the south – implemented.
- R5 MLS for the south and east and the lower north west is 6,000m².
- Upper north west MLS is 2ha – implemented.

Village overview

Carcoar's opportunities lie in its location and its rich and heritage and its natural beauty.

Being just 15kms from Blayney and located on the Mid-Western Highway, residents enjoys relatively easy access to Blayney and regional towns of Orange and Bathurst.

The intact heritage streetscapes, individual heritage items, scenic and landscape setting and its impressive topography combine to create a strong potential for Carcoar to grow its tourism industry and attract future residents. Despite these attractions, the village has experienced population decline over the past 10 years.

The village has access to Lake Rowlands for potable water supply and possesses significant vacant land within the village zone which could be used to meet foreseeable demand.

The steep topography makes development difficult, increases associated costs and creates overland flow issues, and represents a barrier to housing supply. However, the village has the option to expand to the north. This area has gentler gradients and, though adjacent to village, is outside the core scenic and heritage protection areas.

The village does not have a reticulated sewer services, which acts to restrict any reduction of lot sizes due to the on-site disposal requirements. This limits the potential for infill development. Additional constraints include flooding potential, the lack of public transport to and from Blayney town and the lack of electricity infrastructure on some streets.

What we heard in consultation

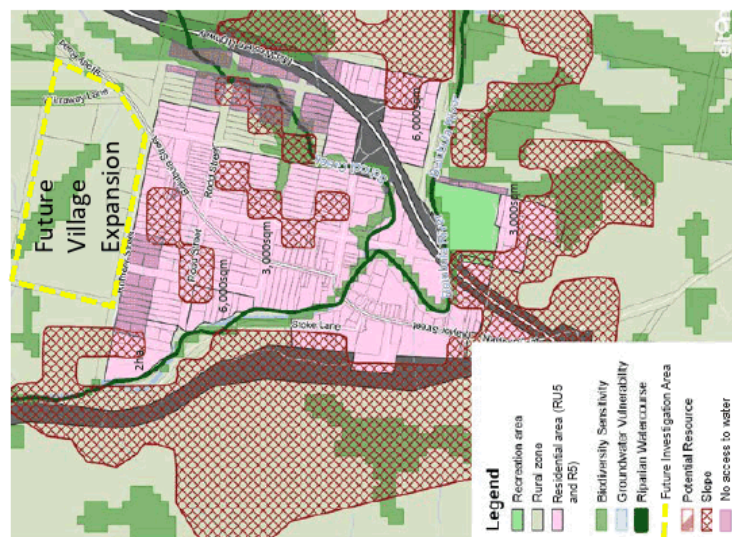
- Current demand cannot be satisfied through the existing housing stock.
- Preference for new development to occur away from the core, to retain heritage character.
- Opportunities included:
 - Infill in the area contained by Belubula / Jones and Rodd Streets;
 - To the north around Cemetery Road; and
 - East of Ivory Street, to take advantage of views of the river and hills.

Who lives here?

In 2016, approximately 185* people lived in Carcoar. The population has decreased by 25 people from 2006:

- An older population, close to 70% of residents aged between 50 to 84 years.
- Families with children are strongly represented (55%), but declining over past 10 years.
- Most family households are 2 people (almost 43%).
- An older population and declining family with children households is a steady trend over the past 10 years.

*Estimated population not including people living on surrounding rural land



Carcoar



Lyndhurst

Vision (from Community Plan 2018-2020)

"We are a growing, vibrant and thriving rural centre – a welcoming place where people choose to live with a strong sense of community spirit and cohesiveness."

Character & Planning Controls, Servicing

Key residential & tourist typologies	Detached dwellings
Land use zoning	RUS Village and R5 Large Lot Residential
Permitted residential typologies	RUS: Dwelling houses R5: Dual occupancies, dwelling houses
Minimum lot size	RUS: 1000sqm R5: 3500sqm and 1ha
Lot sizes	In the R5 zone, lots are typically 1,700sqm or around 3,500sqm. In the RUS zone, lots range from 600sqm up to 3,700sqm.
Setbacks	RUS: front setback 4.5m and 900mm for side and 1.5m rear R5: 8m front setback, 3m side and 6m rear
Heritage	Much of the RUS village zoned area is comprised of heritage items, particularly along Queen Street, Russart Street, Marsden Street and part of Terminus Street
Servicing	Water only Potential for sewer medium-long term

Key recommendations of the 2012 Settlement Strategy

- Rezone land along Grubbenbun Creek to general rural due to the land being subject to flooding and drainage issues – implemented.
- Rezone the village zone west of the creek R5 due to oversupply of urban land - implemented.
- East of the creek rezone southeast area to R5 to prevent further development in flood prone land - implemented.
- West Lyndhurst MLS 3,500m² and east Lyndhurst MLS 1ha – implemented.
- Village MLS 1,000m² – implemented.

Village overview

Lyndhurst is close and accessible to the regional centres of Cowra, Blayney, Bathurst and Orange.

It has a great local school and affordable housing, which is attractive to families. It also has a range of facilities including recreational grounds, a fire station, a hotel, tennis courts, a campground and sporting clubs.

The recreation ground requires some upgrades and Lyndhurst does not have a medical practice, police station, public transport or a post office. It has no aged or self-care accommodation options.

There are many vacant lots in Lyndhurst, however much of the village is held in common ownership.

In previous consultation, it was observed that these holding patterns are limiting land availability and the ability to grow or attract families seeking a rural lifestyle.

Need to explore how Lyndhurst can encourage growth and to provide opportunities for housing.

What we heard in consultation

- growth was considered desirable in order to ensure economic viability as well as opportunities for families to find affordable and suitable accommodation.
- Combination of infill—taking advantage of underutilised landholdings—and growth outside the existing urban boundary for large lot residential should be used to accommodate growth.
- Rezoning to R5 was suggested to the north, south and east in Lyndhurst

Who lives here?

In 2016, 267 people lived in Lyndhurst. There has been an increase of 9 people from 2006:

- Family households are dominant (close to 75%).
- Retired and ageing couples are well represented:
 - Almost 50% of residents are 50 years and older.
 - Family households without children are the most represented family household type (approx. 54%).
- Representations of age groups and family households have been a steady trend over the past 5 years. (ABS Data)



Lyndhurst



Mandurama

Vision (from Community Plan 2018-2020)

"That Mandurama is a prosperous and thriving growing community. We are a welcoming, friendly and cohesive community located in a picturesque, conveniently located area of the beautiful central west of NSW."

Character & Planning Controls, Servicing

Key residential & tourist typologies	Detached dwellings, hotel
Land use zoning	RUS Village and R5 Large Lot Residential
Permitted residential typologies	RUS: Dwelling houses R5: Dual occupancies, dwelling houses
Minimum lot size	RUS: 1000sqm R6: 4000sqm (south west of the village) and 2ha (on the other side of the railway line)
Lot sizes	Regular lot size pattern. Typical lot sizes in Mandurama are around 500sqm and 1000sqm, which make up around 75% of lots in the village.
Heritage	There are heritage items scattered throughout Mandurama and a cluster around the intersection of Olive and Gold Streets
Servicing	Water only Potential for sewer medium-long term

Key recommendations of the 2012 Settlement Strategy

- Land north of Gold Street to be rezoned Rural due to flooding – implemented
- Land to the north west of existing village be rezoned R5 due to oversupply of urban land – implemented.
- New R5 zoned land to the east of the railway – implemented.
- MLS of north west R5 to 4,000m² MLS of east R5 2ha – implemented
- Village MLS 2,000m² – not yet implemented.
- Add a structure plan for business and industrial land in the DCP – not implemented.

Village overview

Mandurama is an affordable location in terms of rent and land, and the community seeks to promote the village as an affordable and pleasant place to live. It has a pub, local general store, 24 hour fuel and community services including the police station, Mandurama Hall, Primary School, Preschool/Childcare, CWA rooms and heritage listed churches.

It seeks to take advantage of its highway location, both in terms of encouraging tourism stops or stays. However, there are a number of vacant, untidy blocks, empty houses and dumped cars that are not attractive.

There are many vacant blocks in Mandurama, and most of the housing is concentrated around Banana, Olive and Loquat Streets. There is a pattern of landowners owning multiple lots and locating their house across lots. Existing vegetation and biodiversity is a key constraint.

Much of Mandurama is held in common ownership. Most of the lots north-west of Peach Street are held by one owner, and indeed a significant proportion of the vacant supply is held by this one landowner. However, a number of these lots contain vegetation.

What we heard in consultation

- Growth was considered desirable in order to ensure economic viability as well as opportunities for families to find affordable and suitable accommodation.
- Combination of infill — taking advantage of underutilised landholdings — and growth outside the existing urban boundary for large lot residential should be used to accommodate growth.
- Expansion potential to the north east and north west of Mandurama as R5.

Who lives here?

In 2016, 492 people lived in Mandurama (town centre and surrounds):

- Most residents are over 50 years of age (close to 47%).
- Strong representation of families with children (approx. 45%):
 - Younger than 20 years of age (approx. 20%)
 - Between 35 to 49 years of age (approx. 20%)
- Representations of age groups and families with children have been steady over the past 5 years. (ABS Data)



Mandurama



Neville

Vision (from Community Plan 2018-2020)

"Neville is a peaceful village surrounded by the natural environment and fertile agricultural land, home to a friendly and happy community enjoying a sustainable rural lifestyle."

Character & Planning Controls, Servicing

Key residential & tourist typologies	Detached dwellings, hotel
Land use zoning	RUS Village and R5 Large Lot Residential
Permitted residential typologies	RUS: Dwelling houses R5: Dual occupancies, dwelling houses
Minimum lot size	RUS: 2,000sqm R5: 4,000sqm and 1.25ha (southern most R5) RU1: 100ha
Lot sizes	Combination of small and larger residential lots sizes. Typical lot sizes are around 1600sqm and 2000sqm.
Setbacks	RUS front setback 4.5m and 900mm for side and 1.5m rear R5 8m front setback, 3m side and 6m rear
Heritage	There are heritage items along Crouch and Moorilda Street.
Servicing	None

Village overview

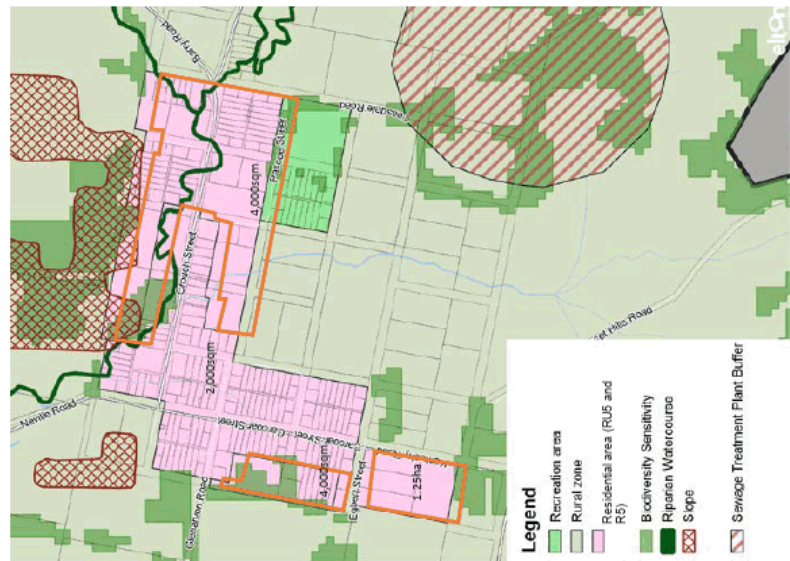
Neville has a significant amount of vacant land supply. In the last 10 years, Neville's population has contracted. If this trend continues, it is unlikely that Neville would require any additional land release within the life of the Strategy.

However, the community is seeking to promote the village as an affordable place to live. Accommodating any additional households in Neville would rely on landowners selling lots.

As can be seen in the maps, it is common for landowners to own many lots adjacent to their house.

Who lives here?

- In 2016, 241 people lived in Neville. From 2006, the population of Neville has dropped 126 people:
- Majority of residents are over 50 years of age (close to 45%).
 - Most family households are couples with children (approx. 54%).
 - There has been a steady trend in residents aged between 50-64 and over 85, and a slight decline in residents aged 65-84 over the past 10 years.
 - The representation of family households is declining.



What we heard in consultation

- Growth was considered desirable in order to ensure economic viability as well as opportunities for families to find affordable and suitable accommodation.
- Combination of infill—taking advantage of underutilised landholdings—and growth outside the existing urban boundary for large lot residential should be used to accommodate growth.
- Potential identified for expansion to the west of the RE1 zone in Neville as R5.

Key recommendations of the 2012 Settlement Strategy

- Reduce the village zone to 37 ha to address issue of oversupply of urban land – implemented.
- Change all land previously village zone to R5 – implemented.
- New 6.3ha of R5 to the south of village – implemented.
- Proposed village MLS is 2,000m² – implemented.
- A MLS of 4,000m² for the east and west R5 zones – implemented.
- A MLS of 1.25ha for the south R5 zone – implemented.

Neville



Newbridge

Vision (from Community Plan 2018-2020)

"We are a vibrant and pro-active community with a celebrated history. Our unique local events and activities provide a welcoming family friendly atmosphere to residents and visitors. We offer great country hospitality."

Character & Planning Controls, Servicing

Key residential & tourist typologies	Detached dwellings, Hotel
Land use zoning	RU5 Village; R5 Large Lot Residential
Permitted residential typologies	RU5: Dwelling houses R5: Dual occupancies, dwelling houses
Minimum lot size	1600sqm and 4000sqm
Lot sizes	Varying lot sizes. 25% of the lots are 1000-1200sqm, a further 20% are 700-800sqm and a range of smaller and larger lots.
Setbacks	RU5 front setback 4.5m and 900mm for side and 1.5m rear R5 8m front setback, 3m side and 6m rear
Heritage	There is a heritage conservation area over the town with heritage items clustered around the intersection of Trunkley and Toomey Streets and extending along Trunkley and Caloola Streets
Servicing	None

Key recommendations of the 2012 Settlement Strategy

- Extension to the R5 zone to the north to include the church and school – implemented.
- New R5 zones to the south and east – implemented southern area is larger than recommendation.
- To extend the village by two lots in south west corner – implemented.
- M.L.S of 1,600m² in the village zone – implemented.
- M.L.S for R5 is 4,000m² – implemented.
- Include a structure plan for business and industrial land in the DCP – not implemented.

Village overview

Newbridge's population is growing, and this growth may continue, particularly with the building of the new bridge over the rail line which will improve access and connectivity particularly for the northern portion of Newbridge, and remove a 20km detour. However, Newbridge's public school closed in 2011.

The key challenge for Newbridge is if there is further demand for growth, where that growth could occur.

While there is a significant amount of vacant land in Newbridge, most of this is held in common ownership. As a result, there is a challenge to attract further growth with existing landownership patterns. This was identified in recent community consultation, where a 'threat' for Newbridge was that the lack of village expansion is limiting new housing development opportunities.

Most of the lot sizes are already smaller than the minimum lot size. However, as noted above, many of the lots do not have a dwelling on them but are held in common ownership.

There is an opportunity for Council to work with landowners to explore development opportunities on existing vacant lots.

What we heard in consultation

- Growth was considered desirable in order to ensure economic viability as well as opportunities for families to find affordable and suitable accommodation.
- Combination of infill-taking advantage of underutilised landholdings—and growth outside the existing urban boundary for large lot residential should be used to accommodate growth.
- Potential to expand to the north and south

Who lives here?

In 2016, 207 people lived in Newbridge. Since 2006, the population has more than doubled to 111 people:

- Majority of people are 50 years and older (almost 63%).
- Family households are the dominant household type (almost 58%), most are families with children:
 - Between 25 to 44 years (approx. 19%).
 - Younger than 20 years of age (16%).
- Family households with children have decreased over last 5 years.
- Representations of couples without children and people over 65 years have increased over the past 5 years.



Newbridge



3 The Evidence

The following section provides the evidence base for the Strategy. It includes a summary of the demographic and population analysis, housing supply and demand, the opportunities and constraints to the delivery of housing and the identification of areas that have capacity for further development.

3.1 Demographic overview

3.1.1 Population

The current estimated population of Blayney Shire in 2018 is 7,342.¹ The estimates are based on the Australian Bureau of Statistics (ABS) Census data and updated by ABS in June each year.

Settlements

In 2016, Blayney town had the highest estimated resident population of 2,963² people, followed by Millthorpe with 738 people. The statistics used for the remaining villages were those collected by the ABS and based on large geographic areas, rather than being limited to the urban area of the villages. Assumptions have been made as to the proportion of the population in these areas living in the village and those living in the surrounding rural areas.

Assumptions have also been made in the table as to the balance of the population who are living outside these statistical areas based on a desktop assessment of density using aerial photography and household occupancy rates.

Table 4 Population trends by Settlement 2006-2016

Village town centres	2006	2011	2016	Change 2006-2016		
				No.	%	Av. ann. (%)
Barry ¹	N/A	98	93	-5	-5.1%	-1.1%
Blayney [^]	2,753	2,768	2,963	195	7.1%	0.7%
Carcoar	218	215	200	-15	-7.1%	-0.7%
Lyndhurst	258	210	236	-22	-8.5%	-0.9%
Mandurama	155	217	216	61	39.4%	3.4%
Millthorpe*	725	737	735	10	1.37%	0.18%
Neville ¹	N/A	118	134	16	13.1%	1.3%
Newbridge	88	73	86	-2	-2.3%	-0.2%
Total urban and village	4,197	4,436	4,663	466	11.1%	1.1%

¹ Source: Remplan <https://app.remplan.com.au/blayney/economy/summary>

² ABS Community Profile Blayney (UCL115018)

Village town centres	2006	2011	2016	Change 2006-2016		
				No.	%	Av. ann. (%)
Forest Reefs (Forest Reefs and surrounding area, including Forest Reefs large lots residential area)	466	465	517	51	10.9%	1.09%
Millthorpe outskirts (includes Millthorpe West to Carcoar Road)	N/A	372	518	146	39.2%	3.92%
Other rural (does not include Millthorpe outskirts or Forest Reefs)	1,931	1,708	1,650	-281	-14.5%	-1.45%
Blayney LGA Total*	6,594	6,985	7,259	663	10.1%	1.0%

Source: REMPLAN

Note 1: Number, percentage of change and average annual growth shown for Barry and Neville is the 5-year period from 2011 to 2016. The 2006 CD boundary was too great a variance to provide consistent data.

*Millthorpe, considering the urban expansion, does provide a relatively comparable 2006 CD with the two SA1's in 2011 and 2016. However, these variances have likely impacted the overall totals meaning that there is a slight variation in number of people compared to whole of LGA data by approximately 4 people.

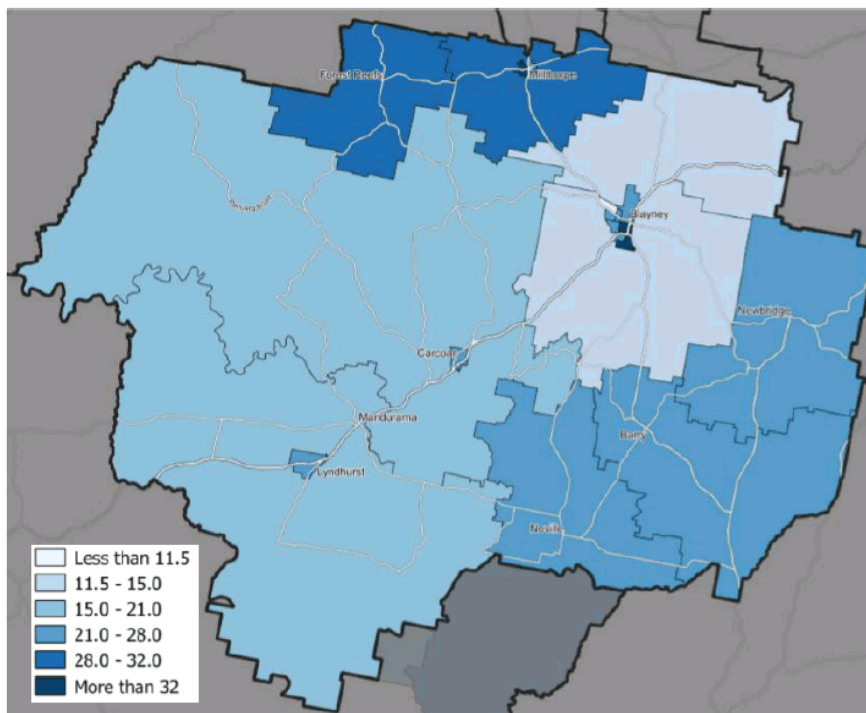
3.1.2 Mobility

Blayney has a relatively mobile population. The data indicates that 30% of the usual resident population in Blayney Shire (excluding children under 5) moved from outside the area between 2011 and 2016. This equates to approximately 2,000 people. Mobility was also high within the Shire with 13% of the population moving house within the Shire. This level of mobility was most evident in Blayney and Millthorpe towns.

In Blayney 53.6% of the resident population were not in the same dwelling and 37% have moved from outside the area. In Millthorpe 47.8% of the resident population were not in the same dwelling and 39% have moved into the Shire since 2011.

The mobility between 2001 and 2016 is illustrated below.

Figure 3 Inward migration % change 2011-2016



3.1.3 Age distribution trends

In 2016, approximately 40% of the total Blayney Shire population were aged 50 years and over (compared with 34% for NSW), and this cohort has increased the most over the 2006-2016 period, highly indicative of an ageing population. Over the same period there has been marginal growth in the number of babies, pre-school aged children and school aged children.

Blayney's population aged over 65 is anticipated to grow by 36% or 500 people to 1,900 by 2036. By 2036, the over 65 population would comprise 24% of the population, up from 19% today (refer Table 8) based on DPIE forecast projections.

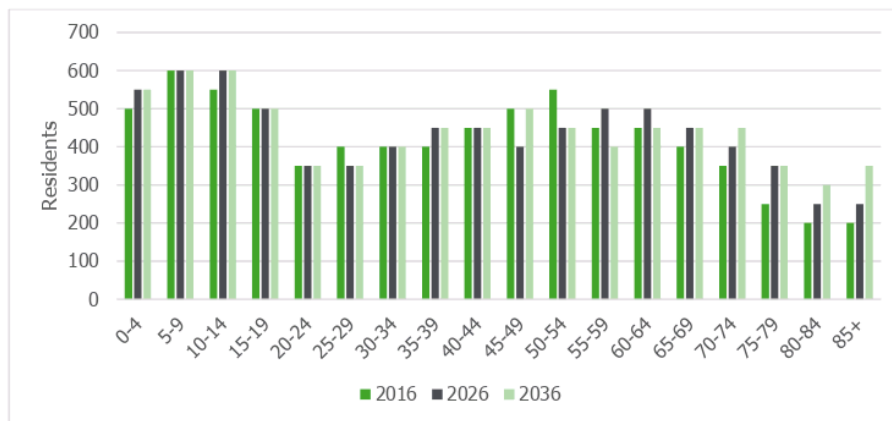
Persons aged between 20 to 34 are the lowest represented age groups in Blayney Shire. However, there has been a steady increase over the 2006 – 2016 period, likely as a result of attraction to employment opportunities in major projects.

These trends and predicted changes are represented in Figure 4 and Figure 5 below.

Figure 4 Population age distribution 2006 - 2016



Figure 5 Forecast population age trends 2016 - 2036



3.1.4 Households

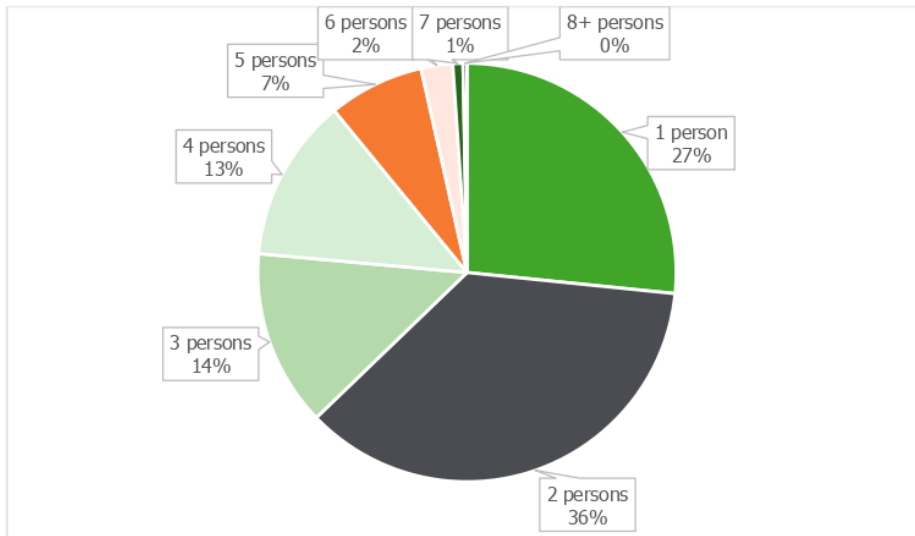
One and two-person households comprise the majority (63%) of all households in the Shire, and across the settlements. This proportion has been increasing over the decade to 2016 and this trend is expected to continue.

Blayney Shire

In 2016, most households (dwellings) in Blayney consisted of one person (27% of all households) or two people (36% of all households). The remaining 37% of households – most of which are likely to represent parent and children arrangements – are composed of three people (14%), four people (13%) or five people or more (10%). The average number of people per household has declined slightly between 2006 and 2011, from 2.6 to 2.5 persons per household. However, it remained at 2.5 persons per household from 2011 to 2016.

The number of people and their size of household is shown in **Figure 6**.

Figure 6 Number of people per household 2016



Settlements

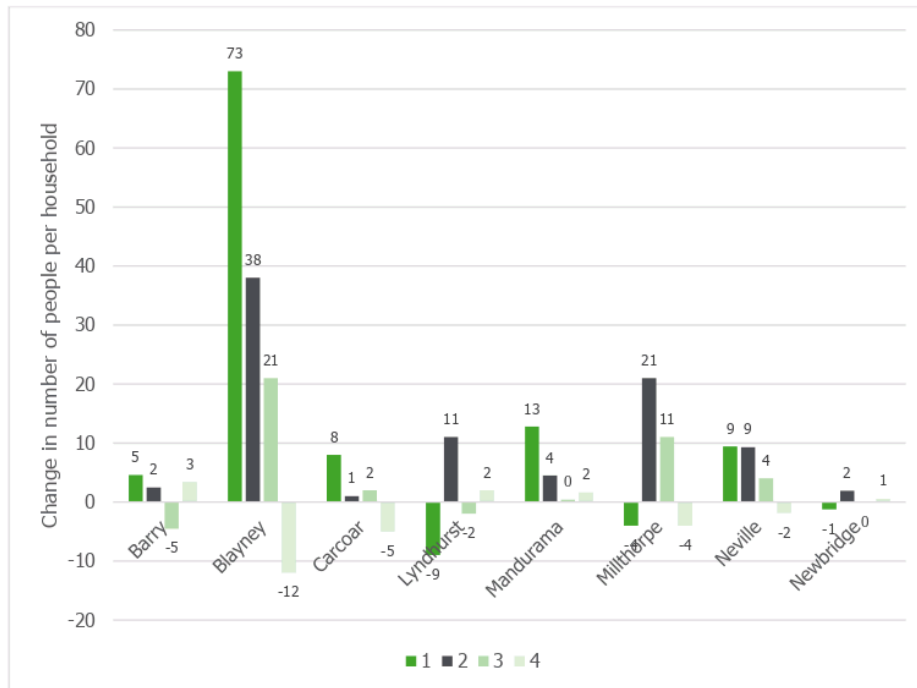
In 2016, two-person households represented the most common household composition across all eight settlements, followed closely by one person households. The number of households containing three or more people accounted for an average of just 30% of dwellings across the settlements.

As the vast majority of households are four persons and under, the scope of investigation into the trend of household size since 2006 has been refined to one, two, three and four person households. This is shown in **Figure 7**.

Between 2006 and 2016, the most notable trend has been the significant increase in smaller households (dwellings containing one and two persons). On average, the number of three-person households increased only slightly, while the number of four-person households declined.

While some reduction to one and two household person size may be the result of natural lifecycle factors (children leaving home or a partner dying), it is clear that Blayney has attracted one and two person households. Millthorpe appears to have attracted couple only households.

Figure 7 Change in people per household 2006-2016



3.1.5 Household Characteristics

The average household size in 2016 was 2.5 persons. Most family households with children had between one to three dependent children in 2016 (74%) with two children being the most common nomination (326 families or 30%) closely followed by family households with one child. There was a notable decline in the overall number of family households that have no dependent children living at home. This aligns with the broader trend towards an older population and increase in “empty nesters”.

3.1.6 Dwelling Characteristics

In 2016 there were 2,645 occupied private dwellings in Blayney Shire with a further 350 unoccupied private dwellings. This represents an increase of 391 occupied private dwellings and a reduction of 61 unoccupied private dwellings since 2006.

Separate houses are by far the dominant dwelling structure across the Shire. In 2016, they accounted for 94% of all dwellings. 4% of dwellings were classified as medium density, down from 5.6% (33 dwellings) since 2006. The remaining 2% were listed as other (25 dwellings), caravan, cabin, houseboat (16 dwellings) or not stated (30 dwellings).

Most dwellings in Blayney Shire are either three (approx. 40%) or four bedrooms (approx. 28%) Similar representations are seen across all settlements.

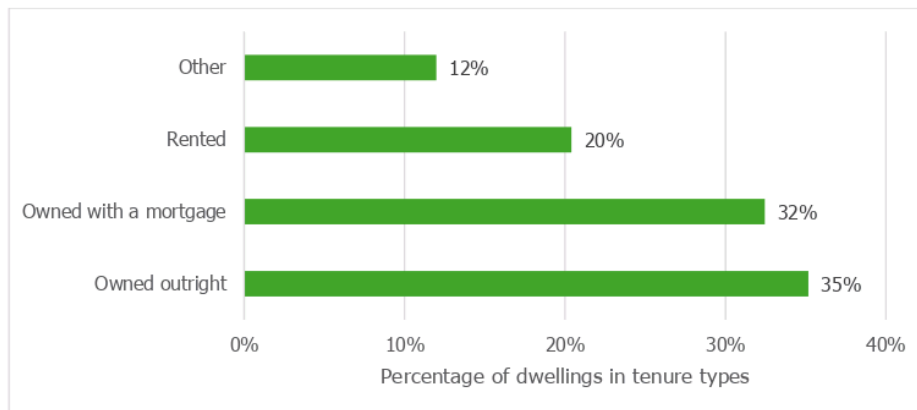
The statistics indicate a reduction in the number of attached dwellings such as row houses. The key reason for this is likely to be the change to the way in which dwelling typology is interpreted

by the ABS.³ However, the classification of some dwellings as short-term accommodation may also be a contributing factor.⁴

In terms of tenure, 67% of dwellings are owner-occupied, either outright or with a mortgage while 20% are rented. Since 2006, the proportion of dwellings owned outright has decreased by 6%. The proportion of dwellings owned with a mortgage or rented has remained static.

Although the number of rental properties has remained static (14 extra dwellings), as a proportion of overall stock the number of rental properties declined.

Figure 8 Types of tenure in Blayney Shire LGA 2016



Rental accommodation remained steady between 2011 to 2016 with 14 extra dwellings on the rental market. However, this means as a percentage of housing stock, rental accommodation declined.

3.1.7 Employment

As of the 2016 Census, the largest employers within the Blayney Shire were agriculture, mining and manufacturing with particularly strong growth in mining increasing to 5% in 2016. This increase in mining employment could be a factor in the inward migration noted above. The other notable increase is in health care and social assistance which may be linked to a combination of the access to employment in Orange where there has been growth in the health services industry and more generally, the increase in demand for these services as the population continues to age.

Table 5 Industry sector of employment

LGA	2011		2016	
Industry sector	Number	%	Number	%

³ ABS, <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2900.0main+features101352016> – refer to Data Usage section of this page

⁴ ABS, <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/2900.0~2016~Main%20Features~NPDD%20Type%20of%20Non-Private%20dwelling~10131>

LGA	2011		2016	
Agriculture, Forestry and Fishing	396	14.41%	367	12.3%
Mining	530	19.29%	661	22.6%
Manufacturing	328	11.94%	356	11.9%
Electricity, Gas, Water and Waste Services	34	1.24%	29	1.0%
Construction	249	9.06%	218	7.3%
Wholesale Trade	91	3.31%	84	2.81%
Retail Trade	138	5.02%	176	5.9%
Accommodation and Food Services	122	4.44%	149	5.0%
Transport, Postal and Warehousing	121	4.40%	76	2.6%
Information Media and Telecommunications	3	0.11%	9	0.3%
Financial and Insurance Services	21	0.76%	10	0.3%
Rental, Hiring and Real Estate Services	28	1.02%	20	0.7%
Professional, Scientific and Technical Services	83	3.02%	82	2.7%
Administrative and Support Services	69	2.51%	65	2.2%
Public Administration and Safety	91	3.31%	100	3.3%
Education and Training	172	6.26%	182	6.1%
Health Care and Social Assistance	146	5.31%	180	6.0%
Arts and Recreation Services	13	0.47%	12	0.4%
Other Services	113	4.11%	101	3.4%
Total	2,748	100%	2,991	100%

Australian Bureau of Statistics, Census of Population and Housing, 2011 and 2016 (Usual residence data).

The three major employment generating projects for both temporary and longer-term housing need are:

- » Cadia Valley Gold Mine (operational); and
- » The Flyers Creek wind farm (expected to generate more short-term accommodation requirements than longer-term).

These projects will concentrate housing demand in the north of the Shire, particularly Blayney and Millthorpe. However, they could also increase demand in Newbridge.

The McPhillamy’s Gold Project would also generate temporary and longer term housing needs if approved.

3.1.8 Household income

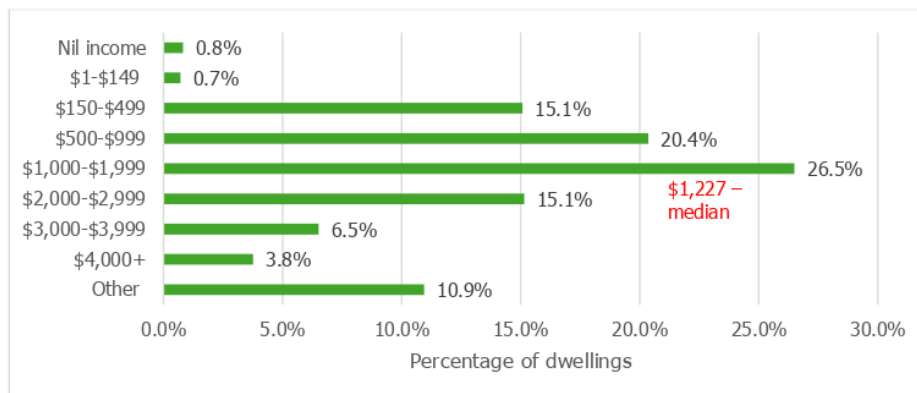
Blayney Shire

Blayney Shire’s median weekly household income is \$1,277 (refer Figure 9). This is slightly lower than the median weekly household income for Orange LGA (\$1,295) and Cabonne LGA (\$1,301) and Greater Sydney (\$1,750). The median weekly personal income for the Shire was \$620.

The median household income distribution indicates that the northern part of the Shire has high household incomes, surpassing that of the average household income for the Greater Sydney Region. The rural land around Blayney also exhibits a high household income profile, but the Blayney township itself is near the average or below of the Shire.

For areas more remote from the key regional hub of Orange, there is a strong indication of household incomes well below the median in the Shire. The proximity to Bathurst LGA does not appear to have the same household income driver.

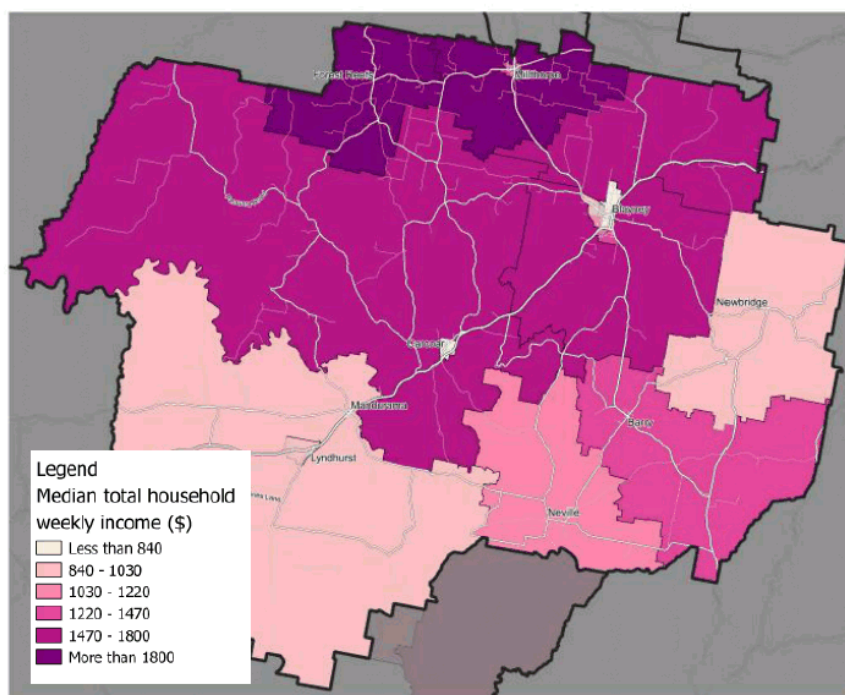
Figure 9 Median weekly household income in Blayney Shire 2016



Source: REMPLAN and ABS Blayney Shire LGA census data, 2016 Settlements

The relative of household incomes is provided in the following mapping.

Figure 10 Average household income



Settlements

In 2016, only Millthorpe and the surrounding area, including Millthorpe West / Forest Reefs recorded a majority of income earners with weekly incomes higher than the Blayney Shire median of \$620. Millthorpe along with Barry and Newbridge showed a close to even split between incomes earning either below or above \$600 per week (approx. 50/50). The \$600 income mark has been chosen to indicate people close to or above median income to grow greater distinction between settlements. In general, this indicates that the further south the settlement, the more likely it is to have residents with lower personal income.

Table 6 Income per week by settlement 2016

Town centres	Number of people earning less than \$599/wk		Number of people earning more than \$600/wk	
	No.	%	No.	%
Barry	90	52%	83	48%
Blayney	1,164	57%	872	43%
Carcoar	115	68%	54	32%
Lyndhurst	109	68%	52	32%
Mandurama	205	63%	123	36%
Millthorpe	232	44%	293	56%

Town centres	Number of people earning less than \$599/wk		Number of people earning more than \$600/wk	
	No.	%	No.	%
Neville	99	64%	56	36%
Newbridge	64	51%	62	49%

Rental and mortgage stress

In Blayney Shire, weekly median rents have increased by 57%, and monthly mortgage repayments have increase by close to almost 40% between 2006 and 2016 (refer Table 7).

Over the past five years the proportion of households in rental stress has increased significantly from 4.5% to 7.3%. This is significantly under the NSW average of 12.9% which is a concerning trend. Of more serious concern is that rents have risen dramatically in the Blayney Shire in the 2017/18 period by approximately 9% (refer to table 13) with the neighbouring LGAs of Orange and Cabonne only rising by 3% in the same period. Conversely, the proportion of households in mortgage stress has decreased from 7.5% to 5.3% (refer Table 8).

Increases in rental stress are likely to be a factor of short supply. The decrease in mortgage stress is likely to be a factor of some gentrification in the more populated northern portion of the Blayney Shire.

Table 7 Rental & mortgage repayments in Blayney Shire 2006-2016

	2006	2011	2016	Change	
				No.	%
Median weekly rent	\$140	\$165	\$220	+80	+57.1%
Median mortgage repayments	\$1,083	\$1,430	\$1,500	+417	+38.5%

Table 8 Changes in % rental & mortgage stress in Blayney Shire 2011-2016

	2011		2016		Change	
	Blayney Shire	NSW	Blayney Shire	NSW	Blayney Shire	NSW
Rent payments < 30% of household income	95.5%	88.4%	92.7%	87.1%	-2.8%	-1.3%
Rent payments > 30% of household income	4.5%	11.6%	7.3%	12.9%	+3.2%	+1.3%
Mortgage payments < 30% of household income	92.5%	89.5%	94.7%	92.6%	+2.2%	+3.1%
Mortgage payments > 30% of household income	7.5%	10.5%	5.3%	7.4%	-2.2%	-3.1%

3.1.9 Key Findings

The population of Blayney Shire is forecast to grow by up to 641 by 2036 to around 8,000. This will be largely concentrated in the towns of Blayney and Millthorpe.

The rate of population change will be dependent upon a range of factors that influence growth. These include the continued development of mining and renewable energy, maintaining the existing manufacturing base as well as agricultural enterprises. Proximity to Orange and Bathurst as well as Sydney, coupled with improvements in transport and communications is likely to result in additional migration into the Shire from tree changers. Changes in the way we do business, acceptance of the mobile workplace and continued pressure in terms of housing affordability in the metropolitan areas may also influence migration into the region.

The impact of the COVID 19 Global Pandemic is yet to be realised. Changes to the way people work may provide opportunities for further growth in the regions.

This Strategy needs to respond to community expectations and requirements for the provision of residential housing stock and infrastructure, taking into account changing demographics such as:

- » An increase in lone person households and declining household sizes;
- » High dwelling demand in Blayney and Millthorpe;
- » An aging population in all areas across the Blayney Shire;
- » An expected change in household types presents a mismatch with existing supply;
- » Inward migration trends indicate that these locations are the two key attractors; and
- » There are indications that these two locations are key attractors for one and two person households, as well as families. Therefore, delivery of smaller, village feel type housing for downsizers, will also unlock opportunity for housing stock suitable for families.

3.2 Housing Demand

The purpose of the Strategy is to ensure that there is sufficient land made available for housing. To determine whether there is sufficient land available for residential development, it is necessary to understand the likely demand. Housing demand has been considered using both the population forecast provided by DPIE and the Council dwelling approvals data.

3.2.1 DPIE Population and Dwelling Forecasts

The following table provides an outline of DPIE's forecast dwelling demand in Blayney Shire. The implied additional dwelling demand, using the DPIE forecast from 2016 – 2036 is 300 dwellings. This equates to delivery of approximately 15 dwellings per year.

However, it should be noted that the total number of dwellings (occupied and unoccupied) as at the Census in 2016 was 3,189 dwellings, approximately 110 dwelling less than the implied dwelling demand outlined by DPIE.

If the dwelling demand predicted by DPIE at 2036 is used and the actual number of dwellings is used, then there would be a demand of approximately 410 additional dwellings. This equates to delivery of 20 – 21 dwellings per year.

Table 9 DPIE population and household projections, Blayney LGA

	2016	2021	2026	2031	2036
Total Population	7,450	7,600	7,750	7,900	8,000
Total Households	2,900	3,000	3,050	3,100	3,200
Average Household Size	2.51	2.49	2.49	2.47	2.46
Implied Dwellings	3,300	3,400	3,500	3,550	3,600

Source: DPIE Population and household projections, 2016. Note that these figures do not account for factors like major projects.

Dwelling approvals data has also been used to assist in determining future dwelling demand.

In terms of projections, the NSW Government release population projections for regional NSW including the Blayney Shire. It is acknowledged the forecasting population is challenging, particularly in smaller settlements where the loss or gain of one or two new families might equate to a change of 5% to the overall population and be the difference between a school remaining open.

Despite the challenges, monitoring of subdivision and dwelling approvals will continue to be important across all of the settlements to ensure that sufficient land remains available or can be released to accommodate growth.

Blayney Shire

In 2016, the usual resident population of Blayney Shire was 7,343⁵. The population had grown by 749 people since the 2006 census, representing an average annual increase of approximately 1.5%. The NSW DPIE projects that the Shire's population will grow to 8,000 people by 2036.

Table 10 Population change in Blayney Shire 2006-2036

Year ranges	ABS data	DPE projections data	
	2006-2016	2016-2026	2026-2036
Population (no.)	2006: 6,594 2016: 7,343	2016: 7,257* (ABS actual) 2026: 7,750	2026: 7,750 2036: 8,000
Population change (no.)	+749 people	+491 people	+250 people
Population change (%)	+15.2%	+6.8%	+3.2%
Annual average change (%)	+1.5%	+0.7%	+0.3%

Source: REMPLAN and NSW DPE population projections for Regional NSW LGAs 2016. Note that DPIE figures use a slightly higher population of 7,450 for 2016

3.2.2 Blayney dwelling approvals data – 2008/9 – 2019/20

A total of 415 dwelling approvals or Complying Development Dwelling Certificates were issued in Blayney Shire between July 2008 – June 2020, averaging approximately 35 dwellings per year. However, the dwelling approvals not in a village are related primarily to a sunset clause for

⁵ ABS 2016 Community Profile Blayney

dwelling entitlements on some rural zoned land. Therefore, there have been a number of applications for dwellings on this land (73 in total). Excluding the sunset entitlements, there were 342 dwelling approvals (including 10 dual occupancies), averaging 29 dwellings per year. Historic approvals data would indicate that there is demand for at least an additional 464 dwellings to 2036.

The majority of dwelling approvals have been in Blayney. The peak in 2011/12 included an unprecedented 22 dwelling approval in Lovejoy Avenue and Meek Streets following the release of land in that area. This indicates strong approvals following the release of land. A similar spike was experienced in Millthorpe around the same period coinciding with land release in Unwin Street with 8 dwelling approvals in that Street in 2012/13.

Figure 11 Dwelling Approvals

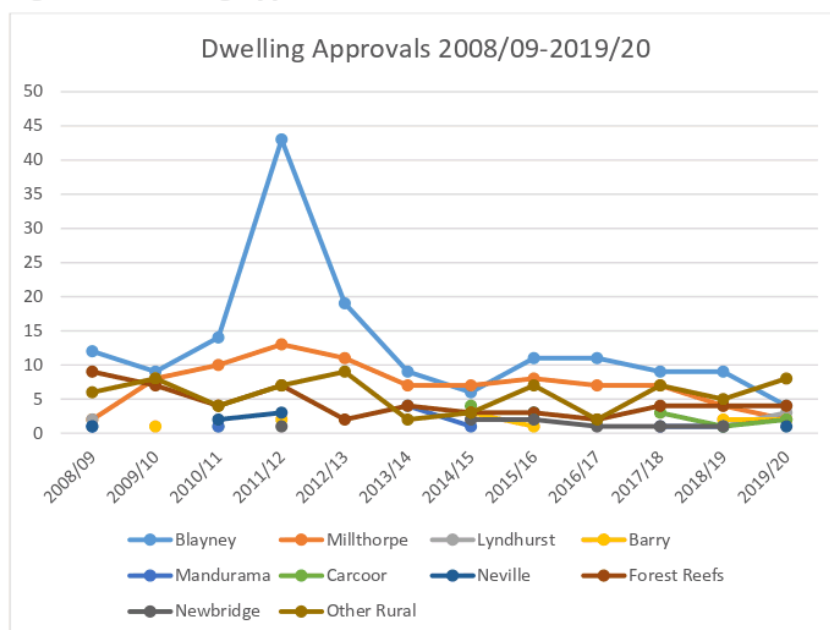


Table 11 Dwelling demand

Dwelling demand based on various scenarios (cumulative)	2021	2026	2031	2036
DPIE Implied Additional Dwellings	100	200	250	300
At 10-year average dwelling approvals (not deducting dwelling applications for dwelling on rural zoned land)	160	320	480	640
At 10-year average dwelling approvals (minus rural land)	125	250	375	400
Recommendation of target additional dwellings	140	280	420	560

Blayney and Millthorpe

As previously discussed, there is significant inward migration into the Shire over the last 5 years, particularly to the Millthorpe and the Blayney township. There has also been internal migration from the Shire to these locations, adding to the housing pressures.

Smaller villages

There has been minimal activity in other settlements. Smaller settlements are inherently less attractive for the majority of newcomers to the Shire for a range of reasons including; access to employment, education and social and community services. Although more affordable in terms of the price of land, there is, in most cases limited or no access to reticulated water and sewer infrastructure. These locations are complicated by the environmental requirements of septic systems which can be highly variable depending on site conditions. The lack of certainty and ownership patterns are key barriers to the on-going orderly development of the smaller settlements.

Specific target groups housing

Currently in the Blayney Shire there is a high prominence of single and couple-only households and a significant lack of supply of housing that are not large separate dwellings.

By 2036 there will be approximately 550 additional people over 65 likely needing housing that is smaller and more adaptable and close to services. This will exacerbate the current chronic lack of supply.

Blayney and Millthorpe should be key areas to deliver diverse housing opportunity, particularly for an ageing population and to deliver housing affordability.

Discussions with a seniors living/retirement village provider indicate that there are significant issues with feasibility in delivery of this kind of development that are not readily resolvable. Development costs for this type of development are typically \$360K per dwelling, well above the average sale price for dwellings in the Shire. As a result, it is difficult for organisations to develop a business case for this type of development.

Discussions with affordable housing providers has confirmed a need for affordable housing in the Shire, particularly in Blayney where social disadvantage is concentrated. Land would need to be provided at no or very low, cost (e.g. Council-owned land) to make the delivery of affordable housing a viable option. At this stage, no land has been able to be identified for this purpose.

The provision of alternative dwelling typologies, as well as other forms of residential accommodation such as seniors living or residential aged care should be considered to address a shortage in housing suitable for older people and address housing affordability.

3.2.3 Key Findings

There has been a significant take-up of available housing in Blayney peaking at 2011. While this was associated with a major project, it is also likely that a lack of new dwelling applications in the later years was likely to be constrained due to lack of opportunity catalyst. The McPhillamy's Gold Project Development Application is expected to be determined within the next year which should see a spike in demand if approved.

Millthorpe, has experienced relatively high growth and new dwelling supply is low. The ability to absorb population change through inward migration is likely low.

Providing for additional growth in Blayney and Millthorpe should be a key outcome of the Strategy for the following reasons:

- » The population is expected to grow generating demand for additional housing;
- » There is a need for between 560 and 640 additional dwellings to accommodate anticipate growth to 2036; and
- » An increase in the proportion of older people and single person households will result in the need for an increase in housing diversity in the Blayney Shire.

3.3 Housing Supply

Blayney Shire has residentially zoned land available for immediate development, however, location and ownership factors continue to influence supply. The lack of reticulated sewer in the villages is also a key impediment to land supply.

A common misconception is that if land is zoned, vacant and undeveloped, then it is available for immediate development. In practice, this may not be the case. In fact, there is often a 'disconnect' between the amount of zoned land and actual delivery of housing lots.

Land that is rezoned for residential development may not necessarily be delivered to the market. This could be due to a variety of reasons, including planning constraints (e.g. statutory requirements, difficulties with infrastructure provision, fragmentation of ownership, etc.), capacity constraints (e.g. bushfire, flooding, slope and landslip, etc.) and commercial pressures. Each has the potential to severely impede the supply response to demand pressures.

In terms of infill, the market does not act in the same manner in regional areas as is the case in the metropolitan centres where greenfield land resources are scarcer, highly constrained and costly to deliver. Infill development is driven by land value, access to transport and community infrastructure and the ability for significant uplift. Therefore, while there remains capacity in the planning controls to accommodate a significant amount of higher density infill development, making assumptions as to the take up of this is difficult.

The adequacy of land release is therefore crucial for the supply of housing. From first principles, the supply of housing directly impacts the price of housing. A constrained supply of land will drive up landowner expectations making site assembly a high risk and high resource activity for developers.

Ensuring that the supply of land is adequate to meet demand, particularly in circumstances where growth is slow involves:

- » The strategic identification of opportunity areas based on high level constraints analysis;
- » The identification of residential land development opportunities in circumstances where the land owner is a willing participant;
- » Ensuring that the site is in sync with the existing urban development footprint, that is, not leapfrogging land;
- » Providing a planning framework that will ensure that land is developed in a coordinated and orderly manner, that is via a concept plan or structure plan; and
- » Determining the impact of growth on local infrastructure and providing a mechanism to deliver it.

Land development in smaller regional communities is a "slow burn". Developers are typically local builders or families invested in the community and need to be prepared to carry the cost of development over an extended period.

The availability of ready to develop residential lots is limited, relying on infill development, that is land that is already zoned residential but not developed to its full serviced potential. There are significant areas of zoned residential land in both Blayney and Millthorpe as well as the other settlements (refer to Snapshots). However, as raised during the initial consultation, much of this land, while zoned is considered unavailable for development.

3.3.1 Capacity of the land use controls

The BLEP includes a primary residential zone; R1 General Residential, and the RU5 Village zone. The BLEP also includes an R5 Large Lot Residential zone which typically applies to rural residential and lifestyle lots with a range of lot sizes. The BLEP also includes minimum lot sizes (MLS) for subdivision for the erection of a dwelling in these zones. The MLS in the R1 zone as it applies to Blayney and the RU5 Village zone as it applies to Millthorpe are both 450sqm.

Planning controls within the BLEP provide an opportunity for development (including infill) in the R1 General Residential zone. The BLEP also provides for a full range of residential accommodation typologies and this may not be fully appreciated by landowners and industry. The existing zoned land and infill development is not expected to provide a substantial stream of future housing supply but it does present an opportunity to contain some growth within the existing urban footprint.

Typically, a review of the capacity of the existing housing controls includes identifying the opportunity for infill development on vacant residential land and the potential for further subdivision on land zoned for residential development in Blayney and Millthorpe.

Other than Millthorpe which is serviced with reticulated water and sewer, the other RU5 Village zones have a range of minimum lot sizes from 1,000sqm in Lyndhurst to 1,600sqm in Newbridge and 3,000sqm in Carcoar. The R5 Large Lot Residential zone provides for larger dwellings on larger, typically un-serviced lots and range in size from 1,000sqm and increasing to 2 hectares.

The following provides an assessment of housing supply under current planning and other conditions. This includes general trends in development such as a low take-up rate of dual occupancy and secondary dwellings.

Where the dwelling numbers are indicated in red, there are issues with either the feasibility, the likelihood of the landowner releasing the land or constraint issues, such as on-site sewerage issues that are difficult to overcome and act as a barrier to development. As such the yields are based on current minimum lot sizes, a change to the minimum lot size will impact the existing capacity of un-serviced villages.

Therefore, while the theoretical capacity in or adjacent to settlement in Blayney Shire is nearly 671 dwellings most of this land has not yet been subdivided. It should be noted the Large Lot Residential land at Millthorpe in the north and west has not been subdivided which accounts for 235 dwellings in this capacity assessment.

Other than being nearly half of the estimated dwelling requirements under this Settlement Strategy, the following is also problematic:

- » The supply is dominated by large lot residential accounting for 57% of the supply which has not been subdivided;
- » A further 73 dwellings are on rural land triggered by a sunset clause, so again, suitable only for a specific type of purchaser (27%) of the supply;
- » Only 39 standard lots have a degree of certainty in delivery (less than 15% of supply); and
- » There is extremely low certainty of diverse smaller dwellings being delivered, which has been identified as a key housing need in this Settlement Strategy.

Table 12 Theoretical dwelling capacity

Theoretical housing capacity - additional dwellings	Under current planning controls	Key issues or notes
Blayney		
Blayney South	130	This land has been rezoned for an extended period without a Development Application for subdivision being submitted to Council. Assumes 13 ha developable @ 10 dwellings per hectare
Blayney R1 General Residential	39	Development Application approved.
Secondary dwellings or dual occupancies	10	This is based on historic trends across the Blayney Shire (2008 – 2017)
Blayney Browns Creek R5 Large Lot Residential	49	Development Application approved, lots not yet developed.
Sub-total Blayney	218	
Millthorpe North R5 Large Lot Residential (est from 2012)	120	Unlikely to realise the potential due to challenges in servicing
Millthorpe West R5 Large Lot Residential – Forest Reefs Road Precinct	115	R5 Large Lot Residential area west of Millthorpe. Based on assumption of 75% efficiency rate to account for constraints including ownership patterns.
Millthorpe RU5 Village zone	35	Land constrained by drainage.
Sub-total Millthorpe	270	
Outside Blayney and Millthorpe		
Lyndhurst	6	
Mandurama	26	Highly dependent on both sale of land and contiguous lots being available for septic requirements Note: a change in minimum lot size to 4,000sqm for un-serviced RU5 land will reduce the yield for villages by around 50% from 120 to 50
Carcoar	40	
Barry	0	
Neville	41	
Newbridge	7	
Take-up of dwelling approvals on rural land due to sunset clause	73	
Sub-total villages and rural	193	
Total theoretical capacity	671	

Housing supply gaps

The current housing stock is typically 3-4 bedroom single detached dwellings. This lack of diversity of housing typologies has already led to issues including:

- » Limited choice and housing affordability;
- » Suitability of housing for older people to down size;
- » Limited opportunity to age in place; and
- » Difficulties for first home buyers looking to enter the market at a lower entry point.

Providing a better understanding within both the industry and wider community in terms of the different residential accommodation options that could be considered under the current planning framework may provide a first step in realising greater diversity, particularly in Blayney and Millthorpe.

Building typologies

Housing typology in the Blayney Shire lacks diversity, with single detached dwellings on larger lots being the dominant form of housing.

A range of housing types and sizes help ensure people can more readily meet their housing needs throughout their lifecycle, remaining in the area where they have existing networks. This mix contributes to the social vibrancy and character of towns and cities.

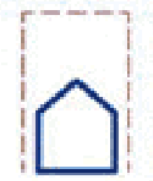

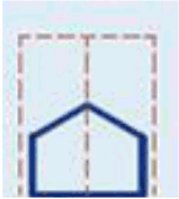

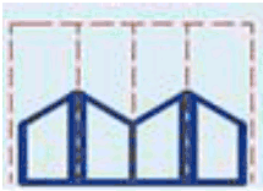

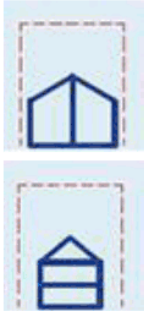

To continue to meet the needs of the existing and future community, the Council will need to ensure a greater range of housing types in different built forms is encouraged and developed.

There is an opportunity in the residential zones to deliver dual occupancy, secondary dwellings, villas and townhouses and single dwellings. There was strong support during the early stakeholder consultation for dual occupancy as a form of residential accommodation that could be provided in Blayney.

The laneways in Blayney present an opportunity to support dwellings with access at the front and rear of these lots.

The following table details examples of the low, medium and high-density building typology options.

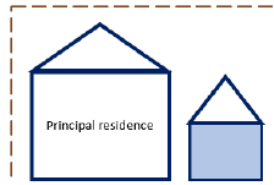
Table 13 Dwelling typologies

Single dwellings		
<p>A detached building containing only one dwelling</p>		
Two attached dwellings		
<p>One building with two attached dwellings</p>		
Terraces		
<p>Three or more attached dwellings which have a frontage to the street</p>		
Dual occupancy		
<p>Two dwellings on one lot of land that are either attached to each other or detached, but does not include a secondary dwelling</p>		

Secondary dwellings

A self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.



Multi-dwelling houses (terraces or townhouses and villas)

Three or more dwellings on one lot of land where:

- » each dwelling as access at ground level
- » no part of a dwelling is above any part of any other dwelling, and,
- » dwellings face and generally follow the alignment of one or more public roads.



Manor houses

A building containing 3 or 4 dwellings, where:

- » Each dwelling is attached to another dwelling by a common wall or floor, and
- » At least 1 dwelling is partially or wholly located



-
- above another dwelling, and
 - » The building contains no more than 2 storeys (excluding any basement).
-

Source: Department of Planning and Environment, 2017 'The Low Rise Medium Density Design Guide'

Other important types of residential accommodation include:

Boarding houses

A building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.



Group home

Means a dwelling:

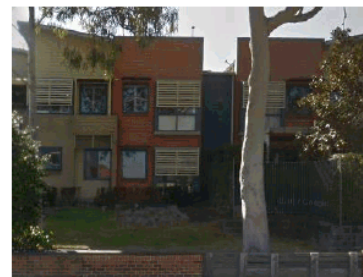
- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged, but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.



Seniors housing

A building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
 - (e) seniors or people who have a disability, or
 - (f) people who live in the same household with seniors or people who have a disability, or
 - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.



Source: *Standard Instrument LEP 2018 (NSW)*

3.3.2 Key Findings

Providing for additional growth in Blayney and Millthorpe should be key outcomes of the Strategy for the following reasons:

- » The historical trends suggest that when suitable supply is available, it is taken-up;
- » Land that is zoned and available for subdivision is not being developed;
- » Inward migration trends indicate that these locations are the two key attractors;
- » There are indications that these two locations are key attractors for one and two person households, as well as families. Therefore, delivery of smaller, housing typologies (dual occupancy and multi dwelling housing) for downsizers, will also unlock opportunity for housing stock suitable for families;
- » There is a significant inward migration trend to Blayney township both from outside the Blayney Shire and within. It is highly likely that the readily accessible existing and new housing opportunities are near exhausted;
- » The lack of diverse housing options may further be constraining the growth of Blayney, particularly for smaller property types; and
- » The inability for Blayney township, without planning intervention, to absorb significantly more growth.

3.4 Opportunities and constraints analysis

A number of environmental factors will influence the amount of growth Blayney Shire experiences in the future, and the location of that growth. Consideration of the following matters will assist in determining the most suitable locations to accommodate future housing.

Village and settlement precinct snapshots have been prepared to inform this Strategy and are provided in **Section 2**. The snapshots provide a comprehensive overview of the key planning controls, constraints and opportunities and actions proposed for each settlement.

3.4.1 Environmental Constraints

The constraints that may impact on the orderly release of land for urban development include the following:

Table 14 Key Constraints

Constraint	Application/comment
Topography	Sloping land can be a significant environmental constraint which impacts upon and influences soil erosion, drainage and bushfire hazard. Just as importantly, it has implications with respect to the provision and capital cost of infrastructure, roads and social services. Slope analysis was used as a mapping tool to identify topographic constraints. Snapshots show land affected by slope greater than 18%.
Flood Prone Land	<p>Flood prone land presents a significant constraint to development as it has implications with respect to the capital cost and provision of infrastructure, roads and the location of highly sensitive land uses such as schools and aged care facilities.</p> <p>The flood planning level has traditionally been the 1%AEP (a flood event with a 1 in 100 chance of occurring in any given year). Given the changing climate and potential impacts on catchment hydrology, it is prudent to consider the Probable Maximum Flood (PMF) when assessing the suitability of sites for different land uses. PMF is particularly relevant when considering sensitive uses. Risk factors such as evacuation routes are also important planning considerations, as an area of land may be isolated by floodwaters even though it is not inundated.</p> <p>The 2012 Settlement Strategy notes that a number of settlements in Blayney Shire are low-lying land along key watercourses with the potential for flooding. Particularly in Carcoar, the Strategy recommended measures to limit further residential development on high risk sites adjacent to the river.</p> <p>Significant flooding occurs in at the eastern fringe of Blayney town, along the Belubula River. Low-lying land in this area results in a wide floodway that affects a number of buildings in the vicinity of Henry Street, between Church and Burns Streets in particular. Residential development to the east of the town centre is therefore heavily constrained.</p>

Constraint	Application/comment
	<p>The north-eastern area of Mandurama is also subject to potential inundation, limiting development potential. The flooding potential of Lyndhurst is relatively unknown, but it appears there is a significant floodplain dividing the eastern village with the R5 Large Lot Residential to the west. A flood study and impacts on on-site sewerage design would need to be undertaken before any intensification of residential uses could be recommended.</p>
Watercourses	<p>Watercourses have been mapped according to the Strahler System of ordering watercourses. Classification under this system determines the width of riparian buffer required.</p> <p>Regardless of watercourse classification, a buffer of 100m is generally required from any on site effluent system to any watercourse within a drinking water catchment. This poses a constraint to large lot residential (un-serviced lots) land use in some villages.</p>
Groundwater Vulnerability	<p>Groundwater Vulnerability has been mapped in the BLEP and includes a local provision to ensure that the hydrological functions of key groundwater systems are maintained as well as protecting them from contamination as a result of development. Blayney, Millthorpe and Newbridge are impacted. This has implications for on site sewer treatment.</p>
Drinking Water Catchment	<p>A small part of the northern area of Blayney Shire to the east of Millthorpe is in the drinking water catchment of Suma Park Dam; the primary water source of Orange. A larger area in the south of the Shire surrounding the settlements of Barry and Neville forms the drinking water catchment for Lake Rowlands; the primary water source for Blayney Shire and a number of other local government areas in the Central West. The impact on drinking water catchments on growth potential needs to be considered for Neville, Barry and Millthorpe.</p> <p>Part of Millthorpe identified as a future urban development opportunity is within the Drinking Water Catchment. The Drinking Water Catchment is protected in the BLEP by a local provision. Despite this, the area, which is at the top of the catchment is considered suitable for development as it will be serviced and all run-off managed under Water Sensitive Urban Design criteria.</p> <p>WaterNSW has developed the Strategic Land and Water Capability Assessments (SLWCA) for land in the Sydney Drinking Water Catchment and these can be applied here. Factors such as slope, soil erodibility, permeability and depth, distance to watercourse and vegetation cover are assessed to determine land and water capability for different land use types.</p> <p>Key constraints to residential land use are:</p> <ul style="list-style-type: none"> » Land management – including proper storage and disposal of chemicals and pesticides, control of weeds and pest animals, maintaining groundcover to prevent

Constraint	Application/comment
	<p>erosion, and protection and restoration of native vegetation.</p> <ul style="list-style-type: none"> » Stormwater – including water sensitive design during and post construction to prevent sediment and other contaminants entering waterways. » Wastewater – including on-site treatment and disposal systems. These require a 100m buffer to watercourses. <p>These constraints are particularly applicable to large lot residential land use. Poorly maintained 'rural-res' can also negatively affect adjoining farmland.</p>
Biodiversity	<p>The main objective of identifying sensitive biodiversity is to maintain terrestrial biodiversity by protecting native fauna and flora whilst encouraging the conservation of habitats. Biodiversity has already been recognised by Council as a significant constraint to development.</p> <p>The data use for biodiversity in the constraints mapping is that which has been identified by OEH and mapped in the BLEP.</p>
Cultural Heritage	<p>The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales can be used by individuals or organisations considering undertaking activities that could harm Aboriginal objects.</p> <p>The <i>National Parks and Wildlife Act 1974</i> (NPW Act) provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution if they later unknowingly harm an object without an Aboriginal heritage impact permit.</p> <p>As with other detailed assessment requirements, heritage assessments will need to be prepared prior to development of land.</p>
European Heritage	<p>Heritage is an important part of the urban fabric of the Blayney Shire. The BLEP includes Heritage Conservation Areas (including in Blayney, Millthorpe, Newbridge and Carcoar) and individual Heritage Items. Any development in the Conservation Areas or in the vicinity of a Heritage Item must consider the potential impact on heritage.</p> <p>The desired outcome is new development which will be both compatible and complimentary to the existing. Preservation of the historic character of a place can be an attraction for tourists and potential residents, but also impacts the design of new development and the approval process. There are also a number of heritage listings within each of these villages and some surrounding properties.</p>

The key constraints have been overlaid on the town and village snapshots.

A summary of the opportunities and constraints that have emerged from the snapshots is provided below.

3.4.2 Potable Water

Central Tablelands Water (CTW) provides a centralised potable water service to Blayney, Carcoar, Lyndhurst, Mandurama and Millthorpe. There is some capacity for growth of these settlements utilising the existing network.

Neville, Barry and Newbridge do not have a centralised water supply system and rely on rainwater and bores which are not treated or monitored for water quality. This has the potential to compromise health; human and environmental; as on site sewerage systems require significant buffers to bores. The Strategic Business Plan 2015 for CTW lists the provision of potable water supply to these villages over a 10 to 20-year period as an important issue to be investigated.

3.4.3 Sewer

Only Blayney and Millthorpe have an existing reticulated sewerage system. The treatment plant for both towns is at Blayney, and has capacity for growth. All other settlements have no centralised sewer infrastructure and this is likely to act as a constraint to significant development.

Without reticulated sewer infrastructure, development relies on on-site waste water treatment systems. While there are a range of treatment systems available, septic tanks remain the most common and affordable option. On-site sewer systems require a significant area of land and are dependent on specific site characteristics including soil type and permeability, slope, proximity to ground water bores both associated with the individual site and neighbouring sites, proximity to streams and ground water vulnerability.

On-site sewage management

There has been a great deal of research on the impact of on-site sewage management systems in sensitive environmental areas, for example areas of high water table, close to watercourses and other potable water supplies such as ground water bores. *The On-site Sewage Management for Single Households* (NSW Government, 1998) document remains the most relevant guideline for managing these systems.

The underlying premise is that the initial site planning and investigation process will occur to determine site suitability and minimum lot size prior to any rezoning of land. Where on-site sewage management is determined to be the best long-term option for an area, appropriate development standards, including minimum lot sizes, should be established before the land is released. When setting the development standards, factors such as climate, soil, geography, environmental sensitivity, and risks to public health should be taken into account.

The reality in and around the villages is that land titles are pre-existing. The villages typically have an historic subdivision and title structure that enables land to be transferred from one person to another without necessarily engaging with Council to determine the suitability of the individual lot for a dwelling. This continues to create uncertainty for people wanting to move to the villages because, despite the title to the land and the BLEP allowing a dwelling as a permissible use, the lot is not always going to be capable of supporting a dwelling.

The current range of minimum lot sizes for subdivision and the erection of a dwelling in the RU5 Village and R5 Large Lot Residential zones is misleading. It is a minimum only, however it is generally assumed to be the benchmark for residential development.

"An EPA model has been developed for estimating land requirements for effluent irrigation, based on eliminating impacts on soils, waters, and public health (NSW Environment Protection Authority 1995). Assessments with the model in many areas of the State have shown that new subdivisions for residential development involving on-site sewage management require a minimum of 4000 - 5000 m² total area per household to reduce impacts in the medium to long term."

On-site Sewage Management for Single Households (NSW Government, 1998)

In order to address these issues in the first instance, providing a minimum lot size that in most circumstances will be sufficient in area to accommodate on-site treatment is key. In the absence of detailed site, soil, drainage and environmental assessment of each of the settlements, it is proposed to adopt the minimum cited in modelling by the Environmental Protection Authority of 4,000sqm. This approach will also reduce the complexity in dealing with a multitude of minimum lot sizes across the village and large lot residential zones.

Given the changing technologies and existing subdivision and ownership patterns, Council may consider provisions in the BLEP to address circumstances where, despite the minimum lot size, dwellings could be considered on smaller lots subject to a pre-determined set of criteria.

Guidelines for development of dwellings with on-site sewage management should continue to be supported by development controls in the Blayney Development Control Plan including adoption of the performance objectives developed for on-site sewage management (refer breakout box below) and include details such as:

- » Minimum land application areas;
- » Setbacks to watercourses, boundaries, etc;
- » Recommended or required treatment technologies and on-site sewage management methods;
- » Performance standards or criteria, for example in relation to effluent quality – suspended solids, biochemical oxygen demand (BOD), faecal coliforms, etc. - and quantity vegetation retention/planting/harvesting; and
- » Water conservation measures.

Performance Objectives

- **Prevention of public health risk** - sewage contains bacteria, viruses, parasites and other disease-causing organisms. Contact with effluent should be minimised or eliminated, particularly for children. Residuals, such as composted material, should be handled carefully. Treated sewage should not be used on edible crops that are consumed raw.
- **Protection of lands** - on-site sewage management systems should not cause deterioration of land and vegetation quality through soil structure degradation, salinisation, waterlogging, chemical contamination or soil erosion.
- **Protection of surface waters** - on-site sewage management systems should be selected, sited, designed, constructed, operated and maintained so that surface waters are not contaminated by any flow from treatment systems and land application areas (including effluent, rainfall run-off and contaminated groundwater flow).
- **Protection of groundwaters** - on-site sewage management systems should be selected, sited, designed, constructed, operated and maintained so that groundwaters are not contaminated by any flow from treatment systems and land application areas.
- **Conservation and reuse of resources** - the resources in domestic wastewater (including nutrients, organic matter and water) should be identified and utilised as much as possible within the bounds posed by the other performance objectives; water conservation should be practiced and wastewater production should be minimised.
- **Protection of community amenity** - on-site sewage management systems should be selected, sited, designed, constructed, operated and maintained so that they do not unreasonably interfere with quality of life, and, where possible, so that they add to the local amenity - special consideration should be given to aesthetics, odour, dust, vectors and excessive noise.

On-site Sewage Management for Single Households (NSW Government, 1998)

3.4.4 Transport

The highway and road network in the wider Central West and Orana region includes the Newell Highway, Great Western Highway, Mid-Western Highway, Mitchell Highway and Lachlan Valley Highway. The Mid-Western Highway, which joins the Great Western Highway heading east, is the main arterial route linking Blayney Shire to the neighbouring LGA of Bathurst and then to Sydney via the Blue Mountains. Key linkages with the neighbouring LGA of Orange is via Millthorpe Road, which forms one of the central economic hubs of the region.

The Orange Regional Airport, owned by Orange City Council, provides daily passenger services to Sydney operated by REX, and is a base for growing aero-industry businesses. Around 55,000-60,000 passengers fly this route per year. It also supports corporate air services.

Blayney's FCL Pty Ltd inter-modal transport terminal facility enables the interchange of shipping containers via road and rail to Botany Bay, and provides an important potential source of economic growth for Blayney.

The Main Western Railway Line intersects Blayney Shire, with stops at Blayney and Millthorpe (on request). Newbridge station is also on the Main Western line, but is closed.

Whilst there are no significant transport infrastructure projects planned that directly impact Blayney Shire, the following projects identified in the Future Transport 2056 are relevant to the sub-region and have potential to increase growth in the Shire:

- » Mt Victoria to Orange road corridor improvements (some sections underway);
- » Extending Bathurst commuter rail to Orange (0-10 year investigation initiative); and
- » Electrification of intercity to Bathurst (10-20 year investigation initiative).

3.5 Individual Settlements

3.5.1 Blayney

The following provides an analysis of various precincts within Blayney. It also considers other constraints that are not physical or strictly planning-control related, including key landholder intent and feasibility of development.

Summary of housing need

There is an urgent need to promote housing opportunity to respond to major project development in the area to prevent the leakage of economic benefits, smaller housing for an ageing population and development that provides alternative residential accommodation. These typologies include: multi-dwelling housing, aged-care facilities and affordable housing and opportunities for the provisions of short-term accommodation for a temporary workforce.

The Blayney settlement requires some short term options to deliver more diverse housing. The key rationale for this is:

- » Blayney is a key attractor of single and couple-only households and more diverse housing options that are affordable and accessible to services are required;
- » Blayney will be a key location for workers associated with major projects. Not providing accommodation options will mean that the economic benefits of projects may be lost to surrounding LGAs; and
- » Promoting appropriate densification will support the vitality of the Blayney commercial centre, enabling it to retain and offer more services.

Blayney B2 Local Centre zone

The following figure illustrates constraints for the B2 Local Centre in Blayney.

Figure 12 Blayney Local Centre opportunities and constraints

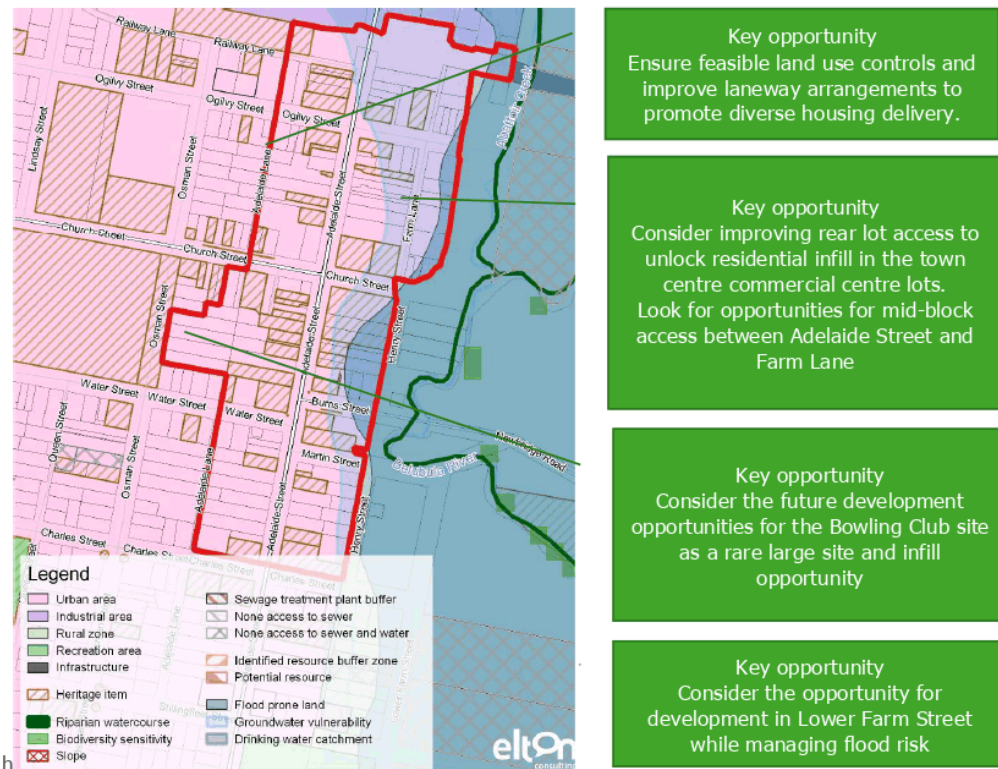


Table 15 Blayney local centre Opportunities and Constraints

Constraints	Opportunities
Flood affectation to the east of the B2 Local Centre and ground water vulnerability.	No opportunity – flood affected land should be avoided, however, some limited development could be accommodated if it can be delivered above the flood planning level, for example Lower Farm Street.
Maintaining sufficient land resources for commercial activities in the B2 Local Centre.	Optimise access from new housing to further support the economic function of Blayney with diverse housing development to the south creating a cohesive extension of the Adelaide Street core.
Deep blocks including at the rear of key commercial functions where access is not clearly defined.	Consideration of formalising laneway arrangements to promote access and deliver housing opportunity without undermining commercial function. Look for opportunity for mid-block access through to Farm Lane from Adelaide Street.

Constraints	Opportunities
Large land area requirements for multi-dwelling development (3 bedroom at 360sqm) in the DCP which may limit development potential due to feasibility concerns.	Revise the land size for multi-dwelling development to enable greater feasibility of delivery.
Heritage and heritage conservation considerations.	Provide design guidelines to ensure cohesive development that complements heritage items.



Implications for the Settlement Strategy

- » Focus on delivering housing diversity at some key opportunity sites in the B2 Local Centre
- » Improving flexibility in residential accommodation land uses in the B2 zone while preserving integrity of the business function, especially properties with direct frontage to Adelaide Street

Blayney R1 General Residential zone

The following figure provides an overview of the constraints in the R1 General Residential zone.

Figure 13 Blayney R1 General Residential zone opportunities and constraints

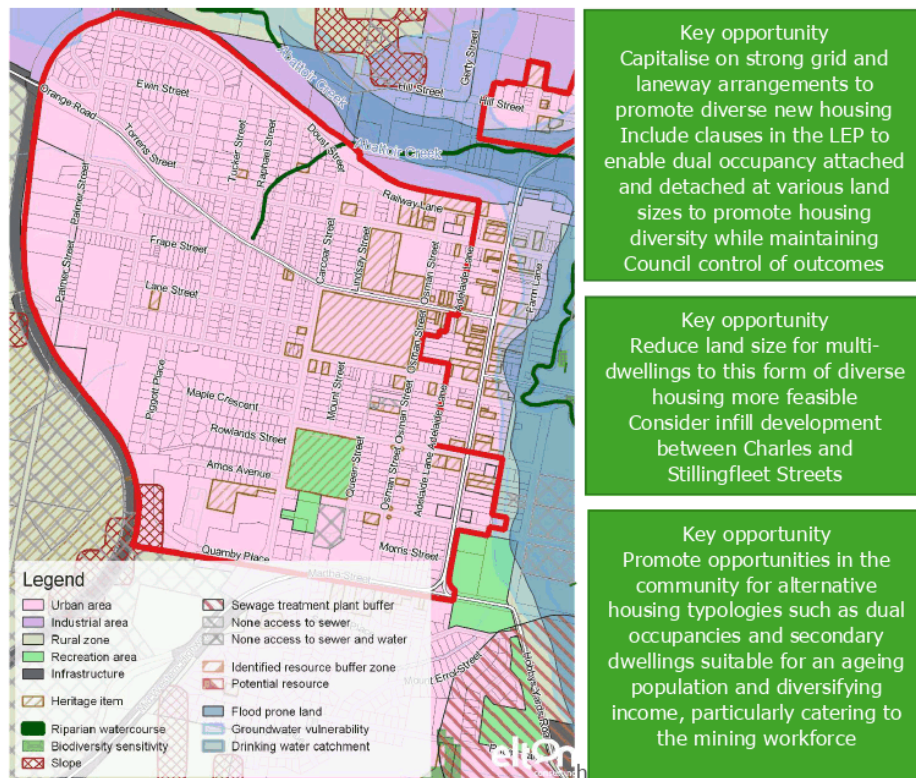


Table 16 Blayney R1 General Residential Opportunities and Constraints

Constraints	Opportunities
Limited vacant land. Where vacant, little intent by landowners for conversion to residential.	Significant areas of the R1 General Residential zone have a strong grid pattern with laneways that could support more intensive development. A contributions framework could be developed for the improvement of laneways to support increased residential accommodation (over the long term).
Land area per dwelling for multi-dwellings.	Consider a reduction in land area requirements in the DCP for 2 and 3 bedroom typologies.
Lack of transparency on permissibility of dual occupancies (is permissible but not listed in the land use table other than being a form of residential accommodation while other forms are such as residential flat buildings are).	Introduce opportunities for a range of dual occupancy opportunities with attached at 600sqm and detached at 800sqm. Unlocks more opportunity in the existing urban footprint and potentially a diversity of housing at various price points. Requires Council development assessment as opposed to

Constraints

Opportunities

complying development if minimum lot size reduced enabling subdivision.



Implications for the Settlement Strategy

- » Focus on key areas where solid urban structure could be converted to deliver more intensified development and a diversity of housing
- » Consider a laneways strategy and funding framework
- » Increase potential for dual occupancy development through revised planning controls

Blayney South

A large portion of Blayney South has been rezoned for residential development, but has not yet been subdivided.

Figure 14 Blayney South opportunities and constraints

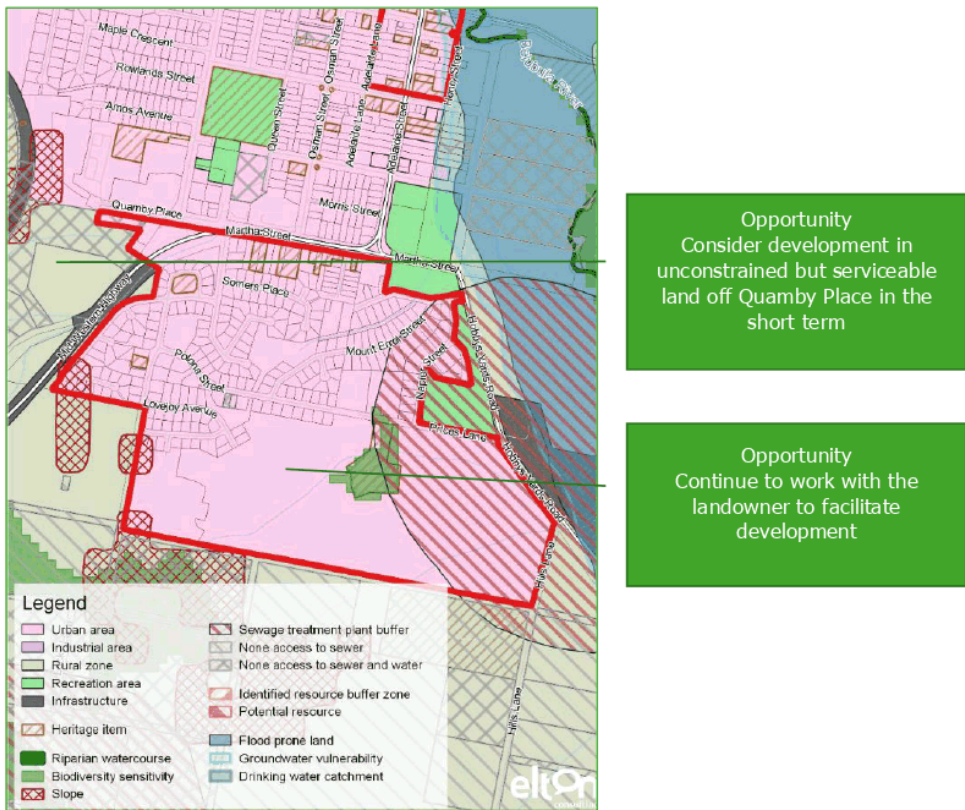


Figure 15 Quamby Place



The key constraints related to this land are summarised in the table below.

Table 17 Blayney South opportunities and constraints

Constraints	Opportunities
Sewerage plant buffer zone impacts the east of the site. Not suitable for residential development.	Continue to liaise with the landowner regarding the future of Blayney South and adjust other strategies accordingly if the land becomes available.
Heritage listed property adjacent to the buffer zone Heritage item would need to be retained with a likely buffer zone.	
High quality agricultural land. The key constraint is lack of landowner desire to convert the land to residential. There may be housing opportunity at this location at a later date totalling approximately 17.5 ha.	

Constraints	Opportunities
Small areas of land with unsuitable topography. If subdivision should occur, these small areas should be avoided.	
Land ownership, fragmentation and existing uses.	Quamby Place, consider in-fill and redevelopment of suitable zoned residential land including Tourist Park and adjoining land.
Unzoned and unserviced land south of Quamby Place.	Rezoning opportunity for land south of Quamby Place across to the Mid-Western Highway. Would require rezoning and consideration of constraints, in particular buffer to the road and rail and drainage.



Implications for the Settlement Strategy

- » Zoned land is considered by the Department as "supply" despite reluctance of landowner to deliver it to the market
- » Rezoning required to make additional land in Quamby Place available subject to services

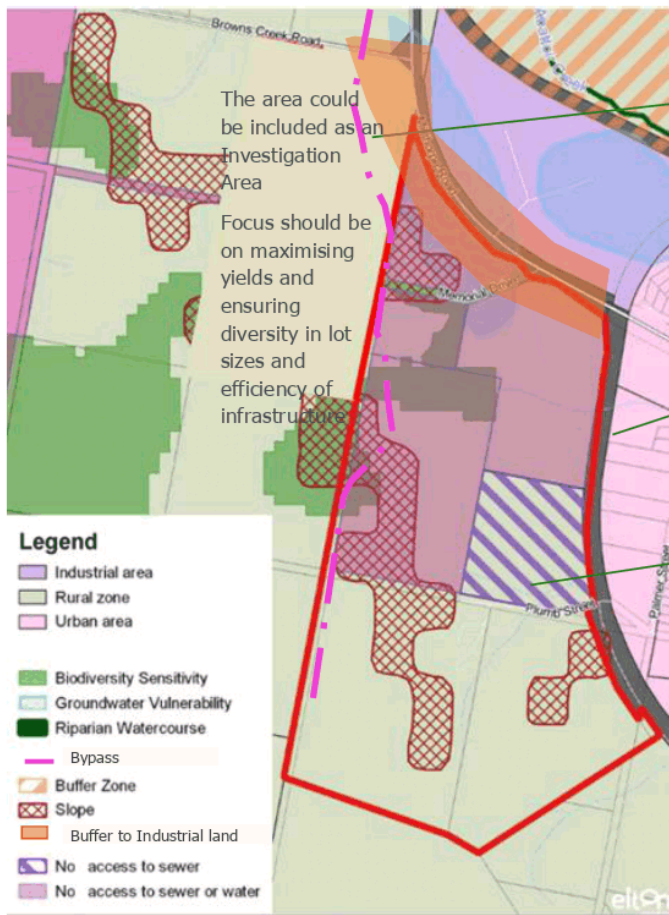
Blayney West

Blayney West has been nominated as a future housing opportunity. This is the most logical extension of the urban area, despite the rail corridor. Fragmentation of this land should be avoided to ensure the long term security of land for development.

At this stage, a preliminary subdivision plan provides for approximately 119 dwellings. Under this proposal the majority of lots are in excess of 800sqm with most being over 1,000sqm and up to 4,000sqm. Any rezoning here should look to maximise the yield to improve the economic efficiency of the development. Delivering large residential lots will limit the future ability of the town to expand in this direction.

There is a small parcel of land developed for large lot residential development in Palmer Street. The Palmer Street parcel is zoned R5 Large Lot Residential which is likely as a result of the transition to the Standard Instrument LEP in 2012 and based on the existing land use; dwellings on large lots. Despite the challenges of infill development where a dwelling already exists, there is an opportunity to release additional lots with frontage to Palmer Street with a change of zone and lot size. With the relatively scarcity of available serviced land, opportunities like this should be considered.

Figure 16 Blayney West Opportunities and Constraints



Protect the proposed Heavy Vehicle Bypass route as part of the planning for the Investigation Area

Consider reducing the minimum lot size to accommodate in-fill residential development

Key opportunity
Re-evaluate the subdivision to achieve greater housing diversity and reduce servicing costs


Figure 17 Palmer Street



Table 18 Blayney West Opportunities and Constraints

Constraints	Opportunities
Lack of servicing and road upgrades – estimated at \$68K per dwelling in the preliminary subdivision (most lots 1,200sqm+)	Reassess the subdivision to deliver more smaller lot housing and diverse housing types such as dual occupancy. Limit fragmentation to preserve the future release of land.

Constraints	Opportunities
Portions of the site with biodiversity and topography constraints.	Larger lots should be limited to areas where topography limits development to produce a wide variety of housing at different price points, sizes and typologies.
Part of the site is impacted by a heritage item.	
Noise buffer zone to industrial land to the north Manageable in sub-division planning.	



Implications for the Settlement Strategy

- » Re-evaluate the subdivision plan for Blayney West to deliver better outcomes for infrastructure and other costs
- » Consider incorporation of a variety of housing typologies in the subdivision plan to meet a diverse range of housing need and increase affordability considerations.

Blayney Industrial Area

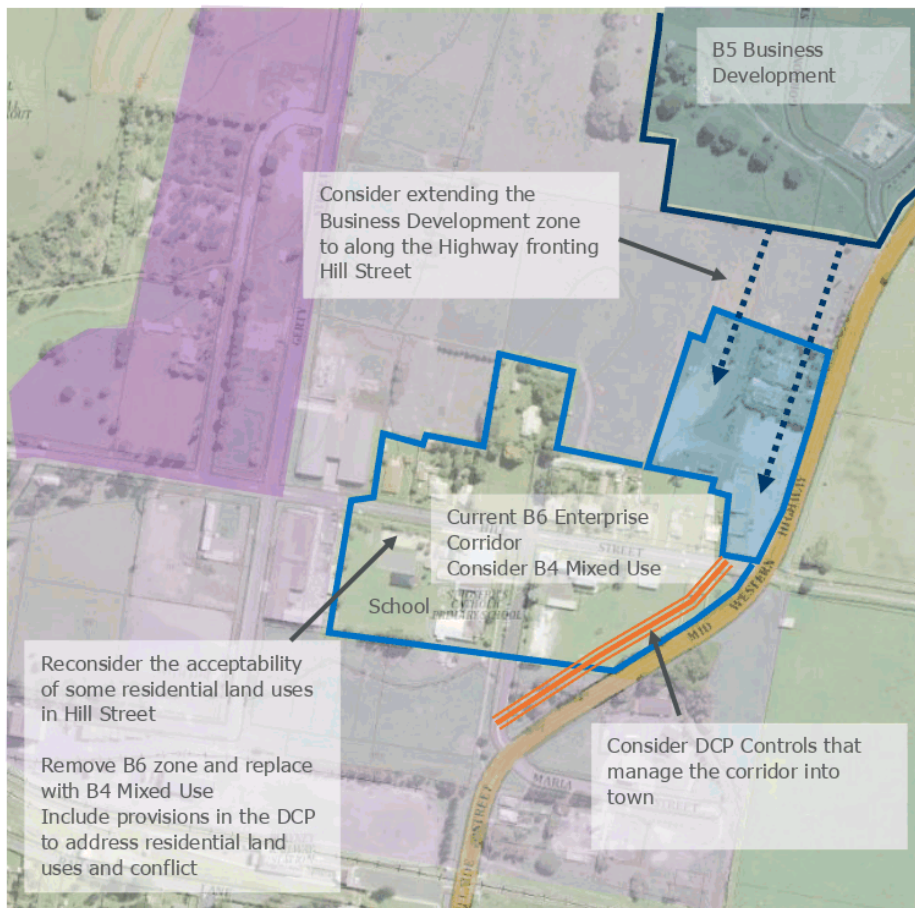
The Blayney industrial area is necessary for future employment purposes and is not suitable for residential development. Similarly, industrial land needs to be protected from land use conflict as much as possible. Despite this, constraints to redevelopment, existing assets, slope, access and heritage implications in some parts of the area currently zoned B6 Enterprise Corridor could be reconsidered to enable limited residential development in Hill Street adjacent to the Catholic School. For example, alterations and additions, secondary dwellings and bed and breakfast accommodation.

This should be considered in the context of work undertaken and recommendations in the Subregional Rural and Industrial Lands Strategy and may include the rationalisation of Business zones:

- » Remove B6 Enterprise Corridor and replace with B4 Mixed Use zone;
- » Extend the existing Business Park zone south along the Highway to Hill Street;
- » Review land use tables and objectives; and
- » Include specific controls in the DCP to manage the residential/business/industrial interface.

Any decision taken should be consistent with the outcomes of the Subregional Rural and Industrial Lands Strategy.

Figure 18 Hill Street



Source: Six Maps edited by Elton

Blayney Large Lot Residential Area

There is an area of Large Lot Residential development immediately west of Blayney town along Browns Creek Road. Under the Blayney Local Environmental Plan 1998 (LEP1998) this area was zoned Rural Small Holdings 1(c). Subdivision was permissible in this zone provided the resulting lots had an area of at least 2ha.

The introduction of the Standard Instrument LEP in 2012 saw this area rezoned to R5 Large Lot Residential. The minimum lot size applicable to this area is 20ha. Despite that, a significant number of smaller lots exist in the area as a result of approvals under earlier provisions.

Analysis undertaken by Council indicates that there are currently 49 lots either existing or with approvals on the R5 zoned land.

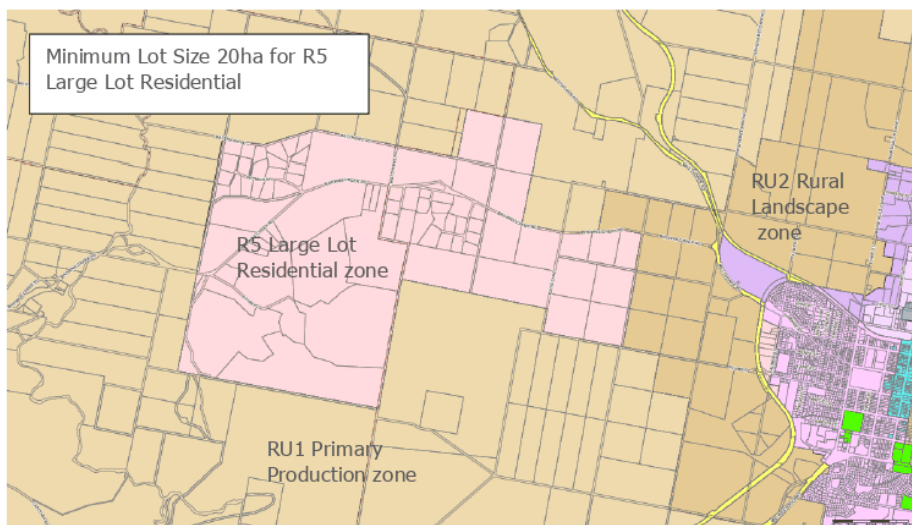
Based on the current planning controls and holding pattern, the additional number of lots that could be created in this area is 4.

While this area is affected by a number of constraints (fragmentation, existing uses, topography, vegetation and drainage are the key limiting factors when it comes to the potential for additional development), there remains an opportunity to consider a more efficient land use pattern which would include reconsidering smaller lots on the southern side of Browns Creek Road.

Given the constraints, the introduction of an average lot size of 5ha, with a minimum of 2ha, would achieve a suitable arrangement of lots.

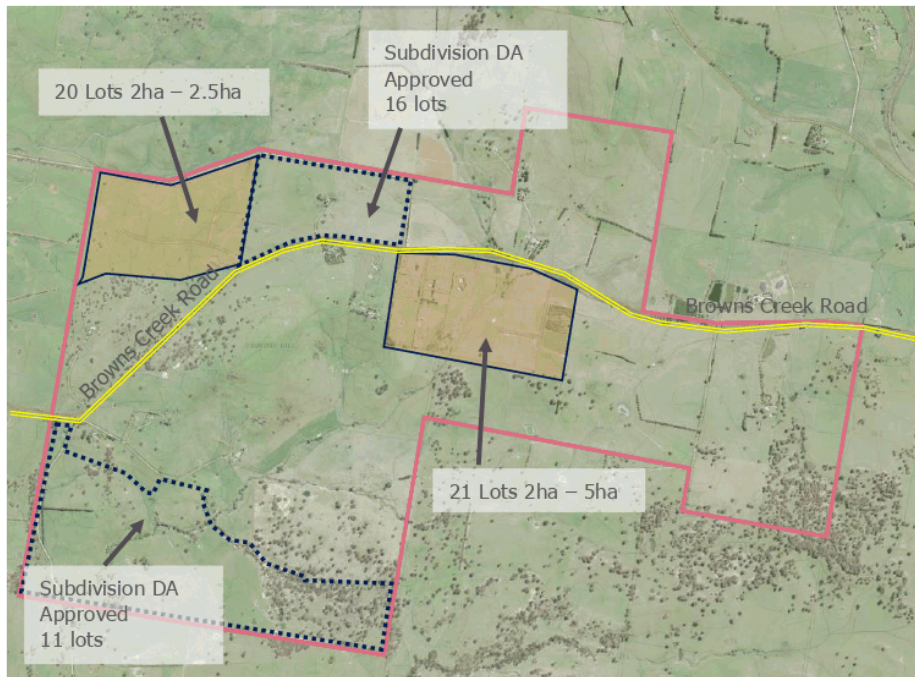
An average minimum lot size of 5ha across the zoned land could yield up to 84 additional lots. The key to the efficient subdivision of the precinct will be ensuring that individual land owners are able to work together to achieve linkages and avoiding cul de sacs and no through roads.

Figure 19 Browns Creek Road – Current Zoning



Source: Blayney Shire Council

Figure 20 Browns Creek Road – Aerial



Source: Six Maps edited by Elton

3.5.2 Millthorpe

Millthorpe is the second most populous settlement in Blayney Shire. While the village has not had substantial population growth, there has been a major shift in the population living there between the 2011 and 2016 Census, with many people coming from outside the Shire. Development data also shows that when dwelling opportunity is available it is quickly taken up.

Millthorpe is a settlement that is undergoing significant change, with multiple land use and housing pressures, despite a very low increase in population. These factors include:

- » Attraction as a residential location for people who work in Orange and further afield which has attracted significant inward migration with over 39% of residents in 2016 not residing the Blayney Shire in 2011;
- » Attracting people from within the Blayney Shire (another 10-15% of 2016 residents changed address in Millthorpe between 2011 and 2016 in addition to inward migration); and
- » Proximity to the Cadia Valley gold mine, attracting workers and their families, which will be further intensified by other projects such as the McPhillamy's Gold Project if approved.

There are three primary opportunities for development in Millthorpe urban area – one to the north of the village, a second on the north east entry to the town beyond Kingham and Fleet Streets and a third to the south east off Pitt Street as identified in the 2011 Settlement Strategy.

The northern site is currently zoned RU5 Village and R5 Large Lot Residential with lot sizes ranging from 450sqm to 2ha. This is undulating land that may have some flooding issues that need investigation. Specific consideration needs to be given to the relationship between the

entrance to Millthorpe from the north and the impact that the development under the existing zone could have on the village character and amenity.

The second potential development opportunity is for the expansion of the urban area to the north east. This area is located at the top of the water catchment and appropriate planning is required to ensure any extension of the village does not adversely impact drinking water quality.

The third site is an extension of Pitt Street. This area was identified in the 2011 Settlement Strategy.

While the strategy has identified the higher order constraints, a master planning process, in consultation with the community, to carefully plan the future of Millthorpe is a key recommendation of the Strategy. This process will enable consideration of the character of the town, consideration of open space and key green linkages and opportunities for sensitive infill.

As the town continues to grow it will be important to manage the expectations of residents in terms of the permissible land use activities. At present the RU5 Village zone applies to the entire urban area. A better approach would be to make a distinction between the established residential areas and the mix of residential and business uses in the central part of the village along Pym, Park and Victoria Streets. Given the heritage character and significance of the town, it may be more appropriate for a B4 Mixed Use zone that allows for business and commercial land uses but prohibits industrial development.

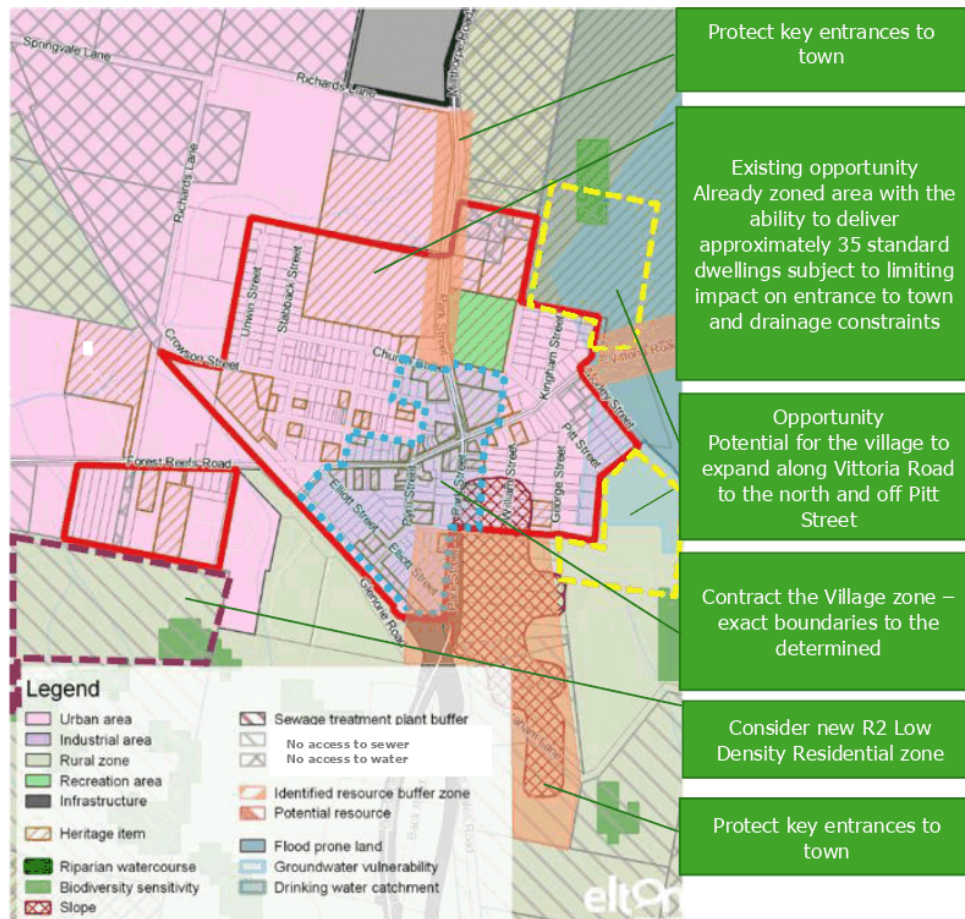
Millthorpe West / Forest Reefs also provides most of the large lot residential development along Forest Reefs Road where large areas of land have been zoned to R5 Large Lot Residential. There is still capacity for an additional 115 lots in the R5 Large Lot Residential zone within Millthorpe West / Forest Reefs. These areas should not be allowed to be developed into parcels smaller than the current 2 ha minimum lot size.

There is a parcel of land that was identified in the 2011 Settlement Strategy for future rural residential development immediately south of Forest Reefs Road. This site may be suitable for serviced rural residential development under a R2 Low Density Residential zone with a 4,000sqm minimum lot size. This form of development provides an alternative residential option that is not available at present.

Millthorpe Village

The following map indicates the constraints and opportunities in Millthorpe village. The constraints are mapped and the opportunities highlighted in the green text boxes.

Figure 21 Millthorpe Village opportunities and constraints



A summary of the opportunities and constraints associated with Millthorpe village are outlined below.

Table 19 Millthorpe Village opportunities and constraints

Constraints	Opportunities
Topography to the south-east of Millthorpe	Opportunity for very minor infill development by reducing minimum lot size marginally but also retain the scenic qualities of the landscape.

Constraints	Opportunities
Heritage items and heritage conservation area.	Minor infill development should be encouraged where it complements the heritage fabric of the village.
Orange Drinking Water Catchment.	Land to the east of the village is within the Orange drinking water catchment. Any future development in this area will need to ensure net neutral or positive impact on water run-off.
Retaining scenic quality of the land at the northern gateway to the village and Large Lot Residential zoning to the north of the village (not serviced).	A substantial scenic buffer zone could be provided but still provide denser form of development. Future-proofing development to facilitate servicing could be achieved through the DCP.
	Opportunity to consider expanding the village to the north and east. Any development would require rezoning and the development of an urban release area with specific development controls to consider the layout and character of the development and manage the staging, building design and construction outcomes.



Implications for the Settlement Strategy

- » Need to consider appropriate future urban areas for Millthorpe
- » Ensure that the RU5 Village and R5 Large Lot Residential zoned land to the north of Millthorpe is developed in a manner that respects the heritage character and important entrance to the town.

Millthorpe West / Forest Reefs Precinct - Large Lot Residential

Millthorpe West / Forest Reefs, contains a large area of land zoned R5 Large Lot Residential with a 2 hectare minimum lot size. The existing subdivision lot size facilitates a reasonable transition from the urban areas of the village to the rural area to the west.

Figure 22 Millthorpe West /Forest Reefs Precinct opportunities and constraints

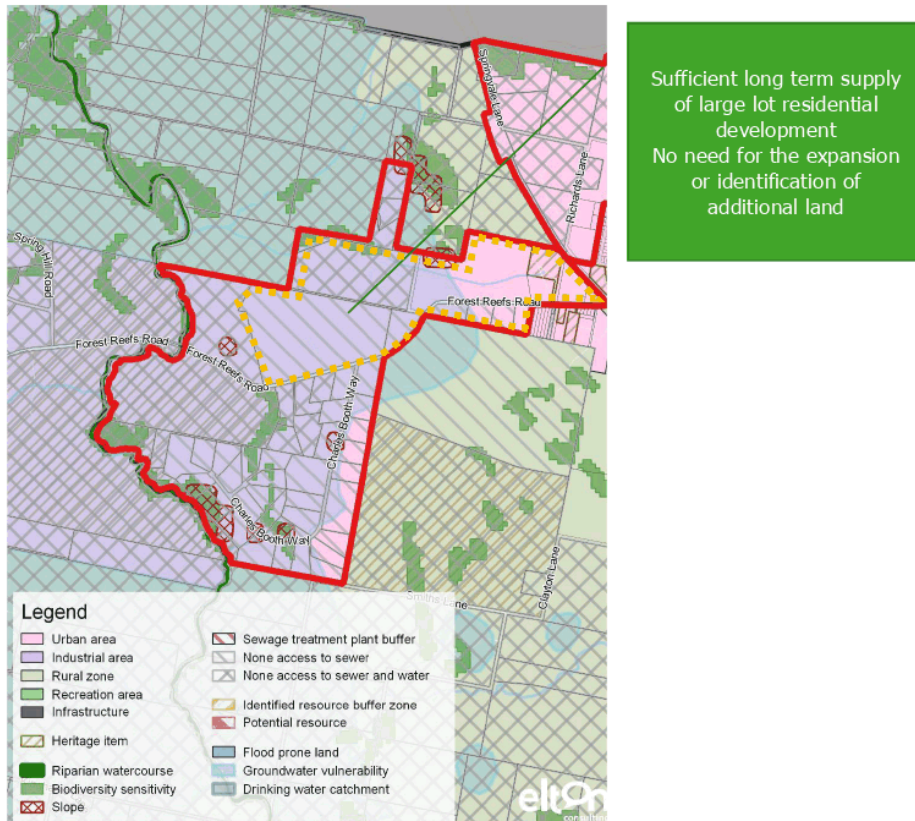


Table 20 Millthorpe West / Forest Reefs precinct opportunities and constraints

Constraints	Opportunities
<p>Much of Millthorpe West / Forest Reefs precinct is in an area of groundwater vulnerability and without sewerage 2ha is an appropriate size for development.</p> <p>The sprawl of zoned land is inefficient in terms of the impact on agricultural land.</p> <p>Lot sizes result in underutilisation of land.</p>	<p>There is sufficient land zoned and not yet developed to maintain a supply of this form of development in the long term.</p>



Implications for the Settlement Strategy

- » Sufficient land zoned R5 Large Lot Residential for the long term within Millthorpe West / Forest Reefs.

3.5.3 Carcoar

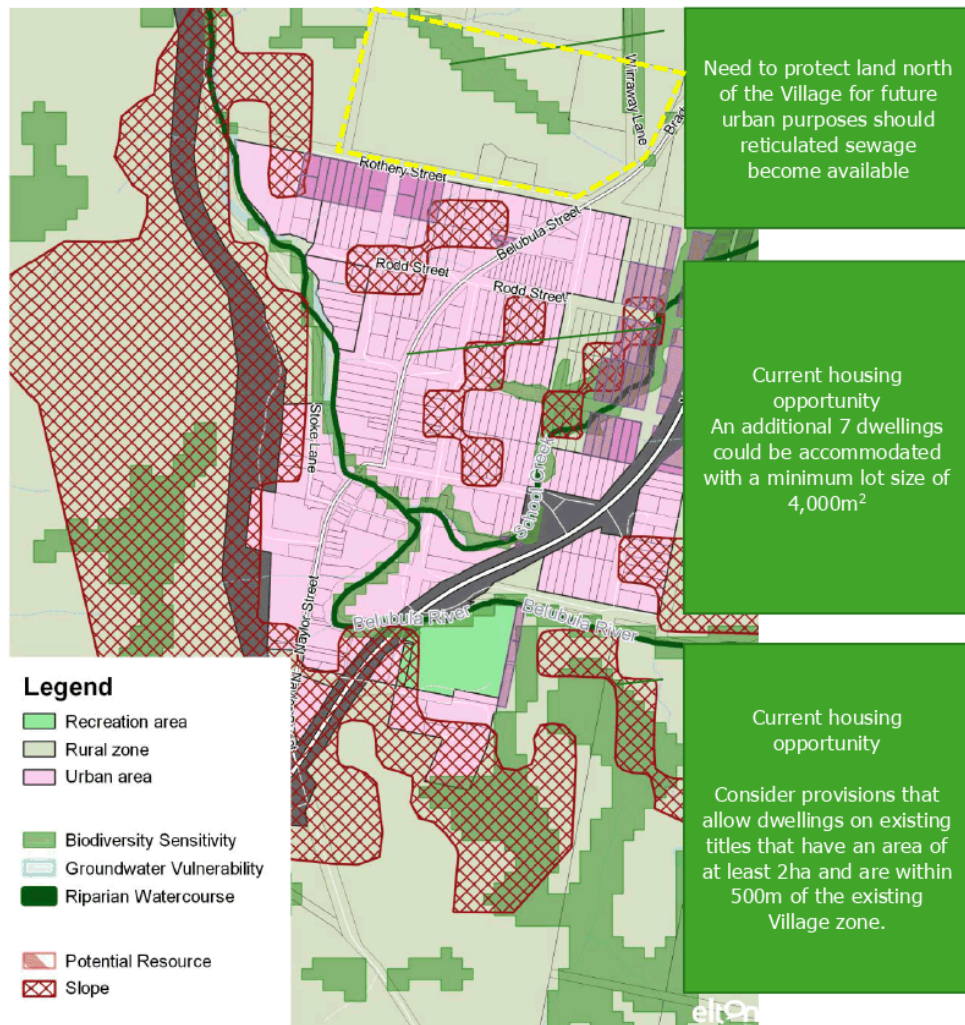
Like Millthorpe, Carcoar has unique character and heritage attributes that make it highly attractive for a village lifestyle. It is also one of the closest villages to Blayney. While potable water servicing has been achieved for Carcoar, the village is currently not sewered. The village has not attracted much growth.

The predominant lot size in Carcoar is generally around 2,000sqm. This is the result of the original town survey. A combination of slope, heritage, existing orientation of lots and the requirement to adequately dispose of waste water on-site create significant challenges to realising additional dwellings within the current town structure. Some of the key factors in an appropriately sized on-site sewerage system include:

- » The topography and the direction of slope across the site (steeper terrain requires more space and if lots are orientated in an inappropriate direction, it is likely that appropriate handling of on-site sewerage will not be possible);
- » Soil profiles which determine the ability of the soil to hold and process on-site sewerage – this factor is currently unknown; and
- » Flooding, which impacts some parts of Carcoar.

The village of Carcoar has the following opportunities and constraints illustrated below.

Figure 23 Carcoar opportunities and constraints



The following constraints and opportunities apply to Carcoar.

Table 21 Carcoar opportunities and constraints

Constraints	Opportunities
Carcoar is serviced with potable water but not for wastewater and related issues such as topography and soil profile.	Servicing for wastewater investigations are identified by Blayney Shire Council. To inform the business case, analysis of the subdivision pattern should be undertaken to see if laneways should be incorporated in Carcoar’s structure in some key areas.
Heritage items and heritage conservation areas	Should the above be resolved a design guide should be prepared to ensure that development in the core heritage area of Carcoar is complementary.



Implications for the Settlement Strategy

- » If wastewater servicing is viable at Carcoar, planning should respond to potential increased market interest to deliver increased serviceability of urban structure and protect heritage.
- » Need for an increase in the MLS for a dwelling.

3.5.4 Mandurama and Lyndhurst

Mandurama is now serviced with potable water, but not sewerage services. The village has an approximate capacity of 13 additional dwellings if a minimum lot area of 4,000sqm is used as a benchmark for an on-site sewerage system. While there are significant numbers of vacant lots, in some area lots of around 1,000sqm are developed contiguous to one another.

In order to provide opportunities for further growth, it is recommended that provisions be made in the BLEP that will enable an opportunity for additional dwellings on lots with a minimum area of 2ha or lots that could be consolidated to achieve an area of 2ha that are located within 500m of existing RU5 Village zones. In the case of Lyndhurst, this may extend to include land within 500m of the R5 Large Lot Residential zone.

The R5 Large Lot Residential zone in Lyndhurst has a MLS of 3,500sqm. This is inconsistent with the R5 zoned land in other localities and a lot size of 1ha is considered a more appropriate lot size given the existing and potential density of development and to limit the impact of on-site sewerage management systems on adjoining properties. Such a change will not impact existing dwellings.

The village has biodiversity and ownership pattern constraints generally to the south and south-west, which also forms private but green spaces in the town. Should sewerage servicing occur, consideration of expansion of the village to north-west along the river front could be considered. This would mean a ring of biodiversity and recreational opportunity could surround the town.

The RU5 Village area of Lyndhurst is separated from the R5 Large Lot Residential west of Grubbenbun Creek. Historical aerial photography is indicative of this area being a significant floodplain, with very flat topography dominating the landscape. The extent of flooding is unknown.

Flood affectation is of particular concern, particularly in regard to the use of septic systems.

The following map provides an illustration of the constraints at Mandurama. However, it must be noted that the flood extent in Mandurama is unknown and has the potential to impact much of the river frontage.

Figure 24 Mandurama opportunities and constraints

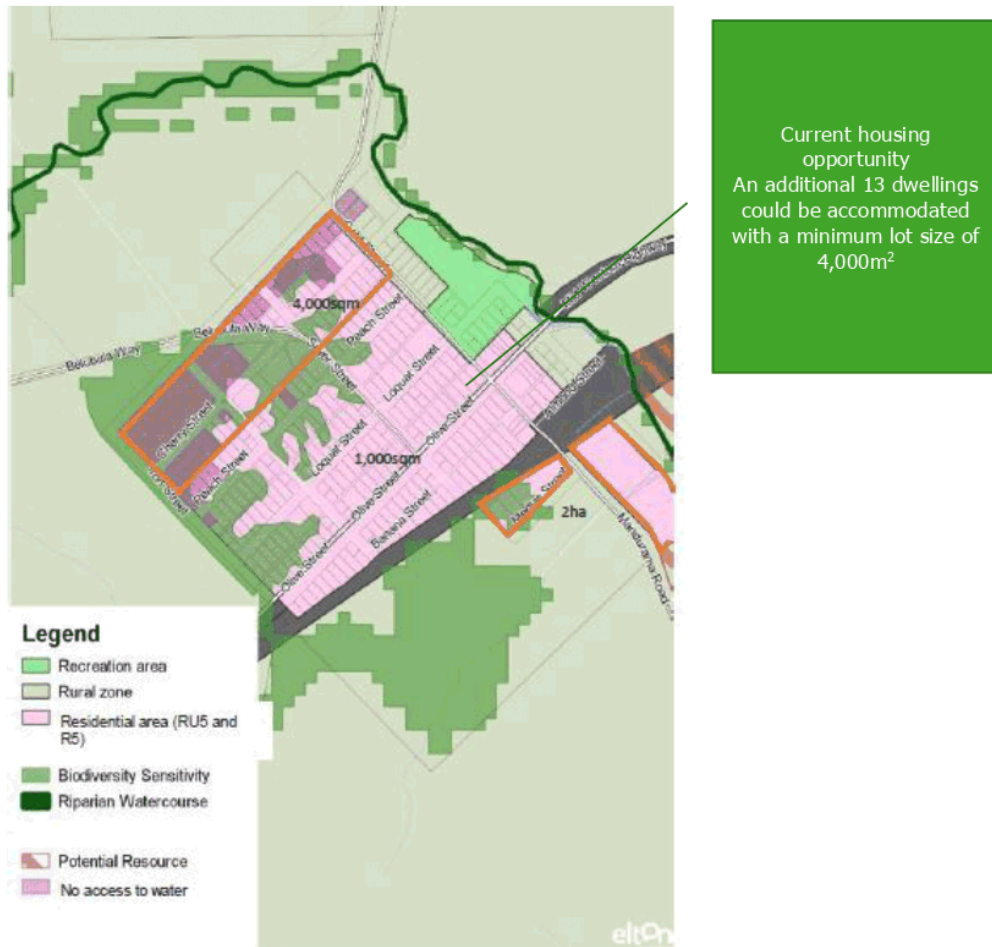
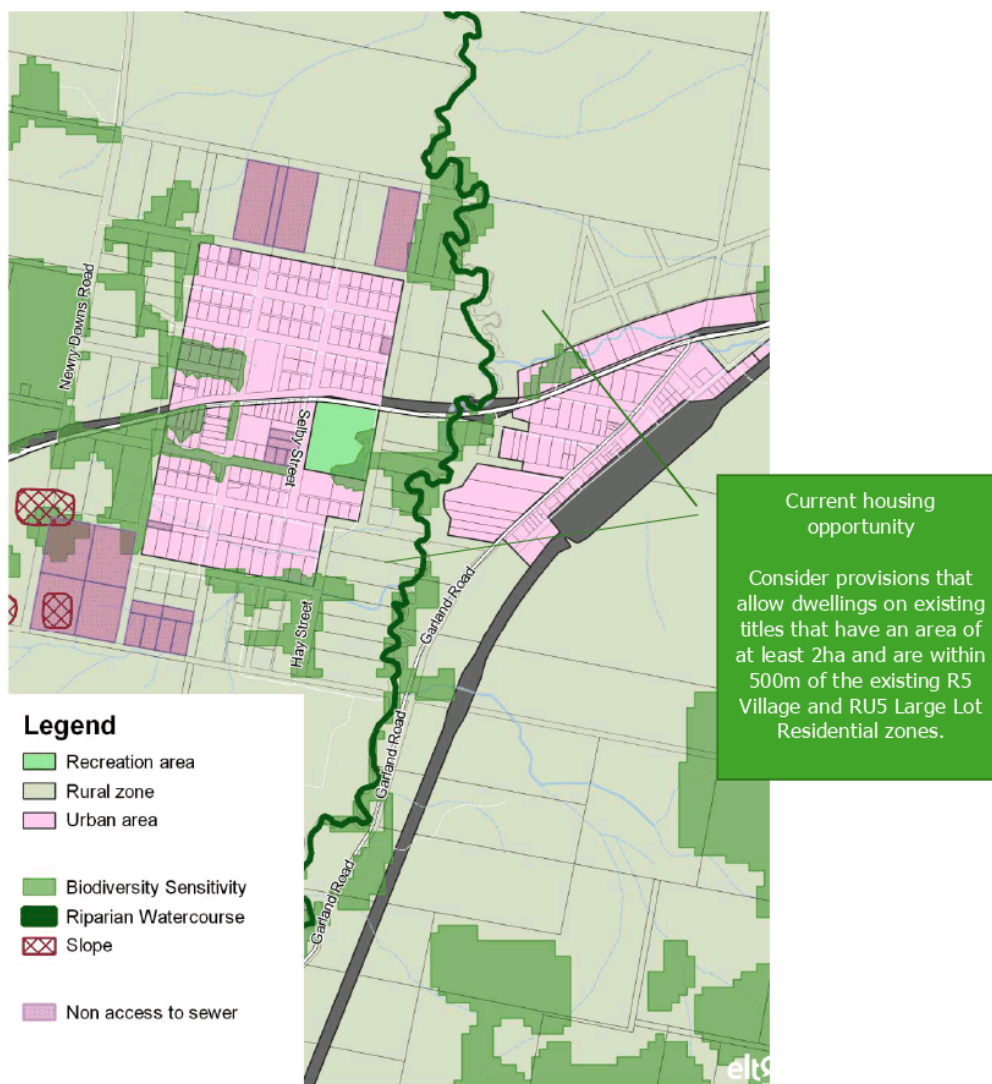


Table 22 Mandurama and Lyndhurst opportunities and constraints

Constraints	Opportunities
<p>The level of flooding (impacting the safe installation of sewerage systems and other factors) is unknown for Mandurama and Lyndhurst. Much of Lyndhurst is on a significant flood plain and Mandurama is partially on a floodplain. This has a significant impact on environmental health in circumstances where dwellings rely on site waste water disposal.</p>	<p>Council has indicated investigation into wastewater servicing for Lyndhurst and Mandurama. With wastewater servicing there would be significant existing capacity in Mandurama.</p> <p>Without wastewater servicing approximately 13 dwellings could be delivered in Mandurama if a lot size of 4,000sqm is adopted but there may be a reduction in this potential due to inability to deliver on-site sewerage on a limited number of flood prone areas.</p>

Constraints	Opportunities
Lyndhurst needs significant investigation into potential flood impacts for on-site sewerage. At present, the minimum lot size of 1,000sqm in the RU5 zone and the existing subdivision pattern would allow 6 additional dwellings	Adopting a lot size of 4,000sqm allow for 3 additional dwellings.

Figure 25 Lyndhurst opportunities and constraints





Implications for the Settlement Strategy

- » Need to consider increasing the MLS for a dwelling in the RU5 and R5 zones
- » Opportunity for dwellings on existing titles under certain circumstances

3.5.5 Newbridge, Neville and Barry

Neville and Barry do not have access to reticulated water and sewer. While potable water is being considered by Central Tablelands Water for these settlements it is beyond Council control other than to strongly advocate for this to occur.

There has been a long-running water security issue in the Central West since the late 90s. While a study has been more recently commissioned to indicate that an upgrade of Lake Rowlands is necessary, approval of funding has not been able to be secured.⁶ Engineering feasibility is currently underway. Until there is certainty in relation to water availability, expansion of these villages should not occur.

Both of these settlements are also within the Central Tablelands Water drinking water catchment increasing the health and environmental risks associated with on-site sewage management systems.

Both Barry and Neville have experienced low demand based on new dwelling applications between 2008 – 2019 (Barry having four applications and Neville seven applications, five of which were in the R5 Large Lot Residential zone). Analysis of vacant land and potential to accommodate on-site sewerage with optimal design parameters requiring 4,000sqm, indicates there is no opportunity in Barry in the RU5 Village zone, but at least 5 opportunities in the R5 Large Lot zone. There is an abundance of dwelling opportunities in Neville (refer Snapshots in **Section 2**– Neville vacant lot and landholding pattern).

Newbridge has similar servicing constraints with the exception that it does not fall within the drinking water catchment. However, the west of the village is within the area identified on the groundwater vulnerability maps. Newbridge has experienced low demand with seven dwelling applications over the ten-year period to 2019. There are approximately 3 dwelling opportunities based on the existing zoned land.

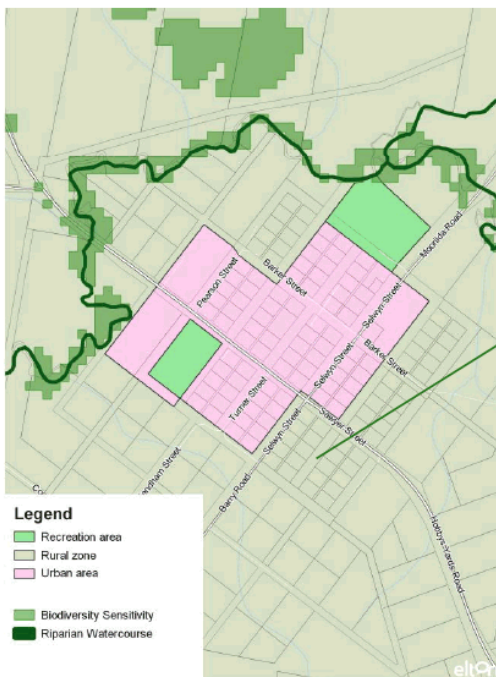
The logical expansion of Newbridge would be to join up disparate parts of the village, both north and south of the railway corridor.

There may be an opportunity to consider additional dwellings on lots with a minimum area of 2ha or lots that could be consolidated to achieve an area of 2ha within 500m of existing RU5 Village zones.

On-going monitoring of the take up of land in and adjacent to the villages should be a key outcome of the Strategy.

⁶ <http://www.ctw.nsw.gov.au/LakeRowlands.html>

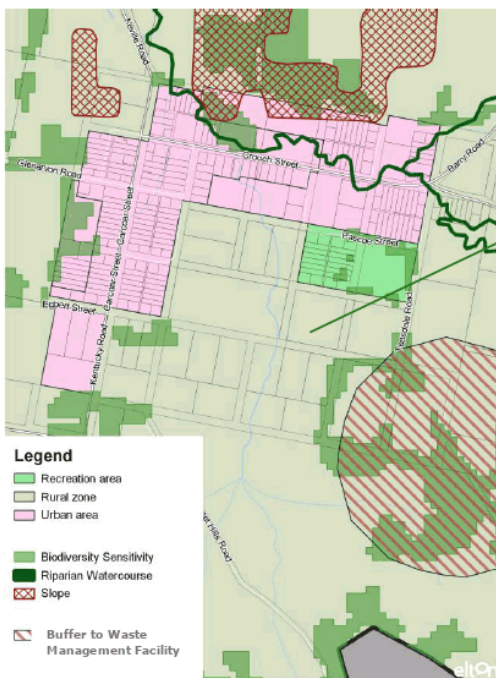
Figure 26 Barry opportunities and constraints



Current housing opportunity

Consider provisions that allow dwellings on existing titles that have an area of at least 2ha and are within 500m of the existing Large Lot Residential zone.

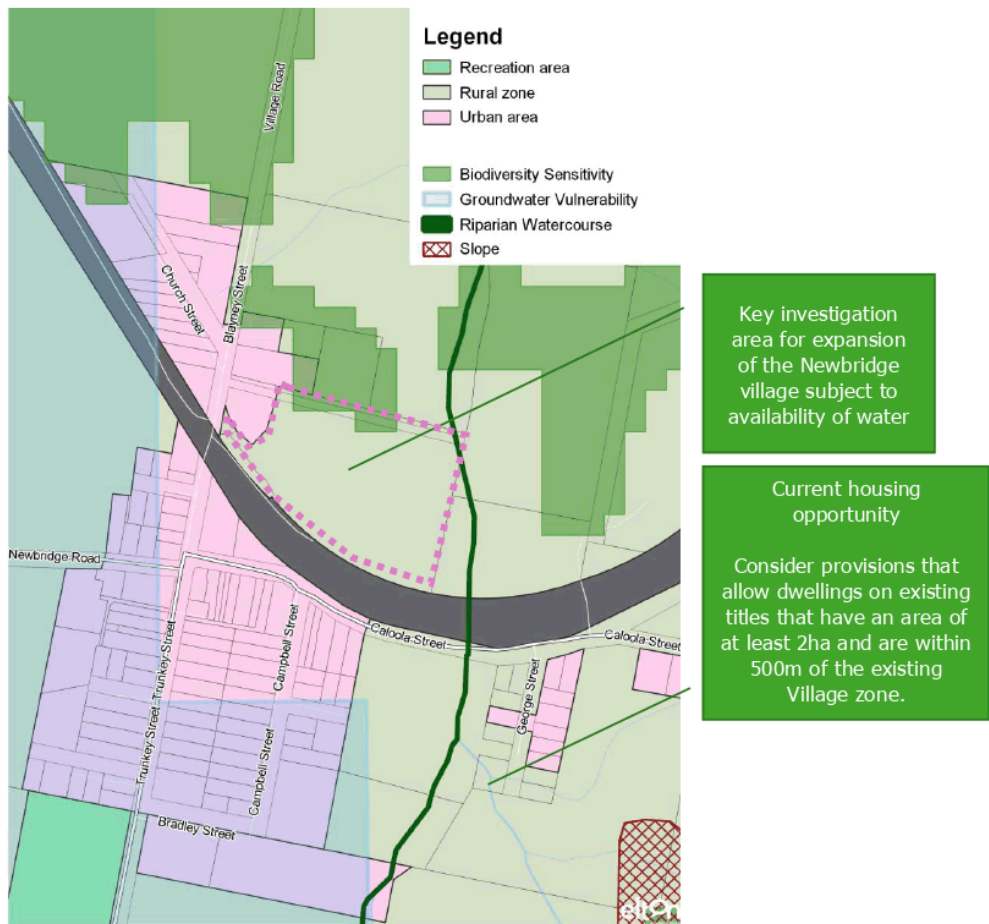
Figure 27 Neville opportunities and constraints



Current housing opportunity

Consider provisions that allow dwellings on existing titles that have an area of at least 2ha and are within 500m of the existing Village zone.

Figure 28 Newbridge opportunities and constraints



Implications for the Settlement Strategy

- » Council to continue to advocate potable water and water security in general for Blayney Shire
- » Consider modifications of planning controls for Neville and Barry once potable water security is achieved

3.6 Summary of dwelling potential

Based on the opportunities and constraints analysis, the capacity for housing development is outlined below.

The assumptions for take up of secondary dwellings or dual occupancies is very low (10 -15%) to ensure a realistic target even with a communications campaign to support the development of this type of housing

Only one key sit the Blayney Bowling Club, is assumed to deliver multi-dwellings in Blayney with modified controls, although all sites should be pursued concurrently to maximise opportunities.

Table 23 Additional dwelling total expected capacity

Location	Existing Capacity (Dwellings)	Planning changes or other strategies	Additional Capacity (Dwellings)
Blayney			
Blayney West	-	Revised subdivision plan to increase yield. Modifications to planning controls for dual occupancy in R1.	170
Blayney South	130	17.5 ha with a conservative yield of 10 dwellings per hectare as the upper amount. 10% reduction as a "undevelopable" contingency.	
Blayney key sites for multi-dwelling vacant	-	Change minimum land area for multi-dwelling to 240sqm, but not related to the bedrooms in the dwelling	48
Blayney R1 General Residential	10	Dual occupancy provisions allowing attached dual occupancy at 600sqm and detached at 800sqm. Encouragement of multi-dwelling development in some key areas offering good urban structure. Low take-up rate of 10-15% assumed.	140
Blayney R1 General Residential	39	No change but realise existing subdivision opportunities.	
Blayney Browns Creek R5 Large Lot Residential	40	R5 Large Lot Residential 2ha minimum lot size, with an average if 5ha.	84
Sub-total Blayney	218		442

Location	Existing Capacity (Dwellings)	Planning changes or other strategies	Additional Capacity (Dwellings)
Millthorpe			
Millthorpe North Large Lot Residential	120	Area north of Millthorpe. Revised down from 120 in 2012 Strategy likely to remain 2ha un-serviced 75% efficiency = 30 lots	-90
Millthorpe West / Forest Reefs Large Lot Residential	115	Area west of Millthorpe. Based on assumption of 75% efficiency rate to account for constraints including ownership patterns.	
Millthorpe Low Density Residential		Investigation Area South of Forest Reefs Road approx. 85ha @ 4,000sqm 75% efficiency	160
Millthorpe North East (Fleet Street)		Investigation Area (area to be determined approx. 10-15ha) 15ha @ 600sqm 10 lots per ha	150
Millthorpe South East (Pitt Street)		Investigation Area (area to be determined approx. 10-15ha) 15ha @ 600sqm 10 lots per ha	150
Millthorpe RU5 Village zone	35	No change	
Sub-total Millthorpe	270		370
Villages			
Lyndhurst	6	Change to the MLS in the RU5 Village zone and R5 zone in Barry to be consistent 4,000sqm which generally reduces the opportunity for additional dwellings by half (subject to individual assessment, land titles and existing vacant land. Refer Village snapshots). Capacity would be impacted is sewer became available.	-3
Madurama	26		-13
Carcoar	40		-37
Barry	0		0
Neville	41		
Newbridge	7	Includes existing village zone and provision for dwellings on existing 2ha lots with 500m of the Village	14
Other Rural	73	Take-up of dwelling approvals on rural land due to sunset clause	
Sub-total Villages and Rural	193		14

Total potential dwellings	671	826
Total Capacity		1,497

The total capacity is 1,497, this exceeds the forecast dwelling demand of 560 dwellings to 2036. However, due to the significant constraints to delivery, it is important that a number of strategies are pursued to ensure the delivery of housing over the period.

In particular, the strategies to promote more diverse housing stock should be pursued vigorously both through minor planning changes, but also communication with the community about housing options, and engagement with key stakeholders.

4 Planning Priorities & Actions

This section brings together the research and assessment undertaken during the study to provide a set of guiding objectives to inform planning decisions around the delivery of housing in Blayney to 2036 and beyond.

4.1 Local Housing Strategy Objectives

The objectives have been informed by the comprehensive analysis and review of the strategic policy context, demographic analysis, community and stakeholder engagement and consideration of character, opportunities and challenges in the Shire.

- » Provide a surplus of residentially zoned land suitable for timely development to meet current and future needs of the Blayney Shire to 2036.
- » Provide a diversity of choice in residential land and dwelling types in a range of appropriate locations responsive to the demographic needs of the Shire.
- » Provide flexibility in zoning and Development Control Plans for high quality urban design outcomes and protect character and heritage values and important visual corridors.
- » Ensure growth occurs in a contiguous and logical manner concentrating on serviceable land adjoining Blayney and Millthorpe.
- » Future development should strengthen the efficient use of existing infrastructure, services and transport networks and not seek to create unrequired demand for significant new infrastructure.
- » Provide for development that will complement and reinforce existing and future settlement structure, character and uses and allow for the creation of legible and integrated growth.
- » Provide and support opportunities for urban intensification through infill and adaptive reuse of heritage items and other sites in the town centre of Blayney and in Millthorpe, Carcoar and Newbridge.
- » Encourage large lot residential development on existing zoned land.
- » Residential development should avoid areas of environmental significance, excessive slope, significant natural and/or economic resources, potential hazards, high landscape or cultural heritage value, or potential increased risk associated with impacts of climate change.
- » Establish clear and logical physical boundaries for the containment of urban development allowing transitional land uses and subdivision patterns which protect highly productive agricultural landscape and areas of significant biodiversity.

These objectives provide a clear position for the evaluation and recommendations for growth in the Blayney Shire that will deliver positive sustainable, economic, social and environmental outcomes for the community in the supply of housing.

4.2 Land use planning approach

This Strategy adopts an approach to land use planning that is designed to support the delivery of a diverse range of housing in the right locations and to enhance people’s ability to access jobs and services, compatible with key identified values that contribute to the character of an area.

The Strategy:

- » Concentrates urban release areas and development within the urban fringe that can be readily serviced;
- » Encourages some local infill through reviewing planning controls, particularly in relation to lot sizes for dual occupancy development and residential accommodation; and
- » Includes opportunities for additional development in villages and smaller settlements through a more transparent approach to planning controls and identification of infill opportunities

Finalise and endorse the Settlement Strategy

Planning Proposal

Analysis of planning controls to support the delivery of the Strategy through a Planning Proposal to deliver Short and Medium Term Development Opportunities

Local Strategic Planning Statement

Overview of land use, direction and character of the Blayney Shire to inform LEP and DCP amendments, and give weight to Council’s community strategic plan.

LEP Amendment, DCP Amendment and Urban Release Area Investigations

- » LEP areas identified for potential amendments, informed by principles and constraints analysis development in the Strategy to
 - > Harmonise controls to form a revised LEP including overall aims of the LEP and zone objectives
 - > Review residential accommodation land uses, in particular the opportunity for dual occupancy and multi dwelling housing and associated subdivision controls
 - > Consider the zoning in Millthorpe
- » DCP – the DCP provides further guidance for development, and of particular inclusion are character statements; landscaping and design guidance updates. Site specific DCPs should also be prepared to support Urban Release Areas. Once identified as URAs in the LEP these areas should be identified as excluded areas in the current DCP until site specific chapters are added to address Part 6 of the LEP.

Ongoing monitoring

4.3 Key Recommendations

The key recommendations for additional land identified in the Strategy are summarised below.

4.3.1 Blayney



Blayney Settlement Vision

Blayney township will strengthen its position as the commercial heart of the Shire and deliver greater housing diversity in close proximity to the core to support its retail and social function. Housing will be delivered to meet key demographic needs including suitable housing for an ageing population, workers attracted to the area as well as affordable options for families. Housing will be planned to strengthen the urban structure to deliver cohesive streetscapes through quality infill development as well as greenfield housing opportunity.

Blayney is the largest town and will continue to experience the majority of growth. The key recommendations include the following:

- » Identification of short and medium term Future Investigation / Urban Release Areas to the west and south.
- » Preservation of land to the south in the long term for future investigation as required (beyond the life of the Strategy).
- » Consideration of additional residential land uses in the town centre without compromising the integrity of the Main Street.
- » Consideration of a mix-use zone north of the rail corridor in Hill Street.
- » Consideration of an extension of the urban zone to land that is not impacted by flood on Lower Farm Street.
- » Protection of the primary east-west and north south entrances to town.
- » Consideration of additional planning controls that will enable the delivery of dual occupancy development by allowing subdivision below the minimum lot size.
- » Encouragement of in-fill development accessing laneways where practical.
- » Consideration of reducing the minimum lot size for the R5 Large Lot Residential zone on Browns Creek Road from 20ha to 2ha with an average of 5ha.

4.3.2 Millthorpe



Millthorpe Settlement Vision

Master planning for Millthorpe, in close consultation with the community, will appropriately respond to housing demand in the locality, respecting heritage, character and scenic value.

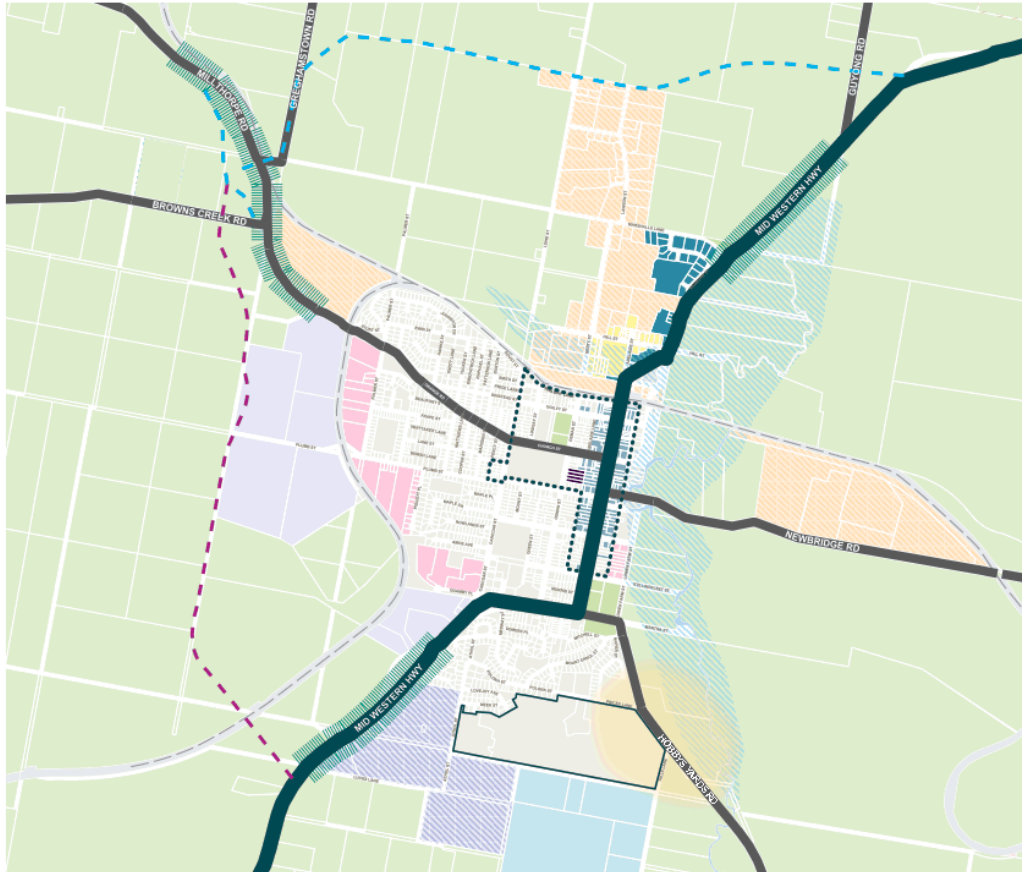
The master planning process will consider delivery of a variety of housing options for expansion that seamlessly integrates with the existing village area and will guide any appropriate infill that complements the existing fabric and heritage values.

Millthorpe has experienced strong growth, particularly in the large lot residential land. There is a limited supply of zoned land in the existing village for traditional residential development. In addition, the town is largely impacted by a Heritage Conservation Area. The key recommendations as shown on the Town Structure Plan and include the following:

- » Establishment of Future Investigation Areas north of Vittoria Road and Kingham and Fleet Streets and south of Pitt and Morley Streets subject to master planning and rezoning.
- » Inclusion of the existing RU5 Village zoned land West of Millthorpe Road and adjoining R5 Large Lot Residential Land north of the Village zone and south of Richards Lane / Springvale Lane, in a development control plan to ensure that the area is developed in an orderly and efficient manner having regard to the existing historic character and visual amenity of the entrance village.
- » Protection of key town entrances as important visual corridors that contribute to the character of the village.
- » Consideration of the opportunity to create green linkages or a "green grid" around the village, particularly in the north as part of future development.
- » Contraction of the Village zone to the area that is providing commercial and mixed use development and consider a suitable residential zone for the balance of the village.
- » Inclusion of an additional provision in the LEP that allows for dwellings on RU1 Primary Production zoned land in certain circumstances where the lot has an area of at least 2ha and is within 500m of the RU5 Village zone.
- » Retention of the minimum lot size of 2ha for land within the R5 Large Lot Residential zone along Forest Reefs Road and to the north and west of Millthorpe and remove the potential for serviced lots of 4,000sqm.
- » Consideration of land south of Forest Reefs Road for serviced rural residential development under a R2 Low Density Residential zone with a 4,000sqm minimum lot size (Future Investigation Area).

BLAYNEY TOWN STRUCTURE PLAN

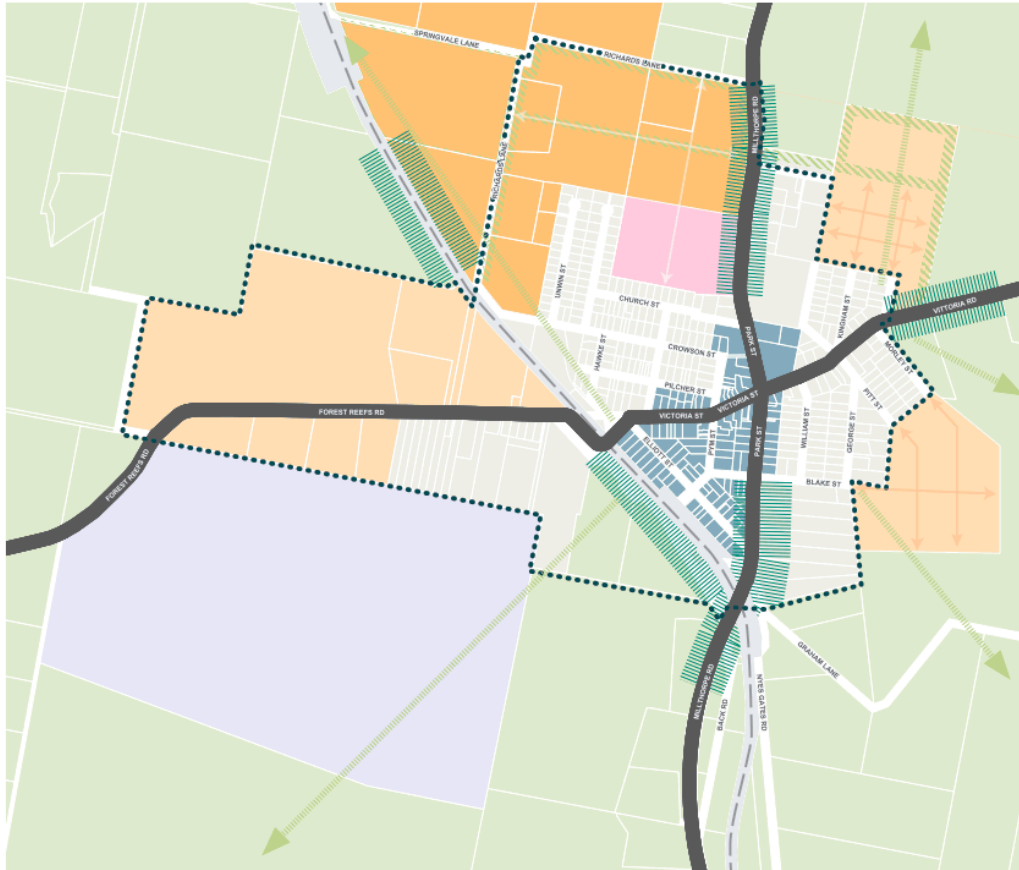
Provide opportunities for in-fill development by enabling subdivision of dual occupancy. Zone land to encourage further subdivision and improve efficiency of existing infrastructure.



- | | | |
|---|---|--|
| Preserve very long term by continuing to limit further fragmentation of land adjoining the existing urban area. | Apply a Mixed Use zone in Hill Street to accommodate residential uses. Provide guidelines in DCP | Town Centre. |
| Identify land as future investigation area short/medium term. Protect from fragmentation into smaller rural residential lots. | Consider suitability of residential uses on certain sites in the town centre in particular the former bowling club. | Urban area. |
| Identify land as future investigation area - long term subject to rezoning. | Continue to work with landowners to release existing zoned land for residential development. | Development potential (infill). |
| Protect visual amenity of key entrances to town. | Proposed heavy vehicle route stage 1. | Existing enterprise corridor / industrial. |
| Extend the Business Development zone to land along the Highway fronting Hill Street . | Proposed heavy vehicle route stage 2. | Heritage Conservation area. |
| | | Flood plain. |
| | | Sewerage treatment plant and buffer. |

MILLTHORPE TOWN STRUCTURE PLAN

Note: The Strategy considered the land identified in the 2012 Settlement Strategy both future large lot residential and residential. There is sufficient land supply for large lot residential on zoned land without the need for any additional land.



- Identify connection opportunities from Church and Stabback Streets. Consider heritage character and traditional grid layout (arrows). Minimum lot size of 2HA.
- Large Lot Residential Investigation Area (2012) consider opportunity for R2 Low Density Residential, serviced with a MLS 4000m².
- Key growth area for zoned R5 Low Density Residential Development.
- Future investigation area options subject to master planning and rezoning. Consider heritage character, drainage, visual amenity and traditional grid or modified grid layout (arrows).
- Village zone to concentrate on Park, Pym and Victoria Streets. Consider a Mixed Use zone.
- Development potential, subject to master planning.
- Heritage Conservation area.
- Include a provision to enable the erection of a dwelling on existing lots with an area of 2HA and located within 500m of the Village-zoned land (RUS). Other requirements apply.
- Protect visual amenity of key entrances to town.
- Consider the "green grid" and opportunities for linking public spaces.
- Urban area.

4.3.3 Settlements Summary

The Villages continue to provide diversity and choice in housing as well as an affordable housing option. The biggest constraint, as noted in section 3.5 is the ability to provide suitable on-site sewage management. The following key recommendations have been provided for the villages:

- » Apply a consistent minimum lot size of 4,000 sqm for a dwelling;
- » Include a provision in the BLEP to enable the erection of a dwelling on existing lots with an area of at least 2ha, located within 500m of the existing urban zoned land in the village and with an access / frontage to an existing formed road; and
- » Continue to allow for a range of land uses in village zones.

Carcoar



Carcoar Settlement Vision

Carcoar has significant potential to grow as a lifestyle village with character, capitalising on opportunities offered by the historic core and scenic topography. It will capitalise on its potential, similar to that of Millthorpe, through key investigations into a servicing strategy that will enable the village to grow and prosper offering a unique setting.

- » Protect the land to the north of Carcoar from fragmentation below 2ha to enable future expansion of the village should reticulated sewage become available.
- » Increase the minimum lot size for the erection of a dwelling applicable to land in the RU5 Village zone to 4,000sqm, with the ability to reduce the minimum lot size to 1,000sqm if reticulated sewerage is provided.
- » Inclusion of an additional provision in the BLEP that allows for dwellings on RU1 Primary Production zoned land in certain circumstances where the lot has an area of at least 2ha and is within 500m of the RU5 Village zone.

Mandurama and Lyndhurst



Mandurama Settlement Vision

Mandurama has the opportunity to develop as an affordable and family-friendly environment. For the size of the community, it has a good range of services that can be strengthened by further growth. The town could potentially benefit from future sewerage servicing that could increase its development potential.

- » Increase the minimum lot size applicable to land in the RU5 Village zone to 4000m².
- » Increase the minimum lot size for the erection of a dwelling applicable to land in the RU5 Village zone to 4,000m², with the ability to reduce the minimum lot size to 1,000m² if reticulated sewerage is provided.
- » Include a provision in the BLEP that allows for dwellings on RU1 Primary Production zoned land in certain circumstances where the lot has an area of at least 2ha and is within 500m of the RU5 Village zone.



Lyndhurst Settlement Vision

Lyndhurst is will remain a picturesque village adjacent to the floodplain of Grubbenbun Creek. Until the extent of flooding is known and if the town is feasible to connect to sewer, the location will continue to be a key semi-rural lifestyle location based on larger lot sizes.

- » Increase the minimum lot size applicable to land in the RU5 Village zone to 4,000 sqm.
- » Increase the minimum lot size for a dwelling in the R5 Large Lot Residential zone to 1ha.
- » Increase the minimum lot size for the erection of a dwelling applicable to land in the RU5 Village zone to 4,000m², with the ability to reduce the minimum lot size to 1,000m² if reticulated sewerage is provided.
- » Include a provision in the BLEP that allows for dwellings on RU1 Primary Production zoned land in certain circumstances where the lot has an area of at least 2ha and is within 500m of the RU5 Village zone or R5 Large Lot Residential zones.

Newbridge, Neville and Barry



Newbridge and Neville Settlement Vision

Newbridge and Neville will continue to grow slowly, retaining their rural landscape character. With capacity to accommodate growth similar to the last 10 years, consideration of expansion of the villages will occur pending the resolution of the availability of water and sewage infrastructure. Considerable care needs to be taken to ensure that appropriate management of environmental risks to guide longer-term future growth.

- » Increase the minimum lot size applicable to land in the RU5 Village zone to 4000 m²
- » Include a provision in the BLEP that allows for dwellings on RU1 Primary Production zoned land in certain circumstances where the lot has an area of at least 2ha and is within 500m of the RU5 Village zone.



Barry Settlement Vision

Barry will retain its small village character, providing some limited further opportunity for residential living in a rural setting where environmental constraints can be appropriately managed.

- » Increase the minimum lot size applicable to land in the R5 Large Lot Residential zone to 4,000 sqm.
- » Include a provision in the BLEP that allows for dwellings on RU1 Primary Production zoned land in certain circumstances where the lot has an area of at least 2ha and is within 500m of the R5 Large Lot Residential zone.

4.4 Mechanisms to Deliver the Options

In Blayney and Millthorpe, the priority is to secure the release of greenfield land for residential development and to ensure that local planning controls and development opportunities are sufficiently flexible to ensure the ongoing delivery of a diverse range of dwelling typologies.

4.4.1 Local Environmental Plan

Local Environmental Plans (LEP) guide planning decisions for local government areas. They do this through zoning and development controls, which provide a framework for the way land can be used.

There are a number of local provisions that can be applied through the BLEP to achieve the intended outcomes of the Strategy. These include minimum lot sizes for particular zones and in certain areas, land use tables that provide a clear indication of the permissible and prohibited land uses, essential services and other local provisions.

Investigation and Urban Release Areas

The Strategy identified future investigation areas in both Blayney and Millthorpe. Master planning will be required to ensure that these areas are delivered in an efficient and orderly manner.

The mechanism for the inclusion of Investigation Areas in the planning framework is the inclusion of Urban Release Area (URA) provisions in the LEP. The objective of the URA provisions in the LEP is to ensure that the development of land occurs in a logical and cost-effective manner and in accordance with a staging plan and DCP.

The URA would generally apply to land that is "up-zoned" as part of an LEP review process. The inclusion of these provision is essential for the orderly development of land identified under the Strategy and would form part of the Planning Proposal.

Planning Proposal

The key actions in terms of land use zoning as identified in the Strategy will require changes to be made to the BLEP as noted above. This can be undertaken as part of a wider, comprehensive review of the BLEP or as a specific amendment. The mechanism for amending the BLEP is through a Planning Proposal. A Planning Proposal is the document that explains the intended effect of a Local Environmental Plan and sets out the justification for making the plan.

A Planning Proposal is prepared by either a proponent or Council to affect changes in the control in the Local Environmental Plan.

DPIE have prepared guidelines under section 3.33 of the EP&A Act to assist in the preparation of Planning Proposals.

4.4.2 Development Control Plan

In addition to an amendment to the BLEP, Council can consider arrange of other mechanisms to enhance, encourage and promote the objective of the Strategy and the delivery of a range of housing including though the Development Control Plan (DCP).

Working in tandem with the BLEP, the DCP can be reviewed to consider the inclusion of additional controls to relax development standards such as setbacks, private open space requirements and car parking in certain areas on the Blayney Shire.

4.4.3 Adaptable Housing Policy

One of the key findings in term of existing housing is the lack of diversity in terms of typology. Coupled with an aging population and change to household structure, 3-4 bedroom single detached dwellings are unlikely to be the most suitable option. In response to the changing demographic and principle of aging in place, Council could consider the introduction of adaptable residential accommodation guidelines in the DCP or local policy.

Adaptable accommodation is a dwelling that is able to respond effectively to these needs without requiring costly and energy intensive alterations. Council could work with local developers and builders to address element like bathroom size, corridor width and the general accessibility of the products currently being delivered. Development controls such as minimum targets for adaptable housing in in multi-dwelling housing development could be introduced. This could encourage older people to relocate to smaller dwellings and age in place.

Seniors Housing and Housing for People with a Disability

The Seniors Housing SEPP applies in the Blayney Shire.

Seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these.

but does not include a hospital.

The application of specific provisions in the DCP could be a starting point for Council as a mechanism to deliver a housing product that is better suited to older people.

Affordable Housing

Affordable Housing Policies are a mechanism for the delivery of smaller lot housing in particular areas or circumstances. As noted above, the villages already provide for diversity in terms of housing affordability and lifestyle. The margins for development in regional towns and villages are already reasonably tight which limits the options in terms of incentives that can be provided to developers in this space. Nonetheless, Council should continue to look for opportunities to ensure that housing is available at a range of price points.

Considering the development of a local housing affordability policy should provide the starting point for addressing affordability.

4.5 Actions

Notes: The Overarching Policy Directions Correspond to the relevant Directions of the Central West and Orana Regional Plan (eg. CWORP Direction 24) and the reference is made after the direction is cited. This has been done to provide direct correlation between the CWORP and the Strategy.

- The Strategy is overarching and it has a corresponding Action or series of Actions
- Implementation Outcomes provide a simply measure of the success in delivery of the Action
- Timeframe is in Short term 12 months, Medium 10-5 years, Long 10 years plus. Timeframes may vary as priorities change in response to growth
- Responsibility, predominately Council but some Actions require collaboration

Direction Increase housing diversity and choice (CWORP Direction 25)

Strategy	Action	Implementation Outcome	Timeframe	Responsibility
A1 Review Settlement Strategy in line with Draft guideline for the preparation of housing strategies	A1-1 Complete and endorse the Local Housing Strategy	Strategy adopted	Short	Council/DPIE
A2 Provide a for a range of housing typologies to suit the demands of the changing demographic of the current population and the incoming population.	A2-1 Review the Land use tables for the R1 General Residential, R5 Large Lot Residential and RU5 Village zones to reflect the expectation of residents.	Strategy Adopted by Council and DPIE Planning controls provide for housing choice. Community have more certainty as to the likelihood of the type of development in their street Amendment to the BLEP made	Short Medium	Council/DPIE
A3 Provide opportunities for increase in densities in Blayney	A3-1 Consider an amendment to the BLEP to provide for subdivision provisions in dual occupancy	An increase in the number of infill developments, including multi dwelling housing	Medium	Council

Blayney Shire Settlement Strategy

112

development and multi-dwellings housing

A4 Provide flexibility in the Planning Controls to encourage infill development in suitable locations, particularly in Villages	A4-1 Consider an amendment to the BLEP to allow for dwellings on existing titles adjacent to Villages.	Additional dwelling opportunities in Villages	Short	Council
---	--	---	-------	---------

Direction B Increase housing choice for seniors (CWORP Direction 26)

Strategy	Action	Implementation Outcome	Timeframe	Responsibility
B1 Engage with the Community to understand housing needs for seniors in the Blayney Shire	B1-1 Use Councils existing communications channels to start and continue the conversation about accommodation for a changing demographic B1-2 Work with business and industry to unlock opportunities for development of seniors housing	Improved education around demographic change Additional supply of housing suitable for seniors.	Short/on-going	Council
B2 Ensure that planning controls provide opportunity for housing for older people.	B2-1 Amend the DCP to include controls for adaptable housing in the R1 and RU5 zones B2-2 Engage with the building and development industry about the opportunities for including adaptable housing in planning controls	DCP revised and commenced	Medium	Council

Direction C Deliver a range of accommodation options for seasonal, itinerant and mining workforces (CWORP Direction 27)

Blayney Shire Settlement Strategy

113

Strategy	Action	Implementation Outcome	Timeframe	Responsibility
C1 Ensure planning controls are in place that support and promote alternative housing options for seasonal, itinerant and mining workforces	<p>C1-1 Review planning controls and land use tables across all zones to facilitate the delivery of accommodation options.</p> <p>C1-2 Work with adjoining Councils to provide a consistent approach to development of worker accommodation, particularly in rural areas.</p> <p>C1-3 Consider the definitions of tourist and visitor accommodation in the context of temporary accommodation in rural areas and villages in particular, the opportunity to transition from a dwelling to tourist accommodation.</p> <p>C1-4 Consider a range of alternative housing typologies, tiny houses and re-use of existing structures to deliver temporary accommodation</p>	Additional beds available for short term workforce	Short term	Council/Orange 360/Adjoining Councils

Direction D Manage rural residential development (CWORP Direction 28)

Strategy	Action	Implementation Outcome	Timeframe	Responsibility
D2 Maximise the efficiency of rural land and infrastructure	<p>D2-1 Provide for a range of lot sizes that enable the efficient use of land</p> <p>D2-2 Investigate the implications of a reduction in the MLS for existing R5 zoned land on Browns Creek Road to</p>	Better utilisation of land and efficiency of infrastructure	Short/medium term	Council

Strategy	Action	Implementation Outcome	Timeframe	Responsibility
	enable smaller lots (2-5ha) and including lot averaging.			

Direction E Deliver healthy built environments and better urban design (CWORP Direction 29)

Strategy	Action	Implementation Outcome	Timeframe	Responsibility
E1 Deliver well planned suburbs and communities	E1-1 Include Neighbourhood Planning Principles in the consideration of the future inclusion of Urban Release Area provisions in the LEP for land identified as Investigation Areas	Improved residential amenity	On-going	Council
E2 Reduce the risk of on-site wastewater management systems to environmental and human health	E2-1 Consider an amendment to the BLEP that increases the MLS for subdivisions and new dwellings in Village zones to 4000 sqm E2-2 Include provisions that enable smaller lot sizes to be considered for dwellings where the lot is existing and the proponent can provide a full site and soil capability assessment. E2-3 Increase the minimum lot size in the R5 zone in Lyndhurst to 1ha	Improved consistency and certainty in the approval of dwellings in villages	Short	Council
E3 Provide suitable Urban Release Areas that can be readily serviced and infrastructure accommodated into a local contributions plan as part of the planning process for the Structure Plan	E3-1 Strategy identifies areas that are in sequence and suitable for rezoning for residential development in Blayney and Millthorpe	A development footprint that demonstrated sequential release of land	Short	Council/ Community/ Landowners

Strategy	Action	Implementation Outcome	Timeframe	Responsibility
	<p>E3-2 Consider an amendment to the BLEP to rezone land in Blayney south (Quamby Place) in the short term.</p> <p>E3-3 Consider an amendment to the BLEP to rezone land in Millthorpe north east. Any such amendment should include a structure plan and address key issues including; visual impact on entrance to the village, maintaining the historic grid and avoiding cul de sacs, incorporating a range of lot sizes and dwelling typologies (smaller lot and adaptable housing), infrastructure delivery and sequencing and adopt a Water Sensitive Urban Design approach.</p> <p>E3-4 Consider the existing urban (and historic) character of existing towns and villages when preparing urban release area controls.</p>			
E4 Maximise the efficiency of hard Infrastructure (water and sewer)	<p>E4-1 Ensure that Development Servicing Plans are up to date</p> <p>E4-2 Review Council's planning resources and update/create information sheets or on-line resources to assist mum and dad developers understand the controls</p>	<p>Up to date DSP</p> <p>Increase in infill development</p> <p>Local Contribution Plan reflects additional demand and local infrastructure delivery</p>	Medium	Council
E5 Ensure Social and Community Infrastructure is available to meet the needs of the incoming population	E5-1 Review Community and Recreation Plans and Strategies to support the delivery of infrastructure to new development	Local Infrastructure delivered by the developer and apportioned to new development with no cost to the community.	Medium	Council

Strategy	Action	Implementation Outcome	Timeframe	Responsibility
	E5-2 Review the Local Contributions Plan	Plan complete and updated		

Direction F: Deliver more opportunities for affordable housing (Council)

Strategy	Action	Implementation Outcome	Timeframe	Responsibility
F1 Facilitate affordable housing	<p>F1-1 Retain planning controls in the LEP that allow a range of residential accommodation across some residential zones.</p> <p>F1-2 Prepare an affordable housing strategy</p> <p>F1-3 Investigate the incorporation of affordable housing targets in new release areas</p> <p>F1-4 Ensure development is readily able to be connected to services and devoid of high value biodiversity thereby reducing the cost of development.</p> <p>F1-5 Retain planning controls that encourage the delivery of one and two bedroom dwellings</p>	<p>Ready supply of land to the market to meet demand.</p> <p>A range of housing types available.</p> <p>Reduction in wait times for rental accommodation.</p>	Medium	Council
F2 Recognise the villages as playing a key role in the delivery of affordable housing	Work with village progress associations to promote the villages	Additional dwellings in Villages	Short	Council/Village associations

