



**CAMPBELLTOWN**  
CITY COUNCIL

# **ORDINARY BUSINESS PAPER**

**8 SEPTEMBER 2020**

## COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BASIX	Building Sustainability Index Scheme
BCA	Building Code of Australia
BIC	Building Information Certificate
BPB	Buildings Professionals Board
CLEP 2002	Campbelltown Local Environmental Plan 2002
CLEP 2015	Campbelltown Local Environmental Plan 2015
CBD	Central Business District
CPTED	Crime Prevention Through Environmental Design
CSG	Coal Seam Gas
DA	Development Application
DCP	Development Control Plan
DDA	<i>Disability Discrimination Act 1992</i>
DPE	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
FFTF	Fit for the Future
FSR	Floor Space Ratio
GRCCC	Georges River Combined Councils Committee
GSC	Greater Sydney Commission
HIS	Heritage Impact Statement
IDO	Interim Development Order
IPR	Integrated Planning and Reporting
KPoM	Koala Plan of Management
LEC	Land and Environment Court
LEC Act	<i>Land and Environment Court Act 1979</i>
LEP	Local Environmental Plan
LGA	Local Government Area
LG Act	<i>Local Government Act 1993</i>
LPP	Local Planning Panel
LTFP	Long Term Financial Plan
NGAA	National Growth Areas Alliance
NOPO	Notice of Proposed Order
NSWH	NSW Housing
OEH	Office of Environment and Heritage
OLG	Office of Local Government, Department of Premier and Cabinet
OSD	On-Site Detention
OWMS	Onsite Wastewater Management System
PCA	Principal Certifying Authority
PoM	Plan of Management
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PMF	Probable Maximum Flood
PN	Penalty Notice
PP	Planning Proposal
PPR	Planning Proposal Request
REF	Review of Environmental Factors
REP	Regional Environment Plan
RFS	NSW Rural Fire Service
RL	Reduced Levels
RMS	Roads and Maritime Services
SANSW	Subsidence Advisory NSW
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SSD	State Significant Development
STP	Sewerage Treatment Plant
SWCPP	Sydney Western City Planning Panel (District Planning Panel)
TCP	Traffic Control Plan
TMP	Traffic Management Plan
TNSW	Transport for NSW
VMP	Vegetation Management Plan
VPA	Voluntary Planning Agreement
PLANNING CERTIFICATE	– A Certificate setting out the Planning Rules that apply to a property (formerly Section 149 Certificate)
SECTION 603 CERTIFICATE	- Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	- Certificate from Sydney Water regarding Subdivision



01 September 2020

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 8 September 2020 at 6.30pm.

Lindy Deitz  
General Manager

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## **1. ACKNOWLEDGEMENT OF LAND**

I acknowledge the Dharawal people whose ongoing connection and traditions have nurtured and continue to nurture this land.

I pay my respects and acknowledge the wisdom of the Elders – past, present and emerging and acknowledge all Aboriginal people here tonight.

## **2. APOLOGIES/LEAVE OF ABSENCE**

Nil at time of print.

### **3. CONFIRMATION OF MINUTES**

#### **3.1 Minutes of the Ordinary Meeting of Council held 11 August 2020**

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##### **Officer's Recommendation**

That the Minutes of the Ordinary Meeting of Council held 11 August 2020, copies of which have been circulated to each Councillor, be taken as read and confirmed.

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##### **Report**

That the Minutes of the Ordinary Meeting of Council held 11 August 2020 are presented to Council for confirmation.

##### **Attachments**

1. Minutes of the Ordinary Meeting of Council held 11 August 2020 (contained within this report)

# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

**Ordinary Council Meeting held at 6.30pm on Tuesday, 11 August 2020.**

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## Minutes of the Ordinary Meeting of the Campbelltown City Council held on 11 August 2020

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**Present**

The Mayor, Councillor G Brticevic  
 Councillor M Chivers  
 Councillor M Chowdhury  
 Councillor B Gilholme  
 Councillor G Greiss  
 Councillor K Hunt  
 Councillor P Lake  
 Councillor D Lound  
 Councillor R Manoto  
 Councillor B Moroney  
 Councillor W Morrison  
 Councillor M Oates  
 Councillor T Rowell

### 1. ACKNOWLEDGEMENT OF LAND

An Acknowledgement of Land was presented by the Chairperson Councillor Brticevic.

#### Council Prayer

The Council Prayer was presented by the General Manager.

### 2. APOLOGIES/LEAVE OF ABSENCE

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It was **Moved** Councillor Morrison, **Seconded** Councillor Lound:

That the apology from Councillor B Thompson be received and accepted.

Note: Councillor R George has been granted a leave of absence from Council incorporating all meetings until further notice.

**120** The Motion on being Put was **CARRIED**.

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### 3. CONFIRMATION OF MINUTES

#### 3.1 Minutes of the Ordinary Meeting of Council held 14 July 2020

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It was **Moved** Councillor Morrison, **Seconded** Councillor Lound:

That the Minutes of the Ordinary Council Meeting held 14 July 2020, copies of which have been circulated to each Councillor, be taken as read and confirmed.

**121** The Motion on being Put was **CARRIED**.

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#### 4. DECLARATIONS OF INTEREST

Declarations of Interest were made in respect of the following items:

##### **Pecuniary Interests**

Nil

##### **Non Pecuniary – Significant Interests**

Nil

##### **Non Pecuniary – Less than Significant Interests**

Nil

##### **Other Disclosures**

Nil

#### 5. MAYORAL MINUTE

#### 6. PETITIONS

#### 7. CORRESPONDENCE

Nil

#### 8. REPORTS FROM OFFICERS

##### **8.1 Development Application Status**

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It was **Moved** Councillor Oates, **Seconded** Councillor Lake:

That the information be noted.

**122** The Motion on being Put was **CARRIED**.

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##### **8.2 Draft Local Housing Strategy - Public Exhibition**

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It was **Moved** Councillor Morrison, **Seconded** Councillor Rowell:

1. That the draft Campbelltown Local Housing Strategy (attachment 1) be endorsed and placed on public exhibition for a period of 28 days.
-

- 
2. That the outcome of the exhibition of the draft Campbelltown Local Housing Strategy be reported back to Council.

A Division was recorded in regard to the Resolution for Item 8.2 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, P Lake, B Moroney, W Morrison, G Greiss and T Rowell.

Voting against the Resolution were Nil.

**123** The Motion on being Put was **CARRIED**.

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### **8.3 Drive-in Theatre/Outdoor Cinema**

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It was **Moved** Councillor Manoto, **Seconded** Councillor Morrison:

That Council:

1. Seek Expressions of Interest from external companies to operate a Drive-in Theatre/Outdoor Cinema in Campbelltown.
2. That if an external company is engaged and the event proceeds, Council support the delivery of the event with in-kind venue hire and marketing support.

**124** The Motion on being Put was **CARRIED**.

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### **8.4 Reports and Letters Requested**

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It was **Moved** Councillor Oates, **Seconded** Councillor Chowdhury:

That the information be noted.

**125** The Motion on being Put was **CARRIED**.

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### **8.5 Investments and Revenue Report - June 2020**

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It was **Moved** Councillor Hunt, **Seconded** Councillor Morrison:

That the information be noted.

**126** The Motion on being Put was **CARRIED**.

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## 8.6 Referral to Audit

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It was **Moved** Councillor Morrison, **Seconded** Councillor Lound:

1. That the 2019-2020 General Purpose and Special Purpose Financial Reports be referred to audit.
2. That the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer sign the statements by Councillors and Management as required by Section 413(2) of the *Local Government Act 1993* after completion of the audit.
3. That the audited results of the financial year be presented to Council at the 2020 Annual General Meeting.

**127** The Motion on being Put was **CARRIED**.

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## 8.7 Recognition of Service - Councillors Policy

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It was **Moved** Councillor Chowdhury, **Seconded** Councillor Lake:

1. That the revised Recognition of Service – Councillors Policy as attached to this report be adopted.
2. That the Recognition of Service – Councillors Policy review date be set at 30 September 2024.

**128** The Motion on being Put was **CARRIED**.

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## 8.8 2020 Local Government NSW Annual Conference

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It was **Moved** Councillor Lake, **Seconded** Councillor Oates:

1. That Council nominate Councillor Brticevic, Councillor Lound, Councillor Greiss, Councillor Oates, Councillor Chowdhury, Councillor Hunt, Councillor Gilholme and Councillor Morrison as voting delegates for determination of motions at the 2020 Local Government NSW Annual Conference.
2. That other interested Councillors also be authorised to attend together with the General Manager and/or delegate.
3. That the registration fees and travel expenses be met in accordance with Council's Policy.

**129** The Motion on being Put was **CARRIED**.

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## 8.9 Sydney Western City Planning Panel Representatives

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It was **Moved** Councillor Oates, **Seconded** Councillor Lake:

That Council nominate Councillor Greiss and Councillor Lound as nominees and Councillor Gilholme as an alternate nominee to the Sydney Western City Planning Panel for a term of appointment concluding in September 2021.

**130** The Motion on being Put was **CARRIED**.

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## 8.10 Proposed Operating Hours During Christmas Holiday Period 2020-2021

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It was **Moved** Councillor Lake, **Seconded** Councillor Morrison:

1. That Council Offices and the Works Depot close from Thursday 24 December 2020 – Friday 1 January 2021 inclusive.
2. That the holiday opening hours for the Council offices, Depot, Animal Care Facility, Campbelltown Visitor Information Centre, Family Education and Community Services, Leisure Services, Campbelltown Arts Centre and Libraries as detailed in the report, be approved and advertised through local papers, on Council's website, social media and at relevant centres and services.

**131** The Motion on being Put was **CARRIED**.

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## 8.11 Expenditure Allocation Revote

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It was **Moved** Councillor Gilholme, **Seconded** Councillor Moroney:

That the works listed in the attachment, which were originally funded in the 2019-2020 budget and subsequent financial reviews, be reallocated for expenditure during 2020-2021.

**132** The Motion on being Put was **CARRIED**.

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## 9. QUESTIONS WITH NOTICE

Nil

## 10. RESCISSION MOTION

Nil

## 11. NOTICE OF MOTION

### 11.1 Protection of the Campbelltown Koala Colonies

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It was **Moved** Councillor Hunt, **Seconded** Councillor Brticevic:

1. That Council write to the Minister for Energy and Environment, the Hon Matt Kean MP, requesting that in light of his recent public statements to double the koala population, the NSW state government provide immediate support for the preservation and protection of the Campbelltown and south-west koala colonies and habitats.
2. That Council request the NSW Government commence immediate construction of viable, safe and effective East-West crossing points across Appin Road together with the requisite flexi-fencing along Appin Road.

**133** The Motion on being Put was **CARRIED**.

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### 11.2 Renewable Energy

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It was **Moved** Councillor Moroney, **Seconded** Councillor Morrison:

1. That Council notes its previous in-principle commitment to net zero emissions and increased purchase of renewable energy across Council operations.
2. That Council stands in support of traditional custodians and calls on Origin Energy to end its plans for the extraction of unconventional gas through hydraulic fracturing ("fracking") throughout the Northern Territory.

A Division was recorded in regard to the Resolution for Item 11.2 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, B Moroney and W Morrison.

Voting against the Resolution were Councillors P Lake, G Greiss and T Rowell.

**134** The Motion on being Put was **CARRIED**.

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## **12. URGENT GENERAL BUSINESS**

## **13. PRESENTATIONS BY COUNCILLORS**

1. Councillor Meg Oates on 11 August represented the Mayor at the Campbelltown Arts Centre to welcome a tour group consisting of the major sponsors and benefactors of the Biennale Sydney. Councillor Oates thanked the Director of City Lifestyles and the Arts Centre staff who ensured the Arts Centre was presented in the best light and delivered high quality presentations about each of the artworks in great depth.
2. Councillor Rey Manoto on 2 August with The Mayor, Councillor Brticevic and Councillor Oates attended Ingleburn Reserve for the Koalatown Tree Planting Day. Councillor Manoto thanked all of the community for coming to help and reported the day was very successful resulting in 1000 trees being planted. Councillor Manoto passed on his thanks to Help Save the Wildlife and Bushlands, the bush care teams and Council staff for their assistance in a successful event.
3. Councillor George Greiss passed on his thanks to the Councillors and the General Manager for sending their well wishes and congratulations on the recent birth of his daughter, Gabriella.
4. The Mayor, Councillor Brticevic thanked the events team for their work in conducting online citizenship ceremonies. Councillor Brticevic noted the effort in holding citizenship ceremonies online with the events team reaching out to all participants beforehand to ensure there were no technical issues and that the ceremonies were memorable.
5. The Mayor, Councillor Brticevic thanked Council staff for the recent upgrades to Victoria Park. Councillor Brticevic advised there has been irrigation works improving the Oztag fields, the carpark was resurfaced and the lighting was upgraded with funding from a Federal Government grant. Councillor Brticevic thanked the City Lifestyles and City Delivery teams.

## 14. CONFIDENTIAL REPORTS FROM OFFICERS

### Confidentiality Recommendation

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It was **Moved** Councillor Hunt, **Seconded** Councillor Chowdhury:

1. That this Ordinary Meeting of Council be adjourned and reconvened as a meeting of the Confidential Committee for discussion of item 14.1 which is considered to be confidential in accordance with Section 10A(2) of the *Local Government Act 1993*, as indicated below:

**Item 14.1 Licence Agreement, Council Land Campbelltown**

Item 14.1 is confidential in accordance with Section 10A(2)(c) of the *Local Government Act 1993* as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

2. Council considers that discussion of the business in open meeting would be, on balance, contrary to the public interest.

**135** The Motion on being Put was **CARRIED**.

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The Ordinary Meeting of Council was adjourned at 7.45pm and reconvened as a meeting of the Confidential Committee at 7.46pm.

### Recommendations of the Confidential Committee

#### 14.1 Licence Agreement, Council Land Campbelltown

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It was **Moved** Councillor Oates, **Seconded** Councillor Lound:

1. That Council agree to enter into a new two year management agreement with the entity named in this report to operate and maintain the subject property based on the terms and conditions set out in this report.
2. That all documentation associated with the Management Agreement be executed under the Common Seal of Council if required.

**136** The Motion on being Put was **CARRIED**.

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It was **Moved** Councillor Morrison, **Seconded** Councillor Lound:

That the Council in accordance with Section 10 of the Local Government Act 1993, move to re-open the meeting to the public.

**137** The Motion on being Put was **CARRIED**.

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**At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 7.49pm and the Mayor advised the resolution for Item 14.1 had been adopted.**

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It was **Moved** Councillor Morrison, **Seconded** Councillor Lound:

That the reports of the Confidential Committee and the recommendations contained therein be adopted.

**138** The Motion on being Put was **CARRIED**.

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There being no further business the meeting closed at 7.50pm.

Confirmed by Council on

..... General Manager ..... Chairperson

**4. DECLARATIONS OF INTEREST**

**Pecuniary Interests**

**Non Pecuniary – Significant Interests**

**Non Pecuniary – Less than Significant Interests**

**Other Disclosures**

**5. MAYORAL MINUTE**

**6. PETITIONS**

## **7. CORRESPONDENCE**

### **7.1 Funding Grants for Campbelltown Arts Centre**

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#### **Officer's Recommendation**

That the letters be received and the information be noted.

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A letter from Dr Mike Freelander MP following on from the meeting held with the General Manager confirming his continued support for the funding of the Arts Centre. Another letter from Dr Mike Freelander MP to the Manager of Campbelltown Arts Centre outlining funding opportunities available from the Australia Council for the Arts.

#### **Attachments**

1. Copy of the letter from Dr Mike Freelander MP confirming his support for Campbelltown Arts Centre (contained within this report)
2. Copy of the letter from Dr Mike Freelander MP advising of funding opportunities from the Australia Council for the Arts (contained within this report)



MyRef: 140720CCC BT

**Ms. Lindy Deitz**  
**General Manager**  
**Campbelltown City Council**  
**PO Box 57**  
**CAMPBELLTOWN NSW 2560**

06 AUG 2020

14<sup>th</sup> July 2020

Dear Lindy,

I write in relation to the Campbelltown Arts Centre, and our previous conversations regarding arts funding through the Australia Council.

As previously advised, I had made representations on Council's behalf to the Hon. Paul Fletcher MP, Minister for Communications, Cyber Safety and the Arts. I have now received a response to my enquiries from the Minister's office, and have attached a copy of this correspondence for your perusal.

The Arts sector is one of the worst hit industries throughout the COVID-19 crisis, and the Government has left this sector wanting.

Whilst I am pleased that the Minister has confirmed that the Arts Centre will receive an additional year of funding on this occasion, I find it most disappointing that the Government is unwilling to provide more substantive support.

Please be assured that I will continue to advocate for fairer Arts funding, and in the interests of our beloved Arts Centre, at every opportunity.

Yours sincerely

*SIGNATURE HAS BEEN REMOVED*

**Dr Mike Freeland MP**  
**Member for Macarthur**

**Office:** 37 Queen St Campbelltown NSW 2560 **Mail:** PO BOX 88 Campbelltown NSW 2560  
**Phone:** (02) 4620 0293 **Fax:** (02) 4620 4414 **Email:** Mike.Freeland.MP@aph.gov.au





**Office of the Hon Paul Fletcher MP**

Minister for Communications, Cyber Safety and the Arts  
Federal Member for Bradfield

MC20-005159

Dr Mike Freeland MP  
Member for Macarthur  
PO Box 88  
Campbelltown NSW 2560

Dear Dr Freeland

Thank you for your letter of 25 May 2020 to the Hon Paul Fletcher MP, Minister for Communications, Cyber Safety and the Arts, on behalf of Campbelltown City Council about funding to mitigate the impacts of COVID-19 for local government facilities such as the Campbelltown Arts Centre. The Minister has asked me to reply to you on his behalf and I am sorry it has taken me so long to provide you with a response.

The Morrison Government understands that the impact on the arts sector and organisations like the Campbelltown Arts Centre is extremely serious. All of us who care about the arts in Australia find it distressing to see disruptions to museums and galleries, productions halted, and artists, performers and other arts sector workers out of work.

The Government is delivering substantial economic support across the economy, which includes support for workers and organisations in the cultural and creative sector. A total of \$259 billion, equivalent to 13.3 per cent of annual GDP, in economic measures will enhance the nation's safety net for individuals and businesses affected by COVID-19. Many businesses and organisations in the cultural and creative sector are able to draw on these economy-wide measures.

The Government has recognised that there are specific needs in some parts of the cultural and creative sector which it has sought to address. On 9 April, the Government announced a \$27 million targeted support package for areas of the cultural and creative sector identified as being most affected by COVID-19, with dedicated financial support immediately available to Indigenous art centres, regional arts and the live music and performance industry.

The Government is investing around \$776 million in the arts and cultural sector in 2019-20, including significant funding of \$212 million for the Australia Council to support Australian artists and arts organisations.

As local government is a responsibility of state governments, I encourage the Campbelltown City Council to engage with the NSW Government on this matter. The NSW Government has established an economic support package for businesses, arts and cultural organisations, and local governments who have been affected by COVID-19.

Level 2, 280 Pacific Highway, Lindfield NSW 2070 • T 02 9465 3950  
P O Box 6022 Parliament House, Canberra ACT 2600 • T 02 6277 7480  
paul.fletcher.mp@aph.gov.au • www.paulfletcher.com.au

If it has not already done so, Campbelltown City Council may wish to seek advice from relevant NSW agencies about possible funding opportunities. Service NSW can be contacted by calling 13 77 88 and information is available at [www.service.nsw.gov.au/covid-19](http://www.service.nsw.gov.au/covid-19). Create NSW can be contacted by calling 02 8289 6520 or emailing [arts.funding@create.nsw.gov.au](mailto:arts.funding@create.nsw.gov.au), with information available at [www.create.nsw.gov.au](http://www.create.nsw.gov.au). The NSW Office of Local Government may also be able to provide advice, and can be contacted by calling 02 4428 4100 or emailing [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).

Regarding Australia Council funding, I am advised that the 2021-2024 Four Year Funding for Organisations program was highly competitive. The outcomes of independent Australia Council grants programs such as the Four Year Funding program are determined through the process of peer assessment and the Minister has no role in, or ability to influence, these outcomes. Sadly, it is unavoidable that there will always be those who miss out in a very competitive funding round.

The outcome of the 2021-2024 Four Year Funding program does not diminish the importance of Campbelltown Arts Centre's work in forging collaborative exchanges between artists, disciplines and communities through the creation of new curatorial situations and challenging streams of practice.

The Australia Council has been able to provide Campbelltown Arts Centre, and all organisations currently receiving Four Year Funding, with an additional year of funding to support the transition period. The Australia Council has advised that it will endeavour to work with Campbelltown Arts Centre through this period of transition towards a positive outcome in future core grant rounds.

The Government appreciates this is a tough time for cultural organisations such as Campbelltown Arts Centre—as it is for so many other sectors of our society. The Government's highest priority will continue to be protecting Australian lives and livelihoods.

Thank you for bringing Campbelltown City Council's concerns to the Minister's attention. I hope the information in this letter is of some help.

Yours sincerely

SIGNATURE HAS BEEN REMOVED

Ryan Bloxsom  
Chief of Staff

26 / 6 / 2020



06 AUG 2020

160720MD-TS

16<sup>th</sup> July 2020

Mr Michael Dagostino  
Director  
Campbelltown Arts Centre  
PO Box 57

CAMPBELLTOWN NSW 2560

Dear Mr Dagostino,

I write to advise you of funding opportunities that may be useful and applicable to Campbelltown Arts Centre and other relevant individuals and organisations that you may be aware of.

These opportunities provided by the Australia Council for the Arts are now open, including:

**Arts Projects for Individuals and Groups**

- Grants are available from \$10,000 to \$50,000. Supported activities must last no longer than two years from the proposed start date.

**Arts Projects for Organisations**

- Grants are available from \$20,000 to \$100,000. Supported activities must last no longer than two years from the proposed start date.

Applications close Tuesday 1 September 2020, with potential projects including:

- Professional skills development, including mentoring and residencies,
- The creation of new work,
- Exhibitions,
- Performances,
- Promotion and marketing,
- Activities that creatively engage communities.

I have enclosed further information for your perusal and to assist you in determining whether these funding opportunities are relevant to your organisation or to others you may be aware of.

Should you require further information or assistance, please do not hesitate to contact my office.

Yours sincerely,

SIGNATURE HAS BEEN REMOVED

Dr Mike Freeland MP  
Member for Macarthur

**Office:** 37 Queen St Campbelltown NSW 2560 **Mail:** PO BOX 88 Campbelltown NSW 2560  
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## Arts Projects for Individuals and Groups

### Arts Projects for Individuals and Groups

#### Key dates

The next closing date is:

- Tuesday 1 September 2020 for projects starting after 1 December 2020

The round closes at **3pm AEST** on the closing date.

**Please note:** To apply you must be registered in our Application Management System a minimum of two business days prior to the closing date.

Applicants will be notified of the outcome of their application approximately 12 weeks after the closing date.

#### Apply now

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#### About the program

This program funds a range of activities that deliver benefits to the arts sector and wider public, including national and international audiences. Grants are available from \$10,000 to \$50,000. Supported activities must last no longer than two years from the proposed start date.

**Please note:** Your project must take into account the latest advice regarding COVID-19.

Please read through the following grant guidelines.

If you need advice about applying, contact an Artists Services Officer now.

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#### Who can apply

Only individuals and groups may apply to this category. You must be an Australian citizen or an Australian permanent resident, and a practicing artist or arts professional.

Applications for funding to the Aboriginal and Torres Strait Islander Arts panel must come from Aboriginal and Torres Strait Islander individuals or groups.

**Please note:** You can only submit one application to this closing date of Arts Projects for Individuals and Groups.

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#### Who can't apply

You can't apply for this grant if:

- you have an overdue grant report
- you owe money to the Australia Council
- you are an organisation.

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#### What can be applied for

We fund a range of activities, for example:

- professional skills development, including mentoring and residencies
- the creation of new work
- practice based research
- creative development
- experimentation
- collaborations
- touring
- festivals
- productions
- exhibitions
- performances
- publishing
- recording
- promotion and marketing
- market development activity
- activities that creatively engage communities.

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#### What can't be applied for

You can't apply for the following activity:

- projects or activities that do not involve or benefit Australian practicing artists or arts professionals
  - projects or activities that do not have a clearly defined arts component
  - projects that have already taken place.
-

## Arts Projects for Individuals and Groups | Australia Council

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**Assessment panels**

You must choose which peer assessment panel you wish to apply to. The panels are:

- Aboriginal and Torres Strait Islander Arts
- Community Arts and Cultural Development
- Dance
- Emerging and Experimental Arts
- Literature
- Multi-art form
- Music
- Theatre
- Visual Arts.

If you are unsure which peer assessment panel to choose, [contact Artists Services](#).

More information on peer assessment [is available here](#).

**Assessment criteria**

You must address three assessment criteria in this category. For the third criterion, you will be asked to choose the main outcome your project will deliver.

Under each criterion are bullet points indicating what peers may consider when assessing your application. You do not need to respond to every bullet point listed.

**First criterion****Quality**

Peers will assess the quality of the artistic and cultural activities at the centre of your proposal. They may consider:

- vision, ideas and artistic rationale
- benefit and impact on career, artistic and cultural practice
- level of innovation, ambition, experimentation or risk-taking
- rigour and clear articulation of creative, engagement or development processes
- significance of the work within the relevant area of practice and/or community
- contribution to diverse cultural expression
- timeliness and relevance of work
- quality of previous work
- responses to previous work from artistic or cultural peers, or the public.

**Second criterion****Viability**

Peers will assess the viability of your proposal. They may consider:

- relevance and timeliness of proposed activity
- skills and ability of artists, arts professionals, collaborators or partners involved, and relevance to activity
- realistic and achievable planning and resource use, including contingency planning
- appropriate payments to participating artists, arts professionals, collaborators or participants
- the safety and wellbeing of people involved in the project
- role of partners or collaborators, including confirmation of involvement
- the diversity and scale of income and co-funding, including earned income, grants, sponsorship and in-kind contributions
- adherence to relevant cultural protocols
- evidence of appropriate consultation with participants, audiences or communities.

**Third criterion**

The third criterion tells us how the outcomes of your proposal meets our strategic goals, as described in our [Corporate Plan](#).

You must choose one of the four options that best reflects the primary outcome of your proposal. Please [contact Artists Services](#) if you are unsure which criterion to select.

Peers will consider how your proposal contributes to the outcome you select. Remember, you do not need to respond to every bullet point listed.

**Australians are transformed by arts and creativity**

This criterion is about Australian audiences and experiences. For example, your project may

- create and share new work with Australians
- create engaging cultural experiences
- provide opportunities for communities to come together, celebrate and connect
- provide creative and accessible experiences in unexpected places and ways
- increase and diversify participation in arts and culture, particularly among diverse cultural groups and regional / remote communities
- increase the experience of First Nations arts and culture by Australians
- explore emerging mediums and digital technologies to create, share and experience art, creating connections with new audiences
- demonstrate strong audience development and engagement strategies.

or

**Our arts reflect us**

This criterion is about diversity, access and equity. For example, your project may

- enhance, strengthen and celebrate community and social connections

<https://www.australiacouncil.gov.au/funding/funding-index/arts-projects-for-individu...> 16/07/2020

- address barriers to participating in or experiencing arts and culture
- support artistic and creative work that reflects the diversity of contemporary Australia
- support artists and arts professionals from culturally and linguistically diverse backgrounds, and those in regional and remote Australia, to make work
- support artists and arts professionals with disability to extend their arts practice, networks or skills
- support First Nations people's artistic and cultural expression
- engage young people in the creation of work.

or

#### First Nations arts and culture are cherished

This criterion is about First Nations self-determination and artistic and cultural expression. For example, your project may

- strengthen and embed First Nations arts and culture within arts and cultural organisations, leadership roles and sectors
- grow experiences of First Nations arts and culture by supporting artists and organisations to create and present work locally and/or internationally
- promote greater access and participation in First Nations arts experiences
- support opportunities for First Nations arts and cultural practitioners to build global networks
- support First Nations young people's artistic and cultural expression
- uphold First Nations cultural rights through self-determination and recognition of cultural and intellectual property.

or

#### Arts and creativity are thriving

This criterion is about creation, capabilities, distribution and reach. For example, your project may

- enable Australian artists to create new works
- enable risk taking, experimentation and freedom of expression in the creation and realisation of new works
- develop the skills and capabilities of artists and arts professionals
- develop sustainable and viable artists careers, including diverse income streams or business models
- support a safe environment and wellbeing for people working in the arts
- enable national or international opportunities for Australian artists and arts professionals
- engage international audiences with Australian work
- use emerging technologies to experiment with content, format, delivery or business models
- develop strong partnerships and collaborations.

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### Application form

The types of questions we ask in the application form include:

- a title for your project
- a summary of your project
- a brief bio of the artist or group applying
- an outline of your project and what you want to do
- a timetable or itinerary for your activities
- a description of the outcome your project delivers
- a projected budget which details the expenses, income and in-kind support of the project
- supporting material as relevant to your project, including an artistic example, bios of additional artists, and letters of support from participants or communities.

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### Support material

You should submit support material with your application. The peer assessors may review this support material to help them gain a better sense of your project.

#### What you should provide

We do not accept application-related support material submitted via post. Application-related material received by post will not be assessed and will be returned to the sender. If you think you will have difficulty submitting your support material online, or need advice on what type of material to submit, please [contact Artists Services](#).

There are three types of support material you may submit:

#### 1. Artistic support material

This should include relevant, recent examples of your artistic or cultural work.

#### 2. Biographies and CVs

You can include a brief bio or curriculum vitae (CV) for key artists, personnel or other collaborators involved in your project.

Brief bios or CV information should be presented as a single document no longer than two A4 pages in total.

#### 3. Letters of support

Individuals, groups or organisations can write letters in support of your project. A support letter should explain how the project or activity will benefit you, other artists or arts professionals, participants or the broader community.

If relevant to your activity, letters of support may also provide evidence of appropriate cultural protocols, permissions or outline the support of key project partners.

You can include up to five letters of support, with each letter not exceeding one A4 page.

#### Types of support material we accept

Our preferred method of receiving support material is via URLs (weblinks).

You can provide up to three URLs (weblinks) that link to content that is relevant to your proposal. This may include video, audio, images, or written material.

## Arts Projects for Individuals and Groups | Australia Council

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These URLs can include a total of:

- 10 minutes of video and/or audio recording
- 10 images
- 10 pages of written material (for example, excerpts of literary writing).

**Please note:** Our peer assessors will not access any URLs that require them to log in or sign up to a platform. Please do not provide links to Spotify or other applications that require users to log in or pay for access.

If you are linking to media files that are private or password protected like Vimeo, please provide the password in the password field on the application form.

**Other accepted file formats**

If you cannot supply support material via URLs, you may upload support material to your application in the following formats:

- video (MP4, QuickTime, and Windows Media)
- audio (MP3 and Windows Media)
- images (JPEG and PowerPoint)
- written material (Word and PDF).

**Apply now**

Download the [RTF version](#) of these guidelines.

**Contact**

If you need advice about applying, contact an Artists Services Officer [now](#).





## Arts Projects – Organisations

### Arts Projects – Organisations

#### Key dates

The next closing date is:

- Tuesday 1 September 2020 for projects starting after 1 December 2020

The round closes at 3pm AEST on the closing date.

**Please note:** To apply you must be registered in our application management system a minimum of two business days prior to the closing date.

Applicants will be notified of the outcome of their application approximately 12 weeks after the closing date.

#### Apply now

#### About the program

This program funds a range of activities that deliver benefits to the arts sector and wider public, including national and international audiences. Organisations that undertake arts programs, projects or that provide services to artists are welcome to apply.

Organisations can propose a single project, a suite of projects or annual programs of activity.

Grants are available from \$20,000 to \$100,000. Supported activities must last no longer than two years from the proposed start date.

**Please note:** Your project must take into account the [latest advice](#) regarding COVID-19.

Please read through the following grant guidelines.

If you need advice about applying, contact an Artists Services Officer [now](#).

#### Who can apply

Only organisations may apply to this category.

Organisations that provide a service to the arts are welcome to apply. International organisations can apply for projects that benefit practicing Australian artists, their work or Australian audiences.

Applications for funding to the Aboriginal and Torres Strait Islander panel must come from Aboriginal and Torres Strait Islander organisations.

**Please note:** You can only submit one application to this closing date of Arts Projects for Organisations.

#### Who can't apply

You can't apply for a grant if:

- you have an overdue grant report
- you owe money to the Australia Council
- you are an individual or group
- you receive funding through the National Performing Arts Partnership Framework
- you will receive multi-year investment via the Four Year Funding program from 2021 to 2024.

#### What can be applied for

We fund a range of activities, for example:

- professional skills development, including mentoring and residencies
- the creation of new work
- practice based research
- creative development
- experimentation
- collaborations
- touring
- festivals
- productions
- exhibitions
- performances
- publishing
- recording
- activities to develop the arts sector
- promotion and marketing
- market development activity
- activities that creatively engage communities.



**What can't be applied for**

You can't apply for the following activity:

- projects or activities that do not involve or benefit Australian practicing artists or arts professionals
- projects or activities that do not have a clearly defined arts component
- projects that have already taken place.

**Assessment panels**

You must choose which peer assessment panel you wish to apply to. The panels are:

- Aboriginal and Torres Strait Islander Arts
- Community Arts and Cultural Development
- Dance
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- Literature
- Multi-art form
- Music
- Theatre
- Visual Arts.

If you are unsure which peer assessment panel to choose, [contact Artists Services](#).

More information on peer assessment [is available here](#).

**Assessment criteria**

You must address three assessment criteria in this category. For some criteria, you will be asked to choose between two or more options.

Under each criterion are bullet points indicating what peers may consider when assessing your application. You do not need to respond to every bullet point listed.

**First criterion**

You must choose one of the following two options:

**Quality of artistic or cultural activities**

Peers will assess the quality of the artistic and cultural activities at the centre of your proposal. They may consider:

- vision, ideas and artistic rationale
- benefit and impact on careers, artistic or cultural practice
- level of innovation, ambition, experimentation or risk-taking
- rigour and clear articulation of creative, engagement or development processes
- significance of the work within area of practice or communities
- contribution to diverse cultural expression
- timeliness and relevance of work
- quality of previous work
- responses to previous work from artistic or cultural peers, or the public.

or

**Quality of services for the arts**

Peers will assess the quality of the services for the arts at the centre of your proposal.

They may consider:

- quality of the services provided
- impact of services for artists, arts professionals, participants or audiences
- diversity and breadth of those benefitting from the services
- capacity-building potential, including a contribution to sustainable arts practice
- skills and professional development opportunities for artists and arts professionals
- breadth and quality of community engagement, partnerships and collaborations
- responsiveness to identified need or demand
- innovation and improvement of operating models and frameworks.

**Second criterion****Viability**

Peers will assess the viability of your proposal.

They may consider:

- capacity to deliver the proposed activities or services
- relevance and timeliness of proposed activity
- skills and ability of artists, arts professionals, collaborators or participants involved, and relevance to activity
- realistic and achievable planning and resource use, including contingency planning
- meaningful evaluation
- appropriate payments to participating artists, arts professionals, collaborators or participants
- the safety and wellbeing of people involved in the project
- governance arrangements



- role of partners or collaborators, including confirmation of involvement
- diversity and scale of income and co-funding, including earned income, grants, sponsorship and in-kind contributions
- adherence to relevant cultural protocols
- evidence of appropriate consultation and engagement with participants, audiences or communities.

#### Third criterion

The third criterion tells us how the outcomes of your proposal meets our strategic goals, as described in our [Corporate Plan](#).

You must choose one of the four options that best reflects the primary outcome of your proposal. Please [contact Artists Services](#) if you are unsure which criterion to select.

Peers will consider how your proposal contributes to the outcome you select. Remember, you do not need to respond to every bullet point listed.

#### Australians are transformed by arts and creativity

This criterion is about Australian audiences and experiences. For example, your project may

- create inspiring artistic and cultural experiences and works
- provide opportunities for communities to come together, celebrate and connect
- provide creative and accessible experiences in unexpected places and ways
- increase and diversify participation in arts and culture, particularly among diverse cultural groups and regional / remote communities
- increase the experience of First Nations arts and culture by Australians
- explore emerging mediums and digital technologies to create, share and experience art, creating connections with new audiences
- demonstrate strong audience development and engagement strategies.

or

#### Our arts reflect us

This criterion is about diversity, access and equity. For example, your project may

- enhance, strengthen and celebrate community and social connections
- address barriers to participating in or experiencing arts and culture
- support artistic and creative work that reflects the diversity of contemporary Australia
- support artists and arts professionals from culturally and linguistically diverse backgrounds, and those in regional and remote Australia, to make work
- supports artists and arts professionals with disability to extend their arts practice, networks or skills
- support First Nations people's artistic and cultural expression
- engage young people in the creation of work.

or

#### First Nations arts and culture are cherished

This criterion is about First Nations self-determination and artistic and cultural expression. For example, your project may

- strengthen and embed First Nations arts and culture within arts and cultural organisations, leadership roles and sectors
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#### Arts and creativity are thriving

This criterion is about creation, capabilities, distribution and reach. For example, your project may

- enable Australian artists to create new works
- enable risk taking, experimentation and freedom of expression in the creation and realisation of new works
- develop the skills and capabilities of artists and arts professionals
- develop sustainable and viable artists careers and arts organisations, including diverse income streams or business models
- support a safe environment and wellbeing for people working in the arts
- enable national or international opportunities for Australian artists and arts professionals
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#### 1. Artistic support material

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#### 2. Biographies and CVs

You can include a brief bio or curriculum vitae (CV) for key artists, personnel or other collaborators involved in your project.

Brief bios or CV information should be presented as a single document no longer than two A4 pages in total.

#### 3. Letters of support

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### Contact

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## 8. REPORTS FROM OFFICERS

### 8.1 Strategic Review of Campbelltown Employment Lands

#### Reporting Officer

Executive Manager Urban Centres  
City Development

#### Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.4 - Retain and expand existing businesses and attract new enterprises to Campbelltown, offering opportunities for a diverse workforce including professional, technology and knowledge based skills and creative capacity

#### Officer's Recommendation

1. That the draft Review of Employment Lands Strategy and background report (attachments 1 and 2) be placed on public exhibition for 28 days.
2. That the outcome of the exhibition be reported back to Council.

#### Purpose

To purpose of this report is to inform the Council of the draft Review of Employment Lands Strategy (draft Strategy) and background report, seek Council's endorsement of the draft strategy and its approval to place the draft Strategy and background report on exhibition for a period of 28 days.

The careful management of our employment lands to provide range of employment opportunities and choices for our community is important. The well-being of our city and our residents is improved when residents are able to work in close proximity to their homes. Currently too many residents are having to commute away from the Campbelltown LGA to work.

The preparation of the draft Strategy (attachment 1) is also required action of the Campbelltown Local Strategic Planning Statement (LSPS) and forms part of the suite of plans required to inform the review of Campbelltown Local Environmental Plan, 2015 (CLEP 2015).

The draft Strategy is intended to provide a more detailed contextual analysis of industrial and employment activities and land availability that can establish an evidence base to support local jobs and productivity.

## History

### Sydney Region Planning Framework

In March 2018, the NSW Government released the Greater Sydney Region Plan, A Metropolis of Three Cities (GSRP), which is built on a vision of three cities where most residents live within 30 minutes of their jobs, education, health facilities and services. The vision identifies three cities known as the Western, Central and Eastern Cities. The vision identifies goals and objectives for the three respective cities.

The GSRP has four key components that are in place to drive the three cities' vision including:

- Infrastructure and collaboration
- Liveability
- Productivity
- Sustainability

Five district plans were prepared to guide the implementation of the GSR Plan. Campbelltown falls under the Western City District Plan (WCDP).

The WCDP identifies a 20 year plan to manage growth and achieve the 40 year vision. Emphasis is also placed on enhancing Greater Sydney's liveability, productivity and sustainability into the future.

Each of the district plans have a number of actions for councils relating to productivity. The WCDP priority W10, for example, is to maximise freight and logistics opportunities and plan and manage industrial and urban services land. The WCDP also includes specific productivity actions including actions to:

- Manage the interfaces of industrial areas, trade gateways and intermodal facilities (action 28)
- Plan for urban development, new centres and employment uses that are integrated with, and optimise opportunities of, the public value and use of the potential north south rail link (action 31)
- Provide a regulatory environment that enables economic opportunities created by changing technologies (action 36)
- Create capacity for tourist accommodation in appropriate locations through local environmental plans (action 38)
- To develop a plan for the Campbelltown Collaboration Area (now completed and called the Campbelltown Macarthur Place Strategy)
- Review the planning controls and create capacity to achieve job targets for the District's metropolitan cluster (action 50)

- Retain and manage industrial and urban services land in line with the principles for managing industrial and urban services land in the identified local government areas (includes Campbelltown) by safeguarding all industrial zoned land from conversion to residential development, including conversion to mixed use zones. In updating local environmental plans, Councils are to conduct a strategic review of industrial land (action 51)
- Plan and manage industrial and urban services land in line with the principles for managing industrial and urban services land by creating additional industrial and urban services land where required in land release areas to service the growing population. In updating planning for release areas, relevant agencies are to conduct a strategic review of industrial land (action 53)
- Consider office development in industrial zones where it does not compromise industrial or urban services land (action 54)
- Facilitate the contemporary adaptation of industrial and warehouse buildings through increased floor to ceiling heights (action 55)
- Provide access to jobs, goods and services in centres by (action 56):
  - a. Attracting significant investment and business activity in strategic centres to provide jobs growth
  - b. Diversifying the range of activities in all centres
  - c. Creating vibrant, safe places and a quality public realm
  - d. Focusing on a human-scale public realm and locally accessible open space
  - e. Balancing the efficient movement of people and goods with supporting the liveability of places on the road network
  - f. Improving the walkability within and to centres
  - g. Completing and improving a safe and connected cycling network to and within centres
  - h. Improving public transport services to all strategic centres
  - i. Conserving and interpreting heritage significance
  - j. Designing parking that can be adapted to future uses
  - k. Providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts
  - l. Creating the conditions for residential development within strategic centres and within walking distance (up to 10 minutes), but not at the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.
- Create new centres in line with the principles for Greater Sydney's centres (action 57)
- Prioritise strategic land use and infrastructure plans for growing centres, particularly those with capacity for additional retail floor space (action 58)
- Encourage opportunities for new smart work hubs (action 59)
- Review current planning controls and create capacity to achieve the job targets for the District's strategic centres (action 60)

The Glenfield to Macarthur Urban Renewal Corridor Strategy (the Corridor Strategy) is also part of the planning framework and relates to the precincts around the railway stations at Glenfield, Macquarie Fields, Ingleburn, Minto, Leumeah, Campbelltown and Macarthur. The Corridor Strategy provides a vision for the future development of these precincts including precinct plans (with the exception of Glenfield where the precinct plan has not been finalised).

The Corridor Strategy includes plans to change the zoning of existing industrial and urban services zoned land on the western side of the railway at Ingleburn, Leumeah and Campbelltown to residential and mixed use land use zones. This element of the precinct plans is considered to be in conflict with the planning priorities and actions for industrial and urban services land in the WCDP as detailed above.

The completion of the draft Strategy provides an evidence base to inform future planning decisions on land affected by this conflict within state policy. This strategy is not the only evidence base to assist, the Reimagining Campbelltown City Centre Master Plan also provides an evidence base for these planning decisions at Campbelltown and Leumeah.

### **Local Strategic Planning Statement**

The LSPS came into effect on 31 March 2020, and provides planning priorities and actions for Council to align with Region and District planning initiatives and feedback from the local community on the future of the City of Campbelltown.

The LSPS contains many actions with links to employment and employment lands. The following specific actions of the LSPS are most relevant:

#### **Action 9.8**

Promote the development and intensification of Campbelltown's existing agglomeration to boost productivity and competitive edge.

#### **Action 11.1**

Undertake an Employment Lands Study to determine future use of industrial lands within the Campbelltown area to generate employment and maximise freight opportunities.

#### **Action 11.7**

Continue to acknowledge the importance of traditional retail, large format retail and specialised retail premises (bulky goods premises), their contribution to the economy and providing local jobs and continue to allow these uses in appropriate locations.

Additionally all of the actions applicable to planning priority 10 of the LSPS – creating strong and vibrant centres are linked to local employment attraction.

The draft Strategy has been prepared in accordance with these action actions of the LSPS and with regards to the higher level strategic planning framework formed by the GSRP, WCDP and the Corridor Strategy.

## **Campbelltown Economic Development Strategy 2020**

The Campbelltown Economic Development Strategy 2020 identifies the key drivers for economic growth in Campbelltown. These fall under four main priority areas:

- Better clustering and connecting businesses to achieve economic benefits
- Intensifying land use to promote a more efficient and productive economy that optimises infrastructure investment
- Increasing local job opportunities by attracting and creating more knowledge and high-skilled jobs
- Building on our education, health and industry strengths to upskill the local resident workforce

There is great alignment between this employment lands strategy and the Campbelltown Economic Development Strategy 2020. The following actions identified in the Economic Development Strategy are in part fulfilled by the Employment Lands Strategy:

- Review and update relevant planning and legislative frameworks to ensure they are responsive to the changing needs of different industries and land uses (eg building heights, setbacks., etc)
- Support business expansion by maintaining an adequate supply of suitably zoned land that can accommodate a variety of uses (eg commercial, industrial, retail)

## **LEP Review - Timeline and Funding**

Council has received funding under the Western Sydney City Deal to conduct an accelerated review of the CLEP 2015.

The preparation of the draft Strategy is required to inform further reviews of the CLEP 2015 by providing:

- An evidence based assessment of employment land needs of Campbelltown's current and future residents
- Guidance on sustainable growth aligned with infrastructure capacity and provision
- Recommendations and actions for employment land in the LGA, and inform the future review of Council's LSPS, LEP and DCP
- Guidance on the application of employment lands related actions from the LSPS
- Identifies policy positions and non-statutory planning actions to optimise the use of current employment lands and plan for future needs

As part of the LEP review funding process, the draft Strategy is required to be approved by Council and referred to the Greater Sydney Commission for finalisation.



## Report

### Introduction

The purpose of the draft Strategy is to inform the future review of the CLEP 2015 and the Campbelltown Local Strategic Planning statement (the CLSPS) by:

- Identifying the key economic and employment issues and trends affecting the LGA in the context of the Western City District
- Providing a strategy for supporting sustainable growth in the LGA that will meet the employment targets for the Western City District
- Confirming the direction of the Corridor Strategy, particularly for the sites located on the western side of the railway corridor (Campbelltown, Leumeah and Ingleburn) that are proposed for mixed use or residential development under the Precinct Plans of the Corridor Strategy

### Method

The strategic directions and actions for employment land were formulated based on:

- A review of the strategic and policy context of Campbelltown including existing legislative framework and strategic plans, such as the GSRP, WCDP, the Corridor Strategy and the Reimagining Campbelltown City Centre Master Plan
- A desktop and on the ground audit of the current composition of employment land in terms of type, distribution and floor space
- Research into the economic and market trends that may influence future growth and configuration of employment lands
- Economic modelling to determine the demand for future employment land to meet the population and employment growth projections
- A strategic review and formulation of recommendations in relation to implementation, location and the need for future employment land
- A review of the CLEP2015 and the Campbelltown (Sustainable City) Development Control Plan 2015 (the SCDCP) to determine provisions that may require alteration or amendments
- Previous engagement and targeted stakeholder engagement with businesses, industry, real estate agents and internal council stakeholders

### Guiding principles

There are several factors/elements that contribute to the suitability of land that should be considered when analysing/determining future employment land and use requirements. The following have been used to guide the development of the strategic directions and actions:

1. People – diverse opportunities for employment and learning
2. Land – adequate, appropriate and long term supply of land
3. Built form – appropriate space that meets current and future business needs

4. Infrastructure – that is aligned with current need and future growth
5. Economic – a sustainable and productive long-term local economy
6. Place – attractive place of employment

### **Key audit and modelling findings**

For the purpose of the draft ELS, employment land within Campbelltown LGA has been categorised into the following

#### **1. Business Centres**

This includes all lands within Campbelltown that have the following zoning:

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use

#### **2. Employment Precincts**

This includes all lands within Campbelltown that have the following zoning:

- IN1 General Industrial
- IN2 Light Industrial
- B5 Business Development
- B7 Business Park

A summary of the main findings for each category is summarised below:

#### **Business Centres (B1, B2, B3 and B4 zoned land)**

- In 2019, there were 39 business centres distributed across the LGA. The area of the business centres combined was over 260 hectares and they accommodated around 875,000sqm of floor space. Of this floor space, 57 percent was occupied retail and commercial space (incl. education), 128,508sqm or 14 percent was residential related and 60,432sqm or seven percent was vacant/storage.
- The Campbelltown LGA business centres generate employment opportunities for around 24,770 people across various industries. Retail and public administration were the largest contributors to jobs.
- The demand modelling indicated demand for between 430,000sqm to 470,000sqm by 2041. Generally, most centres have the capacity to accommodate this projected future growth if redevelopment was to occur in line with planning controls. In some instances, a minimum non-residential FSR could be applied to secure and protect future commercial floor space.

- The centres of Macquarie Fields, Glenfield, and Mount Gilead do not have enough capacity to accommodate future growth expectations. Either an expansion of the existing centres or creation of a new centre is required at these locations.

**Employment Precincts (IN1, IN2, B5 and B7 zoned land):**

- In 2019, there were nine employment precincts located within Campbelltown LGA. Combined these precincts provided around 772 hectares of appropriately zoned employment land, of which, around 680 hectares or 88 percent was developed while around 90 hectares or 12 percent was undeveloped.
- The precincts contained 2.9 million sqm of floor space, of which Ingleburn was the largest containing over 1.5 million sqm of floor space.
- The largest job and floor space industries were manufacturing and transport, postal and logistics.
- The demand modelling indicated between 28,000 to 38,000 jobs would be required to meet the population projections. This would generate a need for an additional 928,000 to 1.8 million sqm of floor space in employment precincts by 2041 or a need for between 206 hectares and 355 hectares of appropriately zoned land.

**Strategic directions and actions**

Five strategic directions have been developed to guide development and growth of employment land into the future. These include:

1. Improve the utilisation and appeal of existing employment lands
2. Secure a sustainable long term supply of appropriate employment lands
3. Promote an attractive investment environment
4. Deliver a diversity of jobs that provide options for employment within the local area
5. Manage development to respect the function and role of centres and employment precincts

**Business centre strategies**

1. Establish and reinforce a clear centre hierarchy across the LGA
2. Prioritise the growth and renewal of Campbelltown-Macarthur metropolitan cluster
3. Enhance the vibrancy and integration of local centres
4. Renew neighbourhood centres to attract new business, improve safety and enhance the sense of place
5. Seek to provide clearer direction for B1 neighbourhood centres adjoining education uses
6. Support the renewal of transit oriented local centres to work towards achieving the vision of the Glenfield to Macarthur Urban Renewal Corridor Strategy

**Employment precinct strategies**

1. Promote the competitive advantages of Campbelltown LGA
2. Protect the role and function of employment precincts
3. Increase the capacity of existing employment precincts by altering planning controls
4. Revisit uses and intent of the B7 Business Park
5. Deliver a sustainable pipeline of land for employment precincts
6. Encourage agglomeration and clustering
7. Facilitate greater collaboration and alliances between industry and businesses
8. Deliver better places of employment
9. Retain employment precincts along the Glenfield to Macarthur Urban Renewal Corridor at Ingleburn and Minto
10. Explore synergies with the local TAFE and Universities to develop training and education programs that are targeted to local industries.

**Addressing the shortage of employment land**

The following main three strategies have been recommended to address the shortage of between 206 to 355 hectares of employment land:

**1. Deliver a sustainable pipeline of land for employment precincts**

The study found that there is a need for between 206 hectares and 355 hectares of employment land to serve the future population requirements. This would be distributed across industrial and business development zones with the greatest demand being for industrial zoning.

There is currently insufficient land available to accommodate future employment precinct demand. While enhanced utilisation of employment precincts can occur (see Strategy 2.7.3), delivering a pipeline of greenfield employment precincts is required to reduce the risk of inflating rents and land values, and to be able to continue providing jobs and economic productivity within the LGA.

A review of the Greater Macarthur Structure Plan 2040 (land release areas) does not highlight any additional opportunities for future employment land, despite significant residential development proposed to occur in this area. Ideally, to encourage jobs close to homes, some provision of B5 Business Development Land, IN2 Light Industry and IN1 General Industry should be accommodated within future growth areas. As a result, the following actions are recommended:

**Action:** Advise State Government of the findings of this study and the anticipated shortage of land for employment precincts. Request that they consider opportunities for employment precincts during any future Greater Macarthur structure plan amendments.

**Action:** As a priority, investigate 'urban capable' land (see Figure 6) in South Campbelltown to accommodate a diversity of industrial, urban service and specialised retail land. Locations closer to the Hume Highway are the most appropriate for employment precincts.

## **2. Increase the capacity of existing employment precincts**

More flexible planning controls could be considered to increase density and allow greater floor space and redevelopment outcomes. A review of surrounding industrial areas at Prestons, Moorebank/Chipping Norton and Wetherill Park have shown higher height limits between 15m and 30m, or no height limit. FSRs are generally not imposed. This potentially puts Campbelltown industrial lands at a disadvantage, limiting the ability for businesses with larger built form requirements to locate in Campbelltown. Industry consultation identified several controls that could be revisited to enhance the utilisation of employment precincts. This included amending the current building height, reviewing the setbacks and reviewing car parking controls. The LEP review planning proposal, supported by Council, already proposes to increase the maximum height of buildings for the IN1 general industrial and IN2 light industrial zones from the current height limit of 12m to 19m. This was based on a general comparison of height limits in neighbouring Council. The draft Strategy recommends Council:

- Action 1:** Consider removing building height controls from the industrial precinct and protecting the character and sightlines through specific provisions in the SCDCP. This would enable new forms of industrial development, such as multi-storey and high-bay warehousing, and design solutions to be achieved.
- Action 2:** Consider amending the SCDCP to add greater flexibility around parking rates by applying a merit-based assessment rather than hypothetical future uses assessment. Strict numerical controls (eg one space per 300sqm of warehouse) should be set aside in favour of an assessment of average staff and visitor requirements of similar types of development. This information could be provided as part of a development specific traffic impact assessment.
- Action 3:** Consider numerical controls relating to setbacks which should be reviewed to encourage:
- Small setbacks that provide meaningful landscaping that contributes to the urban canopy
  - Pedestrian access and amenity, particularly in areas close to train stations such as Minto, Campbelltown, Leumeah and Ingleburn.

## **3. Retain/Protect employment precincts along the Glenfield to Macarthur Urban Renewal Corridor at Ingleburn, Minto and Campbelltown**

The employment precincts around the train stations are identified in the Corridor Strategy for higher-order business, and in some instances, residential uses. At present, the employment precincts are high functioning industrial areas with increasing demand. While higher-order uses (such as residential and business) may be desirable around the rail stations in the longer term, the demand modelling suggests that the current centres offer sufficient residential supply and expansion opportunity to 2041 to accommodate projected growth without encroaching on the industrial land.

Retaining the current industrial zoned land would enable the continued utilisation and economic productivity of the employment precincts. In the case of Campbelltown this approach is consistent with the Reimagining Campbelltown City Centre Master Plan which recommends the area west of Campbelltown Station only be considered for residential uses in the long term.

Retaining the current industrial zoned land would enable the continued utilisation and economic productivity of the employment precincts.

The draft Campbelltown Local Housing Strategy has found that there is more than sufficient capacity to meet the demand for housing targets to 2041 within Campbelltown and Ingleburn CBDs without the need to rezone any of the land on the western side of the railway corridor for residential mixed uses purposes, as recommended by State Government Corridor Strategy.

Retaining the current industrial zonings is also consistent with the WCDP.

Given the above, the study recommends the following Actions:

**Action 1:** Any changes to the land use zoning for the centres of Macquarie Fields, Minto, Ingleburn and Campbelltown should be focussed on the eastern side of the rail line. Employment Land on the western side of the rail line at these locations should be protected until there are constraints on supply on the eastern side of the railway. A future review of these areas can be undertaken once the centres are more established, and a future employment land review is conducted.

### **Future role and function of Deferred Matter Land**

The land immediately to the north of Campbelltown CBD (page 30 of attachment 2) is a Deferred Matter, currently zoned 4(b) Industrial under the former Campbelltown (Urban Areas) Local Environmental Plan 2002 (CLEP 2002) and has been proposed to be rezoned to IN1 Light Industrial Zone, which as far as possible is a 'like for like' change as part of the LEP Review Planning Proposal supported by Council.

It is important that Council establish a clear planning direction for this location for the short and medium terms.

The Draft Reimagining Campbelltown City Centre Master Plan suggests that this land could serve as a Tech and City Innovation precinct centred on the Bow Bowling Creek amenity spine. This area is well located in proximity to the Campbelltown railway station and the health and education precinct and could provide a high amenity commercial outcome for businesses or a mixed zone outcome that enables both a business park and an extension of the existing Blaxland Road large format retail precinct.

The underlying objective for the area would be to provide an outcome that enables the delivery of uses that would complement the renewal and enhancement of Campbelltown City Centre to the east of the rail line.

As part of this study, the following options are presented to Council for consideration.

### **Option 1: High Amenity Business Tech Park**

A B7 business park zone would enable the site to be transitioned and deliver commercial employment uses in a high amenity environment. This zone would be complementary to the Campbelltown City Centre, not competing with it, and would enable a mix of uses including business and office premises, light industries and small bars and pubs.

Specialised retail and residential are not permissible in this zone.

Notably, there is a risk that a B7 business park zone could detract from potential office space being delivered in the city centre, as there is insufficient identified demand in the shorter term for both sides to deliver office space.

A mix of uses which included light industries would provide for a more sustainable outcome for the medium term.

### **Option 2: Extension of Large Format Retail**

Blaxland Road is located immediately to the north-east of the identified land and is zoned B5 business development. Considering the substantial population growth anticipated in the LGA, there will be further demand for additional large format retail.

The land would become a natural extension of the existing Blaxland Road precinct and could provide a mix of warehouse uses, specialised large format retail and light industries. This zone would prevent office premises and residential development being delivered.

### **Option 3: Light industrial function**

As part of the recent Campbelltown LEP review, lands that were not subject to the statutory zoning provisions of CLEP 2015 (deferred matter lands – still operating under the zoning provisions of CLEP 2002), were identified, and in the case of this precinct the applicable CLEP 2002 zoning provisions translated to the respective zoning provisions of the recent review of CLEP 2015.

The translation of the zoning provisions of these lands from CLEP 2002 to the current planning instrument (CLEP 2015) has been done on a best fit basis, using the zone most similar to the current planning rules applying to the site (consistent with the basis on which all Councils were required to transfer to Standard Instrument LEP's).

As this land is within the 4(b) Industrial zone under CLEP 2002, the best fit for this land in the CLEP 2015 is the IN2 light industrial zone. Unfortunately the timing of the LEP review process meant that the findings of the Reimagining Campbelltown City Master Plan were unable to be taken into account in the Planning Proposal associated with that review.

While there is considerable demand for industrial land in the LGA, an industrial use for the site would not be consistent with the direction set out in the draft Reimagining Campbelltown City Centre Master Plan. However, the proposed zone would assist in addressing the current shortage of industrial land in the LGA.

### **Comments**

Notably the draft strategy does not recommend residential nor office uses within this precinct, so as not to detract from the importance of the Campbelltown City Centre.

The protection of industrial and urban services land within Campbelltown LGA is essential to achieve local jobs and attract innovative industries and achieve the Reimagining Campbelltown City Centre Master Plan vision for the City.

All of the above three options will maintain and encourage local jobs. The draft Strategy attached to this report recommends Council adopt Option 1.

## **Public Exhibition**

It is proposed to publicly exhibit the draft ELS for comment for a period of 28 days.

Any comments received during the community consultation period will be considered in the final review of the draft Strategy by Council. In this respect the final version of the draft Strategy will be reported back to Council seeking its approval, including any amendments undertaken to address issues raised during the public exhibition period.

It should be noted that community consultation will be centred around having information available for viewing on Council's website with limited physical engagement to address Government Policy on social distancing requirements due to the COVID-19 pandemic. Details of the exhibition will be sent to the Ingleburn Business Chamber and the Campbelltown Chamber of Commerce, as well as to the proponents of planning proposals that relate to employment lands currently under consideration by Council. It is also proposed to write to the owners of all land in the business and industrial zones.

## **Financial implications and the need for an independent Consultant**

The preparation of the draft Strategy has been funded by the NSW State Government as part of the funding scheme for the LEP review process.

The preparation and analysis undertaken as part of the draft Strategy required input from economic experts and the use of advanced economic modelling software and tools, which are not readily available within Council.

In addition to the above, having a draft Strategy prepared by independent economic and planning experts will have more credibility with the community, stakeholders and the State Government. This is important when presenting justification to the Department of Planning, Infrastructure and Environment reconciling the differences between the WCDP and the Corridor Strategy in relation to the future zoning of industrial land particularly in Campbelltown Centre where Council is also a landowner.

Given the above, it was warranted that this study be prepared by an independent consultant and not by internal staff.

## **Conclusion**

The careful management of our employment lands to provide range of employment opportunities and choices for our community is important. The well-being of our city and our residents is improved when residents are able to work in close proximity to their homes. Currently too many residents are having to commute away from the Campbelltown LGA to work. The draft employment lands strategy and background report summarise research done into our employment lands and identify strategies to enhance their future productivity and employment generation.

The draft Strategy has found that the LGA has sufficient floor space within our business centres to cater for the coming 20 years. However it has also identified that there is likely to be a shortage of between 206 to 355 hectares of industrial land.

As such it is critical to protect the scarce employment land that we currently have and investigate opportunities for additional employment land within the new release areas and in particular in the southern parts of the LGA.



The draft Strategy also identifies other actions which Council should consider in order to building on Campbelltown's existing strengths, to ensure our employment lands are attractive to investors and ensure they have high amenity.

It is recommended that Council place the draft Strategy and background report on public exhibition for 28 days so that focussed comments from the community can be obtained.

### **Attachments**

1. Campbelltown Strategic review of employment land - Strategy (due to size) (distributed under separate cover)
2. Campbelltown Strategic Review of Employment Land Background Report (due to size) (distributed under separate cover)

## **8.2 Submissions Report Planning Proposal - Rezone land at 26 Mercedes Road, Ingleburn for R2 Low Density Residential Purposes**

### **Reporting Officer**

Executive Manager Urban Release and Engagement  
City Development

### **Community Strategic Plan**

<b>Objective</b>	<b>Strategy</b>
1 Outcome One: A Vibrant, Liveable City	1.8 - Enable a range of housing choices to support different lifestyles

### **Officer's Recommendation**

1. That Council forward the Planning Proposal at attachment 2, to rezone Property No. 26 Mercedes Road from E4 Environmental Living to R2 Low Density Residential to the Minister for Planning Public Spaces and request the amendment to Campbelltown Local Environmental Plan 2015 be made.
2. That subject to recommendation 1 Council not exercise, via the General Manager the functions of the Minister for Planning under section 3.31(3)(b) of the *Environmental Planning and Assessment Act 1979*, pursuant to the Instrument of Delegation dated 14 October, 2012 due to an un-resolved objection from Heritage NSW concerning the undertaking of a historic archaeological assessment.
3. That Heritage NSW be thanked for their submission and be advised of Council's decision.
4. That the owner be advised of Council's decision.

### **Executive Summary**

- The Planning Proposal to rezone Property No. 26 Mercedes Road, Ingleburn from E4 Environmental Living to R2 Low Density Residential was publically exhibited from 9 June 2020 to 3 July 2020.
- One submission was received from Heritage NSW in relation to the Local heritage Item No 169, "Stone cottage and bushland setting" of Council's Campbelltown Local Environmental Plan 2015 (CLEP 2015), which is located on Property No. 26 Mercedes Road, Ingleburn. The submission recommends that a historic archaeological assessment be undertaken as part of the planning proposal, to inform any future development applications on the site.

- This report recommends that a historic archaeological assessment could be undertaken as part of a future development application for subdivision. This would ensure the cost of undertaking this work is met by the developer, rather than the current land owner, who resides on the lot.
- Therefore, due to the unresolved submission issue raised by Heritage NSW, it is recommended that Council not exercise its plan making delegation, adopt the exhibited Planning Proposal and request that the Minister for Planning Public Spaces (the Minister) finalise the plan.

## **Purpose**

To provide Council with details of a submission received from Heritage NSW in response to the public exhibition of the Planning Proposal for Property No.26 Mercedes Road, Ingleburn. Notwithstanding the submission, this report recommends that Council adopt the Planning Proposal and forward it to the Minister for finalisation.

## **History**

Council resolved at its Ordinary Meeting of 11 September 2018, in part, to seek a Gateway Determination for a Council initiated Planning Proposal to rezone Property No. 26 Mercedes Road, Ingleburn and 39 Lagonda Drive, Ingleburn from E4 Environmental Living to R2 Low Density Residential in a manner consistent with the rezoning of the nearby Caledonia Precinct. At its Ordinary Meeting of 8 October 2019, Council resolved to seek an amended Gateway Determination to progress the rezoning of Property No.26 Mercedes Road and to defer consideration of 39 Lagonda Drive due to inconsistency with the original Gateway Determination.

In accordance with the amended Gateway Determination, the Planning Proposal and associated documentation was publicly exhibited from 9 June 2020 to 3 July 2020.

Exhibition of the Planning Proposal was notified on Council's Have Your Say webpage due to the indefinite closure of local newspaper publications, consistent with the Environmental Planning and Assessment (Public Exhibition) Regulation 2020 which, commenced on 17 April 2020.

## **Report**

This report summarises a State agency submission received in response to public exhibition and recommends the Planning Proposal be adopted.

## **Consultation**

One government agency submission was received from Heritage NSW on behalf of the Heritage Council of NSW in relation to Local heritage Item No 169, "Stone cottage and bushland setting" of Council's CLEP 2015, which is located on Property No. 26 Mercedes Road, Ingleburn.

The submission outlines that the heritage item is of high historic archaeological sensitivity (potential), and recommends that an historic archaeological assessment be undertaken to inform any future development applications on the site. In areas of predicted archaeological relics, a research design and permit application under the *Heritage Act 1977* would need to be prepared and an archaeological investigation undertaken.

In relation to the potential for Aboriginal cultural heritage, the submission also recommends that the Planning Proposal be referred to Greater Sydney Region Planning Unit at the Department of Planning, Industry and Environment for comment.

**Response:** The Aboriginal Heritage investigations undertaken as part of the wider Caledonia Precinct rezoning did not identify any Aboriginal object or places in the Precinct, including the subject land, and concluded the precinct had low to moderate sensitivity.

Rather than further investigate this matter as part of the Planning Proposal, it is recommended that an historic archaeological assessment could be undertaken at the development application stage, and any permits required under the *Heritage Act 1977*, required as a condition of development consent which is the practice applied in existing land release precincts.

### **Statutory Considerations**

As part of the Gateway Authorisation, Council was granted delegated authority to request the making of the LEP amendment. Section 3.34 of the EP&A Act allows the Minister and the Secretary to delegate functions to a council and/or an officer or employee of a council. Under Section 3.36(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Minister has delegated the plan making powers with respect to the Planning Proposal to Council.

The Department's Planning Circular (PS 18-013) in relation to the Delegation of plan making decisions advises that Council's must comply with any conditions of the Gateway determination before exercising the plan making function. This includes obtaining the agreement of the Department's Secretary for any unresolved Section 9.1 Directions. If a condition of Gateway Determination cannot be complied with, Council must not exercise the plan making function and must advise the Department.

In this regard, the submission/objection from Heritage NSW remains outstanding, as it is considered the Aboriginal Cultural Heritage Investigation could be undertaken at the development application stage, rather than part of the Planning Proposal. Accordingly, it is recommended that Council not exercise its delegation in this instance and refer the matter to the Department of Planning and Environment for its determination.

### **Conclusion**

The Planning Proposal to rezone Property No. 26 Mercedes Road, Ingleburn from E4 Environmental Living to R2 Low Density Residential with a 500sqm minimum lot size has been subject to public exhibition in accordance with the Gateway Determination.

On the grounds that previous investigations did not identify any Aboriginal object or places in the wider Caledonia Precinct, it is considered that an Aboriginal Cultural Heritage Investigation could be undertaken as part of a future development application for subdivision. This would ensure the cost of undertaking this work is met by the developer, rather than the current land owner, who resides on the lot.

Due to the unresolved submission issue raised by Heritage NSW, it is recommended that Council not exercise its plan making delegation, adopt the exhibited Planning Proposal and request that the Minister finalise the plan.

**Attachments**

1. Heritage NSW Communication (contained within this report)
2. 26 Mercedes Road, Ingleburn Planning Proposal (distributed under separate cover)

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**From:** Rochelle Johnston <Rochelle.Johnston@environment.nsw.gov.au>  
**Sent:** Thursday, 25 June 2020 5:52 PM  
**To:** Council  
**Cc:** OEH HD Divisional Coordination Mailbox; James Sellwood  
**Subject:** A reply to your correspondence to the Heritage NSW – DOC20/467990 – Planning Proposal – 26 Mercedes Road, Ingleburn

Dear Mr Rayner

Thank you for your letter about a Planning Proposal to rezone 26 Mercedes Road, Ingleburn from E4 Environmental Living to R2 Low Density Residential. It is understood this will align with the adjoining Caledonia Precinct that was rezoned in February 2019.

The planning proposal will not have a direct physical or visual impact on any heritage items listed on the State Heritage Register however, it is noted that the proposal is adjacent to a Local heritage item, 'Stone cottage and bushland setting' (I69), listed under *Campbelltown Local Environmental Plan 2015*.

The planning proposal states that the adjacent 'Stone cottage and bushland setting' has been identified as having 'high historic archaeological sensitivity (potential)'. However, it is unclear from the planning proposal if a historic archaeological assessment has been carried out on the subject site. If this has not yet occurred, it is recommended that a historic archaeological assessment be undertaken to inform any development applications on the subject site. In areas of predicted archaeological relics, a research design and permit application under the *Heritage Act 1977* would need to be prepared and an archaeological investigation undertaken.

In relation to the potential for Aboriginal cultural heritage on the subject site, I would suggest referring the planning proposal to the Greater Sydney Region Planning Unit at the Department of Planning, Industry and Environment for comment as soon as possible. This can be done via email to [rog.gsrplanning@environment.nsw.gov.au](mailto:rog.gsrplanning@environment.nsw.gov.au).

Please note, future planning proposal correspondence and referrals for Heritage NSW can be sent via email to [HeritageMailbox@environment.nsw.gov.au](mailto:HeritageMailbox@environment.nsw.gov.au).

If you have any further questions about this issue, please contact James Sellwood, Senior Heritage Programs Officer, Statewide Programs at Heritage NSW, Department of Premier and Cabinet by phone on 02 9274 6354 or via email at [james.sellwood@environment.nsw.gov.au](mailto:james.sellwood@environment.nsw.gov.au).

Yours sincerely

Rochelle Johnston

As delegate of the Heritage Council of NSW

**Rochelle Johnston | Manager Statewide Programs, Heritage Operations**

Heritage NSW, Community Engagement, Department of Premier and Cabinet

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**Premier  
& Cabinet**

### 8.3 Development Application Status

#### Reporting Officer

Director City Development  
City Development

#### Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.8 - Enable a range of housing choices to support different lifestyles

#### Officer's Recommendation

That the information be noted.

#### Purpose

To advise Council of the status of development applications within the City Development Division.

#### Report

In accordance with the resolution of the Council meeting held 13 March 2018, that:

Councillors be provided with monthly information detailing the status of each report considered by the (IHAP), now known as the Local Planning Panel (LPP), South Western City Planning Panel and approved by the General Manager under delegation of a value of more than \$1m, the attachment to this report provides this information as requested.

#### Attachments

1. List showing status of Development Applications (contained within this report)

Development Application Register

DAs to be considered by the Sydney Western City Planning Panel						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
389/2017/DA-RA	'Raith' 74 Fern Avenue, Campbelltown	Construction of a residential development containing 134 residences and alterations to and use of the existing heritage building.	\$26,000,000	>20 million (registered prior to \$30mil threshold)	Under assessment	
308/2019/DA-C	22-32 Queen Street, Campbelltown	Concept plan for a proposed multi-storey mixed use residential and commercial development	\$132,572,272	>\$30 million capital investment value	Electronic determination scheduled	
1227/2019/DA-M	12-16 Francis Street and 121 Minto Road, Minto	Demolition of four existing dwellings and construction of 23 'affordable rental housing' townhouses and basement car parking	\$7,995,408	>\$5 million capital investment value for affordable rental housing	Waiting on information from applicant	
434/2020/DA-C	158 Queen Street Campbelltown	Amalgamation of two allotments, demolition of structures and construction of an 11 storey building comprising of a 2 storey RSL club with 152 hotel rooms above	\$50,056,894	>\$30 million capital investment value	Under assessment	
4204/2016/DA-RA/B	6-12 Dumaresq Street Campbelltown	Modification of a development consent to construct a multi-storey mixed use building	N/A	>\$30 million capital investment value	Returned to Council for assessment / determination	
4609/2018/DA-SW	Appin Road, Gilead	Staged subdivision to create 424 residential lots, 20 residue lots and associated civil works	\$33,446,465	>\$30 million capital investment value	Under assessment	



## Development Application Register

DAs to be considered by the Sydney Western City Planning Panel						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
2255/2018/DA-C	Western Sydney University, 183 Narellan Road, Campbelltown	Construction and operation of the Campbelltown Sports and Health Centre of Excellence including a two storey building, 120 on-site parking spaces, new driveways and landscaping works	\$29,214,249	>\$5 million capital investment value Council application	Under assessment	
906/2020/DA-SW	Gidley Crescent, Claymore	Subdivision to create 179 residential lots two residual lots including associated works - Stage 4	\$13,940,148	>\$5 million capital investment value Crown development	Under assessment	

DAs to be considered by the Department of Planning						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
SSD 17_8593	16 Kerr Road, Ingleburn	Expansion of existing waste recovery and reuse facility, extension of operating hours to 24 hours per day	\$1,813,000	State Significant Development	Under assessment	
SSD-9476	Commissioners Drive, Denham Court	Construction and operation of a new public primary school	Unavailable	State Significant Development	Under assessment	
SSD-10420	6A Watsford Road, Campbelltown	Construction and operation of a new school	Unavailable	State Significant Development	Completed	Conditional approval issued on 12 August 2020

### Development Application Register

DAs to be considered by the Local Planning Panel						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
743/2018/DA-SW	901 & 913 Appin Road, Campbelltown	Subdivision into 333 residential allotments, 5 residue allotments with associated civil works including road construction, stormwater management facilities & tree removal Stage 1	\$19,072,587	Number of objections, VPA	Under assessment	
3493/2017/DA-RS	Lot 1 Linum and Lot 143 Lantana Streets, Macquarie Fields	Construction of 12 two storey dwellings and subdivision into 12 Torrens title allotments	\$3,200,000	Council land	Awaiting further information from applicant	
4618/2018/DA-C	4 Stranraer Drive, St Andrews	Use of building as an outside school hours child care facility	\$165,000	Council land	Reported to April 2020 LPP meeting. Deferred for further information.	

DAs with a stated value of \$1 million or more approved under Delegated Authority by the General Manager since last Council meeting						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
2811/2018/DA-C	26 – 28 Burrunjuck Street, Leumeah	Demolition of existing structures and construction of a 74 place centre based child care facility including car parking, landscaping, stormwater works and lot consolidation	\$1,488,622	Delegated	Completed	Approved with conditions

**Development Application Register**

<b>DAs with a stated value of \$1 million or more approved under Delegated Authority by the General Manager since last Council meeting</b>						
<b>DA No.</b>	<b>Address</b>	<b>Description</b>	<b>Value</b>	<b>Authority Criteria</b>	<b>Status</b>	<b>Determination</b>
2961/2019/DA-C	St Patrick's College 4 St Johns Road, Campbelltown	Construction of alterations and additions to facilitate additional car parking, new pedestrian entries, drop area and associated landscaping works	\$1,527,100	Delegated	Completed	Approved with conditions
2393/2018/DA-CW	Menangle Road, Menangle Park	Civil works and associated landscaping to deliver the Hill Top and Linear Parks, across four stages at Menangle Park	\$3,226,103	Delegated	Completed	Approved with conditions
1599/2020/DA-DW	73 Bruce Ferguson Avenue, Bardia	Construction of a two storey dwelling, attached garage and associated site and landscape works	\$1,530,000	Delegated	Completed	Approved with conditions
4149/2018/DA-I	89A Williamson Road, Ingleburn	Construction of an industrial unit complex containing seven units and use of two units	\$3,963,699	Delegated	Completed	Approved with conditions
2064/2019/DA-RS	18 – 20 High Street, Campbelltown	Demolition of two existing dwellings, construction of a multi dwelling housing development comprising of five dwellings, associated site works and subdivision into five Torrens titled lots	\$1,586,550	Delegated	Completed	Approved with conditions
3351/2018/DA-SW	102 Amundsen Street, Leumeah	Subdivision into 38 Torrens title allotments	\$1,331,000	Delegated	Completed	Approved with conditions

## 8.4 Review of Infrastructure Contributions in NSW

### Reporting Officer

Executive Manager Urban Release and Engagement  
City Development

### Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.1 - Provide opportunities for our community to be engaged in decision making processes and to access information

### Officer's Recommendation

That Council endorse a formal submission to the NSW Productivity Commissioner's Issues Paper titled Review of Infrastructure Contributions in New South Wales with matters contained in this report and response to pre-formatted discussion questions as provided in attachment 2.

### Purpose

The purpose of this report is to provide Council a summary of key issues arising from the Productivity Commissioner's Issues Paper titled Review of Infrastructure Contributions in New South Wales and to seek an endorsement for a submission to be made to the Productivity Commission.

### History

On 15 April 2015, the Minister for Planning and Public Spaces appointed the Productivity Commissioner to undertake a comprehensive review of the infrastructure contributions system in NSW. The Terms of Reference (attachment 1) include, but more importantly go beyond, contributions under Part 7 of the *Environmental Planning and Assessment Act 1979*.

The principle aim of the review is to:

- (a) Review the infrastructure contributions system to determine whether it meets the objectives of certainty and efficiency while delivering public infrastructure required to support development
- (b) Make recommendations for reform aimed at delivering a principles-based system that delivers the infrastructure required to accompany growth and
- (c) Identify legislative and regulatory changes necessary to implement the proposed reforms.

During May and June 2020, the Commissioner heard from peak stakeholder groups and developed an Issues Paper designed to support community feedback on a variety of issues raised and to ask questions that will inform broad reform directions. Stakeholders were invited to make a submission by 5 August 2020. To achieve this deadline, an informal submission has been made as per attachment 2 that addresses the discussion questions only. Upon council endorsement of this report, a further formal submission may be lodged.

The Issues Paper is to be followed by a series of stakeholder roundtables to enable further discussion of the issues and feedback on potential reform options. The combination of public submissions and stakeholder roundtables will be used to inform and refine the design of a shortlist of reform options. These will be contained in a Final Report planned for release at the end of 2020 to be issued to the Minister for Planning and Public Spaces.

## **Report**

This report addresses various issues and recommended responses to matters outlined in the NSW Productivity Commission Issues Paper “Review of Infrastructure Contributions in New South Wales”. It is recommended that the issues outlined below be incorporated into a formal submission that also includes a response to pre-formed discussion questions as provided in attachment 2.

### **1. Ensure secure and sustainable funding for essential infrastructure**

Concern is raised in relation to the current definition of Essential Works, which precludes community facility buildings such as libraries, multi-purpose centres, indoor recreation centres and aquatic centres. Any contributions plan that seeks contributions above the cap, such as Menangle Park, can only include the land component for the above facilities, not the building itself.

#### **Recommend:**

That if some form of Essential Works List is retained in future:

- a) There should be a clear and stated policy basis for what is considered essential and what is not
- b) It should have regard to benchmarks for the amount and type of infrastructure required to support growth
- c) Items on list should be clearly defined and the scope of works covered by each item be clarified
- d) The infrastructure requirements of infill development should be recognised
- e) Where items are excluded, alternate funding sources (such as grants or SIC contributions) should be identified.

## **2. Improve Council's capacity to secure land at a lower cost**

The cost of acquiring land for local infrastructure is significant and, in some cases, exceeds half the total cost of infrastructure in Greenfield precinct contributions plans. The risk of price escalation beyond the indexes and processes that councils can apply, is also a significant risk, with funding shortfalls either delaying delivery or requiring councils to source other forms of revenue.

### **Recommend:**

That councils are supported to build capacity to secure land at a lower cost. This could be achieved by the NSW Government taking a more active role in supporting councils to acquire land early, before land values rise as a result of development. This could include an expanded role for the Office of Strategic Lands or the NSW Treasury.

## **3. Encourage sustainable borrowing for essential infrastructure**

The Issues Paper asks whether earlier land acquisition could be funded by pooling of contributions, or borrowings. Councils in the Western Sydney Planning Partnership support borrowing between contributions accounts (pooling of contributions) for purchasing land, however, they often don't have the funds to do so.

The use of borrowing is constrained by existing key performance indicators that can impact on the councils 'fit for future' standing.

### **Recommend:**

That the NSW Government encourage sustainable council borrowing for essential infrastructure to support new growth. This could include:

- a) Clarifying or recommending amendments to key indicators that can impact on a councils' fit for future standing
- b) Confirming that contributions plans can include the interest cost associated with any borrowings for infrastructure in the plan
- c) Government underwriting the risk in repaying borrowings, due to uncertainty associated with recoupment of development contributions.

## **4. Review/Refine IPART's role in the assessment of Contributions Plans**

For the past decade, the Independent Pricing and Regulatory Tribunal (IPART) has been required to review certain contributions plans that propose residential contributions over a threshold amount. The current review arrangements are considered problematic for a number of reasons and have led to:

- Uncertainty for councils and developers
- Additional costs to councils (preparing applications and responding to IPART requests)
- Reliance on other funding sources
- Geographic distortions
- Delays in approving development

**Recommend:**

That the Commissioner review whether the continued use of an independent review remains valid and whether IPART remains the appropriate review provider. If an independent review is maintained in the new system of developer contributions, it is recommended that:

- a) Existing review thresholds are replaced with suitable thresholds for each infrastructure category and are based on works-only (ie excluding land)
- b) All authorities involved in the review process be held to set timeframes.
- c) the Minister's delegate be required to provide an explanation of why any independent recommendation is not supported
- d) The Department of Planning, Infrastructure and Environment commit to updating policy or relevant guidance material to address issues identified through the independent review process

**5. Clarify responsibilities for funding and delivering stormwater management infrastructure**

Stormwater management infrastructure is currently provided via various funding arrangements, with differing arrangements existing within the Western Parkland City Councils. In addition to creating confusion, these funding arrangements may be considered inequitable. In areas where contributions are levied under section 7.11, the stormwater component may tip residential contributions over the relevant IPART review threshold, which in turn triggers the application of an essential works list. This means that plans for these areas cannot include community facilities and these must instead be funded through council's general revenue or government grants.

**Recommend:**

That further work is done to clarify responsibilities for providing and funding stormwater management infrastructure, whilst ensuring that systems built are capable of maintaining performance and remain efficient for councils to maintain.

**6. Review the appropriate percentage for section 7.12 contributions**

Section 7.12 contributions operate as 'flat rate levies', meaning that they are charged as a percentage of the proposed development cost. The Environmental Planning and Assessment Regulation 2000 sets one percent as the standard highest maximum percentage which councils can levy under a section 7.12 development contributions plan. The one percent maximum was imposed when these levies were initially incorporated in the *Environmental Planning and Assessment Act 1979* (EP&A Act) in 2006 and the one percent was based on an equivalent system operated by the City of Sydney at the time.

Although there have been localised variations to this maximum, at no stage has the appropriate-ness of the one percent levy been reviewed against changing costs and community expectations regarding the provision of infrastructure.

**Recommend:**

That the Commission review the appropriate percentage for section 7.12 contributions.

**7. Establish a standard structure and format for all contributions plans**

The Department of Planning, Infrastructure and Environment (DPIE) has previously published Practice Notes in 2005 and 2006 that included templates for section 7.11 section 7.12 plans respectively. Neither template was mandatory. Some councils have used the templates with few changes since. Others never used the templates or have since updated plans to address changes to policy, local preferences and court principles. As a result, the structure and format of plans varies significantly across and within councils.

The lack of a consistent structure and format contributes to the Productivity Commissioner's observations that "Contributions plans can be opaque, making it hard for developers to calculate a potential contribution liability and the community to know what infrastructure it can expect and when". The absence of clear and comprehensive policy guidance has led to:

- Uncertainty for both councils and developers
- Extensive costs incurred to navigate the system
- IPART influencing policy decisions with exposure to only a handful of plans
- Time consuming and costly disputes in the NSW Land and Environment Court.

**Recommend:**

That DPIE, through a consultative process involving councils and industry, establish a standard structure and format for all contributions plans, with appropriate savings and transitional arrangements.

**8. Consolidate contributions plans across each council, potentially into a single plan**

In 2018, Campbelltown Council adopted a consolidated, City wide (section 7.11 and section 712) contributions plan and repealed all existing plans for mature, almost complete developments.

However, Western Sydney Planning Partnership councils, there are currently close to 50 plans in force across the nine councils, including both section 7.11 plans and section 7.12 plans.

In some cases, it is unclear what plan applies to a development. Also, local policy matters that are written into individual plans (e.g timing of payment, land dedication, indexation, and credits for existing development) are sometimes inconsistent, even within the same LGA. This can lead to uncertainty and administrative complexity.

Consolidating contributions plans would reduce administrative complexity and provide greater clarity about the contributions payable by development. Such an outcome would need to address the IPART review process, to address the disincentive for councils to have the entire plan reviewed each time a change in one precinct occurs.



**Recommend:**

That councils be supported financially and through the publishing of clear guidance documents and/or templates to consolidate existing contributions plans, potentially into a single plan for each LGA.

**9. Provide funding for councils to update plans, invest in electronic contributions management systems and improve online access to plan-related information**

The Issues Paper recognises that local government faces a significant shortage of the skills required to efficiently deliver contributions plans. This shortage also extends to the skills and knowledge required to administer contributions plans and identify process improvements. A simpler contributions system is likely to reduce resourcing requirements across government, not just in the local government sector.

However, the transition to a new system may take several years and during that period, the strain on resources is likely to be exacerbated.

**Recommend:**

That councils are provided with funding to update plans, invest in electronic contributions management systems and improve online access to plan-related information.

**10. Develop a consistent policy on exemptions**

One of the basic principles of a fair and equitable contributions system is that development should make a fair contribution to the provision of infrastructure where demand is generated. There are, however, a range of situations where an exemption from the requirement to make a monetary contribution or the discounting of contributions may be appropriate.

Exemptions are currently set out across a range of documents including:

- Regulations
- Ministerial Directions
- Environmental Planning Instruments
- Planning system circulars
- Individual contributions plans

**Recommend:**

It is recommended that a consistent exemptions policy is developed and consolidated into a single policy position.

**11. Reporting requirements**

The proposition that additional reporting requirements would improve transparency is not supported. Unless reporting is actively used to monitor and improve the contributions system, imposing additional requirements on local government would only increase the administration burden on local government.

Under current reporting requirements, income, expenditure, interest earned and opening and closing balances held must be reported for each plan and planning agreements as a note to the Annual Financial Statements using the current accounting standards. This provides sufficient information regarding the financial status of contributions plans to identify whether the plan is being implemented. If this information was appropriately monitored by DPIE, it would be sufficient to identify those councils that may require further investigation.

The Integrated Planning and Reporting (IP&R) framework is the standard reporting framework for council operations. This framework references all major corporate strategic documents with the exception of contributions plans. If additional reporting is required, then the IP&R framework should be updated to address this matter instead of implementing a separate framework.

**Recommend:**

The Integrated Planning and Reporting Framework be updated to incorporate reporting on contributions plans and voluntary planning agreements. This would assist to ensure that infrastructure planning for new communities is integrated into operations of Council.

**12. Enable a broader revenue source for the funding of infrastructure**

The *Local Government Act 1993* requires that local councils consider the financial impact of decisions on future generations. This principle of intergenerational equity has historically been applied to the ongoing maintenance of existing infrastructure or agreed infrastructure provided during the planning and development phase. As such, neither councils nor their communities should be adversely affected by any developer contribution funding arrangement change.

**Recommend:**

That careful examination be undertaken of any change to development (infrastructure) contributions to ensure there are no unwarranted impacts on council finances and ratepayers. In addition, land rates should not be considered as a potential funding source due to the burden it could place on local communities unless changes in government policy were made to provide any funding shortfall.

**13. Sharing land value uplift**

This issue considers the various forms of value capture, such as land tax, council rates, betterment levies or infrastructure contributions as the preferred mechanism to deliver infrastructure. There have been numerous reports and Inquiries on this issue, one of the more recent being the IPART Review of the Local Government Rating System in December 2016. IPART recommended a model based on the uplift in Capital Improved Values (CIV) which was not supported by the NSW Government.

**Recommend:**

A transition to CIV for the purposes of calculating land rates should be considered.

## **Conclusion**

The Productivity Commission Review provides an important opportunity to raise issues and solutions aimed at ensuring Council can deliver the required public infrastructure to support development and our community.

It is recommended that Council endorse the making of a submission that includes the issues raised in this report and response to discussion questions as attached to this report.

## **Attachments**

1. Review of infrastructure conditions (contained within this report)
2. Response To Issues and Discussion Questions (contained within this report)

## **Review of infrastructure contributions**

Reporting to Minister for Planning and Public Spaces

### **Terms of reference**

The NSW Productivity Commission should:

- review the infrastructure contributions system to determine whether it meets the objectives of certainty and efficiency while delivering public infrastructure required to support development
- make recommendations for reform aimed at delivering a principles-based system that delivers the infrastructure required to accompany growth and
- identify legislative and regulatory changes necessary to implement the proposed reforms.

Contributions under Part 7 of the *Environmental Planning and Assessment Act 1979* are within the scope of the review. The review should also have consideration of the relationship to and impact of other charges and levies relating to the development process.

In reviewing the contributions system the Commission should, at a minimum, consider the following:

- certainty and transparency for communities, local government and developers
- the extent that contributions rates reflect efficient costs and the principle that beneficiaries should pay
- the major cost drivers in the contributions system and how these factors can be managed
- the relationship with local government funding and service provision and
- implications for the volume and nature of the housing market and the delivery of public open space.

The review should be complementary to broader reforms to the planning system. The review will coincide with system improvements led by the Department of Planning, Industry and Environment.

The Commission should provide a Final Report to the Minister for Planning and Public Spaces by the end of 2020. In undertaking its review, the Commission should:

- consult with NSW Government agencies, external stakeholders, and the community, as appropriate
- assemble and analyse relevant data and
- draw on best practice in other jurisdictions, previous reviews, and published research.



CCC RESPONSE TO ISSUES AND DISCUSSION QUESTIONS		
Issue 1.1: Striking the right balance	Is a 'one size fits all' approach appropriate or do parts of the State require a bespoke solution?	The formation of the issue appears to imply detailed and costed infrastructure plans are a burden and offer false precision. The proposition does not consider the framework in which land use plans are made and development approvals issued for either fragmented land holdings or consolidated master planned estates. A one size fits all approach is not appropriate as the model needs to consider the overarching framework that involves land use plans often being implemented via many individual development applications with associated conditions, appeal rights and role of the Land and Environment Court.
	What are the advantages and disadvantages of a site-specific calculation based on demand generated, compared with a broader average rate?	<p>Site specific calculations are beneficial under the current system where a nexus between proposed infrastructure and future development is required. For example, different landforms may demand a different stormwater solution for which an average rate cannot accommodate. In addition, infrastructure plans are often challenged with addressing exiting shortfalls in level of service when addressing the future needs of a new population.</p> <p>The site specific approach also best addresses the principle of efficiency as it highlights the viability of an area which would not be revealed if a broad average rate was used.</p>
	How can a reformed contributions system deliver on certainty for infrastructure contributions while providing flexibility to respond quickly to changing economic circumstances?	<p>The recent Ministerial Direction enabling deferred contributions until occupation certificate stage already demonstrates that the system has embedded flexibility. The economic drivers of development extend well beyond developer contributions and should not be targeted as the only lever to instigate stimulus. Taxes, interest rates and other fiscal policies are profoundly more influential on development feasibility and should also be considered in framing this issue.</p> <p>Under the current framework of impactor pays, once development consent is issued, there is no means to recoup foregone contributions. Therefore, flexibility should not equate to waiving the requirement for developer charges when the same demands for the required services will remain.</p> <p>Further, it the case that other than accommodating the administration costs of developing or managing a contributions plan, the existing contributions framework focuses mainly on the funding of hard infrastructure. This is considered to be a costly (time) flaw in the current contributions regime, where because of the lack of ability of councils to redirect valuable human resource (planners and engineers) to development proposals that carry significant infrastructure, the speed of the delivery of the infrastructure is significantly and adversely impacted.</p>



		<p>In this regard, it is considered essential that the contributions framework be adjusted to acknowledge the importance of the human resource that is required to assess and certify development in a timely manner, and allow the value of the contribution to include the reasonable and relatively small costs of employing specialist staff, that are focused on the delivery of infrastructure and affordable housing outcomes.</p> <p>The ability to deliver infrastructure quickly is more a function of the human resource available to assess and certify the project, than it is ability to accumulate contributions.</p>
Issue 2.1: Enable a broader revenue source for the funding of infrastructure	Are there any potential funding avenues that could be explored in addition to those in the current infrastructure funding mix?	<p>The concept that developer contributions may be replaced or supplemented with a user charge fails to consider that residents expect to pay the same, or similar charges to any other resident in the city and this will influence their decision to locate in a particular area. In addition to this, the concept of a broader revenue source would also imply a longer time scale which does not support the existing practices of conditioning development to address demand via the payment of development contributions or the undertaking of works in kind.</p> <p>Land acquisition usually forms the largest class of asset that Council is required to purchase within fragmented development precincts. Given the requirements of the Land Acquisition (Just Terms Compensation) Act and indexation limitations, Council support by way of borrowing assistance from Tcorp to finance acquisition ahead of receiving contributions would be of assistance, and significantly reduce the risk to local government. Any reform in this area would also need to address 'fit for future' considerations that councils are assessed against under the Local Government Act.</p>
Issue 2.2: Integrating land use and infrastructure planning	How can the infrastructure contributions system better support improved integration of land use planning and infrastructure delivery?	<p>The existing development of Place Infrastructure Compacts by the Greater Sydney Commission is an excellent example of the coordination of agency effort to evaluate the cost of infrastructure and sequencing of development to achieve positive net benefits. Unfortunately, the replication of this effort cannot easily be translated into all development fronts to provide an efficient planning system, nor does it address local developer contributions.</p> <p>It has traditionally been good planning practice to determine the required infrastructure and prepare a Local Contributions Plan and for the Plan to be publicly exhibited in conjunction with the proposed LEP and DCP for the area being rezoned. This approach enables all stakeholders to review the exhibited documents in their full context and make submissions accordingly.</p> <p>Additionally, the current requirement for contributions plans above the threshold to go through the process of IPART assessment (6 months) and Ministerial approval (15 months) must be resolved and the timeframe reduced substantially to</p>



		<p>ensure that the rezoning and the adoption of the IPART approved contributions plan occurs simultaneously.</p> <p>Alternatively, most LEP's contain Satisfactory Arrangements clauses for State Infrastructure. These could be amended to also include Local Infrastructure. In this way a Development Application could be considered and assessed, but not determined, until such time as the contributions plan was finalised and satisfactory arrangements, either through a VPA or conditions of consent for monetary contributions in accordance with the Plan, were endorsed.</p>
Issue 3.1: Principles for planning agreements are non-binding	What is the role of planning agreements? Do they add value, or do they undermine confidence in the planning system?	Planning agreements are an essential component of the planning systems to securing public benefits or other undertakings required as a condition of development consent. For example, in large development precincts under single ownership, planning agreements can establish the infrastructure delivery plan that would be implemented by the developer over time. Where these agreements occur, they are often a significantly more efficient method of delivery for the benefit of future residents.
	Is 'value capture' an appropriate use of planning agreements?	As a mechanism of capturing capital gain, it is considered the existing taxation system should be modernised to support this issue. For example, the beneficiary of land value improvements associated with infrastructure delivery or rezoning decisions is often the existing private land owner, who does not pay capital gains on the improved value. In many cases, by the time a developer has acquired land to undertake a development, the value uplift associated with the development has already been priced into the land cost.
	Should planning agreements require a nexus with the development, as for other types of contributions?	<p>Yes, in most cases planning agreements should be based on the principles of nexus and apportionment.</p> <p>Planning Agreements can play a meaningful role in the contributions system and are especially advantageous when developments are controlled by a single or limited number of developers. In these cases, the Agreements act much like Work In Kind Agreements, in that the delivery responsibility goes from Council to the developer. This benefits the Council and reduces the risk of cost escalation and land value escalation. The benefit to the developer is controlling the timing for infrastructure delivery, which improves sales and marketability when potential residents see the infrastructure that will exist in the area they are considering purchasing.</p>
	Should State planning agreement be subject to guidelines for their use?	The existing guidelines and legislative framework is considered appropriate and could equally apply to State Voluntary Planning Agreements.
Issue 3.2: Transparency and accountability for planning	What could be done to improve the transparency and accountability of planning agreements,	Planning agreement registers are already required by local government. Under current reporting requirements income, expenditure, interest earned and opening and closing balances held must be reported for each plan and planning agreements as a note to the Annual Financial Statements using the current accounting standards. This provides sufficient information





agreements are low	without placing an undue burden on councils or the State?	regarding the financial status of contributions plans to identify whether the plan is being implemented. If this information was appropriately monitored by DPIE it is sufficient to identify those councils that may require further investigation.
	Should councils and State government be required to maintain online planning agreement registers in a centralised system? What barriers might there be to this?	This outcome is generally supported and could be accommodated within the NSW Planning Portal.
Issue 3.3: Planning agreements are resource intensive	Should the practice note make clear when planning agreements are (and are not) an appropriate mechanism?	The existing guidelines and legislative framework addresses this requirement.
Issue 3.4: Contributions plans are complex and costly to administer	How could the complexity of s7.11 contributions planning be reduced?	<p>The perception that 7.11 contribution plans are considered complex is the result of various government interventions, court principles and IPART assessment requirements. The proposition that complexity should be reduced must not reduce the ability of councils to correctly calculate and index plans. There are various risks (price escalation, timing, contract costs, unknown costs such as utility adjustment, contamination and remediation) that councils are exposed to in preparing infrastructure plans and should not be constrained in addressing these.</p> <p>Many Council's would argue and have approached DPIE seeking to increase the S7.12 threshold from the current 1% to 4-5%. The aim is to deliver an equivalent quantum of funds without the complexity and strings attached to S7.11. Also without the appeal rights. The benefit to the development industry is the simplicity of determining the required contribution.</p> <p>However, while this approach works for established areas, it is not capable of addressing greenfield subdivisions without significant review.</p>
	What are the trade-offs for, and potential consequences of, reducing complexity?	As above, the trade off, or consequence is a limitation on councils to address price risk.
	How can certainty be increased for the development industry and for the community?	Where an existing contributions plan applies, it is considered that sufficient certainty exists. The issue of uncertainty mainly occurs at the rezoning stage, where all costs associated with development may not be fully understood. Therefore, an appropriate response would be to require contribution plans or planning agreements to be prepared concurrently with rezoning processes. As stated in Issue 2.2, this process needs to consider streamlining the current processing time for contributions plans





		which seek to levy above the threshold and must go through the IPART and Ministerial approvals process.
Issue 3.5: Timing of payment of contributions and delivery of infrastructure does not align	What are the risks or benefits of deferring payment of infrastructure contributions until prior to the issuing of the occupation certificate, compared the issuing of a construction certificate? Are there options for deferring payment for subdivision?	<p>The risk of deferring contributions prior to the issuing of the occupation certificate is mainly associated with securing the payment from the applicant prior to commencement of works. Where an individual or corporate entity is unable to make the payment, councils would be required to commence legal proceedings to peruse unpaid contributions. As an unsecured creditor, the feasibility of Council recouping unpaid contributions is of concern. For this reason, council's usually seek a bank guarantee to secure any deferral of contributions. Recent COVID amendments that require registered certifiers to seek the advice of Council regarding outstanding contributions prior to issuing an occupation certificate has significantly improved the situation.</p> <p>An alternate approach to requiring bank guarantees may involve investigating the suitability of insurance bonds which are a less expensive form of security.</p> <p>In relation to subdivision, the payment of monetary contributions usually only occurs prior to the issuing of the Subdivision Certificate which occurs within weeks of property settlement. The issuing of a Subdivision Certificate represents that satisfaction of all conditions of development consent. Beyond this step, there are no certificates or processes that could be used as a "hold point" to defer contributions to a later stage.</p>
	Would alternatives to financial securities, such as recording the contributions requirement on property title, make deferred payment more viable?	No, the recording of contributions on property title would introduce further complexity and timing risk for councils. Further to this, financial institutions are often the first mortgagee on title and therefore more likely to recoup their costs in legal proceedings. The payment of monetary contributions should remain a condition of development consent that is the responsibility of the applicant to comply with.
	Would support to access borrowing assist councils with delivering infrastructure? What could be done to facilitate this? Are there barriers to councils to accessing the Low Cost Loans Initiative?	See response to 2.1.
	What else could be done to ensure infrastructure is delivered in a timely manner and contributions balances are spent?	The timely expenditure of contributions plan balances depends on the nature of works items and land to be acquired. In the case of land, unless the council actively pursues acquisition, including compulsory acquisition, transfers may not occur for some time until land owners seek to develop. In the case of works that incur high capital costs, significant funds on-hand are



		<p>required to commence these works unless forward funded by borrowing.</p> <p>The NSW Government through a recent Ministerial Direction has already started this process. Ensuring that contributions can be pooled both within a CP and across CP's is a good step.</p>
Issue 3.6: Infrastructure costs and contributions rates are rising	Currently IPART reviews contributions plans based on 'reasonable costs', while some assert the review should be based on 'efficient costs'. What are the risks or benefits of reframing the review in this way?	<p>Efficient to who? Ultimately, the concept of efficiency should not only relate to the cost of delivery but also the ongoing cost of management. The delivery of fewer, but larger facilities provides a cost benefit to councils who are require to maintain and / or staff the assets over the long term.</p> <p>For example, Water Sensitive Urban Design (WSUD) practices encompass all aspects of urban water cycle management including water supply, wastewater and stormwater management that promotes opportunities for linking water infrastructure, landscape design and the urban built form to minimize the impacts of development upon the water cycle and achieve sustainable outcomes. A good WSUD strategy for management of stormwater quality, quantity and flooding would nominate at source pollution control measures for industrial, commercial and higher density residential areas combined with precinct scale co-located detention/bio-retention basins, and gross pollutant traps at key locations. These outcomes are based on catchment characteristics and not land ownership patterns.</p> <p>Ultimately it is Council that will own and maintain these assets over their anticipated life and it is considered that the current approach already considers the most "efficient" cost in terms of capital cost but also the long term maintenance cost to the community.</p>
	Should the essential works list be maintained? If it were to be expanded to include more items, what might be done to ensure that infrastructure contributions do not increase unreasonably?	<p>If the essential works list is to be retained, there needs to be a clear policy on what is considered essential or not. This position should have clear alignment with the aspirations of the Regional and District Plans which reference facilities such as libraries which are not considered essential under the current framework.</p>
	What role is there for an independent review of infrastructure plans at an earlier point in the process to consider options for infrastructure design and selection?	<p>It has always been considered good practice to determine infrastructure needs in conjunction with land use planning. This approach can maximise the use of existing infrastructure and determine the need for new infrastructure as a consequence of growth.</p> <p>The key to this process needs to be timing. Once the infrastructure needs are determined, analysed and costed, a draft contributions plan is capable of being drafted. Provided</p>



		the quantum of contributions required is within acceptable limits, as assessed by the State, IPART and Council collaboratively, the draft contributions plans can and should be publicly exhibited concurrently with the rezoning. The aim would be to provide all stakeholders the opportunity to analyse and assess the document holistically, and if possible, for the rezoning and contributions plan to be adopted simultaneously. This avoids potential financial losses which can occur if the adoption of the plan occurs post rezoning and where any development applications received before the plan is legally effective can only levy at the threshold rate and not the true rate required to deliver the infrastructure determined as necessary through the process.
Issue 3.7: The maximum s7.12 rate is low but balanced with low need for nexus	Given that the rationale for these low rates reflects the lower nexus to infrastructure requirements, what issues might arise if the maximum percentages were to be increased?	The problem with the existing 7.12 levy is the disparity with contributions under 7.11 which often return greater contributions for the same development. In addition to this, the administrative burden of preparing quantity surveyors reports to determine the cost of development, often involves applicants "gaming" the system to underquote development value.
	What would be a reasonable rate for s7.12 development consent levies?	Should the maximum percentage be increased, the resulting contributions should generally be equivalent to the capped rate, or be based on sliding scale or categories of development to account for residential, commercial and industrial development which generate different demands for community facilities.
Issue 3.8: Limited effectiveness of special infrastructure contributions	Is it appropriate that special infrastructure contributions are used to permit out-of-sequence rezoning?	The current use of SIC to address out of sequence rezonings appears to mainly address existing infrastructure backlogs such as regional road upgrades. In these cases, local developers are tasked with addressing regional deficiencies as a condition of development.  Unfortunately, this results in other infrastructure such as schools, utilities, health, strategic biodiversity and other outcomes being excluded to the detriment of future communities. Therefore, where special infrastructure contributions are applied, they should be for the benefit for the future community instead of addressing exiting funding backlogs.
	Should special infrastructure contributions be applied more broadly to fund infrastructure?	As above, the application of special infrastructure should be subject to similar nexus and apportionment considerations as applied to local development contribution plans.
	Should they be aligned to District Plans or other land use planning strategies?	As demonstrated by the Greater Sydney Commission, Place Infrastructure Compacts provide an example of infrastructure planning aligned to District planning strategies. Concern exists however, that the timeliness of such plans may be a constraint to their delivery for out of sequence development.
	Should the administration of special infrastructure	Special Infrastructure Contributions are currently administered by the NSW Department of Planning, Industry and Environment which already meets this requirement. Whomever is



	contributions be coordinated by a central Government agency i.e. NSW Treasury?	responsible for the making and management of SICs should equally be responsible for the associated planning decisions to ensure timely decision making.
Issue 3.9: Difficulty funding biodiversity through special infrastructure contributions	Are special infrastructure contributions the appropriate mechanism to collect funds for biodiversity offsetting, or should biodiversity offsets be managed under a separate framework?	As strategic bio certification is associated with land use planning, it would appear appropriate that special infrastructure contributions are the appropriate mechanism and would simplify the process of development concurrence.
Issue 3.10: Affordable housing	Is provision of affordable housing through the contributions system an effective part of the solution to the housing affordability issue? Is the recommended target of 5-10 per cent of new residential floorspace appropriate?	The provision of an affordable housing target should be based on local circumstances and development feasibility.
	Do affordable housing contributions impact the ability of the planning system to increase housing supply in general?	As above, this would depend on local circumstances.
Issue 4.1: Sharing land value uplift	Where land values are lifted as a result of public investment, should taxpayers share in the benefits by broadening value capture mechanisms? What would be the best way to do this?	Should land value capture be considered, the appropriate mechanism would be to review the taxation system rather than addressing via the development contributions system.





Issue 4.2: Land values that consider a future infrastructure charge	Should an "infrastructure development charge" be attached to the land title?	See response to issue 3.5.
Issue 4.3: Land acquisition for public infrastructure purposes	If supported, how could direct dedication be implemented? How could this be done for development areas with fragmented land ownership?	<p>Direct dedication of land in lieu of contributions is not considered efficient or appropriate. Land use plans are based on strategies for consolidated stormwater, open space and transport networks. Implementation of these strategies requires targeted acquisition or dedication of the relevant land.</p> <p>Direct dedication therefore does not consider the situation where a landowner does not wish to develop and is therefore an unwilling seller. To address this situation requires compulsory acquisition under the Land Acquisition (Just Terms Compensation) Act 1991 which adds, complexity, time and cost to the process.</p> <p>Dedication of lands outside of these strategies would only add additional administrative burden on councils and time delay. In the case of land identified for acquisition, sufficient existing mechanisms are available to support acquisition / dedication.</p>
	Could earlier land acquisition be funded by pooling of contributions, or borrowings?	Yes, pooling of contributions is already practiced by many councils and should be encouraged and supported by guidelines and regulation. Borrowings are problematic as outlined in response to issue 3.5.
	Are there other options that would address this challenge such as higher indexation of the land component?	The application of an appropriate land index is already available to councils. Additional supporting advice and guidance would be of assistance.
Issue 4.4: Keeping up with property escalation	What approaches would most effectively account for property acquisition costs?	There are a variety of methods which are used to index land prices within a contributions plans with the view of keeping pace with escalating property acquisition costs. These include CPI, land indices created by third parties, desktop valuations and full property valuations undertaken on a yearly basis. A concern that has arisen since the introduction of the contributions threshold is the separate assessment of indexation methods undertaken by IPART as a consequence of no formal policy position by DPIE. Improved guidance and endorsement of appropriate indexes as supported by IPART would be appropriate.
Issue 4.5: Corridor protection	What options would assist to strike a balance in strategic corridor planning and infrastructure delivery?	Identification of corridors prior to land use planning would be the most effective process. Examples of this include the North West Metro and early identification of the Bella Vista to Rouse Hill corridor which eventually supported construction of the North West Metro and associated land use planning which occurred some 15 years after initial corridor preservation.



Issue 4.6: Open space	How can performance criteria assist to contain the costs of open space?	Application of a performance criteria often arrives at the same result as the existing standard of 2.83 hectares per 1000 people. Therefore, the utility of a performance approach is more likely to introduce more uncertainty than application on an understood standard. If anything, the rate of provision would increase to account for the transition from the quarter acre block to medium and high density development.
	Should the government mandate open space requirements, or should councils be allowed to decide how much open space will be included, based on demand?	As above, the exiting standard is appropriate. Planning for new communities should not be about reducing the service level or quality of life when compared with living in existing urban areas. Councils are best placed to make decisions on provision and where to adjust. For example, of the 2.83ha standard, 1.37ha per 1000 is the accepted provision for structure organised sport, with the minimum acceptable size of a sports field being 5ha. For the remaining area, it should be up to councils to balance the need for passive recreation against other outcomes such as water management, riparian corridors and biodiversity conservation, which may also incorporate uses such as walking and cycling to provide a network of spaces.  More recent objectives which consider that high density development (over 60 dwellings per hectare) should be located within 200 metres of quality open space and all dwellings should be within 400 metres of open space is welcomed. However this overarching approach needs to be taken down to the fine grain level and, if supported by councils and residents, enshrined in Local Environmental Plans. This fine grain analysis is important as the objective should not simply be to provide numerous pockets of open space with no connectivity and which only adds to the maintenance burden of Council in the long term.
	Are infrastructure contributions an appropriate way to fund open public space?	Yes, councils are the responsible authority for land acquisition under the Land Acquisition (Just Terms Compensation) Act 1991 and are required to zone land for this purpose when preparing a precinct plan or similar strategy. In this context, local developer contributions collected by s7.11 and 7.12 plans are an appropriate funding strategy.  For example, in areas where there is multiple ownership, development contribution plans are the best way to equitably levy development for the provision of the open space which their development generates the need for. In areas where single or few owners exist, Planning Agreements represent an effective means of delivering the required open space without the cost escalation issues associated with a contributions plan.
Issue 4.8: Improving transparency and accountability	What would an improved reporting framework look like? Should each council report to a central electronic repository?	There are already significant reporting requirements for councils and is being further investigated by DPIE as part of the "Review of the infrastructure contributions system" and in particular the "Proposed amendments to the EP&A Regulation".
	What elements should be included? How much has been	Under current reporting requirements income, expenditure, interest earned and opening and closing balances held must be reported for each plan and planning agreements as a note to



	collected by contributions plan and other mechanisms? How much council has spent, and on what infrastructure items?	the Annual Financial Statements using the current accounting standards. This provides sufficient information regarding the financial status of contributions plans to identify whether the plan is being implemented. If this information was appropriately monitored by DPIE it would be sufficient to assist further engagement on this issue.
	Should an improved reporting framework consider the scale of infrastructure contributions collected?	As above.
Issue 4.9: Shortage of expertise and insufficient scale	What can be done to address this issue?	The perceived shortage of expertise to prepare and administer contributions plans appears mainly associated with the siloing of responsibilities within councils. As different directorates are mainly responsible for administration of the EP&A Act and Local Government Act, staff shortages could be addressed by drawing on all available skills within local government, and not just relying on forward / strategic planners etc. In addition, it is open for council's to draw upon consultants to assist which may be engaged via council procurement processes or via existing endorsed consultants on the Local Government Procurement Panel.
	Should the contributions system be simplified to reduce the resourcing requirement? If so, how would that system be designed?	As above, simplification of the development contributions system should not be at the expense of delivering timely and appropriate infrastructure. The NSW planning system involves all levels of local government and private industry in planning assessment and determination, assessment, construction, hand-over and management of new assets which is an end-to-end process. Well considered and detailed contributions plans provide for certainty of delivery and determination of development applications in a timely manner. Simplification of the system may have unintended consequences that only transfer to the issue to another stage in the development assessment process.
Issue 4.10: Current issues with exemptions	Given that all developments require infrastructure, should there be any exemptions to infrastructure contributions?	There biggest issue with exemptions is that they are not centralised and in a single location. There are exemptions granted by one Ministerial Direction only to be revoked by another, which can make it difficult for even long term contributions officers to keep track.  Given development contributions are enshrined in the EP&A Act and Regulation, the exemptions should be categorically stated in the Regulation. This would assist Council staff, developers and anyone interested in submitting an application and wishing to determine if they are exempt from contributions or not.
	Is it reasonable to share the cost of 'exemptions' across all of the new development rather than	No, the principle of nexus and apportionment should remain a key principle as applied under the current framework.



	requiring a taxpayer subsidy?	
	Are there any comparative neutrality issues in the providing exemptions for one type of development, or owner type, over another?	<p>The current planning Act enables the Crown to dismiss conditions requiring the payment of a monetary contribution required as a condition of development consent. This provision does not similarly apply in the case of complying development and is the source of regular confusion and inconsistency.</p> <p>There biggest issue with exemptions is that they are not centralised and in a single location. There are exemptions granted by one Ministerial Direction only to be revoked by another, which can make it difficult for even long term contributions officers to keep track. Passing this on to new less experienced staff is very difficult.</p> <p>Given development contributions are enshrined in the EP&amp;A Act and Regulation, likewise the exemptions should be categorically stated in the Regulation. This would assist Council staff, developers and anyone interested in submitting an application and wishing to determine if they are exempt from contributions or not.</p>
Issue 4.11: Works-in-kind agreements and special infrastructure contributions	Should developers be able to provide works-in-kind, or land, in lieu of infrastructure contributions?	Yes. The decision as to whether to permit a work in kind or material public benefit is not automatic but typically subject to council discretion. This enables a council to determine whether the proposal is appropriate from not only a spatial nexus position, but also temporal nexus.
	Developers may accrue works-in-kind credits that exceed their monetary contribution. Should works-in-kind credits be tradeable? What would be pros and cons of credits trading scheme?	The trading of credits would be supportable so long as the valuation of works follows an appropriate procurement processes and is managed by the relevant council.
	What are implications of credits being traded to, and from, other contributions areas?	The pooling of contributions to support timely delivery of contributions is supported. The challenge with credit trading between plans would be maintaining equivalence and / or nexus and would also complicate record keeping.



## 8.5 Reports and Letters Requested

### Reporting Officer

Director City Governance  
City Governance

### Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.3 - Ensure that Campbelltown is an inclusive city

### Officer's Recommendation

That the information be noted.

### Report

Attached for the information of Councillors is a status list of reports and letters requested from Council as at 1 September 2020.

### Attachments

1. Reports requested listing (contained within this report)
2. Letters requested listing (contained within this report)

### Reports requested effective 1 September 2020

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Delivery</b>			
12.11.19 RM	ORD NM - 11.2 Stormwater Usage  That a report be presented to Council on exploring ways and means for the public and private sectors as well as the Council itself to implement stormwater capture, storage, filtration, treatment and its subsequent use.	This item has been listed for a future briefing evening to Councillors. A report will follow the briefing.	February 2021
10.12.19 WM	ORD NM - 11.2 Grey Water Usage  1. That a report be presented on the feasibility of the re-use of grey water within the community.	This item has been listed for a future briefing evening to Councillors. A report will follow the briefing.	February 2021
<b>City Development</b>			
13.11.18 GB	ORD - 8.3 Household E-Waste Drop Off Event  2. That a further report be provided to Council on the future recycling arrangements for e-waste upon confirmation of the completion timeframe for the construction of the Community Recycling Centre.	This report is subject to the time frame of the Community Recycling Centre.	February 2021
09.04.19 WM	ORD - 8.2 Planning Proposal - Ingleburn CBD  4. That a further report be provided to Council after the Gateway Determination with public exhibition with the planning proposal a draft Development Control Plan for Ingleburn CBD to be placed on public exhibition with the draft planning proposal.	Gateway determination received from the Department in March 2020.	October 2020

### Reports requested effective 1 September 2020

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Development</b>			
09.04.19 BT	ORD 8.6 Submission Report - Amendment to Campbelltown Sustainable City Development Control Plan (Caledonia Precinct)  5. That a further report be submitted to Council in regard to the acquisition of No. 306 Bensley Road, Ingleburn for open space purposes.	To be included in the next amendment to the Contributions Plan.	December 2020
06.08.19 GG	ORD 14.1 Campbelltown Design Excellence Panel  That a report providing a review of the Panel's operation be provided to Councillors after it has been in operation for 1 year.	First meeting held 26 March 2020.	March 2021
10.09.19 KH	ORD 8.1 Mount Gilead Planning Proposal - Relocation of Proposed Community Hub Building and Additional Permitted Use  5. That following an exhibition, a report on submissions be presented to Council.	Exhibition subject to the Gateway determination.	December 2020
10.03.20 WM	ORD 8.2 Menangle Park - Draft Planning Proposal  4. That following the public exhibition a report on any submissions received be presented to Council.	Exhibition subject to the Gateway determination.	December 2020

### Reports requested effective 1 September 2020

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Development</b>			
10.03.20 KH	<p>ORD 8.3 Amendment to Campbelltown (Sustainable City) Development Control Plan - Seniors Living Developments</p> <p>2. That following completion of the public exhibition period, where submissions have been received, a further report be provided to Council to consider the submissions prior to the making of the draft amendment.</p>	No submissions were received during the exhibition period. The Amendment to Campbelltown (Sustainable City) Development Control Plan - Seniors Living Developments became effective as of 29/06/2020.	Not required
10.03.20 MO	<p>ORD 8.6 Mt Gilead - Draft Planning Proposal</p> <p>3. That should the Minister determine under section 3.3.4(2) of the Environmental Planning and Assessment Act 1979 (EP&amp;A Act) that the proposal may proceed without significant amendment, Council publicly exhibit the draft Planning Proposal in accordance with the Gateway Determination.</p> <p>4. That following the public exhibition a report on any submissions received be presented to Council.</p>	Exhibition subject to the Gateway determination.	December 2020
12.05.20 BT	<p>ORD 8.3 Planning Proposal to rezone Land at the corner of Appin Road and Kellerman Drive, St Helens Park</p> <p>3. That subject to satisfying the requirements of the Gateway determination, the Proposal be placed on public exhibition and the outcome of that exhibition be reported to the Council.</p>	Exhibition subject to the Gateway determination.	December 2020

### Reports requested effective 1 September 2020

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Governance</b>			
10.12.19 WM	<p>NM 11.1 - QR Codes on Monuments and Street Signage</p> <p>3. That in addition to street sign plates, the opportunity and feasibility of QR codes or similar electronic internet based information devices to be included on all similar information devices referred to in item No.1, across the Campbelltown LGA, be investigated and reported back to Council for its consideration.</p>	A report is being drafted and anticipated to be presented to Council at the October 2020 meeting.	October 2020
9.06.20 GB	<p>NM 11.1 - Extension of the Sponsorship Policy</p> <p>1. That Council seeks a feasibility report to consider extending the sponsorship policy in relation to the following:</p> <p>a. The extension of the roundabout beautification program by offering corporate sponsorship of major thoroughfare locations such as the intersection of Pembroke and Ben Lomond Roads at Minto.</p> <p>b. Expanding Council tree planting days by offering corporate sponsorship and consideration be given to include the expansion in the Koala Town Project.</p>	Consultation with the business has commenced and a report is anticipated to be presented to Council at the October 2020 meeting.	October 2020
9.06.20 BG	<p>NM 11.2 - Data Capture</p> <p>That a report be presented to Council that explores opportunities to engage and educate our community on the value of capturing, sharing and using data to help people, businesses and government make better evidence-based decisions and improve the lives of our citizens</p>	Management are currently reviewing opportunities and aim to have a report to Council by the October cycle.	October 2020

### Reports requested effective 1 September 2020

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Growth</b>			
11.12.18 BM	<p>ORD - 14.4 - Engagement of Architects for Construction of a New Childcare Centre</p> <p>1. That Council approves the engagement of the preferred Architects based on their fee proposal submitted to Council – subject to legal confirmation that the negotiated contract terms are satisfactory</p> <p>2. That the scope of works and risk mitigation strategies are undertaken in accordance with this report and within the cost estimates</p> <p>3. That a further report be submitted to Council once a Development Approval has been obtained consistent with the analysis contained in this report.</p>	<p>Council has engaged the architect and commenced Stage one of the scope works.</p> <p>Stage one has been completed and Stage two is now in progress.</p> <p>Due to COVID-19 this project is on hold.</p>	December 2020
09.07.19 KH	<p>ORD NM 11.1 Reimagining Campbelltown</p> <p>1. That a report be provided to Council investigating the feasibility and benefit including the costs and potential risks of installing at appropriate locations electric car charging stations.</p> <p>2. That a report be provided to Council investigating the feasibility and benefit including the costs and potential risks of energy- generating footpaths.</p>	<p>1. The team is investigating with a report on electric car charging stations expected to be presented to Council in October 2020.</p> <p>2. A report on energy generating footpaths was prepared and presented to Council at the November 2019 meeting.</p>	October 2020
12.11.19 BM	<p>ORD NM 11.3 Coffee Cup Recycling</p> <p>That a report be presented to Council investigating options, in collaboration with local business owners, for the provision of takeaway coffee cup recycling along Queen St.</p>	A report is expected to be presented in November 2020.	November 2020

### Reports requested effective 1 September 2020

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Growth</b>			
10.03.20 BM	<p>ORD 8.12 Latest Findings on Climate Change</p> <p>1. That a further report be provided outlining the emission reduction pathways required for Council and the community to transition towards net zero emissions.</p>	<p>Due to COVID-19 this project has been on hold.</p> <p>It is intended that a consultant will be engaged within the next 3 months to commence investigations.</p>	February 2021
14.04.20 GG	<p>ORD 8.8 Draft Reimagining Campbelltown City Centre Masterplan</p> <p>1. That Council endorse the draft Reimagining Campbelltown City Centre Masterplan.</p> <p>2. That Council place the Reimagining Campbelltown City Centre Master Plan on public exhibition for a period not less than 90 days.</p> <p>3. That a further report be presented to Council at the completion of the public exhibition period detailing outcomes of exhibition.</p>	A report is expected to be presented in October 2020.	October 2020
09.06.20 PL	<p>ORD 8.1 Development Application Status</p> <p>That Council prepare a feasibility report with regard to the development of a physical and virtual model of the LGA from Macarthur Square to Leumeah to provide a visual perspective of proposed developments in the LGA to be displayed in the foyer of the Council building and placed on Council's website.</p>	Initial investigations have begun and are scheduled to be complete by mid to late September 2020 with a report expected to be presented to Council in October 2020.	October 2020

### Reports requested effective 1 September 2020

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Lifestyles</b>			
10.03.20 WM	<p>NM 11.1 - Flag Raising Day</p> <p>That a report be presented on the feasibility of a flag raising day for the combined Pacific Community.</p>	<p>Consultation planned to commence in early April.</p> <p>Consultation has been delayed indefinitely as key stakeholders are currently involved in providing food security services for Pacific Island communities as a result of COVID-19. Consultation with key stakeholders will commence in June pending COVID-19 restrictions.</p>	TBA pending COVID-19
<b>General Manager</b>			
08.10.19 MO	<p>ORD NM 11.2 Digital Advertising in Shopping Precincts</p> <p>1. That a report be presented to Council that explores the opportunities for digital advertising in public locations such as shopping centres to regularly promote Council's activities and programs.</p> <p>The report should focus on key shopping precincts including Macarthur Square, Campbelltown Mall, Glenquarie Town Centre and Minto Marketplace and any other appropriate locations, assessing costs, feasibility of producing marketing material and any other operational benefits or implications.</p>	<p>A Creative Marketing Specialist commences in January 2020 and will undertake the investigations so a report can be presented.</p> <p>A report is expected to be presented to Council at the November 2020 meeting.</p>	November 2020



### Letters requested effective 1 September 2020

*Date of Decision *Mover	Action Item	Comments / updates
<b>City Delivery</b>		
11.08.20 KH	<p>NM 11.1 Protection of the Campbelltown Koala Colonies</p> <p>1. That Council write to the Minister for Energy and Environment, the Hon Matt Kean MP, requesting that in light of his recent public statements to double the koala population, the NSW state government provide immediate support for the preservation and protection of the Campbelltown and south-west koala colonies and habitats.</p> <p>2. That Council request the NSW Government commence immediate construction of viable, safe and effective East-West crossing points across Appin Road together with the requisite flexi-fencing along Appin Road.</p>	

## 8.6 2021 Council Meeting Calendar

### Reporting Officer

Manager Governance and Risk  
City Governance

### Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.8 - Provide strong governance for all Council activities

### Officer's Recommendation

That the 2021 Council meeting calendar be noted and adopted.

### Purpose

To submit for Council's consideration a meeting calendar for 2021.

### Report

The meeting calendar for 2021 proposes that meetings continue to be held on Tuesday evenings with Council meetings being held on the 2nd Tuesday of each month and briefings on other Tuesdays available within that month. The schedule is as follows:

- 1st Tuesday of the month - Briefing
- 2nd Tuesday of the month - Council meeting
- 3rd Tuesday of the month - Briefing
- 4th Tuesday of the month - Briefing
- 5th Tuesday of the month - Briefing (if required)

Under section 365 of the *Local Government Act 1993*, Council is required to meet at least ten times each year, each time in a different month.

The draft meeting calendar for 2021 provides for the first briefing to be held on Tuesday 2 February and the first Council Meeting to be held on Tuesday 9 February.

The Local Government election is scheduled to be held on Saturday 4 September 2021. Apart from the first extraordinary meeting of the new Council and the Annual General Meeting, the Council meeting cycle post September 2021 will be determined by the new Council.

### Attachments

1. 2021 Council Meeting Calendar (contained within this report)



## 2021 Council Meeting Calendar

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S			
January							February							March							April									
31					1	2		1	2	3	4	5	6		1	2	3	4	5	6					1	2	3			
3	4	5	6	7	8	9		7	8	9	10	11	12	13		7	8	9	10	11	12	13		4	5	6	7	8	9	10
10	11	12	13	14	15	16		14	15	16	17	18	19	20		14	15	16	17	18	19	20		11	12	13	14	15	16	17
17	18	19	20	21	22	23		21	22	23	24	25	26	27		21	22	23	24	25	26	27		18	19	20	21	22	23	24
24	25	26	27	28	29	30		28								28	29	30	31					25	26	27	28	29	30	
May							June							July							August									
30	31					1			1	2	3	4	5					1	2	3			1	2	3	4	5	6	7	
2	3	4	5	6	7	8		6	7	8	9	10	11	12		4	5	6	7	8	9	10		8	9	10	11	12	13	14
9	10	11	12	13	14	15		13	14	15	16	17	18	19		11	12	13	14	15	16	17		15	16	17	18	19	20	21
16	17	18	19	20	21	22		20	21	22	23	24	25	26		18	19	20	21	22	23	24		22	23	24	25	26	27	28
23	24	25	26	27	28	29		27	28	29	30					25	26	27	28	29	30	31		29	30	31				
September							October							November							December									
			1	2	3	4		31					1	2			1	2	3	4	5	6					1	2	3	4
5	6	7	8	9	10	11		3	4	5	6	7	8	9		7	8	9	10	11	12	13		5	6	7	8	9	10	11
12	13	14	15	16	17	18		10	11	12	13	14	15	16		14	15	16	17	18	19	20		12	13	14	15	16	17	18
19	20	21	22	23	24	25		17	18	19	20	21	22	23		21	22	23	24	25	26	27		19	20	21	22	23	24	25
26	27	28	29	30				24	25	26	27	28	29	30		28	29	30						26	27	28	29	30	31	
Council Meetings							Annual General / Council Meeting							Briefings and Extraordinary Meetings							Briefing Nights									
LG Conference							Public Holidays							Councillor Strategic Planning Day							Election									



Council Meetings



Annual General / Council Meeting



Briefings and Extraordinary Meetings



Briefing Nights



LG Conference



Public Holidays



Councillor Strategic Planning Day



Election

## 8.7 Investments and Revenue Report - July 2020

### Reporting Officer

Executive Manager Corporate Services and Governance  
City Governance

### Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.7 - Public funds and assets are managed strategically, transparently and efficiently

### Officer's Recommendation

That the information be noted.

### Purpose

To provide a report outlining activity in Council's financial services portfolio for the month of July 2020.

### Report

#### Investments

Council's investment portfolio as at 31 July stood at approximately \$228m. Funds are currently being managed by both Council staff and fund managers and are in accordance with the *Local Government Act 1993*, Local Government (General) Regulation 2005 and Council's Investment Policy.

All investments are placed with approved deposit taking institutions and no funds are placed with any unrated institutions.

The return on Council's investments whilst historically has, and continues to outperform the AusBond Bank Bill Index benchmark, the interest income will not reach the estimated original budget, which is a direct result of the ongoing impact to the economy of historically low interest rates due to COVID-19. The impact has been estimated and an adjustment will be reflected in future quarterly budget reviews.

For the month of July, Council's return exceeded the benchmark by some 97 basis points on an annualised basis which is a positive on an absolute basis. This return excludes funds held in at call accounts but includes the 30 day notice saver account and the NSW TCorp Cash Fund. The yield on the AusBond Bank Bill Index is very low and while Council's investment performance has fallen in recent times, it has however maintained an excellent return over the benchmark index and relative to comparative councils.

The portfolio is diversified with maturities ranging up to a five year period in accordance with Council's Investment Policy.

Council's investment advisor, Amicus Advisory have confirmed that Council's investment portfolio is being well managed and is compliant with current policy settings, with clear buffers between exposures to individual entities and credit limits.

Council's total liquidity of around \$39m to meet short to medium term cash flow needs, remains strong with \$1m held in an at call account, \$35m in the TCorp Cash Fund and \$3m in a 30 day notice account opened during the reporting period. This account is effectively a hybrid of a term deposit and an at call account.

The official cash rate was not adjusted in this month's Reserve Bank Board meeting and remains at one quarter of one percent. The ASX200 closed at 5927.80 at the completion of July. This represents an annualised monthly performance result of positive 18.18 percent ex dividend, the monthly change was positive 0.51 percent and continues to reflect positive sentiment and optimism as the COVID-19 recovery phase begins globally.

It is important to note that councils are restricted to conservative investments only in line with the Minister's Investment Order of 17 February 2011 and other relevant legislation including the *Local Government Act 1993* and the *Trustee Act 1925*. Investments in equities are prohibited under the legislation and therefore a benchmark such as the Bank Bill Index is used in line with Council's Investment Policy and the recommendations of the Office of Local Government Guidelines.

## Rates

Rates and Charges levied for the period ending 31 July 2020 totalled \$123,767,978 representing 100 percent of the current budget estimate.

The rates and charges receipts collected to the end of July totalled \$11,947,743. In percentage terms 9.97 percent of all rates and charges due to be paid have been collected, compared to 9.2 percent collected in the same period last year.

Due to the current COVID-19 pandemic, no formal debt recovery action has been taken during the month. Council staff have been actively assisting ratepayers to manage any overdue quarterly instalments and advise on options available such as regular weekly payments. Council has created a dedicated 'Here for you' support page on the website including links to assistance packages provided by the Federal Government in the form of 'JobKeeper' and 'JobSeeker' along with detailed information on support packages offered in the Community.

Letters continue to be sent seeking additional contact points that have not been supplied on the transfer/notice of sale. This continues to be highly successful in capturing email addresses and mobile phone numbers used by staff to communicate more easily with ratepayers.

Council has received positive feedback from Pensioners that can now make an application to receive a Pension Rebate Concession over the phone and internet. During the month, 101 applications were made over the phone and 48 online. Given the level of success, implementation for both phone and internet will continue as a permanent service to the community alongside the paper based over the counter process.

Ratepayers who purchased property since the annual rates and charges notices had been issued are provided a 'Notice to new owner' letter. During the month, 144 of these notices were sent to ratepayers advising them of the amount unpaid on their account and the amount levied in annual rates and charges.

### **Sundry Debtors**

Debts outstanding to Council as at 31 July 2020 are \$1,975,915 reflecting an increase of \$240,482 since June 2020. During the month, 784 invoices were raised totalling \$1,451,235. The majority of these are paid within a 30 day period. Those that are not paid within the 30 day period are reflected in the ageing report in attachment 3.

Debts exceeding 90 days of age totalled \$282,260 as at 31 July 2020. The majority of this debt relates to Sports and Field Hire totalling \$65,334, the most significant portion of \$54,420 is for "catering sales commission" at Campbelltown Sports Stadium for various events held. The company involved has reached out to Council advising that their income has been affected due to the current pandemic, they have entered into an arrangement of \$5,000 per month with this to be reviewed quarterly.

Various Sundry Items totalling \$64,718. A major portion of this group of debts is for Road and footpath occupancy fees of \$10,547 being for a development in Broughton Street. The debtor company has entered into a legally binding settlement of \$5271 per month. The agreed payments have not been maintained and Council's agents are continuing to work with the debtor.

Also Incorporated within the sundry items group is \$11,284, which relates to a ticket sale rebate for the "Crusty Demons Event" at Campbelltown Sports Stadium in August 2019. The company involved has gone into voluntary administration, Council has submitted a proof of debt to the Administrators who have established that the Company is insolvent and at their recommendation have placed the company into liquidation. Council now awaits reports advising of any dividend.

Debts categorised within Healthy Lifestyles for \$25,812 consists of various amounts with the most significant relating to three groups whom hire our leisure centres for services. These debts total \$9506 with two of the debtors on a current payment plan of \$50 per week, this is to be reviewed on a quarterly basis with the prospect of increasing payments to finalise the debt within the six month timeframe as per council policy. Council staff are still continuing to liaise with one other debtor with promising outcomes expected. Another significant amount within this category of \$13,171 relates to bookings made in advance for the Bicycle Education Centre providing a customer service where debts are able to be reduced by making regular smaller payments ahead of their event.

Public hall hire fees of \$47,510 are a result of debts raised in advance and in accordance with council policy do not need to be finalised until two weeks prior to function. This process also gives hirers an option to book in advance and then to make smaller regular payments leading up to their event.

Debt recovery action is normally undertaken in accordance with Council's Sundry Debtors Recovery Procedures Policy and commences with the issue of a tax invoice. A person or entity may be issued any number of invoices during the calendar month for any business, services or activities provided by Council. At the conclusion of each calendar month, a statement of transactions is provided with details of all invoices due and how payments or credit notes have been apportioned. Once an invoice is paid, it no longer appears on any subsequent statement.

All debts that age by 90 days or more are charged a statement administration fee of \$5.50 per statement. Debtors are contacted by telephone, email or in writing to make suitable arrangements for payment of the overdue debt. Where a suitable arrangement is not achieved or not maintained as agreed, a seven day letter is issued referencing referral to Council's debt recovery agents.

Matters referred to Council's recovery agent are conducted in accordance with relevant legislation and the *Civil Procedures Act 2001*. Formal legal recovery commences with a letter of demand (or letter of intent) providing debtors with at least 14 days to respond. In the event that no response is received, instructions are given to proceed to Statement of Claim allowing a further 28 days to pay or defend the action. Failing this, the matter will automatically proceed to judgment and continue through the *Civil Procedures Act 2001* process.

All costs associated with formal legal recovery are payable by the debtor and staff continue to make every effort to assist debtors to resolve their outstanding debt before escalating it through the local court.

Due to the current pandemic no new formal recovery action is being taken, staff will be making contact with overdue debtors seeking suitable payment options and to check in on their current status.

Council officers continue to provide assistance to debtors experiencing difficulties in paying their accounts. Debtors are encouraged to clear their outstanding debts through regular payments where possible, to avoid any further recovery action.

## Attachments

1. Summary of Council's Investment Portfolio July 2020 (contained within this report)
2. Rates and Charges Summary and Statistics July 2020 (contained within this report)
3. Debtors Summary and Ageing Report July 2020 (contained within this report)

## Summary of Council's Investment Portfolio

Portfolio as at 31 July 2020



Product Type	Face Value	% of Total
At Call	1,064,507	0.5%
Notice Account	3,005,386	1.3%
Term Deposits - Fixed Rate	67,673,020	29.6%
Term Deposits - Fixed/Floating	5,000,000	2.2%
Term Deposits - Floating Rate	84,000,000	36.8%
FRN	32,250,000	14.1%
Managed Funds - TCorp	35,491,684	15.5%
<b>Grand Total</b>	<b>228,484,597</b>	<b>100.0%</b>

### Total Term Deposits (Fixed and Floating Rate) by Institution's Long-Term Credit Rating

Credit Rating	Holdings	% of Total
AAA	4,810,000	3.1%
AA-	107,741,997	68.8%
A+	8,000,000	5.1%
BBB+	23,121,023	14.8%
Baa1	5,000,000	3.2%
BBB	6,000,000	3.8%
Baa2	2,000,000	1.3%
<b>Total Term Deposits</b>	<b>156,673,020</b>	<b>100.0%</b>

### Floating Rate Notes

ISIN	Issuer	Issuer Rating	Maturity Date	Coupon	Face Value
AU3FN0039160	ME Bank	BBB	9-Nov-20	3m BBSW + 1.25%	\$2,500,000
AU3FN0046769	Newcastle Perm	BBB	26-Feb-21	3m BBSW + 1.10%	\$500,000
AU3FN0031886	CBA	AA-	12-Jul-21	3m BBSW + 1.21%	\$5,000,000
AU3FN0044269	Credit Union Aus	BBB	6-Sept-21	3m BBSW + 1.25%	\$500,000
AU3FN0034021	Newcastle Perm	BBB	24-Jan-22	3m BBSW + 1.65%	\$1,500,000
AU3FN0046793	Credit Union Aus	BBB	4-Mar-22	3m BBSW + 1.23%	\$3,200,000
AU3FN0051165	Teachers Mutual Bank	BBB	28-Oct-22	3m BBSW + 0.90%	\$2,400,000
AU3FN0053146	RACQ Bank (prev QT Bank)	BBB+	24-Feb-23	3m BBSW + 0.93%	\$1,850,000
AU3FN0046777	NAB	AA-	26-Feb-24	3m BBSW + 1.04%	\$4,000,000
AU3FN0048724	NAB	AA-	19-Jun-24	3m BBSW + 0.92%	\$1,300,000
AU3FN0049730	ANZ	AA-	29-Aug-24	3m BBSW + 0.77%	\$3,500,000
AU3FN0051561	Citibank	A+	14-Nov-24	3m BBSW + 0.88%	\$1,000,000
AU3FN0052908	Macquarie Bank	A+	12-Feb-25	3m BBSW + 0.84%	\$5,000,000



## Summary of Council's Investment Portfolio - July 2020 cont'd

Long-Term Credit Rating	Exposure of Entire Portfolio			
	Actual	Minimum	Maximum	Compliant
AA+, AA, AA- and above (or MTB*)	<b>71.3%</b>	40%	100%	Yes
A+, A, A- and above	<b>77.4%</b>	60%^	100%	Yes
BBB+, BBB, BBB- and above	<b>100.0%</b>	100%	100%	Yes
TCorp MTGF and LTGF	<b>0%</b>	0%	20%	Yes
TCorp Hour Glass Cash Fund	<b>15.5%</b>	0%	20%	Yes

## Portfolio Return

Council's investment portfolio (excluding At Call Deposits but includes TCorp Cash Fund & Notice Saver Account) provided a weighted average return (running yield) of:

31 July 2020	Monthly Return	Annual Return
<b>Campbelltown City Council – Investment Portfolio</b>	0.10%	1.70%
<b>Benchmark – Bloomberg Ausbond Bank Bill Index</b>	0.01%	0.73%
<b>Performance Relative to Benchmark</b>	0.09%	0.97%

## Rates Summary

Statement of all Outstanding Rates and Extra Charges



Rate - Charge	Net Arrears 1/7/2020	Net Levy for Year	Pension Rebates	Extra Charges	Total Receivable	Cash Collected	Net Amount Due	Postponed Rates & Interest	Gross Amount Due
Residential	3,134,057.23	69,077,487.26	1,422,495.08	364.94	70,789,414.35	6,409,629.82	64,379,784.53	203,784.53	64,583,569.06
Business	608,426.97	20,117,511.03		22.08	20,725,960.08	2,551,279.70	18,174,680.38		18,174,680.38
Farmland	16,104.97	528,807.66	215.39	0.00	544,697.24	7,438.25	537,258.99	226,189.39	763,448.38
Mining	0.00	28,627.08		0.00	28,627.08	0.00	28,627.08		28,627.08
SR - Loan	525.47	0.00		0.00	525.47	0.00	525.47	132.44	657.91
SR - Infrastructure	368,470.21	6,799,263.17		7.87	7,167,741.25	671,435.48	6,496,305.77	43,755.26	6,540,061.03
<b>Total</b>	<b>\$4,127,584.85</b>	<b>\$96,551,696.20</b>	<b>\$1,422,710.47</b>	<b>\$394.89</b>	<b>\$99,256,965.47</b>	<b>\$9,639,783.25</b>	<b>\$89,617,182.22</b>	<b>\$473,861.62</b>	<b>\$90,091,043.84</b>
Garbage	956,513.47	22,892,546.77	840,716.96	50.75	23,008,394.03	2,153,620.93	20,854,773.10		20,854,773.10
Stormwater	70,141.68	1,432,476.44		0.17	1,502,618.29	154,339.19	1,348,279.10		1,348,279.10
<b>Grand Total</b>	<b>\$5,154,240.00</b>	<b>\$120,876,719.41</b>	<b>\$2,263,427.43</b>	<b>\$445.81</b>	<b>\$123,767,977.79</b>	<b>\$11,947,743.37</b>	<b>\$111,820,234.42</b>	<b>\$473,861.62</b>	<b>\$112,294,096.04</b>

Total from Rates Financial Transaction Summary	111,897,393.92
Overpayments	-396,702.12
Difference	0.00

### Analysis of Recovery Action

Rate accounts greater than 6 months less than 12 months in arrears	613,000.00
Rate accounts greater than 12 months less than 18 months in arrears	0.00
Rate accounts greater than 18 months in arrears	0.00
<b>TOTAL rates and charges under instruction with Council's agents</b>	<b>\$613,000.00</b>



## Rates Statistics

No. of documents Issued	July	August	September	October	November	December	January	February	March	April	May	June	Jul-19
Rate Notices	56,941												50,115
Electronic - DoH	4,929												5,055
Instalment Notices													
Electronic - DoH													
Missed Instalment Notices - Pensioners > \$15.00													
Notice to new owner	144												161
7-day Letters - Council issued - Pensioners > \$500.00													
7-day Letters - Agent Issued													
Statement of Claim													182
Judgments													46
Writs													32
Electronic - eRates & BPAYView	9,019												6,162
Pensioner applications	149												-
Arrangements	199												266

**DEBTORS SUMMARY 1 July 2020 to 31 July 2020**

DEBTOR TYPE/DESCRIPTION	ARREARS AT 30/06/2020	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 31/07/2020	% DEBT RATIO
Corporate Administration	511,072	205,288	80,629	635,730	29.49%
Abandoned Items	1,539	820	820	1,539	0.35%
Education and Care Services	18,710	0	0	18,710	0.98%
Community Bus	89	0	0	89	0.01%
Sportsground and Field Hire	136,462	4,354	74,845	65,971	5.46%
Government and other Grants	327,604	892,821	627,600	592,824	12.87%
Public Hall Hire	63,264	0	14,734	48,530	1.39%
Health Services	350	0	0	350	0.02%
Land and Building Rentals	218,658	161,240	212,521	167,376	5.63%
Healthy Lifestyles	34,238	26,756	28,362	32,632	0.15%
Library Fines and Costs	0	0	0	0	0.00%
Licence Fees	51,343	5,687	10,727	46,304	1.85%
Pool Hire	1,676	23,683	10,919	14,440	0.39%
Private Works	2,612	0	0	2,612	0.52%
Road and Footpath Restoration	195,480	52,126	15,559	232,046	28.17%
Shop and Office Rentals	46,045	50,382	55,770	40,657	2.17%
Various Sundry Items	141,643	6,276	45,637	102,282	6.42%
Waste Collection Services	23,326	21,803	32,629	12,500	6.17%
	<b>1,735,433</b>	<b>1,451,235</b>	<b>1,210,754</b>	<b>1,975,915</b>	<b>100%</b>

**AGEING OF SUNDRY DEBTOR ACCOUNTS - 31 July 2020**

	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	Previous Month 90+ days
Corporate Administration	178,505	102,176	336,784	18,265	635,730	11,905
Abandoned Items	0	0	0	1,539	1,539	1,539
Education and Care Services	18,710	0	0	0	18,710	0
Community Bus	89	0	0	0	89	0
Sportsground and Field Hire	637	0	0	65,334	65,971	71,737
Government and other Grants	447,821	145,004	0	0	592,824	0
Public Hall Hire	1,020	0	0	47,510	48,530	59,534
Health Services	0	0	0	350	350	350
Land and Building Rentals	97,385	55,391	6,804	7,796	167,376	11,732
Healthy Lifestyles	3,286	2,002	1,532	25,812	32,632	25,408
Licence Fees	4,519	1,345	1,046	39,394	46,304	43,671
Pool Hire	13,067	0	0	1,373	14,440	973
Private Works	1,189	0	0	1,423	2,612	1,423
Road and Footpath Restoration	45,898	177,982	0	8,167	232,046	8,167
Shop and Office Rentals	33,269	4,021	2,787	580	40,657	0
Various Sundry Items	14,564	17,306	5,694	64,718	102,282	100,880
Waste Collection Services	12,500	0	0	0	12,500	12,552
	<b>833,779</b>	<b>505,227</b>	<b>354,648</b>	<b>282,260</b>	<b>1,975,915</b>	<b>349,671</b>

## **8.8 Minutes of the Audit Risk and Improvement Committee meeting held 18 August 2020**

### **Reporting Officer**

Executive Manager Corporate Services and Governance  
City Governance

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### **Officer's Recommendation**

That the minutes of the Audit Risk and Improvement Committee held 18 August 2020 be noted.

### **Purpose**

To seek Council's endorsement of the minutes of the Audit Risk and Improvement Committee meeting held 18 August 2020.

### **Report**

Detailed below are the recommendations of the Audit Risk and Improvement Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration.

### **Reports listed for consideration**

#### **6.1 Internal Audit Progress Report on 2019-2020**

That the Committee receive and note the progress report on the 2019-2020 Audit Plan.

#### **6.2 Follow Up Report - Policy Management and Gap Analysis**

That the Committee receive and note the Policy Management and Gap Analysis follow up review.

#### **6.3 Domestic Waste - Illegal Dumping Review**

That the Committee receive and note the Domestic Waste – Illegal Dumping review.

#### **6.4 2019-2020 Audit Office Management Letter - Planning Phase**

That the information be noted.

#### **6.5 2019-2020 Financial Reports**

That the information be received and noted.

#### **6.6 Business Excellence Update**

That the information be noted.

#### **6.7 Insurance Renewals 2020-2021**

That the Committee note the information contained in the report.

#### **6.8 Outstanding ARIC Actions**

That the information be noted.

### **Attachments**

1. Minutes of the Audit Risk and Improvement Committee held 18 August 2020 (contained within this report)

# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

**Audit Risk and Improvement Committee Meeting held at 4.00pm on Tuesday, 18 August 2020.**

ITEM	TITLE	PAGE
1.	<b>ACKNOWLEDGEMENT OF LAND</b>	<b>2</b>
2.	<b>APOLOGIES</b>	<b>2</b>
3.	<b>CONFIRMATION OF MINUTES</b>	<b>2</b>
3.1	Minutes of the Ordinary Meeting of the Audit Risk and Improvement Committee held 19 May 2020	2
4.	<b>DECLARATIONS OF INTEREST</b>	<b>2</b>
5.	<b>GENERAL MANAGER – VERBAL UPDATE</b>	<b>3</b>
6.	<b>REPORTS</b>	<b>3</b>
6.1	Internal Audit Progress Report on 2019-2020	3
6.2	Follow Up Report - Policy Management and Gap Analysis	4
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6.4	2019-2020 Audit Office Management Letter - Planning Phase	4
6.5	2019-2020 Financial Reports	5
6.6	Business Excellence Update	5
6.7	Insurance Renewals 2020-2021	6
6.8	Outstanding ARIC Actions	6
7.	<b>GENERAL BUSINESS</b>	<b>7</b>

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**Minutes of the Audit Risk and Improvement Committee Meeting held on 18 August 2020**

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<b>Present</b>	Mr Bruce Hanrahan - Independent Member (Chairperson) Mr Jim Mitchell - Independent Member Councillor Warren Morrison - Elected Council Representative
<b>In attendance</b>	Ms Lindy Deitz - General Manager Mr Sam Helweh - Internal Auditor Mr Phu Nguyen - Director City Governance Ms Rebecca Grasso - Director City Growth Ms Corinne Mears - Executive Manager Corporate Services and Governance Ms Somaiya Ahmed - Director, Financial Audit Services - Audit Office of NSW Mr Ali Amjad - Audit Leader - Audit Office of NSW Ms Monique Dunlop - Manager Governance and Risk Mr Warren Kear - Risk Coordinator Ms Cathy Gavin - Senior Financial Accountant Ms Samantha Fletcher - Financial Reporting Accountant Mr Peter Rimmer - Acting Manager City Standards and Compliance Ms Erin Austin - Executive Support

**1. ACKNOWLEDGEMENT OF LAND**

An Acknowledgement of Land was presented by the Chairperson Mr Bruce Hanrahan.

**2. APOLOGIES**

Nil

**3. CONFIRMATION OF MINUTES****3.1 Minutes of the Ordinary Meeting of the Audit Risk and Improvement Committee held 19 May 2020**

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**Committee's Recommendation: (Hanrahan/Morrison)**

That the information be noted.

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**4. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at this meeting.



## 5. GENERAL MANAGER – VERBAL UPDATE

- The current COVID-19 Pandemic - the Committee was advised that Council is continuing to respond the evolving situation with COVID-19 and that no staff have tested positive to date. Organisationally, we have reviewed and tested all our Business Continuity Plans as a precaution and pivoted a number of our services to online modes. We will need to continue to review and refine our services moving forward to ensure they remain relevant but also in response to the financial challenges that all Councils and businesses are facing. We appreciate the pandemic is both a health and an economic challenge for all of us. The General Manager noted that financially the impact of COVID-19 will be seen in the financials and we have made concerted effort to reduce expenditure to balance the budget. While this is possible in the short term it becomes increasingly more challenging the longer the pandemic persists.
- Flexible Workplace Policy – the Committee was advised that a new workplace policy has been introduced which recognises that the workplace of the future is likely to look different to what it was before. The General Manager advised that we had the technology in place and we were able to operate with a portion of our workforce remotely.
- Local Government Elections – the Committee was advised that the Local Government elections have been postponed until September 2021. However the election for the Mayor and Deputy Mayor will take place in September 2020.
- Streets as Shared Spaces Grants - the Committee was advised that Campbelltown was announced as a recipient of the NSW Government grant. The \$1m grant will focus on Queen Street with the ideas for seven key outcomes identified: a shared people space, cool green spine, a unified street with changing character, full of flavour, fine grain spaces and connections, canvas for public life and Lithgow street mall activation.

## 6. REPORTS

### 6.1 Internal Audit Progress Report on 2019-2020

#### Purpose

To provide the Committee an update on the progress of the internal audit work undertaken in accordance with the approved 2019-2020 Audit Plan.

---

#### Officer's Recommendation

That the Committee receive and note the progress report on the 2019-2020 Audit Plan.

#### Committee's Recommendation: (Hanrahan/Morrison)

That the Committee receive and note the progress report on the 2019-2020 Audit Plan.

## **6.2 Follow Up Report - Policy Management and Gap Analysis**

### **Purpose**

To report on the Policy Management and Gap Analysis follow up review which forms part of the 2019-2020 Audit Plan.

---

### **Officer's Recommendation**

That the Committee receive and note the Policy Management and Gap Analysis follow up review.

### **Committee's Recommendation: (Morrison/Hanrahan)**

That the Committee receive and note the Policy Management and Gap Analysis follow up review.

---

## **6.3 Domestic Waste - Illegal Dumping Review**

### **Purpose**

To report on the Domestic Waste – Illegal Dumping review which forms part of the 2019-2020 Audit Plan.

---

### **Officer's Recommendation**

That the Committee receive and note the Domestic Waste – Illegal Dumping review.

### **Committee's Recommendation: (Mitchell/Morrison)**

That the Committee receive and note the Domestic Waste – Illegal Dumping review.

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## **6.4 2019-2020 Audit Office Management Letter - Planning Phase**

### **Purpose**

To provide the Committee with the Management Letter on the planning phase of the audit for year ending 30 June 2020.

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### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Hanrahan/Mitchell)**

That the information be noted.

---

## **6.5 2019-2020 Financial Reports**

### **Purpose**

Provide a draft extract of Council's annual financial statements for the reporting period 1 July 2019 to 30 June 2020.

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### **Officer's Recommendation**

That the information be received and noted.

### **Committee's Recommendation: (Mitchell/Hanrahan)**

That the information be received and noted.

---

## **6.6 Business Excellence Update**

### **Purpose**

To provide the Committee with an update on continuous improvement activities for 2020 by the Business Excellence Team in both a leading and partnering role.

---

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Morrison/Mitchell)**

That the information be noted.

---

## **6.7 Insurance Renewals 2020-2021**

### **Purpose**

To inform the Committee of the details of the 2020-2021 insurance program.

---

### **Officer's Recommendation**

That the Committee note the information contained in the report.

### **Committee's Recommendation: (Mitchell/Hanrahan)**

That the Committee note the information contained in the report.

---

## **6.8 Outstanding ARIC Actions**

### **Purpose**

To ensure the Committee is aware of all outstanding actions and all completed actions.

---

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Hanrahan/Morrison)**

That the information be noted.

---

## 7. GENERAL BUSINESS

- The Committee raised the advice that has been released from the NSW Treasury requesting that the remuneration of ARIC chairs and members be reviewed to ensure obligations under the *Superannuation Guarantee (Administration) Act 1992* are being met. The NSW Treasury has advised that a Superannuation Guarantee Amnesty is in place until 7 September 2020 where shortfalls need to be remediated.
- The Committee was advised that Council have been reviewing the advice from NSW Treasury in regards to ARIC chairs and members and long term contractors. Legal advice has previously been obtained and further guidance will be sought from the Office of Local Government for all Councils to have consistency. All ARIC members will be contacted in due course.
- The Committee raised the issue of the appointment of ARIC members and the replacement of the independent member. The Director City Governance advised that this is being addressed and will be discussed with the Chair.

The next meeting of the Audit Risk and Improvement Committee will be held Tuesday 15 September 2020 at 4.00pm at Council Chambers, Level 3, Campbelltown City Council.

Bruce Hanrahan

**Chairperson**

Meeting Concluded: 4.51pm.

## 8.9 Amendments to the Model Code of Conduct and Procedures

### Reporting Officer

Manager Governance and Risk  
City Governance

### Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.8 - Provide strong governance for all Council activities

### Officer's Recommendation

That Council adopt the amended Code of Conduct and Procedures for the Administration of the Code of Conduct shown as Attachments 1 and 2.

### Purpose

The purpose of this report is to inform Council of the amendments to the Model Code of Conduct and Procedures that have been prescribed under the Local Government (General) Regulation 2005 and take effect immediately. Councils are required to adopt a code of conduct and procedures based on the prescribed models.

### Report

The Office of Local Government (OLG) issued a circular on 14 August 2020 to advise:

The Procedures for the Administration of the Model Code of Conduct (the Procedures) have been amended in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134; and Amendments have been made to the Model Code of Conduct.

These amendments have been prescribed under the Local Government (General) Regulation 2005 and take effect immediately. Councils are required to adopt a code of conduct and procedures based on these prescribed models and are shown as Attachments 1 and 2.

### Amendments to the Model Code of Conduct

The Model Code of Conduct has been amended to:

- remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant)
- update the language used to describe discrimination in clause 3.6
- include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs).

Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments include:

- lift the \$50 cap on the value of gifts that may be accepted to \$100
  - clarify that items with a value of \$10 or less are not “gifts or benefits” for the purposes of the Model Code of Conduct and do not need to be disclosed
  - clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not “gifts or benefits”, and
- remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.

### **Amendments to the Procedures**

Consistent with the Supreme Court’s decision, councils have the following options when taking disciplinary action against councillors for breaches of their codes of conduct:

- that a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993*, or
- that a councillor be formally censured for a breach under section 440G and the matter be referred to OLG for further disciplinary action under the misconduct provisions.

When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator’s findings and determination and any other grounds that the council considers relevant or appropriate.

Councillors may seek to avoid public censure by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report. In these circumstances, investigators can finalise their investigations without a report to the council. However, it will remain open to investigators to finalise their report and to recommend censures. Investigators are now required to consult with OLG before recommending the referral of code of conduct breaches.

Other amendments have been made to the Procedures to:

- allow panels of conduct reviewers to be appointed without a council resolution; and
- allow the referral of investigators’ reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

The amendments to the Draft Code of Conduct (Attachment 1) and the Draft Procedures (Attachment 2) are represented in the documents with additions highlighted and deletions struckthrough.

### **Attachments**

1. Draft Code of Conduct (amended) (contained within this report)
2. Draft Procedures for the Administration of the Code of Conduct (amended) (contained within this report)



# CODE OF CONDUCT

DATA AND DOCUMENT CONTROL		
<b>Division:</b> City Governance <b>Section:</b> Governance and Risk <b>DocSet:</b> 2259414	<b>Adopted Date:</b> 24/09/2002 <b>Revised Date:</b> 14/05/2019 <b>Minute Number:</b> 079 <b>Review Date:</b> 30/06/2021	<b>Page:</b> 1 of 53





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## 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.

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## PART 2 DEFINITIONS

In this code 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
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.
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, 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
conduct	includes acts and omissions
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 400O of the LGA
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
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

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## **PART 3 GENERAL CONDUCT OBLIGATIONS**

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### **General conduct**

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- 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).

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### **Fairness and equity**

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- 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.

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### **Harassment and discrimination**

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- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

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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.

*This clause of the Code is supported by Council's Equal Employment Opportunity Policy and Inappropriate Workplace Behaviour Policy.*

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### **Bullying**

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3.8 You must not engage in bullying behaviour towards others.

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

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

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

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

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

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour

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- 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.

*This clause of the Code is supported by Council's Workplace Bullying Policy.*

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### **Work health and safety**

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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.

*This clause of the Code is supported by Council's Work Health and Safety Policy*

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### **Violence in the Workplace**

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3.13 All council officials must be committed to upholding the organisation's zero tolerance for workplace violence across all mediums and contexts, and know that the organisation will hold employees accountable for breaches.

*This clause of the Code is supported by Council's Family Domestic Violence Authorised Statement.*

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

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- 3.14 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.
- 3.15 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.

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### **Binding caucus votes**

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- 3.16 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.17 For the purposes of clause 3.16, 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.
- 3.18 Clause 3.16 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.
- 3.19 Clause 3.16 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.

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### **Obligations in relation to meetings**

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- 3.20 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.
- 3.21 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).
- 3.22 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.

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

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## **PART 4 PECUNIARY INTERESTS**

### **What is a pecuniary interest?**

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your "relative" is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
  - (b) "de facto partner" has the same meaning as defined in section 21C of the Interpretation Act 1987.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or

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- (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.

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

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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

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- (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.

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

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- 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

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- (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.

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


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- 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.

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


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- 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 .

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


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- 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.

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**Disclosure of interests in written returns**


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- 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:

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- (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.

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#### **Disclosure of pecuniary interests at meetings**

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- 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:

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- (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

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- (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.

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## **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:

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- 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.

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- 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 non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

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#### **Political donations**

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- 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.

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- 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.

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

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- 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.

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**Other business or employment**


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- 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.

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**Personal dealings with council**


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- 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.

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- 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.

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## **PART 6 PERSONAL BENEFIT**

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

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

- a) Items with a value of \$10 or less
- b) a political donation for the purposes of the Electoral Funding Act 2018
- c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
- d) a benefit or facility provided by the council to an employee or councillor
- e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
- f) free or subsidised meals, beverages or refreshments 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.

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### **Gifts and benefits**

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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.

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

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6.5 You must not:

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- 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.

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#### **Gifts and benefits of token value**

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- 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 \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
  - b) gifts of alcohol that do not exceed a value of \$100
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like

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

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

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- 6.9 Gifts or benefits that exceed \$100 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 \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 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 \$100 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.

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#### **"Cash-like gifts"**

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- 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.

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#### **Improper and undue influence**

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- 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.

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## **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

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- 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.

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#### **Inappropriate interactions**

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

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor 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

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- 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.

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## **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.

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**Use of certain council information**


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- 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.

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**Use and security of confidential information**


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- 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).

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**Personal information**


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- 8.12 When dealing with personal information you must comply with:

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- 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

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#### **Use of council resources**

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- 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.

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- 8.19 You must not convert any property of the council to your own use unless properly authorised.

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**Internet access and use of social media**

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- 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.
- 8.21 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.

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**Council record keeping**

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- 8.22 You must comply with the requirements of the State Records Act 1998 and the council's records management policy.
- 8.23 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.
- 8.24 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.
- 8.25 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.

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**Councillor access to council buildings**

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- 8.26 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.
- 8.27 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.
- 8.28 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

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## **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

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- c) discrimination, disadvantage or adverse treatment in relation to employment
- d) dismissal from, or prejudice in, employment
- e) disciplinary proceedings.

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#### **Compliance with requirements under the Procedures**

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- 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.~~

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

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- 9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.12 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.
- 9.13 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.
- 9.14 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.

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**Complaints alleging a breach of this Part**

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

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## **PART 10 SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21**

### Part 1: Preliminary

#### Definitions

1. For the purposes of the schedules to this 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.

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*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).

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*travel* includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. Interests etc. outside New South Wales: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. References to interests in real property: A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. Gifts, loans etc. from related corporations: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the Corporations Act 2001 of the Commonwealth are all given, made or supplied by a single corporation.

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Part 2: Pecuniary interests to be disclosed in returnsReal 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.

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Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 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.

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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.
19. Interests as a property developer or a close associate of a property developer
20. 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.
21. 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**

22. 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.
23. 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.

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Dispositions of real property

24. 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.
25. 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.
26. 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

27. 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.
28. 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.
29. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

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30. 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.
31. 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**

32. 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.
33. 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.
34. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
  - b) the person was liable to pay the debt to a relative, or
  - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - d) in the case of a debt arising from the supply of goods or services:
    - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
    - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
  - e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

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Discretionary disclosures

35. 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.

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**PART 11 SCHEDULE 2: FORM OF WRITTEN RETURN 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.

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

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

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

as at *[return date]*

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

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

#### A. Real Property

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

#### B. Sources of income

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

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

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

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

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

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

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

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

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## C. Gifts

Description of each gift I received at any time since 30 June

Name and address of donor

## D. Contributions to travel

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

## E. Interests and positions in corporations

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

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

## G. Positions in trade unions and professional or business associations

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

## H. Debts

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

## I. Dispositions of property

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

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

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J. Discretionary disclosures

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**PART 12 SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37**

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

**Important information**

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

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

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

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

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

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

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

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

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

to be held on the                      day of                      20     .

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

<sup>1</sup> 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.

<sup>2</sup> 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.

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


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

Councillor's signature

Date

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

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 <b>CAMPBELLTOWN CITY COUNCIL</b>		<b>POLICY</b>
Policy Title	Procedures for the Administration of the Model Code of Conduct	
Related Documentation	Code of Conduct	
Relevant Legislation/ Corporate Plan	Section 440 <i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i> <i>Local Government (General) Amendment (Conduct) Regulation 2012</i>	
Responsible Officer	Manager Governance and Risk	

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## Campbelltown City Council

### 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. Council's complaints coordinator is the Director City Governance.
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

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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
councillor	any person elected or appointed to civic office, including the Mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
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.

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- 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.

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- 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.

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**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.

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### 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

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interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

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

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

- 5.10 The General Manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The General Manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The General Manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the General Manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the General Manager resolves a code of conduct complaint under clause 5.14 to the General Manager's satisfaction, the General Manager must notify the complainant in writing

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of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
  - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the General Manager
  - c) prosecution for any breach of the law
  - d) removing or restricting the person's delegation
  - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the General Manager or any person making enquiries on behalf of the General Manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the General Manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

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

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

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

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- 5.23 Where the General Manager decides to take no action in relation to a code of conduct complaint about a councillor, the General Manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the General Manager resolves a code of conduct complaint under clause 5.24 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The General Manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

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

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

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- 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.

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

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

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

#### Special complaints management arrangements

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

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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.

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- 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.

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- 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 proven, and
  - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
  - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
  - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
  - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.

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- 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

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- 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 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 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 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

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- 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 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 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

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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 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 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.

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7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

#### Final investigation reports

7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.

7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

7.35 The investigator's final report must:

- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
  - i. constitutes a breach of the code of conduct, or
  - ii. does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

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

- a) a description of the allegations against the respondent
- b) the relevant provisions of the code of conduct that apply to 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 facts of the matter
- g) the investigator's findings in relation to the facts of the matter and the reasons for those finding
- h) in the case of a breach by the General Manager, that action be taken under the General Manager's contract
- i) the investigator's determination and the reasons for that determination
- j) any recommendation.

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 440G of the LGA, or
- c) in the case of a breach by a councillor, that the council resolves as follows:
  - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
  - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

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

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- 7.40 Where the investigators 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 or recommendations 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 coordinators must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.
- 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

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under ~~clause 7.37, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).~~
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may

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absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.

- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one or more of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
  - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a councillor:
    - i) that the councillor be formally censure for the breach under 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 recommendations. 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.

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- 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.~~
- 7.61 Where the council resolves not to adopt the investigator's recommendation 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.

## 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.

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#### Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
  - b) the council must:
    - i) review its decision to impose the sanction, and
    - ii) consider the Office's recommendation in doing so, and
    - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

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**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.

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- 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 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.

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## 8.10 Amendment to Code of Meeting Practice

### Reporting Officer

Manager Governance and Risk  
City Governance

### Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.8 - Provide strong governance for all Council activities

### Officer's Recommendation

That Council adopt the amended Code of Meeting Practice shown as Attachment 1.

### Purpose

The purpose of this report is to detail recent amendment to the Local Government (General) Regulation 2005 and the resulting revision to the Code of Meeting Practice.

### Report

Based on NSW State Archives and Records guidance, the Office of Local Government issued a Guide to Webcasting Council and Committee Meetings in August 2020 recommending that webcast recordings of Council meetings should be retained on councils' websites for a minimum of 12 months. The requirement for councils to retain recordings of meetings on the websites for at least 12 months is now prescribed under the Local Government (General) Regulation 2005.

The revised Code of Meeting Practice (Attachment 1) includes all the current provisions of the current Code of Meeting Practice with the amendment to clause 7.4 to incorporate the requirement to retain Council meeting recordings on the website for 12 months. The amendment is identifiable in the attached document with additions highlighted and deletions struck through.

Any provision of Campbelltown City Council's meeting code that is inconsistent with the mandatory provisions of the Model Meeting Code and the Local Government (General) Regulation 2005 will automatically cease to have any effect to the extent that they are inconsistent, as a result the draft Code (attachment 1) does not need to be publicly exhibited prior to adoption.

### Attachments

1. Draft Code of Meeting Practice - 2020 Review (contained within this report)



# CODE OF MEETING PRACTICE

Adopted by Council:

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<b>Division:</b> City Governance <b>Section:</b> Governance and Risk <b>DocSet:</b> 1942232	<b>Adopted Date:</b> 14/03/2006 <b>Revised Date:</b> 11/07/2019 <b>Minute Number:</b> 105 <b>Review Date:</b> 30/09/2021	<b>Page:</b> 1 of 48



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**1. INTRODUCTION**

Campbelltown City Council's Code of Meeting Practice is based on the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) and is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation). Campbelltown City Council's Code of Meeting practice incorporates the mandatory provisions of the Model Meeting Code.

Council and Committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by the Council. Council committees whose members include persons other than Councillors may adopt their own rules for meetings unless the Council determines otherwise.

Council's adopted Code of Meeting Practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions in so far that any supplementary provisions are not inconsistent with the mandatory provisions of the Model Meeting Code.

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**2. MEETING PRINCIPLES****2.1 Council and committee meetings should be:**

*Transparent:* Decisions are made in a way that is open and accountable.

*Informed:* Decisions are made based on relevant, quality information.

*Inclusive:* Decisions respect the diverse needs and interests of the local community.

*Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.

*Trusted:* The community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community.

*Respectful:* Councillors, staff and meeting attendees treat each other with respect.

*Effective:* Meetings are well organised, effectively run and skilfully chaired.

*Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

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**3. BEFORE THE MEETING**Timing of ordinary Council meetings

- 3.1 Ordinary meetings of the Council will be held on the second Tuesday of each month except for January when the Council is in recess. Ordinary meetings of Council start at 6.30pm and are held in the Council Chamber, Level 3, at the Council Civic Centre, 91 Queen Street, Campbelltown, unless otherwise advertised. **The Council may meet online and record and livestream the meeting.**

*The Council is required to meet at least ten times each year, each time in a different month.*

*(section 365)*

Extraordinary meetings

- 3.2 If the Mayor receives a request in writing, signed by at least two (2) Councillors, the Mayor must call an Extraordinary Meeting of the Council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The Mayor can be one of the two Councillors requesting the meeting.

*(section 366)*

- 3.3 The General Manager, in consultation with the Mayor, may call an Extraordinary Meeting of Council for any specific purpose.

*(Council protocol)*

Notice to the public of Council Meetings

- 3.4 The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of Committees of the Council.

*(section 9(1))*

- 3.5 For the purposes of clause 3.4, notice of a meeting of the Council and of a Committee of Council is to be published before the meeting takes place. The notice must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to Councillors of Ordinary Council Meetings

- 3.7 The General Manager must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

*(section 367(1))*

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- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.  
(section 367(3))

Notice to Councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to Councillors of an extraordinary meeting of the Council in cases of emergency.  
(section 367(2))

Giving notice of business to be considered at Council meetings

- 3.10 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **by 9am, seven days before the meeting is to be held.**
- 3.11 A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered. Such a request must be made by 9am, seven days before the meeting is to be held.
- 3.12 If the General Manager considers that a Notice of Motion submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare supplementary information in relation to the Notice of Motion for the meeting at which the Notice of Motion is to be considered by the Council. If the recommendation is unfunded with the adopted operational plan, the source of funding for the expenditure that is the subject of the recommendation should be identified.

Questions with notice

- 3.13 A Councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the General Manager about the performance or operations of the Council. Questions must be in writing and must be submitted by 9am, seven days before the meeting is to be held.
- 3.14 A Councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council.
- 3.15 The General Manager or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

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#### Agenda and business papers for ordinary meetings

- 3.16 The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.
- 3.17 The General Manager must ensure that the agenda for an ordinary meeting of the Council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the Council, and
  - (b) if the Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.10.
- 3.18 Nothing in clause 3.17 limits the powers of the Mayor to put a Mayoral Minute to a meeting under clause 11.6.
- 3.19 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.
- 3.20 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.
- (section 9(2A)(a))*
- 3.21 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

#### Availability of the agenda and business papers to the public

- 3.22 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council's website, and must be made available

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to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.

*(section 9(2) and (4))*

- 3.23 Clause 3.22 does not apply to the business papers for items of business that the General Manager has identified under clause 3.20 as being likely to be considered when the meeting is closed to the public.

*(section 9(2A)(b))*

- 3.24 For the purposes of clause 3.22, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

*(section 9(3))*

- 3.25 A copy of an agenda, or of an associated business paper made available under clause 3.22, may in addition be given or made available in electronic form.

*(section 9(5))*

Agenda and business papers for extraordinary meetings

- 3.26 The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.

- 3.27 Despite clause 3.26, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:

- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

- 3.28 A motion moved under clause 3.27(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

- 3.29 Despite clauses 12.20–12.30, only the mover of a motion moved under clause 3.27(a) can speak to the motion before it is put.

- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.27(b) on whether a matter is of great urgency.

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**4. COUNCILLOR BRIEFINGS**

- 4.1 Councillor briefings are conducted to fully inform Councillors of matters of significance or complexity that are to be the subject of a staff report at a future meeting of Council or are of particular current interest to Council.
- 4.2 Councillor briefing sessions are to be held in the absence of the public.
- 4.3 The Mayor presides at Councillor briefing sessions.
- 4.4 Councillors must not use Councillor briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council meeting at which the item of business is to be considered.
- 4.5 Councillors must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a Councillor briefing session, in the same way that they are required to do so at a Council meeting. The Council is to maintain a written record of all conflict of interest declarations made at Councillor briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.
- 4.6 On occasion, confidential matters will be presented at Councillor Briefings and this will be noted in the presentation and accompanying documentation. Councillors and staff must maintain the integrity and security of confidential documents or information distributed or discussed at Councillor Briefings, in accordance with the Code of Meeting Practice, Codes of Conduct and supporting policies.

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**5. COMING TOGETHER**Attendance by Councillors at meetings

- 5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of committees of the Council of which they are members.

Note: A Councillor may not attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected or a meeting at which the Councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A Councillor cannot participate in a meeting of the Council or of a committee of the Council unless personally present at the meeting.

- 5.3 Where a Councillor is unable to attend one or more ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.4 A Councillor's request for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.

- 5.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.

- 5.6 A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive ordinary meetings of the Council without prior leave of the Council, or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

*(section 234(1)(d))*

- 5.7 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the General Manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.8 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office.

*(section 368(1))*

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

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*(section 368(2))*

- 5.10 A meeting of the Council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the Councillors present, or
  - (c) failing that, by the General Manager.
- 5.12 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Mayor may, in consultation with the General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.3.

Attendance of the General Manager and other staff at meetings

- 5.15 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a committee of the Council of which all of the members are Councillors.
- (section 376(1))*
- 5.16 The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.
- (section 376(2))*
- 5.17 The General Manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.
- (section 376(3))*

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- 5.18 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.

Entitlement of the public to attend Council meetings

- 5.19 Everyone is entitled to attend a meeting of the Council and committees of the Council. The Council must ensure that all meetings of the Council and committees of the Council are open to the public.

(section 10(1))

- 5.20 Clause 5.19 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.21 A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or a committee of the Council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

(section 10(2))

*Note: Clause 17.15 confers a standing authorisation on all chairpersons of meetings of the Council and committees of the Council to expel persons other than Councillors from meetings.*

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**6. PUBLIC ADDRESS**

- 6.1 The Council shall permit oral submissions from residents, ratepayers and other eligible representatives on items of business listed on the Council Meeting agenda.
- 6.2 To speak at a Council or Committee of Council meeting, a person must first make an application to the Council in the approved form. Applications to speak at Council must be received by **12pm on the day the Council meeting** is to be held. Each speaker requesting to address the Council must provide the following details:
- (a) Name
  - (b) The organisation or group representing (if applicable)
  - (c) Agenda item number and title
  - (d) Indication of whether 'For' or 'Against' the Officers recommendation in the Council meeting agenda report.
  - (e) The interest of the speaker (for example, affected person, neighbour, applicant, applicants representative)
- 6.3 The application must relate to a matter which is an item of business listed on the Council Meeting agenda with the exclusion of the following:
- (a) Notice of Rescission
  - (b) Questions with Notice
  - (c) All personnel related matters
- 6.4 Applicants seeking to address Council or a Committee of Council must meet one of the following eligibility criteria:
- (a) a resident or owner of land within the City of Campbelltown Local Government Area
  - (b) a person or entity entitled to vote in the City of Campbelltown under the Local Government Act 1993
  - (c) the representative of an entity owning land, conducting a business or providing a service in the Campbelltown Local Government Area
  - (d) a duly appointed person including the legal, financial or town planning representative of any person or entity listed above with a matter before Council
  - (e) a local community organisation representative
  - (f) any representative of a State or Federal Government Agency with a matter before Council.
- 6.5 A person may apply to speak on no more than **three** items of business on the agenda of the Council meeting.
- 6.6 The General Manager or their delegate may refuse an application to speak at a Council meeting. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 6.7 No more than **three** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.
- 6.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may request the speakers

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to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager or their delegate will select speakers based on the order of receipt.

- 6.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may, in consultation with the Mayor or the Mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.
- 6.10 Approved speakers are to register with the Council any written, material to be presented in support of their address to the Council.
- 6.11 Each speaker will be allowed **five** minutes to address the Council. This time is to be strictly enforced by the Chairperson.
- 6.12 Speakers must not digress from the item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 6.13 A Councillor may, through the chairperson, ask questions of a speaker following their address at a Council meeting. Questions put to a speaker must be direct, succinct and without argument.
- 6.14 Speakers are under no obligation to answer a question put under clause 6.13. Answers by the speaker, to each question are to be limited to **two** minutes.
- 6.15 Speakers cannot ask questions of the Council, Councillors or Council staff.
- 6.16 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council for up to **five** minutes in response to an address to the Council after the address and any subsequent questions and answers have been finalised.
- 6.17 When addressing the Council, speakers must comply with this code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's code of conduct or making other potentially defamatory statements.
- 6.18 If the chairperson considers that a speaker has engaged in conduct of the type referred to in clause 6.17, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 6.19 Clause 6.18 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at Council meetings in accordance with the provisions of Part 15 of this code.

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- 6.20 Where a speaker engages in conduct of the type referred to in clause 6.17, the General Manager or their delegate may refuse further applications from that person to speak at a Council meeting for such a period as the General Manager or their delegate considers appropriate. A decision to refuse an application to speak at a Council meeting on the basis of disorderly conduct must be reviewed within three months of the refusal.

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**7. WEBCASTING OF MEETINGS**

- 7.1 All meetings of the Council and committees of the Council are to be webcast on the Council's website. The webcast of the meeting will be livestreamed, and the audio visual recording published on the Council website.
- 7.2 Clause 7.1 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 7.3 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 7.4 A recording of each meeting of the Council and committee of the Council is to be retained on the Council's website **for 12 months, the duration of the meeting.** Council meetings will be livestreamed, **then the audio-visual recording will be added to the website archive the day following the meeting, and then removed from the website at the conclusion of the meeting.** Recordings of meetings may be disposed of in accordance with the provisions of *State Records Act 1998*.
- 7.5 A fault in the technology or an inability to record or livestream a meeting will not invalidate decisions from the meeting.

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**8. THE CHAIRPERSON**The chairperson at meetings

- 8.1 The Mayor, or at the request of or in the absence of the Mayor, the deputy Mayor presides at meetings of the Council.  
(section 369(1))
- 8.2 If the Mayor and the deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.  
(section 369(2))

Election of the chairperson in the absence of the Mayor and deputy Mayor

- 8.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 8.4 The election of a chairperson must be conducted:
- (a) by the General Manager or, in their absence, an employee of the Council designated by the General Manager to conduct the election, or
  - (b) by the person who called the meeting or a person acting on their behalf if neither the General Manager nor a designated employee is present at the meeting, or if there is no General Manager or designated employee.
- 8.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 8.6 For the purposes of clause 8.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 8.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 8.8 Any election conducted under clause 8.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 8.9 When the chairperson rises or speaks during a meeting of the Council:
- (a) any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) every Councillor present must be silent to enable the chairperson to be heard without interruption.

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**9. MODES OF ADDRESS**

- 9.1 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 9.2 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 9.3 A Councillor is to be addressed as 'Councillor [surname]'.
- 9.4 A Council officer is to be addressed by their official designation or as Mr/Ms [surname].

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**10. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS**

10.1 The general order of business for an ordinary meeting of the Council shall be:

Opening meeting and Notification of webcast

- 01 Acknowledgement of Land
- 02 Apologies and applications for a leave of absence by Councillors
- 03 Confirmation of minutes
- 04 Declarations of interests
- 05 Mayoral minute(s)
- 06 Petitions
- 07 Correspondence
- 08 Reports from Officers
- 09 Questions with notice
- 10 Rescission Motion
- 11 Notice of Motion
- 12 Urgent General Business (without notice)
- 13 Presentations by Councillors
- 14 Confidential Reports from Officers

Conclusion of the meeting

10.2 The order of business as fixed under clause 10.1 may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

10.3 Despite clauses 12.20–12.30, only the mover of a motion referred to in clause 10.2 may speak to the motion before it is put.

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**11. CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS**Business that can be dealt with at a Council meeting

- 11.1 The Council must not consider business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 11.2 Clause 11.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the Council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 11.9, is a matter or topic put to the meeting by way of a Mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.
- 11.3 Despite clause 11.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 11.4 A motion moved under clause 11.3(a) can be moved without notice. Despite clauses 12.20–12.30, only the mover of a motion referred to in clause 11.3(a) can speak to the motion before it is put.
- 11.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 11.3(b).

Mayoral minutes

- 11.6 Subject to clause 11.9, if the Mayor is the chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.
- 11.7 A Mayoral minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a Mayoral minute without the motion being seconded.
- 11.8 A recommendation made in a Mayoral minute put by the Mayor is, so far as it is

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adopted by the Council, a resolution of the Council.

- 11.9 A Mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 11.10 If the General Manager considers that a Mayoral Minute submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare supplementary information in relation to the Mayoral Minute for the meeting at which the Mayoral Minute is to be considered by the Council. If the recommendation is unfunded with the adopted operational plan, the source of funding for the expenditure that is the subject of the recommendation should be identified.

**Staff reports**

- 11.11 A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council.

**Reports of committees of Council**

- 11.12 The recommendations of a committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.
- 11.13 If in a report of a committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

**Questions**

- 11.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 11.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.
- 11.16 A Councillor may, through the General Manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager.
- 11.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.

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- 11.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 11.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

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**12. RULES OF DEBATE**Motions to be seconded

- 12.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 12.2 A Councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 12.3 If a Councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.
- 12.4 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:
- (a) any other Councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the Council.

Chairperson's duties with respect to motions

- 12.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 12.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 12.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 12.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 12.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan should identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the Council may defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if adopted.

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Amendments to motions

- 12.10 An amendment to a motion must be moved and seconded before it can be debated.
- 12.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 12.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 12.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before Council at any one time.
- 12.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 12.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 12.16 An amendment may become the motion without debate or a vote where it is accepted by the Councillor who moved the original motion.

Foreshadowed motions

- 12.17 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 12.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 12.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

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Limitations on the number and duration of speeches

- 12.20 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 12.21 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 12.22 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 12.23 Despite clause 12.22, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 12.24 Despite clause 12.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 12.25 Despite clauses 12.20 and 12.21, a Councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
  - (b) if at least two (2) Councillors have spoken in favour of the motion or amendment and at least two (2) Councillors have spoken against it.
- 12.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 12.25. A seconder is not required for such a motion.
- 12.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 12.20.
- 12.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 12.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this code, remain silent while another Councillor is speaking.
- 12.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

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**13. VOTING**Voting entitlements of Councillors

- 13.1 Each Councillor is entitled to one (1) vote.  
(section 370(1))
- 13.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.  
(section 370(2))
- 13.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at Council meetings

- 13.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 13.5 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- 13.6 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.
- 13.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.
- 13.8 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 13.4 of this code.
- 13.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

Voting on planning decisions

- 13.10 The General Manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council committee (including, but not limited to a committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

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- 13.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.
- 13.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 13.13 Clauses 13.10–13.12 apply also to meetings that are closed to the public.

*(section 375A)*

Note: The requirements of clause 13.12 may be satisfied by maintaining a register of the minutes of each planning decision.

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**14. COMMITTEE OF THE WHOLE**

- 14.1 The Council may resolve itself into a committee to consider any matter before the Council.

*(Clause 12.1)*

- 14.2 All the provisions of this code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches.

*Note: Clauses 12.20–12.30 limit the number and duration of speeches.*

- 14.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

- 14.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

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**15. DEALING WITH ITEMS BY EXCEPTION**

- 15.1 The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 15.2 Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 15.1, the chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 15.3 The Council or committee must not resolve to adopt any item of business under clause 15.1 for which a Councillor has declared a conflict of interest.
- 15.4 The Council or committee must not resolve to adopt any item of business under clause 15.1 that is a planning decision and requires a division to be recorded under clauses 13.12-13.13.
- 15.5 The Council or committee must not resolve to adopt any item of business under clause 15.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 15.6 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or committee must resolve to alter the order of business in accordance with clause 10.3.
- 15.7 A motion to adopt multiple items of business together under clause 15.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 15.8 Items of business adopted under clause 15.1 are to be taken to have been adopted unanimously.

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**16. CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**Grounds on which meetings can be closed to the public

16.1 The Council or a committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than Councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the Council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the Council, Councillors, Council staff or Council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the Council's code of conduct.

*(section 10A(1) and (2))*

16.2 The Council or a committee of the Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

*(section 10A(3))*

Matters to be considered when closing meetings to the public

16.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

*(section 10B(1))*

16.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 16.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the Council or committee

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- is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

*(section 10B(2))*

- 16.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 16.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 16.1.

*(section 10B(3))*

- 16.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
  - (i) cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
  - (ii) cause a loss of confidence in the Council or committee.

*(section 10B(4))*

- 16.7 In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

*(section 10B(5))*

#### Notice of likelihood of closure not required in urgent cases

- 16.8 Part of a meeting of the Council, or of a committee of the Council, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 16.1, and
- (b) the Council or committee, after considering any representations made under clause 16.9, resolves that further discussion of the matter:
  - (i) should not be deferred (because of the urgency of the matter), and
  - (ii) should take place in a part of the meeting that is closed to the public.

*(section 10C)*

#### Representations by members of the public

- 16.9 The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

*(section 10A(4))*

- 16.10 A representation under clause 16.9 is to be made after the motion to close the part of the meeting is moved and seconded.

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- 16.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 16.9, members of the public must first make an application to the Council in the approved form. Applications must be received by **12pm on the day of the** meeting at which the matter is to be considered.
- 16.12 The General Manager (or their delegate) may refuse an application made under clause 16.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 16.13 No more than **three** speakers are to be permitted to make representations under clause 16.9.
- 16.14 If more than the permitted number of speakers apply to make representations under clause 16.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 16.9, the General Manager or their delegate is to determine who will make representations to the Council.
- 16.15 The General Manager (or their delegate) is to determine the order of speakers.
- 16.16 Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 16.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **three** speakers to make representations in such order as determined by the chairperson.
- 16.17 Each speaker will be allowed **five** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-Councillors from meetings closed to the public

- 16.18 If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 16.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-

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entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

16.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

- (a) the relevant provision of section 10A(2) of the Act,
- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

*(section 10D)*

Resolutions passed at closed meetings to be made public

16.21 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

16.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 16.21 during a part of the meeting that is webcast.

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**17. KEEPING ORDER AT MEETINGS**Points of order

- 17.1 A Councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 17.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 17.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 17.4 The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 17.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 17.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 17.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 17.8 A Councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 17.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 17.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

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### Campbelltown City Council

#### Acts of disorder

17.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:

- (a) contravenes the Act or any regulation in force under the Act or this code, or
- (b) assaults or threatens to assault another Councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
- (d) insults or makes personal reflections on or imputes improper motives to any other Council official, or alleges a breach of the Council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the committee into disrepute.

17.12 The chairperson may require a Councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 17.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 17.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 17.11(d) and (e).

#### How disorder at a meeting may be dealt with

17.13 If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

17.14 All chairpersons of meetings of the Council and committees of the Council are authorised under this code to expel any person other than a Councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the committee of the Council.

17.15 Clause 17.14, does not limit the ability of the Council or a committee of the Council to resolve to expel a person, including a Councillor, from a Council or committee meeting, under section 10(2)(a) of the Act.

17.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 17.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

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- 17.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.
- 17.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 17.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 17.20 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and committees of the Council.
- 17.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a committee of the Council without the prior authorisation of the Council or the committee.
- 17.22 Any person who contravenes or attempts to contravene clause 17.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 17.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

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**18. CONFLICTS OF INTEREST**

- 18.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and committees of the Council in accordance with the Council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

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**19. DECISIONS OF THE COUNCIL**Council decisions

- 19.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

*(section 371)*

- 19.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering Council decisions

- 19.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

*(section 372(1)).*

- 19.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

*(section 372(2))*

- 19.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

*(section 372(3))*

- 19.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

*(section 372(4))*

- 19.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

*( section 372(5))*

- 19.8 The provisions of clauses 19.5–19.7 concerning lost motions do not apply to motions of adjournment.

*(section 372(7))*

- 19.9 A notice of motion submitted in accordance with clause 19.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

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- 19.11 A motion to alter or rescind a resolution of the Council may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

*(section 372(6))*

- 19.12 Subject to clause 19.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three Councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- © the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

- 19.13 A motion moved under clause 19.12(b) can be moved without notice. Despite clauses 12.20–12.30, only the mover of a motion referred to in clause 19.12(b) can speak to the motion before it is put.

- 19.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 19.12©.

#### Recommitting resolutions to correct an error

- 19.15 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the Council's resolution, or
- (b) to confirm the voting on the resolution.

- 19.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 19.15(a), the Councillor is to propose alternative wording for the resolution.

- 19.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 19.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

- 19.18 A motion moved under clause 19.15 can be moved without notice. Despite clauses 12.20–12.30, only the mover of a motion referred to in clause 19.15 can speak to the motion before it is put.

- 19.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 19.15.

- 19.20 A motion moved under clause 19.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

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**20. TIME LIMITS ON COUNCIL MEETINGS**

- 20.1 Meetings of the Council and committees of the Council are to conclude no later than **10.30pm**.
- 20.2 If the business of the meeting is unfinished at 10.30pm, the Council or the committee may, by resolution, extend the time of the meeting by 30 minutes.
- 20.3 If the business of the meeting is unfinished at 10.30pm, and the Council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 20.4 Clause 20.3 does not limit the ability of the Council or a committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 20.5 Where a meeting is adjourned under clause 20.3 or 20.4, the General Manager must:
- (a) individually notify each Councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the Council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

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**21. AFTER THE MEETING**Minutes of meetings

- 21.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.  
*(section 375(1))*
- 21.2 At a minimum, the General Manager must ensure that the following matters are recorded in the Council's minutes:
- (a) details of each motion moved at a Council meeting and of any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.
- 21.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council.  
*(section 375(2))*
- 21.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 21.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.  
*(section 375(2))*
- 21.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 21.7 The confirmed minutes of a Council meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 21.8 The Council and committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.  
*(section 11(1))*
- 21.9 Clause 21.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.  
*(section 11(2))*
- 21.10 Clause 21.8 does not apply if the Council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be

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treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

*(section 11(3))*

- 21.11 Correspondence or reports to which clauses 21.9 and 21.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the Council

- 21.12 The General Manager is to implement, without undue delay, lawful decisions of the Council.

*(section 335(b))*

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**22. COUNCIL COMMITTEES**Application of this Part

- 22.1 This Part only applies to committees of the Council whose members are all Councillors.

Council committees whose members are all Councillors

- 22.2 The Council may, by resolution, establish such committees as it considers necessary.
- 22.3 A committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 22.4 The quorum for a meeting of a committee of the Council is to be:
- (a) such number of members as the Council decides, or
  - (b) if the Council has not decided a number – a majority of the members of the committee.

Functions of committees

- 22.5 The Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 22.6 The General Manager must send to each Councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
  - (b) the business proposed to be considered at the meeting.
- 22.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 22.8 A committee member (other than the Mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
  - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

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- 22.9 Clause 22.8 does not apply if all of the members of the Council are members of the committee.

Non-members entitled to attend committee meetings

- 22.10 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of Council committees

- 22.11 The chairperson of each committee of the Council must be:

- (a) the Mayor, or
- (b) if the Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
- (c) if the Council does not elect such a member, a member of the committee elected by the committee.

- 22.12 The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

- 22.13 If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

- 22.14 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 22.15 Subject to any specific requirements of this code, each committee of the Council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.

- 22.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 22.15.

- 22.17 Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

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Closure of committee meetings to the public

- 22.18 The provisions of the Act and Part 16 of this code apply to the closure of meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.
- 22.19 If a committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 22.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 22.19 during a part of the meeting that is webcast.

Disorder in committee meetings

- 22.21 The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

Minutes of Council committee meetings

- 22.22 Each committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.
- 22.23 The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.
- 22.24 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 22.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 22.26 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 22.27 The confirmed minutes of a meeting of a committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on

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its website prior to their confirmation.

**23. IRREGULARITIES**

23.1 Proceedings at a meeting of a Council or a Council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any Councillor or committee member, or
- (c) any defect in the election or appointment of a Councillor or committee member, or
- (d) a failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's code of conduct, or
- (e) a failure to comply with this code.

(section 374)

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## 24. DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 17.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the Council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 22.11 of this code
this code	means the Council's adopted code of meeting practice
committee of the Council	means a committee established by the Council in accordance with clause 22.2 of this code (being a committee consisting only of Councillors) or the Council when it has resolved itself into committee of the whole under clause 14.1
Council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two Councillors under clause 13.7 of this code requiring the recording of the names of the Councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a Councillor under clause 12.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a Councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a Council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act

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performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of Councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

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## 8.11 Determination of Number of Councillors for 2021-2024 Term

### Reporting Officer

Manager Governance and Risk  
City Governance

### Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.8 - Provide strong governance for all Council activities

### Officer's Recommendation

That Council determines that the number of councillors be maintained at 15 for the following term of office of the Campbelltown City Council, commencing in September 2021.

### Purpose

The purpose of this report is for Council to determine its number for the 2021-2024 term of office in accordance with the requirements of the *Local Government Act 1993*.

### Report

The *Local Government Act 1993* (the Act) requires Council to determine its number for the 2021-2024 term of office.

The Act requires the number of Councillors to be at least five and not more than 15 (one of whom is the Mayor).

If it is proposed to change the number of Councillors, the Act requires Council to obtain approval for the change at a constitutional referendum.

When last reported to Council on 12 November 2019, Council did not resolve to run a constitutional referendum in conjunction with the next local government election, as such, it is recommended that the current number of Councillors be retained for the 2021-2024 term of office.

### Attachments

Nil



## 8.12 Deed of Licence Renewal - Glenalvon House

### Reporting Officer

Director City Governance  
City Governance

### Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.7 - Public funds and assets are managed strategically, transparently and efficiently

### Officer's Recommendation

1. That Council endorse the granting of a new Deed of Licence for the property Glenalvon House located at 8-10 Lithgow Street, Campbelltown on terms and conditions outlined in this report.
2. That any documentation associated with the Deed of Licence be executed under the Common Seal of Council, if required.

### Purpose

To seek Council endorsement for a new Deed of Licence for Glenalvon House at 8-10 Lithgow Street, Campbelltown known as Lot 1 DP 34658 with the existing tenant Campbelltown and Airds Historical Society Incorporated.

### History

Campbelltown and Airds Historical Society Incorporated (The Society) have been in occupation of Glenalvon House since 2006 operating under the provisions of the Deed of Licence.

Following the expiry of the initial period a further Deed of Licence was entered into between The Society for a period of five years from August 2015 - August 2020. The current Deed of Licence expired on 12 August 2020 and is currently operating on holdover provisions.

### Report

The Society is seeking approval to enter into a new five year Licence over the subject property.

The property located at 8-10 Lithgow Street (Lot 1 DP 34658) is zoned B3 Commercial Core under the Campbelltown LEP 2015 and is classified as community land. The property has an area of 3848sqm and houses Glenalvon House, the stables, water trough and garden. The site is subject to a Plan of Management and is classified as an area of cultural significance under Section 36(4) of the *Local Government Act 1993*.

The Licensee has expressed a desire to continue to care take the historic site on Council's behalf. Following discussions between the two parties the terms of a renewal of licence have been agreed in principle and are set out in the table below. They are broadly based around the terms originally set down between parties that have serviced the site well for the duration of the Licence currently on foot.

Tenant	Campbelltown & Airds Historical Society Incorporated
Licence term	Five years
Permitted Use	Historic House
Rental	Nil
Lease commencement date	13 August 2020
Lease termination date	12 August 2025
Outgoings	100% payable by Council
Special Provisions	The Licensee shall not be permitted to sublet part or all of the premises.

It is envisaged that Council's primary relationship point of contact will be Manager Community Learning and Libraries with support from the Executive Manager – Creative Life.

It is recommended that Council enter into the new Licence with the existing tenant, The Society, at 8-10 Lithgow Street on the terms and conditions set out in this paper.

## Attachments

Nil

## 8.13 Delivery Program - Six Monthly Progress Report

### Reporting Officer

Coordinator Corporate Planning and Strategy  
City Growth

### Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.7 - Public funds and assets are managed strategically, transparently and efficiently

### Officer's Recommendation

That Council receive and note the Six-monthly Progress Report for the period of January 2020 to June 2020.

### Purpose

To advise Council of the progress on the principal activities outlined in the 2017-2021 Delivery Program and 2019-2020 Operational Plan for the period of January 2020 to June 2020, in line with the requirements of the *Local Government Act 1993*.

### History

Council provides a six-monthly progress report to meet its requirements under the Integrated Planning and Reporting Framework. This report forms a key component of Council's accountability to its community on the delivery of committed projects and initiatives.

It is a requirement of the *Local Government Act 1993*, that Council receive a progress report on the principle activities outlined in the Delivery Program and Operational Plan at least once every six months.

### Report

At its Ordinary Council meeting of 27 June 2017, Council adopted the Delivery Program for 2017-2021. At its extraordinary meeting of 25 June 2019, Council adopted the Operational Plan for 2019-2020 along with the 2019-2020 Budget and Fees and Charges.

This report provides an update on the Council's progress in achieving the principle activities and projects included in the adopted Delivery Program 2017-2021 and Operational Plan 2019-2020 for the period of January to June 2020.

This report also provides an update on the impact of the COVID-19 pandemic on Council's operations as well as action taken to pivot Council's services and respond during this challenging time.

Highlights from the reporting period include:

- issued almost \$50,000 in grants to 25 community organisations
- developed a comprehensive community and business support program in response to COVID-19
- endorsed significant city shaping strategic plans including the Economic Development Strategy, Reimagining Campbelltown City Master Plan and the Local Strategic Planning Statement
- rehomed almost 900 animals at the Animal Care Facility and introduced various operational improvements
- completed 156 bush fire mechanical hazard reduction treatments, totalling 171 hectares of treatment area, and protecting 7703 properties
- fast tracked the 2020-2021 asset renewal program to stimulate the economy
- introduced significant changes to protect vegetation and the Scenic Hills in the LEP and DCP
- installed the region's first breathing wall and cool car park
- received development consent to construct a Community Recycling Centre
- hosted numerous high profile music and sporting events at the Campbelltown Sports Stadium and Campbelltown Athletics Centre
- commenced construction of the Campbelltown Billabong Parklands and completed works on multiple play space facilities
- presented a sold out performance program of internationally acclaimed artist Justene Williams at the Campbelltown Arts Centre
- launched the Koalatown initiative.

Following Council consideration, the six monthly progress report will be published on Council's website for community viewing.

## Attachments

1. Delivery Program - Six Monthly Progress Report January - June 2020 (distributed under separate cover)

**9. QUESTIONS WITH NOTICE**

Nil

**10. RESCISSION MOTION**

Nil

## **11. NOTICE OF MOTION**

### **11.1 Pedestrian Refuge on Queen Street**

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#### **Notice of Motion**

Councillor Meg Oates has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 08 September 2020.

1. That Council investigate the feasibility of installing a pedestrian refuge on Queen Street, between Broughton Street and Chamberlain Street, to provide a safe crossing point for pedestrians in a very busy commercial strip.
  2. That the motion be referred to the Traffic Committee at the next available meeting.
-

**12. URGENT GENERAL BUSINESS**

**13. PRESENTATIONS BY COUNCILLORS**

## **14. CONFIDENTIAL REPORTS FROM OFFICERS**

### **14.1 Licence for Telecommunications Equipment, Campbelltown**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)((c)) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

### **14.2 Licence of Community Facility**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)((c)) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

### **14.3 Proposed Lease**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)((c)) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.



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01 September 2020

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 8 September 2020 at 6.30pm.

Lindy Deitz  
General Manager

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