



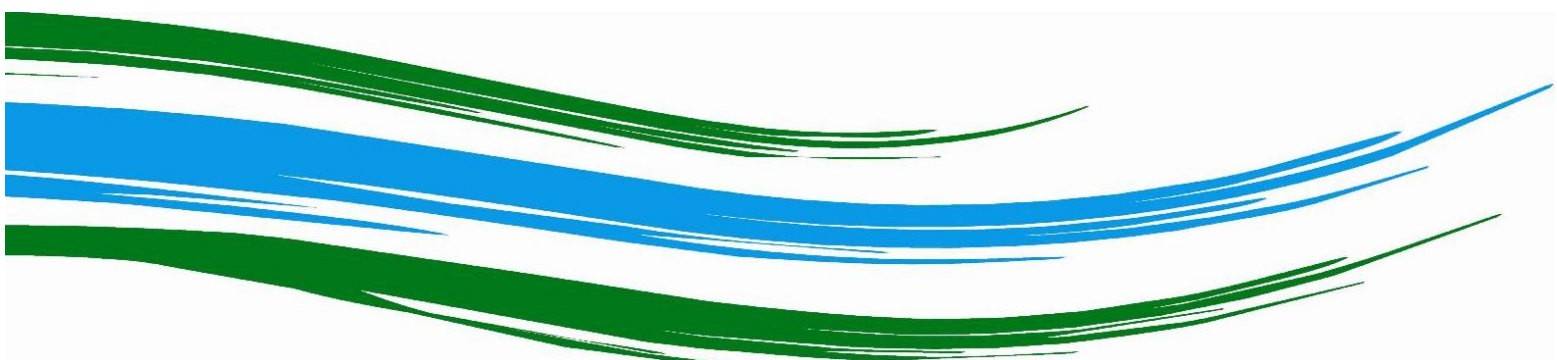
# Camden Council

## Attachments

**Ordinary Council Meeting**  
**9 March 2021**

---

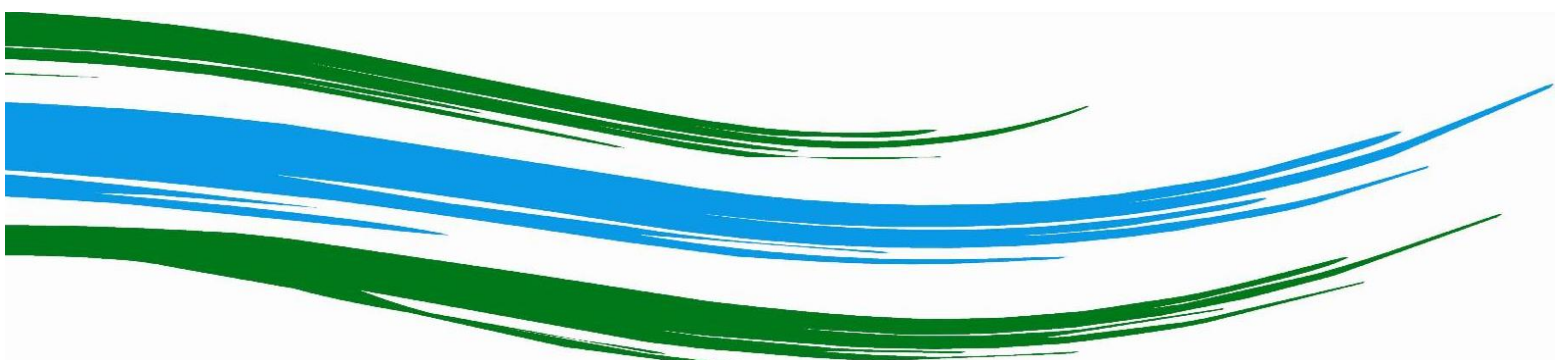
**Camden Council**  
**Administration Centre**  
**70 Central Avenue**  
**Oran Park**



# ORDINARY COUNCIL MEETING

## ATTACHMENTS - ORDINARY COUNCIL MEETING

<b>ORD01</b>	<b>Draft Submission - Agricultural Land Use Planning Strategy options paper</b>	
	<b>Attachment 1:</b> Options paper: Draft Agricultural Land Use Planning Strategy - 21 12 2020.....	4
	<b>Attachment 2:</b> Draft Submission - Agricultural Land Use Planning Strategy Options Paper -1/3/21 .....	29
	<b>Attachment 3:</b> Issues Paper : NSW Agricultural Land Use Planning.....	43
<b>ORD02</b>	<b>July-December 2020 - Delivery Program Progress Report</b>	
	<b>Attachment 1:</b> Delivery Program Progress Report July to December 2020.....	50
<b>ORD03</b>	<b>Investment Report - January 2021</b>	
	<b>Attachment 1:</b> Investment Report - January 2021.....	87
<b>ORD04</b>	<b>Code of Conduct Policy &amp; Procedures - Revised</b>	
	<b>Attachment 1:</b> Code of Conduct .....	96
	<b>Attachment 2:</b> Procedures for the Administration of the Code of Conduct.....	140
<b>ORD05</b>	<b>Covid-19 Community Support Package - Stage 3</b>	
	<b>Attachment 1:</b> Project List - Community Support Package - Stage 3..	175



ORD01

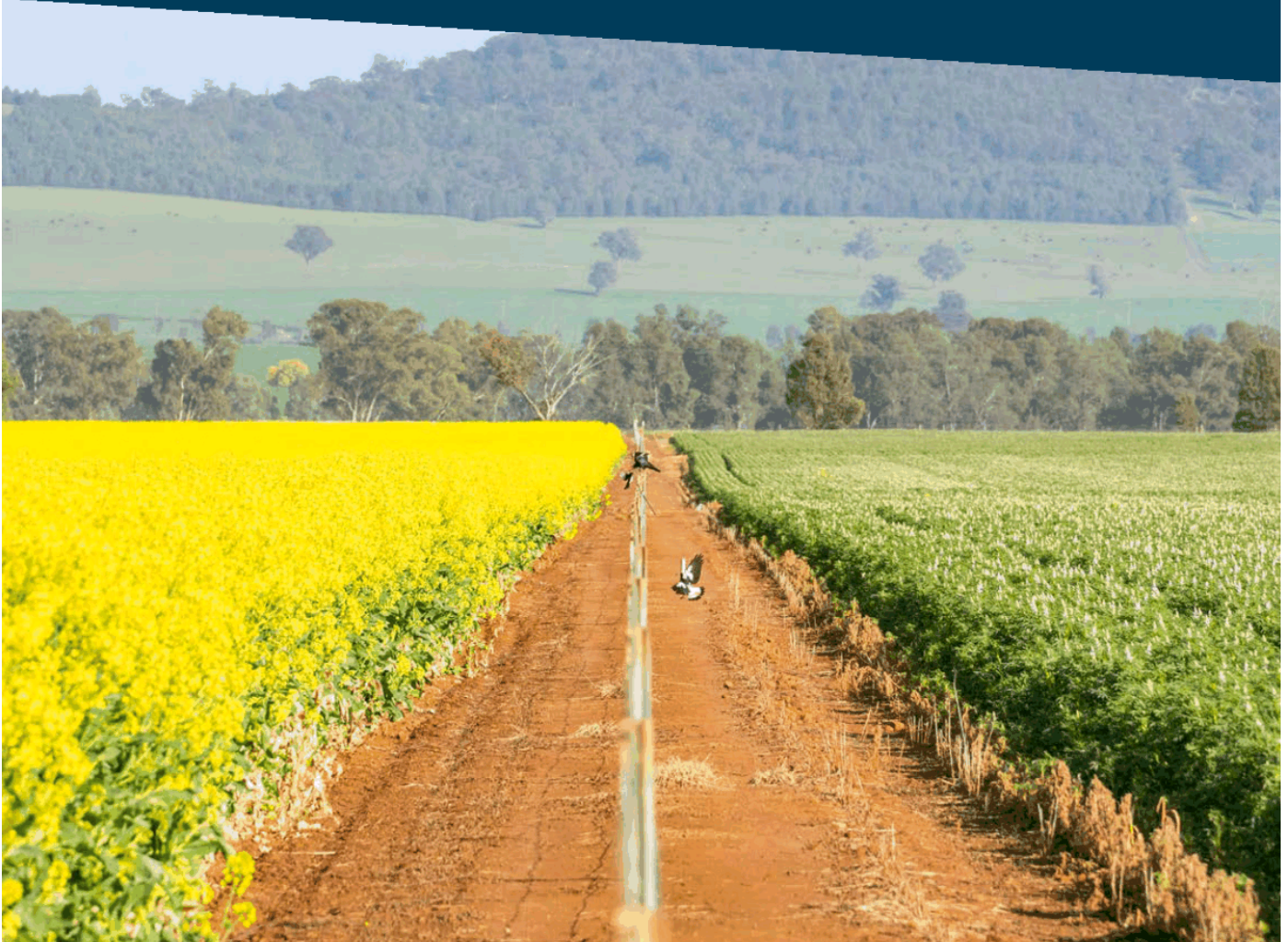
Attachment 1



Department of  
Primary Industries

OPTIONS PAPER

# Agricultural Land Use Planning Strategy



**Published by the NSW Department of Primary Industries**

Options paper: Agricultural Land Use Planning Strategy  
First published December 2020

More information [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au)

Reference number JTN16611

© State of New South Wales through Regional NSW 2020. The information contained in this publication is based on knowledge and understanding at the time of writing (December 2020). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.



## Contents

<b>Introduction</b>	<b>4</b>
<b>Chapter 1: Minimise the loss of productive capacity</b>	<b>5</b>
Overview of agriculture in the NSW planning framework	5
Gaps in the planning framework for agriculture	6
Non-statutory mechanisms	7
Mechanisms requiring changes to the statutory planning framework	9
<b>Chapter 2: Reduce and manage land use conflict</b>	<b>13</b>
Options to improve operational dispute resolution	14
Option to improve new development dispute resolution	17
<b>Chapter 3: Support the growth of agriculture and regional economies</b>	<b>18</b>
Improving consistency across Local Government Areas	18
Supporting industry growth through the planning framework	20
Areas for further research	21
<b>Appendix 1: Evidence base</b>	<b>22</b>
<b>Appendix 2: Summary of options</b>	<b>23</b>

## Introduction

The Right to Farm Policy Review found that there are ongoing issues impacting agriculture in land use planning. The NSW Agriculture Commissioner recommends an Agricultural Land Use Planning Strategy (Strategy) to address these issues. The Strategy would contain an Agricultural Land Use Planning Policy agreed by the NSW Government and specific measures to implement this policy. This document proposes a range of options that could be included in the Strategy.

The options in this paper have been developed based on recent reports (**Appendix 1**) and ideas raised by stakeholders. The options seek to address the following policy problems:

1. There is no definition, identification or development protections for State Significant Agricultural Land (SSAL) which is leading to this land being lost to non-agricultural uses;
2. There is no simple, accessible and impartial mechanism for farmers to resolve land use conflict regarding their operations;
3. The planning framework does not reflect the needs of agriculture; and
4. Local government plays a crucial role in regulating agricultural land use but can be risk averse and as a result can struggle to deliver broader NSW Government objectives to promote investment and jobs growth.

The NSW Agriculture Commissioner is seeking feedback on the options. A summary is included at **Appendix 2**. For each option, consider:

1. Do you support the option? Why/why not?
2. Do you think the solution will be effective in mitigating or addressing the relevant issue?
3. What changes might make the solution more effective?

You can submit your feedback by emailing [agcommissioner@dpi.nsw.gov.au](mailto:agcommissioner@dpi.nsw.gov.au) by 28 February 2021.

Thank you to those stakeholders who have already provide advice to inform this process, your perspectives have been valuable and will continue to be used to inform recommendations to the NSW Government.

## Chapter 1: Minimise the loss of productive capacity

**Policy problem:** There is no definition, identification or development protections for SSAL, which is leading to this land being lost to non-agricultural uses.

### Overview of agriculture in the NSW planning framework

Land uses are regulated by zones which are defined by the *Standard Instrument - Principal Local Environmental Plan (Standard Instrument LEP)*. Each zone has a list of permissible and non-permissible developments. There is no specific zone used for agriculture. Agricultural land is mostly zoned as RU1 Primary Production, RU2 Rural Landscape or RU4 Primary Production Small Lots, supported by zone objectives which encourage primary production. However, agriculture can also occur in other zones including R5 Large Lot Residential and E3 Environmental Management which are not primarily meant for agriculture. Comparative to residential or industrial zones, rural zones accommodate a broader range of development types from agriculture to residential and tourism facilities to mining and is often treated as the 'default zone' for land outside of urban settlements. Therefore, they can become catch-all zones where various potentially conflicting uses can be clustered together.

In comparison to other land uses, agriculture generally requires larger tracts of land and access to a variety of natural resources such as good soils and water, as well as access to markets, infrastructure and labour. For intensive operations there is also a need to accommodate buffers to avoid impacting sensitive receptors. Under the current zoning system agriculture competes for land with other land uses.

While the planning framework seeks to prevent the fragmentation of rural land, this is still occurring and is inevitable in some cases. Planning outcomes can significantly impact land values and effect opportunities for agricultural expansion. Planning outcomes can also change the landscape in ways that are not desirable. The cumulative impact of sub-division and fragmentation can have a serious impact on local agricultural production and supply chains.

The *Environmental Planning and Assessment Act 1979 (EP&A Act)* sets out the requirements for various layers of strategic planning that occurs via Regional Plans, District Plans and Local Strategic Planning Statements (LSPSs). Under the EP&A Act, LSPSs are required to implement Regional Plans. Planning proposals to amend local plans must also consider the LSPSs objectives. This hierarchy of strategic plans establishes clear objectives at the regional level but allows councils to consider and address local context in the planning process. Ideally, the strategic framework should clearly articulate the intended future use of rural land and recognise the importance of agricultural development. This provides the context for local decision makers. However, gaps in the strategic planning framework or evidence base can result in inconsistent interpretation and decision making, leading to adverse outcomes for important agricultural land.

## Gaps in the planning framework for agriculture

Councils and the NSW Government do not always adequately consider agriculture, and the impacts of non-agricultural development on agriculture, in all levels of decision making. Councils may plan for agriculture on a site-by-site basis through planning proposals or via the development application process. These site-specific decisions do not routinely consider the best strategic use of the land and can lead to the fragmentation of rural land that can drive up land prices and impede agricultural expansion. The cumulative impact of sub-division and fragmentation can have a serious impact on local agricultural production and supply chains.

Without a State policy on agricultural land, councils can find it difficult to prioritise agriculture in the rural zone. There can also be no monitoring of the loss of productive agricultural land to understand the cumulative impacts of individual developments. Monitoring the loss of productive agricultural land could provide an evidence base on the scale of the issue, justify further action to protect agricultural operations, and lead to adjustments in land use policy settings, particularly in the coastal zones. There are both statutory and non-statutory options to resolve this issue, which are scoped below.

The following options explore both statutory and non-statutory solutions to address the following issues:

1. Omissions of policy about agricultural land use and its development
2. Need for greater understanding by council planners about the land use needs of agriculture
3. Need for more oversight of the impact of development on agricultural land
4. Ineffective zoning for agriculture's needs
5. The need to update the planning framework to respond to the changing needs of agricultural industries



## Non-statutory mechanisms

To improve planning outcomes it is proposed that, the NSW Government should develop a Rural Land Use Planning Policy to acknowledge the importance of agricultural land, agricultural land use needs and provide guidance to councils about how this land should be developed.

### Rural Land Use Planning Policy

*The NSW Government should develop a policy on rural land.*

A rural land use planning policy would provide the framework in which measures described in the options below could deliver improved planning outcomes. If the NSW Government were to agree to any of these options, a Rural Land Use Planning Policy would be the starting point.

A Rural Land Use Planning Policy could recognise the importance and location of agriculture and the land and resources on which it depends. The policy would apply to all rural land however adoption of the policy would be voluntary.

This policy should help councils understand how they can consider agriculture throughout all phases of the planning process. This could include Regional Plans, LSPs and other local land use strategies, as well as development applications.

This policy could establish a set of rural land use planning principles to ensure agriculture is acknowledged and prioritised where possible in strategic plans, where councils choose to support agriculture.

The principles could include the following:

1. Agricultural land should be maintained for ongoing agricultural production where possible.
2. Land use planning should protect and prioritise agricultural land where possible, recognising its social, economic and strategic value (value which includes the dependency of secondary agricultural businesses and retailers on agriculture) both immediately and for future generations.
3. Land use planning provisions should be proportionate to the quality of the land for agriculture and the scarcity of that quality of agricultural land in the region.
4. Strategic planning for rural land should consider and accommodate, where possible, agricultural trends, the importance of agriculture to the community and the economy and the unique issues facing agricultural businesses from time to time.
5. Non-agricultural land uses in rural areas should not detract from the long-term productive capacity of surrounding agricultural land and secondary industries, services and infrastructure that support agriculture.
6. Rural land use strategies should ensure non-agricultural land uses in rural areas maximise community benefit and minimise land use conflict and adverse impacts on agriculture.

The policy would validate the decisions of councils to prioritise agriculture in their Local Government Area (LGA) or to increase the level of consideration when investigating non-agricultural development on rural land. It would give councils greater certainty in decision making when balancing land uses on rural lands.

This policy could recognise the importance of agriculture in a local community, region and the state ensuring more consistency in how agriculture is considered in strategic planning.

Options 1 to 3 below could be done in conjunction with the policy.

### Option 1. Identify Production Areas

*The NSW Government could identify production areas across the State.*

Some agricultural industries, particularly intensive ones, do not require high quality soil to be productive. Rather, they rely on other attributes such as climatic conditions, proximity to infrastructure, access to transport, power supply, processing facilities, markets and a supply of skilled labour. This can lead to a clustering of particular industries in well suited locations.

It is important to identify these production areas and ensure they are catered for in the planning framework. Recognising identified production areas would acknowledge the importance of interrelationships with upstream and downstream agribusiness. They would recognise the critical mass for industries and the viability of the entire industry chain.

Examples of an identified production area might be existing industry aggregations such as the poultry areas at Tamworth, apple production areas at Batlow, and forestry at Tumut.

### Option 2. Monitoring and Reporting of Loss of Rural Land

*The NSW Government could monitor land use change and the loss of rural land that is best suited to agriculture.*

Rural land will continue to provide a source of land for urban use and commercial and public infrastructure which cannot be located within urban areas. In order to understand the impact of non-agricultural development on rural land suitable for agriculture, monitoring the loss of this land could be carried out by DPI. This might require DPI to be notified of planning proposals that re-zone certain rural lands or councils to report to DPI when development applications are approved in rural zones for non-agricultural use. This monitoring would inform councils in their strategic planning processes and provide an evidence base for further action if found necessary. Monitoring would need to be done in a practical and cost-effective way and would not be granular to reflect individual transactions. Monitoring would give an estimation of how much agricultural land is rezoned and would require periodic reviews of land use planning maps and GIS analysis.

### Option 3. Education

*The NSW Government could support local government planners to understand the needs of agricultural operations.*

Improving the capability of local planners to understand agricultural practices and planning needs would improve consideration of agriculture in the planning process. Planners undertake assessments and make recommendations on proposals for agricultural activities or those which impact agricultural land. It is important that they understand the complexities and varying

needs of the diverse agricultural industries and have a consistent interpretation of the planning framework in assessing requirements. Currently it is up to the proponent to detail in their application the operational components of an agricultural development.

The NSW Government could offer more support to council planners on understanding the potential impacts of new agricultural developments, or conversely the impacts of non-agricultural developments on agricultural operations. These support services could include advice on clarification of industry requirements and interpretation of planning law. These support services could be coupled with an education program for local government planners and planning consultants to increase their understanding of the complexities and needs of agriculture and how these can be managed through the planning system.

### Mechanisms requiring changes to the statutory planning framework

The following options could be progressed to strengthen the Rural Land Use Planning Policy and create more consistency in how the policy is applied across councils.

#### Option 4. State Agricultural Land Use Planning Policy

*The NSW Government could implement a policy on all rural land, including mandatory considerations in the planning framework and fill the schedule in the State Environmental Planning Policy (Primary Production and Rural Development) 2019 (PPRD SEPP).*

A State-wide policy could be established that changes the way planning authorities consider the impacts of development on all rural land and agricultural activities. The policy would not apply to agricultural activities or where producers undertake specified activities that are complementary to agriculture. This policy would be a *mandatory consideration* in the decision-making process.

The policy would provide guidance to planning authorities on how agricultural land uses must be considered in the strategic planning, planning proposal and development application stages of the planning framework. It would make sure councils consider how to avoid or mitigate potential adverse impacts of non-agricultural activities and reduce the risk of land use conflict.

Implementation of the policy could require additional matters to be considered when assessing non-agricultural development on rural land. The following statutory changes could be made to introduce these requirements:

- Amend Ministerial Local Planning Direction 1.5 - Rural Lands to require planning proposals for non-agricultural land use on rural land, or changes to planning controls for rural zoned land to consider agricultural planning principles/criteria and/or the findings of an agricultural impact statement (AIS);
- Amend the PPRD SEPP and/or the Standard Instrument LEP to require consideration of suitable alternative locations, the preparation and consideration of an AIS or, depending on scale, a land use conflict risk analysis for non-agricultural land uses on rural land; and
- Amend the PPRD SEPP and/or clause 5.16 of the Standard Instrument LEP to more clearly require consideration of whether potential impacts on agriculture from proposed non-agricultural development have been minimised.

These potential statutory changes would clarify and strengthen provisions to safeguard agriculture in the Standard Instrument LEP amendment and development application process. This approach would reinforce the importance of agriculture in the planning system but could remove some discretion and flexibility from rural land use planning.

#### Option 4a. State Agricultural Land Use Planning Policy and State Significant Agricultural Land Criteria

*The NSW Government could implement a policy on agricultural land, including mandatory considerations in the planning framework and provide councils with a list of criteria that defines SSAL in Schedule 1 in the PPRD SEPP for councils to make their own maps.*

This option narrows the scope to apply the policy to land identified as SSAL and could include considerations for land surrounding SSAL.

Criteria for SSAL could comprise biophysical and climatic characteristics, as well as locational, or importance to other agricultural industries. The below components could make up SSAL:

- Biophysical Strategic Agricultural Land (BSAL)
- Expanded BSAL (up to 12% of the State)
- Irrigated lands
- Existing agricultural land mapped for its importance (i.e. North Coast farmland)
- Land zoned RU1 Primary Production, RU2 Rural Landscape or RU4 Primary Production Small Lots in the Metropolitan Rural Area.

The land above covers a range of land that is largely finite in supply (irrigated and BSAL) or provides other strategic advantages to agricultural industries not reliant on the land's biophysical characteristics. Identification of SSAL would enable stronger planning controls to be applied specifically to SSAL or require an RU1 Primary Production zone be applied to land identified as SSAL. These stronger planning controls could also be incorporated in considering developments on land neighbouring SSAL.

This option would rely on councils conducting their own mapping if a map was desired. Alternatively, proponents could be asked to verify that their land is not classified as SSAL land to avoid the policy applying if pursuing non-agricultural development. Such verification procedures may be onerous and require extensive soil analysis and research rather than reference to a map.

#### Option 4b. State Agricultural Land Use Planning Policy and State Significant Agricultural Land Map

*The NSW Government could implement a policy on agricultural land, including mandatory considerations in the planning framework and a map of SSAL in Schedule 1 in the PPRD SEPP.*

Ad hoc agricultural land mapping has been conducted in some local strategic plans as a result of some councils wishing to protect agriculture in their regions. In other circumstances regional or State scale mapping has been completed to address particular issues, for example, BSAL mapping and the Far North Coast and Mid-North Coast Important Farmland Map.



A map would be beneficial to show how agricultural land interacts with other land use planning provisions, including sensitive areas such as biodiversity areas or areas used for mining. Mapping is becoming more and more integral to the planning system as a clear method of identifying land subject to specific planning controls, or which otherwise requires special consideration. Mapping SSAL gives certainty to the community and investors on which land agriculture is the preferred land use. There could be built in verification processes to ensure that landholders and councils can verify the accuracy of the map.

Mapping of SSAL also enables stronger development control provisions to be applied to this land, enabling more relaxed controls to be applied to other rural land which again provides certainty to developers and investors for both agricultural and non-agricultural development.

Provision of a State-developed map also means agriculture in LGAs where councils which **do not have the resources** to undertake mapping will also benefit from the policy. Proponents in these LGAs could verify that their land does not meet the criteria for the map to avoid the policy applying. Statutory amendments requiring planning decision-makers to consider the impacts on agriculture on or adjacent to this mapped land would supplement the map as per option 4a above. This would support councils in understanding how to use the map and improve consistency in how agriculture is considered.

#### **Option 4c. State Agricultural Land Use Planning Policy and State Significant Agricultural Land Map - councils opt in**

*The NSW Government could implement a policy on agricultural land, including mandatory considerations in the planning framework and a map of SSAL which is optional for councils to adopt.*

As an alternative to State-wide application, the policy and map could be released with councils able to opt in or out of the amendments. The NSW Government would lead the first round of implementation to save individual councils undertaking planning proposals to introduce the map and controls into Local Environmental Plans. Afterwards councils could individually apply to DPIE – Planning to amend their local controls in a manner suited to their LGA.

This option provides the benefit of release of a map for councils lacking mapping resources, and saves proponents undertaking expensive studies to determine application. It also enables local consideration of the need for agricultural protections and an ability to monitor the loss of SSAL across the State.

Some State-wide amendments to SEPPs would still be necessary, such as exclusion of seniors living developments from SSAL, to ensure local requests for prioritisation of agriculture on SSAL are balanced against otherwise overriding State policy.

#### **Option 5. Controlling Land Use in Rural Zones**

*The NSW Government could prohibit zone changes or non-agricultural uses on agricultural land except in certain tightly defined circumstances or through a stringent exceptions process.*

The planning system has several levers which can be used to prescribe either where development occurs or how it is developed. These levers comprise prohibitions on land uses in certain areas, development standards that prescribe the form of a development, or matters

that must be considered when designing and assessing a development. This hierarchy of development control can be utilised in different ways to minimise the loss of productive agricultural land.

If SSAL is identified in accordance with options 4a, 4b or 4c above, unique planning controls could be applied specifically to SSAL. In the absence of identified SSAL in the planning framework controls would need to apply broadly to rural land.

The following statutory changes could be made to prohibit non-agricultural development on SSAL or in rural areas generally:

- a Ministerial Direction which requires SSAL to be zoned RU1 Primary Production when councils prepare a planning proposal applying to the land.
- a Ministerial Direction which prohibits the change of zoning of rural zoned land to a residential, business, industrial, environmental or special use zone.
- Amend the Standard Instrument LEP to prohibit particular non-agricultural land uses in the RU1 Primary Production zone.
- Amend the Standard Instrument LEP to prohibit any further subdivision of rural land to create new lots with dwelling eligibilities.

#### Option 6a. DPI approval of developments on SSAL and IPAs

*The NSW Government could require councils to obtain approval from DPI and DPIE-Planning before deciding on the development of non-agricultural uses on SSAL and in IPAs.*

If SSAL is identified in accordance with option 4a, 4b or 4c above, consent authorities could refer applications for non-agricultural developments on SSAL or in IPAs (see option 1 above) to DPI to seek formal concurrence. This will give the consent authorities a greater level of expertise to inform their decisions and certainty around NSW Government position.

DPI would be able to provide expert input on current agricultural issues to support the development consent process. Involving DPI in the development consent process for the best agricultural land in the State would reflect its significance and safeguard its future use for the benefit of the State. This option would mean that councils could rely on DPI's expertise to help make decisions about the best future use of SSAL. Such a process would be similar to the involvement of other State agencies in the development consent process for projects significant to the State or impacting other natural resources such as water or biodiversity. To avoid delays in the process, failure to respond within a given timeframe would amount to deemed approval.

#### Option 6b. DPI advice in relation to development on SSAL and IPAs

*The NSW Government could require councils to seek formal advice from DPI for the development of non-agricultural uses on SSAL and in IPAs.*

Rather than formal concurrence per 6a, this option would require consent authorities to seek and consider advice from DPI in relation to non-agricultural developments on SSAL and in IPAs. This would have the same benefits referred to above, but without a formal DPI concurrence role.

## Chapter 2: Reduce and manage land use conflict

**Policy problem:** There is no simple, accessible and impartial mechanism for farmers to resolve land use conflict regarding their operations.

Land use conflicts occur where a neighbour (or other affected party) takes issue with the conduct of an existing farming operation. The first priority for the NSW Agriculture Commissioner when appointed in August 2020, was to conduct a review of the NSW Right to Farm Policy 2015 (**Review**). During the Review the Commissioner heard from councils that they are often the first port of call for complainants – even where the issue falls squarely within the remit of another agency, such as the EPA. For more information on the Review, see the Right to Farm Policy Review: Consultation Summary and Issues Analysis accompanying this document.

The development approval process can lead to lengthy delays and significant costs for applicants where a consent authority either requests unreasonable information or standards to be met in response to complaints against a new or expanded agricultural operation.

The options set out below seek to address the following issues raised in the Review:

1. There is no clear merits-based avenues to resolve agricultural land use disputes;
2. There is no low cost and accessible avenue to challenge decisions made by councils or other regulatory bodies;
3. There is a lack of understanding of agricultural operations in assessing and resolving complaints;
4. The onus is on the operator to appease the complainant.

Many participants in consultation called for a State-backed mediation service to hear and resolve disputes. Mediation services are already available in NSW through many courts and tribunals, through peak bodies such as the Australian Disputes Centre, Community Justice Centres, and through certain alternative dispute resolution practice groups like the NSW Small Business Commission. However, these services may not have specific agricultural disputes resolution expertise.

Agricultural disputes can be very technical in nature, often requiring complex expert reports into odour, noise, and other pollutants. The level of evidence required to establish the facts of any case are far and beyond what would be expected in a tenancy dispute or a standard family relationships dispute, for example. As a result, anybody adjudicating or conducting a mediation-arbitration process for an agricultural dispute cannot make sufficiently informed recommendations or determinations without the production of complex technical evidence, and even then, judgements may be required about whether specific conduct or practices are reasonable.

It is important that any new measures adopted by government are cost effective and do not impose additional red tape. The current arrangements have created a bureaucratic maze producing inconsistent outcomes in the perception of many, and there do seem to be good prospects for devising measures with net benefits. The overall impact on the economy and communities of disputes and foregone investments is the accumulation of a large number

of relatively small and local outcomes. While these operations can be smaller value than a mine or infrastructure, the cumulative overall impact can be much larger. A process which sets precedents and guides better decision making could therefore have a high return for the State.

Options 1 to 3 below deal with disputes over existing operations. Option 4 considers an alternative approach to development applications.

## Options to improve operational dispute resolution

*The NSW Government could explore all, or a selection, of the following avenues to improve dispute resolution in agriculture*

### Option 1. Expand the jurisdiction of existing dispute resolution bodies

Existing dispute resolution bodies could have their jurisdiction expanded to deal with agricultural land use conflict. This could involve the NSW Small Business Commission (SBC), NSW Fair Trading, or Community Justice Centres (CJCs).

The SBC provides a mediation service as well as negotiation and procedural advice to help resolve small business disputes. Mediation is provided for the following issues:

- Resolving disputes between small businesses, government agencies and local government
- Managing disagreements between contractors and subcontractors
- Franchise disputes
- Debt recovery and unpaid invoices.

There may be scope to add the resolution of disputes about existing operations to these services by creating a separate agricultural division. These would be limited to small farm enterprises but could potentially cover all types of nuisance disputes listed in the 2018 University of Technology Sydney's Report, 'Right to Farm Agricultural Land Use Survey'. Section 18 of the *Small Business Commissioner Act 2013* empowers the Small Business Commissioner to require a person to attend a meeting for the purpose of mediating a complaint involving a small business. Presumably this jurisdiction would extend to small business agricultural enterprises. As such, resolving small business agricultural disputes through the SBC may only require changes to practice and expertise as opposed to legislative changes.

NSW Fair Trading provides mediation services free of charge (with each party bearing its own costs) on a range of strata and community related matters including noise problems, by-laws, pets, insurance matters and many others. This mediation branch of NSW Fair Trading could also be expanded to include an agriculture specific service. It is likely that NSW Fair Trading will require a statutory mandate to broaden the scope of its mediation services.

CJCs are another potential avenue for resolving disputes about agricultural operations. It is not clear whether CJCs are being presently utilised for this purpose. CJCs help people resolve their disputes by providing free mediation services for a broad range of disputes including disputes relating to neighbours, family relationships, children, work and employment, business and consumers, money and debt.



In principle, CJs might provide an appropriate and cost-efficient forum for the mediation of operational disputes. CJs also specialise in disputes involving interpersonal issues such as those between neighbours. At the heart of some agriculture disputes would not only be transactional issues (e.g. waterways or odours) but potentially longstanding generational interpersonal disputes between neighbouring property owners. Additionally, if there are multiple owners of the same property due to inheritance (e.g. siblings); or where properties have been subdivided and are now considered neighbouring properties but owned by respective family members.

CJC could also assist parties to develop a pathway to resolution. For example, where there are long-standing or complex issues, perhaps due to a lack of communication and understanding between parties. This model could also include multiple mediations over period of three, six or even 12 months.

However, it is not clear whether there is sufficient agricultural expertise in CJs to give this option practical justification. CJC's have a broad jurisdiction and therefore this option should not require legislative changes, but instead require the development of additional expertise and guidance from the NSW Government to councils and others that CJs can be used for this purpose.

### Option 2. Create a new dispute resolution body

#### A. Ontario Normal Farm Practices Protection Board / British Columbia Farm Industry Review Board - Model A

In the province of Ontario, Canada the Normal Farm Practices Protection Board (**Board**) was established under the *Farming and Food Production Protection Act 1998 (FFPP Act)* to hear and rule on issues pertaining to farm practices. The Board has the power to inquire into and resolve a dispute respecting an agricultural operation and to determine what constitutes a normal farm practice.

The FFPP Act provides that a farmer is not liable in nuisance to any person for a disturbance (odour, dust, flies, light, smoke, noise and vibration) resulting from an agricultural operation carried on as a normal farm practice. A 'normal farm practice' is defined by the Board. The Ministry of Agriculture, Food and Rural Affairs will attempt to resolve the dispute before it is escalated to the Board. The members of the Board represent a range of agricultural industries and experts.

The British Columbia Farm Industry Review Board (**BCFIRB**) is a similar model. The BCFIRB hears complaints about odour, noise, dust or other disturbances arising from a farm practice and determines whether it is a 'normal farm practice'. If a determination is made that a certain practice is not a 'normal farm practice', the farm business loses protections provided under the *Farm Practices Protection (Right to Farm) Act* from certain nuisance related lawsuits. BCFIRB's decisions are final but can be judicially reviewed or appealed to the Supreme Court of British Columbia.

A similar model in NSW would require new legislation and governance arrangements for the Board but could be scaled to suit the State's needs.

### **B. Ontario Normal Farm Practices Protection Board / Wollondilly Rural Industry Community Advisory Committee – Model B**

A dispute resolution Board could be established with a guidance and advising role, composed of suitably qualified agricultural and land use planning experts or appropriate officials from within relevant government departments. They could provide a non-binding opinion on a particular dispute to assist the local authority. The Board would have no legislative power.

### **C. Queensland Land Access Ombudsman Model**

The Queensland Land Access Ombudsman is an independent ombudsman with a dispute resolution mechanism designed to take pressure off the court system and government agencies. The Ombudsman was introduced under the *Land Access Ombudsman Act 2017* (Qld) as an “independent, impartial body to help landholders and resource companies resolve alleged breaches of conduct and compensation agreements and make good agreements.” Conduct and Compensation Agreements and Make Good Agreements are agreements between landholders and resource companies. The Ombudsman facilitates negotiations between parties, investigates and makes recommendations. Specifically, the Ombudsman has the power to hold meetings, conduct interviews, make inquiries with relevant technical experts and government entities, to require information and attendance, and to enter land the subject of a dispute. The Ombudsman’s recommendations are not binding.

The establishment of a new Ombudsman in NSW would require new legislation.

### **Option 3. Create a new or expanded agricultural disputes jurisdiction in a court or tribunal**

The *Land and Environment Court Act 1979* divides the Land and Environment Court’s (LEC) jurisdiction into eight classes. Classes 1, 2 and 3 mostly involve merits review of administrative decisions as well as a jurisdiction to hear disputes (commonly between neighbours) regarding trees or hedges. The source of this jurisdiction is the *Trees (Disputes Between Neighbours) Act 2006*. Class 4 involves civil enforcement, usually by government authorities, of planning or environmental laws to remedy or restrain breaches and judicial review of administrative decisions and conduct under planning or environmental laws.

A dedicated class (or expanded class) dealing with agricultural operational disputes could operate in a similar vein to the successful trees jurisdiction whereby a Commissioner experienced in agricultural matters hears and adjudicates the matter only after the parties have attempted to mediate the dispute.

The process could be fast and inexpensive (when compared to traditional court proceedings) as parties are encouraged to avoid using lawyers, engage joint expert evidence and the matter is heard before a Commissioner experienced and comfortable with the subject matter. Relevant government departments such as DPI and the EPA could also provide information to the Court to assist in resolving the matter. The LEC is however still a court and will involve a level of stress and expense for parties involved. Such a change to the LEC’s jurisdiction would require statutory amendment.

The NSW Civil and Administrative Appeals Tribunal (**NCAT**) was established under the *Civil and Administrative Tribunal Act 2013* and provides a simple, quick, and effective process for resolving disputes and reviewing administrative action, including:

- services and processes to support self-representation by parties in most matters
- plain language forms and documents
- simplified processes
- a range of alternative dispute resolution methods.

NCAT can hear a broad range of cases including fencing disputes with neighbours through the Consumer and Commercial Division. These matters were previously heard by the various Local Land Boards before the passage of the *Civil and Administrative Tribunal Act 2013*.

A change to NCAT's jurisdiction would require statutory amendment.

### Option to improve new development dispute resolution

*The NSW Government could explore the following to improve development dispute resolution in agriculture.*

#### Option 4. Expand the remit of the Independent Planning Commission

Conflict involving development applications can be seen as either an issue of planning processes (red-tape burdens) or the origins of ongoing land use conflict with agricultural operations. Although disputes about development application receive less attention than disputes about existing operations they are more significant in that they are the potential for growth in the industry. Intervention can be justified.

The Independent Planning Commission of NSW (**IPC**) has statutory power and is independent of all government departments. It has the following central functions:

- determine State significant development applications where there is significant opposition from the community
- conduct public hearings for development applications and other planning and development matters
- provide independent expert advice on any planning matter (but not development applications), when requested by the Minister for Planning and Public Spaces or Secretary of the Department of Planning, Industry and Environment

The IPC could hear complaints against agricultural development determinations. However, this would not be consistent with the IPC's strategic direction. The IPC has recently streamlined and limited the other matters it that considers, in line with the findings of the Productivity Commissioner's 2019 Review of the IPC.

Other options are being considered to improve the climate for investment in new developments, for example an expedited process through the LEC.

## Chapter 3: Support the growth of agriculture and regional economies

**Policy Problem:** The planning framework does not reflect the needs of agriculture.

### Improving consistency across Local Government Areas

#### Option 1. Clarification of agricultural land use definitions

*The NSW Government could revise and update definitions in the Standard Instrument LEP to address ambiguity between LGAs.*

Land use definitions are contained in the dictionary to the Standard Instrument LEP. The range of land uses that can be listed in the land use table of a Local Environmental Plan is limited to those included in the dictionary. The list of land uses in the Standard Instrument LEP does not cover all land uses which may be developed, nor do the definitions comprehensively describe all potential land uses or structures. Ambiguity in definitions leads to variations in how planning requirements are enforced across local government areas. This creates consistency and equity concerns for agricultural businesses across the State. Some agricultural definitions were updated and clarified with the introduction of the PPRD SEPP in 2019.

Examples of further definitions that could be clarified:

- **Artisan food and drink industry** – amend to include in the rural zone and facilitate on-farm diversification
- **Horticulture** – clarify as currently horticulture under Standard Instrument LEP can be applied to both fruit orchards and large greenhouse style developments, which are significantly different in terms of visual impact, traffic operations, etc
- **Farm building** – clarify that netting and frost fans are farm buildings and do not require a DA.
- **Intensive horticulture developments** – not currently mentioned in the PPRD SEPP and this is a production system that is expected to grow significantly. A definition and regime for the operation of these systems needs to be established.

Other definitions that could be addressed include barn-based dairies, plantation forestry and vertical insect farms which are not covered specifically in the current definitions. Land use definitions could also be reviewed to more accurately reflect the impacts of development. This would allow definitions to focus on outcomes and embed flexibility in the definitions to respond to changing practices.

While planning controls may vary across different LGAs to respond to local contexts, clarification and consistent application of land use terms helps to provide a level playing field for all agricultural producers. Certainty in land use terms prevents farmers who operate across different LGAs from unwittingly contravening local planning controls and being the subject of compliance action or complaints from neighbouring properties.



### Option 2. Expansion of exempt and complying developments

*The NSW Government could expand the list of exempt and complying developments in agriculture.*

The NSW Government could consult on what developments ancillary to agricultural operations should be classified as exempt or complying.

Expanding the scope of exempt and complying developments can also be achieved at a local level through the education of planning practitioners on the modern agricultural practices and what should be considered acceptable on rural zoned land, and therefore not require a development application.

Developments that would be considered include, but are not limited to, orchard netting, frost fans, construction of cattle shelters, robotic dairies and feed pads.

The exemption and complying conditions applied in the NSW Government Special Activation Precincts could also be made available to other areas in the State where local authorities are trying to develop industry aggregations. This could include bespoke zoning.

### Option 3. Buffer guidelines

*The NSW Government could establish a guideline to clarify and consolidate buffer requirements across industry and LGAs.*

Buffers are another mechanism identified by stakeholders which are not being applied and maintained consistently between LGAs. The 2020 Australian Farm Institute's report, 'Managing farm-related land use conflicts in NSW' highlights how buffers are utilised haphazardly across NSW. In some cases, buffer areas are implemented and then disregarded with residential development approved within a zone. DPI provides a set of recommendations for buffer areas between certain types of agricultural operations and conflicting land uses; however, these are not mandatory and not applicable for all farming operations and can be the cause of considerable conflict.

New developments can be built within the buffer when they are not considered in the development process. The landholder must then account for new buffers which can sterilise productive parts of the property and can lead to land use conflict. Progressive development in buffer areas erodes their purpose and the agriculture activity they are supposed to protect.

More rigour in the use and protection of buffers would have considerable long-term benefits.

## Supporting industry growth through the planning framework

### Option 4. Agent/initiator of change principle

*The NSW Government could introduce the agent of change principle and reverse the onus of buffer requirements to new/encroaching developments.*

The agent of change principle is an established planning principle applied in Victoria and internationally. It shifts the responsibility of mitigating nuisance to the introductory land use. In the case of agriculture, it would shift the onus onto new developments to account for buffer requirements of neighbouring agricultural operations.

Implementing the agent of change principle can be achieved through the education of planning practitioners, amendment of council development control plans or more formal amendment of statutory environmental planning instruments. It could also be achieved by requiring introductory land uses to apply mandated buffers to existing agricultural operations.

### Option 5. Amend regulation on public submissions

*The NSW Government could amend the planning regulation to better guide councils on how to consider submissions.*

To support planning authorities in their consideration of submissions, and to ensure that the consideration is consistent with the aims of the EP&A Act and its focus on environmental impacts, the NSW Government could amend the planning regulation to better guide councils on how to consider submissions.

It is acknowledged that most councils and their planners would already have the expertise to appropriately consider such submissions but regulated guidance would support those councils in their decision making when faced with political pressure and broader public opposition based on issues unrelated to the immediate impact of the proposed development, such as objections to intensive agricultural developments on animal welfare grounds.

## Areas for further research

The following areas have been identified through consultation for further research to inform future policy:

Theme	Scope
<p><b>Urban Agriculture</b></p> <p><i>The NSW Government could provide guidance materials on modern urban agricultural practices and its advantages.</i></p>	<p>Agriculture in higher density or an industrialised landscape will require a new way of doing things.</p> <p>Agricultural opportunities exist in insect farming in sheds on industrial lands, aquaponics, seaweed farming and controlled environment horticulture. To secure investment, guidance is needed on how the planning system could adapt or change to cater for these types of industries and their needs.</p>
<p><b>Agricultural Offset and Credit Schemes</b></p> <p><i>The NSW Government could investigate how an agricultural offset scheme could shore up supply of agricultural land and provide alternative income sources.</i></p>	<p>Schemes already exist in the planning framework for offsetting the loss native vegetation or adverse impacts on biodiversity. Similarly, the planning framework includes mechanisms to ensure that essential components of the urban environment such as public open space, community facilities and infrastructure are provided for the benefit of the entire community.</p> <p>There is an opportunity for the planning framework to support the safeguarding of agricultural land and the continuation of sustainable agricultural practices through a scheme of offsets or credits/contributions for agriculture.</p> <p>There are also mechanisms which support carbon capture through certain farming practices which have the potential to benefit some agricultural industries and provide alternative income streams for farmers.</p>
<p><b>Minimum lot size</b></p> <p><i>The NSW Government could conduct further research on the efficiency of lot sizes on agricultural operations and release guidance material.</i></p>	<p>Fragmentation of agricultural land is one of the primary factors affecting the continued use of rural land for productive agriculture. Fragmentation of rural land can lead to competition for the land from other land uses which prevents the future use of rural land for productive agricultural purposes. On the other hand, small lots are important to the rural lifestyle and should be encouraged in a planned and controlled way.</p> <p>The minimum lot size for rural land is often a reflection of historical policy and is not based on evidence. Achieving the minimum lot size does not guarantee that the land will continue to be used for agriculture as the size of the lot may be unsuitable for the particular farming method. Moreover, there is some evidence that minimum lot sizes can also be too large – too small to be viable businesses but too large for effective hands on management.</p> <p>Larger rural lot sizes continue to be necessary for some agricultural operations. This may be needed to achieve an economy of scale or to ensure sufficient buffers with surrounding land uses.</p> <p>During consultation an example was given by Port Macquarie-Hastings Council about a development application for a cattle feedlot on a 43-hectare rural property. The development application was attempted twice but withdrawn both times following strong objection from surrounding residents. This example shows that the size of the property can be important in determining what type of agriculture is suited to that site.</p> <p>This work could help inform future subdivision of rural land retains lot sizes which can support economically viable farming operations, and the growth of regional cities and towns through attracting new residents.</p>

## Appendix 1: Evidence base

Date	Report
2016	Regulation of Australian Agriculture, Productivity Commission Inquiry Report
2018	Right to Farm Agricultural Land Use Survey, Final Report, University of Technology Sydney
2018	Fresh Food Pricing Report, Portfolio Committee No. 1 – Premier and Finance
2019	Best Practice Land Use Planning, AgriFutures Australia
2019	Land Use in Rural Zones: Tweed and Cabonne Shires, Final Report, Askland et al.
2019	Rural and Regional Planning (NSW), Planning Institute of Australia
2020	Land Use Conflict in NSW, Australian Farm Institute

## Appendix 2: Summary of options

Chapter 1: Minimise the loss of productive capacity		
POLICY PROBLEM: THE NSW GOVERNMENT HAS NO POLICY ON THE DEFINITION OF STATE SIGNIFICANT AGRICULTURAL LAND AND HOW IT SHOULD BE DEVELOPED.		
Non-statutory mechanisms	<b>Rural Land Use Planning Policy</b>	The NSW Government should develop a policy on rural land.
	<b>Option 1. Identified Production Areas</b>	The NSW Government could identify production areas across the State.
	<b>Option 2. Monitoring and Reporting of Loss of Rural Land</b>	The NSW Government could monitor land use change and the loss of rural land that is best suited to agriculture.
	<b>Option 3. Education</b>	The NSW Government could support local government councils and planners understand the needs of agricultural operations.
Statutory Mechanisms	<b>Option 4. Identification of State Significant Agricultural Land.</b>	
	<b>Option 4a. State Agricultural Land Use Planning Policy</b>	The NSW Government could implement a policy on rural land through guidance material, plus various changes in the planning framework, including filling the schedule in the PPRD SEPP.
	<b>Option 4b. State Agricultural Land Use Planning Policy and State Significant Agricultural Land Criteria</b>	The NSW Government could implement a policy on agricultural land through guidance material, plus various changes in the planning framework, including a list of criteria that defines State Significant Agricultural Land in Schedule 1 in the PPRD SEPP.
	<b>Option 4c. State Agricultural Land Use Planning Policy and State Significant Agricultural Land Map</b>	The NSW Government could implement a policy on agricultural land through guidance material, plus various amendments in the planning framework, including considerations and a map of State Significant Agricultural Land in Schedule 1 in the PPRD SEPP.
	<b>Option 4d. State Agricultural Land Use Planning Policy and State Significant Agricultural Land Map - councils opt in</b>	The NSW Government could release a guiding policy on agricultural land and a map of SSAL which is optional for councils to adopt.
	<b>Option 5. Controlling Land Use in Rural Zones</b>	The NSW Government could prohibit zone changes or non-agricultural uses on agricultural land except in certain tightly defined circumstances or through a stringent exceptions process.
	<b>Option 6a. DPI approval of developments on SSAL and IPAs</b>	The NSW Government could require councils to get agreement from DPI before deciding on the development of non-agricultural uses on SSAL and in IPAs.
	<b>Option 6b: DPI advice in relation to development on SSAL and IPAs</b>	The NSW Government could require councils to seek formal advice from DPI for the development of non-agricultural uses on SSAL and in IPAs.

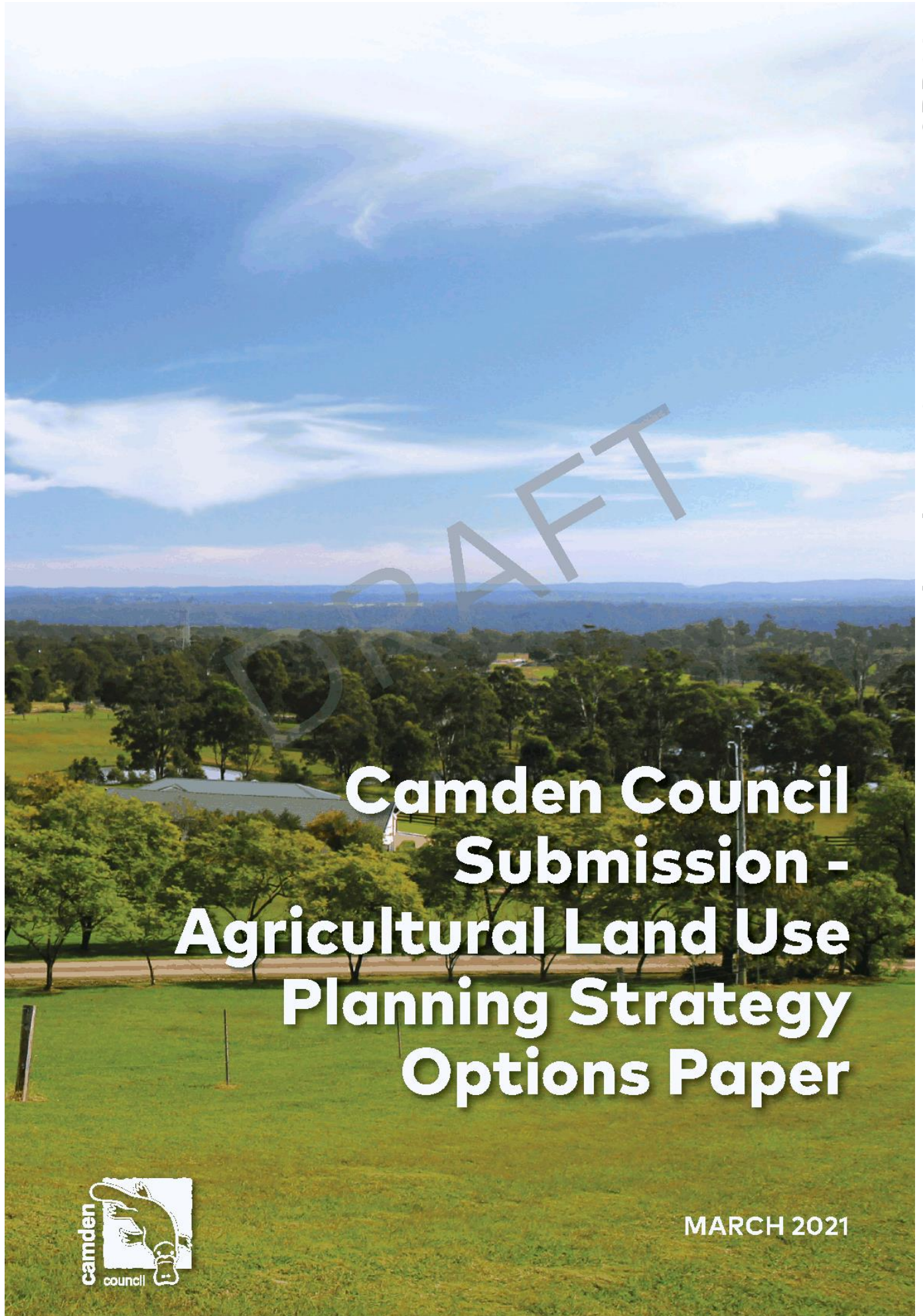


**Chapter 2: Reduce and manage land use conflict**

**POLICY PROBLEM: THERE IS NO SIMPLE, ACCESSIBLE AND IMPARTIAL MECHANISM FOR FARMERS TO RESOLVE LAND USE CONFLICT REGARDING THEIR OPERATIONS**

<b>Options to improve operational dispute resolution</b>	<b>Option 1.</b> Expand the jurisdiction of existing dispute resolution bodies
	<b>Option 2.</b> Create a new dispute resolution body
	<b>Option 2a.</b> Ontario Normal Farm Practices Protection Board / British Columbia Farm Industry Review Board - Model A
	<b>Option 2b.</b> Ontario Normal Farm Practices Protection Board / Wollondilly Rural Industry Community Advisory Committee – Model B
	<b>Option 2c.</b> Queensland Land Access Ombudsman Model
<b>Option 3.</b> Create a new or expanded agricultural disputes jurisdiction in a court or tribunal	
<b>Options to improve development dispute resolution</b>	<b>Option 4.</b> Expand the remit of the Independent Planning Commission

Chapter 3: Support agriculture to recover and grow		
POLICY PROBLEM: THE PLANNING FRAMEWORK DOES NOT REFLECT THE NEEDS OF AGRICULTURE		
Improving consistency across LGAs	<b>Option 1.</b> Clarification of agricultural land use definitions	The NSW Government could revise and update definitions in the Standard Instrument LEP to address ambiguity between LGAs.
	<b>Option 2.</b> Expansion of exempt and complying developments	The NSW Government could expand the list of exempt and complying developments in the Standard Instrument LEP.
	<b>Option 3.</b> Buffer guidelines	The NSW Government could establish a guideline to clarify and consolidate buffer requirements across industry and LGAs.
Supporting industry growth through the planning framework	<b>Option 4.</b> Agent of change/ initiatory of change principle	The NSW Government could introduce the agent of change principle and reverse the onus of buffer requirements to new/encroaching developments.
	<b>Option 5.</b> Amend regulation on public submissions	The NSW Government could amend the planning regulation to better guide councils on how to consider submissions.



# Camden Council Submission - Agricultural Land Use Planning Strategy Options Paper



MARCH 2021



Camden Council Submission

## Executive Summary / Introduction

The NSW Agriculture Commissioner is inviting feedback on an Agricultural Land Use Planning Strategy Options Paper. Council has endorsed this submission for the Commissioner's consideration. The submission has identified where there is consistency between the Options Paper and Council's Rural Lands Strategy.

The Options Paper focuses on how the planning system can better support the growth of agriculture and regional economies. Council supports the scope of the options to be expanded to support and enhance agricultural production and rural economies.

The submission highlights the challenges Council faces in managing its rural lands on the urban fringe of Sydney. Importantly, the submission outlines opportunities to leverage Camden's rural assets, and proximity to the Western Sydney Airport and its agribusiness precincts to enhance Camden's rural economy.

## Introduction

The NSW Government appointed an Agriculture Commissioner (Commissioner) in August 2020. The Commissioner, with the support of the Department of Primary Industries (DPI), has been tasked with reviewing the NSW Right to Farm Policy and developing an Agricultural Land Use Planning Strategy (Strategy) for NSW.

In August 2020, the Commissioner released an Issues Paper: Agricultural Land Use Planning Strategy, aimed at informing the Strategy's development.

The Commissioner notes his review of the NSW Government's Right to Farm Policy found there are ongoing issues impacting agriculture in land use planning. The Commissioner recommends a Strategy be adopted to address these issues. The Commissioner proposes the Strategy would contain an Agricultural Land Use Planning Policy agreed to by the NSW Government and contain specific measures to implement the policy. The Agricultural Land Use Planning Strategy Options Paper (Options Paper)







## Agricultural Land Use Planning Strategy Options Paper

proposes a range of options that could be included in the Strategy. The Commissioner is seeking feedback on options identified for inclusion in the Strategy.

### Camden Council Rural Lands Strategy

Camden's rural lands are located on the urban fringe of Sydney. Council's Local Strategic Planning Statement (LSPS) notes managing this urban-rural interface is a key challenge for Council. The LSPS notes increased urban development reduces the overall amount of land suitable for productive agriculture. It can also create other pressures such as land use conflict which has the potential to significantly impact on Camden's rural lands.

Camden's location along with major infrastructure investment, centred around the Western Sydney Airport (WSA), may also present new and emerging opportunities for agriculture in Camden. In response to existing and emerging pressures and opportunities, Council commissioned a Rural Land Study in 2016 (RL Study). The RL Study concludes Camden's agricultural land is important, not only because of its role in providing Sydney with fresh food, but because of other benefits which arise through protection of the land such as employment, tourism and the visual quality of scenic landscapes.

The RL Study was used to inform the preparation of a Rural Lands Strategy (RL Strategy) that was adopted by Council in 2018. The RL Strategy contains key planning principles and associated actions that are aimed at protecting Camden's remaining rural lands, avoiding rural land fragmentation and enhancing Camden's rural economy.



## Agricultural Land Use Planning Strategy Options Paper

The Options Paper identifies three key issues (under Chapters), a related policy concern and options to address the policy.

Council's comments on the key issues and identified policies is discussed below. A summary of the options identified by the Commissioner is also outlined along with Council's comments.

### Key issue 1: Minimise the loss of productive capacity

#### Policy concern:

*there is no definition, identification or development protections for State Significant Agricultural Land (SSAL), which is leading to this land being lost to non-agricultural uses.*

#### Council comment

Council's RL Study noted the NSW Government, at that time, was working to identify and map valuable agricultural land across the State, known as Biophysical Strategic Agricultural Land (BSAL).

The RL Study confirms most of the BSAL identified and mapped in Camden LGA follows along the Nepean River floodplain and comprises 1,679 ha. The RL Study confirms this is the most productive agricultural land in the Local Government Area (LGA). The majority of BSAL in Camden is zoned RU1 Primary Production and SP2 Infrastructure (University of Sydney Camden Farms Network). The RL Study recommends retaining the existing minimum lot size (40 ha) to protect BSAL for

agricultural uses. The RL Study also notes flood risk poses a significant constraint to non-agricultural development on BSAL (providing a further layer of protection).

A corresponding action of the RL Strategy is to retain the existing 40 ha minimum lot size (Camden LEP 2010) for rural land to avoid further land ownership fragmentation. As a result, Council believes BSAL in the LGA is afforded protection from non-agricultural development.

The current approach to SSAL is based on land biophysical properties (land and water). Council sees merit in the Commissioner investigating if proximity to major infrastructure such as the Western Sydney Airport and its proposed agribusiness precincts, in addition to land biophysical properties, is criteria for considering land as SSAL.

#### Non-statutory options to address Key Issue 1

The NSW Government:

- should develop a policy on rural land;
- could identify production areas across the state;
- could monitor land use change and the loss of rural land that is best suited to agriculture;
- could support councils and planners to understand the needs of agricultural operations.

#### Council comment

Key strategies at the region, district and local level seek to support agricultural activity and better manage rural areas. A key objective is to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area (MRA).

A Government policy on rural land could provide policy leadership at the state level to complement and reinforce region, district and

## Agricultural Land Use Planning Strategy Options Paper

ORD01

local strategies. A state policy should seek to address the challenges posed to agriculture in the Sydney basin.

Council supports Government initiatives to identify production areas across the state, monitor land use change and the loss of agricultural land. Identification of production areas should consider key location criteria, including proximity to major infrastructure such as the WSA. Council officers currently undertake monitoring of Council's RL Strategy actions.

There is broad support for education and guidance to be provided to councils and planners to understand the needs of agricultural operations.

**Recommendation:**

- NSW Government policy on rural land is supported.
- NSW Government to identify agricultural production areas, monitor land use change and the loss of agricultural land.
- Identification of agricultural production areas to consider key location criteria, including proximity to major infrastructure such as the Western Sydney Airport.

**Statutory options to address Key Issue 1**

The Options Paper outlines the following range of statutory measures for the NSW Government to explore to minimise the loss of productive capacity:

- Identify SSAL in State Environmental Planning Policy (Primary Production and Rural Development) 2019 (Primary Production SEPP);
- Prohibit zone changes or non-agricultural uses on agricultural land except in certain tightly defined circumstances or through a stringent exception process;

- Require councils to obtain agreement from DPI before deciding on the development of non-agricultural uses on SSAL and in identified production areas (recognised agricultural industry clusters); and
- Require councils to seek formal advice from DPI for the development of non-agricultural uses on SSAL and in identified productions areas.

**Council comment**

A key aim of the Primary Production SEPP is to identify SSAL for the purpose of ensuring its ongoing viability for agriculture, however the SEPP does not currently identify SSAL. As such, Council recommends further information is provided to understand potential implications for potentially affected landowners and Council of identifying SSAL under the Primary Production SEPP.

The option to prohibit zone changes or non-agricultural uses on agricultural land except in certain tightly defined circumstances or through a stringent exception process requires careful consideration to ensure a 'blanket' prohibition approach does not result in unintended consequences at the local level, such as prohibiting non-agricultural uses that are compatible with the agricultural, environmental and conservation values of the land.

It is noted options to make the DPI either an integrated approval body for DAs or require the DPI's advice to be sought on a DA could be tailored to SSAL or could be applied more broadly to rural land. Any proposed role in the DA assessment process for DPI should be proportionate to the proposed development's scale and potential impacts on agricultural land.

Council supports DPI having an advice role (rather than an approval role) in the DA process as it enables Council officers to undertake a merit-based assessment of the proposal. It is acknowledged that an approval role for DPI would give greater certainty and protection to SSAL and identified production areas.

Attachment 2

## Key issue 2: Reduce and manage land use conflict

### Policy concern:

*there is no simple, accessible and impartial mechanism for farmers to resolve land use conflict regarding their operations.*

The Commissioner has heard from councils they are often the 'first port of call' for complainants, even where the issue is the responsibility of another state government agency.

### Council comment

The RL Strategy notes rural-urban conflicts typically arise when: there is insufficient separation between incompatible land uses; where rural activity is poorly managed or where new residents do not understand the type of activities prevalent in their new location.

The RL Study confirms a large proportion of Camden's productive agricultural areas are associated with intensive agriculture land uses on small lot agriculture land (zoned RU4 Primary Production Small Lots). At the same time, all RU4 zoned land is located within the SWGA. At the neighbourhood level, Council regulates existing lawful intensive agriculture uses that have a right to operate (pollution control and development compliance). In terms of strategic planning and development, Council has a responsibility to ensure the successful delivery of urban development in the SWGA.

In the longer term, as the SWGA is progressively taken-up for urban development (and small lot agriculture ceases or relocates), instances of land use conflict in these areas can be expected to reduce. However in the interim, instances of land use conflict can continue or be increased as new residents move into an area.

Council sees merit in the NSW Government investigating what assistance and incentives can be offered by the NSW Government to existing businesses within Government, identified

growth areas such as poultry and intensive horticulture, to relocate their business to an alternate location.

An action of the RL Strategy is to review existing development controls to provide additional guidance on land use conflict. The Camden DCP 2019, includes controls for environmental impacts including noise and odour and rural land use conflict provisions. There is information available on Council's website about farming impacts and conflicts.

The RL Strategy promotes the use of a Land Use Conflict Risk Assessment (LUCRA) tool developed by DPI as a means to address potential land use conflict at the planning proposal (rezoning stage).

### Recommendation:

- NSW Government to investigate an assistance and incentive 'package' to facilitate existing, lawful agricultural businesses to relocate outside the South West Growth Area.

### Options to address Key Issue 2

The Options Paper identifies the NSW Government could expand the jurisdiction of existing dispute resolution bodies including the NSW Small Business Commission (SBC), NSW Fair Trading or Community Justice Centres.

### Council comment

Council officers investigate complaints arising from land use conflict within the scope of the Protection of the Environment Operations Act 1997, Environmental Planning and Assessment Act 1979 and Local Government Act 1993.

Expanding the jurisdiction of existing dispute resolution bodies, at a broad level, could assist the affected parties and councils. However, there would need to be further clarity on the role and authority of the dispute resolution

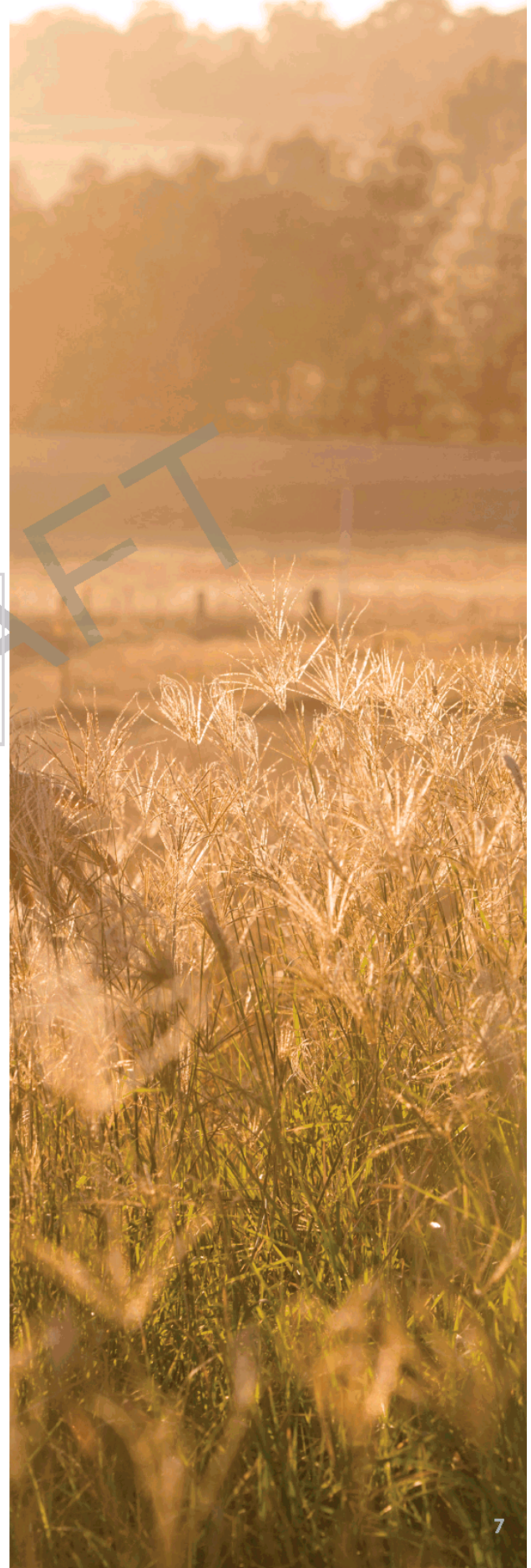
## Agricultural Land Use Planning Strategy Options Paper

body to be able to comment on its effectiveness. As previously noted, Council supports a proactive approach such as assistance and incentives to assist the relocation of agricultural businesses from the SWGA.

Council supports a broader community education response being implemented by the NSW Government that addresses the need for and value of agriculture. This could extend to promoting urban agriculture (along with traditional agriculture) so that the value of agriculture is promoted to the wider community. This may assist to build a broader understanding and tolerance of agriculture. Urban agriculture is discussed further under the Options Paper – Areas for further research heading of this submission.

**Recommendation:**

- NSW Government to prepare and roll out a community information / education program to address the need for agriculture.



ORD01

Attachment 2



ORD01

Attachment 2



Camden Council Submission

### Key Issue 3: Support agriculture to recover and grow

#### Policy concern:

*the planning framework does not reflect the needs of agriculture.*

The Options Paper notes the Government’s Standard Instrument Local Environmental Plan (SI LEP) does not define all agricultural land uses and could be expanded to include artisan food and drink industry, horticulture and intensive horticulture developments.

The Options Paper says ambiguity of definitions leads to variations in how planning requirements are enforced across LGAs.

#### Council comment

Agricultural production in the Camden LGA is a significant contributor to the economy. Camden is a significant producer of grapes for wine, cauliflowers, lettuce, cultivated turf, sheep and lambs, dairy cattle, beef cattle and crops and pastures for hay. Further, tourism is important to the rural sector, with strong growth potential.

The RL Strategy identifies the need to enhance Camden’s rural economy by identifying potential activities through which Council can support and promote viable and sustainable agriculture.

Council’s LSPS seeks to leverage industry opportunities created by Camden’s proximity to the WSA and Aerotropolis. The LSPS contains an action for Council to review how Camden’s rural lands relate to future agribusiness precincts within the Aerotropolis. It should also be noted that Council officers are currently reviewing Council’s Economic Development Strategy.

As part of Council’s accelerated LEP review program, the Stage 1 LEP Planning Proposal seeks to support the visitor economy on Camden’s rural lands. The Stage 1 LEP Planning Proposal seeks to permit non-agricultural uses (including tourism-related



uses) that are compatible with the agricultural, environmental and conservation values of the land. Eco-tourist facilities are proposed to be permitted with consent by removing them as a prohibited land use within the RU1 and RU2 zones.

The Options Paper focuses on how the planning system can better support the growth of agriculture and regional economies. Whilst the planning framework should be examined, Council would like to see the scope of the options expanded to support and enhance agricultural production. This could include consideration of the opportunities available to agriculture in the Camden LGA from major infrastructure projects such as the WSA and its planned agribusiness precincts.

#### Recommendation:

- Expand the scope of options to support and enhance agricultural production and rural economies.

#### Summary of options to address Key Issue 3

The Options Paper outlines the following range of measures for the NSW Government to explore to improve consistency across LGAs:

- Revise and update definitions in the SI LEP to address ambiguity between LGAs;
- Expand the list of exempt and complying developments in the SI LEP;
- Establish a guideline to clarify and consolidate buffer requirements across industry and LGAs; and
- 'agent/initiator of change' principle supported to mitigate land use conflict (and reverse the onus of buffer requirements to new/encroaching developments).

#### Council comment

It is mandatory for councils to implement the NSW Government's SI LEP. The purpose of the SI LEP is to promote consistency in the planning system (and avoid inconsistency across councils). The Department of Planning, Industry and Environment (DPIE), as the agency responsible for the SI LEP, should be engaged about these issues, if not already done so. Investigating definitions that address tourism-related uses that are compatible with the agricultural, environmental and conservation values of the land is supported. Investigating definitions that respond to innovation in agriculture, including urban agriculture, is also supported.

Council notes the use of the term 'intensive', in the agricultural industry, refers to a higher investment of capital and labour per hectare compared to, say, broadacre grazing of stock. In terms of land use planning definitions, 'intensive' is associated with uses that have a potential to cause land use conflict or generate environmental impacts. There may be scope to explore these issues to determine if greater clarity and understanding of land use definitions across agricultural and planning industries is required.

Council supports investigating an expansion of exempt and complying development to permit agricultural and non-agricultural uses (including tourism-related uses) that are compatible with the agricultural, environmental and conservation values of the land.

An action of Council's RL Strategy is to investigate the introduction of appropriate zones within the SWGA to provide a buffer between rural land uses and urban development. This action is consistent with the 'agent/initiator of change' principle mentioned in the Options Paper.

Council supports the NSW Government establishing a guideline to clarify and consolidate buffer requirements across industry and LGAs.



**Recommendation:**

- Consult with the Department of Planning, Industry and Environment about options concerning the Standard Instrument LEP and exempt and complying development.
- Investigate agricultural land use definitions that address tourism related uses that are compatible with the agricultural, environmental and conservation values of the land.
- Investigate innovative agricultural land use definitions, including urban agriculture.
- NSW Government to establish a guideline to clarify and consolidate buffer requirements across industry and local government areas.

**Areas for Further Research**

The Options Paper identifies areas for further research to inform future policy centred around the following themes:

- Urban Agriculture;
- Agricultural Offset and Credit Schemes; and
- Minimum lot size.

**Urban Agriculture** – *The NSW Government could provide guidance materials on modern urban agricultural practices and its advantages.*

**Council comment**

Investigation of urban agriculture is supported. Urban agriculture provides an opportunity for urban populations to connect with agriculture and assist to meet Sydney’s fresh food needs. This could lead to a broader acceptance of the value of agriculture. It is noted the Western Sydney Parklands (to the north of Camden LGA) supports urban farming.

**Recommendation:**

- NSW Government to provide guidance materials on modern urban agricultural practices and its advantages.

## Agricultural Land Use Planning Strategy Options Paper

ORD01

Attachment 2

**Agricultural Offset and Credit Schemes** - *The NSW Government could investigate how an agricultural offset scheme could shore up supply of agricultural land and provide alternative income sources.*

### Council comment

An action of the RL Strategy is to work with Wollondilly Council to explore options to protect agricultural land and encourage food production. In September 2020, Council officers attended an initial meeting of Wollondilly Council's Agricultural Enterprise Credit Scheme Working Group, that is investigating this issue.

Council will continue to work with Wollondilly to explore this issue and welcomes Government-led investigations into the topic.

**Minimum lot size** - *The NSW Government could conduct further research on the efficiency of lot sizes on agricultural operations and release guidance material*

The Commissioner notes fragmentation of agricultural land is one of the primary factors affecting the continued use of rural land for productive agriculture.

### Council comment

The RL Strategy includes a key planning principle to provide certainty and avoid rural land fragmentation. The RL Strategy notes existing minimum lot sizes are an effective tool to avoid further land fragmentation and minimise and manage land use conflict. Government research on the efficiency of lot sizes on agricultural operations and release of guidance material is supported.

Council notes clause 4.2 'rural subdivision' of Camden LEP 2010 enables flexibility in the application of minimum lot sizes for subdivision in rural zones for primary production purposes. It is important to note the provision does not provide for a dwelling entitlement on the lot.

### Further opportunities for research

It is noted that Camden and adjoining Wollondilly LGAs have pioneered agricultural research and development hosting the:

- NSW DPI, Elizabeth Macarthur Agricultural Institute which covers 1,600 ha that includes the Centres for Excellence for Animal and Plant Health; and
- University of Sydney Camden Farms Network, covering 1,500 ha across a series of farms in the Camden and Badgerys Creek area.

Collaboration with these institutions could assist to identify areas for further research. This is consistent with the RL Strategy action to work with University of Sydney to investigate innovative opportunities for the Camden Campus.

Action 78 of the Western City District Plan seeks to maintain or enhance the values of the MRA using place-based planning to deliver targeted environmental, social and economic outcomes. The Commissioner could collaborate with the Greater Sydney Commission and Western City Councils to research how place-based planning can maintain or enhance the values of the MRA, including the protection of agricultural land and enhancing the rural economy.

### Recommendation:

- Consult with the Elizabeth Macarthur Agricultural Institute and University of Sydney about areas for further research.
- Consult with the Greater Sydney Commission and Western City Councils to research how place-based planning can maintain or enhance the values of the MRA, including the protection of agricultural land and enhancing the rural economy



Camden Council Submission

### Conclusion

The NSW Agriculture Commissioner is inviting feedback on an Agricultural Land Use Planning Strategy Options Paper. Council has endorsed this submission for the Commissioner’s consideration. The submission has identified where there is consistency between the Options Paper and Council’s Rural Lands Strategy.

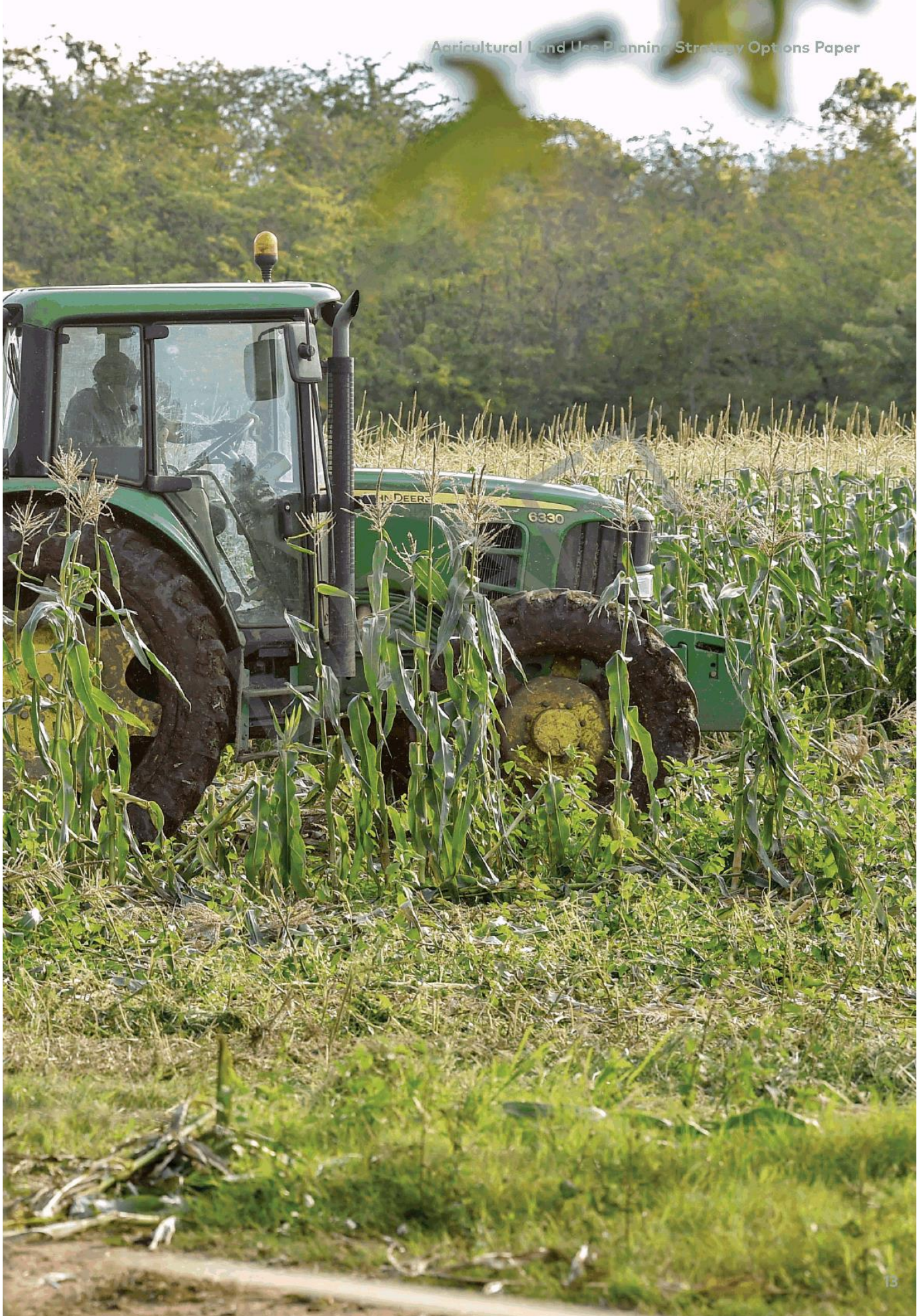
The Options Paper focuses on how the planning system can better support the growth of agriculture and regional economies. Council supports the scope of the options to be expanded to support and enhance agricultural production and rural economies.

This submission highlights the challenges Council faces in managing its rural lands on the urban fringe of Sydney. Importantly, the submission outlines opportunities to leverage Camden’s rural assets and proximity to the Western Sydney Airport and its agribusiness precincts to enhance Camden’s rural economy.





Agricultural Land Use Planning Strategy Options Paper



Attachment 2  
ORD01



ORD01

Attachment 2

DRAFT



For further information contact:

✉ Camden Council  
70 Central Avenue  
Oran Park NSW 2570

☎ 4654 7777

✉ [mail@camden.nsw.gov.au](mailto:mail@camden.nsw.gov.au)



Department of  
Primary Industries

# ISSUES PAPER: NSW Agricultural Land Use Planning

Introduction

Issue 1: Long-term availability of productive land for agriculture

Issue 2: Making it easier to set-up and conduct business

Issue 3: Reducing land use conflict and supporting dispute resolution

Written submission form

Appendix 1: Summary of reports investigating land use planning issues for agriculture

ORD01

Attachment 3

## Introduction

The NSW Agriculture Commissioner (Commissioner) is taking the lead on the development of a new agricultural land use planning strategy (Strategy) for NSW. This paper provides background on the issues to be addressed by the Strategy and informs consultation with relevant stakeholders on its drafting.

The NSW Government appointed the Commissioner on 3 August 2020. The Commissioner was tasked with reviewing the NSW Right to Farm Policy which focused on land use planning. A priority for the Commissioner is to investigate ways of managing land use conflict with farmers and driving growth of the sector.

The Commissioner has considered numerous reports which have identified land use conflict and land use planning as issues for agriculture (see Appendix 1). These reports along with anecdotal evidence from producers and councils have informed the draft content of the strategy and consultation objectives.

### How to have your say

The Commissioner is seeking your input to the Strategy in the following ways:

1. by sharing your views during webinars facilitated by the Australian Farm Institute; and
2. by making a written submission in the form below.

This paper provides context and evidence to inform the discussion.

### Scope of consultation

The focus of the Strategy is reducing barriers in the planning framework and minimising land use conflict. As a starting point for discussion, the Commissioner will test the following potential components of the Strategy:

1. Long term availability of productive agricultural land;
2. Making it easier to set-up and conduct business; and
3. Reducing land use conflict and supporting dispute resolution.

This paper provides information on each of these topics, however, feedback on agricultural land use planning that goes beyond the scope of this paper will certainly be considered.

Some issues which do not fall in the planning framework - such as forestry, private native forestry, biodiversity, drought and water - are being excluded from the scope of the Strategy.

## Issue 1: Long-term availability of productive land for agriculture

Agriculture is Australia's major land use, but its share of total land use is in decline. Between 1973 and 2017, there was a 14 per cent decline in land used for food and fibre production (from 500 million hectares to 394 million).

Reports reviewed by the Commissioner indicate that urban encroachment, fragmentation, land use change and the impacts of climate change have each contributed to the reduction in the amount of available productive agricultural land. These forces have also pushed farmers away from population bases in Sydney as well as regional towns.

With Australia's population predicted to reach 48 million in the next 50 years, it is imperative that land for food and fibre production remains viable, productive and at a scale needed to sustain Australia's growing population.

Certain land has a higher strategic value for agricultural production than other land. This may be due to the biophysical characteristics of the land, its location, and access to infrastructure or established production hubs.

During the 2019 Fresh Food Pricing Inquiry, participants called on the NSW Government to protect agricultural land close to urban and regional centres. This land is ideal for production due to quality soil and low transport and production costs.

Other states and jurisdictions have implemented measures to identify important agricultural land and have policies that ensure long-term availability for agricultural production. For example, Western Australia has a policy that identifies the state's best and most productive agricultural land so it can be recognised by regional and local planners when developing planning strategies. Tasmania recognises prime agricultural land and has a policy that seeks to conserve and protect it for agriculture.

In NSW however there is no clear policy on how to ensure the long-term availability of land for agriculture. Nine of the ten Regional Plans currently under review recognise the importance of mapping important agricultural land to support councils in their strategic planning and decision making. Mapping such land is currently being progressed by the Department of Primary Industries (DPI).

A vacant schedule in the Primary Production and Rural Development State Environmental Planning Policy was created to identify State Significant Agricultural Land, or other land of strategic value, in the planning framework. The Commissioner sees an opportunity to identify land in this schedule and supplement it with a policy to guide planning decision makers about the suitable uses of this land in the future.

***Before the webinar, consider:***

1. *whether the loss of agricultural land is detrimental the future of agriculture in NSW;*
2. *what impacts of urban encroachment, fragmentation, and land use change on productive rural land you have seen;*
3. *whether state significant agricultural land in NSW should be identified and protected;*
4. *whether the level of protection for agricultural land should be proportionate to the quality of the land and the scarcity of that land in the region.*

## **Issue 2: Making it easier to set-up and conduct business**

The NSW planning framework plays an important role in balancing the social, environmental and economic impacts of development. Since 2014, a range of reports and parliamentary inquiries have uncovered opportunities to better support agricultural industries (see Appendix 1). The reports detail how planning decisions made without regard to the needs of the agricultural industry can impede growth and productivity in primary production.

Development application processes can be complex, time consuming and require farmers to complete multiple applications to obtain approval for a single development. The process can



increase the financial burden on farmers to the point of making the proposed development unviable. The main costs involved in obtaining a development approval include preparing, submitting and providing supporting material for the application as well as fees, charges and holding costs associated with the time taken to obtain planning approval (capital holding costs arise where businesses must pay interest on borrowed funds).

Further, the complexity of the planning system is increasing the need for external consultants, which come at a considerable cost. This disproportionately affects smaller farming businesses who are disincentivised from pursuing development or investment opportunities.

There can also be inconsistencies in interpretations of planning requirements between the 128 local councils in NSW. While there are benefits of administering planning and zoning regulations at the local level, some state-level standardisation of land use regulation may assist in reassuring producers to establish and invest in NSW.

Inconsistencies in the consideration of agricultural needs can facilitate land use conflict. Councils are not required to consider agricultural buffer needs when approving neighbouring developments and there are currently no mandated separation requirements from agricultural operations in the planning framework. While DPI provides guidance on separation distances to manage biosecurity and nuisance impacts, having no requirement to consider agricultural buffer needs means separation distances can be overlooked. This leads to land use conflict or forces the farmer to sterilise parts of their land to be used as a buffer.

The DPI has supported research into agricultural land use planning such as the 2018 UTS Report. Continued research and evidence gathering on barriers to production in the planning framework will be essential to informing future reform and decision making in this area.

***Before the webinar, consider:***

1. *how the planning framework restricts agricultural development;*
2. *whether change is needed to improve consistency across councils in how planning requirements are decided;*
3. *what opportunities exist to support industry growth through the planning framework;*
4. *what aspects of agricultural land use planning you consider would benefit from further research?*

### **Issue 3: Reducing land use conflict and supporting dispute resolution**

Land use conflict involving farmers tends to relate to nuisance complaints made by neighbours in relation to normal or acceptable farming practices. The 2018 UTS Report found that 30-50 per cent of participating councils experienced agricultural land use complaints about compliant agricultural activities.

Some examples of normal farm practices that become the target of complaints include the use of white nets to protect crops, which (compared to the visually preferred black or green nets) can help prevent birds from becoming entangled; and noise from the transport of poultry during the night or early morning (which is best practice for the welfare of the birds).

Land use conflict can cause farmers to suffer significant economic consequences. Research shows that land use conflict can be damaging to mental health, social and physical amenity, industry growth and erosion of trust. Improved community awareness of acceptable farming practices and alternative dispute resolution can help mitigate and resolve land use conflict.

In Ontario, Canada a Normal Farm Practices Protection Board has a legislative mandate to determine what amounts to acceptable farming practices. In NSW, the Wollondilly Shire Council has taken a non-legislative approach where local producers and stakeholders have an opportunity to discuss issues directly with Council. Both approaches have been successful in building mutual education and understanding between farmers and community representatives on what constitutes an acceptable farm practice.

In NSW there is no state-wide acceptable farming practices guidelines. Although alternative dispute resolution services are available for various other types of disputes, there is no state-level forum to manage land use conflict involving farmers.

***Before the webinar, consider:***

- 1. whether land use conflict is a barrier to agricultural production;*
- 2. whether improving community awareness of acceptable farm practices would reduce land use conflict;*
- 3. whether alternative dispute resolution is needed to manage land use conflict with farmers;*
- 4. what the NSW Government can do to manage agricultural land use conflict.*

## **Written submission form**

Please email your feedback to [agcommissioner@dpi.nsw.gov.au](mailto:agcommissioner@dpi.nsw.gov.au) by 28 September 2020.

### **Issue 1: Long-term availability of productive land for agriculture**

***Consider:***

- 1. whether the loss of agricultural land is detrimental the future of agriculture in NSW;*
- 2. what impacts of urban encroachment, fragmentation, and land use change on productive rural land you have seen;*
- 3. whether state significant agricultural land in NSW should be identified and protected;*
- 4. whether the level of protection for agricultural land should be proportionate to the quality of the land and the scarcity of that land in the region.*

## Issue 2: Making it easier to set-up and conduct business

### *Consider:*

1. *how the planning framework restricts agricultural development;*
2. *whether change is needed to improve consistency across councils in how planning requirements are decided;*
3. *what opportunities exist to support industry growth through the planning framework;*
4. *what aspects of agricultural land use planning you consider would benefit from further research? Examples may include the economic viability of small lots for agricultural use; incentives to encourage rural landholders to actively farm rural land; or impacts of detached dual occupancy on land use conflict with agricultural land uses.*

## Issue 3: Reducing land use conflict and supporting dispute resolution

### *Consider:*

1. *whether land use conflict is a barrier to agricultural production;*
2. *whether improving community awareness of acceptable farm practices would reduce land use conflict;*
3. *whether alternative dispute resolution is needed to manage land use conflict with farmers;*
4. *what the NSW Government can do to manage agricultural land use conflict.*

## Have your say

*Are there any other issues in the planning framework that should be considered in the Agricultural Land Use Planning Strategy?*

### Appendix 1: Summary of reports investigating land use planning issues for agriculture

Date	Report
2016	Regulation of Australian Agriculture, Productivity Commission Inquiry Report ( <b>Productivity Commission Report</b> ).
2018	Right to Farm Agricultural Land Use Survey, Final Report, University of Technology Sydney ( <b>UTS Report</b> );
2018	Fresh Food Pricing Report, Portfolio Committee No. 1 – Premier and Finance ( <b>Fresh Food Pricing Report</b> )
2019	Best Practice Land Use Planning, AgriFutures Australia ( <b>AgriFutures Report</b> )
2019	Land Use in Rural Zones: Tweed and Cabonne Shires, Final Report, Askland et al. ( <b>Askland Report</b> )



ORD02  
Attachment 1



**Delivery Program Progress Report**  
July to December 2020



**Cover Page and Back Page:**

2020 Grand Champion Garden – Camden Council Garden Competition

**Images**

The photographs featured have been obtained from many sources including professional photographers and Council officers. The illustrations used in this document were provided by children from the Camden LGA as part of Council's Children's Week Art Project

**Copyright – Camden Council**

All information, graphics and photographs are copyright of Camden Council unless otherwise noted. The content is protected by the Australian and International Copyright and Trademark laws.

**Disclaimer**

Every reasonable effort has been made to ensure that this document is correct at the time of publishing.

## Contents

1. Council's Obligations	Page 4
2. Executive Summary	Page 6
3. Key Directions and Performance Indicator Status	Page 8
4. Overall Progress Highlights	Page 23
5. Conclusion	Page 36

### **Acknowledgement to Country**

*Council acknowledges the Dharawal people as the traditional custodians of this land and pays our respect to their Elders both past and present and the Aboriginal Community.*

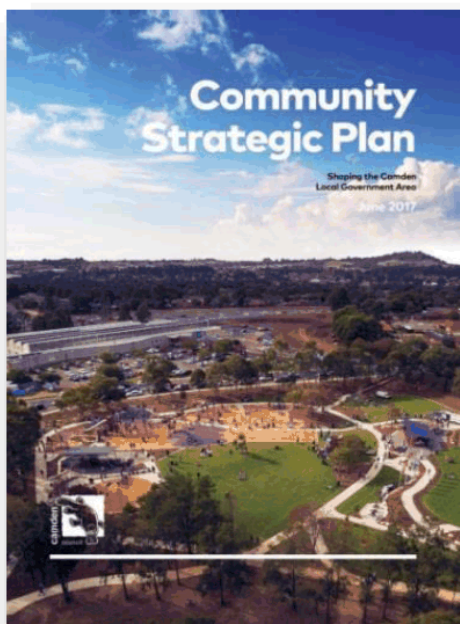
## 1. Council's Obligations

All councils across NSW commenced implementing the Integrated Planning and Reporting (IPR) framework from 2013. This framework allows councils to draw various plans together and plan holistically for the future.

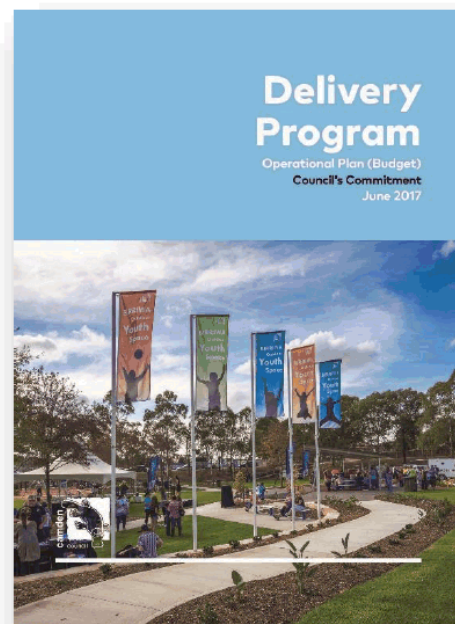
In accordance with the IPR framework, all councils are required to develop a Community Strategic Plan. The Community Strategic Plan provides a clear direction for the long-term community vision and is underpinned by the Delivery Program, Operational Plan (Budget) and Resourcing Strategy. Council reviews and develops the Community Strategic Plan, followed by preparation of Council's four-year Delivery Program, and determines appropriate methods to measure its progress.

The Delivery Program turns the strategies and objectives of the Community Strategic Plan into principal activities and identifies actions that Council commits to undertake over the next four years.

To help maintain focus for Council and provide feedback to the community, Council is required to prepare a six-monthly progress status on the adopted four-year Delivery Program. In accordance with the [IPR framework](#), Camden Council has prepared, and adopted in June 2017, the following documents:



[Community Strategic Plan](#)



[Delivery Program and Operational Plan \(Budget\)](#)

A suite of documents relating to the [IPR framework](#), are available on Council's website

[www.camden.nsw.gov.au](http://www.camden.nsw.gov.au)



**Camden Council** actively monitors its progress in achieving the objectives stated in the Community Strategic Plan through the implementation of the Delivery Program under six Key Directions.

These six Key Directions are aligned with the four elements of the quadruple bottom line - Social, Environmental, Economic and Civic Leadership. These six Key Directions are:

1. Actively Managing Camden LGA's Growth
2. Healthy Urban and Natural Environment
3. A Prosperous Economy
4. Effective and Sustainable Transport
5. An Enriched and Connected Community
6. Strong Local Leadership

Council has 30 Local Services to assist in addressing the Key Directions with specific principal activities against the Community Strategic Plan's strategies.

The COVID-19 pandemic has had a challenging impact on activities and services Council would ordinarily provide to the community under normal circumstances.

Impacts can be seen in the progress status under Key Direction 2, 4 and 5, and the overall performance status for this reporting period - July to December 2020.






## 2. Executive Summary

This Delivery Program Progress Report July to December 2020, complies with the adopted four-year Delivery Program 2017/18 – 2020/21 for this Council term.

The report reflects Council's six-month progress status against 39 performance indicators and provides information on how Council is progressing with its Delivery Program.

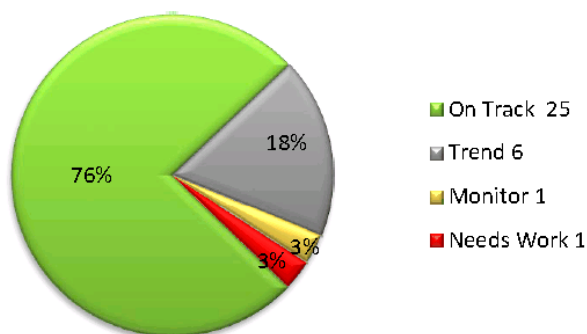
Each Key Direction has a set of individual performance indicators. Council utilises a rating scale to ensure consistency, accountability, and transparency, when assessing the status of each performance indicator under the six Key Directions and associated symbol descriptors. The rating scale is:

**Table 1**





Rating Scale	Symbol	Description
"On Track"		When the 'actual' is either equal, less or greater than the set target.
"Monitoring"		Corporate variance of $\pm 10\%$ applies to the set target and is considered achievable, feasible and realistic for performance improvement, with the exception of Legislative requirements.
"Needs Work"		When the 'actual' is either below or above the corporate variance
"Trend"		Shows a pattern of change data over time where setting a target is not possible
"COVID Impact"		Deliverables impacted by COVID-19 NSW Public Health guidelines and restrictions

The COVID-19 pandemic has had a challenging impact on activities and services Council would ordinarily provide to the community under normal circumstances. In recognition of this, an additional rating scale has been added for the reporting period, with six performance indicators noted as impacted by the pandemic.

In brief, of the 39 Performance Indicators that were able to be delivered during the reporting period, 25 Indicators (76%) were assessed as 'On Track'; 1 Indicator (3%) as 'Needs Work'; 6 Indicators (18%) as 'Trend'; 1 Indicator (3%) as 'Monitoring'.



The table below provides a status update on the performance indicators under each Key Direction.

Key Direction	No. of Performance Indicators	Status				COVID Impact
		On Track 	Monitoring 	Needs Work 	Trend 	
Actively Managing Camden LGA's Growth	4	4	0	0	0	0
Healthy Urban and Natural Environment	12	6	1	1	3	1
A Prosperous Economy	3	1	0	0	2	0
Effective and Sustainable Transport	5	4	0	0	0	1
An Enriched and Connected Community	8	4	0	0	0	4
Strong Local Leadership	7	6	0	0	1	0
<b>TOTALS</b>	<b>39</b>	<b>25</b>	<b>1</b>	<b>1</b>	<b>6</b>	<b>6</b>

Section 3, 'Key Directions and Performance Indicator Status', provides progress comments and the status of each performance indicator along with an explanation of each Key Direction.

Section 4, 'Overall Progress Highlights' elaborates on a few of the projects Council has undertaken over the six-months (July to December 2020) that supports Council's commitment towards the Community Strategic Plan.

### 3. Key Directions and Performance Indicator Status

This section provides a narrative on outcomes that supports the Community Strategic Plan under each Key Direction and associated Objectives. It provides progress comments and the status of each performance indicator along with an explanation of each Key Direction.

The diagram below shows the six Key Directions.







## Key Direction 1 – Actively Managing Camden LGA’s Growth

Effectively managing growth, determined under the State Government’s Metropolitan Strategy and Western City District Plan (former South West District Plan), will be an important focus area for Council and its various partners.

The community of the Camden LGA does not want to lose the character that they so highly value - its rural setting, country town feel, and the lifestyle associated with these attributes; at the same time, it must cater for well-managed development. Achieving a balance between large population increases and keeping the valued heritage/rural characteristics of the Camden LGA will be an ongoing challenge with significant new opportunities in terms of infrastructure, services, employment, housing choices and economic benefit.




The community would like to see public transport, roads, infrastructure, parks and recreational facilities, and the effective management of development as major priorities for the Camden LGA.

### 1.1 Urban development is managed effectively

Performance Indicator	Status	Progress Comment
Development assessments are completed in a timely fashion	✓	The median processing time (20 days) was within the target service level of 40 days. Council determined Development Applications to the value of \$988,653,366 during this six-month period.
Construction certificates are provided in a timely fashion	✓	Building Construction Certificate processing timeframes continue to exceed target service levels. This result reflects the strong performance in building certification services provided by Council.
Developers Contribution Plans are developed and monitored in a timely manner	✓	Since the last major review of Council's Contribution Plans in 2019 expenditure and income of each plan has been live tracked. The performance of each plan is reported to Council's Development Contributions Management Committee monthly and to Council's Executive Leadership Group bi-annually. The process and requirements to develop and monitor Council's Contributions Plans was formalised in the new Contributions Planning Policy that came into force September 2020.

## 1.2 Rural land is adequately administered

Performance Indicator	Status	Progress Comment
Rural Lands Strategy and associated Action Plan are delivered		<p>The Stage 1 Local Environment Plan (LEP) Review Planning Proposal seeks to enable non-agricultural land uses (including tourism-related uses) only where they are compatible with the agricultural, environmental and conservation values of the land. The Planning Proposal will be finalised in late February 2021.</p> <p>Council continues to participate in the Sydney Peri Urban Network of Councils (SPUN). SPUN aims to deliver on the goals outlined in the Greater Sydney Region Plan and Western City District Plans to protect and enhance rural land and to be a leader and advocate for a solution-focused approach to peri-urban issues.</p> <p>Council officers attended Wollondilly Shire Council's Agri-business Credit Scheme Working Group meeting in September 2020. The Working Group is investigating ways to protect agricultural land and encourage local food production. Council will continue to work with Wollondilly Council to investigate this issue.</p>

 On Track	4	 Needs Work	0	 Monitoring	0	 Trend	0	 COVID Impacted	0
--	---	--	---	--	---	---	---	--	---





## Key Direction 2 – Healthy Urban and Natural Environments








The Camden LGA's natural and built environment are the “setting” for all aspects of life and are essential for sustaining the health, well-being and prosperity of people who live here.

The natural environment encompasses all living and non- living things, occurring both naturally, and as a result of human activities. The built or urban environment is the human-made surroundings that provide the physical setting for human activity and enables private, economic and community life to function effectively and healthy.




### 2.1 Caring for urban and natural environment including heritage sites

Performance Indicator	Status	Progress Comment
Waste diverted from landfill		Waste Diversion from landfill has continued to fall as opportunities to recycle or divert waste from being sent to landfill are currently limited. Council's waste processing contractor is investigating new markets for recycled products, however there are limited onshore options. With the Federal ban on waste exports coming into effect, it is anticipated that local markets will emerge in the near future.
Incidents of illegal dumping (observed by Council Officer)		A total of 229 incidents (38 per month) of illegal dumping were identified and investigated as a result of proactive patrol services by Council Officers. This is an increase of 57 incidents from the previous period which is attributed to an overall increase in illegal dumping as well as Council joining the Western Sydney Regional Illegal Dumping Squad, resulting in an increase of proactive investigations of illegal dumping incidents.
Incidents of illegal dumping (advice from residents)		Council investigated a total of 515 incidents of illegal dumping (86 per month) as a result of resident reports.
Companion animals are appropriately identified		117 dogs were impounded with 42 microchipped and 81 dogs were returned to their owner instead of impounding. Twelve cats were impounded with 1 microchipped. Council microchipped, with no charge, 89 dogs and cats. Whilst the number of microchipped animals is below target, Council continues to work with the community to promote and encourage responsible pet ownership, including a free desexing program, education and promotional activity, which due to COVID-19, was conducted on line, through social media, during this period.

Performance Indicator	Status	Progress Comment
Monitor water quality in rivers and waterways		During the reporting period, lakes and waterways monitoring was undertaken across all sites on a monthly basis. While seasonal changes influenced results, high nutrients, in particular nitrogen, were consistently high. Blue-green algae testing during the summer months were also indicating a high growth of algae in the lakes, in particular Harrington Park Lake and Lake Yandel'ora.
Number of initiatives promoted to reduce air pollution		Council continues to promote better practices for wood heater operations to help reduce air pollution through local media, Council's website, and educational programs.
Number of complaints received regarding noise concerns		There were a total of 147 customer requests received in relation to noise during the reporting period, which is an increase to the 127 received for the previous period. These complaints include noise from barking dogs, trail bikes, music, and other sources. All complaints were investigated with appropriate compliance action taken where required. (Note: Population stat used 101,437).
Increase number of public amenities, recreation facilities, open space and park		Across the Camden Local Government Area there are 322 open spaces and reserves, 24 sports fields, 109 sites with play equipment, 30 sites with exercise equipment, 23 public amenities, 44 sports amenities and 2 swimming leisure centres.
Bushland under active management – number of volunteer bush care hours		Due to COVID-19, Bushcare activities have not been held in this reporting period.
Maintain biodiversity across Camden LGA		During the reporting period, Council actively maintained 54ha of natural areas including regenerating Elderslie Banksia Scrub Forest in Spring Farm.
Number of Sustainability community education programs conducted		During the reporting period Council's scheduled sustainability education programs continued to be on target and implemented. Due to COVID-19, programs such as Threatened Species Art and Writing Competition and Macarthur Nature Photography Competition were delivered online.



Performance Indicator	Status	Progress Comment
Number of community education activities conducted to promote heritage and historical sites across the Camden LGA		<p>Now in its second year, the Unlock Camden initiative sought to unlock Camden's historic past through stories and images. Unlock Camden moved online to celebrate NSW History Week (5 to 13 September 2020). More than 20,000 people have viewed the Unlock Camden virtual walking tour video.</p> <p>Council's Heritage Advisory Committee also ran a <i>My Camden Story</i> social media campaign over the festive season, asking residents to uncover their untold stories behind Camden's rich and diverse history. The initial video about the project received three comments, 20 shares and 2,300 views.</p> <p>In addition, on-going advice was provided to applicants relating to works proposed to heritage items through DAs and DA exemption requests for minor works to a heritage item. Council officers responded to 46 DA Referrals, 5 DA exemption requests for minor works, and 23 customer enquiries.</p>

 On Track	6	 Needs Work	1	 Monitoring	1	 Trend	3	 COVID Impacted	1
--	---	--	---	--	---	---	---	--	---

## Key Direction 3 – A Prosperous Economy



Prosperity means that people have enough – that they are satisfied with their standard of living and have a balance between their financial and social well-being. Financial well-being relies on access to education, employment, housing, and a strong and diverse local economy.

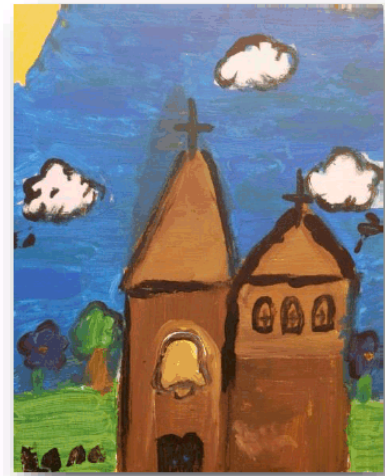
A strong local economy for the Camden LGA is characterised by vibrant towns and commercial centres, thriving local businesses, stable and diverse employment opportunities, skilled local residents, infrastructure that supports economic growth, and a thriving tourist/visitor market.


The development of a strong local economy is essentially about developing an environment that supports a diversity of business and industry to invest, establish, grow and be sustainable over time.

The economic development and prosperity of the Camden LGA is linked with the broader South West Sydney region and much of the focus for the Camden LGA into the future will continue to be working with relevant partners, as well as through the Camden Regional Economic Taskforce (CRET) and the Macarthur Regional Organisation of Councils (MACROC), on the development of a strong regional economy.

### 3.1 Tourism and economic development is supported

Performance Indicator	Status	Progress Comment
Utilisation of the regional tourism website is increasing		The Visit Camden website has received 20,249 visits during this period, an increase of 18% on the previous period. The Macarthur tourism website received 47,482 visits during this period, a decrease of 1.9% on the previous period.
Monitor the visitation to the Tourism Information Centre		Visitation to the Visitor Information Centre has been adversely impacted by the COVID-19 pandemic with the closure of the Centre from 20 March 2020 to 21 September 2020. However, the reopening of the Centre has seen an increase in calls and walk in traffic when compared to the period Jan – June 2020. For the period July – December 2020 the Visitor Information Centre received 88 phone calls (up 200%), 34 emails (down 3%) and 363 walk ins (up 22%).



Performance Indicator	Status	Progress Comment
Increase in number of registered businesses operating within the Camden LGA		There is a total of 9,689 active and registered for GST businesses in the Camden LGA, an increase of 5.2% from the previous figure of 9,210 (source - ABR).

 <b>On Track</b>	1	 <b>Needs Work</b>	0	 <b>Monitoring</b>	0	 <b>Trend</b>	2	 <b>COVID Impacted</b>	0
---	---	---	---	---	---	--	---	---	---

## Key Direction 4 – Effective and Sustainable Transport

Effective and sustainable transport underpins all aspects of an accessible and functioning place.

Transport impacts on the health of the natural environment as well as the health and well-being of people able to connect with their community and services. It impacts on the effectiveness and amenity of the urban environment, and on the viability and growth of the local and regional economy.



An accessible Camden LGA means that people are able to travel easily within their own local area and are well connected to the wider Macarthur and metropolitan regions.




Effective and sustainable transport for the Camden LGA would include:

- affordable, convenient and integrated public transport that is a viable choice over private vehicles
- infrastructure that enables and encourages healthy forms of transport such as walking and cycling
- safe and uncongested roads
- support structures that enable public and private transport systems to operate effectively, including interchanges, traffic management and parking.



### 4.1 Integrated and safe transport system

Performance Indicator	Status	Progress Comment
Successful completion of Black Spot funded projects		Council's Black Spot programmed project was at Holdsworth Drive, Mount Annan. Completion of the adjacent development had impacted on Council's construction program due to the unknown construction activities by the Developer. Once completed, Council was able to return to complete the project within the Black Spot schedule.
Number of transport options delivered through Pedestrian Access Mobility Plan (PAMP) and Bike Plan		During the six-month reporting period under the PAMP and Bike Plan programs, four programmed new paths were completed in Flinders Street, Old Hume Highway, Elizabeth Macarthur Avenue and Angophora Circuit (shared path facility).



Performance Indicator	Status	Progress Comment
Number of Road Education Programs conducted		Over the past six months Council has coordinated seven road education programs working in partnership with Local Police, RMS and community groups following a COVID-safe format. Programs undertaken are as follows: RBT Plan B Campaign, Drive 2 Stay Alive, School Safety Program, Slow Down, Choose Right Buckle Right, Graduated Licensing Scheme Workshops, Drives for Learners In Macarthur and Community Safety Plan.  Unfortunately, Council was not able to participate in Traffic Offenders Programs during this period due to COVID-19 restrictions.

#### 4.2 Road infrastructure and transport connections are effectively established

Performance Indicator	Status	Progress Comment
Traffic Committee recommendations are actioned within the timeframe		During the reporting period, 47 Traffic Committee recommendations were approved. These were all actioned within two months of approval.
Road and traffic facility construction projects completed on-time and within budget.		In accordance with Council's Project Management Framework, 90% of road and traffic facility construction projects were completed on time and on budget.

 On Track	4	 Needs Work	0	 Monitoring	0	 Trend	0	 COVID Impacted	1
--	---	--	---	--	---	--	---	--	---



## Key Direction 5 – An Enriched and Connected Community

An enriched and connected community involves arts and culture, community safety, healthy lifestyles and community health. In addition, the community is further enriched through learning, access to information, recreation and leisure to build social capital and cohesion.

These are all elements that lead to a community with high levels of well-being. This is usually characterised by connection, networks and support within the community; participation and ownership; equity and access; and democratic governance. Equity and access means that all people are able to access a variety of opportunities within a community, both social and economic, regardless of background, ability or circumstance.

Community well-being describes the state of satisfaction, contentment and fulfilment of needs experienced within a particular group of people.





### 5.1 Celebrating social diversity and cultural expression

Performance Indicator	Status	Progress Comment
Number of programs delivered to various community groups including identified target groups	✓	A wide range of activities, programs and events have been held. Many of these were moved from face to face provision to online due to COVID-19.  These included Camden Interagency meetings, Cohesive Communities Advisory Group meetings, Camden Community Access Advisory Group, Camden Youth Council meetings and projects (Mental Health Month podcast), Camden Youth Network meetings, Youth Survey (Part 2), Carers Week, International Day of People with Disability, Communication Access Symbol Training and Accreditation, NAIDOC Celebrations, Children's Week, Café Connect, Aged Care Connect and the establishment of wet wheelchairs program and Changing Places facility at Dawson-Damer Park. Cancelled or postponed included Seniors Program Committee meetings and activities.
Number of arts/cultural events hosted across the Camden LGA	✓	A number of programs including ABAG Virtual classes and tours, Camden Youth Opportunities Program and Make Music Australia attracted wide audiences during the COVID-19 shutdown. A limited program of cultural events has been delivered face to face including ABAG classes, Sydney Comedy, Shout out to the Girls exhibition, NAIDOC exhibition and Life Drawing classes.





ORD02

Attachment 1

Performance Indicator	Status	Progress Comment
Increase number of participants in active recreational activities using Camden Memorial Pool (seasonal)		Whilst the Camden Memorial Pool was operational, restrictions were in place due to COVID-19 limiting capacity and usage during this period. This has resulted in a reduced usage of the facility.
Increase number of participants in active recreational activities using Mount Annan Leisure Centre (seasonal)		The Mount Annan Leisure Centre was impacted due to COVID-19 restrictions resulting in a reduction of patrons being able to fully utilise the facility. This has resulted in a lower rate of usage.
Ratio of returning clients to new clients for hiring Camden Civic Centre		Of the 117 small community events, a small portion were events booked after the venue reopened in July. Fifteen of the 117 included five funerals and a series of 10 art classes relocated due to COVID related closure of premises. The ratio of new to returning clients 5:39
Number of non-Council events hosted at the Camden Civic Centre		The impact of COVID and cancellations on the number of events held within the venue was significant. 199 bookings were held in the July to December period compared to 840 in the 2019/2020 period. Of the 199, a total of 117 were small community non-Council events, equating to 59% of bookings during that period. The number of non-Council events reduced by 78% compared to the previous year.

5.2 Opportunities for life-long learning

Performance Indicator	Status	Progress Comment
Number of programs conducted at local libraries		A total of 1,222 programs were conducted at Council libraries during this period including children's, youth, adult, community learning, local studies, and exhibitions as well as HSC programs and online activities.
Camden families have access to a quality Family Day Care service – hours of care provided		Hours of care were adversely impacted by the COVID-19 and the Christmas holiday break.

 On Track	4	 Needs Work	0	 Monitoring	0	 Trend	0	 COVID Impacted	4
--	---	--	---	--	---	---	---	--	---



 **Key Direction 6 – Strong Local Leadership**

Strong local leadership means that the Camden LGA has strong organisations and individuals representing its interests, who are responsive to the community, and who are working together to achieve the community's vision for the future.







Strong local leadership will be needed from all levels of government, as well as the private sector, non-government organisations, business, industry groups, and community organisations. Developing leaders within the community will place the Camden LGA in good stead for the years to come.




Camden Council, as the level of government in closest contact with the local community, has a particular role in the planning, advocacy, and delivery of good outcomes on behalf of the Camden community. This role is important as the Camden LGA faces massive urban and population growth, particularly in advocating for the delivery of major infrastructure provision, and in balancing the needs and desires of the current population with the pressures of growth.

Importantly, strong local leadership can influence the way that government engages with, and responds to, the local community needs and aspirations in decision making and planning process as well as delivering services.

**6.1 Maintain strong partnerships and shared responsibilities with stakeholders**

Performance Indicator	Status	Progress Comment
Number of Community Small Grant Agreements		Community Small Grant round was not held. The alternative COVID-19 Response Grants received 55 applications of which 17 were approved and funded.
Number of donations for charitable programs		One Donations for Charitable Purposes was provided.
Number of annual subsidies extended to community organisations		All 8 annual subsidies were distributed - RSL Sub Branch, Leppington Progress Association, Camden Historical Society, SWS Academy of Sport, Camden Community Band, Campbelltown Macarthur Scottish Pipes and Drums, Campbelltown Camden District Band, Camden Art Prize.
Number of community sponsorship programs supported		Community Sponsorship round was not held during this period.

## 6.2 Community and stakeholders are kept informed

Performance Indicator	Status	Progress Comment
Maintain publication of regular Council information		<p>Council continues to produce and promote regular publication of Council information and initiatives within deadline.</p> <p>These publications include: Let's Connect (two editions in the reporting period); Rates Notice brochures (two editions in the reporting period); Mayoral print and broadcast messages; Media releases; Council's website; Social media platforms; and Flyers, documents and brochures designed.</p>
Maintain Council's social media platform		<p>Council continues to maintain a seven day a week social media coverage to report on weekend initiatives, improve community engagement, cover events, and ensure that online customer enquiries are answered promptly.</p> <p>Over the past six-months 545 Facebook posts were published with followers increasing to 32,157 and Instagram has grown to 4,284 followers since it was created 18 months ago.</p>
Maintain Council's community engagement and communication practices		<p>Council continues to communicate and engage with the community through print media and its digital media platforms.</p> <p>Council continues to offer a seven day a week social media service and uses these platforms/channels to promote Council services, initiatives, projects, and events.</p> <p>Additionally, Council continues to regularly review and update the corporate website and is regularly looking at innovative ways to promote our services and engage with our community.</p>

 On Track	6	 Needs Work	0	 Monitoring	0	 Trend	1	 COVID Impacted	0
--	---	--	---	--	---	---	---	--	---

### 4. Overall Progress Highlights

This section elaborates on a few of the projects Council has undertaken over the six-month period (July to December 2020) that supports Council’s commitment towards the Community Strategic Plan.

#### First Synthetic Football Field in Camden

The construction of Camden’s first synthetic football field at Nott Oval is now complete.

In addition to constructing the new synthetic football field over the existing turf pitch, the Nott Oval project also included:

- upgrade to the existing parking facilities;
- field marking, to accommodate winter and summer football competitions;
- reserve bench booths; and
- landscaping, fencing and footpath works.

This latest state of the art sports facility will provide another outstanding facility to be enjoyed by a range of local football clubs for competition and training, and the wider community in the off-season.





**Dawson-Damer Park and Water Play Space, Oran Park**

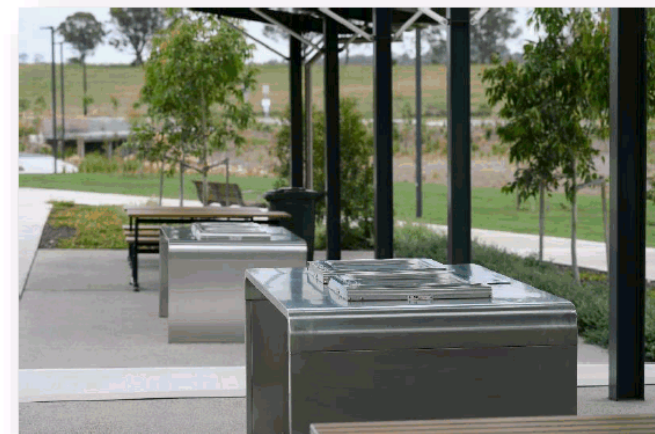
The Dawson-Damer Park and Water Play Space at Oran Park was officially opened in December and is the Camden area’s second water play space and the largest in the Macarthur region.

Built in collaboration with Greenfields Development, the \$9M facility is located at the corner of Dick Johnson Drive and O’Toole Avenue and is open between 10am-7pm daily through spring and summer.

The splash park area of the park has 30 water features including a large dump bucket and various other water features, creating an amazing water play space for the community.

The water play space is also accessible to people of all abilities, has family change rooms and amenities and has been awarded Changing Spaces Accreditation. Being an inclusive facility, wet play wheelchairs are available for hire by contacting Council.

The park also offers a junior and youth play space, including a half basketball court, in-ground trampolines, hammock swing, and a Ninja Warrior course, the first of its kind in Camden. BBQ facilities, picnic shelters and amenities are included for the comfort and enjoyment of park users.





**Catherine Park Community Facility**

Catherine Park residents have a new meeting spot right on their doorstep with the completion of the Catherine Park Community Facility.

The \$2.4M facility includes a combined sports field amenities building and community hall for the growing suburb.

The building allows for the community hall and sports field amenities to operate independently and includes sporting amenities with:

- a kiosk;
- two changerooms;
- storage area; and
- Referee and first aid rooms.

The community facility includes:

- 121 square metre hall;
- kitchen and amenities; and
- 30 square metre meeting room.

Catherine Park Community Facility was delivered by Council in conjunction with Harrington Estates under the Catherine Park Voluntary Planning Agreement.



### New Parks at Cobbitty and Emerald Hills and Five Playground Upgrades

Whilst the Camden area expands and develops with new suburbs, Council is also equally focused on enhancing established areas with upgrades to its open green space and recreation facilities.

Council has provided more open green space for residents at Cobbitty and Emerald Hills.

Cobbitty's new park, the Arcadian Hills Passive Park includes:

- pathways and the original path and gates leading to the historic Denbigh property;
- seating and garden areas;
- public artwork including elements showing aspects of pre-European settlement in the area.

Price Park in Emerald Hills adjoins the existing Hill Top Park and includes:

- a playground targeted at pre-school aged children;
- free outdoor exercise equipment;
- shelter and picnic tables;
- barbecues;
- amenities block; and
- dual use pathway.



**Arcadian Hills Passive Park**

Equipment in five existing playgrounds has also been replaced with brand new structures, as part of Council's Infrastructure Renewal Program.

The five locations with brand-new equipment are:

- Manna Gum Reserve, Narellan Vale;
- Little Reserve, Camden;
- Eastlewood Reserve, Narellan;
- Solander Reserve, Mount Annan;
- Harrington Park Reserve, Harrington Park.



**Eastlewood Reserve, Narellan**



**Solander Reserve, Mount Annan**

### New Development Control Plan Website

Council has created a website solely focused on its local Development Control Plan (DCP).

The new user-friendly and interactive DCP website allows users to see what planning controls apply across the Camden area and includes:

- an interactive map allowing users to search easily for relevant information;
- users can save their favourite pages allowing for a quick return access;
- links to Assessment tables for specific development guidance; and
- allows users to clearly view relevant Legislation applying to their own land within Camden.

The website allows users to easily navigate to their area and see what planning controls apply to their own, and surrounding, properties.

To view Camden's Development Control Plan online, visit [dcp.camden.nsw.gov.au](http://dcp.camden.nsw.gov.au)

### Online Development and Certificate Applications

Seeking council approval is made easier now and can be done anywhere, any time and in the comfort of your own home or office with the Department of Planning, Industry and Environment's online application service.

Lodging development and certificate applications online via the NSW Planning Portal became mandatory as of 31 December 2020 with Council no longer accepting printed applications.

Building a new house or renovating your property will be a little quicker and easier with all applications for development approval from Council being lodged online.

Applicants will need to register for an NSW Planning Portal account before logging in and uploading their application documents.

For more information on using the NSW Planning Portal, go to [www.camden.nsw.gov.au](http://www.camden.nsw.gov.au) and search 'Online Application Submission - NSW Planning Portal'.





### New Kids eResource at Camden Libraries

Local children can now learn a second language with ease, with Camden Libraries increasing access to their online eResources.

Languages other than English (LOTE) Online for Kids is a new children's eResource, including digital books in over 20 languages with English translations, available for children aged up to 12 years.

Children can now enjoy stories from all over the world while sitting in the comfort of their own home. Simply log in using your Library card number.

Camden Libraries also offer a range of eResources for members that include:

- eBooks;
- eAudio;
- eComics;
- eMagazines;
- eResearch;
- online tutoring; and
- online software training.



### All-in-One Recycling Stations

All Camden residents can now recycle hazardous waste in a safe way.

Printer cartridges can now be recycled in a newly developed all-in-one recycling station available at three locations across the Camden area.

The new stations, which allow the community to recycle printer cartridges, household batteries and mobile phones, can be found at the following three locations:

- Camden Council Administration Building, 70 Central Avenue, Oran Park;
- Narellan Library, corner Queen and Elyard Streets, Narellan; and
- Camden Library, 40 John Street, Camden

A free E-Waste service is also available to residents and small businesses in the Camden LGA at the Spring Farm Resource Recovery Park located at 20 Barrow Road, Spring Farm





### Local Road Upgrades Completed

Maintaining the current road and traffic network is pivotal to providing effective and sustainable transport and ensuring they operate efficiently, and the community is well connected.

Work to upgrade and improve road conditions is undertaken as part of Council's Road Improvement Program.

The annual program focusses on maintaining the Camden area's road network including resealing, traffic adjustments, path reconstructions, bus stops and much more.

Local roads received \$3.79M worth of upgrades which included:

- Murray Street – Broughton Roundabout Works;
- Hartley Road Renewal Works;
- Alamein Avenue Reseal;
- Hulls Road Reseal;
- Byron Road Reseal;
- Rickard Road Reseal;
- Oran Park Drive Renewal Works;
- Dickson Road Reseal;
- Heath Road Reseal;
- Broughton St/Barsden Street Intersection - Traffic Adjustments
- Cowpasture Bridge Renewal Works;
- Macquarie Grove Road/Sutton Avenue Path and Bus Stop;
- Cawdor Road Pavement Reconstruction;
- Richardson Road Bus Stop;
- Liquidamber Car Parking Extensions;
- Werombi Road Renewal works.

### Council Awarded Habitat and Wildlife Conservation Award

Council has been awarded the Habitat and Wildlife Conservation Award at the Keep Australia Beautiful NSW Sustainable Cities Awards 2020 for its Creating Habitat for Camden White Gum project.

This project was funded under the Australian Government's 20 Million Trees Program and included the removal of 4ha of woody weeds along a portion of the Nepean River at the Camden Town Farm.

This removal of woody weeds allowed replacement planting of 22,000 native trees and shrubs to extend the River-flat Eucalypt Forest (an Endangered Ecological Community) and create habitat for the Nationally Threatened plant, Camden White Gum (*Eucalyptus benthamii*).

Two hundred Camden White Gums have been planted along the Nepean River to promote gene flow with wild stands to ensure the long-term survival of the species.



### Improvements at Harrington Park

Lighting improvements along the popular Harrington Park walkway were completed after Council accepted \$15,000 in funding for the project.



The NSW Premier's Grant helped bollard lighting to be installed along the footpath sections of the paved areas between Fairwater Drive and Four Seasons Park, with Council contributing an additional \$25,000 to the works.

The new lighting will improve night-time visibility for all who utilise the walkway.

The project used solar power, which will not only reduce the ongoing cost to the community, but also make a positive contribution to the environment.

### Local Sporting Facilities Receive Upgrades

While Council is constructing brand new sporting facilities throughout the LGA, it is also equally important to maintain and improve our existing sporting facilities.

The following local football, rugby league, swimming and cricket facilities received upgrades:

- Cuthill Reserve, Cobbitty – two synthetic cricket nets installed for use by Cobbitty Park Cricket Club;
- Wandarrah Oval, Mount Annan – upgraded floodlighting to assist Mount Annan Mustangs Football Club;
- Narellan Sports Hub Rugby League Renovations – automated irrigation, improved lighting and field renovations for Narellan Jets Rugby League Club; and
- Camden War Memorial Pool – upgraded floodlighting.



**Council Joins RID Squad to Tackle Illegal Dumping**

Council has joined the Western Sydney Regional Illegal Dumping (RID) Squad to combat and prevent illegal dumping.

Working across local government boundaries, RID Squads use a strategic, coordinated approach to prevent illegal dumping while focusing on particular issues in their region.

Established in 1999, the Western Sydney RID Squad also encompasses Blacktown, Cumberland, Fairfield, Penrith, The Hills, and Blue Mountains council areas with work including:

- Identifying and patrolling illegal dumping hotspots;
- Investigating illegal dumping incidents and taking action against offenders;
- Organise clean-ups;
- Track down illegal landfills;

- Identify changes and trends in illegal dumping across a regional area;
- Deter community members from illegal dumping and educate them about the consequences; and
- Run joint compliance campaigns with the EPA, SafeWork NSW, NSW Police and other regulatory authorities.

With Council joining the RID Squad it will further strengthen its strategic approach to combating illegal dumping within the region.

Residents are encouraged if they see somebody potentially dumping any waste on building sites, parks or anywhere in the community to contact Council.

For more information on how to report an illegal dumper, call 131 555 or visit Council’s website and search ‘Illegal Dumping’.



## Response and Recovery - COVID-19 Pandemic

### \$16.8 Million COVID-19 Community Support Package

To support and assist residents and local businesses in these unprecedented times, Council developed a support package, totaling \$16.8M. Council implemented this package to help as many people as possible.



The package was implemented in three stages and rolled out over a six-month period. Stage One and Stage Two was instigated, Stage Three, or the Recovery Phase, is due to commence. Stage Three includes a mix of major projects, events and activations and grants and financial support mechanisms for business and community groups.

Some of the actions undertaken by Council include:

- A \$320,000 commitment to a six-month waiver of some non-statutory fees for business and residents using Council services;
- Businesses, currently leasing Council facilities, with an annual income of up to \$50M, will receive a 50 per cent reduction in rent, with \$180,000 committed thusfar;
- Altering Council's procurement process to introduce a Local Preference Policy and a Local Vendor Panel;
- The digital delivery of Alan Baker Art Gallery programs and exhibition and;
- Continuation of fee waivers, totalling more than \$150,000, including Fire Safety Certificates and health inspections, cemetery services, Library services, Companion Animal release and Council sporting ground hire fees to name a few.

### ***Fast Tracking of Projects***

Council will continue to maintain economic stimulation by ensuring the progression of its extensive infrastructure works program, and the inclusion of an additional \$11.4M of works into the program.

Council will accelerate the delivery of a number of infrastructure projects from the 2020/21 Capital Works Program, with \$60M worth of infrastructure projects to be delivered.

### **Roads Projects:**

- Road projects generally, but preferably to support improved road safety outcomes;
- Traffic signs, street lighting, bridges/tunnels, heavy freight support (rest areas/weigh stations);
- Off-road facilities that support visitors; and
- Road and sidewalk maintenance.



**Community Infrastructure - construction/maintenance/improvements:**

- CCTV projects;
- Bicycle and walking paths;
- Painting and improvements to community facilities;
- Repairing and replacing fencing;
- Improved accessibility of community facilities and areas;
- Landscaping improvements;
- Picnic shelters / barbeque facilities;
- Playgrounds and skate parks;
- Noise and vibration mitigation; and
- Off-road carparks - sporting grounds/parks.

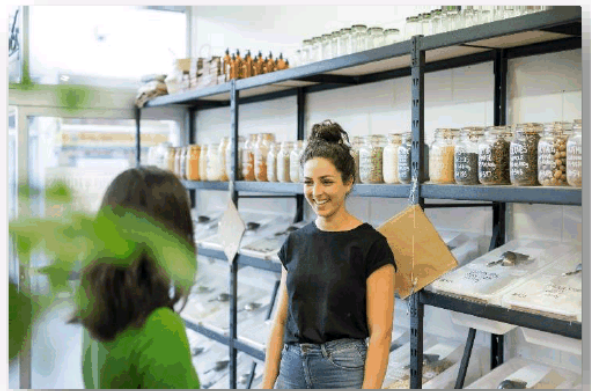
**Local Business Support*****COVID-19 Quick Response Business Grant***

Council supported a total of 185 local sole traders and businesses to the value of \$263,120 with its 2020 Quick Response Grants as part of Council's COVID-19 Support package.

The COVID-19 Quick Response Business Grant (the Grant) addressed the challenges faced by local small businesses that are impacted by the COVID-19 pandemic. The Grant made funding available to sole traders and small businesses located in the Camden LGA who were struggling to meet their short-term operational commitments.

The Grant was designed to bridge the time gap when applying for State and Federal financial assistance. A total of up to \$2,000 (exc. GST) was available for each eligible application.

Funds could be used for operational expenses including, but not limited to, payroll costs, rent, utility bills, purchase of stock, payment of services, and marketing and promotions. This funding was only available as a one-off to each eligible applicant.



Council also provided free social distancing stickers to all businesses to ensure the community is staying safe.

Local businesses and suppliers also received preference under Council's revised purchasing and procurement policy.

The introduction of both the Local Supplier Marketplace in Vendor Panel and a local supplier initiative in Council's Purchasing and Procurement Policy will serve to support local business during and after the current economic climate created by COVID-19.

The policy includes:

- Vendor Panel (Local Supplier Marketplace) and Request for Quotes – A system capable of geo-locating local suppliers and their service/product categories;
- Tenders and Local Preference initiatives - providing preference to local suppliers by including a weighting benefit towards suppliers within the Camden LGA. The weighting would be included as part of the assessment criteria for all tenders and request for quotes over \$100,000; and
- Small Business Friendly Program (On Time Payment Policy) - applies to businesses with a turnover of less than \$2M. The business must be registered as a small business with Council, with the payment of invoices for small business within 20 days.

### Council's COVID-19 Online Events

Council implemented a fresh approach, in accordance with the National Cabinet's COVID-19 Workplace Principles and Safe Work Australia, when holding events in the Camden LGA to ensure that all events and activities were conducted in a COVID-safe manner.

As situations changed rapidly many of Council's events were either postponed, cancelled, or held online in the form of webinars, virtual workshops, and demonstrations.

As a result, the very popular Camden Festival was held online for the first time. Approximately 400,000 people tuned in to the online program either watching entering or participating in activities. Competitions, virtual workshops and a cooking demonstration by celebrity chef, Adam Liaw, were extremely popular. In addition, Council also provided a list of 11 Fun Things for Kids to Do in Camden in a safe manner.



### COVID-19 Messaging

Council kept residents, visitors and staff informed on how to best protect themselves from COVID-19. This involved messaging on its website and social media. As a timely reminder for residents to stay safe, Council's branded one of its waste trucks with COVID-19 messaging to help stop the spread.



### Council's COVID-19 Management and Recovery Plan

The availability of Council's services to the community was daily updated via its website and social media platforms and also included a range of information from Federal and State Government authorities and associated websites such as NSW Health.

Council's Crisis Management Team and Incident Response Group continued to ensure that the wellbeing of all customers, community and staff was maintained, from both an operational and administrative services level.

Despite changes to Council's service delivery, the successful implementation of the business continuity plans meant that essential services such as waste, customer relations, construction and maintenance services continued to run.

Council closely monitored information from NSW Health and the State Emergency Operations Centre and implemented measures to ensure that the essential services provided by Council continued to be provided while minimising risks associated with COVID-19.

Council established a Recovery Working Group, with a strong focus on how Council will Re-think, Re-Cover, Re-Set as an organisation.

Council plans to build on what has been learnt to enhance the way Council operates and delivers services into the future by incorporating new ways of working safely to prevent the spread of COVID-19 and remain COVID-safe.

Given Council's strong financial position going into COVID-19, the organisation remains committed to delivering its services as part of the broader range of community support and will continue to advocate and provide direct support where it is most needed.

*(This information relates to activities undertaken during the period July to December 2020 - correct at time of writing)*

## 5 Conclusion

The Camden Local Government Area (LGA) is the fastest growing area in Australia, and Council continues to adapt and evolve in response to the changing expectations that come with growing communities.

The four-year Delivery Program 2017/18 to 2020/21 is Council's commitment to the community. Council, via 30 local services, will continue to implement, innovate, collaborate and work hard to achieve in delivering the best outcomes and services for our community.

**The next reporting period is January to June 2021.**





**Next Reporting Period**

The next reporting period for the Delivery Program Progress Report will be January to June 2020.

**For further information contact**

Corporate Planning Team

Camden Council

Phone: 4654 7777

Email: [mail@camden.nsw.gov.au](mailto:mail@camden.nsw.gov.au)

Website: [www.camden.nsw.gov.au](http://www.camden.nsw.gov.au)





**Investment Summary Report  
January 2021**



Attachment 1

**Camden Council**  
Executive Summary - January 2021

**Investment Holdings**

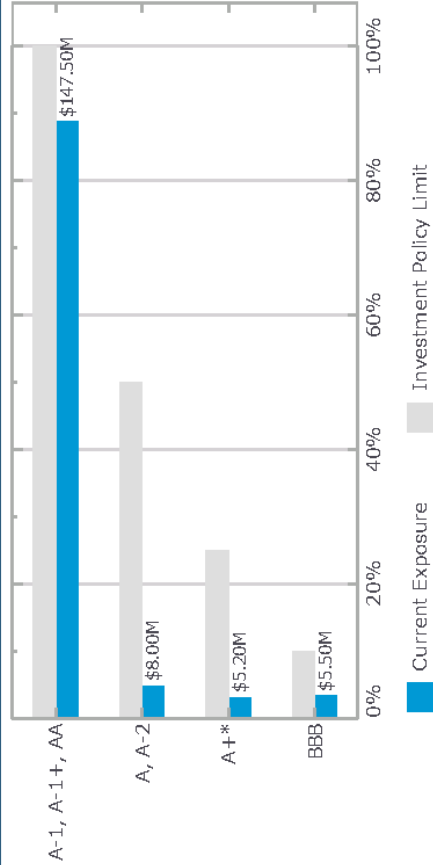
	Amount (\$)	Current Yield (%)
Cash	3,000,000.00	0.30
Term Deposit	163,200,000.00	1.21
	<b>166,200,000.00</b>	

**Term to Maturity**

	Amount (\$)	Policy Max
Between 0 and 1 Year	135,500,000	82% <input type="checkbox"/>
Between 1 and 3 Years	27,500,000	17% <input type="checkbox"/>
Between 3 and 5 Years	3,200,000	2% <input type="checkbox"/>
	<b>166,200,000</b>	

*Percentages in this report may not add up to 100% due to rounding*

**Total Credit Exposure**



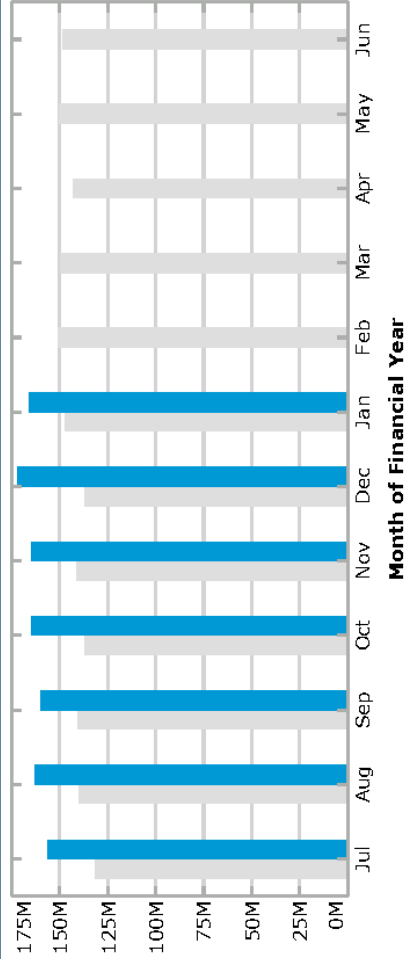
\*Council's investment policy limits investments in foreign subsidiary banks which are monitored by APRA to a maximum 25% of the total portfolio

**Sources of Funds**

	Amount (\$)
Section 7.11 Developer Contributions	116,211,949
Restricted Grant Income	2,343,509
Externally Restricted Reserves	15,808,981
Internally Restricted Reserves	24,657,826
Camden Regional Economic Taskforce	41,000
General Fund	7,136,735
<b>Total Funds Invested</b>	<b>166,200,000</b>

Council's investment portfolio has decreased by \$6m since the December reporting period. The decrease primarily relates to capital and operating expenditure during January.

**Investment Portfolio Balance**

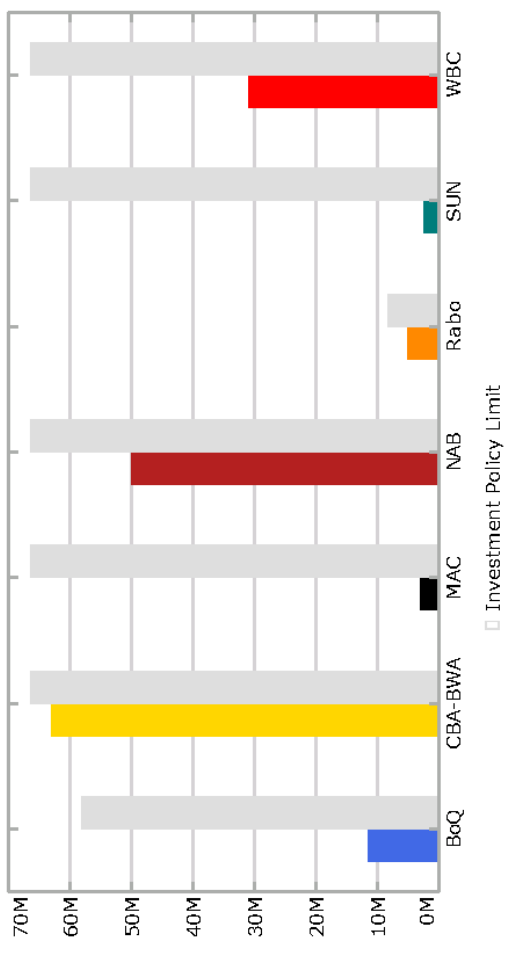




# Camden Council Individual Institutional Exposures Report - January 2021

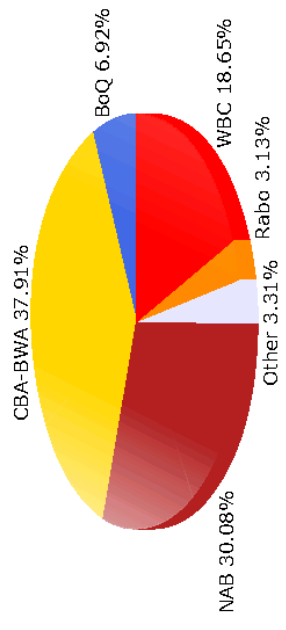
## Individual Institutional Exposures

Parent Group	Exposure (\$M)	Credit Rating	Policy Limit	Actual	Capacity
Bank of Queensland	11.50M	A-2, BBB+	35.00%	6.92%	46.67M
Commonwealth Bank of Australia	63.00M	A-1+, AA-	40.00%	37.91%	3.48M
Macquarie Bank	3.00M	A-1, A+	40.00%	1.81%	63.48M
National Australia Bank	50.00M	A-1+, AA-	40.00%	30.08%	16.48M
Rabobank Aus (Foreign Sub)	5.20M	A-1*, A+*	5.00%	3.13%	3.11M
Suncorp Bank	2.50M	A-1, A+	40.00%	1.50%	63.98M
Westpac Group	31.00M	A-1+, AA-	40.00%	18.65%	35.48M
	<b>166.20M</b>				



\*Council's investment policy limits investments in foreign subsidiary banks which are monitored by APRA to a maximum 5% of the total portfolio in any single entity

Council's portfolio is within its individual institutional investment policy limits.  
 Council's portfolio is within its term to maturity investment policy limits.  
 Council's portfolio complies with the NSW Ministerial Investment Order.







## Camden Council Performance Summary - January 2021

### Interest Summary

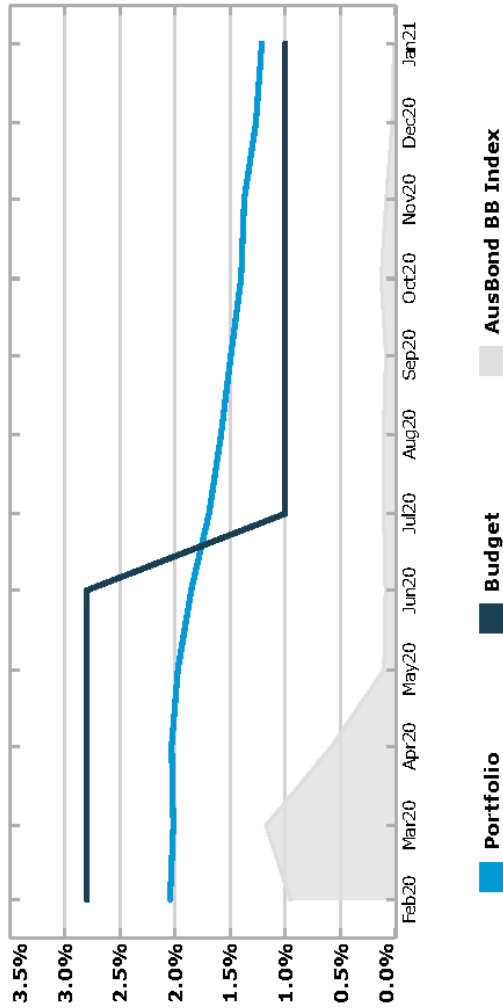
Interest Summary as of January 2021	
Number of Investments	114
Average Days to Maturity	224
Weighted Portfolio Yield	1.21%
CBA Call Account	0.30%
Highest Rate	3.80%
Lowest Rate	0.37%
Budget Rate	1.00%
Average BBSW (30 Day)	0.01%
Average BBSW (90 Day)	0.01%
Average BBSW (180 Day)	0.02%
Official Cash Rate	0.10%
AusBond Bank Bill Index	0.01%

### Interest Received During the 2020/2021 Financial Year

	January	Cumulative	Original Budget	* Revised Budget
General Fund	\$45,840	\$381,105	\$600,000	\$600,000
Restricted	\$119,470	\$955,981	\$1,750,000	\$1,750,000
<b>Total</b>	<b>\$165,310</b>	<b>\$1,337,086</b>	<b>\$2,350,000</b>	<b>\$2,350,000</b>

\*The Revised Budget is reviewed on a quarterly basis as part of the Budget Process

### Investment Performance



### Historical Performance Summary

	Portfolio	AusBond BB Index	Outperformance
Jan 2021	1.21%	0.01%	1.20%
Last 3 Months	1.28%	0.04%	1.24%
Last 6 Months	1.39%	0.08%	1.31%
Financial Year to Date	1.43%	0.08%	1.35%
Last 12 months	1.66%	0.29%	1.37%

### Investment Performance

Council's portfolio returned 1.21%pa on a weighted average yield basis during January. This compares favourably with the Ausbond Bank Bill Index's return of 0.01% pa for the month.



## Camden Council Investment Holdings Report - January 2021

<b>Cash Accounts</b>										
Amount (\$)	Current Yield	Institution	Credit Rating	Amount (\$)	Deal No.	Reference				
3,000,000.00	0.30%	Commonwealth Bank of Australia	A-1+	3,000,000.00	535548					
<b>3,000,000.00</b>				<b>3,000,000.00</b>						
<b>Term Deposits</b>										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
1-Feb-21	1,000,000.00	1.67%	Westpac Group	A-1+	7-Feb-20	1,016,471.23	539439	16,471.23	At Maturity	3323
3-Feb-21	1,000,000.00	0.88%	National Australia Bank	A-1+	8-Jul-20	1,005,014.79	540021	5,014.79	At Maturity	3382
8-Feb-21	2,000,000.00	0.85%	National Australia Bank	A-1+	15-Jul-20	2,009,361.64	540033	9,361.64	At Maturity	3385
10-Feb-21	1,500,000.00	0.87%	Westpac Group	A-1+	22-Jul-20	1,506,936.16	540044	6,936.16	At Maturity	3387
15-Feb-21	1,000,000.00	0.87%	Westpac Group	A-1+	29-Jul-20	1,004,457.26	540067	4,457.26	At Maturity	3388
17-Feb-21	2,000,000.00	0.87%	Westpac Group	A-1+	29-Jul-20	2,008,914.52	540069	8,914.52	At Maturity	3390
22-Feb-21	2,000,000.00	0.87%	Westpac Group	A-1+	4-Aug-20	2,008,628.49	540084	8,628.49	At Maturity	3392
24-Feb-21	1,500,000.00	0.81%	Westpac Group	A-1+	6-Aug-20	1,505,958.49	540101	5,958.49	At Maturity	3394
24-Feb-21	1,000,000.00	0.86%	Westpac Group	A-1+	18-Aug-20	1,003,934.79	540121	3,934.79	At Maturity	3397
26-Feb-21	3,000,000.00	0.64%	Commonwealth Bank of Australia	A-1+	1-Oct-20	3,006,470.14	540357	6,470.14	At Maturity	3420
1-Mar-21	1,000,000.00	0.86%	Westpac Group	A-1+	18-Aug-20	1,003,934.79	540122	3,934.79	At Maturity	3398
3-Mar-21	1,000,000.00	0.86%	Westpac Group	A-1+	24-Aug-20	1,003,793.42	540137	3,793.42	At Maturity	3402
8-Mar-21	1,000,000.00	0.68%	Suncorp Bank	A-1	31-Aug-20	1,002,869.04	540157	2,869.04	At Maturity	3404
10-Mar-21	1,500,000.00	0.67%	Suncorp Bank	A-1	3-Sep-20	1,504,157.67	540188	4,157.67	At Maturity	3406
15-Mar-21	1,000,000.00	3.60%	Bank of Queensland	A-2	15-Mar-17	1,031,758.90	535484	31,758.90	Annually	2958
17-Mar-21	1,000,000.00	0.72%	National Australia Bank	A-1+	11-Sep-20	1,002,820.82	540225	2,820.82	At Maturity	3408
22-Mar-21	1,500,000.00	0.69%	Commonwealth Bank of Australia	A-1+	15-Sep-20	1,503,941.51	540245	3,941.51	At Maturity	3409
24-Mar-21	1,000,000.00	0.69%	Commonwealth Bank of Australia	A-1+	17-Sep-20	1,002,589.86	540270	2,589.86	At Maturity	3412
29-Mar-21	1,500,000.00	2.65%	Bank of Queensland	A-2	29-Mar-19	1,533,542.47	537758	33,542.47	Annually	3201
29-Mar-21	1,000,000.00	0.66%	Commonwealth Bank of Australia	A-1+	22-Sep-20	1,002,386.85	540271	2,386.85	At Maturity	3413
31-Mar-21	3,000,000.00	0.65%	Westpac Group	A-1+	2-Nov-20	3,004,861.64	540532	4,861.64	At Maturity	3431

Page 5 of 9.

Attachment 1

ORD03

ORD03

## Attachment 1



### Camden Council Investment Holdings Report - January 2021

Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
6-Apr-21	1,500,000.00	0.64%	Commonwealth Bank of Australia	A-1+	24-Sep-20	1,503,419.18	540268	3,419.18	At Maturity	3415
6-Apr-21	2,000,000.00	0.64%	Commonwealth Bank of Australia	A-1+	29-Sep-20	2,004,383.56	540364	4,383.56	At Maturity	3418
7-Apr-21	1,000,000.00	3.50%	Bank of Queensland	A-2	3-Apr-17	1,029,150.68	535486	29,150.68	Annually	2963
7-Apr-21	2,000,000.00	0.64%	Commonwealth Bank of Australia	A-1+	29-Sep-20	2,004,383.56	540365	4,383.56	At Maturity	3419 Green
12-Apr-21	1,500,000.00	0.65%	Commonwealth Bank of Australia	A-1+	1-Oct-20	1,503,285.62	540355	3,285.62	At Maturity	3421 Green
14-Apr-21	1,500,000.00	0.67%	Westpac Group	A-1+	13-Oct-20	1,503,056.30	540394	3,056.30	At Maturity	3424
19-Apr-21	1,500,000.00	0.67%	Westpac Group	A-1+	13-Oct-20	1,503,056.30	540395	3,056.30	At Maturity	3425
21-Apr-21	1,500,000.00	0.57%	National Australia Bank	A-1+	14-Oct-20	1,502,576.71	540397	2,576.71	At Maturity	3426
21-Apr-21	1,000,000.00	0.64%	Westpac Group	A-1+	29-Oct-20	1,001,665.75	540478	1,665.75	At Maturity	3429
26-Apr-21	1,000,000.00	0.56%	Commonwealth Bank of Australia	A-1+	23-Oct-20	1,001,549.59	540466	1,549.59	At Maturity	3427
28-Apr-21	1,500,000.00	0.53%	National Australia Bank	A-1+	2-Nov-20	1,501,982.05	540530	1,982.05	At Maturity	3430
30-Apr-21	3,000,000.00	0.45%	National Australia Bank	A-1+	4-Dec-20	3,002,182.19	540672	2,182.19	At Maturity	3447
4-May-21	1,500,000.00	0.48%	Commonwealth Bank of Australia	A-1+	5-Nov-20	1,501,735.89	540679	1,735.89	At Maturity	3432
5-May-21	1,500,000.00	0.47%	National Australia Bank	A-1+	30-Nov-20	1,501,216.85	540622	1,216.85	At Maturity	3440
10-May-21	1,500,000.00	0.47%	National Australia Bank	A-1+	30-Nov-20	1,501,216.85	540623	1,216.85	At Maturity	3441
12-May-21	1,000,000.00	0.46%	National Australia Bank	A-1+	11-Nov-20	1,001,033.42	540560	1,033.42	At Maturity	3433
17-May-21	1,000,000.00	3.10%	Westpac Group	A-1+	16-May-17	1,006,539.73	535544	6,539.73	Quarterly	2975
19-May-21	1,000,000.00	0.49%	Commonwealth Bank of Australia	A-1+	11-Nov-20	1,001,100.82	540561	1,100.82	At Maturity	3434
24-May-21	1,500,000.00	0.49%	Commonwealth Bank of Australia	A-1+	18-Nov-20	1,501,510.27	540580	1,510.27	At Maturity	3435 Green
26-May-21	1,500,000.00	0.49%	Commonwealth Bank of Australia	A-1+	20-Nov-20	1,501,470.00	540584	1,470.00	At Maturity	3436
31-May-21	2,000,000.00	0.75%	National Australia Bank	A-1+	31-Aug-20	2,006,328.77	540168	6,328.77	At Maturity	3405
7-Jun-21	1,500,000.00	0.47%	National Australia Bank	A-1+	1-Dec-20	1,501,197.53	540630	1,197.53	At Maturity	3443
9-Jun-21	1,500,000.00	1.00%	Westpac Group	A-1+	9-Jun-20	1,509,739.73	539907	9,739.73	At Maturity	3365
15-Jun-21	1,500,000.00	0.47%	National Australia Bank	A-1+	1-Dec-20	1,501,197.53	540631	1,197.53	At Maturity	3444
15-Jun-21	1,000,000.00	0.42%	Commonwealth Bank of Australia	A-1+	11-Dec-20	1,000,598.36	540692	598.36	At Maturity	3450
16-Jun-21	1,500,000.00	0.47%	National Australia Bank	A-1+	4-Dec-20	1,501,139.59	540670	1,139.59	At Maturity	3445



## Camden Council Investment Holdings Report - January 2021

Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
17-Jun-21	1,000,000.00	0.42%	Commonwealth Bank of Australia	A-1+	11-Dec-20	1,000,598.36	540693	598.36	At Maturity	3451
21-Jun-21	1,500,000.00	0.47%	National Australia Bank	A-1+	4-Dec-20	1,501,139.59	540671	1,139.59	At Maturity	3446
21-Jun-21	1,000,000.00	0.48%	National Australia Bank	A-1+	10-Dec-20	1,000,696.99	540688	696.99	At Maturity	3449
23-Jun-21	1,500,000.00	2.05%	Bank of Queensland	A-2	26-Jun-19	1,518,534.25	538081	18,534.25	Annually	3241
23-Jun-21	1,000,000.00	0.42%	Commonwealth Bank of Australia	A-1+	11-Dec-20	1,000,598.36	540694	598.36	At Maturity	3452
28-Jun-21	2,000,000.00	0.43%	Commonwealth Bank of Australia	A-1+	11-Dec-20	2,001,225.21	540695	1,225.21	At Maturity	3453
30-Jun-21	1,500,000.00	0.95%	National Australia Bank	A-1+	29-Jun-20	1,508,471.92	539969	8,471.92	At Maturity	3370
30-Jun-21	1,500,000.00	0.95%	National Australia Bank	A-1+	1-Jul-20	1,508,393.84	539981	8,393.84	At Maturity	3375
5-Jul-21	1,000,000.00	0.43%	Commonwealth Bank of Australia	A-1+	11-Dec-20	1,000,612.60	540696	612.60	At Maturity	3454
7-Jul-21	1,500,000.00	0.95%	National Australia Bank	A-1+	6-Jul-20	1,508,198.63	540000	8,198.63	At Maturity	3381
12-Jul-21	1,500,000.00	0.93%	National Australia Bank	A-1+	13-Jul-20	1,507,758.49	540025	7,758.49	At Maturity	3383
14-Jul-21	1,000,000.00	0.42%	Commonwealth Bank of Australia	A-1+	17-Dec-20	1,000,529.32	540713	529.32	At Maturity	3456
19-Jul-21	1,000,000.00	0.95%	National Australia Bank	A-1+	20-Jul-20	1,005,101.37	540039	5,101.37	At Maturity	3386
21-Jul-21	1,500,000.00	0.42%	Commonwealth Bank of Australia	A-1+	17-Dec-20	1,500,793.97	540714	793.97	At Maturity	3457
26-Jul-21	500,000.00	0.42%	National Australia Bank	A-1+	21-Dec-20	500,241.64	540717	241.64	At Maturity	3458
28-Jul-21	2,000,000.00	0.37%	Commonwealth Bank of Australia	A-1+	5-Jan-21	2,000,547.40	540807	547.40	At Maturity	3459
2-Aug-21	2,500,000.00	0.37%	Commonwealth Bank of Australia	A-1+	5-Jan-21	2,500,684.25	540808	684.25	At Maturity	3460
3-Aug-21	1,000,000.00	1.90%	Bank of Queensland	A-2	2-Aug-19	1,009,421.92	538357	9,421.92	Annually	3252
9-Aug-21	2,000,000.00	0.85%	National Australia Bank	A-1+	5-Aug-20	2,008,383.56	540085	8,383.56	At Maturity	3393
11-Aug-21	1,500,000.00	0.85%	National Australia Bank	A-1+	10-Aug-20	1,506,113.01	540107	6,113.01	At Maturity	3395
17-Aug-21	1,500,000.00	0.85%	National Australia Bank	A-1+	13-Aug-20	1,506,008.22	540114	6,008.22	At Maturity	3396
18-Aug-21	1,500,000.00	0.81%	National Australia Bank	A-1+	17-Aug-20	1,505,592.33	540120	5,592.33	At Maturity	3399
23-Aug-21	1,000,000.00	0.80%	National Australia Bank	A-1+	19-Aug-20	1,003,638.36	540127	3,638.36	At Maturity	3400
25-Aug-21	1,000,000.00	0.82%	National Australia Bank	A-1+	24-Aug-20	1,003,616.99	540135	3,616.99	At Maturity	3401
30-Aug-21	1,500,000.00	0.85%	National Australia Bank	A-1+	26-Aug-20	1,505,554.11	540146	5,554.11	At Maturity	3403
1-Sep-21	1,000,000.00	0.51%	Commonwealth Bank of Australia	A-1+	27-Nov-20	1,000,922.19	540612	922.19	At Maturity	3439

Page 7 of 9.

Attachment 1

ORD03



ORD03

## Attachment 1



### Camden Council Investment Holdings Report - January 2021

Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
6-Sep-21	1,000,000.00	0.77%	National Australia Bank	A-1+	8-Sep-20	1,003,080.00	540213	3,080.00	At Maturity	3407
6-Sep-21	3,000,000.00	0.37%	Commonwealth Bank of Australia	A-1+	29-Jan-21	3,000,091.23	540915	91.23	At Maturity	3467
8-Sep-21	1,000,000.00	0.51%	Commonwealth Bank of Australia	A-1+	26-Nov-20	1,000,936.16	540607	936.16	At Maturity	3438
13-Sep-21	1,000,000.00	0.65%	Macquarie Bank	A-1	16-Dec-20	1,000,836.99	540711	836.99	At Maturity	3455
15-Sep-21	1,500,000.00	0.75%	Commonwealth Bank of Australia	A-1+	15-Sep-20	1,504,284.25	540246	4,284.25	At Maturity	3410
20-Sep-21	1,000,000.00	0.73%	Commonwealth Bank of Australia	A-1+	16-Sep-20	1,002,760.00	540252	2,760.00	At Maturity	3411
22-Sep-21	1,000,000.00	0.71%	Commonwealth Bank of Australia	A-1+	22-Sep-20	1,002,567.67	540272	2,567.67	At Maturity	3414
27-Sep-21	500,000.00	0.68%	Commonwealth Bank of Australia	A-1+	24-Sep-20	501,210.96	540269	1,210.96	At Maturity	3416
27-Sep-21	1,000,000.00	0.69%	Commonwealth Bank of Australia	A-1+	28-Sep-20	1,002,381.92	540363	2,381.92	At Maturity	3417 Green
29-Sep-21	1,500,000.00	0.70%	Commonwealth Bank of Australia	A-1+	1-Oct-20	1,503,538.36	540356	3,538.36	At Maturity	3422 Green
6-Oct-21	3,000,000.00	0.66%	Commonwealth Bank of Australia	A-1+	7-Oct-20	3,006,346.85	540389	6,346.85	At Maturity	3423 Green
11-Oct-21	2,000,000.00	0.40%	Commonwealth Bank of Australia	A-1+	6-Jan-21	2,000,569.86	540809	569.86	At Maturity	3461
13-Oct-21	1,000,000.00	0.40%	Commonwealth Bank of Australia	A-1+	8-Jan-21	1,000,263.01	540816	263.01	At Maturity	3462
18-Oct-21	1,500,000.00	0.39%	Commonwealth Bank of Australia	A-1+	13-Jan-21	1,500,304.52	540820	304.52	At Maturity	3463
21-Oct-21	1,000,000.00	0.60%	Commonwealth Bank of Australia	A-1+	23-Oct-20	1,001,660.27	540467	1,660.27	At Maturity	3428
25-Oct-21	1,500,000.00	0.40%	Commonwealth Bank of Australia	A-1+	15-Jan-21	1,500,279.45	540826	279.45	At Maturity	3464
27-Oct-21	1,500,000.00	0.53%	Commonwealth Bank of Australia	A-1+	26-Nov-20	1,501,459.32	540606	1,459.32	At Maturity	3437
1-Nov-21	1,500,000.00	0.40%	Commonwealth Bank of Australia	A-1+	18-Jan-21	1,500,230.14	540830	230.14	At Maturity	3465
29-Nov-21	1,500,000.00	0.52%	Commonwealth Bank of Australia	A-1+	1-Dec-20	1,501,324.93	540633	1,324.93	At Maturity	3442 Green
8-Dec-21	1,000,000.00	0.48%	Commonwealth Bank of Australia	A-1+	8-Dec-20	1,000,723.29	540686	723.29	At Maturity	3448 Green
1-Feb-22	1,000,000.00	3.60%	Westpac Group	AA-	1-Feb-17	1,008,975.34	535538	8,975.34	Quarterly	2936
2-Feb-22	1,500,000.00	3.57%	Westpac Group	AA-	2-Feb-17	1,513,350.82	535539	13,350.82	Quarterly	2937
10-Feb-22	1,000,000.00	3.56%	Westpac Group	AA-	10-Feb-17	1,008,095.34	535540	8,095.34	Quarterly	2938
15-Feb-22	1,500,000.00	3.75%	Bank of Queensland	BBB+	15-Feb-17	1,553,938.36	535547	53,938.36	Annually	2939
22-Feb-22	2,000,000.00	3.64%	Westpac Group	AA-	22-Feb-17	2,013,961.64	535541	13,961.64	Quarterly	2940
28-Feb-22	1,000,000.00	3.75%	Bank of Queensland	BBB+	27-Feb-17	1,034,931.51	535483	34,931.51	Annually	2946



## Camden Council Investment Holdings Report - January 2021

Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
28-Feb-22	1,000,000.00	3.55%	Westpac Group	AA-	28-Feb-17	1,006,127.40	535542	6,127.40	Quarterly	2950
1-Mar-22	1,000,000.00	3.58%	Westpac Group	AA-	1-Mar-17	1,006,081.10	535543	6,081.10	Quarterly	2952
2-Mar-22	2,000,000.00	1.40%	Macquarie Bank	A+	3-Mar-20	2,025,698.63	539519	25,698.63	Annually	3333
3-Mar-22	1,000,000.00	3.60%	Westpac Group	AA-	3-Mar-17	1,005,917.81	535545	5,917.81	Quarterly	2954
9-Mar-22	1,000,000.00	3.61%	Westpac Group	AA-	9-Mar-17	1,005,340.82	535546	5,340.82	Quarterly	2956
23-Mar-22	500,000.00	3.80%	Bank of Queensland	BBB+	23-Mar-17	516,397.26	535485	16,397.26	Annually	2960
4-May-22	1,000,000.00	3.60%	Bank of Queensland	BBB+	8-May-17	1,026,531.51	535487	26,531.51	Annually	2971
27-Jun-22	1,500,000.00	2.10%	Bank of Queensland	BBB+	26-Jun-19	1,518,986.30	538082	18,986.30	Annually	3242
25-Jan-23	2,000,000.00	0.55%	National Australia Bank	AA-	27-Jan-21	2,000,150.68	540890	150.68	Annually	3466
11-Dec-23	2,000,000.00	3.15%	National Australia Bank	AA-	19-Dec-18	2,007,249.32	537431	7,249.32	Annually	3070
18-Dec-23	4,500,000.00	3.15%	National Australia Bank	AA-	19-Dec-18	4,516,310.96	537432	16,310.96	Annually	3071
3-Jan-24	2,000,000.00	3.40%	Rabobank Australia	A+*	4-Jan-19	2,005,216.44	537443	5,216.44	Annually	3173
28-Feb-24	1,000,000.00	3.20%	Rabobank Australia	A+*	28-Feb-19	1,029,720.55	537586	29,720.55	Annually	3189
4-Mar-24	1,200,000.00	3.20%	Rabobank Australia	A+*	4-Mar-19	1,235,138.63	537601	35,138.63	Annually	3192
28-Mar-24	1,000,000.00	3.00%	Rabobank Australia	A+*	29-Mar-19	1,025,315.07	537765	25,315.07	Annually	3200
	<b>163,200,000.00</b>					<b>163,981,182.86</b>		<b>781,182.86</b>		

ORD04

Attachment 1



CODE OF  
CONDUCT  
POLICY  
P3.0109.10

---

## TABLE OF CONTENTS

PART 1	INTRODUCTION .....	3
PART 2	DEFINITIONS .....	5
PART 3	GENERAL CONDUCT OBLIGATIONS .....	7
PART 4	PECUNIARY INTERESTS.....	10
PART 5	NON-PECUNIARY CONFLICTS OF INTEREST.....	16
PART 6	PERSONAL BENEFIT .....	20
PART 7	RELATIONSHIPS BETWEEN COUNCIL OFFICIALS.....	23
PART 8	ACCESS TO INFORMATION AND COUNCIL RESOURCES.....	25
PART 9	MAINTAINING THE INTEGRITY OF THIS CODE.....	29
SCHEDULE 1	DISCLOSURES OF INTEREST AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21 .....	31
SCHEDULE 2	FORM OF WRITTEN RETURNS OF INTERESTS SUBMITTED UNDER CLAUSE 4.21 .....	38
SCHEDULE 3	FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37.....	42



## PART 1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct) is made under section 440 of the *Local Government Act 1993* (LGA) and the *Local Government (General) Regulation 2005* (the Regulation).

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

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

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

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

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

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

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

### Guide to ethical decision making

If you are unsure about the ethical issues around an action or decision you are about to take, you should consider these five points:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with Council's policy and with Council's objectives and the Code of Conduct?
- What will the outcome be for the employee or Councillor, work colleagues, Council, persons with whom you are associated and any other parties?

- Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

Remember – you have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your supervisor or a senior officer, your union representatives, the Office of Local Government, the Ombudsman's Office and the Independent Commission Against Corruption.

Independent Commission Against Corruption 8281 5999  
NSW Ombudsman 9286 1000  
NSW Office of Local Government 4428 4100

## PART 2 DEFINITIONS

In this code the following terms have the following meanings:

administrator	an administrator of a Council appointed under the LGA other than an administrator appointed under section 66
Committee	see the definition of 'Council Committee'
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
<u>conduct</u>	<u>includes acts and omissions</u>
Council	includes county Councils and joint organisations
Council Committee	a Committee established by a Council comprising of Councillors, staff or other persons that the Council has delegated functions to
Council Committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council Committee other than a wholly advisory Committee, <u>and a person other than a Councillor who is a member of the Council's audit, risk and improvement committee</u>
Council official	includes Councillors, members of staff of a Council, administrators, Council Committee members, members of advisory Committees of a Council, delegates of Council, independent conduct reviewers, contractors and volunteers of a Council, officers of entities owned by a Council and, for the purposes of clause 4.16, Council advisers
Councillor	any person elected or appointed to civic office, including the Mayor and includes members and chairpersons of county Councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
<del>conduct</del>	<del>includes acts and omissions</del>
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes Council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
General Manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 4000 of the LGA

LGA	the <i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
regional planning panel	a regional planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
Mayor	includes the chairperson of a county Council or a joint organisation
members of staff of a Council	includes members of staff of county Councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative,	a voting representative of the board of a joint organisation
wholly advisory committee	a Council Committee that the Council has not delegated any functions to



## PART 3 GENERAL CONDUCT OBLIGATIONS

### General conduct

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

### Fairness and equity

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

### Harassment and discrimination

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

### Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, 'bullying behaviour' is any behaviour in which:
- (a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
  - (b) the behavior creates a risk to health and safety.

- 3.10 Bullying behavior may involve, but is not limited to, any of the following types of behaviour:
- (a) aggressive, threatening or intimidating conduct
  - (b) belittling or humiliating comments
  - (c) spreading malicious rumours
  - (d) teasing, practical jokes or 'initiation ceremonies'
  - (e) exclusion from work-related events
  - (f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - (g) displaying offensive material
  - (h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- (a) performance management processes
  - (b) disciplinary action for misconduct
  - (c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
  - (d) directing a worker to perform duties in keeping with their job
  - (e) maintaining reasonable workplace goals and standards
  - (f) legitimately exercising a regulatory function
  - (g) legitimately implementing a Council policy or administrative processes.

#### Work health and safety

- 3.12 All Council officials, including Councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety. Specifically, you must:
- (a) take reasonable care for your own health and safety
  - (b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - (c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the Council to ensure workplace health and safety
  - (d) cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff
  - (e) report accidents, incidents, near misses, to the General Manager or such other staff member nominated by the General Manager, and take part in any incident investigations
  - (f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

#### Land use planning, development assessment and other regulatory functions

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

conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

#### Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a Council or Committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the Council or Committee, irrespective of the personal views of individual members of the group on the merits of the matter before the Council or Committee.
- 3.17 Clause 3.15 does not prohibit Councillors from discussing a matter before the Council or Committee prior to considering the matter in question at a Council or Committee meeting, or from voluntarily holding a shared view with other Councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the Mayor or deputy Mayor, or to nominate a person to be a member of a Council Committee or a representative of the Council on an external body.

#### Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at Council and Committee meetings or other proceedings of the Council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other Council officials or any members of the public present during Council or Committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts Council or Committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a Councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the Council, or of a Committee of the Council.

Without limiting this clause, you must not:

- (a) leave a meeting of the Council or a Committee for the purpose of depriving the meeting of a quorum, or
- (b) submit a rescission motion with respect to a decision of 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 or impede the consideration of business at a meeting.

#### Prohibited Substance and Alcohol in the workplace

- 3.23 Council is committed to providing a safe, healthy and productive workplace that is free from hazards relating to prohibited substances and alcohol use. Members of staff should refer to Council's Prohibited Substance and Alcohol Policy.

## PART 4 PECUNIARY INTERESTS

### What is a pecuniary interest?

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

### What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
  - (b) your interest as a ratepayer or person liable to pay a charge
  - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
  - (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the



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

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

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the General Manager
- (b) other senior staff of the Council for the purposes of section 332 of the LGA

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

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

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

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

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

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

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

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

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

What disclosures must be made by Council advisers?

4.16 A person who, at the request or with the consent of the Council or a Council Committee, gives advice on any matter at any meeting of the Council or Committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

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

What disclosures must be made by Council Committee member?

- 4.18 A Council Committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "Council Committee member" includes a member of staff of Council who is a member of the Committee.

What disclosures must be made by a Councillor?

- 4.20 A Councillor:

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

Disclosure of interests in written returns

- 4.21 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 code, disclosing the Councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a Councillor or designated person, and
  - (b) 30 June of each year, and
  - (c) the Councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
  - (b) they have ceased to be a Councillor or designated person in the preceding 3 months.
- 4.23 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.
- 4.24 The General Manager must keep a register of returns required to be made and lodged with the General Manager.
- 4.25 Returns required to be lodged with the General Manager under clause 4.21(a) and (b) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the General Manager under clause 4.21(c) must be tabled at the next Council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A Councillor or a Council Committee member who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The Councillor or Council Committee member must not be present at, or in sight of, the meeting of the Council or Committee:
- (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
  - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.
- 4.30 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 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a Council or Council Committee must be recorded in the minutes of the meeting.
- 4.32 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 the Council or Council Committee after the date of the notice.
- 4.33 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 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a Councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a Councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
    - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or



- (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and
- (b) the pecuniary interest arises only because of an interest of the Councillor in the Councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- (c) the Councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

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

4.38 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 the Council is concerned to be present at a meeting of the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

4.39 A Councillor or a Council Committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

## PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

### What is a non-pecuniary conflict of interest?

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

### Managing non-pecuniary conflicts of interest

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

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

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

- (a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- (b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Council or Committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

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

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

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

5.14 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 nonprofit 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

5.15 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.

5.16 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 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

5.17 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*.

5.18 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 5.9 and take the appropriate action to manage them.

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

Loss of quorum as a result of compliance with this part

5.20 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 5.6.

5.21 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 the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

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

Other business or employment

- 5.23 The General Manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council without the approval of the Council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council that relates to the business of the Council or that might conflict with the staff member's Council duties unless they have notified the General Manager in writing of the employment, work or business and the General Manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 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 the Council that relates to the business of the Council, or that might conflict with the staff member's Council duties.
- 5.26 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.
- 5.27 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 the Council including where private use is permitted
  - (c) require them to work while on Council duty
  - (d) discredit or disadvantage the Council
  - (e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with Council

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



## PART 6 PERSONAL BENEFIT

6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a Council official or someone personally associated with them for their personal use and enjoyment.

6.2 A reference to a gift or benefit in this Part does not include:

(a) items with a value of \$10 or less

~~(a)~~(b) a political donation for the purposes of the *Electoral Funding Act 2018*

(c) a gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual Council official or someone personally associated with them

(d) a benefit or facility provided by the Council to an employee or Councillor

~~(b)~~(e) attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or

~~(e)~~(f) free or subsidised meals, beverages or refreshments ~~of token value~~ provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:

(i) the discussion of official business

(ii) work-related events such as Council-sponsored or community events, training, education sessions or workshops

(iii) conferences

(iv) Council functions or events

(v) social functions organised by groups, such as Council Committees and community organisations.

### Gifts and benefits

6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

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

### How are offers or gifts and benefits to be dealt with?

6.5 You must not:

(a) seek or accept a bribe or other improper inducement

(b) seek gifts or benefits of any kind

(c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty

(d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

(e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount

(f) participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer-supplier relationship with the competition organiser

(g) personally, benefit from reward points programs when purchasing on behalf of the Council.

- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your Manager or the General Manager in writing. The recipient, Manager, or General Manager must ensure that, at a minimum, the following details are recorded in the Council's gift register:
- (a) the nature of the gift or benefit
  - (b) the estimated monetary value of the gift or benefit
  - (c) the name of the person who provided the gift or benefit, and
  - (d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the Council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

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

Gifts and benefits of more than token value

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

"Cash-like gifts"

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

Improper and undue influence

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

## PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

### Obligations of Councillors and administrators

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

### Obligations of staff

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

### Inappropriate interactions

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

- (a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- (b) Council staff approaching Councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- (c) subject to clause 8.6, Council staff refusing to give information that is available to other Councillors to a particular Councillor
- (d) Councillors and administrators who have lodged an application with the Council, discussing the matter with Council staff in staff-only areas of the Council
- (e) Councillors and administrators approaching members of local planning panels or regional 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 the Council associated with current or proposed legal proceedings unless permitted to do so by the Council's General Manager or, in the case of the Mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

### Councillor and Staff Contact

7.7 Councillors are permitted to contact Directors, and Managers nominated by the General Manager, directly on matters regarding their roles as elected representatives. Information should not be sought on any issue where a Councillor may have a conflict of interest or which pertains to a matter on which a declaration of pecuniary interest has been lodged. Contact must be directed in the workplace or in an 'on duty' setting only. Councillors may not seek advice from staff below the level of Director or Manager.

7.8 Despite clause 7.7, Councillors are permitted to contact members of staff below the level of Director or Manager who are undertaking secretarial or minute taking roles for, or who are members of or invitees to meetings of, Committees, panels or other official Council groups but only in respect of the business or administration of those groups or as otherwise permitted by the General Manager. Contact must be directed in the workplace or in an 'on duty' setting only.



## PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

### Councillor and administrator access to information

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

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

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

### Refusal of access to information

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

### Use of certain Council information

- 8.9 In regard to information obtained in your capacity as a Council official, you must:
- a) subject to clause 8.14, 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
- d) only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

#### Use and security of confidential information

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

#### Personal information

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

#### Use of Council resources

- 8.13 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 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
  - (c) functions associated with the role of the local consultative Committee.
- 8.15 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.

- 8.16 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.
- 8.17 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.
- 8.18 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.
- 8.19 You must not convert any property of the Council to your own use unless properly authorised.

#### Internet access

- 8.20 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 the Council's reputation.

#### Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the Council's records management policy.
- 8.22 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.
- 8.23 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 the Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 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 the Council's records Manager and comply with the requirements of the *State Records Act 1998*.

#### Councillor access to Council buildings

- 8.25 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.

- 8.26 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.
- 8.27 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.

#### Social Media

- 8.28 You must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
- (a) is offensive, humiliating, threatening or intimidating to other Council officials or those that deal with the Council
  - (b) contains content about the Council that is misleading or deceptive
  - (c) divulges confidential Council information
  - (d) breaches the privacy of other Council officials or those that deal with Council
  - (e) contains allegations of suspected breaches of this code or information about the consideration of a matter under the Procedures, or
  - (f) could be perceived to be an official comment on behalf of the Council where you have not been authorised to make such comment.

## PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

### Complaints made for an improper purpose

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

### Detrimental action

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

### Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.



~~9.9 Where you are a Councillor or the General Manager, you must comply with any Council resolution requiring you to take action as a result of a breach of this code.~~

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

~~9.9~~<sup>10</sup>All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

9.1~~0~~<sup>1</sup>

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

9.1~~2~~<sup>2</sup>You must not make allegations about, or disclose information about, suspected breaches of this code at Council, Committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

9.1~~3~~<sup>3</sup>You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

9.1~~3~~<sup>4</sup>Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this part

9.1~~4~~<sup>5</sup> Complaints alleging a breach of this Part by a Councillor, the General Manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the Council for consideration in accordance with the Procedures.

9.1~~5~~<sup>6</sup>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 INTEREST AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

### PART 1 – PRELIMINARY

#### DEFINITIONS

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

*address* means:

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

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

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

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

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

*interest* means:

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

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

*occupation* includes trade, profession and vocation

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

*property* includes money.

*return date* means:

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

*relative* includes any of the following:

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

## PART 2: PECUNIARY INTERESTS TO BE DISCLOSED IN RETURNS

### Real property

5. A person making a return under clause 4.21 of this code must disclose:
  - (a) the street address of each parcel of real property in which they had an interest on the return date, and
  - (b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - (c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - (a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - (b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a Councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

### Gifts

9. A person making a return under clause 4.21 of this code must disclose:
  - (a) a description of each gift received in the period since 30 June of the previous financial year, and
  - (b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
  - (a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
  - (b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - (c) the donor was a relative of the donee, or
  - (d) subject to paragraph (a), it was received prior to the person becoming a Councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

### Contributions to travel

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

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

#### Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- (a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - (b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - (c) the nature of the interest, or the position held, in each of the corporations, and
  - (d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- (a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - (b) required to apply its profits or other income in promoting its objects, and
  - (c) prohibited from paying any dividend to its members
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a Councillor or designated person.

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

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



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

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

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:

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

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

Dispositions of real property

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

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

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

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:

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

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

- (a) in relation to income from an occupation of the person:
  - (i) a description of the occupation, and

- (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
  - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - (b) in relation to income from a trust, the name and address of the settlor and the trustee, or
  - (c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case maybe.
29. The source of any income received by the person that they ceased to receive prior to becoming a Councillor or designated person need not be disclosed.
30. A fee paid to a Councillor or to the Mayor or deputy Mayor under sections 248 or 249 of the LGA need not be disclosed.

#### Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- (a) on the return date, and
  - (b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- (a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
  - (b) the person was liable to pay the debt to a relative, or
  - (c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - (d) in the case of a debt arising from the supply of goods or services:
    - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
    - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or

ORD04

- (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.

Attachment 1

## SCHEDULE 2 FORM OF WRITTEN RETURNS OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

### DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS' RETURN

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

### IMPORTANT INFORMATION

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

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

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

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

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

### DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS

By \_\_\_\_\_  
(full name of Councillor or designated person)

.....  
(Councillor's or designated person's signature)

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

.....  
(date form completed)

ORD04

Attachment 1

<b>A. REAL PROPERTY</b>			
Street address of each parcel of real property in which I had an interest*at the return date/* at any time since 30 June		Nature of Interest	
<b>B. SOURCES OF INCOME</b>			
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	of	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
2.			
*Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June. *Sources of income I received from a trust since 30 June			
Name and address of settlor		Name and address of trustee	
3.			
*Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June. *Sources of other income I received at any time since 30 June: (Include description sufficient to identify the person from whom, or the circumstances in which that income was received)			
<b>C. GIFTS</b>			



Description of each gift I received at any time during the 30 June	Name and address of donor

**D. CONTRIBUTIONS TO TRAVEL**

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

**E. INTERESTS AND POSITIONS IN CORPORATIONS**

Name and address of each corporation in which I had an interest 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. POSITION IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS**

ORD04

Attachment 1

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
<b>H. DEBTS</b>	
Name and address of each person to whom I was liable to pay any debts *at the return date/*at any time since 30 June	
<b>I. DISPOSITIONS OF PROPERTY</b>	
<p>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.</p> <p>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.</p>	
<b>J. DISCRETIONARY DISCLOSURES</b>	

## SCHEDULE 3 FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

### FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

#### Important Information

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

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

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

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

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

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

Special disclosure of pecuniary interests by \_\_\_\_\_ [full name of Councillor] in the matter of \_\_\_\_\_ [insert name of environmental planning instrument] which is to be considered at a meeting of Camden Council [or \_\_\_\_\_ Committee (as the case requires)] to be held on the \_\_\_\_\_ day of 20 \_\_\_\_\_.

Pecuniary interest	
Address of the affected principal of residence of the Councillor or an associated person, company or body (the "identified land")	
Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> The Councillor has an interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An Associated person of Councillor has an interest in the land. <input type="checkbox"/> An Associated company or body of Councillor has an interest in the land.

ORD04

Attachment 1

<b>Matter giving rise to pecuniary interest</b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the "subject land" ) 3 [Tick or cross one box]	<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 [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on Councillor or associated person [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

[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 Council's General Manager and included in full in the minutes of the meeting]

- 1 Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.
- 2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a Councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

\* \* \*

<b>RELEVANT LEGISLATIVE INSTRUMENTS:</b>	<p><i>Local Government Act 1993</i>  <i>Local Government (General) Regulation 2005</i>  <i>Public Interest Disclosures Act 1994</i>  <i>Privacy and Personal Information Protection Act 1998</i>  <i>Health Records and Information Privacy Act 2002</i></p>
<b>RELATED POLICIES, PLANS AND PROCEDURES:</b>	<p>Respect and Dignity in the Workplace          Equal Employment Opportunity          Prohibited Substance and Alcohol Policy          Fraud and Corruption Prevention Policy and Plan          Guidelines for Councillors Access to Information and Advice          Code of Meeting Practice          Disciplinary Policy          Payment of Expenses and Provision of Facilities for Mayor and Councillors          Acceptable Use of Technology and Systems</p>
<b>RESPONSIBLE DIRECTOR:</b>	Director Customer and Corporate Strategy
<b>APPROVAL:</b>	Council

**HISTORY:**

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New	14/06/1994	
2	Council	Minor amendments	27/05/1996	
3	Council	Minor amendments	12/05/2003	
4	Council	Minor amendments	29/03/2005	
5	Council	Minor amendments	22/07/2008	
6	Council	Minor amendments	23/11/2008	
7	Council	Minor amendments	26/02/2013	
8	Council	Incorporates changes to the <i>Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015</i>	14/02/2017	17/43097
9	Council	Incorporates changes from the Model Code 2019	23/04/2019	19/122453
<u>10</u>	<u>Council</u>	<u>Incorporates changes from the Model Code 2020</u>		



ORD04

Attachment 2



PROCEDURES  
FOR THE  
ADMINISTRATION  
OF THE CODE OF  
CONDUCT  
P3.0245.~~9~~10

---

**TABLE OF CONTENTS**

PART 1	INTRODUCTION.....	3
PART 2	DEFINITIONS .....	3
PART 3	ADMINISTRATIVE FRAMEWORK .....	5
PART 4	HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE? .....	7
PART 5	HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED? .....	9
PART 6	PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS.....	16
PART 7	INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER.....	20
PART 8	OVERSIGHT AND RIGHTS OF REVIEW .....	28
PART 9	PROCEDURAL IRREGULARITIES .....	31
PART 10	PRACTICE DIRECTIONS .....	32
PART 11	REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER .....	33
PART 12	CONFIDENTIALITY .....	34

## PART 1 INTRODUCTION

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

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

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

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

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about Councillors (including the Mayor) or the General Manager.

## PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a Council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant Councillor	a Councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the General Manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by Councillors or the General Manager
Council	includes county Councils and joint organisations
Council Committee	a Committee established by a Council comprising of Councillors, staff or other persons that the Council has delegated functions to <a href="#">and the council's audit, risk and improvement committee</a>

Council Committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council Committee other than a wholly advisory Committee, <a href="#">and a person other than a councillor who is a member of the council's audit, risk and improvement committee</a>
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	includes Councillors, members of staff of a Council, administrators, Council Committee members, members of advisory Committees of a Council, delegates of Council, independent conduct reviewers, contractors and volunteers of a Council, officers of entities owned by a Council and, for the purposes of clause 4.16, Council advisers
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
General Manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
Mayor	includes the chairperson of a county Council or a joint organisation
members of staff of a Council	includes members of staff of county Councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory Committee	a Council Committee that the Council has not delegated any functions to

## PART 3 ADMINISTRATIVE FRAMEWORK

### The establishment of a panel of conduct reviewers

- 3.1 The Council must ~~by resolution~~ establish a panel of conduct reviewers.
- 3.2 The Council may ~~by resolution~~ enter into an arrangement with one or more other Councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the Councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the Council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and
  - c) knowledge and experience of one or more of the following:
    - i) investigations
    - ii) law
    - iii) public administration
    - iv) public sector ethics
    - v) alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a Councillor, or
  - b) a nominee for election as a Councillor, or
  - c) an administrator, or
  - d) an employee of a Council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the Council's panel of conduct reviewers if they are a member of another Council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a Council's panel of conduct reviewers where the Council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The Council may terminate the panel of conduct reviewers at any time ~~by resolution~~. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.



- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the Council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the Council may be a member of subsequent panels of conduct reviewers established by the Council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

- 3.13 Despite clause 3.6(d), an employee of a Council who is the nominated internal ombudsman of one or more Councils may be appointed to a Council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a Council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a Council's panel of conduct reviewers may also exercise the functions of the Council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a Council's complaints coordinator and has been appointed to the Council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a Council's panel of conduct reviewers.

#### The appointment of complaints coordinators

- 3.17 The General Manager must appoint a member of staff of the Council or another person (such as, but not limited to, a member of staff of another Council or a member of staff of a joint organisation or other regional body associated with the Council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the Council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The General Manager may appoint other members of staff of the Council or other persons (such as, but not limited to, members of staff of another Council or members of staff of a joint organisation or other regional body associated with the Council), to act as alternates to the complaints coordinator.
- 3.19 The General Manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994.
- 3.21 The role of the complaints coordinator is to:
  - a) coordinate the management of complaints made under the Council's code of conduct
  - b) liaise with and provide administrative support to a conduct reviewer
  - c) liaise with the Office, and
  - d) arrange the annual reporting of code of conduct complaints statistics.

## **PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?**

### What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a Council official in connection with their role as a Council official or the exercise of their functions as a Council official that would constitute a breach of the standards of conduct prescribed under the Council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
  - a) complaints about the standard or level of service provided by the Council or a Council official
  - b) complaints that relate solely to the merits of a decision made by the Council or a Council official or the exercise of a discretion by the Council or a Council official
  - c) complaints about the policies or procedures of the Council
  - d) complaints about the conduct of a Council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the Council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the Council's routine complaints management processes.

### When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the General Manager or their delegate, or, in the case of a complaint about the General Manager, the Mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

### How may a code of conduct complaint about a Council official other than the General Manager be made?

- 4.6 All code of conduct complaints other than those relating to the General Manager are to be made to the General Manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a Council official other than the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a Council official other than the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The General Manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.

- 4.10 Notwithstanding clauses 4.6 and 4.7, where the General Manager becomes aware of a possible breach of the Council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the General Manager be made?

- 4.11 Code of conduct complaints about the General Manager are to be made to the Mayor in writing. This clause does not operate to prevent a person from making a complaint about the General Manager to an external agency.
- 4.12 Where a code of conduct complaint about the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The Mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the Mayor becomes aware of a possible breach of the Council's code of conduct by the General Manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

### Delegation by General Managers and Mayors of their functions under this Part

- 5.1 A General Manager or Mayor may delegate their functions under this Part to a member of staff of the Council or to a person or persons external to the Council other than an external agency. References in this Part to the General Manager or Mayor are also to be taken to be references to their delegates.

### Consideration of complaints by General Managers and Mayors

- 5.2 In exercising their functions under this Part, General Managers and Mayors may consider the complaint assessment criteria prescribed under clause 6.31.

### What complaints may be declined at the outset?

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

### How are code of conduct complaints about staff (other than the General Manager) to be dealt with?

- 5.4 The General Manager is responsible for the management of code of conduct complaints about members of staff of Council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The General Manager must refer code of conduct complaints about members of staff of Council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The General Manager may decide to take no action in relation to a code of conduct complaint about a member of staff of Council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the General Manager decides to take no action in relation to a code of conduct complaint about a member of staff of Council, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of Council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.

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

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

- 5.10 The General Manager is responsible for the management of code of conduct complaints about delegates of Council and Council Committee members, members of advisory Committees of a Council, independent conduct reviewers, contractors and volunteers of a Council, and officers of entities owned by a Council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The General Manager must refer code of conduct complaints about Council advisers, delegates of Council and Council Committee members, members of advisory Committees of a Council, independent conduct reviewers, contractors and volunteers of a Council, or officers of entities owned by a Council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The General Manager may decide to take no action in relation to a code of conduct complaint about a delegate of Council or a Council Committee member, member of an advisory Committee of a Council, independent conduct reviewer, contractor or volunteer of a Council, or officer of an entity owned by a Council, other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the General Manager decides to take no action in relation to a code of conduct complaint about a delegate of Council or a Council Committee member, member of an advisory Committee of a Council, independent conduct reviewer, contractor or volunteer of a Council, or officer of an entity owned by a Council, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 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, members of advisory Committees of a Council, independent conduct reviewers, contractors and volunteers of a Council, or officers of entities owned by a Council, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Council's code of conduct.
- 5.15 Where the General Manager resolves a code of conduct complaint under clause 5.14 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of Council and/or Council Committee members, members of advisory Committees of a Council, independent conduct reviewers, contractors and volunteers of a Council, and/or officers of entities owned by a Council, depend on the severity, scale and importance of the breach and may include one or more of the following:



- a) censure
  - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the General Manager
  - c) prosecution for any breach of the law
  - d) removing or restricting the person's delegation
  - e) removing the person from membership of the relevant Council Committee.
- 5.17 Prior to imposing a sanction against a delegate of Council or a Council Committee member, member of an advisory Committee of a Council, independent conduct reviewer, contractor or volunteer of a Council, or officer of an entity owned by a Council, under clause 5.16, the General Manager or any person making enquiries on behalf of the General Manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the Council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the General Manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

- 5.18 The General Manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The General Manager must notify the complainant of the referral of their complaint in writing.

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

- 5.20 The General Manager must refer the following code of conduct complaints about Councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
  - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the General Manager refers a complaint to the Office under clause 5.20, the General Manager must notify the complainant of the referral in writing.
- 5.22 The General Manager may decide to take no action in relation to a code of conduct complaint about a Councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the General Manager decides to take no action in relation to a code of conduct complaint about a Councillor, the General Manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.24 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve code of conduct complaints about Councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Council's code of conduct.
- 5.25 Where the General Manager resolves a code of conduct complaint under clause 5.24 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The General Manager must refer all code of conduct complaints about Councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the General Manager to be dealt with?

- 5.27 The Mayor must refer the following code of conduct complaints about the General Manager to the Office:
- complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the Mayor refers a complaint to the Office under clause 5.27, the Mayor must notify the complainant of the referral in writing.
- 5.29 The Mayor may decide to take no action in relation to a code of conduct complaint about the General Manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the Mayor decides to take no action in relation to a code of conduct complaint about the General Manager, the Mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the Mayor considers it to be practicable and appropriate to do so, the Mayor may seek to resolve code of conduct complaints about the General Manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Council's code of conduct.
- 5.32 Where the Mayor resolves a code of conduct complaint under clause 5.31 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

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

How are complaints about both the General Manager and the Mayor to be dealt with?

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

Referral of code of conduct complaints to external agencies

- 5.35 The General Manager, Mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The General Manager, Mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the General Manager, Mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the Council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
  - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
  - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
  - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by Councillors about other Councillors or the General Manager.
- 5.41 Where a Councillor makes a code of conduct complaint about another Councillor or the General Manager, and the complainant Councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

- 5.42 A request made by a complainant Councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The General Manager or Mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant Councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant Councillor makes a request under clause 5.41, the General Manager or Mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the Councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

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

- 5.45 These procedures do not override the provisions of the Public Interest Disclosures Act 1994. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the Council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a Councillor makes a code of conduct complaint about another Councillor or the General Manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant Councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant Councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the General Manager or the Mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

#### Special complaints management arrangements

- 5.48 The General Manager may request in writing that the Office enter into a special complaints management arrangement with the Council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- imposed an undue and disproportionate cost burden on the Council's administration of its code of conduct, or
  - impeded or disrupted the effective administration by the Council of its code of conduct, or
  - impeded or disrupted the effective functioning of the Council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- the code of conduct complaints the arrangement relates to, and
  - the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the General Manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

## **PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS**

### Referral of code of conduct complaints about Councillors or the General Manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about Councillors or the General Manager that have not been referred to an external agency or declined or resolved by the General Manager, Mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the General Manager or the Mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
  - a) a panel of conduct reviewers established by the Council, or
  - b) a panel of conduct reviewers established by an organisation approved by the ~~Chief Executive of the~~ Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
  - a) they have a conflict of interest in relation to the matter referred to them, or
  - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - c) they or their employer has entered into one or more contracts with the Council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
  - d) at the time of the referral, they or their employer are the Council's legal service provider or are a member of a panel of legal service providers appointed by the Council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the Council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.



- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
  - b) comply with a lawful and reasonable request by the complaints coordinator, or
  - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about Councillors or the General Manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - c) to refer the matter back to the General Manager or, in the case of a complaint about the General Manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - d) to refer the matter to an external agency
  - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.

- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the Council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
  - b) that the alleged conduct is sufficiently serious to warrant [the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and investigation,](#) and
  - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant [formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment,](#) ~~investigation,~~ the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the Council
  - b) the likely impact of the alleged conduct on the reputation of the Council and public confidence in it
  - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
  - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the General Manager or Mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the General Manager or to the Mayor to be resolved by alternative and appropriate means, they must write to the General Manager or, in the case of a complaint about the General Manager, to the Mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the General Manager or Mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The General Manager or Mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the General Manager or Mayor under clause 6.13(c), the General Manager or, in the case of a complaint about the General Manager, the Mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the General Manager or Mayor under clause 6.13(c), the General Manager, or, in the case of a complaint about the General Manager, the Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

#### Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
  - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the Council's code of conduct
  - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
  - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
  - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
  - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
  - i) any previous proven breaches of the Council's code of conduct
  - j) whether the conduct complained of forms part of an ongoing pattern of behaviour
  - k) whether there were mitigating circumstances giving rise to the conduct complained of
  - l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
  - m) the significance of the conduct or the impact of the conduct for the Council
  - n) how much time has passed since the alleged conduct occurred
  - o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

## **PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER**

### What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or 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 at least 14 days or such other period specified by the investigator in the notice, and
  - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice, at least 14 days or such other period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the complainant, the complaints coordinator and the Mayor. The notice must:
  - a) advise them of the matter the investigator is investigating, and
  - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and

- c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days ~~at least 14 days or such other period~~ specified by the investigator in the notice.

#### Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

#### How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued ~~a draft~~ their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or

- b) refer the matter to the General Manager, or, in the case of a complaint about the General Manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- c) refer the matter to an external agency.

- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the Council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the respondent, the complainant, the complaints coordinator and the Mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

#### Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days ~~at least 14 days or such other period~~ specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days ~~at least 14 days or such other period~~ specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.



- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

#### Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
  - b) make a determination that the conduct investigated either,
    - i. constitutes a breach of the code of conduct, or
    - ii. does not constitute a breach of the code of conduct, and
  - c) provide reasons for the determination.

~~7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:~~

- ~~a) that the Council revise any of its policies, practices or procedures~~
- ~~b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach~~
- ~~c) that the respondent be counselled for their conduct~~
- ~~d) that the respondent be removed from membership of a Committee of the Council or any other body or organisation that the respondent serves on as the Council's representative~~
- ~~e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation~~
- ~~f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation~~
- ~~g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the Council meeting at which the matter is considered~~
- ~~h) in the case of a breach by the General Manager, that action be taken under the General Manager's contract~~
- ~~i) in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the LGA~~
- ~~j) in the case of a breach by a Councillor, that the Council resolves as follows:
 
  - ~~i. that the Councillor be formally censured for the breach under section 440G of the LGA, and~~
  - ~~ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.~~~~

~~7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:~~

- ~~a) that the Council revise any of its policies, practices or procedures~~
- ~~b) that a person or persons undertake any training or other education.~~

~~7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:~~

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

7.36 At a minimum, the investigator's final report must contain the following information:

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

7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:

- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
- b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
- c) in the case of a breach by a councillor, that the council resolves as follows:
  - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
  - ii. that the matter be referred to the Office for further action under the misconduct

provisions of the LGA.

7.39~~8~~ Where the investigator proposes to make a recommendation under clause 7.36(jc), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.

7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:

- a) that the council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

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

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- b) the investigator's determination and the reasons for that determination
- c) any recommendations, and
- d) such other additional information that the investigator considers may be relevant.

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

7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

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

~~7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the~~

~~Mayor. The General Manager is responsible for arranging the implementation of the recommendation/s where the report relates to a Councillor's conduct. The Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the General Manager's conduct.~~

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

#### Consideration of the final investigation report by Council

~~7.47~~6 The role of the Council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36~~7~~, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).

7.48~~7~~ The Council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.

7.49~~8~~ Where the complainant is a Councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant Councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.

7.54~~9~~0 Prior to imposing a sanction, the Council must provide the respondent with an opportunity to make a submission to the Council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.

7.54~~0~~ Once the respondent has made their submission they must absent themselves from the meeting and, where they are a Councillor, take no part in any discussion or voting on the matter.

7.52~~1~~ The Council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

7.53~~2~~ Prior to imposing a sanction, the Council may by resolution:

- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
- b) seek an opinion from the Office in relation to the report.

7.54~~3~~ The Council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.

7.55~~4~~ The investigator may make additional enquiries for the purpose of preparing a supplementary report.

7.56~~5~~ Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the Council and the respondent.

- 7.57~~6~~ The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.58~~7~~ The Council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.59~~8~~ A Council may by resolution impose one ~~or more~~ of the following sanctions on a respondent:
- ~~a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach~~
  - ~~b) that the respondent be counselled for their conduct~~
  - ~~c) that the respondent be removed from membership of a Committee of the Council or any other body or organisation that the respondent serves on as the Council's representative~~
  - ~~d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution~~
  - ~~e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution~~
  - ~~f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting~~
  - ag) 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, ~~that action be taken under the General Manager's contract for the breach~~
  - bh) in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the LGA, or
  - ci) in the case of a breach by a Councillor:
    - i. that the Councillor be formally censured for the breach under section 440G of the LGA, and
    - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.

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

~~7.61 Where the Council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the Council must state in its resolution the reasons for its decision.~~

~~7.62 Where the Council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the Council's decision and the reasons for it.~~

7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

## **PART 8 OVERSIGHT AND RIGHTS OF REVIEW**

### The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a Council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the Council, to defer taking further action in relation to a matter under consideration under the Council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

### Complaints about conduct reviewers

- 8.4 The General Manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The General Manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The General Manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

### Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

### Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
  - a) that the investigator has failed to comply with a requirement under these procedures, or



- b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that in imposing its sanction, the Council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the Council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the Council to defer any action to implement a sanction. The Council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the Council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
  - b) the council must:
    - i. review its decision to impose the sanction, and
    - ii. consider the Office's recommendation in doing so, and
    - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- ~~8.20 In the case of a sanction implemented by the General Manager or Mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:~~
- ~~a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the General Manager or the Mayor, and~~
  - ~~b) the General Manager or Mayor must review any action taken by them to implement the sanction, and~~
  - ~~c) the General Manager or Mayor must consider the Office's recommendation in doing so.~~
- ~~8.21 In the case of a sanction imposed by the Council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:~~
- ~~a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary Council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which~~

- ~~case it must be tabled at the first ordinary Council meeting following the election, and~~  
b) ~~the Council must:~~
- ~~i. review its decision to impose the sanction, and~~
  - ~~ii. consider the Office's recommendation in doing so, and~~
  - ~~iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.~~

8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19, the Council resolves to reaffirm its previous decision, the Council must state in its resolution its reasons for doing so.

## **PART 9 PROCEDURAL IRREGULARITIES**

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
  - b) reasonable steps are taken to correct the non-compliance, or
  - c) reasonable steps are taken to address the consequences of the non-compliance.

## **PART 10 PRACTICE DIRECTIONS**

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all Councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

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

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the Council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about Councillors and the General Manager under the code of conduct in the year to September (the reporting period)
  - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
  - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
  - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
  - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
  - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
  - g) the total cost of dealing with code of conduct complaints made about Councillors and the General Manager during the reporting period, including staff costs.
- 11.2 The Council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

## **PART 12 CONFIDENTIALITY**

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the General Manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the General Manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within [a period of not less than 14 days](#) ~~at least 14 days or such other period~~ specified by the General Manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the General Manager or their delegate.
- 12.5 The General Manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
  - b) the complaints coordinator
  - c) the Office, and
  - d) any other person the General Manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or 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.



\* \* \*

<b>RELEVANT LEGISLATIVE INSTRUMENTS:</b>	<i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i> <i>Public Interest Disclosures Act 1994</i> <i>Privacy and Personal Information Protection Act 1998</i> <i>Health Records and Information Privacy Act 2002</i>
<b>RELATED POLICIES, PLANS AND PROCEDURES:</b>	Respect and Dignity in the Workplace Equal Employment Opportunity Prohibited Substance and Alcohol Policy Fraud and Corruption Prevention Policy and Plan Guidelines for Councillors Access to Information and Advice Code of Meeting Practice Disciplinary Policy Payment of Expenses and Provision of Facilities for Mayor and Councillors Acceptable Use of Technology and Systems
<b>RESPONSIBLE DIRECTOR:</b>	Director Customer and Corporate Strategy
<b>APPROVAL:</b>	Council

**HISTORY:**

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New	14/06/1994	
2	Council	Minor amendments	27/05/1996	
3	Council	Minor amendments	12/05/2003	
4	Council	Minor amendments	29/03/2005	
5	Council	Minor amendments	22/07/2008	
6	Council	Minor amendments	23/11/2008	
7	Council	Minor amendments	26/02/2013	
8	Council	Minor amendments	14/02/2017	17/43097
9	Council	New model procedures adopted	23/04/2019	19/122512
10	Council	Minor amendments		

**Local Road and Community Infrastructure Grants – Round 1**

Project	Description	Commencement	Value
Ron Dine Reserve, Camden South – Playground (McCrae Drive)	General upgrades, replacement of play equipment, installation of soft fall etc.	2020/2021	\$125,000
Macarthur Park, Camden – Various Items		2020/2021	\$125,000
Yandelora Reserve, Mount Annan		2020/2021	\$135,000
Tredinnick Park, Harrington Park		2020/2021	\$70,000
Charker Drive, Royal George, Harrington Park		2020/2021	\$110,000
Camden Senior Citizens Community Centre, Camden	High pressure clean external areas including paved paths and stained brickwork.	2020/2021	\$110,000
Camden Sports Club, Camden (Stage 1)	Building repairs, internal finishes, roof.	2020/2021	\$94,692
Ron Dine Reserve Old Clubhouse, Camden South	Building repairs, internal finishes, roof.	2020/2021	\$55,000
Jack Nash Rugby Amenities, Currans Hill.	Building repairs, internal finishes.	2020/2021	\$50,000
	<b>Subtotal</b>		<b>\$874,692</b>

ORD05

Attachment 1

**Local Road and Community Infrastructure Grants – Round 2**

Project	Description	Commencement	Value
Pomaderris Reserve, Mount Annan	General playground upgrade and renewal works.	2020/2021	\$125,000
Glenlee Reserve, Narellan Vale		2020/2021	\$125,000
Parkside Reserve, Currans Hill		2020/2021	\$125,000
Shade Sails Program to improve existing parks and playgrounds <i>Various locations</i>	Program of retrofitting shade sails into existing parks and playgrounds to improve useability.	2020/2021	\$400,000
Extension of Walking Track at the BEP - Bicentennial Equestrian Park, Camden	Extension of compressed granite pathway within the BEP.	2020/2021	\$520,000
Camden Sports Club, Camden (Stage 2)	Building upgrade and renewal works.	2020/2021	\$210,000
Nugget Beams Reserve Amenities, Narellan Vale	Renewal works, painting, and general upgrade, including improved access.	2020/2021	\$ 35,000
Birriwa Reserve Community Halls, Mount Annan	General renewal works.	2020/2021	\$65,000
Liquidamber Reserve Amenities, Narellan Vale	General renewal works.	2020/2021	\$70,000

Project	Description	Commencement	Value
Fairfax Oval Amenities and Clubroom, Harrington Park	General renewal works.	2020/2021	\$45,000
Rotary Cowpasture Reserve, Amenities and Clubhouse, Camden	Carparking renewal, and amenities building renewal works.	2020/2021	\$275,000
Onslow Oval, Camden	Grandstand, amenities improvement, seating and general maintenance and renewal.	2020/2021	\$320,000
Wandarrah Reserve Amenities, Mount Annan	Kitchen renewal and upgrades.	2020/2021	\$100,000
Macquarie Grove Reserve, Kirkham	Fencing to reduce anti-social behaviour.	2020/2021	\$30,000
Jack Nash Reserve - sealing of informal parking, Currans Hill	Sealing works along Thow Place, Nash Place and Kitching Way.	2020/2021	\$250,000
PAMP Plan <i>Various locations</i>	Various Projects.	2020/2021	\$554,586
	<b>Subtotal</b>		<b>\$3,249,586</b>

#### Community Infrastructure

Project	Description	Commencement	Value
Hostile Vehicle Mitigation (HVM) works and facilities <i>various locations</i>	Installation of permanent HVM measures, and/or the purchase of mobile HVM units to support events across the LGA.	2021/2022	\$950,000

ORD05

Attachment 1

Project	Description	Commencement	Value
Camden Civic Centre Upgrade and Renewal	Includes minor works and a range of cosmetic upgrades to enhance the user experience at the facility.	2021/2022	\$2,200,000
Alpha Park, Camden	Investigate opportunities to upgrade Alpha Park in Camden	2022/2023	\$150,000
Narellan Sports Hub, Narellan - new amenities building (hockey)	Replacement and enhancement of the existing amenities for hockey at the Narellan Sports Hub.	2023/2024	\$6,000,000
Learn to ride facility <i>Location to be confirmed.</i>	A learn to ride facility, to enable safe off-road area for kids learning to ride bikes and scooters. <i>Site subject to confirmation.</i>	2022/2023	\$2,000,000
Hard court facility - futsal <i>Location to be confirmed.</i>	Construction of a hard-court facility. The facility will address a demand for informal sports and provide additional all-weather training facilities for local clubs. <i>Site subject to confirmation.</i>	2022/2023	\$1,200,000
Adaptively reuse Larkin Place car park for events and markets	As part of the Camden Urban Design Framework it is recommended to adapt the Larkin Place carpark to activate the space and make it user friendly for small events and markets.	2024/2025	\$1,000,000
Kayak access and cycleway Nepean River, Camden	Provision of launch points on the Nepean and additional end of trip facilities, signage, and footpath installation to improve access to the Nepean.	2021/2022	\$5,100,000
Shade Sails Program <i>Various locations</i>	Ongoing program of retrofitting shade sails into older play areas to increase usage during hot months.	2022/2023	\$300,000

Project	Description	Commencement	Value
Sheathers Lane, Camden - shared path	Construction of a shared path along Sheathers Lane from Carrington to Camden.	2022/2023	\$3,000,000
Cawdor Road, Camden - shared path	Construction of a Shared path along Cawdor Road to Camden High School	2022/2023	\$1,000,000
New Animal Care Facility (Concept Scope)  <i>Location to be confirmed</i>	Scoping and concept design for a future Animal Care facility for the Camden LGA.	2021/2022	\$150,000
Oran Park Leisure Centre, Oran Park	Construction of the Oran Park Leisure Centre to complete the civic precinct, includes 50-metre pool and enhanced leisure water areas, gym, and indoor courts.	2020/2024	\$57,600,000
Harrington Park Reserve, Harrington Park	Project to improve the capacity and user experience of the grounds at Harrington Park Reserve.	2022/2023	\$5,000,000
Renewal and upgrades at Mount Annan Leisure Centre – Wet Area	Renewal of spa, sauna, and steam area of the Mount Annan Leisure Centre.	2020/2021	\$160,000
Oran Park Community and Administration	Investigation of scope and partnership opportunities for Oran Park Community/Arts and Administration Centre.	2022/2023	\$150,000
Sportsground Strategy – <i>Field Improvement Program</i>	A four-year program to upgrade and improve a range of fields within the Camden LGA, includes irrigation, turf replacement, hybrid, and synthetic fields.	2021-2025	\$12,000,000
Sportsground Strategy - <i>Floodlighting Upgrades (sports field)</i>	A four-year program to facilitate the upgrade of floodlighting to sportsgrounds, includes implementation of LED, and increased lighting levels.	2021-2025	\$1,000,000



ORD05

Attachment 1

Project	Description	Commencement	Value
Sportsground Strategy – <i>Building and Facility Upgrade</i>	A four-year program to facilitate a range of upgrades and improvements as identified within the Sportsground Strategy.	2021-2025	\$4,000,000
Sports Ground Strategy - <i>Carparking and Seating</i>	A four-year program to facilitate a range of upgrades and improvements as identified within the Sportsground Strategy.	2021-2025	\$1,500,000
Caravan effluent dump point, Camden Town	Caravan effluent dump point and associated works and signage  <i>Location to be confirmed.</i>	2020/2021	\$60,000
Provision of Electric Vehicle Charging Stations	Implement Electric Vehicle charging Stations within the key centres of Camden and Narellan.	2021/2022	\$100,000
Camden RSL Youth Club	Building repairs, internal finishes, roof repair and carparking improvements	2020/2021	\$375,000
<b>Subtotal</b>			<b>\$104,995,000</b>

Events

Project	Description	Commencement	Value
Employment and Education Virtual Expo Camden	Online event of local employers, expo of “who Camden employs”	2020/2021	\$20,000
Event Program - Post COVID	Program of events for all ages, aimed at getting people out and about in our open space and utilising our exciting spaces and re-connecting with friends.	2020/2021	\$150,000
Program of Activations	Program to include activations across the LGA in the three LGA wards – North, Central and South.	2020/2021	\$150,000
<b>Subtotal</b>			<b>\$320,000</b>

Grants and Financial Assistance

Project	Description	Commencement	Value
Cultural Activation Grants	Funding for cultural performances and art projects.  Camden Civic Centre performance subsidies and subsidisation of other Council facilities as part of performances and events.	2020/2021	\$74,600
Sports Grants	Grants for sports clubs for programs to improve their club's capacity and resilience post COVID.	2020/2021	\$135,000
Expanded Community Grants	Combining councils Community Small Grants and Community Sponsorship Grants (Round 2) and provide grants based on building community and resilience.	2020/2021	\$150,000
<b>Subtotal</b>			<b>\$359,600</b>

ORD05

Attachment 1

Local Employment

Project	Description	Commencement	Value
Expansion of Apprentice/Trainee Program within Council	Expand Council's current apprentice/trainee employment across the organisation across the 4 years of the program.	2022/2023	\$675,000
<b>Subtotal</b>			<b>\$675,000</b>

Building Renewal Works

Project	Description	Commencement	Value
Currans Hills Community Centre, Currans Hill.	General upgrades, painting, internal upgrades, pathway upgrades.	2022/2023	\$50,000
Lighting Tennis Facilities <i>Various Locations</i>	Upgrade of lighting at tennis facilities and multi-purpose hardcourts to improve useability.	2022/2023	\$100,000
<b>Subtotal</b>			<b>\$150,000</b>

Programs

Project	Description	Commencement	Value
Continued expansion of online library programs to increase accessibility	Continuation and expansion of Councils Library Services online content.	2020/2021	\$ 0
Outdoor Dining Acceleration, Camden Town Centre	Ongoing promotion and implementation of Councils outdoor dining policy	2020/2021	\$ 0
Camden Businesses Recovery marketing campaign	Marketing and promotion campaign to assist in business recovery.	2020/2021	\$ 95,000

Project	Description	Commencement	Value
Economic Review Implementation	Implementation of recommendations from the Economic Development Review and Strategy.	2020/2021	\$135,000
Mental Health Awareness through sports clubs  <i>Camden LGA</i>	Development of a mental health support program specifically targeted at local sporting groups. Council to work with a qualified organisation to develop a program.	2021/2022	\$18,000
	<b>Subtotal</b>		<b>\$248,000</b>

City Beautification Program

Project	Description	Commencement	Value
Open Space Embellishment Works  <i>Camden LGA</i>	<ul style="list-style-type: none"> <li>• Woody Weed removal program.</li> <li>• Garden bed mulching.</li> <li>• Garden bed renewal and replanting.</li> <li>• Tree planting; and</li> <li>• Waterways cleaning.</li> </ul>	2021/2022	\$1,180,000
Additional Street Sweeper Service Levels  <i>Camden LGA</i>	Inclusion of an upgrade of the current service levels for city presentation to include more streets been sweep more regularly.	2021/2022	\$1,089,000
City Improvement Taskforce  <i>Camden LGA</i>	Funding to implement a range of city improvement/beautification projects	2021/2022	\$711,000
	<b>Subtotal</b>		<b>\$2,980,000</b>