



# WENTWORTH SHIRE COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **ORDINARY MEETING** of Wentworth Shire Council will be held in the **WENTWORTH SHIRE COUNCIL CHAMBERS, SHORT STREET, WENTWORTH**, commencing at **6:30 PM**.

*The meeting is being livestreamed and/or recorded for on-demand viewing via Council's website. Attendance at the meeting is to be taken as consent by a person to their image and/or voice being webcast.*

*All speakers should refrain from making any defamatory comments or releasing personal information about another individual without their consent. Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings – all liability will rest with the individual who made the comments.*

*The meeting must not be recorded by others without prior written consent of the Council in accordance with the Council's code of meeting practice.*

*Councillors & staff are obligated to declare Conflicts of Interest as required under the Local Government Act 1993 and Councils adopted Code of Conduct.*

*Councillors are reminded of their Oath of Office whereby they have declared and affirmed that they will undertake the duties of the Office of Councillor in the best interests of the people of Wentworth Shire and the Wentworth Shire Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.*

**KEN ROSS**  
**GENERAL MANAGER**

## **ORDINARY MEETING**

## **AGENDA**

## **31 JANUARY 2022**

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**1 OPENING OF MEETING**

THE MAYOR REQUESTS THAT THE GENERAL MANAGER MAKES  
ANNOUNCEMENTS REGARDING THE LIVE-STREAMING OF THE MEETING.

**2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY**

**3 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**

**4 DISCLOSURES OF INTERESTS**

**5 CONFIRMATION OF MINUTES**

**Recommendation**

That the Minutes of the Ordinary Meeting held 10 January 2022 be confirmed as  
circulated.



# **WENTWORTH SHIRE COUNCIL**

## **ORDINARY MEETING MINUTES**

**10 JANUARY 2022**

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## 1 OPENING OF MEETING

The General Manager opened the meeting with a prayer and an Acknowledgement of Country at 10:23 AM.

## 2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

### PRESENT:

**COUNCILLORS:** Councillor Brian Beaumont  
Councillor Steve Cooper (via Audio Visual Link)  
Councillor Peter Crisp  
Councillor Tim Elstone  
Councillor Greg Evans  
Councillor Steve Heywood  
Councillor Daniel Linklater  
Councillor Susan Nichols  
Councillor Jo Rodda

**STAFF:** Ken Ross (General Manager)  
Matthew Carlin (Director Health and Planning)  
Geoff Gunn (Director Roads and Engineering)  
Simon Rule (Director Finance and Policy)  
Gayle Marsden (Executive Assistant to General Manager)  
Jess O'Neill (Business Support Officer)

Item 9.1 was moved to the beginning of the meeting. Councillors Beaumont, Crisp, Elstone, Evans, Heywood, Linklater, Nichols and Rodda took their Oath of Office and signed their Declaration of Oath or Affirmation. Cr Cooper took his Oath of Office and signed his Declaration of Oath on Friday 7 January 2022.

## 3 APOLOGIES AND LEAVE OF ABSENCE

### Council Resolution

That Council grants the Leave of Absence Request from Cr Elstone from 13 January to 20 January 2022.

**Moved Cr. Evans, Seconded Cr Crisp**

**CARRIED**

## 4 DISCLOSURES OF INTERESTS

Nil

## 5 CONFIRMATION OF MINUTES

### Recommendation

That the Minutes of the Ordinary Meeting held 17 November 2021 be confirmed as circulated.

**Council Resolution**

That the Minutes of the Ordinary Meeting held 17 November 2021 be confirmed as circulated.

**Moved Cr. Nichols, Seconded Cr. Heywood**

**CARRIED**

**6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS**

Nil

**7 MAYORAL AND COUNCILLOR REPORTS**

Nil

**8 REPORTS FROM COMMITTEES**

Nil

## 9 REPORTS TO COUNCIL

### 9.1 STATUTORY MEETING ITEM - OATH AND AFFIRMATION OF OFFICE

File Number: RPT/21/433

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

#### **Summary**

The requirement for Councillors to take an oath or affirmation of office came into effect on 30 August 2016 (the date of assent of the Local Government Amendment (Governance and Planning) Bill 2016).

#### **Recommendation**

That Council notes the General Manager's report on the taking of an oath or affirmation of office by individual Councillors.

#### **Council Resolution**

That Council notes the General Manager's report on the taking of an oath or affirmation of office by individual Councillors.

**Moved Cr Crisp, Seconded Cr Beaumont**

**CARRIED**

**9.2 STATUTORY MEETING ITEM - ELECTION OF MAYOR AND DEPUTY MAYOR**

File Number: RPT/21/462

Responsible Officer: Ken Ross - General Manager  
Responsible Directorate: Office of the General Manager  
Reporting Officer: Gayle Marsden - Executive Assistant

Delivery Program Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Delivery Program Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

**Summary**

Council is required to conduct an election for the office of Mayor and Deputy Mayor for a period of two years.

Schedule 7 of the *Local Government (General) Regulation 2021*, provides for the election of Mayor and Deputy Mayor by Councillors by either ordinary ballot, open voting or by preferential ballot.

This procedure is overseen with the returning officer duties performed by the General Manager.

**Recommendation**

That Council determines in the event of two or more nominations being received for either position the process to elect the Mayor and Deputy Mayor either by ordinary ballot **or** open voting **or** preferential ballot;

That Council determines if the position of Deputy Mayor will be elected for the Mayoral term being two years, or a shorter term.

That the General Manager receives nominations for the position of Mayor and declares whether an election is required, and if so conducts the election.

That the General Manager receives nominations for the position of Deputy Mayor and declares whether an election is required, and if so conducts the election.

**Council Resolution**

That Council determines in the event of two or more nominations being received for either position the process to elect the Mayor and Deputy Mayor will be by open voting.

That Council determines the position of Deputy Mayor will be elected for the Mayoral term being two years.

That the General Manager receives nominations for the position of Mayor and declares whether an election is required, and if so conducts the election.

That the General Manager receives nominations for the position of Deputy Mayor and declares whether an election is required, and if so conducts the election.

**Moved Cr. Elstone, Seconded Cr Crisp**

**CARRIED**

The General Manager advised he had received two (2) nominations for the position of Mayor, those nominations being:

- Councillor Tim Elstone
- Councillor Greg Evans

On a show of hands there were 6 (six) votes for Councillor Elstone and 2 (two) votes for Councillor Evans. One Councillor did not vote.

Cr Tim Elstone was declared the duly elected Mayor of Wentworth Shire Council for a period of two years.

The General Manager advised he had received three (3) nominations for the position of Deputy Mayor, those nominations being:

- Councillor Daniel Linklater
- Councillor Greg Evans
- Councillor Susan Nichols

On a show of hands there were 5 votes for Councillor Linklater and 2 (two) votes for Councillor Evans and 2 (two) votes for Councillor Nichols.

Cr Daniel Linklater was declared the duly elected Deputy Mayor of Wentworth Shire Council for a period of two years.

Mayor Elstone took the Chair and returned to Item 3 on the agenda.

## 9.3 Statutory Meeting Item - Delegations to Mayor and Deputy Mayor

File Number: RPT/21/463

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

**Summary**

The purpose of this report is to establish the delegated authority of the Mayor and Deputy Mayor. Council Policy GOV009 sets the delegations for these positions. The policy is attached for reference to the schedules. There have been no amendments made to the delegation schedules.

**Recommendation**

That Council retains all functions, duties and responsibilities outlined in schedule 1 of Council Policy GOV009.

That Council, pursuant to Section 377 of the *Local Government Act 1993*, delegates to the Mayor, as elected at the Council Meeting on 10 January 2022, the powers, duties, authorities and functions of the position as listed in schedule 2 of the Delegation Policy (GOV009).

That Council resolves that in the absence of the Mayor, and when officially acting in the position of Mayor, the Deputy Mayor, as elected at the Council Meeting on 10 January 2022 is authorised to exercise delegations of the Mayor as listed in schedule 2 of the Delegation Policy (GOV009).

That the delegations remain in place for a period of 2 years, or until revoked or amended by Council.

**Council Resolution**

That Council retains all functions, duties and responsibilities outlined in schedule 1 of Council Policy GOV009.

That Council, pursuant to Section 377 of the *Local Government Act 1993*, delegates to the Mayor, as elected at the Council Meeting on 10 January 2022, the powers, duties, authorities and functions of the position as listed in schedule 2 of the Delegation Policy (GOV009).

That Council resolves that in the absence of the Mayor, and when officially acting in the position of Mayor, the Deputy Mayor, as elected at the Council Meeting on 10 January 2022 is authorised to exercise delegations of the Mayor as listed in schedule 2 of the Delegation Policy (GOV009).

That the delegations remain in place for a period of 2 years, or until revoked or amended by Council.

**Moved Cr. Nichols, Seconded Cr Crisp**

**CARRIED**

## 9.4 Statutory Meeting Item - Review of Internal Committees

File Number: RPT/21/708

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

**Summary**

The Statutory meeting of Council is an opportunity for Council to review the committee structure that it requires for the upcoming 12 month period. In this case the committee structure will be for a 9 month period and reviewed at the September 2022 Statutory meeting. Council is able to determine the number and type of committees that it wishes to establish and the functions of each committee.

For reference Attachment 1 provides a list of committees put in place in September 2020 through to the end of Council term on 3 December 2021.

**Recommendation**

That Council

- a) Make redundant the Australia Day Committee, Cemeteries Committee, Wentworth Civic Centre Redevelopment Committee, Waste Facilities Committee, PS Ruby Advisory Committee and the Council Roads & Road Safety Committee
- b) Determines its preferred committee structure for the upcoming 9 months
- c) Determines the Councillor representation on the Internal Committees

**Council Resolution**

That Council

- a) Make redundant the Australia Day Committee, Cemeteries Committee, Wentworth Civic Centre Redevelopment Committee, Waste Facilities Committee, PS Ruby Advisory Committee and the Council Roads & Road Safety Committee

**Moved Cr. Evans, Seconded Cr Crisp**

**CARRIED**

Cr Nichols requested her vote against the resolution part (a) be recorded.

**Council Resolution**

That Council

- b) With reference to recommendation (a), meet as required to familiarise themselves with the priority issues for services and projects

**Moved Cr Crisp, Seconded Cr. Elstone**

**CARRIED**

**Council Resolution**

c) Determines that the following Councillors represent Council on the respective user groups:

- Carramar Drive Sporting Complex User Group – Cr Rodda and Cr Linklater
- George Gordon Oval User Group – Cr Cooper and Cr Crisp
- James King Park User Group – Cr Rodda and Cr Linklater
- Wentworth Showgrounds User Group – Cr Heywood, Cr Beaumont and Cr Evans
- Wentworth Sporting Precinct User Group – Cr Heywood, Cr Beaumont and Cr Nichols

**Moved Cr Cooper, Seconded Cr Linklater**

**CARRIED**

Cr Nichols advised that the Indigenous Land Use Agreement Working Group as previously set up by Council had not been included on the list of Internal Committees. It consisted of the Mayor, Deputy Mayor and General Manager.

Note: this is an External Committee to be considered as part of Item 9.5

**9.5 STATUTORY MEETING ITEM - REVIEW OF EXTERNAL COMMITTEES**

File Number: RPT/21/712

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

**Summary**

In order to respond to the needs of its community, Council annually reviews the External Committees to which it has appointed representatives.

The nominated representatives on each committee are responsible for providing a Delegate's Report to Council.

The current list of external committees with the previous membership is provided for reference at attachment 1

**Recommendation**

That Council considers the list of External Committees and determines appropriate representation.

**Council Resolution**

That Council defer the External Committees representation report until the next meeting.

**Moved Cr. Heywood, Seconded Cr. Evans**

**CARRIED**

## 9.6 Statutory Meeting Item - Council Meeting Dates &amp; Time

File Number: RPT/21/706

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future  
Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

**Summary**

The purpose of this report is to set the date and time for the Ordinary Meetings of Council.

**Recommendation**

That Council determines the following in relation to Ordinary Meetings of Council:

1. Ordinary Council meetings will be held on a day to be determined in all months excluding June
2. The June 2022 meeting will be held on the 29 June 2022
3. All Ordinary meetings of Council will commence at a time to be determined.

**Council Resolution**

That Council determines the following in relation to Meetings of Council:

1. Ordinary Council meetings will be held on the third Wednesday of the month commencing at 6:30 pm preceded by a Pre-Meeting briefing commencing at 5 pm
2. The June 2022 meeting will be held on the 29 June 2022
3. An advisory meeting will be held on the fourth Wednesday of the month excluding June commencing at 4:00pm

**Moved Cr Beaumont, Seconded Cr Crisp**

**CARRIED**

## 9.7 Using Countbacks to Fill Casual Vacancies.

File Number: RPT/21/703

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

**Summary**

Following the 2021 local government elections, Council will, for the first time as a result of amendments to the *Local Government Act 1993*, have the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the office of Councillors in the first 18 months after the election.

This will allow Council to use a countback to fill vacancies at a lower cost than the cost of holding a by-election.

If Council does not resolve this at the first meeting after the election, all casual Councillor vacancies will need to be filled via a by-election.

**Recommendation**

That Council pursuant to section 291A (1)(b) of the *Local Government Act 1993* (the Act), resolves that casual vacancies occurring in the office of a Councillor with 18 months after the last ordinary election of Councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of Council's decision within 7 days of this resolution.

**Council Resolution**

That Council pursuant to section 291A (1)(b) of the *Local Government Act 1993* (the Act), resolves that casual vacancies occurring in the office of a Councillor with 18 months after the last ordinary election of Councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of Council's decision within 7 days of this resolution.

**Moved Cr. Heywood, Seconded Cr. Nichols**

**CARRIED**

## 9.8 General Manager's Report

File Number: RPT/21/700

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future  
Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

**Summary**

The General Manager's report details information pertaining to meetings attended and general information which are of public interest, and which have not been reported elsewhere in this agenda. Items of note in this report are:

1. OLG Circulars

Circulars 21-40

2. Meetings

As listed

3. Upcoming meetings or events

As listed

4. Other items of note

Councillor training provided by Local Government NSW in conjunction with and hosted by, Broken Hill City Council, will be undertaken 18-19 January 2022. Amendments made to the *Local Government Act 1993* in August 2016 saw the inclusion in the prescribed role of councillors under section 232 "to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor".

In support of this, regulations have been made requiring councils to provide induction training and ongoing professional development for Mayors and Councillors.

The Office of Local Government has issued guidelines under section 23A of the *Local Government Act 1993* to assist councils to develop and deliver induction training and ongoing professional development activities for their Mayor and Councillors in compliance with the regulations.

**Recommendation**

That Council notes the information contained within the report from the General Manager.

**Council Resolution**

That Council notes the information contained within the report from the General Manager.

**Moved Cr Linklater, Seconded Cr. Evans**

**CARRIED**

## **10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE**

### **10.1 QUESTIONS WITH NOTICE & BEATING OF THE BOUNDS**

Cr Susan Nichols requested that the questions with notice from last term be continued in to this term of Council and that the "Beating of the Bounds" be organised in a timely manner.

### **10.2 LETTERS OF ACKNOWLEDGEMENT**

Cr Susan Nichols requested that letters of acknowledgement be sent to all previous councillors who either retired or were not re-elected.

### **10.3 FOOTPATHS MURRAY STREET AND CADELL STREET**

Cr Greg Evans requested that Council investigate footpaths for Murray Street and Cadell Street. Currently no footpath to the Lock or the Junction Park.

## **11 CONCLUSION OF THE MEETING**

Meeting closed at 11:25AM

## **NEXT MEETING**

31 January 2022 commencing at 6:30pm pre-meeting briefing at 5pm

.....  
**CHAIR**

## 6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

### 6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/22/85

Responsible Officer: Ken Ross - General Manager  
 Responsible Division: Office of the General Manager  
 Reporting Officer: Jess O'Neill - Business Support Officer

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

#### **Summary**

The Outstanding Matters report provides details of activities raised at previous Council meetings that remain outstanding.

#### **Officer Recommendation**

That Council notes the list of outstanding matters as at 25 January 2022.

#### **Additional Information**

Nil

#### **Attachments**

1. Outstanding Actions Report as at 25 January 2022 [↓](#)

<b>Division:</b> Ordinary Council <b>Committee:</b> Ordinary Council <b>Officer:</b> <b>Outstanding Action Items Report</b> <b>Date From:</b> <b>Date To:</b> <b>Printed:</b> Tuesday, 25 January 2022 12:44:27 PM				
Meeting	Item	Title	Item	Action Record (latest first)
Ordinary Council 17/11/2021 1	10.1	<i>Benevolent Organisations Rates</i>	Cr Don McKinnon requested that investigations be carried out to see if there is a way for these organisations to pay rates.	<b>19 Nov 2021 10:51am Rule, Simon</b> Under investigation
Ordinary Council 10/01/2022 2	10.3	<i>Footpaths Murray Street and Cadell Street</i>	Cr Greg Evans requested that Council investigate footpaths for Murray Street and Cadell Street. Currently no footpath to the Lock or the Junction Park.	<b>24 Jan 2022 2:17pm Kampman, Tarryn</b> Council currently has plans for a footpath on the southern side of Cadell St & northern side of Murray St. The Cadell St path will begin from the corner of Short St and continue through to Wilmont St. This will include a section of concrete path from Short St to Alice St, with the remaining section built from a crusher dust material., The Murray St path will continue from Beverley St through to Wilmont St. This path will include a concrete section from Beverley St to Murray Ct, with Council installing from Beverley St to Alice St and the remaining built by future developers. The final section will be manufactured using crusher dust material. - Action Complete
Ordinary Council 10/01/2022 2	10.2	<i>Letters of Acknowledgement sent to all previous Councillors who either retired or were not re- elected.</i>	Cr Susan Nichols requested that letters of acknowledgement be sent to all previous councillors who either retired or were not re-elected.	<b>25 Jan 2022 12:42pm Marsden, Gayle</b> Action Complete

## 7 MAYORAL AND COUNCILLOR REPORTS

### 7.1 MAYORAL REPORT

File Number: RPT/21/720

Responsible Officer: Ken Ross - General Manager  
 Responsible Division: Office of the General Manager  
 Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

#### **Summary**

The purpose of this report is to advise Council of meetings, conferences and appointments undertaken by Mayor Elstone for the period of 10 January 2022 - 26 January 2022.

#### **Recommendation**

That Council notes the information contained in the Mayoral report.

#### **Detailed Report**

The following table lists the meetings attended by Mayor Elstone for the period of 10 January 2022 - 26 January 2022. Mayor Elstone had a leave of absence from 13 January 2022 to the 20 January 2022.

Date	Meeting	Location
10 Jan 2022	Pre Meeting Briefing	Wentworth
10 Jan 2022	Ordinary Council Meeting	Wentworth
20 Jan 2022	Darling River Water Operations Meeting	Pooncarie
21 Jan 2022	Mayoral Meeting	Wentworth
24 Jan 2022	Community Consultation Pomona	Pomona
25 Jan 2022	Australia Day Award Ceremony	Coomealla

#### **Attachments**

Nil

**8      REPORTS FROM COMMITTEES**

Nil

## 9 REPORTS TO COUNCIL

### 9.1 GENERAL MANAGER'S REPORT

File Number: RPT/21/699

Responsible Officer: Ken Ross - General Manager  
 Responsible Division: Office of the General Manager  
 Reporting Officer: Jess O'Neill - Business Support Officer

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

#### **Summary**

The General Manager's report details information pertaining to meetings attended and general information which are of public interest, and which have not been reported elsewhere in this agenda. Items of note in this report are:

1. OLG Circulars

Circular 21-41

2. Meetings

As listed

3. Upcoming meetings or events

As listed

4. Other items of note

Seven Councillors attended a two day "Elected Life" training course in Broken Hill with the Broken Hill Councillors. It was a very informative and useful training session.

#### **Recommendation**

That Council notes the information contained within the report from the General Manager.

#### **Detailed Report**

1. OLG Circulars

##### **1.1 Circular 21-41**

Annual Reporting of Labour Statistics by Councils

- Councils will be required to publish information in their annual reports, starting with the 2021/22 annual report, on the total number of persons who performed paid work for them on a "relevant day" to be fixed by the Secretary of the Department of Planning, Industry and Environment (Secretary DPIE) each year.
- Councils will be required to publish the following information in their annual reports:
  - separate statements on the number of persons directly employed by the council:
    - on a permanent full-time basis,
    - on a permanent part-time basis
    - on a casual basis, and

- under a fixed term contract of the number of staff members employed by the council who are “senior staff” for the purposes of the Local Government Act 1993 (the Act)
- the number of persons engaged by the council, under a contract or other arrangement with the person's employer, that is wholly or principally for the labour of the person, and
- the number of persons supplied to the council, under a contract or other arrangement with the person's employer, as an apprentice or trainee.
- The Secretary DPIE will fix the relevant day for reporting purposes after the end of each year. The date is required to be a date which is different from the date fixed for the previous year and must not fall on a weekend or public holiday.

## 2. Meetings

Following is a list of meetings or events attended by the General Manager for the period of 4 January 2022 – 26 January 2022.

Date	Meeting	Location
11 Jan 2022	Curlwaa Community Consultation	Curlwaa Hall
13 Jan 2022	Buronga Landfill	Video Conference
18 Jan 2022	LGNSW Training	Broken Hill
19 Jan 2022	LGNSW Training	Broken Hill
20 Jan 2022	LEMC Aerodrome Exercise Planning Meeting	Wentworth
21 Jan 2022	Mayoral Meeting	Wentworth
24 Jan 2022	Pomona Community Consultation	Pomona
25 Jan 2022	Australia Day Awards & Citizenship Ceremony	Dareton
26 Jan 2022	Australia Day Breakfast	Buronga

## 3. Events

Following is a list of upcoming events, conferences or committee meetings, including out of region meetings where the Shire has been requested to attend in an official capacity.

Date	Meeting	Proposed Attendees	Location
2 Feb 2022	FWJO Regional Transport Strategy	General Manager	Video Conference
2 Feb 2022	Secure Energy Meet & Greet	General Manager	Adelaide Street
28 Feb - 2 Mar 2022	LGNSW Special Conference	Mayor & General Manager	Sydney

## 4. Other items of note

Nil

## Attachments

Nil

**9.2 STATUTORY MEETING ITEM - REVIEW OF EXTERNAL COMMITTEES**

File Number: RPT/22/22

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future  
Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

**Summary**

In order to respond to the needs of its community, Council annually reviews the External Committees to which it has appointed representatives.

The nominated representatives on each committee are responsible for providing a Delegate's Report to Council.

This item was the subject of consideration at the Council meeting held on 10 January 2022, where it was resolved *That Council defer the External Committees representation report until the next meeting.*

Hence this report is tabled for consideration at this meeting where attachment 1 has been filled in as a possible solution to the external representation of this current Council.

**Recommendation**

That Council considers the list of External Committees and appoint representation to the nominated committees in line with Attachment 1.

**Detailed Report****Report Detail**

Council generally reviews the listing of External Committees on which it has representation annually. Additionally, the nominated delegate on each committee is also reviewed annually.

The listing of External Committees to which Council has to appoint representatives is attached for information. It should be noted that West Darling Arts have advised they do not require a Council representative in the membership of their board. The Barkandji Indigenous Land Use Agreement working group has been included with the membership of Mayor. Deputy Mayor & General Manager as per a council resolution at 20 January 2021 meeting.

**Attachments**

1. Attachment 1 - External Committee Representation[📄](#)

## EXTERNAL COMMITTEES

Council periodically determines its representatives to a number of external bodies as indicated in the table below.

Committee	Meeting Frequency	Nominated Representative(s)
Australian Inland Botanic Gardens	Monthly	Cr. Rodda
Barkandji Indigenous Land Use Agreement Working Group	As required	Mayor, Deputy Mayor & General Manager
Bottle Bend Reserve Land Manager	Monthly	Cr. Linklater (Cr. Nichols as alternate)
Bush Fire Management Committee	Twice per annum	Cr. Linklater (Mayor as alternate)
ClubGRANTS Category One (1) Funding Committee	Twice per annum	Mayor
Country Mayor's Association of NSW	As required	Mayor
Community Safety Precinct Meeting	As required	Cr. Cooper
Critical Water Advisory Group	As required	Mayor & Cr Heywood
Far West Joint Organisation – Broken Hill, Wentworth, Balranald, Central Darling	As required	Mayor and Deputy Mayor
Joint Regional Planning Panel	As required	Cr. Crisp and Cr. Nichols (Cr. Heywood as alternate)
Menindee Lakes SDLAM Stakeholder Advisory Group (SAG)	As required	Mayor
Murray Darling Association (Region 4)	Min. 4 times per annum	Mayor (Chair), Cr. Heywood & Cr Evans
North West Rail Alliance	4 times per annum	TBA
NSW Locks 8 & 9 SDLAM Stakeholder Advisory Group (SAG)	As required	Cr. Evans (Cr. Cooper as alternate)
Public Libraries NSW	Twice per annum	Cr. Nichols
Wentworth Regional Tourism Inc.	Monthly	Cr Rodda
Wentworth Shire Health Interagency Group (WSHIG)	Monthly	Cr. Crisp and Cr Rodda
Wentworth Shire Liquor Accord Committee	As required	Cr. Nichols
Western Division Group of Councils	Min. 3 times per annum	Mayor, noting also that Cr. Evans is a member of the executive committee.
Willandra Lakes Region World Heritage Advisory Committee	Min. 3 times per annum	TBA (Await application process LGNSW)

### 9.3 POLICY REVIEW - OFFICE OF GENERAL MANAGER

File Number: RPT/22/26

Responsible Officer: Ken Ross - General Manager  
 Responsible Division: Office of the General Manager  
 Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future  
 Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

#### **Summary**

After each general election of Councillors, the *Local Government Act 1993* requires Council to review all official policies of Council. There are currently 73 policies in place of which 21 are the responsibility of the Office of the General Manager.

For this Council meeting the Office of the General Manager has reviewed five policies and are presenting them to Council for adopting. The Office of the General Manager has also recommended that the Media Statements Policy be rescinded and replaced by the Media Policy.

#### **Recommendation**

That Council adopt the following revised policies:

- a) GOV001 - Gifts and Benefits Policy
- b) GOV009 - Delegations Policy
- c) WR007 - Designated Officers of Council Policy
- d) GOV021 - Councillor Induction and Professional Development Policy

That Council rescind CC002 – Media Statements Policy

That Council adopt the draft Media Policy (CC010) and draft Councillor and Staff Interaction Policy (GOV011) documents and place them on public exhibition for a period of 28 days, as required under the Act.

#### **Detailed Report**

##### **Purpose**

The purpose of this report is to update Council on the process of the reviewing Council policies that has begun following the general election of all Councillors.

##### **Background**

After each general election of Councillors, the Act requires Council to review all official policies of Council. There are currently 73 policies in place of which 21 are the responsibility of the Office of the General Manager.

##### **Report Detail**

For this report staff within the Office of the General Manager have reviewed the following policies:

- GOV001 - Gifts and Benefits Policy
- GOV009 - Delegations Policy

GOV011 - Councillor and Staff Interaction Policy

WR007 - Designated Officers of Council Policy

GOV021 - Councillor Induction and Professional Development Policy

CC002 – Media Statements Policy

As part of ongoing continuous improvement, a new template for both Council and Operational policies has been developed to ensure consistency and ease of use. As part of the review process all existing policies have been updated using the new policy template.

While reviewing the following policies:

GOV001 - Gifts and Benefits Policy

GOV009 - Delegations Policy

WR007 - Designated Officers of Council Policy

GOV021 - Councillor Induction and Professional Development Policy

It has been determined that these policies are still required of Council and that the current scope and intent of the policies are still relevant, therefore only minor formatting and administrative updates in order to reflect best practice have been made to these policies. It is recommended that these policies be adopted.

GOV011 - Councillor and Staff Interaction Policy has been completely rewritten to reflect the intent of the Policy in line with the Code of Conduct. Due to the significant changes made to the policy it is recommended that this policy be adopted in draft format and placed on 28 days public exhibition as required by the Act.

CC010 – Media Policy is a new policy that has been written to reflect the significant changes to media and media platforms in general. It is recommended that this policy be adopted in draft format and placed on 28 days public exhibition as required by the Act. This Policy incorporates the relevant information from CC002 – Media Statements Policy. Therefore, it is recommended that this policy be rescinded as it is no longer required.

### Conclusion

The *Local Government Act 1993* requires Council to review its official Council Policies following a general Election of Council. The Office of the General Manager is currently responsible for 21 Council policies. For this Council meeting the department has reviewed six policies and are presenting four to Council for adoption, one for rescission and two new policies.

### Attachments

1. Draft Delegations Policy [↗](#)
2. Draft Councillor Induction and Professional Development Policy [↗](#)
3. Draft Designated Officers of Council Policy [↗](#)
4. Draft Gifts and Benefits Policy [↗](#)
5. Draft Councillors and Staff Interaction Policy [↗](#)
6. Draft Media Policy [↗](#)

**Wentworth Shire Council**

Word Document Reference: Record Number

**Council Policy No:GOV009****DELEGATIONS POLICY****POLICY OBJECTIVE**

The intent of this policy is to establish the functions of Council that it retains, and those it has delegated to others.

**1. POLICY STATEMENT**

This official Council ensures that Wentworth Shire Council establishes systems which deal with the delegation of powers and functions from the *Local Government Act 1993*.

**2. POLICY COVERAGE**

This policy applies to all areas of Council's operations and covers Council, the Mayor and the General Manager. The policy also extends to delegations from the General Manager to staff.

**3. STRATEGIC PLAN LINK**

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition

**5. POLICY CONTENT**

The *Local Government Act 1993* part 3 establishes the functions of a Council that can and cannot be delegated.

- Schedule 1 of this policy outlines the functions that are retained by Council, as required under section 377 of the Act.
- Schedule 2 of this policy outlines the functions of Council that it delegates to the Mayor.
- Schedule 3 of this policy outlines the functions of Council that it delegates to the General Manager.

It is the policy of this Council that:

- 5.1** Council retains all functions, duties and responsibilities outlined in schedule 1 of this policy.
- 5.2** Council delegates to the Mayor all powers, authorities, duties and functions outlined in schedule 2 of this policy.
- 5.3** There being no section 355 committees of council, no delegations of functions are required to section 355 Committees
- 5.4** Council delegates to the General Manager all powers, authorities, duties and functions outlined in schedule 3 of this policy.

**Wentworth Shire Council**

Word Document Reference: Record Number

**Council Policy No:GOV009****DELEGATIONS POLICY**

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- 5.5** The *Local Government Act 1993* and *Local Government (General) Regulations 2021* will, at all times, have precedence over any contradictory decision of council.
- 5.6** The General Manager is to maintain a Delegations Register for all delegations made to staff.
- 5.7** The Audit, Risk and Improvement Committee will review the exercising of delegations in its audit program.

**6. RELATED DOCUMENTS & LEGISLATION***Local Government Act 1993 (NSW)**Local Government (General) Regulations 2021 (NSW)***7. ATTACHMENTS**

Schedule 1 - Council retained functions

Schedule 2 - Council to the Mayor

Schedule 3 - Council to the General Manager

**8. DOCUMENT APPROVAL**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

**General Manager Wentworth Shire Council**[Click here to enter a date.](#)**Date**

**Wentworth Shire Council**

Word Document Reference: Record Number

**Council Policy No:GOV009****DELEGATIONS POLICY**

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**SCHEDULE 1 – COUNCIL RETAINED FUNCTIONS**

Pursuant to section 377 of the *Local Government Act 1993 (NSW)*, the Council retains the following functions, duties and responsibilities.

- (a) The appointment of a general manager,
  - (b) The making of a rate,
  - (c) A determination under section 549 as to the levying of a rate,
  - (d) The making of a charge,
  - (e) The fixing of a fee,
  - (f) The borrowing of money,
  - (g) The voting of money for expenditure on its works, services or operations,
  - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
  - (i) The acceptance of tenders which are required under this Act to be invited by the council,
  - (j) The adoption of an operational plan under section 405,
  - (k) The adoption of a financial statement included in an annual financial report,
  - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
  - (m) The fixing of an amount or rate for the carrying out by the council of work on private land,
  - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
  - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
  - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
  - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
  - (r) A decision under section 234 to grant leave of absence to the holder of a civic office,
  - (s) The making of an application, or the giving of a notice, to the Governor or Minister,
  - (t) This power of delegation,
  - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if—
- (a) the financial assistance is part of a specified program, and
  - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
  - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
  - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.

**Wentworth Shire Council**

Word Document Reference: Record Number

**Council Policy No:GOV009**

**DELEGATIONS POLICY**

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(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.

(3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

The above retained delegations are consistent with those listed in Section 377 General power of the council to delegate, which specifically prevents the council from delegating the above mentioned functions.

DRAFT

**Wentworth Shire Council**

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**Council Policy No:GOV009****DELEGATIONS POLICY**

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**SCHEDULE 2 - DELEGATIONS FROM THE COUNCIL TO THE MAYOR**

Pursuant to the Local Government Act and Regulations, and any expressed policy or direction of Council, the Council in accordance with the provisions of Section 377 of the Local Government Act 1993 and every other enabling statutory power, delegates to the person who occupies the position of Mayor, to perform on behalf of Council the following powers, authorities, duties or functions.

**1.0 Executive Functions**

- 1.1 On behalf of the Council, supervise the General Manager in terms of the Local Government Act 1993 and Council's policies and delegations and to control and advise the General Manager in the execution of Council's decisions and policies.
- 1.2 Fulfill the functions of chief elected member of the Council and to perform all duties imposed upon the Mayor under the Local Government Act or other Acts or Regulations.
- 1.3 To give effect to the resolutions of Council in conjunction with the General Manager.
- 1.4 Approve leave for the General Manager, attendance at conferences and seminars in the terms and provisions of the General Managers Contract of Employment with Council.
- 1.5 Be the necessary signatory to documents requiring the Council's seal.

**2.0 Communications, media and public relations**

- 2.1 To respond to media publicity on Council matters.
- 2.2 To issue media releases and make statements to the media on behalf of council.
- 2.3 To sign letters (such as letters of support, letters to Government Ministers and the like) on behalf of the Council.

**3.0 Council meetings**

- 3.1 To call extraordinary meetings of the Council as deemed necessary.

**4.0 Legal**

- 4.1 When considered necessary or urgent, to request the General Manager to obtain legal advice or legal representation in any matter in which the Council is or may become involved.

**5.0 Policy**

- 5.1 To exercise in cases of necessity for the efficient and effective administration of the Council, the policy making functions of the governing body of the Council between meetings of the Council.

**6.0 Urgent Works (unbudgeted items)**

- 6.1 To authorise any work which is deemed urgent at a cost not exceeding \$5,000 provided such expenditure is reported to the Council at its next Ordinary Meeting.

**Wentworth Shire Council**

Word Document Reference: Record Number

**Council Policy No:GOV009****DELEGATIONS POLICY**

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**SCHEDULE 3 - DELEGATIONS FROM THE COUNCIL TO THE GENERAL MANAGER**

Pursuant to the Local Government Act and Regulations, and any expressed policy or direction of Council, the Council in accordance with the provisions of Section 377 of the Local Government Act 1993 and every other enabling statutory power, delegates to the person who occupies the position of General Manager, to perform on behalf of Council the following powers, authorities, duties or functions.

1. The functions of Council as specified in:
  - i. The Act, and related instruments; and
  - ii. Other Acts under which Council has powers, authorities, duties and functions;
  - iii. Any lawful resolution of Council.
2. Any function delegated to the council by the Office of Local Government, unless specifically retained by Council in Schedule 1.
3. The functions delegated in accordance with and subject to all current policies and codes officially adopted by the Council.

The General Manager is not delegated to undertake any of the roles, responsibilities and functions of Council as set out in Schedule 1 of this policy.

The General Manager is not delegated to undertake any of the roles, responsibilities and functions of Council as set out in Schedule 2 of this policy.

The General Manager may delegate functions, duties, roles and responsibilities to staff members of the Council, however the General Manager retains ultimate accountability for the actions of all Council employees.

**NB-** These same delegations are extended to a person who is deemed to be, by a formal resolution of Council, the Acting General Manager for a period of time. These delegations do not automatically flow to an Acting General Manager unless there is a formal resolution of Council.

**Wentworth Shire Council**

Word Document Reference: Record Number

**Council Policy No: WR007****COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT**

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**POLICY OBJECTIVE**

The intent of this policy is to demonstrate Wentworth Shire Council's commitment to ensuring that the Mayor and Councillors have access to induction and ongoing professional development which will assist them to develop and maintain the skills and knowledge required to effectively perform their civic role and responsibilities under the *Local Government Act 1993*.

**1. POLICY STATEMENT**

This official Council policy is to ensure that Wentworth Shire Council establishes procedures which deal with induction and professional development for the Mayor and Councillors of the Wentworth Shire Council.

**2. POLICY COVERAGE**

This policy applies to the Mayor and all Councillors of the Wentworth Shire Council.

**3. STRATEGIC PLAN LINK**

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
Code of Conduct	Councils adopted Code of Conduct

**5. POLICY CONTENT****5.1 Statement of Commitment**

Wentworth Shire Council is committed to developing an induction and ongoing professional development program for the Mayor and Councillors to ensure they can fulfil their statutory roles and responsibilities. As part of this program, the Mayor and each Councillor will have a professional development plan that identifies specific gaps in their capabilities (ie their knowledge, skills and attributes) and identify professional development activities to build these capabilities.

**5.2 Induction program**

Wentworth Shire Council will develop an induction program for new and returning Councillors as well as a supplementary program for the Mayor to ensure they are provided all the information they need to effectively fulfil their roles in the first few months of Council's term and feel confident in their ability to do so.

The induction program will cover:

- i. Information on the process for taking the oath of office and electing the Mayor at the first Council meeting (where applicable).
- ii. An orientation to council facilities and the local government area
- iii. The legislation, rules, principles and political context under which Councils operate
- iv. The roles and responsibilities of Councillors and the Mayor

**Wentworth Shire Council**

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**Council Policy No: WR007****COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT**

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- v. What Council does and how it operates, including an overview of integrated planning and reporting, land-use planning, natural resource management, financial management and asset management
- vi. An overview of the key issues and tasks for the new council including council's community strategic plan, delivery program, operational plan, resourcing strategy and community engagement plan
- vii. Council's organisational structure, workforce management strategy and the roles and responsibilities of the General Manager and Council staff
- viii. Key Council policies and procedures Councillors must comply with including the Code of Conduct
- ix. Council meetings and how to participate effectively in them, and
- x. The support available to the Mayor and Councillors and where they can go to get more information or assistance

In the case of the Mayor, the program will also cover the following additional topics:

- a) How to be an effective leader of the governing body and the Council
- b) The role of the Chair and how to chair Council meetings
- c) The Mayor's role in integrated planning and reporting
- d) The Mayor's role and responsibilities under the Code of Conduct
- e) The Mayor's role and responsibilities in relation to the General Manager's employment
- f) The Mayor's role at regional level and with other representative bodies, and
- g) The Mayor's civic and ceremonial role

The Mayor and Councillors must have a working knowledge and understanding of these areas within twelve months of being elected to Council.

The induction program will also include team building activities to help the governing body establish itself as a cohesive and collaborative team focused on a common purpose with shared values and goals.

Activities will aim to ensure the Mayors and Councillors:

- Identify how they would like to work together as a team and identify a common vision for the governing body
- Build relationships with each other based on trust and mutual respect that facilitate collaboration
- Contribute to a positive and ethical culture within the governing body
- Work towards consensus as members of the governing body for the benefit of the community
- Develop respectful negotiation skills and manage alternative views within the governing body without damaging relationships

**Wentworth Shire Council**

Word Document Reference: Record Number

**Council Policy No: WR007****COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT**

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- Understand what supports or undermines the effective functioning of the governing body
- Respect the diversity of skills and experiences on the governing body, and
- Communicate and uphold the decisions of Council in a respectful way, even if their own position was not adopted.

Activities should also help the Mayor, as the leader of the governing body, to:

- Act as a stabilising influence and show leadership, and
- Promote a culture of integrity and accountability within Council and when representing Council in the community and elsewhere.

**The Mayor and Councillors, including those re-elected to office, must attend all induction sessions.**

Wentworth Shire Council will evaluate the induction program at the end of each Council term to determine whether it has achieved these outcomes, and to identify and address areas for improvement.

**5.3 Ongoing Professional Development**

An individual ongoing professional development plan will be developed for the Mayor and each Councillor to address any gaps in the capabilities (ie the knowledge, skills and attributes) needed to effectively fulfil their role. The professional development plan should be finalized in the first six months of being elected to Council through consultation with General Manager.

Each professional development plan will span the Council's term, and identify professional development activities that the Mayor or Councillor will participate in. Professional development activities will be prioritised according to need and approved by the General Manager where council funds are required in accordance with Council's Councillor Expenses and Facilities policy. The Mayor and Councillors are expected to complete all the activities included in their professional development plan.

Professional development activities will, wherever possible, follow the 70/20/10 principle. The 70/20/10 principle requires that:

- 70% of learning activities are provided via learning and developing from experience for example, on-the-job training, self-directed learning, developmental roles, problem solving, exposure and practice
- 20% of learning activities are provided via learning and training through others for example, personal or professional networks, coaching, mentoring, feedback, memberships and professional associations, and
- 10% of learning activities are provided via learning and developing through structured programs – for example, training courses, external or in-house workshops, seminars, webinars and other e-learning and briefing sessions conducted by the council, external training providers or industry bodies.

The timing of professional development activities for the Mayor and Councillors will be designed in such a way so as to not overload Councillors with learning activities in the early part of Council's term. The timing will reflect what knowledge and skills Councillors and the Mayor need at various points in Council's term to undertake their roles.

**Wentworth Shire Council**

Word Document Reference: Record Number

**Council Policy No: WR007****COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT**

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The Mayor and Councillors will be provided with as much notice as possible for upcoming induction and professional development activities.

**5.4 Responsibilities**

The Mayor and each Councillor are responsible for making themselves available to attend any development activities identified in the professional development plan. The Mayor and all Councillors must make all reasonable endeavours to attend and participate in the induction sessions and professional development activities arranged for them during the term of Council.

The General Manager will advise Councillors of the delegated officer who is responsible for planning, scheduling and facilitating induction and professional development activities for the Mayor and Councillors.

The General Manager has overall responsibility for Wentworth Shire Council's induction and professional development program.

**5.5 Budget**

An annual budget allocation will be provided to support the induction and professional development activities undertaken by the Mayor and Councillors. Expenditure will be monitored and reported quarterly.

**5.6 Approval of Training and expenses**

Professional development activities that require Council funds are to be approved by the General Manager in accordance with Wentworth Shire Council's Councillor Expenses and Facilities Policy.

**5.7 Evaluation**

Council will evaluate the professional development program at the end of each Council term to assess whether it was effective in assisting the Mayor and Councillors to develop the capabilities required to fulfil their civic roles.

**5.8 Reporting**

The General Manager of Wentworth Shire Council will publically report each year in Council's Annual Report:

- The name of the Mayor and each individual Councillor that completed Council's induction program (where an induction program has been delivered during the relevant year)
- The name of the Mayor and each Councillor who participated in any ongoing professional development program during the year
- The number of training and other activities provided to the Mayor and Councillors during the year as part of a professional development program, and
- The total cost of induction and professional development activities and any other training provided to the Mayor and Councillors during the relevant year

**Wentworth Shire Council**

Word Document Reference: Record Number

**Council Policy No: WR007****COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT**

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**6. RELATED DOCUMENTS & LEGISLATION***Local Government Act 1993**Local Government (General) Regulations 2021*

Councillor Induction and Professional Development Guidelines

Councillor Expenses and Facilities Policy

**7. ATTACHMENTS**

Nil.

**8. DOCUMENT APPROVAL**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

[Click here to enter a date.](#)**General Manager Wentworth Shire Council****Date**

**Wentworth Shire Council**

Word Document Reference: Record Number

**Council Policy No: WR007****DESIGNATED OFFICERS OF COUNCIL****POLICY OBJECTIVE**

The intent of this policy to identify designated persons and ensure that they fulfil their obligations to prepare annual returns in accordance with the Code of Conduct.

**1. POLICY STATEMENT**

This official Council policy ensures that Wentworth Shire Council establishes systems which deal with the nomination and obligations of Designated Officers within the staffing structure of Council.

**2. POLICY COVERAGE**

This policy is applicable to designated officers of Council.

**3. STRATEGIC PLAN LINK**

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
<b>Designated Persons</b>	<p>(a) The General Manager</p> <p>(b) Other senior staff of the Council for the purposes of section 332 of the <i>Local Government Act 1993</i></p> <p>(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 that involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the persons duty as a member of staff or delegate and the persons private interest</p>
<b>Code of Conduct</b>	Council's adopted Code of Conduct

**5. POLICY CONTENT**

It is the Policy of this Council that:

- 5.1** The General Manager and all Directors are designated persons by virtue of the positions that they hold being classified as senior staff of the Council
- 5.2** Council staff members who hold a position of Manager are deemed to be designated persons of Council
- 5.3** A designated person must prepare and submit written returns of interests in accordance with clauses 4.21 of the Code of Conduct which states:

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

**Wentworth Shire Council**

Word Document Reference: Record Number

**Council Policy No: WR007****DESIGNATED OFFICERS OF COUNCIL**

- (a) Becoming a councillor or designated person, and
  - (b) 30 June of each year, and
  - (c) The councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 5.4** 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.
- 5.5** The General Manager must on receiving a pecuniary interest disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with in line with the Code of Conduct.
- 5.6** A pecuniary interest 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 in line with the Code of Conduct.

**6. RELATED DOCUMENTS & LEGISLATION**

Wentworth Shire Council Code of Conduct

**7. ATTACHMENTS**

Nil.

**8. DOCUMENT APPROVAL**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

**General Manager Wentworth Shire Council**

Click here to enter a date.

**Date**

**Wentworth Shire Council**

Word Document Reference: Record Number

**Council Policy No: GOV001****GIFTS AND BENEFITS POLICY****POLICY OBJECTIVE**

The intent of this policy is to ensure that council officials are not compromised in the performance of their duties through innocently or in good faith accepting gifts or benefits which may result in a feeling of obligation or could be construed as an attempt to influence.

**1. POLICY STATEMENT**

This Official Council Policy deals with the obligations of staff and councillors in relation to Gifts and Benefits.

**2. POLICY COVERAGE**

This policy applies to all areas of Council's operations and is applicable to all Councillors, all staff and anyone personally associated with them.

**3. STRATEGIC PLAN LINK**

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
Code of Conduct	Council's adopted Code of Conduct
Gift	A thing given willingly to someone without payment; a present.
Benefit	An advantage or profit gained from something
Reliansys	Internal Operational System holding various Registers

**5. POLICY CONTENT**

In relation to gifts and benefits all Councillors and staff are expected to abide by the requirements as defined in Part 4 of the Code of Conduct. Failure to abide by the requirements of this policy will be investigated in accordance with the Procedures for Administration of the Code of Conduct.

**5.1 All offers of gifts and benefits must be declared**

All offers of gifts and benefits must be declared, even if refused. Regardless of the value where a gift or benefit is offered it must be declared using the Gifts and Benefits declaration form.

**5.2 Gifts and benefits of a token value**

Gifts and benefits of a token value (as defined in the *Code of Conduct cl. 4.8*) can be accepted but must still be declared, using the Gifts and Benefits declaration form.

**5.3 Gifts and benefits of more than a token value**

Gifts and benefits of more than a token value (as defined in the *Code of Conduct cl. 4.10*) must not be accepted. Where you receive a gift or benefit of more than a token value that cannot be reasonably be refused or returned, the gift or benefit must be surrendered to the

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**Council Policy No: GOV001****GIFTS AND BENEFITS POLICY**

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council, unless the nature of the gift or benefit makes this impractical (*Code of Conduct cl. 4.7*). Refer cl. 5.5 of this policy.

**5.4 Cash-like gifts**

Cash-like gifts must be declared using the Gifts and Benefits declaration form.

**5.5 Surrender of the item and lodgment of Declaration forms**

Completed declaration forms are to be provided to the Office of the General Manager as soon as practicable after the receipt of the item. Where an item has been accepted it must be surrendered. The General Manager will determine what is to happen with the item. Options for disposal of the item may include, but are not limited to:-

- Displaying the item in the council chambers
- Returning the item
- Allowing perishable items to be shared amongst all Councillors (or staff),
- Donation of promotional items to the stationery cupboard
- Donation of goods to a charity
- Allowing goods to be placed in a staff raffle or hamper

**5.6 Gifts and Benefits Register**

Gifts and Benefits declarations are to be entered in the Gifts and Benefits Register in Reliansys with the document attached and linked to Content Manager.

**6. RELATED DOCUMENTS & LEGISLATION**

*Government Information (Public Access) Act 2009*

*Local Government Act 1993*

*Local Government (General) Regulations 2021*

Wentworth Shire Council Conflict of Interest Policy

**7. ATTACHMENTS**

Nil

**8. DOCUMENT APPROVAL**

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This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

[Click here to enter a date.](#)

**General Manager Wentworth Shire Council**

**Date**

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: GOV011****COUNCILLORS AND STAFF INTERACTION POLICY**

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**POLICY OBJECTIVE**

In Wentworth Shire Council (Council), as in all councils, there is a complex web of relationships between Councillors and Council employees. These contacts are necessary and essential to the smooth functioning of Council, as they allow Councillors access to information and employees.

The policy is designed to provide clear guidelines that help Councillors and employees to understand fully their respective roles and how they should interact, in order to perform their job effectively and maintain a respectful and harmonious relationship.

**1. POLICY STATEMENT**

The intent of this policy is to facilitate a positive working relationship between Councillors as elected representatives of the Wentworth Shire Council, and the staff employed to administer the operations of Council. The policy provides direction on interactions between Councillors and Council staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.

This policy will:

- provide a clear definition of the respective roles of elected members and Council employees;
- provide communication channels to ensure the speedy provision of accurate information to Councillors;
- provide a documented process on how Councillors can access Council records;
- ensure Councillors have access to all documents necessary for them to exercise their statutory role as a member of the governing body of Council;
- provide a clear and consistent framework for the reporting of, and appropriate application of sanctions for, breaches of this policy.

This policy both complements and should be read in conjunction with Council's Code of Conduct. This policy is an actionable part of the Code. In the event that this policy contradicts with the Code the Code will prevail.

**2. POLICY COVERAGE**

This policy covers personnel employed by Council; any person or organisation contracted to or acting on behalf of Council; and any person or organisation employed to work on Council premises or facilities and all activities of Council.

This policy applies to all interactions between Councillors and Council staff whether face-to-face, by telephone, online, email, or in writing.

This Policy applies whenever interactions between Council staff and Councillors regarding Council operations occur, including inside or outside work hours and at both Council and non-Council venues. This policy does not prevent Councillors and staff from communicating generally. From time to time, Councillors and staff may be present at social and community events – in such situations both parties should refrain from discussing matters relating to Council business.

**3. STRATEGIC PLAN LINK**

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: GOV011****COUNCILLORS AND STAFF INTERACTION POLICY**

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

**4. DEFINITIONS AND ABBREVIATIONS**

<b>Term/Word</b>	<b>Definition</b>
<b>Act</b>	Means the <i>Local Government Act 1993</i> (NSW)
<b>Code</b>	Council's adopted Code of Conduct
<b>Council</b>	Wentworth Shire Council
<b>Councillor</b>	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.
<b>General Manager</b>	Means the General Manager of Council and includes their delegate or authorised representative
<b>GIPA Act</b>	Means the <i>Government Information (Public Access) Act 2009</i>

**5. POLICY CONTENT**

It is the policy of this Council that:

Council officials are to comply with Council's Code of Conduct Policy, and this policy, regarding interaction between Councillors and Council staff.

**Roles and Responsibilities**

A number of factors contribute to a good relationship between the elected members and Council staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.

Councillors and Council staff must have a clear and sophisticated comprehension of their different roles, and the fact that these operate within a hierarchy. Council staff are accountable to the General Manager, who in turn, is accountable to Council.

Chapters 9 and 11 of the *Local Government Act 1993* (the Act) set out the statutory roles and duties of Councillors and the General Manager. The Councillors are the governing body of the corporation and they have the responsibility of directing and controlling the affairs of Council in accordance with the Act. Chapter 9 includes the following provisions:

**The Governing Body (Section 222)**

The elected representatives, called 'Councillors', comprise the governing body of Council.

**The Role of the Governing Body (Section 223)**

(1) The role of the governing body is as follows--

- to direct and control the affairs of the council in accordance with this Act,
- to provide effective civic leadership to the local community,
- to ensure as far as possible the financial sustainability of the council,

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**Council Policy No: GOV011****COUNCILLORS AND STAFF INTERACTION POLICY**

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- to ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of the council,
- to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council,
- to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area,
- to keep under review the performance of the council, including service delivery,
- to make decisions necessary for the proper exercise of the council's regulatory functions,
- to determine the process for appointment of the general manager by the council and to monitor the general manager's performance,
- to determine the senior staff positions within the organisation structure of the council,
- to consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities,
- to be responsible for ensuring that the council acts honestly, efficiently and appropriately.

(2) The governing body is to consult with the general manager in directing and controlling the affairs of the council.

**The Role of the Mayor (Section 226)**

The role of the Mayor is:

- 
- to be the leader of Council and a leader in the local community;
- to advance community cohesion and promote civic awareness;
- to be the principal member and spokesperson of the governing body, including representing the views of Council as to its local priorities,
- to exercise, in cases of necessity, the policy-making functions of the governing body of Council between meetings of Council. (e.g. urgent demolition orders, authority to financially assist the community by the allocation of resources during natural disasters, commencement of urgent legal action);
- to preside at meetings of Council;
- to ensure that meetings of Council are conducted efficiently, effectively and in accordance with this Act;
- to ensure the timely development and adoption of the strategic plans, programs and policies of Council;
- to promote the effective and consistent implementation of the strategic plans, programs and policies of Council;
- to promote partnerships between Council and key stakeholders;
- to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of Council;
- in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between Council and the local community;
- to carry out the civic and ceremonial functions of the Mayoral office;

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- to represent Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- in consultation with the Councillors, to lead performance appraisals of the General Manager; and
- to exercise such other functions of Council as Council determines.

**The Role of a Councillor as a Member of Council (Section 232)**

The role of a Councillor is:

(1) The role of a councillor is as follows--

- to be an active and contributing member of the governing body,
- to make considered and well informed decisions as a member of the governing body,
- to participate in the development of the integrated planning and reporting framework,
- to represent the collective interests of residents, ratepayers and the local community,
- to facilitate communication between the local community and the governing body,
- to uphold and represent accurately the policies and decisions of the governing body,
- to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

(2) A councillor is accountable to the local community for the performance of the council.

**The Role of the General Manager (Section 335(1))**

The General Manager is generally responsible for the efficient and the effective operation of Council's organisation and for ensuring the implementation, without undue delay, of decisions of Council.

**The Functions of the General Manager (Section 335(2))**

The General Manager has the following particular functions:

- to conduct the day-to-day management of Council in accordance with the strategic plans, programs, strategies and policies of Council;
- to implement, without undue delay, lawful decisions of Council;
- to advise the Mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of Council;
- to advise the Mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of Council and other matters related to Council;
- to prepare, in consultation with the Mayor and the governing body, Council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report;
- to ensure that the Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions;
- to exercise such of the functions of Council as are delegated by Council to the General Manager;

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- to appoint staff in accordance with an organisation structure and resources approved by Council;
- to direct and dismiss staff;
- to implement Council's equal employment opportunity management plan; and
- any other functions that are conferred or imposed on the General Manager by or under this or any other Act.

Protocols for Interactions

Council commits to the following principles to guide interactions between Councillors and Council staff:

Principle	Achieved By
<b>Equitable and Consistent</b>	Ensuring appropriate, consistent and equitable access to information for all Councillors within established service levels
<b>Considerate and Respectful</b>	Councillors and Council staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions.
<b>Ethical, Open and Transparent</b>	Ensuring that interactions between Councillors and Council staff are ethical, open, transparent, honest and display the highest standards of professional conduct.
<b>Fit for Purpose</b>	Ensuring that the provision of equipment and information to Councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost.
<b>Accountable and Measurable</b>	Providing support to Councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data.

All participants in Local Government are encouraged to facilitate a respectful and harmonious relationship between Councillors and Council employees. In particular, the following protocols must be observed:

- **Councillors**

- Councillors should bear in mind the spirit and letter of the Act as to their roles and also observe established protocols;
- Councillors are encouraged to respect the functions and responsibilities of employees and the proper workings of the organisation;
- Councillors must not direct employees as to the performance of their work duties;
- Requests from Councillors involving significant staff time should be made to the General Manager, or in their absence, the Acting General Manager;
- Councillors have a right of access to Council employees and to information for civic purposes under the circumstances set out in this policy;
- Should a Councillor have a complaint about an employee, the complaint must be directed to the General Manager.

- **Employees**

- Employees must be polite at all times, treat Councillors with the respect due to their office and avoid political comment;

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- In all formal settings, employees will address Councillors as Councillor (last name) and the Mayor as either Mayor (last name) or Mr (Madam) Mayor;
- Employees should seek the advice and approval of the General Manager, or in their absence, the Acting General Manager, prior to responding to a direct request from a Councillor, except where the request is minor or of a day-to-day operational nature;
- Employees must ensure that information provided to Councillors is factually correct, complete and relevant;
- In making recommendations or providing advice to Council, employees are not required to follow any directions given by Councillors or Council as to the nature of that advice or those recommendations;
- Employees must not, unless a senior manager of Council, approach Councillors directly on staffing or political issues.

Interactions during meetings

- **Councillors**

- must not make statements or imputations or disclose information concerning the personal affairs of any Councillor or Council employee;
- may, through the Mayor, put a question to another Councillor, and may, through the General Manager, put a question to a Council employee. However, the Councillor or Council employee to whom the question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or documents;
- must always be mindful of the relevance of questions that are put to other Councillors and Council employees during meetings or conferences of Council;
- must permit a Council employee a reasonable time to research and provide answers to questions;
- must not interrupt, harass or unreasonably criticise a Council employee who is speaking at a conference or meeting of Council.

- **Employees**

- must only speak when requested and such requests must be directed through the General Manager;
- must provide an answer to questions put through the General Manager if the information is readily available to them;
- may take questions on notice if information is not readily available. However, taking questions on notice should not be used as an excuse to avoid answering questions.

Interactions outside meetings

- **Councillors**

Councillors, in their dealings with employees, and the organisation, must:

- have regard to the provisions of the Act, and the roles and responsibilities set out therein and reproduced in this policy;
- respect the functions, responsibilities and workload of individual employees;
- respect and comply with the proper and reasonable practices and procedures of the organisation;
- only direct a question or request information through the General Manager or Directors. The Councillor may decide the question is to be asked or the request is

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to be made orally or in writing, but must not unreasonably ignore a request from the staff member concerned for it to be put in writing.

- **Employees**

Employees, in their dealings with Councillors, must:

- respect the role and responsibilities of all Councillors, and their right to obtain relevant information;
- on receipt of a question or request, answer the Councillor's question or provide to the Councillor the information sought orally or in writing as the Councillor prefers.

If the employee is unable or unwilling to answer the Councillor's question or provide the information sought, the employee must give reasons to the Councillor and advise the General Manager.

Example of Appropriate Interactions

Examples of appropriate interactions include, but are not limited to, the following:

- ✓ Councillors and Council staff are courteous and display a positive and professional attitude to one another;
- ✓ Council staff ensure that relevant information is made equally available to all Councillors, in accordance with this policy and any other relevant Council policies;
- ✓ Council staff record the advice they give to Councillors in the same way as if the advice was provided to a member of the public;
- ✓ Council staff, including the Executive Team members, document Councillor requests through the dedicated Councillor support area and process;
- ✓ Informal briefings and Councillor Workshops are used to establish positive working relationships and help Councillors gain an understanding of complex issues related to their civic duties, especially where Councillors will be required to make a Policy decision on an issue at an upcoming Council meeting;
- ✓ Councillors feel supported to approach authorised staff, and vice versa, to seek advice and clarification about issues; and
- ✓ Councillors forward requests for information through the channels identified by the General Manager and staff respond within agreed timeframes to these requests.

Example of Inappropriate Interactions

Examples of inappropriate interactions include, but are not limited to, the following:

- × Councillors approaching members of staff, other than senior staff, for information on sensitive or controversial matters;
- × Members of staff approaching Councillors directly (rather than through the General Manager) on staffing or political issues;
- × Councillors approaching staff outside Council workplaces or outside work hours to discuss Council business;
- × Staff refusing to give information which is available to other Councillors to a particular Councillor because of the staff member's or Councillor's political views;
- × Councillors who have lodged a development application (DA) before Council discussing the matter with members of staff, other than senior staff;
- × Members of staff, other than senior staff, being asked to answer questions or provide documents to Councillors who are overbearing or threatening;
- × Councillors directing or pressuring staff in the performance of their work, or recommendations they should make; and

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- × Staff providing advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community;

Access to Documents

- While the General Manager is responsible for ensuring that Councillors have access to the information they need to perform their civic duties, Councillors have the same general right as members of the public to inspect and take away copies of records and documents and are subject to the same constraints.
- The provisions of the *Government Information (Public Access) Act 2009* (GIPA Act) are available to members of the Community and to Councillors. The GIPA Act requires Council to proactively release information on their website, while providing appropriate protection for individuals' privacy.
- Through this legislation, Council provides access to information held unless on balance it is contrary to the public interest to provide that information.
- Councillors have a right to inspect any record provided that it is relevant to the exercising of the Councillor's responsibility in his or her civic office and is not subject to privacy, confidentiality or legal restraint. This right does not extend to matters about which a Councillor is merely curious. Access to information that is not publicly available is upon request to the General Manager or relevant member of the Executive Leadership Team.
- Councillors who have a personal or pecuniary interest in a document of Council have the same rights of access as any other person as stipulated by the Code under the section 'Personal dealings with Council'.
- Any denial by the General Manager or their delegate to provide information requested by Councillors must be reasonable and reasons must be provided for the decision.
- Councillors are required to treat all information provided by Council staff appropriately and to observe by confidentiality requirements.
- Council staff will inform Councillors of any confidentiality requirements for information they provide so Councillors can handle information appropriately.
- Where a Councillor is unsure of confidentiality requirements, they can ask the authorised staff member or contact the Office of the General Manager.

Access to Computer Systems by Councillors

- Councillors shall have the same access to Council's computer system as do members of the public.
- Councillors also have access to productivity tools in the computer system but no access to Council records or databases, unless specifically identified and implemented for the purpose of supporting Councillors in their civil role at the discretion of the General Manager.

Access to Council premises

- Councillors, as elected members of the Council, are entitled to have access to the Council Chambers, Mayor's Office and public areas of Council's buildings.
- Councillors who are not in pursuit of their civic duties have the same rights of access to Council buildings and premises as any other member of the public. As with members of the public, a Councillor has no right to enter staff-only areas without the expressed authorisation of the General Manager or Executive Leadership Team member, and be accompanied by a staff member.
- Councillors must ensure that when they are within a staff-only area they are cognisant of potential conflict or pecuniary interest matters and/or a perception that they may bring

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influence to bear on Council staff decisions. Councillors should conduct themselves accordingly.

Complaints Procedures

- **By a Councillor Against an Employee**

- A complaint by a Councillor against an employee other than the General Manager must be made in writing addressed to the General Manager.
- A complaint by a Councillor other than the Mayor against the General Manager must be in writing addressed to the Mayor.
- A complaint by the Mayor against the General Manager must be set out in a confidential report to the Council meeting. The General Manager may be excluded by resolution of Council from the closed section of the meeting at which the report is considered.
- On receipt of a complaint made under this part, the General Manager, the Mayor or the Council, as the case requires, must if of the opinion that the complaint has substance and seriousness, investigate the complaint and may take or recommend such action as considered appropriate.

- **By a Councillor Against a Councillor**

- A complaint by a Councillor against a Councillor other than the Mayor must be in writing addressed to the Mayor or to the General Manager;
- A complaint by a Councillor against the Mayor must be in writing addressed to the General Manager;
- On receipt of a complaint under this part, the Mayor or General Manager (as the case requires) must, if of the opinion that the complaint has substance and seriousness, investigate the complaint and report the findings to Council without recommendation for the Council's decision.

- **By an Employee Against a Councillor**

- A complaint by an employee against a Councillor must be in writing addressed to the General Manager;
- On receipt of a complaint under this Section, the General Manager must, if of the opinion that the complaint has substance, investigate the complaint and report the findings to the Mayor. The Mayor may take such action as considered appropriate;
- If the complaint concerns the Mayor, the General Manager must, if of the opinion that the complaint has substance and seriousness, investigate the complaint and report the findings to Council without recommendation for the Council's decision.

Noncompliance with this Policy

- **Councillors**

- An alleged breach of this policy by a Councillor other than the Mayor may be reported to Council by the Mayor;
- An alleged breach by the Mayor may be reported to the Council by the General Manager;
- The Council may investigate an alleged breach of this policy in such a manner as it thinks appropriate;
- If the Council finds the breach substantiated, it may, in its discretion, take such action in relation to the Councillor concerned as is permitted by law. Without limiting this provision, the Council may require the Councillor to apologise to the

**Wentworth Shire Council**

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**Council Policy No: GOV011****COUNCILLORS AND STAFF INTERACTION POLICY**

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electd member, employee or to the organisation as a whole in such a manner as it directs.

- **Employees**
  - An alleged breach of this policy may result in disciplinary procedures and or dismissal.

**6. RELATED DOCUMENTS & LEGISLATION**Legislation

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2021*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Privacy and Personal Information Protection Act 1998*

Council Policies

- GOV002 – Use of Communication Devices Policy
- GOV007 – Privacy Management Policy
- GOV008 – Public Access to Information Held by Council Policy
- GOV010 – Provision of Facilities & Payment of Expenses Policy
- GOV018 – Code of Meeting Practice
- GOV020 – Code of Conduct Policy
- GOV022 – Legislative Compliance Policy
- GOV023 – Conflicts of Interest Policy

Council Document

- Legislative Compliance Framework
- Governance Framework
- Conflict of Interest Register
- Privacy Management Plan

**7. ATTACHMENTS**

Nil.

**8. DOCUMENT APPROVAL**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

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A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: GOV011**

**COUNCILLORS AND STAFF INTERACTION POLICY**

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Signed: .....

Click here to enter a  
date.

**General Manager Wentworth Shire Council**

**Date**

DRAFT

**Wentworth Shire Council**

Word Document Reference: Record Number

**Council Policy No:CC010****MEDIA POLICY****POLICY OBJECTIVE**

The intent of this policy is to provide Council Officials, Volunteers and Contractors of Wentworth Shire Council (Council) with guidelines and procedures that encourage use of media that mitigate reputational risk to Council.

**1. POLICY STATEMENT**

Media is an integral marketing and communications tool for Council to promote, engage with, respond and listen to the diverse needs of the community. Due to the public nature of media, this policy governs the acceptable use of media and clarifies the responsibilities of Council officials, Volunteers and Contractors in both their personal and official use of all forms of media.

**2. POLICY COVERAGE**

The policy applies to all Council Officials, Volunteers and Contractors when representing Council in the media and presenting personal comments in media. This policy applies to verbal and written comments in the media, public speaking engagements, media releases and the use of social media.

**3. STRATEGIC PLAN LINK**

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
<b>Social Media</b>	<p>The collective of online communication channels dedicated to community-based input, interaction, content-sharing and collaboration. These channels allow users to transfer text, video, audio, images and general information easily and, often, instantaneously among social media users. These sites include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Facebook</li> <li>• Twitter</li> <li>• YouTube</li> <li>• Pinterest</li> <li>• What's App/Messenger</li> <li>• Instagram</li> <li>• LinkedIn</li> <li>• Snapchat</li> </ul>
<b>Media</b>	The term commonly given to various means of communication that reaches a broad cross-section of the community such as social media, television, radio, website and print media.
<b>Council officials</b>	All Councillors and Council employees

**Wentworth Shire Council**

Word Document Reference: Record Number

**Council Policy No:CC010****MEDIA POLICY**

<b>Authorised Delegate</b>	A Council employee who has the authority, in accordance with their delegation, to represent Council in media or who is approved by the General Manager to interact with the media
<b>Personal use of social media</b>	Means <u>you are not</u> identified or perceived as a Council official, Volunteer or Contractor of Council when participating on social media
<b>Professional use of social media</b>	Means <u>you are</u> authorised to comment as a Council official and your participation on social media is on behalf of Council
<b>Code of Conduct</b>	Council's adopted Code of Conduct.
<b>Display picture (Social Media)</b>	The profile image or profile name displayed on the social media account to identify ownership.
<b>Social media account</b>	Refers to a page or profile created within a social media platform to promote a brand or service.
<b>Reliansys</b>	Internal Operational System holding various Registers

**5. POLICY CONTENT****Council employees (not including Councillors)**

- 5.1** The Mayor and General Manager are the official spokespeople on Council affairs, as per the *Local Government Act 1993*.
- 5.2** All media enquiries received by employees MUST be directed in the first instance to the Office of the General Manager.
- 5.3** Where appropriate and with authorisation by the General Manager, or in the absence of the General Manager, the Acting General Manager, the Director of a Department, or an appropriate Manager is authorised to make statements to the media on behalf of Council relating to issues concerning their specific expertise or knowledge.
- 5.4** Council employees have an obligation to support Council decisions and shall not use the media to damage Council's reputation, undermine public confidence in the Council or local government generally.
- 5.5** As members of the community, Council employees are entitled to offer their personal views on matters which are subject to community engagement (bearing in mind point 4.4 above). Employees who are uncertain in this matter should seek guidance from the General Manager or their Director.
- 5.6** Council employees must not make political or controversial statements in or to the media relating to Council affairs, decisions and/or events, or about Council officials that are likely to generate negative publicity and damage to the reputation of Council.
- 5.7** The Office of the General Manager is responsible for distributing media releases, articles, columns, statements and other media material on behalf of the Mayor and Council.
- 5.8** Council recognises that employees may use social media in their personal life. This policy does not limit usage of social media for personal expression or discourage activities that are not associated with their employment or civic responsibilities.

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Individuals are responsible for content published in a personal capacity on any form of social media platform – whether it is their own or someone else’s account.

**5.9** Staff using social media in a personal capacity must:

- Not imply that they are authorised to speak as a representative of Council or give the impression that the views expressed are those of Council.
- Not use a Council email address or any Council logos or insignia.
- Not make negative references to Council, other Council officials, services or any business-related individual or associated organisation.
- Not use the identity or likeness of another Council Official.
- Understand that ‘shares’, ‘likes’ or ‘retweets’ may be viewed as an endorsement of the original post.
- Not post material that is offensive, obscene, pornographic, threatening, abusive, harassing or defamatory.
- Not make comments or post any material that might bring the Council into disrepute.

Council Officials should avoid engaging with clients with whom they conduct direct business as friends on their personal social media account as this could be perceived as a Conflict of Interest. LinkedIn is an exception as it is considered a professional social networking platform. On LinkedIn, Council employees may add business-related clients to their network but should not conduct business through the platform.

Council Officials should be aware of their obligations under the Code of Conduct and that they are responsible for content they publish on any form of media. Any breaches may be referred to the General Manager and may be dealt with under the Code of Conduct.

**Councillors**

- 5.10** The Mayor and the General Manager are the official spokespeople on Council affairs, as per the *Local Government Act 1993*.
- 5.11** Individual Councillors may make statements to the media, which may include a comment on or express their disassociation from a Council decision. The Councillor in question should advise the Mayor of their action. The Councillor should also make it clear to the media that the comment or opinion expressed is a personal one and may not be the official position of Council. The comment or opinion must not bring Council, Council decisions or civic office into disrepute.
- 5.12** Councillors have an obligation to support Council decisions and shall not use the media to damage Council’s reputation, undermine public confidence in the Council or local government generally.
- 5.13** As members of the community, Councillors are entitled to offer their personal views on matters which are subject of community engagement, always bearing in mind how that may be perceived given their substantive role with Council. Councillors who are uncertain in this matter should seek guidance from the General Manager.
- 5.14** Councillors should understand that ‘shares’, ‘likes’ or ‘retweets’ may be viewed as an endorsement of the original post.

**Wentworth Shire Council**

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- 5.15** Councillors should be mindful of their obligations under the Code of Conduct and that they are responsible for content they publish on any form of media. Any breaches may be referred to the General Manager and may be dealt with under the Code of Conduct.
- 5.16** Council has in place a single point of contact for enquiries from the media.
- 5.17** Copies of press releases are to be provided to the Councillors prior to publication.
- 5.18** Where possible Councillors are to be provided with prior notification of any Council Officials participating in a media interview.

**Authorised Delegate**

- 5.19** Council employees must be approved as an authorised delegate in order to participate on social media on behalf of Council and manage Council social media accounts. Authorised delegates must be aware that they will be publicly representing Council to a broad audience including, but not limited to, residents, media, government agencies and other external stakeholders. Council considers posting information on social media platforms is the same as distributing information or providing comment to the media.
- 5.20** Professional social media users must:
- Only use an approved social media account.
  - Obtain prior approval from the General Manager or relevant Director before uploading content to Councils social media accounts.
  - Only disclose information classified as 'information in the public domain'.
  - Ensure content is objective and non-political in nature unless stating an authorised resolved position of Council.
  - Ensure they are not the first to make a Council announcement unless specifically authorised to do so.
  - Seek advice and approval from the Office of the General Manager when preparing responses to comments made by the community regarding Council initiatives.
  - Adhere to the terms of use of the relevant social media platform/website, as well as privacy, defamation, contempt of court, discrimination, harassment, copyright, fair use of third-party material which should be attributed to the original author or source and other applicable laws.
  - Sight the written consent form/s authorising the use of a photo and/or video prior to uploading and/or linking on the social media platform.
  - Disclose to the General Manager any engagement online with an external client, former external client, or their family and friends where there may be a real, potential or perceived conflict of interest.

**General**

- 5.21** Council recognises the important role the media plays in informing the public about the work of the organisation and its facilities and businesses. Subject to operational and legal constraints, Council provides the media with as much information as is practical and possible about its work.

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Word Document Reference: Record Number

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**5.22** Council will not, for operational and legal reasons, comment on any matter that is the subject of ongoing investigation or consideration, or where it is not in the public interest for the matter (or the details of the matter) to become publicly known, in some cases, the issue may be subjected to the public interest test (*Government Information (Public Access) Act 2009*) to determine what information can be released, or information may be withheld to avoid potential defamation/privacy breaches. Council Officials should be aware of defamation laws when commenting in the media. As a guide, under the *Defamation Act 2005*, published material that identifies a person (not necessarily by name) and meets any of the below criteria may be considered defamatory:

- Exposes a person to ridicule
- Lowers the person's reputation in the eyes of the members of the community, or
- Causes people to shun or avoid the person, or
- Injures the person's professional reputation

**5.23** Confidential information will not be released by Council via any form of media.

**5.24** Comments or posts by third parties on Council social media pages containing any of the following will be removed:

- Comments not typically related to the particular article
- Defamatory, abusive, discriminatory or unlawful comments
- Content that infringes or threatens the privacy of others
- Spam or content that contains disrespectful language or material
- Content which is personal comment or attack made about Council Officials
- Content which advertises, endorses or solicits commercial products or commerce
- Content which breaches copyright
- Content which discloses confidential information
- Content that relates to legal matters involving Council
- Content which is offensive, demeaning or bullying in nature
- Content which impersonates other people, including other participants
- Comments in support of or opposition to political campaigns
- Content which is considered pornographic or contains links or content sexual in nature
- Content which relates negatively to religious, political or cultural beliefs

**6. REVIEW**

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be every two years from the effective date. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

**Wentworth Shire Council**

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**Council Policy No:CC010****MEDIA POLICY**

The Office of the General Manager is responsible for the review of this policy.

**7. RELATED DOCUMENTS & LEGISLATION**

Actions and comments are governed by various legislative and Council requirements. Council Officials may expose themselves to legal action or sanctions under these requirements unless complying with this policy and relevant procedures.

The following documentation/legislation is applicable with this policy.

- Anti-discrimination Act 1991 NSW
- Copyright Act 1968
- Council's adopted Code of Conduct
- *Defamation Act NSW 1974*
- *Freedom of Information Act 2000*
- *Government Information (Public Access) Act 2009*
- *Privacy Act 1988*
- *Privacy and Personal Information Protection Act 1988 NSW*
- *State Records Act 1998*
- Wentworth Shire Council policies
- *Work Health and Safety Act 2011 NSW*

**8. ATTACHMENTS****9. DOCUMENT APPROVAL**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date.](#) All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

**General Manager Wentworth Shire Council**

[Click here to enter a date.](#)

**Date**

#### 9.4 LGNSW SPECIAL CONFERENCE 28 FEBURARY - 2 MARCH 2022

File Number: RPT/22/38

Responsible Officer: Ken Ross - General Manager  
 Responsible Division: Office of the General Manager  
 Reporting Officer: Jess O'Neill - Business Support Officer

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future  
 Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

#### **Summary**

The Local Government NSW Special Conference is being held from Monday 28 February 2022 to Wednesday 2 March 2022 at Hyatt Regency, Sydney. This forum is the main local government policy making forum for Local Government New South Wales. Traditionally, Council send the Mayor and General Manager to the Conference.

#### **Recommendation**

That Council determines the attendees to the LGNSW Special Conference from 28 February – 2 March 2022 and nominates which attendee will be the Council's voting delegate. If no attendees are selected a voting delegate must still be nominated.

#### **Detailed Report**

##### **Purpose**

The purpose of this report is to consider who should attend the Local Government New South Wales Special Conference and which attendee will be the Council's voting delegate.

##### **Background**

The Local Government New South Wales Special Conference is being held from Monday 28 February to Wednesday 2 March 2022 at Hyatt Regency in Sydney. This forum is the main local government policy making forum for Local Government New South Wales.

##### **Report Detail**

The Annual Conference is the main policy making event for the local government sector. It is Council's opportunity to submit motions for consideration and debate by delegates. Motions passed at Conference become resolutions, which Local Government New South Wales will take forward on Council's behalf, as part of their sector's advocacy agenda. It is also advantageous to Council for the opportunity for the Mayor and/or Deputy Mayor and General Manager to network with various Members of Parliament on a one to one basis. These networking opportunities are particularly useful when advocating for various issues.

Traditionally, Council send the Mayor and General Manager to the Conference.

Wentworth Shire Council is entitled to one voting delegate which is usually the Mayor.

The Conference program, outlining all intended panels and speakers, is attached to this report.

##### **Cost**

Registration for LGNSW Special Conference is \$1,094.50 per person. The Conference Dinner is an additional \$176 per attendee.

This cost is not inclusive of flights or accommodation.

**Attachments**

1. LGNSW Special Conference Program as at 14 January 2022 [↓](#)
2. LGNSW Special Conference 2022 Voting Delegations [↓](#)



## Local Government NSW Special Conference

Monday 28 February 2022 – Wednesday 2 March 2022

Main conference venue: Hyatt Regency Sydney, 161 Sussex St, Sydney NSW 2000

Theme: Locally Led: Working together for a better NSW

### SNAPSHOT OF DRAFT PROGRAM (as at 14 January 2022)

PRE – OPENING OF CONFERENCE, OPTIONAL WORKSHOPS AND SPECIAL EVENTS	
Monday 28 February 2022	
1.00pm – 7.00pm	Registration opens at the Grand Ballroom Foyer
1.30pm – 3.00pm	<b>Option 1. Presentation Panel: Room – King Room #4</b> Council involvement in new national agreement on Closing the Gap
1.30pm- 3.00pm	<b>Option 3. Councillor Workshop: King Room #3</b> Investing in You – Verbal Judo for Councillors  SOLD OUT
1.30pm – 3.00pm	<b>Option 4. Councillor Workshop: Wharf Room 1&amp;2</b>  Domestic violence – Councils are part of the solution
3.00pm – 5.00pm	<b>Grand Ballroom</b> <b>Meet the Politicians' Forum</b> with-Cr Darriea Turley AM, President LGNSW <i>After the "Meet the Politicians Forum"</i> - <b>Presentation of the AR Bluett Awards by the Trustees</b> <i>and</i> <b>Welcome Reception Sponsor Address by Statewide Mutual</b>

Conference Opens – President's Welcome Reception sponsored by Statewide Mutual Hyatt Regency Sydney, 161 Sussex Street, Sydney	
Monday 28 February 2022	
5.00pm – 7.30pm 5.00pm – 5.05pm	President's Welcome Reception Maritime Ballroom sponsored by Statewide Mutual <a href="#">The Registration Desk will be open during this event.</a>

Tuesday 1 March 2022 – Business Session Day 1 Hyatt Regency Sydney, 161 Sussex Street Sydney	
7.30am – 5.00pm	Registration desk open Grand Ballroom Foyer
8.00am – 4.00pm	Trade exhibition opens Maritime Ballroom Delegate Lounge opens for networking
8.45am	Grand Ballroom Doors open for official conference proceedings
9.05am – 9.10am	Conference introduction by <b>Scott Phillips</b> , Chief Executive, LGNSW
9.10am – 9.15am	Welcome to Country on behalf of Metropolitan Local Aboriginal Land Council – <b>Yvonne Weldon</b>
9.15am – 11.00am	Grand Ballroom Address by <b>Cr Darriea Turley AM President, LGNSW</b> Opening of the Federal & State Conferences including demonstration of voting procedure, adoption of standing orders, business sessions and consideration of motions.
11.00am – 11.05am	Distinguished Partner address by <b>Active Super</b>
11.05am – 11.35am	Morning tea in trade exhibition, Distinguished Partner <b>Active Super</b> , Maritime Ballroom
11.35am – 1.00pm	Consideration of conference business continued, chaired by <b>President LGNSW</b>
1.00pm - 1.05pm	Elite sponsor address by <b>StateCover</b>
1.05pm – 2.15pm	Lunch in trade exhibition, sponsored by <b>StateCover</b> , Maritime Ballroom
1.05pm – 2.15pm	<b>StateCover</b> General Managers' Lunch (exclusive to GMs)
2.15pm – 3.30pm	Consideration of conference business continued, chaired by <b>President, LGNSW</b>
3.30pm – 4.00pm	Afternoon tea in trade exhibition <b>Maritime Ballroom</b>
4.00pm – 5.00pm	Consideration of conference business continued, chaired by <b>President, LGNSW</b>
5.00pm	Conference business session closes
5.00pm – 5.30pm	Networking drinks in trade display area
Conference Dinner at Grand Ballroom, Fullerton Hotel 1 Martin Place, Sydney	
7.00pm -10.30pm	Dinner and Entertainment
	<b>Cr Darriea Turley AM, President, LGNSW</b> and <b>Elite Sponsor, StateCover</b> present Outstanding Service Awards to elected members

<b>Wednesday 2 March 2022 – Business Session Day 2</b> The Hyatt Regency, 161 Sussex Street, Sydney	
7.30am – 5.00pm	Registration opens Grand Ballroom Foyer
7.30am – 8.45am	<b>Wharf Room 1-5</b> <b>Australian Local Government Women's Association (ALGWA NSW) Breakfast,</b> Wharf Room Panel guest presenter: <b>Rosemary Kariuki</b> , Advocate for migrant and refugee women, LOCAL HERO 2021 Australian of the Year awards facilitated by MC, Ellen Fanning <i>(Rosemary Kariuki and Ellen Fanning appear by arrangement with Saxton Speakers Bureau)</i>
8.00am – 4.00pm	Trade exhibition opens, Maritime Ballroom Delegate Lounge opens for networking
8.45am	<b>Grand Ballroom</b> Doors open for official conference proceedings
9.00am	Introduction by <b>Ellen Fanning</b> , Master of Ceremonies
9.05am – 9.30am	<b>Grand Ballroom</b> Keynote address: <b>Economic Outlook 2022 with Michael Pascoe</b> <i>(Michael Pascoe appears by arrangement with Claxton Speakers International)</i>
9.30am – 9.35am	Planning sponsor address by <b>Resilience NSW</b>
9.35am – 10.30am	<b>Grand Ballroom</b> Keynote Panel: Economic Outlook 2022
10.30am – 10.35am	Distinguished partner address by <b>nbn</b>
10.35am – 11.05am	Morning tea in trade exhibition, partnered with <b>nbn</b> , <b>Maritime Ballroom</b>
11.05 – 11.20am	<b>Grand Ballroom</b> Address from <b>Cr Darriea Turley AM, President</b> , LGNSW, on Association Initiatives including Country Mayors MOU signing
11.20 – 11.25am	Distinguished sponsor topic <b>Landcom</b>
11.25am – 12.10pm	<b>Grand Ballroom</b> Presentation: <b>Climate Change Panel</b>
12.10pm – 12.55pm	<b>Grand Ballroom</b> Presentation: <b>The Housing Crisis in NSW</b>
12.55pm – 2.05pm	Lunch in trade exhibition, sponsored by <b>Landcom</b> , Maritime Ballroom
2.05pm – 3.05pm	<b>Grand Ballroom</b> <b>Final Keynote Speaker: Greig Pickhaver AO</b> in conversation with MC, Ellen Fanning <i>(Greig Pickhaver AO, appears by arrangement with Claxton Speakers International)</i>
3.05pm – 3.15pm	Final remarks and conference close, <b>Cr Darriea Turley AM, President, LGNSW</b>



## Appendix A

Members' voting entitlement at the 2022 Local Government NSW Special Conference

Member	Number of voters for voting on motions
Albury (R/R)	4
Armidale Regional (R/R)	3
Ballina (R/R)	3
Balranald (R/R)	1
Bathurst Regional (R/R)	3
Bayside (M/U)	9
Bega Valley (R/R)	3
Bellingen (R/R)	2
Berrigan (R/R)	1
Blacktown (M/U)	11
Bland (R/R)	1
Blayney (R/R)	1
Blue Mountains (R/R)	4
Bogan (R/R)	1
Bourke (R/R)	1
Brewarrina (R/R)	1
Broken Hill (R/R)	2
Burwood (M/U)	3
Byron (R/R)	3
Cabonne (R/R)	2
Camden (M/U)	6
Campbelltown (M/U)	9
Canada Bay (M/U)	5
Canterbury-Bankstown (M/U)	11
Carrathool (R/R)	1
Castlereagh-Macquarie County (R/R)	1
Central Coast (R/R)	7
Central Darling (R/R)	1
Central Tablelands Water County (R/R)	1
Cessnock (R/R)	4
Clarence Valley (R/R)	4
Cobar (R/R)	1
Coffs Harbour (R/R)	4
Coolamon (R/R)	1
Coonamble (R/R)	1
Cootamundra-Gundagai Regional (R/R)	2
Cowra (R/R)	2

Member	Number of voters for voting on motions
Cumberland (M/U)	9
Dubbo Regional (R/R)	4
Dungog (R/R)	1
Edward River (R/R)	1
Fairfield (M/U)	9
Far West Joint Organisation	1
Federation (R/R)	2
Forbes (R/R)	1
Georges River (M/U)	9
Gilgandra (R/R)	1
Glen Innes Severn (R/R)	1
Goldenfields Water County (R/R)	1
Greater Hume (R/R)	2
Griffith (R/R)	3
Gunnedah (R/R)	2
Gwydir (R/R)	1
Hawkesbury City (M/U)	5
Hawkesbury River County (M/U)	2
Hay (R/R)	1
Hilltops (R/R)	2
Hornsby (M/U)	9
Hunters Hill (M/U)	2
Inner West (M/U)	9
Inverell (R/R)	2
Junee (R/R)	1
Kempsey (R/R)	3
Kiama (R/R)	3
Kimbriki Environmental Enterprises Pty Ltd (M/U)	1
Ku-ring-gai (M/U)	6
Kyogle (R/R)	1
Lachlan (R/R)	1
Lake Macquarie (R/R)	7
Lane Cove (M/U)	3
Leeton (R/R)	2
Lismore (R/R)	3
Lithgow (R/R)	3
Liverpool (M/U)	9
Liverpool Plains (R/R)	1
Lockhart (R/R)	1
Maitland (R/R)	4

Member	Number of voters for voting on motions
Mid-Coast (R/R)	4
Moree Plains (R/R)	2
Mosman (M/U)	3
Murray River (R/R)	2
Murrumbidgee (R/R)	1
Muswellbrook (R/R)	2
Nambucca (R/R)	2
Narrabri (R/R)	2
Narrandera (R/R)	1
Narromine (R/R)	1
Newcastle (R/R)	7
New England County (R/R)	1
Norfolk Island Regional Council (R/R)	1
North Sydney (M/U)	5
Northern Beaches (M/U)	10
Northern Sydney Regional Organisation of Councils (M/U)	1
Oberon (R/R)	1
Orange (R/R)	3
Parkes (R/R)	2
Parramatta, City of (M/U)	10
Penrith (M/U)	9
Port Macquarie-Hastings (R/R)	4
Port Stephens (R/R)	4
Queanbeyan-Palerang Regional (R/R)	4
Randwick (M/U)	9
Richmond Valley (R/R)	3
Riverina Water County (R/R)	1
Rous County (R/R)	1
Ryde (M/U)	6
Shellharbour (R/R)	4
Shoalhaven (R/R)	5
Singleton (R/R)	3
Snowy Monaro Regional (R/R)	3
Snowy Valleys (R/R)	2
Southern Sydney Regional Organisation of Councils (M/U)	1
Strathfield (M/U)	3
Sutherland Shire (M/U)	9
Sydney, City of (M/U)	10
Tamworth Regional (R/R)	4
Temora (R/R)	1

<b>Member</b>	<b>Number of voters for voting on motions</b>
Tenterfield (R/R)	1
The Hills Shire (M/U)	9
Tweed (R/R)	4
Upper Hunter (R/R)	2
Upper Lachlan (R/R)	1
Upper Macquarie County (R/R)	1
Uralla (R/R)	1
Wagga Wagga (R/R)	4
Walcha (R/R)	1
Walgett (R/R)	1
Warren (R/R)	1
Warrumbungle (R/R)	1
Waverley (M/U)	5
Weddin (R/R)	1
Wentworth (R/R)	1
Western Sydney Regional Organisation of Councils (M/U)	1
Willoughby (M/U)	5
Wingecaribee (R/R)	4
Wollondilly (R/R)	4
Wollongong (R/R)	7
Woollahra (M/U)	5
Yass Valley (R/R)	2
LGNSW Board (M/U)	10
LGNSW Board (R/R)	8
<b>TOTAL:</b>	<b>476</b>

## 9.5 MONTHLY INVESTMENT REPORT

File Number: RPT/21/697

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

### **Summary**

As at 30 November 2021 Council had \$27 million invested in term deposits and \$9,038,361.25 in other cash investments. Council received \$8,028.44 from its investments for the month of November 2021.

In November 2021 Council investments averaged a rate of return of 0.46% and it currently has \$6,708,688.82 of internal restrictions and \$22,597,934.54 of external restrictions.

### **Recommendation**

That Council notes the monthly investment report.

### **Detailed Report**

#### **Purpose**

The purpose of this report is to update Council on the current status of its investments.

#### **Matters under consideration**

As at 30 November 2021 Council had \$36,038,361.25 invested with ten (10) financial institutions and two (2) Treasury Corporations.

Breakdown of Total Funds Available

Financial Institution	Amount	Percentage of Available Funds
AMP	\$3,020,914.43	8.38%
Bank of Queensland	\$1,000,000.00	2.77%
Bendigo Bank	\$5,001,202.08	13.88%
Commonwealth Bank	\$5,000,000.00	13.87%
IMB Bank	\$1,000,000.00	2.77%
Macquarie Bank	\$6,017,423.74	16.70%
Members Equity Bank	\$1,000,000.00	2.77%
National Australia Bank	\$4,000,000.00	11.10%
Westpac	\$4,000,000.00	11.10%
Suncorp	\$3,000,000.00	8.32%
Northern Territory T-Corp	\$1,000,000.00	2.77%
New South Wales T-Corp IM	\$1,998,821.00	5.55%
<b>TOTAL</b>	<b>\$36,038,361.25</b>	<b>100.00%</b>

Investments on Hand as at 30 November 2021

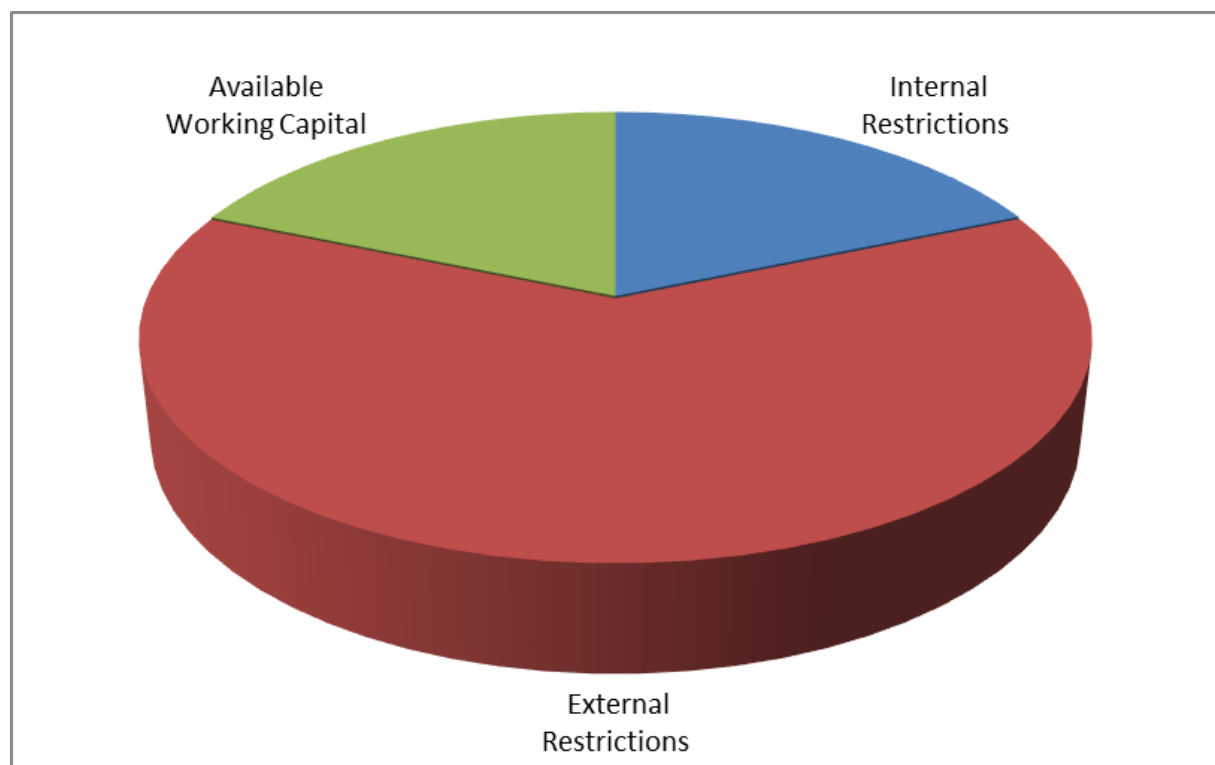
Wentworth Shire Council						
Investments on Hand as at 30th November 2021						
Investee	Date Invested	Date of Maturity	Effective Interest Rate	Investment Type	Amount Invested	Rating
AMP Bank	22/09/2021	22/09/2022	0.80%	Term Deposit	\$ 1,000,000.00	A2/BBB
AMP Bank	22/11/2021	22/02/2022	0.70%	Term Deposit	\$ 1,000,000.00	A2/BBB
Bank of Queensland	9/06/2021	7/12/2021	0.40%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bendigo Bank	29/03/2021	27/09/2021	0.30%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bendigo Bank	27/09/2021	27/06/2022	0.30%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Commonwealth Bank	11/08/2021	8/04/2022	0.32%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	20/05/2021	20/05/2022	0.39%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	15/06/2021	15/06/2022	0.40%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	14/07/2021	14/07/2022	0.46%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	27/08/2021	27/05/2022	0.37%	Term Deposit	\$ 1,000,000.00	A1+/AA-
IMB Bank	9/09/2021	9/12/2021	0.97%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Macquarie Bank	7/10/2021	24/08/2022	0.40%	Term Deposit	\$ 1,000,000.00	A1/A+
Macquarie Bank	10/06/2021	10/03/2022	0.40%	Term Deposit	\$ 1,000,000.00	A1/A+
Macquarie Bank	3/09/2021	3/12/2021	0.40%	Term Deposit	\$ 1,000,000.00	A1/A+
Members Equity Bank	9/06/2021	9/03/2022	0.45%	Term Deposit	\$ 1,000,000.00	A2/BBB+
National Australia Bank	18/08/2021	19/04/2022	0.32%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	23/02/2021	19/01/2022	0.35%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	25/02/2021	21/01/2022	0.35%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	28/06/2021	25/03/2022	0.30%	Term Deposit	\$ 1,000,000.00	A1+/AA-
NT T-Corp	16/09/2021	15/12/2021	1.35%	Fixed Bond	\$ 1,000,000.00	A1+/AA-
Suncorp Bank	13/05/2021	9/12/2021	0.32%	Term Deposit	\$ 1,000,000.00	A1/A+
Suncorp Bank	10/06/2021	10/06/2022	0.33%	Term Deposit	\$ 2,000,000.00	A1/A+
Westpac Banking Corporation	24/11/2021	20/10/2022	0.52%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	3/03/2021	3/12/2021	0.32%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	25/03/2021	25/02/2022	0.33%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	28/05/2021	28/02/2022	0.32%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Total					\$ 27,000,000.00	
Other Cash Investments						
Investee	Date Invested	Date of Maturity	Effective Interest Rate	Amount Invested	Rating	
Bendigo Bank - Operating A/c	N/A	Ongoing		\$ 3,001,202.08	A2/BBB+	
AMP (11)	23/10/2020	Ongoing	0.55%	\$ 1,020,914.43	A2/BBB+	
Macquarie Bank (4) - Ongoing	3/12/2020	Ongoing	0.35%	\$ 3,017,423.74	A1/A+	
NSW T - Corp IM Short Term Cash	28/10/2021	Ongoing	0.55%	\$ 1,998,821.00	A1/AA+	
Total Funds Available					\$ 36,038,361.25	

Note: Ratings provided are from Moody's and Standard & Poors Rating Agencies

Restrictions

<b>Internal Restrictions</b>		
- Employee Entitlements	\$ 2,376,437.00	
- Doubtful Debts	\$ 124,556.00	
- Future Development Reserve	\$ 1,076,217.20	
- Trust Account	\$ 631,478.62	
- Capital Projects	\$ 1,200,000.00	
- Plant Replacement Reserve	\$ 1,500,000.00	\$ 6,708,688.82
<b>External Restrictions</b>		
- Water Fund	\$ 10,574,393.67	
- Sewer Fund	\$ 4,443,503.35	
- T-Corp Loan Balance	\$ 1,329,301.87	
- Developer Contributions Reserve	\$ 663,375.97	
- Unexpended Grants	\$ 4,824,712.77	
- Crown Reserves Reserve	\$ 213,700.14	
- Loan Guarantee Reserve	\$ 3,460.91	
- Prepayments Cemeteries	\$ 545,485.86	\$ 22,597,934.54
<b>Day to Day Liquidity</b>		\$ 6,731,737.89
<b>Total Funds Available</b>		<b>\$ 36,038,361.25</b>

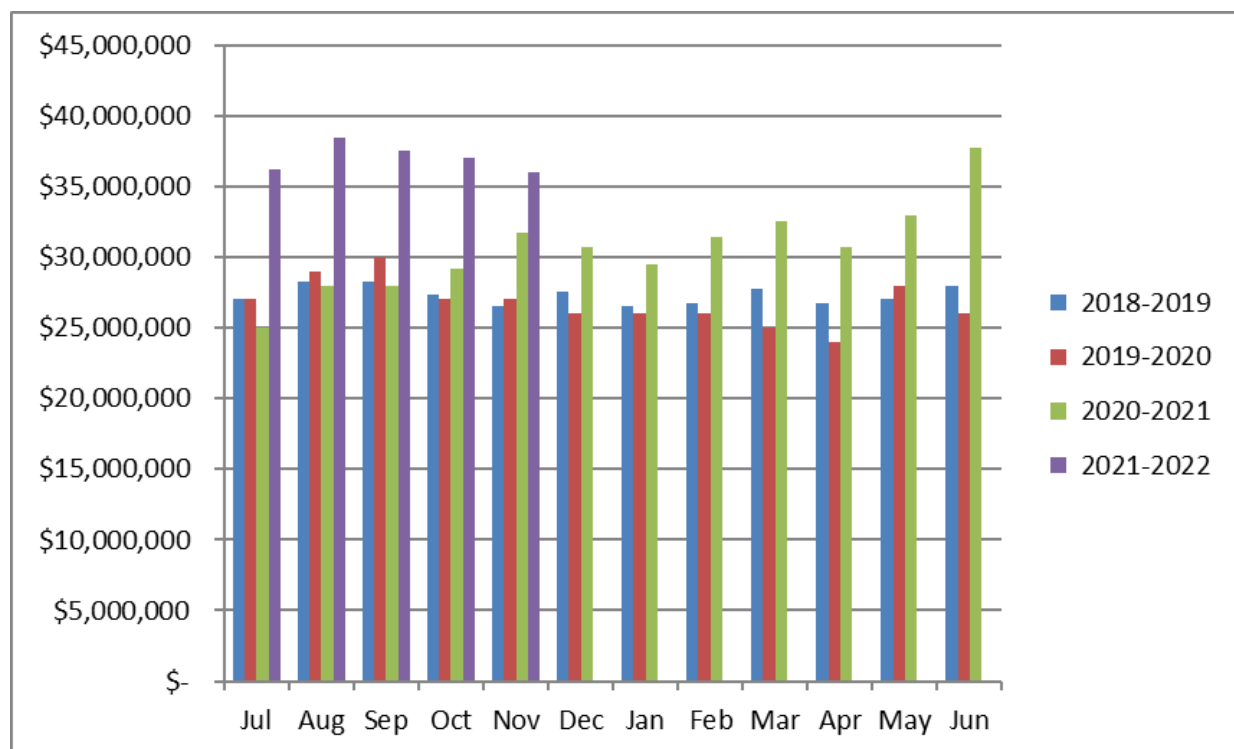
Breakdown



Summary – Unexpended Grants as at 30 November 2021

Grant	Amount
Library Infrastructure Grant	\$500,000.00
Resources For Regions VIC Relocation	\$470,512.00
Wentworth Extended Day Care	\$111,403.38
Local Roads and Community Infrastructure Phase 1	\$120,959.60
SCCF Wentworth Rowing Club	\$66,507.56
Crown Reserve Improvement Fund Astronomy Park	\$675,356.00
Crown Reserve Improvement Fund Pooncarie Racecourse	\$29,700.00
Resources For Regions Junction Island Bridge	\$165,604.63
Wentworth Showgrounds Sewer Upgrade	\$248,235.91
Main Road Block Grant	\$173,565.07
Crown Reserve Improvement Fund Wentworth Caravan Park Grant	\$1,000,000.00
EDS Grant	\$123,876.62
Murray Darling Basin Civic Centre Grant	\$487,539.00
Fixing Local Roads Grants	\$651,453.00
<b>Total</b>	<b>\$4,824,712.77</b>

Total Funds Invested



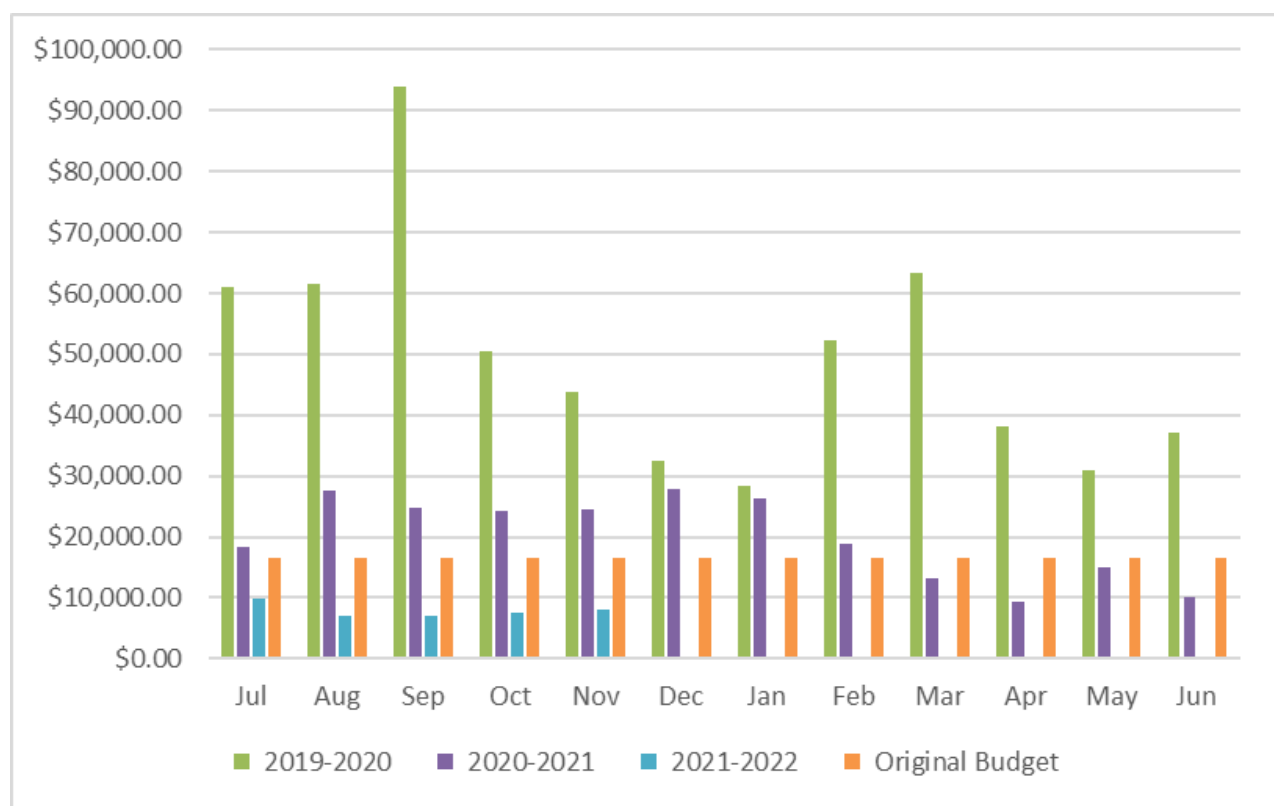
Three (3) term deposits and two (2) other accounts matured or provided interest in November earning Council \$8,028.44 in interest. The budget for November was \$16,666.67. Year to date Council has received \$39,554.38 in interest. The budget for the current financial year is currently set at \$200,000.00.

Currently on the back of the new investment policy approval council is restructuring their investments into longer term deposits, bonds and managed investments from which we hope to see increased returns by end of financial year 2022.

Investment Revenue in November 2021

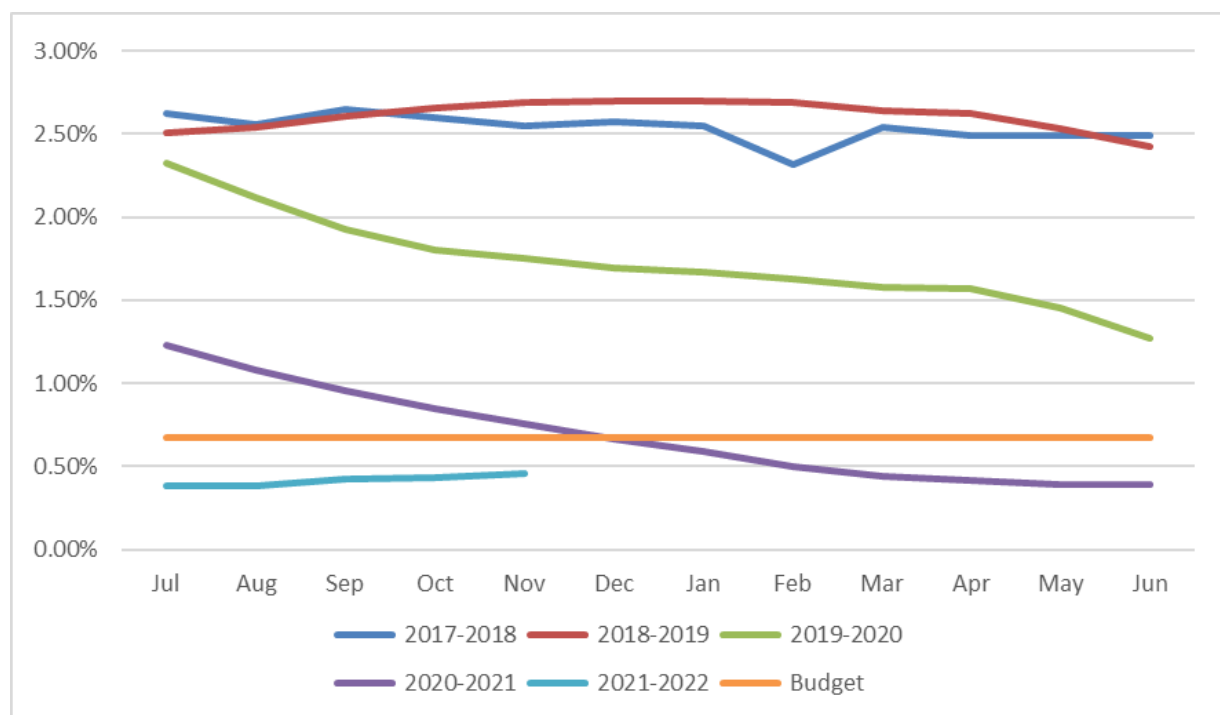
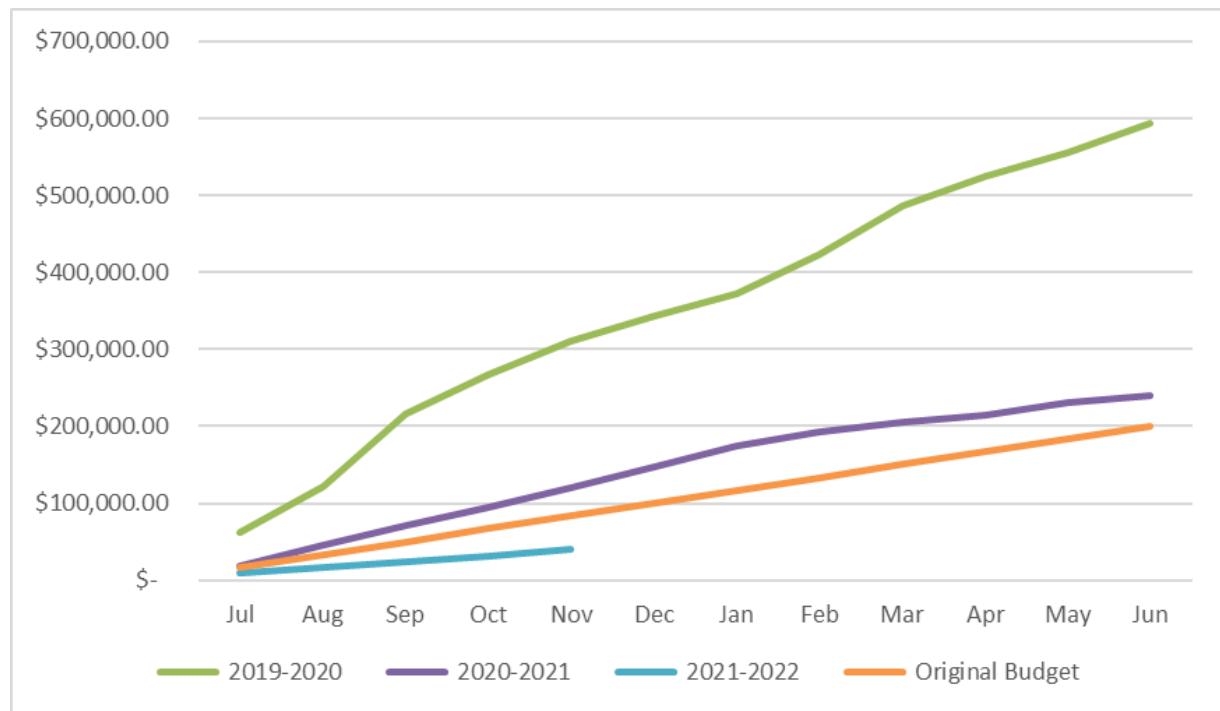
Investee	Date Invested	Date of Maturity	Effective Interest Rate	Amount Invested	Interest Earned
<b>Term Deposits</b>					
Westpac Bank	8/03/2021	8/11/2021	0.35%	\$1,000,000.00	\$2,243.84
National Australia Bank	26/04/2021	22/11/2021	0.40%	\$1,000,000.00	\$1,726.04
Westpac Bank	24/02/2021	24/11/2021	0.30%	\$1,000,000.00	\$2,013.70
<b>Other Cash Investments</b>					
AMP (11)	23/10/2020	Ongoing	0.55%	\$2,019,970.85	\$943.58
Macquarie Bank (4) - Ongoing	3/12/2020	Ongoing	0.35%	\$3,017,423.74	\$1,101.28
<b>Total</b>					<b>\$8,028.44</b>

Investment Revenue received November 2021



Total Interest received July 2021 – June 2022

For November 2021 Council's investments returned an effective average rate of 0.46%. Year to date the effective average rate has been 0.42%. The budget for 2021-2022 was set at 0.67%.



Conclusion

The Director Finance & Policy certifies that all investments have been made in accordance with the *Local Government Act 1993* (NSW), Local Government (General) Regulations 2005 and Council's Investment Policy. Council is investing its funds prudently to optimise returns and reduce exposure to risk in accordance with legislation and its own investment policy.

Attachments

Nil

## 9.6 MONTHLY INVESTMENT REPORT

File Number: RPT/22/2

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

### **Summary**

As at 31 December 2021 Council had \$27 million invested in term deposits and \$7,852,303.93 in other cash investments. Council received \$14,395.12 from its investments for the month of December 2021.

In December 2021 Council investments averaged a rate of return of 0.48% and it currently has \$6,908,688.82 of internal restrictions and \$21,815,920.93 of external restrictions.

### **Recommendation**

That Council notes the monthly investment report.

### **Detailed Report**

#### **Purpose**

The purpose of this report is to update Council on the current status of its investments.

#### **Matters under consideration**

As at 31 December 2021 Council had \$34,852,303.93 invested with ten (10) financial institutions and two (2) Treasury Corporations.

Breakdown of Total Funds Available

Financial Institution	Amount	Percentage of Available Funds
AMP	\$3,020,914.43	8.67%
Bank of Queensland	\$1,000,000.00	2.87%
Bendigo Bank	\$4,811,900.67	13.81%
Commonwealth Bank	\$5,000,000.00	14.35%
IMB Bank	\$1,000,000.00	2.87%
Macquarie Bank	\$5,018,174.89	14.40%
Members Equity Bank	\$1,000,000.00	2.87%
National Australia Bank	\$6,000,000.00	17.22%
Westpac	\$3,000,000.00	8.61%
Suncorp	\$2,000,000.00	5.74%
Northern Territory T-Corp	\$1,000,000.00	2.87%
New South Wales T-Corp IM	\$2,001,313.94	5.74%
<b>TOTAL</b>	<b>\$34,852,303.93</b>	<b>100.00%</b>

Investments on Hand as at 31 December 2021

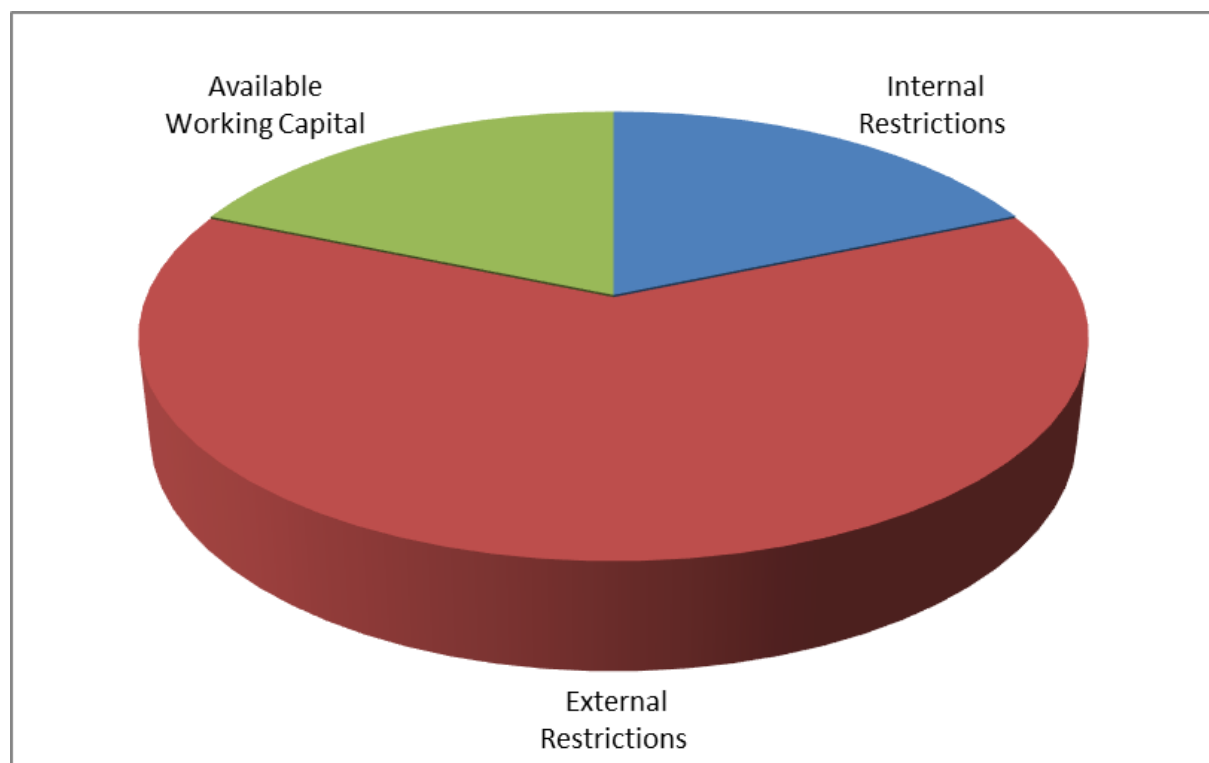
Wentworth Shire Council						
Investments on Hand as at 31st December 2021						
Investee	Date Invested	Date of Maturity	Effective Interest Rate	Investment Type	Amount Invested	Rating
AMP Bank	22/09/2021	22/09/2022	0.80%	Term Deposit	\$ 1,000,000.00	A2/BBB
AMP Bank	22/11/2021	22/02/2022	0.70%	Term Deposit	\$ 1,000,000.00	A2/BBB
Bank of Queensland	7/12/2021	5/09/2022	0.50%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bendigo Bank	29/03/2021	27/09/2021	0.30%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bendigo Bank	27/09/2021	27/06/2022	0.30%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Commonwealth Bank	11/08/2021	8/04/2022	0.32%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	20/05/2021	20/05/2022	0.39%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	15/06/2021	15/06/2022	0.40%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	14/07/2021	14/07/2022	0.46%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	27/08/2021	27/05/2022	0.37%	Term Deposit	\$ 1,000,000.00	A1+/AA-
IMB Bank	9/12/2021	9/03/2022	1.01%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Macquarie Bank	7/10/2021	24/08/2022	0.40%	Term Deposit	\$ 1,000,000.00	A1/A+
Macquarie Bank	10/06/2021	10/03/2022	0.40%	Term Deposit	\$ 1,000,000.00	A1/A+
Macquarie Bank	3/12/2021	2/11/2022	0.50%	Term Deposit	\$ 1,000,000.00	A1/A+
Members Equity Bank	9/06/2021	9/03/2022	0.45%	Term Deposit	\$ 1,000,000.00	A2/BBB+
National Australia Bank	18/08/2021	19/04/2022	0.32%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	23/02/2021	19/01/2022	0.35%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	25/02/2021	21/01/2022	0.35%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	28/06/2021	25/03/2022	0.30%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	3/12/2021	4/04/2022	0.42%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	3/12/2021	1/07/2022	0.49%	Term Deposit	\$ 1,000,000.00	A1+/AA-
NT T-Corp	16/09/2021	15/12/2022	1.35%	Fixed Bond	\$ 1,000,000.00	A1+/AA-
Suncorp Bank	10/06/2021	10/06/2022	0.33%	Term Deposit	\$ 2,000,000.00	A1/A+
Westpac Banking Corporation	24/11/2021	20/10/2022	0.52%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	25/03/2021	25/02/2022	0.33%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	28/05/2021	28/02/2022	0.32%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Total					\$ 27,000,000.00	
Other Cash Investments						
Investee	Date Invested	Date of Maturity	Effective Interest Rate	Amount Invested	Rating	
Bendigo Bank - Operating A/c	N/A	Ongoing		\$ 2,811,900.67	A2/BBB+	
AMP (11)	23/10/2020	Ongoing	0.55%	\$ 1,020,914.43	A2/BBB+	
Macquarie Bank (4) - Ongoing	3/12/2020	Ongoing	0.35%	\$ 2,018,174.89	A1/A+	
NSW T - Corp IM Short Term Cash	28/10/2021	Ongoing	0.55%	\$ 2,001,313.94	A1/AA+	
Total Funds Available					\$ 34,852,303.93	

Note: Ratings provided are from Moody's and Standard & Poors Rating Agencies

Restrictions

<b>Internal Restrictions</b>		
- Employee Entitlements	\$2,376,437.00	
- Doubtful Debts	\$124,556.00	
- Future Development Reserve	\$1,076,217.20	
- Trust Account	\$631,478.62	
- Capital Projects	\$1,200,000.00	
- Plant Replacement Reserve	\$1,500,000.00	\$6,908,688.82
<b>External Restrictions</b>		
- Water Fund	\$10,327,743.35	
- Sewer Fund	\$4,214,622.65	
- T-Corp Loan Balance	\$1,156,576.28	
- Developer Contributions Reserve	\$663,375.97	
- Unexpended Grants	\$4,690,955.77	
- Crown Reserves Reserve	\$213,700.14	
- Loan Guarantee Reserve	\$3,460.91	
- Prepayments Cemeteries	\$545,485.86	\$21,815,920.93
<b>Day to Day Liquidity</b>		\$6,127,694.18
<b>Total Funds Available</b>		<b>\$ 34,852,303.93</b>

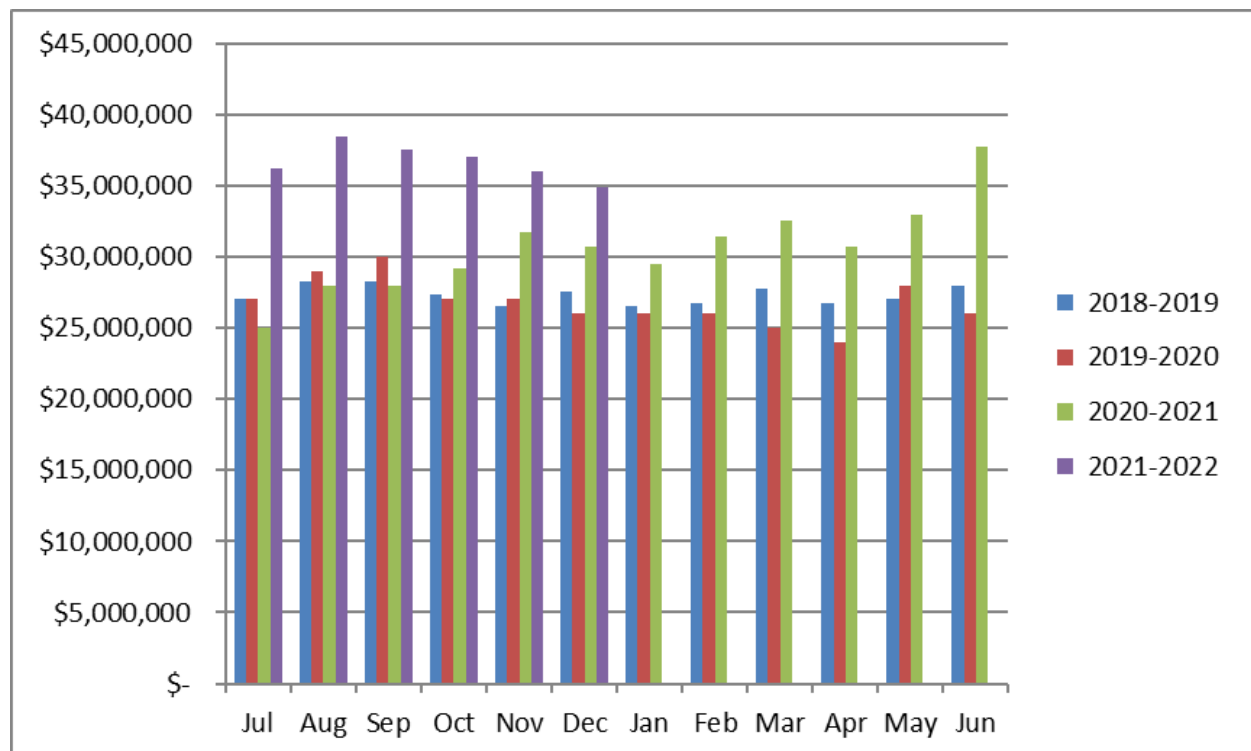
Breakdown



Summary – Unexpended Grants as at 31 December 2021

Grant	Amount
Library Infrastructure Grant	\$500,000.00
Resources For Regions VIC Relocation	\$470,512.00
Wentworth Extended Day Care	\$108,602.98
Local Roads and Community Infrastructure Phase 1	\$120,959.60
SCCF Wentworth Rowing Club	\$66,186.35
Crown Reserve Improvement Fund Astronomy Park	\$675,224.39
Crown Reserve Improvement Fund Pooncarie Racecourse	\$29,700.00
Resources For Regions Junction Island Bridge	\$165,270.44
Wentworth Showgrounds Sewer Upgrade	\$168,163.43
Main Road Block Grant	\$123,798.99
Crown Reserve Improvement Fund Wentworth Caravan Park Grant	\$1,000,000.00
EDS Grant	\$123,545.59
Murray Darling Basin Civic Centre Upstairs Area	\$487,539.00
Fixing Local Roads Grants	\$651,453.00
<b>Total</b>	<b>\$4,690,955.77</b>

Total Funds Invested



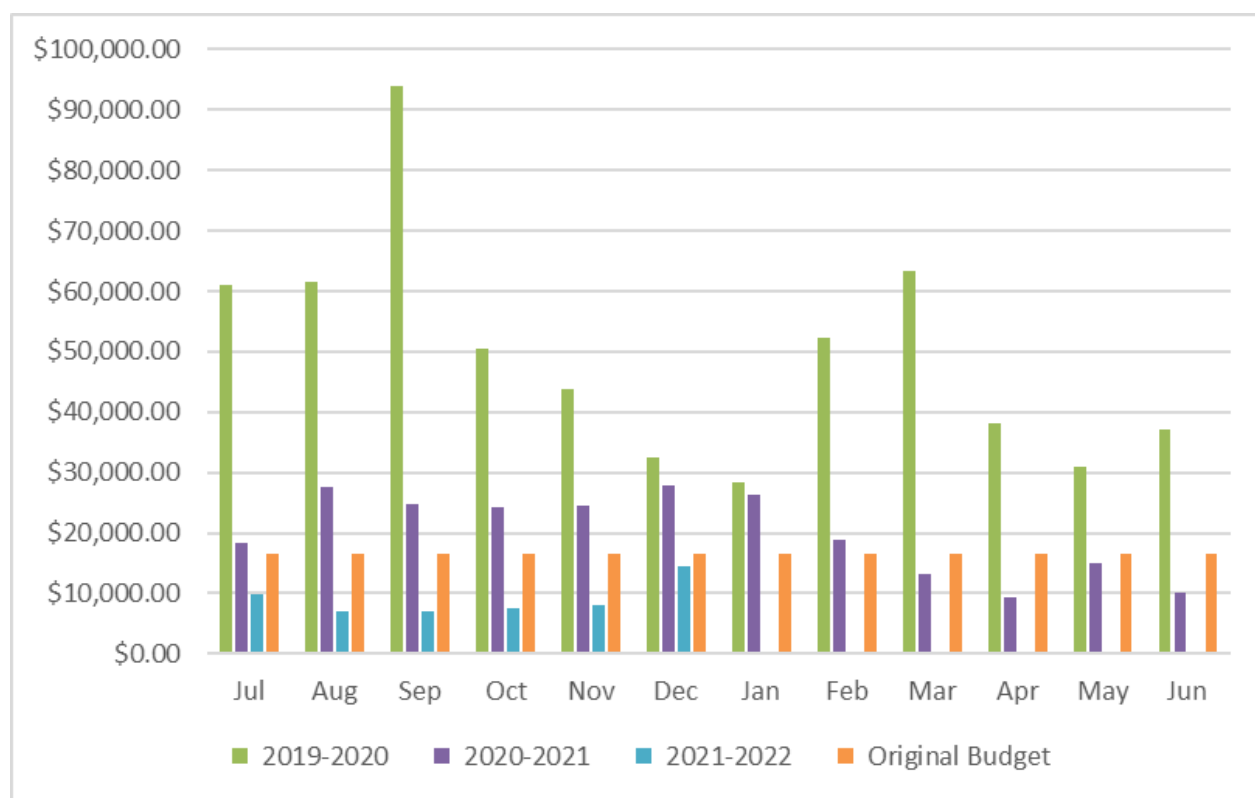
Six (6) term deposits and two (2) other accounts matured or provided interest in December earning Council \$14,395.12 in interest. The budget for December was \$16,666.67. Year to date Council has received \$53,949.50 in interest. The budget for the current financial year is currently set at \$100,000.00.

Currently on the back of the new investment policy approval council is restructuring their investments into longer term deposits, bonds and managed investments from which we hope to see increased returns by end of financial year 2022.

Investment Revenue in December 2021

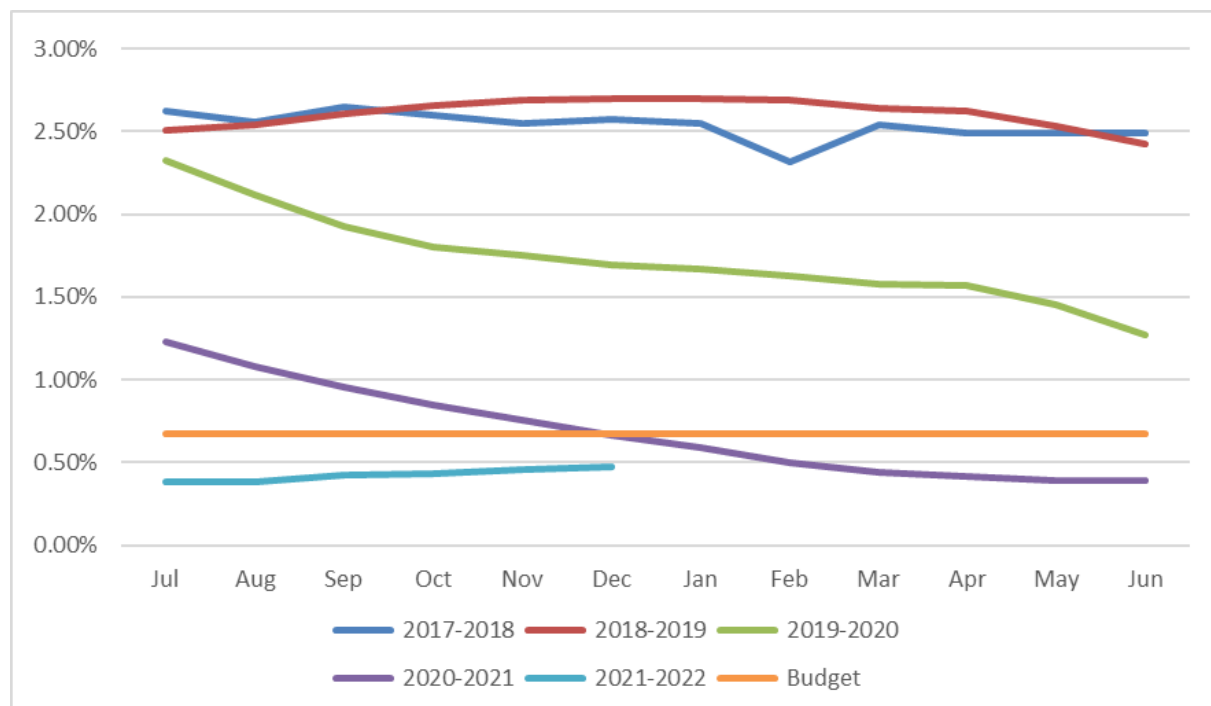
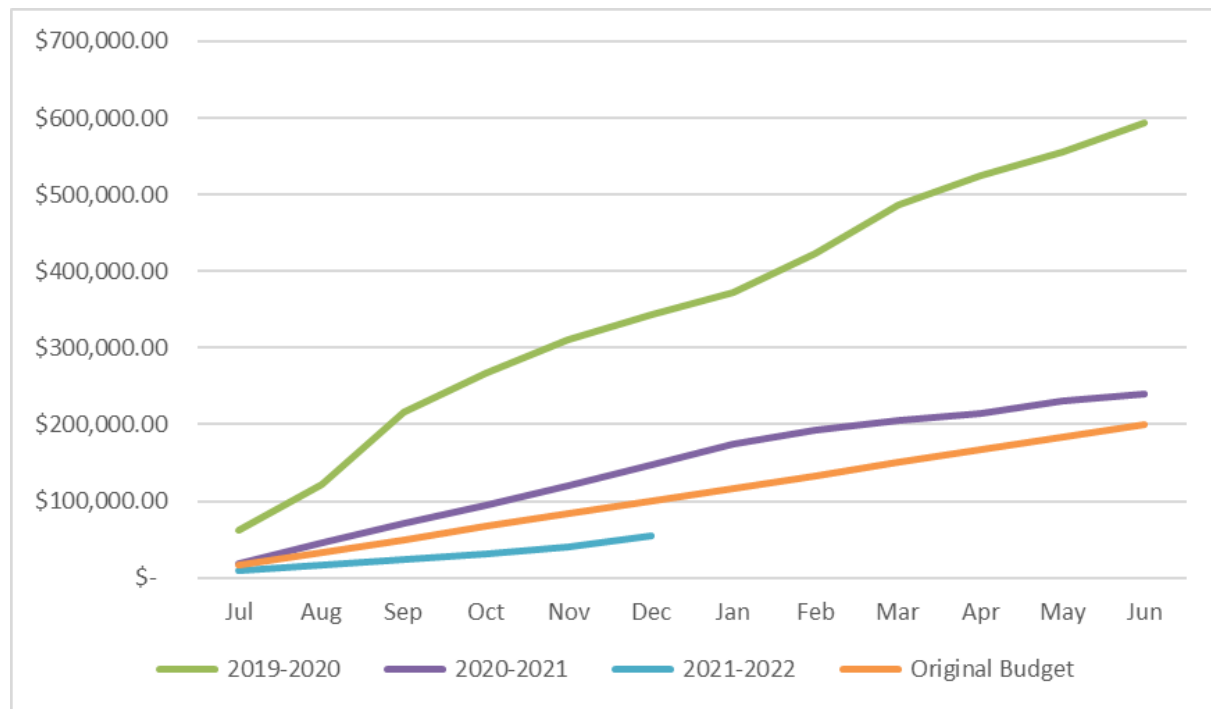
Investee	Date Invested	Date of Maturity	Effective Interest Rate	Amount Invested	Interest Earned
<b>Term Deposits</b>					
Macquarie Bank (3)	3/09/2021	3/12/2021	0.40%	\$1,000,000.00	\$953.42
Westpac Banking Corporation (2)	3/03/2021	3/12/2021	0.32%	\$1,000,000.00	\$2,410.96
Bank of Queensland (2)	9/06/2021	7/12/2021	0.40%	\$1,000,000.00	\$1,983.56
IMB Bank	9/09/2021	9/12/2021	0.97%	\$1,000,000.00	\$2,393.42
Suncorp Bank	13/05/2021	9/12/2021	0.32%	\$1,000,000.00	\$1,841.10
NT T-Corp	16/09/2021	15/12/2021	1.35%	\$1,000,000.00	\$3,328.77
<b>Other Cash Investments</b>					
AMP (11)	23/10/2020	Ongoing	0.55%	\$2,021,647.17	\$732.74
Macquarie Bank (4) - Ongoing	3/12/2020	Ongoing	0.35%	\$2,018,174.89	\$751.15
<b>Total</b>					<b>\$14,395.12</b>

Investment Revenue received December 2021



Total Interest received July 2021 – June 2022

For December 2021 Council's investments returned an effective average rate of 0.48%. Year to date the effective average rate has been 0.43%. The budget for 2021-2022 was set at 0.67%.



Conclusion

The Director Finance & Policy certifies that all investments have been made in accordance with the *Local Government Act 1993* (NSW), Local Government (General) Regulations 2021 and Council's Investment Policy. Council is investing its funds prudently to optimise returns and reduce exposure to risk in accordance with legislation and its own investment policy.

Attachments

Nil

## 9.7 MONTHLY FINANCE REPORT

File Number: RPT/21/698

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

### Summary

Rates and Charges collections for the month of November 2021 were \$1,270,150.22. After allowing for pensioner subsidies, the total levies collected are now 52.13%. For comparison purposes 55.07% of the levy had been collected at the end of November 2020. Council currently has \$36,038,361.25 in cash and investments.

### Recommendation

That Council notes the Monthly Finance Report.

### Detailed Report

The purpose of this report is to indicate to Council the position in relation to the rate of collections and the balance of cash books.

#### Reconciliation and Balance of Funds held as at 30 November 2021

The reconciliation has been carried out between the Cash Book of each fund and the Bank Pass Sheet as at 30 November 2021.

	Combined Bank Account
<b>Cash Balance as at 1 November 2021</b>	<b>\$ 2,028,114.37</b>
<b>Add: Receipts for the Period Ending 30 November 2021</b>	<b>\$ 7,034,587.87</b>
Rates, Debtors, Miscellaneous	
<b>Less: Payments for the Period Ending 30 November 2021</b>	
Cash Book entries for this Month	\$ 6,061,500.16
<b>Cash Balance at at 30 November 2021</b>	<b>\$ 3,001,202.08</b>
<b>Investments</b>	
Total Investments as at 30 November 2021	\$ 33,037,159.17
<b>TOTAL</b>	<b>\$ 36,038,361.25</b>

Collection of Rates and Charges

Rates and Charges collections for the month of November 2021 were \$ 1,270,150.22. After allowing for pensioner subsidies, the total levies collected are now 52.13%. A summary of the Rates and Charges situation as at 30 November 2021 is as follows.

	Rates and Charges	
<b>Levies</b>		
Balance Outstanding at 30 June 2021 - Rates / Water	957,794.11	
Rates and Charges Levied 20 July 2021	9,545,527.09	\$ 10,503,321.20
+ Additional Water Charges	874,258.70	
+ Supplementary Rates and Charges	60,050.47	
+ Additional Charges	35,260.34	
- Credit Adjustments	14,581.44	
- Abandonments	727.59	\$ 11,457,581.68
<b>Deductions</b>		
- Payments	5,798,845.57	
- Less Refunds of Payments	3,324.00	\$ 5,795,521.57
		\$ 5,662,060.11
- Pensioner Subsidy		
Government Subsidy	96,276.96	
Council Subsidy	79,590.24	\$ 175,867.20
Total Rates/Water Charges Outstanding		\$ 5,486,192.91

Note: For comparison purposes 55.07% of the levy had been collected at the end of November 2020.

Rates/Water write offs and adjustments

Rates and charges that have been written off or adjustments made under the delegated authority of the General Manager for the month of November 2021.

Account	Date	Amount	Comment
<b>Debtors</b>			
THE Wentworth Makers	12.11.2021	245.00	Licence for use of Wentworth Memorial rooms not required
<b>Rates</b>			
943	4.11.2021	10.07	Credit interest - Ratepayer made payment into water should have been rates
835	5.11.2021	3.91	Credit interest - Ratepayer made payment into water should have been rates
1047-039	5.11.2021	5.51	Credit interest - Ratepayer made payment into water should have been rates
1469-3	8.11.2021	27.77	Credit interest - Ratepayer made payment into water should have been rates
1446-10001	8.11.2021	2.53	Credit Interest - Rate payment made to wrong account over front counter
1446.1	8.11.2021	4.11	Credit Interest - Rate payment made to wrong account over front counter
305.009	12.11.2021	558.8	Incorrect water meter reading
1168.1	17.11.2021	758.75	Incorrect water meter reading
441.034	22.11.2021	226.91	Licence 308933 has been cancelled
1662.2	22.11.2021	387.7	Licence 307725 has been cancelled
310.49	30.11.2021	6.59	Credit interest - Ratepayer made payment into water should have been rates

Council Loans Report

Name	Institution	Purpose	Interest Rate	Loan Amount	Amount Outstanding	Due Date
Loan 201	National Australia Bank	Buronga Landfill	4.550% Fixed	\$ 920,000.00	\$ 361,740.02	30/01/2025
Loan 202	ANZ Bank	Civic Centre	3.470% Fixed	\$ 850,000.00	\$ 647,920.46	21/10/2026
Loan 203	National Australia Bank	Midway Centre	3.586% Fixed	\$ 1,900,000.00	\$ 1,627,611.11	28/04/2023
Loan 204	Bendigo Bank	Buronga Landfill	5.290% Fixed	\$ 1,500,000.00	\$ 1,285,929.26	12/05/2037
CFWC310604	T-Corp	Trentham Cliffs Sewer	1.82% Fixed	\$ 750,000.00	\$ 715,589.05	4/06/2031
CFWC310624	T-Corp	Burong/Gol Gol Stormwater	1.79% Fixed	\$ 1,250,000.00	\$ 1,192,209.45	24/06/2031
Loan 205	National Australia Bank	Willowbend Caravan Park	Fixed 2.2%	\$ 1,500,000.00	\$ 1,500,000.00	25/01/2027
Loan 206	Bendigo Bank	Buronga Landfill #3	Fixed 1.85%	\$ 900,000.00	\$ 880,580.99	25/09/2028
				<b>TOTAL</b>	<b>\$ 8,211,580.34</b>	

Overtime and Travelling

Month November		Pay Periods	9 & 10			
Overtime						
	Time and a Half		Double Time		Double Time and Half	
Department	Hours	Amount	Hours	Amount	Hours	Amount
Animal Services	12.00	\$ 594.72	21.00	\$ 1,385.05		
Civil Works	11.50	\$ 607.29	12.00	\$ 885.40		
Finance	4.50	\$ 319.23				
Parks & Gardens	16.00	\$ 724.66	27.50	\$ 1,633.13		
Roads - Council	132.00	\$ 5,947.21	39.00	\$ 2,401.86		
Roads - RMS	23.50	\$ 1,241.21	18.50	\$ 1,179.94		
Roads & Eng Indoor	43.00	\$ 3,013.83	18.50	\$ 1,851.57	2.00	\$ 219.76
Toursim					7.50	\$ 519.65
Waste Management	17.00	\$ 702.82	6.50	\$ 437.07		
Water & Waste Water	84.50	\$ 4,140.31	103.00	\$ 6,433.98		
<b>Total</b>	<b>344.00</b>	<b>\$ 17,291.28</b>	<b>246.00</b>	<b>\$ 16,208.00</b>	<b>9.50</b>	<b>\$ 739.41</b>
Travel Allowance						
Department	Kms	Amount				
Health & Planning	720	\$ 561.60				
<b>Total</b>	<b>720</b>	<b>\$ 561.60</b>				
		34,800.29				

Conclusion

The report indicates to Council that its finances are in a favourable position.

Attachments

Nil

## 9.8 MONTHLY FINANCE REPORT

File Number: RPT/22/8

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

### Summary

Rates and Charges collections for the month of December 2021 were \$1,251,409.84. After allowing for pensioner subsidies, the total levies collected are now 62.98%. For comparison purposes 59.01% of the levy had been collected at the end of December 2020. Council currently has \$34,852,303.93 in cash and investments.

### Recommendation

That Council notes the Monthly Finance Report.

### Detailed Report

The purpose of this report is to indicate to Council the position in relation to the rate of collections and the balance of cash books.

#### Reconciliation and Balance of Funds held as at 30 December 2021

The reconciliation has been carried out between the Cash Book of each fund and the Bank Pass Sheet as at 31 December 2021.

	Combined Bank Account
<b>Cash Balance as at 1 December 2021</b>	<b>\$ 3,001,202.08</b>
<b>Add: Receipts for the Period Ending 31 December 2021</b>	<b>\$ 5,704,355.89</b>
Rates, Debtors, Miscellaneous	
<b>Less: Payments for the Period Ending 31 December 2021</b>	
Cash Book entries for this Month	\$ 5,893,657.30
<b>Cash Balance at at 31 December 2021</b>	<b>\$ 2,811,900.67</b>
<b>Investments</b>	
Total Investments as at 31 December 2021	\$ 32,040,403.26
<b>TOTAL</b>	<b>\$ 34,852,303.93</b>

Collection of Rates and Charges

Rates and Charges collections for the month of December 2021 were \$ 1,251,409.84. After allowing for pensioner subsidies, the total levies collected are now 62.98%. A summary of the Rates and Charges situation as at 31 December 2021 is as follows.

	Rates and Charges	
<b>Levies</b>		
Balance Outstanding at 30 June 2021 - Rates / Water	957,794.11	
Rates and Charges Levied 20 July 2021	9,545,527.09	\$ 10,503,321.20
+ Additional Water Charges	874,258.70	
+ Supplementary Rates and Charges	72,735.80	
+ Additional Charges	36,020.14	
- Credit Adjustments	14,581.44	
- Abandonments	728.14	\$ 11,471,026.26
<b>Deductions</b>		
- Payments	7,050,255.41	
- Less Refunds of Payments	3,324.00	\$ 7,046,931.41
		\$ 4,424,094.85
- Pensioner Subsidy		
Government Subsidy	97,515.86	
Council Subsidy	79,785.71	\$ 177,301.58
<b>Total Rates/Water Charges Outstanding</b>		<b>\$ 4,246,793.27</b>

Note: For comparison purposes 59.01% of the levy had been collected at the end of December 2020.

Rates/Water write offs and adjustments

Rates and charges that have been written off or adjustments made under the delegated authority of the General Manager for the month of December 2021.

Account	Date	Amount	Comment
<b>Debtors</b>			
Elissa Grace	13.12.2021	245.00	Cancelled hire of Lions Park Dareton

Council Loans Report

Name	Institution	Purpose	Interest Rate	Loan Amount	Amount Outstanding	Due Date
Loan 201	National Australia Bank	Buronga Landfill	4.550% Fixed	\$ 920,000.00	\$ 337,853.02	30/01/2025
Loan 202	ANZ Bank	Civic Centre	3.470% Fixed	\$ 850,000.00	\$ 647,920.46	21/10/2026
Loan 203	National Australia Bank	Midway Centre	3.586% Fixed	\$ 1,900,000.00	\$ 1,597,407.59	28/04/2023
Loan 204	Bendigo Bank	Buronga Landfill	5.290% Fixed	\$ 1,500,000.00	\$ 1,281,553.02	12/05/2037
CFWC31 0604	T-Corp	Trentham Cliffs Sewer	1.82% Fixed	\$ 750,000.00	\$ 715,589.05	4/06/2031
CFWC31 0624	T-Corp	Burong/Gol Gol Stormwater	1.79% Fixed	\$ 1,250,000.00	\$ 1,192,209.45	24/06/2031
Loan 205	National Australia Bank	Willowbend Caravan Park	Fixed 2.2%	\$ 1,500,000.00	\$ 1,500,000.00	25/01/2027
Loan 206	Bendigo Bank	Buronga Landfill #3	Fixed 1.85%	\$ 900,000.00	\$ 880,580.99	25/09/2028
				<b>TOTAL</b>	<b>\$ 8,153,113.58</b>	

Overtime and Travelling

Month	Dec-21	11,12 & 13		
<b>Overtime - December 2020</b>				
	<b>Time and a Half</b>		<b>Double Time</b>	
Department	Hours	Amount	Hours	Amount
Animal Services	10.00	\$ 496.94	24.50	\$ 1,614.56
Civil Works	4.00	\$ 180.97	10.50	\$ 768.72
Finance	7.50	\$ 436.02		
Parks & Gardens	19.00	\$ 869.76	28.00	\$ 1,682.46
Roads - Council	228.00	\$ 10,227.08	29.00	\$ 2,114.75
Roads - RMS	181.00	\$ 8,574.63	99.50	\$ 5,983.61
Roads & Engineering Indoor	26.00	\$ 1,880.72	20.50	\$ 1,976.69
Water & Waste Water	67.50	\$ 3,351.03	117.50	\$ 8,202.29
<b>Total</b>	<b>543.00</b>	<b>\$ 26,017.15</b>	<b>329.50</b>	<b>\$ 22,343.08</b>
<b>Travel Allowance</b>				
Department	Kms	Amount		
Health & Planning	990	\$ 772.20		
<b>Total</b>	<b>990</b>	<b>\$ 772.20</b>		
		<b>49,132.43</b>		

Conclusion

The report indicates to Council that its finances are in a favourable position.

Attachments

Nil

**9.9 DECEMBER QUARTERLY BUDGET REVIEW**

File Number: RPT/22/15

Responsible Officer: Simon Rule - Director Finance and Policy  
Responsible Division: Finance and Policy  
Report Author: Simon Rule - Director Finance and Policy  
Bryce Watson - Accountant

**Summary**

A full analysis of Council's Income, Operating Expenditure and Capital Expenditure has been undertaken. A number of variations have been identified against the original budget as outlined in this report. Council's revenue and expenditure is reviewed on a quarterly basis to identify any potential areas requiring a variation.

	YTD Actual (31-Dec-2021)	% of Original Budget	% of Revised Budget
Revenue	\$19,659,262	48.14%	42.82%
Operational Expenditure	\$13,537,554	53.55%	48.45%
Capital Expenditure	\$7,893,331	26.32%	22.16%

If approved, the net result of variances for the December 2021 Quarter is a favorable operational variance of \$868,000 and an unfavorable capital variance of \$1,689,000 resulting in a total unfavorable budget variation of \$821,000.

**Recommendation**

Council approves the variations to the 2020/21 Operational Plan adopted at the Council Meeting on 30 June 2021.

**Detailed Report****Introduction**

The purpose of this report is to review the financial performance of Council for the quarter ending 31 December 2021 in accordance with S407 (1) of the *Local Government Act 1993* and Council's 2021/22 Operational Plan.

**Report Detail**

The Quarterly Budget Review Statement is attached for your information identifying the Adopted Budget, Recommended Changes for Council Resolution, Projected Year End Budget, December 2021 Quarterly Review Changes, Year to Date Actual Revenue and Actual Expenditure to 31 December 2021.

Council has recorded \$19,659 million in revenue as at 31 December 2021. This equates to 48.14% of the original revenue budget or 42.82% of the revised revenue budget. Notable revenue during this quarter includes:

- Transport for NSW Funding - \$1,507,151
- Aerodrome Infrastructure Grants - \$1,130,662
- Landfill \$871,100

- General Assistance Grant \$861,964
- Fixing Local Roads Grant – Round 3 \$810,161

Council's total operating expenditure to 31 December 2021 is \$13,537,554. This is 53.55% of the original expenditure budget or 48.45% of the revised expenditure budget. Notable operating expenditure for this quarter includes:

- Local Roads - \$657,191
- Regional Roads - \$562,787
- Water Operations - \$476,342
- Landfill Operations - \$434,811
- Tourism \$280,545
- Sewer Operations \$254,721

Expenditure on Capital projects to the end of December 2021 has been \$7,893,331. This equates to 26.32% of the original capital budget or 22.16% of the revised capital budget. Notable capital expenditure for this quarter includes:

- Aerodrome Capital Works - \$979,655
- Wentworth Riverfront Sheet Piling - \$278,656
- Trentham Cliffs Water Installation - \$264,042
- Wentworth Showgrounds Sewer Upgrade - \$171,397
- Buronga Pump Track - \$87,824

#### Matters under consideration

A list of recommended changes for Council resolution to the original budget are included on the note's pages within the Quarterly Budget Review Statement. This statement includes notes to explain the reason for the variations, using alphabetical note references against both the operational and capital budgets.

To provide additional information to Councillors to help explain any variances of actuals compared to projected budget, numerical note references have also been included. Comments are provided for any year to date variance greater than 10% against 25% of the proposed budget, given we are at the start of the financial year.

#### Conclusion

If approved, the net result of variances for the December 2021 Quarter is a favorable operational variance of \$868,000 and an unfavorable capital variance of \$1,689,000. Resulting in a total unfavorable budget variation of \$821,000.

#### Attachments

1. Quarterly Budget Review Statement December 2021 [↓](#)

Wentworth Shire Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

**Report by responsible accounting officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

**31 December 2021**

It is my opinion that the Quarterly Budget Review Statement for Wentworth Shire Council for the quarter ended 31/12/21 indicates that Council's projected financial position at 30/6/22 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: 

date: 11/01/2021

Simon Rule  
Responsible accounting officer

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

Wentworth Shire Council

**Income & expenses budget review statement**

Budget review for the quarter ended 31 December 2021

**Income & expenses - Council Consolidated**

	Original budget 2021/22	Approved Changes				Revised budget 2021/22	Variations for this Dec Qtr	Notes	Projected year end result	Actual YTD figures	Variance Surplus (Deficit)	Notes	% Actuals by Projected
		Carry forwards	Other than by QBRs	Sep QBRs	Dec QBRs	Mar QBRs							
<b>Income</b>													
Rates and annual charges	9,370						58	a	9,428	9,428	-	1	100.0%
User charges and fees	5,286							b	8,013	3,476	(4,537)	2	43.4%
Other revenues	1,232			2,727				c	1,232	1,089	(143)	3	88.4%
Grants and contributions - operating	9,850						418	e	10,268	3,093	(7,175)	4	30.1%
Grants and contributions - capital	14,684			1,058			810	f	16,532	2,518	(14,014)	5	15.2%
Interest and investment revenue	334							g	334	55	(279)	6	16.5%
Net gain from disposal of assets	100							h	100	-	(100)	7	0.0%
<b>Total income from continuing operations</b>	<b>40,836</b>	<b>-</b>	<b>-</b>	<b>3,785</b>	<b>-</b>	<b>-</b>	<b>1,286</b>		<b>45,907</b>	<b>19,659</b>	<b>(26,248)</b>		<b>42.8%</b>
<b>Expenses</b>													
Employee benefits and on-costs	10,291							i	10,291	5,736	4,555	8	55.7%
Borrowing costs	291							j	291	82	209	9	28.2%
Materials and services	4,051			2,244			90	k	6,385	2,247	4,138	10	35.2%
Depreciation and amortisation	7,123							l	7,123	3,562	3,561	11	50.0%
Other expenses	3,526						328	m	3,854	1,911	1,943	12	49.6%
<b>Total expenses from continuing operations</b>	<b>25,282</b>	<b>-</b>	<b>-</b>	<b>2,244</b>	<b>-</b>	<b>-</b>	<b>418</b>		<b>27,944</b>	<b>13,538</b>	<b>14,406</b>		<b>48.45%</b>
<b>Net operating result from continuing operations</b>	<b>15,554</b>	<b>-</b>	<b>-</b>	<b>1,541</b>	<b>-</b>	<b>-</b>	<b>868</b>		<b>17,963</b>	<b>6,121</b>	<b>(11,842)</b>		<b>34.1%</b>
Discontinued operations - surplus/(deficit)								p	-	-	-	13	
<b>Net operating result from all operations</b>	<b>15,554</b>	<b>-</b>	<b>-</b>	<b>1,541</b>	<b>-</b>	<b>-</b>	<b>868</b>		<b>17,963</b>	<b>6,121</b>	<b>(11,842)</b>		<b>34.1%</b>
<b>Net Operating Result before Capital Items</b>	<b>890</b>	<b>-</b>	<b>-</b>	<b>483</b>	<b>-</b>	<b>-</b>	<b>58</b>		<b>1,431</b>	<b>3,603</b>	<b>2,172</b>		

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/12/2021 and should be read in conjunction with the total QBRs report

Wentworth Shire Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

**Income & expenses budget review statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

**Notes Details**

<b>a</b>	<b>Rates and Annual Charges</b> Increased rates budget due to new property developments	\$58,000
<b>e</b>	<b>Grants and Contributions - Operating</b> Integrated Water Cycle Management Plan Grant income to offset the expected expenditure in drafting the new water cycle management plan.	\$328,000
	Border Communities Covid Response Funding Funding announced in November by the minister for local government in relation to aiding covid recovery in border communities.	\$90,000
<b>f</b>	<b>Grants and Contributions - Capital</b> Fixing Local Roads Round 3 Payment one of the round three funding, see capital variations for more details on the projects.	\$810,161

**Income & Expenses Budget Review Statement**  
**Explanatory Notes**

<b>2</b>	<b>User Fees and Charges</b> \$2.7 Million of income pending the completion of the Stage 2 of Segment 40
<b>5</b>	<b>Grants and Contributions - Capital</b> Large amount of grant funding to be received between Jan and March upon submission of Local Roads and Community Infrastructure Phase 3 and Resources for Regions round 8
<b>9</b>	<b>Borrowing Costs</b> New loans have yet to be drawn down.

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

Wentworth Shire Council

**Capital budget review statement**

Budget review for the quarter ended 31 December 2021

**Capital budget - Council Consolidated**

	Original budget 2021/22	Approved changes				Revised budget 2021/22	Variations for this Dec Qtr	Notes	Projected year end result	Actual YTD figures	Variance Surplus (Deficit)	Notes	% Actuals by Projected
		Carry forwards	Other than by QBRs	Sep QBRs	Dec QBRs								
<b>Capital expenditure</b>													
New assets													
- Plant & equipment	904			75		979	95	a	1,074	969	105	a	90.2%
- Land & buildings	3,347					3,347	275	b	3,622	477	3,145	b	13.2%
- Other	1,310					1,310		c	1,310	109	1,201	c	8.3%
Renewal assets (replacement)													
- Plant & equipment	1,929	320				2,249		d	2,249	261	1,988	d	11.6%
- Land & buildings	7,577	307	98	98		8,080	229	e	8,309	703	7,606	e	8.5%
- Roads, bridges, footpaths	12,180	904	56	1,148		14,288	1,090	f	15,378	4,237	11,141	f	27.6%
- Other	571	180	30			781		g	781	170	611	g	21.8%
Loan repayments (principal)	635					635		h	635	214	421	h	33.7%
Water Infrastructure	642	355				997		i	997	245	752	i	24.6%
Sewer Infrastructure	895	375				1,270		j	1,270	508	762	j	40.0%
<b>Total capital expenditure</b>	<b>29,990</b>	<b>2,441</b>	<b>184</b>	<b>1,321</b>	<b>-</b>	<b>33,936</b>	<b>1,689</b>		<b>35,625</b>	<b>7,893</b>	<b>27,732</b>		<b>22.16%</b>
<b>Capital funding</b>													
Rates & other untied funding	7,973	1,050		263		9,286	190	k	9,476	2,788	(6,688)	k	29.4%
Capital grants & contributions	14,664		184	1,058		15,906	810	l	16,716	3,448	(13,268)	l	20.6%
Reserves:													
- External restrictions/reserves	1,453	921				2,374	689	m	3,063	757	(2,306)	m	24.7%
- Internal restrictions/reserves						-		n	-			n	
New loans	5,900					5,900		o	5,900	900	(5,000)	o	15.3%
Receipts from sale of assets													
- Plant & equipment								p	-			p	
- Land & buildings								q	-			q	
<b>Total capital funding</b>	<b>29,990</b>	<b>1,971</b>	<b>184</b>	<b>1,321</b>	<b>-</b>	<b>33,466</b>	<b>1,689</b>		<b>35,155</b>	<b>7,893</b>	<b>(27,262)</b>		<b>22.5%</b>
<b>Net capital funding - surplus/(deficit)</b>	<b>-</b>	<b>(470)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(470)</b>	<b>-</b>		<b>(470)</b>	<b>-</b>	<b>470</b>		

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/12/2021 and should be read in conjunction with the total QBRs report

Wentworth Shire Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

**Capital budget review statement**  
**Recommended changes to revised budget**

Budget variations being recommended include the following material items:

Notes	Details	
a	<b>New Assets - Plant &amp; Equipment</b> Integrated Management System	\$95,000
b	<b>New Assets - Land &amp; Buildings</b> Landfill Recycling Centre (1) 100,000 Tonnes Upgrade Wentworth Showgrounds Sewer (2)	\$25,000 \$50,000 \$200,000
e	<b>Renewal Assets - Land &amp; Buildings</b> Asbestos Management Plan Wentworth Extended Daycare (3)	\$20,000 \$209,000
f	<b>Renewal Assets - Roads Bridges &amp; Footpaths</b> Aerodrome Upgrade (4) Fletchers Lake Road Bridge Road Punt Road Log Bridge Road	\$280,000 \$217,739 \$208,940 \$146,521 \$236,961

**Capital Budget Review Statement**  
**Explanatory Notes**

1	<b>New Assets - Land &amp; Buildings</b> Variation due to increased cost of materials since originally budgeted, unforeseen increases in steel prices and construction demand.
2	<b>New Assets - Land &amp; Buildings</b> As agreed to at the September 2021 council meeting
3	<b>Renewal Assets - Land &amp; Buildings</b> As agreed to at the November 2021 council meeting
4	<b>Renewal Assets - Roads Bridges &amp; Footpaths</b> Additional sealing costs due to the need for increased bitumen binder application rates, needed for improved surface conditions. Further variations for additional linemarking requirements.

Wentworth Shire Council

**Quarterly Budget Review Statement**

for the period 01/10/21 to 31/12/21

**Cash & investments budget review statement**

The YTD cash &amp; investment figure reconciles to the actual balances held as follows:

\$ 000's

Cash at bank (as per bank statements)

2,812

Investments on hand

32,040

less: unpresented cheques

(Timing Difference)

2

add: undeposited funds

(Timing Difference)

4

**Reconciled cash at bank & investments**

34,858

**Balance as per QBRS review statement:**

34,858

Difference:

-

**Recommended changes to revised budget**

Budget variations being recommended include the following material items:

**Notes   Details**

## Quarterly Budget Review Statement for the period 01/10/21 to 31/12/21

Wentworth Shire Council

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

Budget review for the quarter ended 31 December 2021

(\$000's)	Current projection		Original budget	Actuals prior periods
	Amounts 21/22	Indicator 21/22	21/22	20/21 19/20

NSW local government industry key performance indicators (OLG):

#### 1. Operating performance

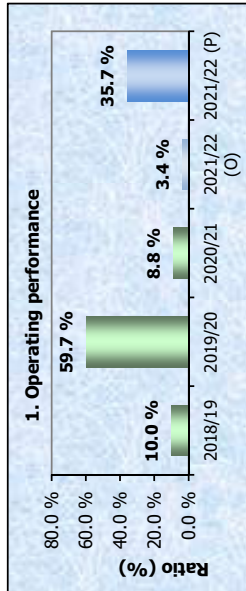
Operating revenue (excl. capital) - operating expenses	6121
Operating revenue (excl. capital grants & contributions)	17141

8.8 % 59.7 %

3.4 %

35.7 %

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



#### 2. Own source operating revenue

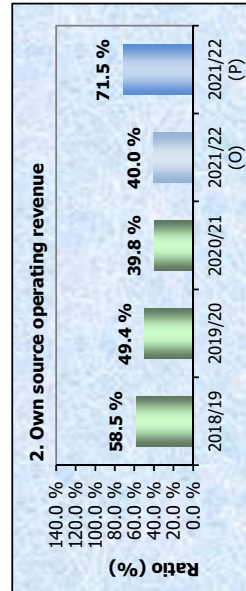
Operating revenue (excl. ALL grants & contributions)	14048
Total Operating revenue (incl. capital grants & cont)	19659

39.8 % 49.4 %

40.0 %

71.5 %

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



#### 3. Unrestricted current ratio

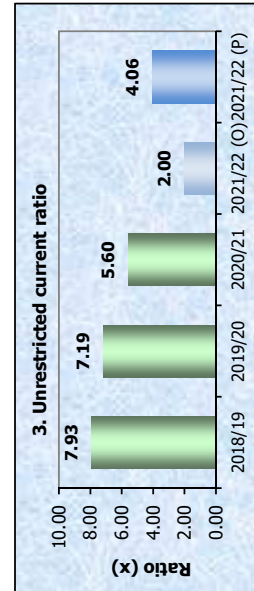
Current assets less all external restrictions	13036
Current liabilities less specific purpose liabilities	3211

5.60 7.19

2.00

4.06

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



## Quarterly Budget Review Statement for the period 01/10/21 to 31/12/21

Wentworth Shire Council

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

Budget review for the quarter ended 31 December 2021

(\$000's)	Current projection		Original budget	Actuals prior periods
	Amounts	Indicator	21/22	20/21 19/20

NSW local government industry key performance indicators (OLG):

#### 4. Debt service cover ratio

Operating result before interest & dep. exp (EBITDA)  
Principal repayments + borrowing interest costs

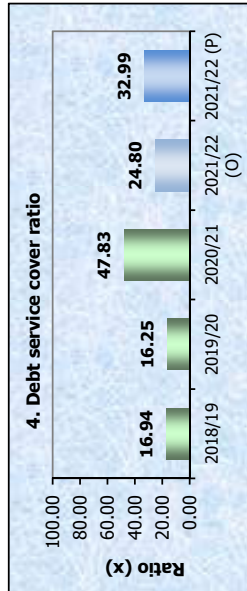
9765  
296

32.99

24.80

47.83

16.25



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

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

Rates, annual & extra charges outstanding  
Rates, annual & extra charges collectible

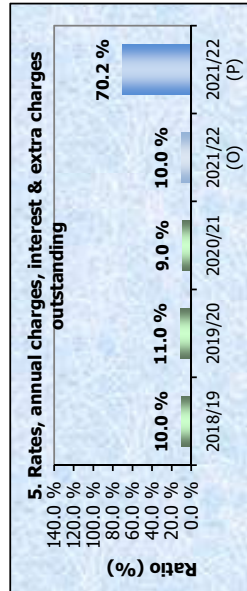
6620  
9428

70.2 %

10.0 %

9.0 %

11.0 %



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

#### 6. Cash expense cover ratio

Current year's cash & cash equivalents (incl. term deposits)  
Operating & financing activities cash flow payments

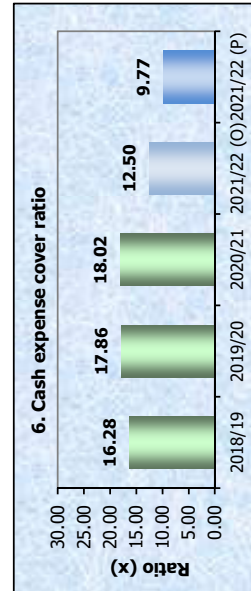
34885  
3572

9.77

12.50

18.02

17.86



This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.

## Wentworth Shire Council

# Quarterly Budget Review Statement

for the period 01/10/21 to 31/12/21

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

Budget review for the quarter ended 31 December 2021

(\$000's)	Current projection		Original budget	Actuals prior periods
	Amounts	Indicator	21/22	20/21 19/20

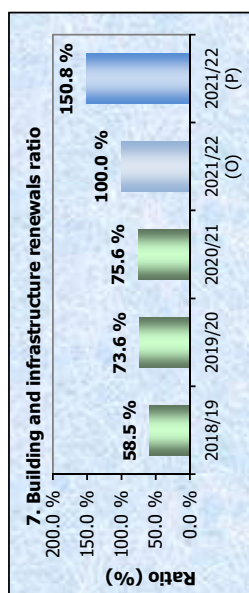
NSW Local Government Infrastructure Asset Performance Indicators (OLG):

### 7. Building and infrastructure renewals ratio

Asset renewals (building, infrastructure & other structures)  
Depreciation, amortisation & impairment

5371	150.8 %
3562	

75.6 %	73.6 %
--------	--------



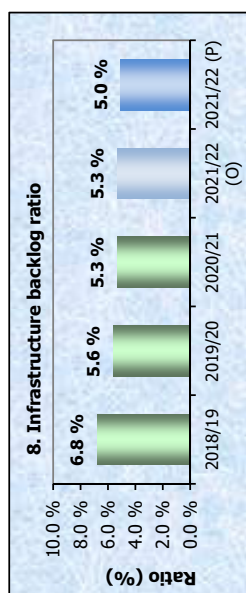
To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.

### 8. Infrastructure backlog ratio

Estimated cost to bring assets to a satisfactory condition  
Total value of infrastructure, building, other structures & depreciable land improvement assets

21450	5.0 %
424867	

5.3 %	5.6 %
-------	-------



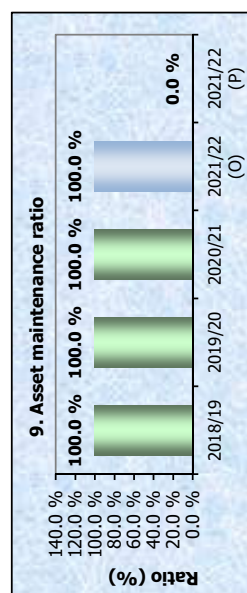
This ratio shows what proportion the backlog is against the total value of a Council's infrastructure.

### 9. Asset maintenance ratio

Actual asset maintenance  
Required asset maintenance

N/A	0.0 %
-----	-------

100.0 %	100.0 %
---------	---------



Compares actual vs. required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the Infrastructure Backlog growing.

Wentworth Shire Council

## Quarterly Budget Review Statement

for the period 01/10/21 to 31/12/21

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

Budget review for the quarter ended 31 December 2021

(\$000's)	Current projection		Original budget	Actuals prior periods
	Amounts	Indicator	21/22	20/21 19/20

NSW Local Government Infrastructure Asset Performance Indicators (OLG):

#### 10. Cost to bring assets to agreed service level

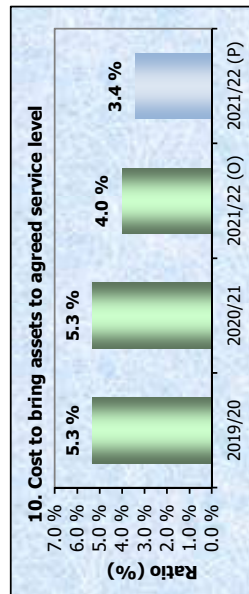
Estimated cost to bring assets to an agreed service level set by council

21450	
628542	

3.4 %

4.0 %

5.3 % 5.3 %



This ratio provides a snapshot of the proportion of outstanding renewal works compared to the total value of assets under Council's care and stewardship.

#### 11. Capital expenditure ratio

35625	
7123	

5.0

N/A

N/A N/A

To assess the extent to which a Council is expanding its asset base thru capital expenditure on both new assets and the replacement and renewal of existing assets.

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/2021 and should be read in conjunction with the total QBRS report

Wentworth Shire Council

**Quarterly Budget Review Statement**  
for the period 01/10/21 to 31/12/21

**Consultancy & legal expenses budget review statement**

Consultancy &amp; legal expenses overview

<b>Expense</b>	<b>YTD expenditure (actual dollars)</b>	<b>Budgeted (Y/N)</b>
Consultancies	371,567	Y
Legal Fees	37,065	Y

**Definition of a consultant:**

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

**Comments**

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

**Details**

**9.10 DELIVERY PROGRAM PROGRESS UPDATE**

File Number: RPT/22/16

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Bryce Watson - Accountant

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

**Summary**

A progress report on the implementation of Council's 4-year Delivery program is required to be presented at least every six (6) months (LGA s404(5)). This report details the activities implemented under the annual operational plan in the last quarter, as per the Delivery program. It aligns with the expenditure provided in the December Quarterly Budget Review.

**Recommendation**

That Council notes the quarterly progress update on the 2021/22 Operational Plan activities.

**Detailed Report****Purpose**

The purpose of this report is to provide council with an update on all 2021/22 Operational Plan activities.

**Background**

The adopted 2021/22 Operational Plan detailed a budget totalling \$55.272 million being \$29.990 million in Capital Expenditure and \$25.282 million in Operational Expenditure.

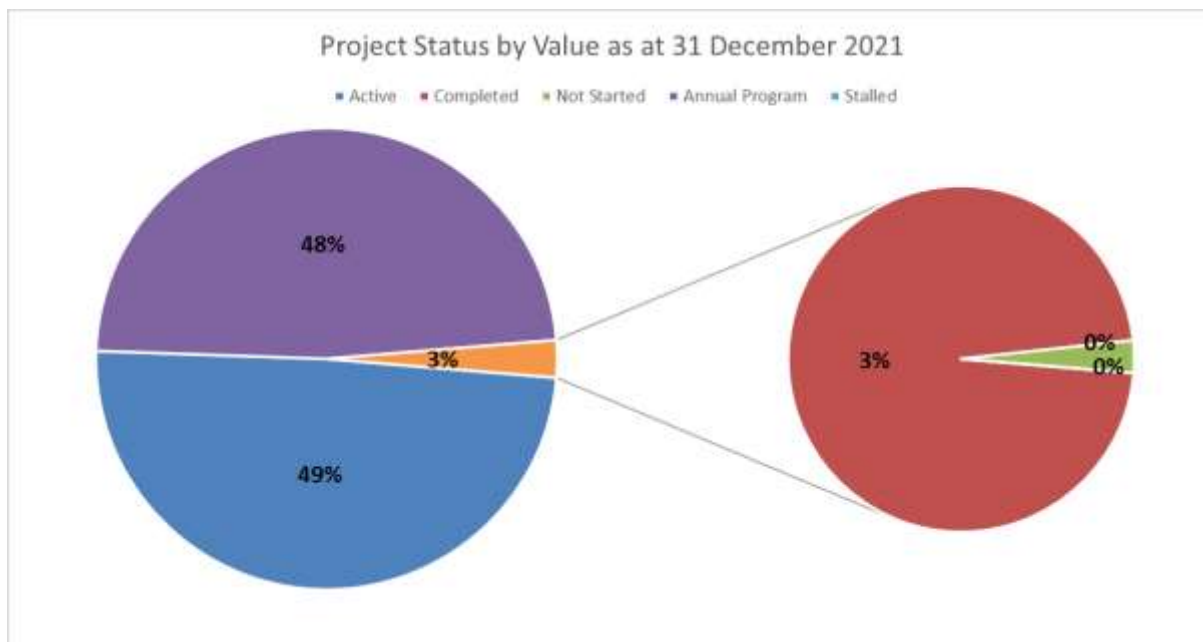
At the December quarterly review a further \$1.689 million was added to the capital budget through new grant funding variation as well as an additional \$418,000 operational variance resulting in a revised total budget of \$63.569 million.

**Report Detail****Project Status by Strategic Plan Objective**

The attached report shows the progress against the Operational Plan for the first quarter of the 2021/22 financial year. It is based on activity completed as at 31 December 2021, in line with the expenditure reflected in the December Quarterly Budget Review Statement (QBRs), but presents it in relation to Council's Delivery Program strategies. Specific feedback is provided in the QBRs where there is a change to expenditure or revenue. The report is broken down into five different sections, as outlined in the table below:

Section	Categories within that section
Operational Plan	Each of Council's Strategies from the 4-year delivery program
Financial statement category	Capital Project, Operational
Funding Source	Council, Grant Funding, Other
Project Status	Not Started, Stalled, Active, Complete
Project Stage <i>(for active projects only)</i>	Annual Program, Planning, Tender, Pre-Construction, Construction, Implementation, Legal, Close Out

As at 31 December 2021 Council was actively working on 147 individual projects. 104 of these projects were originally budgeted for the financial year, 29 are carried forward from last financial year and 14 are new projects that arose during first half of the financial year. These projects are valued at a total of \$63.569 million. Of these projects, 76 projects are active with a value of \$31.306 million; 28 are completed (valued at \$1.607 million); 1 is yet to commence (valued at \$0.050 million) and 3 are stalled. The remaining 39 projects are recurring annual programs which amount to \$30.607 million.

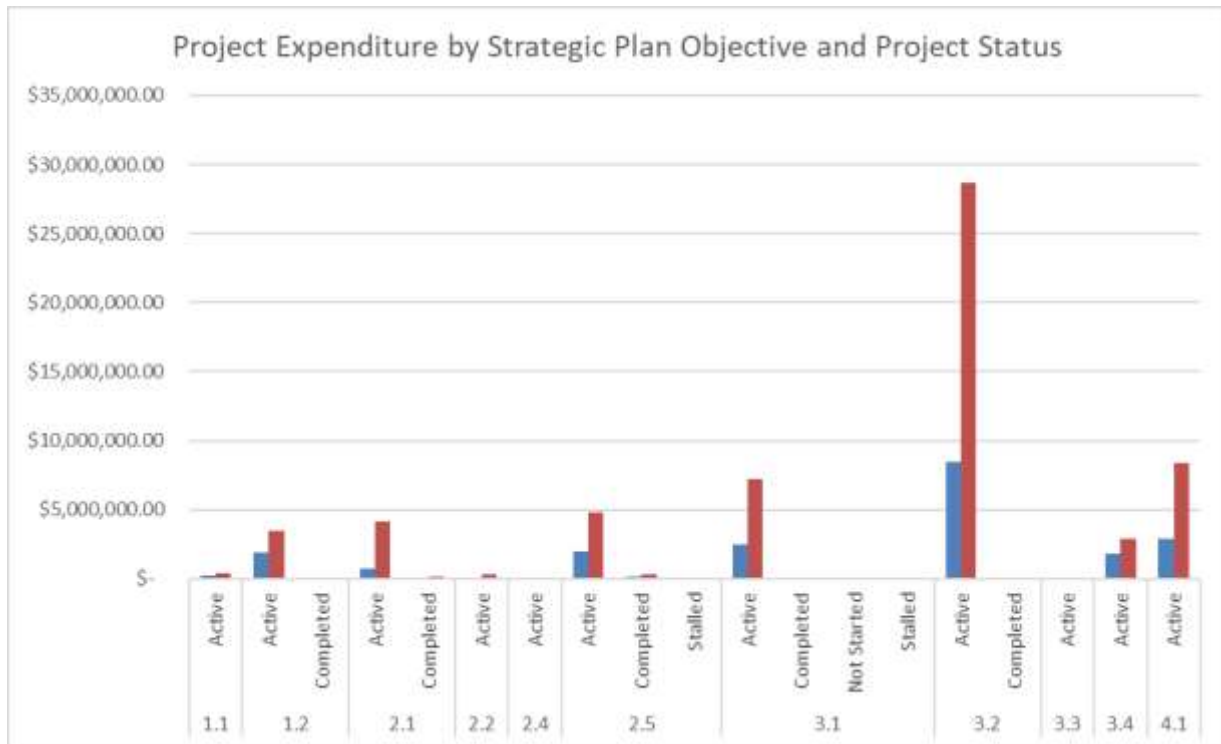


Of the 147 projects, the break down by Strategic Plan objective is as follows:

	Projects	Proposed Budget Q2	Exp December YTD
1.1 Grow the potential for business and industry to develop and expand	2	\$359,212	\$260,505
1.2 Encourage and support population growth and resident attraction	9	\$4,397,328	\$1,907,022
2.1 Grow visitation to the Shire by developing a quality visitor experience and promoting our destination	7	\$4,331,277	\$744,459
2.2 Enhance access to local health and aged care services	1	\$295,505	\$68,759
2.4 Enhance access to education, skills and training.	2	\$78,500	\$10,398
2.5 Maintain/create desirable open spaces and recreation facilities	33	\$5,789,319	\$2,171,951
3.1 Promote the efficient delivery of water supply, sewer and drainage services for the long-term interests of future generations	41	\$7,462,941	\$2,476,311
3.2 Plan for and develop the right assets and infrastructure	25	\$29,279,884	\$8,468,589

3.3 Prepare for natural disasters, biosecurity risks and climate change	1	\$71,000	\$30,554
3.4 Reduce, reuse and recover waste	7	\$2,996,267	\$1,792,794
4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery	19	\$8,508,246	\$2,856,023

The total expenditure to date, compared to budget is highlighted in the table below.



Active projects can be at various stages of project implementation including:

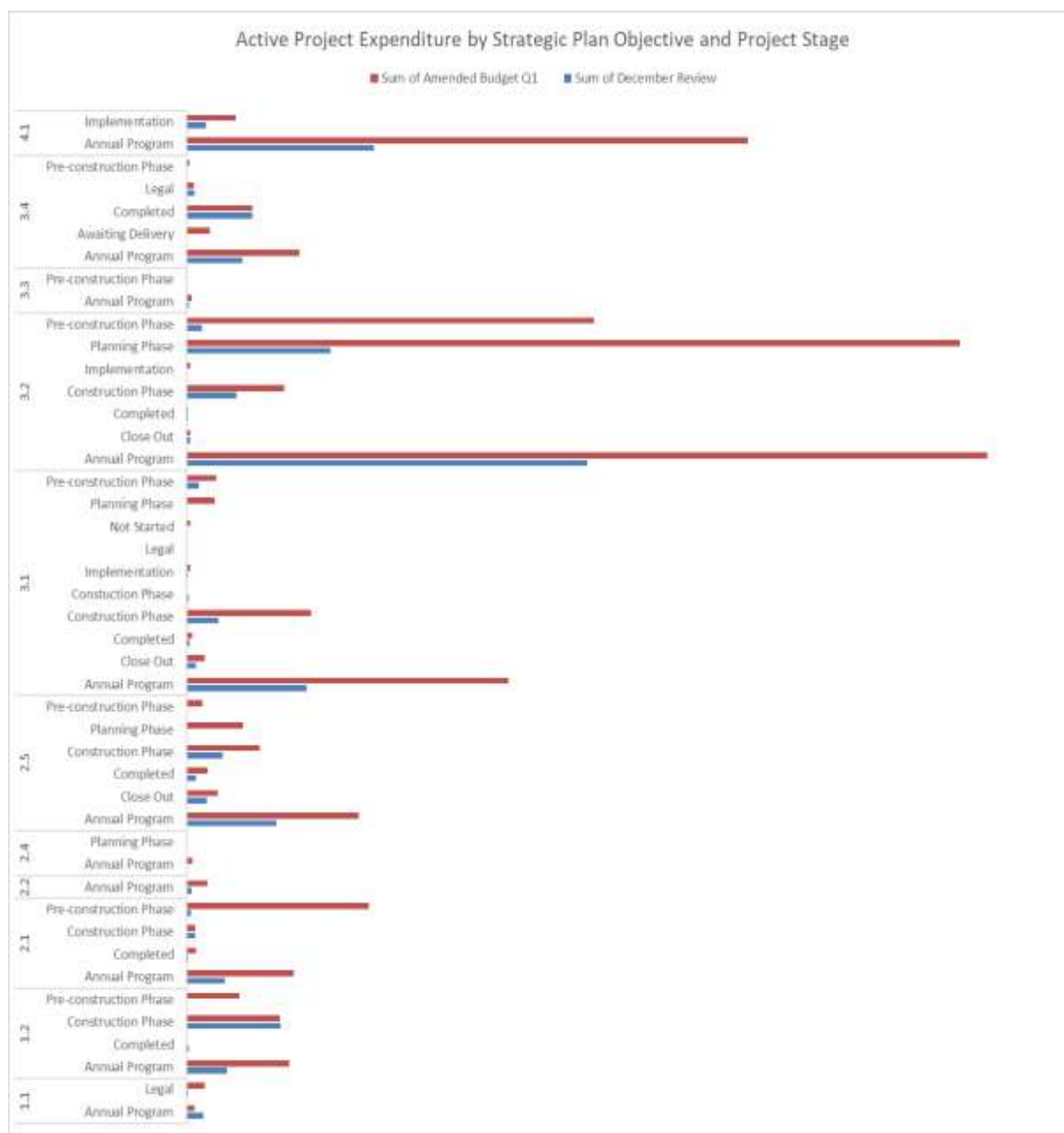
- Planning – Finalising the concept or design
- Tender – Procurement process
- Pre-Construction – Procurement complete awaiting availability of contractor
- Construction – Works underway
- Close Out – Works finalised, finalising payments
- Annual Program – ongoing Council projects budgeted each year
- Implementation – commencement of a project not involving construction
- Legal – commenced legal works, particularly relevant to land acquisitions

Stalled projects:

- Wilga Road Stormwater Upgrade
  - Pending Transport for NSW confirmation of road structure designs
- Pooncarie Water Treatment Plan + Pooncarie Reservoirs
  - Pending funding for projects and completion of Integrated water cycle management plans
- Wentworth Riverfront BBQ Area

- Delayed due to park defects required for repairs by the contractor.

The following table highlights the total year to date and budgeted expenditure by Strategic Plan Objective and Project Stage.



### Conclusion

Due to the unprecedented number of external funding opportunities, Council is undertaking a larger than normal project workload. While every effort will be made to deliver these projects within the allotted timeframes, it may be necessary for Council to extend timelines on some projects. Further work will be undertaken before the March Quarterly review to better identify which projects will not be able to be delivered this financial year.

### Attachments

1. Operational Plan Progress Report as at 31 December 2021 [↓](#)

## Quarterly Progress Report against 2021/22 Operational Plan

Inc in Op Plan	Y			
		Exp Prev Fin Yrs	Proposed Q2 Budget	December Review
<b>1.1 Grow the potential for business and industry to develop and expand</b>		<b>\$342,689.81</b>	<b>\$359,212.00</b>	<b>\$260,505.70</b>
<b>Active</b>				
Annual Program				
Building Control Operational Costs			\$109,212.00	\$236,037.71
Legal				
1930-2999-0018 Land Acquisitions		\$342,689.81	\$250,000.00	\$24,467.99
<b>1.2 Encourage and support population growth and resident attraction</b>		<b>\$5,643,446.09</b>	<b>\$4,397,328.00</b>	<b>\$1,907,022.35</b>
<b>Active</b>				
Annual Program				
1555-2999-0006 Waste Bins Replacement		\$0.00	\$12,500.00	\$0.00
1865-2999-0010 Sharedways		\$2,612.25	\$40,000.00	\$0.00
Housing & Community Amenities Operational Costs			\$1,365,406.00	\$560,051.10
Construction Phase				
1445-2999-0005 Cemetery Shed Upgrades		\$2,403.00	\$38,000.00	\$4,659.60
1865-2999-0009 Pitman Ave Shared Path & Ramps		\$2,830.28	\$104,000.00	\$84,809.57
1870-2999-0000 Aerodromes - Capital Works		\$5,505,105.09	\$1,898,000.00	\$1,206,751.09
Pre-construction Phase				
1316-2999-0002 WW Extended Day Care		\$32,856.82	\$879,422.00	\$15,194.20
1915-2999-0012 Purchase and Installation of Flagtrax		\$0.00	\$60,000.00	\$724.47
<b>Completed</b>				
1865-2999-0025 Active Transport Sharedway Gol		\$97,638.65	\$0.00	\$34,832.32
<b>2.1 Grow visitation to the Shire by developing a quality visitor experience and promoting our destination</b>		<b>\$558,668.04</b>	<b>\$4,331,277.00</b>	<b>\$744,459.43</b>
<b>Active</b>				
Annual Program				
Economic Affairs Operational Costs			\$1,544,277.00	\$533,062.76
1551-2999-0005 Street Furniture		\$0.00	\$21,000.00	\$0.00
Construction Phase				
1546-2999-0015 Dareton Travellers Rest		\$2,066.93	\$124,000.00	\$125,966.32
Pre-construction Phase				
1960-2999-0003 Willowbend Caravan Park Redevelopment		\$14,413.75	\$2,512,000.00	\$37,482.75
<b>Completed</b>				
1547-2999-0001 Buronga Riverfront Masterplan		\$313,951.42	\$100,000.00	\$20,881.25
1915-2999-0014 RV Dump Point Wentworth		\$62,423.35	\$0.00	\$0.00
1960-2999-0004 Managers Residence		\$145,364.75	\$0.00	\$111.92
<b>2.2 Enhance access to local health and aged care services</b>			<b>\$295,505.00</b>	<b>\$68,759.34</b>
<b>Active</b>				
Annual Program				
Health Services Operational Costs			\$295,505.00	\$68,759.34
<b>2.4 Enhance access to education, skills and training.</b>		<b>\$52,941.54</b>	<b>\$78,500.00</b>	<b>\$10,398.70</b>
<b>Active</b>				
Annual Program				
1505-2999-0001 New & Replacement Bookstocks		\$41,691.83	\$55,000.00	
1505-2999-0014 Library Local Special Project		\$11,249.71	\$23,500.00	\$10,398.70
<b>2.5 Maintain/create desirable open spaces and recreation facilities</b>		<b>\$4,436,710.97</b>	<b>\$5,789,319.69</b>	<b>\$2,171,951.47</b>
<b>Active</b>				
Annual Program				
1555-2999-0003 Tree Replace Under Power Lines		\$5,045.75	\$25,000.00	\$0.00
1555-2999-0005 Tree Management Strategy		\$31,811.49	\$30,000.00	\$113.54
1555-2999-0008 Shire Wide Post & Rail Replacement		\$42,224.73	\$20,000.00	\$1,681.82
Recreation & Culture Operational Costs			\$2,292,098.69	\$1,234,228.84
Close Out				
1545-2999-0012 Wentworth Riverfront Wall Remediation		\$192,391.31	\$435,000.00	\$278,655.59
Construction Phase				
1547-2999-0018 Bike Safety Track		\$5,642.44	\$180,000.00	\$87,823.64
1555-2999-0013 CCTV Wentworth		\$478.24	\$20,000.00	\$21,880.00
1556-2999-0004 WW Showground Tower & Shade		\$7,546.58	\$250,000.00	\$67,117.41
1557-2999-0001 Wentworth Sporting Complex		\$372,891.50	\$200,000.00	\$80,977.83
Planning Phase				
1545-2999-0006 Junction Island Bridge		\$17,645.04	\$0.00	\$4,988.11
1556-2999-0003 Wentworth Showgrounds Sewer Upgrade		\$171.92	\$539,732.00	\$171,396.65
1520-2999-0006 Midway Centre Eastern Side Shade Shutters		\$0.00	\$21,000.00	\$0.00
1545-2999-0039 CRIF Astronomy Park		\$0.00	\$679,316.00	\$4,091.61
Pre-construction Phase				
1535-2999-0004 Wentworth Pool Tiling		\$5,169.26	\$80,000.00	\$0.00
1545-2999-0030 WW Rowing Club Building Extension		\$1,669.88	\$219,187.00	\$11,818.77
1505-2999-0027 WW Library Outdoor Space		\$1.00	\$487,539.00	\$1,464.84
<b>Completed</b>				
1526-2999-0001 Curlwaa Hall Renewal		\$564,201.81	\$25,000.00	\$20,153.56
1528-2999-0001 Anabranah Hall Upgrade		\$195,000.26	\$0.00	\$3,669.00
1543-2999-0003 Carramar Drive Oval Fencing		\$15,360.40	\$15,000.00	\$23,909.15

## Quarterly Progress Report against 2021/22 Operational Plan

	Exp Prev Fin Yrs	Proposed Q2 Budget	December Review
1545-2999-0023 Wentworth Showgrounds Pavillion	\$1,097,007.00	\$25,000.00	\$10,245.97
1545-2999-0031 W/Worth Rowing Club Reserve Electrical Upgrade	\$38,805.83	\$25,000.00	\$16,458.00
1545-2999-0032 Junction Park Reserve Electrical upgrade	\$23,578.40	\$20,000.00	\$1,266.22
1545-2999-0033 BBQ & Picnic Tables Fotherby Park	\$23,983.93	\$18,000.00	\$15,812.03
1546-2999-0017 Dareton Reserves Electrical Upgrades	\$15,496.49	\$18,000.00	\$1,165.27
1546-2999-0018 BBQ & Picnic Table Dareton	\$8,237.31	\$0.00	\$10,706.98
1547-2999-0008 Buronga Reserves Electrical Upgrade	\$15,496.47	\$20,000.00	\$2,390.11
1547-2999-0009 George Gordon Oval Fencing	\$15,497.47	\$0.00	\$246.66
1547-2999-0010 Buronga Riverfront Stage 2	\$77,258.00	\$22,000.00	\$22,742.00
1548-2999-0001 Pooncarie Parks Toilet Block	\$105,327.55	\$65,000.00	\$120.00
1549-2999-0001 James King Park Redevelopment	\$954,549.71	\$0.00	\$1,172.39
1549-2999-0008 Playground Equipment James King Park	\$39,924.07	\$0.00	\$2,075.05
1545-2999-0037 Junction Park Fitness Equipmen	\$15,928.00	\$37,447.00	\$0.00
<b>Stalled</b>			
Construction Phase			
1545-2999-0025 Wentworth Riverfront BBQ Area	\$158,141.15	\$0.00	\$73,580.43
<b>3.1 Promote the efficient delivery of water supply, sewer and drainage services for the long term interests of future generations</b>	<b>\$10,349,923.72</b>	<b>\$7,462,941.95</b>	<b>\$2,476,311.91</b>
<b>Active</b>			
Annual Program			
1436-2999-0001 Stormwater Drainage	\$18,756.76	\$9,000.00	\$150.70
2005-2999-0050 Water Stop Valves and Fire Plugs	\$6,799.46	\$10,000.00	\$0.00
2005-2999-0101 Infrastructure Upgrade	\$0.00	\$291,515.00	\$0.00
2005-2999-0232 Water Infrastructure Development Strategy	\$4,121.42	\$0.00	\$0.00
3005-2999-0101 Infrastructure Upgrade	\$0.00	\$170,840.00	\$0.00
3005-2999-0126 Sewer Main Refurbishment	\$24,048.27	\$224,000.00	\$0.00
3005-2999-0127 Sewer Pit Lids	\$0.00	\$10,000.00	\$0.00
3005-2999-0136 Sewer Design Works	\$0.00	\$50,000.00	\$5,120.00
Environment 3.1 Operational Costs		\$288,034.00	\$114,732.90
Sewer Administration Operational Costs		\$1,407,400.95	\$563,507.10
Water Supplies Operational Costs		\$1,993,681.00	\$942,248.01
Close Out			
1440-2999-0002 EDS Facilities	\$532,304.95	\$207,471.00	\$36,543.10
2005-2999-0207 Gol Gol WTP - Process Upgrade	\$2,248,644.50	\$30,000.00	\$73,916.84
3005-2999-0044 Sewer Rationalisation Project Dareton	\$2,119,101.97	\$10,000.00	\$8,762.24
1436-2999-0021 Moontongue Drainage Excavation	\$0.00	\$0.00	\$14,319.19
Construction Phase			
1436-2999-0002 Gol Gol Heights Endwall Repair	\$3,760.50	\$105,000.00	\$2,126.61
1436-2999-0013 Buronga/Gol Gol Stormwater Constraints	\$73,675.12	\$1,000,000.00	\$0.00
1436-2999-0018 Midway Stormwater Upgrade	\$192,112.02	\$0.00	\$2,737.80
2005-2999-0200 Trentham Cliffs Water Install	\$396,180.82	\$355,000.00	\$264,042.22
2005-2999-0234 Mourquong Filtered Water Main	\$50,048.32	\$175,000.00	\$147,511.45
3005-2999-0123 Hendy Road Main Replacement	\$865,061.50	\$0.00	\$4,832.56
1436-2999-0004 Woolong Drive Stormwater	\$0.00	\$50,000.00	\$0.00
2005-2999-0255 GGWTP Power Offset	\$0.00	\$30,000.00	\$8,950.00
2005-2999-0256 WTP Pond Outlet	\$0.00	\$0.00	\$9,136.82
3005-2999-0043 Sewer Rationalisation Project Wentworth	\$2,192,183.88	\$0.00	\$32,721.60
Implementation			
2005-2999-0218 Integrated Water Cycle MP	\$11,964.42	\$55,000.00	\$3,042.00
3005-2999-0121 Integrated Water Cycle MS	\$3,253.08	\$55,000.00	\$20,062.42
Legal			
3005-2999-0047 Acqu'n - East WW Sewer Works	\$23,175.08	\$0.00	\$0.00
3005-2999-1041 Acquisition East Wentworth Sewerage A41	\$5,567.80	\$0.00	\$467.87
Planning Phase			
1436-2999-0020 Pink Lake Stormwater Design	\$0.00	\$0.00	\$742.74
1440-2999-0005 Wentworth EDS	\$857.04	\$0.00	\$465.52
3005-2999-0139 King Ridge Sewer		\$100,000.00	\$0.00
3005-2999-0140 Septic Reveal Upgrade		\$40,000.00	\$0.00
3005-2999-0142 Sewer Pump Station No 5		\$250,000.00	\$2,880.00
Pre-construction Phase			
3005-2999-0200 Trentham Cliffs Sewer Install	\$374,059.81	\$375,000.00	\$171,982.85
3005-2999-0141 Wood Street Sewer		\$35,000.00	\$3,800.00
<b>Completed</b>			
1436-2999-0014 Neville Street Stormwater	\$288,219.85	\$36,000.00	\$39,897.68
1436-2999-0003 Carramar Drv Basin Repair	\$25,252.00	\$50,000.00	\$609.53
<b>Not Started</b>			
Not Started			
2005-2999-0252 Gol Gol Pump Station Drainage/Stabilisation	\$0.00	\$50,000.00	\$675.33
<b>Stalled</b>			
Planning Phase			
1436-2999-0019 Wilga Road Stormwater Upgrade	\$19,935.68	\$0.00	\$326.83
2005-2999-0242 Pooncarie WTP	\$867,089.47	\$0.00	\$0.00
<b>3.2 Plan for and develop the right assets and infrastructure</b>	<b>\$1,337,428.47</b>	<b>\$29,279,884.00</b>	<b>\$8,468,589.62</b>
<b>Active</b>			
Annual Program			
Transport Operational Costs		\$8,623,243.00	\$5,514,522.87

## Quarterly Progress Report against 2021/22 Operational Plan

	Exp Prev Fin Yrs	Proposed Q2 Budget	December Review
Construction Phase			
1825-2999-0006 Upgrade High Darling Sealing	\$229,772.23	\$1,031,500.00	\$485,715.03
1549-2999-0002 King Ridge Est Open Space	\$0.00	\$0.00	\$1,000.00
1825-2999-0012 Little Manly Road (FLR-R2)		\$152,544.00	\$69,098.40
Planning Phase			
1825-2999-0007 Upgrade Old Wentworth Road Sealing	\$0.00	\$1,557,460.00	\$4,271.72
Road Renewals Included in Operating expenditure		\$4,473,827.00	\$1,852,104.32
1830-2999-0001 Pooncarie-Menindee Road	\$0.00	\$6,650,000.00	\$123,332.98
Pre-construction Phase			
1005-2999-0017 Wentworth Civic Centre	\$246,479.34	\$5,250,000.00	\$24,416.48
1825-2999-0005 Upgrade Mallara Street Sealing	\$0.00	\$0.00	\$45,075.61
1548-2999-0007 CRIF Pooncarie Race Track	\$6,027.09	\$29,700.00	\$0.00
1825-2999-0011 Native Ridge Lane (FLR-R2)		\$319,727.00	\$141,373.64
1805-2999-0006 Wentworth Public School SZ Upg	\$0.00	\$70,874.00	\$468.96
1805-2999-0007 Buronga Public School SZ Upgra	\$0.00	\$35,955.00	\$468.96
1805-2999-0008 Dareton Public School Crossing	\$0.00	\$29,967.00	\$0.00
1805-2999-0009 Gol Gol Public School Delineat	\$0.00	\$14,050.00	\$0.00
1805-2999-0010 Pomona Public School Delineati	\$0.00	\$7,028.00	\$0.00
1805-2999-0011 Palinyewah Public School SZ Up	\$0.00	\$25,848.00	\$937.92
1805-2999-0012 FLR#3 Punt Road	\$0.00	\$146,521.00	\$0.00
1815-2999-0002 FLR#3 Fletchers Lake Road	\$0.00	\$217,739.00	\$0.00
1825-2999-0013 FLR#3 Bridge Road	\$0.00	\$208,940.00	\$0.00
1825-2999-0014 FLR#3 Log Bridge Road	\$0.00	\$236,961.00	\$0.00
<b>Completed</b>			
1825-2999-0009 Golf Course Road	\$113,992.34	\$39,000.00	\$36,045.52
1825-2999-0010 High Darling Link Road	\$200,906.65	\$119,000.00	\$97,025.63
1895-2999-0003 Dareton Street Lights	\$87,356.88	\$50,000.00	\$55,031.30
1526-2999-0004 Old Curlwaa Hall Demolition	\$443,693.94	\$18,000.00	\$17,573.33
<b>3.3 Prepare for natural disasters, biosecurity risks and climate change</b>		<b>\$71,000.00</b>	<b>\$30,554.91</b>
<b>Active</b>			
Annual Program			
Environment 3.3 Operational Costs		\$71,000.00	\$30,554.91
<b>3.4 Reduce, reuse and recover waste</b>	<b>\$157,125.74</b>	<b>\$2,996,267.63</b>	<b>\$1,792,794.48</b>
<b>Active</b>			
Annual Program			
Environment 3.4 Operational Costs		\$1,552,167.63	\$765,057.56
Awaiting Delivery			
1421-2999-0028 Buronga Landfill 11m3TipTruck	\$0.00	\$246,000.00	\$0.00
1421-2999-0029 Buronga L/fill 12m3DogTipTrail	\$0.00	\$74,000.00	\$0.00
Legal			
1421-2999-0019 100,000 Tonnes Upgrade	\$157,125.74	\$150,000.00	\$112,801.00
Pre-construction Phase			
1421-2999-0018 Community Recycling Centre	\$0.00	\$70,000.00	\$6,335.92
<b>Completed</b>			
1421-2999-0026 Buronga Landfill Excavator	\$0.00	\$260,000.00	\$261,600.00
1421-2999-0027 Buronga Landfill Compactor	\$0.00	\$644,100.00	\$647,000.00
<b>4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery</b>	<b>\$2,419,042.80</b>	<b>\$8,508,246.37</b>	<b>\$2,856,023.47</b>
<b>Active</b>			
Annual Program			
1005-2999-0014 Office Equipment	\$65.17	\$100,000.00	\$5,541.51
1007-2999-0001 Computer Replacement	\$30,693.00	\$200,000.00	\$107,331.74
1010-2999-0001 Capital Plant Replacement	\$1,046,350.47	\$1,500,000.00	\$125,177.52
1010-2999-0012 Minor Plant Purchases	\$50,201.08	\$50,000.00	\$18,265.40
1010-2999-0015 Asbestos Management Plan	\$8,403.31	\$20,000.00	\$203.07
Community Services Operational Costs		\$84,002.00	\$49,373.66
Finance and Policy Administration Operational Costs		\$1,890,036.69	\$1,116,393.86
Governance & GMO Administration Operational Costs		\$2,549,596.68	\$989,128.26
Public Order & Safety Operational Costs		\$1,166,952.00	\$401,970.52
Roads & Engineering Administration Operational Costs		\$177,696.00	-\$231,512.74
Implementation			
1005-5100-0005 Loan Repayments - Midway	\$210,354.53	\$110,071.00	\$60,178.08
1005-5100-0015 Loan Repayments WWCC - Loan \$850k	\$114,295.52	\$43,990.00	\$21,895.83
1005-5100-0016 Loan Repayments WWCC - Loan \$3.3m	\$0.00	\$87,217.00	\$0.00
1005-5100-0017 Loan Repayments - Stormwater - T-Corp	\$0.00	\$45,792.00	\$57,790.55
1007-2999-0014 Integrated Management System	\$554,003.79	\$170,000.00	\$59,931.00
1421-5100-0001 Landfill Capital Loan Repayments	\$264,327.97	\$96,320.00	\$47,452.76
1421-5100-0002 Landfill Capital Loan Repayments #2 Loan	\$140,347.96	\$53,446.00	\$26,902.45
3005-5100-0001 Loan Repayments - Loan #1	\$0.00	\$45,792.00	\$0.00
1421-5100-0003 Landfill Capital Lease Payments	\$0.00	\$117,335.00	\$0.00
<b>Grand Total</b>	<b>\$25,297,977.18</b>	<b>\$63,569,481.64</b>	<b>\$20,787,371.38</b>

## 9.11 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM (ROUND 3)

File Number: RPT/22/36

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

### **Summary**

In 2021, Wentworth Shire Council received notification from the Federal Government advising of an additional funding allocation of \$2,556,414 under the Local Roads and Community Infrastructure Program Round 3.

This program will continue to assist local Councils to deliver local road and community infrastructure projects, supporting jobs and the resilience of local economies to help communities bounce back for the COVID-19 pandemic.

Council formally accepted the funding in January 2022 and is now in a position to identify and submit eligible projects for consideration. All approved projects must be completed by 30 June 2023.

### **Recommendation**

That Council endorse the following projects under the Local Roads and Community Infrastructure Program (Round 3) and the applications be submitted.

1. James King Park Riverfront \$198,000
2. Willowbend Caravan Park Ablution Block \$551,414
3. Civic Centre Interpretive Centre \$990,000
4. Pooncarie Telegraph Building \$176,000
5. Pooncarie Aerodrome Lights \$465,000
6. Dareton Travellers Rest \$66,000
7. Wentworth Showground Racecourse running rail replacement \$110,000

### **Detailed Report**

#### **Purpose**

The purpose of this report is to advise Council of a third round of funding allocation under the Federal Government Local Roads and Community Infrastructure Program and seeks endorsement of potential projects.

#### **Background**

A review of known priority projects has been undertaken and consideration has also been given to current projects that require additional funding to complete them.

Following further investigation, the projects detailed below have been assessed as the best utilisation of the funding allocation as they are “shovel ready” and can be delivered with the program timeline.

It is envisaged that a four (4) to six (6) week assessment period will apply to all applications, as per previous rounds with no work to commence prior to the approval.

Matters under consideration

**Identified Projects**

<b>James King Park Riverfront</b> The beach area to the east of the boat ramp is currently in need of stabilization as the wake of boats constantly erode the bank. The proposal is to put in place a series of walls to mitigate shoreline erosion and create a safe recreation area free of slips.	\$198,000 ex GST
<b>Civic Centre Interpretive Space</b> This project will see the development of the Interpretive Space at the new Civic Centre. The development of a space that has a WOW factor will attract locals and tourists alike and contribute to an increase in visitation to the Wentworth Shire.	\$990,000 ex GST
<b>Pooncarie Telegraph Building</b> The Pooncarie Telegraph building is in a state of disrepair and needs improvements to the local historical building. This project will see internal and external improvements to the building ensuring its use by the community long into the future.	\$176,000 ex GST
<b>Pooncarie Aerodrome lights</b> The Pooncarie Aerodrome lights are beginning to fail and are becoming increasingly hard to obtain parts for. It also does not meet current standards and needs to be replaced. This project will see the replacement of the lighting system at the Pooncarie Aerodrome.	\$465,000 ex GST
<b>Dareton Travelers Rest (Stage 2)</b> Following the Stage 1 installation of the Dareton Travelers Rest, it has been identified that the old rotunda over the monument behind the new structure should be replaced. This project will see the removal of the old existing rotunda and a new structure erected.	\$66,000 ex GST
<b>Wentworth Racecourse track rail replacement</b> Wentworth Racecourse track has an old steel rail system that does not meet the current standards. Maintenance cannot be undertaken as it would not meet the requirements. This will see the replacement of the old steel barrier fence with a new plastic collapsible fence to reduce injury to horses and riders in the event they run in to the rails. This will then meet the current standards for this type of structure.	\$110,000 ex GST
<b>Wentworth Caravan Park ablution block</b> This will contribute to the costs of the building of a new ablution block in the Council owned Willow Bend Caravan Park. The current ablution block is failing with toilets being closed on a regular basis due to blockages or maintenance requirements.	\$551,414 ex GST
<b>TOTAL</b>	<b>\$2,556,414</b> <b>ex GST</b>

Legal, strategic, financial or policy implications

The approved projects will be budgeted to be completed over the 2022/23 and 2023/2024 financial years in line with funding timelines.

Conclusion

Council has received an allocation of \$2,556,414 under the Federal Government Local Roads and Community Infrastructure Round 3 with all approved projects to be completed prior to 31 December 2023.

As outlined in this report, Council has a number of identified projects that are either urgent, require additional funding to complete their amended scope or to progress the development of the new Civic Centre.

Should this recommendation be endorsed by Council, it will provide an opportunity to:

- ease safety concerns at James King Park and Wentworth Racecourse track;
- reduce excessive maintenance costs and continue the enhancement of the Willow Bend Caravan Park;
- enhance facilities at the Pooncarie including bringing aerodrome lighting up to standard, and
- create a community interpretive space at the Civic Centre that will enhance tourism and visitation.

Attachments

Nil

## 9.12 POLICY REVIEW - DEPARTMENT FINANCE & POLICY

File Number: RPT/22/19

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

### **Summary**

After each general election of Councillors, the *Local Government Act 1993* (the Act) requires Council to review all official policies of Council. There are currently 73 policies in place of which 25 are the responsibility of the Finance & Policy Department.

For this Council meeting the department has reviewed six policies and are presenting them to Council for adopting. The department is also proposing to introduce a new Conflicts of Interest policy for Council to adopt.

### **Recommendation**

That Council adopt the following revised policies:

- a) AF004 – Investment Policy
- b) GOV003 – Fraud Control Policy
- c) GOV005 – Procurement Policy
- d) GOV013 – Enterprise Risk Management Policy
- e) GOV020 – Code of Conduct Policy

That Council adopts the revised GOV010 – Payment of Expenses and Provision of Facilities Policy and places the policy on 28 days public exhibition as required by the Act.

That Council adopts the draft GOV023 – Conflicts of Interest Policy and places the policy on 28 days public exhibition as required by the Act.

### **Detailed Report**

#### **Purpose**

The purpose of this report is to update Council on the process of the reviewing Council policies that has begun following the general election of all Councillors.

#### **Background**

After each general election of Councillors, the Act requires Council to review all official policies of Council. There are currently 73 policies in place of which 25 are the responsibility of the Finance & Policy Department.

#### **Matters under consideration**

For this report staff within the Finance & Policy Department have reviewed the following policies:

AF004 – Investment Policy

GOV003 – Fraud Control Policy

GOV005 – Procurement Policy

GOV010 – Payment of Expenses and Provision of Facilities Policy

GOV013 – Enterprise Risk Management Policy

GOV020 – Code of Conduct Policy

As part of ongoing continuous improvement, a new template for both Council and Operational policies has been developed to ensure consistency and ease of use. As part of the review process all existing policies will be updated using the new policy template.

While reviewing the following policies:

AF004 – Investment Policy

GOV003 – Fraud Control Policy

GOV005 – Procurement Policy

GOV013 – Enterprise Risk Management Policy

GOV020 – Code of Conduct Policy

It has been determined that these policies are still a required policy of Council and that the current scope and intent of the policies are still relevant, therefore only minor formatting and administrative updates in order to reflect best practice have been made to these policies. It is therefore recommended that these policies be adopted.

GOV010 – Payment of Expenses and Provision of Facilities Policy has been completely rewritten to reflect the intent and the structure of the Model policy template as provided by the Office of Local Government. Due to the significant changes made to the policy it is recommended that this policy be adopted in draft format and placed on 28 days public exhibition as required by the Act.

As part of the review of the above policies it was identified that a new policy was required, therefore the following policy has been developed for the consideration of Council:

GOV023 – Conflicts of Interest Policy

Similar to the Gifts and Benefits policy the intent of this policy is to provide additional guidance to Councillors and staff to compliment what is provided for in the Code of Conduct Policy. It is recommended that this policy be adopted as a new Council policy.

**Legal, strategic, financial or policy implications**

The Act requires Council to review all of its official Council policies following a general election of all Councillors.

**Conclusion**

The Finance & Policy department is currently responsible for 25 Council policies. For this Council meeting the department has reviewed six policies and are presenting them to Council for adopting. The department is also proposing to introduce a new Conflicts of Interest policy for Council to adopt.

**Attachments**

1. Proposed Conflicts of Interest Policy.[📄](#)
2. Revised Code of Conduct.[📄](#)
3. Procedure for Adminstrating the Code of Conduct Policy (Attachment to Code of Conduct Policy)[📄](#)
4. Revised Enterprise Risk Management Policy[📄](#)
5. Revised Fraud Control Policy[📄](#)

6. Revised Payment of Expenses & Provisions of Facilities Policy [↓](#)
7. Revised Procurement Policy [↓](#)
8. Revised Investment Policy [↓](#)
9. Investment Strategy (Attachment to Investment Policy) [↓](#)

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**Council Policy No: GOV023****Conflicts of Interest Policy****POLICY OBJECTIVE**

The objective of this policy is to:

- Protect the public interest;
- Support transparency and accountability;
- Promote individual responsibility and personal example; and
- Build a supportive organisational culture

**1. POLICY STATEMENT**

The community has a right to expect that Councillors and Council staff perform their duties in a fair and unbiased way and that the decisions they make are not affected by self-interest or personal gain.

It is normal that Councillors, Council staff and Council delegates may experience a conflict between their personal interests and those of Council at some time during their appointment. It is important in these circumstances to manage such conflicts appropriately and in line with Council Policy.

Conflicts of Interests can arise when Councillors or Council staff are influenced, or appear to be influenced, by personal interest(s) when carrying out their duties. The perception of a conflict can be as damaging as an actual conflict, because it undermines public confidence in the integrity of the organisation and its Councillors and staff.

This policy both compliments and should be read in conjunction with Council's Code of Conduct Policy. This policy is an enforceable part of the Code. In the event that this policy contradicts with the Code of Conduct Policy, the Code of Conduct Policy will prevail.

**2. POLICY COVERAGE**

This policy applies to all areas of Council's operations and covers Councillors, staff, contractors, volunteers, members of Council committees and delegates of Council.

**3. STRATEGIC PLAN LINK**

Objective: Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future.

Strategy: Provide strong and effective representation, leadership, planning, decision-making and service delivery.

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
<b>Conflict of Interests</b>	A 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 public duty.
<b>Council Representative</b>	Includes Councillors, staff, contractors, volunteers, members of Council committees and delegates of Council.
<b>Pecuniary Interest</b>	This is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or

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	loss to the person or another person with whom the person is associated.
<b>Non-pecuniary Interest</b>	This is any private interest that does not relate to money. Non-pecuniary interests are private or personal interests the Council Representative has that do not amount to a pecuniary interest as defined in the <i>Local Government Act 1993</i> . A non-pecuniary interest may arise out of kinship, friendship, membership of an association, society, trade union or involvement/interest in sporting, social or cultural activities.
<b>Actual Conflict of Interests</b>	This involves direct conflict between a Council Representative's current duties and responsibilities and their existing private interests.
<b>Perceived Conflict of Interests</b>	This is where it could be perceived by others that a Council Representative's private interests could improperly influence the performance of their public duties – whether or not this is actually the case.
<b>Potential Conflict of Interests</b>	This arises when a Council Representative has private interests that could interfere with their public duties in the future.
<b>Designated Person</b>	Under section 440 of the <i>Local Government Act 1993</i> , designated persons include: <ul style="list-style-type: none"> <li>• The General Manager and other senior staff of Council;</li> <li>• A person who, by virtue of their Council position exercises 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; and</li> <li>• A person (other than a member of the senior staff of Council) who is a member of a committee of Council who by virtue of their membership and associated committee 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.</li> </ul>

**5. POLICY CONTENT**Pecuniary Interests

Pecuniary interests must be disclosed.

A person will be considered to have a pecuniary interest if:

- They or a person with whom they are associated has a pecuniary interest;
- Their spouse, defacto partner, relative, partner or employer has a pecuniary interest (relative includes any of the following – parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or an adopted child of a person or the person's spouse); and
- They, a nominee, partner or employer are a member of a company or other body that has a pecuniary interest.

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A person is not taken to have a pecuniary interest if:

- They are unaware of the relevant pecuniary interest of the spouse, defector partner, relative, partner, employer or company or other body;
- Just because the person is a member of, or is employed by, a Council or statutory body or is employed by the Crown; and
- Just because the person is a member of or a delegate of Council to, a company or other body that has a pecuniary interest in that matter, so long as the person has no beneficial interest in any shares of the company or body.

A person does not have a pecuniary interest in a matter if the interest is so remote that it could not reasonably be regarded as likely to influence any decision the person makes in relation to the matter. (Section 442 of the Act).

Non-Pecuniary Interests

Non-pecuniary interests must be disclosed.

Council Representatives who are members of clubs should seriously consider whether their club membership could give rise to Conflicts of Interests in Council matters that may affect the clubs. The greater the involvement with the club, such as holding of an office, the greater the likelihood of a real or perceived Conflict of Interest.

In cases of a non-pecuniary interest, Council Representatives should not do anything which they could not justify to the public and should avoid any occasion for reasonable suspicion or the appearance of improper conduct or only partial performance of their public or professional duties.

Options for dealing with a non-pecuniary Conflict of Interest will depend on the circumstances of the matter and an objective assessment of it.

Options can include:

- Take no action because the conflict is assessed as minor in nature;
- Allow limited involvement (e.g. participate in discussions but not in decision making);
- Prohibit any involvement;
- Require that the individual concerned remove the source of conflict; or
- Include an independent process to provide assurances of probity.

Interest that need not be Disclosed

As per the Code of Conduct Policy the following interests do not have to be disclosed:

- An interest as an elector;
- An interest as a ratepayer or a person liable to pay a charge;
- An interest in any matter relating to the terms on which the provisions 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 the code;
- An interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by Council in the same manner and subject to the same conditions as apply to persons who are not subject to the code;

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- An interest 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);
- An interest as member of a Council committee 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 the committee member has been appointed to represent the organisation or group on the committee;
- An interest 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 percent of the voting rights in the company;
- An interest of a person arising from the proposed making by Council of an agreement between Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person 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;
- An interest of a person arising from the making by Council of a contract or agreement with a relative of the person 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 Council in respect of similar matters with other residents of the area:
  - The performance by Council at the expense of the relative of any work or service in connection with roads or sanitation;
  - Security for damage to footpaths or roads;
  - Or any other service to be rendered, or act to be done, by Council by or under any Act conferring functions on Council or by or under any contract.
- An interest relating to the payment of fees to Councillors;
- An interest relating to the payment of expenses and the provision of facilities to Councillors in accordance with a policy under Section 252 of the *Local Government Act 1993*;
- 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;
- An interest of a person arising from the passing for payment of a regular account arising for payment of a regular account for wages or salary of an employee who is a relative of the person;
- An interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or member of a Council committee; and
- An interest arising from appointment of a Councillor to a body as representative or delegate of Council, whether or not a fee or other recompense is payable to the representative or delegate.

Disclosing Interests**Councillors**

Councillors who believe they have an interest in a matter, pecuniary or otherwise, must declare that interest in any meetings or discussions where that matter is to be considered.

Written notice of a Conflict of Interest must be given to the General Manager using the *Conflict of Interest Declaration Form for Councillors*.

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Councillors must complete an annual *Disclosure of Interest Return*.

**General Manager**

If the General Manager declares a Conflict of Interest in a matter then the Mayor should decide future participation by the General Manager at any time during which the matter is being considered or discussed or voted upon by Council or the Committee.

Written notice of a Conflict of Interest must be given to the Mayor using the *Conflict of Interest Declaration Form for Staff*.

The General Manager must complete an annual *Disclosure of Interest Return*.

**Staff and other Council Representatives**

Staff and other Council Representatives who believe they have an interest in a matter, pecuniary or otherwise, must declare that interest in any meetings or discussions where that matter is to be considered. The conflict must be disclosed to the relevant supervisor, the Director Finance & Policy or the General Manager in the first instance in relation to staff and the Director Finance & Policy and the General Manager in regards to all other Council representatives.

Written notice of a Conflict of Interest must be given to the Director Finance & Policy or the General Manager using the *Conflicts of Interest Declaration Form for staff*.

**Disclosure of Interest Returns**

A Councillor or designated person must complete and lodge with the General Manager, within three (3) months after becoming a Councillor or designated person a return in the form in Schedule 2 of the Code of Conduct.

Thereafter, the return must be lodged within three (3) months of 30 June each year. Section 440 of the Act sets out the definitions of designated persons as set out in this Policy.

**Disclosure at Meetings**

A Council Representative who has a pecuniary or non-pecuniary interest in any matter with which Council is concerned and who is present at a meeting of Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as possible.

If a pecuniary interest is disclosed by a Council Representative, the person must not be present at, or in sight of, the meeting of the Council or committee:

- At any time during which the matter is being considered or discussed by Council or committee; or
- At any time during which Council or committee is voting on any question in relation to the matter.

A person does not breach the Code of Conduct or the above clause 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 he or she had a Pecuniary Interest.

The following criteria should be used to determine the extent of disclosure of the nature of the interest:

- The details should be sufficient to enable other Councillors, committee members and the public to appreciate, in general terms, the connection of the person with the matter under consideration;

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- The disclosure **must** not reveal sensitive information which is not relevant to the matter before Council or committee;
- The disclosure **must** not reveal information which may be unnecessarily damaging to the reputation of some person(s) with whom the person disclosing the interest is associated; and
- The disclosure will not necessarily prejudice a sensitive commercial or legal situation.

A person who, at the request or with the consent of Council or a committee, gives advice on any matter at any meeting of Council or a committee must disclose the nature of any Pecuniary Interest the person has in the matter to that meeting at the time the advice is given.

The Code of Conduct is not breached if the advisor 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 he or she had a Pecuniary Interest.

Responsibility for Making a Disclosure

If a person is unsure as to whether or not they have a Conflict of Interest, they should give full written details to the Director Finance & Policy or the General Manager or the Mayor or seek independent legal advice. The objective of notification is to protect both the individual and Council.

Neither the Mayor, the General Manager or the Director Finance & Policy has the responsibility to provide a person with a determination on whether or not they have a Conflict of Interest in a matter.

The responsibility to determine a Conflict of Interest resets solely with the individual as only that individual is aware of the grounds upon which a potential for a Conflict of Interest arises. It is prudent to err on the side of caution by declaring an interest and by not participating in discussion or in decision making if there is any doubt as to their interest in the matter.

Managing Conflict of Interests

Apart from declaring an interest, Council Representatives must manage any identified conflict.

Strategies for managing a Conflict of Interest include:

<b>Restrict</b>	Restrictions are placed on the Council Representative's involvement in the matter.
<b>Recruit</b>	A disinterested third party is used to oversee part or all of the process that deals with the matter. In most circumstances, a subordinate would not be considered a disinterested third party.
<b>Remove</b>	The Council Representative removes themselves, or is removed, from the matter.
<b>Relinquish or Resign</b>	The Council Representative relinquishes the private interest that is creating the conflict. Where relinquishing the interest is not possible and the conflict cannot be managed in the public interest using one of the options above, the Council Representative may consider resigning.

Complaints Regarding Failure to Disclose an Interest

Staff, Councillors or persons engaged by Council may make a report under Council's internal reporting system for protected disclosures if they believe a colleague has failed to disclose or properly manage a Conflict of Interest.

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Conflict of Interest Register

Council will maintain a register of all declared interests. This register will be available for public inspection under the *Government Information (Public Access) Act 2009*.

**6. RELATED DOCUMENTS & LEGISLATION**Legislation

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2021 (NSW)*
- *Public Interest Disclosure Act 1994 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*

Council Policies

- GOV001 - Gifts and Benefits Policy
- GOV003 - Fraud Control Policy
- GOV004 - Internal Reporting Policy
- GOV005 – Procurement Policy
- GOV007 – Privacy Policy
- GOV008 - Public Access to Information Held by Council (GIPA) Policy
- GOV009 – Delegations Policy
- GOV013 - Enterprise Wide Risk Management Policy
- GOV019 - Statement of Business Ethics Policy
- GOV020 - Code of Conduct Policy
- GOV022 – Legislative Compliance Policy

Other

- Code of Meeting Practice
- Conflict of Interest Procedure
- Conflict of Interest Declaration Form
- Legislative Compliance Framework
- Compliance Framework
- Gifts and Benefits Register
- Conflict of Interest Register
- Secondary Employment Policy (Operational)

**7. ATTACHMENTS**

Nil.

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**8. DOCUMENT APPROVAL**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

[Click here to enter a date.](#)**General Manager Wentworth Shire Council****Date**

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**POLICY OBJECTIVE**

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); and
- Act in a way that enhances public confidence in local government.

Section 440 of the *Local Government Act 1993* (NSW) (the Act) requires Council to adopt a Code of Conduct Policy that incorporates the provisions of the Model Code of Conduct. Council's adopted Code of Conduct Policy may also include provisions that supplement the Model Code of Conduct and that extends its application to persons that are not "Council officials" for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory committees).

Council's adopted Code of Conduct Policy has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, Council's adopted Code of Conduct Policy may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

**1. POLICY STATEMENT**

The Model Code of Conduct for Local Councils in NSW is made under section 440 of the Act and the *Local Government (General) Regulation 2021* (the Regulation).

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

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

Failure by a member of staff to comply with Council's Code of Conduct Policy may give rise to disciplinary action.

**2. POLICY COVERAGE**

This policy applies to Councillors, Administrators, members of staff, delegates of Council, (including members of Council committees that are delegates of Council) and any other person Council's adopted Code of Conduct Policy applies to.

**3. STRATEGIC PLAN LINK**

Objective: Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future.

Strategy: Provide strong and effective representation, leadership, planning, decision-making and service delivery.

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<b>Term/Word</b>	<b>Definition</b>
<b>Administrator</b>	An administrator of a council under the Act other than an administrator appointed under section 66.
<b>Committee</b>	See the definition of "Council committee".
<b>Complaint</b>	A code of conduct complaint made for the purposes of clauses 2.1 and 2.2 of the Procedures.
<b>Conduct</b>	Includes acts and omissions.
<b>Council</b>	Council of the Shire of Wentworth.
<b>Council committee</b>	A committee established by Council comprising of Councillors, staff or other persons that Council has delegated functions to and Council's Audit, Risk & Improvement committee.
<b>Council member</b>	A person other than a Councillor or member of staff of 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 Council's Audit, Risk & Improvement committee.
<b>Council official</b>	Includes Councillors, members of staff of Council, administrators, council committee members, delegates of Council and for the purpose of clause 4.16, Council advisers.
<b>Councillor</b>	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.
<b>Delegate of Council</b>	A person (other than a Councillor or member of staff) or body, and the individual members of that body, to who a function of Council is delegated.
<b>Designated person</b>	A person referred to in clause 2.8.
<b>Election campaign</b>	Includes council, state and federal election campaigns.
<b>Environmental planning instrument</b>	Has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
<b>General Manager</b>	Includes the executive officer of a joint organisation.
<b>Joint organisation</b>	A joint organisation established under section 4000 of the Act.
<b>The Act</b>	<i>Local Government Act 1993</i> (NSW).

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<b>Local planning panel</b>	A local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
<b>Mayor</b>	Includes the chairperson of a county council or joint organisation.
<b>Members of staff of Council</b>	Includes members of staff of county council and joint organisations.
<b>OLG</b>	NSW Office of Local Government.
<b>Personal information</b>	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.
<b>The Procedures</b>	The <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation.
<b>The Regulation</b>	The <i>Local Government (General) Regulation 2005</i> .
<b>Voting representative</b>	A voting representative of the board of a joint organisation.
<b>Wholly advisory committee</b>	A Council committee that Council has not delegated any functions to.

**5. POLICY CONTENT****General conduct**

1.1 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 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; or
- g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.

1.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act (*section 439*).

**Fairness and equity**

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

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1.4 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.

1.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 1.3 or 1.4.

**Harassment and discrimination**

1.6 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.

1.7 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**

1.8 You must not engage in bullying behaviour towards others.

1.9 For the purposes of this Policy, "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.

1.10 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; or
- h) pressure to behave in an inappropriate manner.

1.11 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;

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- e) maintaining reasonable workplace goals and standards;
- f) legitimately exercising a regulatory function; or
- g) legitimately implementing a Council policy or administrative processes.

**Work health and safety**

1.12 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 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 Council to ensure workplace health and safety;
- d) cooperate with any reasonable policy or procedure of 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; and
- 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**

1.13 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.

1.14 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**

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

1.16 For the purposes of clause 1.15, 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.

1.17 Clause 1.15 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.

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- 1.18 Clause 1.15 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**

- 1.19 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.

- 1.20 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).

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

- 1.22 If you are a Councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of Council, or of a committee of Council. Without limiting this clause, you must not:
- a) leave a meeting of 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.

- 2.1 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 2.3.

- 2.2 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 2.6.

- 2.3 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.

- 2.4 For the purposes of clause 2.3:
- (a) Your "relative" is any of the following:

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- 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); or
- (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

2.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 2.3(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 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?**

2.6 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 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 Council of an agreement between 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 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

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contracts and agreements as have been made, or as are proposed to be made, by Council in respect of similar matters with other residents of the area:

- i) the performance by 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; or
  - iii) any other service to be rendered, or act to be done, by Council by or under any Act conferring functions on Council, or by or under any contract.
- (j) an interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor);
- (k) an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Mayor and Deputy Mayor) in accordance with a policy under section 252 of the Act;
- (l) an interest relating to an election to the office of Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor;
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person;
- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or a Council committee member; or
- (o) an interest arising from the appointment of a Councillor to a body as a representative or delegate of Council, whether or not a fee or other recompense is payable to the representative or delegate.

2.7 For the purposes of clause 2.6, “relative” has the same meaning as in clause 2.4, but includes your spouse or de facto partner.

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

2.8 Designated persons include:

- (a) the General Manager;
- (b) other senior staff of Council for the purposes of section 332 of the Act;
- (c) a person (other than a member of the senior staff of Council) who is a member of staff of Council or a delegate of Council and who holds a position identified by 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; or
- (d) a person (other than a member of the senior staff of Council) who is a member of a committee of Council identified by 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.

2.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 2.21; and
- (b) must disclose pecuniary interests in accordance with clause 2.10.

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2.10 A designated person must disclose in writing to the General Manager (or if the person is the General Manager, to 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.

2.11 Clause 2.10 does not require a designated person who is a member of staff 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.

2.12 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.

2.13 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 Council and 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?**

2.14 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.

2.15 The staff member's Manager or the General Manager must, on receiving a disclosure under clause 2.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

**What disclosures must be made by Council advisers?**

2.16 A person who, at the request or with the consent of Council or a Council committee, gives advice on any matter at any meeting of 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.

2.17 A person does not breach clause 2.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

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**What disclosures must be made by a Council committee member?**

- 2.18 A Council committee member must disclose pecuniary interests in accordance with clause 2.28 and comply with clause 2.29.
- 2.19 For the purposes of clause 2.18, a "Council committee member" includes a member of staff of Council who is a member of the committee.

**What disclosures must be made by a Councillor?**

- 2.20 A Councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 2.21, and
  - (b) must disclose pecuniary interests in accordance with clause 2.28 and comply with clause 2.29 where it is applicable.

**Disclosure of interests in written returns**

- 2.21 A Councillor or designated person must make and lodge with the General Manager a return in the form set out in schedule 2 to this Policy, disclosing the Councillor's or designated person's interests as specified in schedule 1 to this Policy within 3 months after:
- (a) becoming a Councillor or designated person; and
  - (b) 30 June of each year; and
  - (c) the Councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 2.22 A person need not make and lodge a return under clause 2.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
  - (b) they have ceased to be a Councillor or designated person in the preceding 3 months.
- 2.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 2.24 The General Manager must keep a register of returns required to be made and lodged with the General Manager.
- 2.25 Returns required to be lodged with the General Manager under clause 2.21(a) and (b) must be tabled at the first meeting of Council after the last day the return is required to be lodged.
- 2.26 Returns required to be lodged with the General Manager under clause 2.21(c) must be tabled at the next council meeting after the return is lodged.

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- 2.27 Information contained in returns made and lodged under clause 2.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

**Disclosure of pecuniary interests at meetings**

- 2.28 A Councillor or a Council committee member who has a pecuniary interest in any matter with which Council is concerned, and who is present at a meeting of Council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 2.29 The Councillor or Council committee member must not be present at, or in sight of, the meeting of Council or committee:
- (a) at any time during which the matter is being considered or discussed by Council or committee; or
  - (b) at any time during which Council or committee is voting on any question in relation to the matter.
- 2.30 In the case of a meeting of a Board of a Joint Organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 2.28 and 2.29 where they participate in the meeting by telephone or other electronic means.
- 2.31 A disclosure made at a meeting of a Council or Council committee must be recorded in the minutes of the meeting.
- 2.32 A general notice may be given to the General Manager in writing by a Councillor or a Council committee member to the effect that the Councillor or Council committee member, or the Councillor's or Council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
  - (b) a partner of, or in the employment of, a specified person.

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

- 2.33 A Councillor or a Council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor or Council committee member has an interest in the matter of a kind referred to in clause 2.6.

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- 2.34 A person does not breach clauses 2.28 or 2.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 2.35 Despite clause 2.29, a Councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 2.36 Clause 2.29 does not apply to a Councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
    - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area; or
    - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area; and
  - (b) the pecuniary interest arises only because of an interest of the Councillor in the Councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 2.3) in that person's principal place of residence; and
  - (c) the Councillor made a special disclosure under clause 2.37 in relation to the interest before the commencement of the meeting.
- 2.37 A special disclosure of a pecuniary interest made for the purposes of clause 2.36(c) must:
- (a) be in the form set out in schedule 3 of this Policy 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.
- 2.38 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor or a Council committee member who has a pecuniary interest in a matter with which Council is concerned to be present at a meeting of 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.
- 2.39 A Councillor or a Council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of Council or committee, to take part in the

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consideration or discussion of the matter and to vote on the matter under clause 2.38, must still disclose the interest they have in the matter in accordance with clause 2.28.

- 3.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 2.1 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.
- 3.2 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.
- 3.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 3.2.
- 3.4 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 Policy.
- 3.5 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**

- 3.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 3.2, 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.
- 3.7 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 3.6.
- 3.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

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- 3.9 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 2.1, 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 2.4 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.
  - a) 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.
  - b) 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.
  - c) membership, as 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 Council and the organisation are potentially in conflict in relation to the particular matter
  - d) a financial interest (other than an interest of a type referred to in clause 2.6) that is not a pecuniary interest for the purposes of clause 2.1
  - e) 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.
- 3.10 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 2.28 and 2.29.
- 3.11 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.
- 3.12 If you are a member of staff 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

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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.

3.13 Despite clause 3.10(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.

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

**Political donations**

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

3.16 Where you are a Councillor and have received or knowingly benefitted from a reportable political donation:

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

You must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 2.28 and 2.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

3.17 For the purposes of this part:

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

3.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 3.9 and take the appropriate action to manage them.

3.19 Despite clause 3.16, a Councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

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

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- 3.20 A Councillor who would otherwise be precluded from participating in the consideration of a matter under this part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
    - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area; or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area; and
  - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
  - c) the Councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 3.6.
- 3.21 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor or a Council committee member who is precluded under this part from participating in the consideration of a matter to be present at a meeting of 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.
- 3.22 Where the Minister exempts a Councillor or committee member from complying with a requirement under this part under clause 3.21, the Councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 3.6.
- Other business or employment**
- 3.23 The General Manager must not engage, for remuneration, in private employment, contract work or other business outside the service of Council without the approval of Council.
- 3.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of Council that relates to the business of 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.
- 3.25 The General Manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of Council that relates to the business of Council, or that might conflict with the staff member's Council duties.

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- 3.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council if prohibited from doing so.
- 3.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties;
  - b) involve using confidential information or Council resources obtained through their work with Council including where private use is permitted;
  - c) require them to work while on Council duty;
  - d) discredit or disadvantage Council; and
  - 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**

- 3.28 You may have reason to deal with 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.
- 3.29 You must undertake any personal dealings you have with Council in a manner that is consistent with the way other members of the community deal with 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.
- 4.1 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.
- 4.2 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 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 Council to an employee or Councillor
  - e) attendance by a Council official at a work-related event or function for the purposes of performing their official duties; or
  - f) free or subsidised meals, beverages or refreshments provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
    - i) the discussion of official business
    - ii) work-related events such as Council-sponsored or community events, training, education sessions or workshops
    - iii) conferences
    - iv) Council functions or events
    - v) social functions organised by groups, such as Council committees and community organisations.

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**Gifts and benefits**

- 4.3 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 Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 4.4 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?**

- 4.5 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 4.7, accept any gift or benefit of more than token value as defined by clause 4.9;
  - e) accept an offer of cash or a cash-like gift as defined by clause 4.13, 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; or
  - g) personally benefit from reward points programs when purchasing on behalf of Council.
- 4.6 Where you receive a gift or benefit of any value other than one referred to in clause 4.2, 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.
- 4.7 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 Council, unless the nature of the gift or benefit makes this impractical.

**Gifts and benefits of token value**

- 4.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100;
  - b) gifts of alcohol that do not exceed a value of \$100;
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like; and

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- d) prizes or awards that do not exceed \$100 in value.

**Gifts and benefits of more than token value**

- 4.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 4.5(d) and, subject to clause 4.7, must not be accepted.
- 4.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 4.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 4.12 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”**

- 4.13 For the purposes of clause 4.5(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**

- 4.14 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 Act.
- 4.15 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.
- 5.1 Council is a body politic. The Councillors or Administrator/s are the governing body of Council. Under section 223 of the Act, the role of the governing body of Council includes the development and endorsement of the strategic plans, programs, strategies and policies of Council, including those relating to workforce policy, and to keep the performance of Council under review.

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**5.2 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 Act;
- b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff or a delegate of Council in the exercise of the functions of the staff member or delegate;
- c) contact a member of the staff 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 Council and the General Manager; or
- d) contact or issue instructions to any of Council's contractors, including Council's legal advisers, unless by the Mayor or Administrator exercising their functions under section 226 of the Act.

**5.3** Despite clause 5.2, Councillors may contact the Council's external auditor or the Chair of Council's Audit, Risk & Improvement committee to provide information reasonably necessary for the external auditor or the Audit, Risk & Improvement committee to effectively perform their functions.**Obligations of staff****5.4** Under section 335 of the Act, the role of the General Manager includes conducting the day-to-day management of Council in accordance with the strategic plans, programs, strategies and policies of Council, implementing without undue delay, lawful decisions of 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.**5.5** Members of staff of must:

- a) give their attention to the business of 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 Council, whether or not the staff member agrees with or approves of them; and
- e) ensure that any participation in political activities outside the service of Council does not interfere with the performance of their official duties.

**Inappropriate interactions****5.6** 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 6.6, Council staff refusing to give information that is available to other Councillors to a particular Councillor;

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- d) Councillors and Administrators who have lodged an application with Council, discussing the matter with Council staff in staff-only areas of Council;
  - e) Councillors and Administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the Councillor or Administrator has a right to be heard by the panel at the meeting;
  - f) Councillors and Administrators being overbearing or threatening to Council staff;
  - g) Council staff being overbearing or threatening to Councillors or Administrators;
  - h) Councillors and Administrators making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media;
  - i) Councillors and Administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make;
  - j) Council staff providing ad hoc advice to Councillors and Administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community;
  - k) Council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals;
  - l) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor or Administrator, unless they are exercising their functions under section 226 of the Act.
- 6.1 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).
- 6.2 The General Manager must provide Councillors and Administrators with the information necessary to effectively discharge their official functions.
- 6.3 Members of staff 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.
- 6.4 Members of staff 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.
- 6.5 Councillors and Administrators who have a private interest only in Council information have the same rights of access as any member of the public.

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- 6.6 Despite clause 6.4, 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 Council has determined to make the information available under the GIPA act.

**Councillors and administrators to properly examine and consider information**

- 6.7 Councillors and Administrators must ensure that they comply with their duty under section 439 of the Act 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**

- 6.8 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**

- 6.9 In regard to information obtained in your capacity as a Council official, you must:
- a) subject to clause 6.14, only access Council information needed for Council business;
  - b) not use that Council information for private purposes;
  - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with Council; and
  - 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**

- 6.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 6.11 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; and
  - g) not disclose any confidential information discussed during a confidential session of a Council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

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**Personal information**

6.12 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; and
- e) the Privacy Code of Practice for Local Government

**Use of Council resources**

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

6.14 Union delegates and consultative committee members may have reasonable access to Council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

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

6.15 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

6.16 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

6.17 You must not use Council resources (including Council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

6.18 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:

- a) for the purpose of assisting your election campaign or the election campaign of others; or
- b) for other non-official purposes.

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6.19 You must not convert any property of Council to your own use unless properly authorised.

**Internet access**

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

**Council record keeping**

6.21 You must comply with the requirements of the *State Records Act 1998* and Council's records management policy.

6.22 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.

6.23 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.

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

**Councillor access to Council buildings**

6.25 Councillors and Administrators are entitled to have access to the Council chamber, committee room, Mayor's office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours and for meetings. Councillors and Administrators needing access to these facilities at other times must obtain authority from the General Manager.

6.26 Councillors and Administrators must not enter Staff-only areas of Council buildings without the approval of the General Manager (or their delegate) or as provided for in the procedures governing the interaction of Councillors and Council staff.

6.27 Councillors and Administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence Council staff decisions.

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- 7.1 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.
- 7.2 For the purposes of clause 7.1, 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; or
  - i) To prevent or disrupt the effective administration of this code under the procedures.

**Detrimental action**

- 7.3 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 Policy.
- 7.4 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.
- 7.5 For the purposes of clauses 7.3 and 7.4, 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; and
  - e) disciplinary proceedings.

**Compliance with requirements under the Procedures**

- 7.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the procedures.
- 7.7 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.
- 7.8 You must comply with a practice ruling made by the OLG under the procedures.

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

- 7.9 All allegations of breaches of this Policy must be dealt with under and in accordance with the procedures.
- 7.10 You must not allege breaches of this Policy other than by way of a complaint made or initiated under the procedures.
- 7.11 You must not make allegations about, or disclose information about, suspected breaches of this Policy at Council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 7.12 You must not disclose information about a complaint you have made alleging a breach of this Policy or any other matter being considered under the procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the procedures.
- 7.13 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**

- 7.14 Complaints alleging a breach of this part by a Councillor, the General Manager or an Administrator are to be managed by the OLG. This clause does not prevent the OLG from referring an alleged breach of this part back to Council for consideration in accordance with the procedures.
- 7.15 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 4.21****Part 1: Preliminary****Definitions**

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

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the Councillor or designated person disclosing the address, or

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- 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; and
- 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.

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*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 2.21(a), the date on which a person became a Councillor or designated person;
- b) in the case of a return made under clause 2.21(b), 30 June of the year in which the return is made; or
- c) in the case of a return made under clause 2.21(c), the date on which the Councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

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

*travel* includes accommodation incidental to a journey.

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

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

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**Part 2: Pecuniary interests to be disclosed in returns****Real property**

5. A person making a return under clause 2.21 of this code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date; and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year; and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy; or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a Councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

**Gifts**

9. A person making a return under clause 2.21 of this code must disclose:
  - a) a description of each gift received in the period since 30 June of the previous financial year; and
  - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
  - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less; or
  - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*; or
  - c) the donor was a relative of the donee; or
  - d) subject to paragraph (a), it was received prior to the person becoming a Councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

**Contributions to travel**

12. A person making a return under clause 2.21 of this code must disclose:
  - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year; and

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- b) the dates on which the travel was undertaken; and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
  - b) was made by a relative of the traveller; or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return; or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less; or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a Councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.
- Interests and positions in corporations**
15. A person making a return under clause 2.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year; and
  - c) the nature of the interest, or the position held, in each of the corporations; and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose; and
  - b) required to apply its profits or other income in promoting its objects; and
  - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a Councillor or designated person.

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

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19. A person making a return under clause 2.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

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

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

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

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

21. A person making a return under clause 2.21 of the code must disclose:

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

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

**Dispositions of real property**

23. A person making a return under clause 2.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 2.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

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

**Sources of income**

26. A person making a return under clause 2.21 of this code must disclose:

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

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27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
    - (i) a description of the occupation; and
    - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office; and
    - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted; or
  - b) in relation to income from a trust, the name and address of the settlor and the trustee; or
  - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a Councillor or designated person need not be disclosed.
30. A fee paid to a Councillor or to the Mayor or Deputy Mayor under sections 248 or 249 of the Act need not be disclosed.

**Debts**

31. A person making a return under clause 2.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date; and
  - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 2.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be; and
    - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
  - b) the person was liable to pay the debt to a relative; or
  - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender; or

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- d) in the case of a debt arising from the supply of goods or services:
  - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be; or
  - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return; or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a Councillor or designated person.

**Discretionary disclosures**

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

**SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 2.21****'Disclosures by Councillors and designated persons' return**

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the General Manager after becoming a Councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Councillor or designated person.
3. If you have previously lodged a return with the General Manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the General Manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a Councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the General Manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

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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 2.21 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 2.23 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 2.21 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 Nature of interest the return date/at any time since 30 June

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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 partnership applicable)	Name under which 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 contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

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

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

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

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

**H. Debts**

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

**I. Dispositions of property**

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

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

**J. Discretionary disclosures**

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**SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 2.37**

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

**Important information**

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 2.36(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 2.3 of the Code of Conduct Policy) has in that person's principal place of residence.

Clause 2.3 of the Code of Conduct Policy 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 2.4 of the Code of Conduct Policy as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

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

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

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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	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>1</sup> <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>	

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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]

**6. RELATED DOCUMENTS & LEGISLATION**Legislation

- Local Government Act 1993 (NSW)
- Local Government (General) Regulation 2021
- Environmental Planning & Assessment Act 1979 (NSW)
- Work Health & Safety Act 2009 (NSW)
- Public Interest Disclosure Act 1994 (NSW)
- Government Information (Public Access) Act 2009 (NSW)
- Electoral Funding Act 2018 (NSW)
- Privacy & Personal Information Protection Act 1998 (NSW)
- Health Records & Information Privacy Act 2002 (NSW)
- State Records Act 1998 (NSW)

Council Policies

- GOV001 - Gifts & Benefits Policy
- GOV002 – Use of Communication Devices
- GOV004 – Internal Reporting Policy
- GOV007 – Privacy Management Policy
- GOV008 – Public Access to Information Held by Council Policy

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- GOV010 – Provision of Facilities & Payment of Expenses Policy
- GOV011 – Councillor and Staff Interaction
- GOV022 – Legislative Compliance Policy
- GOV023 – Conflicts of Interest Policy
- WR007 – Designated Officers of Council Policy

**Council Document**

- Legislative Compliance Framework
- Governance Framework
- Gifts and Benefits Register
- Conflict of Interest Register
- Privacy Management Plan
- Secondary Employment Policy (Operational)
- Records & Information Management Policy (Operational)

**7. ATTACHMENTS**

The *Procedures for the Administration of Wentworth Shire Council's Code of Conduct Policy*.

**8. DOCUMENT APPROVAL**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

**General Manager Wentworth Shire Council**

[Click here to enter a date.](#)

**Date**

# **Procedures for the Administration of Wentworth Shire Council's Code of Conduct Policy**

**2022**

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## PART 1 INTRODUCTION

These procedures (“the 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 Act”) and the *Local Government (General) Regulation 2021* (“the Regulation”). Section 440 of the Act 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 Act and the Regulation. Section 440AA of the Act 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 Act other than an administrator appointed under section 66.
Code of conduct	a code of conduct adopted under section 440 of the Act.

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 policy by Councillors or the General Manager.
Council	includes county councils and joint organisations.
Council committee	a committee established by Council comprising of Councillors, staff or other persons that Council has delegated functions to and Council's Audit, Risk and Improvement committee.
Council committee member	a person other than a Councillor or member of staff 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 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, Administrator, Council committee member, delegate of Council and, for the purposes of clause 2.16 of the Code of Conduct Policy, Council adviser.

Delegate of council	a person (other than a Councillor or member of staff) or body, and the individual members of that body, to whom a function of the Council is delegated.
External agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police.
General Manager	includes the executive officer of a joint organisation.
ICAC	the Independent Commission Against Corruption.
Joint organisation	a joint organisation established under section 400O of the Act.
The Act	the <i>Local Government Act 1993</i> .
Mayor	includes the chairperson of a county council or a joint organisation.
Members of staff	includes members of staff of county councils and joint organisations.
the OLG	the Office of Local Government.
Investigator	a conduct reviewer.
The Regulation	the <i>Local Government (General) Regulation 2021</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 Council must establish a panel of conduct reviewers.

- 3.2 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 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 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 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 Council's panel of conduct reviewers where 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 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, 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 Council may be a member of subsequent panels of conduct reviewers established by 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 Council who is the nominated internal ombudsman of one or more councils may be appointed to Council's panel of conduct reviewers with the OLG's consent.
- 3.14 To be appointed to 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 Council's panel of conduct reviewers may also exercise the functions of Council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is Council's complaints coordinator and has been appointed to 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 Council's panel of conduct reviewers.

#### The appointment of complaints coordinators

- 3.17 The General Manager must appoint a member of staff of 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 council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The General Manager may appoint other members of staff 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 Council's Code of Conduct Policy
  - b) liaise with and provide administrative support to a conduct reviewer
  - c) liaise with the OLG, 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 Council's Code of Conduct Policy 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 Council or a Council official;
  - b) complaints that relate solely to the merits of a decision made by Council or a Council official or the exercise of a discretion by Council or a Council official;
  - c) complaints about the policies or procedures of Council; or
  - 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 Council's Code of Conduct Policy.
- 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 Council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the General Manager or their delegate, or, in the case of a complaint about the General Manager, the Mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the Code of Conduct Policy.

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 Council's Code of Conduct Policy, 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 Council's Code of Conduct Policy by the General Manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

### Delegation by the General Manager and the Mayor of their functions under this Part

- 5.1 The General Manager or Mayor may delegate their functions under this Part to a member of staff or to a person or persons external to 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 the General Manager and the Mayor

- 5.2 In exercising their functions under this Part, the General Manager and the Mayor 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 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 Council's Code of Conduct Policy 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 (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 2 of the Code of Conduct Policy) and for determining the outcome of such complaints.
- 5.5 The General Manager must refer code of conduct complaints about members of staff alleging a breach of the pecuniary interest provisions contained in Part 2 of the Code of Conduct Policy to the OLG.
- 5.6 The General Manager may decide to take no action in relation to a code of conduct complaint about a member of staff other than one requiring referral to the OLG 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, 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 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 Policy 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 2 of the Code of Conduct Policy) 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 2 of the Code of Conduct Policy to the OLG.
- 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 OLG 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 Council's Code of Conduct Policy.
- 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 Policy 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; or
  - 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; or
  - c) prosecution for any breach of the law; or
  - d) removing or restricting the person's delegation; or
  - 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 Council's Code of Conduct Policy 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 OLG 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 OLG:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 2 of the Code of Conduct Policy
  - 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 Act)
  - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the Code of Conduct Policy contained in Part 7 of the code of conduct
  - d) complaints that are the subject of a special complaints management arrangement with the OLG under clause 5.49.
- 5.21 Where the General Manager refers a complaint to the OLG 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 OLG 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 OLG 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 Council's Code of Conduct Policy.

- 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 OLG 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 OLG:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 2 of the Code of Conduct Policy
  - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the Code of Conduct Policy contained in Part 7 of the Code of Conduct Policy
  - c) complaints that are the subject of a special complaints management arrangement with the OLG under clause 5.49.
- 5.28 Where the Mayor refers a complaint to the OLG 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 OLG 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 OLG 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 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 OLG 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 other than the General Manager where the allegation is not serious, or to a person external to 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 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, 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 OLG 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 OLG enter into a special complaints management arrangement with Council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the OLG 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 Council's administration of its Code of Conduct Policy, or
  - b) impeded or disrupted the effective administration by Council of its Code of Conduct Policy, or
  - c) impeded or disrupted the effective functioning of 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 OLG 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 OLG (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 OLG 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 Council, or
  - b) a panel of conduct reviewers established by an organisation approved by the OLG.
- 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 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 Council's legal service provider or are a member of a panel of legal service providers appointed by 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 3.2 of the Code of Conduct Policy).

- 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 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; or
  - 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; or

- 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; or
  - d) to refer the matter to an external agency; or
  - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the OLG any complaints referred to them that should have been referred to the OLG 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 Council's Code of Conduct Policy.
- 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 Act 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 Act 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 Council;
- b) the likely impact of the alleged conduct on the reputation of Council and public confidence in it;
- c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence; and
- 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 Council's Code of Conduct Policy
- 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 Council's Code of Conduct Policy;
- 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 Council
- n) how much time has passed since the alleged conduct occurred; and
- 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 Policy that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the General Manager, or, in the case of alleged conduct on the part of the General Manager, to the Mayor.
- 7.3 The General Manager or the Mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

### How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
- a) disclose the substance of the allegations against the respondent; and
  - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct; and
  - c) advise of the process to be followed in investigating the matter; and
  - d) advise the respondent of the requirement to maintain confidentiality; and
  - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice; and
  - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.

- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the complainant, the complaints coordinator and the mayor. The notice must:
- a) advise them of the matter the investigator is investigating; and
  - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality; and
  - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

#### Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

### How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
  - a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour; or
  - b) refer the matter to the General Manager, or, in the case of a complaint about the General Manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour; or
  - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the Council's Code of Conduct Policy.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about

the General Manager, to the respondent, the complainant, the complaints coordinator and the Mayor, discontinue their investigation of the matter.

- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

#### Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

### Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
  - b) make a determination that the conduct investigated either,
    - i. constitutes a breach of the Code of Conduct Policy, or
    - ii. does not constitute a breach of the Code of Conduct Policy, 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 Policy 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; and
  - j) any recommendations.
- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the Code of Conduct Policy, 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 Act; 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 Act; and
  - ii. that the matter be referred to the OLG for further action under the misconduct provisions of the Act.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the OLG on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the OLG into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the Code of Conduct Policy, the investigator may, in addition to making a recommendation under clause 7.37, recommend that 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 Policy, the investigator may recommend:
  - a) that the Council revise any of its policies, practices or procedures; or
  - 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 Policy, 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 Policy 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 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 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 OLG for its consideration instead of reporting it to Council under clause 7.44.

#### Consideration of the final investigation report by Council

- 7.46 The role of 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 Policy and has made a recommendation in their final report under clause 7.37.
- 7.47 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 Act.
- 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 Policy.
- 7.49 Prior to imposing a sanction, Council must provide the respondent with an opportunity to make a submission to 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 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, 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 OLG in relation to the report.
- 7.53 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 OLG.
- 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 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 Council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 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 Act; 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 Act, and
    - ii. that the matter be referred to the OLG for further action under the misconduct provisions of the Act.
- 7.59 Where Council censures a Councillor under section 440G of the Act, 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 Council considers may be relevant or appropriate.
- 7.60 Council is not obliged to adopt the investigator's recommendation. Where Council proposes not to adopt the investigator's recommendation, Council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where Council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the OLG of Council's decision and the reasons for it.

## **PART 8      OVERSIGHT AND RIGHTS OF REVIEW**

### The OLG's powers of review

- 8.1 The OLG may, at any time, whether or not in response to a request, review the consideration of a matter under Council's Code of Conduct Policy 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 Policy in their consideration of a matter.

- 8.2 The OLG may direct any person, including Council, to defer taking further action in relation to a matter under consideration under 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 OLG 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 OLG 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 OLG 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 OLG to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the OLG receives a request in writing for a practice ruling, the OLG 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 OLG makes a practice ruling, all parties must comply with it.
- 8.10 The OLG may decline to make a practice ruling. Where the OLG 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 OLG.
- 8.12 A review under clause 8.11 may be sought on the following grounds:

- a) that the investigator has failed to comply with a requirement under these procedures; or
- b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the Code of Conduct Policy; or
- c) that in imposing its sanction, Council has failed to comply with a requirement under these procedures.

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

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

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

8.16 The OLG will undertake a review of the matter on the papers. However, the OLG may request that the complaints coordinator provide such further information that the OLG 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 OLG.

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

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

8.19 Where the OLG considers that the investigator or Council has erred, the OLG may recommend that a decision to impose a sanction under these procedures be reviewed. Where the OLG recommends that the decision to impose a sanction be reviewed:

- a) the complaints coordinator must, where practicable, arrange for the OLG'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) council must:
  - i. review its decision to impose the sanction; and
  - ii. consider the OLG'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), Council resolves to reaffirm its previous decision, 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 Policy, except as may be otherwise specifically provided under the Code of Conduct Policy.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature; or
  - b) reasonable steps are taken to correct the non-compliance; or
  - c) reasonable steps are taken to address the consequences of the non-compliance.

## **PART 10 PRACTICE DIRECTIONS**

- 10.1 The OLG may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The OLG 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 OLG's practice directions when performing the function.

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

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to 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 OLG 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 Council is to provide the OLG 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 OLG, 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 OLG's consent under clause 12.2, the General Manager or their delegate must give the complainant written notice of their intention to seek the OLG'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 OLG 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 OLG, 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.

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: GOV013****ENTERPRISE RISK MANAGEMENT POLICY**

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**POLICY OBJECTIVE**

This Official Council Policy deals with the management of risk across all activities associated with Wentworth Shire Council.

Effective Enterprise Risk Management (ERM) contributes to improving business and organisational outcomes through:

- increasing the likelihood of achieving the goals set out in the Council's Community Strategic Plan, Delivery Program, Operational Plan and other strategies;
- improved and consistent decision-making and planning;
- an effective alignment between strategic goals (as per the Delivery Program) and operational activities;
- a more conscious and effective risk-taking culture;
- more effective and efficient allocation and use of resources;
- improving loss prevention and incident management;
- improving organisational ability to meet relevant legal and regulatory requirements; and
- improving organisational resilience.

To that effect the objectives of this policy is to:

- Outline Council's commitment to an integrated approach to the management of risk in all forms which may have an adverse effect on achieving Council's objectives;
- Acknowledge that managing risk is part of governance and leadership, and is fundamental to how Council is managed at all levels;
- Integrate risk management into Council's decision making to assist in making informed choices for the benefit of the organisation, the Wentworth Community and our stakeholders; and
- Promote an atmosphere of risk awareness and willingness to manage risk at all levels of the organisation.

**1. POLICY STATEMENT**

The intent of this policy is to provide a common approach to managing strategic and operational risks across the organisation.

Wentworth Shire is committed to safeguarding the community, managing Council's resources effectively and achieving the goals as outlined in Council's Community Strategic Plan.

As such, Council will take a structured and integrated approach to the management of its risks, where a risk is defined as *"the effect of uncertainty on objectives"*. This definition can include any threat or opportunity that could potentially prevent, delay or impede Council from meeting its planned objectives, or conversely, potentially improve the potential for success. Through the Enterprise Risk Management Framework (including this policy), Council will address these threats and opportunities through:

- Having an integrated approach to the identification, management and mitigation of risk in all forms;
- Ensuring that the management of risk is an integral part of Council's decision making, functions, operations and processes; and
- Promoting a workplace culture of risk awareness including ensuring that Council employees and contractors have the knowledge and tools to manage risk.

**Wentworth Shire Council**

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**Council Policy No: GOV013****ENTERPRISE RISK MANAGEMENT POLICY****2. POLICY COVERAGE**

This risk management policy demonstrates Council's commitment to the proactive management of risk at both a Council and Organisational level and applies to all Councillors, Staff, Contractors and Volunteers.

**3. STRATEGIC PLAN LINK**

Objective: Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future.

Strategy: Provide strong and effective representation, leadership, planning, decision-making and service delivery.

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
<b>Risk</b>	The effect of uncertainty on objectives. Effect is a deviation from the expected. It can be positive, negative or both and can address, create or result in opportunities and threats.
<b>Council</b>	The elected members that make up the Council of the Shire of Wentworth. In the context of the Guidelines, Council has the equivalent meaning of a board or oversight body.
<b>The Organisation</b>	The General Manager and staff of the Wentworth Shire Council.
<b>Management</b>	The Executive Management Team led by the General Manager.
<b>Strategic Risk</b>	Have the potential to affect Council's strategic direction, usually from a source external to Council. These risks could have an adverse or beneficial impact on Council's pursuit of its objectives and should be continually addressed and monitored.
<b>Operational Risk</b>	Have the potential to disrupt Council's pursuit of its objectives through the day to day operations of Council. The disruption could be adverse or beneficial and should be continually addressed and monitored.

**5. POLICY CONTENT**Governing Standards

Wentworth Shire Council's approach to risk management is based on the following eight principles from the Risk Management Standard: AS ISO 31000:2018:

- risk management is **integrated** into all organisational activities and decision-making processes;
- risk management is a **structured and comprehensive** process that achieves consistent and comparable results;
- the risk management framework and process is **customised** to the organisation;
- risk management is **inclusive** of all stakeholders and enables their knowledge, views and perceptions to be considered;
- risk management is **dynamic** and able to respond to changes and events in an appropriate and timely manner;

## Wentworth Shire Council

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**ENTERPRISE RISK MANAGEMENT POLICY**

- risk management decisions are based on the **best available information** and takes into account any limitations and uncertainties;
- risk management considers **human and cultural factors**; and
- risk management is continuously and periodically **evaluated and improved** through learning and experience.

Leadership and Commitment

- Council is committed to the formal, systematic, structured and proactive management of risks across all aspects of the organisation, including council itself;
- Council recognises that risk management is a part of, and not separate from, the organisation's purpose, governance, leadership and commitment, strategy, objectives and operations;
- Council will ensure that risks are adequately considered when exercising the functions prescribed to it in the Local Government Act;
- Council will ensure that risk management processes are in place to enable it to consider all risks that could affect council's ability to meet its goals, including risks that cannot be insured, for example, council's reputation and culture;
- Council will actively encourage the integration of risk management across the strategic and operational functions of the whole organisation, considering any interdependencies that could reduce losses or maximise growth opportunities;
- Council will continually improve its risk management performance by periodically reviewing and evaluating the suitability, adequacy and effectiveness of its ERM framework and associated practices;
- Council will encourage an open and transparent risk culture in which risks are identified, analysed and reported, so that they can be managed effectively. "Openness in culture refers to the capacity within the organisation to express divergent views and the willingness of staff to report issues. Transparency refers to being clear and unambiguous about the organisation's structure, operational and performance, both externally and internally, and maintaining a genuine dialogue with, and providing insight to, legitimate stakeholders and the community generally; and
- In accordance with section 428A of the Local Government Act Council will establish an Independent Audit, Risk & Improvement Committee to continuously review and provide independent advice to the General Manager and the Council. Council will adopt and comply with the Internal Audit Charter and the Committee will act in accordance with its Terms of Reference.

Risk Categories

Given that organisations can face many risks it is helpful to group and categorise risk to assist in a) identifying trends, b) addressing risks holistically and c) tailoring reportable risks. The following six (6) Risk Management Categories will be used for monitoring and reporting purposes:

Risk Management Category	Definition
People Risks	This category includes WHS risks along with recruitment and HR risks (including pandemic and infectious diseases)
Reputational Risks	The underlying drivers of reputational risk are related to ethics and integrity, such as fraud, bribery and corruption;

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## ENTERPRISE RISK MANAGEMENT POLICY

	security risk, both physical and cyber; product and service risks, such as safety, health and the environment and third-party relationships, with organisations increasingly being held accountable for the actions of their suppliers and vendors.
Legal, Regulatory and Political Risks	This category includes litigation risk, public liability risks, risks arising from contentious issues, risks arising from public interest disclosures etc.
Financial Risks	This category includes the risk of financial fraud, investment and borrowing risks;
Security and Operational Risks	Risk arising from Cyber security; security of assets, disruption to operations
Natural and Environmental Risks	Risks from fire, flood, storm and tempest. Damage to the environment through natural or man-made events (eg mining)

Risk Appetite Statement

In exercising its functions under the *Local Government Act 1993*, Council has an appetite for accepting risk that appropriately balances the rights, expectations and quality of life of the people it serves, with the obligations: a) to provide a safe working environment for its staff, and b) to provide continuity and sustainability in the provision of services and growth of the organisation.

As such appetite for taking risk can vary across these different areas, therefore Council's risk appetite statements have been developed against each of Council's risk categories. These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk, in pursuit of its objectives.

These statements use a four-level ordinal scale to indicate the amount of risk Council is willing to take or retain for each category. The four levels are as follows:

- **Avoid** – (little to no appetite) – Avoidance of adverse exposure to risks even when outcome benefits are higher;
- **Resistant** – (small appetite) – A general preference for safer options with only small amounts of adverse exposure;
- **Accept** – (medium appetite) – Options selected based on outcome delivery with a reasonable degree of protection; and
- **Receptive** – (larger appetite) – Engagement with risk based more on outcome benefits than potential exposure.

Each category has been given a primary and a secondary appetite. These positions are defined as follows:

- **Primary Appetite** – Indicates a general appetite for taking or retaining risk for the given risk category.
- **Secondary Appetite** – Indicates an appetite by exception position for taking or retaining risk in specific circumstances

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**ENTERPRISE RISK MANAGEMENT POLICY**

Council expects the General Manager to provide it with ongoing assurance that the organisation has suitable processes in place to appropriately identify and manage all strategic and operational, within the following tolerance levels:

Risk Category	Risk Appetite Statement
Reputational	Council is responsible for making decisions that adequately service the community as a whole, but is aware that all decision carry a degree of risk that segments of the community will disagree with. Consequently, in the current operating environment Council is willing to <b>Accept</b> risk where there is a reasonable degree of protection for achieving the desired outcome. However, in some circumstances Council's appetite will become more <b>Resistant</b> to risk exposure and Council will actively attempt to limit adverse risk exposures.
Financial	As a general position Council is <b>Resistant</b> to taking risks in its financial activities to achieve its objectives and prefers to take safer options in order to ensure long term financial sustainability. Council will, however <b>Accept</b> some risk to ensure outcome delivery where reasonable protections are in place.
Natural & Environmental	In consideration of its commitment to the natural environment of the Wentworth Shire, Council tends to be <b>Resistant</b> to taking risk in pursuit of its environmental objectives and prefers to limit its risk exposures whilst maintaining the environmental resilience of the region. With the exception of very specific circumstances, Council's appetite for taking risk does not change, and Council remains <b>Resistant</b> to large risk exposures and prefers safer options.
Security & Operational	As a general position, Council is willing to <b>Accept</b> appropriate levels of risk with regard to the delivery of services in the Wentworth Shire as long as the focus remains on outcome delivery and reasonable protections can be maintained. However, in specific circumstances, for short periods, Council will adopt a more conservative position and endeavour to <b>Avoid</b> decisions that would adversely increase its exposure.
Legal, Regulatory & Political	Council is <b>Resistant</b> to taking on, or retaining risk relating to its Legal, Regulatory and Political processes. Council will seek, practicable options that limit exposure in this area. In some circumstances Council will be more conservative and prefer to <b>Avoid</b> risk exposure even if the potential for favourable outcome benefits is considered to be high.
People	In consideration of Council's commitment to its staff, stakeholders and the wider Wentworth Community, it is willing to <b>Accept</b> some risk to achieve outcome delivery where reasonable protections are in place for the ongoing wellbeing and resilience of Council and these groups. With the exception of very specific circumstances, Council's appetite for taking risk does not change, and Council remains willing to <b>Accept</b> risk and potential exposure to advance the cause of its staff and stakeholder wellbeing.

Council's expectation is that management will keep Council informed about the controls being implemented to safeguard it against any adverse effects of the risks outlined above.

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**Council Policy No: GOV013****ENTERPRISE RISK MANAGEMENT POLICY**Integration of Risk Management

Council is committed to ensuring that Risk Management is an integral part of strategic decision making and operational management. Council requires the General Manager to:

- a) ensure that the Principles of Risk Management are embedded into practices and processes across the organisation;
- b) keep Council informed about risks that fall outside council's tolerance levels and advise council on the controls being implemented for those risks;
- c) guide Council in its decision making by considering risk management issues in Council reports;
- d) guide Council in determining appropriate levels of funding, training and resources required to undertake risk management activities;
- e) develop and implement a Risk Management Plan that provides structure for how the organisation will implement this policy and conduct its risk management activities;
- f) embed key controls to manage risks into business processes;
- g) establish appropriate mechanisms for measuring and reporting risk management performance to the Audit, Risk & Improvement Committee; and
- h) communicate risk management policies, plans and issues to staff and other stakeholders

Risk Considerations by Council

To assist Council in making informed decisions the General Manager is to ensure that risk implications are included in all reports when necessary and that appropriate controls have been implemented to manage those risks within the acceptable risk tolerances set by Council.

Review, Monitoring and Continuous Improvement

In line with the Office of Local Government's Internal Audit guidelines, Council's expectation is that the General Manager will implement "the three lines of defence" model which will include:

- **Continuous Monitoring** – at this level, risk controls are routinely checked against parameters, for example, bank reconciliations, peer review of processes
- **Line Management review** – subject to selection, and typically based on raw-risk rating. Line management may perform self-assessments and quality reviews on risks and their risk treatments
- **Independent review** – Performed by internal and external audit staff, the level of assurance should be based on testing systems rather than conditions. Both the scope and frequency of testing should be lower than the first two categories.

Accountabilities and Responsibilities

Positions	Accountabilities and Responsibilities
Mayor & Councillors	<ul style="list-style-type: none"> <li>• In consultation with the Executive Management Team and the Audit, Risk &amp; Improvement Committee               <ul style="list-style-type: none"> <li>○ Approves Council's appetite for taking and/or retaining risk;</li> <li>○ Approves Council's Enterprise Risk Management Framework with consideration of the risk appetite and the threats and opportunities to Council from that framework;</li> <li>○ Approves the strategic goals required to achieve the Framework and clearly articulates the critical success factors in achieving those strategic goals; and</li> <li>○ Articulates, the strategic risks (threat and opportunity) to Council from the objectives and strategy.</li> </ul> </li> </ul>

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**ENTERPRISE RISK MANAGEMENT POLICY**

	<ul style="list-style-type: none"> <li>Requires the Executive Management Team to actively manage strategic risks and report frequently on their status;</li> <li>Recognises their responsibilities for making informed decisions that take into consideration the associated risks and opportunities; and</li> <li>Actively supports the implementation of the Enterprise Risk Management Policy and the Enterprise Risk Management Plan.</li> </ul>
Audit, Risk & Improvement Committee	<ul style="list-style-type: none"> <li>Independent review and oversight of Council's governance, risk management and control activities;</li> <li>Oversight of risk management at Council and the Internal Audit function; and</li> <li>Requires the periodic review of Council's strategic and other significant operational risks to ensure appropriate risk treatment/controls have been implemented and to maintain effectiveness</li> </ul>
Internal Audit	<ul style="list-style-type: none"> <li>Risk assurance to the Audit, Risk &amp; Improvement Committee and the General Manager through execution of the annual internal audit plan.</li> </ul>
General Manager	<p>The General Manager has overall accountability for Risk Management across Council and is therefore responsible for:</p> <ul style="list-style-type: none"> <li>Demonstrating a commitment to Enterprise Risk Management;</li> <li>Establishment of the Enterprise Risk Management capability within Council and leads the conversation about risk – Council's chief "Risk Champion";</li> <li>Setting the tone, culture and expectations for Enterprise Risk Management activities, and assigns appropriate responsibilities to the Executive Management Team;</li> <li>Exercising due diligence;</li> <li>Ensuring the implementation and ongoing evaluation of appropriate risk management systems;</li> <li>Ensuring that a safe and healthy working environment is provided and maintained in all situations and at all Council sites; and</li> <li>Ensuring adequacy of resources for risk management activities and sets appropriate delegations for risk management activities.</li> </ul>
Executive Management Team	<ul style="list-style-type: none"> <li>Accountable for ownership and management of risks in their respective areas;</li> <li>Creates an environment where managing risk is an accepted and expected part of normal operations;</li> <li>Accountable for the effective implementation and continual improvement of the Enterprise Risk Management Plan;</li> <li>Implements monitoring and management of relevant performance measures for strategic goal's critical success factors within their area of responsibility;</li> <li>Ensures that strategic and significant risks are reported in accordance with the Enterprise Risk Management reporting requirements; and</li> <li>Recommends recurrent and discretionary allocation of funding to the broader Executive Management Team, for the purpose of managing risks identified as priority in accordance with the Enterprise Risk Management Plan.</li> </ul>

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**Council Policy No: GOV013****ENTERPRISE RISK MANAGEMENT POLICY**

Delegated Manager	Risk	<ul style="list-style-type: none"> <li>• Leading the Risk Management Function;</li> <li>• Responsible for developing, implementing and managing an Enterprise Risk Management Framework that is fit for purpose;</li> <li>• Responsible for reporting strategic risks and certain residual risks to the Audit, Risk &amp; Improvement Committee; and</li> <li>• Supporting the organisation to manage its risks through: <ul style="list-style-type: none"> <li>○ Provision of risk management advice and guidance to staff, and</li> <li>○ Custody and maintenance of the Enterprise Risk Management Framework.</li> </ul> </li> </ul>
Department Managers		<ul style="list-style-type: none"> <li>• Accountable for managing risk within their area of responsibility, including monitoring and managing measures for the strategic goal's critical success factors;</li> <li>• Ensures that employees and relevant stakeholders apply the appropriate risk management tools and templates in the correct manner;</li> <li>• Are responsible for providing assistance and advice to staff in relation to the management of risks but not to take on the responsibility of another individual;</li> <li>• Monitor the respective operational risk profile assessments, determine and ensure implementation of control measures for risks identified, and escalate any significant risks to management in accordance with risk management protocols;</li> <li>• Responsible Contract/Project Managers are to ensure risks associated with the engagement of contractors are appropriately identified and managed; and</li> <li>• Responsible Contract/Project Managers are to ensure the responsibilities and accountabilities vested in the Contractor are clearly documented and communicated to the Contractor.</li> </ul>
All staff & Contractors		<p>All employees are responsible to implement and embed risk management in their area of accountability. They are required to:</p> <ul style="list-style-type: none"> <li>• Identify, manage and monitor risks and opportunities in the areas of accountability;</li> <li>• Communicate areas of risk to their supervisor or manager; and</li> <li>• Act appropriately to ensure their own safety as well as that of other employees, customers, and other workers e.g. Contractors on site and their employees who are undertaking work on behalf of Council, and members of the public.</li> </ul>

**6. RELATED DOCUMENTS & LEGISLATION**Legislation

- *Local Government Act (NSW) 1993*
- *Local Government (General) Regulation 2021*

Council Policies

- GOV022 – Legislative Compliance Policy

**Wentworth Shire Council**

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**Council Policy No: GOV013****ENTERPRISE RISK MANAGEMENT POLICY**

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Council Documents

- Enterprise Risk Management Framework
- Enterprise Risk Management Plan
- Legislative Compliance Framework
- Governance Framework

**7. ATTACHMENTS**

Nil.

**8. DOCUMENT APPROVAL**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date](#). All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

[Click here to enter a date.](#)**General Manager Wentworth Shire Council****Date**

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: GOV003****FRAUD CONTROL POLICY****POLICY OBJECTIVE**

Council is committed to preventing fraud at its origin. Council will endeavour to foster an environment that makes active fraud control a responsibility of all Councillors and Staff. The objectives of this policy are to:

- Promote an organisational culture that will not tolerate any action of fraud or corruption;
- Ensure high standards of ethical and accountable conduct;
- Protect public funds and assets; and
- Protect the integrity, security and reputation of Council and its staff.

**1. POLICY STATEMENT**

The intent of this policy is to ensure that Councillors and staff are aware of their responsibilities for identifying possible exposures to fraudulent activities and for establishing controls and procedures for preventing such fraudulent activities and/or detecting such fraudulent activity when it occurs. To provide guidance as to action which should be taken where fraudulent activity is suspected. To provide clear guidance as to the process of investigating fraudulent activities and to provide a suitable environment to report such matters.

**2. POLICY COVERAGE**

This policy applies to all Councillors and Staff of Wentworth Shire Council.

**3. STRATEGIC PLAN LINK**

Objective: Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future.

Strategy: Provide strong and effective representation, leadership, planning, decision-making and service delivery.

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
<b>Corruption</b>	<p>Corruption is broadly:</p> <ul style="list-style-type: none"> <li>• Any conduct of any person, including a Council official that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority;</li> <li>• Any dishonest or partial exercise of any official functions by a Council official;</li> <li>• Any conduct by a Council official that constitutes or involves a breach of public trust; or</li> <li>• Any conduct of a Council official that involves the misuse of information or material that they have acquired in the course of their official functions, whether or not for their benefit or for the benefit of any other person.</li> </ul>
<b>Council</b>	Council of the Shire of Wentworth.

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: GOV003****FRAUD CONTROL POLICY**

<b>Fraud</b>	Dishonest activity causing actual or potential financial loss to any person or entity including theft of money or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit.
<b>ICAC</b>	Independent Commission Against Corruption.

**5. POLICY CONTENT**

It is the policy of this Council that:

Prevention

Council through its management team will create an environment and culture in which fraudulent acts will not be tolerated and which will be appropriately investigated when they are suspected or reported.

Prevention includes but is not limited to:

- Having a sound ethical culture;
- Senior management commitment;
- Staff accountability and awareness;
- Code of Conduct;
- Policies and procedures; and
- Periodic assessment of fraud and corruption risk.

Reporting

The reporting of any suspected fraud and corruption is to be undertaken in accordance with Council's Internal Reporting Policy. Alternatively, if the employee is uncomfortable about reporting the alleged fraud or corruption within the organisation, the employee may utilise the mechanisms contained within the *Protected Disclosure Act 1994* (NSW).

All supervisors have the responsibility to report suspected fraud and corruption, confidentially, to the General Manager who has the responsibility of investigating suspected fraud and corruption with the assistance of appropriate senior staff.

If the General Manager is the subject of a suspected fraud, the matter must be reported to the Mayor and the Mayor has the responsibility of investigating the suspected fraud with the assistance of appropriate senior staff.

Investigation

All complaints of suspected fraudulent behaviour will be thoroughly, objectively and carefully investigated, providing for the protection of those individuals making the complaint. The purpose of any internal investigation is to ascertain the facts surrounding the matter.

All New South Wales (NSW) councils have a duty to report any suspected corrupt conduct to ICAC. If the allegation of fraud appears to carry the imputation of criminal conduct, the matter should also be referred to the NSW Police Force.

**Wentworth Shire Council**

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**Council Policy No: GOV003****FRAUD CONTROL POLICY**

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In the event that an internal investigation is carried out, the relevant officers must carry out the investigation objectively, thoroughly and without prejudice.

**Disciplinary Action**

Where an internal investigation confirms fraud has occurred, appropriate disciplinary action will be recommended having regard to Council's Code of Conduct and the relevant provisions of the Local Government State Award.

**Responsibility and Accountability**

It is the ultimate responsibility of the General Manager to prevent and detect fraud. The General Manager is responsible for ensuring appropriate and effective internal control systems are in place to control the incidence of fraud.

It is the responsibility of all Directors and Managers to ensure that there are mechanisms in place within their area of control to:

- Assess the risk of fraud;
- Promote employee awareness of ethical principles;
- Educate employees about fraud prevention and detection;
- Facilitate the reporting of suspected fraudulent activities; and
- That reasonable steps are undertaken to ensure the Council contractors adhere to the provisions of this policy.

All employees have the responsibility to:

- Perform their functions and duties with diligence, honesty, integrity and impartiality;
- Comply with this policy and all legislative requirements to ensure they are not participating in corrupt or fraudulent behaviour;
- Report suspected fraud by immediately notifying their supervisor, and if the supervisor is suspected of involvement in fraudulent activity, the matter should be notified to the next highest level of supervision; and
- Report any identified weaknesses in internal controls that could potentially facilitate a fraudulent or corrupt act.

**6. RELATED DOCUMENTS AND LEGISLATION****Legislation**

- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021*
- *Independent Commission Against Corruption Act 1998* (NSW)
- *Public Interest Disclosure Act 1994* (NSW)

**Council Policies**

- GOV001 – Gifts and Benefits Policy
- GOV004 – Internal Reporting Policy
- GOV005 – Procurement Policy
- GOV009 – Delegation Policy
- GOV019 – Statement of Business Ethics Policy

**Wentworth Shire Council**

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**Council Policy No: GOV003****FRAUD CONTROL POLICY**

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- GOV020 – Code of Conduct Policy
- GOV022 – Legislative Compliance Policy
- GOV023 – Conflict of Interest Policy

**Council Documents**

- Procurement Manual
- Legislative Compliance Framework
- Governance Framework
- Fraud Control Plan
- Records & Information Management Policy (Operational)
- Information Security Policy (Operational)
- Gifts and Benefits Register
- Conflict of Interest Register

**7. ATTACHMENTS**

Nil.

**8. DOCUMENT APPROVAL**

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This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

**General Manager Wentworth Shire Council**[Click here to enter a date.](#)**Date**

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: GOV010****PAYMENT OF EXPENSES AND PROVISION OF FACILITIES  
POLICY****POLICY OBJECTIVE**

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

<b>Expense or facility</b>	<b>Cost</b>
General travel expenses	Actual Cost
Interstate, overseas and long-distance intrastate travel expenses	Actual Cost
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually
Professional development, Conferences and Seminar	Actual Cost
ICT expenses	Actual Cost
Carer expenses	Actual Cost
Home office expenses	Actual Cost
Council vehicle and fuel card	Provided to the mayor
Reserved parking space at Council offices	Provided to the mayor
Furnished office	Provided to the mayor
General Managers Office staff supporting Mayor and Councillors	Provided to the mayor and councillors
Use of private motor vehicle	Actual per km allowance

**Wentworth Shire Council**

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**Council Policy No: GOV010****PAYMENT OF EXPENSES AND PROVISION OF FACILITIES  
POLICY**

Additional costs incurred by a Councillor in excess of any agreed limit is considered a personal expense that is the responsibility of the Councillor.

This policy has been developed using the Better Practice Template as recommended by the NSW Office of Local Government.

Expenses and facilities provided by this policy are in addition to fees paid to Councillors. (The minimum and maximum fees Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.)

Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.

**1. POLICY STATEMENT**

The intent of this policy is to:

- enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties;
- enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties;
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors;
- ensure facilities and expenses provided to Councillors meet community expectations;
- support a diversity of representation; and
- fulfil the Council's statutory responsibilities

**2. POLICY COVERAGE**

Unless otherwise stated this policy is applicable to all Councillors.

**3. STRATEGIC PLAN LINK**

Objective: Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future.

Strategy: Provide strong and effective representation, leadership, planning, decision-making and service delivery.

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
<b>Accompanying person</b>	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor.
<b>Act</b>	Means the <i>Local Government Act 1993</i> (NSW).
<b>Appropriate refreshments</b>	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business.

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: GOV010****PAYMENT OF EXPENSES AND PROVISION OF FACILITIES  
POLICY**

<b>Clause</b>	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy.
<b>Code of Conduct</b>	Means the Code of Conduct adopted by Council or the Model Code if none is adopted.
<b>Councillor</b>	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor.
<b>General Manager</b>	Means the General Manager of Council and includes their delegate or authorised representative.
<b>Incidental personal use</b>	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct.
<b>Long distance intrastate travel</b>	Means travel to other parts of NSW of more than three hours duration by private vehicle.
<b>NSW</b>	New South Wales.
<b>Official business</b>	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> <li>• meetings of Council and committees of the whole;</li> <li>• meetings of committees facilitated by Council;</li> <li>• civic receptions hosted or sponsored by Council; and</li> <li>• meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council.</li> </ul>
<b>Professional development</b>	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor.
<b>Regulation</b>	Means the Local Government (General) Regulation 2005 (NSW).
<b>Year</b>	Means the financial year, that is the 12 month period commencing on 1 July each year.

**5. POLICY CONTENT**

It is the policy of Council that Councillors are recompensed for legitimate and reasonable expenses and can access agreed resources through an equitable, accessible, transparent and accountable process, subject to Office of Local Government (OLG) Guidelines, and any relevant legislative requirements.

**General Conduct**

Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Act or any other Act. This is a requirement under section 439 of the Act and reinforced in the Model Code of Conduct made under section 440.

Council's Code of Conduct Policy provides that Council resources must be used ethically, effectively, efficiently and carefully. Council property including intellectual property, official services and facilities must not be misused by any person or body for private benefit or gain. Councillors must

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also avoid any action or situation that could create the appearance that Council resources are being used inappropriately.

Council commits to the following principles:

- **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
- **Reasonable expenses:** providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor.
- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor.
- **Equity:** there must be equitable access to expenses and facilities for all Councillors.
- **Appropriate use of resources:** providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.
- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to Councillors.

Private or political benefit

Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.

Such incidental private use does not require a compensatory payment back to Council.

Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse Council.

Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:

- production of election material;
- use of Council resources and equipment for campaigning;
- use of official council letterhead, publications, websites or services for political benefit; and
- fundraising activities of political parties or individuals, including political fundraising events.

General expenses

All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.

Expenses not explicitly addressed in this policy will not be paid or reimbursed.

Specific expensesGeneral travel arrangements and expenses

All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.

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Each Councillor may be reimbursed for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:

- for public transport fares
- for the use of a private vehicle or hire car
- for parking costs for Council and other meetings
- for tolls
- by Cabcharge card or equivalent
- for documented ride-share programs, such as Uber, where tax invoices can be issued.

Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.

Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed.

**Interstate, overseas and long distance intrastate travel expenses**

Given Council's location near an interstate border, travel within the Sunraysia area of Victoria will be considered as general travel. Arrangements and expenses for this travel will be governed by general travel provisions.

Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for Council and the local community. This includes travel to sister and friendship cities.

Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.

Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel. The case should include:

- objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties;
- who is to take part in the travel;
- duration and itinerary of travel; and
- a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.

For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.

For interstate journeys by air of more than three hours, the class of air travel may be premium economy.

For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.

Bookings for approved air travel are to be made through the General Manager's office.

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For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

**Travel expenses not paid by Council**

Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

**Accommodation and meals**

In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.

Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Sunraysia region.

The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of the previous clause.

Councillors will not be reimbursed for the purchase of alcoholic beverages.

**Refreshments for Council related meetings**

Appropriate refreshments will be available for Council meetings, Council committee meetings, councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.

As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

**Professional development**

Council will set aside funds annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.

In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the OLG. The cost of the induction program will be in addition to the ongoing professional development funding.

Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

Approval for professional development activities is subject to a prior written request to the General Manager outlining the:

- details of the proposed professional development;
- relevance to council priorities and business; and

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- relevance to the exercise of the Councillor's civic duties.

In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in the above clause, as well as the cost of the professional development in relation to the Councillor's remaining budget.

**Conferences and seminars**

Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.

Council will set aside funds annually in its budget to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.

Approval to attend a conference or seminar is subject to a written request to the General Manager. In assessing a Councillor request, the General Manager must consider factors including the:

- relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
- cost of the conference or seminar in relation to the total remaining budget.

Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to normal travel expense provisions.

**Spouse, Partner and Accompanying Person Expenses – Within the Local Government Area**

Council will meet the reasonable costs of spouses and partners or an accompanying person for attendance at official Council functions that are of a formal and ceremonial nature within the local government area. Such functions would be those that a Councillor's spouse, partner or accompanying person could be reasonably expected to attend.

**Spouse, Partner and Accompanying Person Expenses - Local Government Conferences**

Council will meet limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government New South Wales Association's annual conference. These expenses are to be limited to the costs of registration and the official conference dinner. Travel expenses, accommodation and sundry expenses for spouses, partners or accompanying persons are not included and are the responsibility of the individual Councillor.

If a service is shared between a Councillor and a spouse/partner/accompanying person the expense associated with the service will be reimbursed as long as the expenses did not increase due to the attendance of the spouse/partner/accompanying person.

**Information and communications technology (ICT) expenses**

Council will provide Councillors with a laptop and pay for data and internet costs associated with these devices.

Councillors make seek reimbursement for costs associated with communications devices and services used by Councillors to undertake their civic duties.

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**Special requirement and carer expenses**

Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing-impaired Councillors and those with other impairments.

Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.

In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with an impairment to perform their civic duties.

Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses at the discretion of the General Manager for attendance at official business, plus reasonable travel from the principal place of residence.

Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.

In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

**Home office expenses**

Each Councillor may be reimbursed for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

**Insurances**

In accordance with Section 382 of the Act, Council is insured against public liability, professional indemnity and Councillors and Officers claims. Councillors are included as a named insured on this Policy.

Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.

Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

**Legal assistance**

Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

- a Councillor defending an action arising from the performance in good faith of a function under the Act provided that the outcome of the legal proceedings is favourable to the Councillor.
- a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor.

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- a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.
- Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- Council will not meet the legal costs:
  - of legal proceedings initiated by a Councillor under any circumstances;
  - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation; or
  - for legal proceedings that do not involve a Councillor performing their role as a Councillor.

Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

**General facilities for all councillors**

Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through the General Manager's office.

The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

**Stationery**

Each Councillor may be reimbursed for costs associated with minor items of consumable stationery. Council will supply Councillors with a business card if requested.

**Administrative support**

Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff as arranged by the General Manager or their delegate.

Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

**Additional facilities for the Mayor**

Council will provide to the Mayor a maintained vehicle to a similar standard of other Council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the mayor's office.

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The Mayoral allowance will be reduced to cover the cost of any private travel.

A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's office.

Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.

In performing their civic duties, the Mayor will be assisted by staff providing administrative and secretarial support, as determined by the General Manager.

Council staff assisting the Mayor are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

**Approval, payment and reimbursement arrangements**

Expenses should only be incurred by Councillors in accordance with the provisions of this policy.

Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

Up to the limits specified in this policy, approval for the following may be sought after the expense is incurred:

- Local travel relating to the conduct of official business
- Carer costs

Final approval for payments made under this policy will be granted by the General Manager or their delegate.

**Direct payment**

Council may approve and directly pay expenses. Request for direct payment must be submitted to the General Manager for assessment against this policy, with sufficient information and time to allow for the claim to be assessed and processed.

**Reimbursement**

All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Director Finance & Policy.

**Notification**

If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.

If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

**Reimbursement to Council**

If Council has incurred an expense on behalf of a Councillor that exceeds reasonable incidental private use or is not provided for in this policy:

- Council will invoice the Councillor for the expense
- the Councillor will reimburse Council for that expense within 14 days of the invoice date.

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If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's allowance.

**Timeframe for reimbursement**

Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time will not be approved.

**Disputes**

If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.

If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

**Return or retention of facilities**

All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.

Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.

The prices for all equipment purchased by Councillors under this provision will be recorded in Council's annual report.

**Publication**

This policy will be published on Council's website.

**Reporting**

Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.

**Auditing**

The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken at least every two years.

**Breaches**

Suspected breaches of this policy are to be reported to the General Manager.

Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

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**6. RELATED DOCUMENTS & LEGISLATION**Legislation

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2021*

Council Policies

- GOV003 – Fraud Control Policy
- GOV004 – Internal Reporting Policy
- GOV005 – Procurement Policy
- GOV020 – Code of Conduct Policy
- GOV022 – Legislative Compliance Policy
- GOV024 – Credit Card Policy

Council Documents

- Procurement Manual
- Legislative Compliance Framework
- Governance Framework
- Fraud Control Plan

**7. ATTACHMENTS**

Nil.

**8. DOCUMENT APPROVAL**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

[Click here to enter a date.](#)**General Manager Wentworth Shire Council****Date**

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Word Document Reference: TBC

**Council Policy No: GOV005****PROCUREMENT POLICY****POLICY OBJECTIVE**

This Official Council Policy deals with the establishment of best practice in the expenditure of public funds for public purposes.

**1. POLICY STATEMENT**

The intent of this policy is to establish a framework which will assist Wentworth Shire Council to obtain best value for our community through effective, responsible and transparent procurement methods which comply with relevant legislation and Council's Code of Conduct.

**2. POLICY COVERAGE**

This policy applies to all Councillors and Staff responsible for the expenditure of public funds

**3. STRATEGIC PLAN LINK**

Objective: Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future.

Strategy: Provide strong and effective representation, leadership, planning, decision-making and service delivery.

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
<b>Council</b>	Council of the Shire of Wentworth.
<b>Procurement</b>	The act of obtaining or buying goods and services.
<b>Whole of life costs</b>	Refers to the total costs of ownership over the life of an asset including: planning, design, construction/acquisition, operations, maintenance, renewal, rehabilitation, depreciation, replacement or disposal.

**5. POLICY CONTENT**

It is the policy of this Council that:

- Wentworth Shire Council is committed to representing and assisting the community and the stakeholders of the Wentworth Shire in meeting their needs at an affordable cost.
- Council aims to achieve value for money in all of its procurement activities, whilst recognising the impact that its procurement decisions have on the local economy.
- The following principles and objectives underpin this policy:
  - That Council complies with all relevant legislation and statutory requirements in relation to the procurement of goods and services;
  - That all of Council's procurement activities are conducted in a manner which ensures transparency, probity, accountability and consistency;
  - That Council's aims to achieve best value for money on a whole of life cycle basis that generates benefits to Council, the community and provides reasonable opportunities for competitive local business to supply to Council.

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**Council Policy No: GOV005****PROCUREMENT POLICY**

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- Council's preferred method of tendering is via open tender unless otherwise resolved by a resolution of Council.
- This policy is to be read in conjunction with Council's procurement manual and Statement of Business Ethics Policy (GOV019).

**6. RELATED DOCUMENTS & LEGISLATION**Legislation

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2021*

Council Policies

- GOV001 – Gifts and Benefits Policy
- GOV003 – Fraud Control Policy
- GOV004 – Internal Reporting Policy
- GOV009 – Delegation Policy
- GOV019 – Statement of Business Ethics Policy
- GOV020 – Code of Conduct Policy
- GOV022 – Legislative Compliance Policy
- GOV023 – Conflict of Interest Policy
- GOV024 – Credit Card Policy

Council Documents

- Procurement Manual
- Legislative Compliance Framework
- Governance Framework
- Fraud Control Plan
- Gifts and Benefits Register
- Conflict of Interest Register

**7. ATTACHMENTS**

Nil.

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**Council Policy No: GOV005****PROCUREMENT POLICY**

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**8. DOCUMENT APPROVAL**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

[Click here to enter a date.](#)**General Manager Wentworth Shire Council****Date**

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**Council Policy No: AF004****INVESTMENT POLICY****POLICY OBJECTIVE**

This Council Policy deals with the investment of Council funds. Wentworth Shire Council's investment policy relates to the investment of surplus funds and funds held in reserve for future expenditure. These funds are to be invested through the defined guidelines of the investment strategy and this policy which gives guidance to staff on the consideration of risk, return and liquidity requirements of Council.

**1. POLICY STATEMENT**

The aim of this policy is to establish an investment framework that ensures due process is followed when investing Council funds. The following are the objectives of this policy:

- To protect and preserve capital from investment, credit and liquidity risk;
- To maximise investment returns in a safe and sustainable way;
- To ensure Council's investments comply with the relevant legislative requirements issued by governing bodies and to comply with reporting and auditing requirements;
- To establish a procedural framework for managing and investing Council funds; and
- To ensure all investment decisions are in line with Council's adopted investment strategy which will be updated and reviewed annually.

Council's investment objective is to preserve capital whilst meeting liquidity requirements and meeting Council set benchmarks for expected investment returns. Funds held in reserve are maintained specifically with the purpose of future expenditure as consistent with Council's long-term financial plan.

**2. POLICY COVERAGE**

This policy applies to all Council Officers who have authority delegated to invest surplus funds on Council's behalf.

**3. STRATEGIC PLAN LINK**

Objective: Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future.

Strategy: Provide strong and effective representation, leadership, planning, decision-making and service delivery.

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
<b>AFMA</b>	Australian Financial Markets Association.
<b>Approved Investments</b>	Investments allowed by the most current Ministerial Investment Order as issued under section 625 of the <i>Local Government Act</i> 1993 (NSW).
<b>BBSW</b>	Bank-Bill Reference Rate.
<b>Ethics and conflicts of interest</b>	Personal activities that would conflict with the proper execution and management of Council's investment portfolio.
<b>General Manager</b>	General Manager of the Wentworth Shire Council.

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**Council Policy No: AF004****INVESTMENT POLICY**

<b>Independent Advisor</b>	An independent person who is approved by Council and licensed by the Australian Securities and Investment Commission to provide investment advice.
<b>Moody's</b>	Moody's rating agency.
<b>Prohibited Investments</b>	Investments that are prohibited by the most current Ministerial Investment Order as issued under section 625 of the <i>Local Government Act 1993</i> (NSW).
<b>Prudent Standard Person</b>	The investment will be managed with the care, diligence and skill that a prudent person would exercise.
<b>S &amp; P rating</b>	Standard & Poor's Australia/NZ rating agency.
<b>TCorp &amp; TCorpIM</b>	New South Treasury Corporation and New South Wales Treasury Corporation Managed Investments.

**5. POLICY CONTENT**Delegation of Authority

Authority for the implementation of this policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993* (NSW). The General Manager has in turn delegated investment authority to the following positions:

- Director Finance & Policy;
- Manager Finance & Administration; and
- Accountant

The Officer's delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role. As trustees of public monies, the relevant delegates are to manage Council's investment portfolio to safeguard the portfolio in accordance with the spirit of this policy, and not for speculative purposes.

Due to the importance of investments, all actions performed by delegates in relation to the investment of Council funds will require a double authentication procedure. New investments and term deposit renewals must be advised of by file note signed by two or more relevant delegates.

Authorised Investments

Authorised investments shall be limited to those allowed in the most current Ministerial Investment Order. Currently those investments include:

- Commonwealth or state issued or guaranteed securities;
- Debentures or securities issued by a council;
- Interest bearing deposits, debentures or bonds issued by Authorised Deposit Taking Institutions (ADI's);
- Bills of exchange with a maturity of less than 200 days; and
- A deposit with the New South Wales Treasury Corporation (T-Corp).

Prohibited Investments

In accordance with the Ministerial Investment Order, this policy prohibits but is not limited to any investment carried out for speculative purposes including:

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- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flows; and
- Stand-alone securities that have an underlying futures, options, forwards contract and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

**Risk Management Guidelines**

Investments obtained are to be considered in light of the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);
- Diversification – setting limits to amounts invested with a particular financial institution or government authority to reduce credit risk;
- Credit risk – the risk that a Council investment fails to pay interest and/or repay the principal of an investment;
- Market risk – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;
- Liquidity risk – the risk an investor is unable to redeem the investment at a fair price within a timely period; and
- Maturity risk – the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities.

All allowable limits including the diversification and liquidity limits will be detailed in Council's adopted investment strategy. Council's adopted performance benchmarks will also be detailed in the investment strategy.

**Reporting**

Documentary evidence must be held for each investment and details thereof maintained in an investment register. The documentary evidence must provide Council legal title to the investment. Certificates must be obtained from the financial institutions confirming the amounts of the investments held on Council's behalf as at 30 June each year and reconciled to the investment register.

Council's authorised investment delegates are required to ensure all investments are appropriately recorded in Council's financial records and reconciled at least on a monthly basis. A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date, credit rating and changes in market value.

This policy will be reviewed at least once a year or as required in the event of legislative changes. The policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this policy. Any amendments to this policy must be by way of Council resolution. The investment strategy should be reviewed and signed off by Council at least annually.

**Investment Advice**

Council can at any time appoint an investment advisor. Council's investment advisor must be approved by Council and licenced by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of this policy.

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: AF004****INVESTMENT POLICY**

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Ethical and Socially Responsible Investing

Where possible Council will look to adopt an investment, which seeks to improve social, environmental and ethical impacts. In addition to a normal risk and return assessment, Council investments will be evaluated further on their ethical and social impact. A number of independent organisations have been established to evaluate and rate companies according to these criteria. It is Council's intention to support ethical and socially responsible companies but only where all other investment criteria have been met and performance is not disadvantageous to Council.

**6. RELATED DOCUMENTS & LEGISLATION**Legislation

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2021*
- *Independent Commission Against Corruption Act 1998 (NSW)*
- *Public Interest Disclosure Act 1994 (NSW)*

Council Policies

- GOV001 – Gifts and Benefits Policy
- GOV005 – Procurement Policy
- GOV004 – Internal Reporting Policy
- GOV005 – Procurement Policy
- GOV009 – Delegation Policy
- GOV020 – Code of Conduct Policy
- GOV022 – Legislative Compliance Policy
- GOV023 – Conflict of Interest Policy

Council Documents

- Legislative Compliance Framework
- Governance Framework
- Fraud Control Plan
- Gifts and Benefits Register
- Conflict of Interest Register

**7. ATTACHMENTS**

Investment Strategy.

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: AF004****INVESTMENT POLICY**

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**8. DOCUMENT APPROVAL**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

[Click here to enter a date.](#)**General Manager Wentworth Shire Council****Date**



## INVESTMENT STRATEGY

### PURPOSE

The investment strategy sets out Council's investment goals and targets for the coming year. The aim of the strategy is to guide the management of Council's investment portfolio over the short medium and long term to ensure Wentworth Shire Council enjoys continued financial success. The key objectives of this strategy are:

- Maintenance of a balanced and diversified portfolio
- Ensure required fund availability and liquidity standards allow for continued operations
- Maximise investment returns to consistently achieve above benchmark returns and;
- Manage Risk in terms of investment products and credit ratings

The investment strategy should be applied by all relevant delegates of Wentworth Shire Council in the process of actively managing investments. This Strategy operates in tandem with the adopted investment policy. Wentworth Shire Council's investment strategy is determined after considering a review of the following issues:

- Global and Domestic investment environments
- Current legislative requirements
- Current composition of Council's investment portfolio and future cash flow needs and;
- Short, Medium and Long-term financial plans

### LIQUIDITY

The majority of Wentworth Shire Council's cash and investments are held as internally and externally restricted cash reserves to satisfy the council's legislative responsibility and set aside specific funds for future specific Council requirements.

Presently there are increased demands for funds due to a number of capital projects. With that brings the need for capital to be called on at short notice. Therefore, specified amounts are required to be held in liquid investments to meet these short-term movements in cash. To ensure Council has available funds to meet their commitments and its short-term operational commitments the following liquidity targets have been set:

Investment Horizon	Maturity Date Range	Minimum Allocation	Maximum Allocation
Working Capital	0-3 months	5-10% or \$1,500,000	75%
Short – Term Funds	3-12 months	25%	75%
Short – Medium Term	1-2 years	20%	60%
Medium Term	2-5 years	0%	40%
Long Term	5-10 years	0%	20%

## INVESTMENT STRATEGY

Councils liquidity will be monitored on an ongoing basis to ensure cash requirements are met and liquidity requirements remain in line with the table above. Time horizons reflect expected holding periods as adopted in this strategy.

### DIVERSIFICATION

Council currently mandates that its portfolio strategy shall revolve around three key diversification methods those being:

- Credit quality and satisfying of TCorp requirements
- Time horizon or maturity profile and;
- Risk profile of potential investment

Currently due to TCorp requirements certain credit rating diversification requirements are in place wherein no more than 35% of council funds can be held with a BBB+ or lower rated bank.

Column A		Column B	Column C	Column D
Long Term Debt Rating				
S&P	Moody's	Portfolio Limit	Counterparty Limit	Maximum Tenor
AAA	Aaa	100%	100%	Not applicable
AA+ to AA-	Aa1 to Aa3	100%	100%	5 years
A+ to A	A1 toA2	100%	100%	3 years
A-	A3	40%	20%	3 years
BBB+	Baa1	35%	10%	3 years
BBB	Baa2		5%	12 months

Diversification levels are also required to be maintained with regard to counterparty limits. Designed to limit the exposure to any one financial institution these exposure standards do not apply to TCorp managed investments as the managed investments provide exposure to a wide range of companies. Maximum holdings is based on the credit rating of the individual institution.

Long-Term Credit Rating	Maximum Holding
AAA Rating	30%
AA Rating	25%
A Rating	20%
BBB Category	10%

TCorp also makes available a series of managed investment portfolios graded by risk and recommended holding term, Wentworth Council has set a maximum level of holdings for these investments in order to minimise risk exposure.

## INVESTMENT STRATEGY

NSW TCorp IM Funds	Max %
TCorpIM Cash Fund	30%
TCorpIM Short Term Cash Fund	20%
TCorpIM Medium Term Growth Fund	15%
TCorpIM Long Term Growth Fund	5%

In the case any investments are downgraded or Councils' investments fall out of line with strategy limits investments will be divested as soon as practical.

### PERFORMANCE BENCHMARKS

Council intends for their investments to perform at a rate above the 11am RBA cash rate for their liquid and term deposit investments for all other investments such as TCorp managed funds performance is targeted to match internally set benchmarks as disclosed on the investment file note.

### PORTFOLIO CONSTRUCTION

Current Council strategies have revolved around liquidity for the increased capital project expenditure in the last two financial years. Whilst council continues to expand at such a rapid pace it is necessary to hold shorter term investments. Due to the requirements of the TCorp loan facility at least 65% of investments will be held with an A rated or higher financial institution. These investments will be complemented with a build of medium and longer-term investments that will provide a foundation of stability and growth during the low interest rate environment.

### 9.13 ENVIRONMENTAL PLANNING AND ASSESSMENT (STATEMENT OF EXPECTATIONS) ORDER 2021

File Number: RPT/22/21

Responsible Officer: Matthew Carlin - Director Health and Planning  
Responsible Division: Health and Planning  
Reporting Officer: Matthew Carlin - Director Health and Planning

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire  
Strategy: 1.1 Grow the potential for business and industry to develop and expand

#### Summary

Council has received correspondence from The Honorable Rob Stokes MP, Minister for Planning and Public Spaces via the Office of the Secretary. This letter explains that an Order has been made for all Local Government Organisations in NSW that sets out the expectation for Councils in relation to our planning and development functions under the *Environmental Planning and Assessment Act 1979*.

#### Recommendation

That Council notes the Statement of Exceptions Order 2021

#### Detailed Report

##### Purpose

The primary purpose of this report is to inform Council of the details of the Statement of Expectations Order and the performance measures Councils will need to adhere to.

##### Background

The purpose of the Order is to set expectations for Councils in relation to our performance in relation to planning and development functions under the *Environmental Planning and Assessment Act 1979*.

The Order provides that if Council is found not to be meeting the expectations provided, the Minister can take Council's performance measures into consideration to determine if it is appropriate to appoint a planning administrator or regional panel to exercise those functions.

In addition to statutory timeframe for planning and development assessment provided for under the instrument, the main areas of this Council need to be aware of regarding performance expectations of this Order are:

Type of Planning Function	Order Performance Measure
Preparation of assessment reports for regionally significant development	No longer than 250 days from lodgment
Determine a development application	No longer than 180 days from lodgment
Proponent led planning proposal	As soon as practical and no longer than 90 days
Submit proponent led planning proposal after consent authority has indicated support	As soon as practical and no longer than 90 days

It should be noted the process for planning proposals is currently under review and this performance measure may change when the updated guidelines are adopted.

There are other expectations set out in the order that do not have a specified timeframe to meet. These expectations are triggered when there is a policy change or a statutory

requirement to meet. For example, Council is expected to carry out a mandatory review of the Local Environmental Plan (LEP) to give effect to regional or district plan that applies to our local government area. To further explain, the Far West Regional Plan is currently under review and pending its adoption and publication, Wentworth Shire Council will be expected to consider and make any changes required in our LEP in response to that plan in order to meet the expectations of this Order.

Matters under consideration

In the future where a development application or request to support a planning proposal is presented to Council, Councilors need to be aware of the performance expectations of this Order to ensure that as an organisation we are adhering to the statutory timeframes under the *Environmental Planning and Assessment Act 1979* as well as the Expectations Order.

Conclusion

Having considered the information in this report, is recommended that Council note the information for future planning and assessment functions.

Attachments

1. Statement of Expectations Order [1](#)



**Planning,  
Industry &  
Environment**

## Office of the Secretary

15 December 2021

Dear General Manager

I am writing to advise you that the Hon. Rob Stokes, Minister for Planning and Public Spaces and Minister for Transport and Roads has recently made the Environmental Planning and Assessment (Statement of Expectations) Order 2021.

The Order sets out clear expectations as to what constitutes an efficient and effective planning system and one that business and the community can have confidence in. It sets benchmarks for council performance in the areas of development assessment, planning proposals and strategic planning. A copy of this Order is attached.

You will also be aware that the Government has placed similar performance expectations on the Department of Planning, Industry and Environment (the Department) and other agencies with approval roles in the planning system. There are also new requirements on industry to improve the timeliness and quality of development applications. More information about these performance expectations and recent planning system reforms is available at [www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Planning-Reform-Action-Plan](http://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Planning-Reform-Action-Plan).

During the last two years, councils and government agencies have been working hard to ensure we have an efficient and effective planning system that is able to support the state in its economic recovery from the COVID-19 pandemic. It is the planning system that has allowed businesses to adapt and thrive, that has given people the confidence to invest in New South Wales and that has supported jobs across the economy.

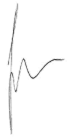
I wish to acknowledge how hard councils have worked during the pandemic to ensure timely decision-making and in supporting the significant amount of planning reform that has occurred. New South Wales now has a planning system that is managed digitally through ePlanning, which makes consent authorities and Government agencies more accountable for their performance. We also have a planning system that is increasingly strategically led and where the community can have confidence in the planning decisions that are being made.

As you are aware, slow decision-making, whether by Government agencies or a council, is the enemy of public confidence in the planning system and leads to bad economic, social and environmental outcomes. The work that we have all done over the last two years has put the planning system in good stead and has allowed for new performance indicators to be set. The performance indicators outlined in the Minister's Order should not be seen as aspirational but as achievable and critical to the effective functioning of the planning system.

The Minister has decided to outline his clear expectations for the planning system in the attached Order so that incoming councillors are aware of the importance of an efficient and effective planning system in supporting a strong economy and delivering better places. It is also important to note that for the first time incoming councillors will be provided an induction on the planning and their role in ensuring the planning system as efficiently as possible. Accordingly, I would encourage you to table this letter and Order at your first available council meeting.

I look forward to continuing to work productively with you in meeting these performance indicators. As always, the Department is here to assist you if you feel you have any issues in meeting any of these expectations. As always, feel free to reach out to the Planning Delivery Unit or the Department's regional planning teams if your council needs further support or guidance. By continuing to work together, I am sure we will be able to build a stronger, more resilient economy and a planning system that meets the expectations of business and the community.

Yours sincerely

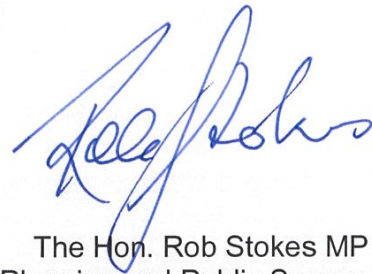


Kiersten Fishburn  
**Secretary**

*Encl. Environmental Planning and Assessment (Statement of Expectations) Order 2021*

## Environmental Planning and Assessment (Statement of Expectations) Order 2021

I, Rob Stokes, the Minister for Planning and Public Spaces, make this Order under section 9.6(9) of the *Environmental Planning and Assessment Act 1979*.



The Hon. Rob Stokes MP  
Minister for Planning and Public Spaces

Dated: 26<sup>th</sup> November, 2021.

### Explanatory note

The object of this Order is to set expectation for councils in relation to their performance of a range of planning and development functions under the *Environmental Planning and Assessment Act 1979*. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator or regional panel to exercise a council's functions. It is made under section 9.6(9) of the Act.

Environmental Planning and Assessment (Statement of Expectations) Order 2021

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## **Contents**

### **Part 1 Preliminary**

- 1 Name of Order
- 2 Commencement
- 3 Definitions

### **Part 2 Planning and development matters**

- 4 Heads of consideration
- 5 Minister's expectations

## Environmental Planning and Assessment (Statement of Expectations) Order 2021

under the

Environmental Planning and Assessment Act 1979

### Part 1 Preliminary

#### 1 Name of Order

This Order is the *Environmental Planning and Assessment (Statement of Expectations) Order 2021*.

#### 2 Commencement

This Order commences on the day it is published on the NSW Planning Portal.

#### 3 Definitions

(1) In this Order—

**the Act** means the *Environmental Planning and Assessment Act 1979*

**Department** means the Department of Planning, Industry and Environment.

**Gateway determination** means a determination made by the Minister (or delegate) under section 3.34 of the Act.

**LEP** means a local environmental plan.

**LSPS** means a local strategic planning statement.

**Minister** means the Minister for Planning and Public Spaces.

**Minister's expectations** means the expectations of the Minister in relation to the performance of a council in dealing with planning and development matters, as set out in clause 5 of this Order.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

(2) Words used in this Order have the same meaning as words used in the Act.

(3) Notes included in this Order do not form part of this Order.

**Part 2 Planning and development matters****4 Heads of consideration**

The heads of consideration to be taken into consideration in exercising the power under s.9.6(1)(b) of the Act are:

- (a) Whether or not the Council has failed to meet the Minister's expectations in relation to council performance.
- (b) The frequency and degree to which the council has performed, or failed to perform, in accordance with the Minister's expectations.
- (c) The range and type of planning and development matters in respect of which the council has performed, or failed to perform, in accordance with the Minister's expectations.
- (d) Whether or not an appointment under s.9.6(1)(b) should be made in relation to one or more of a particular class of planning and development matter, or all planning and development matters dealt with by the council.
- (e) The effect of any caretaker period preventing a council's performance in dealing with the planning and development matters (or any particular class of such matters) as set out in clause 5.
- (f) The public interest.

**5 Minister's Expectations****(1) Development assessment**

A council should:

- (a) prepare assessment reports for a regionally significant development application and refer it to the relevant Regional Panel as soon as practical and no longer than 250 days from lodgement.
- (b) determine a development application for which it is the consent authority as soon as practical and no longer than 180 days from lodgement.
- (c) report a development application for which its functions as a consent authority are exercisable by the local planning panel to the panel for determination within 4 weeks of a request from the panel chair.

**(2) Planning proposals**

A council should:

- (a) Make a decision as to whether to support or not a proponent led planning proposal (rezoning) as soon as practical and no longer than 90 days, or
- (b) submit a proponent led planning proposal for a Gateway determination as soon as practical and no longer than 90 days after having indicated its support for the planning proposal,
- (c) publicly exhibit a planning proposal or hold a public hearing in line with the conditions of a Gateway determination,

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Environmental Planning and Assessment (Statement of Expectations) Order 2021

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- (d) consider or respond to public submissions on a draft LEP in accordance with their community participation plan,
- (e) make a LEP, which has been delegated to the Council, in the timeframes specified in a Gateway determination.

(3) **Strategic planning obligations**

A council should :

- (a) prepare a LSPS for its local government area that meets the requirements for these statements under the Act,
- (b) undertake the required review of its LSPS,
- (c) give effect to a regional and/or district strategic plan applying to the LGA, including carry out a review of the LEP under section 3.8(3) of the Act,
- (d) give effect to an adopted local planning strategy (such as a Local Housing Strategy), and any approval requirements issued by the Department,
- (e) consider State Environmental Planning Policies or other strategies and policies of the Government, the Minister or the Department concerning planning and development matters.

## 9.14 FEE WAIVER REQUEST FOR PLANNING PROPOSAL

File Number: RPT/22/17

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Matthew Carlin - Director Health and Planning

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire

Strategy: 1.2 Encourage and support population growth and resident attraction

### **Summary**

Roy Costa Planning and Development (RCPD), on behalf of their client is seeking a waiver of the applicable fee for the lodgment of a planning proposal of \$6367.00 – see Attachment 1.

Once lodged, the Planning Proposal aims to amend the zoning of 191 Pitman Avenue from RU1 Primary Production to RU5 Village with a small portion as SP2 Infrastructure. This will be subject to a completed planning proposal document and report to Council at a later date.

### **Recommendation**

That Council resolves to refuse to waive the LEP Amendment Fee of \$6,367.00.

### **Detailed Report**

#### **Purpose**

The purpose of this report is to seek a resolution regarding the request to waive the LEP amendment fee.

#### **Background**

Council currently has existing stormwater infrastructure that originates from Pitman Avenue and traverses through 191 Pitman Avenue into Lot 7311 DP 1181340 being a Crown Reserve for storm water retention, more commonly known as Basin 3. The issue with this infrastructure is the physical location of the stormwater pipe. This pipe is significantly off-set from the easement created on the land for this purpose.

However, Council's Road and Engineering team have taken the appropriate action to rectify these issues by entering into a Deed of Agreement to enter, occupy and compensate the land owners. The Deed of Agreement states that Council will pay:

- Compensation costs
- RCPD consultant costs
- Survey costs
- Legal fees associated with transfer of easements
- Site rehabilitation/re-instatement costs.

with an anticipated project cost of approximately \$30,000 – see Attachment 2.

#### **Matters under consideration**

RCPD has identified and stated that Council has a vested interest in acquiring a portion of the land for the existing infrastructure for operational purposes which can be addressed through the formal planning proposal process. Before the planning proposal can be lodged, the matter of the fee and waiver request needs to be resolved.

#### **Options**

Based on the information contained in this report, the options available to address this matter are to:

- a) Refuse the request; or
- b) Approve the waiver.

*Legal, strategic, financial or policy implications*

The fee for an LEP amendment is not a statutory charge, meaning that it is not a requirement of any legislative instrument and Council has the choice to impose it or not.

Within Councils Operational Plan, the fee of \$6367 pays for the time for Councils planning staff to:

- Prepare the Council report for endorsement
- Prepare application and lodgment onto NSW Planning Portal/LEP tracker
- Ongoing liaising with NSW Planning Staff to secure a Gateway Determination
- Preparing submitting additional information as required by the Department

While the planning proposal once lodged and approved, will enable Council to acquire the portion of land with the storm water infrastructure, consideration needs to be given to the cost of concessions Councils have/are providing to the land owners per the Deed of Agreement. The request for the fee waiver is not considered to be a good cost benefit to Council.

*Conclusion*

Based on the information in this report it is recommended the request for a fee waiver is not supported.

**Attachments**

1. Request for Fee Waiver (Under Separate Cover)⇒
2. Endorsed Deed of Agreement (Under Separate Cover)⇒

**9.15 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL TO REZONE PART OF LOT 1 DP 1193874, KELSO STATION, POONCARIE ROAD, WENTWORTH**

File Number: RPT/22/51

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire

Strategy: 1.2 Encourage and support population growth and resident attraction

**Summary**

Council resolved to continue to support this planning proposal at the Ordinary Meetings held 16 September 2020 and 14 April 2021.

At the meeting held 14 April 2021, Council resolved to proceed with this planning proposal and refer it to the Minister for Planning and Public Spaces for consideration of finalising the planning proposal, preparing the plan and notification of the amendment on the legislative website. This was requested as the delegation for making the plan was removed from Council's responsibility due to the objection received from the Department of Primary Industry – Agriculture.

Refer to Attachment 1 Council Meeting Agenda and Minutes 14 April 2021.

The Department of Planning, Industry and Environment (DPIE) requested some further considerations and modifications to the planning proposal prior to making a final decision of the amendment.

**Recommendation**

That Council:

1. Resolve to continue to support and proceed with the Planning Proposal and request the Minister for Planning and Homes to approve and finalise the Planning Proposal, including the preparation of the plan and notification of the amendment on the legislative website.
2. Resolve to accept and support the submission from the proponent in response to the concerns raised by Department of Planning, Industry and Environment and NSW State Emergency Services.
3. Resolve to request an extension to the Gateway Determination timeframe completion date, subject to the necessary time that the Department of Planning, Industry and Environment would estimate that they would require to finalise the planning proposal and notification to be made on the legislative website.
4. Resolve to submit a request to the Department of Planning, Industry and Environment to prepare the associated planning proposal amendment mapping on Council's behalf.
5. Resolve to advise the Department of Planning, Industry and Environment that a Rural Residential Strategy will be prepared and finalised during 2022 and the Flood Risk

Management Committee will be established early in 2022 to facilitate the progression of the Flood Study project.

## **Detailed Report**

### **Purpose**

The purpose of this report is to provide Council with details of the additional considerations and modifications to the planning proposal requested by DPIE and the submission to that request by the proponent.

### **Background**

Council received a new Gateway Determination to proceed from DPIE dated 4 November 2020. A condition of the Gateway Determination required that the timeframe for completing the amendment to the Wentworth LEP 2011 was to be 4 May 2021.

Refer to Attachment 2 DPIE Gateway Determination.

Council submitted the planning proposal to DPIE 16 April 2021, requesting that finalisation be approved and preparation of the LEP amendment be completed by DPIE. Council was unable to exercise its function as the local plan-making authority due to the objection received from the Department of Industry – Agriculture, as per Condition 5 (c) of the Gateway Determination.

### **Matters under consideration**

Council received a letter from the Director, DPIE Western Region outlining ongoing concerns regarding the planning proposal and options to overcome them. The letter was dated 26 July 2021.

Refer to Attachment 3 Letter from DPIE Director, Western Region.

The concerns raised in the letter include:

- Development within Flood Prone Land
- Management of Darling River riparian land
- Aboriginal cultural heritage
- Vehicle access arrangements
- Subdivision layout and controls
- Future rural residential/lifestyle planning proposals

A Teams meeting was scheduled with attendance by representatives from DPIE Western Region, the proponent and their planning consultant and Council Health & Planning staff. The meeting aimed to discuss the ongoing concerns raised in the DPIE letter and provide further clarification on the options provided to resolve those concerns.

Despite providing notification to the NSW State Emergency Services (SES) during the consultation and exhibition period of the planning proposal, Council did not receive a response from this authority. In order to have a clearer understanding of any issues with regards to the concern of vehicle access arrangements, as raised in the DPIE letter, Council contacted SES through its regional contact. A subsequent response was received from the SES.

Refer to Attachment 4 NSW SES response.

The proponent has made a formal submission in response to the concerns raised by DPIE. The submission includes:

- A letter responding to and addressing the concerns raised by DPIE

Refer to Attachment 5 Letter from James Golsworthy Consulting.

- An addendum report to the original Archaeological Survey Report, which assesses the additional land included in the revised planning proposal

The Everick Heritage Addendum Archaeological Survey Report has been separately circulated.

- A report from Advisian, responding to the concerns submitted from NSW State Emergency Services, including an updated flood map for the site

Refer to Attachment 6 Advisian Response to Submissions from Government Agencies.

The following matters are required to be considered by Council and submitted to DPIE Western Region:

- *Whether Council continues to support the planning proposal*

This refers to how the concerns raised by DPIE have been addressed and resolved by the submission from the proponent and to the minor amendments made to the proposal in response to those concerns. This also includes the change in zone to be applied on the riverfront land from R5 Large Lot Residential to C2 Environmental Conservation (currently E2 zone in the Wentworth LEP 2011) and the overall application of the minimum lot size of 7,500 sqm.

- *Formal Gateway Determination extension request*

The timeframe for completion has passed, irrespective of the planning proposal being submitted to DPIE for consideration of approval prior to the expiration date. However, to ensure there are no repercussions related to the approval of the planning proposal based on the timeframe, it is recommended a formal extension request is made to DPIE.

- *Preparation of LEP mapping*

A request for the DPIE team to prepare the LEP mapping on behalf of Council is required, as Council cannot exercise its function as the local plan-making authority.

- *Future rural residential/lifestyle planning proposals*

Council should note that the DPIE letter also advises that any future planning proposals for rural residential development should only be progressed where there is strategic support, or justification provided. This refers directly to preparing a rural residential strategy and any proposed future development sites affected by flood mapping, being assessed in a Floodplain Risk Management Plan.

### Options

Based on the information contained in this report, the options available to address this matter are to:

- Advise DPIE that Council continues to support the planning proposal and the submission from the proponent in response to the concerns raised by DPIE Director, Western Region and NSW SES, and
- Make a formal request to DPIE for the planning proposal to be approved and the amendment to the Wentworth LEP 2011 to be notified, and
- Request an extension to Gateway Determination timeframe for completion date, subject to the required time that DPIE would estimate that they would require to complete the planning proposal and notification to be made on the legislative website, and
- Request the DPIE Mapping team prepare the associated planning proposal amendment mapping on Council's behalf

- Advise DPIE that a Rural Residential Strategy will be prepared during 2022 and the Flood Risk Management Committee will be established early in 2022 to facilitate the progression of the Flood Study project  
Or
- Advise DPIE that Council does not continue to support the planning proposal and wishes to withdraw the planning proposal.

Legal, strategic, financial or policy implications

The options contained in this report ensure that Council satisfies the requirements of all public authorities involved in the matter and enacts Objective 1 of the Community Strategic Plan 2017-2027.

There are no financial or policy implications for Council.

Conclusion

It is concluded that the most appropriate course of action is to advise DPIE of Council's continued support for the planning proposal, including a request that consideration be given for approving the finalisation of the proposal, preparation of the plan by DPIE and notification of amendment on the legislative website.

Attachments

1. Attachment 1 Council Meeting Agenda and Minutes 14 April 2021.[↓](#)
2. Attachment 2 Gateway Determination.[↓](#)
3. Attachment 3 Letter from DPIE Director, Western Region.[↓](#)
4. Attachment 4 NSW SES response.[↓](#)
5. Attachment 5 Letter from James Golsworthy Consulting.[↓](#)
6. Attachment 6 Advisory Response to Submissions from Government Agencies.[↓](#)

**ORDINARY MEETING AGENDA****14 APRIL 2021****9.7 Wentworth Local Environmental Plan 2011 - Planning Proposal to rezone Part of Lot 1 DP 1193874, Kelso Station, Poongcarie Road, Wentworth**

File Number: RPT/21/163

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire

Strategy: 1.2 Encourage and support population growth and resident attraction

**Summary**

Council resolved to continue to support this planning proposal at its Ordinary Meeting held 16 September 2020.

Following that resolution, a new Gateway Determination to proceed was issued by the Department of Planning, Industry & Environment to rezone part of Lot 1 DP 1193874 from RU1 Primary Production zone with a minimum lot size of 10,000 hectares to R5 Large Lot Residential zone with two minimum lot sizes of 7,500 square metres and 1.7 hectares.

Public exhibition and state agency consultation has been conducted in accordance with Conditions 2 and 3 of the Gateway Determination. Six submissions were received from state agencies, including one objection.

The report also advises that in accordance with Condition 5 of the Gateway Determination, Council is no longer the authorised plan making authority due to the outstanding objection. Therefore, in order for the Planning Proposal to be finalised, it must be referred to the Minister for Planning and Public Spaces for consideration, with a request for assistance with the preparation of the plan, including finalising and notifying the amendment on the legislative website.

**Recommendation**

That Council resolve to proceed with the Planning Proposal and refer the Planning Proposal to the Minister for Planning and Public Spaces for consideration of finalising the planning proposal, including preparation of the plan and notification of the amendment on the legislative website.

That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

**Detailed Report****Purpose**

The purpose of this report is to advise Council of the status of the Planning Proposal and provide details of the process for the Planning Proposal to be finalised.

**Background**

Council received a new Gateway Determination to proceed dated 4 November 2020. The timeframe for completing the LEP was six months from the date of the determination.

In accordance with conditions 2 and 3 of the Gateway Determination, Council conducted public exhibition from 4 December 2020 through until 22 January 2021. The extended period was required due to the Christmas and New Year holiday period being excluded from the calculation of active exhibition days. No submissions were received from adjoining landholders or the community.

## ORDINARY MEETING AGENDA

14 APRIL 2021

Consultation during that same period was conducted with the following public authorities:

- a) Dareton NSW Local Aboriginal Land Council – No response
- b) Heritage NSW – No response
- c) DPIE – Biodiversity & Conservation Division – No objection
- d) Water NSW – No response
- e) Department of Primary Industries – Agriculture – Objection
- f) Transport for NSW – No objection
- g) NSW State Emergency Service – No response
- h) NSW Rural Fire Service – No objection
- i) DPIE Crown Land – No objection
- j) NSW Environmental Protection Authority – No objection

Refer to Attachment 1 Public Authority Responses.

At the request of three public authorities, the responses from NSW Rural Fire Service, Transport for NSW and Environmental Protection Authority have been carried over from previous consultation conducted last year.

A video conference was conducted on 9 February 2021 with Council and DPI Agriculture to discuss the grounds for objecting and to identify any areas where Council could respond to and satisfy the issues raised.

As a result of the discussion, Council amended the Planning Proposal by adding an addendum report to the Planning Proposal to address the issues raised by DPI Agriculture. The response received to the amended planning proposal is that DPI Agriculture has chosen to retain their objection, being unsatisfied with the additional justification for the planning proposal.

Refer to Attachment 2 Planning Proposal – Final Version.

Matters under consideration

Condition 5 of the Gateway Determination states that:

*The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:*

- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;*
- (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and*
- (c) there are no outstanding written objections from public authorities.**

Council has two options to move forward. Accept the objection from DPI Agriculture and resolve not to proceed with the Planning Proposal until further strategic justification can be provided. Or alternatively, Council resolves to proceed with the Planning Proposal despite the objection.

Should Council resolve to proceed with the outstanding objection, it is not able to use its delegation to finalise the Planning Proposal. Therefore, Council will need to forward the Planning Proposal to the Department of Planning, Industry & Environment requesting it be considered for finalisation.

Options

Based on the information contained in this report, the options available to address this matter are to:

- a) Resolve not to proceed with the planning proposal until further strategic justification can be provided; or

**ORDINARY MEETING AGENDA**

**14 APRIL 2021**

- b) Resolve to proceed with the Planning Proposal and forward the Planning Proposal to the Department of Planning, Industry & Environment for consideration of finalisation.

Legal, strategic, financial or policy implications

The options contained in this report ensure that Council:

- a) Satisfies its legal obligations under the Gateway Determination; and
- b) Actions Objective 1 of the Community Strategic Plan 2017-2027.

There are no financial or policy implications for Council.

Conclusion

It is concluded that the most appropriate course of action is to resolve to refer the Planning Proposal to the Department of Planning, Industry & Environment for consideration of finalisation of the proposal, preparation of the plan and notification of the plan on the legislative website.

**Attachments**

1. Public Authority Responses.
2. Planning Proposal - Final Version.

## ORDINARY MEETING MINUTES

14 APRIL 2021

**9.7 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL TO REZONE PART OF LOT 1 DP 1193874, KELSO STATION, POONCARIE ROAD, WENTWORTH**

File Number: RPT/21/163

Responsible Officer: Matthew Carlin - Director Health and Planning  
Responsible Division: Health and Planning  
Reporting Officer: Michele Bos - Strategic Development Officer

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire  
Strategy: 1.2 Encourage and support population growth and resident attraction

**Summary**

Council resolved to continue to support this planning proposal at its Ordinary Meeting held 16 September 2020.

Following that resolution, a new Gateway Determination to proceed was issued by the Department of Planning, Industry & Environment to rezone part of Lot 1 DP 1193874 from RU1 Primary Production zone with a minimum lot size of 10,000 hectares to R5 Large Lot Residential zone with two minimum lot sizes of 7,500 square metres and 1.7 hectares.

Public exhibition and state agency consultation has been conducted in accordance with Conditions 2 and 3 of the Gateway Determination. Six submissions were received from state agencies, including one objection.

The report also advises that in accordance with Condition 5 of the Gateway Determination, Council is no longer the authorised plan making authority due to the outstanding objection. Therefore, in order for the Planning Proposal to be finalised, it must be referred to the Minister for Planning and Public Spaces for consideration, with a request for assistance with the preparation of the plan, including finalising and notifying the amendment on the legislative website.

**Recommendation**

That Council resolve to proceed with the Planning Proposal and refer the Planning Proposal to the Minister for Planning and Public Spaces for consideration of finalising the planning proposal, including preparation of the plan and notification of the amendment on the legislative website.

That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

**Council Resolution**

That Council resolve to proceed with the Planning Proposal and refer the Planning Proposal to the Minister for Planning and Public Spaces for consideration of finalising the planning proposal, including preparation of the plan and notification of the amendment on the legislative website.

That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

**Moved Cr. Heywood, Seconded Cr. MacAllister**

**CARRIED**

**ORDINARY MEETING MINUTES**

**14 APRIL 2021**

---

***In accordance with Section 375A of the Local Government Act the Mayor called for a division.***

***For the Motion :***                      ***Clr.s Evans, Heywood, MacAllister, Nichols, Nunan and Wheeldon.***

***Against the Motion:***              ***Nil.***

*At 11:06am Councillor Tim Elstone returned to the meeting.*



Planning,  
Industry &  
Environment

## Gateway Determination

**Planning proposal (Department Ref: PP\_2020\_WENTW\_002\_00):** rezoning and reduction of minimum lot size for part of Lot 1 DP1193874 to enable development of a rural residential subdivision.

I, the Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wentworth Local Environmental Plan (LEP) 2011 to rezone and reduce the minimum lot size for part of Lot 1 DP1193874 to enable development of a rural residential subdivision should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal requires the following amendments:
  - (a) extend the planning proposal area to incorporate the area identified in Attachment 3 of Council's assessment report
  - (b) update and prepare maps in accordance with *A guide to preparing planning proposals* (Department of Planning and Environment, 2018).
  - (c) address Directions 15, 17, 18 and 29 of the Far West Regional Plan 2036,
  - (d) address *State Environmental Planning Policy (Primary Production and Rural Development) 2019* and remove any references to *State Environmental Planning Policy (Rural Lands) 2008*.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - (a) Dareton NSW Local Aboriginal Land Council
  - (b) Heritage NSW
  - (c) Department of Planning Industry and Environment – Biodiversity and Conservation Division

- (d) Water NSW
- (e) Department of Primary Industries
- (f) Transport for NSW
- (g) NSW State Emergency Service
- (h) NSW Rural Fire Service.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **6 months** following the date of the Gateway determination.

Dated 4<sup>TH</sup> day of November 2020.



**Garry Hopkins**  
**Director, Western Region**  
**Local and Regional Planning**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**

PP\_2020\_WENTW\_002\_00 (IRF20/4825)



Planning,  
Industry &  
Environment

PP-2020-2862  
IRF21/30444

Mr Ken Ross  
General Manager  
Wentworth Shire Council  
PO Box 81  
WENTWORTH NSW 2648

Dear Mr Ross

**Wentworth Local Environmental Plan 2011 (Kelso Station)**

I refer to Council's request to finalise the planning proposal to amend the Wentworth Local Environmental Plan 2011 (WLEP 2011), to rezone land from RU1 Primary Production to R5 Large Lot Residential (R5) and amend the minimum lot size on Part Lot 1 DP 1193874, Kelso Station, Pooncarie Road, Wentworth.

Concerns remain about the consistency of the planning proposal with Ministerial Directions 4.3 Flood Prone Land and 2.3 Heritage Conservation, as well as Direction 15: Manage land uses along key river corridors in the Far West Regional Plan. However, options exist to overcome these concerns and the Department seeks to engage with Council to determine whether a path exists for the proposal to be finalised with modification.

Attached is a summary of the outstanding concerns and options to overcome them, for the consideration of Council and the proponent.

The Department wants to work with Council to determine the most appropriate way to facilitate rural lifestyle development on the site. Once Council has had an opportunity to consider the attached, please arrange a time to discuss this matter further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Hopkins'.

26.7.21

**Garry Hopkins**  
**Director, Western Region**  
**Local and Regional Planning**

### **Kelso Station – Outstanding concerns and options for consideration**

NB. The following presents outstanding concerns and suggested options to overcome those concerns. Because the issues are interrelated, the options overlap and a suitable response may be derived by a combination of the options within and across the points below.

#### *Development within Flood Prone Land*

The Department of Planning, Industry and Environment – Biodiversity Conservation Division's (DPIE-BCD) letter to Council, dated 22 January 2021, confirms the planning proposal remains inconsistent with Ministerial Direction 4.3 Flood Prone Land. The inconsistency is not considered to be of minor significance as the planning proposal will rezone high hazard flood prone land to R5 Large Lot Residential.

To resolve this concern the high hazard floodway area should be removed from the area to be zoned R5. This can be achieved by one or a combination of the following:

- Rezoning the floodway area to a zone commensurate with its sensitivity.
- Amending the boundary of the planning proposal to remove the flood affected land.
- Postponing the planning proposal (in part or in full) until completion of Wentworth Floodplain Risk Management Study and Plan.

#### *Management of Darling River riparian land*

The Gateway determination required the planning proposal to address Direction 15 of the Far West Regional Plan. The planning proposal does not provide any protection measures to the riparian values of the river corridor and would likely facilitate a ribbon subdivision pattern.

The planning proposal should address riparian land management. This can be achieved by:

- Zoning riparian land to a zone commensurate with its sensitivity.
- Amending relevant clauses of WLEP 2011 to include Darling River and achieve best practice riparian management.
- Creating a site-specific clause in WLEP 2011 to ensure the future subdivision is designed to achieve best practice riparian management.

#### *Aboriginal cultural heritage*

Heritage NSW's (HNSW) letter to Council dated 22 January 2021 expresses a view that the planning proposal remains inconsistent with the Ministerial Direction 2.3 Heritage Conservation and the inconsistency is not considered to be of minor significance.

Areas being rezoned should be supported by appropriate assessment of Aboriginal cultural heritage assessment (ACHA) as set out by HNSW. This may be achieved by:

- Removing the area not covered by ACHA from the planning proposal.
- Providing a revised ACHA to cover all areas being rezoned and demonstrate that the extension of the planning proposal area to the west is appropriate.
- Zoning the areas of concern to a zone commensurate with their sensitivity.

HNSW also requires consultation with Aboriginal people. In considering the options above, the Department recommends consultation with Heritage NSW to determine the appropriate level of assessment and consultation to satisfy Heritage NSW.

#### *Vehicle access arrangements*

The proposed accessway requires vehicles to cross flood liable land that is unsafe for people and vehicles during times of flood. It is understood that the accessway will be constructed to the level of the 5% annual exceedance probability (AEP) flood event to avoid unacceptable increases in peak flood levels and flow velocities that would re-distribute floodwaters from their natural path.

It is unclear if the proposed accessway is acceptable having regard to Section J2.5 Flood Access in the NSW Floodplain Development Manual. The planning proposal has not discussed the potential for development on the site to be isolated for weeks during flood events.

To understand the significance of this risk and consistency with the NSW Floodplain Development Manual, the view of the NSW State Emergency Service (SES) is required. If Council is unable to get a response from the SES, the Riverina Murray Team can assist Council with consultation with the SES.

#### *Subdivision layout and controls*

The planning proposal is based around a subdivision plan that does not respond to the constraints of the land. A preferred approach is to only zone land that is suitable for a particular use and/or include provisions to ensure proper consideration of site constraints during subdivision.

Consideration of the matters raised above can be augmented by other options available to Council including:

- Reviewing the minimum lot size provisions to ensure they reflect the environmental constraints on the land.
- Lot averaging or split zone provisions may be appropriate to allow flexibility in subdivision design to accommodate constraints.
- The creation of a community title lot over riverfront land under Clause 4.1AA Minimum subdivision lot size for community title schemes of the WLEP 2011. The community title lot would benefit and be maintained by future lots created by the development application to subdivide the land.

#### *Future rural residential/lifestyle planning proposals*

The Department of Primary Industries – Agriculture (DPI) requested Council commit to not progressing rural residential rezoning until Council completes its Rural Land Use Strategy. The Department Planning, Industry and Environment supports this position and considers future planning proposals for rural residential development, should only be progressed once strategic support is provided by completion of Council's rural residential strategy and Floodplain Risk Management Plan.



Our Ref: ID 1428  
Your Ref: DOC/20/24385

19<sup>th</sup> August 2021

Ms Michele Bos  
Wentworth Shire Council  
PO Box 81  
Wentworth NSW 2648

via email: Michele.Bos@wentworth.nsw.gov.au

Dear Ms Bos,

**PLANNING PROPOSAL FOR LOT 1 DP 1193874 POONCARIE ROAD WENTWORTH**

Thank you for the opportunity to provide comment on the Planning Proposal for Lot 1 DP 1193874 Pooncarie Rd, Wentworth.

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms, and tsunamis in NSW. This role includes, planning for, responding to, and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

If approved, the proposal will result in an additional 14 Residential lots, a conservative increase in approximately 28 residents (based on 2 persons per residence). The Kelso Station, Wentworth – Gateway Determination Flood Risk Assessment maps the site hazard from Low to very high in 1% Annual Exceedance Probability (AEP). Hazard classification for the Probable Maximum Flood (PMF) has not been undertaken.

Council's Wentworth Flood Study 2021 maps the site hazard in the 1% AEP as H4/H5 (unsafe for people and vehicles/unsafe for vehicles and people; all buildings vulnerable to structural damage) with access and egress roads mapped at H3/H4 (unsafe for vehicles, children and the elderly/unsafe for people and vehicles). Flood Hazard Classification for the PMF has not been undertaken. The findings of this study should be considered when assessing the planning proposal.

Based on the above the community will be at risk of flooding and the proposed rezoning will increase the risk to NSW SES Operations by:

1. Increasing the number of people who need to be evacuated or rescued; and
2. Increasing the demand on and risk to emergency service volunteers.



**STATE HEADQUARTERS**

93 - 99 Burelli Street, Wollongong 2500  
PO Box 6126, Wollongong NSW 2500  
P (02) 4251 6111  
F (02) 4251 6190  
[www.ses.nsw.gov.au](http://www.ses.nsw.gov.au)  
ASN: 88 712 640 015



NSW SES shares the concerns raised by Department Planning Industry & Environment (DPIE) in its letter dated 26<sup>th</sup> July 2021, in particular the consistency of the planning proposal to meet the requirements under the *Environmental Planning and Assessment Act 1979 (NSW)* (EP&A) Section 9.1 Direction relating to flood prone land (4.3).

Council as the consent authority will need to ensure that the planning proposal is considered against Section 9.1 Directions, including 4.3 – Flood Prone Land and is consistent with the NSW Flood Prone Land Policy as set out in the NSW Floodplain Development Manual, 2005 (the Manual).

Attention is drawn to the following principals outlined in the Manual which are of importance to the NSW SES role as described above:

- Zoning should not enable development that will result in an intolerable increase in risk to life, health or property of people living on the floodplain.
- Risk assessment should consider the full range of flooding, including events up to the Probable Maximum Flood (PMF) and not focus only on the 1% AEP flood.
- Risk assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes. Consideration should also be given to the impacts of localised flooding on evacuation routes.
- In the context of future development, self-evacuation of the community should be achievable in a manner which is consistent with the NSW SES's principles for evacuation.
- Future development must not conflict with the NSW SES's flood response and evacuation strategy for the existing community.
- Evacuation must not require people to drive or walk-through flood water.
- Development strategies relying on deliberate isolation or sheltering in buildings surrounded by flood water are not equivalent, in risk management terms, to evacuation.
- Development strategies relying on an assumption that mass rescue may be possible where evacuation either fails or is not implemented are not acceptable to the NSW SES.
- The NSW SES is opposed to the imposition of development consent conditions requiring private flood evacuation plans rather than the application of sound land use planning and flood risk management.



NSW SES advises that the Bureau of Meteorology (BOM) uses gauges located at Burtundy, Pooncarie and Menindee Town (all upstream of Wentworth) on the Darling River to calculate flood heights and flow times. The flow time from Burtundy to Wentworth is approximately 5 days. Flood Watches and Warnings are issued for Wentworth based on the Wentworth Lock 10 gauge (also referred to as Wentworth Weir) on the Murray River immediately downstream of the confluence of the Darling and Murray Rivers. There are no correlations of heights from this gauge to the site of the planning proposal.

Development strategies relying on deliberate isolation or sheltering in buildings surrounded by flood water are not equivalent, in risk management terms, to evacuation. Our experience has shown people often change their mind about evacuation after they have been surrounded by flood water or when essential services such as water, power and sewer cease to function. Rescue, resupply, and medical responses are difficult and dangerous under these conditions.

Due entirely to the need to meet priorities dictated by legislated responsibilities, the NSW SES is unable to provide a more detailed assessment of the development proposal or to work with developer's consultants in preparing any such proposal.

Please feel free to contact Maria Frazer on 0458 737 188 or via email at [nswses.riskreduction@ses.nsw.gov.au](mailto:nswses.riskreduction@ses.nsw.gov.au) should you wish to discuss any of the matters raised in this correspondence.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. Kuster', with a stylized flourish at the end.

Nicholas Kuster  
Manager Planning and Engagement  
**NSW State Emergency Service**

C.C Craig Ronan – Coordinator Planning



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Ken Ross  
General Manager  
Wentworth Shire Council

Email: [council@wentworth.nsw.gov.au](mailto:council@wentworth.nsw.gov.au)

20 January 2022

Dear Ken

### WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 KELSO STATION

We continue to act on behalf of the McLeod family owners of 'Kelso Station'.

Reference is made to the correspondence from the Department of Planning Industry and Environment (DPIE) identifying outstanding concerns and options to overcome them in relation to the planning proposal. The concerns raised relate to:

- ♦ Ministerial Direction 4.3 Flood Prone Land
- ♦ Ministerial Direction 2.3 Heritage Conservation
- ♦ Far West Regional Plan - Direction 15 - Manage land uses along key river corridors

In response to the outstanding concerns the following is offered in response.

#### Development within flood prone land

In response to the zoning of land which is subject to high hazard flooding, alteration to the zoning is proposed. We request for the planning proposal to include land which is identified as H1 (Figure A (attached) *Updated provisional flood hazard mapping for the 1% AEP flood*) prepared by Advisian in Zone R5 Large Lot Residential. The balance of the land not included in the H1 should then be included in Zone C2 Environmental Conservation (currently Zone E2 in the Wentworth LEP). Inclusion of the land in Zone E2 is consistent with the natural values of the land in relation to the identified nature of flooding. The zone will control development of the land and restrict development within the areas subject to high flood hazard. Such approach is consistent with the LEP Practice note, *Preparing LEP's using the Standard Instrument: standard zones (PN 11-002)*.

#### Management of the Darling River riparian land

Alteration of the zone applying to the land which is subject to high flood hazard as detailed above addresses Direction 15 of the Far West Regional Plan. Inclusion of such land in Zone C2 will provide protection measures to the riparian values of the river corridor and restrict or prohibits the extent and type of development which can be undertaken where the zone applies.

Our Ref: 20-068



#### Aboriginal cultural heritage

An addendum to the Everick Heritage February 2020 report has been undertaken (attached). The addendum (December 2021) documents an assessment of the additional area not previously assessed. Field work for the addendum was undertaken in consultation with Barkindji Maraura Elders. The report makes management recommendations for the land in light of the planning proposal. The addendum does not find any cultural heritage reason for the proposal not to proceed.

#### Vehicle access arrangements

Advisian have undertaken a further assessment in relation to the flood regime of the land which is attached (12 December 2021). The assessment has also considered the vehicle access arrangements and the comments of the SES. Advisian has specifically responded to such items at sections 2.2 and 3 of its assessment. The assessment concludes the planning proposal does not contradict any principle of the NSW Floodplain Development Manual 2005 by providing calculations and data justifying the position.

#### Subdivision layout and controls

A subdivision plan was provided in support of the planning proposal to assist in its assessment. Provision of the plan was due to the timing of when the planning proposal was submitted to Council for consideration being a supporting document at the time.

The subdivision layout is not being approved through the planning proposal.

Following rezoning of the land an application for development consent will be prepared lodged with Council. The application must be supported by the required information as provided by the required legislation along with the LEP and DCP. A full and thorough assessment of the subdivision layout and supporting documentation would then be undertaken by Council and any relevant agencies. At this time consideration of the appropriateness or otherwise of the subdivision layout will be undertaken and determined.

The minimum lot size for the land through the planning proposal is 7,500m<sup>2</sup>. This has been determined based upon the context of the land, adjoining and other large lot residential development and the availability of services to the land particularly reticulated sewer. The area of the lots contained within Zone R5 will be relevant as this part of the land must be capable for containing all development associated with the residential use of the land. It is therefore likely the western portion of the land will contain lots larger than 7,500m<sup>2</sup> however the central and eastern lots may be at the minimum lot size.

We look forward to further consideration of the proposal by Council and DPIE and should you have any queries, please contact our office on 03 5022 8411.

Yours sincerely  
James Golsworthy Consulting

A handwritten signature in black ink, appearing to be 'J. Golsworthy', written over a large, faint background watermark of a stylized 'X' or grid pattern.

James Golsworthy  
Director

Enc.

Our Ref: 20-068

2



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Ref: 311015-00182  
File: Ir311012-00182rg\_crt211124-Kelso Station Response to SES (Final)

Ms Jane McLeod  
Kelso Station  
Pooncarie Road  
WENTWORTH NSW 2648

12<sup>th</sup> December 2021

**Attention: Ms Jane McCleod**

Dear Jane,

## **PROPOSED REZONING OF LOT 1 DP 1193874 POONCARIE ROAD, WENTWORTH RESPONSE TO SUBMISSIONS FROM GOVERNMENT AGENCIES**

I refer to your request for Advisian to prepare a response to the flood related matters raised in submissions made by two State Government agencies in relation to the Rezoning Application that was lodged with Wentworth Shire Council for the subdivision of Lot 1 DP 1193874. The submissions relate to a report titled, '*Kelso Station, Wentworth – Gateway Determination – Flood Risk Assessment*' (*the FRA Report*) which was prepared by Advisian in 2019. They include the following.

- Letter submission to Mr Ken Ross of Wentworth Shire Council from the NSW Department of Planning, Infrastructure and Environment dated 26<sup>th</sup> July 2021; and,
- Letter submission to Ms Michele Bos of Wentworth Shire Council from the NSW State Emergency Services (SES) dated 19<sup>th</sup> August 2021.

I also refer to Revision D of the '*Wentworth Flood Study*' (*Final Draft, July 2021*) which was recently issued to Council. Revision D contains updated modelling results for design events that are based on revised flows derived from updated flood frequency analyses (FFA) that have been completed for the Murray and Darling Rivers.

Accordingly, we are pleased to outline in the following, our response to the agency submissions and a summary of the changes in flood characteristics arising from the additional analysis completed as part of Revision D of the '*Wentworth Flood Study*'. This summary also includes a commentary on the implications of those changes on the findings of the 2019 FRA report.

### **1. 2019 Flood Risk Assessment Report**

#### **1.1 Changes to Peak Flood Levels Associated with Rev D of the Flood Study**

The flood modelling results relied upon for preparation the 2019 FRA Report are superseded following submission of Rev D of the '*Wentworth Flood Study*' (*Final Draft, July 2021*). In that regard, the FRA report is based on flood modelling results extracted from Revision C of the Flood Study.

The changes to peak flood levels between Rev C and Rev D of the Wentworth Flood Study are largely attributed to updated flood frequency analyses (FFA) for the Murray and Darling Rivers. A comparison between design flows determined for Rev C and Rev D of the Flood Study is provided in **Table 1**. The comparison indicates that the updated FFA has led to minor increases in peak flows for the 5% AEP event and decreases for the 1% AEP flood.



**Table 1 Comparison of Design Flood Flows for the Murray and Darling Rivers based on Rev C and Rev D of the Wentworth Flood Study**

Design Event (AEP)	Murray River Design Flows (m <sup>3</sup> /s)		Darling River Design Flows (m <sup>3</sup> /s)	
	Rev C	Rev D	Rev C	Rev D
5%	2,120	2,207 (+4%)	395	399 (+1%)
1%	3,781	3,779 (-0%)	875	739 (-15%)

A comparison between the Rev C and Rev D peak flood levels predicted at the development site and at the low-point along the evacuation routes identified in the 2019 FRA Report is provided in **Table 2**.

**Table 2 Comparison of Peak Flood Levels based on Rev C and Rev D of the Wentworth Flood Study**

Design Event (AEP)	At the Site		At the Identified Evacuation Route Low-Point	
	Rev C	Rev D	Rev C	Rev D
5%	33.90	34.10 (+0.20m)	33.92	34.12 (+0.20m)
1%	34.85	34.87 (+0.02m)	34.83	34.86 (+0.03m)

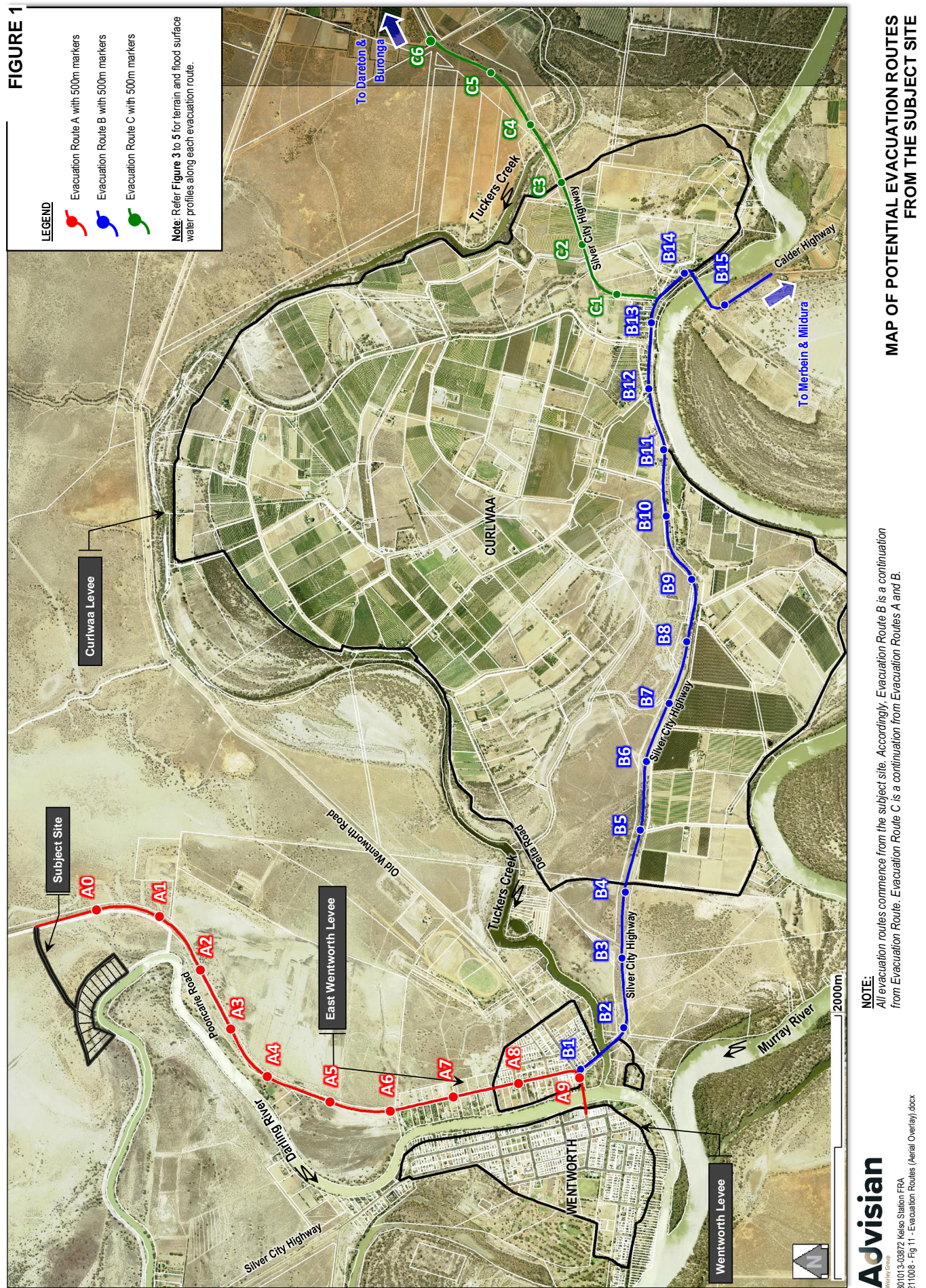
The minor increases to peak 1% AEP flood levels are attributed to simulations for the Rev D report adopting an updated hydrograph shape for Darling River inflows. This change results in a minor increase of up to 0.03m despite their being a reduction in peak flow magnitudes along the Darling River (refer **Table 1**).

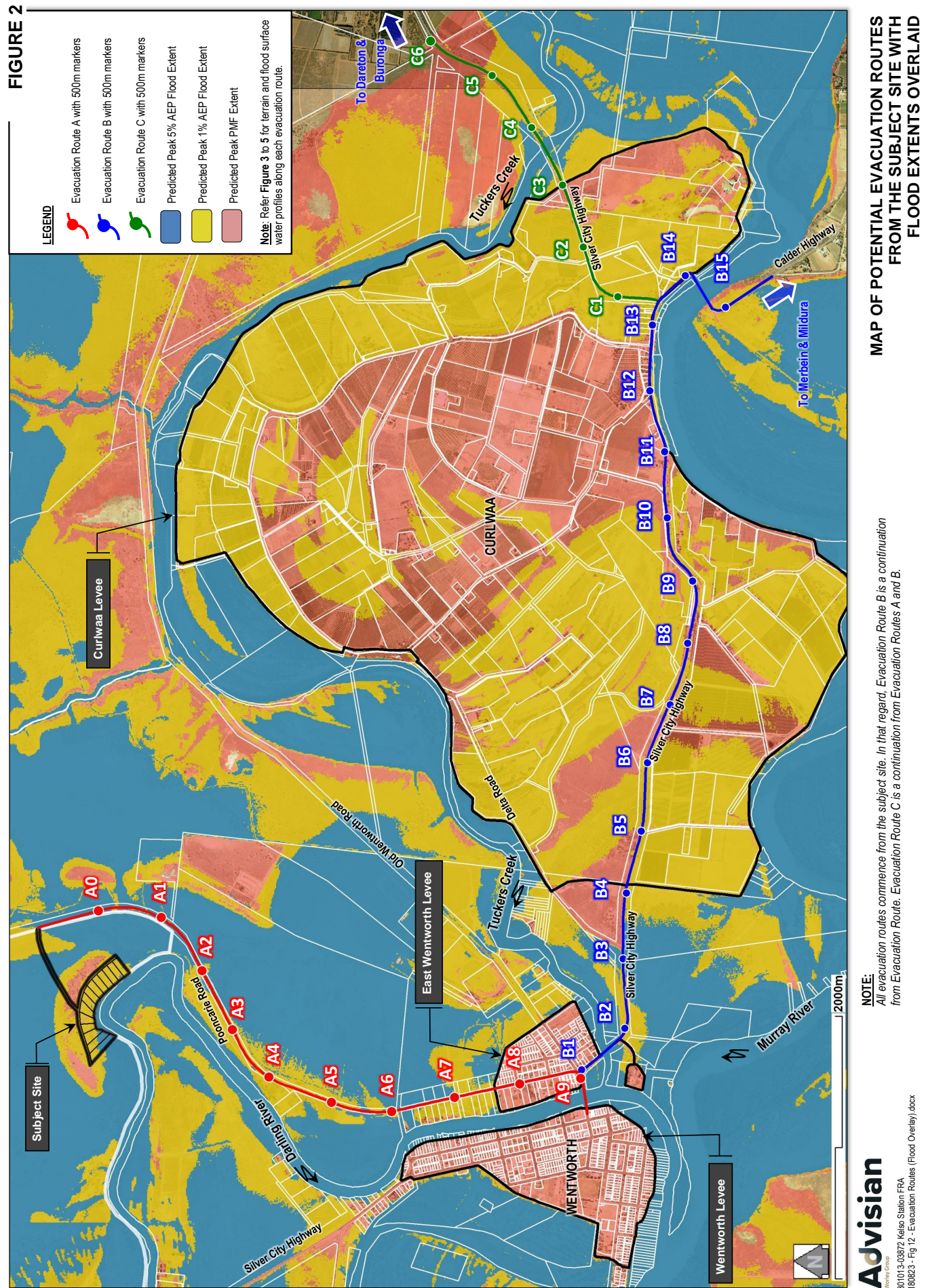
## 1.2 Implications of Changes to 2019 Flood Risk Assessment

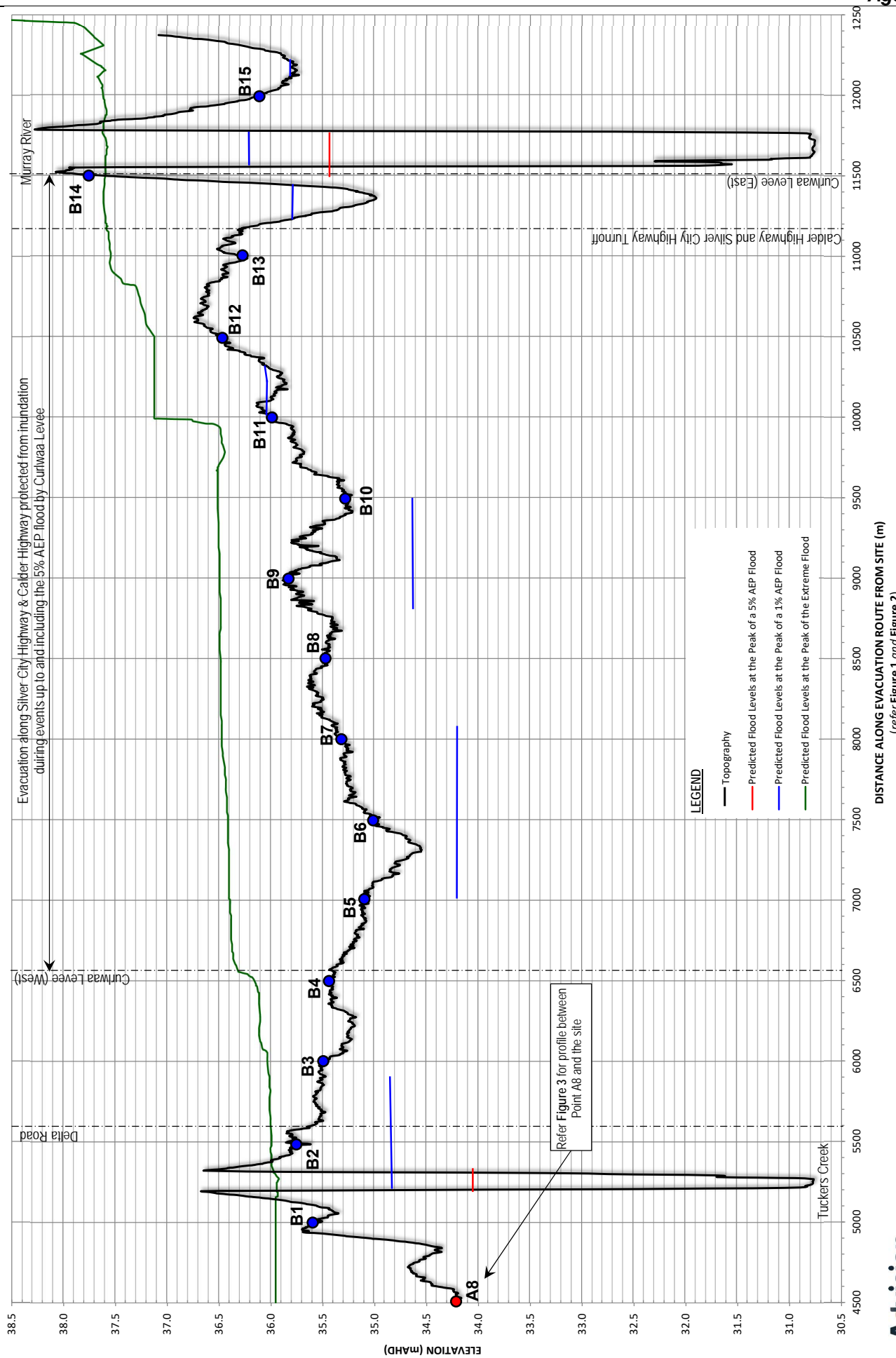
The updated peak flood levels discussed in **Section 1.1** have the potential to impact the predicted flood immunity of the proposed evacuation routes. As shown in **Figure 1** and **Figure 2**, the 2019 FRA Report considers three (3) potential evacuation routes from the site. These involve relocation to:

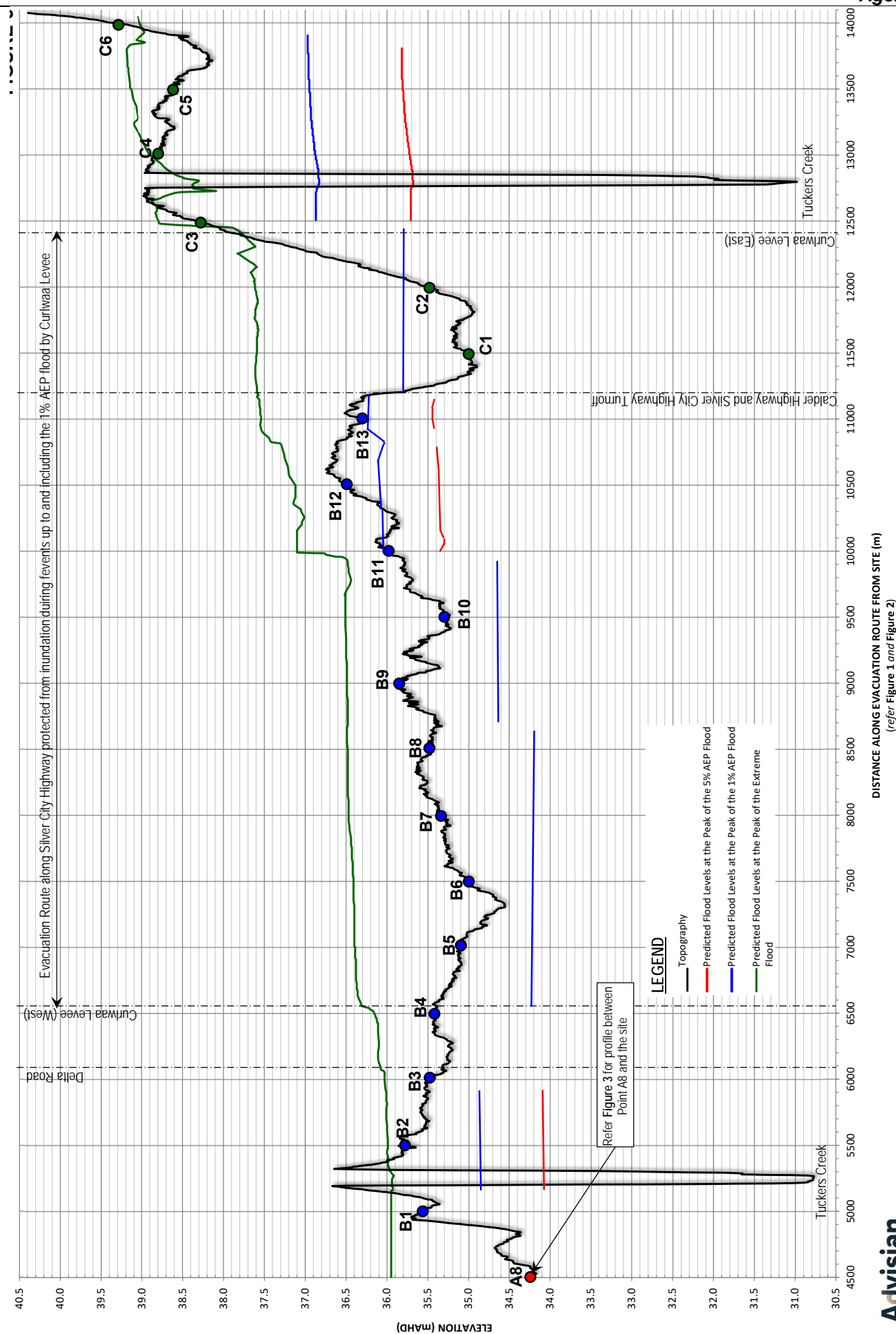
- Wentworth Town (*Evacuation Route A*),
- Merbein and Mildura (*Evacuation Route B*); or,
- Dareton and Buronga (*Evacuation Route C*).

Updated terrain and flood surface profiles have been prepared for each of the evacuation routes and are included here as **Figures 3** to **5**.









Comparison of the updated floodwater surface profiles to those documented in the 2019 FRA Report shows that inundation is now predicted along Pooncarie Road during the 5% AEP event. This inundation is predicted to occur across the 'low-point' shown on **Figure 3** which is located approximately 100 metres south of the site. The 'new' inundation is attributed to a 0.2 metre increase in peak 5% AEP flood levels at that location (refer **Table 2**).

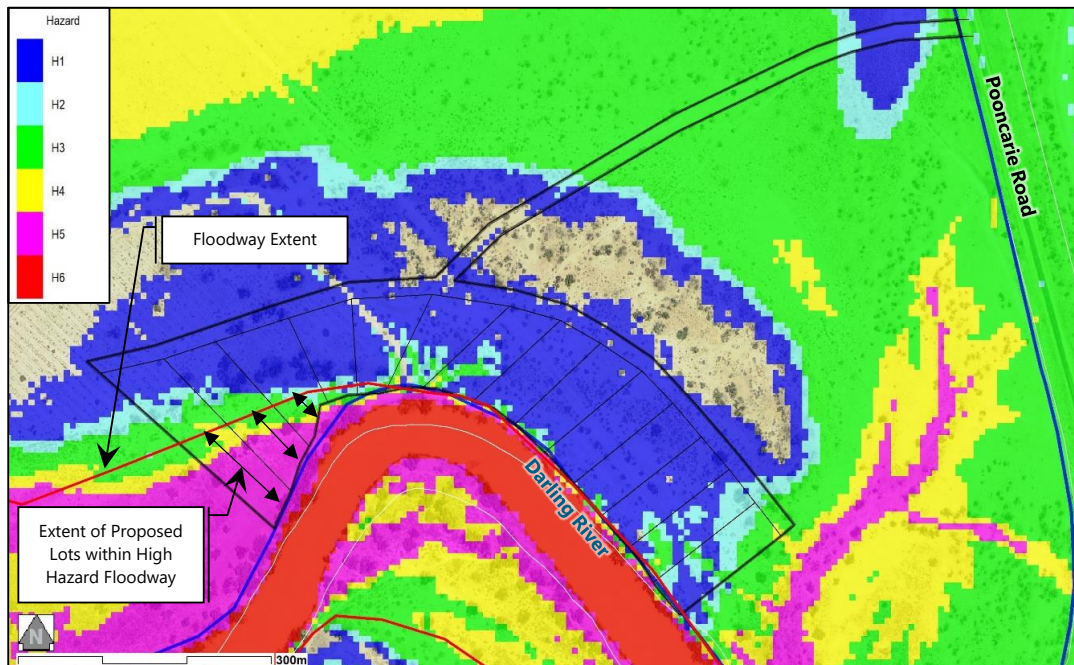
The flood surface profiles are similar elsewhere and would not lead to any material change to evacuation of the site given evacuation must occur prior to the peak of the 5% AEP event and inundation of the 'low-point' along Pooncarie Road.

## 2. Letter Submission from NSW Department Planning, Infrastructure & Environment

The NSW Department of Planning, Infrastructure and Environment (DPIE) letter submission to Wentworth City Council raises a number of '*concerns and options for consideration*' that relate to flooding, aboriginal cultural heritage, riparian land management and planning. Those matters relating to flooding are discussed in the following sections.

### 2.1 Proposal to Rezone Land Categorised as High Hazard Floodway to R5 Large Lot Residential

DPIE raises concern that the planning proposal is inconsistent with Ministerial Direction 4.3 Flood Prone Land in that it proposes to rezone high hazard flood prone land to R5 Large Lot Residential. It is understood that the parcels of land of concern are parts of the western most lots shown in **Plate 1** that adjoin the northern bank of the Darling River.



**Plate 1 Predicted 1% AEP Flood Hazard and Flood Function in the vicinity of the Site**

DPIE proposes that the land falling within the high hazard floodway be instead rezoned to a land use commensurate of its sensitivity and hazard. This will preclude any development within the high hazard floodway while maintaining river access for those affected lots.



This proposed change to the rezoning application is supported by Advisian and the landowners.

## 2.2 Vehicle Access Arrangement

The following concerns are raised by DPIE with regard to emergency response. Advisian's response, including the provision of additional information, is outlined below each item.

- *The proposed accessway requires vehicles to cross flood liable land that is unsafe for people and vehicles during times of flood. It is understood that the accessway will be constructed to the level of the 5% AEP flood event to avoid unacceptable increases in peak flood level and flow velocities that would re-distribute floodwaters from their natural path.*

The accessway is proposed to be constructed to the level of the 5% AEP flood to match the elevation of the low-point along Pooncarie Road to the south of the site (refer **Figure 1** and **Figure 3**). This would result in the accessway being constructed with surface elevations at approximately 34.1 mAHD compared to 33.95 mAHD at the low-point along Pooncarie Road.

Although the accessway could be constructed to a higher elevation it is not recommended given it would provide no benefit to site evacuation and could give residents false security despite Pooncarie Road being inundated.

Although construction of the accessway at this elevation will mean that it will start to become inundated by floodwaters once they reach the level of the 5% AEP flood, the risk to people located on the properties will not materialise because the flood emergency response strategy for the development will involve evacuation during the onset of flooding and before the 5% AEP flood level is reached. There is no proposal for people to traverse the accessway across areas of flood liable land when that land is in flood.

- *DPIE indicates that it is 'unclear' whether the proposed accessway is acceptable having regard to Section J2.5 Flood Access in the NSW Floodplain Development Manual. The planning proposal has not discussed the potential for development on the site to be isolated for weeks during flood events.*

Section J2.5 of the NSW Floodplain Development Manual does not provide any specific guidance that is contrary to the proposed access arrangements for the proposed subdivision.

The planning proposal has not discussed the potential for isolation of residents because shelter-in-place is not proposed as a flood emergency response for the proposed development. The 2019 FRA Report indicates that future residents are to evacuate the site once the 10% AEP flood height is reached at the Lock 10 Gauge on the Murray River, at which point residents would have between 5 and 17 days warning time to effect that evacuation.

Since finalisation of the 2019 FRA Report, Minor, Moderate and Major flood heights have been assigned to the Murray River Lock 10 Gauge. Given these elevations will be closely monitored by the NSW SES and the local community, it is recommended that these be used to trigger evacuation during the onset of major flooding should it be required. Further discussion on appropriate gauge heights and available warning times is provided in **Section 3** of this response.



DPIE's comments with regard to vehicle access arrangements conclude with a recommendation that the view of the NSW SES be sought. We understand this to have led to the NSW SES making a letter submission to Council dated 19<sup>th</sup> August 2021. A response to issues raised in the submission from the NSW SES is provided in **Section 3**.

### 3. Letter Submission from the NSW State Emergency Service

The NSW State Emergency Service (SES) raise a number of concerns with the proposed development making reference to provisions outlined in the *NSW Floodplain Development Manual 2005* and in Section 9.1 (Direction 4.3 – Flood Prone Land) of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A).

The letter submission raises a number of principals outlined in the Manual which are of importance to the NSW SES. These principals are outlined below and have been considered with reference to the specifics of the development that is proposed as part of the planning proposal.

In that context, it should be recognised that the NSW Floodplain Development Manual is a guideline document only; it is not a policy. Planning decisions, including the assessment of rezoning proposals, are made on the basis of considering the requirements of policy. The overriding NSW policy that informs decisions related to development on floodplain lands is the NSW Government's *Flood Prone Land Policy*. This policy is articulated in the NSW Floodplain Development Manual and has as its primary objective, the need to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, while at the same time, recognising that flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development.

Hence, the NSW *Flood Prone Land Policy* requires a merits based assessment of potential development that aims to balance these objectives.

*a. Zoning should not enable development that will result in an intolerable increase in risk to life, health or property of people living on the floodplain.*

The proposed introduction of fourteen (14) new residential properties into the Murray and Darling Rivers floodplain does not represent an 'intolerable' increase in risk to life. Any assessment of the risk must take account of the potential hazard. If the hazard can be managed, then the risk can be reduced. The significant warning times available for preparation and evacuation from the site effectively ensure that the potential hazard can be managed and any risk reduced to acceptable levels.

*b. Risk assessment should consider the full range of flooding, including events up to the Probable Maximum Flood (PMF) and not focus only on the 1% AEP flood.*

The 2019 FRA report did take into consideration an Extreme flood event equivalent to three times the peak flow of the 1% Annual Exceedance Probability AEP flood. This extreme flood was considered as part of the assessment of available warning times and flood risks along nominated evacuation routes.



Notwithstanding, we have updated this analysis to incorporate Council's latest flood modelling results, as extracted from Rev D of the *Wentworth Flood Study (Final Draft, 2021)*. This has included reference to key gauge heights extracted from the Murray River Lock 10 gauge record and the timing to inundation of the low-point along Poongcarie Road (refer **Figure 1** and **Figure 3**).

The outcomes of this updated analysis are included in the discussion under bullet point c.

- c. *Risk Assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes. Consideration should also be given to the impacts of localised flooding on evacuation routes.*

We do not foresee any tangible increase to evacuation demands and timing constraints that could arise as a consequence of the proposed development based on:

- the significant warning times available that range from days, weeks or months (refer **Figure 6** and **Figure 7**), and
- the low risk of delays and congestion along evacuation routes based on the low number of properties and hence vehicles that would require their use (refer **Figure 1**).

Local catchment flooding also represents a negligible risk to site evacuation based on there being no connection between major riverine flooding at Wentworth and local rainfall. For local catchment flooding to impact evacuation there would need to be major rainfall in the Wentworth region at the same time as riverine flooding approached its peak. The probability of such a scenario occurring is considered to be low and the potential for the local rainfall to be of a magnitude sufficient to cause localised flooding along evacuation routes to be even more remote

To further assess warning times and evacuation demand, we have reviewed the guidelines outlined within '*The Application of Timelines to Evacuation Planning*' (NSW SES, February 2004). As shown in **Plate 2**, the guidelines highlight the following as being critical components for a safe evacuation timeline:

- Prediction Time (P)
- Time to decide on an evacuation strategy and to mobilise resources (R)
- Warning Time (W)
- Actual available warning time ( $E_a$ )
- Time need for evacuation ( $E_n$ )

**FIGURE 6**

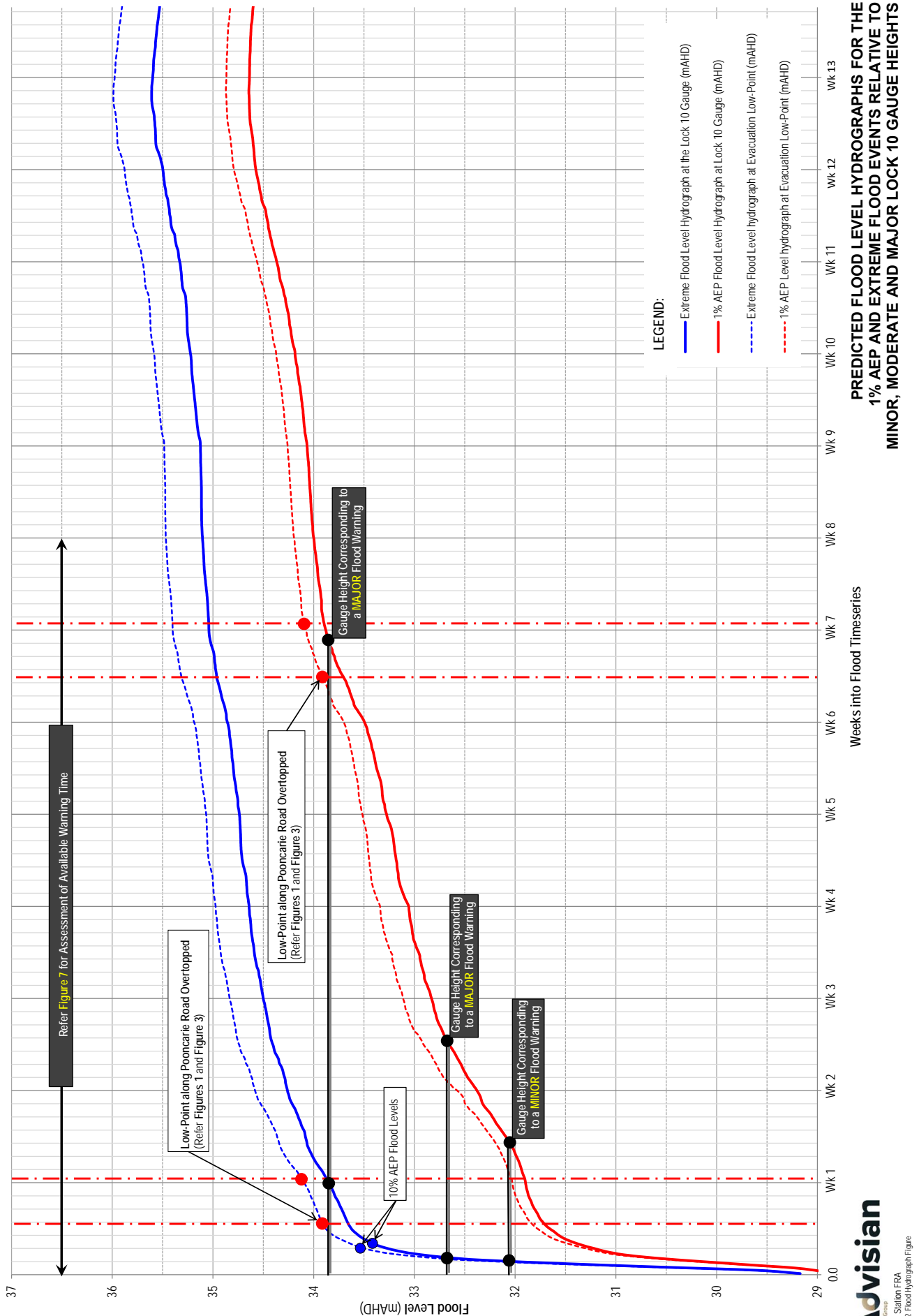
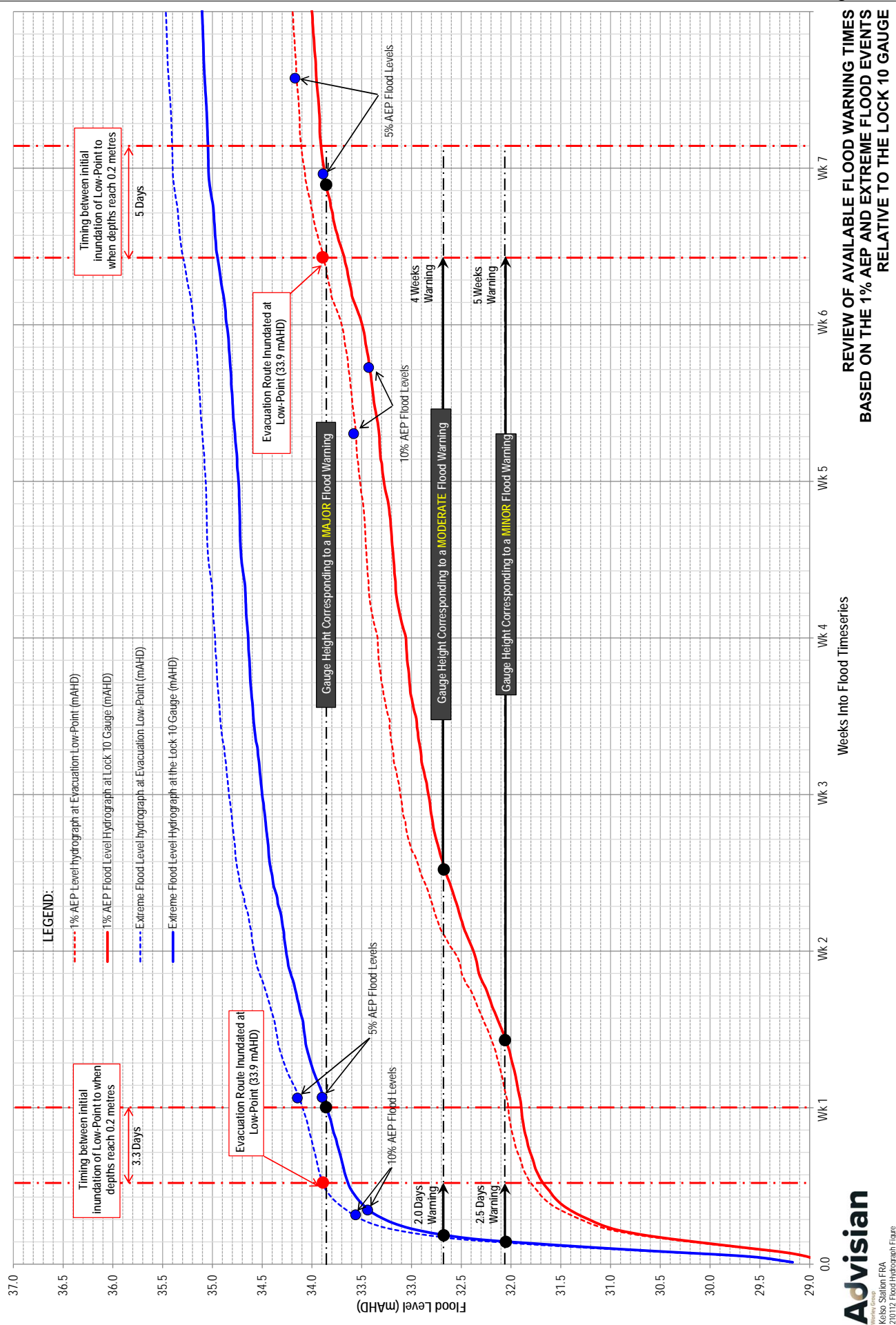


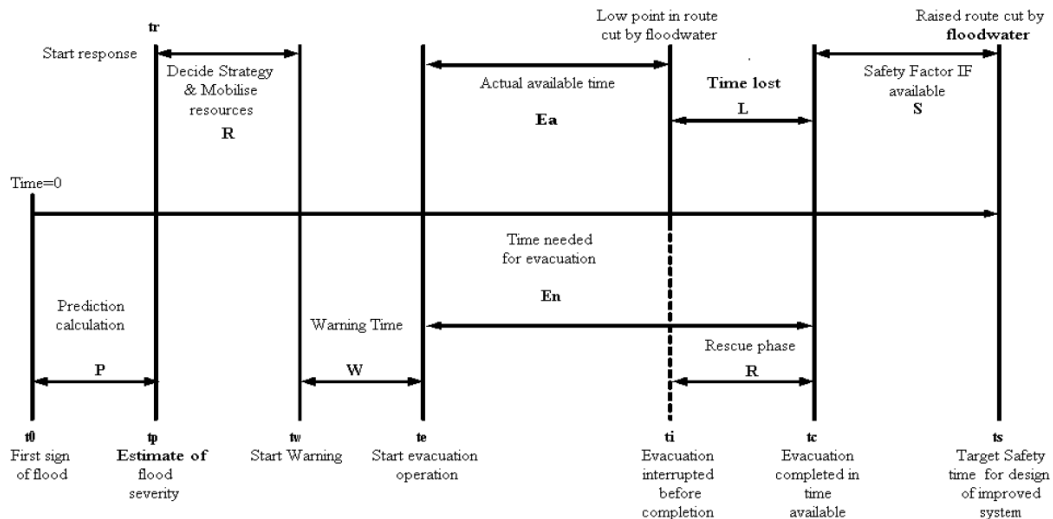
FIGURE 7





Each of these components and their function with regard to the proposed development are discussed further below.

#### Schematic Time Line of Emergency Response for Flood Evacuation



#### Plate 2 Time line of Emergency Response for Flood Evacuation

Extracted from 'The Application of Timelines to Evacuation Planning' (NSW SES, February 2004)

#### Prediction Time (P)

The significant catchment sizes of both river systems combined with the abundance of upstream river gauges, such as those at Euston, Colignan, Burtundy or Menindee Town, leads to long Prediction Times (P) for both Murray and Darling River flood events at Wentworth. Prediction times associated with the issuing of a Flood Watch would arrive weeks prior to the flood itself.

#### Warning Time (W)

The Warning Time (W) is more variable and varies on a site by site basis based on the elevation of the low-point along nominated evacuation routes and the available triggers that would lead to the initiation of site preparation and evacuation.

The following has been established for the subject site with regard to available flood warning.

- Three evacuation routes have been identified for the site. As shown in **Figure 1** and **Figure 2**, all evacuation routes direct residents south along Pooncarie Road to either Wentworth (*Evacuation Route A*), towards Mildura via the Calder Highway (*Evacuation Route B*) or towards Dareton via the Silver City Highway (*Evacuation Route C*).

The low-point for all evacuation routes occurs along Pooncarie Road approximately 1,150 metres south of the internal access road or 100 metres south of the southern site boundary. The elevation of the low-point is 33.95 mAHD, which has been derived from LiDAR obtained from the GeoScience Australia ELVIS Portal (refer **Figure 3**).



- Flood Warnings and evacuation triggers are issued for Wentworth based on the monitoring of recorded river levels at the Murray River Lock 10 Gauge (*also referred to as Wentworth Weir*). River levels and flows are monitored at the gauge in real-time and are accessible via the following links:

<http://www.bom.gov.au/fwo/IDN60237/IDN60237.047100.plt.shtml>

<https://riverdata.mdba.gov.au/wentworth-weir-lock-10>

The Minor, Moderate and Major flood levels for the Lock 10 gauge are shown below.

- Minor Flood Level = 32.08 mAHD
  - Moderate Flood Level = 32.68 mAHD
  - Major Flood Level = 33.88 mAHD
- Flood level timeseries information at the evacuation low-point and the Murray River Lock 10 Gauge has been extracted from modelling results for the 1% AEP event and the adopted Extreme flood as documented in the *Wentworth Flood Study (Rev D, 2021)*. As shown in **Figure 6**, the timeseries data indicates there to be between 2.5 days to 5 weeks of available warning time from when the Minor gauge height is reached at the Lock 10 till inundation would commence across the evacuation route low-point. The difference in timing is based on whether the flood event manifests to become a 1% AEP or a Extreme event.

If the Moderate gauge height were adopted the available warning time would reduce to between 2 days for the Extreme event and 4 weeks for the 1% AEP event. The timeseries information indicates that the evacuation route low-point would be inundated to depths of approximately 0.2 metres once the Major gauge height is reached.

Accordingly, there is expected to be at least 2 days warning time for evacuation from when the Moderate flood level is reached at the Lock 10 Gauge.

#### **Actual Available Warning Time (E<sub>a</sub>)**

The Actual Available Warning Time (E<sub>a</sub>) is unlikely to reduce materially from that outlined above given it is based on Council's adopted Extreme event. Accordingly, this is already an extreme scenario that could vary substantially if a more reasonable event such as the 1% AEP flood were adopted. As discussed above and shown in **Figure 5**, the available warning time would increase to 4 weeks for a 1% AEP event.

Therefore, there is an abundance of time available for flood information to reach residents whether it be via rapid release measures such as radio, television, social media/internet or text (sms), or more traditional measures such as door knocking, newspapers and word-of-mouth.



### Time Needed for Evacuation (E<sub>n</sub>)

Evacuation Route C requires the longest travel distance of 14 kilometres to reach land that is above the Extreme flood. Google Maps estimates that this route could be travelled within 12 minutes.

Based on the rural nature of the community, the sparse number of properties along the route and the significant warning time available it is unlikely that the route would experience any significant congestion that could lead to increased travel times. Notwithstanding, even if the travel time were doubled to 24 minutes there would be no material change to evacuation potential.

- d. In the context of future development, self-evacuation of the community should be achievable in a manner that is consistent with the NSW SES's principles for evacuation.*

As presented in response to Item c., the proposed development would have significant warning time of at least 2 days for site evacuation to be completed following the Moderate gauge height being reached at the Lock 10 gauge. Additional warning time for site preparation and readiness would be available based on receipt of earlier flood watches and receipt of a Minor flood warning.

- e. Future development must not conflict with the NSW SES's flood response and evacuation strategy for the existing community.*

We have reviewed the 'Wentworth Shire Local Flood Plan' (NSW SES, May 2018) and have not identified any conflicts between the proposed development and the existing flood response and evacuation strategies.

- f. Evacuation must not require people to drive or walk through flood water.*

The response above to Item c. in particular, indicates that there would be in the order of:

- Several weeks of notice of an impending flood event via the dispatch of Flood Watch notifications from the Bureau of Meteorology.
- At least 2½ days warning time from receipt of a Minor flood warning, and
- At least 2½ days warning time from receipt of a Moderate flood warning.

As shown on **Figure 6**, the above warning times are based on the flood hydrograph for Council's adopted Extreme event and are based on ensuring evacuation is completed prior to inundation of the evacuation route.

The significant warning times available will provide residents with every opportunity to both prepare and evacuate prior to inundation of the evacuation route.

- g. Development strategies relying on deliberate isolation or sheltering in buildings surrounded by flood water are not equivalent, in risk management terms, to evacuation.*

Shelter-in-place is not proposed for this development.



- h. Development strategies relying on an assumption that mass rescue may be possible where evacuation either fails or is not implemented are not acceptable to the NSW SES.*

Mass rescue has not been relied upon for this development. As discussed above, future residents will have significant warning time available to safely prepare and evacuate the site.

- i. The NSW SES is opposed to the imposition of development consent conditions requiring private flood evacuation plans rather than the application of sound land use planning and flood risk management.*

Noted.

The above responses and additional analysis show that there is significant warning time available for the preparation and evacuation of the proposed development. By adopting the Moderate gauge height at Lock 10 as an evacuation trigger, residents will have at least 2 days warning based on application of the Extreme flood hydrograph or up to 4 weeks if based on the 1% AEP flood hydrograph. This period of time is more than sufficient for residents to prepare properties, plan for alternate accommodation and evacuate prior to inundation of the low-point along Pooncarie Road.

#### 4. Conclusions

Planning decisions, including the assessment of rezoning proposals, are made on the basis of considering the requirements of policy. The overriding NSW policy that informs decisions related to development on floodplain lands is the NSW Government's *Flood Prone Land Policy*. This policy is articulated in the NSW Floodplain Development Manual and has as its primary objective, the need to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, while at the same time, recognising that flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development.

Hence, the NSW *Flood Prone Land Policy* requires a merits based assessment of potential development that aims to balance these objectives.

The following conclusions can be drawn from our assessment of the issues raised by DPIE and NSW SES. The following also serves as the outcomes of our merits based assessment of the rezoning application.

- Updated flood modelling for Rev D of the *Wentworth Flood Study (final draft, 2021)* predicts some minor change to peak flood levels at the site and at the low-point along Pooncarie Road; i.e., the evacuation route. The changes in flood levels at both locations are within + 0.20 metres for the 5% AEP event and + 0.02 metres for the 1% AEP event (refer **Table 2**).
- DPIE raises concerns with the proposed rezoning of those parts of the proposed subdivision that fall within the high hazard floodway. These concerns could be addressed by excluding this land from the proposed R5 Large Lot Residential zoning and applying of a more appropriate zoning commensurate with the flood risk. This will preclude any development within the high hazard floodway while maintaining river access for affected lots.
- The NSW SES raises a number of principles that are drawn from the NSW Floodplain Development Manual 2005. We do not believe the proposed development contradicts any of these principles based on the significant warning times available for residents to prepare and



evacuate during the onset of flooding, which will occur over an extensive period. The analysis presented in **Figure 6** and **Figure 7** indicates that future residents of the subdivision will have:

- several weeks to digest the risk of an impending flood following receipt of a Flood Watch warning;
  - at least 2½ days warning time from when floodwaters reach the Minor flood height at the Murray River Lock 10 Gauge; based on the adopted Extreme flood event;
  - at least 2 days warning time for evacuation from the Moderate flood height being reached at the Lock 10 Gauge; based on the adopted Extreme Flood Event; and
  - even greater warning times of up to 5 weeks and 4 weeks, respectively, if timings were based on a 1% AEP flood event.
- The significant warning times that are available would provide a surplus of time within which residents will be able to prepare, organise and safely evacuate the site.
  - The nominated evacuation routes shown in **Figure 1** and **Figure 2** are predicted to require up to 24 minutes to reach flood free land and would have very little potential to be congested or obstructed during the window of available evacuation time.

## 5. References

- New South Wales Government (2005), *'Floodplain Development Manual: the management of flood liable land'*; ISBN 0 7347 5476 0.
- NSW State Emergency Service (2018) *'Wentworth Shire Local Flood Plan'*
- NSW State Emergency Service (2004) *'The Application of Timelines to Evacuation Planning'*
- Floodplain Management Conference Paper (2013), *'A Technical Guideline for the use of the SES Timeline Evacuation Model in Flood Evacuation'*, prepared by S. Molino, Molino Stewart Pty Ltd, NSW SES
- Ormand McLeod (2019), *'Kelso Station, Wentworth – Gateway Determination – Flood Risks Assessment'*; prepared by Advisian Pty Ltd.
- Wentworth Shire Council (July 2021), *'Wentworth Local Environmental Plan (Kelso Station)'*; prepared by the NSW Department of Planning, Infrastructure and Environment.
- Wentworth Shire Council (August 2021), *'Planning Proposal for Lot 1 DP 1193874 Pooncarie Road, Wentworth'*; prepared by the NSW State Emergency Services.
- Wentworth Shire Council (July 2021), *'Wentworth Flood Study'*; (Rev D, Final Draft), prepared by the Advisian Pty Ltd.



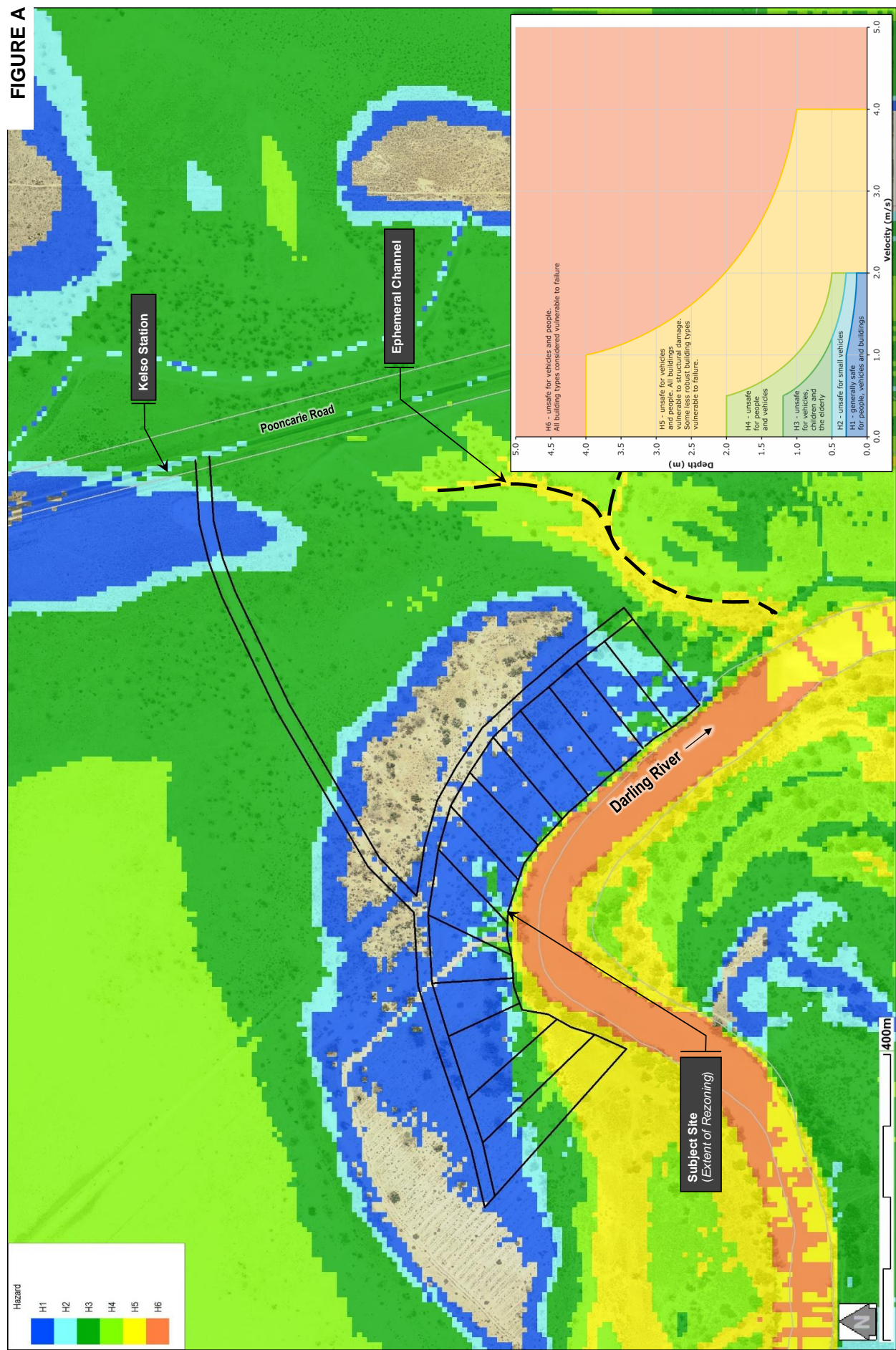
We trust that this letter provides a response to the matters raised by the NSW Department of Planning, Infrastructure and Environment (DPIE) and The NSW State Emergency Services (NSW SES). Please feel free to contact me on 0431 752 762 should you require anything further.

Yours faithfully

**ADVISIAN**

**Roy Golaszewski**  
*Senior Engineer*  
*Water Resources*

**Chris Thomas**  
*Senior Principal*  
*Practice Lead, Water Resources*



**NOTE:**

Hazard criteria/curves have been extracted from Guideline 7.3 – Flood Hazard of Handbook 7 – Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia of the Australian Disaster Resilience Handbook Collection.

## 9.16 RECLASSIFICATION OF LAND TO OPERATIONAL

File Number: RPT/21/695

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Hilary Dye - Property and Land Tenure Officer

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural assets

Strategy: 3.2 Plan for and develop the right assets and infrastructure

### **Summary**

Section 31(2) of the *Local Government Act 1993* (the Act) notes that before Council acquires land, or within three months after it acquires land, Council may classify the subject land by resolution.

The purpose of classification is to identify Council owned land which should be kept for use by the general public (community) or for Council purposes (operational).

A resolution of Council, within the timeframe prescribed in the Act is required to finalise the classification of land as Operational. Should the classification process not be completed, the land will default to Community Land which restricts its use.

### **Recommendation**

That Council classifies the following parcels of land as Operational Land:

- Lot 200 Deposited Plan 1252696 for the purpose of the Buronga River Boat Sewer Pump Out Station (EDS)
- Lot 102 Deposited Plan 1254150 for the purpose of stormwater infrastructure and raw water stand pipe.

### **Detailed Report**

#### **Purpose**

The purpose of this report is to seek approval from Council to re-confirm Council's intention to classify the acquired land listed in this report as Operational land.

#### **Background**

Early in the acquisition process there was a report to Council for a resolution to acquire the land and once acquired (Gazetted) for it to be classified as Operational land.

As this was done before a public hearing was conducted, section 32 of the Act provides that Council must arrange a public hearing in respect of any proposal to reclassify land as Operational land by such a resolution.

We have a three-month statutory requirement under s34 of the Act to advertise the notice of a "proposed resolution" to classify the land as operational. A public exhibition period of not less than 28 days is required during which, submissions may be made to Council.

Once statutory notification period is complete, Council will consider assess any submissions received.

#### **Buronga Wetlands**

Minister's consent to classify the Buronga Wetlands reserve as operational land was obtained previously in 2019, prior to Council preparations of the Plan of Management.

An extract from the Minister's letter of consent states:

*In making this decision, I have considered justification provided by Council so as to satisfy the Minister that the land:*

- a) does not fall within any of the categories for community land under the LG Act, or*
- b) could not continue to be used and dealt with as it currently can if it were required to be used and dealt with as community land.*

WSC Ref	Purpose	Lot / DP	Gazette Date	Public Exhibition Date
A41 Buronga Riverboat EDS	Buronga River Boat Sewer Pump Out Station (Effluent Disposal Station)	200/1252696	29/10/2021	13/11/2021 to 11/12/2021
A35 Buronga Wetlands	Stormwater infrastructure and raw water stand pipe	102/1254150	10/12/2021	17/12/2021 to 14/01/2022

#### Matters under consideration

A resolution of Council, within the time frame prescribed in the *Local Government Act 1993*, is required to finalise the classification of land as Operational. Should the classification process not be completed within the statutory timeframe, the land will default to Community land restricting Councils use of the land.

The two classifications available:

1. **Community Land** – land in Council's ownership which is held for and on behalf of the Community, subject to the Community Land provisions of the *Local Government Act 1993*. i.e. Community land would ordinarily comprise land such as a public park, and
2. **Operational Land** – land which Council owns for operational purposes, as a business entity or upon which it conducts Council business which may not be open to the general public,

The advantage of community land is it will restrict the use of the land, thereby protecting the public interest.

Operational land on the other hand has no special restrictions other than those that may apply to any parcel of land. The advantage of operational land is to afford Council flexibility in its use and any future dealings.

Land incorrectly classified (via resolution or by default) will require reclassification to operational land. This involves an application to amend the Local Environmental Plan under the Environmental Planning and Assessment Act 1979 which is both time and cost prohibitive.

#### **Community Engagement**

In accordance with Section 34 of the *Local Government Act 1993*, public notices of Council's intention to classify the land as Operational was placed in the Sunraysia Daily's Community Noticeboard and posted on Council's website allowing 28 days for written submissions. No submissions were received during the advertising period.

#### Options

Based on the information contained in this report, the options available to address this matter are to:

- a) Classify the land as Operational Land.

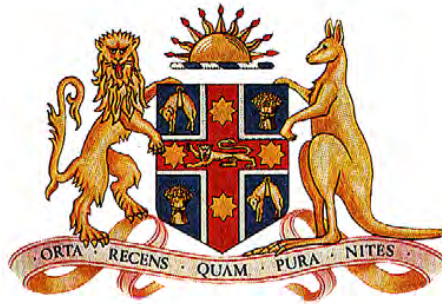
- b) Do nothing and the land will default to Community Land.

Conclusion

After considering the information provided in this report the most appropriate course of action is for Council to classify the land identified as Operational land.

Attachments

1. NSW Government Gazette - Riverboat EDS[↓](#)
2. Deposited Plan DP1252696 - Riverboat EDS[↓](#)
3. Minister's consent to classify Crown land as operational land[↓](#)
4. NSW Government Gazetted - Buronga Wetlands[↓](#)
5. Deposited Plan DP1254150 - Buronga Wetlands[↓](#)



# *Government Gazette*

of the State of

New South Wales

**Number 553—Compulsory Acquisitions**

**Friday, 29 October 2021**

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The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

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To submit a notice for gazettal, see the Gazette page.

ISSN 2201-7534

**By Authority**  
Government Printer

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NSW Government Gazette No 553 of 29 October 2021

## LOCAL GOVERNMENT ACT 1993

## LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

## NOTICE OF COMPULSORY ACQUISITION OF LAND

Wentworth Shire Council declares with the approval of Her Excellency the Governor that the land and interest described in Schedule 1 below, excluding the interest described in Schedule 2 below, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of the Buronga River Boat Sewer Pump Out Station and to provide access to the Buronga River Boat Sewer Pump Out Station.

Dated at *WENTWORTH* this *21* day of *OCTOBER* 2021



General Manager

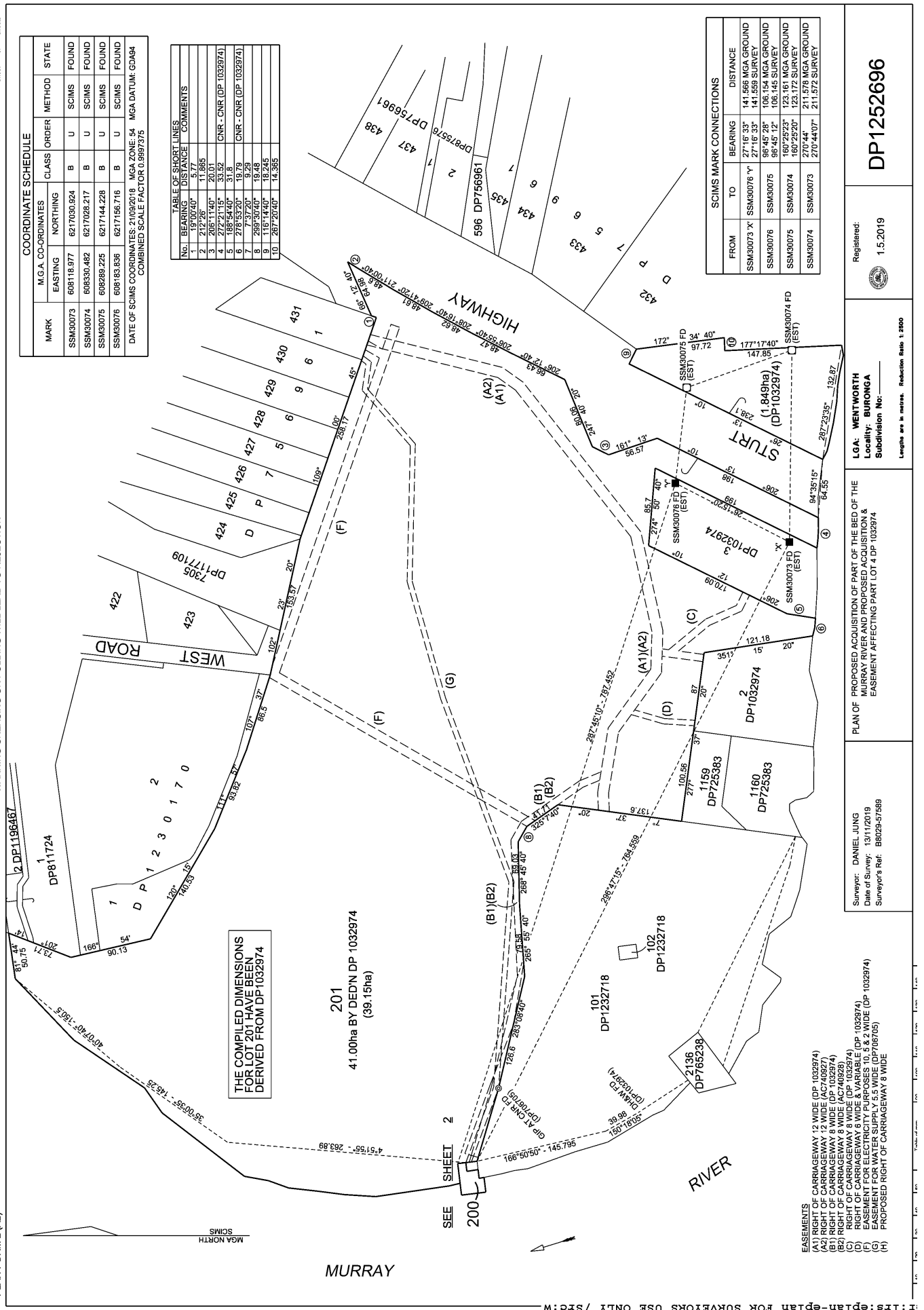
**Schedule 1**

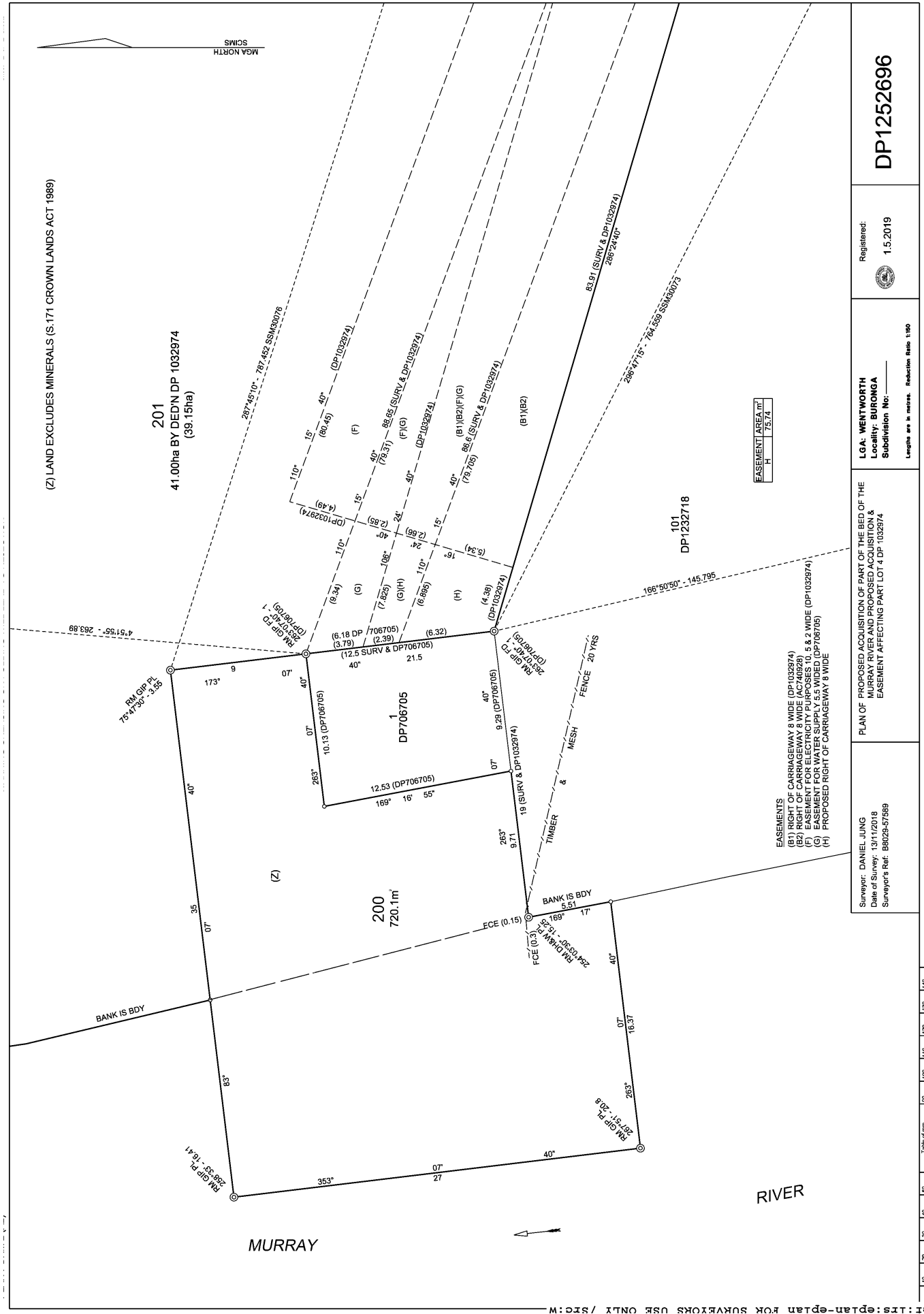
Lot 200 DP1252696 being part of land comprised in 4/1032974 and part of the bed of the Murray River which adjoins part of land comprised in 4/1032974 and part of land comprised in 101/1232718

Right of carriageway 8 wide marked (H) and shown over Lot 201 DP1252696 being part of the land comprised in 4/1032974


**Schedule 2**

Easement for water supply 5.5 wide (DP706705) marked (G) and shown over Lot 201 DP1252696 being part of the land comprised in 4/1032974






ePlan

PLAN FORM 6 (2018)		DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 sheet(s)	
Registered:  1.5.2019 Title System: TORRENS & CROWN LAND		Office Use Only		Office Use Only	
		<b>DP1252696</b>			
<b>PLAN OF PROPOSED ACQUISITION OF PART OF THE BED OF THE MURRAY RIVER AND PROPOSED ACQUISITION &amp; EASEMENT AFFECTING LOT 4 DP 1032974</b>		LGA: WENTWORTH Locality: BURONGA Parish: MOURQUONG County: WENTWORTH			
<b>Survey Certificate</b> I, DANIEL JUNG ..... of PUBLIC WORKS ADVISORY ..... a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that: <del>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on ....., of</del> <del>*(b) The part of the land shown in the plan (*being/*excluding ** .....</del> LOT 200 ..... was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> , the part surveyed is accurate and the survey was completed on, 13/11/2018 the part not surveyed was compiled in accordance with that Regulation, or <del>*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2017.</del> Datum Line: X - Y ..... Type: *Urban/*Rural The terrain is *Level-Undulating / <del>*Steep Mountainous.</del> Signature:  Dated: 1/4/2019 Surveyor Identification No: 8860 ..... Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>  *Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.		<b>Crown Lands NSW/Western Lands Office Approval</b> I, ..... (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: ..... Date: ..... File Number: ..... Office: .....			
		<b>Subdivision Certificate</b> I, ..... *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of section 6.15 <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: ..... Accreditation number: ..... Consent Authority: ..... Date of endorsement: ..... Subdivision Certificate number: ..... File number: .....  *Strike through if inapplicable.			
Plans used in the preparation of survey/compilation. DP 706705 DP 1032974 DP 1232718		Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land. IT IS INTENDED TO ACQUIRE LOT 200  WENTWORTH SEWERAGE ACQUISITIONS PROPOSED UNDER THE LOCAL GOVERNMENT ACT			
Surveyor's Reference: B8029-57589		Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A			

ePlan

**PLAN FORM 6A (2017) DEPOSITED PLAN ADMINISTRATION SHEET** Sheet 2 of 2 sheet(s)

<b>Registered:</b>  <b>1.5.2019</b>	<b>Office Use Only</b>  <h1 style="margin: 0;">DP1252696</h1>
<b>PLAN OF PROPOSED ACQUISITION OF PART OF THE BED OF THE MURRAY RIVER AND PROPOSED ACQUISITION &amp; EASEMENT AFFECTING LOT 4 DP 1032974</b>	<b>Office Use Only</b>
Subdivision Certificate number: ..... Date of Endorsement: .....	This sheet is for the provision of the following information as required: <ul style="list-style-type: none"> <li>A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i></li> <li>Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i></li> <li>Signatures and seals- see 195D <i>Conveyancing Act 1919</i></li> <li>Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.</li> </ul>

Lot Number	Sub-Address Number	Address Number	Road Name	Road Type	Locality Name
200		N/A	STURT	HIGHWAY	BURONGA
201		N/A	STURT	HIGHWAY	BURONGA

If space is insufficient use additional annexure sheet

Surveyor's Reference: B8029-57589



Reference: LBN19/1820

Ms Hilary Dye  
Wentworth Shire Council  
PO Box 81  
Wentworth NSW 2648

Dear Ms Dye,

**Subject:** Wentworth Shire Council request for consent to manage Crown land as operational land

Thank you for your request for Minister's consent to classify 18 Crown reserves as 'operational land' under section 3.22 of the *Crown Land Management Act 2016*.

I have reviewed the information provided and am pleased to advise that as a delegate of the Minister for Water, Property and Housing, Council is approved to manage 10 Crown reserves and one part reserve as operational land under the *Local Government Act 1993* (see – Attachment 1).

In making this decision, I have considered justification provided by Council so as to satisfy the Minister that the land:

- a) *does not fall within any of the categories for community land under the LG Act, or*
- b) *could not continue to be used and dealt with as it currently can if it were required to be used and dealt with as community land.*

Please note, Council is able to manage these reserves as operational land except for any appointment conditions and land management rules and Council will be unable to sell the land without further consent of the Minister. All activities on the reserve must be consistent with the *Native Title Act 1993* (Cth) and therefore consistent with the reserve purpose.

It is noted that Council also requested three Crown reserves and one part reserve to be classified as operational. As the delegate of the Minister, this request has not been supported and the land is to be dealt with as community land. Council is required to submit initial categorisation for these reserves prior to commencing preparation of the Plan of Management (see – Attachment 2).

The remaining four Crown reserves are 'devolved land' and are to be managed in accordance with section 48 of the LG Act OR 'defaulted to the Minister' therefore Council is not able to manage these reserves as if they were public land (see - Attachment 3).

If you have any further questions or need assistance, please contact me on 0422 005 533 or via email at [council.clm@crowmland.nsw.gov.au](mailto:council.clm@crowmland.nsw.gov.au).

Yours sincerely

**CARL MALMBERG**  
**PRINCIPAL POLICY AND PROJECT MANAGER**  
**DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT – CROWN LANDS**

Encl.

**Attachment 1:** *Schedule of Crown reserves to be managed as operational land*  
**Attachment 2:** *Schedule of Crown reserves to be managed as Community land*  
**Attachment 3:** *Schedule of Crown reserves not managed by Council as the Crown land manager Council (s48 of the LG Act)*

437 Hunter Street Newcastle NSW 2300  
PO Box 2185 Dangar NSW 2309  
Tel: 1300 886 235 [www.industry.nsw.gov.au/lands](http://www.industry.nsw.gov.au/lands) ABN: 20 770 707 468

**Attachment 1: Schedule of Crown reserves to be managed as Operational land**

Reserve No.	Purpose(s)	Lot(s)/DP
R32012	Access	Part Lot 7344 DP 1150178 (See Figure 1)
R71778	Future Public Requirements	Lot 7021 DP 1108010, Lot 7305 DP 1177109, Lots 7306-7307 DP 177111 Lot 449 DP 756961
R81929	Rubbish Depot	Lot 7303 DP 1182431
R84995	Water Supply	Lot 954 DP 756961
R85921	Local Government Purposes	Lots 2A, 3-6 Section 38 DP 759074
R87567	Reservoir	Lots 7016-7017 DP 1123917
R88439	Garbage Depot	Lot 7018 DP 1124694
R89696	Rubbish Depot	Lot 112 DP 756964
R93312	Aviation	Lot 77 DP 820498
R96481	Aviation	Lot 3 DP 819579
R1010468	Community Purposes Other purposes: Rural Services (s121A)	Lots 209-210 DP 756946

**Attachment 2: Schedule of Crown reserves to be managed as Community land**

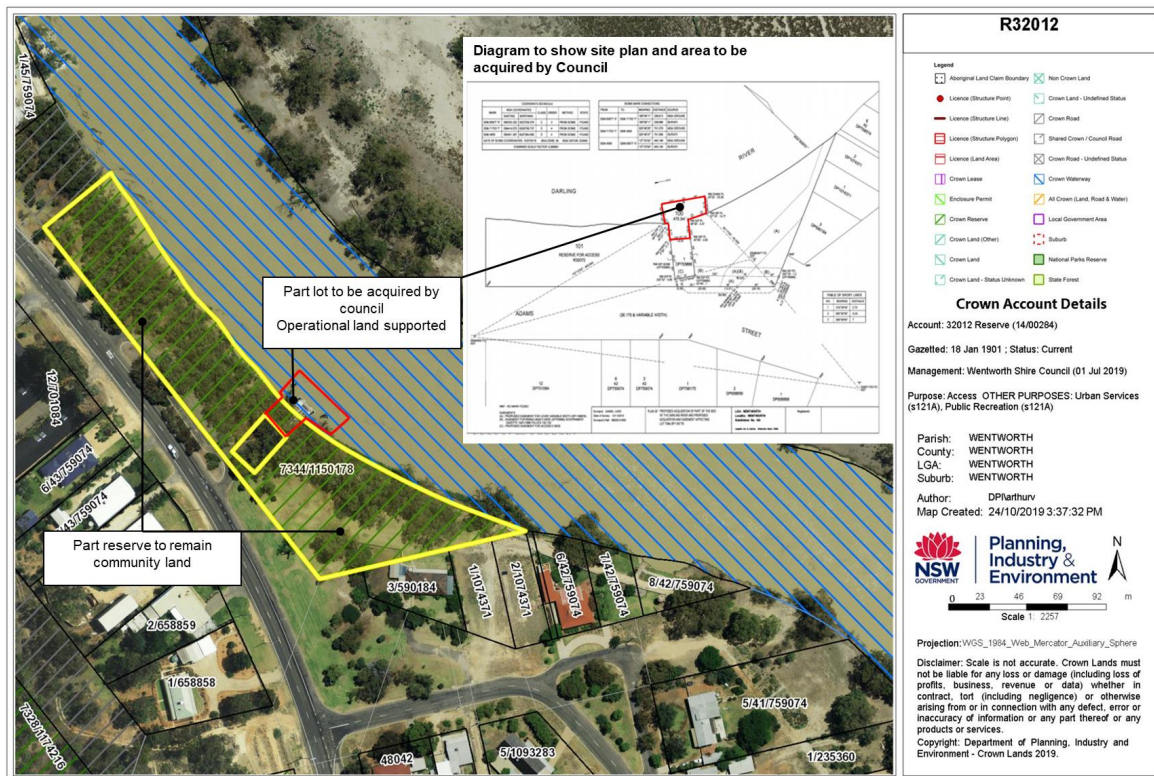
Reserves to be managed as community land after consideration of the reserve purpose and LG Act.

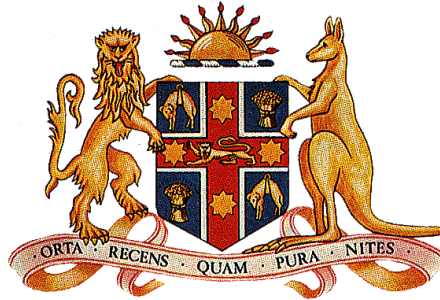
Reserve No.	Purpose(s)	Lot(s)/DP
R35698	Cemetery	Lot 7300 DP 1156360
R1003148	Cemetery & Crematorium	Lots 1-2 DP 1121904
R1005288	General Cemetery	Lot 225 DP 705014, Lots 4, 6 Section 37 DP 758456
R1003148	Cemetery & Crematorium	Lots 1-2 DP 1121904
R32012	Access	Part Lot 7344 DP 1150178 (See Figure 1)

**Attachment 3: Schedule of Crown Reserves not managed by Council as the Crown land manager**

Reserve No.	Purpose(s)	Management type
R86496	Rubbish Depot	Defaulted to Minister
R98031	Rubbish Depot	Devolved to Council (s48 Local Government Act 1993)
R1000556	General Cemetery	Devolved to Council (s48 Local Government Act 1993)
R1034808	General Cemetery	Devolved to Council (s48 Local Government Act 1993)

Figure 1: R32012 – Purpose 'Access'





# *Government Gazette*

of the State of

New South Wales

**Number 627—Compulsory Acquisitions  
Friday, 10 December 2021**

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The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, see the Gazette page.

ISSN 2201-7534

**By Authority**  
Government Printer

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NSW Government Gazette No 627 of 10 December 2021

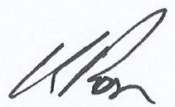
## LOCAL GOVERNMENT ACT 1993

## LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

## NOTICE OF COMPULSORY ACQUISITION OF LAND

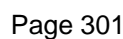
Wentworth Shire Council declares with the approval of Her Excellency the Governor that the land described in the Schedule below is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for stormwater infrastructure and raw water stand pipe.

Dated at *WENTWORTH* this *3<sup>RD</sup>* day of *DECEMBER* 2021

  
.....  
*Ken Ross* General Manager

**Schedule**


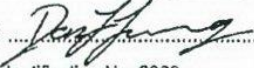
Lot 102 DP1254150 being the land comprised in Folios 7306/1177111,  
7307/1177111, 449/756961 and 7021/1108010






Req:R982563 /Doc:DP 1254150 P /Rev:19-Sep-2019 /NSW LRS /Pgs:ALL /Prt:20-Sep-2019 03:30 /Seq:5 of 6  
 © Office of the Registrar-General /Src:PORTAL /Ref:lrs:eplan-eplan FOR SURVEYORS USE ONLY

ePlan

PLAN FORM 6 (2018)		DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 sheet(s)	
Registered:  18.9.2019 Title System: TORRENS			Office Use Only <b>DP1254150</b>		
<b>PLAN OF PROPOSED ACQUISITION OF LOT 7003 DP 1126938, LOTS 7306 &amp; 7307 DP 1177111, LOT 7021 DP 1108010, LOT 449 DP 756961 AND LOT 470 DP 756961.</b>			LGA: WENTWORTH Locality: BURONGA Parish: MOURQUONG County: WENTWORTH		
<b>Survey Certificate</b> I, DANIEL Jung ..... of PUBLIC WORKS ADVISORY ..... a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that: *(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> , is accurate and the survey was completed on 13/11/2018 ..... , or *(b) The part of the land shown in the plan (*being/*excluding** ..... ) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> , the part surveyed is accurate and the survey was completed on ..... the part not surveyed was compiled in accordance with that Regulation, or *(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> . Datum Line: X - Y ..... Type: *Urban/*Rural The terrain is *Level-Undulating /*Steep-Mountainous. Signature:  ..... Dated: 10/09/19 Surveyor Identification No: 8860 ..... Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> *Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.			<b>Crown Lands NSW/Western Lands Office Approval</b> I, ..... (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: ..... Date: ..... File Number: ..... Office: .....		
<b>Subdivision Certificate</b> I, ..... *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of section 6.15 <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: ..... Accreditation number: ..... Consent Authority: ..... Date of endorsement: ..... Subdivision Certificate number: ..... File number: ..... *Strike through if inapplicable.					
Plans used in the preparation of survey/compilation. CP 520-1820 CP 682-1820 DP 706705 DP 1107552 CP 524-1820 CP 709-1820 DP 792598 DP 1126938 CP 528-1820 CP 780-1820 DP 804789 CP 602-1820 CP 815-1820 DP 806817 CP 617-1820 CP 1048-1820 DP 817207 CP 618-1820 DP 39508 DP 846253 CP 646-1820 DP 264535 DP 872060 CP 659-1820 DP 634826 DP 1032974 CP 670-1820 DP 634827 DP 1066398			Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land. IT IS INTENDED TO ACQUIRE LOT 100, 101 & 102 ACQUISITIONS PROPOSED UNDER THE LOCAL GOVERNMENT ACT 1993		
Surveyor's Reference: B8029-57609			Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A		

Req:R982563 /Doc:DP 1254150 P /Rev:19-Sep-2019 /NSW LRS /Pgs:ALL /Prt:20-Sep-2019 03:30 /Seq:6 of 6  
 © Office of the Registrar-General /Src:PORTAL /Ref:lrs:eplan-eplan FOR SURVEYORS USE ONLY ePlan

PLAN FORM 6A (2017)		DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 2 of 2 sheet(s)																									
Registered:  18.9.2019		Office Use Only		Office Use Only																									
<b>PLAN OF PROPOSED ACQUISITION OF LOT 7003 DP 1126938, LOTS 7306 &amp; 7307 DP 1177111, LOT 7021 DP 1108010, LOT 449 DP 756961 AND LOT 470 DP 756961.</b>		<b>DP1254150</b>																											
Subdivision Certificate number: ..... Date of Endorsement: .....		This sheet is for the provision of the following information as required: <ul style="list-style-type: none"> <li>• A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i></li> <li>• Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i></li> <li>• Signatures and seals- see 195D <i>Conveyancing Act 1919</i></li> <li>• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.</li> </ul>																											
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:15%;">Lot Number</th> <th style="width:15%;">Sub-Address Number</th> <th style="width:15%;">Address Number</th> <th style="width:15%;">Road Name</th> <th style="width:15%;">Road Type</th> <th style="width:20%;">Locality Name</th> </tr> </thead> <tbody> <tr> <td>100</td> <td></td> <td>N/A</td> <td>BRIDGE</td> <td>ROAD</td> <td>BURONGA</td> </tr> <tr> <td>101</td> <td></td> <td>N/A</td> <td>BRIDGE</td> <td>ROAD</td> <td>BURONGA</td> </tr> <tr> <td>102</td> <td></td> <td>N/A</td> <td>RIVER</td> <td>DRIVE</td> <td>BURONGA</td> </tr> </tbody> </table>						Lot Number	Sub-Address Number	Address Number	Road Name	Road Type	Locality Name	100		N/A	BRIDGE	ROAD	BURONGA	101		N/A	BRIDGE	ROAD	BURONGA	102		N/A	RIVER	DRIVE	BURONGA
Lot Number	Sub-Address Number	Address Number	Road Name	Road Type	Locality Name																								
100		N/A	BRIDGE	ROAD	BURONGA																								
101		N/A	BRIDGE	ROAD	BURONGA																								
102		N/A	RIVER	DRIVE	BURONGA																								
Consent to the first definition of the Murray River bank for Lot 102 is furnished in Departmental file 19/08026																													
If space is insufficient use additional annexure sheet																													
Surveyor's Reference: B8029-57609																													

## 9.17 DELEGATED AUTHORITY APPROVALS AS AT END OF NOVEMBER 2021

File Number: RPT/22/10

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Administration Officer

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire

Strategy: 1.1 Grow the potential for business and industry to develop and expand

### **Summary**

For the month of November 2021, a total of 17 Development Applications and one S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$3,687,880.00. This brings the year to date total to 184 Development Applications and 29 S4.55 Applications approved, with an estimated development value of \$30,363,337.00

### **Recommendation**

- a) That Council receives and notes the report for the month of November 2021.
- b) That Council publicly notifies, for the purposes of Schedule 1 Division 4 Section 20 (2) of the *Environmental Planning and Assessment Act 1979*, the applications as listed in the attachment on the Wentworth Shire Council website.
- c) That a division be called in accordance with S375A of the *Local Government Act 1993 (NSW)*.

### **Detailed Report**

#### **Purpose**

The purpose of this report is to provide Council with a list of Development Applications as tabled in the Attachment, determined under delegated authority by the Director Health and Planning for the month of November 2021, hence complying with the requirements under section 3.20 of the Office of Local Government Promoting Better Practice Program.

#### **Conclusion**

The total value of determinations was \$3,687,880.00 for the month of November 2021. The average determination time was 64 days.

### **Attachments**

1. Delegated Authority Determination November 2021 [↓](#)

## DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF NOVEMBER 2021

FILE NUMBER	OWNER	LOCATION	DESCRIPTION	VALUE (EX GST)	DETERMINATION DATE	ACTIVE DAYS
DA2021/054	Michael & Sharon Gorman	River Road Lot 822 DP 756961 Coomealla	Nine (9) Lot Subdivision	\$0.00	5/11/2021	200
DA2021/163 PAN 147789	Trendvil Pty Ltd	26 Thomas Street Lot 25 DP 1259103 Gol Gol	Dwelling with garage & storage shed	\$322,580.00	8/11/2021	33
DA2021/164 PAN 139903	Sarah McMonnies & Metale Felise	7089A Sturt Highway Lot 19 DP 1167396 Gol Gol	Colorbond front boundary fence & storage shed	\$80,000.00	8/11/2021	32
DA2021/166 PAN 152168	Brad & Cheryl Smythe	68 Manly Road Lot 10 DP 807828 Curtwaa	Dwelling with garage	\$610,000.00	9/11/2021	27
DA2021/168 PAN 155557	Mark & Bryony Henderson	46 Crane Drive Lot 25 DP 830876 Buronga	Storage shed	\$37,490.00	9/11/2021	26
DA2021/172 PAN 155870	John & Margaret Kelly, Todd & Rick Kelly	2835 Poencarie Road Lot 25 DP 658146 Wentworth	Storage shed	\$80,000.00	10/11/2021	23
DA2021/146 PAN 129141	John, Margaret, Todd & Rick Kelly, Brownedog racing, Lindsay & Glenys Anderson	Poencarie Road lot 6 DP 756969 Wentworth	Rural workers dwelling	\$220,000.00	16/11/2021	71
DA2021/128 PAN 118423	Robert & Margaret Faulkhead	Midway Drive Lot 1 DP 1092845 Buronga	7 Lot Subdivision	\$0.00	16/11/2021	92
DA2021/169 PAN 145098	Danielle & James Linklater	20 Alderton Drive Lot 3 DP 867591 Gol Gol	Demolition & replacement of existing storage shed	\$38,810.00	16/11/2021	33

# DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF NOVEMBER 2021

DA2021/170 PAN 146152	Adam Bambrick	14 Waratah Court Lot 5 DP 1248641 Gol Gol	Secondary dwelling - relocatable home	\$172,900.00	16/11/2021	32
S4-55/2021/028 PAN 167366	William Ingall & Prudence Burgun	18 Carramar Drive Lot 5 DP 1110792 Gol Gol	Modify DA2021/042 Gazebo	\$0.00	17/11/2021	1
DA2021/171 PAN 155541	Barbara & Ivan Cetinich	32 Thomas Street Lot 28 DP 1259103 Gol Gol	Dwelling with garage & storage shed	\$776,000.00	19/11/2021	35
DA2021/174 PAN 144164	Richard Oliver	14 Carbone Court Lot 7 DP 1107552 Buronga	Renovation & addition to existing dwelling - reconstruction of outdoor area & addition of swim spa	\$85,000.00	19/11/2021	31
DA2021/175 PAN 157090	Keegan Blows	Ashen Court Lot 31 DP 1242927 Gol Gol	Extension to existing verandah	\$100.00	19/11/2021	30
DA2020/179	Mathew Robertson	4033 Poongarie Road Lot 5 DP 756952 Wentworth	Rural Workers Dwelling	\$500,000.00	26/11/2021	326
DA2021/129 PAN 129111	John, Margaret, Todd & Rick Kelly	Poongarie Road Lot 25 DP 658146 Wentworth	Dwelling with carport & storage shed	\$580,000.00	26/11/2021	100
DA2021/180 PAN 152995	Christopher Ryan	136 Gol Gol North Road Lot 1 DP 583691 Gol Gol	Storage shed	\$35,000.00	29/11/2021	26
DA2021/178 PAN 156709	Scott & Rebecca Alderton	483 Pitman Avenue Lot 4 DP 1194416 Gol Gol	Two (2) storage sheds	\$150,000.00	29/11/2021	33

## 9.18 DELEGATED AUTHORITY APPROVALS AS AT END OF DECEMBER 2021

File Number: RPT/22/12

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Administration Officer

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire

Strategy: 1.1 Grow the potential for business and industry to develop and expand

### **Summary**

For the month of December 2021, a total of 10 Development Applications and three S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$2,344,720.00. This brings the year to date total to 194 Development Applications and 32 S4.55 Applications approved, with an estimated development value of \$32,708,057.00

### **Recommendation**

- a) That Council receives and notes the report for the month of December 2021.
- b) That Council publicly notifies, for the purposes of Schedule 1 Division 4 Section 20 (2) of the *Environmental Planning and Assessment Act 1979*, the applications as listed in the attachment on the Wentworth Shire Council website.
- c) That a division be called in accordance with S375A of the *Local Government Act 1993 (NSW)*.

### **Detailed Report**

#### **Purpose**

The purpose of this report is to provide Council with a list of Development Applications as tabled in the Attachment, determined under delegated authority by the Director Health and Planning for the month of December 2021, hence complying with the requirements under section 3.20 of the Office of Local Government Promoting Better Practice Program.

#### **Conclusion**

The total value of determinations was \$2,344,720.00 for the month of December 2021. The average determination time was 41 days.

### **Attachments**

1. Delegated Authority Determinations December 2021 [↓](#)

# DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF DECEMBER 2021

FILE NUMBER	OWNER	LOCATION	DESCRIPTION	VALUE (EX GST)	DETERMINATION DATE	ACTIVE DAYS
DA2021/162	Ross Kovac	74B Native Ridge Lane Lot 1 DP 1136930 Gol Gol	2 Lot Subdivision	\$0.00	2/12/2021	69
DA2021/121 PAN 121944	Coomella Investments Pty Ltd	28 Jindalee Road Lot 1 DP 1264484 Coomealla	Addition of 8 insulated storage tanks, addition of a chiller & improvements to receival area	\$1,100,000.00	1/12/2021	119
DA2021/173 PAN 141054	Darren McCoy	13 Summer Drive Lot 48 DP 1098922 Buronga	Indoor swimming pool	\$35,000.00	6/12/2021	49
S4-55/2021/029 PAN 165742	Sophie Bell	69 Wood Street Lot 16 DP 588002 Gol Gol	Modify DA2020/030 Renovation & extension to existing dwelling	\$0.00	13/12/2021	21
DA2021/182 PAN 167882	Jason Zambelli	5669 Sturt Highway Lot 2 DP 1267317 Monak	Deferred commencement of replacement dwelling	\$500,000.00	13/12/2021	27
S4-55/2021/027 PAN 165749	Pauline Smith	1290 River Road Lot 1 DP 1214442 Mourquong	Modify DA2021/138 Storage shed	\$0.00	13/12/2021	31
DA2021/1833 PAN 161722	Bradley & Diane Stanbrook	22 Panuccio Rise Lot 11 DP 1167396 Gol Gol	Storage shed	\$25,000.00	14/12/2021	27
DA2021/181 PAN 160242	Jade Ramage & Claire Ogilvie	20 Livingstone Drive Lot 36 DP 1229757 Gol Gol	Storage shed	\$21,800.00	15/12/2021	41
DA2021/184 PAN 169283	Wolfgang & Pamela Hopfner	Pooncarie Road Lot 6 DP 1270097 Wentworth	Dwelling & storage shed	\$500,000.00	20/12/2021	28

# DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF DECEMBER 2021

DA2021/185 PAN 162137	Geoff Gray	33 Modikerr Way Lot 3 DP 1103697 Gol Gol	Shed extension & verandah	\$42,300.00	21/12/2021	28
DA2021/186 PAN 170503	Evan & Caitlin Pitt	42 Charon Drive Lot 34 DP 1242927	Storage shed & garage	\$80,020.00	21/12/2021	25
DA2021/187 PAN 170810	Sharadyn & David Hancock	456 Channel Road Lot 8 DP 804089 Curlwaa	Storage shed	\$40,600.00	21/12/2021	26
S4-55/2021/026 PAN 157337	Trentham Cliffs Travel Stop	6603 Sturt Highway Lot 1 DP 1267913 Trentham Cliffs	Modify DA2017/114 - Travel stop	\$0.00	22/12/2021	48

## 9.19 PROJECTS AND WORKS REPORT UPDATE - JANUARY 2022

File Number: RPT/21/724

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Coordinator Roads & Engineering

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural assets

Strategy: 3.2 Plan for and develop the right assets and infrastructure

### **Summary**

This report provides a summary of the projects and major works undertaken by the Roads and Engineering Department which have been completed during the month of December and January 2021.

### **Recommendation**

That Council notes the major works undertaken in December and January and the scheduled works for following months.

### **Detailed Report**

Refer below for updates of the works completed in December and January and the planned activities scheduled for February 2022.

### **Projects and Works Update for December and January 2021**

#### **Roads**

- As part of the capital works renewal 32 local, rural and regional roads throughout the Shire have been re-sealed with the first coat of line marking completed prior to Christmas, with the second coat to be completed in March.
- Major Construction work for TfNSW on Stage 2 of Segment 40 along the Sturt Highway near Mallee Fowl rest area is underway, with slag lime stabilisation completed and final base layer being constructed.
- Little Manly Road first stage completed, with Stage 2 to be completed by April 2022.
- Native Ridge Lane - Major roadworks underway with road realignment, widening and base completed. Signs and road furniture have been installed. Bitumen sealing works and line marking to be completed late March/beginning April.

#### **Pooncarie – Menindee Road Reconstruction**

- Aerial survey completed for the entire road length, with the raw data provided to Council.
- Council have reviewed the final reports for the following, with the documentation submitted to the relevant departments prior to Christmas.
  - Review of Environmental Factors
  - Aboriginal Cultural Heritage Assessment
  - Archaeological Report

- Road design progressing, final design completed mid-January.
- Signing of Restart NSW funding deed completed end December.
- Tenders to be sort for equipment hire for the duration of the project and crushing & pugging Material documentation underway to be advertised end January.

#### **Maintenance Grading**

- Planned maintenance grading was undertaken on the following roads throughout December and January: Arumpo, Top Hut, Wamberra, Petro Mail, Old Wentworth, Renmark, Rufus River & Polia Road.

#### **Projects Wentworth Aerodrome Upgrade**

- All pavement construction, sealing and linemarking works completed on Runway 17/35.
- Installation of lighting works on Stage 3 Runway 17/35 completed.
- Final works remaining include wind sock lighting and final commissioning planned for January 2022.

#### **Buronga Effluent Disposal System (EDS)**

- Suction hose at facility replaced with more robust alternative.
- Flow meter data cable awaiting delivery January.

#### **Buronga and Gol Gol Shared Paths**

- Summer Drive path works completed.

#### **Buronga Pump Track**

- Contractors commenced works in November, with earthworks completed late November.
- Contractors returned mid-December to complete the asphalt works.
- Pump Track works completed and open for use.

#### **Dareton Travellers Rest – extended to December 2021**

- The pergola structure, interpretive panels and concrete pathways have been completed.
- The new granite memorial is expected to arrive late January.
- Second stage of the project involving existing monument is in design stage awaiting grant funding approval.

#### **Flagtrax banners / flag systems**

- WSC to select a level 3 service planner to undertake the design required for Essential Energy's approval to install flagtrax systems on Essential Energy's assets.
- WSC waiting on clarification of information regarding heritage style poles.

#### **Integrated Water Cycle Management Strategy**

- DPIE Water and Public Works representatives completed a site visit in November 2021 as part of the preparation of the Strategy.
- WSC continuing to undertake data collection specifically in water areas.
- Public works continue reviewing information and use this to compile the issues paper (report).

#### **Mourquong Water Main Extension – completion November 2021**

- Disinfection and pressure testing completed on the 9 December.

- Water quality results have passed and the new main is now on line.
- Residents have been informed that they can purchase their water meters and connect.

**Pooncarie Hall amenities block (septic replacement)**

- Project complete.

**Sewer Rationalisation Scheme – Dareton**

- Replacement air valves have arrived and have been scheduled for replacement on Sewer rising main.
- Review of environmental factors (REF) under review, this will be used for the application for EPA license for Namatjira Sewer lagoons.
- Awaiting confirmation of date from Essential Energy (EE) for installation of new meter for electricity supply back to old sewer treatment plant site, 8 Kookaburra Drive. No timeframes have been indicated from EE (waiting since December 2020).
- Defect liability period ends 22 January 2022.

**Sewerage Rationalisation Scheme – Wentworth**

- Telemetry antenna rag cages were installed December 2021.
- Flowmeter pits have arrived onsite in readiness for installation scheduled for 25 January 2022.
- Contracted submitted traffic management documentation for street closure (Francis St) to allow works for flow meter pits. Letter drop to affected residents completed.
- Switchboard factory acceptance testing (FAT) failed in December 2021 for SPS#1 switchboard. Remote testing and assessment being undertaken from 17 January 2022.
- A second FAT being undertaken and is scheduled for end January 2022.
- Contractor coordinating a revised project schedule and timing for further works, this has pushed back project deliverable timeframe to practical completion of May 2022.

**Wentworth Astronomy Park**

- Community consultation / presentation was held on 15 December.
- Feedback has been returned to consultants to develop a concept plan of the final product.

**Wentworth All Day Care Centre**

- External asbestos removed from the old section of the building over the Christmas break and clearance certificate issued.
- Driveway entrances created to new car park of Murray Street.
- CPM Building contractors commenced minor demolition works and creating physical separation between the preschool and the construction zone.
- Contract documents have been prepared between the contractor and Council for endorsement by the Mayor and General Manager.

**Wentworth Bowling Green**

- Berry Bowling Systems commenced reconstructions works late November.
- Existing capping layer and edging removed.

- Capping layer re-laid.
- Contractor has prepared the facility in preparation for synthetic turf.

**Wentworth Riverfront BBQ and Nature Play Area**

- Contractor recommenced works mid-December to complete playground.
- Council undertook softfall installation.
- Flying fox structure has exhibited major issues and subsequently the amenity has not been opened to the public.

**Wentworth Rowing and Houseboat Mooring - completion December 2021**

- Despite higher than normal river conditions, works have been completed.
- Minor modifications required to work around the high-water levels with positive results.

**Wentworth Rowing Club Extension**

- The Building Surveyor has advised that due to the change of use over time, a fire service will be required and emergency exit lighting adding additional costs to the project.
- Delays encountered in trying have hydrant pressure tests undertaken to determine if suitable pressure is available from Council's mains. Costings required once complete and added to the overall construction cost when available.

**Wentworth Showgrounds Sewer Upgrade – completion March 2022**

- Contractor has laid all gravity main pipe, installed all maintenance shafts, maintenance chambers & inspection shafts.
- Plumbing connections to buildings commenced 12 January.
- The proposed sewer pump station and switchboard drawings have been reviewed.
- Receival and installation of the pump station is due April.

**Wentworth Showgrounds Tower & Shade Structures**

- Shade structure slab to be installed in late January.
- Tower construction scheduled to commence in February.

## Projects and Works scheduled for February 2022

### Roads

- Works for TfNSW on Stage 2 of Segment 40 along the Sturt Highway Reconstruction, sealing to be completed early February with line marking to be undertaken late February to complete the works. Traffic will to be reduced to one lane for the duration of sealing works.
- Construction works on 8.5km of Old Wentworth Road will commence in February. Works include drainage culverts, road widening, lifting of pavement, bitumen sealing and installation of new line marking.

### Pooncarie – Menindee Road Reconstruction

- Road design to be complete end January.
- Council reviewing Request for Quote (RFQ) received for Survey and Set out works, works to be award end January.
- Survey and Set out to commence early February.
- Site establishment to begin early February.
- Construction of pipeline, dam, water access points and establishment of gravel pits to commence in February.

### Maintenance Grading

- Planned maintenance grading will be undertaken on the following roads throughout February; Pooncarie, Karpa Kora, Willcurra & Ivanhoe Road.

### Projects

#### Dareton Travellers Rest – extended to December 2021

- New granite memorial planned for installation February 2022.
- Acrylic panel protectors to be installed, this will see the completion of Stage 1 works.

#### Wentworth Bowling Green

- Contractor to return to site mid-February to undertake synthetic turf works.

#### Wentworth Riverfront BBQ and Nature Play Area

- Council to liaise return date with playground contractor to amend flying fox issues.

#### Sewerage Rationalisation Scheme – Wentworth

- Sewer Pump Station #1 (SPS) switchboard scheduled for installation 2 February 2022.
- Contractor submitted demolition plan for sewer treatment plant, WSC have approved and programmed for Commencement in March 2022.

**Wentworth Shire - School Zone Infrastructure Program**

- Designs developed for works at the following school zones:
  - Dareton crossing construction scheduled to commence 24 January.
  - Buronga crossing construction scheduled to commence 31 January.
  - Further crossings to commence upon completion.
  - Each crossing will require full road closure for approximately 10 days.

**Wentworth Showgrounds Tower & Shade Structure – completion January 2022**

- Construction of shade structure to commence February.
- Tower construction scheduled to commence February.

**Wentworth Showgrounds Sewer Upgrade – completion March 2022**

- Trenching for plumbing connections ongoing.
- Switchboard drawings to be reviewed and approved by Council so manufacturing can commence.

**Attachments**

1. Attachment 1 - Projects and Works Photo Update [📄](#)





**Wentworth Aerodrome Upgrade – completion of runway works on Runway 17/35**



Buronga Pump Track



**Installation of turf along the Wentworth riverfront, Rowing and Houseboat Mooring site**



**Completed installation of shared path along Summer Drive Gol Gol**



Segment 40 reconstruction works



Water truck flushing & disinfecting the main, Mourquong Water Main Extension.



Samples collected and sent off for bacteriological testing Mourquong Water main Extension





Pergola structure complete with interpretive panels installed, Tapio Park Dareton



Wentworth Showgrounds  
Sewer Upgrade – trench near  
caretakers cottage



Wentworth Showgrounds  
Sewer Upgrade – corrugated  
riser being lifted into sewer  
manhole.



Wentworth Sewer Rationalisation - installation of switchboard and start of telemetry antenna cage installation.

## 9.20 REDEVELOPMENT OF THE WENTWORTH SHIRE CIVIC CENTRE PROJECT UPDATE

File Number: RPT/22/48

Responsible Officer: Ken Ross - General Manager  
 Responsible Division: Office of the General Manager  
 Reporting Officer: Rachael Withers - Subdivision Officer

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire  
 Strategy: 1.1 Grow the potential for business and industry to develop and expand

### Summary

As part of the Office of Local Government (OLG) Capital Expenditure Review, quarterly project update reports are to be provided to Council. The report is to include detail of project progress, identify any budget variances that may impact on the project, and recognise any issues that may have an adverse impact on the works.

Council allocated funding within the 2020-21 and 2021-22 Operational Plans for the redevelopment and upgrade of the Wentworth Shire Civic Centre, formerly the old Wentworth Services Club building. The redevelopment was identified as a significant capital project.

Council on 26 June 2019, accepted a tender from GSD Architects to undertake project management of the building redevelopment. Accordingly, GSD Architects were engaged to manage various phases of the said redevelopment including planning, design, procurement, construction, commissioning and handover. A Council officer has been appointed to collaboratively work with GSD Architects.

Council endorsed Concept 8 for the Wentworth Shire Civic Centre on 18 December 2019, after which the Concept Plan was further developed and finalised late in 2020. It's believed that the finalised Concept Plan incorporates functionality, serviceability and the inclusion of all required facilities to promote a space that employees, the local community, and visitors to the region successfully utilise.

Concept Plans including render displays and finish selections for the Wentworth Shire Civic Centre Building Entrance, Library and Courtyard, Public Meeting Room (*Wentworth Community Space and Convention Centre*), Public Kitchen, and Reception were placed on public exhibition from 24 May to 4 June 2021. A total of 9 community submissions were lodged with Council providing feedback to the said plans. Some submissions required no further action, while others require further consideration on the engagement of a curator for the development of interpretive and interactive themes proposed within the Wentworth Shire Visitor Information and Experience Centre.

Council have been successful in securing the following funding:

Funding Program	Funding Amount excluding GST
2019/20 Public Library Infrastructure Grant (State Library of New South Wales) for the Relocation of the Wentworth Shire Library.	\$500,000.00
Round 7 of the Resources for Regions Program for the relocation of the Wentworth Visitor Information Centre to the Civic Centre.	\$941,023.00
Phase 2 of the NSW Government Local Roads and Infrastructure Program Extension for the construction of the Wentworth Library Outdoor Riverfront Gathering Space ( <i>Library Courtyard</i> ).	\$487,539.00

Round 3 of the Federal Government's Economic Development Program for the Wentworth Community Space and Convention Centre.	\$713,339.00
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Council lodged an application for funding in the amount of \$713,339.00 excluding GST with Building Better Regions – Round 5 on 12 March 2021, for the Wentworth Community Space and Convention Centre. Funding announcements were recently released whereby Council were successful, pending formalisation of a Deed of Agreement.

An application for funding in the amount of \$900,000.00 excluding GST was submitted with the Regional Tourism Activation Fund on 11 August 2021, for the Wentworth Interpretive Centre Development (*Wentworth Shire Visitor Information and Experience Centre*). Successful projects were expected to be announced in November 2021, however, announcements have been delayed to early 2022.

### **Recommendation**

That Council receives and notes the information contained within this report.

### **Detailed Report**

Further to the quarter report of 20 October 2021, the following works have been completed:

- Tender documentation including design and specification for the Wentworth Shire Civic Centre Courtyard (*Wentworth Library Outdoor Riverfront Gathering Space*) being Stage One of the overall redevelopment, was finalised and proceeded to tender advertisement on Saturday 4 December 2021. Tender advertisement subsequently closed at 12:00pm noon on Tuesday 18 January 2022. Tender assessment has been completed and will be addressed in a separate report.
- An Application for a Construction Certificate for the Courtyard has been lodged within the NSW Planning Portal awaiting assessment.
- “Issued for Construction” Plans for the Courtyard are being compiled by GSD Architects for issue to the successful tenderer, should Council resolve to award the tendered works.
- GSD Architects continue to progress tender documentation for the construction and fit out of the Civic Centre building, including “For Tender Issue” drawings and specification. Drawing plans and specification includes provision of electrical, mechanical, and hydraulic design. Currently 85% of the detail for this component has been compiled.
- Fire service assessment is progressing with Fire Service Engineers preparing a Performance Based Assessment under the performance requirements of the *Building Code of Australia 2019* (BCA). “Deemed to Satisfy” solutions have been proposed in response to areas of identified non-conformance, with feasibility options being prepared for implementation of either:
  - a) A new purpose designed suction chamber and pumps for supply from the Darling River; or alternatively
  - b) Installation of a booster pump, diesel pumpset, and tanks for static storage within the shared carpark of the Wentworth Shire Civic Centre and the Wentworth Grande Resort.

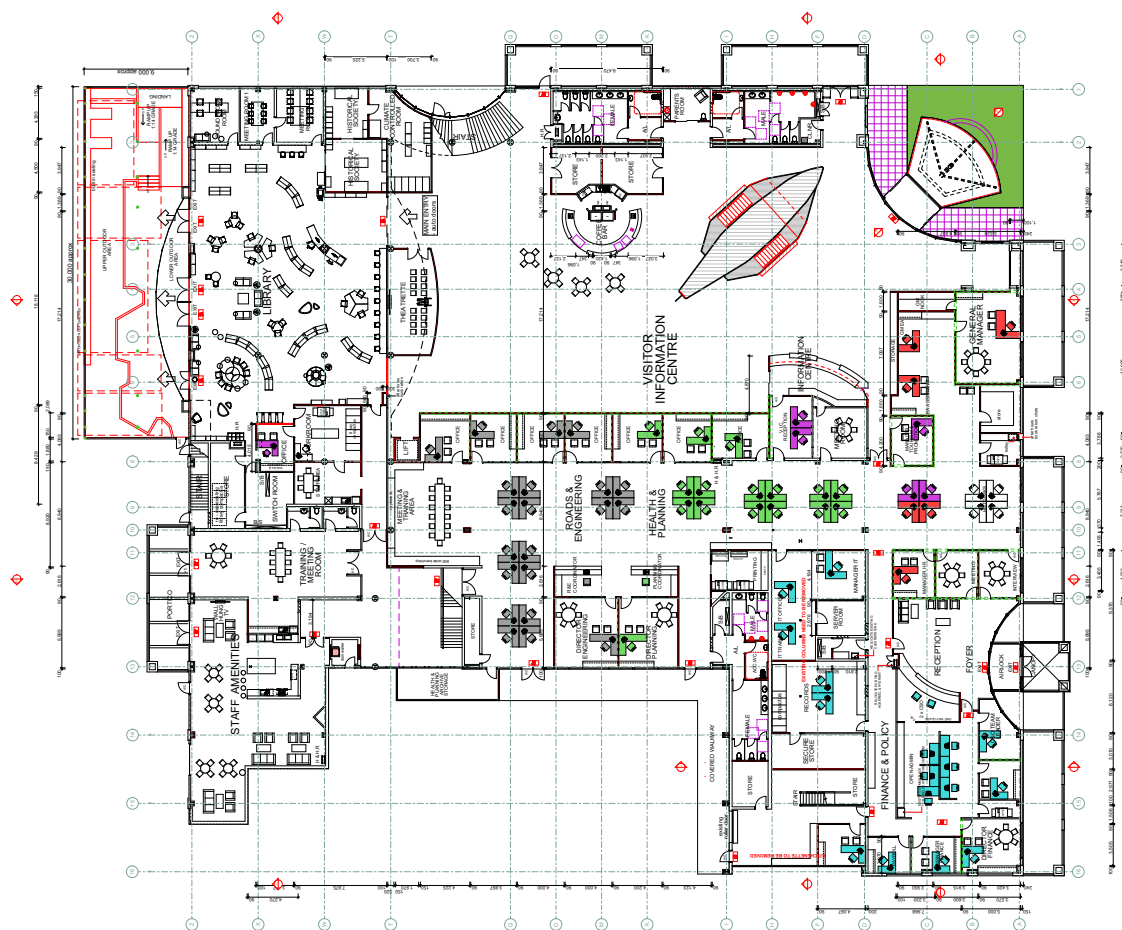
The redevelopment of a current building incorporating an existing fire service has attributed to delays due to the complexity of the system, and deemed to satisfy requirements to support re-classification of the building for its authorised use.

On finalisation of design, dispensation is to be sought from Fire and Rescue NSW which may result in further delay. Dispensation will seek permissible use of performance options proposed within the building i.e. the use of existing hydrants available within the building, and omission of a smoke exhaust system etc.

- Tender documentation is being compiled for the development of interpretive and interactive themes proposed within the Visitor Information and Experience Centre. The tender will encompass stage two of the overall redevelopment, with Council seeking the engagement of a firm to design and construct the interpretive and interactive exhibitions, and displays.
- GSD Architects continue to progress the fixtures list for the redeveloped building for inclusion within tender documentation. Fixtures will include recommended finishes including but not limited to flooring selections, cabinetry, tiles, paint selections, and hardware inclusive of handles, taps etc.

**Attachments**

1. Floor Plan for the Wentworth Shire Civic Centre [1](#)




**GSD**

ARCHITECTS

Architecture  
Interiors  
Interior Design  
Project Management  
Planning Consultancy

 Member  
Australian Institute  
of Architects

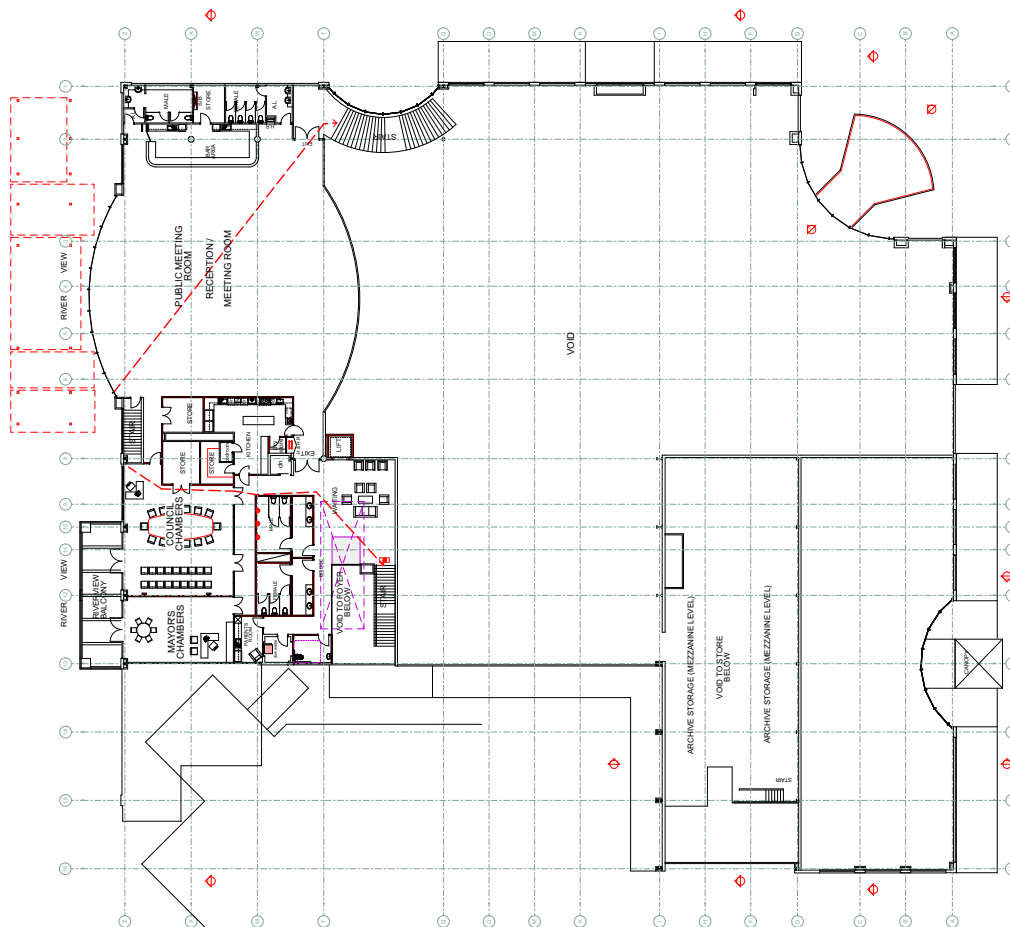
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WENTWORTH SHIRE COUNCIL	PROPOSED WENTWORTH CLUB REDEVELOPMENT	CNR DARLING STREET & SANDWICH STREET WENTWORTH NSW	FURNITURE LAYOUT- GF																		
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REV	DATE	REV DETAILS

4495



**GSD**  
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CLIENT  
**WENTWORTH SHIRE COUNCIL**

PROPOSED WENTWORTH CLUB REDEVELOPMENT

CNR DARLING STREET & SANDWYCH STREET  
WENTWORTH NSW

ORAWW3  
FURNITURE LAYOUT-FF

	DRAWN	G.S.
SCALE 1:200	CHECKED	G.S.

PROJECT No.		DWG. No.	REVISION
20-068		32	
SHEET NO. & TOTAL SHEET NO.		DATE	
11 OF 11		11/11/2018	

**10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE**

Nil

## 11 CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION

Despite the right of members of the public to attend meetings of a council, the council may choose to close to the public, parts of the meeting that involve the discussion or receipt of certain matters as prescribed under section 10A(2) of the Local Government Act.

With the exception of matters concerning particular individuals (other than councillors) (10A(2)(a)), matters involving the personal hardship of a resident or ratepayer (10A(2)(b)) or matters that would disclose a trade secret (10A(2)(d)(iii)), council must be satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

The Act requires council to close the meeting for only so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security being protected. (section 10B(1)(a))

Section 10A(4) of the Act provides that a council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Section 10B(4) of the Act stipulates that for the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:-

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may -
  - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
  - (ii) cause a loss of confidence in the council or committee.

### **Recommendation**

That Council adjourns into Closed Session, the recording of the meeting be suspended, and members of the press and public be excluded from the Closed Session, and that access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution.

This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:-

#### **12.1 Plant Replacement - Approval of Tender for replacement of Plant 41 110HP Tractor. (RPT/22/37)**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

#### **12.2 Wentworth Shire Civic Centre Redevelopment - Stage One - Courtyard - PT2122/05. (RPT/22/49)**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for

business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

## 12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

### 12.1 PLANT REPLACEMENT - APPROVAL OF TENDER FOR REPLACEMENT OF PLANT 41 110HP TRACTOR

File Number: RPT/22/37

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural assets

Strategy: 3.2 Plan for and develop the right assets and infrastructure

#### **REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.*

## 12.2 WENTWORTH SHIRE CIVIC CENTRE REDEVELOPMENT - STAGE ONE - COURTYARD - PT2122/05

File Number: RPT/22/49

Responsible Officer: Ken Ross - General Manager

Responsible Division: Office of the General Manager

Reporting Officer: Rachael Withers - Subdivision Officer

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire

Strategy: 1.1 Grow the potential for business and industry to develop and expand

### **REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.*

## **13 CONCLUSION OF THE MEETING**

### **NEXT MEETING**

16 February 2022