

Attachments

Ordinary Council Meeting

Camden Council

Administration Centre

70 Central Avenue

Oran Park

13 September 2022



camden
council

ATTACHMENTS

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ORD01

**ENVIRONMENT &
REGULATORY
SERVICES
ENFORCEMENT
POLICY
P2.0066.3**

Attachment 1

ENVIRONMENT & REGULATORY SERVICES ENFORCEMENT POLICY

DIVISION: Planning and Environment
BRANCH: Environment & Regulatory Services
CATEGORY: 2

PART 1 - INTRODUCTION

1. BACKGROUND

- 1.1 This Policy applies to the investigation and enforcement of identified unlawful activity, where Council is the Appropriate Regulatory Authority.
- 1.2 This Policy has been developed with reference to and is broadly based on the NSW Ombudsman's 'Model Compliance and Enforcement Model Policy'.

2. OBJECTIVE

- 2.1 This Policy uses a graduated and risk-based approach to taking regulatory action, for example, the issue of a warning or caution, which, if not successful in resolving the issue, may be followed by statutory notices and orders, and finally some form of enforcement proceedings either via a fine or court action if compliance cannot be achieved by any other method.
- 2.2 This Policy provides a framework for Authorised Officers to make sound decisions and use discretion, where appropriate, about taking appropriate regulatory action.
- 2.3 This Policy also recognises, in some situations, the gravity of the incident or other circumstances determines that an escalated approach is not appropriate and immediate regulatory action is required e.g. where an activity is or is likely to result in a significant public health or safety risk, is or is likely to cause environmental harm or relates to a matter that is transient in nature.
- 2.4 This Policy provides a framework for Authorised Officers to:
 - Ensure regulatory services are managed in a fair, equitable and consistent manner that protects the natural, built and social environment.
 - Respond promptly and effectively to complaints of unlawful activity and undertake proactive monitoring.
 - Assess whether reports alleging unlawful activity require investigation.
 - Determine whether regulatory action is warranted and proportional to the relative seriousness of the situation.
 - Determine options for dealing with confirmed cases of unlawful activity.

- Determine when to pursue legal action.

3. SCOPE

- 3.1 This Policy applies to regulatory enforcement that is within Council's area of responsibility where Council is the Appropriate Regulatory Authority.
- 3.2 Any regulatory action will be in accordance with this Policy, relevant NSW legislation and Revenue NSW Guidelines.
- 3.3 In any situation where an Authorised Officer considers taking action which varies from the Policy and any associated guidelines/procedures, the Authorised Officer will discuss the reasons for the variance with their Team Leader/Manager and will document and implement the agreed course of action.
- 3.4 When enforcing the road rules, Authorised Officers will carry out traffic and parking duties in a fair, equitable and consistent manner which includes a zero-tolerance approach in school zones (i.e. strict enforcement of the rules).
- 3.5 Other offences, such as certain development consent breaches (e.g. hours of operation and some environmental offences, such as illegal burning of waste/plastics or water pollution), may be issued an immediate fine due to the transient nature of the offence, significant environmental harm or the impracticality of using notices and orders for enforcement.

4. DEFINITIONS

- 4.1 **Appropriate Regulatory Authority** means the most appropriate authority with legal powers to investigate and enforce certain legislation as defined by individual legislation.
- 4.2 **Authorised Officer** means a Council officer with delegated authority to carry out specific duties and take any necessary regulatory action. Such officers carry specific authorities under various Acts, which include prescribed powers of entry to certain properties.
- 4.3 **Complainant** means a person lodging a complaint with Council.
- 4.4 **Council** means Camden Council.
- 4.5 **Offence** means an offence under NSW legislation.
- 4.6 **Unauthorised use/unlawful activity** means any activity or work that has been or is being carried out contrary to the below and/or failure to take required action in order to be compliant with:
 - Terms or conditions of a development consent, approval, permit or licence
 - An environmental planning instrument that regulates the activities or work that can be carried out on particular land
 - A legislative provision regulating a particular activity or work.

PART 2 - POLICY STATEMENT

5. REGULATORY PRINCIPLES

5.1 Council is committed to:

- Acting in the best interests of public health and safety and the environment.
- Acting with consistency, impartiality, objectivity, fairness and avoiding any discrimination.
- The adoption of a risk-based, graduated and proportionate response (where appropriate) to legislative non-compliance.
- Providing opportunity for compliance by stakeholders by indicating the fines for non-compliance.
- Providing written advice or directions in a clear and simple manner.
- Ensuring any action taken by Council is justified, against the correct person(s), 'or legal entity', cost effective and based on sound evidence.
- Ensuring any decision to take no further action or issue a caution is in the public interest and in accordance with relevant guidelines (e.g. those published by Revenue NSW).
- Avoiding any actual, perceived or potential conflict of interest situations.
- Conducting all investigations in accordance with the Code of Conduct and making decisions in a professional manner with appropriate integrity.
- Creating awareness and seeking support from all stakeholders, including workers and business operators and the broader community, regarding the need for compliance when dealing with relevant issues.
- Ensuring action is instigated within legislative time limits.
- Disclosing all evidence relevant to an alleged offence to the court and assisting as required.

6. CODE OF CONDUCT, CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

- 6.1 Authorised Officers must act impartially, adhere to their obligations under Council's Code of Conduct and not act as a decision-maker in relation to any matter in which they have a private or personal interest.
- 6.2 Regulatory action will not be taken purely as a response to the conduct of an individual, such as persistent demands or threats.
- 6.3 Councillors are bound by the Code of Conduct and must ensure, when discussing regulatory matters with Council Officers or the community, that they are aware of and comply with their obligations under the Code. As they are operational matters

managed by Council Officers, Councillors must not become involved in regulatory matters.

- 6.4 When dealing with regulatory matters, Authorised Officers will adhere to Council's Privacy Management Plan, Access to Information Policy and relevant legislative requirements.

7. RESPONDING TO REGULATORY MATTERS

- 7.1 All customer requests relating to regulatory matters will be managed in accordance with Council's Customer Service Charter and this Policy.

- 7.2 All customer requests will be initially assessed within practical time constraints and appropriate action will be taken in accordance with this Policy.

- 7.3 All complaints will be investigated unless:

- Council is not the Appropriate Regulatory Authority.
- The matter has already been investigated and actioned.
- Insufficient information has been provided.
- The complaint is premature and relates to an unfinished aspect of work still in progress.
- A private Principal Certifying Authority is responsible for monitoring compliance with the conditions of development consent. In this circumstance, Council will work with relevant agencies and Registered Certifiers to achieve appropriate outcomes.
- The activity is determined to be lawful and does not require an approval.
- A Development Approval, Complying Development Certificate or any other lawful authority has been granted for the work.
- The complaint is trivial, frivolous or unreasonable in nature.
- The complainant is solely seeking a monetary resolution from a third party.
- The complaint relates to a civil matter or dispute (e.g. private matter between neighbours).

- 7.4 In addition to responding to customer requests about alleged unlawful activity, Council also provides proactive compliance programs. These include:

- Food premises inspections
- Public Health inspections
- Public swimming pool water quality monitoring
- Onsite sewage management systems (septic tanks)
- Fire safety
- Parking
- School Zone compliance

- Building site controls inspections.
- 7.5 Decision making relating to the investigation of regulatory matters is the responsibility of the Authorised Officer, in accordance with the applicable delegations and this Policy.
- 7.6 Decisions about what action should be taken by Council are made at Council's discretion and unlawful activity will be resolved to the satisfaction of Council. Council will generally try to resolve matters as quickly and informally as possible, in accordance with this Policy, to avoid the need to take formal action.
- 7.7 Any complaints about Council's handling of reports alleging unlawful activity will be handled in accordance with Council's Feedback Policy.
- 7.8 Where a person or organisation subject to regulatory action disputes Council's decision to take enforcement against them, they will be directed to make representations in accordance with any relevant appeal processes. This may include making an appeal directly to Revenue NSW.
- 7.9 Council expects that customers who report regulatory matters or allegations of unlawful activity will cooperate and act in good faith in respect of any investigations conducted by Council. This includes:
- Providing a clear description of the problem (and the resolution sought, if relevant).
 - Giving all available and relevant information to Council, including any new information about the alleged activity that may become known to the person following the making of their report.
 - Not giving any information that is intentionally misleading or wrong.
 - Cooperating with reasonable requests from Authorised Officers and giving timely responses to questions and requests for information.
 - Treating Council Officers with courtesy and respect.
- 7.10 Any unreasonable customer conduct will be dealt with in accordance with Council's Dealing with Unreasonable Customer Conduct Policy.
- 7.11 Council has a zero-tolerance policy towards any harm, abuse or threats directed towards Council staff or officials.

8. REGULATORY FRAMEWORK

- 8.1 When deciding whether to take regulatory action in relation to a confirmed case of unlawful activity, Council will consider the full circumstances and facts of the matter and the public interest.
- 8.2 Authorised Officers will maintain appropriate records about decision making processes in relation to reports alleging unlawful activity and any proposed or taken regulatory action, as well as records of interactions with relevant parties.

8.3 Where there are multiple possible parties to an alleged unlawful activity, Council will determine which party to pursue regulatory action against.

8.4 Authorised Officers will adhere to Council's internal approval processes and delegations prior to the commencement of any regulatory action.

8.5 The following common considerations will assist Authorised Officers in determining the most appropriate response in the public interest:

8.5.1 Considerations about the alleged offence and impact:

- The nature, extent and severity of the unlawful activity, including whether the activity is continuing.
- The harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity.
- The seriousness of the breach, including whether the breach is technical, inconsequential or minor in nature.
- The time period that has lapsed since the date of the unlawful activity.

8.5.2 Considerations about the alleged offender:

- Any prior warnings, instruction or advice that was issued to the person or organisation reported, or previous regulatory action taken against them.
- Whether the offence was committed with intent.
- Whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any Council requirements and instructions.
- Any mitigating or aggravating circumstances demonstrated by the alleged offender.
- Any particular circumstances of the person or organisation reported (e.g. health, young offender).

8.5.3 Considerations about the impact of any regulatory action:

- The need to deter any future unlawful activity.
- Whether an educative approach would be more appropriate than a coercive approach in resolving the matter.
- The prospect of success if the proposed regulatory action was challenged in court.
- The costs and benefits of taking formal regulatory action as opposed to taking informal or no action.
- What action would be proportionate and reasonable in response to the unlawful activity.
- Whether Council may be prevented from taking action based on earlier advice.

8.5.4 Considerations about the potential for remedy:

- Whether the breach can be easily remedied.
- Whether it is likely consent would have been given for the activity if it had been sought.
- Whether there is a draft planning instrument on exhibition that would make the unauthorised use legal.

- 8.6 Authorised Officers will use discretion to determine if action is required and if so, the most appropriate response. Authorised Officers may take more than one approach. Any regulatory action taken by Council will depend on the full circumstances and facts of each case, with any decision being made on the merits.

At all times, Council's key concerns are:

- To prevent or minimise harm to health, welfare, safety, property or the environment.
- To influence behaviour change for and on behalf of the community.

The following enforcement options are to be considered by Authorised Officers when managing regulatory matters. The options reflect an escalated approach that is proportionate to the level of risk, the seriousness of the confirmed breach and/or the need for a deterrent:

Level of risk	Enforcement options
<p>Low, for example:</p> <ul style="list-style-type: none"> • Minor non-compliance with approval • Neighbour dispute. • Minor technical breach 	<ul style="list-style-type: none"> • Taking no action based on a lack of evidence or some other appropriate reason • Providing information/advice on how to be compliant • Negotiating with the person to obtain voluntary undertakings or an agreement to address the issues of concern • Use of independent mediation e.g. Community Justice Centre • Issuing a warning or a formal caution
<p>Medium, for example:</p> <ul style="list-style-type: none"> • Major non-compliance with approval • Non-life threatening fire safety or similar safety matter • Unauthorised use or building work where the opportunity to collect critical evidence is not lost (tree removal or demolition). 	<ul style="list-style-type: none"> • Issuing a letter requiring work to be done or activity to cease in lieu of more formal action • Issuing a notice of intention to serve an order or notice under relevant legislation, and then serving an order or notice if appropriate
<p>High, for example:</p> <ul style="list-style-type: none"> • Significant environmental or safety risk to life or property (e.g. discharge of toxic waste to a water body, likely collapse of a shop awning over a public road, removal of a swimming pool fence 	<ul style="list-style-type: none"> • Issuing a fine • Issuing appropriate Notices and/or Orders under relevant legislation. • Carrying out the works specified in an order at the cost of the person served with the order • Seeking an injunction through the courts to prevent future or continuing unlawful activity • Commencing legal proceedings for an offence against the relevant Act or Regulation <p>The decision to commence legal proceedings will</p>

<p>or barrier, a fire safety issue, significant failure of retaining wall adjacent to public land, demolition of a heritage item, asbestos removal (other than regulated by Safework NSW)</p> <ul style="list-style-type: none"> • Serious community safety or public health issues (e.g. dog attack, food poisoning, Legionnaires case) • Urgent matters as directed by Council's senior management. 	<p>be guided by legal and expert advice and will consider the following:</p> <ul style="list-style-type: none"> • Whether there is sufficient evidence to establish a case to the required standard of proof • Whether there is a reasonable prospect of success before a court • Whether the public interest requires legal action to be pursued
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- 8.7 Prior to taking regulatory action, Authorised Officers will take into account the above considerations as well as the evidence gathered during their investigation.
- 8.8 Regulatory action will be reviewed and monitored to ensure compliance with this Policy and any enforcement action taken by Council. Reports alleging continuing unlawful activity will be assessed and further action taken if necessary
- 8.9 Should initial regulatory action be found to have been ineffective, Authorised Officers will consider additional or alternative enforcement options.
- 8.10 The investigation of regulatory matters may warrant consideration of the use of a statutory declaration and statements. Any person who completes a statutory declaration will be informed they may be required to appear in court as a witness should the matter be defended. The completion of a statutory declaration or statement does not guarantee further regulatory action will be undertaken by Council.
- 8.11 Where Council is not the Appropriate Regulatory Authority, Council will refer the matter to the appropriate agency for investigation.

9. REGISTERED CERTIFIERS

- 9.1 Where customer requests are received regarding building construction sites where Council is not the Principal Certifying Authority, the customer will be advised to contact the Principal Certifying Authority directly.
- 9.2 Alternatively, should an Authorised Officer observe significant non-compliance on a building site which is under the jurisdiction of a Principal Certifying Authority (not being Council), Council will initially refer the matter to the Principal Certifying Authority.

- 9.3 If a complaint or observation relates to a high-risk matter, an Authorised Officer may undertake an immediate investigation to assess the seriousness of the situation.
- 9.4 If the complaint is substantiated, Council will consider action in accordance with this Policy and the Principal Certifying Authority will be informed of any action taken by Council.
- 9.5 In any situation where it is considered a Principal Certifying Authority has acted incorrectly, improperly and/or unprofessionally, the matter may be referred to NSW Fair Trading subject to approval by the Manager Environment & Regulatory Services. A customer may report their concerns regarding a Registered Certifier directly to NSW Fair Trading.

10. BUILDING INFORMATION CERTIFICATES

- 10.1 Council recognises that persons who may have carried out unlawful building works may, as an option, apply for a Building Information Certificate under Part 6 Division 6.7 of the *Environmental Planning and Assessment Act 1979* (EPA Act) to retain the structure. If a Building Information Certificate is issued, Council cannot ask for demolition or alterations unless after seven years of fair wear and tear.
- 10.2 Irrespective of whether a Building Information Certificate is applied for, Council may take action against a person who carried out unlawful works.
- 10.3 The action may include the issuing a fine or commencement of criminal proceedings, where it is considered appropriate and necessary for punitive action to be taken, having regard to the restriction provisions provided under section 9.57 of the EPA Act.
- 10.4 Building Information Certificate applications to support unlawful building works will be expected to provide the same level of details in plans, certificates, specifications and other documents as would be required for assessing a Development Application, Construction Certificate, Complying Development Certificate and/or an Occupation Certificate.

11. COMMUNITY AWARENESS

- 11.1 Council will promote ongoing community awareness about this Policy and Council's regulatory framework. This may include website references, social media and the periodic inclusion in any community newsletters with a view to improving community awareness.

□ * * *

RELEVANT LEGISLATIVE INSTRUMENTS: *Biosecurity Act 2015 (Cth)*
Boarding Houses Act 2012
Building and Development Certifiers Act 2018
Camden Local Environmental Plan
Companion Animals Act 1998
Contaminated Land Management Act 1997
Crown Land Management Act 2016
Environmental Planning and Assessment Act 1979
Fines Act 1996
Food Act 2003
Impounding Act 1993
Local Government Act 1993
Protection of the Environment Operations Act 1997
Public Health Act 2010
Region Growth Centres) 2006
Road Rules 2014
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Sydney Swimming Pools Act 1992
 The Regulations relating to the above Acts.

RELATED POLICIES, PLANS AND PROCEDURES: Asbestos Policy
 Code of Conduct
 Companion Animal Policy
 Dealing with Unreasonable Customer Conduct
 Feedback Policy
 Fire Safety Policy
 Food Inspection Program
 Guidelines for Councillor Access to Information and Advice
 Local Approvals Policy
 On-Site Sewage Management Policy
 Signs and Banners Policy
 Swimming Pools Inspection Program
 Temporary Food Stall and Mobile Food Vehicle Policy
 Tree Management Policy

RESPONSIBLE DIRECTOR: Director Planning and Environment
APPROVAL: Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New	08/03/2016	16/137442
2	Council	Minor amendments	Adopted Council meeting 13/08/2019 for public exhibition – effective from 25/09/2019	16/137442

Environment & Regulatory Services
 Enforcement Policy
 Adopted by Council:
 Effective:

Next Review Date: dd/mm/yyyy

EDMS #:

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ORD01

Attachment 1

ORD01

Attachment 1

3	Council	Policy title renamed and substantial amendments to structure and content		
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Environment & Regulatory Services
Enforcement Policy
Adopted by Council:
Effective:

Next Review Date: dd/mm/yyyy

EDMS #:

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Delivery Program Progress Report

January to June 2022

ORD02

Attachment 1



ORD02

Attachment 1

Cover Page and Back Page:

Boots n' Beats – Camden Council's Inaugural Country Music Festival

Images

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

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

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Acknowledgement to Country

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

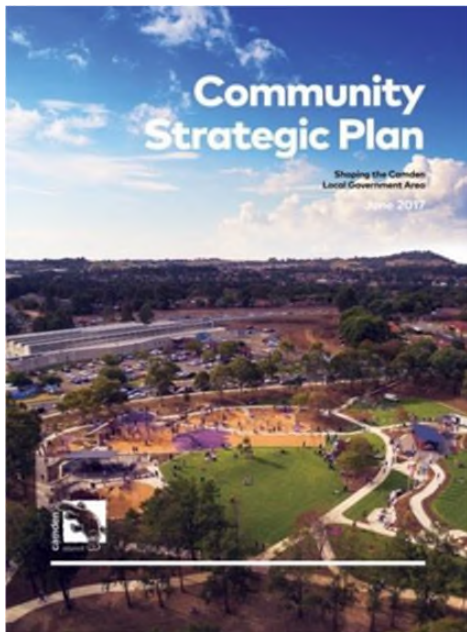
1. Council’s Obligations

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

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

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

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



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

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

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

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

The COVID-19 pandemic along with extreme weather events such as flooding has had a challenging impact on projects, programs, activities and services that Council would ordinarily provide to the community under normal circumstances.

Impacts can be seen in the progress status for the overall performance this reporting period – January to June 2022 under:






*Key Direction 2 - Healthy Urban and Natural Environments;
Key Direction 4 - A Effective and Sustainable Transport;
Key Direction 5 – An Enriched and Connected Community; and
Key Direction 6 – Strong Local Leadership.*

2. Executive Summary

The Delivery Program Progress Report January to June 2022, complies with the Delivery Program 2017/18 – 2020/22.

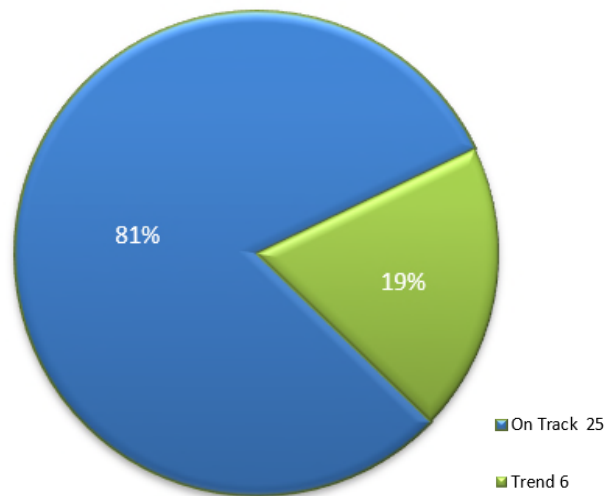
The report reflects Council’s six-month progress status against 39 performance indicators and provides information on how Council is progressing with its Delivery Program.

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





Rating Scale	Symbol	Description
“On Track”		When the ‘actual’ is either equal, less, or greater than the set target.
“Monitoring”		Corporate variance of ±10% applies to the set target and is considered achievable, feasible and realistic for performance improvement, with the exception of Legislative requirements.
“Needs Work”		When the ‘actual’ is either below or above the corporate variance
“Trend”		Shows a pattern of change data over time where setting a target is not possible
“Flooding/COVID Impact”		Deliverables impacted by a range of incidents including COVID-19 NSW Public Health guidelines and restrictions along with flood events

The COVID-19 pandemic, and more recently localised flooding across the Camden Local Government Area (LGA) has had a challenging impact on some of the activities and services Council would ordinarily provide to the community under normal circumstances. In recognition of this, an additional rating scale has been included for the reporting period, with eight performance indicators noted as impacted by the pandemic and localised flooding.

Of the 39 Performance Indicators that were able to be delivered during the reporting period (that is, those not impacted by COVID-19 guidelines and restrictions and localised flooding), 25 Indicators (81%) were assessed as ‘On Track’, 0 Indicator (0%) as ‘Monitoring’; 0 Indicators (0%) as ‘Needs Work’ and 6 Indicators (19%) as ‘Trend’.



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

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

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

Section 4, 'Overall Progress Highlights' elaborates on a few of the projects Council has undertaken over the six-months (January to June 2022) that supports Council's commitment towards the Community Strategic Plan.

3. Key Directions and Performance Indicator Status

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

The diagram below shows the six Key Directions.





Key Direction 1 – Actively Managing Camden LGA’s Growth

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




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

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

1.1 Urban development is managed effectively

Performance Indicator	Status	Progress Comment
Development assessments are completed in a timely fashion	✓	The median processing time (32 days) was within the target service level of 40 days. Council determined Development Applications to the value of \$421,757,925 during this six month period.
Construction certificates are provided in a timely fashion	✓	Building Construction Certificate processing timeframes continue to exceed target service levels. This result reflects the strong performance in building certification services provided by Council.
Developers Contribution Plans are developed and monitored in a timely manner	✓	Live tracking of Council's portfolio of Contribution Plans, including the Contributions Plan Restructure project and the Growth Areas Contribution Plan Amendment 3, has continued through this period. Formal reporting updates have been undertaken in accordance with agreed standards.

1.2 Rural land is adequately administered

Performance Indicator	Status	Progress Comment
Rural Lands Strategy and associated Action Plan are delivered		<p>The actions of the Rural Lands Strategy continue to be monitored and implemented as opportunities arise. To support diversification of rural land uses and support rural tourism, Council has 'opted' to insert provisions into the Camden LEP for 'farm stay accommodation' and 'farm gate' premises. In addition, zones where 'agritourism' can be undertaken have also been identified.</p> <p>Council continues to assess Planning Proposals against the Rural Land Strategy rezoning criteria and continues to advocate for the protection of Camden's rural land outside of the South West Growth Area.</p> <p>It is noted that the Sydney Western City Planning Panel determined that the Tidapa Planning Proposal should not proceed for a Gateway Determination because the proposal has not demonstrated strategic merit. The Panels' decision is consistent with Council's decision to refuse the proposal.</p>

 On Track	4	 Needs Work	0	 Monitoring	0	 Trend	0	 Flooding/COVID Impact	0
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Key Direction 2 – Healthy Urban and Natural Environments

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

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








ORD02




2.1 Caring for urban and natural environment including heritage sites

Performance Indicator	Status	Progress Comment
Waste diverted from landfill		<p>40.1% of all domestic waste collected during the reporting period has been diverted from landfill. Council is continuing to work with its waste processing contractor on new opportunities for diverting waste streams from landfill such as crushed glass and mattresses.</p> <p>Additionally, initiatives such as Recycle Smart, focuses on the harder to recycle waste streams such as soft plastics, clothes and e-waste.</p> <p>Council is now investigating the opportunity of implementing a Food Organics and Garden Organics service as part of its future waste processing contract in 2024 to increase waste diversion.</p>
Incidents of illegal dumping (observed by Council Officer)		<p>A total of 39 incidents of illegal dumping were identified and investigated as a result of proactive patrol services by Council officers. This was lower than the previous period due to continued COVID-19 restrictions at the start of the year.</p>

Attachment 1

ORD02
Attachment 1

Performance Indicator	Status	Progress Comment
Incidents of illegal dumping (advice from residents)		Council investigated a total of 410 incidents of illegal dumping (68 per month) due to resident reports. In an alliance with the Regional Illegal Dumping (RID) Squad, Council is committed to continuing its strategic approach to combating illegal dumping within the region.
Companion animals are appropriately identified		<ul style="list-style-type: none"> • Dogs impounded at Councils Animal Care facility – 68 • Dogs seized by Council Rangers – 107 • Dogs returned to owners by Council Rangers – 62 • Dogs that were microchipped when entering Councils Animal Care Facility – 57 • Cats impounded at Councils Animal Care facility – 23 • Cats returned to their owner by Council Rangers – 0 • Cats that were microchipped when entering Councils Animal Care Facility – 4 <p>Council continues to work with the community to promote responsible pet ownership, including a subsidised desexing program, social media posts and a free microchipping and pet tag program.</p>
Monitor water quality in rivers and waterways		During the reporting period, lakes and waterways monitoring was undertaken across all sites on a monthly basis.
Number of initiatives promoted to reduce air pollution		Council continues to promote better practices for wood heater operations to help reduce air pollution through local media, Council's website and educational programs.
Number of complaints received regarding noise concerns		There was a total of 126 customer requests received in relation to noise during the reporting period, which is a decrease from the 176 received for the previous period. These complaints include noise from barking dogs, trail bikes, music and other sources. All complaints were investigated with appropriate compliance action taken where required.



Performance Indicator	Status	Progress Comment
Increase number of public amenities, recreation facilities, open space and parks		Across the Camden Local Government Area there are 333 open spaces and reserves, 29 sports fields, 124 sites with play equipment, 37 sites with exercise equipment, 26 public amenities, 47 sports amenities and two swimming leisure centres. Additional facilities continue to be delivered via various mechanisms in line with population growth.
Number of Sustainability community education programs conducted		During the reporting period Council's scheduled sustainability education programs continued to be on target and implemented including the Bushcare workshop series and relaunch of the Macarthur SEED network.
Number of community education activities conducted to promote heritage and historical sites across the Camden LGA		<p>Council continues to work with the Heritage Advisory Committee to progress initiatives that celebrate and promote heritage in the Camden LGA.</p> <p>Council, in conjunction with the Heritage Advisory Committee, have produced the draft Camden Material and Colour Guide. The purpose of the guide is to provide information on the built heritage of the region and to assist property owners of heritage buildings with practical tips on working with the specific materials and colour schemes traditionally used for heritage housing. The guide also provides information on Argyle and John Streets, Camden including advice for property owners to consider when proposing works to a heritage building.</p> <p>Another initiative of the Committee, the My Camden Stories, has now been embedded within the Heritage Items Map on the Camden Data Portal. This online map now allows the community to search and view existing heritage listed properties and locations across the Camden area in addition to historical stories submitted through the My Camden Stories campaign.</p> <p>Council continues to provide advice to landowners and applicants in responding to general enquires, pre-lodgement advice and the assessment of Development Applications and Planning Proposals.</p>

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Performance Indicator	Status	Progress Comment
Bushland under active management – number of volunteer bush care hours		Bushcare activities have been impacted by COVID-19 and adverse weather and flooding in this reporting period. However, volunteers contributed 180 hours, equivalent to 25.7 days.
Maintain biodiversity across Camden LGA		During the reporting period, Council actively maintained 54ha of natural areas including Kings Bush, Elizabeth Throsby Reserve, Harrington Forest and Elderslie Banksia Scrub Forest in Spring Farm.

 On Track	7	 Needs Work	0	 Monitoring	0	 Trend	3	 Flooding/COVID Impact	2
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 **Key Direction 3 – A Prosperous Economy**

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



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

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

The economic development and prosperity of the Camden LGA is linked with the broader South West Sydney region and much of the focus for the Camden LGA into the future will continue to be working with relevant partners on the development of a strong regional economy.




3.1 Tourism and economic development is supported

Performance Indicator	Status	Progress Comment
Utilisation of the regional tourism website is increasing		The Macarthur website received 61,163 visits over the six months and Camden website 20,169, a total of page visits 81,332, an increase over the previous reporting period.
Monitor the visitation to the Tourism Information Centre		229 Visitors to the Visitor Information Centre in the January to June period. The visitor numbers continue to be low due to reduced travel in response to COVID-19 and flooding.

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Performance Indicator	Status	Progress Comment
Increase in number of registered businesses operating within the Camden LGA		There is a total of 11,550 active and registered for GST businesses in the Camden LGA, an increase of 6.15% from the previous figure of 10,881 (source ABR), 669 new business registrations in the reporting period.

 On Track	1	 Needs Work	0	 Monitoring	0	 Trend	2	 Flooding/COVID Impact	0
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 **Key Direction 4 – Effective and Sustainable Transport**

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

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



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




Effective and sustainable transport for the Camden LGA would include:



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

4.1 Integrated and safe transport system

Performance Indicator	Status	Progress Comment
Successful completion of Black Spot funded projects		Cut Hill Road Shoulder Upgrade at Cobbitty is complete. The Narellan High Pedestrian Activity Area is underway (multi-year project). Federal Stimulus Road Safety Program substantially complete.
Number of transport options delivered through Pedestrian Access Mobility Plan (PAMP) and Bike Plan		Local Roads and Community Infrastructure (LRCI) footpath program complete. PAMP program not fully complete due to storm events and remaining projects allocated to the next financial year 2022/2023 program.

Performance Indicator	Status	Progress Comment
Number of Road Education Programs conducted		Over the past six months Council has coordinated seven road education programs working in partnership with local Police, TfNSW and community groups following a COVID-safe format. Programs undertaken are RBT Plan B Campaign, Drive 2 Stay Alive, School Safety Program, Slow Down, Choose Right Buckle Right, Graduated Licensing Scheme Workshops, Drives for Learners In Macarthur and Community Safety Plan. Council participation in Traffic Offenders programs has not recommenced since COVID-19.

4.2 Road infrastructure and transport connections are effectively established

Performance Indicator	Status	Progress Comment
Traffic Committee recommendations are actioned within the timeframe		During the reporting period 53 Traffic Committee recommendations were approved. 51 were actioned within two months of approval.
Road and traffic facility construction projects completed on-time and within budget.		The Road and Transport Renewal Program saw an average of 92% of programmed works completed (roads, bridges, carparks, footpaths). This included some items still in progress such as footpath renewals which were delayed due to flood recovery efforts.

 On Track	3	 Needs Work	0	 Monitoring	0	 Trend	0	 Flooding/COVID Impact	2
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Key Direction 5 – An Enriched and Connected Community

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

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








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

5.1 Celebrating social diversity and cultural expression



Performance Indicator	Status	Progress Comment
Number of programs delivered to various community groups including identified target groups	✔	<p>A wide range of activities, programs and events have been held. Programs have been delivered online or in person. Online programs have been delivered where COVID-19 has impacted service delivery.</p> <p>Program delivery includes: Camden Interagency meetings, Cohesive Communities Reference Group meetings, Camden Community Access Reference Group, Camden Youth Council meetings, Camden Youth Network meetings, Youth Week, Camden Youth Joblink program, Julia Reserve programs, National Families Week, Paint the Town REaD, Camden Kids Support Portal, School Holiday Program delivery, Seniors Festival, Senior’s Reference Group meetings and programs, International Women’s Day, Café Connect, Refugee Week, Multicultural March, Harmony Week and the Disability Inclusion Action Plan.</p> <p>More recently, Flood Support Recovery coordination has been delivered in partnership with ResilienceNSW and other key agencies, responding to the flood emergency in the Camden LGA.</p>

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Performance Indicator	Status	Progress Comment
Number of arts/cultural events hosted across the Camden LGA		52 cultural activation events were conducted including street activation, live performance, art exhibitions, cultural celebrations and workshops were included in Council's programming for the period.
Increase number of participants in active recreational activities using Camden Memorial Pool (seasonal)		COVID-19 and flood events impacted operations severely with the attendances restricted due to public health order compliance and safety for the community.
Increase number of participants in active recreational activities using Mount Annan Leisure Centre (seasonal)		COVID-19 impacted operations with the facility managing patronage and attendances restricted due to NSW Public Health Order compliance and safety for the community. Rebuilding of the key area of 'Learn to Swim' was a focus during the reporting period.
Ratio of returning clients to new clients for hiring Camden Civic Centre		<p>5% of clientele are new to the venue, 95% having utilised the venue pre-COVID in either the same or similar capacity.</p> <p>As we move further out of COVID-19, and with many local venues impacted by floods, it is anticipated that a larger portion of clientele will be new to the venue.</p>

Performance Indicator	Status	Progress Comment
Number of non- Council events hosted at the Camden Civic Centre		A total of 183 non-Council related community events were held during the reporting period. The venue remains at a lower usage level than prior to COVID-19 however it has increased since the previous period.

5.2 Opportunities for life-long learning

Performance Indicator	Status	Progress Comment
Number of programs conducted at local libraries		100% of all scheduled library programs completed, with a total of 2,126 conducted. Libraries have continued to provide a diverse array of opportunities for the community including online and face to face programming.
Camden families have access to a quality Family Day Care service – hours of care provided		<p>There are currently 35 Educators affiliated with the service. Each week 133 hours of care are provided across the service to families in the area.</p> <p>The service has been impacted by COVID with lower numbers of educators providing care than pre-COVID. This trend is in keeping with the wider early education and care sector nationwide.</p>

 On Track	5	 Needs Work	0	 Monitoring	0	 Trend	0	 Flooding/COVID Impact	3
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Key Direction 6 – Strong Local Leadership

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




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

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




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

6.1 Maintain strong partnerships and shared responsibilities with stakeholders

Performance Indicator	Status	Progress Comment
Number of Community Small Grant Agreements		The total Grants program showcases Council's ability to make grants available within an equitable, accessible and transparent framework to a diverse group of new and emerging organisations. A total of 20 Community Small Grant Agreements were endorsed during this period.
Number of donations for charitable programs		A total of three donations for charitable purposes were provided during this period. The program focuses on the provision of one-off support to individuals and organisations outside of Council’s regular grants program, with applications accepted anytime throughout the year.
Number of annual subsidies extended to community organisations		This grant round is annual, and all eight subsidies were distributed. Grant round did not fall within this time period.

Performance Indicator	Status	Progress Comment
Number of community sponsorship programs supported		A total of six Community Sponsorship programs were supported during this reporting period.

6.2 Community and stakeholders are kept informed

Performance Indicator	Status	Progress Comment
Maintain publication of regular Council information		Council continued to produce and disseminate regular publications and promotional material within set deadlines. These publications included: Let’s Connect (two editions in the reporting period); Rates Notice brochures (two editions in the reporting period); Mayoral print and broadcast messages; media releases; Council’s website; social media platforms; and flyers, documents and brochures designed.
Maintain Council’s social media platform		Council continued to maintain a seven days a week social media coverage to report on weekend initiatives, improve community engagement, cover community events and ensure that online customer enquiries are answered promptly. Over the past six-months 717 Facebook posts were published, with followers increasing to 41,760 and Instagram has grown to 6,130.
Maintain Council’s community engagement and communication practices		Council continued to communicate and engage with the community through a range of print media and its digital media platforms. Council continued to offer a seven day a week digital and social media service and uses these platforms/channels to provide updates to the community and promote Council services, initiatives, projects and events.

 On Track	5	 Needs Work	0	 Monitoring	0	 Trend	1	 Flooding/COVID Impact	1
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4. Overall Progress Highlights

This section highlights a few of the projects, programs and services, Council has undertaken over the reporting period (January to June 2022) that supports Council’s commitment towards the Community Strategic Plan.

Connecting Camden - Community Strategic Plan 2022-2036

Council adopted the *Connecting Camden – Community Strategic Plan 2022 – 2036* which will guide decision making by the elected Council, Council staff, the community and other partners and stakeholders.

It sets a vision to 2036 that draws from the community’s priorities and aspirations. The Delivery Program, Operational Plan (Budget) and Resourcing Strategy helps Council to deliver the community outcomes - priorities and aspirations.

The Plan is part of the Integrated Planning and Reporting Framework that all NSW councils use to plan for their Local Government area based on the expectations of their local community.



Camden Rebuilds - #CamdenStrong

Days of heavy rain and flooding impacted residents and businesses across the Camden LGA.

Council, with support from the community, SES, RFS, Police and Resilience NSW worked around the clock to assist and evacuate residents, manage road and bridge closures, clear debris, make emergency road repairs and keep the public informed of what was happening across the area.

Council hosted a flood relief information pop-up in Camden working alongside various agencies to help residents find support.

Council offered extra waste collections to those affected and set up a Flood Recovery Working Group to review and rectify assets such as facilities, playgrounds and sportsgrounds as well as provide communication to businesses, sporting clubs and community groups to ensure the safe return to these sites.



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Your Voice Camden

Residents can engage and help to shape the Camden LGA with the launch of a new online portal – Your Voice Camden.

This online portal allows residents to share their thoughts on matters on exhibition and other topics, helping Council to make informed decisions on behalf of the community.

Some of the features of the new portal include:

- 24/7 access to ensure convenience of participation for more community members;
- privacy is protected and the discussion forums are moderated externally, independent of Council;
- ability to search matters by topic and suburb;
- online engagement activities such as surveys, polls, submission forms interactive maps, forums and storytelling; and
- the option to receive email alerts on topics of interest.

By signing up for a free account, residents can keep up to date with what's happening in the area and quickly participate in future consultations.

This is one method that Council is using to connect with the community.

For more information and to register go to [Home | Your Voice Camden \(nsw.gov.au\)](https://www.camden.nsw.gov.au)



Live Chat with Council

Council has taken customer service to a new level with a live chat function added to its website.

Residents are now able to speak to one of Council's Customer Relation team members while on its website, expanding a residents' option to ask a question from just over the phone, via email, Council app or via social media.



Council prides itself on providing an exceptional customer experience to residents and visitors on a daily basis and offering a live chat option gives residents another avenue to receive help from Council.

Live chat will be manned by Council's Customer Experience team during business hours between 8.30am and 5pm, Monday to Friday.

For more information and to use the live chat option, go to www.camden.nsw.gov.au

Narellan Sports Hub Stage 2

Work on Stage 2 of the Narellan Sports Hub is now complete, providing further high quality sporting facilities to cater for the continued growth in the Camden LGA.

Stage 2 works included:

- 14 additional netball courts with floodlighting;
- synthetic athletics track including field and jump facilities, floodlighting, irrigation and drainage;
- an additional international size rugby league field including lighting, irrigation and drainage;
- an athletics administration/club building;
- additional 1550 car spaces in seven new carpark areas;
- internal road access;
- a criterion cycling track utilising the main circulation access road;
- road bridge and pedestrian bridge over the existing drainage corridor;
- large turfed multi-purpose sportsfield area;
- landscaping with a pedestrian and cycle path network; and
- major upgrade of the Porrende Street roundabout.



Oran Park Leisure Centre

A \$55M leisure centre will be constructed at Oran Park by Council, in partnership with Greenfields Development Company, and will be located on Central Avenue, next to the Oran Park Library and Council’s administration building.

This development will be a significant addition to the precinct and is set to include:

- an indoor 50m swimming pool;
- leisure pool;
- learn to swim pool;
- spa and sauna;
- indoor basketball courts;
- gymnasium;
- café and creche facilities; and
- a basement carpark.

Construction has commenced with groundwork undertaken and will add to the range of state of the art sporting facilities for Oran Park and the wider Camden community.



Playground Shade Sails

Shade sails have been installed at playgrounds across the Camden area as part of Council's COVID-19 Community Support Package.

The playgrounds, which cater for a range of ages, will not only keep the equipment at a comfortable and safe temperature to play on, but will also reduce children's exposure to blistering heat and harmful UV rays.

Shade sails have been installed at:

1. Harrington Park Reserve, Harrington Park;
2. Manna Gum Reserve, Narellan Vale;
3. Caulfield Reserve, Currans Hill;
4. Bagnall Street Park, Gregory Hills;
5. Starke Street Park, Spring Farm;
6. Ancona Avenue Park, Spring Farm;
7. Blueberry Park, Elderslie;
8. Curry Reserve, Elderslie;
9. Greenfields Reserve, Narellan;
10. Merino Reserve, Elderslie;
11. Little Reserve, Camden;
12. Pindari Reserve, Camden;
13. Kings Bush, Camden;
14. Price Park, Emerald Hills;
15. Madden Street Park, Oran Park;
16. Olive Hill Park, Cobbitty;
17. Clifton Park, Cobbitty;
18. Grand Prix Park, Oran Park;
19. Hollywood Park, Oran Park;
20. Thomas Donovan Park, Gregory Hills;
21. Macarthur Park, Camden; and
22. Yandelora Reserve, Mount Annan.

The program of works was funded by Council and the Australian Government's Local Roads and Community Infrastructure Program.

Eyes on the Road

In a joint initiative between Camden and Campbelltown Councils as well as the NSW Police Force – Macarthur Highway Patrol, a monthly road safety campaign was launched to highlight local road safety issues, increase road safety awareness and reduce road trauma.

Eyes on the Road, published the second Monday of the month on Camden's Facebook page and website, highlights local, timely and relevant road safety issues.

Past monthly Eyes on the Road topics can be viewed on Council's website.

Council has a long and proud working history with Macarthur Highway Patrol and Camden Police Area Command addressing community and road safety issues and facilitating a number of community programs including Logbook Runs for Learners, Drive to Stay Alive and graffiti education.



For more information visit Council's Facebook page or Council's website - [Eyes on the Road » Camden Council \(nsw.gov.au\)](#)

Installation of Electric Charging Stations

As part of Council's commitment to creating sustainable urban environments, electric vehicle charging stations are installed at four locations across the Camden LGA.

Dual 22 kilowatt three phase chargers have been installed at Oran Park Library, Narellan Library and the Oxley Street Camden carpark for use by the community.

These chargers provide 120km of driving range per hour of charge and have dedicated electric vehicle charging bays.



Council Introduces Electric Lawn Mower to its Fleet

Camden is one of the first local government organisations in Greater Sydney to introduce an electric commercial lawn mower to its fleet.

Quieter and cleaner, the electric mower is a better alternative to the traditional petrol-powered version and has seven to eight hours of continuous run time.

In addition to introducing an electric lawn mower to the fleet, Council is also undertaking a range of projects to help achieve Gold Partner recognition in the Sustainability Advantage Program and show our commitment to the NSW Governments 'Net Zero' plan including:

- installation of solar panels on suitable Council facilities;
- roll out of energy efficient street lighting in partnership with Endeavour Energy;
- undertaking an inventory of greenhouse gas emissions and developing a Net Zero Strategy; and
- sourcing renewable energy for Council sites.



Boots n' Beats – Camden Country Music Festival

Council introduced a new free event with the Boots n' Beats – Camden Country Music Festival.

This event, at Camden Town Farm, was designed to boost spirits in the wake of Camden's devastating floods and was Council's way of saying thank you to the community for staying strong and supporting each other and local businesses and organisations through the COVID-19 pandemic.

The sale of hats and the Macarthur Lions sausage sizzle raised almost \$12,000 in funds towards the Camden flood relief effort and were distributed to three local charities Big Yellow Umbrella, Turning Point and Mother Hubbard's Cupboard.

Supporting local homegrown artists as well as featuring Shannon Noll and country superstar Adam Brand, attendees enjoyed a variety of food stalls, line dancing, pony rides, craft activities for kids, animal nursery, product stalls and roving entertainment.



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Multicultural March

Camden residents identify with 113 different nationalities and come from 85 different countries.

Council acknowledges, promotes and supports cultural diversity in our local community and celebrated Multicultural March, including Harmony Week, with a program of events and activities recognising this year's theme 'Everyone Belongs'.

Orange is the colour chosen to represent Harmony Week with Camden Libraries lit in soft orange to represent social communication, meaningful conversations, freedom of ideas and encouragement of mutual respect.

Council's Cohesive Communities Advisory Group supported activities and performances to showcase unique cultural demonstrations including art, music and dance through the Camden Culture Club.

The program included Multicultural Movie Night, Cultural Fashion Parade Online Photo Competition, Lights of Harmony Week, Camden Culture Club at Alan Baker Art Gallery, Citizenship Ceremony and Storytime sessions at the libraries.



Faces of Camden – Kerbside Exhibition

Following on from the success of Council's #camdenlive:Kerbside Exhibition last year, the Faces of Camden returned to provide a colourful streetscape through the Camden Town Centre.

This activation provides the opportunity for creatives to enliven public spaces to celebrate and engage with the community.

Artworks were featured on guard rails, planter boxes, bus shelters and various locations along Argyle, Mitchell, Murray and Oxley Streets.

This exhibition provided an opportunity for visitors and locals to admire the talents of the Camden community.



Camden Seniors Week

Council focusses on providing people over the age of 60 with the best opportunities to participate and engage in a range of activities.

As part of its ongoing commitment to seniors, Council, in partnership with Meals on Wheels, YMCA, The PIT (Professional Instructional Tuition) Martial Arts Defence and Fitness Centre and the Camden Seniors Program Committee offered a week of activities in health, wellbeing, art, reading and music.

The Seniors Charm Festival, with the theme 'Reconnect', promotes building inclusive communities and provided an opportunity for seniors to try new things, contribute and remain active and engaged in their local communities.

Council offered free events and low cost activities including:

- a virtual senior's concert featuring four acts;
- nine fitness and relaxation classes including Chair Yoga, 50+ Active Senior classes and Pryme Movers classes;
- Three art classes at Alan Baker Art Gallery;
- Two book author talks from bestselling authors, Sue Williams and Nicole Alexander;
- Free pool entry at Mount Annan Leisure Centre;
- Camden Women's Coffee Club;
- Tech Savvy Seniors Program; and
- Navigating the My Aged Care System.

Council Hosts Camden Career Expo

Council hosted its first ever Careers Expo to connect high school students and job seekers with information, and employment and service providers in the Camden LGA.

The Careers Expo presented a program of information, workshops and training by various exhibitors.

Delivered in partnership with the Regional Industry Education Partnerships, the event allowed attendees to engage and enhance their knowledge moving into the workforce, explore upskilling and professional development opportunities, along with those who were looking for a career change.

The Careers Expo supports Council’s recently adopted Economic Development Strategy 2022 – 2026 which identifies four strategic directions to support and enhance the Camden economy such as strengthening education, training and career pathways, with priorities that include working with stakeholders to deliver education, training and career pathway programs.



Council Actively Seeks Funding for the Community

Council actively seeks grant funding to help deliver projects and initiatives to the community.

Camden is receiving a \$700,000 injection to help deliver two projects.

Council officially received \$500,000 in the second round of the NSW Government's Streets as Shared Spaces grant, administered by the Department of Planning and Environment.

This funding will help deliver the Larkin Place Activation Pilot, which will see the location become a more flexible, safe and shared public space with increased commercial and social activity.

The pilot program, identified through the third stage of Council's COVID-19 Community Support Package, will also help accommodate small-to-medium scale events, while remaining a parking space.

A further \$200,000 was also accepted from Sydney Water, to complete hydrological and vegetation surveys on the Narellan Creek Water Quality Management System.

Larkin Place was already used as an event space for the very first Winterfest in 2019, and this funding will help Council further establish the site for multi-use.

The hydrological and vegetation surveys on Narellan Creek will allow Council to identify how we can improve water quality.

Council accepted \$180,000 in funding to support three local programs to assist the Camden community.

The funding and grants will assist Council in setting up programs, including:

- \$120,000 in funding from the Department of Planning and Environment to assist with precinct planning for the South West Growth Area;
- \$50,000 under the NSW Government's Greener Neighbourhoods Grant program to develop the Camden Urban Forest Strategy 2023-33; and
- \$10,000 under the NSW Weeds Action Program 2020-25 to control Kidney Leaf Mud Plantain (*Heteranthera reniformis*) in Ellis Lane.

Council was successful in receiving funding to benefit local young people and pet owners including:

- \$50,000 to set up the Camden Youth Joblink Program, as part of the NSW Government's Local Youth Opportunities Program; and
- \$18,000 to install solar powered lighting at dog off-leash areas in Arcadian Hills, Oran Park, Emerald Hills and from the Federal Government's Stronger Communities Program.

5 Conclusion

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

The four-year Delivery Program 2017/18 to 2020/22 is Council's commitment to the community as part of the Community Strategic Plan suite of documents. Council, via 30 local services, will continue to deliver, innovate and collaborate in achieving the best outcomes and services for our community.

Under the Integrated Planning and Reporting (IPR) legislation, the Community Strategic Plan is reviewed and updated by each new Council following its election.

Council at its meeting dated 14 June 2022 adopted the Connecting Camden - Community Strategic Plan 2022-2036 along with a new Delivery Program 2022-2026, Operational Plan (Budget) 2022-2023 and Resourcing Strategy.

The next reporting period for the new Delivery Program 2022 - 2026 is July to December 2022.



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**CODE OF
CONDUCT
POLICY
P3.0109.10**

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PART 1 INTRODUCTION

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

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

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

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

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

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

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

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

Guide to ethical decision making

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

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with Council's policy and with Council's objectives and the Code of Conduct?
- What will the outcome be for the employee or Councillor, work colleagues, Council, persons with whom you are associated and any other parties?
- Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

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

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

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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
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, members of advisory Committees of a Council, delegates of Council, independent conduct reviewers, contractors and volunteers of a Council, officers of entities owned by a Council and, for the purposes of clause 4.16, Council advisers
Councillor	any person elected or appointed to civic office, including the Mayor and includes members and chairpersons of county Councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes Council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
General Manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>

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

ORD03

Attachment 1

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

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

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

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

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

- (a) performance management processes
- (b) disciplinary action for misconduct
- (c) informing a worker about unsatisfactory work performance of inappropriate work behaviour
- (d) directing a worker to perform duties in keeping with their job
- (e) maintaining reasonable workplace goals and standards
- (f) legitimately exercising a regulatory function
- (g) legitimately implementing a Council policy or administrative processes.

Work health and safety

3.12 All Council officials, including Councillors, owe statutory duties under the *Work Health and Safety Act 2011* (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:

- (a) take reasonable care for your own health and safety
- (b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- (c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the Council to ensure workplace health and safety
- (d) cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff
- (e) report accidents, incidents, near misses, to the General Manager or such other staff member nominated by the General Manager, and take part in any incident investigations
- (f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the 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 purpose of depriving the meeting of a quorum, or
- (b) submit a rescission motion with respect to a decision of the purposes of voting against it to prevent another Councillor from submitting a rescission motion with respect to the same decision, or
- (c) deliberately seek or impede the consideration of business at a meeting.

Prohibited Substance and Alcohol in the workplace

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

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

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

What interests do not have to be disclosed?

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

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

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

What disclosures must be made by a designated person?

4.8 Designated persons include:

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

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

4.9 A designated person:

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

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

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

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

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

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

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

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

What disclosures must be made by Council advisers?

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

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

What disclosures must be made by Council Committee member?

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

What disclosures must be made by a Councillor?

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

Disclosure of interests in written returns

- 4.21 A Councillor or designated person must make and lodge with the General Manager a return in the form set out in schedule 2 to this code, disclosing the Councillor’s or designated person’s interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a Councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the Councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a Councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The General Manager must keep a register of returns required to be made and lodged with the General Manager.
- 4.25 Returns required to be lodged with the General Manager under clause 4.21(a) and (b) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the General Manager under clause 4.21(c) must be tabled at the next Council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A Councillor or a Council Committee member who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The Councillor or Council Committee member must not be present at, or in sight of, the meeting of the Council or Committee:
- (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a Council or Council Committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the General Manager in writing by a Councillor or a Council Committee member to the effect that the Councillor or Council Committee member, or the Councillor's or Council Committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
 - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the Council in which it is given (whichever is the sooner), sufficient disclosure of the Councillor's or Council Committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council Committee after the date of the notice.
- 4.33 A Councillor or a Council Committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor or Council Committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a Councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a Councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or

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

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

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

4.38 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor or a Council Committee member who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

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

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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

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

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

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

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

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

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

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

Political donations

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

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

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

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

5.17 For the purposes of this Part:

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

5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

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

Loss of quorum as a result of compliance with this part

5.20 A Councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

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

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

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

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

Other business or employment

5.23 The General Manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council without the approval of the Council.

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

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

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

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

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

Personal dealings with Council

5.28 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

5.29 You must undertake any personal dealings you have with the Council in a manner that is consistent with the way other members of the community deal with the Council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a Council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- (a) items with a value of \$10 or less
 - (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 provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
 - (i) the discussion of official business
 - (ii) work-related events such as Council-sponsored or community events, training, education sessions or workshops
 - (iii) conferences
 - (iv) Council functions or events
 - (v) social functions organised by groups, such as Council Committees and community organisations.

Gifts and benefits

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

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

- 6.5 You must not:
- (a) seek or accept a bribe or other improper inducement
 - (b) seek gifts or benefits of any kind
 - (c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - (d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - (e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - (f) participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer–supplier relationship with the competition organiser
 - (g) personally, benefit from reward points programs when purchasing on behalf of the Council.

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

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

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

Gifts and benefits of token value

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

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

Gifts and benefits of more than token value

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

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

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

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

"Cash-like gifts"

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

Improper and undue influence

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

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PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of Councillors and administrators

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

Obligations of staff

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

Inappropriate interactions

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

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

Councillor and Staff Contact

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

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

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

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Attachment 1

Councillor and administrator access to information

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain Council information

- 8.9 In regard to information obtained in your capacity as a Council official, you must:
- a) subject to clause 8.14, only access Council information needed for Council business

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

Use and security of confidential information

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

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

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

Personal information

8.12 When dealing with personal information you must comply with:

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

Use of Council resources

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

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

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

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

- 8.16 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use Council resources (including Council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:
- (a) for the purpose of assisting your election campaign or the election campaign of others, or
 - (b) for other non-official purposes.
- 8.19 You must not convert any property of the Council to your own use unless properly authorised.

Internet access

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

Council record keeping

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

Councillor access to Council buildings

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

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

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

Social Media

8.28 You must not use social media to post or share comments, photos, videos, electronic recordings or other information that:

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

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

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

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 INTEREST AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

PART 1 – PRELIMINARY

DEFINITIONS

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

address means:

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

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

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

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

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

interest means:

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

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

occupation includes trade, profession and vocation

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

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

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

PART 2: PECUNIARY INTERESTS TO BE DISCLOSED IN RETURNS

Real property

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

Gifts

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

Contributions to travel

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

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

Interests and positions in corporations

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

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

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

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

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

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- (a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - (b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - (c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a Councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a Councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- (a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - (b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- (a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and

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

Debts

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

- (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.

ORD03

Attachment 1

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

DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS' RETURN

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

IMPORTANT INFORMATION

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

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

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

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

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

DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS

By _____
(full name of Councillor or designated person)

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

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

.....
(date form completed)

C. GIFTS			
Description of each gift I received at any time during the 30 June	Name and address of donor		
D. CONTRIBUTIONS TO TRAVEL			
Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken	
E. INTERESTS AND POSITIONS IN CORPORATIONS			
Name and address of each corporation in which I had an interest or held a position * at the return date/*at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE? (Y/N)			

ORD03

Attachment 1

G. POSITION 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 debts *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	

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

FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST

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

Important Information

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

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

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

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

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

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

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

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

ORD03

Attachment 1

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

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

Councillor's signature

Date

[This form is to be retained by Council's General Manager and included in full in the minutes of the meeting]

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

* * *

RELEVANT LEGISLATIVE INSTRUMENTS:

Local Government Act 1993
Local Government (General)
Regulation 2005
Public Interest Disclosures Act 1994
Privacy and Personal Information
Protection Act 1998
Health Records and Information
Privacy Act 2002

RELATED POLICIES, PLANS AND PROCEDURES:

Respect and Dignity in the Workplace
 Equal Employment Opportunity
 Prohibited Substance and Alcohol Policy
 Fraud and Corruption Prevention Policy and Plan
 Guidelines for Councillors Access to Information and Advice
 Code of Meeting Practice
 Disciplinary Policy
 Payment of Expenses and Provision of Facilities for Mayor and Councillors
 Acceptable Use of Technology and Systems

RESPONSIBLE DIRECTOR:

Director Customer and Corporate Strategy

APPROVAL:

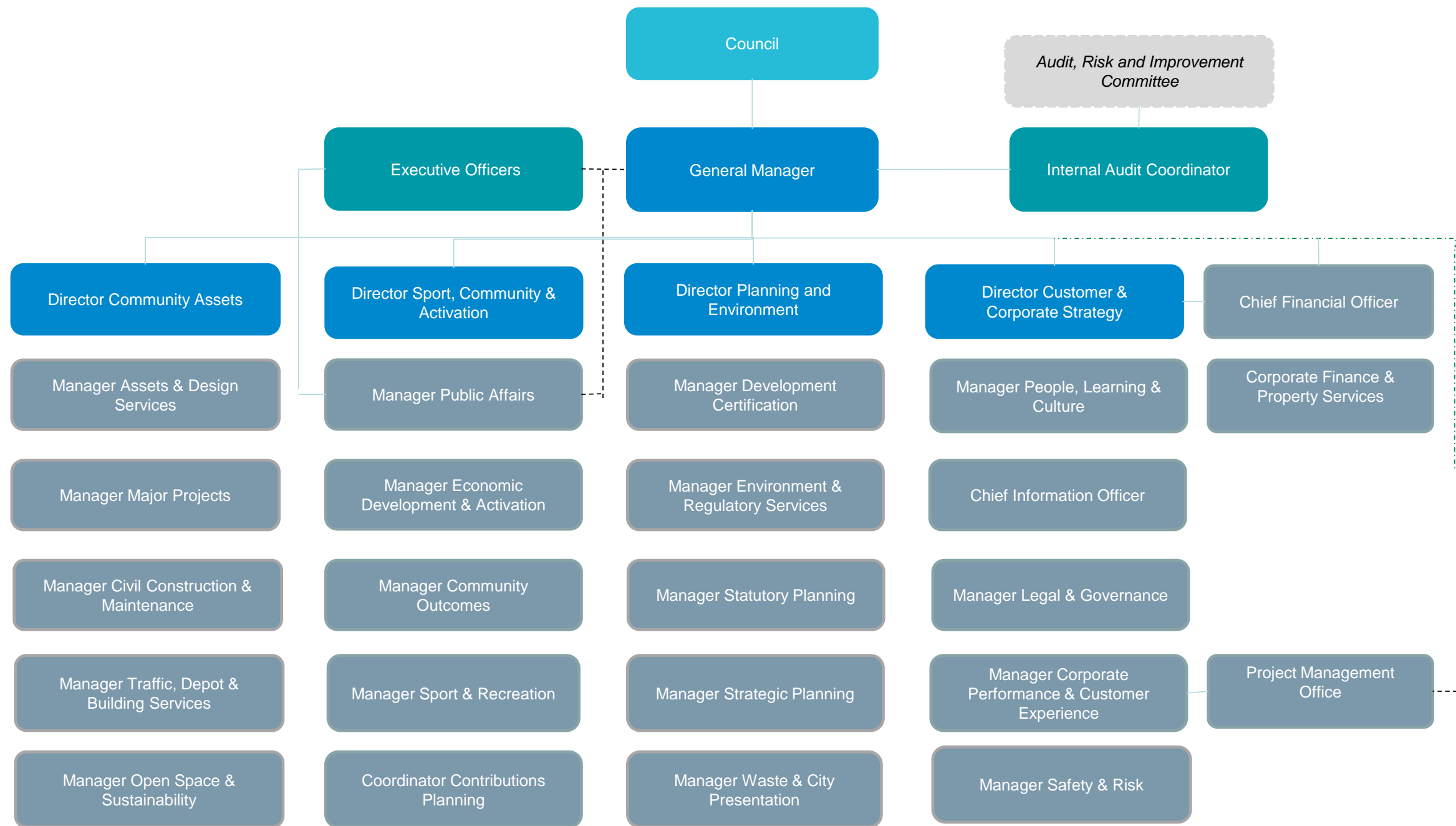
Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New	14/06/1994	
2	Council	Minor amendments	27/05/1996	
3	Council	Minor amendments	12/05/2003	
4	Council	Minor amendments	29/03/2005	
5	Council	Minor amendments	22/07/2008	
6	Council	Minor amendments	23/11/2008	
7	Council	Minor amendments	26/02/2013	
8	Council	Incorporates changes to the <i>Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015</i>	14/02/2017	17/43097
9	Council	Incorporates changes from the Model Code 2019	23/04/2019	19/122453
10	Council	Incorporates changes from the Model Code 2020	09/03/2021	19/122453



Adaptive Organisational Framework



Local Government NSW Annual Conference 2022 – Background Notes to Proposed Motions

ORD05

1. Motion Title – Reductions for eligible pensioners

Background Note – The maximum amount of \$250 by which ordinary rates and charges for domestic waste management services are reduced for eligible pensioners has remained the same since the original *Local Government Act 1993*. It is appropriate that this figure be increased to \$450 per annum to reflect year to year CPI increases since 1993. This will support pensioners to better meet their challenging cost of living pressures.

2. Motion Title – Waste disposal and processing facilities

Background Note – NSW needs additional waste infrastructure. The NSW State Government has developed the following strategic documents to shape the future of waste management in NSW:

- *NSW Waste and Sustainable Materials Strategy* - This document identifies the need to meet our future infrastructure and service needs
- *NSW Waste and Sustainable Materials Strategy: A guide to future infrastructure needs* – This document identifies current disposal and processing options and opportunities as well as noting that with our current rate of waste generation NSW is likely to reach putrescible landfill capacity by 2036 and non-putrescible landfills by 2028
- *EPA Waste Delivery Plan* – This document outlines a timeline for the EPA's 'Feasibility Assessment of Circular Economy Infrastructure'.

These strategies and documents outline the need to develop a plan, however, do not identify a way forward or actual infrastructure planning/development to be completed.

Lucas Heights is the only licensed putrescible landfill in the Sydney basin. All other facilities accepting putrescible waste are required to transfer waste to a licensed landfill such as Lucas Heights or outside of the Sydney Basin such as Woodlawn. This requires waste to be transported long distances by road or a rail network that is already at capacity. Of the facilities located outside the Sydney basin, many are at capacity and have limited ability to accept additional waste.

Current planning controls allow waste infrastructure within industrial zones however there are currently no mechanisms to quarantine dedicated land for critical waste infrastructure. The lack of early planning will result in a lack of waste disposal and processing infrastructure, which will increase disposal costs as landfill space diminishes.

With IPART considering a rate peg, councils are under increasing financial pressure to manage waste within the proposed peg.

Attachment 1

3. Motion Title – Food Organics and Garden Organics (FOGO) services

Background Note – Councils are required to provide separate Food Waste collection services by 2030 and are reliant on private industry to build and deliver appropriate facilities to receive and process this material. Facilities are relying on an Order and Exemption to sell processed FOGO product.

Prior to 2018, councils were actively processing putrescible waste under an Order and Exemption for Mixed Waste Organic Output (MWOO). This allowed the use of this product as a low-quality compost. In 2018, this exemption was removed by the NSW EPA resulting in impacts to councils and waste processing and disposal contractors. As a result, waste that was previously recycled had to be sent to landfill with disposal fees increasing and councils left managing contractual obligations etc. This rendered processing facilities obsolete.

There are similar potential risks involved in the implementation of FOGO:

- Financial – The roll out of a new service will include entering into a disposal contract for FOGO as well as other costs such as the purchase of additional fleet and infrastructure such as bins and kitchen caddies.
- Reputational – The roll out of FOGO will require a behaviour change campaign to educate residents on what can go in the FOGO bin and reduce and prevent contamination.

Should the Order and Exemption allowing FOGO to be applied to land be revoked in the future, councils will bear the impact/cost of long-term contracts.

4. Motion Title – Companion animals management

Background Note – The Companion Animals Register was introduced as a database for all microchipped companion animals in NSW. Since its introduction, the Register has undergone improvements and the Pet Registry with a self-service function has been developed.

However, the current system is still inefficient, impacting the management and welfare of companion animals in NSW. Many vets and authorised identifiers still complete triplicate hard copy forms for animal litters and forward them to councils for data entry.

Camden Council receives more than 10,000 companion animal forms for data entry annually. Council is obliged to complete all forms it receives within seven days of receipt, which includes forms from other council areas. The hard copy forms are regularly illegible or not completed with the owner's full name, address, and contact details. The incomplete data on the Register delays change of owner requests being processed and owners reuniting with their pets, and also impedes regulatory functions.

A new streamlined Pet Register database managed by Service NSW with improved self-service functionality will remove reliance on hard copy triplicate forms, providing a greater service to owners of companion animals. Authorised officers and other users such as vets will benefit from an improved database with a simplified process.

If the current Service NSW app were able to integrate companion animal ownership data, this would streamline registration and change of ownership, and also improve reuniting lost animals with their owner. This would provide efficiencies for councils across NSW and improve animal welfare by increasing immediate return to owner of lost animals. The change would also ensure a greater responsibility for individual animal owners to ensure their pets are properly registered on an existing and familiar platform (e.g. the Service NSW app).

5. Motion Title – Food health and safety standards

Background Note – The *Australian Standard 4674-2004 Design, construction and fit-out of food premises* has become outdated and does not reflect current trends and methods/materials of construction that have developed in the retail food sector, for example, kiosks, home business, childcare centres, serveries etc. The document is also inconsistently applied across the State. In contrast, Queensland Health has developed a design and fit-out guide for food businesses based on AS 4674-2004 to provide consistent guidance to their retailers, construction industry and regulators in Queensland.

6. Motion Title – Essential Works List in Contribution Plans

Background Note – Currently, a contribution plan can only collect for the land on which community facilities will be built, which is classed as essential, but not the construction of the facility, which is considered non-essential. This places an unwarranted burden on a council's general fund to provide multipurpose community and cultural facilities that a council and its community deem essential.



Investment Summary Report
July 2022



Investment Holdings

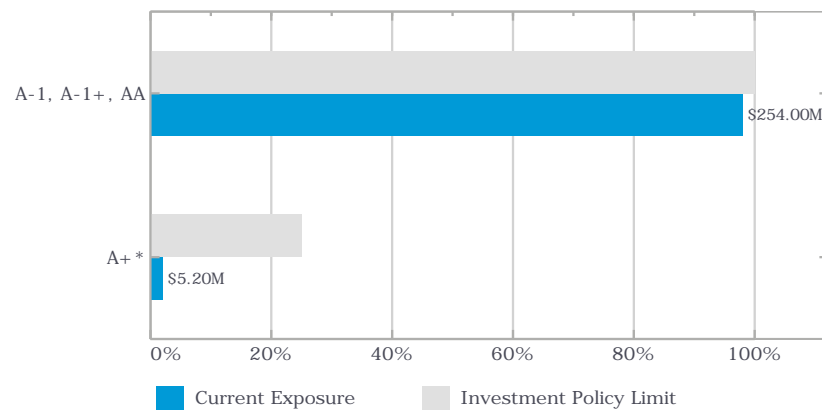
	Amount (\$)	Current Yield (%)
Cash	7,000,000.00	1.45
Term Deposit	252,200,000.00	1.78
	259,200,000.00	

Term to Maturity

	Amount (\$)	Policy Max
Between 0 and 1 Year	240,500,000	93% 100% a
Between 1 and 3 Years	18,700,000	7% 60% a
	259,200,000	

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

Total Credit Exposure



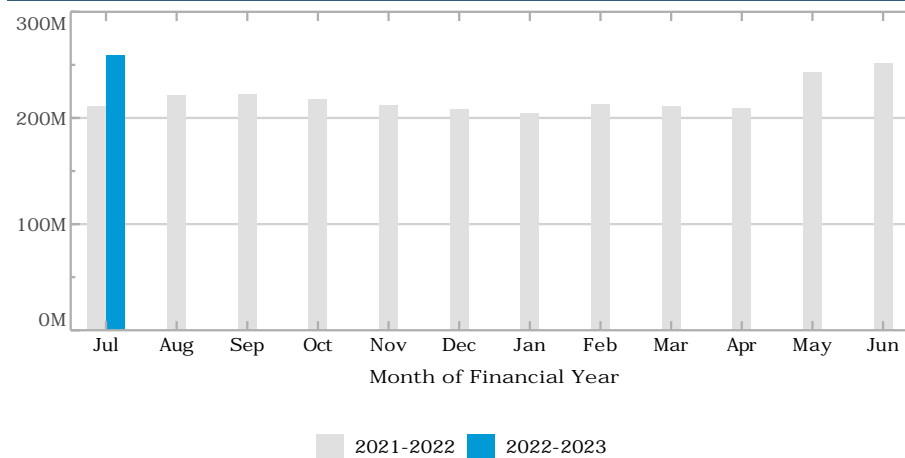
*Council's investment policy limits investments in foreign subsidiary banks which are monitored by APRA to a maximum 25% of the total portfolio

Sources of Funds

	Amount (\$)
Section 7.11 Developer Contributions	161,364,000
Restricted Grant Income	38,381,000
Externally Restricted Reserves	15,038,000
Internally Restricted Reserves	32,055,000
General Fund	12,362,000
Total Funds Invested	259,200,000

Council's investment portfolio has increased by \$7.5m since the June reporting period. The increase primarily relates to developer contributions and grant income received during the month. The source of funds invested are indicative only, due to Council's annual financial reports still being finalised for 30 June 2022.

Investment Portfolio Balance

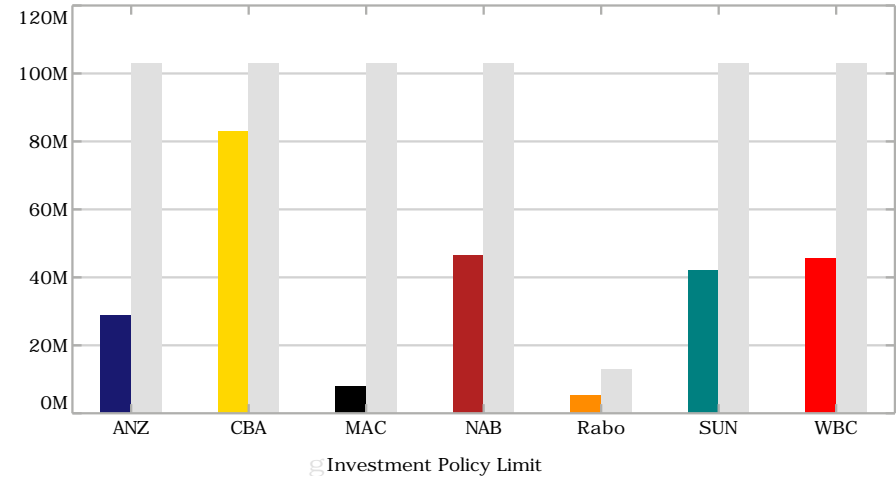




Camden Council Individual Institutional Exposures Report - July 2022

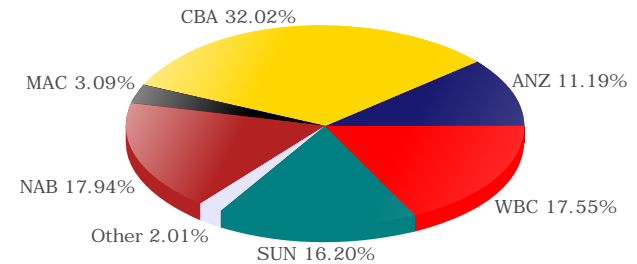
Individual Institutional Exposures Individual Institutional Exposure Charts

Parent Group	Exposure (\$M)	Credit Rating	Policy Limit	Actual	Capacity
ANZ Group	29.00M	A-1+, AA-	40.00%	11.19%	74.68M
Commonwealth Bank of Australia	83.00M	A-1+, AA-	40.00%	32.02%	20.68M
Macquarie Bank	8.00M	A-1, A+	40.00%	3.09%	95.68M
National Australia Bank	46.50M	A-1+, AA-	40.00%	17.94%	57.18M
Rabobank Aus (Foreign Sub)	5.20M	A-1*, A+*	5.00%	2.01%	7.76M
Suncorp Bank	42.00M	A-1, A+	40.00%	16.20%	61.68M
Westpac Group	45.50M	A-1+, AA-	40.00%	17.55%	58.18M
	259.20M				



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

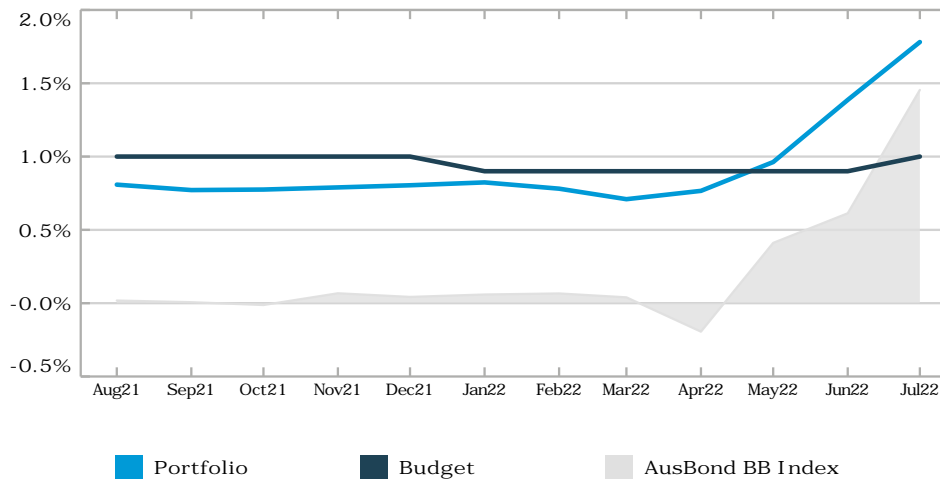
Council's portfolio is within its individual institutional investment policy limits.
 Council's portfolio is within its term to maturity investment policy limits.
 Council's portfolio complies with the NSW Ministerial Investment Order.





Interest Summary Investment Performance

Interest Summary as of July 2022	
Number of Investments	92
Average Days to Maturity	213
Weighted Portfolio Yield	1.78%
CBA Call Account	1.45%
Highest Rate	4.17%
Lowest Rate	0.27%
Budget Rate	1.00%
Average BBSW (30 Day)	1.49%
Average BBSW (90 Day)	2.07%
Average BBSW (180 Day)	2.87%
Official Cash Rate	1.35%
AusBond Bank Bill Index	1.45%



Interest Received During the 2022/2023 Financial Year

	July	Cumulative	Original Budget	* Revised Budget
General Fund	\$122,202	\$122,202	\$650,000	\$650,000
Restricted	\$260,353	\$260,353	\$1,650,000	\$1,650,000
Total	\$382,555	\$382,555	\$2,300,000	\$2,300,000

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

Historical Performance Summary

	Portfolio	AusBond BB Index	Outperformance
Jul 2022	1.78%	1.45%	0.33%
Last 3 Months	1.38%	0.83%	0.55%
Last 6 Months	1.07%	0.40%	0.67%
Financial Year to Date	1.78%	1.45%	0.33%
Last 12 months	0.93%	0.22%	0.71%

Investment Performance

Council's portfolio returned 1.78%pa on a weighted average yield basis during July. This compares favourably with the Ausbond Bank Bill Index's return of 1.45% pa for the month.

Camden Council
Investment Holdings Report - July 2022



Cash Accounts

Amount (\$)	Current Yield	Institution	Credit Rating	Amount (\$)	Deal No.	Reference
7,000,000.00	1.45%	Commonwealth Bank of Australia	A-1+	7,000,000.00	535548	
7,000,000.00				7,000,000.00		

Term Deposits

Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
3-Aug-22	1,000,000.00	0.31%	Westpac Group	A-1+	3-Aug-21	1,000,764.38	541699	764.38	Quarterly	3574
8-Aug-22	2,000,000.00	0.36%	National Australia Bank	A-1+	9-Aug-21	2,007,042.19	541723	7,042.19	At Maturity	3576
10-Aug-22	1,500,000.00	0.36%	National Australia Bank	A-1+	17-Aug-21	1,505,163.29	541748	5,163.29	At Maturity	3579
10-Aug-22	1,500,000.00	0.35%	National Australia Bank	A-1+	18-Aug-21	1,505,005.48	541754	5,005.48	At Maturity	3580
16-Aug-22	1,500,000.00	0.39%	Commonwealth Bank of Australia	A-1+	20-Aug-21	1,505,545.48	541765	5,545.48	At Maturity	3581
23-Aug-22	1,000,000.00	0.34%	National Australia Bank	A-1+	23-Aug-21	1,003,195.07	541768	3,195.07	At Maturity	3582
24-Aug-22	1,000,000.00	0.35%	National Australia Bank	A-1+	25-Aug-21	1,003,269.86	541777	3,269.86	At Maturity	3583
29-Aug-22	1,500,000.00	0.35%	National Australia Bank	A-1+	30-Aug-21	1,504,832.88	541794	4,832.88	At Maturity	3586
5-Sep-22	1,000,000.00	0.41%	Commonwealth Bank of Australia	A-1+	1-Sep-21	1,000,348.22	541808	348.22	SemiAnnually	3588
7-Sep-22	1,000,000.00	0.39%	Commonwealth Bank of Australia	A-1+	8-Sep-21	1,003,493.97	541870	3,493.97	At Maturity	3596
12-Sep-22	1,000,000.00	0.37%	National Australia Bank	A-1+	6-Sep-21	1,003,335.07	541854	3,335.07	At Maturity	3594
12-Sep-22	3,000,000.00	0.46%	ANZ Banking Group	A-1+	13-Dec-21	3,008,733.70	542194	8,733.70	At Maturity	3610
12-Sep-22	3,000,000.00	0.39%	Commonwealth Bank of Australia	A-1+	6-Sep-21	3,000,993.70	541853	993.70	SemiAnnually	3595
19-Sep-22	2,000,000.00	0.27%	ANZ Banking Group	A-1+	30-Aug-21	2,004,970.96	541795	4,970.96	At Maturity	3587
28-Sep-22	2,000,000.00	0.29%	ANZ Banking Group	A-1+	27-Aug-21	2,005,386.85	541787	5,386.85	Annually	3585
28-Sep-22	1,000,000.00	0.43%	Commonwealth Bank of Australia	A-1+	27-Aug-21	1,000,365.20	541788	365.20	SemiAnnually	3584
4-Oct-22	1,000,000.00	0.45%	Macquarie Bank	A-1	2-Sep-21	1,004,105.48	541826	4,105.48	Annually	3589
4-Oct-22	3,500,000.00	0.46%	Commonwealth Bank of Australia	A-1+	22-Apr-21	3,501,367.40	541278	1,367.40	SemiAnnually	3507
10-Oct-22	1,000,000.00	0.45%	Macquarie Bank	A-1	13-Sep-21	1,003,969.86	541895	3,969.86	At Maturity	3597
10-Oct-22	2,000,000.00	0.36%	Commonwealth Bank of Australia	A-1+	11-Oct-21	2,005,799.45	541984	5,799.45	At Maturity	3599
17-Oct-22	1,500,000.00	0.57%	Commonwealth Bank of Australia	A-1+	15-Nov-21	1,506,066.99	542086	6,066.99	At Maturity	3604

Camden Council
Investment Holdings Report - July 2022



Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
17-Oct-22	1,500,000.00	0.35%	Commonwealth Bank of Australia	A-1+	15-Sep-21	1,500,445.89	541902	445.89	SemiAnnually	3598
24-Oct-22	1,500,000.00	0.49%	Commonwealth Bank of Australia	A-1+	25-Oct-21	1,505,638.36	542008	5,638.36	At Maturity	3601
25-Oct-22	1,000,000.00	0.45%	Macquarie Bank	A-1	2-Sep-21	1,004,105.48	541827	4,105.48	Annually	3590
27-Oct-22	5,000,000.00	0.50%	ANZ Banking Group	A-1+	1-Dec-21	5,016,643.84	542148	16,643.84	At Maturity	3608
7-Nov-22	1,000,000.00	0.53%	Commonwealth Bank of Australia	A-1+	8-Nov-21	1,003,862.47	542046	3,862.47	At Maturity	3602
8-Nov-22	1,000,000.00	0.45%	Macquarie Bank	A-1	2-Sep-21	1,004,105.48	541828	4,105.48	Annually	3591
9-Nov-22	2,000,000.00	0.54%	Commonwealth Bank of Australia	A-1+	10-Nov-21	2,007,811.51	542057	7,811.51	At Maturity	3603
14-Nov-22	500,000.00	0.47%	National Australia Bank	A-1+	13-May-21	500,515.07	541331	515.07	Annually	3519
16-Nov-22	1,500,000.00	0.64%	Commonwealth Bank of Australia	A-1+	17-Nov-21	1,506,759.45	542098	6,759.45	At Maturity	3605
16-Nov-22	1,000,000.00	0.38%	Commonwealth Bank of Australia	A-1+	13-Oct-21	1,000,322.74	541989	322.74	SemiAnnually	3600
21-Nov-22	2,000,000.00	0.59%	Commonwealth Bank of Australia	A-1+	23-Nov-21	2,008,114.52	542109	8,114.52	At Maturity	3606
22-Nov-22	1,000,000.00	0.45%	Macquarie Bank	A-1	2-Sep-21	1,004,105.48	541829	4,105.48	Annually	3592
23-Nov-22	5,000,000.00	0.54%	Westpac Group	A-1+	30-Nov-21	5,004,660.27	542141	4,660.27	Quarterly	3607
30-Nov-22	2,000,000.00	0.50%	National Australia Bank	A-1+	31-May-21	2,001,698.63	541441	1,698.63	Annually	3530
5-Dec-22	1,500,000.00	0.40%	Westpac Group	A-1+	9-Jun-21	1,500,871.23	541511	871.23	Quarterly	3533
6-Dec-22	1,000,000.00	0.45%	Macquarie Bank	A-1	2-Sep-21	1,004,105.48	541830	4,105.48	Annually	3593
7-Dec-22	1,000,000.00	0.50%	National Australia Bank	A-1+	8-Jun-21	1,000,739.73	541501	739.73	Annually	3532
13-Dec-22	5,000,000.00	0.64%	ANZ Banking Group	A-1+	14-Jan-22	5,017,446.58	542246	17,446.58	At Maturity	3612
19-Dec-22	5,000,000.00	0.75%	ANZ Banking Group	A-1+	22-Feb-22	5,016,438.36	542363	16,438.36	At Maturity	3616
4-Jan-23	5,000,000.00	0.79%	National Australia Bank	A-1+	28-Feb-22	5,016,665.75	542378	16,665.75	At Maturity	3617
10-Jan-23	5,000,000.00	0.71%	Westpac Group	A-1+	10-Jan-22	5,019,743.84	542232	19,743.84	At Maturity	3611
16-Jan-23	5,000,000.00	2.52%	Suncorp Bank	A-1	26-May-22	5,023,128.77	542811	23,128.77	At Maturity	3632
25-Jan-23	2,000,000.00	0.55%	National Australia Bank	A-1+	27-Jan-21	2,005,605.48	540890	5,605.48	Annually	3466
31-Jan-23	3,000,000.00	0.85%	Westpac Group	A-1+	1-Feb-22	3,006,357.53	542283	6,357.53	Quarterly	3613
6-Feb-23	5,000,000.00	0.88%	Westpac Group	A-1+	9-Feb-22	5,010,126.03	542325	10,126.03	Quarterly	3614
8-Feb-23	1,500,000.00	0.52%	National Australia Bank	A-1+	11-Aug-21	1,507,586.30	541739	7,586.30	At Maturity	3577

Camden Council
Investment Holdings Report - July 2022



Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
14-Feb-23	5,000,000.00	0.95%	Westpac Group	A-1+	14-Feb-22	5,010,020.55	542338	10,020.55	Quarterly	3615
21-Feb-23	5,000,000.00	0.93%	National Australia Bank	A-1+	3-Mar-22	5,019,236.99	542395	19,236.99	At Maturity	3619
28-Feb-23	2,000,000.00	1.00%	Commonwealth Bank of Australia	A-1+	7-Mar-22	2,008,054.79	542410	8,054.79	At Maturity	3620
2-Mar-23	2,000,000.00	0.95%	Macquarie Bank	A-1	2-Mar-22	2,007,912.33	542392	7,912.33	At Maturity	3618
7-Mar-23	4,000,000.00	1.11%	ANZ Banking Group	A-1+	9-Mar-22	4,017,638.36	542419	17,638.36	At Maturity	3621
13-Mar-23	5,000,000.00	2.01%	Commonwealth Bank of Australia	A-1+	19-Apr-22	5,028,635.62	542601	28,635.62	At Maturity	3624
23-Mar-23	3,000,000.00	1.33%	ANZ Banking Group	A-1+	24-Mar-22	3,014,210.96	542475	14,210.96	At Maturity	3622
30-Mar-23	4,000,000.00	1.63%	Westpac Group	A-1+	30-Mar-22	4,022,150.14	542485	22,150.14	At Maturity	3623
6-Apr-23	1,500,000.00	0.47%	Westpac Group	A-1+	8-Apr-21	1,500,463.56	541257	463.56	Quarterly	3501
11-Apr-23	3,000,000.00	2.66%	Commonwealth Bank of Australia	A-1+	28-Apr-22	3,020,769.86	542705	20,769.86	At Maturity	3625
17-Apr-23	5,000,000.00	2.83%	Commonwealth Bank of Australia	A-1+	26-May-22	5,025,973.97	542808	25,973.97	At Maturity	3633
26-Apr-23	4,000,000.00	2.71%	Commonwealth Bank of Australia	A-1+	2-May-22	4,027,025.75	542736	27,025.75	At Maturity	3626
3-May-23	1,500,000.00	0.62%	National Australia Bank	A-1+	5-May-21	1,511,542.19	541306	11,542.19	At Maturity	3513
8-May-23	1,500,000.00	0.60%	National Australia Bank	A-1+	10-May-21	1,502,046.58	541311	2,046.58	Annually	3515
10-May-23	1,000,000.00	0.60%	National Australia Bank	A-1+	13-May-21	1,001,315.07	541330	1,315.07	Annually	3518
17-May-23	4,000,000.00	3.12%	Commonwealth Bank of Australia	A-1+	18-May-22	4,025,643.84	542788	25,643.84	At Maturity	3627
24-May-23	5,000,000.00	2.79%	Westpac Group	A-1+	20-May-22	5,027,900.00	542797	27,900.00	At Maturity	3628
29-May-23	1,000,000.00	0.60%	National Australia Bank	A-1+	28-May-21	1,001,035.62	541423	1,035.62	Annually	3529
1-Jun-23	4,000,000.00	2.83%	Westpac Group	A-1+	23-May-22	4,021,709.59	542799	21,709.59	At Maturity	3629
5-Jun-23	4,000,000.00	2.93%	Suncorp Bank	A-1	25-May-22	4,021,834.52	542804	21,834.52	Annually	3630
8-Jun-23	4,000,000.00	3.68%	Commonwealth Bank of Australia	A-1+	8-Jun-22	4,021,777.53	542850	21,777.53	At Maturity	3637
8-Jun-23	5,000,000.00	3.13%	Commonwealth Bank of Australia	A-1+	1-Jun-22	5,013,148.86	542823	13,148.86	SemiAnnually	3636
15-Jun-23	5,000,000.00	2.93%	Suncorp Bank	A-1	26-May-22	5,026,891.78	542809	26,891.78	At Maturity	3631
19-Jun-23	5,000,000.00	2.95%	Commonwealth Bank of Australia	A-1+	26-May-22	5,012,392.69	542813	12,392.69	SemiAnnually	3634
22-Jun-23	4,000,000.00	4.16%	Commonwealth Bank of Australia	A-1+	15-Jun-22	4,013,980.64	542866	13,980.64	SemiAnnually	3638
27-Jun-23	5,000,000.00	3.03%	Commonwealth Bank of Australia	A-1+	27-May-22	5,012,728.77	542817	12,728.77	SemiAnnually	3635

Camden Council
Investment Holdings Report - July 2022



Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
28-Jun-23	5,000,000.00	3.95%	Suncorp Bank	A-1	28-Jun-22	5,018,397.26	542900	18,397.26	At Maturity	3640
5-Jul-23	5,000,000.00	3.95%	Suncorp Bank	A-1	24-Jun-22	5,020,561.64	542896	20,561.64	At Maturity	3639
7-Jul-23	5,000,000.00	3.95%	Suncorp Bank	A-1	28-Jun-22	5,018,397.26	542901	18,397.26	At Maturity	3641
10-Jul-23	500,000.00	0.65%	National Australia Bank	A-1+	8-Jul-21	500,213.70	541635	213.70	Annually	3562
10-Jul-23	3,000,000.00	3.90%	Suncorp Bank	A-1	1-Jul-22	3,009,936.99	542921	9,936.99	At Maturity	3643
11-Jul-23	5,000,000.00	3.95%	Suncorp Bank	A-1	30-Jun-22	5,017,315.07	542916	17,315.07	At Maturity	3643
12-Jul-23	1,500,000.00	0.65%	National Australia Bank	A-1+	12-Jul-21	1,500,534.25	541645	534.25	Annually	3563
17-Jul-23	5,000,000.00	3.90%	Suncorp Bank	A-1	1-Jul-22	5,016,561.64	542922	16,561.64	At Maturity	3644
24-Jul-23	5,000,000.00	4.17%	Commonwealth Bank of Australia	A-1+	22-Jul-22	5,005,643.09	543128	5,643.09	SemiAnnually	3645
26-Jul-23	5,000,000.00	4.05%	National Australia Bank	A-1+	27-Jul-22	5,002,773.97	543133	2,773.97	At Maturity	3646
2-Aug-23	1,500,000.00	0.65%	National Australia Bank	AA-	3-Aug-21	1,509,696.58	541698	9,696.58	Annually	3573
8-Aug-23	5,000,000.00	3.80%	Westpac Group	AA-	28-Jul-22	5,002,082.19	543135	2,082.19	Quarterly	3647
11-Dec-23	2,000,000.00	3.15%	National Australia Bank	AA-	19-Dec-18	2,038,663.01	537431	38,663.01	Annually	3070
18-Dec-23	4,500,000.00	3.15%	National Australia Bank	AA-	19-Dec-18	4,586,991.78	537432	86,991.78	Annually	3071
3-Jan-24	2,000,000.00	3.40%	Rabobank Australia	A+ *	4-Jan-19	2,038,936.99	537443	38,936.99	Annually	3173
28-Feb-24	1,000,000.00	3.20%	Rabobank Australia	A+ *	28-Feb-19	1,013,501.37	537586	13,501.37	Annually	3189
4-Mar-24	1,200,000.00	3.20%	Rabobank Australia	A+ *	4-Mar-19	1,215,780.82	537601	15,780.82	Annually	3192
27-Mar-24	1,000,000.00	3.00%	Rabobank Australia	A+ *	29-Mar-19	1,010,273.97	537765	10,273.97	Annually	3200
24-Feb-25	500,000.00	0.80%	Westpac Group	AA-	24-Feb-21	500,756.16	540967	756.16	Quarterly	3481
						252,200,000.00		253,224,418.05	1,024,418.05	

ORD06

Attachment 2



INVESTMENT POLICY P3.0162.5

INVESTMENT POLICY

DIVISION: Customer and Corporate Strategy

BRANCH: Finance and Property Services

CATEGORY: 2

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ORD06
Attachment 2

Investment Policy
 Adopted by Council: 27/08/2019
 Reviewed without change:
 07/12/2021

Next Review Date: 31/12/2022
 EDMS #: 17/384785

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Glossary of Terms

Authorised Deposit Taking Institutions (ADI) - these are either a Bank, Credit Union or Building Society that is authorised under the *Banking Act 1959* (Cwth) to take deposits from customers. These institutions are monitored by the Government's financial regulator the Australian Prudential Regulatory Authority (APRA).

Approved Investments - Investments limited to those allowed by the Ministerial Investment Order, or as otherwise further restricted by this Policy. These include:

- *Commonwealth/State/Territory Government securities e.g. bonds:-*
These are interest paying securities which are issued by one of the above Australian government bodies and are guaranteed by that issuer. As such, these securities carry the same credit rating as the issuing government body.
- *Interest bearing deposits or senior bonds issued by an authorised deposit taking institution (ADI):-*
These are interest paying deposits such as term or at-call deposits and the senior bonds of an authorised deposits taking institution such as a bank, building society or credit union. The interest paid may be of a fixed and/or a variable/floating nature. Senior bonds are also commonly referred to as senior fixed or senior floating rate notes.
- *Bills of exchange, (<200 days duration), guaranteed by an authorised deposit taking institution (ADI):-*
These are short term investments guaranteed by the issuing ADI and are purchased at a discount to the final price to be paid on maturity. These securities generally provide better accessibility than term deposits and carry the same credit rating of the comparable term deposit from the same issuing financial institution. These investments may also be known as "bank bills".
- *Debentures issued by NSW Local Government;*
Debentures are income paying securities issued and guaranteed by a NSW Local Government entity.
- *Deposits with NSW Treasury &/or Investments in NSW Treasury Corporation's Investment Management Funds (ex-Hour Glass Facility):-*
NSW Treasury Corporation Investment Managed (NSW TCorpIM) Funds are managed funds that invest in a range of pre-approved investments – the funds are not guaranteed by the NSW Government. Whilst some NSW TCorpIM Funds eligible under NSW Local Government Ministerial Investment Order allow for investment in the share market, under Camden Council's Investment Policy only those options that are solely invested in the cash and fixed interest sectors are eligible.

Bank Bill Swap Rate (BBSW) - BBSW is the average of mid-rate bank bills and is calculated daily. It is used as an independent reference. Floating rate securities are most commonly reset quarterly to the 90 day BBSW.

Basel III - The Basel Committee for Banking Supervision initially met in 2008 in Basel, Switzerland to devise new global liquidity regulations in reaction to banking weaknesses uncovered during the Global Financial Crisis. The area most relevant to Council is that any obligation a bank has maturing in the next 30 days is treated as if it was cash maturing in 1 day and the bank must have sufficient assets on hand to cover every obligation maturing in the 30 day timeframe. Banks need to keep highly liquid assets that attract lower yields and these costs are passed on in the form of lower interest rates. Consequently, banks do not allow clients to “break” term deposits without a 31 day notice and then with a likely steep reduction in the interest rate being paid on the deposit.

Bloomberg Ausbond Index - This Index is the NSW Local Government industry standard benchmark formerly known as the UBS Australia Bank Bill Index. This is the generally accepted benchmark for short term, conservative cash and fixed income investors and allows benchmarking against a notional rolling parcel of bank bills averaging 45 days which is calculated by portfolio of 90 day bank bills over a specified period.

Credit Risk - The risk that a party or guarantor will fail to fulfil its obligations. In the context of this document it relates to the risk of loss due to the failure of the institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment.

Debenture - A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purpose of raising capital. Debentures are issued by companies in return for medium and long-term investment of funds by lenders.

Diversification - The requirement to place investments in a broad range of products and counterparties so as not to be over exposed to a particular sector of the investment market.

FRN - A Floating Rate Note (FRN) is a medium to long term fixed interest investment where the coupon is a fixed margin (“coupon margin”) over a benchmark, also described as a “floating rate”. The benchmark is usually the BBSW and is reset at regular intervals – most commonly quarterly.

Interest Rate Risk - Interest rate risk is the risk that the fair value or future cash flow of an investment will fluctuate because of changes in market interest rates.

Investment Portfolio - The total pool of Council’s cash and fixed income investments.

Liquidity Risk - The risk that Council runs out of cash, is unable to redeem the investments at a fair price within a timely period, and thereby incurs additional costs (or in the worst case is unable to execute its spending plans) – either due to its own liquidity management, or through changes in the liquidity profile of an investment.

LGGR - Local Government (General) Regulation 2021 NSW.

Market Risk - The risk that fair value or future cash flows of an investment will fluctuate due to changes in market prices or benchmark returns will unexpectedly overtake the investment's return.

Maturity Risk - The risk relating to the length of term to maturity of the investment. The longer the term, the greater the length of exposure and risk to market volatilities from changes in interest rates, market conditions and deteriorating credit.

NCD - (Negotiable Certificates of Deposit) are similar to Bank bills and are issued by institutions for a fixed amount (usually for a period of 185 days or less but sometimes for longer terms). They are sold at a discounted face value i.e an NCD for \$100,000 with a 180 day maturity @ 3% would be purchased for approx. \$98,520. The difference is the interest earned. They can also be traded in the secondary market and are therefore more liquid than term deposits. Sometimes referred to as "Transferable Certificate of Deposit" (TCD).

Official Cash Rate - This is the rate set by the Reserve Bank of Australia and is seen as the "risk free rate" for cash investments.

OLG - NSW Office of Local Government

Prohibited Investments - Investment classes that have been noted by the OLG in its guidelines for NSW Local Government Investment Policy and draft policy document following the Global Financial Crises. These include, but are not limited to, any investment carried out for speculative purposes, such as:

- *Derivative based instruments:-*
Derivatives is a wide ranging category of investments whose value is tied to the fluctuations of an underlying asset. Derivatives are used to hedge investment risk or for speculative purposes. Derivatives include futures contracts, forward contracts, swap agreements, and options. Refer below for definitions.
- *Principal only investments or securities that provide nil or negative cash flow:*
This is in reference to a popular type of pre-GFC investment where the capital of a derivative based instrument was "protected" by an underlying zero coupon bond which would eventually provide an investor's capital upon maturity if the product itself defaulted. A zero coupon bond is issued at a deep discount to par and pays out a known rate upon its maturity with no interest payments along the way.
- *Standalone securities issued that have underlying futures, options, forward contracts and swaps of any kind:-*
Futures and Forwards are agreements between two parties for the exchange of an asset at an agreed-upon price and date. Futures are standardized and done on a market and forwards are done "over-the-counter" with little or no regulation.
- *Options are similar to futures, except the buyer/seller has an option, not an obligation, to sell/buy at the stated price.*
- *Swap agreements are made between two parties to trade their loan, currency or commodity arrangements. For example, a holder of a fixed rate loan may enter an interest swap with the holder of a floating rate loan whereby the parties take onboard each other's obligation to the benefit of their specific needs.*

- *Leveraging, or borrowing to invest, is also prohibited.*
- *Subordinated bonds issued by an ADI: these bonds rank below an ADI's covered bonds, term deposits and senior bonds in terms of wind-up obligations. Subordinated bonds may be converted to shares in the case of a bank's cash constraints.*

Preservation of Capital - Preservation of capital refers to an investment strategy with the primary goal of preventing losses in an investment portfolio's total value.

Prudent person standard - Prudent person standard is a legal standard restricting the investing and managing of a client's account to what a prudent person seeking reasonable income and preservation of capital might exercise for his or her own investment.

Responsible Accounting Officer - Responsible Accounting Officer (RAO) of a council means a member of the staff of the council designated by the General Manager, or if no such member has been designated, the General Manager. (LGGR, clause 196).

Rollover Risk - The risk that income will not meet expectations or budgeted requirements because future interest rates are lower than expected. As deposits and bank securities mature and need to be reinvested, margins may contract thereby resulting in a reduction of income over time.

Securities - For financial markets these are the many types of financial instruments (i.e., documents) that are traded in financial markets (except derivatives & contracts), e.g., bonds and shares.

Term Deposit - Funds invested with a financial institution at a predetermined rate that applies for the duration of the deposit. The principal is held on deposit for a fixed term with interest payable at set periods during the term and/or on maturity. Increasingly banking regulation requires term deposits to be issued on "unbreakable" terms or at a minimum funds cannot be withdrawn for a minimum period of 31 days.

At-call deposits - Cash invested on an overnight basis. Funds can be recalled or re-invested before 11am on the following business day.

1. PURPOSE OF THIS POLICY

The purpose of this Policy is to ensure that Council and its representatives exercise care, diligence and skill that a prudent person would exercise in investing Council's funds in seeking to first minimise the risk of loss or liquidity constraints, and secondly to receive the appropriate returns. It details:

- Council Funds covered by this Investment Policy Statement;
- Council's objectives for its investment portfolio/s;
- how investments are to be undertaken;
- the applicable risks to be managed;
- any constraints and other prudential requirements to apply to the investments of funds having regard to the applicable legislation and regulations governing Council investments;
- the manner in which compliance with the Policy & Strategy will be monitored and reported; and
- appropriate benchmarks for each category of investment.

2. POLICY OBJECTIVE

The purpose of this policy is to provide a framework for the optimum investment of Camden Council's funds at the most favourable rate of interest available to it at the time to maximize returns whilst having due consideration of risk tolerance, liquidity and security for its investments.

While exercising the power to invest, consideration needs to be given to the preservation of capital, liquidity and the return on investment. Council therefore has several primary objectives for its investment portfolio:

- Compliance with legislation, regulations, the "prudent person" tests of the Trustee Act and best practice guidelines.
- Preservation of capital is the main priority of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding of the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.
- Investments are expected to maximize returns in line with Council's risk tolerance, having taken due care to ensure that Council deals on the most efficient terms reasonably possible.

3. POLICY GUIDELINES

3.1 Legislative Requirements

All investments are to comply with the following:

- *Local Government Act 1993; S142 & S625;*
- *Local Government (General) Regulation 2021; Clause 212;*
- *NSW Trustee Act 1925; S14A(2), S14C(1)(2);*
- Ministerial Investment Order 2011;
- Local Government Code of Accounting Practice and Financial Reporting;
- Australian Accounting Standards;
- Office of Local Government Circulars; and
- Office of Local Government Investment Guidelines.

3.2 Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager may in turn delegate the day-to-day management of Council's investments to the Responsible Accounting Officer or senior staff, subject to regular review. The Responsible Accounting Officer is the Chief Financial Officer.

Delegated staff will have the appropriate level of skills to undertake the investment functions of Council.

Officers delegated to manage Council's investments shall be recorded and are required to acknowledge that they have received a copy of this Policy and understand their obligations in this role.

3.3 Prudent Person Standard

Council has a fiduciary responsibility when investing. Council's investments will be managed with care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolio to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

3.4 Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest.

Third Party suppliers and dealers - Council will structure its affairs to minimise costs, favouring dealing directly with other institutions with the assumption of better net terms. Where intermediation is necessary, ideally, arrangements should result in a rebate of brokerage.

Investment Policy
Adopted by Council: 27/08/2019
Reviewed without change:
07/12/2021

Next Review Date: 31/12/2022
EDMS #: 17/384785

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At times, it will be advantageous to deal with third parties that are remunerated on a transaction rather than retainer basis. Council will use such suppliers where favourable, and have regard to obtaining the most favourable terms. Specifically, Council will have regard to:

- Administrative cost savings;
- Ability to access higher (retail) rates where these outweigh any additional direct transaction costs;
- Access to ADIs that would not normally have an institutional direct channel i.e. Cominvest; and
- Limited access or Initial Public Offering (IPO) deals, or other secondary market opportunities that are only available from specific sources.

Council will take steps to ensure that:

- Any suppliers used are appropriately licensed, reputable and capable;
- Funds and identification data are sufficiently secured;
- Third party arrangements do not materially worsen Council's credit risks by creating exposure to the dealer as counterparty; and
- Remuneration arrangements are reasonable and transparent, whether paid by Council or by the issuer directly.

4. APPROVED INVESTMENTS

Investments are limited to those allowed by the Ministerial Investment Order as further restricted to include:

- Commonwealth/State/Territory Government securities e.g. bonds;
- Interest bearing deposits or senior bonds issued by an authorised deposit taking institution (ADI);
- Bills of exchange, (<200 days duration), guaranteed by an authorised deposit taking institution (ADI);
- Debentures issued by NSW Local Government; and
- Deposits with NSW Treasury &/or Investments in NSW Treasury Corporation's Investment Management Funds - currently the Cash Fund and Strategic Cash Short Term Income Fund.

5. CURRENCY

All investments must be made in Australian dollars only.

6. PROHIBITED INVESTMENTS

This investment policy prohibits but is not limited to any investment carried out for speculative purposes, including;

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow;
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind; and
- Other investments excluded by the Investment Order.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

However, nothing in the Policy shall prevent the drawing down of a loan for a specific purpose and the placement of funds on a short-term deposit ahead of their deployment.

7. RISK MANAGEMENT GUIDELINES

Investments are expected to achieve a market average rate of return in line with Council's risk tolerance and are to be considered in light of the following key criteria (see also glossary of terms);

1. Preservation of Capital - the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);
2. Liquidity risk - the risk an investor is unable to redeem the investment at fair price within a timely period;
3. Diversification - setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk;
4. Credit risk - the risk that an institution/entity Council has invested in fails to pay the interest and or repay the principal of an investment;
5. Market risk - the risk that the fair value of future cash flows of an investment will fluctuate due to changes in market prices;
6. Maturity risk - the risk relating to the length of term to maturity of the investment. The longer the term, the greater the length of exposure and risk to market volatilities.

7.1 Credit and Maturity Guidelines

Investments are to comply with four key criteria relating to:

- **Foreign Owned Banks:** limit exposure to overseas financial markets;
- **Institutional Credit Framework:** limit exposure to individual institutions based on their credit ratings;
- **Overall Portfolio Credit Framework:** limit overall credit exposure of the portfolio. and;
- **Term to Maturity Framework:** limits based upon maturity of securities.

(a) Foreign Owned Banks

Foreign subsidiary banks which are monitored by the Australian Prudential Regulatory Authority (APRA) may be invested in subject to a maximum 25% of the total portfolio.

Those entities listed as a Branch of a Foreign Bank whilst an Authorised Deposit Taking Institution (ADI) and eligible to be invested under the prevailing Ministerial Investment Order are not an approved investment institution under this Policy.

A foreign subsidiary bank may have offshore shareholders, but is separately incorporated in Australia and is covered by the Australian Government Savings Guarantee to the same extent as other Australian banks. Australian depositors are the most senior creditor.

In contrast, a foreign branch is not a separate legal entity, and therefore could be subject to claims if offshore assets of the group became impaired.

(b) Institutional Credit Framework

Exposure to an individual institution will be restricted by their long term credit rating so that single entity exposure is limited, as detailed in the table below:

~~Credit rating agencies apply short term ratings to investments with 12 months or less to maturity and long term ratings to those with greater than 12 months to maturity. When Council has short term and long term holdings with the same institution, the limit associated to the institution's short term rating will be used.~~

Short Term Credit Ratings (maturities ≤ 12mos)	Long Term Credit Ratings (maturities > 12mos)	Institution Max %
A-1+	AAA	40%
A-1	AA	40%
A-2	A	35%
A-3	BBB	15%
APRA regulated Foreign Subsidiary Banks		5%

NSW Treasury Corp Deposits and TCorp IM Funds ¹	Max %
11am, Term Deposits or Bonds	30%
TCorpIM Cash Fund	30%
TCorpIM Strategic Cash Fund	20%

Long Term Credit Ratings (maturities > 12mos)	Institution Max %
AAA	40%
AA	40%
A	35%
BBB	15%
APRA regulated Foreign Subsidiary Banks	5%

NSW TCorp IM Funds ¹	Max %
TCorpIM Cash Fund	30%
TCorpIM Short Term Income Fund	20%

Credit ratings are based upon the Standard & Poor's Investment Rating, or equivalent, where a Standard & Poor's Investment Rating does not exist.

If any of the Council's investments are downgraded such that they no longer fall within the investment policy limits, they will be divested as soon as practicable having regard to potential losses resulting from early redemption and subject to minimising any loss of capital that may arise from compliance with this provision.

A resolution of Council is required for the early termination of an investment where a potential loss of capital is to be realised.

* The NSW TCorpIM Cash Fund and Strategic Cash Short Term Income Funds are unrated, but the underlying investments are highly rated and the funds are managed to a credit score commensurate with AAA or AA rating respectively.

~~The Cash Fund invests in minimum A1 short term and AA long term rated investments. The Strategic Cash Fund invests in minimum A2 short term and A long term investments. These funds provide monthly income payments, diversification and quick access to funds.~~

(c) Overall Portfolio Credit Framework

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the total portfolio exposed to particular credit rating categories.

Short-Term Credit Ratings (maturities ≤ 12mos)	Long-Term Credit Ratings (maturities > 12mos)	Institution Max %
A-1+	AAA	100%
A-1	AA	100%
A-2	A	50%
A-3	BBB	10%
APRA regulated Foreign Subsidiary Banks		25%
NSW Treasury Corp Deposits and TCorpIM Funds		80%

Long Term Credit Ratings (maturities > 12mos)	Institution Max %
AAA	100%
AA	100%
A	50%
BBB	35%
APRA regulated Foreign Subsidiary Banks*	25%
NSW Treasury Corp Deposits and TCorpIM Funds	50%

Credit ratings are based upon the Standard & Poor's Investment Rating, or equivalent, where a Standard & Poor's Investment Rating does not exist.

* Exposures to the Foreign Subsidiary Banks must also fit within the banks' rating limit category in the overall portfolio credit limit table.

(d) Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits		
Portfolio % ≤1 year	Min 40%	Max 100%
Portfolio % >1 year ≤ 3 year	Min 0%	Max 60%
Portfolio % >3 year ≤5 year	Min 0%	Max 30%

8. INVESTMENT STRATEGY

An Investment Strategy will run in conjunction with the Investment Policy. The investment strategy will be reviewed with an independent investment advisor once a quarter. The Strategy will outline:

- Council's current cash flow expectations and the implications for deviations from a long-term liquidity profile;
- Diversification: the allocation of investment type, credit quality, counterparty exposure and term to maturity profile;
- Market conditions and the appropriate responses - particularly relative positioning within the limits outlined in this policy;
- Relative return outlook, risk-reward considerations, assessment of the market cycle and hence constraints on risk; and
- Optimisation of overall eligible investments for Council's portfolio.

9. LIQUIDITY REQUIREMENTS

Liquidity refers to the minimum level of liquid funds available to finance day to day requirements. Cash flow must be monitored daily and Council will ensure that it has access to the required funds to meet liquidity needs.

10. INVESTMENT ADVISORS

Council's investment advisor must be approved by the General Manager and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of this Investment Policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed. An exception applies where any commission is fully remunerated to Council. The advisor shall also assist Council to ensure that the commercial terms on which Council is offered investments by banks, fund managers, issuers and brokers are fair and reasonable.

11. MEASUREMENT

The investment return for the portfolio is to be regularly reviewed by Council's financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once a month to coincide with monthly reporting.

12. PERFORMANCE BENCHMARKS

The performance of the investment portfolio shall be measured against the industry standard Bloomberg Ausbond Bank Bill Index and/or the Official Cash Rate.

Monies invested "At Call" should where possible reference the Official Cash Rate.

It is also expected that Council will take due steps to ensure that any investment is executed at the best price possible.

13. REPORTING AND REVIEWING OF INVESTMENTS

Documentary evidence must be held for each investment and details thereof maintained in an investment Register.

The documentary evidence must provide Council legal title to the investment (noting that for some investments, such as NSW TCorpIM Funds, they will be held in safe custody with Council nominated as beneficial owner).

All investments are to be appropriately recorded in Council's financial records and reconciled monthly to the General Ledger.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of investments currently held by Council, including the investments' maturity dates and interest rate return and the issuing institution.

14. REVIEW AND VARIATION TO INVESTMENT POLICY

This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes or extreme market changes. Should any legislative change occur, any inconsistencies will prevail over the Policy, and Council will immediately initiate a Policy review.

All changes to this Investment Policy are to be reported to Council as soon as practicable with any amendments to the Investment Policy to ultimately be by way of Council resolution.

15. AUDIT REQUIREMENTS

Council's external auditors will require independent certification from the relevant financial institutions (banks, fund managers, etc) to confirm the balance of investments held on Council's behalf at the end of the financial year.

Council's external auditor will also periodically review the adequacy of the investment policy, strategy and management's internal controls as part of their audit review program.

16. SCHEDULES (twelve pages)

- Schedule 1 – Standard & Poor's Ratings Description;
- Schedule 2 – Copies of Relevant Legislation.

SCHEDULE 1 (Two pages)**Standard & Poor's Ratings Description**

Credit Ratings

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general creditworthiness of an obligor with respect to particular debt security or other financial obligation - based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment;
- Nature and provisions of the obligation;
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights.

The issue rating definitions are expressed in terms of default risk.

~~Short-Term Obligation Ratings are:~~

~~**A-1:** This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.~~

~~**A-2:** A short-term obligation rated A-2 is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.~~

~~**A-3:** A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.~~

Long-Term Obligations Ratings are:

AAA: An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.

AA: An obligation/obligor rated AA differs from the highest rated obligations only in a small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.

A: An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligor in higher rated categories. However, the obligors' capacity to meet its financial commitment on the obligation is still strong.

BBB: An obligation/obligor rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to the obligor to meet its financial commitment on the obligation.

Unrated: Financial institutions do not necessarily require a credit rating from the various ratings agencies such as Standard and Poor’s and these institutions are classed as “Unrated”. Most Credit Unions and Building Societies fall into this category. These institutions nonetheless must adhere to the capital maintenance requirements of the Australian Prudential Regulatory Authority (APRA) in line with all Authorised Deposit Taking Institutions (Banks, Building Societies and Credit Unions).

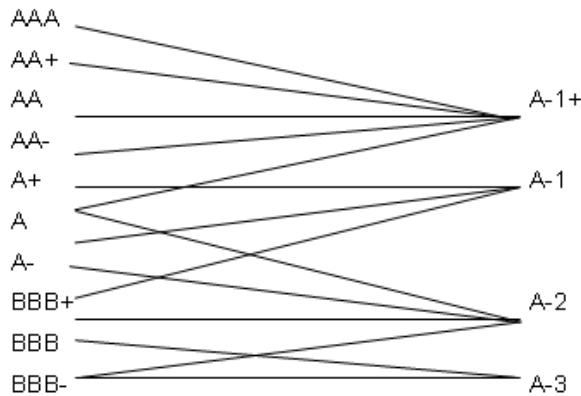
Plus (+) or minus (-): The ratings from “AA” to “BBB” may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories. Each new investment and investment recall requires two authorised signatories.

CreditWatch highlights an emerging situation, which may materially affect the profile of a rated corporation and can be designed as positive, developing or negative. Following a full review the rating may either be affirmed or changed in the direction indicated.

A Rating Outlook assesses the potential direction of an issuer’s long-term debt rating over the intermediate-to-long term. In determining a Rating Outlook, consideration is given to possible changes in the economic and/or fundamental business conditions. An outlook is not necessarily a precursor of a ratings change or future CreditWatch action. A “Rating Outlook – Positive” indicates that rating may be raised. “Negative” means a rating may be lowered. “Stable” indicates that ratings are not likely to change. “Developing” means ratings may be raised or lowered.

S&P Ratings Correlations

The standard correlation of short-term ratings with long-term ratings is shown below.



SCHEDULE 2 (seven pages):*Extracts of Legislative Requirements*

LOCAL GOVERNMENT ACT 1993 - SECT 412 & 625

Section 412 Accounting Records

- (1) A council must keep such accounting records as are necessary to correctly record and explain its financial transactions and its financial position.
- (2) In particular, a council must keep its accounting records in a manner and form that facilitate:
 - (a) the preparation of financial reports that present fairly its financial position and the results of its operations, and
 - (b) the convenient and proper auditing of those reports.

Section 625 How May Councils Invest?

- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.
- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation is not an investment for the purposes of this section.

THE TRUSTEE AMENDMENT (DISCRETIONARY INVESTMENTS) ACT1997 – SECTIONS 14A (2), 14C (1) & (2)

14A (2) Duties of trustee in respect of power of investment

A trustee must, in exercising a power of investment:

- (a) If the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons, exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons, or
- (b) if the trustee is not engaged in such a profession, business or employment, exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

14C Matters to which trustee is to have regard when exercising power of investment

- (1) Without limiting the matters that a trustee may take into account when exercising a power of investment, a trustee must, so far as they are appropriate to the circumstances of the trust, if any, have regard to the following matters:
- (a) the purposes of the trust and the needs and circumstances of the beneficiaries,
 - (b) the desirability of diversifying trust investments,
 - (c) the nature of, and the risk associated with, existing trust investments and other trust property,
 - (d) the need to maintain the real value of the capital or income of the trust,
 - (e) the risk of capital or income loss or depreciation,
 - (f) the potential for capital appreciation,
 - (g) the likely income return and the timing of income return,
 - (h) the length of the term of the proposed investment,
 - (i) the probable duration of the trust,
 - (j) the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment,
 - (k) the aggregate value of the trust estate,
 - (l) the effect of the proposed investment in relation to the tax liability of the trust,

- (m) the likelihood of inflation affecting the value of the proposed investment or other trust property,
 - (n) the costs (including commissions, fees, charges and duties payable) of making the proposed investment,
 - (o) the results of a review of existing trust investments in accordance with section 14A (4).
- (2) A trustee may, having regard to the size and nature of the trust, do either or both of the following:
- (a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice,
 - (b) pay out of trust funds the reasonable costs of obtaining the advice.

ORD06

Attachment 2

LOCAL GOVERNMENT (GENERAL) REGULATION 2021 - CLAUSE 212

212 Reports on council investments

- (1) The responsible accounting officer of a council:
- (a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:
 - i) if only one ordinary meeting of the council is held in a month, at that meeting, or
 - (ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and
 - (b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the Council's investment policies.
- (2) The report must be made up to the last day of the month immediately preceding the meeting.

Note. Section 625 of the Act says how a council may invest its surplus funds.



Circular No. 11-01
Date 17 February 2011
Doc ID. A232183

Contact Finance Policy Section
02 4428 4100
dlg@dlg.nsw.gov.au

REVISED MINISTERIAL INVESTMENT ORDER

A revised Investment Order pursuant to section 625 of the *Local Government Act 1993* has been issued. The Minister for Local Government signed the revised Order on 12 January 2011 and it was published in the NSW Government Gazette on 11 February 2011. It replaces the Order dated 31 July 2008. The revised Order is attached to this circular.

Changes to the Investment Order include:

- the removal of the ability to invest in the mortgage of land (part (c) of the Investment Order dated 31 July 2008)
- the removal of the ability to make a deposit with the Local Government Financial Services Pty Ltd (part (f) of the order dated 31 July 2008)
- the addition of "Key Considerations" in the revised Investment Order, which includes a comment that a council's General Manager, or any other staff, with delegated authority by a council to invest in funds on behalf of the council must do so in accordance with the council's adopted investment policy.

Councils are reminded that on 25 May 2010 the Division of Local Government issued Investment Policy Guidelines (Circular to Councils 10-11 refers). It is expected that all councils will by now have adopted an Investment Policy in accordance with the Guidelines.



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Investment Policy
Adopted by Council: 27/08/2019
Reviewed without change:
07/12/2021

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ORD06

Attachment 2

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER

(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.


All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011


Hon BARBARA PERRY MP
Minister for Local Government

Department of Local Government
 5 O'Keefe Avenue NOWRA NSW 2541
 Locked Bag 3015 NOWRA NSW 2541
 T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
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Dated this 12th day of January 2011

BARBARA PERRY MP

Minister for Local Government

Recommendations from the Review of NSW Local Government Investments –Final Report - Michael Cole, April 2008

Recommendation 1: All investment instruments (debentures, securities, stocks and deposits, but excluding discount instruments such as bills of exchange) in the Investment Order be defined to include both principal and investment income.

Recommendation 2: All existing investments by NSW Councils that may be excluded by any proposed changes to the Investment Order are to be grandfathered. For the avoidance of doubt, existing securities that become ultra vires under the proposed amendments to the Investment Order can continue to be held to maturity, redeemed or sold, but new investments must comply with the amended Investment Order. Note that investment portfolio restructurings / switches currently being offered by product manufacturers or advisors are specifically excluded from consideration if the switch investments are outside the amended Investment Order. If the proposed switch investment is within the amended Investment Order all transactions must be on a market value basis. Book value transactions are explicitly prohibited.

Recommendation 3: Product manufacturers / distributors should be excluded from being appointed investment advisors to Councils.

Recommendation 4: Investments specified in k) and l) of the Investment Order be suspended for the period to 31/12/2009 and be subject to a further review after this period to determine the relevance of using a credit ratings based approach to determining authorised investments, particularly in light of the current CDO credit experience. It should consider whether to restore the current investment powers under k) and l). Any such review should have specific regard to the trade-off between the cost of Government monitoring and Council compliance which would be required, and the prospective incremental investment return.

Recommendation 5: It is recommended that the current partial deregulation model operating in New South Wales be retained with the modifications suggested in Points 4.13, 4.15, 4.18 and 4.30 of this report, as well as the minor modifications set out in Points 4.39 and 4.41. Consistent with the existing Investment Order, interest income and capital growth investment options will continue to be available through the TCorp Hour-Glass Investment Facilities. This outcome provides a number of the advantages highlighted in the centralised model in section 6.19.

Recommendation 6: It is most important that the Councils' fiduciary responsibility in relation to investment activities under the Local Government Act 1993, should be reinforced strongly. All participants should be made explicitly aware of the obligations under the NSW Trustee Act 1925, and be requested to sign to acknowledge the same. Inclusion of the relevant sections of the Trustee Act in the Investment Order may also assist in this regard. In particular, it is important that long term assets including Section 94 funds are invested in a manner consistent with meeting future liabilities, on the basis that the nominal return sought is consistent with an acceptable level of investment risk.

Recommendation 7: With regards to the Investment Order section (m), permitted investments in securities should explicitly exclude subordinated obligations. The permitted investments under (m) must rank pari passu with deposits of the same group entities; under (f) mortgages over land should be restricted to first mortgages with a Loan to Value ratio of no greater than 60%, and under (g), permitted land investments are to explicitly exclude ASX listed property trust investments.

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Recommendation 8: The NSW Department of Local Government should give consideration to releasing a document, similar in content to the Western Australian Department of Local Government and Regional Development, Investment Policy – Local Government Operational Guidelines- Number 19, February 2008 (refer Appendix C). Further as noted in this document, there are deemed to be significant benefits from external monitoring: “a well constructed investment policy with clear objectives will facilitate an external review. The review should act as an intermediary to confirm that the investments explicitly align with the investment policy.”(7-3/92)

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**RELEVANT LEGISLATIVE
INSTRUMENTS:
RELATED POLICIES, PLANS AND
PROCEDURES:
RESPONSIBLE DIRECTOR:**

Local Government Act 1993

Director Customer and Corporate
Strategy

APPROVAL:

Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	Minor amendments	March 2012	15/167586
2	Council	Minor amendments	28/11/2017	17/384785
3	Council	No changes	27/08/2019	17/384785
4	N/A	Reviewed without change	28/10/2020	17/384785
5	Council	Reviewed without change	07/12/2021	17/384785

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Attachment 2

Attachment 1: Leppington Oval Precinct Draft Masterplan



Submission Received for Leppington Precinct Oval Masterplan Post Exhibition	
Submission Issue	Response
At least one of the main fields be synthetic to allow games to be played in all weather	<p>These issues will be investigated during the detailed design stage.</p> <p>During the detailed design stage, Council will continue to liaise with key stakeholder group, Leppington Lions Soccer Club, to ensure the issues raised in the submission are considered.</p>
Incorporate fencing behind goals and around the perimeter of the fields	
Incorporate drainage into the field design	
Provide NBN connection to the amenities to allow EFTPOS for canteen facilities	
Provide sufficient lighting for the fields to host night games.	
Provide security lighting around amenities block/toilets and car park areas	
Provide CCTV around amenities and storage facilities	
Provide an open outdoor area/ pergola with sufficient lighting, in built BBQ area off canteen	
Provide a clubhouse with a small kitchen area and air conditioning to host meetings, internal and external training sessions, information nights and to hold annual photos	
Include changerooms for both home and away teams	
Provide a storage area at level with the fields, with roller door	
Provide grandstand seating for spectators	
Canteen layout and design to be discussed with Leppington Lions Soccer Club	
Ensure surrounding streets can facilitate on street parking so overflow does not impact residents	

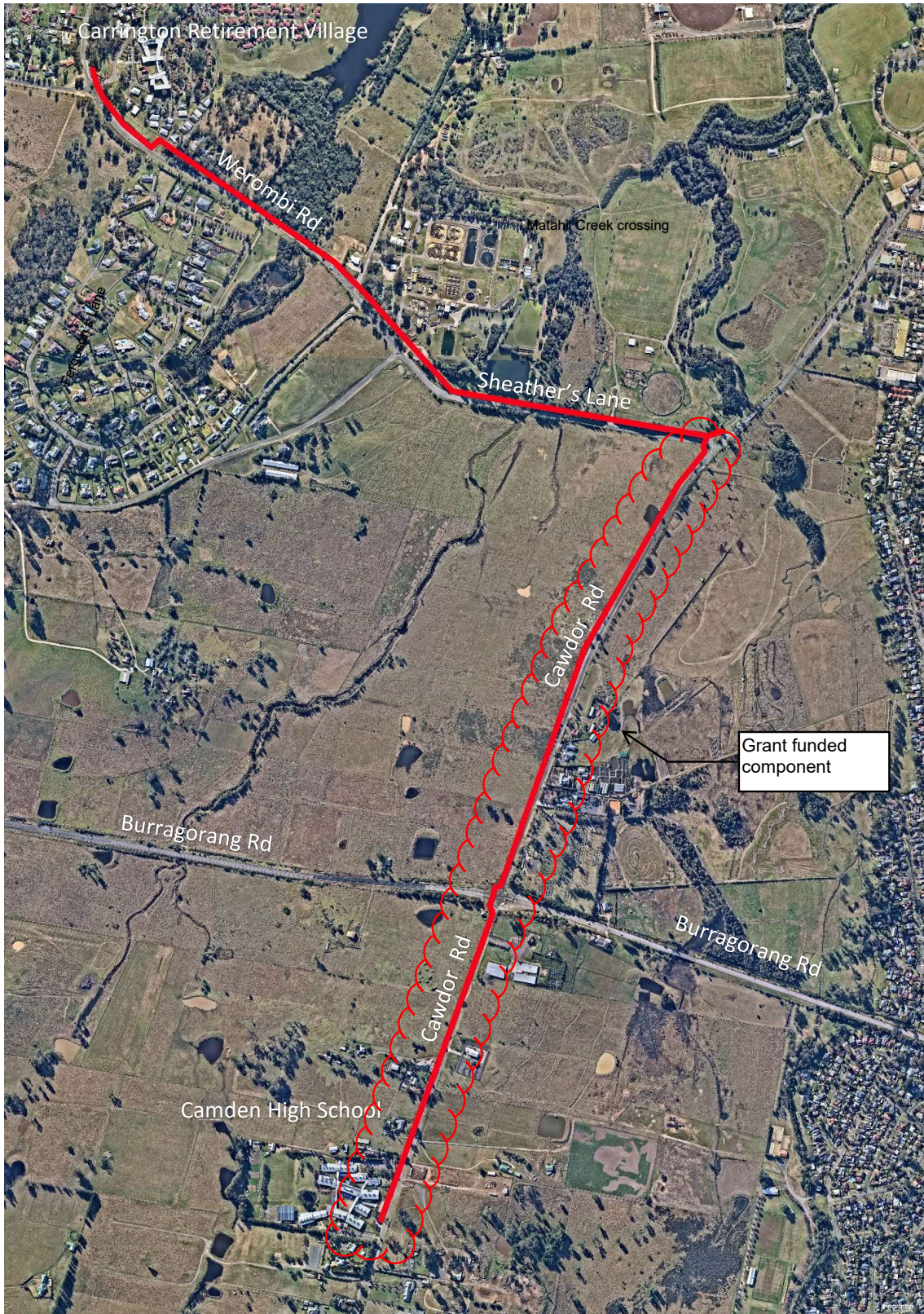


Figure 1: Path Extents in RED

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