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TABLED DOCUMENTS

ORDINARY COUNCIL

MEETING

15 AUGUST 2016

GUNDAGAI COUNCIL - COMMUNICATIONS STRATEGY

BACKGROUND

On 12 May 2016 the Minister for Local Government, Hon. Paul Toole MP, announced the newly formed "Gundagai Council".

Cootamundra's Community Vision:

It is 2023 ... Cootamundra is a thriving, lively Shire of around 8,000 set within a picturesque rural environment. Its people have chosen to live here because of the community spirit, the prosperous economy, the affordable lifestyle, the rural setting, the different choices of lifestyle, the health, education, cultural and retail services, and the easy access to Canberra, Sydney, Melbourne, the mountains, the outback and the coast.

Gundagai Community Vision:

Gundagai Shire is a safe and friendly thriving rural community where all residents are part of the strong community spirit and benefit from access to quality education, employment, services and facilities which meet the needs of the community. New residents and visitors are welcome to enjoy the relaxed and healthy lifestyle, scenic beauty and unique heritage and to contribute to our sustainable growth and prosperity.

Our community values

- *A family friendly safe community with a strong community spirit and opportunities to engage in healthy and active lifestyle.*
- *A strong commitment and connections to the area and a conviction to maintain its heritage and character.*
- *A rural lifestyle that is relaxed, safe and tranquil with little traffic and no pollution*

STAKEHOLDERS

Gundagai Council Communities
 IAG and LRC Members
 Gundagai Council Staff
 Regional Media
 Regional Partnerships

SCOPE

This document will be developed as a living entity for Gundagai Council. Alterations will be completed as necessary throughout the process.

OBJECTIVES

1. Our communication is planned and pro-active
2. Our messages are clear, concise and easy to understand
3. We provide our community with opportunity to express their views and have input into our strategies
4. Our internal communications are open and engender trust amongst employees and committee members.
5. Quality communications with Regional Partners to foster continued strong relationships

COMMUNICATIONS TACTICS AND CHANNELS

Committee Members and Council senior staff are fully briefed on communications and are well equipped to speak with members of the community on issues.

COUNCIL MEETING REPORTS

Ordinary Council meeting business papers are made available to the public via hard copy and website link prior to the Ordinary meeting. Council meeting Agendas will contain reports requiring a decision or action.

Council Meeting documents are available to

- Members of the Public
- Staff
- Media List

Council Meetings are held Monthly as follows:-

Council Meeting Dates 2016

Monday 11th July 2016 Council Chambers Gundagai
Monday 15th August 2016 Stephen Ward Rooms Cootamundra Library
Monday 12th September 2016 Council Chambers Gundagai
Monday 10th October 2016 Stephen Ward Rooms Cootamundra Library
Monday 14th November 2016 Council Chambers Gundagai
Monday 12th December 2016 Stephen Ward Rooms Cootamundra Library
Monday 16 January 2017 Council Chambers Gundagai
Monday 13 February 2017 Stephen Ward Rooms Cootamundra Library
Monday 13 March 2017 Council Chambers Gundagai
Monday 10 April 2017 Stephen Ward Rooms Cootamundra Library
Monday 15 May 2017 Council Chambers Gundagai
Monday 19 June 2017 Stephen Ward Rooms Cootamundra Library

Council conducts open forum sessions at the commencement of each ordinary meeting. During Open Forum sessions, members of the public are invited to address Council on any local government issue.

Any general questions posed during the Open Forum section will be answered in writing, with these being uploaded to Council's website with other Frequently Asked Questions.

Staff report internally on a monthly basis on progress and achievements against operational objectives. Projects with community interest, value and council 'wins' are further captured and used for Media Releases, social media, websites etc.

FREQUENTLY ASKED QUESTIONS (FAQ's)

FAQ's are developed continually updated to ensure staff are communicating a consistent message to the public.

ELECTRONIC NOTICE BOARDS (RECEPTION AREA)

Electronic Notice Boards to be erected in reception areas of both Council Offices to further disseminate consistent messaging to both communities. The boards will be used for advertising, important dates and tourism.

MEDIA RELEASES DISTRIBUTION

Media releases will be distributed on a regular basis communicating to the community positive outcomes of the Gundagai Council Merger. Media releases will include events, reminders of public comment, grant opportunities etc.

Media Release Distribution:

- 1 August 2016 – Stronger Communities Fund Information Sessions
- 27 July 2016 – Gundagai Council Adopt Operational Plan
- 19 July 2016 – Former Councillors continue serving the community
- 12 July 2016 – Change of Name for Gundagai Council
- 8 July 2016 – Gundagai Council is moving forward
- 8 July 2016 – New Gundagai Council helping owners to keep track of their pets
- 1 July 2016 – Stronger Communities Fund
- 28 June 2016 – Fixing Country Roads Round Two Funding a Success

RADIO / PUBLIC RELATIONS SEGMENTS / PROGRESS REPORTS

Merger Outcomes document will be made available to all staff to add information about various council activities, results and achievements of a positive nature.

The Administrator will draw from this document and Administrator Memos to compile fortnightly radio segments.

Participating Stations:-

ABC Radio Riverina - Riverina
Sounds of the Mountains - Tumut
2LF Radio - Young

ADMINISTRATORS COLUMN

Merger Outcomes document will be made available to all staff to add information about various council activities, results and achievements.

The Administrator will draw from this document and Administrator Memos to compile fortnightly Administrator Column.

Participating Newspapers:-

Cootamundra Herald
Gundagai Independent (Published Thursdays Fortnightly)

NEWSLETTERS

Newsletters to be produced quarterly and including with rates instalment notices detailing council activities, results and achievements of the previous 3 months.

Newsletters also distributed through 'promotional information, newsletters and updates from Council' email list.

SMS DATABASE

A database for various groups within the town be developed for quick and easy distribution of essential information. Current groups include Sporting groups, Schools, businesses etc.

SOCIAL MEDIA POSTS

Articles will be posted on Facebook to further the distribution of positive information council activities, results and achievements. Posts will be consistent and occur twice Daily at approximately 10am and 2pm.

Social media will also be used for the distribution of important notices, dates, changes effecting local residents. Facebook also used to re-publish good news media articles.

Development of 'Social Influencer Promotion'. Vignette videos filmed in each town that act as stories amplified through social media enlightening communities members of each town of good qualities of the other.

COMMUNITY FORUMS

Community Forums held to encourage community participation in major decisions.

Community Forums held as follows:-

COMMUNITY FORUMS TO DISCUSS ISSUES CONCERNS AND IDEAS IN REGARD TO NEWLY FORMED GUNDAGAI COUNCIL

Tuesday 7th June 2016 at 6pm - Gundagai Ex Services Club, 254 Sheridan Street, Gundagai

Thursday 9th June 2016 at 6pm - Cootamundra Ex Services Club, Cnr Parker & Wallendoon Streets, Cootamundra

Community Forums will be held to seek public comment on community priorities and values for development of new community strategic plan

WEBSITE DEVELOPMENT

A website for newly named Council to be developed. Website to be professional, informative and engaging.

MEDIA REPORTS / ARTICLES

Engage with local media for good news editorial stories for Gundagai Council.

Liaise with Media to promote IAG and LRC. Publicise members Local Government history and contact details for members of the community.

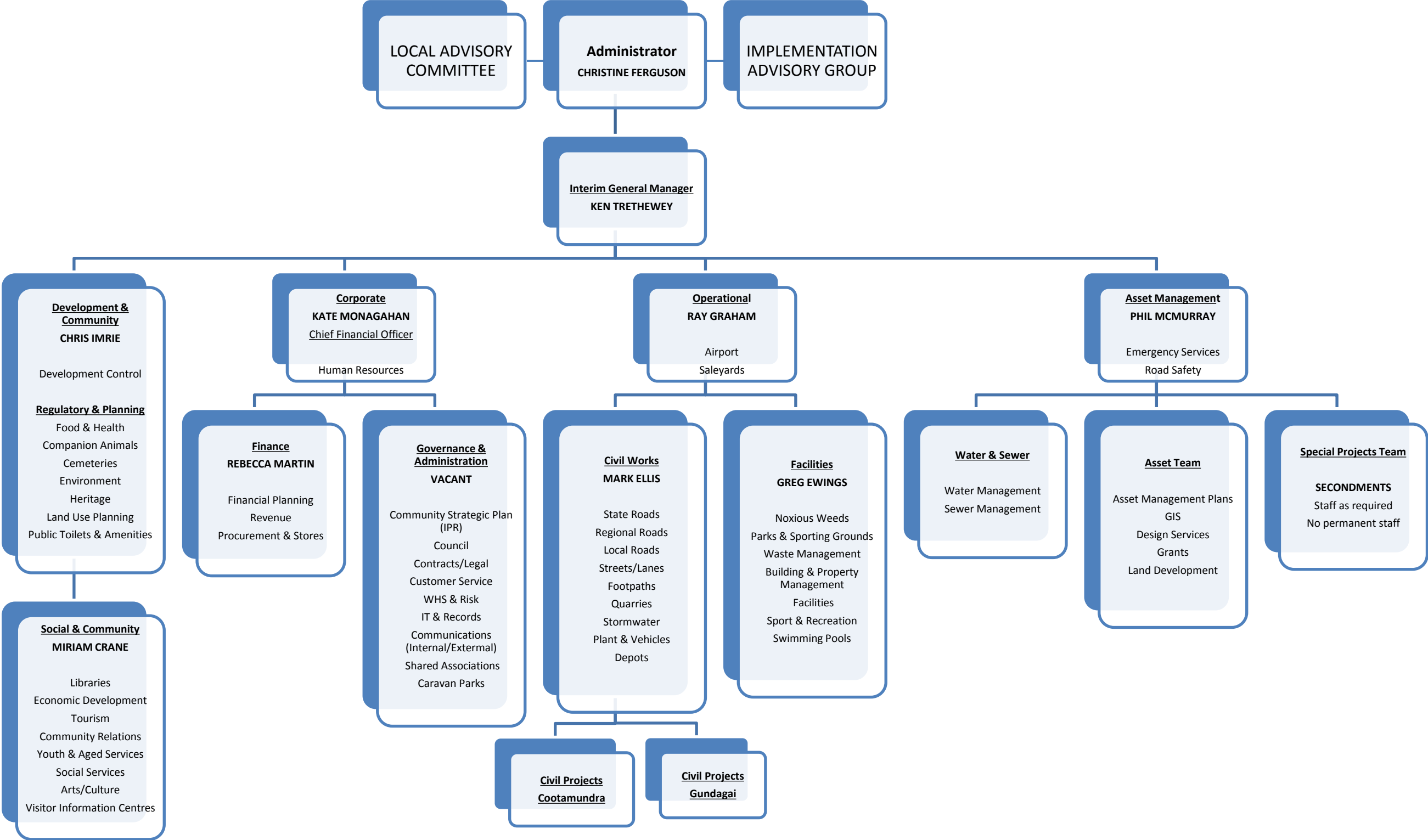
COMMUNITY INFORMATION FLYER

Community Information Flyers produced and delivered to further dispense information to community residents.

COUNCIL BRANDING

Expression of interest to be requested for newly named Council Branding.

Interim Organisation Structure – Gundagai Council



CODE OF MEETING PRACTICE

PART 1 - PRELIMINARY

1. Citation

This Code may be cited as Council's Code of Meeting Practice.

This Code is an adjunct to the regulations made for the purposes of Section 360 of the Local Government Act 1993, and is subject to those regulations in the event that any discrepancy occurs.

2. Definitions

(1) In this Code:

Administrator means the person appointed by the Local Government (Council Amalgamations) Proclamation 2016, exercising, during the initial period, the functions of the council and the mayor of the council.

Amendment, in relation to an original motion, means a motion moving an amendment to that motion.

Chairperson:

- a. In relation to a meeting of a council – means the person presiding at the meeting as provided by Section 369 of the Act; and
- b. In relation to a meeting of a committee of council – means the person presiding at the meeting as provided by Clause 267 of the Regulation.

Committee, in relation to a council, means a committee established under clause 260 of the Regulation or the council when it has resolved itself into a committee of the whole.

General Manager means the person appointed by the Local Government (Council Amalgamations) Proclamation 2016, exercising, during the initial period, the functions of the Interim General Manager of the council.

Initial period means the period commencing on the amalgamation day and ending immediately before the first meeting of the new council held after the first council elections for the council.

Record means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by the Administrator or an employee of the council and, in particular, includes the minutes of meetings of a council or of a committee of a council.

The Act means the Local Government Act 1993.

The Code means Council's Code of Meeting Practice.

The Regulation means the Local Government (General) Regulation 2005.

- (2) Except as otherwise provided, expressions used in this Code which are defined in the dictionary at the end of the Act have the meanings set out in the **dictionary**.

3. Act and Regulation

- (1) This Code is made pursuant to section 360(2) of the Act.
- (2) It incorporates relevant provisions of the Regulation and the Act.
- (3) In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

4. Notes to text

Notes in the text of this Code are explanatory notes and do not form part of this Code. They are provided to assist understanding.

PART 2 – CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS

1. Frequency of meetings of the council

- (1) The council is required to meet at least 10 times each year, each time in a different month
- (2) The council shall, generally, meet at 6.00pm on the 2nd Monday of each month, alternating between the Stephen Ward Rooms (adjacent to the Cootamundra Library), Wallendoon Street, Cootamundra and the Council Chambers, Sheridan Street, Gundagai, subject to the following:
 - i. In each month in which there are five Mondays, the council meeting shall be held on the 3rd Monday of that month
 - ii. Where a council meeting falls on a Monday that is a public holiday, the council meeting shall be held on the Monday following that day or on a date formally agreed to by Council.
- (3) Any change from the time, date or venue shall be by resolution of the council or, in emergency circumstances, by the authorisation of the Administrator.

2. Extraordinary meetings

The Administrator may call extraordinary meetings of the council.

3. Notice of meetings

- (1) The general manager of the council must advertise in a newspaper circulating in the area, at least 3 days before each meeting of the council or a meeting of a committee of council, a notice specifying the date, time and place at which the meeting is to be held and the business proposed to be transacted at the meeting.
- (2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency, but in no case shall notice of less than one day be given.

4. Presence at council meetings

The Administrator cannot participate in a meeting of the council unless personally present at the meeting.

5. Open forums

Open forums shall be held under the following guidelines:

- (1) Open Forums shall be held at each ordinary council meeting.
- (2) Members of the public are invited to address council on any local government issue at the commencement of the meeting.
- (3) Persons interested in addressing council are to be in the meeting room 15 minutes prior to the commencement of the meeting and must convey to the general manager their wish to address council, and on what particular issue.
- (4) Addresses are to be a maximum of 3 minutes in length with the total time allowed for the open forum session being 30 minutes.
- (5) Should there be more than 1 person wishing to address council on an issue, then those persons are to nominate 1 person to represent the group.
- (6) The chairperson may ask staff to comment on an issue, or if investigation is required, a report to a subsequent meeting may be required.
- (7) No motions or resolutions are to be moved during open forum time.
- (8) The chairperson only shall respond, however staff may be requested by the chairperson to respond on his/her behalf.
- (9) If no person is in the gallery at the starting time of the meeting who wishes to address the meeting, the next item on the agenda is proceeded with.
- (10) No written material is to be submitted during the open forum session.

PART 3 – PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

1. Chairperson of council meetings

- (1) The Administrator presides at meetings of the council.

2. Chairperson to have precedence

When the chairperson rises or speaks during a meeting of the council:

- a) Any person then speaking or seeking to speak must, if standing, immediately resume his or her seat and must be silent to enable the chairperson to be heard without interruption.

3. Chairperson's duty with respect to motions

- (1) 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.
- (2) The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- (3) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

4. Minutes

- (1) The council must ensure that full and accurate minutes are kept of proceedings of the council.
- (2) The correctness of the minutes of every preceding meeting, including extraordinary meetings, not previously confirmed must be dealt with at every ordinary meeting of the council, in order that such minutes may be confirmed.
- (3) A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true and correct record of the proceedings.
- (4) Minutes may be confirmed at an extraordinary meeting of the council.
- (5) The minutes must, when they have been confirmed at a subsequent meeting of the council, be signed by the person presiding at that subsequent meeting.

5. Attendance of General Manager at meetings

- (1) 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.
- (2) 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.
- (3) However, the general manager may be excluded from a meeting of the council while the council deals with a matter relating to the standard of performance of the general manager or the terms of the employment of the general manager.

6. Order of business

- (1) At a meeting of the council (other than an extraordinary meeting), the general order of business is such as the Council has fixed by resolution at any previous meeting or, if no such resolution has been passed, in accordance with the Schedule attached to the Code.
- (2) The order of business fixed under subclause (1) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.

7. Business papers for Council meetings

- (1) The general manager must ensure that the business paper for a meeting of the Council states:
 - a) all matters to be dealt with arising out of the proceedings of former meetings of the council; and
 - b) if the Administrator is the chairperson, any matter or topic that the chairperson proposes, at the time when the business paper is prepared to put to the meeting; and
 - c) any business of which due notice has been given.
- (2) The general manager must cause the business paper for a meeting of the council to be prepared as soon as practicable before the meeting.
- (3) If, in the opinion of the general manager, business to be transacted at a meeting of the council is a kind of business referred to in Section 10A(2) of the Act, the business may be included in a confidential business paper. All other business to be transacted at the meeting must be included in an ordinary business paper.
- (4) If a confidential business paper is prepared for a kind of business referred to in Section 10A of the Act, the business must be referred to in the ordinary business paper prepared for the same meeting.

8. Giving notice of business

- (1) The council must not transact business at a meeting of the council:
 - a) unless the Administrator has given notice of the business in writing by noon of the Wednesday immediately preceding the meeting.
- (2) Subclause (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 a motion for the adoption of recommendations of a committee of the council.

9. Business paper for extraordinary meeting

- (1) The general manager must ensure that the business paper for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

10. Official minutes

- (1) If the Administrator is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to 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.

- (2) Such a minute, when put to the meeting, takes precedence over all business on the council's business paper for the meeting. The chairperson (but only if the chairperson is the Administrator) may move the adoption of the minute without the motion being seconded.
- (3) A recommendation made in a minute of the chairperson (being the Administrator) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.

11. Report of a Departmental representative to be tabled at Council meeting

When a report of a departmental representative has been presented to a meeting of a council in accordance with section 433 of the Act, the council must ensure that the report:

- a) is laid on the table at that meeting; and
- b) is subsequently available for the information of members of the public at all reasonable times.

12. Motions to be seconded

- (1) A motion or an amendment cannot be debated unless or until it has been seconded. However, a motion may be moved and seconded by the Administrator.

13. Petitions may be presented to the council

- (1) A person may present a petition to the Council.
- (2) The chairperson must not permit discussion on the petition.

14. Motions put without debate

Provided there is no objection from the Administrator, any motion or recommendation before the council may be put to the vote without discussion or debate.

15. Voting at council meetings

The Administrator has the sole voting right on any motion before the council.

16. Rescinding or altering resolutions

- (1) A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the Act.
- (2) If it is proposed to move a further motion in the event that a rescission motion is carried, the required notice must also be given of the proposed further motion.
- (3) If a notice of motion to rescind or alter a resolution is given:

- a) at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission or alteration has been dealt with; or
 - b) at any time after the meeting at which the resolution is carried, no further action to carry the resolution into effect may be taken after receipt of the notice of motion until the motion of rescission or alteration has been dealt with.
- (4) In the case of a motion of alteration, subclause (3) applies only to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.
- (5) If a motion has been negatived by the council, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with the Act.
- (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 negatived by the council, must be signed by the Administrator if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.
- (7) If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same.
- (8) The provisions of this clause concerning negatived motions do not apply to motions of adjournment.

PART 4 - COUNCIL COMMITTEES

1. Committee of the whole

- (1) The council may resolve itself into a committee of the whole to consider any matter before the council.
- (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 a committee meeting, except the provision of limiting the number and duration of speeches.
- (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 proceedings in a committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- (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.

2. Council may establish committees

- (1) A council may, by resolution, establish such committees as it considers necessary

- (2) A committee is to consist of the Administrator and such other persons as are appointed by the council.
- (3) The quorum for a meeting of a committee 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.

3. Functions of committees

The council must specify the functions of each of its committees when the committee is appointed or established, but may from time to time amend those functions.

4. Procedure in committees

- (1) Subject to subclause (3) each committee of a council may regulate its own procedure.
- (2) Without limiting subclause (1) a committee of a council may decide that, 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.
- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

5. Chairperson and deputy chairperson of committees

- (1) The chairperson of each committee of the council must be:
 - a) the Administrator; or
 - b) if the Administrator does not wish to be the chairperson of a committee - a member of the committee appointed by the Administrator.
- (2) The Administrator may appoint a member of a committee of the council as deputy chairperson of the committee.
- (3) 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.
- (4) 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.

6. Absence from committee meetings

- (1) A member (other than the Administrator) ceases to be a member of a committee if the member:

- a) has been absent from 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.

7. Reports of committees

- (1) If in a report of a committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.
- (2) The recommendations of a committee of the council are, so far as adopted by the council, resolutions of the council.
- (3) If a committee of a 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:
 - a) Make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
 - b) Report the resolution or recommendation to the next meeting of the council.

8. Certain persons may be expelled from council committee meetings

- (1) If a meeting or part of a meeting of a committee of a council is closed to the public in accordance with section 10A(2) of the Act, any person who is not the Administrator may be expelled from the meeting as provided by Section 10(2)(a) or (b) of the Act.
- (2) If any such person, after being notified of a resolution or direction expelling him or her 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, committee 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.

PART 6 - PECUNIARY INTERESTS

1. What is “pecuniary interest”

- (1) For the purposes of this chapter, 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.
- (2) 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.

2. Who has a pecuniary interest?

(1) For the purposes of this chapter, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- a) the person; or
- b) another person with whom the person is associated as provided in this section

(2) A person is taken to have a pecuniary interest in a matter if:

- a) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, has a pecuniary interest in the matter; or
- b) the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter

(3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (2);

- a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body; or
- b) just because the person is a member of, or is employed by, a council or a statutory body or is employed by the Crown; or
- c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

3. What interests do not have to be disclosed?

The following interests do not have to be disclosed for the purposes of this chapter:

- an interest as an elector
- an interest as a ratepayer or person liable to pay a charge
- an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public or a section of the public that includes persons who are not subject to this part
- an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- an interest of a member of a council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee
- an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument (other than an instrument that effects a change of the permissible uses of:
 - a) land in which the person or another person with whom the person is associated as provided in section 443 has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law

or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or

- b) land adjoining, or adjacent to, or in proximity to land referred to in paragraph a),

if the person or the other person with whom the person is associated would by reason of the proprietary interest have a pecuniary interest in the proposal).

4. Disclosure and participation in meetings

(1) An Administrator or a member of a council committee 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 interest to the meeting as soon as practicable.

(2) In the instance that an Administrator has a pecuniary interest, the Administrator must first determine whether they can delegate the matter that relates to the pecuniary interest to someone else for determination, such as the Interim General Manager.

(3) If the matter is one that is not delegable (non-delegable matters are set out in section 377 of the Local Government Act) the Administrator can use the powers given to them under the proclamation to refer the matter to the Minister. If necessary, the Minister can then further refer the issue to the Chief Executive of the OLG.

(4) If a matter is not delegated it must be noted that an Administrator who declares a pecuniary interest cannot attend or vote at a meeting of the council when the matter relating to their pecuniary interest is being considered.

(5) The Minister can however under section 458 of the Local Government Act, reverse this restriction on the Administrator if the Minister is of the opinion that either:

- a) Not allowing the Administrator to vote would impede the transaction of business; or
- b) It is in the interests of the electors for the area to allow the Administrator to vote.

(6) 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 committee must disclose any pecuniary interest the person has in the matter to the meeting at the time the advice is given

(7) A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

5. Participation in meetings despite pecuniary interests

Nothing in this Code prevents a person from taking part in the consideration or discussion of, or from voting on, any of the following questions:

- a) A question relating to a contract, proposed contract or other matter if the person or the spouse, de facto partner or relative of the person has a pecuniary interest 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;
- b) A question arising on a motion for a resolution to fill the office of Administrator, if the reason for which abstention from voting would otherwise be required is that a fee for the following 12 months had been determined for the office;
- c) A question relating to the making 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 only reason for which abstention from voting would otherwise be required is that a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership;
- d) A question relating to the making of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - The performance by the council at the expense of the relative of any work or service in connection with roads or sanitation
 - An approval granted by the council to enclose a public place in connection with the erection or demolition of a building
 - Security for damage to footpaths or roads
 - Any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council;
- e) A question relating to:
 - The making or levying of a rate or charge; or
 - The fixing or charging of a fee for the supply to a relative of the person by the council of any commodity or service provided by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part; or
 - The payment of fees and expenses and the provision of facilities (including the Administrator)
- f) A question relating to the passing for payment of a regular account for wages or salary of an employee who is a relative of the person
- g) A question relating to the indemnity insurance of the Administrator or members of council committees
- h) A question relating to the appointment to a body as the representative or delegate of the council, even though a fee or other recompense is payable to the representative or delegate.

Note: Section 459 of the Act provides that the Minister may in certain circumstances allow a member of a committee of a council who has a pecuniary interest to take part in the consideration or discussion of a matter or vote on a matter

6. Disclosures to be recorded

A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

7. General disclosure

A general notice given to the general manager in writing by a member of a council committee to the effect that the member, or the member's spouse, de facto partner or relative, is:

- a) A member, or in the employment, of a specified company or other body; or
- b) A partner, or in the employment, of a specified person,

is, unless and until the notice is withdrawn, sufficient disclosure of the 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.

8. Powers of council in relation to meetings

An Administrator or member of a council committee must not, if the council so resolves, attend a meeting of the council or committee while it has under consideration a matter in which the Administrator or member has an interest required to be disclosed under this chapter.

9. Disclosure by adviser

(1) 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 any pecuniary interest the person has in the matter to the meeting at the time the advice is given.

(2) The person is not required to disclose the person's interest as an adviser.

10. Circumstances in which Clauses 8 and 9 are not breached

A person does not breach Clauses 8 or 9 if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

11. Powers of the council in relation to meetings

An Administrator or member of a council committee must not, if the council or committee so resolves, attend a meeting of the council or committee while it has under

consideration a matter in which the member has an interest required to be disclosed under this Part.

PART 7 - OPEN MEETINGS

1. Public notice of meetings

- (1) A council must give notice to the public of the times and places of its meetings and meetings of those of its committees.
- (2) A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the business paper for the meeting. This requirements does not apply to a business paper for a matter that, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public or to any correspondence or reports in a business paper that, in the opinion of the general manager, are likely to be the subject of a resolution that they be treated as confidential.
- (3) The copies are to be available to the public as nearly as possible to the time they are available to the Administrator.
- (4) The copies are to be available free of charge.

2. Who is entitled to attend meetings?

- (1) Everyone is entitled to attend a meeting of the council and those of its committees, except as provided by this section.
- (2) A council or such a committee may close to the public only so much of its meeting as comprises the receipt or discussion of any of the following:
 - a) Personnel matters concerning particular individuals
 - b) The personal hardship of any resident or ratepayer
 - c) Commercial information the disclosure of which would be likely
 - To prejudice the commercial position of the person who supplied it
 - To confer a commercial advantage on a competitor of the council
 - To reveal a trade secret
 - d) Proposals for:
 - The sale or purchase of land
 - The rezoning of land
 - Entering into contracts of any kind,

If prior knowledge of those proposals could confer an unfair financial advantage on any person

- e) Information that is subject to legal obligations of confidence

- f) The receipt and consideration of legal advice concerning litigation or which would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
 - g) Information the disclosure of which would prejudice the maintenance of the law
 - h) Matters affecting the security of the Administrator, council committee members, council staff or council property
 - i) A motion to close the meeting to the public
- (3) The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting and recorded in the minutes of the meeting

3. Public access to correspondence reports

- (1) A council and a committee 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.
- (2) This section does not apply if the correspondence or reports:
- a) relate to a matter that was received or discussed; or
 - b) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.
- (3) This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 2(2), are to be treated as confidential.

PART 8 - MISCELLANEOUS

1. Disclosure and misuse of information - prescribed circumstances

For the purposes of section 664(1B)(c) of the Act, any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance.

2. Inspection of the minutes of the Council or a committee

- (1) An inspection of the minutes of the council or committee of the council is to be carried out under the supervision of the general manager or an employee of the council designated by the general manager to supervise inspections of those minutes.
- (2) The general manager must ensure that the minutes of the council and any minutes of a committee of the council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

3. Access to records

- (1) The general manager may allow or refuse to allow the Administrator to inspect any record of the Council that the Administrator requests to see.
- (2) Nothing in this clause derogates from the common law right of citizens to inspect any record of the council relating to any business before the council, except where the person requesting inspection has a pecuniary interest in the matter.

4. Tape recording of meeting of the council or a committee prohibited without permission

- (1) A person may use a tape recorder to record the proceedings of a meeting of the council or a committee of a council only with the authority of the council or committee.
- (2) A person may, as provided by section 10(2) or 10(3) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.
- (3) If any such person, after being notified of a resolution or direction expelling him or her 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.
- (4) In this clause, **tape recorder** includes a video camera and any electronic device capable of recording speech.

5. Certain circumstances do not invalidate council decisions

Proceedings at a meeting of the 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 the Administrator or a committee member; or
- c) any defect in the election or appointment of a committee member; or
- d) a failure of a committee member to disclose a pecuniary interest at a council or a committee meeting; or
- e) a failure to comply with this Code.

6. Amendment of Code

This Code may be amended only in accordance with the provisions of Division 1 of Part 2 of Chapter 12 of the Act.

SCHEDULE

General order of business

1. Open Forum
2. Apologies
3. Confirmation of minutes of previous meetings.
4. Administrator's Minute.
5. Reports from committees.
6. General Manager's Report
7. Motions of which notice has been given.
8. Presentation of petitions.
9. Consideration of business in closed session (Confidential Matters).

NOTE: *The above items of business will only be included in the Notice of Meetings if the business is to be transacted at the Meeting.*

CODE OF CONDUCT POLICY**PART 1 INTRODUCTION**

This Code of Conduct is made for the purposes of section 440 of the Local Government Act 1993 ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct published by the Office of Local Government.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances 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 Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

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

PART 2 PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- understand 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 the integrity of local government.

PART 3 GENERAL CONDUCT OBLIGATIONS**General conduct**

3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:

- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the charter of a council
- c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse

- f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - g) causes, comprises or involves prejudice in the provision of a service to the community. (Schedule 6A)
- 3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (section 439)
- 3.3 You must treat others with respect at all times.

Fairness and equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 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.

Harassment and discrimination

- 3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

- 3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

- 3.9 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.10 For the purposes of clause 3.9, 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.
- 3.11 Clause 3.9 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.
- 3.12 Clause 3.9 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.

PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 4.5 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. (section 442)
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (section 443)
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (section 449)
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (section 451)
 - c) designated persons immediately declare, in writing, any pecuniary interest. (section 459)
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What are non-pecuniary interests?

- 4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
- 4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

- 4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 4.13 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. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.
- 4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
 - b) other relationships 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, sporting body, club, corporation or association that is particularly strong.
- 4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
 - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply.
- 4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) where the major political donor has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).
- 4.22 For the purposes of this Part:
- a) a “reportable political donation” is a “reportable political donation” for the purposes of section 86 of the Election Funding, Expenditure and Disclosures Act 1981,
 - b) a “major political donor” is a “major political donor” for the purposes of section 84 of the Election Funding, Expenditure and Disclosures Act 1981.
- 4.23 Councillors should note that political donations below \$1,000, 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 interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council’s decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

- 4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.
- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.

4.29 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 interests 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 part 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 part of the council's area, and
- b) the non-pecuniary conflict of interests arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (section 353)

4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:

- a) conflict with your official duties
- b) involve using confidential information or council resources obtained through your work with the council
- c) require you to work while on council duty
- d) discredit or disadvantage the council.

Personal dealings with council

4.32 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 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.

PART 5 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and benefits

5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.

- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

- 5.3 Generally speaking, token gifts and benefits include:

- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations
- b) invitations to and attendance at local social, cultural or sporting events
- c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
- e) prizes of token value.

Gifts and benefits of value

- 5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

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

- 5.5 You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) accept any gift or benefit of more than token value
- e) accept an offer of cash or a cash-like gift, regardless of the amount.

- 5.6 For the purposes of clause 5.5(e), a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
- 5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

Improper and undue influence

- 5.8 You must not use your position to influence other council officials in the performance of their public or professional duties 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 appropriate exercise of their representative functions.
- 5.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 6.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 6.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council’s functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (section 352)
 - 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 member or delegate (Schedule 6A of the Act)
 - 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 council’s contractors or tenderers, including council’s legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council’s external auditors or the Chair of council’s audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Obligations of staff

- 6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 6.4 Members of staff of council must:
- a) give their attention to the business of council while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively
 - c) carry out 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 conflict with the performance of their official duties.

Obligations during meetings

- 6.5 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the Local Government (General) Regulation 2005 during council and committee meetings.
- 6.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 6.7 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 broader workforce policy issues.
 - b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
 - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
 - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
 - e) Councillors and administrators being overbearing or threatening to council staff.
 - f) Councillors and administrators making personal attacks on council staff in a public forum.
 - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
 - h) 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.

- i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
- j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 7.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the Government Information (Public Access) Act 2009.
- 7.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 7.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 7.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

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

- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 7.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
- 7.10 In addition to your general obligations relating to the use of council information, you must:
 - a) protect confidential information
 - b) only release confidential information if you have authority to do so
 - c) only use confidential information for the purpose it is intended to be used
 - d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
 - f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

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

Use of council resources

- 7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.
- 7.13 Union delegates and consultative committee members may have reasonable access to council resources 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.
- 7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

- 7.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.18 You must not convert any property of the council to your own use unless properly authorised.
- 7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 7.20 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.
- 7.21 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 7.22 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

- 8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

- 8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.
- 8.3 For the purposes of clause 8.2, 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 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 this code
- g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
- h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
- i) to prevent or disrupt the effective administration of this code.

Detrimental action

- 8.4 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 under this code except as may be otherwise specifically permitted under this code.
- 8.5** 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 this code except as may be otherwise specifically permitted under this code.
- 8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under this code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Office of Local Government.
- 8.10 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under this code

- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code.
- 8.12 You must not make allegations of suspected breaches of this code at council meetings or in other public forums.

- 8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

- 8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Office of Local Government.
- 8.15 Complaints alleging a breach of this Part by other council officials are to be made to the general manager.

PART 9 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the Local Government Act 1993
act of disorder	see the definition in clause 256 of the Local Government (General) Regulation 2005
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66
Chief Executive	Chief Executive of the Office of Local Government
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
council committee	a committee established by resolution of council
“council committee member”	a person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor
delegate of council body, and the individual members of that body, to whom a function of the council is delegated	a person (other than a councillor or member of staff of a council) or
designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
the Regulation	the Local Government (General) Regulation 2005

The term “you” used in the Model Code of Conduct refers to council officials.

The phrase, “this code” used in the Model Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005.

CODE OF CONDUCT PROCEDURES

PART 1 INTRODUCTION

These Code of Conduct Procedures are made for the purposes of sections 440AA of the *Local Government Act 1993* (“the Act”) and the *Local Government (General) Regulation 2005* (“the Regulation”). Sections 440AA of the Act requires every council to adopt code of conduct procedures that incorporate the provisions of the Model Code Procedures published by the Office of the Local Government.

PART 2 DEFINITIONS

For the purposes of the procedures, the following definitions apply:

“the Act”	the <i>Local Government Act 1993</i>
“administrator”	an administrator of a council appointed under the Act other than an administrator appointed under section 66
“code of conduct”	a code of conduct adopted under section 440 of the Act
“code of conduct complaint”	a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council’s code of conduct
“complainant”	a person who makes a code of conduct complaint
“complainant councillor”	a councillor who makes a code of conduct complaint
“complaints coordinator”	a person appointed by the general manager under these procedures as a complaints coordinator
“conduct reviewer”	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
“council committee”	a committee established by resolution of council
“council committee member”	a person other than a councillor or member of staff of a council who is a member of a council committee
“councillor”	a person elected or appointed to civic office and includes a Mayor
“council official”	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
“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
“the Division”	the Division of Local Government, Department of Premier and Cabinet

“investigator”	a conduct reviewer or conduct review committee
“the Regulation”	the <i>Local Government (General) Regulation 2005</i>
“subject person”	a person whose conduct is the subject of investigation by a conduct reviewer or conduct review committee under these procedures

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers.
- 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 member of a panel of conduct reviewers, 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, or
 - ii) law, or
 - iii) public administration, or
 - iv) public sector ethics, or
 - 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 be eligible to be a member of the panel of conduct reviewers 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 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.9 The council may terminate the panel of conduct reviewers at any time by resolution.
- 3.10 When the term of the conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.11 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.

The appointment of complaints coordinators

- 3.12 The general manager must appoint a member of staff of the council to act as a complaints coordinator. Where practicable, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.13 The general manager may appoint other members of staff to act as alternates to the complaints coordinator.
- 3.14 The general manager must not undertake the role of complaints coordinator.
- 3.15 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.
- 3.16 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 or conduct review committee,
 - c) liaise with the Division of Local Government, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a "code of conduct complaint"?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.2 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a "code of conduct complaint" are to be dealt with under council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.3 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.
- 4.4 A complaint made after 3 months may only be accepted if the general manager, or, in the case of a complaint about the general manager, the Mayor, is satisfied that there are compelling grounds 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?

- 4.5 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing.
- 4.6 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.
- 4.7 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.
- 4.8 The general manager 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.
- 4.9 Notwithstanding clauses 4.5 and 4.6, where the general manager becomes aware of a possible breach of the council's code of conduct, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.10 Code of conduct complaints about the general manager are to be made to the Mayor in writing.
- 4.11 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.
- 4.12 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.
- 4.13 The Mayor 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.
- 4.14 Notwithstanding clauses 4.10 and 4.11, where the Mayor becomes aware of a possible breach of the council's code of conduct by the general manager, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.1 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about members of staff of council and for determining the outcome of such complaints.
- 5.2 Where the general manager decides not to make enquiries into a code of conduct complaint about a member of staff, the general manager must give the complainant reasons in writing for their decision.
- 5.3 Without limiting clause 5.2, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.4 Enquiries made into staff conduct that might give rise to disciplinary action must occur 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.
- 5.5 Sanctions for 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 and council committee members to be dealt with?

- 5.6 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about delegates of council and council committee members and for determining the outcome of such complaints.
- 5.7 Where the general manager decides not to make enquiries into 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.
- 5.8 Without limiting clause 5.7, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.9 Sanctions for delegates of council and/or members of council committees 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,
 - c) prosecution for any breach of the law,
 - d) removing or restricting the person's delegation, or
 - e) removing the person from membership of the relevant council committee.
- 5.10 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.9, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
 - a) the substance of the allegation (including the relevant provision/s of council's code of conduct that the alleged conduct is in breach of) must be put to the person 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 5.9.

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

- 5.11 The general manager must refer all code of conduct complaints about conduct reviewers to the Division for its consideration.
- 5.12 The general manager must notify the complainant of the referral of their complaint in writing.
- 5.13 The general manager must implement any recommendation made by the Division as a result of its consideration of a code of conduct complaint about a conduct reviewer.

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

- 5.14 The general manager must refer all code of conduct complaints about administrators to the Division for its consideration.
- 5.15 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?

- 5.16 The general manager must refer the following code of conduct complaints about councillors to the Division:
 - a) complaints alleging a breach of the pecuniary interest provisions of the Act,
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations (see section 328B),
 - c) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
 - d) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.
- 5.17 Where the general manager refers a complaint to the Division under clause 5.16, the general manager must notify the complainant of the referral in writing.
- 5.18 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 Division under clause 5.16, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.20.
- 5.19 Where the general manager resolves a code of conduct complaint under clause 5.18 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.20 The general manager must refer all code of conduct complaints about councillors other than those referred to the Division under clause 5.16 or resolved under clause 5.18 to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.21 The Mayor must refer the following code of conduct complaints about the general manager to the Division:
- a) complaints alleging a breach of the pecuniary interest provisions of the Act,
 - b) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
 - c) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.
- 5.22 Where the Mayor refers a complaint to the Division under clause 5.21, the Mayor must notify the complainant of the referral in writing.
- 5.23 Where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Division under clause 5.21, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.25.
- 5.24 Where the Mayor resolves a code of conduct complaint under clause 5.23 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.25 The Mayor must refer all code of conduct complaints about the general manager other than those referred to the Division under clause 5.21 or resolved under clause 5.23 to the complaints coordinator.

Referral of code of conduct complaints to external agencies

- 5.26 The general manager, Mayor or a conduct reviewer or conduct review committee may, at any time, refer a code of conduct complaint to an external agency or body such as, but not limited to, the Division, the Independent Commission Against Corruption, the NSW Ombudsman or the Police for its consideration, where they consider such a referral is warranted.
- 5.27 Where the general manager, Mayor, conduct reviewer or conduct review committee refers a complaint to an external agency or body under clause 5.26, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 5.28 Referral of a matter to an external agency or body shall finalise consideration of the matter under the code of conduct unless the council is subsequently advised otherwise by the referral agency or body.

Disclosure of the identity of complainants

- 5.29 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 or conduct review committee 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.
- 5.30 Clause 5.29 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.31 Where a councillor makes a code of conduct complaint about another councillor or the general manager and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.32 A request made by a complainant councillor under clause 5.31 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.33 The general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee must consider a request made under clause 5.31 before disclosing information that identifies or tends to identify the complainant councillor but are not obliged to comply with the request.
- 5.34 Where a complainant councillor makes a request under clause 5.31, the general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee 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

- 5.35 Code of conduct complaints that are made as public interest disclosures under the Public Interest Disclosures Act 1994 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.
- 5.36 For a code of conduct complaint to be dealt with as a public interest disclosure, the complainant must state at the outset and in writing at the time of making the complaint that it is made as a public interest disclosure.
- 5.37 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.
- 5.38 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.37, the general manager or the Mayor must refer the complaint to the Division for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

- 5.39 The general manager may request in writing that the Division 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.
- 5.40 Where the Division receives a request under clause 5.39, it may agree to enter into a special complaints management arrangement where 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.
- 5.41 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.
- 5.42 The Division may by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.43 While a special complaints management arrangement is in force, an officer of the Division (the assessing Divisional officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of these procedures except as provided by clause 5.44 below.
- 5.44 Where, following a preliminary assessment, the assessing Divisional officer determines that a code of conduct complaint warrants investigation by a conduct reviewer or a conduct review committee, the assessing Divisional 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 Divisional officer.
- 5.45 Prior to the expiry of a special complaints management arrangement, the Division shall, in consultation with the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.46 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.45.

PART 6 PRELIMINARY ASSESSMENT

Referral of code of conduct complaints to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager submitted to the complaints coordinator within 21 days of receipt of a 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 Division.
- 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.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
 - a) they have a conflict of interests 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 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 cumulative value that exceeds \$100K, or
 - d) at the time of the referral, they or their employer are the council's legal service providers or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interests 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 4.1 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.
- 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.

Preliminary assessment by a conduct reviewer

- 6.9 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.
- 6.10 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
 - a) to take no action, or
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the Mayor, for resolution by alternative and appropriate

strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, or apology, or

- d) to refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police, or
- e) to investigate the matter, or
- f) to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.

- 6.11 In determining how to deal with a matter under clause 6.10, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.27.
- 6.12 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what option to exercise under clause 6.10.
- 6.13 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under clause 6.10. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.14 The conduct reviewer must refer to the Division any complaints referred to him or her that should have been referred to the Division under clauses 5.16 and 5.21.
- 6.15 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.
- 6.16 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.10, 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.
- 6.17 Where the conduct reviewer refers a complaint to another agency or body, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 6.18 The conduct reviewer may only determine to investigate a matter or to recommend that a conduct review committee be convened 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, on its face, is sufficiently serious to warrant investigation, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.19 The conduct reviewer may only determine to recommend that a conduct review committee be convened to investigate a matter after consulting with the complaints coordinator and where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole conduct reviewer.
- 6.20 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.

- 6.21 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

- 6.22 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.
- 6.23 The conduct reviewer must consult with the general manager or Mayor prior to referring a matter back to them under clause 6.22.
- 6.24 The general manager or Mayor may decline to accept the conduct reviewer's recommendation. Where the general manager or Mayor declines to do so, the conduct reviewer may determine to deal with the complaint by other means under clause 6.10.
- 6.25 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, 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.
- 6.26 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, 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

- 6.27 In undertaking the preliminary assessment of a complaint, the conduct reviewer may have regard to the following considerations:
- a) whether the complaint is a "code of conduct complaint",
 - b) whether the complaint is trivial, frivolous, vexatious or not made in good faith,
 - c) whether the complaint discloses prima facie evidence of a breach of the code,
 - d) whether the complaint raises issues that would be more appropriately dealt with by another agency or body,
 - e) whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of,
 - f) 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 or apology,
 - g) whether the issue/s giving rise to the complaint have previously been addressed or resolved,
 - h) whether the conduct complained of forms part of a pattern of conduct,
 - i) whether there were mitigating circumstances giving rise to the conduct complained of,

- j) the seriousness of the alleged conduct,
- k) the significance of the conduct or the impact of the conduct for the council,
- l) how much time has passed since the alleged conduct occurred, or
- m) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 OPERATIONS OF CONDUCT REVIEW COMMITTEES

- 7.1 Where a conduct reviewer recommends that the complaints coordinator convene a conduct review committee to investigate a matter, the conduct reviewer must notify the complaints coordinator of their recommendation and the reasons for their recommendation in writing.
- 7.2 The complaints coordinator must convene a conduct review committee comprising three conduct reviewers 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 Division.
- 7.3 In selecting suitable conduct reviewers for membership of a conduct review committee convened under clause 7.2, the complaints coordinator may have regard to the following:
 - a) the qualifications and experience of members of the panel of conduct reviewers, and
 - b) any recommendation made by the conduct reviewer about the membership of the committee.
- 7.4 The conduct reviewer who made the preliminary assessment of the complaint must not be a member of a conduct review committee convened under clause 7.2.
- 7.5 A member of a panel of conduct reviewers may not be appointed to a conduct review committee where they would otherwise be precluded from accepting a referral of the matter to be considered by the committee under clause 6.4.
- 7.6 Where the complaints coordinator convenes a conduct review committee, they will advise the complainant in writing that the committee has been convened and the membership of the committee.
- 7.7 Where, after a conduct review committee has been convened, a member of the committee becomes unavailable to participate in further consideration of the matter, the complaints coordinator may appoint another person from a panel of conduct reviewers to replace them.
- 7.8 Meetings of a conduct review committee may be conducted in person or by teleconference.
- 7.9 The members of the conduct review committee must elect a chairperson of the committee.
- 7.10 A quorum for a meeting of the conduct review committee is two members.
- 7.11 Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.
- 7.12 If a quorum is not present at a meeting of the conduct review committee, it must be adjourned to a time and date that is specified.

- 7.13 Each member of the conduct review committee is entitled to one vote in relation to a matter. In the event of an equality of votes being cast, the chairperson will have a casting vote.
- 7.14 If the vote on a matter is not unanimous, then this should be noted in the report of the conduct review committee in which it makes its determination in relation to the matter.
- 7.15 The chairperson may make a ruling on questions of procedure and the chairperson's ruling is to be final.
- 7.16 The conduct review committee may only conduct business in the absence of the public.
- 7.17 The conduct review committee must maintain proper records of its proceedings.
- 7.18 The complaints coordinator shall undertake the following functions in support of a conduct review committee:
- a) provide procedural advice where required,
 - b) ensure adequate resources are provided including secretarial support,
 - c) attend meetings of the conduct review committee in an advisory capacity, and
 - d) provide advice about council's processes where requested.
- 7.19 The complaints coordinator must not be present at, or in sight of a meeting of, the conduct review committee where it makes its final determination in relation to the matter.
- 7.20 The conduct review committee may adopt procedures governing the conduct of its meetings that supplement these procedures. However any procedures adopted by the committee must not be inconsistent with these procedures.

PART 8 INVESTIGATIONS

What matters may a conduct reviewer or conduct review committee investigate?

- 8.1 A conduct reviewer or conduct review committee (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.
- 8.2 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.
- 8.3 The general manager or the Mayor is to deal with a matter reported to them by an investigator under clause 8.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 8.4 The investigator must at the outset of their investigation provide a written notice of investigation to the subject person. The notice of investigation must:
- a) disclose the substance of the allegations against the subject person, 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) invite the subject person to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice, and
 - e) provide the subject person the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 8.5 The subject person may within 14 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 subject person to identify the substance of the allegation against them.
- 8.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the subject person in relation to the matter referred to them.
- 8.7 Where an investigator issues an amended notice of investigation, they will provide the subject person with a further opportunity to make a written submission in response to the amended notice of investigation within 28 days or such other reasonable period specified by the investigator in the amended notice.
- 8.8 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 Mayor. The notice must:
 - a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, invite them to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice.

Written and oral submissions

- 8.9 Where the subject person 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.
- 8.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 8.11 Prior to preparing a draft report, the investigator must give the subject person an opportunity to address the investigator on the matter being investigated. The subject person may do so in person or by telephone.
- 8.12 Where the subject person 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 subject person.
- 8.13 Where the subject person accepts the opportunity to address the investigator in person, they may have a support person or legal advisor in attendance. The support person or legal advisor will act in an advisory or support role to the subject person only. They must not speak on behalf of the subject person or otherwise interfere with or disrupt proceedings.

- 8.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 8.15 Investigations are to be undertaken without undue delay.
- 8.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 8.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 8.18 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.
- 8.19 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

- 8.20 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 or apology, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - c) refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police.
- 8.21 Where an investigator determines to exercise any of the options under clause 8.20 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.
- 8.22 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they may by written notice to the subject person, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, the Mayor, discontinue their investigation of the matter.
- 8.23 Where the investigator discontinues their investigation of a matter under clause 8.22, this shall finalise the consideration of the matter under these procedures.
- 8.24 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 8.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 8.25 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.
- 8.26 The investigator must provide their draft report to the subject person and invite them to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.27 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 28 days or such other reasonable period specified by the investigator.
- 8.28 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 8.29 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. Where as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the subject person or an affected person, they must provide the subject person or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 8.30 Where the subject person 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.
- 8.31 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

- 8.32 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 8.22.
- 8.33 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.
- 8.34 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.
- 8.35 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies or procedures,

- b) that the subject person undertake any training or other education relevant to the conduct giving rise to the breach,
- c) that the subject person be counselled for their conduct,
- d) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation,
- e) that findings of inappropriate conduct be made public,
- f) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
- g) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
- h) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the Act, and
 - ii. that the matter be referred to the Division for further action under the misconduct provisions of the Act.

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

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

8.37 In making a recommendation under clause 8.35, the investigator may have regard to the following:

- a) the seriousness of the breach,
- b) whether the breach can be easily remedied or rectified,
- c) whether the subject person has remedied or rectified their conduct,
- d) whether the subject person has expressed contrition,
- e) whether there were any mitigating circumstances,
- f) the age, physical or mental health or special infirmity of the subject person,
- g) whether the breach is technical or trivial only,
- h) any previous breaches,
- i) whether the breach forms part of a pattern of conduct,
- j) the degree of reckless intention or negligence of the subject person,
- k) the extent to which the breach has affected other parties or the council as a whole,
- l) the harm or potential harm to the reputation of the council or local government arising from the conduct,

- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny,
- n) whether an educative approach would be more appropriate than a punitive one,
- o) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action,
- p) what action or remedy would be in the public interest.

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

- a) a description of the allegations against the subject person,
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated,
- c) a statement of reasons as to why the conduct reviewer considered that the matter warranted investigation,
- d) a statement of reasons as to why the conduct reviewer considered that the matter was one that could not or should not be resolved by alternative means,
- e) where the matter is investigated by a conduct review committee, a statement as to why the matter was one that warranted investigation by a conduct review committee instead of a sole conduct reviewer,
- f) a description of any attempts made to resolve the matter by use of alternative means,
- g) the steps taken to investigate the matter,
- h) the facts of the matter,
- i) the investigator's findings in relation to the facts of the matter and the reasons for those findings,
- j) the investigator's determination and the reasons for that determination,
- k) any recommendations.

8.39 The investigator must provide a copy of their report to the complaints coordinator, the subject person and the complainant.

8.40 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.

8.41 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraph (a), the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.

8.42 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (b) or (c),

the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.

- 8.43 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (d) to (h), 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

- 8.44 The role of the council in relation to a final investigation report is to impose a sanction where an investigator determines that there has been a breach of the code of conduct and makes a recommendation in their final report under clause 8.35, paragraphs (d) to (h).
- 8.45 The council is to close its meeting to the public to consider the final investigation report where it is permitted to do so under section 10A of the Act.
- 8.46 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interests in relation to the matter unless otherwise required to do so under the Act or the Model Code.
- 8.47 Prior to imposing a sanction, the council must provide the subject person with an opportunity to make an oral submission to the council. The subject person is to confine their submission to addressing the investigator's recommendation/s.
- 8.48 Once the subject person has completed their oral 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.
- 8.49 The council must not invite oral submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 8.50 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 by the Division in relation to the report.
- 8.51 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 Division.
- 8.52 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 8.53 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council, the subject person and the complainant.

- 8.54 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 8.55 The council is only required to provide the subject person a further opportunity to address it on a supplementary report where the supplementary report contains new information that is adverse to them.
- 8.56 A council may by resolution impose one or more of the following sanctions on a subject person:
- a) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the resolution,
 - b) that findings of inappropriate conduct be made public,
 - c) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
 - d) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
 - e) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the Act, and
 - ii. that the matter be referred to the Division for further action under the misconduct provisions of the Act.
- 8.57 The council is not obliged to adopt the investigator's recommendation/s. Where the council does not adopt the investigator's recommendation/s, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 8.58 The council may, by resolution, impose a sanction on the subject person under clause 8.56 different to the sanction recommended by the investigator in their final report.
- 8.59 Where the council resolves not to adopt the investigator's recommendation/s, the complaints coordinator must notify the Division of the council's decision and the reasons for it.

PART 9 RIGHTS OF REVIEW

Failure to comply with a requirement under these procedures

- 9.1 Where any person believes that a person has failed to comply with a requirement prescribed under these procedures, they may, at any time prior to the council's consideration of an investigator's final report, raise their concerns in writing with the Division.

Practice rulings

- 9.2 Where a subject person and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Division to make a ruling on a question of procedure (a practice ruling).
- 9.3 Where the Division receives a request in writing for a practice ruling, the Division 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.
- 9.4 Where the Division makes a practice ruling, all parties are to comply with it.

- 9.5 The Division may decline to make a practice ruling. Where the Division 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.

Requests for review

- 9.6 A person the subject of a sanction imposed under Part 8 of these procedures other than one imposed under clause 8.56, paragraph (e), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Division.
- 9.7 A review under clause 9.6 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 the council has failed to comply with a requirement under these procedures in imposing a sanction.
- 9.8 A request for a review made under clause 9.6 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 9.9 The Division may decline to conduct a review, where the grounds upon which the review is sought are not sufficiently specified.
- 9.10 The Division may undertake a review of a matter without receiving a request under clause 9.6.
- 9.11 The Division will undertake a review of the matter on the papers. However, the Division may request that the complaints coordinator provide such further information that the Division 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 Division.
- 9.12 Where a person requests a review under clause 9.6, the Division may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Division.
- 9.13 The Division must notify the person who requested the review and the complaints coordinator of the outcome of the Division's review in writing and the reasons for its decision. In doing so, the Division may comment on any other matters the Division considers to be relevant.
- 9.14 Where the Division considers that the investigator or the council has erred, the Division may recommend that a decision to impose a sanction under these procedures be reviewed.
- 9.15 In the case of a sanction implemented by the general manager or Mayor under clause 8.42, where the Division recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Division's determination in relation to the matter to the general manager or the Mayor, and
 - b) the general manager or Mayor must review any action taken by them to implement the sanction, and

- c) the general manager or Mayor must consider the Division's recommendation in doing so.
- 9.16 In the case of a sanction imposed by the council by resolution under clause 8.56, where the Division recommends that the decision to impose a sanction be reviewed:
 - a) the complaints coordinator must , where practicable, arrange for the Division'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 Division's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 9.17 Where having reviewed its previous decision in relation to a matter under clause 9.16 the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 10 PROCEDURAL IRREGULARITIES

- 10.1 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.
- 10.2 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 11 PRACTICE DIRECTIONS

- 11.1 The Division may at any time issue a practice direction in relation to the application of these procedures.
- 11.2 The Division will issue practice directions in writing, by circular to all councils.
- 11.3 All persons performing a function prescribed under these procedures must consider the Division's practice directions when performing the function.

PART 12 REPORTING ON COMPLAINTS STATISTICS

- 12.1 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,
 - b) the number of code of conduct complaints referred to a conduct reviewer,

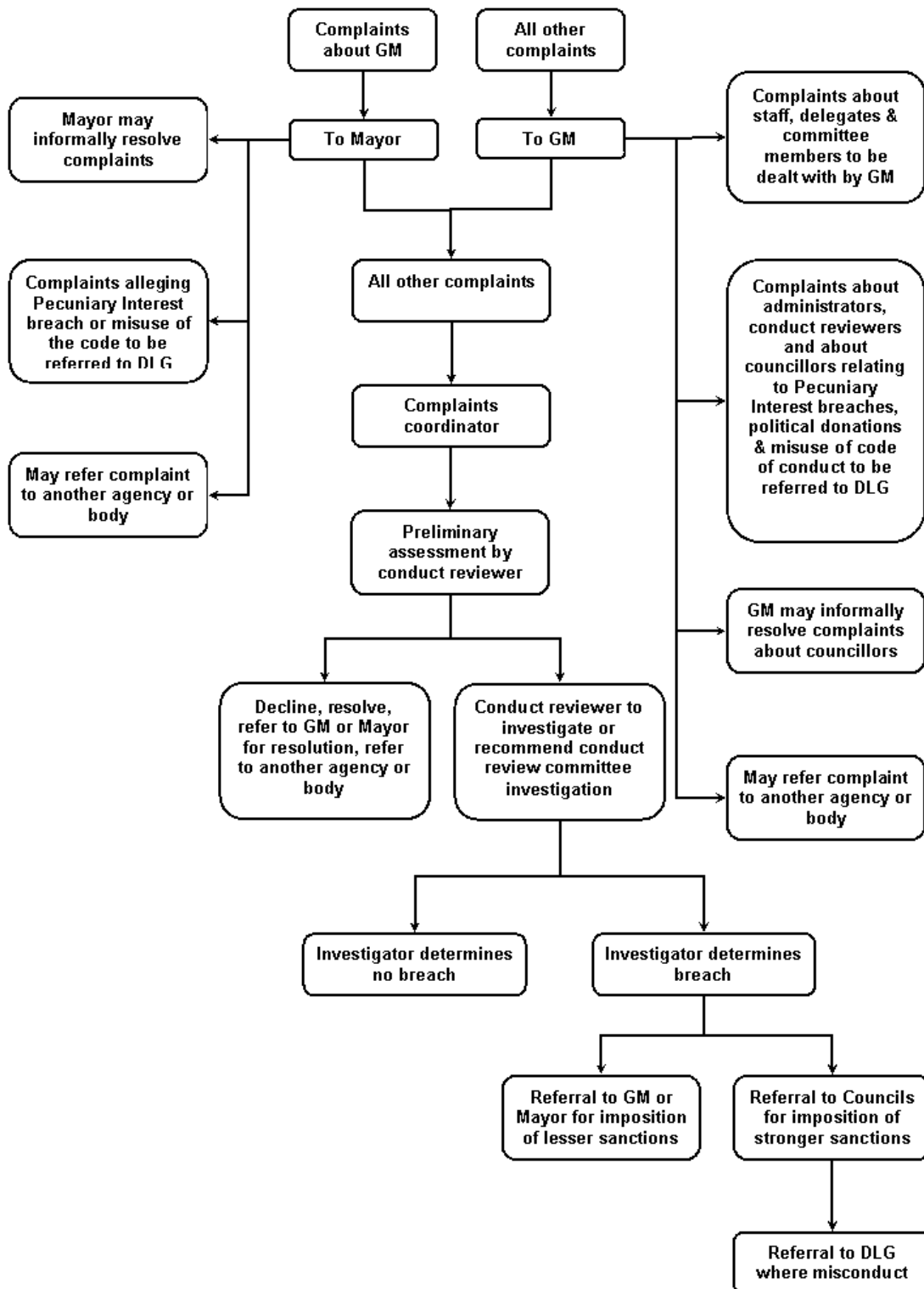
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,
- d) the number of code of conduct complaints investigated by a conduct reviewer,
- e) the number of code of conduct complaints investigated by a conduct review committee,
- f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,
- g) the number of matter reviewed by the Division and, without identifying particular matters, the outcome of the reviews, and
- h) The total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.

12.2 The council is to provide the Division with a report containing the statistics referred to in clause 12.1 within 3 months of the end of September of each year.

PART 13 CONFIDENTIALITY

13.1 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.

Model Code Procedure Flowchart



EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS**PURPOSE:**

To determine the scope and extent of expenses that may be claimed by, and equipment and facilities provided to, the Mayors (Administrator) and Councillors/Committee Members so that these may be reasonable and appropriate within the provisions of s.252 of the Local Government Act, 1993. The policy has to be publicly advertised in accordance with s.253 of the Act. All expenses must be reasonable and fall within the limits set by Council.

LEGAL REQUIREMENTS

- Councillor Expenses and Facilities Guidelines issued by the Office of Local Government.
- Sections 252-254, Section 232 and Section 428 (2) (f) of the Local Government Act 1993
- Clause 217 of the Local Government (General) Regulation 2005

POLICY PROVISIONS:**1. BUSINESS OF COUNCIL**

For the purpose of this policy “business of Council” is defined as:-

- (a) Council meetings
- (b) Committee meetings where all members are Councillors
- (c) Meetings where attendance is authorised by the Council, Mayor Administrator or the General Manager.
- (d) Inspections where attendance is authorised by the Administrator or the General Manager.
- (e) Conferences, seminars or workshops where attendance is authorised by the Administrator or General Manager.

Council business does not apply to attendance by Councillors/Committee Members at political fund-raising functions.

2. EXPENSES

Section 1.6.6 of the Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW states that payment of expenses and the provision of facilities for Councillors must not be open-ended and that monetary limits

must be placed on all possible avenues of expenditure. Accordingly, a table appears as Appendix A of this policy indicating the monetary limits placed on expenditure items identified in this policy.

(i) Accommodation and Meal Expenses

Where the business of Council requires the need for Councillors or the Administrator to obtain overnight accommodation and purchase meals, those expenses shall be reimbursed on an actual cost basis to the limit expressed in Appendix A.

(ii) Travelling - Within Council's Area

Where the Administrator, Councillors or Committee Members are required to use their own vehicle to travel to authorised meetings, then reimbursement for travel expenses shall be based on the kilometre rate as prescribed in the Local Government Award but will be capped as shown in Appendix A.

(iii) Travelling - Outside Council's Area

The Administrator, Mayor or the General Manager are authorised to determine the best mode of travel for authorised travel outside the Council area having regard to economy, time and safety factors.

(iv) Registration Costs

Where the business of Council requires the payment of a registration or attendance fee, reimbursement shall be on an actual cost basis.

(v) Incidental costs

Council will reimburse the reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses that the Administrator, Councillors or Committee Members incur upon the presentation of official receipts and the completion of any necessary claim forms.

Incidental expenses could reasonably include telephone calls, refreshments, internet charges, taxi fares, toll fees and parking fees. The reasonable cost of meals not included in the conference/seminar/meeting fees may also be reimbursed on production of tax receipts. The maximum reimbursement shall be as per Appendix A.

(vi) Legal Expenses

Reasonable legal expenses of the Administrator, Councillor or Committee

Member may only be met for legal proceedings being taken against the them in defending an action arising from the performance in good faith of a function under the Local Government Act or defending an action in defamation, provided that the outcome of the legal proceedings is favourable to them.

Subject to the above mentioned conditions, reasonable legal costs may also be available for an inquiry, investigation or hearing into a councillor's conduct by an appropriate investigative or review body including:

- (a) Local Government Pecuniary Interest and Disciplinary Tribunal
- (b) Independent Commission Against Corruption
- (c) Office of the NSW Ombudsman
- (d) Office of Local Government
- (e) NSW Police Force
- (f) Director of Public Prosecutions
- (g) Council's Conduct Review Committee/Reviewer.

Such assistance will only be provided if the investigative body has progressed to a formal investigation or review and only if their findings are not substantially unfavourable to the councillor.

(vii) Disputes

Disputes regarding the payment of expenses will be referred to the Director Corporate Services for independent review and if still not resolved to a full meeting of Council.

(viii) Training and Development

Council will pay the expenses incurred in councillor/committee member training within the limits of the budget approved by Council, as included in the adopted Operational Plan.

(ix) General Expense Allowance

Under clause 403 of the Local Government Regulation no general expense allowance is available to any Councillor. A general expense allowance is a sum of money paid by a council to a councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe.

(x) Payment of Expenses

The Administrator, Councillors and Committee Members are required to

complete a Claim Form when applying for reimbursement of expenses. These are provided by the Director Corporate Services.

The setting of councillor and committee member fees does not fall within the scope of this policy as they are a matter for the Local Government Remuneration Tribunal.

3. PAYMENT OF EXPENSES FOR SPOUSES, PARTNERS OR ACCOMPANYING PERSONS

- i. There are limited instances where certain costs incurred by the Administrator or a Councillor on behalf of their spouse, partner, or accompanying person are properly those of the Administrator or Councillor in the performance of his or her functions (hence they are properly incurred by, and reimbursable to the Councillor).
- ii. Accordingly, Council will meet the reasonable costs of spouses and partners or an accompanying person for attendance at official Council functions either on behalf of the Councillor or Administrator or in the company of the Councillor or Administrator, that are of a formal and ceremonial nature within the Council area. Examples include, but are not limited to, Australia Day ceremonies, Civic receptions and charitable functions for charities formally supported by Council.
- iii. Council will also reimburse registration fees and the cost of attendance at official dinners whilst accompanying the Councillor or Administrator at the Local Government NSW Annual Conference.
- iv. Payment of expenses for spouses, partners or accompanying persons for attending appropriate functions as permitted above shall be confined to the ticket, meal and /or direct cost of attending the function. Council will not reimburse additional travel, accommodation, meal or incidental costs other than provided for in this clause.

4. PROVISION OF FACILITIES

Council provides meals and refreshments associated with Council and committee meetings, official dinners and working party meetings.

Council provides office space for use by the Mayor or Administrator.

Council may decide to provide other facilities including use of telecommunications devices, dedicated computer equipment, internet access from home, business cards and the use of a Council vehicle for business.

5. PROVISION OF INSURANCE

- (a) Council shall take out public liability and professional indemnity insurance cover which shall extend to actions taken against Councillors and/or Employees in relation to the exercise of their duties as Councillors.
- (b) Council shall take out liability insurance cover on behalf of Councillors to provide indemnity in claims arising from wrongful acts whilst performing their Council duties in circumstances where the claims are not covered under Council's public liability and professional indemnity policies and as far as insurance can be legally obtained.
- (c) Council shall provide the Administrator and Councillors insurance to cover personal injury whilst on Council business and travel insurance for approved interstate or overseas travel on Council business.

6. CARE AND RELATED EXPENSES

In accordance with the principles of participation, access and equity Council will reimburse the reasonable cost of carer arrangements, including childcare expenses and the care of the elderly, disabled or sick immediate family members of councillors, to allow councillors to undertake their council business obligations.

7. APPROVAL ARRANGEMENTS

Councillors/Committee Members are required to have prior approval for any expenditure item allowable under this policy. For significant or potentially contentious expenses prior approval at a full meeting of Council will be required. Less significant expenses will require the approval of two people being either, the Administrator, General Manager, Directors of Asset Management, Operations, Development and Corporate Services. No other officer can authorise Councillor/Committee Members expenditure.

Since significant expenses are authorised by a full meeting of Council, no other documentation is required as this approval will be recorded as part of Council's official meeting minutes.

Expenses related to training and development opportunities arranged through Council do not require documentary evidence as this will be available through Council's financial processes.

All other potential expenditure will require the prior approval by two authorised officers as stated above by using the pro-forma that appears as Appendix B to this policy.

APPENDIX A

Table of Monetary Limits

<u>Expenditure Item</u>	<u>Monetary Limit</u>	<u>Comment</u>
Accommodation	\$300 per day	Unless otherwise approved by General Manager
Meals and incidental expenses	\$180 per day	
Travelling within Shire	Prescribed kilometre rate of- < 2.5ltr @ 68c/km > 2.5ltr @78c/km	Claim for general travel other than meetings cannot be made
Travel outside the Shire	Determined by mode of travel	Administrator and General Manager to authorise
Registration costs	Actual cost	
Legal expenses	No set limit	Assistance provided only if findings are not substantially unfavourable to Councillor
Training and Development	\$1,000 per annum Years 1 & 2 of new Council & \$500 Years 3 & 4	Administrator and General Manager discretion with this expense
General Expense Allowance	Nil	
Expenses for spouses or partners	\$85 per function	Limited circumstances and official functions only
Provision of facilities	Mayor – Provided with a mobile phone for business purposes.	
Care and related expenses	Maximum of \$100 per official function	Provided for official functions only where no alternate arrangements can be made

APPENDIX B

Councillor Request for Expenditure under Council's Expenses and Provision of Facilities for Councillors Policy

Councillor Name; _____

Nature of the Request for Expenditure;

Date/s of the Event;_____

Anticipated Expenditure;	Accommodation	\$
	Meals / incidental	\$
	Travel	\$
	Registration / Training	\$
	Spouse	\$
	Total	\$ _____

AUTHORISATION; Granted Not Granted (circle as appropriate)

Authorised Officer

Name; _____ Date; _____

Signature; _____

Authorised Officer

Name; _____ Date; _____

Signature; _____

Gundagai Council



**GUNDAGAI COUNCIL
Cootamundra Outdoor
Swimming Pool
Operations Plan 2016/2017 Season**

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Document Control

Version number	Date	Date effective	Council resolution	Description
1.0	13/10/14	29/11/14	09/10/14	2014-15 Season Operations Plan adopted by Council
1.1	1/5/2015	1/7/15	09/10/15	2015-16 Season Operations Plan adopted by Council
1.2	1/5/2016	1/7/16	11/7/2016	2016-17 Season Operations Plan adopted by Council

This Plan forms part of Council's Policy Register, and the Policy Register is updated to reflect any changes adopted by Council.

1. Introduction

This Operations Plan provides the instructions necessary for Council staff to administer the routine functions of its outdoor swimming pool facilities.

The aim of this Operations Plan is to provide facilities which promote a healthy lifestyle and social interaction for the residents and visitors of the Shire.

The Cootamundra Shire Council Swimming Pool Operations Plan takes into consideration all aspects of the operation and use of the outdoor pools and facilities and the roles and responsibilities of its patrons and staff.

1.1 Commencement

The Operations Plan commenced as of October 27 2008 will receive annual reviews by Council and will remain in force until further notice.

1.2 Application

This Operations Plan applies to all swimming pools at the Bourke Street Pool complex operated and maintained by Council.

This operation Plan does not apply to the 25 metre indoor heated pool complex when it is in operation between March and November, please refer to the document "Cootamundra Shire Council Indoor Swimming Pool Operations Plan".

This Operations Plan does not affect the operation of any Act or Regulation relating to the appropriate management of public swimming pools.

Practice Note 15 (produced by the NSW Department of Local Government) will provide guidance on any standard not specifically discussed in this Operations Plan.

1.3 Definitions

In this Operations Plan:

- i. "mass evacuation plan" means a plan designed to ensure the safe egress of large organised groups from the swimming pool grounds
- ii. "Recreation Officer" is a pool attendant who is also responsible for daily maintenance and general operations at a swimming pool and is employed by Cootamundra Shire Council.
- iii. "Recreation Assistant" is a pool attendant employed by Cootamundra Shire Council to assist the Recreation Office Pool and who is responsible for lifeguard duties and minor maintenance.
- iv. "WH&S" means work health and safety

- v. "Code of conduct" is a standard of behaviour required on swimming pool grounds and is a condition of entry all patrons must adhere to signage displaying the conditions of entry are provided at a pool which communicates to the public the standard of behaviour required on swimming pool grounds, as detailed in Section 11 of this document.

2. POOLS

Council aims to provide the following related facilities:

- i. A 50m outdoor swimming pool
- ii. An outdoor toddler's pool.
- iii. A 1.5m diving platform (there will only be one diving platform in use at any one time)
- iv. An outdoor wading pool
- v. A grass volleyball court within the pool grounds
- vi. Permanent shade cover x 3
- vii. Permanent electric BBQ

3. ADMINISTRATION OF SWIMMING POOLS

3.1 Records

- i. Staff will ensure all records for the operation of swimming pools are legible and kept for the minimum period of time as per Council's record keeping policy.

3.2 Records to be maintained at the Pool

- i. a daily diary in which all incidents and events will be recorded.
- ii. an incident/accident log book.
- iii. a weekly booking calendar.
- iv. a daily log of attendance by the public.
- v. a daily inspection checklist. – . (as per Manual Sheets)
- vi. suspension and eviction forms.
- vii. swimming pool user agreements.
- viii. water analysis records.
- ix. Material Safety Data Sheets (MSDS) for all chemicals used to sanitize swimming water.
- x. usage of chemicals to sanitize water.

4. WORK HEALTH & SAFETY

4.1 General Compliance

- i. Contractors will be required to submit qualifications and insurance details to Council and either comply with Council WH&S policies and procedures or have their own policies and procedures that are as thorough as Council procedures and policies. This will be clarified at the time of engagement.
- ii. All incidents are to be reported in accordance with Council WH&S procedure.
- iii. All accidents are to be investigated and reported in accordance with Council WH&S procedure.
- iv. All other organisations operating at the pool (see Section 5) that are covered by the NSW WH&S Act will have WH&S policies to a standard that meets the minimum required by the Act.

5. CLUBS, SCHOOLS, ORGANISATIONS

5.1 General

A swimming club, school or organisation wishing to utilise a swimming pool must (in addition to other more specific requirements explained in this document):

- i. have a current workers compensation policy if they employ any staff.
- ii. possess a public liability insurance policy (minimum value AUD\$20,000,000.00)
- iii. provide a completed Swimming Pool User Agreement with Council for approval prior to commencement of program
- iv. ensure that the number of clients can be accommodated in the pool space provided by Council to conduct their intended activities
- v. provide all equipment associated with their activity. This includes kickboards, seats & stands for small children, balls, nets, etc. and these items must be designed and approved for their intended purpose and be in good working order and abides by the code of conduct comply with all pool rules including strict adherence to the Code of Conduct and Prohibitions for Swimming Pools.
- vi. Ensure that commercial activities and private swimming lessons are not undertaken at the pool complex without prior approval from Council.

5.2 Swim Clubs

- i. Council will allow the formation of one swim club at the pool complex. The swim club will be provided storage areas and pool bookings as determined by Council. The current swim club at the pool will be the preferred swim club. No other swim club will be recognised whilst the existing swim club is in existence.
- ii. The Swim Club must
 - be incorporated and have a constitution
 - be run by an elected committee that consists of at least the following office bearers, President, Secretary, Treasurer.
 - ensure that coaches hold a current AUSTSWIM Teacher of Swimming and Water Safety Certification and a current CPR Certificate and ASA Coaches Qualification and/or teacher of competitive swimming.
 - have public liability insurance to the value of \$20 million.
 - provide a completed Swimming Pool User Agreement for approval by Council prior to the commencement of programs.
 - provide and maintain their own equipment, the use of which must be approved by the Council pool staff.
 - ensure sufficient supervision is provided to perform the custodial role of members under 10 years of age and not rely on the life guards to perform this role.
 - notify the Council pool staff on each occasion before underwater breath holding competitions (races) or training is conducted.
 - In their User Agreement they must nominate a liaison person (i.e. committee member) to discuss operational matters in relation to the daily use of the pool. The aim of this requirement is to avoid confusion as to the

Swimming Club's requirements during each swimming session and avoid the potential for harassment of Council pool staffs to occur.

- Must have copy of Swim Club User Agreement form on hand at Pool

5.3 Kiosk

- i. The kiosk will be Council operated or leased to suitable applicant(s) and shall ensure;
 - that staff be adequately trained in how to safely handle food and are capable of operating emergency equipment to suppress kitchen fires and respond to burn incidents.
 - induct staff to the workplace in accordance with the WH&S Act and keep records of inductions of training provided to kiosk staff.
 - participate in any emergency evacuation procedure for the pool.
- ii. The kiosk operator is required to notify the NSW Food Authority of their presence as required by the NSW Foods Act 2003.
- iii. Council may from time to time allow other organisations to provide/sell food items as part of the organisations activities (i.e. Swimming Club BBQ's etc.). This must be done with a formal application to the Council.
- iv. Other than instances in 5.3 c) the Council will have exclusive access to the pool for the purpose of selling food.

5.4 Coaches

- i. Swimming coaches and instructors will only be provided a dedicated lane if they hold a current AUSTSWIM Teacher of Swimming and Water Safety Certification, a current CPR Certificate and a NSW Working with Children Check. Lanes must be booked in accordance with Section 9.
- ii. Lap training (requiring a dedicated lane) will not be permitted whilst the pool is booked by an organisation in accordance with Section 9. Lap swimmers may make an arrangement to share Swimming Club allocated lanes at Swim Clubs discretion.
- iii. Parents or Guardians must escort children under 10 years old to and from Coaches/Instructors and pay entry according to fees and charges.

5.5 Schools

- i. It is the responsibility of the school to perform the custodial role of students. It is not the responsibility of Council pool employees.
- ii. A school must ensure it provides adequate supervision to school students attending the venue. Should school children be left without a teacher the children will be immediately required to vacate the water and the school will be contacted to arrange their collection. The Principal of the school or NSW Department of Education will be advised in writing of the event.
- iii. School children under the age of 10 are not permitted to enter pool grounds unless their supervising teachers are present.
- iv. Underwater breath holding competitions (races) may not be held by schools, nor permitted during free time by supervising teachers due to the risk of Hypoxic Blackout (Teachers wishing more information on this matter should

refer to the Royal Life Saving Society Australia Fact Sheet – Hypoxic Blackout No.23 available at www.royallifesaving.com.au

- v. It is compulsory for Schools to participate in any Mass Evacuation Plan implemented by Council pool employees. This includes teachers taking specific roles in ensuring the pool premise is evacuated quickly and efficiently.
- vi. All schools must complete and submit a Swimming Pool User Agreement prior to the first use of the pool each season or entry will be refused.

6 RESTRICTIONS ON STAFF & OPERATIONS

- i. Whilst on duty Council pool employees will not be permitted to volunteer to facilitate (supervise) the running of a community event at the pool.
- ii. A Council pool employee is allowed to volunteer or participate in a community event at a pool where other staff members of Council have been rostered to provide supervision and operate pool plant and equipment.
- iii. Only trained and qualified Council staff will be permitted to operate swimming pool facilities and provide supervision of those Council facilities at the Council pool.

7 OPERATING HOURS

7.1 General

The following is standard for each swimming pool.

- i. The outdoor pool season commences in late November and closes in early March
- ii. The pool may open early NSW Department Sport and Recreation learn to swim programs or other Council approved programs or events.
- iii. The pool will be closed on Christmas Day. The pool will also be closed until midday on ANZAC Day. On the Gundagai Council staff Picnic Day the pool will be opened for the morning session only and closed for the rest of the day.
- iv. Free Entry to the Pool on Australia Day if used for Australia Day civic function & pool hours modified to fit event timetable.
- v. The Swimming club will be accommodated on Thursday evenings from 6:00pm to 7:30pm as per 8.6 of their user agreement.
- vi. Aquarobics classes may operate at dates and times pre-arranged and approved during the season.
- vii. The Council pool employee has the discretion to change pool operating hours in cases of extreme heat or when the weather or pool is unsafe and requires closure. Notification to a senior Council staff member of any such change to operating hours will be documented.
- viii. The Council pool employee has the discretion to extend pool operating hours by extending the opening period to a maximum 60 minutes beyond advertised closing times if patronage is deemed sufficient (minimum of 15+ in the pool)
- ix. The Council pool employee has the discretion to decrease pool operating hours by closing the pool early by a maximum 30 minutes before advertised closing times if at the time there is no patrons at the facility (no-one in the pool)
- x. Pool will be opened early to facilitate school swimming carnivals (but not regular school sport or PE classes) when booked in accordance with Section 9.

7.2 Specific Conditions on Hours

The Facility hours are planned and budgeted to be open for public swimming for 11.5 hours each weekday and up to a maximum of 8 hours on weekends and public holidays.

While there is some flexibility given to staff regarding closing times as listed below the opening hours are to average 11.5 hours on weekdays and a maximum of 8 hours on weekend and public holidays as budgeted.

A pool may not open or may close early due to:

- i. Safety reasons e.g., lightning is imminent or forecast or a contamination event exists etc.
- ii. A Council Pool employee has the authority to close any pool within the pool grounds.
- iii. A Council Pool employee has the authority to close sections of the pool grounds.
- iv. A Council Pool employee has the authority to extend the operating hours of the pool beyond the official closing time of the pool as stated in 7.1 v and vi above.

7.3 Special Events or Family Evenings

- i. The application for dates to hold these events within advertised pool operating hours will be submitted in writing to the Council not less than 5 working days prior to the event and assessed for approval by Council staff.
- ii. Special events or family evenings will be available for bookings provided the proposed events are biased towards fulfilling the needs of children generally and are family friendly. Examples include Blue Light Discos, Evenings Hosted by the Local Swimming Club which are open to the community (member drives) or fundraising evenings by Local Community Groups (such as but not limited too - Lions and Rotary). NSW Health or other Government Agencies are welcome to set up stalls or provide free services or information during the evening that may benefit the community.
- iii. An admission charge to the pool cannot be levied by a group which is utilising the facility for a Special Event. An entry fee for an event / race (i.e. business house relay) is permissible provided it is at most a gold coin donation per participant for the event. Any such fee will be in addition to the normal admission charge.

7.4 Cootamundra Swimming Pool Summer Operating Hours

Season Commencement Date: 20th November 2016.

Month	Day	Opening hours
November 26 th 2016 – March 12 th 2017	Weekdays	6.30am - 8.30am 9.30am – 7.00pm
	Weekends	10.30am - 6.30pm
	Public Holidays	10.30am – 6.30pm

8 FEES

8.1 Evidence of Age

- i. Evidence of age can be requested as a condition of entry to the pool grounds (for the purpose of determining which fee to charge or to confirm they are a responsible adult for the purpose of attending minors).
- ii. Acceptable evidence of age will be a current “Proof of Age Card”, Drivers Licence, or Australian Passport.
- iii. A person who cannot provide evidence will be charged the Adult entry fee or advised they cannot enter the grounds as a supervisor of persons under the age of 10 (as appropriate).

8.2 Fees

- i. Fees will be charged for facility entry and facility services in accordance with Council’s current Fees and Charges. This includes spectators and supervisors paying entry fee according to fees and charges.
- ii. Pensioners and Carers – relates to holders of an Australian Government Centrelink issued age pension card, disability pension cards and noted Carers card. Those patrons holding a noted Carers Card will only be admitted with a discount if they are accompanying and actively caring/assisting for the person/s requiring their care.

9 BOOKINGS

9.1 General

- i. All bookings must include a completed Application for Use of Council's Sporting Facilities Parks or Swimming Pools form. Swimming clubs are not exempt from the need to obtain Council's consent for events outside their hours stated in their user agreement.
- ii. A minimum of one calendar month's notice is required to book a swimming pool during or outside normal operating hours.
- iii. The General Manager, Director of Engineering or Manager Facilities & Services may consider and approve applications for events outside the official operating hours of the pool.
- iv. Council will assess each booking and where a conflict arises, Council may need to cancel a booking in accordance with Section 9.2.
- v. Schools are to contact Council prior to the commencement of the swimming season to book dates for annual swimming carnivals.

9.2 Cancellation of Bookings

- i. Council will not provide compensation for an event cancelled by Council, as Council does not charge rental fees for bookings.
- ii. Council has the right to cancel or change bookings at any time.
- iii. Where a booking is cancelled, Council staff will endeavour to provide an acceptable alternative, when such an alternative can be accommodated.
- iv. When there is conflict between bookings, Council will attempt to negotiate an outcome that suits all.

9.3 Weekends

- i. Weekends are not available for the local swimming club for regular training as this time is allocated to the general public and to facilitate sporting events (triathlon's), lap swimming by members of the public and learn to swim classes for infants and young children.

10 MANAGING TARDINESS

- i. Where a swimming club, sporting club, school, organisation or individual does not vacate the pool or pool grounds by the required time, the General Manager, Director of Engineering or Manager Facilities & Services may issue a tardiness notice in writing. Future bookings may be cancelled.
- ii. Neither refunds nor compensation will be paid where bookings have been cancelled due to tardiness.

11 CODE OF CONDUCT

As a condition of entry all patrons must adhere to the following Code of Conduct at all times whilst in attendance at the Cootamundra Swimming Pool Complex.

11.1 Code of Conduct - Conditions of Entry

- i. follow all directions given by Council pool employees and not abuse them in any way
- ii. pay any fee for pool entry and pool services in accordance with Council's Fees and Charges.
- iii. comply with Section 12 - Activities Requiring Approval - All Pool areas
- iv. not swear
- v. wear appropriate swimming attire
- vi. not run on concrete areas
- vii. not "bomb" (jump on) other patrons
- viii. not obstruct the entry/exit points to a pool (including sitting on pool steps)
- ix. not interfere with any pool safety equipment
- x. follow all directions for the safe use of diving platforms
- xi. not enter pump rooms or chemical storage areas
- xii. not enter the Pool Managers office (except for the receipt of first aid or instruction)
- xiii. not enter the Kiosk
- xiv. adhere to the general Code of Conduct for swimming pools
- xv. ensure children under the age of 10 are accompanied by a responsible adult of 18 years of age or over.
- xvi. if requested provide evidence of age
- xvii. wear appropriate unsoiled bathing costumes at all times
- xviii. be unsoiled before entering a pool
- xix. not urinate or defecate anywhere other than in a public toilet
- xx. not attempt to enter the swimming pool grounds whilst intoxicated or under the influence of illegal drugs, nor bring or consume alcohol or illegal drugs on pool grounds
- xxi. not cause or permit an animal that is under the person's control to enter or remain in swimming pool grounds
- xxii. not smoke within pool grounds (in accordance with NSW no Smoking rules) not take photographs or make video (or electronic) recordings in the change rooms or pool grounds. This ruling is as a consequence of the Privacy and Personal Information Act. This ruling is in force unless there is written and express permission granted by parents in the context of swimming carnivals.
- xxiii. not sit on, dive over or otherwise interfere with lane ropes.
- xxiv. not damage, deface, interfere with or alter swimming pool infrastructure
- xxv. not obstruct any authorised person/employee of Council or contractor in performing their required duties
- xxvi. not enter the water if they have sores, open cuts or contagious infections/afflictions.

12 ACTIVITIES REQUIRING APPROVAL - ALL POOL AREAS

A person must not do any of the following within swimming pool grounds without either a written exemption from Council or verbal approval from the Council pool staff on duty. Permission will not be unreasonably withheld. Offenders will be prosecuted under relevant State or Federal Law

- i. engage in trade or commerce nor distribute any circulars, advertisements, paper drawing or photographic material
- ii. bring or use inflatable devices such as air mattresses, domestic pool toys, or balls onto the grounds but excluding flotation devices or kickboards specifically designed as learn to swim aids
- iii. play or conduct any unapproved sport or contest
- iv. camp or reside on the land
- v. bring or leave any rubbish onto swimming pool grounds,
- vi. kill, capture or in any way interfere with any animal, bird, fish or other fauna, whether native or introduced, plant any tree, shrub, herbage or other plant without prior consent.

13 YOUNG CHILDREN

Excluding change rooms, all children must wear either:

- i. a clean (unsoiled) bathing costume or
- ii. a water proof nappy at all times when in the pool grounds
- iii. Children who require accompaniment or assistance need to use the Family change rooms

14 ABANDONED CHILDREN

Where a child (under the age of 10) is identified as abandoned at the pool (i.e. without the required supervision), a Council pool employee will firstly ensure the physical safety of the child (remove from the water) and then attempt to contact the parent(s) / legal guardian (via phone if a number is provided). Any child abandonment incident is to be recorded in the pool diary.

Children under 8 years old being dropped off for swimming lessons etc. must be escorted to the instructor and picked up from the instructor. This will be a condition of operation for the instructor.

If a parent is unable to be contacted by phone or refuses to collect the child or does not arrive within 30 minutes to collect the child the Council Pool employee will contact either the NSW Police Service or Department of Family and Community Services (FACS) to arrange the transfer of the child into their custody.

The 24 hour contact number for FACS is 13 2111.

15 AUTHORITY

15.1 The Council pool employee on duty may:

- i. For a instance of non compliance with the Code of Conduct conditions of entry (11.1) request a person to leave the swimming pool facility at any time
- ii. For a instance of non compliance with the Code of Conduct conditions of entry (11.1) implement a Suspension Order for temporary or permanent restriction of access into the swimming pool facility.(Sample attached)
- iii. For a instance of non compliance with the Code of Conduct conditions of entry (11.1) implement a Warning Notice for temporary or permanent restriction of access into the swimming pool facility.(Sample attached)
- iv. contact the Police Youth Liaison Officer (6942 0099) or local school if a student appears to be a truant from school and unaccompanied by an adult at the pool.

A ban at any one pool applies to all pools operated within the pool complex regardless of swimming season.

If a ban is applied upon a person who is supervising others, those being supervised must also leave the pool.

Any poorly behaved person may be banned from the swimming pool.

15.2 Refusal to comply

A patron refusing to comply with the directions of a Council pool employee will be automatically banned from entering the Cootamundra Shire swimming pool grounds for the remainder of the pool season.

Council pool employees are to contact the NSW Police to arrange the forced removal of an offender.

15.3 Appeals

A person who wishes to appeal the imposition of a ban is entitled to write to Council for a review and state their reasons why the imposition of a ban is unfair.

A review will be conducted within 28 days of receipt of correspondence and the appellant notified of the outcome of the review in writing.

16 ROUTINE LANE ALLOCATION

16.1 General

The Council pool employees on duty may decide to adjust lane allocations to suit pool use on a particular day. This will be based on the employees' judgment of the current and likely numbers of swimmers. The employees' decision is final. Harassment of Council pool employees (either as an individual or a group) with regard to lane allocation will not be tolerated. Those guilty of harassing a Council pool employee (i.e. challenging the employees allocation of lanes after they considered their initial request to review the lane allocations) will be warned in writing that if harassment reoccurs during the swimming season the perpetrator will be banned for the season.

If, after asking the Council pool employee to consider a reallocation of lanes, a pool user believes that lane allocations are not being properly monitored by the employee they should address their detailed concerns (date, time, numbers etc.) in writing to the General Manager with attention to the Director of Engineering Services.

It is expected that Swimming Club members will

- i. use the lanes allocated to the Swimming Club and
- ii. direct any questions in relation to the setup of the pool to the Council pool employee through the nominated liaison person (see 5.2 ii).

At least five (5) lanes of the pool will remain available to the general public at all times when the pool is open to the public for general use. Provision of at least one edge lane provides both the elderly and young swimmers with a quick point of respite in the event of fatigue.

Where lap swimming is provided for the general public the Council pool employee may decide to grade each lane as slow, medium or fast.

16.2 Early Morning Sessions

- i. The early morning session is generally defined as the time from first opening until morning close, Monday to Friday (i.e. between 6:30am and 8am) from December the 1stth 2015 to March 6th 2016.
- ii. The available lanes will be allocated to the general public and the Swimming Club depending on the needs of each on the day. The standard arrangement will be determined based on the Swimming Club's written request at the beginning of each season. The Swimming Club will rope off pool lanes and the general public will use non-rope lanes.
- iii. Lap swimmers may be able to use Swimming Club lanes for individual training where the pool is sufficiently busy that no additional lap swimming lanes can be provided, lap swimmers should consult with the Swimming Club if this situation occurs.

16.3 Daily Sessions

- i. The daily swimming sessions are as per Section 7.4 Cootamundra Swimming Pool Operating Hours
- ii. An edge lane in a pool may be allocated for non-public use. The lane will be allocated to the local swimming club in preference to other users provided the club has sufficient numbers to warrant the exclusion of the lane or is conducting training which would be incompatible with other users.
- iii. A second lane can be added adjacent to the lane allocated to a local swimming club at the discretion of Council pool employees. A maximum of two lanes will be dedicated for the Swimming Club or lap training at the Cootamundra Pool at any one time.

16.4 Weekends and Public Holidays

Weekends and public holidays at the Cootamundra Swimming Pool are not available for training by a Swimming Club or squad coaches. Two lanes are to be set aside for public lap swimming on these days if required. Bookings for the following activities will be considered provided they are conducted in harmony with public lap swimming.

- i. the running of a regular triathlon
- ii. adult swim training
- iii. lifesaving courses
- iv. learn to swim classes for infants and young children (that does not require a dedicated lane).

Otherwise lane configuration at weekends will be determined by Council pool employees.

17 DIVING PLATFORMS

Where diving platforms are provided these will only be operated one platform at a time and only at the discretion of Council pool employees. Safety is the paramount consideration when deciding to operate a diving platform.

A diving platform will be closed by the placement of a sign and/or barrier between the end of the board and the route which a person using a diving board correctly would normally enter. A person who uses a diving platform that has been closed will be asked to leave the pool and pool grounds immediately.

A person who uses a diving platform in a manner which endangers others will be asked to leave the pool and pool grounds immediately.

18 ACCESS FOR PEOPLE LIVING WITH A DISABILITY

18.1 Assistance

Staff will provide all reasonable assistance to enable access to the facility, by those living with a disability, to facilitate the enjoyment of the swimming pool facilities by all patrons.

18.2 Guide dogs

Trained guide dogs are permitted on swimming pool grounds.

19 EMERGENCIES

- i. The contact number for emergencies is 000 (0000 if calling from facility phone)
- ii. The secondary contact number is either Council's Engineering Services during operating hours on 02 6940 2100 or Council's after hours Emergency on Call phone 0428 288 478.

20 MASS EVACUATION PLANS

- i. Facility evacuation plans are located at the entrance, Manager's Office and rear of the pool deck and are updated annually by Council's Risk HSE Officer.

21 EQUIPMENT and SERVICES

Chemical monitoring and injection equipment (pumps) for Council pools will be inspected by Council pool employees on a regular basis and faults reported to the Manager Facilities and Services.

Council pool employees will undertake daily inspection of service metres and log all readings accurately in the pool operations log system and report results to the Manager Facilities and Services.

22 ASBESTOS

- i. In the event of a fire the pool grounds are to be closed until clearance is obtained from a suitably qualified person that the area is safe.
- ii. For any other event which results in asbestos building products being disturbed, the Council pool employee is to cordon off the area (minimum of 8m), advise their manager and (if qualified) follow the procedures for the collection and disposal of asbestos (as per the Work Cover publication Your Guide to Working with Asbestos).

23 ACCESS TO COUNCIL RESOURCES

The phone and computer internet services located within the swimming pool grounds is for the use of Council staff only to conduct Council business.

24 DISPLAY OF THE CODE OF CONDUCT

The Code of Conduct will be displayed in a prominent place at the Pool.



GUNDAGAI COUNCIL
SUSPENSION ORDER

P.O. Box 420
Cootamundra NSW 2590
Ph: 02 69402100

Date: _____

This Order advises you that _____
(person)

of _____ has been
(address)

suspended from the Cootamundra Swimming Pool until _____
(Date)

Reason for Suspension:

For the above person to be re-admitted after that date, the authority of the parent / or legal guardian is required.

Signed: _____ **Date:** _____
(Pool Superintendent)

I hereby authorise _____ to be re-admitted to the
Cootamundra Swimming Pool after _____.

Signed: _____ **Date:** _____
(Parent/Guardian)

Note:

1. Any appeal to this suspension has to be made to the Manager of Facilities and Services for variation.
2. The Pool Superintendent has no authority to revoke this suspension.



GUNDAGAI COUNCIL
EVICTON REPORT

To: Manager Facilities and Services

Date: _____

Time: _____

Person Evicted: Name: _____ Phone: _____

Address: _____

Reason for Eviction: _____

Police Called: Yes ☐ No ☐ Time of Arrival: _____

Police who attended: Name: _____ Ph: _____

Name: _____ Ph: _____

Employee who evicted person:

Name: _____ Position: _____

Signature: _____

Noted Manager of Facilities and Services

Signature: _____ Date: _____



COOTAMUNDRA SWIMMING POOL

WARNING NOTICE

Date:

This notice is issued to

Of

This warning is issued by a Gundagai Council staff member due to an incident that occurred at the Cootamundra Pool on

(Date)

(day)

(time)

Reason for Warning

You spoke to staff using expletives, behaved aggressively and inappropriately towards staff when requested to comply with signage and staff direction.

You also refused to supply staff with your name.

Signed _____ Date _____

(Pool Supervisor)

This facility has a zero tolerance policy. Please treat the staff and fellow users of this facility with courtesy and respect.

Gundagai Council



**GUNDAGAI COUNCIL
Cootamundra Indoor
Swimming Pool
Operations Plan 2016/2017 Season**

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GUNDAGAI COUNCIL Cootamundra Indoor Heated Swimming Pool Operations Plan
2016 /2017 Season

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GUNDAGAI COUNCIL Cootamundra Indoor Heated Swimming Pool Operations Plan
2016 /2017 Season

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Document Control

Version number	Date	Date effective	Council resolution	Description
1.0	13/10/14	1/7/14	09/10/14	2014-15 Season Operations Plan adopted by Council
1.1	13/10/14	1/7/14	09/10/15	2015-16 Season Operations Plan adopted by Council
1.2	13/10/14	1/7/14	09/10/15	2016-17 Season Operations Plan adopted by Council

This Plan forms part of Council's Policy Register, and the Policy Register is updated to reflect any changes adopted by Council.

1. Introduction

This Operations Plan provides the instructions necessary for Council staff to administer the routine functions of its swimming pool facilities.

The aim of this Operations Plan is to provide facilities which promote a healthy lifestyle and social interaction for the residents and visitors of the Shire.

The Cootamundra Shire Council Indoor Heated Swimming Pool Operations Plan takes into consideration all aspects of the operation and use of the heated pool complex and facilities and the roles and responsibilities of its patrons and staff.

1.1 Commencement

The Operations Plan commenced as of July 2016, and will receive annual reviews by Council and will remain in force until further notice.

1.2 Application

This Operations Plan only applies to the 25metre indoor heated swimming pool within the Bourke Street Pool complex operated and maintained by Council between the months of July 2016 to November 2016 and March 2017 through to June 2017.

This Operations Plan does not apply to other outdoor pools within this complex please refer to the document "Cootamundra Shire Council Outdoor Swimming Pool Operations Plan"

This Operations Plan does not affect the operation of any Act or Regulation relating to the appropriate management of public swimming pools.

Practice Note 15 (produced by the NSW Department of Local Government) will provide guidance on any standard not specifically discussed in this Operations Plan.

1.3 Definitions

In this Operations Plan:

- i. "mass evacuation plan" means a plan designed to ensure the safe egress of large organised groups from the swimming pool grounds
- ii. "Recreation Officer" is a pool attendant who is also responsible for daily maintenance and general operations at a swimming pool and is employed by Cootamundra Shire Council.
- iii. "Recreation Assistant" is a pool attendant employed by Cootamundra Shire Council to assist the Recreation Officer and who is responsible for lifeguard duties and minor maintenance.
- iv. "WH&S" means work health and safety

- v. "Code of conduct" is a standard of behaviour required on swimming pool grounds and is a condition of entry all patrons must adhere to signage displaying the conditions of entry are provided at a pool which communicates to the public the standard of behaviour required on swimming pool grounds, as detailed in Section 11 of this document.

2. POOL FACILITIES

Council aims to provide the following pool related facilities:

- i. A 25m heated swimming pool
- ii. Pool deck showers
- iii. Ramped access into pool
- iv. Separate male, female and disabled toilets and change areas

3. ADMINISTRATION OF SWIMMING POOLS

3.1 Records

- i. Staff will ensure all records for the operation of this swimming pool is legible and kept for the minimum period of time as per Council's record keeping policy.

3.2 Usage Records to be maintained at the Pool

- i. a daily diary in which all incidents and events will be recorded.
- ii. an incident/accident log book.
- iii. a weekly booking calendar.
- iv. a daily log of attendance by the public.
- v. a daily inspection checklist. (as per Manual Sheets)
- vi. suspension and eviction forms.
- vii. swimming pool user agreements.
- viii. water analysis records.
- ix. Material Safety Data Sheets (MSDS) for all chemicals used to sanitize swimming water.

4. WORK HEALTH & SAFETY

4.1 General Compliance

- i. Contractors will be required to submit qualifications and insurance details to Council and either comply with Council WH&S policies and procedures or have their own policies and procedures that are as thorough as Council procedures and policies. This will be clarified at the time of engagement.
- ii. All incidents are to be reported in accordance with Council WH&S procedure.
- iii. All accidents are to be investigated and reported in accordance with Council WH&S procedure.
- iv. All other organisations operating at the pool (see Section 5) that are covered by the NSW WH&S Act will have WH&S policies to a standard that meets the minimum required by the Act.

5. CLUBS, SCHOOLS, ORGANISATIONS

5.1 General

A swimming club, school or organisation wishing to utilise a swimming pool must (in addition to other more specific requirements explained in this document):

- i. have a current workers compensation policy if they employ any staff.
- ii. possess a public liability insurance policy (minimum value AUD\$20,000,000.00)
- iii. provide a completed Swimming Pool User Agreement with Council for approval prior to commencement of program
- iv. ensure that the number of clients can be safely accommodated in the pool space provided by Council to conduct their intended activities
- v. provide all equipment associated with their activity. This includes kickboards, seats & stands for small children, balls, nets, etc and these items must be designed and approved for their intended purpose and be in good working order and abides by the Code of Conduct.
- vi. comply with all pool rules including strict adherence to the Code of Conduct and Prohibitions for Swimming Pools.
- vii. Ensure that commercial activities and private swimming lessons are not undertaken at the pool complex without prior approval from Council.

5.2 Coaches

- i. Swimming coaches and instructors will only be provided access if they hold a current AUSTSWIM Teacher of Swimming and Water Safety Certification, a current CPR Certificate and a NSW Working with Children Check.
- ii. Parents or Guardians must escort children under 10 years old to and from Coaches/Instructors.

5.3 Schools

- i. It is the responsibility of the school to perform the custodial role of students. It is not the responsibility of Council pool employees.
- ii. A school must ensure it provides adequate supervision to school students attending the venue. Should school children be left without a teacher the children will be immediately required to vacate the water and the school will be contacted to arrange their collection. The Principal of the school or NSW Department of Education will be advised in writing of the event.
- iii. School children under the age of 10 are not permitted to enter the pool facility unless their supervising teachers are present.
- iv. Underwater breath holding competitions (races) may not be held by schools, nor permitted during free time by supervising teachers due to the risk of Hypoxic Blackout (Teachers wishing more information on this matter should refer to the Royal Life Saving Society Australia Fact Sheet – Hypoxic Blackout No.23 available at www.royallifesaving.com.au)
- v. It is compulsory for Schools to participate in any Mass Evacuation Plan implemented by Council pool employees. This includes teachers taking specific roles in ensuring the pool premise is evacuated quickly and efficiently.

- vi. All schools must complete and submit a Swimming Pool User Agreement prior to the first use of the pool each season or entry will be refused.

6 RESTRICTIONS ON STAFF & OPERATIONS

- i. Whilst on duty during pool operating hours any Council pool employees will not be permitted to volunteer to facilitate (supervise) the running of a community event at the pool.
- ii. A Council pool employee is allowed to volunteer or participate in a community event at a pool where other staff members of Council have been rostered to provide supervision and operate pool plant and equipment.
- iii. Only trained and qualified Council staff will be permitted to operate swimming pool facilities and provide supervision of those Council facilities at the Council pool.

7 OPERATING HOURS

7.1 General

The following is standard for the indoor 25 meter swimming pool.

- i. The indoor swimming pool season commences in early March and closes in late November each year.
- ii. The pool may be used for NSW Department Sport and Recreation learn to swim programs or other Council approved programs or events.
- iii. The Council may approve the pool to be closed or have advertised operating hours varied to the general public for the holding of special events. Such events if approved will have a minimum of 2 weeks notice and closure or variation of times will be advertised at the pool, Council's website and local paper.
- iv. The pool will be closed on Christmas Day. The pool will also be closed until midday on ANZAC Day. On the Cootamundra Council staff Picnic Day the pool will be opened for the morning session only and closed for the rest of the day.
- v. Council organised Swimming programs and Aquarobics classes may operate outside advertised general admission hours.
- vi. The Council pool employee has the discretion to change pool operating hours in cases of extreme heat or when the weather or pool is unsafe and requires closure. Notification to a senior Council staff member of any such change to operating hours will be documented.
- vii. The Council pool employee has the discretion to extend pool operating hours by extending the opening period to a maximum 30 minutes beyond advertised closing times if patronage is deemed sufficient (minimum of 12 in the pool)
- viii. The Council pool employee has the discretion to decrease pool operating hours by closing the facility early by a maximum 30 minutes before advertised closing times if at the time there is no patrons at the facility.
- ix. Facility will be opened early to facilitate school swimming carnivals (but not regular school sport or PE classes) when booked in accordance with Section 9.

7.2 Specific Conditions on Hours

The Facility hours are planned and budgeted to be open for public swimming for 6 hours each weekday and up to a maximum of 3 hours on weekends and public holidays.

While there is some flexibility given to staff regarding closing times as listed below the general admission opening hours are to average 6 hours on weekdays and a maximum of 3 hours on weekend and public holidays as budgeted.

The facility may not open or may close early due to:

- i. Safety reasons e.g. Power failure or interruption, lightning is imminent or forecast or a contamination event exists etc.
- ii. A Council Pool employee has the authority to close the facility following notification to a senior Council staff member of any such closure of the facility which will be documented.
- iii. A Council Pool employee has the authority to extend the operating hours of the facility beyond the official closing time of the pool as stated in 7.1 v and vi above.

Cootamundra Swimming Pool Operating Hours

Season Commencement Date: 1st July 2016

Month	Day	Opening hours
July 1st 2016 to 28th November 2016	Weekdays	6.30am – 8.30am 12.00pm – 2.00pm 4.30pm – 6.30pm
	Saturdays	11.00am – 2.00pm
	Sunday Public Holidays	11.00am – 2.00pm 11.00am – 2.00pm
March 7th 2017 to June 30th 2017	Weekdays	6.30am – 8.30am 12.00pm – 2.00pm 4.30pm – 6.30pm
	Saturdays	11.00am – 2.00pm
	Sunday Public Holidays	11.00am – 2.00pm 11.00am – 2.00pm

8 FEES

8.1 Evidence of Age

- Evidence of age can be requested as a condition of entry to the pool facility (for the purpose of determining which fee to charge or to confirm they are a responsible adult for the purpose of attending minors).
- Acceptable evidence of age will be a current "Proof of Age Card", Drivers Licence, or Australian Passport.
- A person who cannot provide evidence will be charged the Adult entry fee or advised they cannot enter the facility as a supervisor of persons under the age of 10 (as appropriate).

8.2 Fees

- Fees will be charged for facility entry and facility services in accordance with Council's current Fees and Charges.
- All spectators are required to pay entry fees
- Pensioners and Carers – relates to holders of an Australian Government Centrelink issued age pension card, disability pension cards, Commonwealth Seniors Health card and noted Carers card. Those patrons holding a noted Carers Card will only be admitted with a discount if they are accompanying the person they are caring for.
- Pass outs are not available, therefore if any patron leaves the facility and returns they will be charged another entry fee

9 BOOKINGS

9.1 General

- i. The indoor 25 meter swimming pool is available for hire at the fee set by Council for use outside of general admission operating hours listed in 7.3 or when not being used for Council organised programs
- ii. All bookings for the indoor swimming pool outside normal operating hours must be made with a minimum of 24 hours notice by email or in writing.
- iii. The General Manager, Director of Engineering or Manager Facilities & Services upon receiving a request or application for use in accordance to point 2 may consider and approve applications for events outside the official operating hours of the pool.
- iv. Council will assess each booking and where a conflict arises, Council may need to cancel a booking in accordance with Section 9.2.
- v. Schools are to book all swimming programs one month in advance

9.2 Cancellation of Bookings

- i. Council has the right to cancel or change bookings at any time.
- ii. Where a booking is cancelled, Council staff will endeavour to provide an acceptable alternative, when such an alternative can be accommodated.
- iii. When there is conflict between bookings, Council will attempt to negotiate an outcome that suits all.

10 MANAGING TARDINESS

- i. Where a swimming club, sporting club, school, organisation or individual does not vacate the pool or pool grounds by the required time, the General Manager, Director of Engineering or Manager Facilities & Services may issue a tardiness notice in writing. Future bookings may be cancelled.
- ii. Neither refunds nor compensation will be paid where bookings have been cancelled due to tardiness.
- iii. The pool hours related to the facility opening and closing times e.g.: 6.00am – 9.00am means facility locks up at 9am so all patrons should have vacated the facility by 9.00am

11 CODE OF CONDUCT

As a condition of entry all patrons must adhere to the following Code of Conduct at all times whilst in attendance at the Cootamundra Swimming Pool Complex.

11.1 Code of Conduct - Conditions of Entry

- i. follow all directions given by Council pool employees and not abuse them in any way
- ii. pay any fee for pool entry and pool services in accordance with Council's Fees and Charges.
- iii. comply with Section 12 - Activities Requiring Approval - All Pool areas
- iv. not swear
- v. wear appropriate swimming attire
- vi. not run inside the complex
- vii. not "bomb" (jump on) other patrons
- viii. not obstruct the entry/exit points to a pool (including sitting on pool steps or ramp)
- ix. not interfere with any pool safety equipment
- x. not enter pump rooms or chemical storage areas
- xi. not enter the Pool Managers office (except for the receipt of first aid or instruction)
- xii. not enter the Kiosk
- xiii. adhere to the general Code of Conduct for swimming pools
- xiv. ensure children under the age of 10 are accompanied by a responsible adult of 18 years of age or over.
- xv. if requested provide evidence of age
- xvi. wear appropriate unsoiled bathing costumes at all times
- xvii. be unsoiled before entering a pool
- xviii. not urinate or defecate anywhere other than in a public toilet
- xix. not attempt to enter the swimming pool facility whilst intoxicated or under the influence of illegal drugs, nor bring or consume alcohol or illegal drugs within the pool grounds
- xx. not smoke within the pool facility (in accordance with NSW no Smoking rules)
- xxi. not take photographs or make video (or electronic) recordings in the change rooms or pool facility. This ruling is as a consequence of the Privacy and Personal Information Act. This ruling is in force unless there is written and express permission granted by parents in the context of swimming carnivals.
- xxii. not sit on, dive over or otherwise interfere with lane ropes.
- xxiii. not damage, deface, interfere with or alter swimming pool infrastructure
- xxiv. not obstruct any authorised person/employee of Council or contractor in performing their required duties
- xxv. not enter the water if they have sores, open cuts or contagious infections/afflictions.

12 ACTIVITIES REQUIRING APPROVAL - ALL POOL AREAS

A person must not do any of the following within swimming pool facility without either a written exemption from Council or verbal approval from the Council pool staff on duty. Permission will not be unreasonably withheld. Offenders will be prosecuted under relevant State or Federal Law

- i. engage in trade or commerce nor distribute any circulars, advertisements, paper drawing or photographic material
- ii. bring or use inflatable devices such as air mattresses, domestic pool toys, or balls onto the grounds but excluding flotation devices or kickboards specifically designed as learn to swim aids
- iii. play or conduct any unapproved sport or contest
- iv. camp or reside on the land
- v. bring or leave any rubbish onto swimming pool grounds,
- vi. kill, capture or in any way interfere with any animal, bird, fish or other fauna, whether native or introduced, plant any tree, shrub, herbage or other plant without prior consent.

13 YOUNG CHILDREN

Excluding change rooms, all children must wear either:

- i. a clean (unsoiled) bathing costume or
- ii. a water proof nappy at all times when in the pool grounds
- iii. Children who require accompaniment or assistance need to use the Family change rooms

14 ABANDONED CHILDREN

Where a child (under the age of 10) is identified as abandoned at the pool (i.e. without the required supervision), a Council pool employee will firstly ensure the physical safety of the child (remove from the water) and then attempt to contact the parent(s) / legal guardian (via phone if a number is provided). Any child abandonment incident is to be recorded in the pool diary.

Children under 10 years old being dropped off for swimming lessons etc. must be escorted to the instructor and picked up from the instructor. This will be a condition of operation for the instructor.

If a parent is unable to be contacted by phone or refuses to collect the child or does not arrive within 30 minutes to collect the child the Council Pool employee will contact either the NSW Police Service or Department of Family and Community Services (FACS) to arrange the transfer of the child into their custody.

The 24 hour contact number for FACS is 13 21 11.

15 AUTHORITY

15.1 The Council pool employee on duty may:

- i. For an instance of non compliance with the Code of Conduct conditions of entry (11.1) request a person to leave the swimming pool facility at any time
- ii. For an instance of non compliance with the Code of Conduct conditions of entry (11.1) implement a Suspension Order for temporary or permanent restriction of access into the swimming pool facility.(Sample attached)
- iii. For an instance of non compliance with the Code of Conduct conditions of entry (11.1) implement a Warning Notice for temporary or permanent restriction of access into the swimming pool facility.(Sample attached)
- iv. contact the Police Youth Liaison Officer (6942 0099) or local school if a student appears to be a truant from school and unaccompanied by an adult at the pool.

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If a ban is applied upon a person who is supervising others, those being supervised must also leave the pool.

Any poorly behaved person may be banned from the facility.

15.2 Refusal to comply

A patron refusing to comply with the directions of a Council pool employee will be automatically banned from entering the Cootamundra Shire swimming pool grounds for the remainder of the current pool season or as dated on the suspension or non compliance order.

Council pool employees are to contact the NSW Police to arrange the forced removal of an offender if deemed necessary.

15.3 Appeals

A person who wishes to appeal the imposition of a ban is entitled to write to Council for a review and state their reasons why the imposition of a ban is unfair.

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21 ACCESS TO COUNCIL RESOURCES

The phone and computer internet services located within the swimming pool grounds is for the use of Council staff only to conduct Council business.

22 DISPLAY OF THE CODE OF CONDUCT

The Code of Conduct will be displayed in a prominent place at the Pool.



GUNDAGAI COUNCIL
SUSPENSION ORDER

P.O. Box 420
Cootamundra NSW 2590
Ph: 02 6940 2100

Date: _____

This Order advises you that _____
(person)

of _____ has been
(address)

suspended from the Cootamundra Swimming Pool until _____
(date)

Reason for Suspension:

For the above person to be re-admitted after that date, the authority of the parent / or legal guardian is required.

Signed: _____ **Date:** _____
(Pool Superintendent)

I hereby authorise _____ to be re-admitted to the
Cootamundra Swimming Pool after _____.

Signed: _____ **Date:** _____
(Parent/Guardian)

- Note:**
1. Any appeal to this suspension has to be made to the Manager of Facilities and Services for variation.
 2. The Pool Superintendent has no authority to revoke this suspension.



GUNDAGAI COUNCIL
EVICITION REPORT

To: Manager Facilities and Services

Date: _____

Time: _____

Person Evicted: Name: _____ Phone: _____

Address: _____

Reason for Eviction: _____

Police Called: Yes ☐ No ☐ Time of Arrival: _____

Police who attended: Name: _____ Ph: _____

Name: _____ Ph: _____

Employee who evicted person:

Name: _____ Position: _____

Signature: _____

Noted Manager of Facilities and Services

Signature: _____ Date: _____



COOTAMUNDRA SWIMMING POOL
WARNING NOTICE

Date:

This notice is issued to

Of

This warning is issued by a Gundagai Council staff member due to an incident that occurred at the Cootamundra Pool on

(Date)

(day)

(time)

Reason for Warning

You spoke to staff using expletives, behaved aggressively and inappropriately towards staff when requested to comply with signage and staff direction.

You also refused to supply staff with your name.

Signed _____ Date _____

(Pool Supervisor)

This facility has a zero tolerance policy. Please treat the staff and fellow users of this facility with courtesy and respect.

USAGE AGREEMENT - GENERAL

This Agreement made on _____ is between **Gundagai Council** having its office at Wallendoon Street, Cootamundra ("The Council") and **Cootamundra Users** C/- _____ ("The User").

RECITALS

- A. The Council is the owner of the Cootamundra Swimming Pool Complex situated in Bourke Street, Cootamundra.
- B. The User wishes to use the Pool Complex outside the normal hours of operation by the Council.
- C. The Council has resolved to grant the User approval to use the Pool Complex on the terms of this agreement.

OPERATIVE PART

1. AGREEMENT

- 1.1 The Council grants to the User an agreement to use the Cootamundra Swimming Pool on the remaining terms of this Agreement.

2. TERM

- 2.1 Subject to the remaining terms of Paragraph 2 of this agreement, the approval shall be for the period from (Indoor Pool) Date.....Times.....and (Outdoor Pool) Date.....Times..... during the Pool Facility advertised opening period inclusive. If multiple dates and times are required please list on separate sheet.
- 2.2 The Council may terminate this agreement at any time at its sole discretion.

3. ATTENDANCE OF QUALIFIED PERSON

- 3.1 The User shall ensure that the person/s on duty in accordance with Paragraph 1 shall ensure that at all times during its usage be responsible for the safety of all persons entering the Pool Complex.
- 3.2 The User shall ensure that the person/s on duty in accordance with Paragraph 1 have the appropriate lifeguard and first aid qualifications and have first aid equipment available at all times while being responsible for the safety of all persons entering the Pool Complex.

5. ENTRY TO THE POOL

- 5.1 The User shall ensure that entry to the Pool during the exercise of this agreement is done in accordance with the pool entry of the current Pool Operations Plan.
- 5.2 The User shall ensure that all access to the Pool by participants is restricted to the hours approved in the agreement.
- 5.3 On all occasions where the User wishes to have access to the pool outside the obligations listed in 5.1 and 5.2 the User must seek Council approval.

6. INSURANCE

- 6.1 The User shall keep the Council indemnified against any claim or liability for damage, loss or injury to any person or property by any person(s) including the User arising out of or in conjunction with the provisions of this agreement or occupation of the Pool premises.
- 6.2 The User shall at all times during the currency of this agreement keep in force at its expense an appropriate public liability policy with an insurance company approved by the Council providing indemnity in respect of any one claim of at least 20 million dollars. The policy shall include a cross liability clause noting the Council's interest and shall be in addition to any other cover held by the Council.
- 6.3 The User shall produce to the Council on demand evidence of ongoing compliance with its obligations under Paragraph 6.2 and shall provide the Council with evidence that the policies are in place on or before 4.00pm on 1st November 2016.

7. CLEANING

- 7.1 The User shall ensure that the facility is left in the same condition upon entry and ensure all rubbish is placed in bins provided.

8. GENERAL PROVISIONS

- 8.1 The User shall ensure that its participants do not interfere with any equipment at the Pool or with the business of any employee of the Council or licensee of the Pool Kiosk.

- 8.2 The User shall have access to the pool facility during the hours of operation of this agreement but shall have no legal interest in the Pool. The legal right to possession and control over the Pool remains vested in the Council throughout the term of the agreement.
- 8.3 The User shall control the behaviour of its participants at the pool during its occupation to ensure their safety and the protection of the property of the Council.
- 8.4 The User shall not permit entry to the Pool to any person who has been barred from entry by the Council or its employees.

SIGNED for Gundagai Council

GENERAL MANAGER or DELEGATE

SIGNED for (Name of User)

(Position in User)

WITNESSED BY:

____ / ____ / ____
Date

WITNESS

ADDRESS OF WITNESS

USAGE AGREEMENT - SCHOOLS

This Agreement made on _____ is between **Gundagai Council** having its office at Wallendoon Street, Cootamundra ("The Council") and **Cootamundra Schools** C/- _____ ("The School").

RECITALS

- A. The Council is the owner of the Cootamundra Swimming Pool Complex situated in Bourke Street, Cootamundra.
- B. The School wishes to use the Pool Complex outside the normal hours of operation by the Council.
- C. The Council has resolved to grant the School approval to use the Pool Complex on the terms of this agreement.

OPERATIVE PART

1. LICENCE

- 1.1 The Council grants to the School a licence to use the Cootamundra Swimming Pool on the remaining terms of this Agreement.

2. TERM

- 2.1 Subject to the remaining terms of Paragraph 2 of this agreement, the approval shall be for the period from (Indoor Pool) Date.....Times.....and (Outdoor Pool) Date.....Times..... during the Pool Facility advertised opening period inclusive. If multiple dates and times are required please list on separate sheet.
- 2.2 The Council may terminate this agreement at any time at its sole discretion.

3. ATTENDANCE OF QUALIFIED PERSON

- 3.1 The School shall ensure that the person/s on duty in accordance with Paragraph 1 shall ensure that at all times during its usage be responsible for the safety of all persons entering the Pool Complex.
- 3.2 The School shall ensure that the person/s on duty in accordance with Paragraph 1 have the appropriate lifeguard and first aid qualifications and have first aid equipment available at all times while being responsible for the safety of all persons entering the Pool Complex.

5. ENTRY TO THE POOL

- 5.1 The School shall ensure that entry to the Pool during the exercise of this agreement is done in accordance with the pool entry of the current Pool Operations Plan.
- 5.2 The School shall ensure that all access to the Pool by participants are restricted to the hours approved in the agreement.
- 5.3 On all occasions where the School wishes to have access to the pool outside the obligations listed in 5.1 and 5.2 the School must seek Council approval.

6. INSURANCE

- 6.1 The School shall keep the Council indemnified against any claim or liability for damage, loss or injury to any person or property by any person(s) including the School arising out of or in conjunction with the provisions of this agreement or occupation of the Pool premises.
- 6.2 The School shall at all times during the currency of this agreement keep in force at its expense an appropriate public liability policy with an insurance company approved by the Council providing indemnity in respect of any one claim of at least 20 million dollars. The policy shall include a cross liability clause noting the Council's interest and shall be in addition to any other cover held by the Council.
- 6.3 The School shall produce to the Council on demand evidence of ongoing compliance with its obligations under Paragraph 6.2 and shall provide the Council with evidence that the policies are in place on or before 4.00pm on 1st November 2016.

7. CLEANING

- 7.1 The School shall ensure that the facility is left in the same condition upon entry and ensure all rubbish is placed in bins provided.

8. GENERAL PROVISIONS

- 8.1 The School shall ensure that its participants do not interfere with any equipment at the Pool or with the business of any employee of the Council or licensee of the Pool Kiosk.

- 8.2 The School shall have access to the pool facility during the hours of operation of this agreement but shall have no legal interest in the Pool. The legal right to possession and control over the Pool remains vested in the Council throughout the term of the agreement.
- 8.3 The School shall control the behaviour of its participants at the pool during its occupation to ensure their safety and the protection of the property of the Council.
- 8.4 The School shall not permit entry to the Pool to any person who has been barred from entry by the Council or its employees.

SIGNED for Gundagai Council

GENERAL MANAGER or DELEGATE

SIGNED for (Name of School)

(Position in School)

WITNESSED BY:

____/____/____
Date

WITNESS

ADDRESS OF WITNESS

USAGE AGREEMENT – SWIM CLUB

This deed made on _____ is between **Gundagai Council** having its office at Wallendoon Street, Cootamundra ("The Council") and **Cootamundra Swimming and Lifesaving Club C/-** _____ ("The Club").

RECITALS

- A. The Council is the owner of the Cootamundra Swimming Pool Complex situated in Bourke Street, Cootamundra.
- B. The Club wishes to use the Pool Complex outside the normal hours of operation by the Council.
- C. The Council has resolved to grant the Club a licence to use the Pool Complex on the terms of this deed.

OPERATIVE PART

1. LICENCE

- 1.1 The Council grants to the Club a licence to use the Cootamundra Swimming Pool on the remaining terms of this Deed.

2. TERM

- 2.1 Subject to the remaining terms of Paragraph 2 of this agreement, the licence shall be for the period from 20th November 2016 to 12th March 2017 inclusive.
- 2.2 The Council may terminate this licence at any time at its sole discretion.

3. ATTENDANCE OF QUALIFIED PERSON

- 3.1 The Club shall ensure that the person/s on duty in accordance with Paragraph 1 shall ensure that at all times during its usage be responsible for the safety of all persons entering the Pool Complex.
- 3.2 The Club shall ensure that the person/s on duty in accordance with Paragraph 1 have the appropriate lifeguard and first aid qualifications and have first aid equipment available at all times while being responsible for the safety of all persons entering the Pool Complex.

4. HOURS OF OPERATION

- 4.1 This licence shall be operative from 5.30am to 9.00pm every day during the licence period only.

5. ENTRY TO THE POOL

- 5.1 The Club shall ensure that entry to the Pool during the exercise of this licence is limited to persons who are members or invited guests of the Club.
- 5.2 The Club shall ensure that all access to the Pool by its members or guests are restricted to the hours of 5:30am to 9:00pm.
- 5.3 On all occasions where the Club wishes to have access to the pool outside the obligations listed in 5.1 and 5.2 the Club must seek Council approval.

6. INSURANCE

- 6.1 The Club shall keep the Council indemnified against any claim or liability for damage, loss or injury to any person or property by any person(s) including the Club arising out of or in conjunction with the provisions of this licence or occupation of the Pool premises.
- 6.2 The Club shall at all times during the currency of this licence keep in force at its expense an appropriate public liability policy with an insurance company approved by the Council providing indemnity in respect of any one claim of at least 20 million dollars. The policy shall include a cross liability clause noting the Council's interest and shall be in addition to any other cover held by the Council.
- 6.3 The Club shall produce to the Council on demand evidence of ongoing compliance with its obligations under Paragraph 6.2 and shall provide the Council with evidence that the policies are in place on or before 4.00pm on 1st November 2016.

7. CLEANING

- 7.1 The Club shall be responsible for the cleaning of all facilities used outside of normal opening hours.

8. GENERAL PROVISIONS

- 8.1 The Club shall ensure that its members and guests do not interfere with any equipment at the Pool or with the business of any employee of the Council or licensee of the Pool Kiosk.
- 8.2 (a) The Council shall provide the Club with a key to the rear gate entrance to the Pool.
 - (b) The Club undertakes not to copy any key so provided and to return all keys to the Council at the expiry of this licence.
 - (c) The Club shall not issue a key to any person other than a person qualified in accordance with Paragraph 3.1 of this licence.

- 8.3 The Club shall have a right of occupation during the hours of operation of this licence but shall have no legal interest in the Pool. The legal right to possession and control over the Pool remains vested in the Council throughout the term of the licence.
- 8.4 The Club shall control the behaviour of its members and invited guests at the pool during its occupation to ensure their safety and the protection of the property of the Council.
- 8.5 The Club shall not permit entry to the Pool to any person who has been barred from entry by the Council or its employees.
- 8.6 The Club for Thursday Night Club Swims will be guaranteed by Council the allocation of 4 lanes for their swimming club events from 6.00pm to 7.30pm.

SIGNED for Gundagai Council

GENERAL MANAGER or DELEGATE

SIGNED for COOTAMUNDRA
SWIMMING AND LIFESAVING CLUB INC:

(Position in Club)

WITNESSED BY:

____/____/____
Date

WITNESS

ADDRESS OF WITNESS

10) COOTAMUNDRA COMMUNITY RECYCLING CENTRE

Introduction

In 2015 grant funding was received by REROc from the EPA for its regional Community Recycling Centre (CRC) application which proposed to construct 11 CRC's in the region.

Discussion

Cootamundra was included in the proposal and the construction of the CRC shed at the Cootamundra Landfill Site was completed in late December. REROc has now advised that all 11 of the regional CRC sheds have been constructed and is now working on the fit out of the sheds with safety equipment and signage to the EPA standards. The cost of the equipment required in the fit out which includes fire extinguishers, eyewash basins and approved standardised containers or stillage's and signage for all the sites is included in the grant funding. The fit out of the sheds should be completed by mid March and training local staff for the operation of the CRC is currently being organised for March.

Included in the approved REROc funding proposal was the purchase of a forklift for each of the 11 sites. This was included as it is an EPA CRC approval requirement to have pallet loading to truck capabilities at all sites.

The funding contribution for the Cootamundra CRC from REROc for the purchase of forklift is \$14,000 which was determined to be adequate for the purchase of second hand forklift. It is believed the addition of such to the site would not give council the best outcome for the site as standard forklifts lack mobility and are unable to handle uneven, wet or soft ground. Additionally currently council has access to Elouera's forklift already on site.

When consulting staff on what type of lifting device would be beneficial for the whole waste site it was highlighted that moving and lifting/loading capabilities in the building waste sections and greenwaste area would greatly improve safety and efficiency at the site.

To achieve the mobility and loading/lifting abilities on both the hardstand areas and dirt sections of the site it was determined that a telehandler with forks and a loading bucket would be more suitable. The purchase of a telehandler would also give council staff the ability to carry out task which suit the machine in the Cootamundra town area due to its mobility.

The cost of second hand telehandlers has been investigated by Prime forklifts the REROc engaged supplier of the forklifts for the remaining 10 sites and by staff. The cost of a suitable 2 to 3 tonne second hand telehandlers would be between \$40,000 to \$45,000.00 which when subtracting the REROc contribution would require council to contribute between \$25,000.00 to \$30,000.00.

The funding for the council component of the funding could be sourced from the Waste reserves.

RECOMMENDATION TO COUNCIL

That council approve the purchase a suitable 2 to 3 tonne second hand telehandler to a maximum purchase cost of \$45,000.00, with council contribution being funded from the waste reserve.

11/ES02/16 RESOLVED – Moved: Slattery Seconded: Wight

That council approve the purchase a suitable 2 to 3 tonne second hand telehandler to a maximum purchase cost of \$45,000.00, with council contribution being funded from the waste reserve.



MANISCOPIC

MVT 628 TURBO



- Max. lift height : 6.30 m
- Capacity : 2800 kg
- Overall width/Overall height : 1.99 m
- Diesel engine : 101 HP/74.5 kw
- Hydrostatic transmission

Varioshift



MVT 628 TURBO



Lift capacity2800 kg
at 500 mm from forks heels.



Lift height6.30 m



Tyres
16/70 - 20 10 PR



Forks (mm)
Length1200
Width x thickness125 X 45
Maximum distance between forks1260
Carriage rotation135°



**Multidisc brakes - hydraulically assisted
on front axle**



PERKINS Engine
Type 1104 C.44 T4 cyl. - 4400 cm³
Power101 HP/74.5 kw
(ISO/TR 14396)
Maximum torque412 Nm at 1400 rpm
Direct Injection
Water Cooling



Hydrostatic transmission
Electro-hydraulic reversing shift
Maximum travel speed33 km/h



Hydraulics
Gear pump80 l/mn - 235 bars
Steering pump170 bars/Load sensing

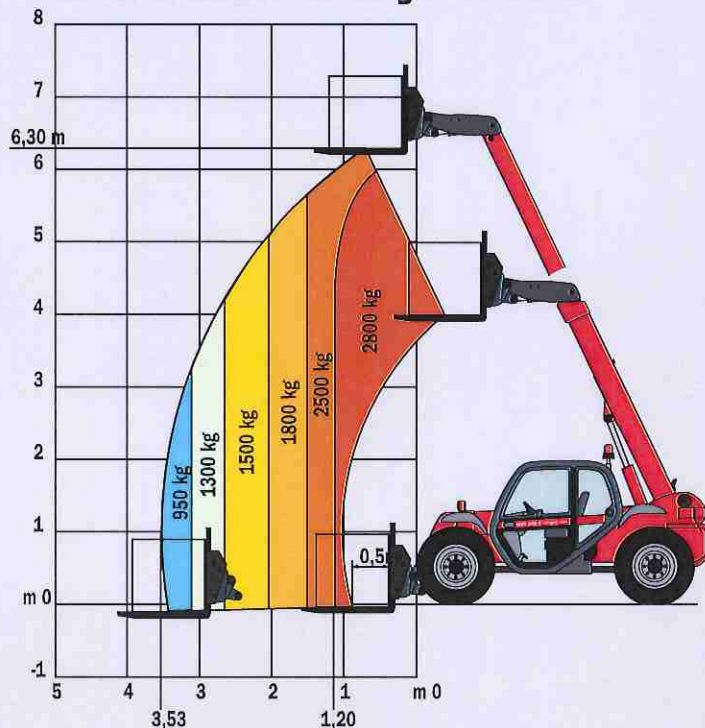


Capacities
Cooling system16 l.
Engine oil :8.1 l.
Hydraulic oil80 l.
Fuel tank95 l.

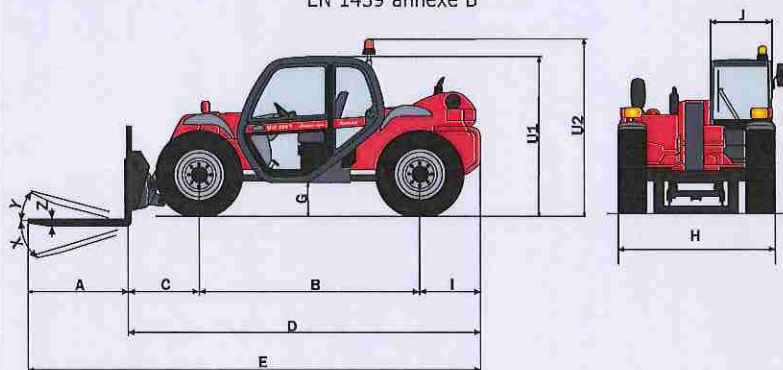


Weight unladen (with forks)5600 kg
Overall width1.99 m
Overall height1.99 m
Turning radius (outside wheels)3.91 m
Overall length4.43 m
Ground clearance0.36 m
Drawbar pull5700 daN

Reach at maximum height : 0.75 m



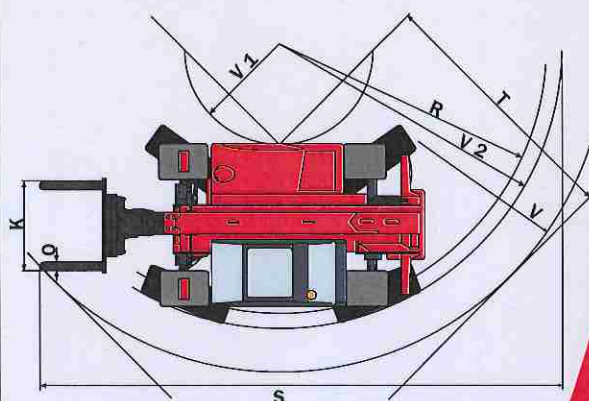
EN 1459 annexe B



MVT 628 T

A	1200
B	2750
C	930
D	4430
E	5630
F	1570
G	355
H	1990
I	750
J	910
K	1040
O	125
R	4400
S	7380
T	3500
U1	1990
U2	2240
V	4600
V1	1620
V2	3910
X	123°
Y	12°
Z	40

mm



This publication in no way constitutes an offer and the company reserves the right to alter specification without prior notice.
The MANITOU models presented in this brochure can be supplied complete with optional equipment attachments.



MANITOU BF SA

B.P. 249 - 44158 Ancenis Cedex - France
Tél. : 33 2 40 09 10 11 / Export Department Fax : 33 2 40 09 10 97
www.manitou.com

25/7/16

Cootamundra Council

Cootamundra

NSW

Attention Mr Greg Ewings

Dear Greg

Proposed Purchase of Telehandler

Further to our conversation on Friday re the above, firstly many thanks for allowing me to submit our quotation for your perusal.

The new telehandler we would offer is the **Merlo P25.6**, generally as per below and the attached spec sheet.

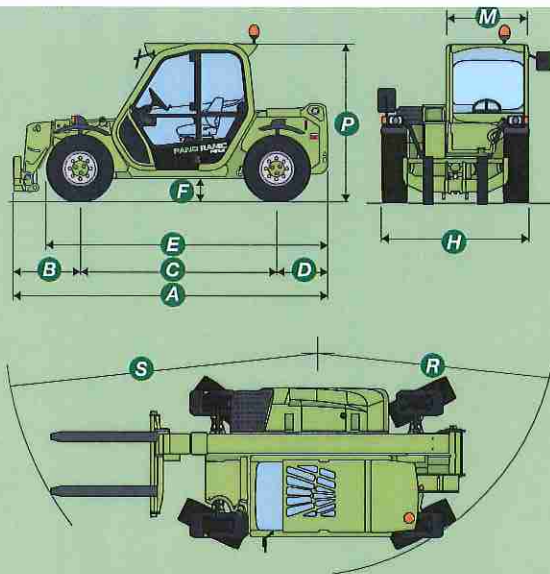
Merlo P25.6	Air/heat cab
	Max load with forks 2500kgs
	Max lift height 6000mm
	Load capacity at max height 1500kgs
	75hp Kubota engine
	Hydrostatic transmission
	Digital load monitoring system
	Reverse camera
	Pallet forks
	3 steering modes
	4wd
	2 year 2000hr warranty

Price delivered to client	\$79,900 plus GST
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Extra over for a re-handling bucket to suit	\$5000.00 plus GST
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KEY SPECIFICATIONS

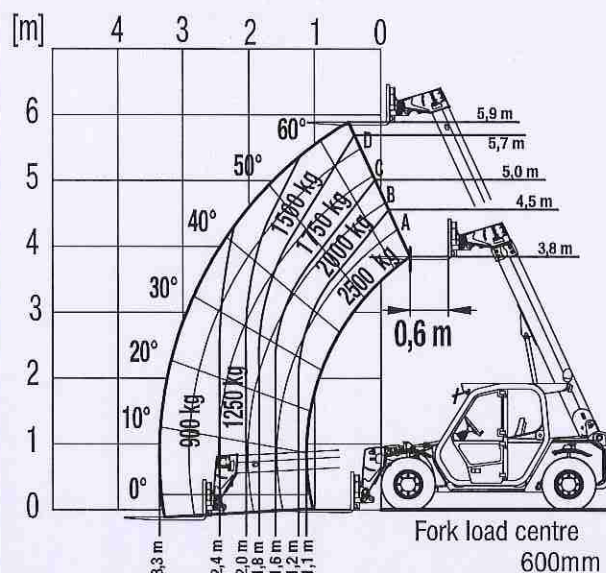
Total weight unladen with forks (kg)	4750
Maximum load capacity (kg)	2500
Maximum lift height (m)	5.9
Maximum forward reach (m)	3.3
Lift height at maximum capacity (m)	3.8
Forward reach at maximum load capacity (m)	1.1
Load capacity at maximum height (kg)	1500
Load capacity at maximum forward reach (kg)	900
Engine (make/number of cylinders)	Kubota/4
Tier 3 engine power (kW/hp)	55/75
Fuel capacity (l)	70
Maximum speed (kph)	36
Hydraulic system-Gear pump (bar-l/min)	210/84
Hydraulic oil capacity (l)	70
Electrical circuit (V)	12
Battery (Ah)	100
Cab compliant with ROPS/FOPS standards	✓
Electro/mechanical joystick controls	✓
Tac-Lock hydraulic attachment coupling	✓
Auxiliary boom hydraulics	✓
Two standard forks (1200mm)	✓
Hydrostatic transmission	✓
Finger touch direction control	✓
Inching pedal for precise control	✓
Permanent 4 wheel drive	✓
Four wheel steering	✓
Dry type disc brakes on all wheels	✓
Automatically locking parking brake	✓
12/75-18 tyres	✓
Rear differential lock	✓
Four cab working lights (2f & 2r)	✓
12V electrical on boom head	✓
Air suspension seat	✓
Front window protection	✓
Full size cab with air conditioning	✓
Stability control system	✓



DIMENSIONS

A (mm)	3885
B (mm)	835
C (mm)	2450
D (mm)	650
E (mm)	3480
F (mm)	350
H (mm)	1800
M (mm)	995
P (mm)	1945
R (mm)	3370
S (mm)	4200

P25.6 Load Chart - Standard forks



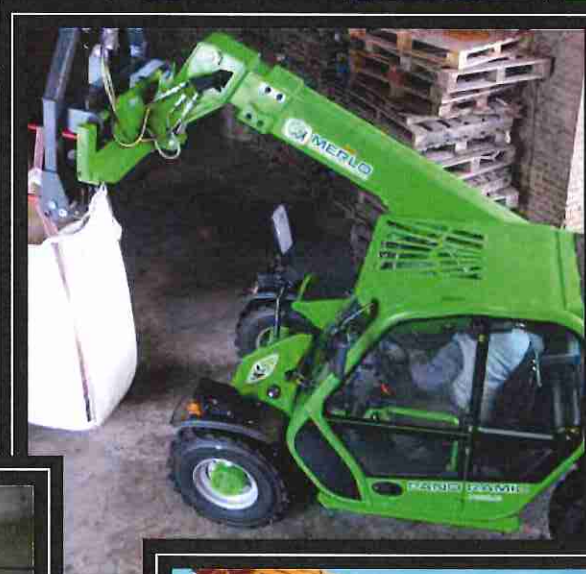
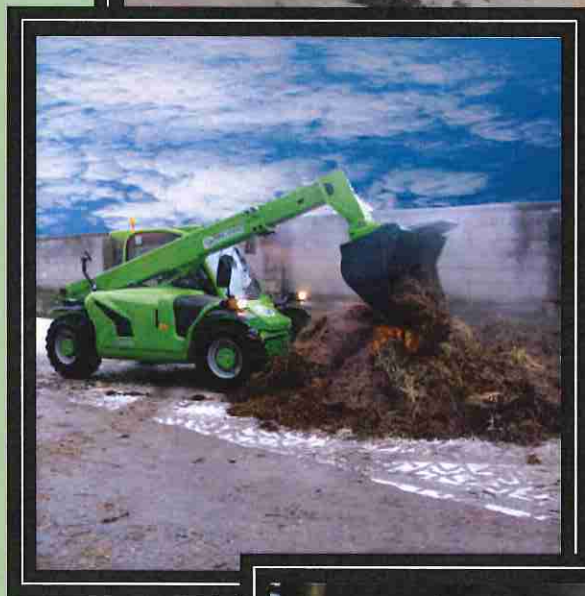
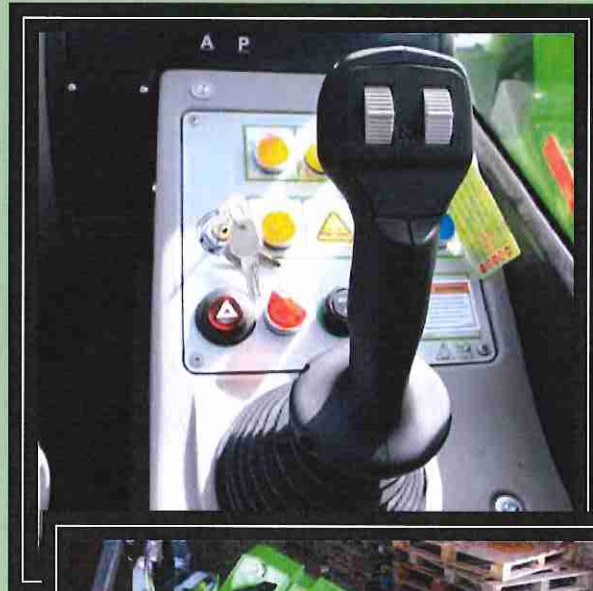
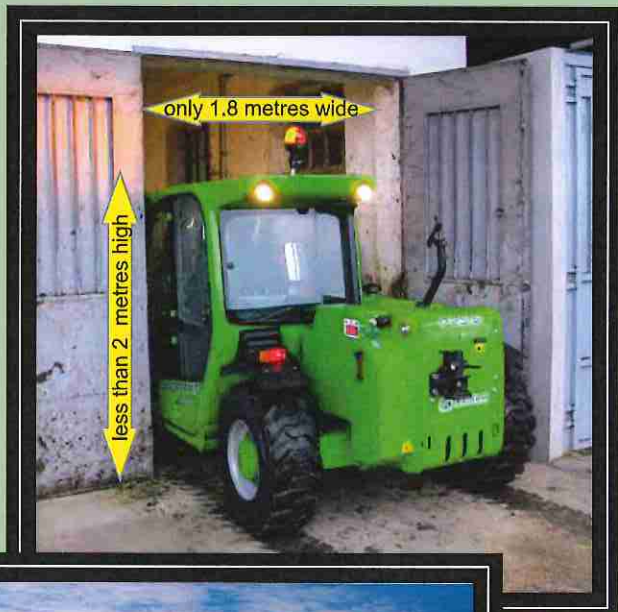
The Merlo P 25.6 is a compact telehandler designed for rental, construction and agricultural use. The P25.6 is ideal for bulk landscape suppliers, nurseries, poultry activities and materials handling. For added productivity, a large range of optional attachments including buckets, crane hooks, and fly jibs add to the versatility of the P25.6. Due to the flexibility and versatility of telehandlers they are usually operational for more hours, giving a higher rate of return, and reduce the need for other machines such as forklifts or front end tractors. The Merlo Panoramic P25.6 can move 2500 kg up to 6m height and travel up to 36 km/h. The P25.6 features a full size comfort cab in a telehandler less than 2 m high and 1.8m wide. The 3 mode steering adds to the ease of operation. You benefit from easy to use versatile equipment, an increase in efficiency and productivity, and the safest telehandler with 50 years of specialist experience.



MERLO
AUSTRALIA

1300 657325
merloaustralia.com.au

PANORAMIC P 25.6



SCAN FOR MORE



MERLO
AUSTRALIA

STAFF GRIEVANCE RESOLUTION POLICY & PROCEDURE

1. PURPOSE

This policy and procedure provides a mechanism by which aggrieved staff may receive prompt, fair and consistent consideration of complaints, to help resolve problems relating to personal interactions within the organisation in a spirit of fairness and co-operation, and to minimise grievances by taking preventative or corrective action.

2. SCOPE

This policy and procedure covers everyone working at Gundagai Council ("Council"), including:

- all levels of management;
- all staff including full-time, part-time, casual and temporary employees, trainees and apprentices;
- contractors and consultants; and
- volunteers, including work placement students and employment scheme participants.

This policy and procedure applies to grievances, concerns and complaints about:

- the behaviour of people in the workplace, including discrimination, harassment, sexual harassment, bullying and victimisation as described in the following policies:
 - Equal Employment Opportunity
 - Anti-Discrimination
 - Harassment
 - Workplace Bullying;
- decisions and decision-making processes; and
- the physical work environment.

Areas covered include:

- a) relations between people in the workplace;
- b) supervision;
- c) performance appraisal process;
- d) allocation of overtime
- e) opportunities for leave;
- f) recruitment, promotions and transfers;
- g) staff development and training;
- h) workload and resource allocation.

This policy and procedure does not apply to:

- a) disputes about awards and agreements; or
- b) disputes about the operational merits of management actions and decisions.
- c) wage and salary levels determined by the Award and Council's Salary Structure;
- d) the equipment and facilities needed to do your job;
- e) aspects of the physical work environment such as furniture and air quality;
- f) Work Health and Safety.

3. DEFINITIONS

Complainant – the person who has a grievance and is making a complaint.

Contact Officer – a person trained to give independent, confidential information to complainants, respondents and witnesses. A Contact Officer does not conciliate, investigate or resolve a grievance.

Grievance – a problem, concern or complaint about work, a person with whom you have contact at work, or the work environment.

Grievance Investigator – the person who takes responsibility for investigating and resolving the grievance in accordance with fair grievance handling principles.

Parties to a grievance – the complainant(s) and the respondent(s).

Respondent – the person to whom the grievance relates or who has had a complaint made against them.

Witness – anyone who can provide information that is relevant to a grievance or its resolution.

4. POLICY

Council is committed to a fair and effective procedure for the resolution of grievances. Council recognises that this procedure is an essential element in maintaining a harmonious working environment. All employees are encouraged to raise work-related grievances for resolution as soon as possible.

4.1 Fair grievance handling principles

Council's grievance procedure is based on the following principles:

(a) Privacy and confidentiality

Privacy and confidentiality must be strictly observed at all times during the grievance process. Information relating to the grievance must only be passed on where necessary to fairly and effectively deal with the grievance.

This applies to everyone involved in each grievance, including the parties involved, witnesses, support people and the people handling the grievance.

Records relating to the grievance must be stored securely and no information about the grievance should be kept on an individual personnel file unless disciplinary action is taken.

A breach of privacy or confidentiality may result in disciplinary action.

(b) Fairness and impartiality

All grievances must be handled fairly and impartially, observing the principles of natural justice and procedural fairness.

This means that:

- any person who is the subject of a grievance (the respondent) is entitled to full details about the grievance, including who has initiated it;
- the respondent must be given a full opportunity to respond to the grievance; and

- the parties to a grievance must have a full opportunity to respond to allegations and statements made by the other party and by witnesses.

If anyone involved in handling a grievance has a bias or conflict of interest that may affect their ability to be fair and impartial, they must declare this to the parties and to human resources. One or both of the parties may also perceive a bias or conflict of interest even if the person handling the grievance does not. In these cases, the grievance should be handled by someone else.

(c) Freedom from victimisation

Victimisation is when a person is harassed, treated unfairly or intimidated because they have lodged a grievance, assisted someone else with a grievance or been a witness in a grievance investigation.

Council will take all reasonable steps to prevent the victimisation of anyone connected with a grievance. Victimisation constitutes a breach of this policy and will result in disciplinary action.

(d) Timeliness

All reasonable steps will be taken to ensure that grievances are handled as quickly as possible. The longer a grievance takes to resolve, the harder it is to maintain confidentiality, the more stress the parties will be under and the harder it will be to reach a positive outcome.

(e) Ease of use and trustworthiness

This policy and procedure must be up to date, accessible to everyone working at Council, and properly implemented. This means that:

- this policy and procedure will be readily accessible to everyone working at Council and will be kept in Council's Policy Register and available in staff rooms. Council will take all reasonable steps to ensure that the contents of this policy and procedure are understood by everyone working in the organisation;
- employees who are responsible for handling grievances will be given suitable training;
- Council will train Contact Officers to provide independent information and support to people who are considering lodging a grievance, people who are party to a grievance and people involved in their handling;
- all complaints will be handled in accordance with this policy and procedure;
- compliance with this policy and procedure will be monitored by the General Manager or delegated officer; and
- this policy and procedure will be reviewed at least every four years.

(f) Seriousness and sensitivity

All grievances will be taken seriously and handled with sensitivity, taking into account the individual background and values of each party and any differences between them.

4.2 Contact Officers

Council will train Contact Officers to assist all the parties to a grievance. They will be volunteers who work in a variety of positions and at different levels of seniority.

A Contact Officer does not conciliate, investigate or resolve a grievance. Their role is to give independent, confidential information to complainants, respondents and witnesses.

This information can cover Council's policies and procedures, options for tackling the problem and where to go for more help or information. Contact Officers can also help people to consider their options and prepare for meetings relating to the grievance.

Council's Contact Officers are:

- Any Supervisor of staff
- Members of the Consultative Committee

4.3 Internal and external support

Both parties to a grievance have the right to have a support person of their choice at meetings relating to the grievance. Contact Officers can act as a support person, but only if there is no-one else available who is suitable.

The support person can provide moral support and discuss the meeting with the party afterwards, but they cannot represent or advocate for the party. They must maintain the confidentiality and privacy of the grievance procedure.

The parties to the grievance can contact an external agency for information, advice or help at any time during the grievance procedure. They can also do this if they are unhappy with the way the grievance has been resolved.

Agencies that may be able to help are listed in Appendix 6.1.

4.4 Malicious and vexatious complaints

Council encourages employees to raise all genuine concerns. Employees should not be put off from raising concerns because they are afraid that they may be wrong or they won't be able to prove their claims.

However, making allegations that are not true, or making a complaint solely to cause trouble for others, may be serious misconduct. Employees making such malicious and vexatious complaints will be subject to disciplinary action.

If it is alleged during the grievance procedure that the grievance is malicious or vexatious, this will be investigated at the same time as the original grievance.

5. GRIEVANCE RESOLUTION PROCEDURE

5.1 Steps in the grievance resolution procedure

Resolving a grievance may involve up to 5 stages. Lack of resolution at one stage becomes the trigger for referral to the next stage. At any stage of the process the complainant may have the support of a union representative, legal representative or support person. Similarly the Local Government association (LGNSW) may represent Council.

Procedure		What happens	When
CONTACT	Step 1	Discussion between the parties. In some cases the grievance may be resolved at this stage. You may find that the person didn't mean to do what they did.	As soon as possible. The grievance may be resolved at this stage.
	Step 2	The complainant discusses the grievance with a Contact Officer, supervisor, manager or human resources officer. This may occur if the person is not sure how to handle the problem or wants information and advice about their options or assistance to prepare a written grievance.	The person contacted about the grievance must discuss it as soon as they can and preferably on the same day that they are contacted.
STAGE 1	Step 3	Complete Stage 1 Form (Appendix 7.2) The complainant raises their grievance with their supervisor, another supervisor or manager.	As soon as possible.
	Step 4	The person who receives the written grievance decides whether to take responsibility for handling it themselves, or refers it to another person, having considered conflict of interest. This is preferred to be someone more senior. (See 5.2).	The person with whom the grievance is lodged or referred to should meet with the complainant within 2 working days . Action to resolve the grievance should begin immediately.
	Step 5	The person taking responsibility for handling the grievance (Grievance Investigator) should interview the Respondent of allegations and decide what action to take. (See 5.3 and 5.4). The parties cooperate fully with whatever process has been put in place to resolve the grievance.	The Grievance Investigator should meet with the Respondent within 2 working days of meeting within the complainant. Resolving a grievance should be prioritised.
	Step 7	The Grievance Investigator actions a resolution. If required, the complaint is investigated further and witnesses interviewed. (See 5.6).	Within 5 working days of meeting with the respondent or as soon as possible if further investigation is required (see 5.6). The investigation should be a priority and should not be delayed by other issues.

	Step 8	Grievance is resolved and the Grievance Officer advises the parties of a decision. (See 5.7 and 5.8).	Parties are advised of the outcome of investigations within 2 working days of completion of investigations.
STAGE 2	Step 9	If any party is dissatisfied with the process or the outcome of Stage 1 they can lodge an appeal with the Department Director or other Grievance Investigator (preferably someone senior). Complete Stage 2 Form (Appendix 7.3)	Within one week of the resolution.
	Step 10	Steps 4-8 repeated by Department Director or other Grievance Investigator. (See 5.9)	Within same timeframes as Steps 4-8.
STAGE 3	Step 11	If the matter remains unresolved the grievance should be referred to the General Manager. Complete Stage 3 Form (Appendix 7.4)	Within one week
	Step 12	The GM should consider the matter in the light of previous attempts at resolution as well as through their own investigations. (See 5.9).	Within 5 working days
	Step 13	The GM will provide a written response as to why remedial or corrective action has not been proposed or, if such action has been proposed, why it has not been implemented. If the GM cannot resolve the grievance, it will be referred to the union and Associations.	Within 2 working days of completion of investigation.
STAGE 4	Step 14	If either party is still dissatisfied, they can seek remedy from the appropriate external agency. Relevant external agencies are listed in Appendix 6.1.	As soon as possible. Each external agency will have a time limit for making complaints.

5.2 Who should handle a grievance?

The complainant can raise their grievance with their immediate supervisor, or with another supervisor or manager or a human resources officer. If the grievance is about their supervisor, or they feel uncomfortable about discussing it with their supervisor, they should raise it with someone else.

The grievance may be handled by the person with whom it is first raised, or it may be referred to someone else to handle, such as an external, independent mediator. This may occur if:

- the person with whom it is first raised has a conflict of interest, or is perceived to have one;
- the grievance is complex or sensitive and should be handled by someone with more skills and experience; or

- the grievance is very serious or involves a senior member of staff and should be handled at a more senior level.

If the grievance involves the General Manager, it should be handled by the Mayor in the first instance and then an external mediator if necessary.

The person handling the grievance may refer it to an external, independent person for investigation or conciliation. This may occur if it is the only way to ensure that the grievance is handled with absolute impartiality and/or the appropriate level of skill.

5.3 Record keeping

Each step of the grievance procedure except Step 1 must be documented. This is to avoid misunderstandings and provide a record of what has been done in case the grievance is not fully resolved or there is an appeal.

If the complainant decides not to pursue the grievance after Step 2, or it is resolved through informal discussion or negotiation, the person who was approached about the matter only needs to make a brief note of the discussion, including the names, date and nature of the concern, and how the grievance was resolved. This can be recorded on the Contact Officer Form attached as Form 7.1.

If the grievance proceeds beyond Step 2, a more detailed record must be kept using the Stage 1, 2 or 3 Grievance Notification Form (Appendices 7.2, 7.3 or 7.4).

The parties to the grievance are entitled to:

- see the record of any meeting or interview they attended, in order to correct inaccuracies and to ensure that it is complete. They may choose to sign this to acknowledge that it is accurate;
- see and respond to a record of the *relevant* facts contained in the other party's statement and in witness statements;
- a record of how the grievance will be resolved and the reasons for that outcome.

The parties to a grievance are not entitled to see records that would breach a third person's privacy or contain facts that did not influence the outcome, if these could inflame hostilities, damage Council's reputation or pose a risk to someone's health, safety or wellbeing.

Records or notes about the grievance will not go on an employee's personnel file unless disciplinary action is taken against them. All other records will be filed in a secure, confidential place. Only the General Manager, Directors and Human Resources Officer, will have access to this file.

5.4 Possible actions to resolve a grievance

Options to resolve a grievance include:

- informal discussion between the parties;
- conciliation to reach an agreement between the parties; and
- full investigation followed by a decision based on the findings of the investigation.

5.5 Conciliation

Conciliation involves an impartial person assisting the parties to a grievance to reach an agreement about how it should be resolved. The conciliator does not take sides, but is responsible for ensuring that the agreed outcome is fair and practical and in accordance with Council's policies and procedures.

Conciliation differs from mediation, in which the mediator does not try to influence the content of the agreement in any way.

Conciliation is most likely to be used when:

- there is some basis for agreement, for example the parties may agree about what happened but have different interpretations;
- the parties show some willingness to cooperate; and/or
- both parties have equal bargaining power.

Conciliation is less likely to be used when:

- there is no agreement about what happened;
- one party is accusing the other of serious misconduct;
- one party is in a position of power or influence over the other; and/or
- one or both parties do not show willingness to cooperate.

Conciliators must have training or experience in this area. If necessary, an external conciliator may be used. Other forms of grievance or conflict resolution such as group conciliation may also be used in some cases.

The person handling the grievance may end the conciliation if:

- the process is not working; or
- it becomes clear that an investigation is required to achieve a fair outcome.

5.6 Investigation

An investigation is required when the grievance is more serious, or the parties do not agree about what happened. The aim of the investigation is to uncover facts which may inform the decision about how to resolve the grievance.

The grievance investigator will talk to the complainant, the respondent and any witnesses. He or she will also gather any other relevant information such as records, documents or emails.

The steps in an investigation are as follows:

Investigation	What will happen	When
Step 1	The investigator explains the grievance process and the rights of participants to the parties and witnesses involved.	Within 2-4 working days (where practical).
Step 2	The investigator interviews the complainant and respondent to get each party's version of what happened.	
Step 3	If necessary, the investigator interviews witnesses and collects other relevant information.	Ideally within 5 days but as soon as practicable. The time frame may be affected by the availability of the parties or other witnesses and the complexity of the grievance. However, the investigation should be a priority and should not be delayed by other issues. Most grievances should be investigated within a maximum four weeks.
Step 4	The investigator assesses whether they have all the necessary information to decide whether the situation described in the grievance is likely to be accurate. If required, they will consider what other witnesses or records they should consult.	
Step 5	The investigator prepares a report on the investigation, giving all the relevant facts that have been uncovered. It may also make recommendations on how the grievance should be resolved. (See 5.4, 5.5 and 5.7).	The time frame for writing the report will be affected by the complexity of the issues, but it should usually be completed within 2-5 days.

An investigation Report Template is provided in Appendix 6.2.

5.7 The decision to resolve the grievance

If the parties to the grievance cannot agree on how to resolve it, the decision about how it will be resolved may be made by the person handling it, or by a more senior person. This will depend on:

- the type of grievance;
- how senior the parties are within the organisation;
- how serious the grievance is.

If dismissal from employment is a possible outcome, then the decision must be made by the General Manager.

The person responsible for deciding on a resolution will:

- consider possible outcomes and decide on what is appropriate, based on the facts and anything that might partly explain or excuse the behaviour (mitigating circumstances);
- explain their decision to the parties and if required, provide a written statement of their reasons;

- explain the appeal process, the need for confidentiality and privacy to be continued after the resolution and the need to avoid victimisation;
- decide on and implement a process for monitoring the effectiveness of the resolution. If the resolution is not effective, it may need to be reconsidered.

5.8 Possible outcomes

(a) Joint agreement

The parties reach agreement about how the grievance should be resolved through discussion or conciliation, without a decision being made about whether the grievance is justified or not.

The person responsible for resolving the grievance must be satisfied that the agreement is fair and in accordance with Council's policies and procedures.

(b) The grievance is justified

The person resolving the grievance is satisfied that the grievance is justified. This decision must be reasonable in view of the available information. They will then decide on a course of action that is fair and reasonable in all the circumstances.

Examples of possible outcomes include:

- an apology;
- training;
- changes in work practices;
- counselling; and/or
- disciplinary action.

A decision to take disciplinary action should take into account:

- the seriousness of the grievance;
- the attitude, intent and previous record of the respondent; and
- any mitigating circumstances.

Disciplinary action could include:

- an official warning;
- transfer to another work area;
- demotion; and/or
- dismissal.

If disciplinary action is taken, a record of the grievance and the outcome will be placed on the personnel file of the person who is disciplined.

(c) The grievance is not supported

It is determined that the grievance is not supported by the results of the investigation. In this case steps may be taken to restore good working relations and prevent any problems from recurring. Examples of this could be training, improving communication channels, mediation or counselling.

(d) The grievance is malicious or vexatious

It is determined that the grievance is not supported and has been lodged deliberately to cause trouble for another person. In this case disciplinary action will be taken against the person lodging the grievance.

(e) There is not enough information to make a decision

If there is not enough information to decide whether or not the grievance is justified, neither party has been found “right” or “wrong”. This will be explained to the complainant and the respondent.

In this case steps may be taken to restore good working relationships and ensure that everyone understands their rights and responsibilities. Examples of this could be training for the parties involved in the grievance or the entire team, or new procedures to improve supervision and monitoring.

5.9 Appeals

If either party to the grievance appeals, the decision can be reviewed in accordance with Stages 2, 3 and 4 of the Grievance Resolution Procedure.

The person who reviews a grievance may:

- check that the process was conducted according to this procedure and the principles of procedural fairness;
- check that the outcome was fair in view of all relevant evidence and any mitigating circumstances;
- consider particular aspects of the grievance process or the outcome;
- “rehear” the grievance if it appears that there were defects in the process or the outcome; and/or
- interview more witnesses or seek other evidence where appropriate.

The person performing the review may confirm the original decision or make a different decision.

5.10 Withdrawing a complaint

A grievance can be withdrawn at any time, unless management consider it to be too serious to be withdrawn. For example, it may be too serious if it involves a serious breach of Council’s *Code of Conduct* or a risk to workplace health and safety.

If a complaint is withdrawn it cannot be raised again, unless there is victimisation, the behaviour is repeated or new facts come to light.

6. APPENDICES

6.1 EXTERNAL AGENCIES

Anti-Discrimination Board of NSW

Sydney office

Level 4, 175 Castlereagh St, Sydney NSW 2000
PO Box A2122, Sydney South NSW 1235
Phone (02) 9268 5555; Fax (02) 9268 5500; TTY (02) 9268 5522

Wollongong office

84 Crown St, Wollongong NSW 2500
PO Box 67, Wollongong NSW 2520
Phone (02) 4267 6200; Fax (02) 4267 6261; TTY (02) 4267 6267

Newcastle office

Level 3, 97 Scott Street, Newcastle NSW 2300
PO Box 1077, Newcastle NSW 2300
Phone (02) 4903 5300; Fax (02) 4903 5376; TTY (02) 4903 5389

Discrimination enquiries and complaints

Phone (02) 9268 5544; Toll free 1800 670 812
Email enquiries: adbcontact@agd.nsw.gov.au
Email complaints: complaintsadb@agd.nsw.gov.au

Website: www.antidiscrimination.lawlink.nsw.gov.au

Human Rights Commission

Level 3, 175 Pitt Street, Sydney NSW 2000
GPO Box 5218, Sydney NSW 2001
Phone: (02) 9284 9600
Complaints Infoline: 1300 656 41;
General enquiries and publications: 1300 369 711
TTY: 1800 620 241; Fax: (02) 9284 9611

NSW Industrial Relations Commission (NSW public servants only)

50 Phillip St, Sydney NSW 2000
Phone (02) 9258 0080; Fax (02) 9258 0058

Workcover NSW

92-100 Donnison Street, Gosford NSW 2250
Locked Bag 2906, Lisarow NSW 2250
Workcover Assistance Service: 131 050
Website: www.workcover.nsw.gov.au

Safe Work Australia

220 Northbourne Avenue, Braddon ACT 2612
GPO Box 641, Canberra ACT 2601
Phone: 1300 551 832
Email: info@safeworkaustralia.gov.au
Website: www.safeworkaustralia.gov.au

Privacy Commission NSW

Level 11, 1 Castlereagh Street, Sydney NSW 2000

GPO Box 7011, Sydney NSW 2001

Email: ipcinfo@ipc.nsw.gov.au

Phone: 1800 472 679; fax: (02) 8114 3756

Website: www.ipc.nsw.gov.au

Office of the Australian information Commissioner

Level 3, 175 Pitt Street, Sydney 2000

GPO Box 5218 Sydney NSW 2001

GPO Box 2999 Canberra ACT 2601

Phone: 1300 363 992; Facsimile (02) 9284 9666

Email: enquiries@oaic.gov.au

Website: www.oaic.gov.au

6.2 INVESTIGATION REPORT TEMPLATE

GRIEVANCE INVESTIGATION REPORT				
NAME OF INVESTIGATOR				
NAME OF COMPLAINANT/S				
NAME OF RESPONDENT/S				
	Issue, as raised by Complainant/s	Findings	Grievance Proven	Recommendation
1				
2				
3				
4				
5				

	Other Issues noted during the investigation	Findings	Recommendation
1			
2			
3			

	Name of Witness Interviewed	Date	Findings
1			
2			
3			

All interview notes (preferably typed) should be attached. Interviewees should be provided a copy of the interview record and provided opportunity to correct the record. Such feedback should be incorporated in to the interview notes.

7. FORMS

7.1 CONTACT OFFICER FORM

Name of Contact/Support Officer _____

1. Complainant's Grievance

Name of complainant _____

Date of interview _____

Interview started at _____

Interview completed at _____

Present at interview _____

The facts as stated by complainant _____

Feelings expressed by complainant *(complete this as a way of helping to separate the emotional content from the facts)* _____

What they want to happen to fix the grievance _____

What I advised them _____

What they are going to do now _____

2. Complaint Respondent's Version of Events (*where it is this person who approaches you, and you are not already advising the complainant*)

Name of Respondent _____

Date of interview _____

Interview started at _____

Interview completed at _____

Present at interview _____

The facts as stated by them _____

Feelings expressed by that person (*complete this as a way of helping to separate the emotional content from the facts*) _____

What they want to happen to fix the grievance _____

What they are going to do now _____

[illegible]

149 of 213

7.3 STAGE 2 GRIEVANCE NOTIFICATION FORM

STAGE 2 GRIEVANCE NOTIFICATION FORM

I wish to bring a grievance to the **Director's** attention. The grievance relates to the matters as outlined in the Stage 1 form (attached). Despite raising the matter with the appropriate supervisor: (Please tick)

- ☐ No response was received
- ☐ The response received was inadequate
- ☐ Attempts to resolve the matter were unsuccessful.

I am therefore seeking the assistance to resolve the matter/s.

DIRECTOR DETAILS:

Name:

Director's Phone Number:

Date lodged with Director:

Please outline what has happened since the dispute was lodged: –
(Please add an attachment if you require more space)

Please outline in what regard the remedy was insufficient and what you are seeking:

Signature:

Date:

Please attach a copy of the Stage 1 form and all correspondence and any other material that relates to the grievance. Please retain a copy of this form for your own records.

7.4 STAGE 3 GRIEVANCE NOTIFICATION FORM

STAGE 3 GRIEVANCE NOTIFICATION FORM

I wish to bring a grievance to the **General Manager's** attention. The grievance relates to the matters as outlined in the Stage 1 and 2 forms (attached). Despite raising the matter with the appropriate supervisor and Director: (Please tick)

- ☐ No response was received
- ☐ The response received was inadequate
- ☐ Attempts to resolve the matter were unsuccessful.

I am therefore seeking the assistance to resolve the matter/s.

GENERAL MANAGER DETAILS:

Name:

Director's Phone Number:

Date lodged with General Manager:

Please outline what has happened since the dispute was lodged: –
(Please add an attachment if you require more space)

Please outline in what regard the remedy was insufficient and what you are seeking:

Signature:

Date:

Please attach a copy of the Stage 1 and 2 forms and all correspondence and any other material that relates to the grievance. Please retain a copy of this form for your own records.



Drawn By: Luke Izzard

Projection: GDA94 / MGA zone 55

Location plan- 21 Bradman Street Cootamundra.

Submitters property shown by dotted line to the west. Dwelling (green dot) 100m away

Date: 9/08/2016 11:51 AM

Map Scale: 1:1300 at A4

Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Gundagai Council nor the LPI makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

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© Gundagai Council.

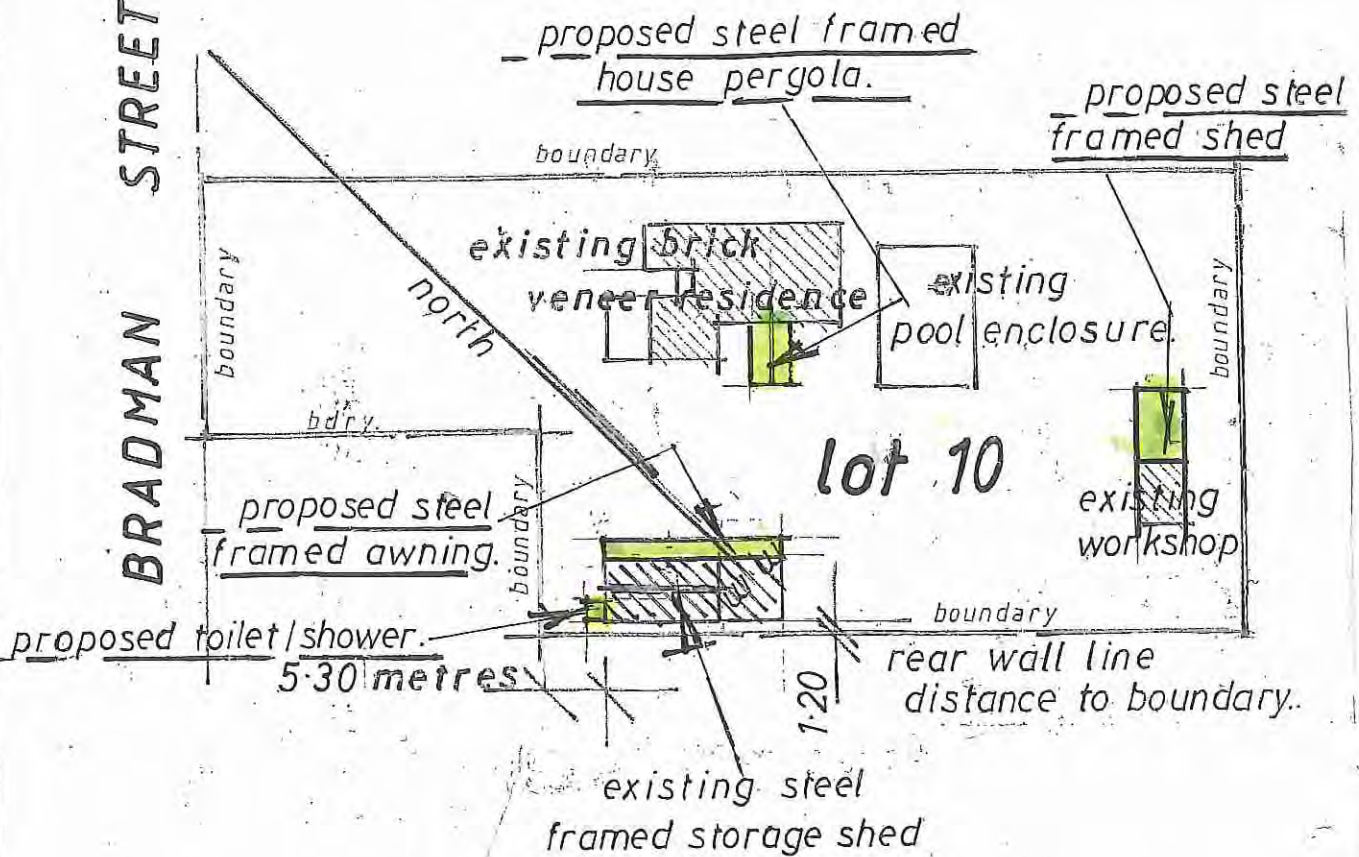
True North, Grid North and Magnetic North are shown & agreeability for the centre of Bradman Cootamundra Local Government Area. Magnetic North is correct for 2002, printing courtesy by LPI is about five years.

Important

This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geodetic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD) heights. For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.

Gundagai Council—
Cootamundra Office
Wallenden Street
PO Box 420
COOTAMUNDRA NSW 2590
Ph: (02) 6940 2100
Fax: (02) 6940 2127
Email: mail@gundagai.nsw.gov.au
www.gca.nsw.gov.au

BRADMAN STREET



site plan

1:1000

MR. P. RONNING
LOT 10, BRADMAN STREET
COOTAMUNDRA 2590

drawing
number

PROPOSED STEEL FRAMED
SHED AWNING

201601/3.

PROPOSED STEEL FRAMED
HOUSE PERGOLA

201601/1.

PROPOSED STEEL FRAMED SHED

201601/2.

Council
Received
File No. DA2016/53
- 6 JUN 2016

Initial CS

201601/4 17 05 16

S.J.C.

Luke Izzard

As I stated in the original letter as far as we are concerned this is a residential area and the sheds will never be used as part of a business. The shed at the rear of the property will be used for the storage of a boat and caravan.

The shed will have no impact on neighbouring properties.

Fiona Renning

Fiona Renning

Philip Renning

P. Renning

Council
Received
File No. 1420 16/53
22 JUL 2016
Initial C-I

Cootamundra Shire Council
Received

File No:

Ref. To:

04 JUL 2016

Leslie Myers

Copy:

4 Barnes Street

To File:

Cootamundra NSW

Action ☐

Ph 6424428

Mob 0418214811

To

Gundagai Council

Attention Luke Izzard Health and Building Surveyor

Dear Luke re your letter dated 15th June 2016 regarding DA 2016/53 and our telephone conversation on the 1st of July 2016.

I have read the proposed development application for 21 Bradman Street Cootamundra. As an adjoining land holder, I have some serious concerns with this development in particular the shed extension on the Western boundary with my property.

My property at 35 Pinkerton Road will be adversely affected by this development. As I have plans of building a new residence on this site adjacent to the boundary with the 21 Bradman street property in the future. Also any plans to subdivide my property would be jeopardised as land value would be reduced by this enormous shed at the boundary.

As this area is residential area how could an enormous shed be considered for approval? There is potential for this shed to be used for commercial purposes as the applicant Mr Ronning is a diesel and heavy vehicle mechanic.

Mr Ronning operated a workshop close to my Barnes Street property the business was very noisy with machinery being used and trucks and traffic accessing the site at all hours.

I have no objections to the other parts of the development application but I repeat that I do oppose the extension of the shed on the Western boundary and any use of the Bradman Street site for commercial purposes.

Could you please present my objections to the appropriate Gundagai Council Staff?

Yours sincerely



Leslie Myers

4-6-2016

In response to the letter regarding building application.

Council
Received
File No. DA2016/53
26 JUL 2016

we currently have 4 vehicles, 1 boat ~~and~~ L.I.


The drawing for the shed is for frustration from the weather when the roller door is up.

The existing shed at the rear of the property is full to overflowing with collectable.

Steam engines. At the moment the shed is so crowded I am unable to work on them. I have more engines outside of the shed that need to be undercover.

The comment regarding the sheds being used for business purposes needs to be responded to by the Council. It is a residential area not an industrial area. At no stage do ~~not~~ intend to run my business from here.

I am always adding to my collection and it is a hobby that unfortunately takes up a lot of room. A lot of the engines I have are valuable and in order to protect them from theft and to have insurance for them I have to have them in a lock up shed.



DEVELOPMENT ASSESSMENT REPORT SUBDIVISION OF DA 161/2016

APPLICATION SUMMARY

Applicant:	John & Sandra Eather
Date Application Received:	23/05/2016
Owner:	Dale Carlington Eather
Application No:	161/2016
Title Details:	Lot 102 DP 1155456
Address:	11 Billabung Street, Nangus NSW 2722
Zoning:	RU5 Village
Site Area:	6698 Sqm.

Proposed Development:

The applicant seeks to subdivide Lot 102 DP 1155456 at Billabung Street, Nangus to create two lots as follows:

- a) The applicant proposed to subdivide Lot 102 DP 1155456 into two proposed lots: Lot 212 (3349 m²) & Lot 213 (3349 m²). Both proposed lots 212 & 213 will each attract a building entitlement as each lot area will be in excess of 1500 m². Proposed lot 213 will contain the existing dwelling and ancillary structures. Proposed Lot 212 will be vacant land. Both proposed lots will have frontage to Billabung Street, Nangus.
- b) The applicant does not seek consent for any new building permits or to construct any new buildings in the application.

A copy of the proposed pattern of subdivision is set out below:

Site Description:

The proposed site is within the Gundagai LGA and according to the land use table under Gundagai LEP2011, the proposed land falls in RU5- village.

The permissible activities as per Gundagai LEP 2011 for RU5 (village) zones are:

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Child care centres; Community facilities; Dwelling houses; Light industries; Neighbourhood shops; Places of public worship; Recreation areas; Recreation

facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Schools.

The subject property has minimum undulation, being open grassland with minimum native trees. The existing dwelling and ancillary structures are located to the eastern side of the subject lot. The property is currently used for residential purposes. The adjoining properties are similar to the subject property, utilized for residential and education purposes.

Proposed lots 212 & 213 have gentle slopes between 0 and 5 percent from Billabung Street to the south west towards Nangus Road/Kimo Street.

Internal referrals:

The proposal has been advertised to seek public comments if any, as per **council's** subdivision policy 2006. The submission period for the written comments ended Thursday, 11th August 2016.

There were no internal referrals considered to be required.

External referrals

The land is bushfire prone according to the Rural Fire Services Bush Fire Prone land maps. As such, it is Integrated Development and requires a Section 100B Fire Safety from the NSW Rural Fire Services (RFS). The application has been referred to the RFS. The requirement of RFS has been attached as conditions of consent.

ASSESSMENT – STATUTORY REQUIREMENTS

This application has been assessed using the heads of consideration specified under section 79C of the *Environmental Planning and Assessment Act 1979 (and other relevant sections)*, Council policies, adopted Management Plans and other relevant legislation. The following matters are of **relevance** to the proposed development, the subject of the Development Application.

s.79C(1)(a)(i) – any environmental planning instruments (EPI's)

Gundagai Local Environmental Plan 2011

Clause reference	Matter for consideration	Response
1 (a) (i)	a. The size of both proposed lots is 3349 m ² each subject to final survey.	a. Permissible under Gundagai Shire LEP 2011. The minimum lot size specified for RU5 village zone is 1500 m ² .
1 (a) (ii)	Proposed planning instrument that has	N/A

	been subject of public consultation and has been notified to consent authority.	
1 (a) (iii)	Development Control Plans	<p>There is no formal DCP however council has a Subdivision Policy - 2006.</p> <p>a) Clause 1 d) requires advertising unless the Development Committee decides otherwise. Council advertised as per this policy and written submission ended 11st August 2006.</p> <p>Total submission received- Nil</p> <p>b) The policy pre-dates Council's LEP and so the lot sizes conflict with the LEP. The LEP overrides these so no comment is made here regarding lot size compliance with the policy.</p>
1 (a) (iiia)	Planning agreement of draft planning agreement under 93F	Nil
1 (a) (iv)	The Regulations	Complies with Regulations. The proposal has been advertised and notified in accordance with the provisions of the EPA Regulation 2000.
1 (a) (v)	Coastal zone management plan	Not applicable
1 (b)	Likely impacts of the development including:	
	Environmental impacts on natural	There will be minimum impacts on natural; in particular a visual impact on the site if/when building construction is started/completed. The proposal will have minimum impact on adjacent land uses.
	Environmental impacts on built	There will be some impacts on the built environment. These will include increased usage of the local road system and a change in the current land use

		over time as future developments take place on the land. However, the types of developments that are permitted are generally of a relatively low impact and any impacts on nearby residential development will be assessed at the time of application.
	Social impacts	<p>The proposal will have minimum social effect, benefit or cost. Future residential construction and occupation may have a positive social impact in the locality.</p> <p>Any social impacts of the development are likely to be minimal in the short term. Any loss of amenity of the area from future developments will need to be carefully assessed at the time of application.</p>
	Economic impacts	The availability of developed land has the capacity to encourage and facilitate additional lands and employment generating activities.
1 (c)	Suitability of the site	Proposed subdivision is located on land identified and appropriate for rural residential (rural village). The land is relatively level and will require minimal site preparation after completion of the subdivision activities.
1 (d)	Submissions made	Nil.
1 (e)	The public interest	<p>The proposed development would be considered to have a net favourable outcome with regard to the public interest.</p> <ul style="list-style-type: none"> It will not have any significant adverse impact on the natural environment and amenities of

		<p>surrounding residents.</p> <ul style="list-style-type: none"> • It is in keeping with the desired character and use of the area of the GLEP and the objectives of the RU5 Village Zone. • Any potential adverse impacts can be controlled by appropriate conditions of consent.
2	<p>Other Requirements</p> <p>Section 5A of the EPA Act 1979- Significant Effect & Threatened Species, Population of Ecological Communities or their Habitats.</p>	<p>The property has been utilized for more than 50 years for residential purposes, the proposal is considered to comply with Section 5A. Following the site inspection on 31 May 201, it is considered that no further assessment is required under this section and therefore a species Impact Statement is not required.</p>

CONCLUSION

It is considered that the proposal may be carried out in accordance with all **requirements of Council's** LEP, without causing any unacceptable impacts on the local environment, subject to appropriate conditions of consent.

RECOMMENDATION

That consent be given for the subdivision of Lot 102 DP 1155456 Billabung Street, Nangus, for the creation of two (2) lots subject to the conditions of consent as detailed in the schedule of conditions attached to this report.

CONDITIONS of CONSENT

1. Compliance with Consent:

The Development being completed in accordance with the sketch plan prepared by Gray Surveyors dated 04/05/2016 (Ref: 16024) and Statement of Environmental Effects 04/05/2016 except where varied by conditions of this consent.

Reason: *To confirm the details of the application as submitted and as approved by Council.*

2. NSW Rural Fire Service: The development is to be carried out in accordance with the requirements of the NSW Rural Fire Services Bushfire Safety Authority dated 28 July 2016, Ref:D16/2005 DA16062302497 LE.

Reason: *To ensure the development is consistent with the Section 100B fire safety authority issued in relation to the development.*

3. The type of road access to the subdivision shall be consistent with the existing Council road in the area. The existing unsealed road shall be formed and compacted subgrade with minimum 200mm thick compacted suitable road base or gravel and extended at least 6m beyond the lot 212 & lot 213 boundary. The access to the lot shall be with the practical provision of pipe culvert or dish drain without any obstruction to the natural flow of stormwater.

Reason: *To provide an all-weather vehicular access clear of the public roadway. Section 79(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.*

4. Registration of Subdivision Plans: In accordance with s.109C of the Environmental Planning & Assessment Act, the applicant is required to obtain a subdivision certificate from the consent authority that will authorise the registration of the plan of sub-division under Division 3 of Part 23 of the Conveyancing Act, 1919. The subdivision certificate is in the format supplied to the consent authority upon the plan acceptable to the Registrar General.

Reason: *The legal obligations of Council to administer the Environmental Planning & Assessment Act, 1979.*

Assessing Officer:

Tulshi Shrestha
Manager Urban & Rural Services
Date: August 2016

Prior to Commencement of Works

The following conditions of consent must be complied with prior to any works commencing on the development site.

1. No works may commence on site prior to the issue of a Construction Certificate. A separate application under Section 138 of the Roads Act is to be obtained to carry out works in the road reserve.
2. Prior to works associated with the development commencing, soil erosion and sediment control measures are to be provided on the development site.

During Construction Works

The following conditions of consent must be complied with during the construction stage of the development.

1. All services, including water, gas, telecommunication and electricity, must be located, designed and installed according to the relevant industry standard and specifications.
2. All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

Prior to the issue of the Subdivision Certificate

The following conditions of consent must be complied with prior to the issue of the Subdivision Certificate.

1. The provision of written confirmation from the relevant service authorities that satisfactory arrangements have been made for the provision of the following services to each lot:
 - a. telecommunications
 - b. electricity supply
 - c. Gas
 - d. Sewer & water supply.

Reasons for Conditions

The conditions have been imposed in order to safeguard the present and likely future amenity of the locality and to ensure a satisfactory standard of development.

August 2016

Pages 164-165



All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433

The General Manager
Gundagai Shire Council
PO Box 34
GUNDAGAI NSW 2722

Your Ref: 0161-2016 TS:gp
Our Ref: D16/2005
DA16062302497 LE

ATTENTION: Tulshi Shrestha

28 July 2016

Dear Sir / Madam

Integrated Development for 11 Billabung Street Nangus 2722

I refer to your letter dated 9 June 2016 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Gray Surveyors numbered 16024, dated 4 May 2016.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Installations of water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Prior to issue of subdivision certificate, the access road along Billabung Street, from Wantiool Street to the proposed lots, shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

General Advice – consent authority to note

Any future development application lodged within this subdivision under section 79BA of the 'Environmental Planning & Assessment Act 1979' will be subject to requirements as set out in 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Lauren Ellevsen on 1300 NSW RFS.

Yours sincerely



Amanda Moylan

Team Leader Development Assessment and Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

DEVELOPMENT ASSESSMENT REPORT MODIFICATION OF DA 78/2007

APPLICATION SUMMARY

Applicant:	John Edward Graham
Date Application Received:	12/11/2015
Owner:	John Edward Graham
Application No:	78/2007
Title Details:	Lots 1 & 2 DP1096529
Site Area:	170 ha
Zoning:	RU1 – Primary Production

Proposed Development:

The applicant is seeking to modify Development Consent 78/2007 for a Fine and Coarse Sand Quarry, to:

- reduce the yearly tonnage rate of extraction from 172,000 t/yr. to 30,000t/yr;
- To increase the footprint of the fine sand quarry;
- To allow extraction of coarse sand to an increased depth from 2metres to 3 metres;
- To remove the life time cap for the activity in recognition of the reduced yearly extraction limit; and
- To enter into an amended Voluntary Planning Agreement (VPA) for the payment of contributions towards the maintenance of the Gobarralong Road.

Site Description:

The subject site is located at 338 Darbalara Road, Coolac and contains the existing Fine and Coarse Sand extraction quarries as approved under development consent DA 78/2007 issued by the Gundagai Shire Council on 11 December 2007.

The Coarse sand quarry is located on Lot 1 and is on the Murrumbidgee River flood plain. The Fine sand quarry is located on Lot 2. The site also contains an existing dwelling and other ancillary shedding, haul roads and a weighbridge facility. Land not involved with quarry activities is generally used for grazing purposes. An aerial photo of the site is attached.

Internal referrals:

There were no internal referrals considered to be required given the nature of the modification and likely impacts.

External referrals

The proposed modification has been referred to the NSW EPA as the development is Integrated and is carried out under an existing Environment protection Licence No. 12835. The proposal was also referred to the NSW Department of Primary Industries – DPI Water as the proposal had implications for the interception of ground water.

Responses from agencies have been received and following negotiations with the applicant to provide additional information the agencies have indicated that they have no particular

concerns with the proposal, however have required that the applicant obtain approvals for the amendment of the existing Environment Protection and Water Access Licences to reflect the proposed changes. Relevant modified conditions of consent have been included in relation to these matters.

A response was also received from the Office of Environment & Heritage with regard to the protection of Aboriginal Heritage. Conditions in relation to these matters were included in the original consent conditions.

ASSESSMENT – STATUTORY REQUIREMENTS

This application has been assessed using the heads of consideration specified under section 79C of the *Environmental Planning and Assessment Act 1979 (and other relevant sections)*, Council policies, adopted Management Plans and other relevant legislation. The following matters as are of **relevance** to the proposed development, the subject of the Development Application (Modification).

s.79BA – Consultation and development consent—certain bush fire prone land

The subject land is identified as being part bushfire prone land on Council's mapping system, however this appears to be generally in relation to riparian vegetation along the river and water courses and managed trees along the road boundary.

In the context of the actual site conditions and the nature of the modification proposal it is not considered to be necessary to apply and specific bushfire safety conditions.

s.79C(1)(a)(i) – any environmental planning instruments (EPI's)

EPI's	YES or N/A	Comment/Assessment	
Gundagai Local Environmental Plan 2011	Yes	Zone RU1	Proposal is permissible within the zone with the consent of Council. Consent was given to the original application on 11 December 2007.

s.79C(1)(a)(ii) – any proposed planning instrument that applies to the land N/A

s.79C(1)(a)(iii) – any Development Control Plan that applies to the land

There are no development control plans applying to the land.

s.79C(1)(a)(iiia) – any Planning Agreement entered into.

The application for the modification included a proposal from the applicant to enter into an amended Voluntary Planning Agreement (VPA) for the payment of contributions towards the upkeep and maintenance of the Gobarralong Road.

The VPA contributions will be generally in accordance with the contribution rate applicable for the development under the provisions of the Gundagai Shire Council Section 94 Contributions Plan – *Development generating heavy vehicle usage of local roads* adopted by Council in June 2015. It is proposed that the contributions would take effect as from 1 September 2016. The contributions will be based on the number of truck loads of product leaving the site and are payable at the end of each quarter.

s.79C(1)(a)(iv) - the Regulations

The proposal has been advertised and notified in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000, including referrals to other agencies and notifications to submitters on the original application.

The Regulations also deal with the process for the preparation and advertising of the Voluntary Planning Agreement.

s.79C(1)(b) - the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Natural Environment

The proposed modification has some effect on both the fine and coarse sand extraction activities, however it is considered that impacts on the natural environment will be minimal. With regard to the coarse sand extraction there will be a deeper excavation to 3 metres, which has been assessed by EPA and DPI Water with a conclusion that ground water will not be intercepted and as such, very minimal impact on water related issues.

The fine sand extraction, although proposed to cover a larger footprint than the current operation in total, will maintain the same working face area as the current operation. The area of land that will be utilised contains no vegetation other than grass areas for grazing and as such will have minimal impact on the natural environment. The Office of Environment and Heritage have provided suggested conditions that will be included with regard to the possible disturbance of Aboriginal Heritage items if disturbed during excavation.

Built Environment

The proposed modification is unlikely to have any detrimental impact on the built environment as there are no affected receptors in close proximity to the development. The overall extraction rates will have a reduced annual limit to 30,000 tonnes, which more closely reflects the actual operating activities currently on the site. There will not be any change in the use of roads or other Council infrastructure, although the total life of the site will be extended. This will be offset by the payment of contributions under the Voluntary Planning Agreement.

Social

The modification is not likely to alter social impacts of the development.

Economic

The proposed modification will allow a more sustainable use of the resource and thereby should provide a longer economic return for the site with subsequent employment benefits directly and indirectly from the operation.

s.79C(1)(c) - the suitability of the site for the development

The modification relates to an existing approved development, which by its nature can only be undertaken on a site where the resource exists. Access to the site is by sealed local roads and the activity can be undertaken with minimal environmental effect on the immediate area.

s.79C(1)(d) - any submissions made in accordance with this Act or the regulations

The proposed modification was placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000. The proposal was also notified to all people that had provided submissions to the original development application. At the conclusion of the public exhibition period there were no submissions received on the proposed modification.

s.79C(1)(e) - the public interest

The public interest is not likely to be impacted by the proposed modification. The existing development has been operating since January 2008 and in that time there have not been any complaints or issues raised with Council from members of the public.

CONCLUSION

It is considered that the proposal may be carried out in accordance with all requirements of Council's conditions and the terms of the EPA licence without causing any detrimental impacts on the local environment.

RECOMMENDATION

That consent be given for the Modification of DA 78/2007 to:

- reduce the yearly tonnage rate of extraction from 172,000 t/yr. to 30,000t/yr;
- To increase the footprint of the fine sand quarry;
- To allow extraction of coarse sand to an increased depth from 2metres to 3 metres;
- To remove the life time cap for the activity in recognition of the reduced yearly extraction limit; and
- To enter into an amended Voluntary Planning Agreement (VPA) for the payment of contributions towards the maintenance of the Gobarralong Road.

Subject to the Conditions of consent issued on 11 December 2007 and as modified by this consent and detailed in the attached schedule of conditions.

Assessing Officer:

Brent Livermore
Relieving Health, Building and Planning Officer
Date: 12 July 2016

SCHEDULE OF CONDITIONS OF CONSENT

SCHEDULE 1

General terms of approval imposed by DECC, DWE

Pursuant to Section 91A and Section 91A(3) of the Environmental Planning and Assessment Act 1979 the applicant is to note the conditions imposed by both the Department of Water and Energy and the Department of Environment and Climate Change and that these conditions form part of Council's Approval. The written advice from DWE and DECC outlining those conditions and requirements relevant to the development are attached hereto in Appendix 1.

Additional Modified Conditions by Approval bodies

- a) The applicant shall apply to the Department of Primary Industries – DPI Water for a modification to the Water Supply Works Approval associated with the Water Access Licence for the development as detailed in the attached response from DPI Water dated 1 June 2016.
- b) The applicant shall apply to the NSW EPA to have Environment Protection Licence No. 12835 varied as detailed in the attached response from the EPA dated 21 June 2016.

SCHEDULE 2

Gundagai Shire Council Conditions

These conditions are required for this development to:

- Prevent, minimise/offset adverse environmental impacts,
- Set standards and performance measures for acceptable environmental performance,
- Require regular monitoring and reporting, and
- Provide for the ongoing environmental management of the development.

1. Transport royalty (MODIFIED CONDITION)

- i. The development will be subject to the ongoing payment of contributions as detailed in the Voluntary Planning Agreement entered into by the Gundagai Council and Eulonga Quarries Pty Ltd pursuant to Sect. 93f of the Environmental Planning and Assessment Act 1979 in relation to contributions for the upkeep of the Gobarralong Road.
- ii. The Applicant shall enter into the Voluntary Planning Agreement with Council prior to the 1 September 2016, with the contributions to be payable from the commencement of the quarter beginning 1 September 2016.

- iii. The applicant shall pay to the Council the contributions in accordance with the terms of the Sect 93f Voluntary Planning Agreement referred to in i above.
- iv. The contributions shall be paid into a fund established by the Council and used exclusively by the Council on improvements to the Gobarralong Road between the Gobarralong Bridge and Pettit's, such improvements to comprise road works in the following priority order:
 - a) Reimbursement of out of pocket expenses incurred in considering the transportation and associated activities and needs of the development prior to the commencement of operations.
 - b) Specific maintenance works considered by Council as necessary to keep the subject road in it's current condition, AND
 - c) Remaining funds to be applied to capital upgrade works designed to bring the road pavement and structures up to a standard suitable for the transport requirements of the quarry.

Reason: To allow Council to adequately maintain the road system used by the quarry operations.

2. Production records (MODIFIED CONDITION)

- i. For the purposes of verification of the VPA contributions the applicant shall keep accurate records of the output of all quarry products which are transported from the quarry sites along the Gobarralong Road.
- ii. A statement as to the number of truck loads and tonnages leaving the site shall be furnished to Council within 14 days of the end of each quarter period. (September, December, March and June).
- iii. Within 90 days of the end of every financial year covered by the Planning Agreement an audited copy of the production record for that year shall be furnished to Council.

Reason: To allow Council to monitor the output of the quarry operations.

3. Solid waste

All solid waste (including metallic items, vehicle and machinery parts, rubber products, and packaging materials) is to be removed from the site on a regular basis and transported to a facility approved by the Council.

Reason: To ensure waste material is not accumulated on the site

4. Liquid waste

No liquid wastes are to be stored on the quarry sites. Disposal of such waste is to take place on a regular basis and to a facility approved by the Council.

Reason: *To ensure that liquid waste is not stored or accumulated on the site*

5. Commencement of quarry operations

Commencement of regular quarry operations is subject to a final inspection by senior Council staff and evidence of compliance with all legislative requirements.

Reason: *To ensure that development approval conditions are complied with.*

6. Quarry site

The quarry sites are to be established within the areas approved by Council and as set out in the amended EIS. Council is to be provided with the following surveys:

- i. A certified survey of the entire project site, details to comply with Council requirements;
- ii. A survey showing the extent of works in the context of this approval, such survey to be provided within 5 years of commencement;
- iii. A plan showing intended finished levels at the end of the life of the quarry.

Reason: *To allow the site and the extent of works to be properly identified and monitored over the life of the development.*

7. Signage

The applicant shall install signs on Darbalara Road between 100m and 150m in advance of both approaches to the Quarry intersection and on the Gobarralong Road approximately 150 metres east of its intersection with the Darbalara Road warning of “TRUCKS TURNING” W5-205B.

The quarry operator shall instruct all transport drivers, loaded or empty, related to the quarry operation to travel at a speed no greater than 80 km per hour on local public roads. Further the drivers shall be instructed that the road is a school bus route that trucks and vehicles shall be restricted to 40 km /hour within 200 metres of a school bus stop with children present and the school bus with lights flashing. An appropriately worded sign, approved by Council, shall be placed within the development close to the intersection in a location drivers can easily see when exiting onto the local public road.

A sign be placed at a suitable location within the first 0.5 km from the Hume Highway stating:

CAUTION
QUARRY TRUCKS
SCHOOL BUS
Next 15 km

A 'Give Way' sign to be erected on the Darbalara Road at its intersection with the Gobarralong Road.

Council will erect these signs at the applicant's cost.

Reason: *To ensure the safety of road users.*

8. Annual report to GSC

The applicant shall provide to Council a copy of the Annual Report required by both DWE & DECC. This report is to include evidence to the satisfaction of Council that groundwater levels on the site of the coarse sand quarry have not been disturbed by quarry operations.

Reason: *To allow Council to monitor groundwater levels and determine extraction rates.*

9. Noise monitoring

The Developer is to note Item L6 of the EPA General Terms of Approval and provide Council with a copy of the relevant report.

Reason: *To ensure that recommended noise levels are not exceeded.*

10. Access to site for GSC staff

At all times during normal operating hours the quarry management shall afford free access to the site for senior staff from Gundagai Shire Council and relevant state agencies.

Reason: *To allow Council to monitor the operations, investigate complaints and inspect works*

11. Currency of licences and permits

Full responsibility for ensuring the currency of all official licences, permits, agreements, approvals, and the like shall lie with the applicant for the entire life of the project.

Reason: *To ensure compliance with all relevant authorities.*

12. Murrumbidgee draft Catchment Action Plan

Clearing of native vegetation and interference with natural biodiversity attributes within the project site shall be consistent with all relevant guidelines and requirements of the Murrumbidgee Catchment Management Authority as set down in the draft CAP.

Reason: *To ensure that Catchment Management guidelines are adhered to*

13. RTA requirements

The applicant is to ensure the following comments from RTA are adhered to:

- i. Vehicular access to the site is to be via the internal haul road.
- ii. The proposed entry and exit driveway off the new internal haul road is to be constructed with a minimum width of 9m in accordance with AS 2890.1-2004.
- iii. The swept path of the largest vehicle traversing the site or manoeuvring within the site is to be in accordance with AS 2890.1-2004 and to Council's satisfaction.
- iv. The swept path of the largest vehicle entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2002 and to Council's satisfaction.
- v. The required minimum sight distance from the egress location at the junction of internal road and the access driveway is to comply with the RTA's design guide for the prevailing speed limit.
- vi. Design of the access to the site is to be such as to allow all vehicles to enter and exit the site in a forward direction.
- vii. All activities including loading and unloading associated with this development are to take place within the subject site.
- viii. Any works associated with the proposed development shall be at no cost to the RTA.

Reason: *To ensure compliance with RTA comments.*

14. Aboriginal heritage (Modified Condition)

If any Aboriginal object is discovered and/or harmed in, on or under the land in any other portions of the proposed works, the proponent must:

- not further harm the Aboriginal object;
- immediately cease all work at the particular location;
- secure the area so as to avoid further harm to the Aboriginal object;
- notify the Office of Environment and Heritage (OEH) as soon as practicable on 131 555, providing any details of the Aboriginal object and its location; and
- Not recommence any work at the particular location unless authorised in writing by OEH.

Reason: To ensure that Aboriginal Heritage is protected.

15. Weighbridge

A construction certificate must be obtained to cover the installation of the weighbridge.

Reason: To ensure the installation is carried out correctly.

PLANNING AGREEMENT

Parties

Gundagai Council.

And

Eulonga Pastoral Company

Background

- A. On 3 November 2015 the Developer made an application for the Modification of Development Consent DA78/2007 for the operation of a Fine and Course Sand extraction quarry to allow the following changes to the consent conditions:
- (i) To reduce the current extraction limit down to a maximum of 30,000 tonnes per year;
 - (ii) Change the usage area of the fine sand pit;
 - (iii) Amend the Rivers and Foreshores Act Part 3A permit (#40RFI000161) to reduce the extraction limit from 172,000 tonnes per year to 30,000 tonnes per year and remove the maximum lifetime cap;
 - (iv) Amend the Part 3A permit to allow an excavation depth of 4 metres instead of 2 metres and allow the use of groundwater in the screening process; and
- B. The modification application also included a proposal from the developer to enter into an amended Voluntary Planning Agreement for the payment of royalties for the upkeep of the Gobarralong Road, being the local council road utilised by the development.

Operative provisions

Planning agreement under the Act

The Parties agree that this Agreement is a planning agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.

Application of this Agreement

DA: 78-2007, Lots 1 & 2 DP 1096529, Fine Sand and Course Sand Extraction Quarry.

Operation of this Agreement

This agreement operates from the 1 September 2016.

Definitions and interpretation

In this Agreement the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Dealing, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.

Development means DA: 78-2007 –Fine Sand & Course Sand Extraction Quarry.

Development Application has the same meaning as in the Act.

Development Consent has the same meaning as in the Act.

Development Contribution means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

GST has the same meaning as in the GST Law.

GST Law has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Land means Lots 1 & 2 DP 1096529 known as Eulonga Pastoral Company, Darbalara Road, Coolac..

Party means a party to this agreement, including their successors and assigns.

Public Facilities means Public Roads.

Regulation means the Environmental Planning and Assessment Regulation 2000.

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:
Headings are inserted for convenience only and do not affect the interpretation of this Agreement.

A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.

If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.

A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.

A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.

A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, notated, supplemented or replaced.

A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.

An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.

Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.

A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other gender.

References to the word 'include' or 'including' are to be construed without limitation.

A reference to this Agreement includes the agreement recorded in this Agreement.

A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.

Any schedules and attachments form part of this Agreement.

Development Contributions to be made under this Agreement

Contributions to be made:

- a. A monetary contribution of \$4.00 per truck load leaving the site is to be paid to Council. For the purpose of this agreement a truck is defined as a single truck or a truck and trailer.
- b. The developer is to provide the Council with quarterly reports, which shall include the number of loads and tonnages leaving the site. Quarterly reports are to be submitted within fourteen (14) days after the last day of the quarter period.

Application of the Development Contributions

Contributions to be utilized on the Gobarra Road, as specified in the Conditions & Approvals for DA: 78-2007.

Application of s94 and s94A of the Act to the Development

Not Applicable

Registration of this Agreement

Registration not required,

Review of this Agreement

This agreement may be reviewed by either party at the conclusion of the first two (2) years of the operation of the agreement.

Dispute Resolution

Disputes shall be resolved by mediation.

Enforcement

Council requires no security for enforcement in the event of a breach of this agreement.

Notices

Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

Delivered or posted to that Party at its address set out below.

Faxed to the fax number set out below.

Emailed to that Party at its email address set out below.

Council

Attention: General Manager
Address: PO Box 34, GUNDAGAI. NSW. 2722
Fax Number: 02 69 441 475
Email: mail@gundagai.nsw.gov.au

Developer

Attention: James Graham
Address: Eulonga, Coolac 2727
Fax number: 69449845
Email: james@eulonga.com.au

If a Party gives the other Party 3 business days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

Any notice, consent, information, application or request is to be treated as given or made at the following time:

If it is delivered, when it is left at the relevant address.

If it is sent by post, 2 business days after it is posted.

If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

Approvals and consent

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

Assignment and Dealings

Nil

Costs

Each Party bears their own costs in relation to the execution of this agreement.

Entire agreement

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

Further acts

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

Governing law and jurisdiction

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

Joint and individual liability and benefits

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

No fetter

Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

Representations and warranties

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

Severability

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

Modification

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

Waiver

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

GST

If any Party reasonably decides that it is liable to pay GST on a supply made to the other Party under this Agreement and the supply was not priced to include GST, then recipient of the supply must pay an additional amount equal to the GST on that supply.

Execution

Dated:

Executed as an Agreement:

On behalf of Gundagai Council:

Ken Trethewey – Interim General Manager

On behalf of Eulonga Pastoral Company:

James Graham – Director

Jock Graham – Director

Environmental Planning and Assessment Regulation 2000
(Clause 25E)

Explanatory Note

Draft Planning Agreement

Under s93F of the Environmental Planning and Assessment Act 1979

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Subdivision 2 of Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979* (the **Act**).

This explanatory note has been prepared jointly by the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (the **Regulation**).

Parties to the Planning Agreement

The parties to the Planning Agreement are the Gundagai Council (Planning Authority) ABN: 91 330 041 700 and Eulonga Pastoral Company (Developer) ABN: 23 255 276 358

Description of Subject Land

Lots 1&2 DP 1096529, "Eulonga", Darbalara Road, Coolac. 2727

Description of Development Application

Modification of consent 78/2007 to construct and operate a fine sand and coarse sand quarry. The developer has sought a Modification of the original consent to allow changes to the conditions of consent and the Rivers and Foreshores Part 3A permit and to enter into a new Voluntary Planning Agreement for the payment of royalties for the purpose of road maintenance.

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

The objective of the draft planning agreement is to provide a mechanism for the payment of developer contributions for the purpose of road maintenance and repair due to the wear and tear caused by quarry heavy vehicle traffic on Council's road network in accordance with Clause 6.6 of the *Gundagai Local Environmental Plan 2011*.

Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

In accordance with section 93F(2) of the Act, the Planning Agreement has the following public purpose:

- The provision of (or the recoupment of the cost of providing) public amenities or public services.

The Council and the developer have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purpose set out above.

How the Draft Planning Agreement Promotes the Objects of the Act.

The Planning Agreement promotes the objects of the Act by encouraging:

- The promotion and co-ordination of the orderly and economic use and development of land.

The Planning Agreement promotes the objects of the Act by requiring the developer to make a contribution towards the provision of infrastructure, facilities and services as referred to in Clause 6.6 of the *Gundagai Local Environmental Plan 2011*.

How the Draft Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of infrastructure, facilities and services to satisfy needs that arise from development of the subject land.

How the Draft Planning Agreement Promotes the Elements of the Council's Charter

The Planning Agreement will promote elements of the Council's charter by:

- The provision of adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.

Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program

The Planning Agreement will conform to the Council's capital works program, which allows for planned expenditure over the next 10 years on the Gobarralong Road. Planned expenditure is in the vicinity of \$61,000 per year and consists of the following estimates:-

Resealing:

16/17 \$27,238

19/20 \$75,000

21/22 \$33,605

22/23 \$63,273

23/24 \$45,209

Roads to Recovery

15/16 \$263,000

16/17 \$365,801

The ten year forward estimates provide for a total of \$610,390 expenditure on the Gobarralong Road.

Note: Budget estimates may vary subject to Council's budget review process, however at the time of this explanatory note the above figures are those adopted in Council's forward plan.

The Capital Works Program does not include costs associated with routine road maintenance activities such as shoulder grading and tar patching, including heavy patching.

The Impact of the Draft Planning Agreement on the Public or Any Section of the Public

The Planning Agreement will have a positive impact on the public by ensuring that public infrastructure, facilities and services are able to be maintained to acceptable standards.

Signed and Dated by All Parties:

Ken Trethewey – Interim General Manager
On behalf of the Gundagai Council

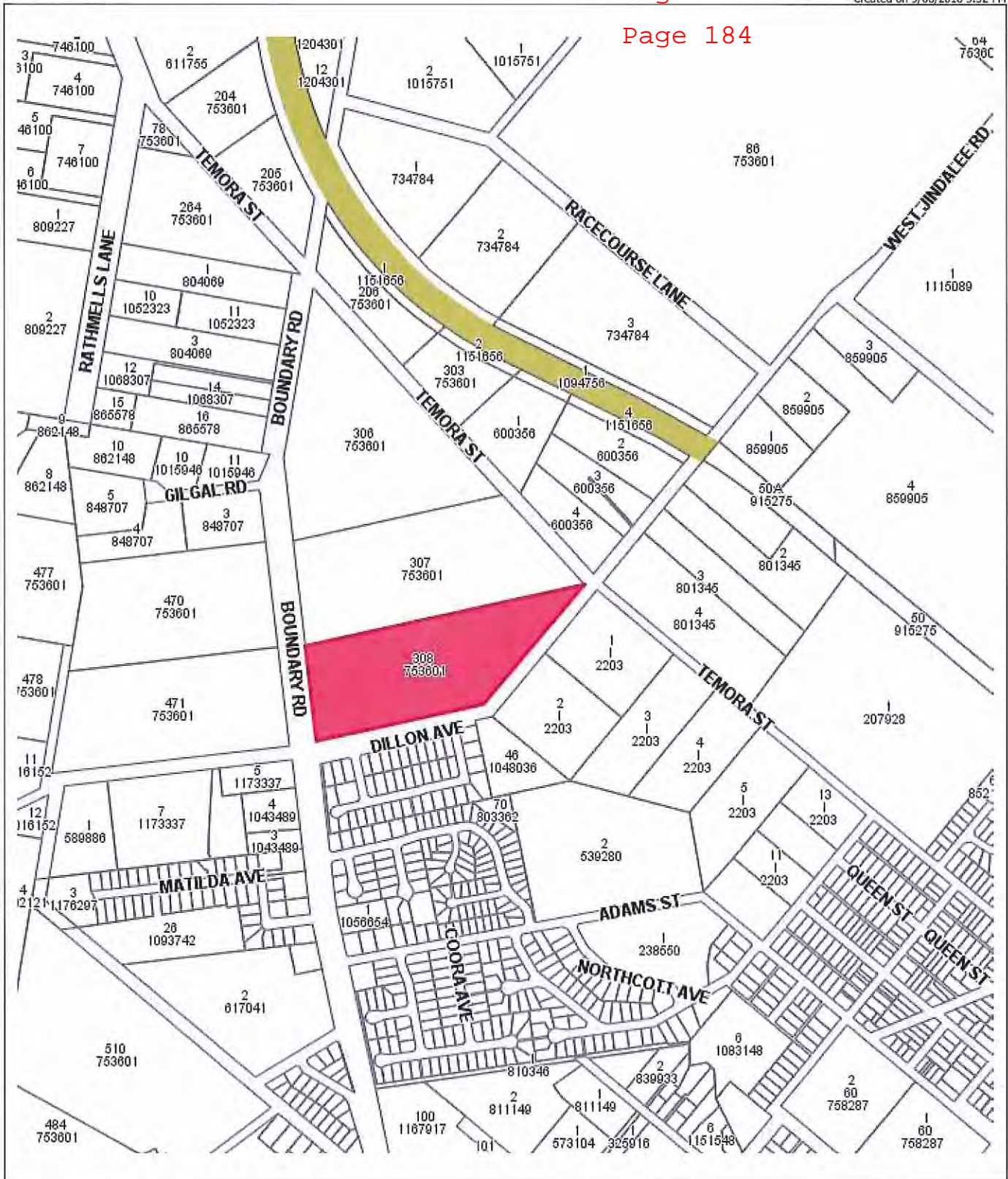
Date:

James Graham – Director
On behalf of Eulonga Pastoral Company

Date:

Jock Graham – Director
On behalf of Eulonga Pastoral Company

Date:

**Important Notice!**

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or reliability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Gundagai Council nor the LPI makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

© The State of New South Wales (Land and Property Information);
© Gundagai Council.

True North, Grid North and Magnetic North are shown diagrammatically for the centre of Bundamba Cootamundra Local Government Area. Magnetic North is correct for 2002, moving easterly by 6.6° in about five years.

Important

This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geodetic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD) heights. For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.

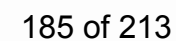
Drawn By: Jan Godman

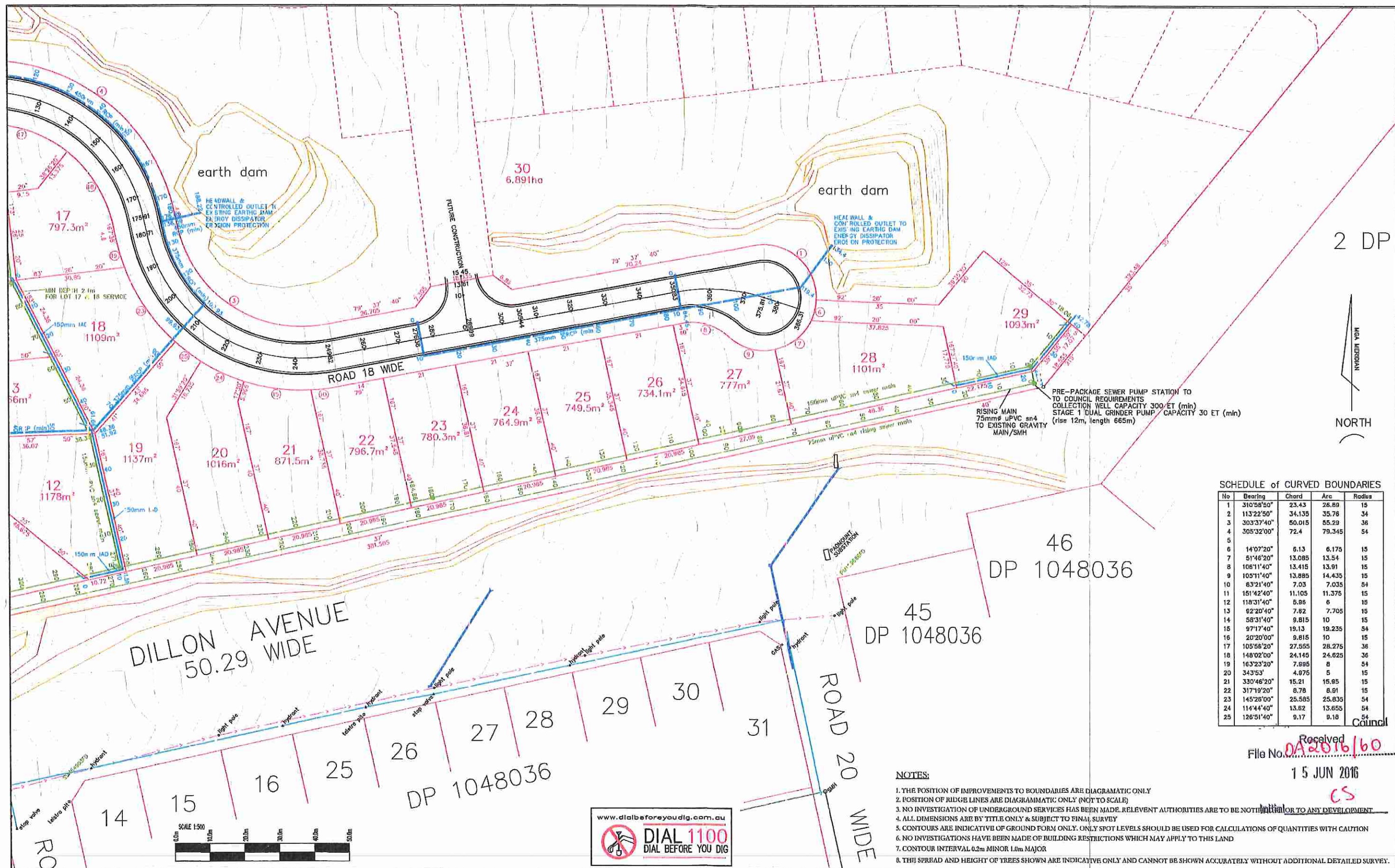
Projection: GDA94 / MGA zone 55

Date: 9/08/2016
5:32 PM

LOCATION PLAN
DA2016/60
PROPOSED RESIDENTIAL
SUBDIVISION TEMORA
STREET (BOUNDARY
ROAD) COOTAMUNDRA

Map Scale: 1:11679 at A4



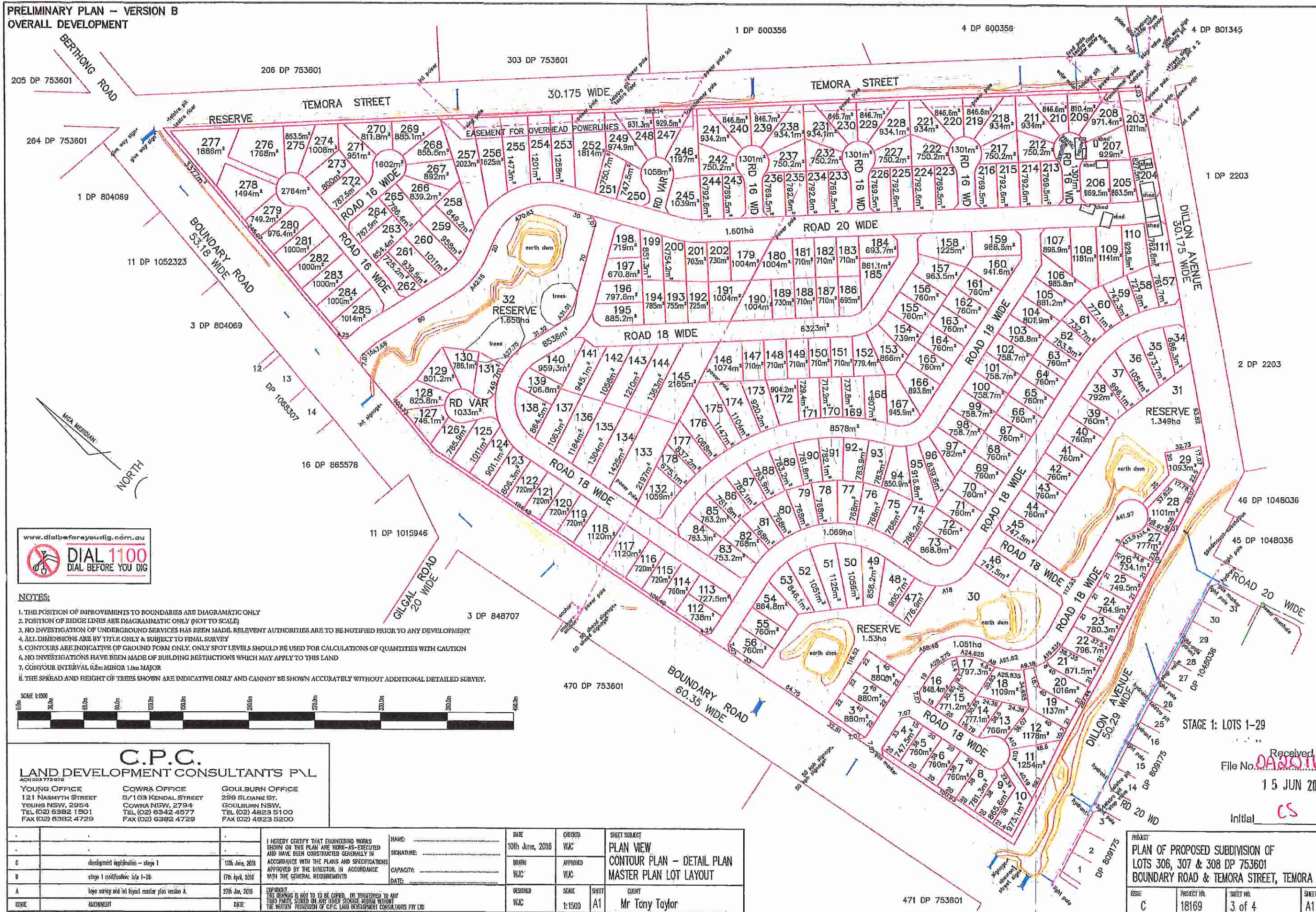


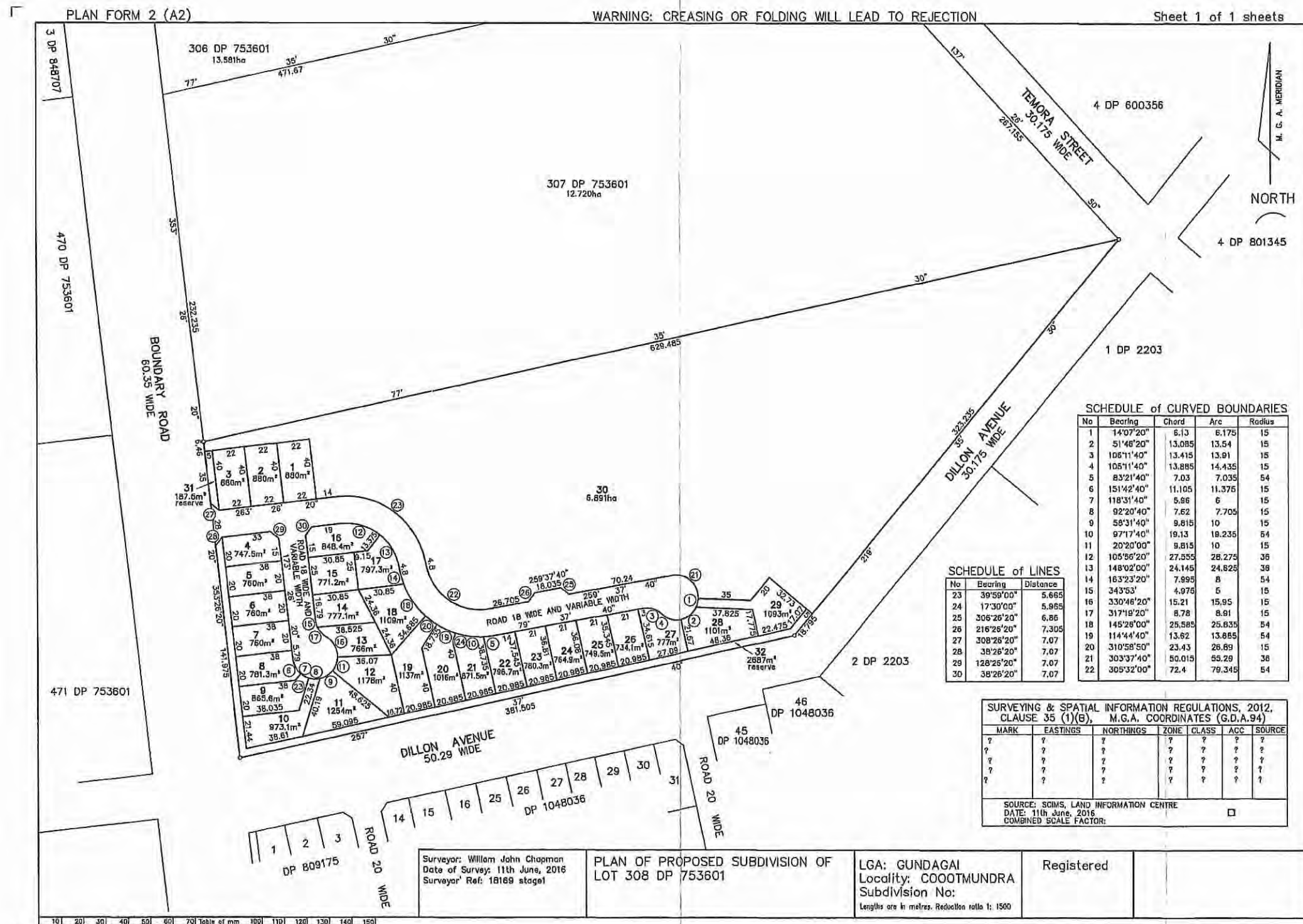
SCHEDULE of CURVED BOUNDARIES				
No	Bearing	Chord	Arc	Radius
1	310°58'50"	23.43	26.89	15
2	113°22'50"	34.139	35.78	34
3	303°37'40"	50.015	55.29	36
4	305°32'00"	72.4	79.345	54
5				
6	14°07'20"	6.13	6.175	15
7	51°46'20"	13.085	13.54	15
8	106°11'40"	13.415	13.91	15
9	105°11'40"	13.885	14.435	15
10	83°21'40"	7.03	7.035	54
11	151°42'40"	11.105	11.375	15
12	118°31'40"	6.86	6	15
13	92°20'40"	7.82	7.705	15
14	58°31'40"	9.815	10	15
15	97°17'40"	19.13	19.235	54
16	20°20'00"	9.815	10	15
17	105°56'20"	27.555	28.275	36
18	148°02'00"	24.145	24.625	36
19	163°23'20"	7.895	8	54
20	343°53'	4.875	5	15
21	330°46'20"	15.21	15.95	15
22	317°19'20"	8.78	8.91	15
23	145°26'00"	25.585	25.835	54
24	114°44'40"	13.82	13.855	54
25	126°51'40"	9.17	9.18	54

- NOTES:
1. THE POSITION OF IMPROVEMENTS TO BOUNDARIES ARE DIAGRAMMATIC ONLY
 2. POSITION OF RIDGE LINES ARE DIAGRAMMATIC ONLY (NOT TO SCALE)
 3. NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. RELEVANT AUTHORITIES ARE TO BE NOTIFIED PRIOR TO ANY DEVELOPMENT
 4. ALL DIMENSIONS ARE BY TITLE ONLY & SUBJECT TO FINAL SURVEY
 5. CONTOURS ARE INDICATIVE OF GROUND FORM ONLY. ONLY SPOT LEVELS SHOULD BE USED FOR CALCULATIONS OF QUANTITIES WITH CAUTION
 6. NO INVESTIGATIONS HAVE BEEN MADE OF BUILDING RESTRICTIONS WHICH MAY APPLY TO THIS LAND
 7. CONTOUR INTERVAL 0.2m MINOR 1.0m MAJOR
 8. THE SPREAD AND HEIGHT OF TREES SHOWN ARE INDICATIVE ONLY AND CANNOT BE SHOWN ACCURATELY WITHOUT ADDITIONAL DETAILED SURVEY.

I HEREBY CERTIFY THAT ENGINEERING WORKS SHOWN ON THIS PLAN ARE WORK-AS-EXECUTED AND HAVE BEEN CONSTRUCTED GENERALLY IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE DIRECTOR, IN ACCORDANCE WITH THE GENERAL REQUIREMENTS		NAME: _____	DATE: 10th June, 2016	CHECKED: WJC
CAPACITY: _____		SIGNATURE: _____	DATE: _____	APPROVED: WJC
COPYRIGHT: THIS DRAWING IS NOT TO BE COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF C.P.C. LAND DEVELOPMENT CONSULTANTS PTY LTD		DESIGNED: WJC		
SCALE: 1:500		SHEET: A1		
C.P.C. LAND DEVELOPMENT CONSULTANTS PTY LTD				
YOUNG OFFICE: 121 NASMYTH STREET, YOUNG NSW, 2954. TEL (02) 6382 1501. FAX (02) 6382 4729				
COWRA OFFICE: 5/103 KENDAL STREET, COWRA NSW, 2794. TEL (02) 6342 4577. FAX (02) 6382 4729				
GOULBURN OFFICE: 299 SLOANE ST, GOULBURN NSW, TEL (02) 4823 5100. FAX (02) 4823 5200				
SHEET SUBJECT: PLAN VIEW CONTOUR PLAN - DETAIL PLAN STAGE 1		CLIENT: Mr Tony Taylor		PROJECT: PLAN OF PROPOSED SUBDIVISION OF LOTS 306, 307 & 308 DP 753601 BOUNDARY ROAD & TEMORA STREET, TEMORA
ISSUE: C		PROJECT NO: 18169		SHEET NO: 2 of 4
DATE: 15 JUN 2016		SHEET: A1		

PRELIMINARY PLAN - VERSION B
OVERALL DEVELOPMENT

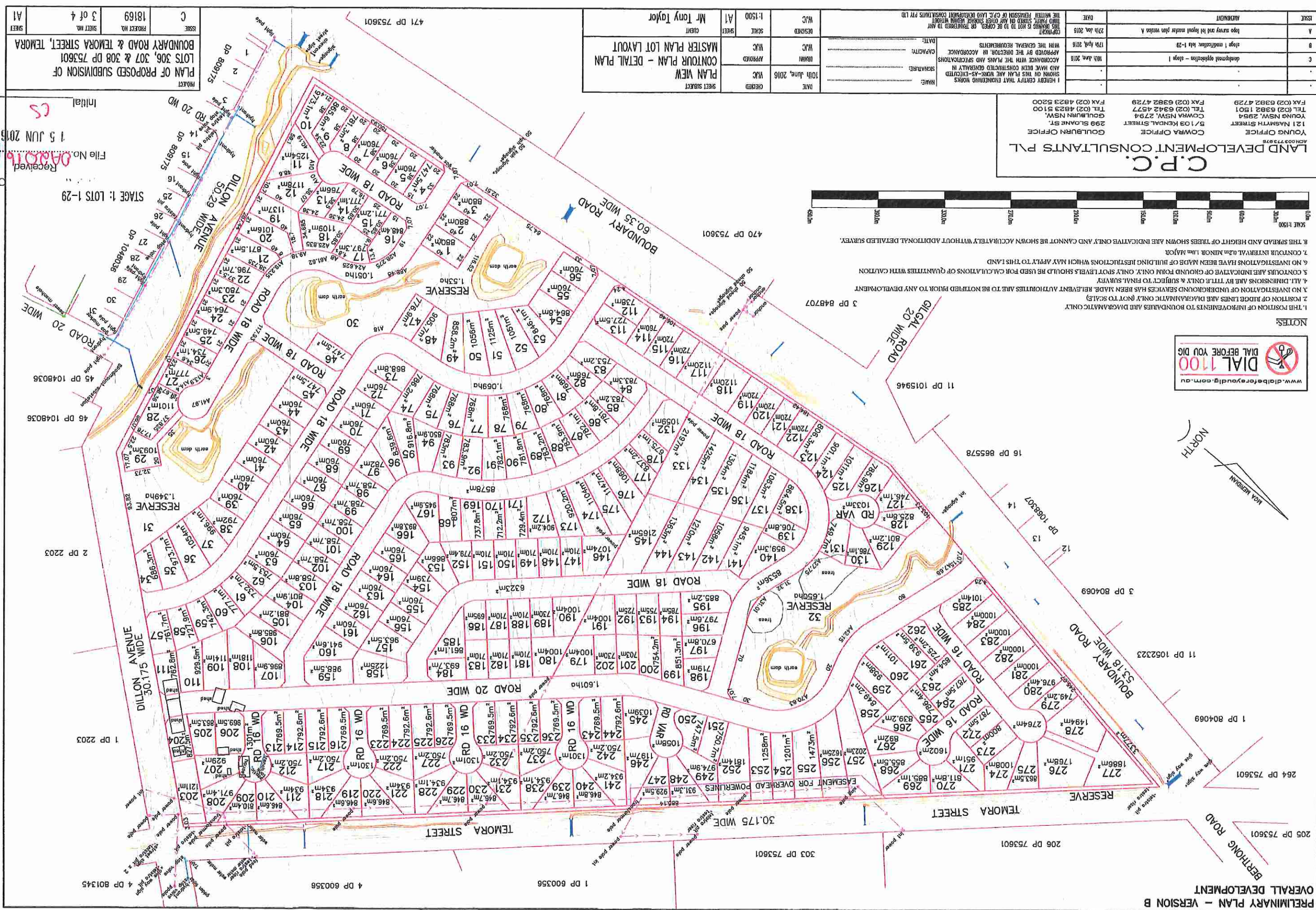




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Received
File No: **DA2016/160**
15 JUN 2016
Initial **CS**



				I HEREBY CERTIFY THAT ENGINEERING WORKS SHOWN ON THIS PLAN ARE WORK-AS-EXECUTED AND HAVE BEEN CONSTRUCTED GENERALLY IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE DIRECTOR, IN ACCORDANCE WITH THE GENERAL REQUIREMENTS		NAME: SIGNATURE: CAPACITY: DATE:		DATE: 10th June, 2016 CHECKED: WJC DRAWN: WJC APPROVED: WJC DESIGNED: WJC SCALE: 1:1500 SHEET: A1		<div>C.P.C. LAND DEVELOPMENT CONSULTANTS P/L ACN 003 773 978</div> <div>YOUNG OFFICE 121 NASMYTH STREET YOUNG NSW, 2954 TEL (02) 6382 1501 FAX (02) 6382 4729</div> <div>COWRA OFFICE 5/103 KENDAL STREET COWRA NSW, 2794 TEL (02) 6342 4577 FAX (02) 6382 4729</div> <div>GOULBURN OFFICE 299 SLOANE ST. GOULBURN NSW, TEL (02) 4823 5100 FAX (02) 4823 5200</div>		SHEET SUBJECT DRAFT DP LOT LAYOUT – STAGE 1		PROJECT PLAN OF PROPOSED SUBDIVISION OF LOTS 306, 307 & 308 DP 753601 BOUNDARY ROAD & TEMORA STREET, TEMORA	
C	development application – stage 1	16th June, 2016													
B	stage 1 modification: lots 1–29	17th April, 2016													
A	topo survey and lot layout master plan version A	27th Jan, 2016													
ISSUE	AMENDMENT	DATE													



PRELIMINARY PLAN - VERSION B
OVERALL DEVELOPMENT



C.P.C.
LAND DEVELOPMENT CONSULTANTS P/L
YOUNG OFFICE
121 NASHWORTH STREET
YOUNG NSW, 2894
TEL (02) 6982 4577
FAX (02) 6982 4729
GOLBURN OFFICE
299 SLOANE ST.
GOLBURN NSW, 2794
TEL (02) 4823 5100
FAX (02) 4823 5200

ISSUE	DATE	DESCRIPTION
A	27th Jan, 2016	Issue of preliminary plan version A
B	17th Apr, 2016	Issue of preliminary plan version B
C	10th Jun, 2016	Issue of preliminary plan version C

NAME:	SIGNATURE:	DATE:
Mr Tony Taylor		10th June, 2016

SCALE:	1:1500
DATE:	10th June, 2016
PROJECT:	PLAN VIEW
CLIENT:	CONTOUR PLAN - DETAIL PLAN

PROJECT:	PLAN OF PROPOSED SUBDIVISION OF LOTS 306, 307 & 308 DP 753601 BOUNDARY ROAD & TEMORA STREET, TEMORA
ISSUE:	C
PROJECT NO.:	18169
SHEET NO.:	3 of 4
SHEET:	A1

Received
15 JUN 2016
File No. 042816/60
Council



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17/600356
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47/600356
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307/753601
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308/753601
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2/12203

191 of 215
DILLON AVE

DILLON AVE

46/1048036
46

BOUNDARY RD

308/753601
370

2/1/2203

DILLON AVE

45/1048036
43

192 of 213

27/1048036
17

44/1048036
41

45/1048036

16/7834737

DILLON AVE

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



DATE OF REPORT COMMENCEMENT:

10 August 2016

COUNCIL OFFICER COMPLETING DEVELOPMENT ASSESSMENT:

JAN GODMAN

DEVELOPMENT REFERENCE:

DA 2016/60

DEVELOPMENT ADDRESS:

370 Temora Street COOTAMUNDRA

Note: The proposed development is adjacent to the Boundary Road frontage of the property.

DEVELOPMENT LOT / SEC / PLAN:

Lot: 308 DP: 753601.

OWNER(S):

Tonlea Pty Limited

APPLICANT:

CPC Land Development Consultants Pty Ltd

APPLICANT ADDRESS:

PO Box 338
Young NSW 2594

PROPOSAL:

New 30 Lot Residential Subdivision and construction of new roads.

ZONING (LEP):

Zone R1 General Residential Cootamundra LEP 2013

OTHER SPECIAL ZONING IMPACTS:

Lot Size Map 450 square metres as per the requirements of Clause 2.6 and the Lot Size Map of the LEP

Subdivision is permitted with Council's consent in accordance with the Land Use Table in "Part 2 Permitted or prohibited development" of the Cootamundra LEP 2013

BACKGROUND:

Property has been zoned for residential development for many years, was zoned 2V Village under IDO No 1 – Shire of Cootamundra.

Property is currently used for farming purposes. Land is vacant i.e. no dwellings except for farm infrastructure and sheds.

PREVIOUS DEVELOPMENT PROPOSALS AND DECISIONS:

No known relevant development proposals or decisions relevant to this development application.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



INTEGRATED / DESIGNATED / ADVERTISED / NEIGHBOUR NOTIFICATION / CROWN DEVELOPMENTS:

The proposal is not integrated, designated, advertised or Crown Development.

However, Council has completed neighbour notification and five submissions have been received.

The main issues raised in the submissions have been summarised in the Council report and copies included in the Tabled Documents.

STATUTORY CONSIDERATIONS / EP&A ACT / EP&A REGULATION:

State of Environmental Planning Policies:

The development is considered to be consistent with all relevant SEPPs.

The following SEPPs are applicable to DA2016/60:

State Environmental Planning Policy No 55

Clause 7 of the SEEP requires the consent authority to consider whether the land is contaminated. Should the subject land be contaminated, the consent authority is required to either be satisfied that the land is suitable in its contaminated state for the purpose of the proposed development or request a report specifying the findings of a preliminary investigation into the contamination of the land.

There is no evidence to suggest the site would be contaminated; the historical use of the property appears to be farming only. Subdivision of the land is a development that is not considered to raise any concerns in relation to contamination. Council can be satisfied that the land, in its present condition, is suitable for the subdivision as proposed.

Regional Environmental Planning Policies:

The draft Riverina Murray Regional Plan has been prepared and the public exhibition of the draft Plan has recently been completed.

The proposed subdivision will have no impact in relation to the draft Regional Planning Policy

Cootamundra LEP 2013:

The proposal is permissible with Council's consent under the Cootamundra LEP 2013.

The following provisions of the LEP are relevant to the assessment of the development application:

Zone R1 General Residential objectives:

The proposed subdivision is considered to be consistent with the objectives of the R1 General residential zone as it will provide additional opportunities for the housing needs of Cootamundra.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



Clause 4.1 Minimum subdivision lot size: The Minimum subdivision lot size for the subdivision of this land with a dwelling entitlement is 450 square metres. The proposed subdivision satisfies this minimum subdivision lot size requirement.

Clause 5.9 Preservation of trees or vegetation: This clause relates to the species or kinds of trees that are specified in a development control plan made by the Council. The Cootamundra DCP 2013 does not have any species or kinds or trees listed that is relevant to this clause.

Clause 5.10 Heritage conservation: The property is not affected by any heritage items or heritage conservation area and included in the LEP.

Clause 6.1 Earthworks: Earthworks associated with the subdivision will be considered as part of the Construction Certificate for the roads and other infrastructure component of the subdivision.

Clause 6.2 Flood planning: The site is not affected by the flood mapping in the LEP and therefore this clause does not apply.

Clause 6.3 Terrestrial biodiversity: The biodiversity mapping of the Cootamundra LEP 2013 shows significant vegetation along the Boundary Road and Dillon Avenue road reserves, as well as a narrow perimeter strip along the southern boundary and in the south western corner of the development site (i.e. Lot 308) adjacent to the intersection of Boundary Road and Dillon Avenue.

The plan indicates that reserves will be provided at the rear of the residential lots parallel with Boundary Road and Dillon Avenue. These reserves will satisfy the requirements of this clause.

Clause 6.4 Groundwater vulnerability: A large part of the subject land is affected by the groundwater vulnerability mapping of the LEP. However, it is not anticipated that the development will increase the risk of groundwater contamination or affect groundwater systems as the development will be connected to reticulated water and sewer.

Clause 6.5 Riparian Land and watercourses: The site is not located on land identified as a "Watercourse" on the LEP Watercourses Map and is not within 40 metres of the top of the bank of a watercourse identified on that map.

Clause 6.6 Salinity: The site is not affected by dryland salinity mapping in the LEP and therefore, this clause does not apply.

Clause 6.7 Highly erodible soils: The site is not affected by highly erodible soils on the LEP mapping and therefore this clause does not apply.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



Clause 6.8 Airspace operations: The site is not affected by the requirements of this clause.

Clause 6.9 Essential services: This clause does not apply to development in Zone R1 General Residential.

Cootamundra Draft LEP:

No relevant draft LEP, proposed amendment to the LEP or Planning proposal relevant to this development application.

Section 117 Directions:

No Section 117 Directions relevant to this development application. The Section 117 Directions apply to Planning Proposals.

Council Policy Considerations:

No Council Policy consideration's relevant to this development application.

DCP:

The proposed subdivision is generally consistent with the provisions of the Cootamundra DCP 2013 regarding the subdivision of residential land as specified in Chapter 4.2.

Traffic Generating Guidelines:

Traffic issues have been considered in the conditions recommended by the Director Engineering Services in relation to road and intersection design and in the consideration of submissions that have been included in the Council report.

Section 94 Contributions Policies:

The Cootamundra Section 94 Contributions Plan applies to the Zone RU4 Primary Production Small Lots areas of the Cootamundra Local Environmental Plan 2013 and therefore is not applicable to this land.

Section 94a Contributions Policies:

Section 94a Contributions will apply to new dwelling s /buildings in future development applications but is not applicable to the subdivision of the land.

Water and Sewer Headworks contributions:

Water and sewer headworks charges will apply to each of the new residential lots proposed in the development application and conditions will be included in the recommendation.

REFERRALS:

Internal departmental referrals were completed. However, no external referrals to government agencies were required. The development is not integrated or designate development.

Council's Director Engineering Services has provided the following comments on the development application and these comments have been included as conditions in the recommendation where appropriate:

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



- All property access is to be from internal roads only; i.e. no access will be allowed from Temora Street or Boundary Road at the rear of proposed properties backing onto these streets;
- That the proposed 5m wide reserve be created along Boundary Road, Dillon Avenue and Temora Road be adopted;
- In the total overall proposal no streets are to intersect with Dillon Ave. A new intersection should be created with Temora Street somewhere between lots 220 and 240;
- Full stormwater design be carried out to ensure that the whole development caters for all overland flow. Noting that there are several points of upstream discharge coming across Boundary Road that will need to be accounted for. It has been noted that the upstream catchment comes from above Rathmells Lane and then flows overland from approximately Gilgal Road down towards Temora Street and onto West Jindalee Road;
- Design of stormwater detention dams (earth dams) including holding volumes, discharge pipework, energy dissipaters, erosion control, dam wall construction and final downstream discharge below the proposed sub-division.
- Full road, kerb and drainage design to AUS-SPEC standards;
- Ensure that cul-de-sac are suitable for garbage truck turning;
- Road widths are adequate for two way traffic and parking each side;
- Provision of services: - underground power & street lighting, gas and Telstra (future NBN)
- Easements to be created for all sewer, water, stormwater and services which cross any allotment;
- Proposed intersection treatment for all intersections with Boundary Road, including pick up of existing drainage along Boundary Road;
- Water main design with appropriate stop valves and hydrants. Provide for continuous water mains with minimal dead ends. Each property to be provided with an individual service;
- Sewer main design to include all proposed properties;
- Sewer pump station design and capabilities to cater for each stage of the development;
- Detail power supply route to pump station and provision of access for maintenance
- Sewer rising main from pump station to nominated connection point into Council's existing sewer network;
- The sewer and water infrastructure is to be designed to required standards;
- Provision for footpaths along one side of all collector streets or off street shared pathway along drainage reserves;
- Soil and Water Management Plans / Erosion Control Plans shall be prepared to deal with works during construction and each stage of the development;

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



- Details are required regarding the proposed landscaping arrangements for the development, particularly along the drainage reserves. Council will require these to be shaped for ease of future maintenance.
- Detailed as constructed maps/plans to be provided after construction.
- Any further submitted designs will be subject to further consideration and possible changes to the satisfaction of Council.

SECTION 79C CONSIDERATIONS:

Provisions of any Environmental Planning Instrument:

The proposal is permissible with Council's consent in accordance with the Land Use Table to Zone R1 General Residential of the Cootamundra LEP 2013 and relevant provisions of the LEP.

Provision of any Draft Environmental Planning Instrument:

No relevant draft environmental planning instrument applicable to the development application.

Development Control Plans:

The relevant DCP is the Cootamundra Development Control Plan 2013. The proposed subdivision is generally consistent with the provisions of the DCP regarding the subdivision of residential land as specified in Chapter 4.2.

Matters Prescribed by Regulations:

The proposed development is consistent with the EPA Regulations

Likely Impact of Development:

The likely impact of the development on adjoining and adjacent residents has been considered in the submissions that have been discussed in the report to the August Council Meeting.

The proposed subdivision is considered to have positive social and economic impacts by providing additional housing choice and construction opportunities.

Context and Setting:

The proposed subdivision is considered to be consistent with the context and setting of the land. The subject land has been zoned for many years to allow for residential development in both the current (Cootamundra LEP 2013) and former (IDO No 1 – Shire of Cootamundra) environmental planning instruments applicable to the land.

The subject land is currently used for farming and grazing purposes. The land is primarily cleared land with minimal remnant vegetation comprising a few scattered trees. There are existing farm buildings in the north eastern corner of Lots 307 and 308 adjacent to Temora Street which are not affected by this stage of subdivision.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



The land slopes from the Boundary Road frontage towards the south-eastern side of Lot 308 with a drainage channel and two farm dams which will be incorporated into the residue Lot 30 and incorporated into a reserve as part of the drainage network for the subdivision.

Access, Transport and Traffic:

All property access is to be from internal roads only; i.e. no access will be allowed from Temora Street or Boundary Road at the rear of the properties backing onto these streets;

The road design should ensure that the cul-de-sac is suitable for garbage truck turning;

Road widths are adequate for two way traffic and parking each side;

The Traffic Committee would consider the speed zoning along Boundary Road with a view to extending the 50 Km/hour zone further out towards Gilgal Road or even extend to the intersection with Stockinbingal Road.

A "T" intersection with Boundary Road is sufficient.

If there is an increase in children catching a bus, then it could be reason for creating a dedicated bus pickup drop off bay.

Site access

Access to the subdivision will be via the construction of a new road off Boundary Road as well as the construction of a new cul-de-sac from this new road.

No vehicular access will be permitted from the rear of the new allotments to the landscaping reserve around the perimeter of the lots on the southern (Dillon Avenue) side and the western side (Boundary Road). This could be achieved by requiring the developer to include a Restriction as to User under Section 88B of the *Conveyancing Act, 1919* on the Plan of Subdivision.

Public Domain:

It is not envisaged that the proposed development will have any adverse impacts on public facilities or public land.

Utilities:

All residential services will be required to be provided to service the new residential lot;, including water, sewer, electricity, gas, and telecommunications.

Heritage:

No known heritage impacts. Land has not been identified in the Cootamundra Community Based Heritage Study 2010 as being significant and has not been included in the Schedule of Heritage Items in the LEP.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



The property is not affected by the Cootamundra Heritage Conservation Area and does not include any identified heritage items.

Other Land Resources:

No other known relevant land resources. The proposed development is not considered to have an impact on any mineral or other land resources

Water:

Water required to service the proposed subdivision is available to Warralong Road, opposite the subject land. The developer will be required to provide reticulated water to all residential lots in the proposed subdivision.

Soil:

No known adverse impact likely. Soil tests will be required prior to consideration of individual development applications for residential development in the future.

Air and Microclimate:

The proposed development will not affect the air and microclimate of the subject land.

Flora and Fauna:

No known endangered flora or fauna affected by proposal. Land is predominantly cleared land with minimal remnant vegetation.

The subject land is predominantly cleared farming land with few scattered trees along drainage lines to the dams and around the building cluster in the north-eastern corner adjacent to Temora Street. Existing stands of trees outside the perimeter boundaries of the property on the road reserves along Boundary Road and Temora Street and there is a significant planting area in the drainage line adjacent to Dillon Avenue.

Waste:

Normal residential garbage service will be required to service the proposed residential lots.

Energy:

Proposed lots will be required to be serviced with underground electricity and gas.

Natural Hazards:

No known natural hazards. The property is not affected by Bushfire Prone Land or Flood Prone Land. There are no known other natural hazards that affect the subject land such as slip or subsidence.

Social Impact and Locality:

The proposed subdivision will have a positive social impact by providing additional housing opportunities in Cootamundra.

Economic Impact and Locality:

The proposed subdivision will have a positive economic impact by providing additional opportunities for residential construction and associated infrastructure development in Cootamundra.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



Site Design and Internal Design:

The design of the subdivision is generally consistent with the subdivision design requirements of the Cootamundra DCP 2013.

Construction Matters:

No construction matters at this stage as the development application only relation to the subdivision of land. However, a separate Construction Certificate Application will be required for the construction of the two new roads; site works and infrastructure associated with the subdivision.

Submissions:

Council was not required to notify adjoining and adjacent property owners of the proposed development. However, a total of 18 adjoining and adjacent property owners were notified of the subdivision and five submissions were received.

Five submissions have been received regarding the proposed subdivision and details of these submissions as well as Council's consideration of the submissions have been included in the report to the August 2016 Council Meeting.

The main issues raised in the submissions relate to: Fencing; sewer; development of a walking/cycling trail; increased traffic on Boundary Road; dust; number and shape of lots; loss of rural views; stormwater and flooding issues; sewer.

Public Interest:

There are no known issues that will impact on the interests of the public as a result of the proposed development.

FINANCIAL IMPACTS:

No financial impacts envisaged, the developer will be required to provide and construct and all necessary infrastructure.

POLICY IMPACTS:

No policy impacts envisaged.

ORGANISATIONAL IMPACT:

The subdivision will have an impact on Council's delivery of services to this land, such as infrastructure maintenance, garbage, street sweeping and other residential services.

RISK MANAGEMENT IMPACTS:

No risk management impacts envisaged.

LEGAL ISSUES:

No legal issues envisaged.

CONCLUSION:

The proposed subdivision is permissible with Council's consent in the R1 General Residential zone and satisfies the requirements of the Cootamundra LEP 2013.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



RECOMMENDATION:

Proposed subdivision be approved, subject to conditions.

Determination and Conditions:

Include conditions regarding the following matters:

- Standard residential services to all residential lots e.g. water, sewer, electricity, gas, telecommunications at full cost of developer;
- Construction of roads and footpaths to Council's standard, including kerb and gutter at full cost of developer;
- Provision of sewer details, including pump station at full cost of developer;
- Provision of stormwater details;
- Inclusion of a Section 88B Restriction as to Use on the Plan of Subdivision regarding no vehicular access being permitted from rear of each lot to reserves;
- Inclusion of a Section 88B Restriction as to Use on the Plan of Subdivision regarding fencing adjacent to reserves;
- Applicant to submit details of Section 88B requirements regarding building and construction matters for separate approval by Council;
- Construction Certificate Application required;
- Certified Surveyors Plan of Subdivision required;
- Water headworks contribution charges;
- Sewer headworks contribution charges.

DEVELOPMENT ASSESSMENT SIGNING OFFICER:

J. Godman

JAN GODMAN
Planning Officer

10-8-2016

Date

ORIGINAL COPY

Kooramundra Shire Council
Received

File No:

Ref. To:

448979

04 JUL 2016

Copy:

To File:

Action ☐9 Dillon Avenue
Kooramundra
4th July 2016

Gundagai Council Kooramundra Office

Attention Jan Godman Planning Officer

Thank you for copy of the proposed subdivision Ref. SA2016/60

Would you please consider the following points discussed with your residents of Dillon Avenue

- ① The back fences of all lots 10 to 27 have to build the same back fence to Dillon Avenue.
1st Refer to Green Colourbond same height, say 1.8m.
- ② Tiles be used for roofing.
- ② Serious planning of Sewerage Service as existing pipes etc are overloaded right down to Northcott Avenue
- ③ The continuation of Dillon Ave from lot 29 to Temora St. (road) be opened for walkers and cyclists (no other vehicles). This would provide an interesting walking route etc

4. We trust this subdivision will provide affordable
dwelling blocks for Kooramundra people etc and
visitors wishing to make Kooramundra home

Yours faithfully
WB Curich David

4 July 2016

Jan Godman
PO Box 420
Cootamundra NSW 2590

Cootamundra Shire Council
Received
File No:
Ref. To:

07 JUL 2016

Copy:
To File:
Action ☐

Cootamundra Shire Council
Received
File No:
Ref. To:

07 JUL 2016

Copy:
To File:
Action ☐

Dear Jan

RE: Proposed Residential Subdivision – Development Reference: DA 2016/60

We would like to voice our concerns regarding the proposed 29 lot subdivision with access from Boundary Road.

Our main concerns are that this will create a greater amount of traffic along Boundary Road which is already a speedway for some motorists as they are entering or leaving the town.

We feel there should be a roundabout constructed at the entry of the proposed new subdivision to slow down traffic. There are some children who catch the school bus in the vicinity of Warralong and Boundary Roads and this may make it safer for them.

29 blocks appears to be too many as blocks 9, 10, 19 and 29 are ridiculous shapes. When all are sold and the houses are built, there will be at least another 30 or more vehicles trying to access Boundary Road from the subdivision which is why the need for a roundabout.

Perspectives buyers of these blocks should also be advised that in dry weather their homes will be smothered in dust from the disgusting state of Warralong Road, as our home is. Warralong Road is also a racetrack for some motorists and evidence can be seen in the corrugations in the surface of the road. Dillon Avenue residents are also affected by the dust.

For fire safety reasons a second entry/exit should be constructed especially if subdivision is extended in the future.

We trust that you will at least consider these concerns as road safety should be a priority for council.

Yours faithfully

Robert Cram



D. Cram

Diane Cram

Cootamundra Shire Council
Received

File No:
Ref. To:

13 JUL 2016

43 Harold Conkey Avenue
Cootamundra
NSW 2590

Copy:

File:

13 July 2016

on ☐

Interim General Manager
Gundagai Council

Dear Sirs

Development Reference: DA2016/16
Proposed Residential Subdivision

We would formally like to object to the new development. Foremost we designed our home at 43 Harold Conkey Avenue so we could enjoy the view of the countryside opposite, this development completely blocks our outlook. It was assumed when we bought our block in 2009 that the adjoining land was for rural use only and don't recall being notified of anything different. Had we known we may have not built here or moved to this town,

We are also interested in knowing what the new developers propose to do about storm water. What happens to the existing dam, As you can see from the enclosed photos taken in the recent rain, the lower part is prone to flooding. With such a large parcel of land available why is it necessary to build at the lower end. Surely a development this size should have some open space. We assume the planners can inform us ratepayers how much more water will be added to an already overloaded drainage system.

In addition to that we would like to know what effect, if any, the development will have on the crown land on Dillon Avenue. Will any excavation work be required, for example. Many of the street residents work hard to maintain the area and cherish it has their own

Finally what sort of sewerage system will be used, particularly on the lower blocks

Yours faithfully



Graham Brabiner and Susan Richardson



Dear Jan,

Further to my telephone discussion of last week, Brian and I would like to raise a few issues in writing regarding the proposed Residential Subdivision Reference DA 2016/60.

The main point we would like considered is the loss of rural outlook which would affect many residents of Dillon Avenue. The possibility of an ugly colorbond or other type of fencing staring us in the face every time we look outside is hard to contemplate. Could the Council perhaps consider some alternative to this - e.g. a greener solution?

Another matter is the marked "Dillon Avenue" extension through to Temora Street on the plan. As you explained to me, this is Crown Land and it is not proposed that this road be constructed at this stage. Could this please be confirmed in writing?

Drainage from this area currently flows on to farm land at the rear of Lot 45 Harold Conkey Avenue and connects through to Muttama Creek. With stormwater from an extra 29 homes in this proposed subdivision, with probable additions in the future, would this pose an extra burden of run off water and excess rainwater flowing into the Creek, contributing to additional flooding further downstream? Will the sewerage and water consumption for these properties post more strain on the existing services?

Will there be a control kept on the existing trees on the reserve in Dillon Avenue? Some trees have been removed by residents in the past and we would not like to see that happen any more.

Is this estate likely to be extended in years to come? Unfortunately we received no advice when purchasing our block that there was proposed future development in this vicinity.

We look forward to your reply in due course,

With regards,

Brian and Helen Morgan
19 Dillon Avenue
COOTAMUNDRA NSW 2590

Phone: 6942 6830

Lesley and Brian Manwaring,
P.O. Box 405,
COOTAMUNDRA. N.S.W 2590.

The Interim General Manager,
Gundagai Council
Jan Godman,
Planning Officer,
P.O. Box 420,
COOTAMUNDRA. N.S.W. 2590.

14th July, 2016

Dear Jan,

We are writing to you regarding The Proposed Residential Subdivision-Development Reference:
DA 2016/60.

While we are not in disagreement of the development we would like to know what the Council are planning to do about the drainage and run-off of water from the proposed development. We don't want water running across our property causing flooding, pollution and wash-a-ways.

As the ground slopes towards our property there would have to be proper drainage established to direct the water towards the creek.

Yours faithfully,

L.P. Manwaring *Brian Manwaring*

Lesley and Brian Manwaring.

INVESTMENT REPORT 31 JULY, 2016

The Responsible Accounting Officer, Kate Monaghan reports :-
Details of Investments held by Council as at

31-Jul-16

are set out below

Date Invested	Interest Rate	Term Days	Investment Amount	Anticipated Interest	Date Matures	Held With	Investment Number
2 Dec 2015	3.05	244	\$500,000.00	\$10,194.52	2 Aug 2016	ME Bank	25
9 Feb 2016	3.07	182	\$1,500,000.00	\$22,961.92	9 Aug 2016	NAB	9
17 Feb 2016	3.00	181	\$1,014,301.37	\$15,089.47	16 Aug 2016	AMP	8
5 Jul 2016	2.80	63	\$3,028,536.99	\$14,636.55	6 Sep 2016	Bankwest	15
29 Mar 2016	3.14	182	\$1,043,568.94	\$16,339.15	27 Sep 2016	NAB	11
17 May 2016	3.00	154	\$528,884.07	\$6,694.37	18 Oct 2016	NAB	14
19 Apr 2016	3.15	182	\$1,014,480.00	\$15,934.28	18 Oct 2016	BQL	18
27 Apr 2016	3.14	181	\$1,000,000.00	\$15,570.96	25 Oct 2016	BQL	3
17 May 2016	2.90	182	\$507,363.97	\$7,336.62	15 Nov 2016	BQL	2
18 Feb 2016	3.00	271	\$1,000,000.00	\$22,273.97	15 Nov 2016	ING	4
24 May 2016	3.00	182	\$898,521.24	\$13,440.90	22 Nov 2016	NAB	7
7 Jun 2016	3.00	182	\$523,199.27	\$7,826.49	6 Dec 2016	NAB	6
21 Jun 2016	3.01	182	\$530,515.54	\$7,962.39	20 Dec 2016	NAB	13
5 Jul 2016	2.98	182	\$1,030,478.07	\$15,312.06	3 Jan 2017	NAB	22
12 Jul 2016	2.96	182	\$1,519,052.06	\$22,420.38	10 Jan 2017	NAB	17
14 Jul 2016	2.95	182	\$5,000,000.00	\$73,547.95	12 Jan 2017	NAB	16
14 Jul 2016	2.95	182	\$1,000,000.00	\$14,709.59	12 Jan 2017	NAB	21
14 Jul 2016	2.95	182	\$9,000,000.00	\$132,386.31	12 Jan 2017	NAB	23
18 Feb 2016	3.08	369	\$500,000.00	\$15,568.77	21 Feb 2017	ME Bank	5
31 May 2016	3.00	364	\$800,000.00	\$23,934.25	30 May 2017	AMP	10
2 Jun 2009	0.95	BOS	\$139,203.30		At Call	CBA	1
25 Nov 2010	0.95	BOS	\$24,578.75		At Call	CBA	19 - Stock School
7 Mar 2011	0.95	BOS	\$24,532.07		At Call	CBA	20 - HCMS
			\$32,127,215.64	\$474,140.89			
Internal Loans				Annual Interest			
31 Dec 2009	3.69	365	\$73,752.04	\$1,360.73	30 Jun 2024	C.S.C	Aerodrome Refueller
1 Jul 2010	5.64	365	\$54,385.07	\$3,067.32	29 Jun 2022	C.S.C	Swimming Pool Design
			\$128,137.11	\$4,428.05			
Deferred debtors							
1 Sep 2011	Average Int	10 yrs	\$8,194.52		31 Aug 2021	C.S.C	Loan to C.C.A.C.C.
			\$32,263,547.27	\$478,568.94			

Interest on Investments YTD (from 13-5-16)

\$119,221.31

Interest on above investments to be
received at maturity

\$474,140.89

Financial Institution Summary

	Amount Held	of Total
CBA	\$188,314.12	0.58%
Bankwest	\$3,028,536.99	9.39%
NAB	\$22,574,219.19	69.97%
ING	\$1,000,000.00	3.10%
AMP Bank	\$1,814,301.37	5.62%
Bank of Qld	\$2,521,843.97	7.82%
ME Bank	\$1,000,000.00	3.10%
Cootamundra Shire Council	\$128,137.11	0.40%
Deferred Debtors	\$8,194.52	0.03%

\$32,263,547.27 100%

This report is produced in accordance with
section 625 of the local Government Act 1993
and all Investments have been made in accordance
with the Act & the Regulations.

Signed

Responsible Accounting Officer

Kate Monaghan

BENCHMARK
(for term investments)

BBSW ave. 90-day
rate for may + 1% :
2.93%

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OK Cancel Cut Copy Paste Find Excel Help Memo Attachments

1 of 1

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Account: Fund Master Sub Account Resource Alias

Node Number 163

Node Desc. Current Assets/Assets/Balance Sheet

Master Desc. Bank Investments

Sub/Resource Other ST Investments - At Call / Investments

Posting Resource Estimate Resource

Officer

Year 2017 Period 0

Financials	Committed	Actual	Committed	Purchases	Payroll	Plant	Total	% Used
YTD				0.00	0.00	0.00	0.00	0.00%
PTD		0.00						
YTD		-15325746.12	0.00	-15325746.12	0.00	0.00	-15325746.12	0.00%
OnCost		0.00						
Total		-15325746.12	0.00	-15325746.12	0.00	0.00	-15325746.12	0.00%

210 of 213

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Account: Fund Master Sub Account Resource Alias

Node Number 163

Node Desc. Current Assets/Assets/Balance Sheet

Master Desc. Bank Investments

Sub/Resource ST Invested Funds - Term Deposits / Investments

Posting Resource Estimate Resource

Officer

Year 2017 Period 0

Financials	Committed	Actual	Committed	Purchases	Payroll	Plant	Total	% Used
YTD				0.00	0.00	0.00	0.00	0.00%
PTD		0.00						
YTD		14563026.02	0.00	14563026.02	0.00	0.00	14563026.02	0.00%
OnCost		0.00						
Total		14563026.02	0.00	14563026.02	0.00	0.00	14563026.02	0.00%

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1 of 1

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Account: Fund Master Sub Account Resource Alias

Node Number 163

Node Desc. Current Assets/Assets/Balance Sheet

Master Desc. Bank Investments

Sub/Resource Other ST Investments - At Call / Investments

Posting Resource Estimate Resource

Officer

Year 2016 Period 0

Financials	Committed	Actual	Committed	Purchases	Payroll	Plant	Total	% Used
YTD				0.00	0.00	0.00	0.00	0.00%
PTD		-469932.61						
YTD		15514141.24	0.00	15514141.24	0.00	0.00	-15514141.24	0.00%
OnCost		0.00						
Total		15514141.24	0.00	15514141.24	0.00	0.00	-15514141.24	0.00%

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Account: Fund Master Sub Account Resource Alias

Node Number 163

Node Desc. Current Assets/Assets/Balance Sheet

Master Desc. Bank Investments

Sub/Resource ST Invested Funds - Term Deposits / Investments

Posting Resource Estimate Resource

Officer

Year 2016 Period 0

Financials	Committed	Actual	Committed	Purchases	Payroll	Plant	Total	% Used
YTD				0.00	0.00	0.00	0.00	0.00%
PTD		509068.32						
YTD		17375794.50	0.00	17375794.50	0.00	0.00	-17375794.50	0.00%
OnCost		0.00						
Total		17375794.50	0.00	17375794.50	0.00	0.00	-17375794.50	0.00%

Int YTD

lgr_acc Ledger Account	trn_dte Date	pst_yer Posting Yr	pst_per Posting Pd	trn_cde Type	trn_ref Reference	tot_val Total Value	acc_nme Account Name	trn_des Transaction Description
C/fwrD PD 12 2016 (ie received in period from 13/5/16 to 30/6/16)						39876.2		
03234.0120.0190	01/07/2016	2017	1	9920	1137/2017	9197.43	Investments	Bos Account Interest
03234.0120.0190	01/07/2016	2017	1	9907	123283	708.5	CBA Interest	Interest
03234.0120.0190	05/07/2016	2017	1	9901	1134/2017	28536.99	Investments	Bankwest Investment #15 Interest Re-invested
03234.0120.0190	05/07/2016	2017	1	9901	1133/2017	15436.97	Investments	Investment #22 Interest Re-invested
03234.0120.0190	12/07/2016	2017	1	9901	1141/2017	19052.06	Investments	Investment # 17 Interest Reinvested
03234.0120.0190	26/07/2016	2017	1	9907	125334	6413.16	NAB Investment # 12	Invest #12
						119221.31		

FINANCE GROUP

INVESTMENTS – GUNDAGAI AREA

Introduction

The purpose of this report is to provide Council with a list of Council funds (Gundagai Funds) invested as at 31 July 2016

<u>Investee</u>	<u>Date Invested</u>	<u>Type</u>	<u>Yield \$</u>	<u>Yield %</u>	<u>Benchmark BBSW %</u>	<u>Term days</u>	<u>Due date</u>	<u>Amount \$</u>
NAB	Var	Cash Max.		Variable		At Call Daily		\$ 746,246.76
NAB	08.06.16	Term	\$ 4,472.71	2.99	2.15	182	07.12.16	\$ 300,000.00
NAB	11.07.16	Term	\$ 8,712.60	2.95	2.06	154	12.12.16	\$ 700,000.00
NAB	07.06.16	Term	\$ 6,745.93	2.99	2.13	183	07.12.16	\$ 450,000.00
NAB	11.03.16	Term	\$ 15,557.26	3.12	2.45	182	09.09.16	\$ 1,000,000.00
NAB	15.06.16	Term	\$ 8,515.07	2.96	2.15	210	11.01.17	\$ 500,000.00
NAB	12.06.16	Term	\$ 4,832.88	2.94	2.06	120	10.10.16	\$ 500,000.00
NAB	01.06.16	Term	\$ 5,963.62	2.99	2.14	182	30.11.16	\$ 400,000.00
NAB	22.06.16	Term	\$ 7,479.45	3.00	2.15	182	21.12.16	\$ 500,000.00
NAB	08.04.16	Term	\$ 3,821.92	3.10	2.43	180	05.10.16	\$ 250,000.00
NAB	21.06.16	Term	\$ 9,900.68	2.95	2.14	245	21.02.17	\$ 500,000.00
NAB	10.06.16	Term	\$ 29,490.41	2.99	2.16	180	07.12.16	\$ 2,000,000.00
Bananacoast CU	18.05.16	Term	\$ 1,847.26	2.90	1.99	93	18.08.16	\$ 250,000.00
Bank of Sydney	14.10.15	Term	\$ 6,875.00	2.75	2.23	365	18.10.16	\$ 250,000.00
Bendigo Bank G'gai	22.07.16	Term	\$ 6,500.00	2.60	2.06	365	22.07.17	\$ 250,000.00
Bank of QLD	14.07.16	Term	\$ 3,677.40	2.95	2.11	182	12.01.17	\$ 250,000.00
ECU	23.06.16	Term	\$ 7,230.14	2.90	2.16	364	22.06.17	\$ 250,000.00
ME Bank	18.05.16	Term	\$ 1,827.40	2.90	1.99	92	18.08.16	\$ 250,000.00
Railways CU	27.07.16	Term	\$ 7,050.00	2.82	2.06	365	27.07.17	\$ 250,000.00
MyState Bank Ltd	12.07.16	Term	\$ 5,348.63	2.85	2.11	274	12.04.17	\$ 250,000.00
								\$ 9,846,246.76

Summary of Investments

	<u>31.07.15</u>	<u>31.07.16</u>
Term Deposits	8,400,000	9,100,000
Call/CRI/Other	1,973,830	746,247
	10,373,830	9,846,247
Cash Manag.(NAB)	621,135	89,956
	10,994,965	9,936,202

CERTIFICATE OF INVESTMENTS:

In accordance with Regulation 212 of Local Government (General) Regulation 2005, I hereby certify the abovementioned investments have been made in accordance with the Local Government Act 1993, the Regulations and Council's Investment Policy.

RECOMMENDATION

That the report be received and noted.





GUNDAGAI LIONS CLUB INCORPORATED

Tabled Document 26

August 2016

Page 213

GU
File R.2/1
R.O.
C.W. 15.06.16

P.O. BOX 41
GUNDAGAI NSW 2722

The General Manager
Gundagai Shire Council
PO Box 34
GUNDAGAI NSW 2722

Dear MR MCMURRAY.

*Re: General Water and Sewerage Rates for the Gundagai Lions Club Block
held at 11 Bourke Street, Gundagai.*

On behalf of Gundagai Lion's Club, I wish to request if it would be possible for the Gundagai Shire Council to make a contribution / donation to our club to enable payment of water and sewerage rates to be made on our block situated at 11 Bourke Street, Gundagai.

Details of Block; Lot no. 183 DP. 1078686

Kind Regards

P. A. McDonnell

PAT McDONNELL

Secretary

Contribution = \$136