



ATTACHMENTS TO REPORTS

ORDINARY COUNCIL MEETING

Wednesday 9 September 2020

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Attachments to Reports

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ATTACHMENTS TO REPORT

Item 11.2

Request to Name Cricket Grounds at Centennial Park

Attachment 1

Letter from the Bowral Blues Cricket Club re Naming of Centennial Park

Attachment 2

GNB Place Naming Policy

11.2 Request to Name Cricket Grounds at Centennial Park
ATTACHMENT 1 Letter from the Bowral Blues Cricket Club re Naming of
Centennial Park



Rachel Forte
Assets Coordinator, Parks and Buildings
Wingecarribee Shire Council
PO Box 141
Moss Vale NSW 2577

AND

Clr Duncan Gair
Wingecarribee Shire Council Mayor

AND

Anne Prendergast
Wingecarribee Shire Council General Manager

Thursday 17 October, 2019

RE: Naming of Centennial Oval / Park, West Bowral

It has been brought to our attention that a proposal has been made to name Bowral Blues Cricket Club home ground, Centennial Oval, in the Centennial Park precinct, after former Mayor and local cricketer Gordon Lewis who played primarily for Robertson/Burrawang, and who is a life member of the Robertson club.

Discussions have occurred within our club for some time with a view to this Oval being named in honour of someone aligned with Bowral Blues Cricket Club, given that this facility was transformed by our members and is our home ground. While a few Bowral Blues Cricket Club figures over the past 60 years can be suggested, we believe the facility should be named in honour of Blues and Highlands District Cricket Club stalwart Brian Martin.

Please note that Brian is not privy to this communication. He has not been consulted about what is being forwarded here. We have come forward as Board members and backers of Bowral Blues Cricket Club, of our own volition, with unanimous conviction that Brian's achievements with local cricket and his affinity with Centennial Park be recognised.

11.2 Request to Name Cricket Grounds at Centennial Park
ATTACHMENT 1 Letter from the Bowral Blues Cricket Club re Naming of Centennial Park



BACKGROUND

Brian is often referred to “Mr Cricket” across the Southern Highlands and is arguably without peer when it comes to local junior and senior cricket development over the past 25 years. A constant force and advocate for the game, Brian is well known for volunteering his time from a club and association perspective. He has put extraordinary time into coaching and development, teaching the game to seniors and juniors. Brian uses his own equipment and does not charge for his services. He does what he does for the love of helping others - including those of limited financial means - and making a meaningful community contribution.

DEVELOPMENT AND MAINTENANCE OF CENTENNIAL PARK

Brian’s signature achievement is the 2011 re-development of the cricket oval at Centennial Park, which includes the playing pitch, field, fencing and training nets. This included arranging physical and financial support from Blues members and backers and overcoming numerous engineering obstacles. The precinct was developed as a home ground for Bowral Blues Cricket Club, and of course for enjoyment and use by the broader cricketing fraternity. For many years up until the transformation the oval was derelict and not useable for cricket. These days it is valued as a premier local playing and training facility. Brian also devotes enormous time to maintaining the pitch, field and nets and surrounding areas. People generally do not see Brian watering and weeding and repairing the ground and maintaining the nets. His year-round dedication is tireless and unsung.

OTHER CONTRIBUTIONS TO LOCAL CRICKET

Brian has been at the helm of local cricket as an administrator, facilities developer, coach and mentor. Some of Brian’s key positions over the past 25 years include

- President, Highlands District Cricket Association
- Chairman, Bowral United Cricket Club
- President + Secretary, Bowral Blues Cricket Club
- Head of Facilities + Junior Representative Cricket, Highlands District Cricket Association
- Delegate for Southern NSW / ACT Zone Cricket Association
- Bowral Blues Cricket Club Captain / Player

As a statesman of local cricket, Brian is the ‘go-to’ person for direction and advice. His phone is always on and his door is always open for direction and advice.

On weekends and weekday afternoons (especially over winter when most have forgotten about cricket), Brian is often at Centennial Park, giving up his time and using his own personal equipment to coach junior and senior cricketers.

11.2 Request to Name Cricket Grounds at Centennial Park**ATTACHMENT 1 Letter from the Bowral Blues Cricket Club re Naming of Centennial Park**

Well before the recent expansion in girl/female cricket popularity, Brian was an advocate for the advancement of women's cricket in the Southern Highlands, encouraging local girls to become involved in the game.

Brian's coaching successes are remarkable, with many he has guided from a young age moving onto bigger things. Some examples are Dominic O'Shannessy, who in recent seasons has been awarded a 'baggy green' cap, having broken through as one of Australia's most promising junior fast bowlers. Some seasons ago Brian identified and nurtured a very young Lauren Cheatle, and, recognising her early abilities, appointed her as Captain of the local representative side he was coaching. Many other promising female cricketers are making marks as state representative players under Brian's tutelage, including Charlotte Menzies, Eliza Heinecke, Hilary Swan and Annalee Watson. Brian's coaching has seen Charlie Dummer and Ravi Wikramanayake through to national representative honours and Sydney grade cricket.

Brian is also widely known for recruiting juniors and seniors to the game of cricket. For many years he has designed and handed out registration flyers at schools and public locations, 'talked up' the game and generally injected a level of enthusiasm that has attracted many to play.

CHARITABLE ACTIVITIES

For a long time, Brian has overseen raffle activity at Bowral's Scottish Arms Hotel to raise funds for his beloved Bowral Blues Cricket Club. The club and its growing membership would not exist without this effort. Over the past six years Brian has overseen cricket equipment drives and fund raising for impoverished junior cricketers in Sri Lanka. As part of this Brian has arranged annual cricketing tours to Sri Lanka, taking local families and juniors to the country so the equipment can be presented to Sri Lankan families. Hundreds of bats, pads, bags and helmets and other pieces of equipment have been freighted and donated. The trips double as wonderful opportunities for Southern Highlands families to embrace Sri Lankan culture and bond with locals through cricket.

CONCLUSION

As the home ground of Bowral Blues Cricket Club, and noting the work put in by Brian to transform and maintain the ground and everything else Brian has done for local cricket, it is appropriate that the Centennial Park oval be named in honour of Mr Martin.

We seek an opportunity to brief you and councillors in more detail. In the interim please consider the articles below. Letters of support and/or a petition can be arranged. We are also open minded to a public campaign to highlight Brian's contributions.

For arranging a meeting or follow up correspondence, please communicate via Matthew Watson on 0417 691 884 or email mwatson@reputecomunications.com.au, or Michael Heinecke on 0409 719 086 or email Michael.Heinecke@norskeskog.com.

On the valid matter of recognising Gordon Lewis, it may be appropriate to name a facility in the Robertson/Burrawang area in honour of Mr Lewis.

11.2 Request to Name Cricket Grounds at Centennial Park
ATTACHMENT 1 Letter from the Bowral Blues Cricket Club re Naming of
Centennial Park



Yours sincerely,

Ian Pope
Bowral Blues Cricket Club President

Barry Knight
Leading international cricket coach; Former England international player; Bowral Blues Cricket Club coaching advisor

Michael Heinecke, B Com (Economics), MBT (Business and Technology), APICS, CPIM
Bowral Blues Cricket Club Director

Brett McAulay, B Eng (Mech); B Math; Dip Languages (Mandarin)
Senior Captain / Bowral Blues Cricket Club Director

Dr Priyan Wikramanayake, MBBS; FRACS
Bowral Blues Cricket Club Director

Matthew Watson, BA (Comm); MPRIA; Level 2 Cricket NSW Coach
Former Senior Captain / Bowral Blues Cricket Club Director / HDCA/GIZ representative coach

Darren James, B Eng (Civil)
Senior Captain / Bowral Blues Cricket Club Director

Hamilton Becher, BBM
Bowral Blues Cricket Club Director

Craig Rheyndolds
Former Senior Captain / Bowral Blues Cricket Club Director

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BRIAN MARTIN BACKGROUND INFORMATION

<https://www.southernhighlandnews.com.au/story/5541906/cricket-in-sri-lanka-becomes-easier-thanks-to-highlands-cricket-clubs-photos-video/>

https://www.southernhighlandnews.com.au/story/5444879/bowral-blues-rally-to-help-sri-lankan-cricketers/?cs=264&fbclid=IwAR2aq_O4fW4Ml4FB4N_OxmGQ_37aFIEBzhrvGS6bqlwZ6ksN9bbVGSyaL8

<https://www.southernhighlandnews.com.au/story/5585249/families-interest-in-cricket-on-the-rise/>

<https://www.southernhighlandnews.com.au/story/5793482/highlands-juniors-dominate-selection-for-nsw-country-cricket-colts-carnival/?cs=264&fbclid=IwAR0LOTesFxyVflJRNdu3Likqe805ttZyeSYrG1358HGBfZrHw9B42NHtxZQ>

<https://www.southernhighlandnews.com.au/story/5585249/families-interest-in-cricket-on-the-rise/?cs=264&fbclid=IwAR0JkZkR-huIvsG0C6d5JTxl9mkuoF4bSVFwm8mKd3H9uDad0GQA7LedUc>

https://www.southernhighlandnews.com.au/story/5462543/highlands-talent-shines/?cs=264&fbclid=IwAR2WyeTc2_GMci_6LzLlvMTcmJZPRpK0iccBi-oETohKHNXKuWQvuP59I8

October <http://www.southernhighlandnews.com.au/story/4876114/wikramanayakes-national-break/?cs=264>



Geographical
Names Board

Geographical Names Board of NSW Policy

Place Naming

July 2019

ISSN: 2206-6373 (Online)





Title: Geographic Names Board of NSW Policy
ISSN: 2206-6373 (Online)
Subjects: Place names, naming, geographical, policies

Other Authors/Contributors: Geographical Names Board (NSW)

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DCS P18/10/077



Document Control

Version and amendment table

Date	Version	Amendments	Authorised
23 April 15	1.0	First draft	B Hirst / B Goodchild
12 Nov 15	2.0	First circulation to members	B Hirst / B Goodchild
20 Dec 15	3.0	Amended based on GNB feedback	B Hirst / B Goodchild
8 March 16	3.1	Aboriginal policy updated based on feedback received.	B Hirst / B Goodchild
10 March 16	4.0	Formatted for document consistency	B Hirst / B Goodchild
18 March 16	5.0	Amended based on March GNB meeting	B Hirst / B Goodchild
19 April 16	5.1	Minor amendments and changes accepted	B Hirst / B Goodchild
2 May 16	6.0	Amendments based on Secretariat input	B Hirst / B Goodchild
6 May 16	6.1	New section on changing names	B Hirst / B Goodchild
May 17	6.2	Update to section 6.1 and 11.1	N Underwood
Sep 18	6.3	Update branding	N Underwood
4 Jul 19	6.4	Update to section 10.2	N Underwood

Repeals and Review

The policies identified in this document are consistent with national and international best practice. They repeal all existing Geographical Names Board of NSW (GNB) policies and guidelines in respect to geographical naming in NSW, apart from those included in the NSW Addressing User Manual, which are complementary to these policies. They do not apply retrospectively, and any arrangements that predate these rules are not necessarily subject to its terms.

Recognition of any existing NSW geographical name that does not conform to these policies does not establish a precedent for any future naming proposal.

This document is to be revised annually or as required. Where minor changes are required, the GNB must ensure the version number is updated. However, where changes in legislation or operating environment result in substantive rewriting of the document, the sponsor must create a new document and ensure it is entered into TRIM (electronic file management system). This will ensure the integrity of the original document.



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1 Scope

This policy applies to the operations of the GNB and its Secretariat.

2 Responsibilities

Geographical Names Board

The GNB is responsible for the governance of this policy.

Department of Customer Service (DCS)

DCS is responsible for the administrative management, technical support and promotion of the policy under the auspices of the GNB.

3 Glossary

Act	<i>Geographical Names Act 1966 No 13</i>
CGNA / PCPN	Committee of Geographic Names of Australasia - now renamed the Permanent Committee on Place Names. Part of ICSM
GNB / Board	Geographical Names Board of NSW as constituted under the Act
DCS	Department of Customer Service
Gazetteer	List of geographical names. In NSW the Geographical names gazetteer is stored in the Geographical Names Register database.
Geographical name	The name of a place as determined by the provisions of the Act and been notified in the Gazette as a geographical name, but does not include a name which has ceased to be a geographical name under the Act.
GNB (the GNB)	Geographical Names Board as constituted under the Act
ICSM	Intergovernmental Committee on Surveying and Mapping
Place	Defined by the Act as <i>'any geographical or topographical feature or any area, district, division, locality, region, city, town, village, settlement or railway station or any other place within the territories and waters of the State of New South Wales but does not include any road, any area (within the meaning of the Local Government Act 1993) or area of operations of a county council (within the meaning of that Act), any electoral district under the Parliamentary Electorates and Elections Act 1912, any school or any place or place within a class of places to which the provisions of this Act do not apply by virtue of the regulations.'</i>
Recorded name	Defined by the Act as <i>'the name of a place as it appears on a Lands Department map or, where the name of a place appears differently on two or more such maps, the name of that place as it appears on whichever of those maps was published later than the other or others.'</i>
Road / Road Naming Authority	Road and Road Naming Authority are defined under the <i>Roads Act 1993</i> and summarised in section 5.3 of the <i>NSW Address policy</i>
Secretariat	GNB secretariat appointed in accordance with section 4 of the Act
Spatial Services	A division of the Department of Customer Service (DCS). Spatial Services is the government body responsible for the implementation of the Geographical Names Act.



4 Introduction

Consistent use of accurate place names is an essential element of effective communication worldwide, and supports socio-economic development, conservation and national infrastructure. (Permanent Committee on Place Names)

Department of Customer Service, Spatial Services and the GNB have statutory responsibility to establish, update, preserve and publicise place naming in New South Wales.

The *Geographical Names Act 1966* recognises the importance of unambiguous and official place names. Place names reflect the relationship between people and place and create a link that forms the basis for communication, location and addressing. Clear and unambiguous place names are essential for emergency services, postal and service delivery as well as professional and personal navigation.

The GNB is committed to recognising our Aboriginal cultural heritage by registering place names given by Aboriginal people so that they can be assigned as geographical names alone or used alongside existing non-Aboriginal names.

The GNB is committed to open and transparent practices and procedures in the selection of place names. This document brings together the policies adopted by the GNB and enables all interested parties to understand why specific names are selected.

The policies detailed in this document are consistent with national and international policies, guidelines and practices.

5 Legislation and Authority

As set out in the *Geographical Names Act 1966* (Section 5), the GNB has the following powers and functions:

- assign names to places
- approve that a recorded name of a place shall be its geographical name
- alter a recorded name or a geographical name
- determine whether the use of a recorded name or a geographical name shall be discontinued
- adopt rules of orthography, nomenclature and pronunciation with respect to geographical names
- investigate and determine the form, spelling, meaning, pronunciation, origin and history of any geographical name
- the application of any geographical name with regard to position, extent or otherwise
- compile and maintain a vocabulary of Aboriginal words used or suitable for use in geographical names and to record their meaning and origin
- compile and maintain a dictionary of geographical names with a record of their form, spelling, meaning, pronunciation, origin and history
- publish a gazetteer of geographical names
- inquire into and make recommendations on any matters relating to the names of places referred to it by the Minister

The GNB may compile, maintain and publish a list of road names.



6 Policy – Universal Naming Principles

The following principles shall apply for all new geographical names in New South Wales.

6.1 Language

- 1 Geographical names shall be written in standard Australian English or a recognised format of an Australian Aboriginal language local to the area of the geographical name.
- 2 Diacritical marks (symbols such as ´ in é, ¸ in ç or : in ö) are not used in Australian English names, and shall be omitted from names drawn from languages that use such marks.
- 3 Geographical names shall be easy to pronounce, spell and write, and preferably not exceed three words (including any designated term) or 25 characters. An exception to this is in the use of Aboriginal names when it is accepted that a traditional name may at first appear to be complex but will, over time, become more familiar and accepted by the community.
- 4 The following types of punctuation as used in Australian English shall not be included as part of a geographical name: period (.), comma (,), colon (:), semi-colon (;), quotation marks (""), exclamation mark (!), question mark (?), ellipsis (...), hyphen (-), solidus (/) and parenthesis (()). For surnames or other names that include a hyphen, the hyphen shall be omitted when used for a geographical name.
- 5 An apostrophe mark shall not be included in geographical names written with a final 's', and the possessive 's shall not be included e.g. Georges River not George's River. Apostrophes forming part of an eponymous name shall be included (e.g. O'Connell Plains).
- 6 A geographical name shall not include a preposition e.g. Avenue of the Allies.
- 7 Geographical names shall not include the definite article (the) as the sole name element of a place name e.g. The Reserve is not acceptable.
- 8 A geographical name shall not be abbreviated or contain an abbreviation, initial or acronym e.g. Point, not Pt except that St shall be used for Saint. An exception may be where an abbreviation may have become widely accepted by the community. Eg CWA for Country Women's Association.
- 9 For the purposes of consistency, names starting with Mc or Mac shall not have a space included between the Mc or Mac and the rest of the name.
- 10 A geographical name shall not include Arabic numerals e.g. 3 or 4th or Roman numerals e.g. IV or X. Where numbers are included in a geographical name they shall be written in full e.g. Fourth Top Ridge, Eleven Mile Creek.
- 11 A geographical name shall not include initials e.g. A F Wyatt Reserve.
- 12 The spelling of geographical names derived from the same source shall be uniform in spelling. e.g. Mount Kosciuszko is now spelt with z to be consistent with original spelling.
- 13 Postnominals and titles shall not be included in geographical names eg John Smith not John Smith AO. An exception is the use of 'VC'.

Justification

The principles identified above ensure consistency thereby reducing the potential for confusion. These principles are consistently applied throughout Australia and commonly adopted internationally. They also facilitate reliable electronic searching essential for navigation systems, service delivery and public safety.



6.2 Form and Character of Names

Place names shall be recognisable words or acceptable combinations of words and shall be appropriate to community sensitivities.

Discriminatory or derogatory names are not acceptable. Such names are those perceived, at a given point in time, to be offensive, demeaning, or harmful to the reputation of individuals, or to social, ethnic, religious or other groups. It is recognised that the perception of 'discriminatory' or 'derogatory' may vary through time and from place to place. In response to requests from the public, the GNB will investigate the appropriate status of any names deemed to be discriminatory or derogatory.

Commercial and business names shall not be used for geographical names, particularly where the name can be construed to be promoting a business. However, business names no longer in use which promote the heritage of an area are acceptable.

Use of club, society, association or special interest group names is discouraged. Such association may change their focus or for some reason lose community support. Community based associations, particularly those philanthropic associations, may be acceptable (eg Rotary, Lions, Apex).

7 Policy - Commemorative Names

Commemorative names are those that commemorate a person, event or place. Acts of bravery, community service and exceptional accomplishments are typical grounds for this recognition. The name of persons who gave their lives in service for their country are often used as commemorative names.

The person commemorated should have contributed significantly to the area around the geographic feature or locality.

When such a name is applied, it shall be given posthumously, at least one year after the decease of the person. Names of living persons are by their nature subject to partisan perception and changes in community judgement and acceptance.

Commemorative names shall not be used to commemorate victims of, or mark the location of, accidents or tragedies. Ownership of land is not in itself grounds for the application of an owner's name. Names of persons holding public office shall not be used.

Personal names, including those of persons still living, may be used for built features e.g. pavilions and grandstands etc., however these features are not formally assigned by the GNB and are not covered by the Act.

7.1 Personal Names

The names of deceased persons are suitable for the naming of reserves. Such persons shall have had a long term association with the area, or have made a significant contribution to the area of the proposed park or reserve. To assist local governments in determining the suitability of a name the GNB offers the following guidelines regarding association or contribution:

- Two or more terms of office on the governing local government council.
- Twenty or more years association with a local community group or service club.
- Twenty or more years of association or service with a local or state government or organisation.



- Action by an individual to protect, restore, enhance or maintain an area that produces substantial long term improvements for the community.
- The death of a person within a place is not solely to be considered sufficient justification for commemoration.
- Local residents of note.

Justification

Using the name of a living person is unacceptable (nationally and internationally) as it may lead to favouritism and/or inappropriate naming. There are examples where people commemorated have later proven to be of poor character or otherwise thought to be unworthy.

8 Policy - Duplication of names

8.1 Duplication of place names

In accordance with the NSW Addressing User Manual (6.8.1 Uniqueness, Duplication), no new locality name shall be duplicated within NSW or any other state or territory in Australia.

Duplication includes identical or similar spelling and/or pronunciation.

8.2 Place names other than localities

Uniqueness is the most essential quality to be sought in proposing a new place name. Duplication should be avoided wherever possible, but new place names may be duplicated provided there is no duplication of the name within the local government or adjoining local government.

Place names with a different designation value are not considered to be duplications. For example, Jenolan River and Jenolan Caves are acceptable.

The GNB encourages efforts by local governments to change or modify duplicate names wherever ambiguity or confusion is likely to occur. Such name changes should be coordinated with the GNB.

Justification

The purpose of place names is primarily to provide unambiguous direction and reference to identify geographical entities. Duplication of locality names is to be avoided because of the confusion this will cause, particularly in the dispatch of emergency services, which is now often coordinated from call centres. Duplication of locality names used for addressing purposes can result in delays in arrival of essential services.

Duplication can also cause personal difficulties such as failed parcel and service delivery and difficulty for tourists and visitors.

Where duplication occurs inter State or Territory, the respective authorities should liaise in order to attempt to arrive at an acceptable solution.



9 Policy – Place Naming Process

9.1 General

This policy is for the application of place names within the territories and waters of New South Wales including reserves under the management of local government.

The Department of National Parks and Wildlife Services has a separate policy for the naming of national parks under its management.

- All proposals for place naming shall conform to the GNB's Naming Principles.
- All place name proposals shall include a map or diagram clearly defining the extent of the feature proposed to be named.
- Proposals for place naming shall be submitted to the GNB for consideration and formalisation process.
- Private ownership of the land on which a geographical or physical feature is located does not confer any naming right to the land owner or manager. This is also true in respect to land under the various forms of public management, including national parks and reserves.
- Place names (excluding localities) shall not be duplicated within the same LGA or locality or in an adjoining LGA or locality.

9.2 Selection of names

- Aboriginal names are encouraged as the name to be used for any feature that currently does not have a name recognised by the GNB.
- Names acknowledging the multicultural nature of NSW are encouraged.
- Names associated with the heritage of an area are encouraged, especially the names of early explorers, settlers, naturalists, events.
- A name suggested for any place that owes its origin to the peculiarity of the topographic feature designated such as shape, vegetation, animal life etc. may be accepted.
- Gender diversity in names is encouraged.
- The multiplication of names for different parts of the same topographical feature such as a stream or mountain range shall be avoided, and the one name applied to a stream or mountain range throughout its entire length. However, an Aboriginal name may apply to a limited section of a feature.
- The naming of forks, arms and branches of a river as North Branch and South Branch is not supported. Unique names shall be assigned to river branches.
- When a choice is offered between two or more names for the same place, locality or feature, all supported by local usage, the GNB may adopt one of such names as is considered appropriate in accordance with its principles and policies.
- The use of cardinal points of the compass as a prefix or suffix to an existing name shall not be used.
- The changing of long established place names is to be avoided except where necessary to avoid ambiguity or duplication.
- The GNB may approve a first or given name as part of a geographical name only where it is necessary to appropriately honour the person referred to or where it is necessary to avoid ambiguity.



9.3 Changing names

Where names have been changed or corrupted by long established local usage, it is not usually advisable to attempt to restore the original. Changes are discouraged unless the change has been deemed to be in the public interest or for safety reasons. Changing well established names can lead to address or location confusion, especially to electronic navigation services.

9.4 Correct designation values

The GNB has compiled a Glossary of Designation Values in the Geographical Names Register in order to assist in determining the correct designator to be applied to place names at the time of naming.

New names proposed for place names shall include the designation value appropriate to the nature of the feature.

The Glossary of Designation Values is attached as Appendix A.

9.5 Council resolutions to identify community support

When Council submit a naming proposal, it should be supported by a Council resolution. Council should also supply evidence that they have sought community feedback on the proposal. This could include advertising and inviting comment using:

- Local newspapers.
- Relevant web site.
- Local council facilities (eg offices, libraries etc).
- Notices to residents in the area surrounding the feature of the proposed name.
- Notices to local progress associations.

9.6 Naming of Cross Border Features

The name for any feature that crosses the State boundary shall be the same on both sides of that boundary. The basis for the selection of a name for such a feature should be the consensus between relevant authorities. Primary responsibility for obtaining consensus should rest with the authority within which the majority of the feature is located. Any matters regarding naming or renaming of features that cross the state border shall be referred to the Cross Border Commission.

9.7 Referring names to Local Government

Where a submission proposing a name is received by the Secretariat, that submission must be referred to the relevant Local Government and the submitter notified of this action.

9.8 Generic reserve names

The GNB has classified a number of reserve names as "generic", and when one of these names is proposed it shall also include the name of the locality within which the reserve is located. For example, Volunteer Park is a generic name, and if this name is proposed in Muswellbrook, it shall be proposed as Muswellbrook Volunteer Park.



The following park names have been classified as “generic” by the GNB

ACACIA PARK	ANZAC PARK
APEX PARK	BI-CENTENARY PARK
BI-CENTENNIAL PARK	CENTENARY PARK
CENTENNIAL PARK	CENTRAL PARK
CIVIC PARK	GALLIPOLI PARK
HERITAGE PARK	JUBILEE PARK
KINGS PARK	LIONESS PARK
LIONS PARK	MEMORIAL PARK
OLYMPIC PARK	PEACE PARK
PIONEER PARK	PRESIDENT PARK
PRINCE PARK	PRINCESS PARK
QUEENS PARK	QUOTA PARK
REMEMBRANCE PARK	RIVERSIDE PARK
ROTARY PARK	SESQUI CENTENARY PARK
SESQUI CENTENNIAL PARK	VOLUNTEER PARK
WAR MEMORIAL PARK	

9.9 Use of the name Anzac

The use of the name Anzac is protected by Commonwealth regulations, and may only be used for the naming of a road or park in which, there is situated a public memorial relating to the war which commenced on the fourth day of August 1914, or the war which commenced on the third day of September 1939. (Commonwealth ‘Protection of the word ‘Anzac’ regulation.’)

9.10 Naming of facilities within reserves

Facilities within an officially assigned reserve, such as a pavilion, grandstand, garden, buildings etc. may also be named according to this policy, but do not require the formal approval of the GNB. However, the GNB shall be notified of such names to ensure the name, position and origin is recorded in the Spatial Services’ Digital Topographic Database and the name shown on maps, where relevant.

9.11 Renaming of reserves

Names chosen for reserves are expected to be enduring, and the renaming of these features is confusing and disruptive and is discouraged. If the renaming of a reserve is proposed, evidence of community support for the name change must be provided. The GNB will then evaluate the merits of the proposal before making a decision.

9.12 Naming of properties and homesteads

The GNB does not officially assign names of properties or homesteads. However names of properties and homesteads may be recorded in the NSW Digital Topographical Database (DTDB).



10 Policy – Recognition and use of Aboriginal names

10.1 Background

The names we give to places convey their significance through a sense of history, identity and connection between people and a place. The land is seamless with spirituality and identity for Aboriginal people. A key manifestation of this connection are the names given to features on the land that relate to the ancestors, histories, law and lore of its people.

For Aboriginal people connection with 'Country' is intrinsically connected to identity. Country is the area where an Aboriginal community is connected by language, cultural practices and long held relationships between people and the land. Countries are said to own people whereas for non-Aboriginal people land is owned through a range of legal titles. Country and people are inseparable for Aboriginal communities.

This policy is designed to encourage and promote recognition of Aboriginal place names and to foster the more frequent and official use of these names, particularly for places where the names have not been assigned as geographical names. The policy also provides, where it is possible, for the reinstatement of an Aboriginal place name through the dual naming process.

The NSW Government is committed to continuing the recognition of our Aboriginal cultural heritage by registering the original place names used by Aboriginal people to identify geographical features. Where a feature is identified by a non-Aboriginal name and that name is well established, an Aboriginal name put forward for the feature can be assigned as a dual name and sit alongside the existing non-Aboriginal name.

The GNB prefers the use of Aboriginal names for geographical features. Where a feature currently has a non-Aboriginal name, it may be considered for a dual name provided that documentary or oral evidence of the Aboriginal name is provided.

10.2 Recognition and use of Aboriginal names

- Aboriginal place names are preferred for the name of any place that does not have an assigned geographical name.
- Prior to submitting an Aboriginal name for consideration by the GNB, the proponent should consult the Local Aboriginal Land Council and Aboriginal communities on all matters concerning Aboriginal place names occurring in their area of current occupation and traditional association, in line with self-determination policies. This includes any proposals to assign new names, alter spellings of existing names or assign dual names.
- A name nominated by a Local Government Council will not be accepted by the GNB unless the Local Aboriginal Land Council and relevant Aboriginal communities have been consulted. The GNB Secretariat can provide guidance.
- Aboriginal place names which have been assigned as geographical names shall not be amended in form, spelling, extent or position without the consent of the relevant Local Aboriginal Land Council or Community.
- A dual naming system may be used for the naming of a physical and environmental place[s] of significance to the local Aboriginal Land Council or Community when a non-Aboriginal assigned geographical name already exists. Dual naming shall not apply to localities, towns or roads.



- A dual name can only be assigned where there is plausible historical evidence in the form of documentary or oral sources, that the feature has an existing Aboriginal name and that some authority or authenticity can be attributed to the source or sources for the form, origin, spelling, history and meaning of the name. The name cannot be a new name assigned for the purpose of a tribute etc.
- Signs or notices explaining the origins of Aboriginal place names should also identify the name of the language group from which the name originated. For example, the name '...?' means '.....' from the '...?' Aboriginal language group.
- The GNB endorses and supports the Permanent Committee on Place Names "Guidelines for the Use of Aboriginal and Torres Strait Islander Names" which is included in the PCPN's "Guidelines for the Consistent Use of Place Names".
- The GNB does not have a role in the determining naming, spelling or determination of boundaries of Aboriginal Countries or Nations.

11 Policy - Infrastructure

11.1 Railway Stations

Railway stations shall be named after its locality or area of interest unless to do so would lead to a duplicated station name. In these cases a name that identifies the area or location of the station should be used. For example Town Hall Station and Martin Place Station are situated in Sydney where multiple stations are in one locality.

Justification

Railway station names assist in location and navigation and are particularly important for visitors and other travellers.

11.2 Other infrastructure

The GNB does not have specific statutory responsibility for formally naming infrastructure (other than Railway Stations and Post Offices), schools, private estate names or building names.

Nevertheless, naming any prominent feature should follow the accepted practice for naming as detailed in this policy.

Justification

Infrastructure such as buildings and sporting facilities are generally not used for addressing purposes however there is a high likelihood that they may be used for location including emergency services. Unique names for all infrastructure will assist in ensuring their location for emergency services.



11.3 Bridge Naming

The GNB does not name bridges, however, it encourages all bridge naming to follow the guidelines as set out in this policy.

The naming of bridges and other structures on roads does not have a formal legislative basis. However, the same procedures for road naming applies to bridges and other road infrastructure:

- RMS is responsible for the naming of bridges and other structures on freeways.
- Local councils initiate the naming of bridges on local, regional and state roads (other than freeways). RMS to approve these proposals.

RMS will approve a naming proposal for a bridge or structure provided that:

- The name has wide community support.
- An Aboriginal name has the support of local Aboriginal groups.
- Consideration has been given to National and State commemorative initiatives involving the naming of new or key road infrastructure.
- The name is consistent with GNB place name criteria.
- The design of the name plaque accords with RMS requirements.



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Appendix A



Geographical
Names Board

Glossary of designation values in the Geographical Names Register

ISSN 2201-8514

www.gnb.nsw.gov.au

July 2019

ABORIGINAL RESERVE

Crown land set aside for Aborigines, where they may continue their traditional lifestyle away from the influence of white Australians and access to which is controlled by federal or state authorities or by Aboriginal Land Councils.

AERODROME

All licensed aerodromes and government aerodromes maintained by the Federal Airports Corporation, other than those designated 'airports'.

AIRFIELD

A landing or taking-off area for aircraft.

AIRPORT

An aerodrome that handles regular schedules of passengers and freight.

AMPHITHEATRE

Basin shaped hollow, particularly one having steep sides. Considerable variation in size.

ANABRANCH

A distributary of an anastomosing river which links up with other distributaries and sometimes with the parent stream.

ARM

A comparatively long, narrow and natural waterway extending from a larger body of water.

ARTESIAN BORE

A hole bored perpendicularly into strata, producing a constant supply of water at the surface without pumping.

BACKWATER

A body of stagnant water connected to a river.

BASIN

1. The tract of country drained by a river and its tributaries, or which drains into a particular lake or area.

2. A circumscribed formation in which the strata dip inward from all sides to the centre; the stratified deposit, especially of coal, lying in such a depression.

3. An area of water limited in extent and nearly enclosed by structures alongside which vessels can lie. A non-tidal basin is one closed by caisson of gates to shut off from open water, so that a constant level of water can be maintained in it. Also called a 'wet dock'. A tidal basin is one without gates in which the level of the water rises and falls with the tide. Sometimes called an 'Open Basin'.

BAY

A well-marked indentation made by the sea or a lake into a coastline, whose penetration is in such proportion to the width of its mouth as to contain land locked waters and constitutes more than a mere curvature of the coast.

BEACH

The sloping shore along a body of water that is periodically washed by waves or tides and is usually covered with sand or gravel.

BIGHT

A crescent-shaped indentation in the coastline usually of large extent and not more than a 90 degree sector of a circle. See 'Bay' and 'Gulf'.

BILLABONG

An efflux from a stream, usually an old bend in the stream, which has been cut off by erosion and deposition. When the fall of a stream is only a few centimetres per kilometre channel is usually incapable of clearing flood waters, which overflow into this efflux. As the water recede the efflux or billabong becomes a pool or a series of pools, which in dry periods may completely dry up.

BLUFF

A spur or ridge terminating in a steep, rocky face.

**BORE**

A deep vertical hole of a small diameter drilled to obtain water. Designation includes 'Artesian Bore'.

BOUNDARY

That which serves to indicate the limits of a particular area. Various types of boundaries which may be encountered are:

1. UNCLASSIFIED BOUNDARIES; those drawn by the compiler prior to classification to delineate a change in surface characteristics.
2. INTERNATIONAL BOUNDARIES; those defining the territorial sovereignty of a country.
3. STATE OR TERRITORY BOUNDARIES; those defining the major administrative or political divisions within a country.
4. ADMINISTRATIVE AREA BOUNDARIES; those defining areas of common local or regional administration.
5. PROHIBITED AREA BOUNDARIES; those defining the limits of an area into which entry is prohibited, without prior permission from a controlling authority, for security or safety reasons.

BREAKWATER

A natural or artificial structure along a coast capable of checking the force of the waves, thereby reducing beach erosion. The designation includes 'groyne', 'training wall' and 'levee'. The latter two are to restrict rivers to a defined course.

BROOK

A small stream or rivulet.

BUTTE

A small residual of a mesa. The level top being the upper surface of the hard stratum but little lowered by erosion. The slopes on all sides are escarpments and its maximum horizontal dimension in any one direction is about 400 metres.

BUTTRESS

A very steep spur projecting from a hill, mountain, plateau, range etc., having the appearance of supporting it.

CAMP

A place where tents, cabins, etc. are erected for the use of military troops, etc.

CANAL

A large artificial watercourse used for irrigation or navigation.

CANYON

A gorge, relatively narrow but of considerable size, bounded by steep slopes. It has often been formed by a river cutting through the soft rocks of an arid region; the scantiness of the rainfall prevents denudation of the canyon walls, and so maintains their steepness. The walls of a large canyon, however, rarely approach the vertical, and their irregularity of slope is due to inequalities in the hardness of the rock.

CAPE

A piece of land jutting into the sea; a projecting headland or promontory.

CATCHMENT AREA

The region which drains all the rain water that falls on it, apart from that removed by evaporation, into a river or stream, which then carries the water into the sea or a lake; it may thus coincide with the 'River Basin'. Its boundary is defined by the ridge beyond which water flows in the opposite direction - away from the basin.

CAUSEWAY

A raised roadway of solid structure built across low or wet ground or across a stretch of water.

CAVE

A hollowed-out chamber in the earth, especially a natural cavity with an opening to the surface.

CEMETERY

A place or area for burying the dead.

CHANNEL

1. An artificial watercourse used for drainage or irrigation purposes.
2. A comparatively deep and narrow waterway affording a passage for vessels. The waterway may be natural or dredged and can occur in a river, harbour or sea.

CHASM

A particularly narrow portion of a gorge or ravine where the width is notably exceeded by the depth and the sides are vertical or nearly so.

CITY

A centre of population, commerce and culture with all essential services; a town of significant size and importance, generally accorded the legal right to call itself a city under, either, the Local Government Act, the Crown Lands Act or other instruments put in place by government.

11.2 Request to Name Cricket Grounds at Centennial Park

ATTACHMENT 2 GNB Place Naming Policy



CIVIC PLACE

A pedestrian area or open space, especially a square or plaza, within an urban environment which is frequented by citizens for a variety of purposes including public activities. It may be a place of commemoration. It does not include areas specifically created for commercial or business purposes. It is not to be used in an official address.

CLEARING

An area of ground within a forest, where less than 15% of the ground is covered by trees or scrub. Clearings within areas of dense vegetation may be manmade or naturally occurring.

CLIFF

A perpendicular or steep face of rock considerable in height, either inland or along the coast.

COLLEGE

An establishment for technical or vocational education usually post secondary.

COMMON

A tract of land which belongs to the local community as a whole, and is open to common use.

COUNTY

Territorial division of the state for administrative purposes.

COVE

A small indentation in a coast, usually sheltered.

COWAL

A small lake or dam.

CRATER

A bowl shaped cavity, in particular, at the summit or on the side of a volcano. And from which smoke and steam may emanate if the volcano is active. Craters of extinct volcanoes may contain crater lakes. The word crater is applied to other depressions especially those caused by the fall of large meteorites onto the earth's surface. Volcanic craters are sometimes called calders.

CREEK

A natural watercourse that is usually a tributary of a river or another creek. It may be perennial or non-perennial and in some areas its course may become indefinite or even peter out.

CROSSING

A place where a street, railway, stream, etc., may be crossed.

CUTTING

An open excavation through high ground, generally for a transportation system.

DAM

1. A barrier built across a stream to impound its water for any purpose.
2. An earthen structure built to contain water for stock purposes.

DEPRESSION

A depressed or sunken place.

DESERT

An almost barren tract of land in which precipitation is so scanty or spasmodic that it will not adequately support vegetation.

DIP

A place for controlling ticks on cattle.

DISTRICT

1. Territory marked off for special administrative purposes.
2. A tract of country, up to about 1600 sq. kms in area, distinguished by certain common characteristics, natural or cultural.

DOCK

An artificial structure in which ships are built or repaired.

DRAIN

A channel, man made or natural, by which liquid is drained or gradually carried away.

DUNES

Mounds or ridges of sand formed, either in a desert or along the sea coast, through transportation by the wind.

ESCARPMENT

A more or less continuous line of cliffs or steep slopes terminating any generally level upland surface, and is due to erosion or faulting.

ESTUARY

The tidal mouth of a river, where the tide meets the current of fresh water; more commonly, an arm of the sea at the lower end of a river.

FALLS

A sudden, more or less perpendicular, descent of water over a natural step in the bed of a river or stream.

FAULT

A fracture in the earth's crust along which movement has taken place, and where the rock strata on the two sides therefore do not match.

11.2 Request to Name Cricket Grounds at Centennial Park

ATTACHMENT 2 GNB Place Naming Policy



FLAT

A relatively level piece of ground within an area of greater relief; a tract of country without hills and smaller than a plain. In river valleys they may be Valley or River Flats, along the foreshores and subject to tidal action they are Tidal Flats and according to the nature of the surface they may be Mud, Stony or Sandy Flats.

FLORA RESERVE

Crown land set aside for the protection of flora, and access to which is controlled by federal or state authorities.

FORD

The shallow part of a stream or other body of water, where it may be crossed by vehicle or by wading. The crossing may be natural or improved, but not by bridging.

FOREST

An area of land proclaimed to be a forest under a Forest Act.

GAOL

A place for the confinement of persons convicted and sentenced to imprisonment or of persons awaiting trial.

GAP

A low point or opening between hills or mountains or in a ridge or mountain range.

GLEN

A narrow, wooded valley with a stream flowing at its bottom. Its sides being generally steep.

GOLF COURSE

An area of ground laid out for the playing of golf.

GORGE

A valley deep in proportion to its width, usually with precipitous or very steep sides. Generally a feature of some magnitude, relative to the surrounding base.

GRADIENT

A noteworthy gradient inclination or slope of the surface of the ground on the side or end of an elevated relief feature.

GRAVEYARD

A place for graves; a burial ground, esp. a small one or one in a churchyard.

GULF

Large valleys in mountain ranges OR an area of sea partly enclosed by land; usually of larger extent, and greater relative penetration than a bay, that is, Gulf of Carpentaria.

GULLY

A natural watercourse formed in the earth's surface, especially a hillside, by the action of water. It only carries water after rain and its sides are generally steep. Usually one of the smallest branches of a drainage system, and often associated with erosive action.

HARBOUR

A natural or artificially improved stretch of water where vessels can anchor or secure to buoys or alongside wharves etc and obtain protection from sea and swell. The protection may be afforded by natural features or by artificial works. The place may be provided with terminal and transfer facilities for loading and discharging cargo or passengers.

HEAD

A comparatively high promontory of land projecting into the sea with a steep face. An un-named head is usually described as a 'Headland' when a specific name is assigned, it becomes a 'Head'.

HEADLAND

A narrow area of land jutting out into a sea, lake, etc.

HILL

A small portion of the earth's surface elevated above its surroundings, of lower altitude than a mountain. Generally its altitude is less than 300 metres above the surrounding country but this can change in areas of low relief.

HILLOCK

A small hill or mound.

HISTORIC AREA

An area or precinct containing no or minimum present activity, but which at one time was an area of recognised name and purpose.

HISTORIC SITE

A specific place or site which has at one time been the site of an event or purpose.

HISTORICAL LOCALITY

An area or precinct containing no or minimum present activity, but which at one time was an area of recognised name and purpose.

HISTORICAL RECONSTRUCTION

An area or precinct which at one time was an area of recognised name and purpose and has now been redeveloped to recognise its past.

HOLE

An area hollowed out in or an opening in the ground.

**INLET**

A narrow indentation in the coastline or in the lake or river by which the water penetrates into the land.

ISLAND

A piece of land usually completely surrounded by water.

ISLET

A comparatively small insular landmass. Smaller than an Island but larger than a Cay.

KNOB

Rounded projection from a surface.

KNOLL

A small rounded Hill.

LAGOON

An enclosed area of water separated from the open sea or from a stream by some more or less effective, but not complete, obstacle such as low sandbanks.

LAKE

An extensive sheet of fresh or saltwater, natural or artificial, enclosed or nearly enclosed by land. It may or may not have in and out-flowing water, and in dry areas may even dry up at times.

LAKE BED

The area of a lake which is under water or once was under water.

LANDING PLACE

The act of coming to land. A place of disembarkation.

LANDMARK

A prominent or well known object in or feature of a particular landscape. A boundary marker. A large continuous area of land, as opposed to seas or islands.

LANDSCAPE FEATURE

This designation is used for a feature of the landscape, whether natural or cultural, which does not fit comfortably in any other designation and the number (actual and expected) of such places in NSW does not warrant a specific separate designation.

LIGHTHOUSE

A distinctive structure on or off the Coast, exhibiting a major light designed to serve as an aid to navigation.

LOCALITY

A bounded area within the landscape that has a 'Rural' Character.

LOCK

A section of a canal or river that may be closed off by gates to control the water level and the raising and lowering of vessels that pass through it.

LOOKOUT

A natural scenic viewpoint on elevated ground. Works or structures within the immediate vicinity of the view point improving the safety, amenities or view may be evident.

LOOP

A railway branch line which leaves the main line and rejoins it after a short distance.

MARINA

A docking facility for yachts and other pleasure boats accessible for private patrons only.

MARSHES

Low poorly drained land that is sometimes flooded and often lies at the edge of lakes etc.

MESA

A flat table-like upland, which falls away steeply on all sides (escarpments). It is larger in area than a 'butte' but smaller than a 'plateau'.

MONOLITHS

Large block of stone or anything that resembles one in appearance, intractability, etc. A statue, obelisk, column, etc, cut from one block of stone. A large hollow foundation piece sunk as a caisson and filled with concrete.

MOOR

A tract of unenclosed ground, usually covered with heather, coarse grass, bracken, and moss.

MOUNT

A natural elevation of the earth's surface rising more or less abruptly from the surrounding level, and attaining an altitude which, relative to adjacent elevations, is impressive or notable. In general the elevation of a mountain is more than 300 metres from foot to summit, but this distinction is arbitrary. For reasons of euphony and local usage 'Mount' is usually used when the generic term precedes the specific term and 'Mountain' when it succeeds it.

MOUNTAIN

A large natural elevation of the earth's surface.

MOUNTAIN LAKES

A lake created by an extinct volcanic crater.

MOUNTAIN PEAK

A prominent point of a hill or mountain. The separately named summits on a range of hills or mountains.

**MOUNTAIN RANGE**

A series or line of mountain or hill ridges with or without peaks, in which the crests are relatively narrow. Its minimum length is about 16 kilometres.

NAVAL ESTABLISHMENT

An institution, pier or building specially designed and equipped for use by the Navy.

NECK

A narrow strip of land; peninsula or isthmus.

NEIGHBOURHOOD

The immediate environment; surroundings. A district where people live. The people in a particular area. Living or situated in and serving the needs of a local area.

OBSERVATORY

An institution or building specially designed and equipped for observing meteorological and astronomical phenomena. Any building or structure providing an extensive view of its surroundings.

OCEAN

A very large stretch of sea. The vast body of water on the surface of the globe that surrounds the land.

PARISH

Territorial division of the state for administrative purposes.

PASS

A depression or gap in a range of mountains or hills permitting easier passage from one side to the other.

PASSAGE

A comparatively deep and narrow waterway affording a passage for a vessel.

PEAK

A prominent point of a hill or mountain. The separately named summits on a range of hills or mountains.

PENINSULA

A piece of land almost surrounded by water, especially one connected with the mainland by only a narrow neck of land or isthmus.

PICNIC AREA

A location to which people bring food to be eaten in the open air.

PINNACLE

The highest point. A towering peak, as of a mountain.

PIT

A large usually deep opening in the ground.

PLAIN

A tract of country the general surface of which is comparatively flat or slightly undulating. In extent generally not less than 2,500 hectares and sparsely, if at all timbered.

PLATEAU

An elevated tract of comparatively flat or level land, having a large part of its total surface at or near the summit level. Its local relief may be very great in cases where it is cut by gorges, or it may have a small local relief like a plain in cases where erosion has not been severe. Its minimum horizontal dimension in any direction generally exceeds 1.6km.

POINT

A location, spot, or position. Point of land. A small promontory.

POND

A pool of still water, often artificially created.

POOL

A small body of still water, usually fresh. A deep part of a stream or river where the water runs very slowly.

PORT

A town or place alongside navigable water with facilities for the loading and unloading of ships.

POST OFFICE

A local office for receiving, distributing and transmitting mail, providing telecommunication services etc.

POWER STATION

An electrical generating station.

PRISON

A place to which persons are legally committed, either while awaiting trial or for punishment.

PUBLIC WATERING PLACE

An artificial waterhole.

RACECOURSE

A place which has been licensed by government for the holding of horse races.

RAILWAY

A permanent track composed of a line of parallel metal rails fixed to sleepers for transport of passengers and goods in trains.

RAILWAY CUTTING

An excavation in a piece of high land for a railway.

**RAILWAY LOOP**

A short branch off a railway track, often connected at both ends to the main track where trains can pass on a single line stretch of railway. In some cases freight may be handled at these sidings. This designation includes 'Railway Siding'.

RAILWAY SIDING

A short branch off a railway track, often connected at both ends to the main track where trains can pass on a single line stretch of railway. In some cases freight may be handled at these sidings. This designation includes 'Railway Loop'.

RAILWAY STATION

A structure beside a railway line with facilities for passengers and freight.

RAMP

An area set aside for the launching of small water craft, usually paved.

RANGE

A series or line of mountain or hill ridges with or without peaks, in which the crests are relatively narrow. Its minimum length is about 16 kilometres.

RAPIDS

Portions of a stream with accelerated current where it descends rapidly without a break in the slope of the bed sufficient to form a waterfall.

RAVINE

A deep narrow steep sided valley.

REACH

A comparatively straight part of a river or channel between two bends.

REEF

A ridge of rocks or coral lying near the surface of the sea, which may be visible at low tide, but is usually covered by water.

REGION

A region is a relatively large tract of land distinguished by certain common characteristics, natural or cultural. Natural unifying features could include same drainage basin, similar landforms, or climatic conditions, a special flora or fauna, or the like. Cultural determining features could include boundaries proclaimed for administrative purposes, common land use patterns etc.

REGULATOR

Any of various mechanisms or devices such as a governor valve, for controlling fluid flow, pressure, temperature, etc.

RESEARCH STATION

An institution, farm or building specially designed and equipped for carrying out agricultural research.

RESERVE

An area proclaimed to be a public reserve by government legislation.

RESERVOIR

An artificial lake or structure storing water for domestic or other uses.

RIDGE

A long and narrow stretch of elevated ground. It generally has a length less than 16 kilometres.

RIFLE RANGE

An area used for target practice with rifles.

RIVER

A major natural stream in a large catchment basin, carrying water to another river, a lake or the sea. Usually perennial, but not necessarily so in arid areas.

RIVER BEND

A curve in the course of a stream. This designation includes 'meander'.

RIVER CROSSING

A place where a river may be crossed.

RIVER FLAT

A relatively level piece of ground within an area of greater relief; a tract of country without hills and smaller than a plain, caused by the laying down of sediment by a river.

RIVER MOUTH

The area at which a river makes contact with the sea.

RIVULET

A small stream.

ROAD BEND

A bend in a road.

ROADS

An open way, usually surfaced with tarmac or concrete, providing passage from one place to another.

ROADSTEAD

An open anchorage for ships, which may be sufficiently sheltered to give protection from seas, usually by reefs, sandbanks, or islands.

ROCK

A prominent or isolated out crop of rock, or even a single large stone. This designation includes 'boulder' 'crag' 'needle' 'pillar' and 'tor'.

**ROCK FACE**

An area of exposed rock, generally in a vertical position.

RURAL PLACE

A place, site or precinct in a rural landscape, generally of small extent, the name of which is in current use.

SADDLE

A col or pass or any land form recalling in shape a saddle.

SANDBANK

A bank of sand in a sea or river that may be exposed at low tide.

SANDBAR

A ridge of sand in a river or sea, built up by the action of tides, currents, etc, and often exposed at low tide.

SANDHILL

A mound, ridge or hill of drifted sand either in a desert or along a sea coast, formed by the action of wind.

SANDRIDGE

Sand drifts in long ridges tending parallel to and elongating in the direction of the prevailing winds.

SCHOOL

An establishment for primary or secondary education created by the Education Act.

SCRUB

A vegetation consisting of stunted trees, bushes, and other plants growing in an arid area. An area of arid land covered with such vegetation.

SEA

One of the divisions of the oceans, especially if partly enclosed by land.

SHOAL

A ridge of sand or of rocks just below the surface of the sea or of a river and therefore dangerous to navigation.

SPORTSGROUND

A reserve used for sporting fixtures.

SPRING

A flow of water issuing naturally out of the ground, either continuously or intermittently.

SPUR

A minor linear projection off a range, ridge, mountain, tableland, hill or plateau being generally not more than 2 kilometres in length and decreasing in altitude from the parent feature.

STATE

A major administrative or political division within a country.

STATION

A structure beside a railway line with facilities for passengers and freight.

STEEPS

The very steep and deep sides of a mountain or high plateau.

STRAIT

A comparatively narrow passage connecting two seas or two large bodies of water.

STREAM

Small river, brook. Any steady flow of water or other fluid.

SUBURB

A bounded area within the landscape that has an 'Urban' Character.

SURF BREAK

A permanent obstruction such as a reef, bombyra, rock or sandbar which causes waves to break thus making conditions conducive to surfing.

SWAMP

A tract of land normally saturated with water, having little or no drainage and characterised by a growth of grass or reeds. This designation includes 'marsh'.

SYPHON

A tube/pipe placed with one end at a certain level in a body of water and the other in a body of water below this level.

TABLELAND

An elevated tract of land with a generally level surface of considerable extent, generally with a minimum area of 2,500 hectares.

TANK

An artificial waterhole forming a reservoir for rainwater and adjacent run-off.

TERMINAL

A reception or departure building at the terminus of a bus, sea or air transport route.

TERRACE

A level or nearly level strip of land, usually narrow and bordering the sea, a lake or river, lying between a slope upwards to hills on one side and a slope, often abrupt, downwards on the other.

TOPS

The top of a hill

**TOWER**

A tall usually square or circular structure, sometimes part of a larger building and usually built for a specific purpose.

TOWN

A commercial nucleus offering a wide range of services and a large number of shops, often several of the same type. Depending on size, the residential area can be relatively compact or (in addition) dispersed in clusters on the periphery.

TRACK

A formed and/or marked track that is used by people either walking, cycling or riding a horse. This designation includes 'trails'.

TRAINING WALL

See 'Breakwater'.

TRIG. STATION

A point on the ground, the geographic position of which has been determined by geodetic survey.

TUNNEL

An underground passageway, esp. one for trains or cars. Any passage through or under something.

UNIVERSITY

An institution of higher education having authority to award bachelor and higher degrees, usually having research facilities.

URBAN LOCALITY

Not now recommended, see 'Urban Place'.

URBAN PLACE

A place, site or precinct in an urban landscape, the name of which is in current use, but the limits of which have not been defined under the address locality program.

URBAN VILLAGE

A cohesive populated place in an urban landscape, which may provide a limited range of services to the local area.

VALLEY

Long depression in the land surface, usually containing a river, formed by erosion or by movements in the earth's crust. Any elongated depression resembling a valley.

VILLAGE

A cohesive populated place in a rural landscape, which may provide a limited range of services to the local area. Residential subdivisions are in urban lot sizes.

WATER AERODROME

All licenced aerodromes and government aerodromes maintained by the Federal Airports Corporation, other than those designated 'airports' which have landing facilities on water for sea planes etc.

WATER FEATURE

A feature within water.

WATER SYPHON

See 'Syphon'

WATERFALL

A sudden descent of water over a step in the bed of a stream, the fall being much steeper than in the designation 'rapids'. In place names frequently shortened to 'Fall' or 'Falls'. This designation includes 'cascade' and 'cataract'.

WATERHOLE

A natural hole or hollow containing water, often in the dry bed of an intermittent river.

WEIR

A barrier, erected across a stream to impound and raise the water level for the purpose of maintaining it at the level required for irrigation or navigation purposes.

WELL

A hole or pit dug in the ground to obtain water.

WHARF

A platform alongside of which ships may be secured for loading or unloading cargo or passengers. This designation includes 'pier', 'quay', 'jetty', and 'marina' for those marinas that only have public access.

ATTACHMENTS TO REPORT

Item 12.3

Draft Development Control Plan Amendments - Engineering Specifications

Attachment 1

Draft Development Control Plan Amendments



Draft DCP Provisions – Engineering Specifications



Draft Development Control Plan Provisions – Engineering Specifications

Incorporating into all Wingecarribee
Development Control Plans



Draft DCP Provisions – Engineering Specifications



Note: The proposed changes outlined in this document will be incorporated into the relevant sections within all of Council's Development Control Plans. The numbering in this document will not reflect the numbering in the final Development Control Plans.

Additional provisions shown **highlighted yellow**

Deleted provisions shown ~~with strikethrough~~

A4.5 Stormwater Management Plan

A Stormwater Management Plan report will be required by Council for all development that will result in:

- a) An increase in the impervious area of the site, or
- b) A change in the direction of overland flow

The intent of the Stormwater Management Plan is to demonstrate that 'post development' overland water flows will not exceed 'pre development' flows in terms of:

- a) Volume,
- b) Quality (including nutrient content), and
- c) Direction,

The Stormwater Management **Plan must be prepared in accordance with Council's Engineering Design and Construction Specifications** ~~Report must contain the following:~~

- ~~• A concept plan~~
- ~~• Details of proposed drainage and site discharge~~
- ~~• Identification of possible onsite storage and water quality treatment devices.~~
- ~~• Reference to the Landcom publication: *Managing Urban Stormwater: Soils and Construction Vol 1, 4th Edition, Landcom, 2004* will be required.~~

A4.7 Water Sensitive Urban Design

This section shall be read in conjunction with the relevant technical information in Council's Engineering Design and Construction Specifications.

Introduction

~~A typical consequence of development is an increase in the volume and frequency of water runoff and flood events within developed environments. These events largely result from large areas of hard, impervious surfaces, e.g. roofs, roads and driveways. Hard, impervious surfaces reduce the capacity of the environment to absorb water and increase reliance on stormwater pipes, creeks and rivers, and flood mitigation structures.~~



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~~The overall aim of Water Sensitive Urban Design (WSUD) is to avoid or minimise the impact of development on all aspects of the natural water cycle. (WSUD) is a commitment to avoiding waterway pollution, reducing potable water use, reducing wastewater production and the use of recycled water. This reduces reliance on aquifer ecosystems, wetlands, creeks and rivers, for both water supply and discharging wastewater.~~

~~Specifically,~~

Water Sensitive Urban Design (WSUD) aims to:

- (a) Conserve potable water.
- (b) Protect natural ecosystems and waterways.
- (c) Protect water quality entering natural ecosystems and waterways.
- (d) Minimise surface runoff entering natural ecosystems and waterways.
- (e) Integrate stormwater and wastewater treatments into the public and private natural landscape to optimise visual, social, cultural, recreational and ecological values.

Objectives

WSUD controls must be satisfied for all development applications and integrated into a Water Cycle Management Study when such a study is required by Water NSW. Water NSW should be contacted directly to determine if a Water Cycle Management Study is required as circumstances vary widely.

When planning and designing development within the Shire, reference is to be made to Current Recommended Practices contained within *SEPP (Sydney Drinking Water Catchment) 2011* and current best practice guidelines and technical documents such as:

- *Technical Guides: Australian Runoff Quality – A Guide to Water Sensitive Urban Design (Engineers Australia, 2006).*
- *Water Sensitive Urban Design Engineering Procedures: Stormwater (Melbourne Water, 2005).*
- *Water Sensitive Urban Design (Landcom, 2009).*
- ***Council's Engineering Design and Construction Specifications.***

Controls

To achieve this Objective, the following Controls apply.

- a) All development within the Shire is to utilise potable water efficiently. For residential dwellings, including houses and units, the requirements of BASIX ensures the development complies with NSW planning requirements to conserve water.
- b) Development should not occur within riparian buffer zones outlined in Wingecarribee Shire Council Local Environment Plan 2010 (Clause 7.5



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Natural Resource Sensitivity – Water and related maps) and vegetation within the riparian buffer distances is to be maintained and intact.

- c) All development within the shire must comply with the requirements of *SEPP (Drinking Water Catchment) 2011* to ensure water quality exiting a site post development achieves a neutral or beneficial effect (NorBE) in comparison to pre-development water quality runoff.
- d) All developments within the Shire shall be designed in accordance with the WSUD part of Council's Engineering Design and Construction Specifications
- e) ~~Development which proposes to re-develop an existing, developed site (particularly those used previously for commercial and/ or industrial purposes), must comply with one of the following, whichever provides the greatest treatment of water:~~
- i. ~~Water quality exiting a site post-development must achieve a neutral or beneficial effect (NorBE) in comparison to pre-development water quality runoff (in accordance with *SEPP (Sydney Drinking Water Catchment) 2011*.~~
 - ii. ~~Post-development water quality runoff must achieve the following targets as improvements to the pre-development water quality runoff exiting the site:~~
 - ~~• 85% reduction in the average annual total suspended solids loads.~~
 - ~~• 65% reduction in the average annual total phosphorus load.~~
 - ~~• 45% reduction in the average annual total nitrogen load.~~
 - ~~• 90% reduction in the average annual gross pollutant (size >5mm) load.~~
 - ~~• To retain sediment coarser than 0.125mm for flows up to 25% of the 1 year ARI peak flow.~~
 - ~~• To ensure no visible oils for flows up to 25% of the 1 year ARI peak flow, in areas with concentrated hydrocarbon deposition.~~
- f) ~~For proposals to subdivide land and create four or more allotments, the maximum discharge for the 1:100 year storm must not exceed the pre-development discharge.~~
- g) ~~Development must not pipe or channel riparian corridors or waterways.~~
- h) ~~Current recommended practices outlined in the *SEPP (Sydney Drinking Water Catchment) 2011* and current best practice technical guides must be utilised to ensure effective functioning of treatment options.~~

A4.8 Water Treatment Train

The water treatment train designs will be considered in accordance with technical guidelines in Engineering Design and Construction Specifications as well as Council's set of Standard Drawings.

In order to implement WSUD a 'treatment train' approach is recommended. A WSUD Treatment Train is a number of measures and treatments in a series, rather than one single measure to achieve the objectives of water sensitive design.



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~~An example of a treatment train at a street scale for a proposed subdivision may include:~~

- ~~• Use of permeable surfaces, to allow water to infiltrate soil~~
- ~~• Grassed swales adjacent to road/s,~~
- ~~• Onsite bio-retention system and gross pollutant trap to capture runoff, filter pollutants and discharge water into natural system at a rate similar to pre-development, and~~
- ~~• Bio-retention system to filter water discharge from any onsite car park.~~

Examples of WSUD ‘Treatment Train’ Options

~~In order to achieve WSUD objectives, development will require the use of treatments in series, complementing one another. Table D provides examples of suitable WSUD treatment options to assist in achieving these targets.~~

Table D: Examples of suitable WSUD treatment for various development scale

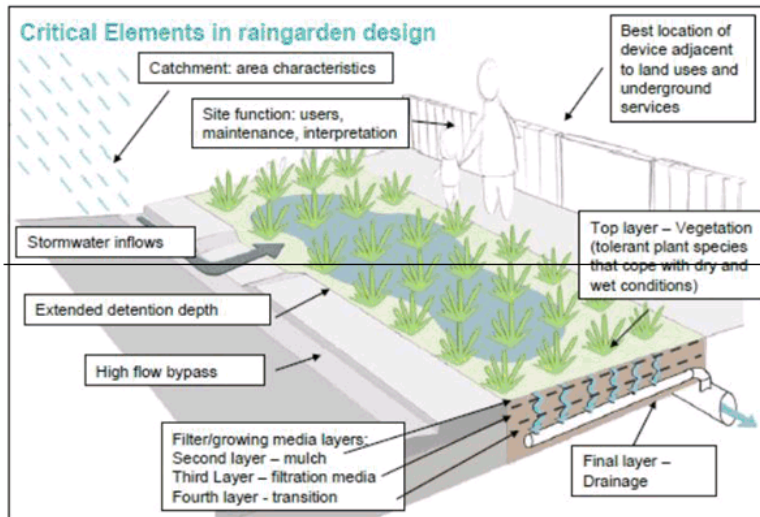
WSUD treatment option	Allotment scale	Street Scale	Catchment / sub catchment scale
Rain garden	x	x	x
Rain water tank	x	x	
Swales/ buffer strips		x	
Porous paving	x	x	x
Infiltration systems	x	x	
Bioretention basins	x	x	x
Constructed wetlands		x	x
End of pipe treatment e.g. gross pollutant traps	x	x	x

○ **Rain Gardens**

~~Rain gardens are landscaping features of locations, shapes or sizes, and capture and filter stormwater runoff. They may also conveying water flow into the stormwater pipe network beneath. Common locations include small parks, between car parking bays and surrounding residential dwellings.~~



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Example of a Rain Garden at Mittagong

○ **Swales and Buffer Strips**

Swales and buffer strips collect stormwater runoff, decrease flow rates and reduce downstream impacts. Swales and buffer strips can also act as biofilters where water passes through a filtration medium (e.g. grass, vegetation and gravel).

Swales and buffer strips can be used adjacent to roads however they should not be used as infiltration points as pools of collected water can affect road base materials. Council prefers swales and buffer strips to be located adjacent to roads and not to be included in the medium-stripe design due to access and maintenance issues associated with these locations.

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Example of a Vegetated Swale at Renwick



Example of a Grass Swale at Renwick

○ **Porous Pavements**

Porous paving allows rainwater to penetrate into soil and subsoil layers, recharging water supplies and filtering pollutants. In some cases excess water from rainfall events may also be conveyed into drainage pipes located beneath.



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Example of Porous Pavement

○ **Infiltration Systems**

Infiltration systems do not treat stormwater, instead aim to capture runoff and promote infiltration. Infiltration systems reduce damage downstream from heavy rainfall events by reducing peak flows and downstream flooding. These systems also assist in recharging groundwater.



Example of an Infiltration System at Renwick

○ **Bio-retention Systems**

Bio-retention systems (e.g. basins and swales) are designed to capture stormwater runoff and then improve the water quality by passing through a filter. Bio-retention basins may take a variety of shapes and forms within a catchment. They are sensitive to materials which may block them.



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Example of a Bio-retention System at Renwick



Example of a Bio-retention System at Mittagong

○ **Constructed Wetlands**

Constructed wetlands are shallow vegetated water bodies which remove pollutants from stormwater through sedimentation, fine filtration, detention and biological uptake. Wetlands can also have significant social and community benefits, providing habitat for wildlife and sites for recreational or active transport activities



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~~such as walking and cycling. The constructed wetland may be located on-stream or off-stream and will vary in size depending on their location within a catchment.~~



Example of a Constructed Wetland

○ ~~End of Pipe Treatments e.g. gross pollutant traps~~

~~End of pipe treatments capture gross pollution prior to it entering creeks and waterways. These devices retain litter, debris, and coarse materials washed downstream through storm and heavy rainfall. They require frequent maintenance and cleaning. End of pipe treatments are a last attempt to remove pollution from waterways.~~





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Example of a Gross Pollutant Trap

Ongoing Maintenance of WSUD 'Treatment Train' Devices

~~WSUD water management devices are only as good as the level of maintenance applied to them. If they are neglected, or filled in or built over or in some other way modified, they may no longer function as efficiently as they should and in some cases they may cease to function at all. This can cause stormwater management issues on the property on which they are located, or on neighbouring properties.~~

~~Rain gardens and other stormwater quality devices are requirements imposed on certain development by Water NSW due to much of the Shire being within the Sydney Catchment Area. Only Water NSW can vary or remove the condition.~~

~~Water NSW conditions in respect of stormwater quality devices are often placed on the 88B Instrument as a restriction or covenant on the title. Either Water NSW or Wingecarribee Shire Council can be nominated as the beneficiary.~~

~~Generally the benefiting party to the restriction or covenant are able to pursue regulatory compliance action where a device has not been maintained or has failed. However, Council also has the right to undertake maintenance at the property owner's expense. Such action would probably be prompted by a complaint to Council.~~

~~Therefore, applicants who are required to provide such devices are strongly advised to maintain them in good repair for their own benefit and for the benefit of neighbouring properties and the environment generally. Such devices, especially rain gardens and wetlands, can provide a significant ecological and visual benefit to the property and the locality.~~



Section 2 Flood Liable Land

This section is to read in conjunction with related technical information in Council's Engineering Design and Construction Specifications – Stormwater Drainage

A2.0 Introduction

This Section applies to any development for which consent is required that is located on land affected by flooding (flood liable or flood prone land).

In 1984, the State Government introduced its Flood Prone Land Policy, applicable to all land in New South Wales. The first Floodplain Development Manual (FDM) was published in 1986, providing guidelines for the implementation of the government's Flood Prone Land Policy and the 'merit approach' that underpins its application.

In 2005, the State Government released revised guidelines under the *Floodplain Development Manual* (FDM April 2005) to support the Flood Prone Land Policy, the primary objective of which is:

“to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.”

Local Government is the primary authority responsible for both flood risk management and land use planning in New South Wales. The State Government's flood policy provides for a flexible merit based approach to be followed by local government when preparing controls for planning, development and building matters on flood liable land. For Council to fully carry out its responsibilities for management of flood liable land, it is necessary to prepare a local *“Floodplain Risk Management Plan”* (FRMP).

The FDM requires that Councils prepare *Floodplain Risk Management Studies* (FRMS) as a prelude to the formulation of a FRMP that, among other things, would control development and other activity within the floodplain. The process for preparing a FRMS and FRMP is depicted by Figure A4.1 below.

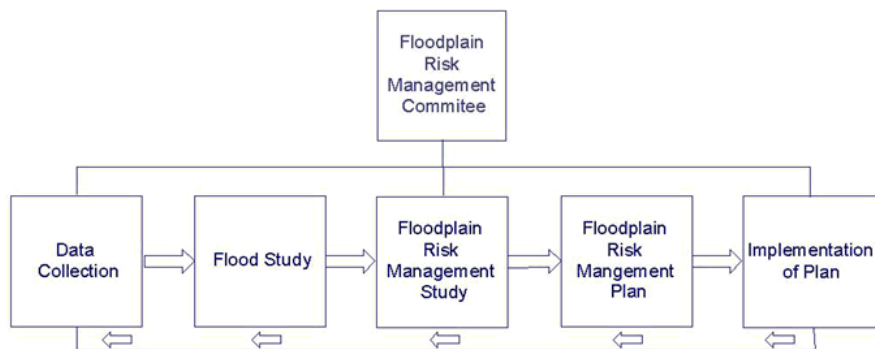


Figure A4.1 - Floodplain Risk Management Process (FDM, 2005)



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The following controls are consistent with the State Government's "Flood Prone Land Policy" and the FDM. The controls in this section represent an application of the State Policy to reflect local circumstances as identified for the Mittagong floodplain, through the preparation of a FRMS and FRMP.

The purpose of this section of the DCP is to guide development to ensure risk to life and property associated with flooding is minimised in a manner consistent with the Policies of Council formulated under the NSW Flood Policy and Floodplain Development Manual.

A2.1 Objectives

The objectives of this Section are to:

- (a) Increase public awareness of the hazard and extent of land affected by all potential floods, including floods greater than the 100 year average recurrence interval (ARI) flood and to ensure essential services and land uses are planned in recognition of all potential floods.
- (b) Inform the community of Council's policy for the use and development of flood prone land.
- (c) Manage the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods.
- (d) Provide detailed controls for the assessment of applications lodged in accordance with the Environmental Planning and Assessment Act 1979 on land affected by potential floods.

A2.2 Requirements and Controls

A2.2.1 How to Determine Compliance

Different controls apply to different land uses, depending on the flood hazard applying to the land. The controls in this part of the DCP comprise:

- › **The objectives** - a statement of the purpose intended to be achieved by each control, to assist in understanding the control.
- › **The performance criteria** - state a desired outcome and a means of assessing whether the desired outcome will be achieved.
- › **The prescriptive controls** - preferred ways of achieving the desired outcome. While adherence to the prescriptive controls may be important, it is paramount that the objectives and the performance criteria are clearly satisfied.



A2.2.2 Flood Risk Precincts

Figure A4.2 (overleaf) illustrates the various Flood Risk Precincts (FRPs) identified in Mittagong. The identification of these Precincts is to grade the relative severity of flood risks across the floodplain and thereby provide a basis for assigning development controls. The various FRPs in Mittagong are described below.

High Flood Risk Precinct

This Precinct contains that land below the 100 year flood that is either subject to a high hydraulic hazard or where there are significant evacuation difficulties. The high flood risk precinct is where high flood damages, potential risk to life, and evacuation problems would be anticipated or development would significantly and adversely effect flood behaviour. Most development should be restricted in this precinct. In this precinct, there would be a significant risk of flood damages without compliance with flood related building and planning controls.

Medium Flood Risk Precinct

This Precinct contains that land below the 100 year flood that is not subject to a high hydraulic hazard and where there are no significant evacuation difficulties. In this precinct there would still be a significant risk of flood damage, but these damages can be minimised by the application of appropriate development controls.

Fringe-Low Flood Risk Precinct

This Precinct contains that land between the extents of the 100 year flood and the 100 year flood plus 0.5m in elevation (being a freeboard). In this precinct there would still be a significant risk of flood damage, but these damages can be minimised by the application of appropriate development controls.

Low Flood Risk Precinct

This Precinct contains that land within the floodplain (i.e. within the extent of the probable maximum flood) but not identified within any of the above Flood Risk Precincts. The Low Flood Risk Precinct is where risk of damages is low for most land uses and most land uses would be unrestricted within this precinct.

A2.2.3 Land Use Categories

The list of land use definitions contained within WLEP 2010 has been grouped into major land use categories based on their sensitivity to flood risks. The eight land use categories and the identified land uses they contain are:

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Category	Included Land Uses
Critical uses and facilities	Emergency services facility; administration building or public administration building that may provide an important contribution to the notification or evacuation of the community during flood events (e.g. SES Headquarters and Police Stations); Hospital.
Sensitive uses and facilities	Community facility; Telecommunications facility; Institution; Educational establishment; Liquid fuel depot; Public utility undertaking (including electricity generating works and utility installations) which is essential to evacuation during periods of flood or if affected would unreasonably affect the ability of the community to return to normal activities after flood events; Residential care facilities.
Residential	caravan park (approved long-term sites and/or "annuals"); child care centre; exhibition home; home-based child care centre; home business; home industry; home occupancy; moveable dwelling; neighbourhood shop; residential accommodation; tourist and visitor accommodation.
Commercial or industrial	Air transport facility; airport; amusement centre; bulky goods premises; business premises; community facility (other than critical and sensitive uses and facilities); correctional centre; crematorium; depot; entertainment facility; exhibition village; freight transport facility; function centre; funeral chapel; funeral home; hazardous industry; hazardous storage establishment; health services facility; heavy industry; heliport; highway service centre; industrial retail outlet; industry; liquid fuel depot; light industry; market; mixed use development; mortuary; night club; offensive industry; offensive storage establishment; office premises; passenger transport facility; place of public entertainment; place of public entertainment; place of public worship; pub; public administration building (other than critical uses and facilities); recreation facility (major); registered club; restricted premises; retail premises; self-storage units; service station; sex services premises; shop top housing; storage premises; timber and building supplies; transport depot; truck depot; vehicle body repair workshop; vehicle repair station; vehicle sales or hire premises; veterinary hospital; warehouse or distribution centre; waste disposal facility; waste management facility; waste or resource management facility; waste or resource transfer station; and wholesale supplies.
Recreation and non urban	Animal boarding or training establishment; biosolid waste application; biosolids treatment facility; boat launching ramp; boat repair facility; boat shed; caravan park (with no approved long term sites and no "annuals"); charter and tourism boating facility; environmental facility; environmental protection works; extensive agriculture; extractive industry; information and education facility; horticulture; kiosk; landscape and garden supplies; marina; mine; mining; moveable dwelling; port facilities; public utility undertaking (other than critical uses or facilities); recreation area; recreation facility (indoor); recreational facility (outdoor); research station; resource recovery facility; utility installations (other than critical uses and facilities); water recreation structure; water recycling facility; and water storage facility.
Concessional development	(a) In the case of residential development : (i) an addition or alteration to an existing dwelling of not more than 10% or 30m ² (whichever is the lesser) of the habitable floor area which existed at the date of commencement of this Plan;



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	<ul style="list-style-type: none">(ii) the construction of an outbuilding with a maximum floor area of 20m²; or(iii) rebuilt dwellings which substantially reduce the extent of flood affectation to the existing building. <p>(b) In the case of other development:</p> <ul style="list-style-type: none">(i) an addition to existing buildings of not more than additional 100m² or 10% of the floor area which existed at the date of commencement of this DCP (whichever is the lesser);(ii) rebuilding of a development which substantially reduces the extent of flood risks to the existing development;(iii) a change of use which does not increase flood risk having regard to property damage and personal safety; or(iv) subdivision that does not involve the creation of new allotments with potential for further development.
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MITTAGONG TOWN PLAN DCP

PART A ALL LAND

SECTION 6 SUBDIVISION, DEMOLITION, SITING AND DESIGN



Section 3 Subdivision, Demolition, Siting and Design

Councils Engineering Design and Construction Specifications outline background and technical information necessary to assist in the preparation of development applications.

Users of this Section of the DCP should therefore refer to Council's Engineering Specifications. With any inconsistency between the provisions/specifications of the DCP and Councils Engineering Specifications, the Engineering Specifications will prevail.

A3.4 Cut and Fill

A3.4.1 Introduction

In undertaking the site analysis, applicants are reminded that Council expects new development be designed to respond to a site's topography. Cut and fill is not considered an acceptable alternative to responsive design. Excessive cutting and filling of a site disturbs the natural soil profile and results in built form that is not sensitive to the existing landform on a site.

This section shall be read in conjunction with relevant technical information in Council's Engineering Design and Construction Specifications.

A3.4.2 Objectives

- a) Encourage stepping of buildings in response to existing topography.
- b) Minimise disturbance to existing landforms and soil profile.
- c) Minimise use of retaining walls.

A3.4.3 Controls

- a) Where the cut and fill objectives cannot be met, the development must be stepped in order to accommodate the contours of the site.
- b) Any cut and fill required shall comply with the maximum controls set out in Clause 7.3 (Earthworks) of Wingecarribee Local Environmental Plan 2010.



Section 4 Construction Standards & Procedures

Councils Engineering Design and Construction Specifications outline background and technical information necessary to assist in the preparation of development applications.

Users of this Section of the DCP should therefore refer to Council's Engineering Specifications. With any inconsistency between the provisions/specifications of the DCP and Councils Engineering Specifications, the Engineering Specifications will prevail.

A4.0 Introduction

When preparing detailed plans, applicants are directed to the following surveys and reports which may be required to address specific site conditions and to Council's construction standards with regard to certain matters. Council inspection procedures with regard to certain matters are also addressed in this Section.

A4.2 Building near or over Council Mains and Easements

The building of structures over/adjacent to Council's water, stormwater and sewerage assets will be considered in accordance with technical guidelines in the Engineering Design and Construction Specifications, as well as Council's set of standard drawings.

~~NB: Structures are to be erected clear of Council's water, sewer and drainage mains by a minimum of one (1) metre and 1.2 metres for a sewer manhole and shall be clear of any easement over such a main. The following controls apply only in those situations where Council is satisfied that there is no alternative to the proposed location.~~

~~A4.2.1 Sewer Mains~~

- ~~(a) Under no circumstances will Council permit a building to be erected over a sewer rising main.~~
- ~~(b) Council may permit the building over a sewer main in accordance with the following:

 - ~~(i) The maximum length of the sewer main built over by an unelevated structure (ie. Less than 1.7 metres clearance above the pipe) shall not exceed 12 metres unless otherwise authorised by Council.~~
 - ~~(ii) A registered easement over the main being granted at the owner's expense.~~
 - ~~(iii) Where replacement, augmentation or amplification of the sewer main is required, the pipes shall be UPVC or cast iron at a cost to be negotiated between the owner and the Council.~~
 - ~~(iv) No building is permitted over a sewer manhole.~~
 - ~~(v) The unobstructed personal access of minimum width 900mm shall be provided to any manhole located upon private property.~~~~



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- ~~(vi) A building shall not be erected within the area of influence above the angle of repose of 45 degrees for normal loam/clay/sand foundations, or 60 degrees for rock foundations measured 600mm from the outside of the pipe for the trench bottom.~~
- ~~(vii) Piers designed by a professional engineer shall be provided to carry structural loadings below the invert level of the main. In all circumstances the clearances between a building and a main or drain shall be to the satisfaction of special requirements of the Council.~~

A4.2.2 Construction Requirements

- ~~a) The weight of any building shall be distributed away from any sewer main or stormwater drain by pier & beam construction. The piers shall be embedded on firm foundation at least 300mm below the invert of the pipe with a minimum horizontal clearance from the pipe of 600mm.~~

A4.2.3 Water mains

- ~~a) No building is permitted over a water main.~~

A4.2.4 Other mains

- ~~a) No building is permitted over a stormwater drain or easement unless special extenuating circumstances prevail, and permission is resolved by the Council.~~

A4.2.5 Proximity to easements

- ~~a) A structure is permitted to be constructed up to a registered easement (but not encroaching on the easement unless permitted in the wording of the easement). If a structure is to be located within 200mm of a registered easement, Council will require the submission of a survey report at footing stage and prior to occupation of the building.~~

A4.3 Inspections relating to water, stormwater, sanitary drainage and effluent disposal systems under a Section 68 approval under the Local Government Act 1993

Councils hold point inspections for water, stormwater, sanitary drainage and effluent disposal systems shall be undertaken in accordance with the Section 68 consent under which the works are approved.

Council shall be notified twenty four (24) hours in advance that the following works are ready for inspection. A satisfactory inspection shall be carried out prior to covering any completed works.

- ~~(a) Stormwater drains if acting as the PCA (NB Council inspects stormwater drainage within properties only where a Hydraulic Consultant has NOT completed a hydraulics design)~~
- ~~(b) Stormwater absorption trenches~~
- ~~(c) Internal sewer drains under water test~~



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- (d) External sewer drains under water test
- (e) Water plumbing
- (f) Pump well and associated pump lines
- (g) Septic tank or aerated wastewater treatment system

Absorption trenches

- (a) Final inspection of water plumbing, on-site septic disposal, sanitary drainage and stormwater drainage
- (b) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves

A4.4 Civil Design & Certification

A practising professional engineer in their area of qualification will be required to certify civil designs and drawings for road works, drainage works, water and sewerage works and; structural designs and drawings for bridges, retaining walls, pumping stations and miscellaneous structures.

Refer to council's Engineering Design Specifications for accreditation requirements.

On completion of works and prior to occupation, certification from a Professional Engineer shall be submitted to Council detailing that all internal civil works are in accordance with the approved plans and specifications for developments where these plans were required by Council. The relevant Hydraulic Consultant shall certify that stormwater and any fire services installed are in accordance with the Council accepted design.

A4.5 Property Address – Street and Rural numbering

- a) After completion of a building, the mailbox or building must be identified with letters or numerals with a minimum height of 38mm, of colour contrasting with the area of attachment.
- b) Kerbs: Letters and numerals to have a minimum height of 100mm.
- c) Rural numbering is to be fixed at the entry to the property and is available from council's offices.

A4.6 Unformed Roads**A4.6.1 Introduction- Upgrading Unformed Public Roads**

Vehicular access to the site shall be provided in accordance with Council's Unformed Roads Policy. An application to construct the road under the Roads Act is to be made prior to the release of any development consent, with the road to be constructed prior to the occupation of the building. A copy of the policy follows.



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~~Safety Workers Compensation Insurance is to be held by the contractor for all employees engaged for works relating to the development that work within Council's roads and other public land. All vehicles and plant used shall be registered and covered by a third party personal and third party property insurance policy.~~

~~Traffic Control/Safety Prior to any work commencing which affects Council's roads, the applicant is to notify Council and obtain relevant approvals. A traffic Management Plan, prepared by a suitably qualified consultant, may be required with the Development/Construction Certificate application.~~

A4.6.2 Policy for the Upgrading of Unformed Roads

If a landowner intends to gain vehicular access to their land along an unformed road, then the following conditions will apply:-

- (a) A written application to conduct a formed road must be lodged, stating the reasons for the proposal.

The application will be assessed, and written conditional approval may be granted:-

- (i) In the case of access to a single lot, the access to generally take the form of a 4m wide gravel surfaced road, with culverts, generally located in the centre of the road reserve. Steep grades will require sealing of the road and lining of table drains in accordance with normal standards.
- (ii) In the case of access to multiple lots in the same ownership, the access will be conditioned as if the application was subdivision to create the existing lots.

If an approval is given, standard conditions will apply, including:-

- (i) Normal engineering standards of road construction
- (ii) Provision for traffic in accordance with the relevant Australian Standard
- (iii) Approval by Council's Engineers of the contractor, following proof of the usual licences, insurances, etc
- (iv) Approval by Council's Engineer of the materials and methods proposed to be used

Following construction of the road in accordance with the conditional approval, and its acceptance by Council's Engineer, Council may assume responsibility for its maintenance after occupation of a dwelling served by the road only in residential or village zones.

A4.6.3 Background to the Policy

(a) Legal Framework

- (i) The relevant legal framework is contained in the Roads Act 1993.
- (ii) Council has no statutory duty to carry out works of construction or repair of public roads, or to keep them in repair.



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- ~~(iii) It is an offence to carry out any work on a public road without the consent of Council. (Section 138)~~
 - ~~(iv) Council can give this consent subject to conditions. (Section 139)~~
 - ~~(v) Council can revoke this consent at any time and for any reason. (Section 140)~~
 - ~~(vi) If the road is a Crown road rather than a public road, the relevant State Government Department will only permit its upgrading if Council will then accept it as a public road. Therefore, Council can impose identical conditions to those that would apply to a public road.~~
- ~~(b) The principles behind the policy are:-~~**
- ~~(i) Council has an obligation to ensure that legal access is available to all lots. Council has NO obligation to provide physical access to lots.~~
 - ~~(ii) The market value of a lot reflects the amenities which benefit the lot, such as water supply, sewerage, gas, sealed road access, etc.~~
 - ~~(iii) Council should not be required to provide vehicular access at its cost as this is effectively subsidising the purchase price of the lot.~~
 - ~~(iv) Owners of a lot on an unformed road who genuinely wish to build on the land should be able to do so at a reasonable cost, including the cost of provision of vehicular access.~~
 - ~~(v) Council needs to minimize its exposure to subsequent complaints and requests for construction and sealing of the formed access road, by ensuring that it is built to an appropriate standard.~~
 - ~~(vi) Owners or developers of multiple lots located on an unformed road who intend to develop and resell the lots should be required to provide access to a standard that would apply to subdivision. In such cases, the developer should be prevented from the sequential extension of the road and sale of the lots one at a time, by "bending" the policy.~~
- ~~(c) The intentions of the policy are:-~~**
- ~~(i) To allow property owners to provide access to their land at reasonable cost.~~
 - ~~(ii) To minimize requests for Council to further upgrade or maintain a road provided by a property owner.~~
 - ~~(iii) To ensure that the effects on the environment are considered and adverse impacts minimised.~~
 - ~~(iv) To ensure that de-facto land developers are required to provide a standard of road identical to that required by subdivision.~~



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PART B BUSINESS ZONED LAND

Section 2 On-site Car Parking

B2.0 Introduction

All new commercial development must make adequate provision for the off-street parking of cars associated with it, either by providing on-site parking, or by making a contribution towards the provision of public car parks. Where on-site parking is provided, the development must ensure that vehicular access to and from the site is safe and does not impede traffic flow.

This Section of the DCP should be read in conjunction with Councils Engineering Design and Construction Specifications.

B2.1 Objectives

Council's vehicular access and off-street parking controls seek to achieve the following objectives:

- (a) To ensure that adequate off-street parking is provided in conjunction with development in order to discourage the use of streets for the parking of vehicles associated with additional traffic generated by new developments.
- (b) To provide communal public car parking in appropriate areas, funded from developer contributions, where the development cannot accommodate adequate on-site parking, and/or where Council chooses to aggregate parking into a centralised location(s).
- (c) To ensure that car parking areas are safe and functional.
- (d) To ensure that parking supply is equitable and include at least the minimum number of accessible spaces in accordance with AS2890 series.
- (e) To ensure that car parking areas are visually attractive.
- (f) To ensure that vehicular access points to the site are located to minimise danger or disruption to vehicles and pedestrians on the public street system.

B2.2 Relevant Technical Documents

Applicants are directed to the following technical documents which must be read in conjunction with this Section of the DCP:

- (a) Australian Standards – Parking Facilities – AS2890 series as applicable;
- (b) Roads & Traffic Authority – Traffic and Transport Technical Directions and Manuals;
- (c) TDT 2001/06a – Autoturn Swept Path Computer Program.



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- ~~(d) Roads & Traffic Authority – Guide for Traffic Generating Developments.~~
- ~~(e) Investigation of Parking Rates in Wingecarribee Shire prepared by Chris Hallam dated August 2005~~
- ~~(f) Austroads – Design Vehicles and Turning Templates 1995~~

B2.3 Definitions used in this section

- (a) Redevelopment means the total demolition of buildings on a site or the demolition to such an extent where the character of the existing development is changed, and the replacement with a new building and or usage.
- (b) Gross Leaseable Floor Area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls including stock storage areas and aisles but excluding stairs, amenities, lifts, corridors and other public areas, but only, where they are not associated with the use of the site, eg dining area, display of goods.
- (c) Gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external closing walls excluding:
 - (i) columns, fin walls, sun control devices or any other elements, projections or works outside the general line of the outer face of the external wall;
 - (ii) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts;
 - (iii) car parking needed to meet any requirements of the Council and any internal access thereto;
 - (iv) space for the loading and unloading of goods (source – Environmental Planning & Assessment Act Model Provisions 1980);
- ~~(d) Floor means that space within a building which is situated between one floor level and the floor level next above or if there is not floor above, the ceiling or roof above;~~
- ~~(e) Restaurants means, places, the principal purpose of which, on a retail basis, is preparation and serving of food and drinks to people for consumption on premises~~
- (f) Shop means retail premises that sell groceries, personal care products, clothing, music, home wares, stationery, electrical goods or other items of general merchandise, and may include a neighbourhood shop, but nor include food and drink premises or restricted premises. For the purpose of calculating car parking requirements, the following sub-categories of the standard definition of a shop shall be used:
 - (i) **Small shop:** Gross Floor Area up to and including 150m² AND serviced by a small rigid type vehicle (up to 6.4 metres in length) AND has a maximum delivery frequency of 2 times per week.



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- (ii) **Medium shop:** Gross Floor Area up to and including 151m² to 1000m² AND serviced by a medium rigid type vehicle (up to 8.8 metres in length) AND has a maximum delivery frequency of 2 times per week.
- (iii) **Large shop:** Gross Floor Area of 1001m² or more OR serviced by a heavy rigid type vehicle (up to 12.5 metres in length) OR an articulated vehicle (up to 19 metres in length) OR any shop with a delivery frequency of more than 2 times per week.

B2.4 Requirements for New Development or Redevelopment

- (a) The number of car parking spaces to be provided on the site is determined by the nature of the development. Applicants should refer to the Table at the end of this section for the requirements for all types of commercial development.
- (b) If the car parking requirements for a specific development are not contained within this Plan, Council will have regard to the Roads and Traffic Authority Guide for Traffic Generating Developments, and to comparable uses at other locations, in assessing the car parking requirements of the development.
- (c) The loss of any on-street parking as a result of the development, including new vehicular entry points or loading zones, shall be compensated for by providing on-site parking equal to the number of lost spaces.

B2.5 Requirements for Additions or Alterations to Existing Buildings

- (a) Car parking provision for additions or alterations to existing buildings shall comply with the requirements of this Plan.
- (b) Council requires either on-site car parking or a contribution in lieu for additional car parking deemed to be generated by the additions or alterations.
- (c) Where parking was not required by Council for an existing use, but where such parking was provided, Council will require the retention of such parking up to, but not exceeding, Council's requirements for the specified type of development.
- (d) A redevelopment is to comply with the Schedule of Car Parking Requirements in the terms of amount of car parking generated by the new proposal. Any claim for car parking credits for an existing building and / or usage will need to be substantiated by appropriate documentary evidence, ie previous development consents, with the development application for Council to assess. In circumstances where the applicant cannot demonstrate a previous requirement, the amount of car parking that is deemed to be credited shall be based upon the rates in [Table B3.45.4](#) located at the end of this section of the Plan. Council may decide to accept car parking credits to offset the demand deemed to be generated for the new development proposal.



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**B2.6 Use of Parking Areas**

- (a) All parking spaces shall be used solely for the parking of motor vehicles for owners, staff and customers, and on no account shall such spaces be used for storage or garbage purposes.
- (b) Boom gates, remotely operated doors and other devices designed to stop the public from accessing the parking are not permitted.
- (c) No signposting or restrictions on individual spaces is allowed.

B2.7 Disabled Parking Requirements

- a) Disabled parking spaces shall be provided for each building use according to the applicable Standard.
- b) The disabled parking requirements will be to the current Australian standard.

B2.8 On Site Parking Deficiencies

- a) In circumstances where it is not physically possible or where, for traffic reasons or otherwise, it is impracticable to provide on-site, the total number of parking spaces required under this Plan, the applicant shall make appropriate arrangements for the provision of the car parking shortfall with Council.
- b) Council's preferred approach for such arrangements is through a voluntary Planning Agreement (VPA) lodged with the Development Application. Council's adopted policy in relation to Planning Agreements sets out the requirements and process.
- c) If there is a deficiency in the required number of car spaces, and no Planning Agreement is entered into, or alternative arrangements made, the Development Application may be refused.

B2.9 Design of Off-Street Parking Facilities

- a) The minimum design requirements for parking facilities are the Australian Standard AS 2890 series.
- b) While the Australian Standard is the minimum standard this does not prohibit designs to a higher standard which can improve accessibility and amenity thereby possibly increasing the attraction of a particular development to future customers.
- c) Applicants are directed to B3.11 below for advice on how to design a car park.
- d) Council prefers the use of AUSTRROADS Design Vehicles and Turning Templates for all vehicle movements on, or on to public roads, and the turning template, found in AS 2890.1 and AS 2890.2 for on-site manoeuvring.



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- e) Where Autoturn or similar packages are to be used, they must be only within the confines of RTA Technical Directive TDT 2001/06a – RTA Policy Autoturn Swept Path Computer Program or any subsequent amending directive.

B2.10 How to Design a Car Park Using AS 2890.1:2004

The following Table B5.1 provides a guide for designing a car park using AS 2890.1:2004. The table indicates the tasks involved and the relevant clause, table or figures from AS 2890.1 : 2004 (unless otherwise stated) which should be consulted.

Please note that not all design requirements are listed below and AS 2890.1 : 2004 must be used as the primary reference source.

Table B5.1 Design Process

Step	Task	Based on information from:
1.	Determine number of car spaces required.	Table B3.4 & other relevant sections of this Plan.
2.	Determine classification of off-street parking facilities.	Clause 1.4 & Table 1.1
3.	Determine dimensions of parking bay module <ul style="list-style-type: none"> ● Parking bay ● Aisle width 	Clause 2.4.1 & Figure 2.2 Clause 2.4.2-2.4.4 & Figures 2.2-2.4
4.	Design of Circulation Roadways and ramps.	Clause 2.5
5.	Driveway Access width. <ul style="list-style-type: none"> ● Determine Parking Facility Category ● Determine Driveway width using Parking Facility Category 	Clause 3.2.1 & Table 3.1 Clause 3.2.1, Clause 3.2.2 & Table 3.2
6.	Determine Access Driveway Location.	Clause 3.2.3 & Figure 3.1
7.	Check Sight Distance requirements.	Clause 3.2.4 & Figure 3.2
8.	Additional Requirements: <ul style="list-style-type: none"> ● Column Location & Spacing ● Height Clearances 	Clause 5.2 & Figure 5.2 Clause 5.3 & Figure 5.3

Following are two worked examples.

EXAMPLE 1

The proposed development is a medium turnover commercial development in a town centre, on a Local Road, requiring (seven) 7 parking spaces.



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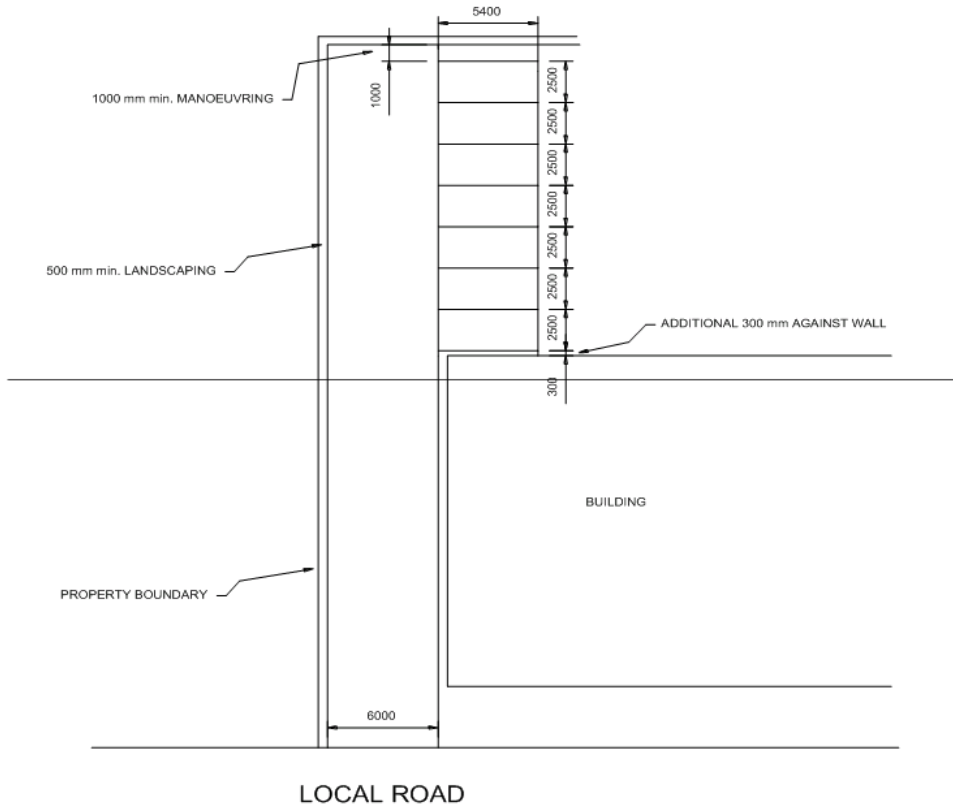
Table B5.2 – Design Process

Step	AS 2890 Design Requirements	Example 1 requirements
1.	Determine number of spaces required.	7
2.	Determine classification of off street parking facilities.	Classification 2
3.	Determine dimensions of parking bay module 1) Parking bay 2) Aisle width	A = 2.5m B = 5.4m Aisle Width = 5.8m
4.	Design of Circulation Roadways and ramps	Width = 5.5 m minimum
5.	Driveway Access width. 1) Determine Parking Facility Category 2) Determine Driveway width using Parking Facility Category	Parking Facility Category = 1 3.0 to 5.5. Use 6.0 m to comply with Council's Standard Drawing SD 108
6.	Determine Access Driveway Location	Checked – OK
7.	Check Sight Distance requirements.	Landscaping & Fencing terminated before front boundary to comply.
8.	Additional Requirements: Column Location and Spacing Height Clearances	Not Applicable.

Resulting Layout of Car Park (over)



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EXAMPLE 2

The proposed development is a high turnover retail development in a town centre on an Arterial Road, requiring 12 parking spaces. The car park will be underground and have access via a curved ramp.

B2.11 Design Process

Step	AS 2890 Design Requirements	Example 2 requirements
1.	Determine number of spaces required.	12
2.	Determine classification of off street parking facilities.	Classification 3



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3.	Determine dimensions of parking bay module 1) Parking bay 2) Aisle width	A = 2.6m B = 5.4m Aisle Width = 5.8m
4.	Design of Circulation Roadways and ramps	R _o = 15m Width = 6.7m Clearance outside of curve 500mm. Clearance inside of curve 300mm. A line-marked centre line is required. The ramp long-section was designed using Council's Standard Drawing SD 123 to provide a more accessible ramp.
5.	Driveway Access width. (a) Determine Parking Facility Category (b) Determine Driveway width using Parking Facility Category	Parking Facility Category = 2 6 to 9 metres permissible. Choose 6.7 metres to match ramp width.
6.	Determine Access Driveway Location	Checked - OK
7.	Check Sight Distance requirements.	Building Splay required for pedestrian sight distance
8.	Additional Requirements: Column Location and Spacing Height Clearances	Columns located outside of building envelope. Ramp terminated before car park entry - Height OK.



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Resulting Layout of Car Park

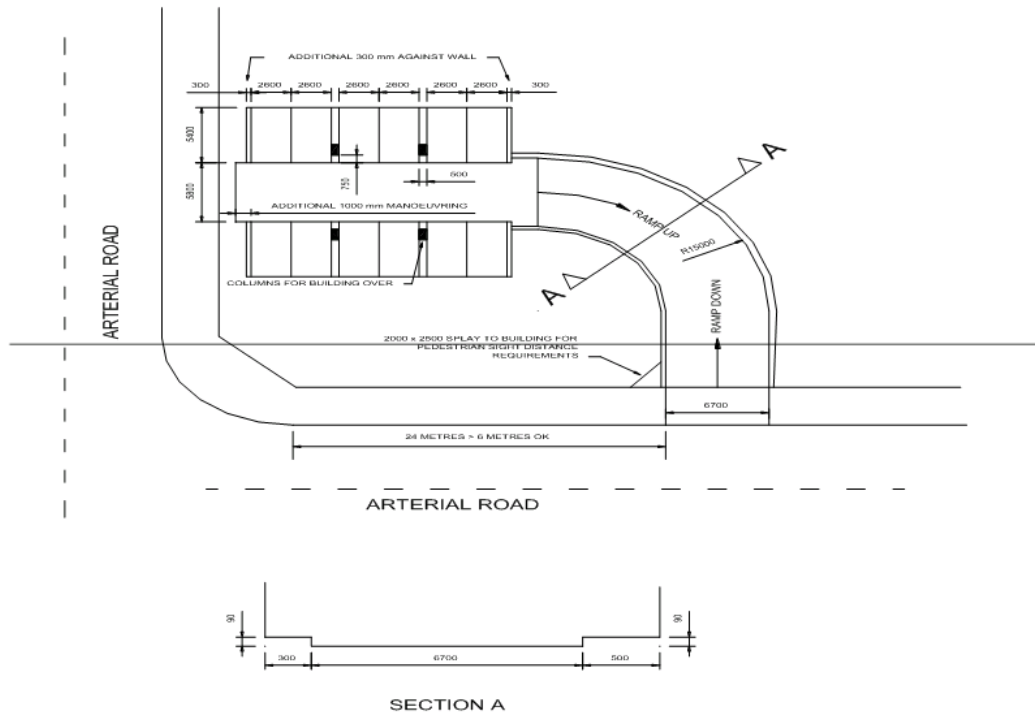


Figure B5.4 Schedule of Car Parking Requirements

USE	CAR PARKING SPACES
Relevant to all use categories	Accessible parking spaces in accordance with AS 2890 series are to be provided
Retail, Office, Commercial	1 space per 30 m ² of gross leaseable floor area for buildings of single storey. For buildings greater than one storey in height the disaggregated method for car park calculation (Section 5 RTA Guide for Traffic Generating Developments) may be considered.
Consulting — Rooms/Medical Centre/Hospital/surgery/GP/Dentist etc	1 space per doctor or health care professional (on duty at any one time), 1 space per 3 other employees (on duty at any one time), 1 space for every 3 beds for visitor parking and one 1 space suitable for an ambulance 1 space per doctor (on duty at any one time), 1 space per 3 employees (on duty at any one time), 1 space for every 3 beds for visitor parking and one 1 space suitable for an ambulance
Shops <ul style="list-style-type: none"> > Small or medium > Large 	1 space per 30 m ² of gross floor area. 1 space per 20 m ² of gross floor area.
Veterinary Surgery	1 space per veterinarian, 1 space per other employee, 2 spaces per veterinarian for clients
Supermarkets	1 space per 20 m ² of gross leaseable floor area.
Bulky Goods	1 space per 50 sq m of office and showroom/retailing area, plus 1 space per 100 sq m of warehouse gross floor area
Restaurants and Café's	1 space per 3 seats OR 15 spaces per 100 m ² of gross floor area. NB: Council may reduce the above parking requirements where it considers that ample parking will be available in the vicinity for patrons during evening hours should the development only operate after 6pm, without adversely affecting the amenity of the surrounding locality during the day or evening. 1 space per 3 seats OR 15 spaces per 100 m² of gross floor area. NB: Council may reduce the above parking requirements where it considers that ample parking will be available in the vicinity for patrons during evening hours, without adversely affecting the amenity of the surrounding locality during the day or evening.
Public Bars Coffee Shops / Cafés (with dine-in fixtures)	1 space per 3 seats OR 15 spaces per 100 m ² of gross floor area. NB: Council may reduce the above parking requirements where it considers that ample parking will be available in the vicinity for patrons during evening hours should the development only operate after 6pm, without adversely



USE	CAR PARKING SPACES
	<p>affecting the amenity</p> <p>1 space per 30 sq m of gross leaseable floor area. Council may reduce the above parking requirements where it considers that ample parking will be available in the vicinity for patrons during evening hours, without adversely affecting the amenity of the surrounding locality during the day or evening.</p>
Coffee Shops / Cafés (with dine-in facilities)	<p>1 space per 30 sq m of gross leaseable floor area. Council may reduce the above parking requirements where it considers that ample parking will be available in the vicinity for patrons during evening hours, without adversely affecting the amenity of the surrounding locality during the day or evening.</p>
Fast Food Take Away Food Outlets (eg McDonalds, Kentucky Fried Chicken)	<ul style="list-style-type: none"> • With no on site seating and no drive through facilities: 12 spaces per 100 sq m gross floor area • Developments with on-site seating but no drive-through facilities: 12 spaces per 100 sq m gross floor area, plus the greater of 1 space per 5 seats (both internal and external seating), or 1 space per 2 seats (internal seating) • Developments with on-site seating and drive-through facilities, greater of: 1 space per 2 seats (internal), or 1 space per 3 seats (internal and external).
Clubs	<p>A traffic study is to be prepared by a qualified traffic engineer, with the parking requirement established through surveys of similar existing developments, noting the existing supply of and demand for parking in the area, and of the peak parking periods of individual facilities within the club.</p>
Cinemas	<p>1 space per employee, 1 space per 10 seats (maximum usage should there be more than one theatre operational at any one time). A parking study may be required to support the application for consideration.</p>
Warehouses	1 space per 300 sq m of gross floor area
Car Repair Stations	6 spaces per workshop bay
Motor Car, Caravan, Boat and Truck Showrooms	1.5 spaces 200m ² site area plus 6 spaces per any workshop bay
Storage Units	1 space per 500m ² of storage area – plus 1 space per employee
Places of Worship	<p>1 space per 10 seats or 1 space per 10 sq.m of space used by the public, whichever is the greater (Note: total parking provision may be reduced where it can be demonstrated that the time of peak demand for parking associated with the locality does not coincide and there is ample available unused parking supply within 3 minutes of walking distance of the development site).</p>
Accommodation	
Motels (where Restaurant included, use to include)	1 space per Motel room plus 1 space per 2 employees.



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USE	CAR PARKING SPACES
appropriate rate)	
Hotels	<ul style="list-style-type: none"> Accommodation component: 1 space per Hotel room plus 1 space per 2 employees. Bar, lounge & dining component: A traffic study is to be prepared by a qualified traffic engineer, with the parking requirement established through surveys of similar existing developments, noting the existing supply of and demand for parking in the area, and of the peak parking periods of individual facilities within the hotel.
Sex services premises	On-site parking is to be provided at the rate of 1 space per 40m ² of gross floor area.
Educational Establishments	<p>1 space per 2 staff, plus 1 space per 20 Year 12 students, plus</p> <ul style="list-style-type: none"> 1 space per 10 tertiary students, 1 space per 10 seats in an assembly hall (<u>these spaces may be inclusive of all other requirements</u>) spaces for sports fields etc, shall be determined by Council in each case. <p><u>Note:</u> Where a facility is ancillary to the principle use eg; school, church, consideration will be given to the actual likely increased patronage.</p>
Recreational Facility	3 spaces per squash court, 3 spaces per tennis court, 3 spaces per bowling lane, 30 spaces for first bowling green plus 15 spaces for each additional bowling green, 16 spaces per indoor cricket court, 1 space per 40 sq. m GFA otherwise.
Gymnasium	1 space per employee on duty at any one time plus whichever is the greater of 1 space per 30 sq. m GFA (excluding reception, office, store, food preparation, serving areas).
Swimming Pool	1 space per employee on duty at any one time plus whichever is the greater of 7 spaces per swimming lane or 8 spaces per 60 sq.m pool (water) area, or 1 space per 2 students (based on maximum possible number of students in a class).
Aquatic Centre	Parking impact and needs study required where the Centre proposes a range of uses and/or proposes to hold events.
Wineries, Cellar Door Sales and other Local Rural Industries Educational Establishments	<p>1 space per 30m² of gross leaseable floor areas with a minimum of 3 spaces.</p> <p>1 space per 2 staff, plus 1 space per 20 Year 12 students, plus</p> <ul style="list-style-type: none"> 1 space per 10 tertiary students, 1 space per 10 seats in an assembly hall (<u>these spaces may be inclusive of all other requirements</u>) spaces for sports fields etc, shall be determined by Council in each case. <p><u>Note:</u> Where a facility is ancillary to the principle use eg; school,</p>

12.3 Draft Development Control Plan Amendments - Engineering Specifications
 ATTACHMENT 1 Draft Development Control Plan Amendments



USE	CAR PARKING SPACES
	church, consideration will be given to the actual likely increased patronage.
Wineries, Cellar Door Sales and other Local Rural Industries	1 space per 30m ² of gross leaseable floor areas with a minimum of 3 spaces.
Other land uses not listed	Council will give consideration to rates published by other Councils operating in a similar large regional location to Wingecarribee Shire (i.e. comparisons must be made with similar developments in similar locations). Council may also require the completion and submission of a parking impact and needs study by the applicant.
Wineries, Cellar Door Sales and other Local Rural Industries	1 space per 30m² of gross leaseable floor areas with a minimum of 3 spaces.



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Section 3 Loading Facilities and Waste & Resource Recovery Storage and Collection

B3.0 Introduction

All business development where future tenants will require regular deliveries of goods and the removal of waste and resource recovery material must ensure that loading facilities are adequate for the realistic needs of the proposed service vehicles. In the past, the servicing of retail developments by large trucks has often caused considerable traffic disruption with further potential danger to pedestrians.

B3.1 Controls

To improve the servicing of retail developments and to reduce vehicle and pedestrian conflicts, Council requires all future commercial developments to meet the following controls:

- (a) Full details of anticipated vehicle sizes, volumes and frequency of delivery and other service vehicles must be supplied with the development application. These estimates, particularly vehicle sizes, must be realistic and based on established averages for the range of businesses likely to occur in the development.
- (b) AUSTRROADS Design Vehicles and Turning Templates must be used for all vehicle movements on, or on to, public roads.
- (c) The turning templates from Australian Standard AS 2890.1 and AS 2890.2 must be used for on-site manoeuvring, including reversing manoeuvres and vertical clearance requirements.
- (d) For retail developments with a gross leaseable floor area of less than 1,000 square metres and not a supermarket, discount department store or other high volume delivery usages, the following controls apply:
 - (i) The development must provide:
 - › either a loading facility on site to accommodate a Heavy Rigid Vehicle (12.5 metre) as defined by Australian Standard AS 2890.2, or Single Unit Truck (12.5 metre) as defined by Austroads 2008 as the minimum standard, or
 - › may be permitted to utilise a loading zone if it is within 100 metres as measured along the travel path.
 - (ii) Consideration of servicing of the development by vehicles equal to or larger than a Medium Rigid Vehicle (8.8 metre) as defined by Australian Standard AS 2890.2, or Service Vehicle (8.8 metre) as defined by Austroads 2008, may be deemed as the appropriate design vehicle, subject to **Council** the approval of supporting evidence by Council's Director Environment and Planning.



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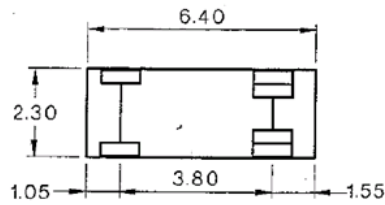
- (i) No use of the loading zone will be permitted where deliveries require the use of fork lifts, or other mechanically assisted lifting devices on the footpath or crossing a public road or footpath.
 - (ii) Council will require a positive covenant to be placed on the title of the land giving Council the power to release, vary or modify the restriction to enforce the requirements of this clause.
- (e) For retail developments with a gross leaseable floor area of 1,000 square metres or greater or developments such as supermarkets, discount department stores or other high volumes delivery usages, the following controls shall apply:
- (i) The development shall provide a loading facility to accommodate an Articulated Rigid Vehicle (19.0 metre) as defined by Australian Standard AS 2890.2 or Single Articulated Vehicle (19.0 metre) as defined by Austroads 2008 as the minimum standard.
 - (ii) Council will require a positive covenant to be placed on the title of the land giving Council the power to release, vary or modify the restriction to enforce the requirements of this clause.
 - (iii) The reversing of vehicles on to a main road, or arterial road, or future by-pass route road, or any other public road, will not be permitted.
 - ~~(iv) Should a small development site, located off a car park or local access lane, be unsuitable for the turning of service vehicles due to site constraints, the applicant must demonstrate to the satisfaction of Council that the safety of other road users will not be compromised by allowing reversing manoeuvres on to or from the site.~~
 - (v) The design of off-street commercial vehicle facilities must comply with AS 2890.2 : 2002.
 - (vi) Loading bays are not to be used for the storage of goods or waste storage other than during the unloading / loading process.
 - (vii) Waste and resource recovery material storage should be enclosed or screened from the road in a dedicated facility.
 - (viii) Waste and resource recovery material collection shall be from the loading facility if one is provided with the development. If no loading facility is provided then collection of waste and resource recovery material must be from a central collection area by private contractor. The waste and resource recovery material must be collected outside of business hours to ensure disruption to the public is minimised.
 - (ix) All service vehicles accessing a development need to accommodate geometric swept path and vertical clearance in accordance with Austroads and Australian standards.



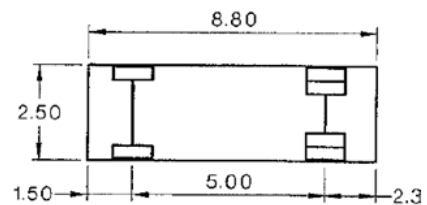
Draft DCP Provisions – Engineering Specifications



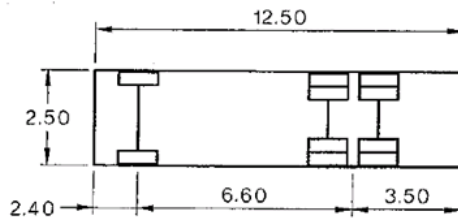
Commercial Vehicle Dimensions



(a) Small rigid vehicle
Clearance height 3.50
Design turning radius 7.1



(b) Medium rigid vehicle
Clearance height 4.50
Design turning radius 10.0



(c) Heavy rigid vehicle
Clearance height 4.50
Design turning radius 12.5



PART C RESIDENTIAL ZONED LAND

C2.0 Garaging & Driveways

The location and treatment of garages and driveways can have a significant impact on the streetscape, particularly in the case of infill development in streets with more traditional forms of housing design. Garages must not dominate the streetscape and, preferably, should be situated behind the primary building line.

The appropriate location of garages can also provide additional covered space for both active and passive recreation. Garages with front and back doors which can be fully opened provide opportunities for casual entertaining spaces which link front and rear private open spaces.

All driveway crossings and verge crossing materials shall be provided in accordance with Council's Engineering Design and Construction Specifications and Standard Drawings.

C2.0.1 Objectives

The objectives of considering the location of garages associated with dwellings are to ensure that:

- (a) Garages are located to minimise the dominance of garages and driveways in the streetscape.
- (b) Garages shall be designed and located to minimise adverse solar impacts.
- (c) Where possible, garages should offer linkages between on-site open space areas.
- (d) Driveways shall be designed and located so as to be recessive in the streetscape.
- (e) Driveways shall be located so as not to impact on existing street trees.

C2.0.2 Specific Controls

All applications for residential development shall comply with the following controls:

- (a) In established residential areas, the location of new garages should reflect the current street pattern.
- (b) The height of the garage shall not exceed the height of the principal dwelling.
- (c) Where garages form part of the dwelling they shall not exceed 40% of the total width of the dwelling frontage to a maximum width of six (6) metres.
- (d) Double garages are only permitted on allotments of at least 12.5 metres in width.
- (e) Triple fronted garages are not permitted where they face directly on to the street.



Draft DCP Provisions – Engineering Specifications



- (f) The garage shall be set back from the front façade and designed so that the dwelling entry and façade are the dominant building features.
- (g) New dwellings (including principal, dual occupancy or secondary dwellings) shall provide a minimum of two car spaces behind the building line for each dwelling which may include an access way to the side of the dwelling of a minimum width of 2700mm.
- (h) Driveways are to be located a minimum of three (3) metres from the nearest street tree.
- (i) Driveways are to be located a minimum of one (1) metre from any side boundary.
- ~~(j) Driveway and verge crossing materials shall complement the current streetscape, and shall be preferably of compacted earth, gravel, stone cobble or plain concrete surface. Strong textures and bright colours, including stamped concrete, shall not be permitted on driveways or verge crossings.~~
- ~~(k) The vehicular crossing point to the garage from the street shall be located to reflect the existing vehicular access point pattern in the street. Applicants are directed to Council's relevant Endorsed Technical Specifications.~~
- ~~(l) The width of the driveway at the street shall reflect the current streetscape.~~
- ~~(m) The width of the driveway on site shall not exceed the width of the garage opening and shall reflect the surface material currently in the streetscape.~~
- (n) Where possible, the edges of hard surfaces shall be softened through landscaping and material treatment.
- (o) Driveways are to be located a minimum of one (1) metre from any side boundary.



Section 3 Renwick Precinct

Access, Parking, Garages & Driveways

Objectives

- (a) Coordinate all access between private and public domain.
- (b) Minimise the dominance of garages and driveways in the streetscape.

Development Controls

- (a) All dwelling applications that have swale type drains to the frontage are to ensure that it is adequately fenced during construction to avoid damage to Council assets.
- (b) Vehicle access is to be solely from the rear lane where one is available.
- (c) Vehicle crossings are not to exceed 3m wide in streets or 4.8m wide in lanes.
- (d) All driveway crossings and verge crossing materials shall be provided in accordance with Council's Engineering Design and Construction Specifications and Standard Drawings.
- ~~(e) Vehicle crossings are not to exceed 3m wide in streets or 4.8m wide in lanes.~~
- ~~(f) Vehicle crossings are to be constructed in natural concrete from the road pavement to the footpath or, where there is no footpath, to the property boundary.~~
- (g) A minimum of 2 on-site parking spaces are to be provided for each dwelling.
- (h) Garages facing the primary street frontage are to be setback a minimum of 1metre behind the main house façade. Refer [Figure C18.12](#)
- (i) Where garages form part of the dwelling, the garage doors should not exceed more than 40% of the total width of the dwelling frontage.
- (j) Garage doors facing the street are not to exceed width 6.0m in total.
- (k) Triple garages facing the street are not permitted.
- (l) Maximum height of garage with self contained flat is 5.5m to underside of eaves.
- (m) Garages up to 36m² are not included in FSR.

ATTACHMENTS TO REPORT

Item 12.5

Draft Code of Conduct and Procedures for the Administration of the Code of Conduct

Attachment 1

Draft Code of Conduct

Attachment 2

Draft Procedures for the Administration of the Code of Conduct



Code of Conduct

Wingecarribee Shire Council

Adopted [insert date and resolution]

Working with you

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Part 1 Introduction

The Wingecarribee Shire Council Code of Conduct (Code of Conduct) is based on the Model Code of Conduct for Local Councils in NSW (“the Model Code of Conduct”) and is made under section 440 of the *Local Government Act 1993* (“LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”).

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

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

Section 440 of the LGA requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not “council officials” for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory committees).

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

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

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

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



Part 2 Definitions

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council’s audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation

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joint organisation	a joint organisation established under section 4000 of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

Part 3 General Conduct Obligations

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

- 3.8 You must not engage in bullying behaviour towards others.



- 3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which:
- a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and
 - the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- aggressive, threatening or intimidating conduct
 - belittling or humiliating comments
 - spreading malicious rumours
 - teasing, practical jokes or ‘initiation ceremonies’
 - exclusion from work-related events
 - unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - displaying offensive material
 - pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- performance management processes
 - disciplinary action for misconduct
 - informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - directing a worker to perform duties in keeping with their job
 - maintaining reasonable workplace goals and standards
 - legitimately exercising a regulatory function
 - legitimately implementing a council policy or administrative processes.

Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- take reasonable care for your own health and safety
 - take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff



- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

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

Binding caucus votes

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

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.



3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:

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

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Part 4 Pecuniary Interests

What is a pecuniary interest?

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

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector
 - b) your interest as a ratepayer or person liable to pay a charge

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



- n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

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

What disclosures must be made by a designated person?

4.8 Designated persons include:

- a) the general manager
- b) other senior staff of the council for the purposes of section 332 of the LGA
- c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest
- d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.

4.9 A designated person:

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

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

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

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

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

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

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

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

What disclosures must be made by a councillor?

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

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a councillor or designated person, and
 - b) 30 June of each year, and
 - c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).



- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- a) they made and lodged a return under that clause in the preceding 3 months, or
 - b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009 (the GIPA Act), the Government Information (Public Access) Regulation 2018 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- a) at any time during which the matter is being considered or discussed by the council or committee, or
 - b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
 - b) a partner of, or in the employment of, a specified person.



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

- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:



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

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

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Part 5 Non-Pecuniary Conflicts of Interest

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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



another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

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

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

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

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

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

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



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

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the Electoral Funding Act 2018
 - b) “major political donor” has the same meaning as it has in the Electoral Funding Act 2018.
- 5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or



- ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

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

Other business or employment

5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.

5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:

- a) conflict with their official duties



- b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
- c) require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

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

Part 6 Personal Benefit

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) **items with a value of \$10 or less**
 - b) a political donation for the purposes of the Electoral Funding Act 2018
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) **a benefit or facility provided by the council to an employee or councillor**
 - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty



- d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
- f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
- g) personally benefit from reward points programs when purchasing on behalf of the council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of ~~\$100~~ ~~\$50~~. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed ~~\$100~~ ~~\$50~~
- b) gifts of alcohol that do not exceed a value of ~~\$100~~ ~~\$50~~
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed ~~\$100~~ ~~\$50~~ in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed ~~\$100~~ ~~\$50~~ in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds ~~\$100~~ ~~\$50~~, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another



person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed ~~\$100~~ \$50 in value.

- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

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

Improper and undue influence

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

Part 7 Relationships between Council Officials

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - 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
 - contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- give their attention to the business of the council while on duty
 - ensure that their work is carried out ethically, efficiently, economically and effectively
 - carry out reasonable and lawful directions given by any person having authority to give such directions
 - give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them



- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

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

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.



Part 8 Access to Information and Council Resources

Councillor and administrator access to information

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:



- a) subject to clause 8.14, only access council information needed for council business
- b) not use that council information for private purposes
- c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

8.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

Use of council resources

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

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



- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access and social media

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.
- 8.21 You must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
- a) is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
 - b) contains content about the council that is misleading or deceptive
 - c) divulges confidential council information
 - d) breaches the privacy of other council officials or those that deal with council
 - e) contains allegations of suspected breaches of this code or information about the consideration of a matter under the Procedures, or
 - f) could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment
 - g) shows council staff in the conduct of their duties and/or at staff events without the written and/or verbal consent of the staff member/s and with prior approval by the general manager



- h) is intended for staff and councillors only such as internal newsletters, communications and correspondence.

Council record keeping

- 8.22 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.23 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.24 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.25 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.26 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.27 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.28 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

Part 9 Maintaining the Integrity of this Code

Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.



9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.

9.8 You must comply with a practice ruling made by the Office under the Procedures.

~~9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.~~

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

9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

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

9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

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

9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.

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

Schedule 1: Disclosures of interests and other matters in written returns submitted under clause 4.21

Part 1: Preliminary

Definitions

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

address means:

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

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

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

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

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

interest means:

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



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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

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



Part 2: Pecuniary interests to be disclosed in returns

Real property

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

Gifts

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

Contributions to travel

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



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

Interests and positions in corporations

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



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

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

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

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

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

Positions in trade unions and professional or business associations

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

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

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

Dispositions of real property

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

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

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

Sources of income

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

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and



- b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - i) a description of the occupation, and
 - ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary



business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or

- d) in the case of a debt arising from the supply of goods or services:
 - i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

- 34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

Schedule 2: Form of written return of interests submitted under clause 4.21

'Disclosures by councillors and designated persons' return

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

Important information

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

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

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

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



Government Information (Public Access) Regulation 2018 and any guidelines issued by the Information Commissioner.

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

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

as at [return date]

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

[councillor's or designated person's signature]

[date]

A. Real Property

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

B. Sources of income

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

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

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

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

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

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



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

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

C. Gifts

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

D. Contributions to travel

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

E. Interests and positions in corporations

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

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

G. Positions in trade unions and professional or business associations

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

H. Debts

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



any time since 30 June

I. Dispositions of property

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

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

J. Discretionary disclosures

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Schedule 3: Form of special disclosure of pecuniary interest submitted under clause 4.37

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

Important information

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

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

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

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

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

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



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

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

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

to be held on the day of 20 .

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

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.



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

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

Councillor's signature

Date

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





Procedures for the
**Administration of the
Code of Conduct**
Wingecarribee Shire Council

Adopted [insert date and resolution]

Working with you

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Part 1 Introduction

These Procedures for the Administration of the Code of Conduct (procedures) are based on the Procedures for the Administration of the Model Code of Conduct (“the Model Code Procedures”) and are prescribed for the administration of the Model Code of Conduct for Local Councils in NSW (“the Model Code of Conduct”).

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

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

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

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.



Part 2 Definitions

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated



external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

Part 3 Administrative Framework

The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a



conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.

- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

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

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint

organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.

- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994.
- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office and
 - d) arrange the annual reporting of code of conduct complaints statistics.

Part 4 How may code of conduct complaints be made?

What is a code of conduct complaint?

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

When must a code of conduct complaint be made?

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

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.



- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

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

Part 5 How are code of conduct complaints to be managed?

Delegation by general managers and mayors of their functions under this Part

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

Consideration of complaints by general managers and mayors

- 5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

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

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

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant



reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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

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



5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:

- a) censure
- b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
- c) prosecution for any breach of the law
- d) removing or restricting the person's delegation
- e) removing the person from membership of the relevant council committee.

5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:

- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
- b) the person must be given an opportunity to respond to the allegation, and
- c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.

5.19 The general manager must notify the complainant of the referral of their complaint in writing.

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

5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:

- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
- b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
- c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
- d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.

5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.



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

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

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to,



explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

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

How are complaints about both the general manager and the mayor to be dealt with?

5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:

- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
- b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.

5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.

5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:

- a) the complainant consents in writing to the disclosure, or



- b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
- c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
- d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
- e) it is otherwise in the public interest to do so.

5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.



Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - impeded or disrupted the effective administration by the council of its code of conduct, or
 - impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- the code of conduct complaints the arrangement relates to, and
 - the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

Part 6 Preliminary assessment of code of conduct complaints about councillors or the general manager by conduct reviewers

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a panel of conduct reviewers established by the council, or
 - a panel of conduct reviewers established by an organisation approved by the ~~Chief Executive of the~~ Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- they have a conflict of interest in relation to the matter referred to them, or
 - a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).



- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- comply with these procedures in their consideration of the matter, or
 - comply with a lawful and reasonable request by the complaints coordinator, or
 - exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- to take no action
 - to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation,

- informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant investigation, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant **formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment investigation**, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council



- b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
- c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
- d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.

6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.

6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).

6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.

6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.

6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:

- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
- b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct



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

Part 7 Investigations of code of conduct complaints about councillors or the general manager

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days at least 14 days or such other period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in

the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:

- a) advise them of the matter the investigator is investigating, and
- b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
- c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days ~~at least 14 days or such other period~~ specified by the investigator in the notice.

Written and oral submissions

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

How are investigations to be conducted?

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



the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

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

7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:

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

7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days at least 14 days or such other period specified by the investigator.



- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days at least 14 days or such other period specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

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

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

- ~~a) that the council revise any of its policies, practices or procedures~~
- ~~b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach~~
- ~~c) that the respondent be counselled for their conduct~~
- ~~d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative~~

- ~~e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation~~
- ~~f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation~~
- ~~g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered~~
- ~~h) in the case of a breach by the general manager, that action be taken under the general manager's contract~~
- ~~i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA~~
- ~~j) in the case of a breach by a councillor, that the council resolves as follows:

 - ~~i. that the councillor be formally censured for the breach under section 440G of the LGA, and~~
 - ~~ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.~~~~

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

~~7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.~~

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

Consideration of the final investigation report by council

7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause ~~7.37~~ ~~7.36, paragraphs (d) to (j)~~



~~(whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).~~

- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and



- ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.

~~7.59 — A council may by resolution impose one or more of the following sanctions on a respondent:~~

- ~~a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach~~
- ~~b) that the respondent be counselled for their conduct~~
- ~~c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative~~
- ~~d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution~~
- ~~e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution~~
- ~~f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting~~
- ~~g) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach~~
- ~~h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA~~
- ~~i) in the case of a breach by a councillor:

 - ~~i. that the councillor be formally censured for the breach under section 440G of the LGA, and~~
 - ~~ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.~~~~

7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.

7.61 Where the council resolves not to adopt the investigator's recommendation/s ~~or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator~~, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

~~7.61 — Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.~~

Part 8 Oversight and rights of review

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), ~~7.59, paragraph (i)~~, may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.



8.12 A review under clause 8.11 may be sought on the following grounds:

- a) that the investigator has failed to comply with a requirement under these procedures, or
- b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
- c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.

8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.

8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.

8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.

8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.

8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. **Where the Office recommends that the decision to impose a sanction be reviewed:**

- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
- b) the council must:
 - i) review its decision to impose the sanction, and
 - ii) consider the Office's recommendation in doing so, and
 - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b) ~~8-21~~, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.



~~8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:~~

- ~~a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and~~
- ~~b) the general manager or mayor must review any action taken by them to implement the sanction, and~~
- ~~c) the general manager or mayor must consider the Office's recommendation in doing so.~~

~~8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:~~

- ~~a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and~~
- ~~b) the council must:
 - ~~i. review its decision to impose the sanction, and~~
 - ~~ii. consider the Office's recommendation in doing so, and~~
 - ~~iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.~~~~

Part 9 Procedural irregularities

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

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Part 10 Practice directions

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

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Part 11 Reporting statistics on code of conduct complaints about councillors and the general manager

11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
- b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.



Part 12 Confidentiality

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within ~~a period of not less than 14 days at least 14 days or such other period~~ specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- the complainant
 - the complaints coordinator
 - the Office, and
 - any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.