

**Disclosure of pecuniary interests and other matters**By KEVIN TYSON  
[full name of designated person]\*as at 1 JULY 2019 OR  
[return date]\*in respect of the period from \_\_\_\_\_ to \_\_\_\_\_  
[date] [date]  
[designated person's signature]11 JULY 2019  
[date]

\* means delete whichever is inapplicable.

<b>A. Real Property</b>		
Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June		Nature of interest
"OKYDOKY" 2 BACK HILLSTON ROAD TABBITA NSW 2652		PART OWNER
<b>B. Sources of income</b>		
1. Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June. Sources of income I received from an occupation at any time since 30 June		
Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
OWNER/OPERATOR FARM (PARTNERSHIP)		WD, PD, PA & KL TYSON; PA & KL TYSON
2. Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June. Sources of income I received from a trust since 30 June		
Name and address of settlor		Name and address of trustee
NIL		N/A

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

Sources of other income I received at any time since 30 June *[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]*

FARM PARTNERSHIP

### C. Gifts

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

### D. Contributions to travel

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

### E. Interests and positions in corporations

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

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

NO

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

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

**H. Debts**

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

NIL

**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

NIL

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

NIL

**J. Discretionary disclosures**

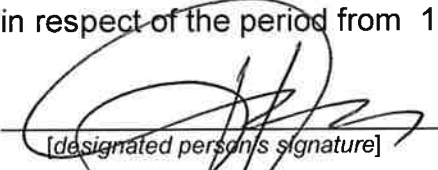
NIL

**Disclosure of pecuniary interests and other matters**

By PETER CHUDEK

as at 16 AUGUST 2019 OR  
[return date]

in respect of the period from 1 July 2019 to 16 August 2019

  
[designated person's signature]

16.08.2019  
[date]

<b>A. Real Property</b>		
Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June		Nature of interest
87 MONBULK-SEVILLE ROAD, WANDIN EAST VIC 3139		OWNERSHIP
<b>B. Sources of income</b>		
1. Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June. Sources of income I received from an occupation at any time since 30 June		
Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
ASSISTANT GENERAL MANAGER	MURRUMBIDGEE COUNCIL 21 CARRINGTON STREET DARLINGTON POINT 2706	
2. Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June. Sources of income I received from a trust since 30 June		
Name and address of settlor		Name and address of trustee
NIL		
3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June. Sources of other income I received at any time since 30 June [Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]		
87 MONBULK-SEVILLE ROAD, WANDIN EAST VIC 3139		RENTAL INCOME

<b>C. Gifts</b>			
Description of each gift I received at any time since 30 June		Name and address of donor	
NIL			
<b>D. Contributions to travel</b>			
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	
NIL			
<b>E. Interests and positions in corporations</b>			
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)
NIL			
<b>F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)</b>			
NO			
<b>G. Positions in trade unions and professional or business associations</b>			
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	
NIL			
<b>H. Debts</b>			
Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June			
WESTPAC COMMONWEALTH BANK/CREDIT CO-OP			
<b>I. Dispositions of property</b>			
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			
NIL			

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

NIL

**J. Discretionary disclosures**

NIL



**Disclosure of pecuniary interests and other matters**

By CR RUTH ELIZABETH McRAE

as at 31 October 2019  
[return date]in respect of the period from 30 June 2019 to 31 October 2019R.E. McRae  
[designated person's signature]31st October 2019  
[date]

<b>A. Real Property</b>		
Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June		Nature of interest
"Condamine" Jerilderie 73 Jerilderie Street, Jerilderie 2716 20 Eureka Street, Richmond 3121 38 Lydia Street, Brunswick 3056 67 Silver Street Marrickville 2204 268 Park Street North Fitzroy 3068		Part owner Owner Part owner Part owner Part owner Part owner
<b>B. Sources of income</b>		
1. Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June. Sources of income I received from an occupation at any time since 30 June		
Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
Farming "Condamine" JERILDERIE 2716	Co-Owner	DP & RE McRae
2. Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June. Sources of income I received from a trust since 30 June		
Name and address of settlor		Name and address of trustee
D & R McRae Discretionary Trust		D & R McRae Pty Ltd
3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June. Sources of other income I received at any time since 30 June [Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]		
Telstra Shares; IAG Shares		
<b>C. Gifts</b>		

Description of each gift I received at any time since 30 June	Name and address of donor		
NIL			
<b>D. Contributions to travel</b>			
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	
NIL			
<b>E. Interests and positions in corporations</b>			
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)
D & R McRae Pty Ltd	Shareholder	Director	ATF D & R McRae Discretionary Trust
Condamine Pty Ltd	NIL	Director	Investment Company-Nil Assets
Jerilderie Independent Living Ltd	NIL	Director	Voluntary
<b>F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)</b>			
NO			
<b>G. Positions in trade unions and professional or business associations</b>			
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		
NIL			
<b>H. Debts</b>			
Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June			
ANZ BANK MORTGAGES ON PROPERTIES: <ul style="list-style-type: none"> <li>67 SILVER STREET, MARRICKVILLE NSW 2204</li> <li>268 PARK STREET, NORTH FITZROY VIC 3068</li> </ul>			



<b>I. Dispositions of property</b>
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
NIL
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
NIL
<b>J. Discretionary disclosures</b>
STREETSCAPE COMMITTEE-PECUNIARY INTEREST – 73 JERILDERIE STREET, JERILDERIE



## Staff Recognition Policy

	Name	Position	Signature	Date
Responsible Officer	<b>Alan Searle</b>	<b>Human Resources Industrial Relations</b>		
Authorised By	<b>John Scarce</b>	<b>General Manager</b>		

Document Revision History	
Revision Number:	1
Previous Reviews/Policies:	Replaces policies GRPP.06.02.06 STAFF RECOGNITION POLICY – Years of Service (MSC) and 1.29 Recognition of Service Policy (JSC)
Next Review Date:	September 2021
Date adopted by Council:	
Minute No:	
Review Date:	
Minute Number:	
Review Date:	
Minute Number:	

**October 2019**

## **Policy Scope**

The Council Staff Service and Achievement Recognition Scheme is designed to recognize, acknowledge and reward employees who have committed to the Council for extended periods of employment, and recognises the benefits long term employees offer the organisation. The application of skills, acquisition of valuable knowledge and demonstrated capability developed from experience and individual willingness often prove difficult to replace.

## **Policy Objective**

This policy applies to all employees of Murrumbidgee Council. The purpose of this policy is:

- To develop and promote the employer of choice, organisational culture and values by recognising significant contributions and achievements by employees.
- To provide recognition for employees who reach identified lengths of continuous employment with Council.
- To recognise staff retiring from the Council organisation (with a minimum period of employment).
- To provide recognition for employees who have provided outstanding service to the Murrumbidgee Council and our Community.

Recognition of outstanding service and achievement provides a forum for Council to acknowledge employees' contributions and the benefits gained through their valued service. Such recognition enhances employee motivation, loyalty, willingness and commitment.

## **Policy Statement**

### **Recognition of Years of Service**

Long serving employees will be acknowledged and receive a gift from Council for their achievements as follows:

<b>Years of Service</b>	<b>Gift</b>
10	Value circa \$ 200
20	Value circa \$ 500
30	Value circa \$ 750
40	Value circa \$1,000
50	Value circa \$1,250

Staff will also be recognised in appropriate Council publications such as the Council newsletter.

Awardees, as well as their chosen family members, will be invited to attend a Council meeting at a date and location most appropriate to their anniversary date to join staff and councillors for morning tea and be presented with their Certificate of Service and gift.

## **Recognition on Retirement**

Upon retirement, employees will be given a gift chosen by the employee to a value of the balance as per the maximum amount allowed as set by the ATO under FBT provisions applicable at the time of recognition. To be eligible for this recognition, the employee must be a permanent employee with at least 16 years continuous service as at the date of their retirement. Retirement for the purposes of this recognition means that the employee, on ceasing employment with the Council, has no intention to continue in paid work of any kind, either inside or outside of Council.

The HR/IR representative is responsible for providing annual reports on employees who will achieve the identified years of service or retirement during that period as well as purchasing the gift.

## **Recognition of Outstanding Service**

All staff including permanent fulltime, part-time, casual and temporary staff have the opportunity to recognise the efforts of other individuals or teams across the organisation that they feel have consistently demonstrated behaviours aligning with Council's values.

If an employee wishes to promote the efforts of an individual or a team, they are able to nominate them for recognition. Completed nomination forms must be signed and forwarded to the Manager for review.

Nominations may be in either, any one of the four Murrumbidgee Council staff value categories:

- **Trust**
- **Honesty**
- **Respect**
- **Teamwork**

Or for one of our corporate values:

- **Creativity**
- **Innovation**
- **Reliability**

## **Employee or Team Eligibility**

The Senior Leadership Team will evaluate nominations and recognise those employees or teams who have clearly demonstrated by their behaviour, their commitment to embracing the Council staff values. Employees will be presented with a Certificate of Appreciation and a gift voucher.

## **Definitions**

**Council** means Murrumbidgee Council.

**Council staff** means all persons employed by Council (full time, part time, temporary and casual)

**Council official** means Councillors, Council staff, or delegated persons as defined in the Local Government Act 1993.

**Recognition** is defined as the action or process of giving recognition or being recognised. In this context, recognition will be considered or applied in the categories outlined below.

**Service and achievement** to the organisation can be defined as

- Individual or team achievement regarded as above and beyond normal expectations in roles
- Actual provision of quality and valuable services to community
- Length of time employed with the organisation
- Significant achievement in professional development and/or education within career enabling greater capability and contribution to the organisation and the community

## **Exceptions**

N/A

## **Related Documents and Legislation**

Council's Our Vision, Purpose & Values

Council's Adopted Code of Conduct

Council's Human Resource Policy

Local Government Act 1993

ATO FBT legislation

Local Government (State) Award 2017

## **Review**

Review of the policy will be undertaken every Council term following the date of its adoption.

## PROJECTS STATUS as of November 19, 2019.

ITEM	TOWN	DESCRIPTION	PROGRESS	CONSULTANT	CONTRACTOR	STATUS	FUNDING SOURCE
1	Coleambally	Coleambally Sportsground Masterplan & Amenities upgrade	<p>29/1/19. Developed User group Wish List from Community Meet.</p> <p>27/2/19. Engaged Red Belly (Garry Murray) to update Masterplan based on information provided by Project Team &amp; User Groups Wish List.</p> <p>Draft Masterplan received 25/3/19.</p> <p>21/3/19. Engaged Architect Steve Murray to provide concept Layout plans and estimates for various amenities, clubhouse &amp; Gym buildings. Available 15/6/19.</p> <p>Planning a stakeholder meeting second week in July 2019 to decide which options to progress.</p> <p>10/9/19 Stakeholder engagement on designs and costings good to proceed to detailed design and tender</p>	<p>Red Belly (Garry Murray)  <a href="mailto:garrymurray60@gmail.com">garrymurray60@gmail.com</a>            0428 517 665            Architect. Steven Murray  <a href="mailto:stevenmurray54@gmail.com">stevenmurray54@gmail.com</a>            0408 667 442</p>		<p>Currently completing the detailed design and tender documentation.</p> <p>To be tendered January 2020.</p>	<p>SCCF            Major Projects</p>

ITEM	TOWN	DESCRIPTION	PROGRESS	CONSULTANT	CONTRACTOR	STATUS	FUNDING SOURCE
1a	Coleambally	No. 2 Sportsground Amenities Building	Final Design plans received. Tenders advertised 13/3/19. Tenders close 10/4/19	Architect. Steven Murray <a href="mailto:stevenmurray54@gmail.com">stevenmurray54@gmail.com</a> 0408 667 442	Engaged Chris Bowditch (Electrician) <a href="mailto:countrywidesolar@yahoo.com.au">countrywidesolar@yahoo.com.au</a> 0448 484 542 to obtain cost & permission to extend Electricity to site.  Construction Tender awarded to Kennedy Builders	Construction 75% complete	SCCF
ITEM	TOWN	DESCRIPTION	PROGRESS	CONSULTANT	CONTRACTOR	STATUS	FUNDING SOURCE
1b Com bine with item 1	Coleambally	Coleambally Sportsground Amenities upgrade, upgrade to clubhouse, Spectator area, timekeepers box, provision of Gym.					



ITEM	TOWN	DESCRIPTION	PROGRESS	CONSULTANT	CONTRACTOR	STATUS	FUNDING SOURCE
2	Yamma Hall Toilets	Reconstruct Toilet Block.	<p>13/2 Due to adverse damage to existing toilet decision to demolish existing toilet &amp; reconstruct.</p> <p>14/2 Engaged Steven Murray Architect to design new facility.</p> <p>20/2 Sent floorplan sketch of proposed toilet to User Group Rep Diane Anderson to advise users.</p> <p>27/2 Steve M advised will take 4 to 5 weeks for plans as need to do soil tests and structural design.</p> <p>27/2 Have quotation document ready to go.</p> <p>3/3 Received response from Diane A. User group happy to proceed with proposal.</p> <p>22/4 Design plans &amp; specs to be complete.</p> <p>9/4/19 Quotation form prepared.</p> <p>Quotations received.</p> <p>25/10/19 Council provided additional funds for completion</p>	<p>Architect. Steven Murray</p> <p><a href="mailto:stevenmurray54@gmail.com">stevenmurray54@gmail.com</a></p> <p>0408 667 442</p>	<p>Kennedy Builders</p> <p>1/90 Melbourne St, Mulwala NSW 2647</p> <p>0408 549 685</p>	Contract awarded	SCF

ITEM	TOWN	DESCRIPTION	PROGRESS	CONSULTANT	CONTRACTOR	STATUS	FUNDING SOURCE
3	Coleambally	Brolga Place Streetscape	<p>15/12/17 Draft Masterplan of Coleambally township provided by Red Belly.</p> <p>Grant funds to be focused on Brolga PI streetscape .</p> <p>Stakeholders have concerns regarding drainage of awnings and disabled access to shops.</p> <p>Detail levels of Brolga PI provided by Brett Docherty.</p> <p>27/2/19 Engaged Steve Murray to provide 3 options to rehabilitate Awnings &amp; drainage plus provide costings.</p> <p>Chamber suggested we contact Jason Sharam to replace the awnings with solar awnings, meet with him on 25/10/19 he is providing options and quote.</p> <p>This is to be included with Item 2.</p>	<p>Red Belly (Garry Murray)</p> <p><a href="mailto:garrymurray60@gmail.com">garrymurray60@gmail.com</a></p> <p>0428 517 665</p> <p>Architect. Steven Murray</p> <p><a href="mailto:stevenmurray54@gmail.com">stevenmurray54@gmail.com</a></p> <p>0408 667 442</p> <p>Brett Docherty</p> <p><a href="mailto:docherty1233@bigpond.com">docherty1233@bigpond.com</a></p> <p>0428 681 726</p>		Awaiting options from Jason	Major Projects Business owners
4	Coleambally	Council Office Verandah Brolga Place.					Budget 2018/19 to carry forward to 2019/20

ITEM	TOWN	DESCRIPTION	PROGRESS	CONSULTANT	CONTRACTOR	STATUS	FUNDING SOURCE
5	Coleambally	Council Works Depot Staff Facilities	Received quote from Colybuilt for \$82000.00, as an estimate for budgetary purposes. A detailed survey of the existing site conditions Budgeted funds committed about to embark on design of entire area as if a greenfield site.	Eslers Land Consulting Wagga Wagga Office		Survey of the depot area has been completed. Needs analysis, input from staff is currently being gathered to prepare a scope of works.	Budget 2019/20 from reserves
6	Coleambally	Bencubbin Ave Rehabilitate	Final survey & preliminary design completed. Stakeholders have requested upgrade to 2 travelling & 2 parking Lanes, Kerb & Gutter, upgrade to entrances, upgrade drainage. Survey results show that due to lack of sufficient grade/slope, kerb & gutter is not a feasible option. Incorporating a concrete dish drain along the length of the table drains will provide a better drainage option. Construction may have to be undertaken in stages due to possible funding shortfall.	Xeros Piccolo Consulting, Wagga Wagga.		A review of the preliminary design is underway and to be completed by 29 November 2019.  Costings for each preliminary option available.  Following the review of preliminary design, final design option and costing to be provided by 7 December 2019, where final determination of funding and construction planning will occur.	HVSP SCF
7	Coleambally	Coleambally Water Treatment Upgrade	Review of the plant Preparation of scope of work Sourcing suitable contractors to decommission bores	Hunter H2O NSW Public Works		Bores have been serviced. Scope dependent upon IWCM	SCF

8	Coleambally	Coleambally Community Hall Upgrade And Office	Meet with Steven on site 15/05/19 with Sharon, Rod, Rick and John, gave scope of works for existing hall and new office. Initial drafts not expected before September 2019.	Architect. Steven Murray <a href="mailto:stevenmurray54@gmail.com">stevenmurray54@gmail.com</a> 0408 667 442			03/05/19 Engaged Steven Murray Architect 25/10/19 first draft provided working through changes	SCCF 2	
ITEM	TOWN	DESCRIPTION	PROGRESS	CONSULTANT	CONTRACTOR	STATUS	FUNDING SOURCE		
9	Darlington Point	Lions Park New Display & Amenities Facility.	Engaged Steve Murray to provide Floorplan & estimate. Council Approved Floorplan & Estimate. Plans put out on public display for comment. No response. 13/3/19. Notified Steve Murray to provide detailed plans & specs. Once plans finalised can go out to Tender.  Additional comments from Lions on the 20 <sup>th</sup> June 2019 will require an addition. Meeting with Steve Murray on the 25 <sup>th</sup> June 2019 to progress changes.	Architect. Steven Murray <a href="mailto:stevenmurray54@gmail.com">stevenmurray54@gmail.com</a> 0408 667 442		25/06/2019 Architect to make final changes before final review by stakeholders.  Tender closes 25/11/19 decision of Council 13/12/19	Major Projects		
ITEM	TOWN	DESCRIPTION	PROGRESS	CONSULTANT	CONTRACTOR	STATUS	FUNDING SOURCE		
10	Darlington Point	Town Entrance signs, Information bays & Signage	Kellie Dissegna (KD) currently working on Report to Council on Town Entrance Signs.	Danthonia	Danthonia Signs	Signs Ordered December 2019 installation	Major Projects		

ITEM	TOWN	DESCRIPTION	PROGRESS	CONSULTANT	CONTRACTOR	STATUS	FUNDING SOURCE
11	Darlington Point	Sportsground Amenities & ground upgrade. This includes Female changerooms, Upgrade of existing changerooms, toilets, Kiosk, spectator area, ground drainage	<p>12/3/19. Engaged Brett Docherty to provide Detail Masterplan of existing facility.</p> <p>9/4/19. Draft masterplan provided by Brett Docherty. Requires some minor changes.</p> <p>9/4/19. Draft Masterplan provided by Brett Docherty.</p> <p>Steve Murray has previously provided floorplan of proposed new female changerooms and upgraded facilities.</p> <p>13/06/19 Steve Murray provided latest design.</p> <p>13/06/19 Circulated to stakeholders</p>	<p>Brett Docherty  <a href="mailto:docherty1233@bigpond.com">docherty1233@bigpond.com</a>  0428 681 726  Architect. Steven Murray  <a href="mailto:stevenmurray54@gmail.com">stevenmurray54@gmail.com</a>  0408 667 442</p>	<p>Kennedy Builders  1/90 Melbourne St,  Mulwala NSW 2647  0408 549 685</p>	<p>01/07/19 meet with stakeholders on final design</p> <p>Tender awarded 29/10/19</p>	<p>Major Projects  SCF  SCCF  Solar Farm</p>

<b>ITEM</b>	<b>TOWN</b>	<b>DESCRIPTION</b>	<b>PROGRESS</b>	<b>CONSULTANT</b>	<b>CONTRACTOR</b>	<b>STATUS</b>	<b>FUNDING SOURCE</b>			
12	Darlington Point	Darlington Point Lawn Cemetery Extension	<p>Design and layout of cemetery has been confirmed through discussions on site.</p> <p>Trees along Carrington Street have been removed. New trees and irrigation has been installed.</p> <p>Concreting works scheduled to start on the week of the 18 November.</p>	Justin Williams	Bli Bli Concreting	18/1/2019 Concreting works to start on site.	Council approved budget 2019/20			
<b>ITEM</b>	<b>TOWN</b>	<b>DESCRIPTION</b>	<b>PROGRESS</b>	<b>CONSULTANT</b>	<b>CONTRACTOR</b>	<b>STATUS</b>	<b>FUNDING SOURCE</b>			
13	Darlington Point	Upgrade to Op Shop Shire hall	<p>Asset maintenance team assessing the scope of work and developing a plan forward</p> <p>Obtaining quotes for identified issues, engineers report completed, identifying best method to repoint brick work</p>	In House	In House	Initial inspections undertaken	SCF			

			Looking to put project plan together before Christmas Will be speaking with Kelly Tyson in regards to inspections carried out by her department						
14	Darlington Point	Goanna Walking Track Signage	Trail names been advertised Signs have been ordered looking to install before or just after Christmas when they arrive	In House	In House		3/6/19 meeting Waddi about names	SCCF	
15	Darlington Point	Boat Ramp	Government agencies have provided comments on the project. Contract has been awarded and the construction is scheduled to start January 2020.		Comdain Infrastructure		Contract awarded with construction to start January 2020 with a predicted construction period of 62 days.	Major Projects Boating Now	
16	Darlington Point	Town water treatment upgrade	Bores have been serviced. IWCM Plan currently being developed for the entire council.	Hunter H20 NSW Public Works			Currently seeking clarifications from Hunter H20 and NSW Public Works on their IWCM proposal.	Safe & Secure Water Council Reserves	
17	Darlington Point	Waddi Community Centre. Demolition/ Cultural Garden	Provided letters for demolition Provided grant agreement 24/05/19 Agreements signed and returned				Demolition complete	SCF SCF 2	
18	Darlington Point	Waddi Community Centre. Education, Arts, Cultural Centre	Combined into item 17						
19	Darlington Point	Darlington Point Caravan Park	Talks taken place with lessor Engaged assistance to provide connections with caravan industry	Barry & Lynne Neck 0429 413 794			Have provided all requested information to assess the redevelopment	SCF SCF 2	



ITEM	TOWN	DESCRIPTION	PROGRESS	CONSULTANT	CONTRACTOR	STATUS	FUNDING SOURCE
20	Darlington Point	Young Street Subdivision	Initial subdivision design complete Costings on initial subdivision Review of the market of subdivision by undertaking an economic analysis Council approved 2000sqm lots	SGS Economics and Planning 02 8307 0121		Seeking commitments from suitable firm to design subdivision.	SCF Loan funds budget 20/21
21	Darlington Point	Irrigation system Golf Course	Work will be completed by the Darlington point Club Contractor now sourced and contracts to be signed looking to install early 2020		Watertek	Provided a grant agreement Club has obtained quotes	SCCF
22	Darlington Point	Extension to Council Office	Designs provide originally by Steven Murray, for whatever reason changed Architects, upon code review many failings. Steven Murray on the 27 <sup>th</sup> May 2019 agreed to take the project back	Architect. Steven Murray <a href="mailto:stevenmurray54@gmail.com">stevenmurray54@gmail.com</a> 0408 667 442		With stakeholders seeking feedback on designs	Budget 2018/19 to be carried forward to 2019/20
23	Darlington Point	Playground Cover CWA Park.	Seeking to include in the drought fund \$1M			Included in the drought funds	

24	Darlington Point	Levee Bank Stage 5 & 6	Public Works Project Final stage 5 & 6 earthworks complete. Contractors finishing off works rock beaching etc. Fencing to be completed by the end of November, Pump station March 2020, Easements 2020, WHS issues fencing etc March 2020	NSW Public Works	Murray Constructions Deniliquin	Tender Awarded 30/04/19	OEH Council funds
ITEM	TOWN	DESCRIPTION	PROGRESS	CONSULTANT	CONTRACTOR	STATUS	FUNDING SOURCE
26	Jerilderie	Jerilderie Showground Toilet Block	Aiming to have completed for the 2019 Gold Cup. 13/2/19. Design Plans to be available end Feb. Once reviewed & finalised project right to go to Tender. No comments from public display. 27/2/19. Discussions with Architect to Plans & Specifications for Building. Plans & Spec's ready for tender next week. 27/2 Susan to have tender doc ready to go next week.	Architect. Steven Murray <a href="mailto:stevenmurray54@gmail.com">stevenmurray54@gmail.com</a> 0408 667 442	Kennedy Builders 1/90 Melbourne St, Mulwala NSW 2647 0408 549 685	Complete	SCCF

ITEM	TOWN	DESCRIPTION	PROGRESS	CONSULTANT	CONTRACTOR	STATUS	FUNDING SOURCE
27	Jerilderie	Jerilderie Pool replacement	<p>13/3 Tenders Advertised. Close April 10. Service Connections (Water, Sewer &amp; Electricity) required</p> <p>15/2/ 19. EOI being sort to ensure we have contractors to undertake the works required in the off season. 3 received.</p> <ul style="list-style-type: none"> <li>a) Total Creations &amp; Services. Griffith, NSW.</li> <li>b) Zauner Constructions. Lavington, NSW</li> <li>c) Hydrocare Pools. Wetherill Park, NSW.</li> </ul> <p>15/2/19 Engaged Steven Johannsen as design &amp; project manager consultant for pool.</p>	<p>Facility Design Group. Steven Johannsson. 0411 030 343 <a href="mailto:stephen@fdg.com.au">stephen@fdg.com.au</a></p>	<p>Selective Tenders to be sent To:- Total Creations &amp; Services. Griffith, NSW. Zauner Constructions. Lavington, NSW Hydrocare Pools. Wetherill Park, NSW</p>	<p>At tender</p> <p>13/12/19 Council to award contract</p>	SCCF

			26/2 Report to Council re proposal. Council requires replacement of old pool. 20/03/19. Advice from Steve J that he is providing design, estimate & project manage construction of pool. Draft Design & estimate by 9/4/19.  26/3/19. Decision to delay construction of pool until after Swim season 2019/2020.						
ITEM	TOWN	DESCRIPTION	PROGRESS	CONSULTANT	CONTRACTOR	STATUS	FUNDING SOURCE		
28	Jerilderie	Purchase of Water entitlements	Purchased of 100ML of entitlements			To date purchased 95ML in the market for the additional 5ML	SCF		
29	Jerilderie	Water Treatment Plant	Water Treatment Australia has submitted a proposal to refurbish the plant, which includes all electrical & civil works, new filter system, plant automation/control and SCADA (Telemetry).	Water Treatment Australia Hunter H2O		Hunter H2O will conduct site investigations 29/05/19	Safe & Secure Water SCF		
30	Jerilderie	Jerilderie Independent Living Units	Project under the control of the independent living committee The committee has requested additional funds, report for Council to the May meeting	N/A	N/A	Complete	SCF		

31	Jerilderie	Long Daycare Centre	Project under the control of the long day care allocated SCF funds to this project	N/A	N/A	Council provided a grant agreement which has been returned to council signed	SCF SCF 2 SCCF
32	Jerilderie	Yamma Hall Play Ground					
33	Jerilderie	Civic Hall Upgrade	Functionally complete additional work on cupboards and shelving			Scoping the additional cupboard and shelving work being undertaken	SCF
34	Jerilderie	Bundure Tower Upgrade	Engaged Telstra to install cellular equipment			Telstra decision is to build no idea of timeframe yet they are hopeful complete in 2019/20 financial year	NCIF 2
35	Jerilderie	Council Depot. Cover for Washdown Bay	To meet trade waste requirements			No action	Council budget 2017/18 carried forward to 2018/19 again carried forward to 2019/20
36	Jerilderie	Windmill repairs Luke Park	Consider for the drought fund \$1m fabrication works.				
37	Jerilderie	Repairs to RFS Shed	Slab work plumbing issue new build		Resinject Pty Ltd	Complete	RFS Grant Council funds
<b>ITEM</b>	<b>TOWN</b>	<b>DESCRIPTION</b>	<b>PROGRESS</b>	<b>CONSULTANT</b>	<b>CONTRACTOR</b>	<b>STATUS</b>	<b>FUNDING SOURCE</b>
38	Jerilderie	Storm Repairs to Stadium					
39	Council wide.	Strategic Landuse Review	<b>ELEMENTS</b> Local Profile & Issue Paper Local Strategic Planning Statement Local Environmental Plan Local Environmental Study	Habitat Planning		Council authorised schedule of fees for consultant Placed on hold until Planning and Development	NCIF 2

			Development Control Plan				Manager commences on the 1 <sup>st</sup> July 2019	
40	Council wide	Quarry Management Program and Continuity of Supply					No Action	Budget 2020/21
41	Council Wide	Pedestrian Access & Mobility Plan						
42	Council Wide	Integrated Water Cycle Management Plan Documents	Historical information being collated Developing scope of works with NSW Water, whom have ability to fund a portion.	NSW Water			Formal meeting with NSW scheduled week of the 03/06/19	

**MODEL CODE OF MEETING PRACTICE  
FOR LOCAL COUNCILS IN NSW**

**2018**



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## 1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in **red font**.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

## 2 MEETING PRINCIPLES

### 2.1 Council and committee meetings should be:

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

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

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

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

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

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

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

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

### 3 BEFORE THE MEETING

#### Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions:  
**{Generally on the 4<sup>th</sup> Tuesday of the Month Commencing at 10am unless otherwise advertised} [council to specify the frequency, time, date and place of its ordinary meetings]**
- 3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

**Note: Councils must use either clause 3.1 or 3.2**

**Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.**

**Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.**

**Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.**

#### Extraordinary meetings

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

**Note: Clause 3.3 reflects section 366 of the Act.**

#### Notice to the public of council meetings

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

**Note: Clause 3.4 reflects section 9(1) of the Act.**

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

### Notice to councillors of ordinary council meetings

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

**Note: Clause 3.7 reflects section 367(1) of the Act.**

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

**Note: Clause 3.8 reflects section 367(3) of the Act.**

### Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

**Note: Clause 3.9 reflects section 367(2) of the Act.**

### Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **15 (Council can choose)** business days before the meeting is to be held.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
  - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer

consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

#### Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

#### Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and

- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

**Note: Clause 3.21 reflects section 9(2A)(a) of the Act.**

- 3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

**Note: Clause 3.23 reflects section 9(2) and (4) of the Act.**

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.24 reflects section 9(2A)(b) of the Act.**

- 3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

**Note: Clause 3.25 reflects section 9(3) of the Act.**

- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

**Note: Clause 3.26 reflects section 9(5) of the Act.**

Agenda and business papers for extraordinary meetings

- 3.27 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

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

- (a) a motion is passed to have the business considered at the meeting, and

- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

#### Pre-meeting briefing sessions

- 3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.36 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.37 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

## **4 PUBLIC FORUMS**

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by **{2pm 5 Days}[date and time to be specified by the council]**



- before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than **{two} [number to be specified by the council]** items of business on the agenda of the council meeting.
  - 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
  - 4.6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
  - 4.7 No more than **{Two} [number to be specified by the council]** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
  - 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
  - 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
  - 4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than **{2 business} [number to be specified by the council]** days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
  - 4.11 The general manager or their delegate is to determine the order of speakers at the public forum.
  - 4.12 Each speaker will be allowed **{six} [number to be specified by the council]** minutes to address the council. This time is to be strictly enforced by the chairperson.
  - 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

- 4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to **{four} [number to be specified by the council]** minutes.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to **{Ten} [number to be specified by the council]** minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.23 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

**Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for**

**decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**

## **5 COMING TOGETHER**

### Attendance by councillors at meetings

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

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

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.4 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

**Note: Clause 5.7 reflects section 234(1)(d) of the Act.**

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

### The quorum for a meeting

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

**Note: Clause 5.9 reflects section 368(1) of the Act.**

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

**Note: Clause 5.10 reflects section 368(2) of the Act.**

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

#### Entitlement of the public to attend council meetings

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

**Note: Clause 5.16 reflects section 10(1) of the Act.**

- 5.16 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.17 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
  - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note: Clause 5.18 reflects section 10(2) of the Act.**

**Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.**

#### Webcasting of meetings

- 5.18 All meetings of the council and committees of the council are to be webcast on the council's website.

**Note: Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.**

**Note: Councils must include supplementary provisions in their adopted codes of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio visual recording of the meeting or an audio recording of the meeting.**

- 5.19 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.21 A recording of each meeting of the council and committee of the council is to be retained on the council's website for **{Two Years} [council to specify the period of time the recording is to be retained on the website]**. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

### Attendance of the general manager and other staff at meetings

- 5.22 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

**Note: Clause 5.23 reflects section 376(1) of the Act.**

- 5.23 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

**Note: Clause 5.24 reflects section 376(2) of the Act.**

- 5.24 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

**Note: Clause 5.25 reflects section 376(3) of the Act.**

- 5.25 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

## **6 THE CHAIRPERSON**

### The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

**Note: Clause 6.1 reflects section 369(1) of the Act.**

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

**Note: Clause 6.2 reflects section 369(2) of the Act.**

### Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same

number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

#### Chairperson to have precedence

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

- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

## **7 MODES OF ADDRESS**

7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.

7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.

7.3 A councillor is to be addressed as 'Councillor [surname]'.

7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

## **8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS**

8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.

~~8.2 The general order of business for an ordinary meeting of the council shall be:  
[councils may adapt the following order of business to meet their needs]~~

~~01 Opening meeting~~

~~02 Acknowledgement of country~~

~~03 Apologies and applications for a leave of absence by councillors~~

~~04 Confirmation of minutes~~

~~05 Disclosures of interests~~

~~06 Mayoral minute(s)~~

~~07 Reports of committees~~

~~08 Reports to council~~  
~~09 Notices of motions/Questions with notice~~  
~~10 Confidential matters~~  
~~11 Conclusion of the meeting~~

**Note: Councils must use either clause 8.1 or 8.2.**

- 8.3 The order of business as fixed under clause ~~[8.1/8.2]~~ **[delete whichever is not applicable]** may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

**Note: If adopted, Part 13 allows council to deal with items of business by exception.**

- 8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

## **9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS**

### Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.



- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

#### Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

#### Staff reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

#### Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

#### Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.

- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

## **10 RULES OF DEBATE**

### Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

### Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

### Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.

- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

#### Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

#### Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

### Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

### Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.

- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

## **11 VOTING**

### Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

**Note: Clause 11.1 reflects section 370(1) of the Act.**

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

**Note: Clause 11.2 reflects section 370(2) of the Act.**

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

### Voting at council meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

- 11.6 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- ~~11.10 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.~~

**~~Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.~~**

#### Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

**Note: Clauses 11.12–11.15 reflect section 375A of the Act.**

**Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.**

## **12 COMMITTEE OF THE WHOLE**

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

**Note: Clause 12.1 reflects section 373 of the Act.**

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

**Note: Clauses 10.20–10.30 limit the number and duration of speeches.**

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

### **13 DEALING WITH ITEMS BY EXCEPTION**

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

## 14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

### Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret,
  - (e) information that would, if disclosed, prejudice the maintenance of law,
  - (f) matters affecting the security of the council, councillors, council staff or council property,
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
  - (i) alleged contraventions of the council's code of conduct.

**Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.**

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

**Note: Clause 14.2 reflects section 10A(3) of the Act.**

### Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

- 14.4 A meeting is not to be closed during the receipt and consideration of



information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

**Note: Clause 14.5 reflects section 10B(3) of the Act.**

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
  - (b) the discussion of the matter may:
    - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
    - (ii) cause a loss of confidence in the council or committee.

**Note: Clause 14.6 reflects section 10B(4) of the Act.**

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

**Note: Clause 14.7 reflects section 10B(5) of the Act.**

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

**Note: Clause 14.8 reflects section 10C of the Act.**

## Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

**Note: Clause 14.9 reflects section 10A(4) of the Act.**

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **{2pm 5 Days} [date and time to be specified by the council]** before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **{two} [number to be specified by the council]** speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **{Two} [number to be specified by the council]** speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **{Six} [number to be specified by the council]** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

### Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

### Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**Note: Clause 14.20 reflects section 10D of the Act.**

### Resolutions passed at closed meetings to be made public

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

## **15 KEEPING ORDER AT MEETINGS**

### Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

#### Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

#### Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

#### Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act or any regulation in force under the Act or this code, or
  - (b) assaults or threatens to assault another councillor or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction

- of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

15.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

#### How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

#### Expulsion from meetings

15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

~~15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.~~

**Note: Councils may use either clause 15.14 or clause 15.15.**

15.16 Clause [15.14/15.15] **[delete whichever is not applicable]**, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

#### Use of mobile phones and the unauthorised recording of meetings

- 15.21 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

### **16 CONFLICTS OF INTEREST**

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

### **17 DECISIONS OF THE COUNCIL**

#### Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

**Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.**

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

**Note: Clause 17.3 reflects section 372(1) of the Act.**

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

**Note: Clause 17.4 reflects section 372(2) of the Act.**

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

**Note: Clause 17.5 reflects section 372(3) of the Act.**

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

**Note: Clause 17.6 reflects section 372(4) of the Act.**

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

**Note: Clause 17.7 reflects section 372(5) of the Act.**

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

~~17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than [council to specify the period of time] after the meeting at which the resolution was~~

~~adopted.~~

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

#### Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.

- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.



## 18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than **{9 PM} [council to specify the time]**.
- 18.2 If the business of the meeting is unfinished at **{9 PM} [council to specify the time]**, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at **{9 PM} [council to specify the time]**, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

## 19 AFTER THE MEETING

### Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.
- Note: Clause 19.1 reflects section 375(1) of the Act.**
- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- (a) details of each motion moved at a council meeting and of any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.
- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

**Note: Clause 19.3 reflects section 375(2) of the Act.**

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

**Note: Clause 19.5 reflects section 375(2) of the Act.**

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

**Note: Clause 19.8 reflects section 11(1) of the Act.**

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

**Note: Clause 19.9 reflects section 11(2) of the Act.**

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 19.10 reflects section 11(3) of the Act.**

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

**Note: Clause 19.12 reflects section 335(b) of the Act.**

## **20 COUNCIL COMMITTEES**

### Application of this Part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

### Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
  - (b) if the council has not decided a number – a majority of the members of the committee.

### Functions of committees

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

### Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
  - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

### Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
  - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

### Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
  - (b) to move or second a motion at the meeting, or
  - (c) to vote at the meeting.

### Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
  - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
  - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

### Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

### Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

#### Disorder in committee meetings

- 20.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

#### Minutes of council committee meetings

- 20.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.
- ~~20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.~~
- 20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

## **21 IRREGULARITIES**

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

**Note: Clause 21.1 reflects section 374 of the Act.**

## 22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act

quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June






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# DRAFT

## Alcohol and Other Drugs Policy

	Name	Position	Signature	Date
Responsible Officer	<b>Alan Searle</b>	<b>Human Resources Industrial Relations</b>		
Authorised By	<b>John Scarce</b>	<b>General Manager</b>		

Document Revision History	
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**November 2019**

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## **1. HOW THIS POLICY WAS DEVELOPED**

This policy has been adopted from the model policy prepared by the former Local Government and Shires Associations of New South Wales (LGSA); the New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Union (USU); the Local Government Engineers Association (LGEA); and the Development and Environmental Professionals' Association (depa) in 2012, updated where appropriate and changed to include Murrumbidgee Council's expectations in terms of risk management.

## **2. POLICY SCOPE**

The Murrumbidgee Council recognise that the inappropriate use of alcohol and/or other drugs is a significant problem that can affect a worker's performance and jeopardise their health, safety and welfare as well as that of their co-workers and other people in the workplace.

The scope of this policy is to establish clear and consistent approaches for addressing risks to health and safety in the workplace associated with the inappropriate use of alcohol and/or other drugs. It is intended that the policy and procedural framework is supportive and educational for employees whilst enabling Council to manage risks in the workplace arising from inappropriate use of alcohol and other drugs. It also provides for appropriate disciplinary action where and when appropriate.

## **3. POLICY OBJECTIVE**

### **3.1 Safety in the workplace and fitness for work**

Employers have a duty to ensure the health, safety and welfare of their workers and other people in the workplace (s19, Work Health and Safety Act 2011 (NSW)). Workers have a duty to take reasonable care for their own health and safety, as well as for the health and safety of other people in the workplace and to co-operate with their employer in providing a safe working environment (s28, Work Health and Safety Act 2011 (NSW)).

Workers are obliged to present themselves for work in a fit state so that in carrying out their work activities they do not expose themselves, their co-workers or other people in the workplace to unnecessary risks to health and safety.

The welfare of the individual and the health and safety of other people in the workplace needs to be considered.

There are penalties, under legislation for employers and the Award for workers who fail to take their occupational health and safety responsibilities seriously.

The primary objective of an Alcohol and Other Drugs Policy is to ensure WHS obligations are met and to educate workers on the effects of the misuse of alcohol and/or other drugs within the workplace.

### **3.2 Establishing a supportive culture**

Alcohol and other drugs procedures should promote a supportive culture in which workers are able to seek the assistance of their employer in a non-threatening environment.

Murrumbidgee Council fosters a supportive culture that encourages employees to accept individual responsibility for workplace health and safety and participation in disclosing to management the identity of employees who may be regarded as a risk to others.

A supportive culture encourages a co-operative approach between management and workers and builds on the shared interest in workplace health and safety.

A supportive culture may be achieved by:

- recognising that the inappropriate use of alcohol and/or other drugs can be due to illness (e.g. dependency) or symptomatic of an illness (e.g. depression); and
- providing non-threatening assistance to workers who recognise that they have alcohol and/or other drug related problems (e.g. reminding workers of the availability of an employee assistance program); and
- ensuring that clear and consistent processes are in place for addressing risks to health and safety in the workplace; and
- respecting the privacy of workers by ensuring that appropriate systems are in place to maintain confidentiality.

### **3.3 General conduct obligations**

Workers are obliged to present themselves for work in a fit state so that when carrying out their work activities they do not expose themselves, their co-workers or other people in the workplace to unnecessary risks to health and safety.

The *Murrumbidgee Council Code of Conduct (the Code,)* establishes the minimum requirements of conduct for council officials (including all employees) in carrying out their functions.

It is a requirement of the Code that council officials must not conduct themselves, when carrying out their functions, in a manner that is likely to bring the council or holders of civic office into disrepute (clause 3.1 of the Code). Council officials are expected to maintain high standards of professional conduct and service to the community and must act honestly and exercise a reasonable degree of care and diligence when carrying out their functions.

By way of example, a worker may be in breach of their general conduct obligations under the Code if they:

- attend for work whilst under the influence of alcohol and/or other drugs; or
- conduct themselves in an inappropriate and/or unprofessional manner whilst at work or at a work related function (which may be due to the effects of inappropriate alcohol and/or other drugs use).

### 3.4 When is disciplinary action appropriate?

Murrumbidgee Council is supportive and rehabilitative but there will be occasions when disciplinary action is appropriate.

Procedures for managing workplace risks associated with the use of alcohol and/or other drugs should balance:

- the employer's obligation to ensure the health, safety and welfare of workers and other people in the workplace, and
- promoting a supportive culture in which workers feel able to seek the assistance of their employer in a non-threatening environment.

Although disciplinary action may be necessary, it should be viewed as a measure of last resort that is reserved for serious breaches of the Council's Code of Conduct or where a worker has repeatedly failed to respond to warnings about their work performance or work conduct. Where appropriate, disciplinary action should be complimented by offers of support to the worker, through council's employee assistance program or other external agencies such as specialist units at public hospitals.

## 4. POLICY STATEMENT - ALCOHOL AND OTHER DRUGS TESTING

Workplace alcohol and other drugs testing (D&A testing) is a complex issue.

- **System Concentrations**
  - Alcohol – all employees must have zero BAC when engaged at the workplace.
  - Other drugs – all employees must be below the cut off levels contained in AS4760: 2019.
- **When to test** – Council will test employees for Alcohol and Other Drugs;
  - upon reasonable suspicion that a person may be impaired (reasonable suspicion testing),
  - following a workplace health and safety incident (post incident testing),
  - randomly (random testing all employees or selected employees) and
  - voluntary testing (where an employee requests testing).
- **Types of tests** – For managing workplace risks associated with the use of alcohol and/or other drugs, Council will:
  - where practicable, only use D&A testing methods that detect 'recent use' as this is likely to be more reliable in detecting whether a worker is unfit for work, and
  - avoid using D&A testing methods that unreasonably intrude upon the private/personal affairs of workers,
  - use breath analysis for alcohol testing
  - use saliva testing for other drugs
  - as a general rule, will not use urine testing unless it is to confirm a test result (i.e.: a confirmatory test) or unless the employee requests that a urine test be undertaken.
- **Worker privacy** – Some D&A testing methods may be considered more intrusive than others. Inappropriate alcohol and/or other drugs use may have been in response to an underlying illness or personal concern (e.g. depression, family pressures, etc). Council will put in place requirements to protect confidential information and a worker's privacy, within its control.
- **Who to test** – Council is adopting and implementing Alcohol and other Drug Testing based upon WH&S risk assessment(s) and organisational risks. Where random testing is

undertaken, all workers are eligible to be tested (all workers may be tested or selected workers may be tested);

## **5. LEGISLATIVE REQUIREMENTS**

General employer/worker obligations in relation to workplace occupational health and safety laws exist under:

- the *Work Health and Safety Act 2011* (NSW), and
- the *Work Health and Safety Regulations 2017* (NSW).

Workers who drive motor vehicles for work (including when travelling to or from work) must obey applicable road safety laws, including those relating to prescribed concentration levels for alcohol and other drugs. For further information in relation to prescribed concentration levels refer to:

- the *Road Transport (Safety and Traffic Management) Act 1999* (NSW), and
- the *Road Transport (Safety and Traffic Management Regulation 1999* (NSW)

## **6. Other references**

- Council's Our Vision, Purpose & Values
- Council's Adopted Code of Conduct
- Local Government Act 1993

Australian Standards:

- AS3547:1997 – Breath alcohol testing devices for personal use.
- AS4760:2019 – Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.

# **DRAFT**

## **Murrumbidgee Council**

### **Alcohol and Other Drugs Procedure**

**Implementation date:** [Insert Date]

**Review date:** [Insert Date]

This procedure shall be reviewed:

- One (1) year from the date of implementation, or
- Immediately if any provision is contrary to law.

## Foreword

This Alcohol and other Drug Procedure has been on that developed by the USU, LGEA, depa and former LGSA ('the industry parties') in 2012, updated where appropriate and changed to include Murrumbidgee Council's expectations in terms of risk management.



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## **1. Introduction**

Employers have a duty to ensure the health, safety and welfare of their workers and other people in the workplace (Section 19, Work Health and Safety Act 2011). Workers have a duty to take reasonable care for their own health and safety, as well as for the health and safety of other people in the workplace and to co-operate with their employer in providing a safe working environment (Section 28, Work Health and Safety Act 2011).

It is recognised that there may be reasons why employees feel uncomfortable about nominating other employees whose behaviour is risky to themselves and others. This Council supports a rehabilitative and benign approach to managing these issues, rather than a punitive approach.

Workers are obliged to present themselves for work in a fit state so that in carrying out their work activities they do not expose themselves, their co-workers or other people in the workplace to unnecessary risks to health and safety.

The welfare of the individual and the health and safety of other people in the workplace needs to be considered.

There are penalties, under legislation for employers and through the application of disciplinary procedures in the Local Government (State) Award 2017, for workers who fail to take their work health and safety responsibilities seriously.

## **2. Scope**

This Procedure applies to all Council workers, temporary staff, contractors, workers of contractors and volunteers in the workplace.

## **3. Objective**

The objective of this Procedure is to deal with Alcohol and other Drugs and their effect on workers' fitness for work whilst performing duties at Council (the "Council") and to ensure that Council has a mechanism to appropriately manage the misuse of alcohol and other drugs in the workplace through training, education and where required, rehabilitation.

It is the goal of Council to:

- eliminate the risks associated with the misuse of alcohol and other drugs, thereby providing a safer working environment;
- to reduce the risks of alcohol and other drugs impairment in the workplace; and
- to promote a supportive culture that encourages a co-operative approach between management and workers and builds on the shared interest in workplace health and safety.

## **4. References**

- Australian Standards  
AS3547:1997 - Breath alcohol devices for personal use. ('AS3547:1997')

AS4760:2019 - Procedures for specimen collection and the detection and quantity of drugs in oral fluid. ('AS4760:2019')

- Road Transport (Safety And Traffic Management) Act 1999
- Work Health and Safety Act 2011 (NSW)
- Work Health and Safety Regulation 2017 (NSW)
- WorkCover Authority of NSW - Facts Sheet: Establishing a Policy to Manage Alcohol and Other Drugs in the Workplace
- WorkCover Authority of NSW - Guide to Developing a Workplace Alcohol and Other Drugs Policy
- Procedure Flowcharts

Flowcharts documenting each process covered in this procedure are contained in [Appendix 3](#) of this document.

## 5. Definitions

**BAC** means blood alcohol content.

**Certified Laboratory** means a laboratory which meets minimum Australian performance standards set by an accrediting agency being the National Australian Testing Authority (NATA).

**Confirmatory Test** means a second analytical test performed to identify the presence of alcohol and/or other drugs in accordance with Australian Standards AS3547:1997 and AS4760:2019.

The confirmatory test is a retest of a second sample from the original sample taken at the original collection time. Nothing in this Procedure shall prevent the carrying out of a second independent test, by a method chosen by the person who tested non negative.

*For drugs this means any confirmatory sample returning a result at, or in excess of, the levels contained in AS4760: 2019.*

*For alcohol this means any confirmatory sample returning a result in excess of zero in the workplace. All employees must have zero BAC when engaged in work at the workplace.*

Any employee who is not required to drive as part of their role or who is unlicensed is required to meet the zero limit whilst at work for the purposes of this procedure.

**Council** means Murrumbidgee Council ABN 5357 3617 925

**Employer** has the same meaning as a person conducting a business or undertaking under Section 5 of the Work Health and Safety Act 2011.

**Reasonable Suspicion Procedure** refers to indicators of impairment and includes the observable indicators of impairment contained in [Appendix 1](#) and [Appendix 2](#) of this Procedure which are used to determine whether a reasonable suspicion exists that a person is impaired by alcohol and/or other drugs.

**Post Reportable Incident** is defined as any accident or event that occurs in the course of work which results in personal injury, vehicle damage, property damage and/or any incident that has the potential for harm or injury to persons or equipment.

**Responsible person** means a worker who is suitably trained and can assess, in accordance with Australian Standards, the fitness for work of persons in the workplace.

**Initial Testing** is defined as a valid method used to exclude the presence of alcohol and/or a drug or a class of drugs as provided by Australian Standards AS3547:1997 and AS4760:2019.

**Limited Random Testing** means a period of random testing of a worker in the case where the worker either:

- (a) fails a drug or alcohol test; and/or
- (b) unreasonably refused a drug or alcohol test as a result of a reportable incident or random testing program; and/or
- (c) following a determination of impairment as a result of an impairment assessment.

**Non-Negative Result** means an initial positive test as yet unconfirmed by confirmatory testing by an accredited tester.

**Negative Result** means a result at or below the nominated or target concentration used for initial testing.

**Random Testing** means a structured program of randomly testing workers across the entire workforce in accordance with the standards as provided by Australian Standard AS3547:1997 and AS4760:2019

**Tester** means a person authorised by Council and trained to conduct breath analysis and Oral Swab testing in accordance with Australian Standard AS3547:1997 and AS4760:2019.

**Worker** has the same meaning as Worker under Section 7 of the Work Health and Safety Act 2011, being :

- (a) an employee, or
- (b) a contractor or subcontractor, or
- (c) an employee of a contractor or subcontractor, or
- (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
- (e) an outworker, or
- (f) an apprentice or trainee, or
- (g) a student gaining work experience, or
- (h) a volunteer, or
- (i) a person of a prescribed class.

**Workplace** means a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. Place includes:

- (a) a vehicle, vessel, aircraft or other mobile structure, and
- (b) any waters and any installation on land, on the bed of any waters or floating on any waters, in accordance with Section 8 of the Work Health and Safety Act 2011.

## **6. Objectives**

The objectives of the Alcohol and Other Drugs Policy and Procedure are to:

- Create a safe and healthy work environment for all workers, contractors and visitors which is free from the hazards associated with the inappropriate use of alcohol and/or other drugs.
- Create a supportive workplace culture that acknowledges and encourages employees to accept individual responsibility for workplace health and safety and to acknowledge that participating in the nominating of employees who may be regarded as a risk to other workers is appropriate, encouraged by legislative obligations in the WHS Act and is supported by the Council and the unions.
- Provide support for workers who may have difficulty addressing alcohol and/or drug related issues.
- Ensure rehabilitation program is provided for workers who may have difficulty addressing alcohol and/or drug related issues.
- Foster an attitude and culture amongst all workers that it is not acceptable to come to work under the influence of alcohol and/or any other drug that will prevent them from performing their duties in a safe manner.
- Ensure the Council meets its legal obligations by providing a safe working environment for its workers and the general public.
- If any disciplinary action is required, ensure all disciplinary processes are consistently managed in accordance with the Local Government (State) Award 2017 and any subsequent Award or Agreement.

## **7. Confidentiality**

The Council will endeavour to ensure that the highest levels of confidentiality are maintained in the application of this procedure. The following minimum conditions shall apply:

- All testing will be conducted in a private location that maintains the privacy and dignity of the individual.
- All testing will be conducted by trained staff and/or accredited providers in accordance with Australian Standards.<sup>1</sup>
- Workers who record a non-negative result will be treated at all times in a respectful and non-judgemental manner by all involved in the management of the matter.
- Council records pertaining to test results shall be regarded as confidential information and use/access/dissemination of the results shall be restricted to those who have a genuine requirement to access the confidential results of the drug and/or alcohol test. No information related to drug and/or alcohol testing shall be disclosed to any person or persons other than those properly authorised officers of the Council and authorised worker representative/s.

- The General Manager is authorised under this procedure to access, delegate and assign authority for access and use of the information obtained under this procedure, including but not limited to authorised government agencies, insurers (for claims submissions, where applicable).
- Where the General Manager has authorised the release of confidential test results to external parties who are legally able to access this information, the worker/s that are involved are to be notified in writing detailing:
  - a. who the information will be released to;
  - b. when and for what purposes the information will be released;

A copy of all information released is to be provided to the worker/s involved with this notification. The notification must be given to the workers prior to information being released to the external parties.

## **8. Duty of Care, Responsibilities and Obligations**

Under this procedure the duty of care, responsibilities and obligations of workers, the Council and others at the workplace are derived from obligations under the Work Health and Safety Act 2011 (NSW) and specified responsibilities detailed in this procedure.

It is recognised that there may be reasons why employees feel uncomfortable about nominating other employees whose behaviour is risky to themselves and others. This Council supports a rehabilitative and benign approach to managing these issues, rather than a punitive approach.

### **8.1 Employer**

Under Section 19 of the Work Health and Safety Act 2011, employers must provide a safe and healthy workplace for workers or other persons by ensuring:

- safe systems of work;
- a safe work environment;
- accommodation for workers, if provided, is appropriate;
- safe use of plant, structures and substances;
- facilities for the welfare of workers are adequate;
- notification and recording of workplace incidents;
- adequate information, training, instruction and supervision is given;
- compliance with the requirements under the work health and safety regulation;
- effective systems are in place for monitoring the health of workers and workplace conditions.

### **8.2 Workers**

Under Section 28 of the Work Health and Safety Act 2011, a worker must, while at work:

- take reasonable care for their own health and safety
- take reasonable care for the health and safety of others
- comply with any reasonable instruction by the employer
- cooperate with any reasonable policies and procedures of the PCBU???

### **8.3 Other Persons**

Under Section 29 of the Work Health and Safety Act 2011, a person at a workplace must:

- take reasonable care for his or her own health and safety; and
- take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- comply, so far as the person is reasonably able, with any reasonable instruction that is given by the employer to allow the employer to comply with the Work Health and Safety Act 2011.

### **8.4 Supervisor and Worker Obligations**

It is the responsibility of all Supervisors and workers to ensure that no worker commences or continues duty if the worker appears to be affected by alcohol, illegal or legal drugs, or other substances which may reasonably be considered to lead to a safety risk or an inability to fulfil the requirements of the position or are not fit to work.

Workers are obliged to present for work in a fit state, so that in carrying out normal work activities they do not:

- expose themselves, their co-workers, visitors and/or the public to unnecessary risks to health or safety, and/or;
- inhibit their ability to fulfil the requirements of the position, and/or;
- present a poor public image of Council, and/or;
- cause damage to property and/or equipment.

The worker is responsible for any criminal penalty which results from being under the influence of drugs or alcohol in the workplace.

## **9. Consultation Communication and Information**

Council will ensure that the development of the Alcohol and Other Drugs Policy and Procedure occurs in consultation with the unions, all stakeholders including the Consultative Committee and Work Health and Safety Committee, which may make recommendations based on consensus.

Other communication processes in the workplace may include toolbox meetings, newsletters, Union meetings and the use of communication boards.

## **10. Education and Training**

Council recognises that it is important to develop a workplace culture through education, where workers are prepared to encourage each other to be safe and not under the influence of alcohol or other drugs or impaired at work. Council will provide this education and awareness information to its workers at all levels.

Existing workers will receive education in this policy and the accompanying procedure within 3 months of its official adoption by Council. Contractors and volunteers will also be informed of the requirements within this timeframe.

New workers will receive education at induction on commencement with Council.



Council will also provide practical guidelines and training to Managers and Supervisors for dealing with persons who may be affected by alcohol or other drugs, including the correct application of disciplinary sanctions and the need for maintaining strict confidentiality.

## **11. Employee Assistance and Information**

If a worker has issues of concern including those related to alcohol and other drugs Council encourages workers to make use of the Employee Assistance program (EAP) and seek appropriate support and assistance. The service is provided on a confidential basis.

Council utilises the services of several external professionals to provide their EAP Program. Services are free to staff and their immediate family and are confidential.

Information about the effects of alcohol and other drugs and the EAP is available from the Human Resources representative and Union Representatives.

## **12. Alcohol and Other Drugs Testing Program**

Council has established a program of testing that will:

- provide people with information about the effects of alcohol and other drugs
- discourage people from coming to work where they may be unfit for work because of alcohol or other drugs; and
- assist with identifying people who may be unfit for work.

The options for testing are:

- voluntary, and
- post reportable incident, and
- reasonable suspicion; and
- random; and
- Targeted random (for workers who have given a confirmed positive result for alcohol and other drugs).

A business card detailing Council's contact details and outlining the drugs which may be detected during drug testing is available for each employee to assist them with discussing the effects of drugs on their fitness for work with their healthcare providers. A copy of the card is contained in [Appendix 4](#) of this procedure.

### **12.1 Voluntary Testing**

Voluntary testing provides workers with the ability to volunteer to be tested either for drugs and/or alcohol.

Workers who engage in voluntary testing who produce a non-negative confirmatory test confirmed will be expected to actively participate in a structured rehabilitation program in accordance with the limited random testing process.

Voluntary testing returning non-negative confirmatory test results will be managed on a case by case basis and Council may explore opportunities available within Council for suitable duties to be actively sought for staff during their rehabilitation program.

Such opportunities must be by agreement and in consultation with the affected worker and their Union or other representative.

Immunity for disclosure from disciplinary action will be provided to the worker on the condition that they comply with the rehabilitation program and do not report for work and commence work in an unfit state in future.

These workers should request a voluntary or self-test if in doubt, prior to commencing duties.

## 12.2 Post Reportable Incident Testing

After a reportable incident at the workplace, the Supervisor in consultation with the Work Health and Safety Representative may require a worker to undergo an initial alcohol or other drug test. For the purpose of Post Incident Testing, a *reportable incident* is defined as any accident or event that occurs in the course of work which results in personal injury, vehicle damage, property damage and/or any incident that has the potential for risk of harm or injury to persons or equipment.

Post Reportable Incident Testing will take place no later than 2 hours after the incident where a reportable incident falls within the following criteria. If an employee fails to report an incident, as defined, immediately as required and testing is unable to be undertaken within 2 hours as a result of this failure, the testing will be conducted under Reasonable Suspicion.

Incident Type	Definition	Excluding
<b>Injury</b>	Any injury caused during the course of work for which the worker requires treatment over and above first aid only treatment.	Testing will <b>not</b> be undertaken by Council where it is identified: <ul style="list-style-type: none"><li>the injury is hearing loss, skin cancer or other occupationally induced disease</li><li>the injury is of a diagnosable psychological condition.</li></ul>
<b>Vehicle</b>	Any work related incident involving a Council vehicle (vehicle includes any type of road registrable plant) where damage to the vehicle and/or third party property is sustained	Testing will <b>not</b> be undertaken by Council where it is identified: <ul style="list-style-type: none"><li>no exclusions</li></ul>
<b>Property Damage</b>	Any incident resulting in equipment, property or environmental damage	Testing will <b>not</b> be undertaken by Council where it is identified: <ul style="list-style-type: none"><li>No exclusions</li></ul>
<b>Any incident that has the potential for risk of harm or injury to persons or equipment</b>	Dangerous occurrences or behaviour that could have resulted in injury or property damage (potential)	Testing will <b>not</b> be undertaken by Council where it is identified: <ul style="list-style-type: none"><li>No exclusions</li></ul>

Where an incident occurs that falls within the definitions, all workers directly involved in the incident may be tested.

Where a subsequent investigation has identified that the true cause or causes of an incident were not properly reported and fell into the category requiring a test, then a drug and alcohol test will be organised. Late or incorrect reporting of incidents will be investigated and appropriate action will be undertaken.

### **12.2.1 Worker and Supervisor Responsibility**

The worker(s) concerned will notify the reportable incident in accordance with the Incident Reporting Procedure of Council. This includes notifying their Supervisor when an incident occurs *immediately*.

If the incident falls within the defined criteria for post reportable incident testing then they are to undertake a post incident test.

Post incident testing should be conducted as soon as possible and when it is safe to do so, within 2 hours.

If there is any doubt about whether a post incident test is to be conducted the Supervisor is to consult the Work Health and Safety & Risk Advisor, or in their absence the Human Resources representative.

Testing of apprentices, trainees or work experience persons under the age of 18 is to be referred to Human Resources Unit and an appropriate parent or guardian informed that testing is to take place.

An injured person who requires immediate medical attention may only be tested when it is appropriate. This will be determined in consultation with suitably trained medical personnel. In such cases, testing procedures other than breath or saliva may be used in accordance with the appropriate Australian Standards.

### **12.3 Fitness for Work**

If a person is not deemed fit for work following a visual assessment in accordance with the Reasonable Suspicion Procedure outlined in this document, the worker will be requested to undergo an initial alcohol and/or drug test in accordance with the relevant Australian Standards.

If a worker refuses to undergo an initial test without an appropriate reason, then the worker may be stood down, without pay, until they can provide medical evidence to justify their fitness for work, or they undertake the test.

Workers stood down can apply to take paid leave in accordance with the provisions of the relevant Award or agreement for the suspended worker(s).

### **12.4 Random Testing**

Random testing for alcohol and/or other drugs for Council's workers may be conducted at any time throughout the worker's hours of work (including overtime).

Random testing will be conducted in an appropriate area which contains adequate facilities for testing. The testing will be done privately.

All workers will be eligible for selection for random testing. Workers will be selected for testing by using a simple random selection process, involving the selection of a worker, location or group of workers

located in a specific area. Council's independent testing provider will provide advice on and assist with the random selection process.

Workers who are selected will be required to present themselves for testing immediately.

Random testing may include testing all employees of the employer in a single event.

### **13. Reasonable Suspicion Testing Procedure**

The following procedure is for use by appropriately trained staff to assess fitness for work. These trained Council staff members are referred to as '*responsible persons*'.

The guidelines are to be applied fairly, objectively and equitably. It is important that responsible persons act in an ethical and professional manner and with consistency across all workers and on each occasion they are required to conduct a fitness for work assessment.

#### **13.1 When and how should this procedure be used?**

This procedure is for use when a responsible person reasonably suspects that a worker is impaired by alcohol and/or other drugs in the workplace. Reasonable suspicion of impairment **must** be based on the list of objective indicators set out at [Appendix 1](#).

If another staff member is concerned that a person on Council premises, or worksites, is impaired, they should report their suspicion to their Manager or a *responsible person*. The responsibility to make a formal assessment of a person's impairment remains with the *responsible persons*.

The basis for this procedure is a test of reasonable suspicion that a worker is impaired by alcohol and/or other drugs. This means a suspicion that is reasonably held (using the observable indicators of impairment set out in [Appendix 1](#)) by two *responsible persons*.

There is an obligation on management to be aware that changes in the normal appearance or behaviour of a person may indicate that the person is impaired by drugs or alcohol. It is not the responsibility of Managers, Supervisors or worker representatives to diagnose personal or health problems or determine what the cause of impairment may be.

Assessment of a worker's impairment is to be made in accordance with the list of observable indicators ([Appendix 1](#)) and is to be made in the context of **changes** to a worker's behaviour. The assessment is **not** to be made on assumptions based on a worker's previous behaviour or work record.

At least one (1) of the *physical indicators* in [Appendix 1](#) must be satisfied and agreed between the *responsible persons* for reasonable suspicion to be established. Emotional effects (as contained in the second part of the table) should **not** be used as indicators of reasonable suspicion but may be recorded as additional information on the relevant records.

#### **13.2 Consulting with the worker**

The responsible persons are to request a discussion with the worker in a private location away from other workers, where possible. The worker should be given an opportunity to have a Union delegate or other person attend the discussion. The privacy of the worker is a priority at all times.

The responsible person should use wording such as:

*"I am concerned that you are behaving unusually today because I have observed [list indicators forming basis of reasonable suspicion]. Is there a reason for this?"*

Workers should be clearly informed by the responsible persons of the indicator or indicators upon which reasonable suspicion was based.

Responsible persons should speak assertively. Judgemental or confrontational language is not to be used and debate is not to be entered into with the worker.

### **13.3 Mitigating Factors**

Mitigation factors are to be taken into consideration.

The worker is to be given an opportunity to explain their behaviour. A person may appear to be impaired from alcohol or other drugs but not necessarily have taken any such substances. For example, the worker may be suffering the side effects of medication prescribed by their treating doctor or suffering from sleep deprivation because of a personal trauma or concern. Such a situation is a *mitigating factor* for the purposes of this policy.

Mitigating factors include things such as, but not limited to:

- Unexpected impairment from prescription or over the counter medication;
- Side effects from medical treatment or an illness or injury;
- Impairment from fatigue due to a personal trauma, sleep deprivation or other issue; or
- Any similar factor that may cause impairment but is not the result of inappropriate alcohol or other drug consumption.

Where the responsible persons are satisfied that a person is impaired due to a mitigating factor no disciplinary action is to be taken. Repeated presentation at work by a staff member whilst impaired from over the counter medication may result in a breach of policy being recorded. Any staff member identified as impaired from this cause is to be reminded that any impairment is a safety risk and that they should not present for work impaired. Where prescribed or over the counter medication is taken, staff are encouraged to notify their Supervisor or Manager in advance. Repeated failure to notify may result in a breach of policy being recorded.

Where the responsible persons assess that the worker is not fit to continue working as a result of the fit for work assessment, they will:

- Direct the worker to take personal or other leave until they are fit to resume duties, or
- Consider short or long term alternative duties or other control measures to ensure the workers own safety and the safety of others in the workplace.

## **14. Testing Procedure - Alcohol**

### **14.1 Conducting the Test**

Workers identified to participate in alcohol testing will be required to carry out a supervised alcohol analysis test, using a calibrated breath testing device as per the Australian Standard AS3547:1997 - Breath alcohol devices for personal use . The test will be administered by a suitably qualified person.

The worker may have a Union delegate or other representative present during the testing procedure.

Unless medically required, no food or drink is to be consumed for 15 minutes prior to the test. Smoking shall also not be permitted as it may distort the test results.

In the event that a non-negative, that is greater than zero, result is registered, a subsequent test will be carried out 15 minutes after the first test. During this 15 minute period, the worker is to be supervised continually at all times by the person conducting the tests.

Workers with a non-negative second breath analysis test result will be presumed unfit for work and arrangements will be made to transport the person to their home. The worker will then be required to submit for a further test at the first available opportunity on the next working day before being able to resume their normal duties.

Where a person presents a negative (zero) result the person will be permitted to commence or resume their normal duties.

A worker who refuses to undertake an initial and/or second test will be presumed to be, and treated as if, a second non-negative test result was received.

A confirmatory breath test result above zero will be determined to be a positive alcohol test result.

## **15. Testing Procedure – Other Drugs**

### **15.1 Conducting the Test**

Workers identified to participate in a drug test will be required to undergo an oral swab test as per the Australian Standard AS4760:2019. The test will be administered by a suitably qualified person.

### **15.2 Workers with prescribed medication**

It is recognised that certain prescription medication may return positive results during testing, and it is the responsibility for any worker, in accordance with Councils work health and safety policies and procedures, to inform their Supervisor if they are taking any prescription medication that may cause impairment whilst at work.

Where practicable, the tester shall provide a list of medications which may provide a false positive result.

Any employee required to undertake drug testing can choose to declare any medication taken immediately prior to the test being conducted or can declare following the initial test if an initial non-negative result is obtained. Such information is to be kept confidential and only to be used in determining if such medication has contributed to or caused a false positive.

If the worker declares the medication prior to any testing being conducted, and the drug class(es) declared is consistent with the drug class(es) detected at the initial screening test, then a fitness for work assessment is to be conducted by two responsible persons.

If the worker is assessed as being unfit to continue in their normal role, temporary re-deployment into alternate suitable duties may be available and Council will actively explore any opportunities that may be available at the time that would be suitable to the individual.

If the person is assessed to be fit for work the person will be permitted to return to work and will be allocated low risk tasks pending the results of the confirmatory test. There may be circumstances as a result of the fit for work assessment, where a worker who normally operates or drives a Council vehicle or heavy/mobile plant will be unable continue to do so.

If the person is assessed to be unsafe to continue to operate a vehicle or heavy/mobile plant or work in their normal position, then arrangements will be made to transport the person to their home or a safe place unless an acceptable form of public transport is available.

Council may request further information such as a medical certificate from the worker's doctor.

If the person did not declare the medication prior to the testing being conducted, or if the drug class(es) declared is inconsistent with the drug class(es) detected, or there are methamphetamines present, then the person will be assessed as unfit for work and arrangements will be made to transport the person to their home or a safe place.

### **15.3 Confirmatory Test is Non-Negative and Consistent with Medication**

A confirmatory non-negative test result for other drugs will be determined by the Australian Standard AS4760:2019.

The accredited testing laboratory will forward all test results to the Human Resources representative in writing, identifying the confirmatory test was positive but consistent with medication declared.

If the worker has previously been allocated low risk duties, their fitness for work will be reassessed and the worker will either return to normal duties or remain on low risk duties for the duration of the use of the medication, providing the duration of the use of the medication is a reasonable timeframe.

If the worker has been stood aside pending the confirmatory test results, the Human Resources representative will contact them and request that they return to work once results have been received. On return to work, the Human Resources representative in consultation with either the Supervisor and/or Manager will reassess their suitability for duties.

### **15.4 Confirmatory Test is Non-Negative and Not Consistent with Medication**

Once the accredited testing laboratory has forwarded the results to the Human Resources representative, the worker and the applicable Manager will be advised in writing that the confirmatory test was non-negative but inconsistent with the medication disclosed by the worker.

The letter of confirmation forwarded by Council to the worker confirming the test result will set out a nominated time and date when the worker and, if requested, their Union or other representative, will discuss further action with their relevant Manager(s). If the worker requests access to paid leave entitlements such as personal, annual or long service leave, as part of the further action discussion, agreement to access relevant leave entitlements will depend on the circumstances and will be managed in accordance with the Local Government (State) Award 2017 or Agreement.

### **15.5 Confirmatory Test is Negative**

The accredited testing laboratory will forward the results to the Human Resources representative who will then advise the worker and their Supervisor that the confirmatory test result was negative.

If the worker has been stood down pending the outcome of the confirmatory test, the Human Resources representative will contact them to arrange the workers return to work.

Any loss of pay or use of paid leave as a result of being stood down will be reimbursed and reinstated in full by Council.

## **16. Refusal or Tampering of Tests**

### **16.1 Refusal**

The Human Resources representative or other senior Manager shall use the following procedure if a person refuses to take an initial drug or alcohol test:

1. The authorised collector will inform the worker who has refused the test that the refusal will have the same consequences as a non-negative result, i.e. that the worker will be deemed to be under the influence of drugs and/or alcohol.
2. The worker will be offered the test again. This will be regarded as the second request to be tested.
3. If the worker still refuses, the authorised collector will notify the relevant Manager and the Human Resources representative of the refusal to take the test. After discussion between the Manager and the worker, the Manager will re-offer the test to the worker. The Manager should discuss the refusal and likely consequences with the worker, try to determine the reasons for refusal and then re-offer the test.

This will be the third and final offer to be tested.

4. If the worker still refuses, the refusal will be recorded as 'Refused Test'.
5. Arrangements will be made to transport the person to their home or a safe place.
6. The Manager will inform the General Manager of the situation and ensure all documentation is forwarded to the Human Resources representative for recording and filing.



7. The worker concerned will not be permitted to return to work until a discussion is held with the relevant Manager and the Human Resources representative and a negative test result is obtained.
8. Whilst this result is being achieved, workers may be stood down and be entitled to access their own personal leave entitlements if available and if not, other available accrued leave entitlements in accordance with the Local Government (State) Award 2017 or Agreement.

## **16.2 Tampering**

Any attempt to tamper with samples and introduce, or alter the concentration of alcohol or other drugs in their own, or another's saliva or breath may constitute serious misconduct and be dealt with according to Council's Disciplinary Procedure.

"Adulteration Sticks" may be used at the testing stage in the event that a sample appears suspicious at the discretion of the accredited laboratory securing the sample.

## **17. Procedure for Non-Negative Results**

The relevant Manager, in consultation with the Human Resources representative, is accountable for monitoring the frequency of targeted random testing for a worker who provides a non-negative confirmatory result and shall determine the appropriate action in accordance with the following on a case by case basis. Targeted random testing will only be required:

- for drugs where the non-negative confirmatory result was not in accordance with declared prescribed medication levels and
- for alcohol where a non-negative result above zero has occurred.

At all times during the non-negative test result process, the worker is entitled to have a Union representative or other representative of their choosing present at all discussions and/or disciplinary meetings should they so choose.

The relevant Manager will afford the worker procedural fairness and discuss the non-negative result with the person. The relevant Manager will provide an opportunity for the worker to provide any information or comments that may be a mitigating factor when considering the confirmatory test result.

After consideration of this information the worker will be advised if they are required to participate in a limited random testing process. The worker will be advised of counselling services available and, if necessary, or by the workers own request, be referred to an appropriate service.

Before a worker returns to work, they will be required to provide a negative test result. Whilst this result is being achieved, workers may be stood down and be entitled to access their own personal leave entitlements if available and if not, other available accrued leave entitlements.

Council may initiate disciplinary actions in accordance with the Local Government (State) Award 2017 if the worker returns a second or third non-negative test within a 12 month period.

Workers participating in voluntary self-testing have immunity from disciplinary action on the condition that they comply with the rehabilitation program and do not report for work and commence work in an unfit state after submitting for the initial voluntary test.

Any disciplinary action taken is to be in accordance with the provisions of the Local Government (State) Award and inability to perform normal duties during any period as a result of this procedure may result in a review of the worker's pay rate during this period which could result in a reduction in pay.

## **18. Reportable Offences**

It is an offence under the Road Transport (Safety and Traffic Management) Act 1999 to drive or attempt to drive a motor vehicle, truck or mobile equipment when under the influence of alcohol or other drugs in excess of legal limits.

## **19. Dealing with Aggressive or Abusive Behaviour**

If a worker displays aggressive or violent behaviour when required to undertake an alcohol and/or other drug test, the Supervisor or Manager should remain calm and not argue with or mirror the worker's behaviour.

Emphasis should be placed on getting the worker to calm down and discussion kept away from personal issues. The worker should be asked to comply with the management direction and be informed that the worker will have the opportunity to dispute the decision through the normal grievance process utilised by Council.

If the worker refuses to modify their behaviour, the worker should be advised that the discussion is terminated and that they must leave the workplace immediately. The worker should be reminded that acts of aggression or violence in the workplace are in breach of the Code of Conduct and may result in dismissal.

In the case of actual or apprehended violent behaviour, the worker is to be advised that the police will be called. This option is to be used as a last resort.

## **20. Rehabilitation**

The worker's Department or General Manager and/or the Human Resources representative may assist the individual worker in developing a rehabilitation plan to manage their fitness for work issue. The details of the plan should be agreed between the parties and may include the aim of the plan, the actions to be taken, the progress reporting procedure, the review date and the timeframe for return to work.

The parties may also include, at the workers request, their Union representative or a representative of their choice to assist in the development of this plan.

With the approval of Council, personal leave benefits, long service leave, annual leave (where accrued) or unpaid leave may be available to the worker undertaking alcohol and/or other drugs rehabilitation or counselling. Such approval shall not to be unreasonably withheld.

A rehabilitation plan template is included in this procedure at [Appendix 5](#).

## **21. Review and Audit**

The policy will be reviewed periodically by Council in consultation with interested parties including the Local Government unions (USU, DEPA, LGEA), the Work Health and Safety and Consultative Committees. It is understood that as new testing technology becomes available for alcohol and other drugs testing it should be considered in any review, provided it is based upon levels of drugs and alcohol which indicate impairment at work.

No alteration of this procedure is to occur prior to the conclusion of consultation and agreement being reached.

## **22. Other Council Policies and Procedures**

Other staff related policies and procedures should be read in conjunction with this procedure where required.

## **23. Grievances/Disputes Relating to this Policy**

Any dispute relating to the application of this procedure shall be settled in accordance with the Grievance and Dispute Settlement Procedure of the Local Government (State) Award 2017.

## APPENDIX 1

### Fitness for Work Assessment

#### Observable Indicators of Impairment

Assessment of a person is to be made in accordance with this list of observable indicators in the context of changes to a person's behaviour. At least 2 responsible persons must participate in the assessment.

At least one (1) of the physical indicators must be satisfied and agreed between the responsible persons for reasonable suspicion to be established.

Emotional effects (the second part of the table) should not be used as indicators of reasonable suspicion but may be recorded as additional information.

Name of person being assessed:		Name of Responsible Persons:	
Name of attending representative (if requested):		Date / Time:	

#### Assessment Triggers

Behaviour / actions / observations reported prior to this assessment:

Physical Indicator	Observed
Strong smell of alcohol on breath	
Slurred, incoherent or disjointed speech (losing track)	
Unsteadiness on the feet	
Poor coordination / muscle control	
Drowsiness or sleeping on the job or during work breaks	
Inability to follow simple instructions	
Nausea / vomiting	
Reddened or bloodshot eyes	
Jaw clenching	
Sweating / hot and cold flushes	

Emotional Effect (Not a basis for reasonable suspicion)	
Loss of inhibitions	
Aggressive or argumentative behaviour	
Irrational	
Intense moods (sad, happy, angry)	
Quiet and reflective	
Talkative	
Increased confidence	
Appearance or behaviour is 'out of character'	

### Observation Checklist – Physical Indicators

BREATH	Smell of intoxicating liquor on breath: Nil <input type="checkbox"/> Slight <input type="checkbox"/> Strong <input type="checkbox"/>
SKIN	Sweating/hot and cold flushes <input type="checkbox"/>
EYES	Reddened or bloodshot <input type="checkbox"/>
SPEECH	Normal <input type="checkbox"/> Disjointed <input type="checkbox"/> Slurred <input type="checkbox"/> Confused <input type="checkbox"/> Fast <input type="checkbox"/> Slow <input type="checkbox"/>
BALANCE	Unsteady <input type="checkbox"/> Swaying <input type="checkbox"/> Slumping <input type="checkbox"/> Falling <input type="checkbox"/>
MOVEMENTS	Poor coordination/muscle control <input type="checkbox"/>
AWARENESS	Drowsiness or sleeping on the job or during work breaks <input type="checkbox"/> Inability to follow simple instructions <input type="checkbox"/>
OTHER PHYSICAL SIGNS	Nausea/vomiting <input type="checkbox"/> Jaw clenching <input type="checkbox"/>

### Questions



## APPENDIX 2

### Indicators of Impairment by Drug (for information only)

<b>Indicator (Physical)</b>	<b>Alcohol</b>	<b>Cannabis</b>	<b>Amphetamines</b>
Smell on the breath	x		
Slurred speech/speech disjointed (lose track)	x	x	
Unsteadiness	x	x	x (dizziness)
Poor coordination/muscle control	x	x	
Drowsiness / sleepy	x	x	
Can't follow instructions	x	x	
Blurred vision	x	x	
Lack of judgement	x	x	
Confused	x	x	x
Nausea/vomiting	x		x
Reddened eyes		x	
More awake and alert			x
Jaw clenching			x
Sweating/hot and cold flushes			x
<b>Effect (Emotional)</b>	<b>Alcohol</b>	<b>Cannabis</b>	<b>Amphetamines</b>
Loss of inhibitions	x	x	
Aggressive or argumentative	x		x
Irrational	x	x	x
Intense moods (sad, happy, angry)	x	x	x
Quiet and reflective		x	
Talkative			x
Increased confidence	x		x
Appearance or behaviour is 'out of character'	x	x	x

## **APPENDIX 3**

### **Alcohol and other Drugs Policy and Procedure – Flowcharts**

#### **AIM**

The aim of the alcohol and other drugs policy and subsequent procedure is to assist the Council in addressing risks to health and safety in the workplace associated with the inappropriate use of alcohol and/or other drugs. This will also assist the Council in having a process to manage the misuse of alcohol and other drugs in the workplace through training, education and where required rehabilitation.

The integration of the alcohol and other drugs policy and subsequent procedure into Council's Safety Management System will assist with the continual improvement of workplace safety. It will assist with the management and promotion of fitness for work of staff (including contractors and volunteers) to be part of the Council's standard processes.

#### **TESTING IN USE**

The Council in cooperation with the relevant unions (USU, LGEA and DEPA) and the LGNSW have adopted the use of oral swab testing (to be completed as per the requirements of AS4760:2019) for drug testing as it will generally detect the presence of a substance that was consumed within a matter of hours as opposed to testing such as urine where a substance was consumed days or weeks ago. A positive result in this case may not have a bearing on whether the person is unfit for work.

Drugs to be tested via the oral swab testing will be:

- Cocaine
- Opiates
- Methamphetamine
- THC

For alcohol testing a standard breathalyser meeting the requirements of AS3547:1997 will be used. The following cut off point for blood alcohol content (BAC) will apply:

Zero for all employees at the workplace(s)

#### **COMMON DEFINITIONS**

- *Confirmatory test:* means a second analytical test performed to identify the presence of specific alcohol and/or other drugs. The confirmatory test is a retest of a second sample from an original collection if the initial test result is disputed
- *Negative result:* a result other than a positive
- *Unconfirmed results:* is where a potential result for drugs has been obtained on the initial oral swab and the collection is sent to a certified laboratory for further confirmation
- *Over the counter medication:* a non-prescription type medication that if consumed before a test is undertaken may influence the result shown



- *Non Negative*: an initial positive test as yet unconfirmed by confirmatory testing by an accredited tester.
- *Positive*: where the initial test result has been confirmed by further testing that the person is under the influence of alcohol and/or drugs above a prescribed limit as per this policy and/or Australian standards
- *Prescription medication*: medication that is prescribed by a doctor
- *Limited random testing list*: persons will be added to this list who have either failed (tested non-negative) a test or refused unreasonably a request for a drug and/or an alcohol test. Individuals placed onto the limited random list can be targeted tested at any time, in addition to the standard random testing undertaken by the council.
- *Responsible person*: A responsible person is a person who is appointed and trained in the identification of signs of impairment. The responsible person is able to make an assessment of reasonable suspicion impairment utilising the objective indicators

## TYPES OF TESTING

There are four types of testing that may be undertaken, these are:

- Voluntary Testing – Workers can elect to submit to voluntary testing and seek assistance from Council to rehabilitate if they believe they have a substance abuse problem.
- Random – Workers will be selected using a random number generation system.
- Post Reportable Incident – certain criteria of incidents have been selected where testing will be completed. Further information is available in the procedure and Drug Testing Flowchart 002 (*Post Incident*). Contractors and volunteers will be tested for Post Incidents.
- Reasonable Suspicion – this is where a report has been received that a worker is exhibiting strange or unusual behaviour and there is suspicion that they may be under the influence of alcohol and/or drugs. Two *Responsible persons* will be involved in the determination on whether a test for alcohol and/or drugs is required. Further information is available in the procedure and Drug Testing Flowchart 003 (*Reasonable Suspicion*).
- Targeted Random - for workers who have given a confirmed positive result for alcohol and/or other drugs.

External providers engaged to conduct testing must meet the current requirements contained within AS4760:2019 and AS3547:1997.

## MEDICATION

Any worker required to undertake drug testing can choose to declare any medication taken immediately prior to the test being conducted or can declare following the initial test if an initial non-negative result is obtained. Such information is to be kept confidential and only to be used in determining if such medication has contributed to or caused a false positive.

- If the drug test result is an unconfirmed result consistent with the medication disclosed then after consultation with the relevant Manager, the external provider and the person concerned, they will be returned to appropriate duties. The sample will still be sent for a confirmatory test as per the usual process. If this test shows that the result is not consistent with the medication declared then the appropriate disciplinary action may be undertaken.
- If the drug test result is a unconfirmed result that is inconsistent with the medication disclosed then the person will be assessed as unfit for work and arrangements made to transport home or to a safe place

Further information is available in the procedure and Drug Testing Flowchart 009 (*Medication*).

## **REFUSAL TO UNDERGO A TEST**

Any person who refuses to undergo testing will be given the opportunity to explain their reasons, these will be discussed with the relevant Manager, Human Resources representative and the external provider. There will be a process implemented where if the person refuses to undergo a reasonable request test three (3) times in succession, this will be recorded as a *Refused test* and the person will be treated as if they have provided a test result of an unconfirmed result. For further information refer to the procedure and Drug Testing Flowchart 004 (*Refusal*).

## **TAMPERING**

Any person found to be tampering or have tampered with a test will be dealt with as per the current disciplinary procedures that the Council has in place.

## **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

EAP will be available under current guidelines for employees to seek support and assistance in regards to alcohol and/or drug use.

## **DISCIPLINARY MEASURES**

Persons who have provided a result that is a unconfirmed result (including refusing to undergo a test) will in most instances be suspended for an initial 24 hours and will have to provide a negative result before they can return to work. If the subsequent result from the confirmatory test is a positive, then the person may face further disciplinary action as determined by the relevant Manager and the Human Resources representative. The person will also be placed onto the limited random testing list.

The person who has been suspended will be able to access leave entitlements that they are entitled to as per the current award or contract.

Continual positive results and/or refusal to undergo tests will result in further disciplinary action being considered and undertaken.

Any person who has been suspended on an initial test result of a non-negative that now is deemed a negative after the confirmatory test has been completed will have all time lost reimbursed with no penalty.

Further information is available in the procedure and Drug Testing Flowchart 008 (*Disciplinary Action*).

## **REHABILITATION**

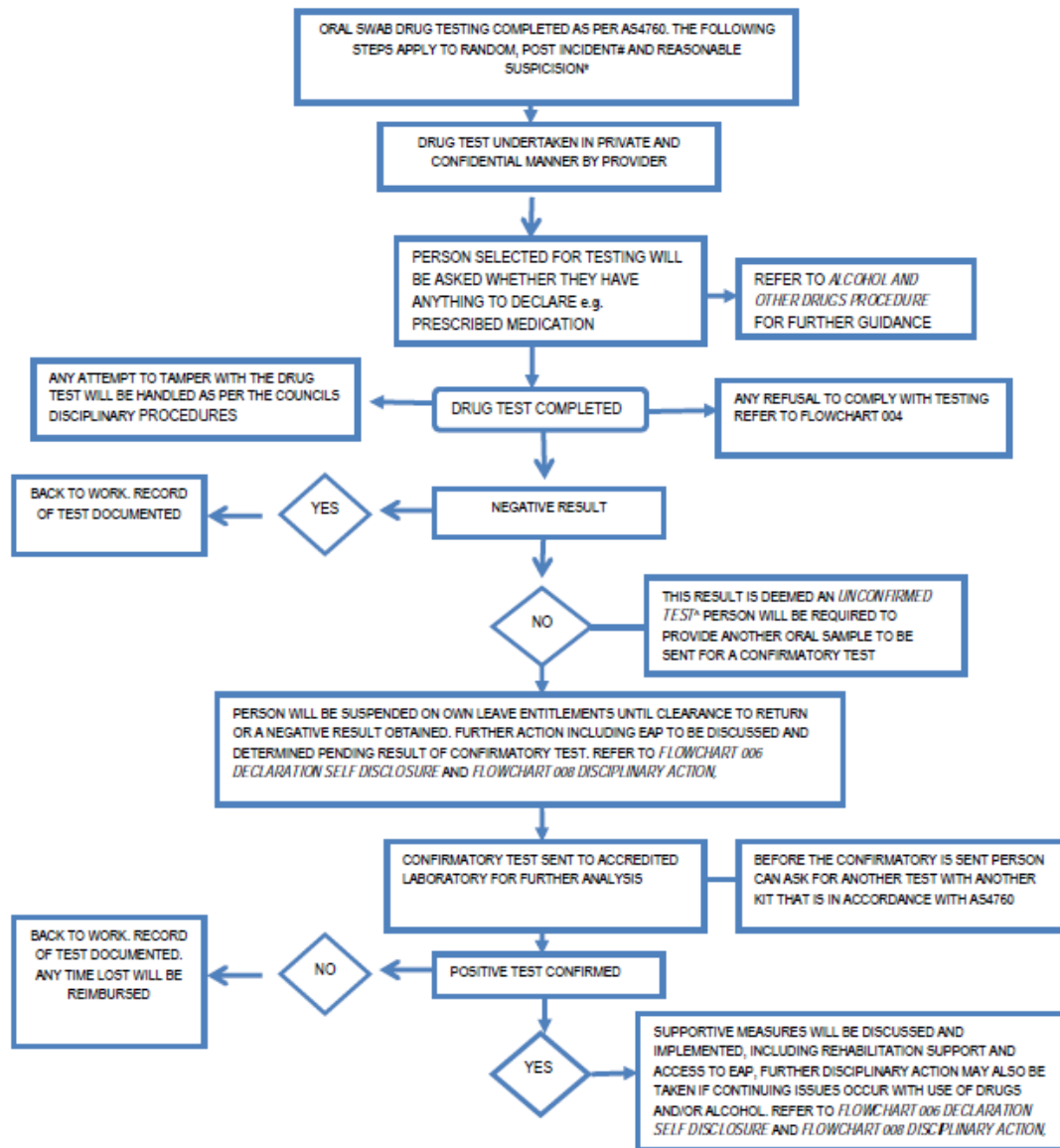
Workers who have declared that they have a problem with the use of drugs (illegal and legal) and/or alcohol will be provided assistance by the Council as per the current EAP arrangements or as determined appropriate by their manager. This will involve the development of a confidential Drug & Alcohol Rehabilitation plan that will outline general treatment steps, assistance to be sourced, personnel to be involved etc. The plan will be used to assist the person to be able to present themselves at work in a state where there is no impairment to them working safely.

Persons who have been found to have a positive result from a drug and/or alcohol test and who have not declared that they may have consumed a drug and/or alcohol or who have presented themselves to work in a state that is not safe to do so, will also have a confidential Drug & Alcohol Rehabilitation plan implemented.

Further information is available in the procedure and Drug Testing Flowchart 006 (*Declaration*)

If you have any questions or concerns please discuss with your manager, Human Resources and/or union representative.

# GENERAL DRUG TESTING FLOWCHART 001



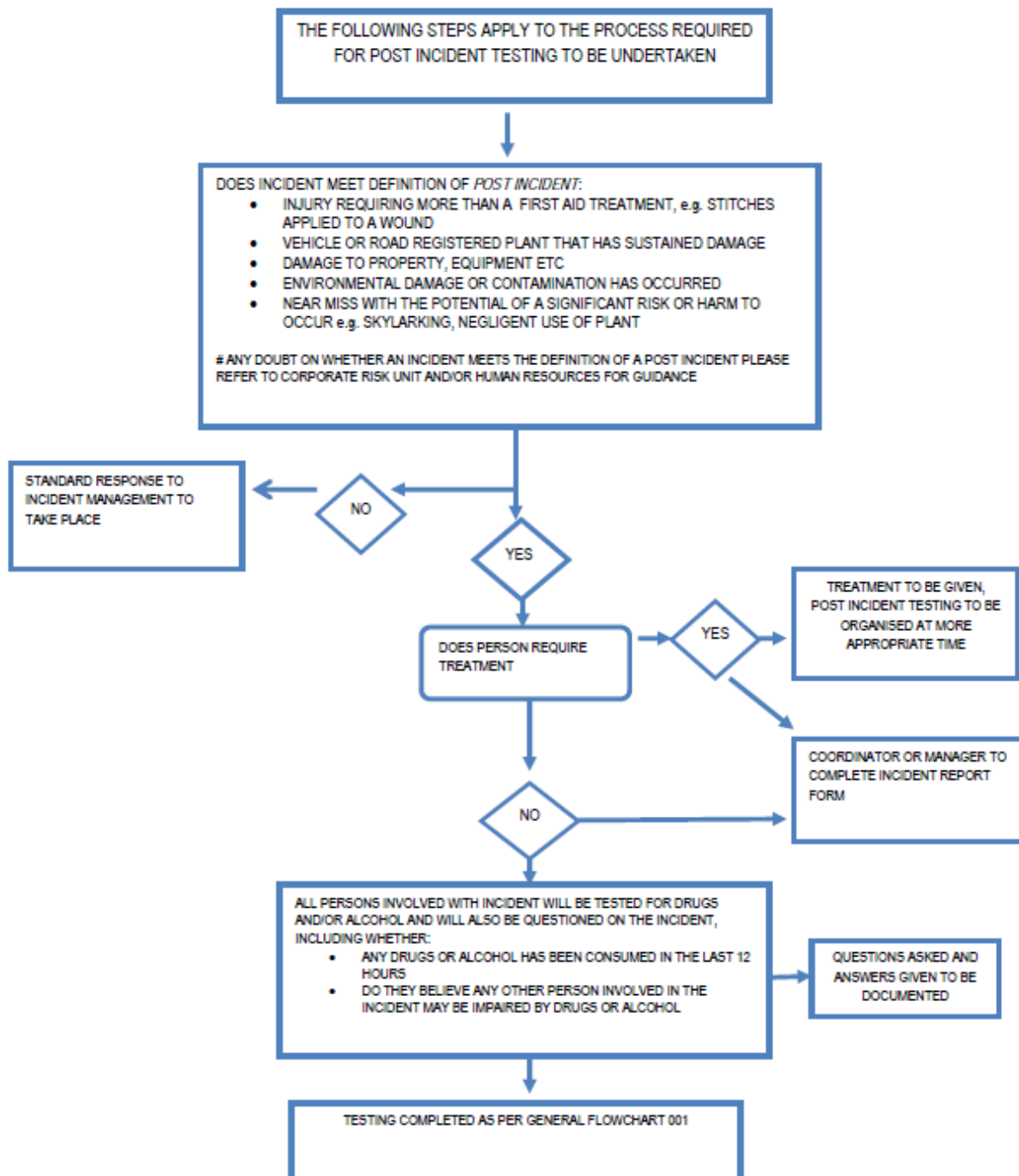
# REFER TO FLOW CHART 002 FOR FURTHER INFORMATION

\* REFER TO FLOW CHART 003 FOR FURTHER INFORMATION

^ AN UNCONFIRMED TEST IS AN INITIAL RESULT FROM AN ORAL SWAB TEST THAT IS NOT A NEGATIVE RESULT AND NEEDS FURTHER TESTING AT A CERTIFIED LABORATORY TO BE CONFIRMED AS EITHER A POSITIVE OR A NEGATIVE RESULT BY THE COMPLETION OF A CONFIRMATORY TEST

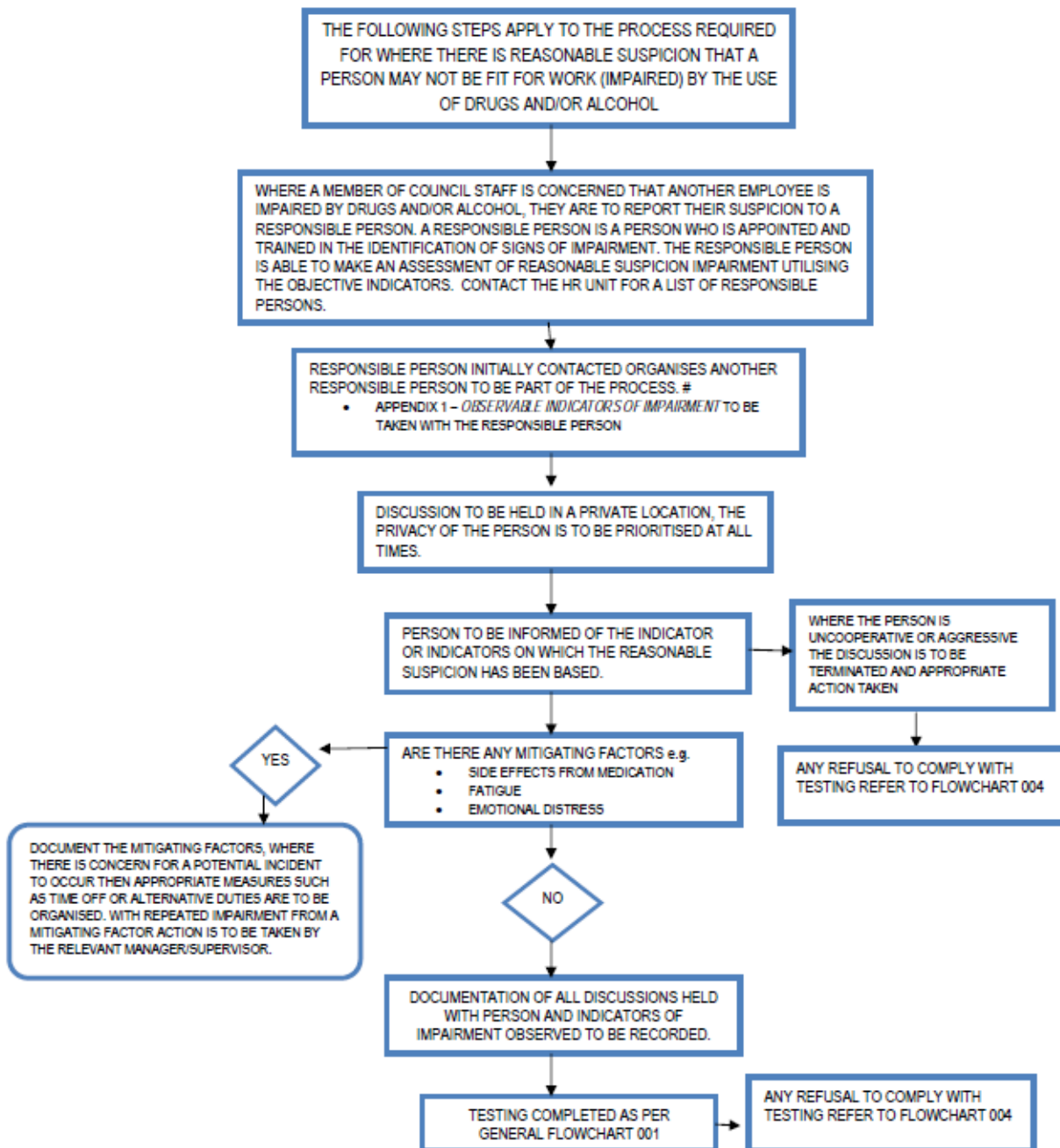
CONFIDENTIALITY WILL BE MAINTAINED AT ALL TIMES BY THE PARTIES INVOLVED

## POST INCIDENT TESTING FLOWCHART 002



CONFIDENTIALITY WILL BE MAINTAINED AT ALL TIMES BY THE PARTIES INVOLVED

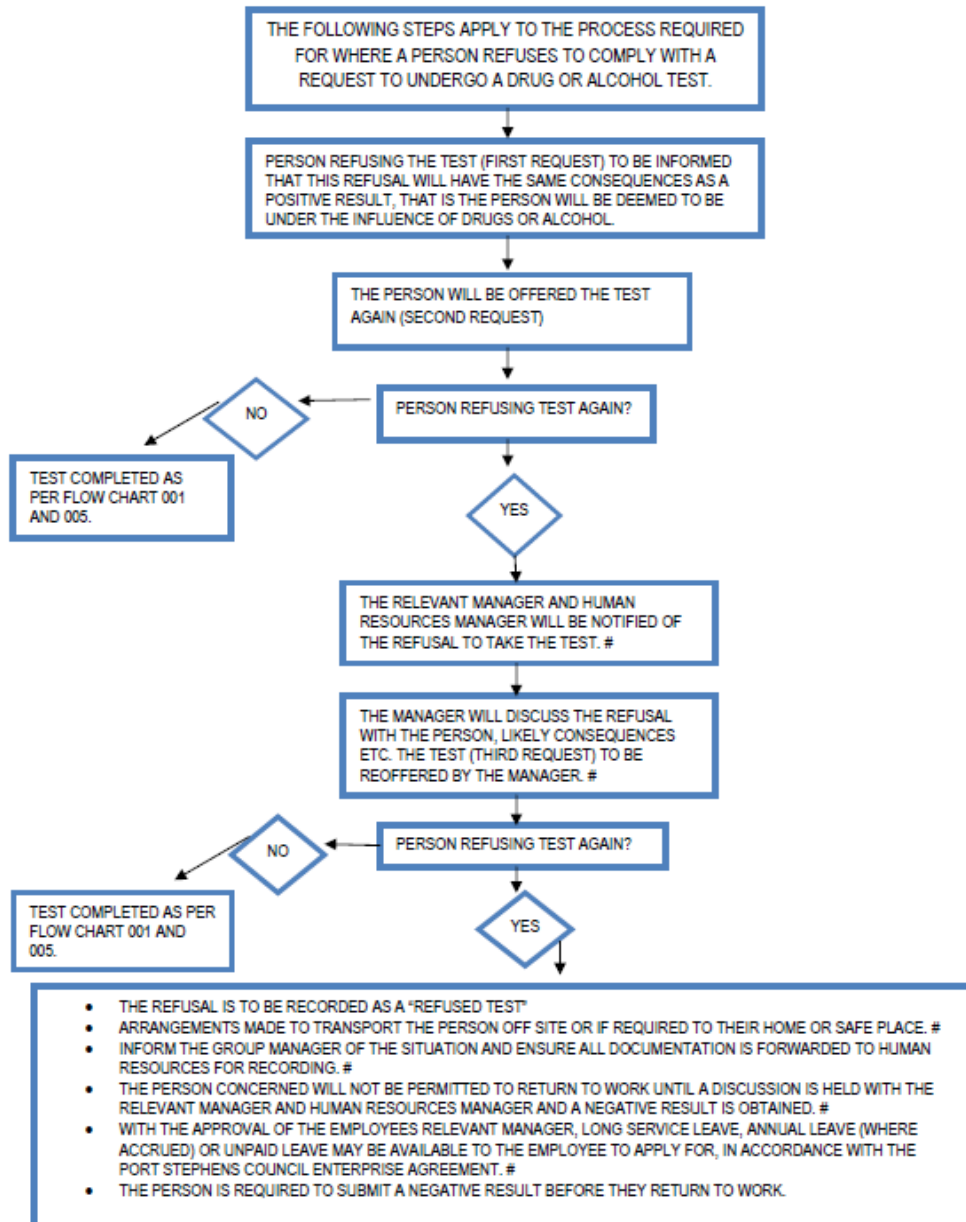
### REASONABLE SUSPICION FLOWCHART 003



# A REPRESENTATIVE FROM THE HUMAN RESOURCES SECTION IS TO BE CONTACTED, IF NOT ALREADY NOTIFIED, TO ASSIST IN THIS PROCESS AND BE THE SECOND RESPONSIBLE PERSON

CONFIDENTIALITY WILL BE MAINTAINED AT ALL TIMES BY THE PARTIES INVOLVED

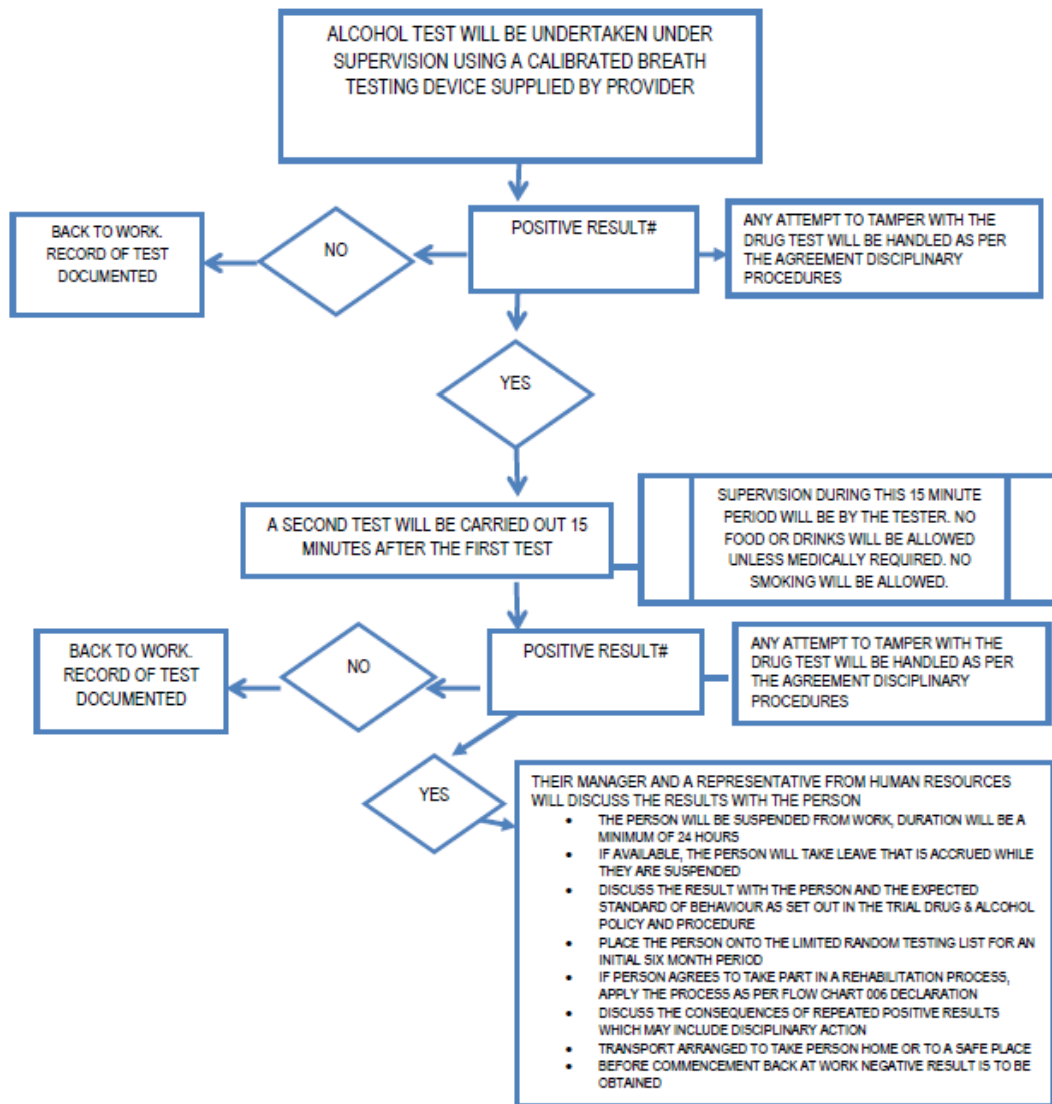
# REFUSAL TO UNDERGO A DRUG OR ALCOHOL TEST FLOWCHART 004



# FOR CONTRACTORS THEIR EMPLOYER IS TO BE CONTACTED TO ASSIST IN THIS PROCESS

CONFIDENTIALITY WILL BE MAINTAINED AT ALL TIMES BY THE PARTIES INVOLVED

# ALCOHOL TESTING FLOWCHART 005

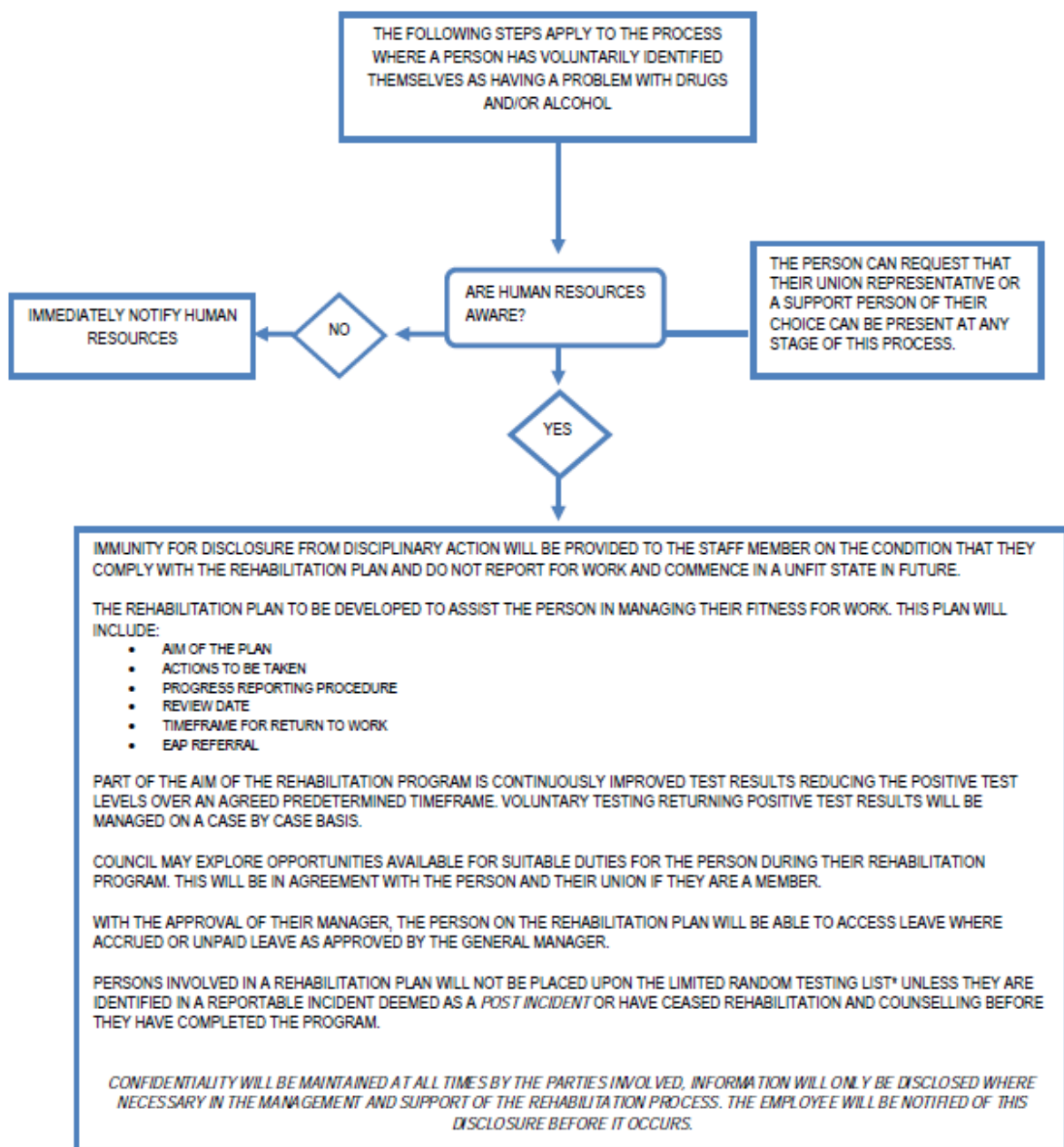


# 0.02 OR GREATER BLOOD ALCOHOL CONTENT (BAC) FOR HEAVY PLANT OPERATORS (>13.9 TONNE) OR TRUCK DRIVERS (>4.5 TONNE) OR MOBILE PLANT OPERATORS – THIS WILL APPLY ONLY FOR PERSONNEL WHO ARE UNDERTAKING THESE SPECIFIC DUTIES AT THE TIME OF ANY TESTING.  
 0.05 OR GREATER BLOOD ALCOHOL CONTENT (BAC) FOR ALL OTHER STAFF TO BE IN ACCORDANCE WITH RELEVANT STATE LEGISLATION.  
 WHERE THE PERSON HAS A PROVISIONAL LICENCE (P PLATES) THEN THE CURRENT BAC LIMITS FOR P PLATES MUST BE FOLLOWED IF THEY ARE DRIVE VEHICLES/TRUCKS.

CONFIDENTIALITY WILL BE MAINTAINED AT ALL TIMES BY THE PARTIES INVOLVED



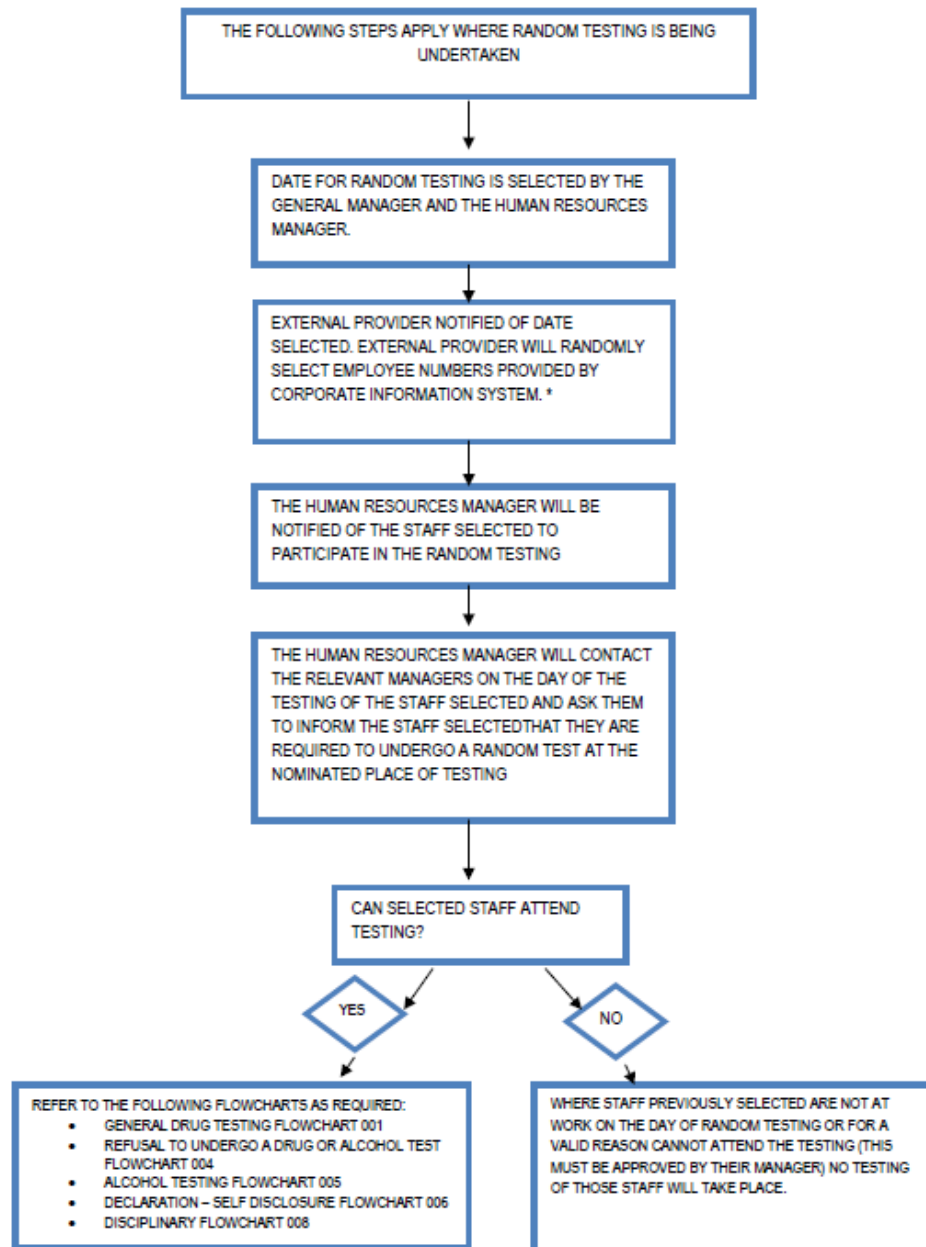
## DECLARATION – SELF DISCLOSURE FLOWCHART 006



\* THE LIMITED RANDOM LIST WILL BE LIMITED TO THOSE INDIVIDUALS WHO HAVE EITHER FAILED A DRUG AND/OR ALCOHOL TEST OR WHO REFUSED UNREASONABLY A TEST THAT HAS BEEN REQUESTED. INDIVIDUALS PLACED ONTO THE LIMITED RANDOM LIST CAN BE TARGETED TESTED AT ANY TIME, IN ADDITION TO THE STANDARD RANDOM TESTING UNDERTAKEN BY THE COUNCIL.

THE INITIAL PERIOD FOR LISTING IS SIX (6) MONTHS. AT THE COMPLETION OF THIS SIX (6) MONTHS, IF THERE ARE NO FURTHER POSITIVES OR UNREASONABLE REFUSALS, THE PERSON WILL BE REMOVED FROM THE LIMITED RANDOM LIST. WHILE ON THE LIST ANY FURTHER POSITIVE RESULTS OR UNREASONABLE REFUSAL WILL RESULT AN EXTENSION OF TWO (2) YEARS OF THE PERSON BEING ON THE LIST. THIS WILL DATE FROM THE MOST RECENT FAILED TEST OR UNREASONABLE REFUSAL TO COMPLY WITH TESTING. AT THE COMPLETION OF THIS TWO (2) YEAR PERIOD, IF THERE ARE NO FURTHER POSITIVES OR UNREASONABLE REFUSALS, THE PERSON WILL BE REMOVED FROM THE LIMITED RANDOM LIST.

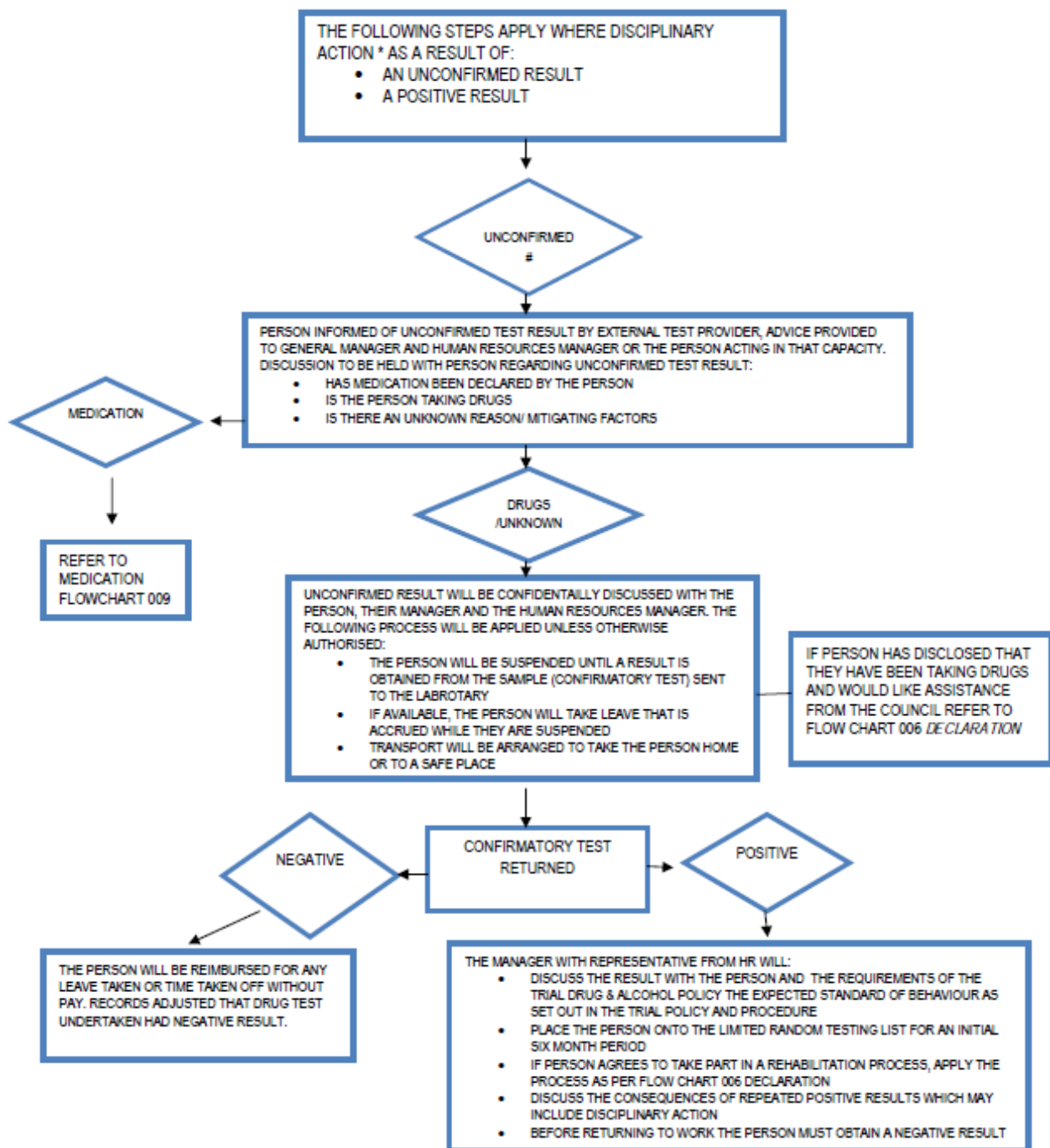
## RANDOM TESTING FLOWCHART 007



\*THE EXTERNAL PROVIDER WILL USE STAFF EMPLOYEE NUMBERS TO RANDOMLY SELECT A PREDETERMINED NUMBER OF STAFF FOR RANDOM TESTING. THIS SELECTION WILL ALSO INCLUDE AN ADDITIONAL NUMBER OF STAFF AS A BACKUP IN CASE STAFF SELECTED ARE NOT AVAILABLE. AT NO STAGE WILL STAFF NAMES BE KNOWN BY THE EXTERNAL PROVIDER WHILE THEY ARE SELECTING RANDOM ENTRIES. STAFF NAMES WILL ONLY BE KNOWN TO THE EXTERNAL PROVIDER AT THE TIME OF THE RANDOM TEST.

*CONFIDENTIALITY WILL BE MAINTAINED AT ALL TIMES BY THE PARTIES INVOLVED*

## DISCIPLINARY ACTION FLOWCHART 008

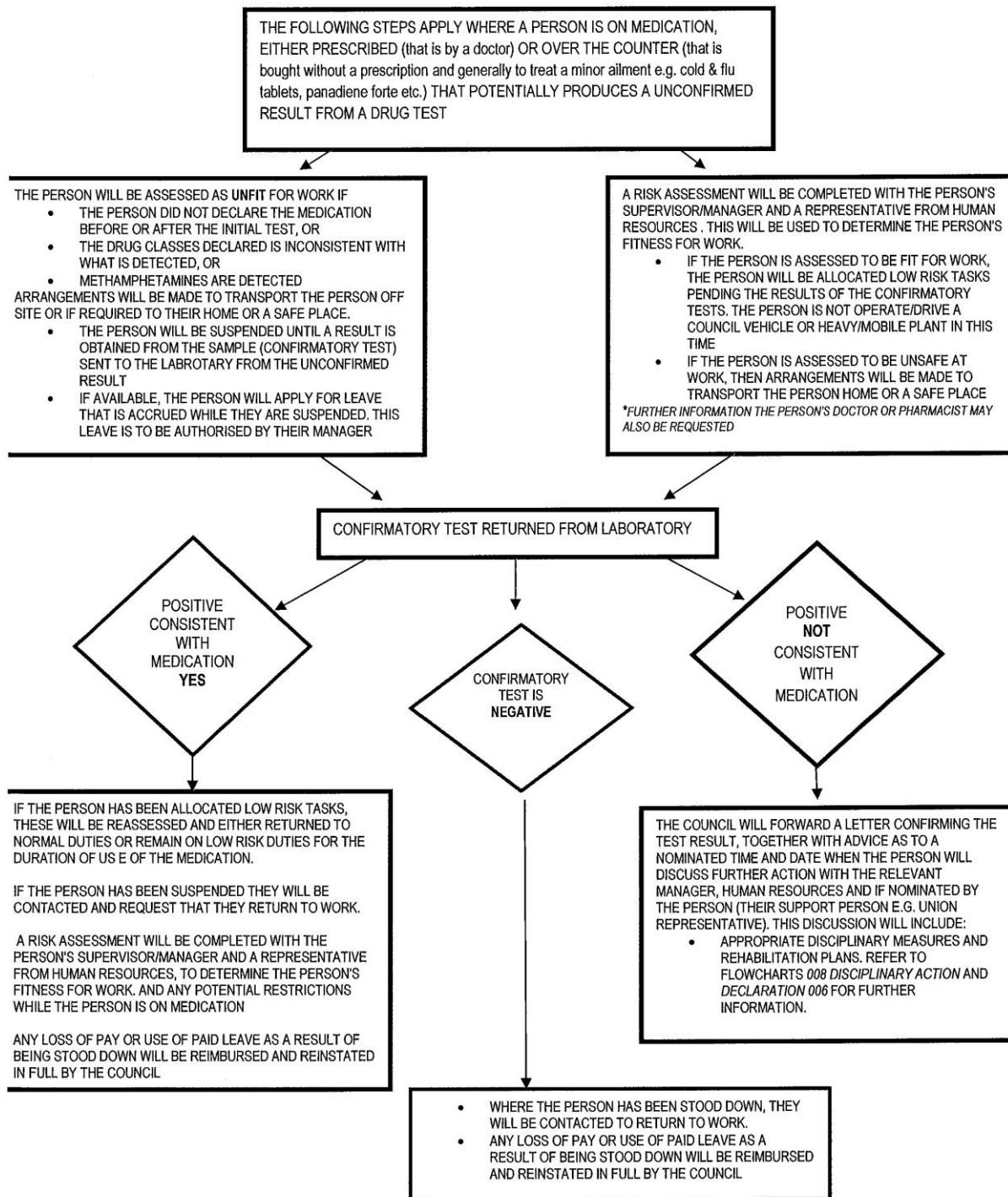


\* FOR ALCOHOL TESTING AND SUBSEQUENT DISCIPLINARY PROCESS PLEASE REFER TO ALCOHOL TESTING FLOWCHART 005

# AN UNCONFIRMED TEST IS AN INITIAL RESULT FROM AN ORAL SWAB TEST THAT IS NOT A NEGATIVE RESULT AND NEEDS FURTHER TESTING AT A CERTIFIED LABORATORY TO BE CONFIRMED AS EITHER A POSITIVE OR A NEGATIVE RESULT BY THE COMPLETION OF A CONFIRMATORY TEST

CONFIDENTIALITY WILL BE MAINTAINED AT ALL TIMES BY THE PARTIES INVOLVED

## PERSONS ON MEDICATION WITH UNCONFIRMED RESULT FLOWCHART 009



CONFIDENTIALITY WILL BE MAINTAINED AT ALL TIMES BY THE PARTIES INVOLVED

## **APPENDIX 4**

### **Dear Doctor/Pharmacist Card**

*This should be printed on the back of Council's normal business card template and distributed to all staff for them to carry with them so they can discuss drug effects with their Doctor or Pharmacist.*

Dear Doctor/Pharmacist

The holder of this card may be subject to a drug screen as part of their employer's Fitness for Duty program. Can you please advise the holder if their medication(s) contain any of the following drug groups:

- Opiates (including codeine)
- Amphetamines (including pseudoephedrine)
- Benzodiazepines

## APPENDIX 5

	<b>Drug &amp; Alcohol Rehabilitation Plan - Confidential</b>
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The following Rehabilitation Plan has been developed for:

<b>Employee:</b>	<b>Phone:</b>
<b>Goal:</b> to present to work and during work to be in a fit state without impairment that would prevent them from being able to undertake their duties in a manner that is safe and to current legislation.	

<b>Current rehabilitation issues:</b> <i>can be what has been tested positive for, concerns or issues that they have with their addiction etc</i>
<b>Steps that have been agreed:</b> <i>for example, to take time off for an initial review of their addiction, factors affecting their addiction, make appointments with EAP provider, seek further counselling/intervention from organisations that may provide more specific addiction counselling such as alcoholic anonymous, a time frame for these steps to be commenced, review and completion</i>
<b>Agreed costs:</b> <i>what the council has agreed to fund, e.g fees for extra counselling above normal EAP sessions, type of leave to be accessed etc</i>
<b>Persons involved:</b> <i>who are the personnel involved with this rehabilitation plan that will have access to information contained, who can authorise (with the person's permission) additional persons etc</i>

<b>Comments:</b>

The following parties have agreed to the above Rehabilitation Plan:

Employee: \_\_\_\_\_ Date: / /

Supervisor/Manager: \_\_\_\_\_ Date: / /

HR Manager (or authorised HR representative): \_\_\_\_\_ Date: / /

Doctor (if applicable): \_\_\_\_\_ Date: / /



**Murrumbidgee**  
**COUNCIL**

## **DEVELOPMENT CONTRIBUTIONS PLAN**

**Section 7.12 Environmental  
Planning & Assessment Act  
1979**



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## 1. Administration & operation of the plan

### 1.1 What is the name of this development contributions plan?

This development contributions plan is called the *Murrumbidgee Council S7.12 Development Contributions Plan 2017* ("the development contributions plan").

### 1.2 Application of this development contributions plan

The development contributions plan applies to all land within the local government area of Murrumbidgee.

### 1.3 When does this development contributions plan commence?

The development contributions plan commences on 25 May 2017.

### 1.4 The purpose of this contributions plan

The primary purpose of the development contributions plan is:

- to authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a levy pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act); and
- to assist Murrumbidgee Council ("council") in providing the appropriate public facilities that are required to maintain and enhance amenity and service delivery within the Murrumbidgee local government area; and
- to publicly identify the purposes for which the levies are required; and
- to ensure Council's management of levies complies with relevant legislation, guidelines and practice notes.

### 1.5 When is the levy applicable?

The levy is applicable to applications for development consent and applications for complying development certificates under Part 4 of the EP&A Act, except where exempt under Section 1.7 below.

### 1.6 What is the levy amount?

The amount to be levied is:

- nil where the proposed cost of carrying out the development is \$100,000 or less; or
- 0.5% of the development cost where the proposed cost of carrying out the development is between \$100,000 and \$200,000; or
- 1.0% of development cost where the proposed cost of carrying out the development is more than \$200,000.

### 1.7 Are there any exemptions to the levy?

The following development is exempted from a levy under this development contributions plan:

- development where the proposed cost of carrying out the development is \$100,000 or less; or
- development for the purposes of a single dwelling house; or
- development for the purposes of creating disabled access; or
- affordable housing as defined by the EP&A Act; or
- seniors housing as defined by *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (other than self-contained dwellings forming part of seniors housing development); or
- works undertaken for charitable purposes or by a registered charity; or
- places of public worship, public hospitals and emergency services; or
- recreational facilities, community, cultural or educational facilities provided by or on behalf of the Council or another public authority; or

- development for the sole purpose of adaptive reuse of an item identified in Council's Heritage Schedule in the LEP or
- development exempted from Local Infrastructure Contributions by way of a Direction made by the Minister for Planning under section 7.17 of the EP&A Act; or
- development, apart from subdivision, where a condition of section 7.11 of the EP&A Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out

In addition, Council will not impose a levy in respect of development:

- for the sole purpose of *Building Code of Australia* Class 10 structures; or
- for which Council considers by formal ratification at a full Council meeting as an exemption. For such claims to be considered, any such development will need to include a comprehensive submission justifying the case for exemption.

### 1.8 Relationship with other plans and policies

The development contributions plan repeals the *Darlington Point Section 94 Plan*.

The development contributions plan supplements the provisions of the *Jerilderie Local Environmental Plan 2012*, *Murrumbidgee Local Environmental Plan 2013* and any amendment or local environmental plan/s which may supersede these plans.

Council may also levy contributions towards the provision of water and sewerage infrastructure, which are not part of this development contributions plan. Such contributions will be charged in accordance with the requirements of Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*.

### 1.9 Pooling of levies

The development contribution plan expressly authorises money obtained from section 7.12 levies paid for different purposes to be pooled and applied (progressively or otherwise) for the public facilities listed in the works program at Schedule 1 and in accordance with any staging set out in that Schedule.

### 1.10 Construction certificates and the obligation of accredited certifiers

In accordance with clause 146 of the *Environmental Planning and Assessment Regulation 2000* ("the EP&A Regulation"), a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

### 1.11 Complying development certificates and the obligations of accredited certifiers

In accordance with section 7.21(1) of the EP&A Act, a certifying authority (Council or an accredited certifier) must impose a condition requiring payment of the levy in accordance with the development contributions plan and which satisfies the following criteria:

- Pursuant to section 4.17(1) of the EP&A Act and the development contributions plan, a levy calculated in accordance with Section 1.12 below.
- The amount to be paid is to be adjusted in accordance with Section 1.15 below.

### 1.12 How will the levy be calculated?

The levy will be calculated as follows:

**Levy payable = L x \$C**

Where:

**L** is 0.005 where the cost of development is between \$100,001 and \$200,000 or 0.01 where the cost of development is more than \$200,000; and

**\$C** is the cost of carrying out the proposed development (calculated in accordance with Section 1.13 below).

### 1.13 How will the cost of carrying out the proposed development be calculated?

A development application or an application for complying development certificate must submit an estimated cost of development that has been calculated in accordance with clause 25J of the EP&A Regulation.

That clause provides as follows:

#### **25J Section 7.12 levy—determination of proposed cost of development**

- (1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 7.12 levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
  - (a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,
  - (b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
  - (c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.
- (2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.
- (3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:

- (a) the cost of the land on which the development is to be carried out,
  - (b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
  - (c) the costs associated with marketing or financing the development (including interest on any loans),
  - (d) the costs associated with legal work carried out or to be carried out in connection with the development,
  - (e) project management costs associated with the development,
  - (f) the cost of building insurance in respect of the development,
  - (g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
  - (h) the costs of commercial stock inventory,
  - (i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,
  - (j) the costs of enabling access by disabled persons in respect of the development,
  - (k) the costs of energy and water efficiency measures associated with the development,
  - (l) the cost of any development that is provided as affordable housing,
  - (m) the costs of any development that is the adaptive reuse of a heritage item.
- (4) The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.
  - (5) To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.

Without limitation to the above, Council may review the estimated cost of development and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant.

### 1.14 When is the levy payable?

A levy must be paid to council at the time specified in the condition on the development consent that imposes the levy. If no such time is specified, the levy must be paid prior to the issue of a construction certificate or complying development certificate.

### 1.15 How will the levy be adjusted?

Levies required as a condition of consent under the provisions of the development contributions plan will be adjusted at the time of payment in accordance with the following formula:

$$\text{Levy at time of payment} = \$L + \$A$$

Where:

**\$L** is the original levy as set out in the consent condition; and

**\$A** is the adjustment amount which is:

$$\frac{\$L \times (\text{Current Index} - \text{Base Index})}{\text{Base Index}}$$

where:

the **Current Index** is the most recent quarterly Consumer Price Index for Sydney as published by the Australian Bureau of Statistics (Ref:6401.0) at the time the levy is paid; and

the **Base Index** is the quarterly Consumer Price Index for Sydney as published by the Australian Bureau of Statistics (Ref:6401.0) for the period immediately prior to the date of the development consent.

Note: In the event that the Current Index is less than the Base Index, the contribution payable shall be that stated in the consent condition.

### 1.16 Can deferred or periodic payments be made?

Council does not allow deferred or periodic payment of levies authorised by the development contributions plan.

### 1.17 Refunds of levies

Council's policy is that there are generally no refunds of section 7.12 levy payments made under the development contributions plan.

Should someone seek a refund of levies, a formal request must be made in writing to council outlining the reasons for the requested refund.

### 1.18 Savings and transitional provisions

A development application which has been submitted prior to the adoption of the development contributions plan but not yet determined shall be determined in accordance with the provisions of the plan which applied at the date of making the application.

### 1.19 Accountability and access to information

Council is required to comply with a range of financial accountability and public access to information requirements in relation to community infrastructure contributions. These are addressed in Divisions 5 and 6 of Part 4 of the EP&A Regulation and include:

- maintenance of, and public access to, a levies register;
- maintenance of, and public access to, accounting records for contributions receipts and expenditure;
- annual financial reporting of levies; and
- public access to contributions plans and supporting documents.

These records are available for inspection free of charge at the Council's administration office.

## 2. Expected development & demand for public facilities

The relationship between expected development and the demand for public facilities is established through:

- population growth in parts of the local government area;
- the future population will require the provision of additional public facilities; and
- the future population will diminish the existing population's enjoyment and standards of public facilities unless additional facilities are provided.



Council is committed to providing the equitable distribution of public facilities for the benefit and well-being of all residents. Council's works program (Schedule 1) identifies the public amenities or services to be provided, recouped, extended or augmented by contribution monies derived by this plan.

This development contributions plan applies to all land within the local government area of Murrumbidgee. The levies will be used towards meeting the cost of provision or augmentation of public facilities that have been or will be provided across the entire local government area in accordance with the works program (Schedule 1).

Department of Planning (DoP) Circular PS 05-003 states that: there does not have to be a connection between the subject of the levy and the object any monies derived are spent on.

Accordingly, monies derived by this plan may be used to embellish public facilities in a location remote from that which the levy was derived (e.g. in another town).

### 3. Works program

The works program (Schedule 1) identifies the public facilities for which section 7.12 levies under the EP&A Act will be required.

Levies paid to council under a condition authorised by the development contributions plan will be applied towards meeting the cost of provision or augmentation of public facilities that have been or will be provided. Schedule 1 provides a summary of public facilities, which have been or will be provided by council over the next five years, as well as the estimated cost of provision and timing.

## 4. References

The following reference documents have been utilised in the preparation of the development contributions plan.

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- Department of Planning Circular PS 05-003: Changes to the Development Contributions System in NSW – June 2005
- *Jerilderie Local Environmental Plan 2012*
- *Murrumbidgee Local Environmental Plan 2013*

## 5. Dictionary

In this plan, unless the context or subject matter otherwise indicates or requires, the following definitions apply:

**Council** means Murrumbidgee Council

**Development contributions plan** means *Murrumbidgee Council S7.12 Development Contributions Plan 2017*

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2000*

**levy** means a financial contribution under section 7.12 of the EP&A Act authorised by the development contributions plan

**public facility** means a public amenity or public service

## Schedule 1 – Works Program

Public facilities to be funded/ embellished through S7.12 levies are listed in the following Schedule and their location identified on the associated map attached.

ITEM NO.	DESCRIPTION	ESTIMATED COST	ESTIMATED TIME FRAME	PRIORITY
<b>COMMUNITY FACILITIES</b>				
1	Monash Park Upgrades Jerilderie	\$232,000	2019/2020	Low
2	Complete Restoration of Police Stables Jerilderie	\$25,000	2018/2019	Medium
3	Upgrade Jerilderie Swimming Pool	\$1,800,000	2019/2020	Medium
4	Yamma Hall Upgrade	\$70,000	2018/2019	High
5	Upgrades to Lions Park Coleambally	\$35,000	2020/2021	Low
6	Upgrades to Lions Park Darlington Point	\$304,000	2020/2021	Low
7	Upgrade works to Willows Museum	\$120,000	2019/2020	Medium
8	Upgrade works to Coleambally Sports Precinct	\$1,000,000	2020/2021	Low
9	Upgrade works to Darlington Point Sports Grounds	\$1,000,000	2019/2020	Medium
10	Civic Hall Upgrade Jerilderie – Kitchen	\$175,000	2019/2020	Medium
11	Splash Park – Darlington Point	\$300,000	2020/2021	Low
12	Civic Hall Darlington Point Upgrades	\$250,000	2019/2020	Medium
13	Coleambally Community Hall Upgrades	\$185,000	2020/2021	Low
14	Jerilderie Medical Centre	\$300,000	2020/2021	Medium
<b>ROAD WORKS</b>				
1	Donald Ross Drive	\$1,200,000	2019/2020	Medium
2	Bencubbin Avenue	\$2,300,000	2018/2019	Medium
3	Harvey Wells Road	\$400,000	2019/2020	Low
4	Upgrade to Boyd Street Intersection	\$250,000	2017/2018	Medium
5	Upgrade works to Brolga Place	\$450,000	2018/2019	Medium
6	Morundah Road	\$557,000	2020/2021	Low
7	Greens Road	\$292,000	2020/2021	Low
8	Britts Road	\$300,000	2020/2021	Low

**EXTRACT - REPORT TO COUNCIL MEETING 25 MAY 2017**

**ITEM NO. 7 - DRAFT MURRUMBIDGEE COUNCIL DEVELOPER CONTRIBUTION PLAN**

**FILE: 04.25.17**

**FROM: DIRECTOR OF ENVIRONMENTAL SERVICES**

**BACKGROUND**

At the March 2017 meeting of Council, the following was resolved:

1. *That the Draft Murrumbidgee Council Developer Contribution Plan be placed on public exhibition for a period of at least 28 days in accordance with Section 26 of the Environmental Planning and Assessment Regulation 2000.*
2. *That at the end of the exhibition period the matter be reported back to Council for further consideration.*

The Contribution Plan was exhibited for a period of 28 days commencing on 29 March 2017. No submissions were received during the exhibition period.

**WHAT CAN THE LEVY MONEY BE USED FOR?**

The levy funds can be used towards the works listed in schedule 1 of the contribution plan. All items listed in schedule 1 must also be listed in the Long Term Financial Plan of the Council.

Items that can be included in schedule 1 include:

- Road works – upgrades
- Drainage works – upgrades
- Capital works to buildings
- Capital works to reserves

The levy money cannot be used for maintenance works or for water and sewer projects.

The schedule has been developed based on the current operational plan for Murrumbidgee Council and the former long term plans for Jerilderie and Murrumbidgee Shires.

The schedule will require review once the merged Long Term Financial Plan has been finalised.

**ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000**

Clause 31 of the Regulation requires the Council to approve the contribution plan. A copy of Clause 31 is provided below.

**31 Approval of contributions plan by Council** (cf clause 30 of EP&A Regulation 1994)



- (1) After considering any submissions about the draft contributions plan that have been duly made, the council:
  - (a) may approve the plan in the form in which it was publicly exhibited, or
  - (b) may approve the plan with such alterations as the council thinks fit, or
  - (c) may decide not to proceed with the plan.
- (2) The council must give public notice of its decision in a local newspaper within 28 days after the decision is made.
- (3) Notice of a decision not to proceed with a contributions plan must include the council's reasons for the decision.
- (4) A contributions plan comes into effect on the date that public notice of its approval is given in a local newspaper, or on a later date specified in the notice.

While reviewing the 2017/2018 Operational Plan it became apparent that there are a number of other works that could be included in schedule 1 of the plan.

These include:

- Upgrade to the Willows Museum Jerilderie
- Upgrade works to the Darlington Point Sports Grounds amenities
- Construction of a stadium for Coleambally sporting precinct.

In light of these additions it is recommended that Council approve the Murrumbidgee Council Developer Contribution Plan, Section 94A Environmental Planning and Assessment Act 1979 under clause 31 (1) (b) with amendments to schedule 1 to include further schedule projects.

## **RECOMMENDATION**

That:

1. Council approve the Murrumbidgee Council Developer Contribution Plan Section 94A Environmental Planning and Assessment Act 1979 under clause 31 (1) (b) with amendments to schedule 1 to include further scheduled projects;
2. Council decision be notified in the next issue of both local papers;
3. The notice include the reason for the variations to ensure the Plan matches the operation plan projects.

## **RESOLUTION**

**103/05/17 Resolved** (Mr Evans) that:

1. The Murrumbidgee Council Developer Contribution Plan Section 94A Environmental Planning and Assessment Act 1979 under clause 31 (1) (b) with amendments to schedule 1 to include further scheduled projects, be approved by Council;
2. The decision be notified in the next issue of both local papers;
3. The notice include the reason for the variations to ensure the Plan matches the operation plan projects.

# PLANNING circular

## PLANNING SYSTEM

Policy, Planning Systems and Reform

<b>Circular</b>	PS13-002
<b>Issued</b>	14 March 2013
<b>Related</b>	PS10-008

# Calculating the genuine estimated cost of development

This circular is to advise consent authorities, applicants and the community what costs associated with a development proposal are to be considered when calculating or providing genuine estimated costs of works under the *Environmental Planning and Assessment Regulation 2000* when charging development application fees.

## Introduction

Following an investigation, the Independent Commission Against Corruption recommended the NSW Department of Planning and Infrastructure issue a guideline that specifies what matters should be taken into consideration when calculating development application fees.

The purpose of this circular is to ensure greater consistency and reduce disputes about fees for development applications.

This circular applies to development application fees under Part 4 of the *Environmental Planning and Assessment Act 1979*, other than State significant development. It does not apply to the calculation of fees for complying development certificates, construction certificates or section 94A levies.

## Why are cost estimates required?

Development application (DA) fees are calculated by having regard to, among other things, the estimated cost of development.

Other fixed fees may also apply - for matters such as notification, external referrals, builders' long service leave levy and additional fees for designated development - however, these do not apply to every application and are not the focus of this circular.

It is important to note that capital investment value (CIV) - a threshold used in relation to development that is of state or regional significance - does not apply for the purpose of calculating an application fee for a Part 4 DA. For more information on CIV, refer to Planning Circular PS10-008.

## How are the fees for DAs calculated?

Clause 246B of the *Environmental Planning and Assessment Regulation 2000* (the Regulation) sets out how DA fees are calculated. That clause includes a table which specifies maximum fees for erecting buildings, carrying out works, and demolition. The maximum fee is based on the estimated cost of the proposed work(s).

The consent authority must determine the fee having regard to the genuine estimate of the cost provided by the applicant on the DA form. Clause 255 of the Regulation provides that the estimated cost is the estimated cost indicated in the DA unless the consent authority is satisfied that the cost indicated in the DA is neither genuine nor accurate.

It should be noted that the table in clause 246B specifies a maximum fee. The consent authority retains discretion whether to impose the maximum fee in the particular circumstances of the case.

## Who should estimate the costs of development prior to lodgement?

It is recommended that:

- for development up to \$100,000, the estimated cost be estimated by the applicant or a suitably qualified person<sup>1</sup>, with the methodology used to calculate that cost submitted with the DA.
- for development between \$100,000 and \$3 million, a suitably qualified person should

<sup>1</sup> A suitably qualified person is: a builder who is licensed to undertake the proposed works, a registered architect, a qualified and accredited building designer, a registered quantity surveyor or a person who is licensed and has the relevant qualifications and proven experience in costing of development works at least to a similar scale and type as is proposed.

prepare the cost estimate and submit it, along with the methodology, with the DA.

- for development more than \$3 million, a detailed cost report prepared by a registered quantity surveyor verifying the cost of the development should be submitted with the DA.

## What work is to be included in calculating a cost estimate?

Clause 255 of the Regulation specifies how the consent authority must make its determination about what fee is payable.

The consent authority must make its determination by reference to certain costs for certain types of development:

- For development involving erecting a building, the consent authority must consider:
  - the costs associated with constructing the building, and
  - the costs associated with preparing the building for the purpose for which it is to be used (such as the costs of plant, fittings, fixtures and equipment<sup>2</sup>.)
- For development involving carrying out a work the consent authority must consider the construction costs of the work
- For development involving demolition, the consent authority must consider the costs of demolition

If two or more fees are applicable to a single DA (such as an application to subdivide land and erect a building on one or more lots created by the subdivision), the maximum fee payable for the development is the sum of those fees (clause 254).

## Information to be provided as the basis for estimating costs

Schedule 1 of the Regulation specifies the information and documentation that is to accompany a DA. This includes the estimated cost of the development and a sketch of the development (see Schedule 1, Part 1 (1) (h) and (2) (1) (b) of the Regulation).

The sketch of the development should include, among other things, floor plans indicating an estimate of the gross floor area of the development (in square metres). The floor plans should also provide gross floor areas for each component of the development, including the floor areas of any decks, garages, driveways, retaining walls, landscaping and the like.

The estimated cost may be calculated based on:

1. a detailed estimate of cost based on individual components (**Attachment A - Table 1**), or
2. floor space estimates of construction and fit out (**Attachment A - Table 2**)

Tables 1 and 2 in Attachment A provide examples of the information to be provided with a DA. These may be adapted by the consent authority taking into consideration location specific costs and development types.

## Maximum fee—subdivision of land

Cost estimates do not apply to development involving subdividing land. Under clause 249, the maximum DA fee payable for development involving subdividing land is calculated as follows:

- subdivision (other than strata subdivision):
  - involving the opening of a public road, \$665, plus \$65 for each additional lot created by the subdivision, or
  - not involving the opening of a public road, \$330, plus \$53 for each additional lot created by the subdivision,
- strata subdivision, \$330, plus \$65 for each additional lot created by the subdivision.

For the purpose of determining fees, subdividing land refers to plans of subdivision and does not include subdivision work. Subdivision work is estimated in the same manner as for other development involving carrying out a work.

## Reviewing the estimated cost of development

The consent authority must accept the estimate of cost submitted with the DA unless it is satisfied that the estimate is neither genuine nor accurate.<sup>3</sup>

Please note that a person is guilty of an offence if the person makes any statement, knowing it to be false or misleading in an important respect, in or in connection with any document lodged with the Director-General or a consent authority or certifying authority for the purposes of the Act or the Regulation (cl.283 of the Regulation).

If the estimate provided is not considered genuine or accurate, the consent authority should check the appropriate floor area of the proposed development and multiply it by the unit cost for the component. If a proposed development includes decks, garages, driveways, retaining walls, landscaping and the like, they should be separately estimated and added to the total cost estimate. This will give an estimated cost for the purpose of determining the fee.

The consent authority should determine a measure for acceptable cost variation. For example, if the estimated cost of the development is within 10 per cent of the cost calculated by the consent authority, the stated estimate in the DA should be accepted. If the DA cost variation is more than 10 per cent, the consent authority may require the applicant to engage an independent quantity surveyor to review the cost estimates or the consent authority may undertake its own estimation.

<sup>2</sup> This includes the cost of the elements or items and the cost of installation.

<sup>3</sup> Clause 255 (2) EP&A Regulation 2000

Applicants and consent authorities should note that the estimated cost of development is intended to reflect the 'market cost' of building materials and labour involved in carrying out the development and may not accurately reflect the actual cost. This cost could be higher than the estimate if certain materials or products are unavailable. Similarly, the cost could be less than the estimate if the proponent uses cheaper materials or is able to source free labour.

## **Resources for estimating the cost of works**

It is recommended that the consent authority adopt a table of development costs. A template is provided at **Attachment B**. This could be made available on the relevant consent authority's website or attached to the DA form. The table should guide applicants and consent authorities in estimating the cost of work for the purposes of determining development application fees.

To determine appropriate cost rates for inclusion in a consent authority's table, references should be made to reliable cost indicators.

The Australian Institute of Quantity Surveyors provides technical guidance on estimating costs and methods of measurement in the Australian Cost Management Manuals. Private companies also periodically produce construction cost guides and software.

It should be noted that costs will vary depending on location and will also need to be updated on a regular basis to reflect changes in building costs over time.

## **Further Information**

For further information please contact the Department of Planning & Infrastructure's information centre on 1300 305 695.

Department of Planning & Infrastructure circulars are available from <http://www.planning.nsw.gov.au/circulars>

## **Authorised by:**

**Sam Haddad**  
**Director-General**

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**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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**Disclaimer:** While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

**ATTACHMENT A****ESTIMATED COST OF WORKS***(Model table - to be adapted by the consent authority)*

The genuine cost of the development proposed in a development application should include costs based on industry recognised prices, including cost for materials and labour for construction and/or demolition and GST. If the estimate is understated, the figure will need to be adjusted. Additional application fees may then be incurred.

Various commercial entities publish building and construction cost guides/calculators which can be referenced. The Australian Institute of Quantity Surveyors provides technical guidance on estimating costs and methods of measurement in the Australian Cost Management Manuals.

**1. GENERAL PROJECT INFORMATION**

<b>DEVELOPMENT APPLICATION</b>		
<b>APPLICANT'S NAME</b>		
<b>APPLICANT'S ADDRESS</b>		
<b>REFERENCE/ DA/CC number</b>		
<b>DATE:</b>		
<b>DEVELOPMENT NAME</b>		
<b>DEVELOPMENT ADDRESS</b>		
<b>DESCRIPTION OF WORKS</b>		
<b>TOTAL SITE AREA</b>	Gross floor area (commercial)	m <sup>2</sup>
	Gross floor area (residential)	m <sup>2</sup>
	Gross floor area (retail)	m <sup>2</sup>
	Gross floor area (industrial)	m <sup>2</sup>
	Gross floor area (other)	m <sup>2</sup>
<b>PARKING</b>	Gross floor area (parking)	m <sup>2</sup>
	Number of parking spaces	
<b>DEMOLITION WORKS</b>		m <sup>2</sup>
<b>OTHER WORKS</b>		

**2. ESTIMATED COST OF WORKS**

Please attach either Table 1 or Table 2 below. If the development is over \$3,000,000, a detailed cost report prepared by the registered quantity surveyor should be attached verifying the cost of the development.

**3. CERTIFICATION OF THE ESTIMATED COST OF WORKS**

I certify that:

- I have provided the estimated costs of the proposed development and that those costs are based on industry recognised prices; and
- the estimated costs have been prepared having regard to the matters set out in clause 255 of the *Environmental Planning and Assessment Regulation 2000*

**Signed:**

**Name:**

**Position:**

**Contact Number:**

**Contact Address:**

**Date:**

**Table 1: ESTIMATED COST OF WORKS - BASED ON WORKS COMPONENTS***(Model table - to be adapted by the consent authority)*

<b>Cost (applicant's genuine estimate)</b>	
Demolition works (including cost of removal from site and disposal)	\$
Site preparation (e.g. clearing vegetation, decontamination or remediation)	\$
Excavation or dredging including shoring, tanking, filling and waterproofing	\$
Preliminaries (e.g. scaffolding, hoarding, fencing, site sheds, delivery of materials, waste management)	\$
Building construction and engineering costs <ul style="list-style-type: none"> <li>concrete, brickwork, plastering</li> <li>steelwork/metal works</li> <li>carpentry/joinery</li> <li>windows and doors</li> <li>roofing</li> </ul>	\$
Internal services (e.g. plumbing, electrics, air conditioning, mechanical, fire protection, plant, lifts)	\$
Internal fit out (e.g. flooring, wall finishing, fittings, fixtures, bathrooms, and equipment)	\$
Other structures (e.g. landscaping, retaining walls, driveways, parking, boating facilities, loading area, pools)	\$
External services (e.g. gas, telecommunications, water, sewerage, drains, electricity to mains)	\$
Professional fees (e.g. architects and consultant fees, excluding fees associated with non-construction components)	\$
Other (specify)	\$
Parking / garaging area	\$
GST	\$
<b>TOTAL</b>	<b>\$</b>

**OR****Table 2: ESTIMATED COST OF WORKS - BASED ON FLOOR SPACE ESTIMATES***(Model table - to be adapted by the Consent Authority)*

			Costs
PROFESSIONAL FEES	% of construction cost	%	\$
	% of development cost	%	
	total cost		
DEMOLITION & SITE PREPARATION	x/m <sup>2</sup> of site area	\$	\$
	total construction cost		
EXCAVATION	x/m <sup>2</sup> of site area	\$	\$
	volume of material removed		
	total construction cost		
CONSTRUCTION Commercial	x/m <sup>2</sup> of commercial area	\$	\$
	total construction cost		
CONSTRUCTION Residential	x/m <sup>2</sup> of residential area	\$	\$
	total construction cost		
CONSTRUCTION Retail	x/m <sup>2</sup> of retail area	\$	\$
	total construction cost		
CONSTRUCTION Industrial	x/m <sup>2</sup> of commercial area	\$	\$
	total construction cost		
CONSTRUCTION other	x/m <sup>2</sup> of commercial area	\$	\$
	total construction cost		
FITOUT Commercial	x/m <sup>2</sup> of commercial area	\$	\$
	total construction cost		
FITOUT Residential	x/m <sup>2</sup> of residential area	\$	\$
	total construction cost		
FITOUT Retail	x/m <sup>2</sup> of retail area	\$	\$
	total construction cost		
FITOUT Industrial	x/m <sup>2</sup> of industrial area	\$	\$
	total construction cost		
FITOUT Other	x/m <sup>2</sup> of retail area	\$	\$
	total construction cost		
CARPARK	x per space	\$	\$
	x/m <sup>2</sup> of parking area	\$	
	total construction cost		
<b>TOTAL CONSTRUCTION COST</b>			<b>\$</b>
<b>TOTAL GST</b>			<b>\$</b>
<b>TOTAL DEVELOPMENT COST</b>			<b>\$</b>

## ATTACHMENT B

## EXAMPLE OF INDICATIVE WORKS FOR DEVELOPMENT AND CONSTRUCTION PROPOSALS

*(Table to be adapted by the consent authority)*

	Type	Rate by m <sup>2</sup> floor area or as indicated
<b>RESIDENTIAL DEVELOPMENT</b>		
<b>Multi Residential Housing</b>		
Townhouse		\$ x/ m <sup>2</sup>
Villas		\$ x/ m <sup>2</sup>
Undercover Parking	Ground floor	\$ x per space
<b>Dwellings</b>		
Small Lot Housing	1 storey	\$ x/ m <sup>2</sup>
Dual Occupancy	1 & 2 storey	\$ x/ m <sup>2</sup>
Project Home	1 & 2 storey	\$ x/ m <sup>2</sup>
Architectural Design	1 storey	\$ x/ m <sup>2</sup>
Architectural Design	More than 1 storey	\$ x/ m <sup>2</sup>
Additions	Ground floor – Timber	\$ x/ m <sup>2</sup>
Additions	Ground floor – Brick Veneer	\$ x/ m <sup>2</sup>
Additions	First floor	\$ x/ m <sup>2</sup>
<b>Decks /Pergolas</b>		
Deck	Unroofed	\$ x/ m <sup>2</sup>
Deck	Roofed	\$ x/ m <sup>2</sup>
Pergola	Unroofed	\$ x/ m <sup>2</sup>
<b>Garages</b>		
Garages	Metal (kit)	\$ x/ m <sup>2</sup>
Garages	Cladded timber frame	\$ x/ m <sup>2</sup>
Garages	Brick	\$ x/ m <sup>2</sup>
<b>Carports</b>		
Carports	No new slab	\$ x/ m <sup>2</sup>
Carports	New slab	\$ x/ m <sup>2</sup>
<b>Retaining Walls</b>		
Retaining Walls	Brick (1m high)	\$x/ linear metre
Retaining Walls	Block/treated pine (1m high)	\$x/ linear metre
<b>Front Fence</b>		
Front Fence	Face brick with inserted panels	\$ x/ linear metre
Front Fence	Brushwood 1.8m high	\$ x/ linear metre
Front Fence	Pool type 1.5m high	\$ x/ linear metre
Front Fence	Colorbond 1.8m high	\$ x/linear metre
<b>Pools</b>		
In Ground Pool <40 m <sup>2</sup>	Concrete	\$ x complete
In Ground Pool <40 m <sup>2</sup>	Fibreglass	\$ x complete
Above Ground Pool <40 m <sup>2</sup>	Vinyl	\$ x complete
<b>COMMERCIAL &amp; INDUSTRIAL</b>		
Offices	1-3 storeys	\$ x/ m <sup>2</sup>
Offices	4+ storeys	\$ x/ m <sup>2</sup>
Shops		\$ x/ m <sup>2</sup>
Supermarkets		\$ x/ m <sup>2</sup>
Department Stores		\$ x/ m <sup>2</sup>
Shopping Complex		\$ x/ m <sup>2</sup>
Cinemas		\$ x per seat
Service Stations		\$ x/ m <sup>2</sup>
<b>Parking Areas</b>		
Car park	Open (bitumen)	\$ x/m <sup>2</sup>
Car park	Undercover (no ventilation)	\$ x per space
Car park	Undercover (ventilated)	\$ x per space
<b>Hotels, Motels, Clubs</b>		
Hotel/Motel/Club	1 & 2 storey	\$ x/ m <sup>2</sup>
Hotel/Motel/Club	3 + storeys	\$ x/ m <sup>2</sup>
<b>Health Care Building</b>		
Hospital	1 storey	\$ x/ m <sup>2</sup>
Hospital	Multi storey	\$ x/ m <sup>2</sup>
Medical Centre	1 storey	\$ x/ m <sup>2</sup>
Nursing Home	1 storey	\$ x/ m <sup>2</sup>

<b>Education Facility</b>		
Primary/High School		\$ x/ m <sup>2</sup>
Technical College		\$ x/ m <sup>2</sup>
<b>Industrial</b>		
Factory/Warehouse	Precast concrete <1000m <sup>2</sup>	\$ x/ m <sup>2</sup>
Factory/Warehouse	Precast concrete >2000m <sup>2</sup>	\$ x/ m <sup>2</sup>
Factory/Warehouse	Metal Walls <1000m <sup>2</sup>	\$ x/ m <sup>2</sup>
Factory/Warehouse	Metal Walls > 1000m <sup>2</sup>	\$ x/ m <sup>2</sup>



### **7.11 Contribution towards provision or improvement of amenities or services**

(cf previous s 94)

- (1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring—
  - (a) the dedication of land free of cost, or
  - (b) the payment of a monetary contribution,or both.
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.
- (3) If—
  - (a) a consent authority has, at any time, whether before or after the date of commencement of this Part, provided public amenities or public services within the area in preparation for or to facilitate the carrying out of development in the area, and
  - (b) development for which development consent is sought will, if carried out, benefit from the provision of those public amenities or public services,the consent authority may grant the development consent subject to a condition requiring the payment of a monetary contribution towards recoupment of the cost of providing the public amenities or public services (being the cost as indexed in accordance with the regulations).
- (4) A condition referred to in subsection (3) may be imposed only to require a reasonable contribution towards recoupment of the cost concerned.
- (5) The consent authority may accept—
  - (a) the dedication of land in part or full satisfaction of a condition imposed in accordance with subsection (3), or
  - (b) the provision of a material public benefit (other than the dedication of land or the payment of a monetary contribution) in part or full satisfaction of a condition imposed in accordance with subsection (1) or (3).
- (6) If a consent authority proposes to impose a condition in accordance with subsection (1) or (3) in respect of development, the consent authority must take into consideration any land, money or other material public benefit that the applicant has elsewhere dedicated or provided free of cost within the area (or any adjoining area) or previously paid to the consent authority, other than—
  - (a) a benefit provided as a condition of the grant of development consent under this Act, or
  - (b) a benefit excluded from consideration under section 7.4(6).
- (7) If—
  - (a) a condition imposed under subsection (1) or (3) in relation to development has been complied with, and
  - (b) a public authority would, but for this subsection, be entitled under any other Act to require, in relation to or in connection with that development, a dedication of land or payment of money in respect of the provision of public amenities or public services or both,

then, despite that other Act, compliance with the condition referred to in paragraph (a) is taken to have satisfied the requirement referred to in paragraph (b) to the extent of the value (determined, if the regulations so provide, in accordance with the regulations) of the land dedicated or the amount of money paid in compliance with the condition.

#### **7.12 Fixed development consent levies**

(cf previous s 94A)

- (1) A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.
- (2) A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 7.11.
- (2A) A consent authority cannot impose a condition under this section in relation to development on land within a special contributions area without the approval of—
  - (a) the Minister, or
  - (b) a development corporation designated by the Minister to give approvals under this subsection.
- (3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.
- (4) A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition.
- (5) The regulations may make provision for or with respect to levies under this section, including—
  - (a) the means by which the proposed cost of carrying out development is to be estimated or determined, and
  - (b) the maximum percentage of a levy.

#### **7.13 Section 7.11 or 7.12 conditions subject to contributions plan**

(cf previous s 94B)

- (1) A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).
- (2) However, in the case of a consent authority other than a council—
  - (a) the consent authority may impose a condition under section 7.11 or 7.12 even though it is not authorised (or of a kind allowed) by, or is not determined in accordance with, a contributions plan, but
  - (b) the consent authority must, before imposing the condition, have regard to any contributions plan that applies to the whole or any part of the area in which development is to be carried out.
- (3) A condition under section 7.11 that is of a kind allowed by a contributions plan (or a direction of the Minister under this Division) may be disallowed or amended by the Court on appeal

because it is unreasonable in the particular circumstances of that case, even if it was determined in accordance with the relevant contributions plan (or direction). This subsection does not authorise the Court to disallow or amend the contributions plan or direction.

- (4) A condition under section 7.12 that is of a kind allowed by, and determined in accordance with, a contributions plan (or a direction of the Minister under this Division) may not be disallowed or amended by the Court on appeal.



# Community Participation Plan (CPP)

	<b>Name</b>	<b>Position</b>	<b>Signature</b>	<b>Date</b>
Responsible Manager	<b>Kelly Tyson</b>	<b>Manager Planning &amp; Environment</b>		
Authorised By	<b>John Scarce</b>	<b>General Manager</b>		

<b>Document Revision History</b>	
Date Adopted by Council:	
Minute No:	
Revision No:	
Previous Revisions:	N/A
Next Review Date:	
Review Date:	
Minute Number:	
Review Date:	
Minute Number:	

September 2019

# 1. Community participation in the planning system

## 1.1 What is our community participation plan?

Community participation is an overarching term covering how we engage the community in our work under the Environmental Planning & Assessment Act 1979 (EP&A Act), including legislative reform, plan making and making decisions on proposed development. Our CPP is designed to make it clearer for the community to understand how to participate in planning matters within Murrumbidgee Council.

The level and extent of community participation will vary depending on the community, the nature of the proposal under consideration and potential impacts of the decision. The community includes anyone who is affected by planning in Murrumbidgee Council.

This CPP also establishes our community participation objectives which we use to guide our approach to community engagement.

<b>Table 1: What functions does the community participation plan apply to?</b>	
<b>Plan making and strategic planning</b>	Including amendments to or the creation of strategic planning statements or strategies, planning proposals to amend the local environmental plan, updates to the development control plan or contribution plan.
<b>Development Applications – assessing plans for individual sites.</b>	When making decisions on a proposed development or planning enquiry/proposal, consideration is given to whether proposals are in accordance with plans, applicable policies and guidelines developed by Murrumbidgee Council or the Department of Planning, Industry & Environment (DPIE).

## 1.2 Who does this Community Participation Plan apply to?

Our CPP is a requirement of the EP&A Act (see division 2.6 and Schedule 1 of the EP&A Act) and applies to the exercise of planning functions undertaken by Murrumbidgee Council.

# 2. How can the community participate in the planning system?

## 2.1 Our community participation objectives are to:

- (a) ensure our communities are able to input into planning decisions that affect them;
- (b) promote awareness in the community about planning matters including development proposals;
- (c) promote transparency and accountability to ensure planning decisions are based on best practice, are defensible and are in accordance with statutory requirements; and to
- (d) ensure that Council in making planning and development decisions are open, transparent, equitable and inclusive.

### 3. What is the role of exhibitions in the planning system?

Opportunities to participate in the planning and assessment process will respond to the nature, scale and likely impact of the proposal or project being considered or assessed. A regular and valuable way for the communities to participate in the planning system is by making a submission on a proposal during the formal exhibition period. Submissions can highlight positive aspects of a plan to be encouraged or raise areas of concern that may require further attention. You can also provide us with feedback at any time.

#### 3.1 Exhibitions

A key technique we use to encourage community participation is formal exhibitions. During an exhibition we make available relevant documents that may include a proposed development that we are seeking community input on. In reaching decisions on proposals that have been exhibited, the Council balance's a wide range of factors to ensure that decisions are in the public interest. This includes considering the objects of the EP&A Act, the strategic priorities of the Government, the community's input, the land use priorities identified in strategic plans and applicable policies and guidelines.

#### 3.2 When and how to make a submission

The following table outlines the types of plans or development applications that submissions are open for and how to go about making a submission.

<b>Public exhibition - for plan making, ie a strategy or planning proposal</b>  As a minimum, exhibition material will be provided on Murrumbidgee Council's "Documents on Exhibition" webpage, and at the Coleambally, Darlington Point and Jerilderie Offices. Written notice will also be provided to key landowners and affected neighbours in accordance with Council Policy or Development Control Plan.	<b>How to make a submission</b>  Submissions can be made in writing or emailed to <a href="mailto:mail@murrumbidgee.nsw.gov.au">mail@murrumbidgee.nsw.gov.au</a> by 5pm on the nominated closing date for submissions. Details will be made available on the notification material. All submissions will be made public.
<b>Public exhibition – for development applications</b> Depending on the type of development and likely impacts, notification may include: <ul style="list-style-type: none"><li>• An email or letter to affected neighbours</li><li>• Advertisement in the local newspaper</li><li>• Exhibition material provided on Murrumbidgee Council's "Documents on Exhibition" webpage and at the Coleambally, Darlington Point and Jerilderie Offices</li></ul>	<b>How to make a submission</b>  After viewing the information provided on Murrumbidgee Council's website (see development Applications on Exhibition) or viewing at one of our offices. If you have an interest in or think you may be affected by the development, you can make a submission to Council. Submissions should be sent to <a href="mailto:mail@murrumbidgee.nsw.gov.au">mail@murrumbidgee.nsw.gov.au</a> by 5pm on the nominated closing date for submissions.  Persons wishing to obtain more information about any application can contact Council by emailing <a href="mailto:mail@murrumbidgee.nsw.gov.au">mail@murrumbidgee.nsw.gov.au</a> or by phoning 1300 676243 during business hours.  Any objection must clearly specify the grounds of objection and the reasons. Council will consider the

	<p>merits of an objection in accordance with statutory requirements.</p> <p>Submissions must be in writing either by email or letter and submitted within the exhibition period. The submission must clearly identify the subject property and also include the name and contact details of the author.</p> <p>All submissions will be made public unless a specific request for confidentiality is made where names and addresses will be redacted.</p>
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Types of advertised development applications include:

- Removal, demolition or alteration of a heritage item or properties within a heritage conservation area
- Integrated development
- Designated development

Some of the issues that can be considered relate to the following matters:

- Overshadowing
- Privacy
- Traffic and access
- Public interest
- Visual impacts
- Noise, odour or other pollution
- Stormwater and drainage issues

### 3.3 Exhibition timeframes

<b>Mandatory minimum exhibition timeframes</b>	
<b>Draft Community Participation Plan</b>	28 days
<b>Draft Local Strategic Planning Statements</b>	28 days
<b>Draft Regional Strategic Plans</b>	45 days
<b>Planning proposals for local environmental plans subject to a gateway determination</b>	28 days or as specified by the gateway determination which may find, due to the minor nature of the proposal, that no public exhibition is required
<b>Draft development control plans</b>	28 days

<b>Draft contribution plans</b>	28 days
<b>Application for development consent in the following instances:</b> <ul style="list-style-type: none"> <li>Where a variation to a development standard is proposed in accordance with Clause 4.6 of the Local Environmental Plan</li> <li>Where a variation is proposed to a prescribed standard in the Development Control Plan or Council Policy.</li> <li>Where the development is defined as hazardous or offensive in accordance with State Environmental Planning Policy No. 33 – Hazardous and Offensive Development.</li> <li>Where the development is proposed by Council or on land in the care and control of Council.</li> </ul> <p>Any other occasion where Council feels that the public interest might be compromised or where impacts of a proposal warrant public notification.</p>	14 days
<b>Application for development consent for:</b> <ul style="list-style-type: none"> <li>designated development</li> <li>integrated development</li> </ul>	28 days
<b>Application for modification of development consent that is required to be publicly exhibited by the regulations</b>	Up to 14 days based on scale and nature of the proposal
<b>Environmental impact statement obtained under Division 5.1</b>	28 days

<b>Non-mandatory exhibition timeframes</b>	
<b>Draft Legislation, regulation, policies and guidelines</b>	28 days based on the urgency, scale and nature of the proposal
<b>State Environmental Planning Policies (SEPPs)</b>	Discretionary based on the urgency, scale and nature of the proposal



### **3.4 Key points to note about public exhibitions**

- A public authority is not required to make available for public inspection any part of an environmental impact statement whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason.
- Timeframes are in calendar days and include weekends.
- If the exhibition period is due to close on a weekend or a public holiday, we may extend the exhibition to finish on the first available work day.
- The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.
- Any material submitted with a development proposal shall be treat as a public document and not intellectual property.

DRAFT

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**

**STATEMENT OF FINANCIAL PERFORMANCE-CONSOLIDATED**

	<b>Original Estimate</b>	<b>Projected to 30/6/20</b>
<b>Revenues from Ordinary Activities</b>		
Rates & Annual Charges	5,762,477	5,762,477
User Charges & Fees	2,703,324	2,683,324
Investment Revenues	552,768	552,768
Grants & Contributions	12,008,664	17,225,690
Other Revenues	459,734	459,734
Profit from Disposal of Assets	30,000	30,000
<b>Total Revenues from Ordinary Activities</b>	<b>21,516,967</b>	<b>26,713,993</b>
<b>Expenses from Ordinary Activities</b>		
Employee Costs	7,769,348	7,769,348
Materials & Contracts	2,819,033	3,485,105
Borrowing Costs	8,655	8,655
Depreciation & Amortisation	5,705,529	5,705,529
Other Expenses	1,704,511	1,720,679
Loss from Disposal of Assets	30,000	30,000
<b>Total Expenses from Ordinary Activities</b>	<b>18,037,076</b>	<b>18,719,316</b>
<b>Surplus/(Deficit) from Ordinary Activities</b>	<b>3,479,891</b>	<b>7,994,677</b>
Capital Grants & Contributions	5,283,165	8,379,307
<b>Surplus/(Deficit) from Ordinary Activities before Capital Grants</b>	<b>(1,803,274)</b>	<b>(384,630)</b>

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**

**STATEMENT OF FINANCIAL PERFORMANCE-WATER SUPPLY**

	<b>Original Estimate</b>	<b>Projected to 30/6/20</b>
<b>Revenues from Ordinary Activities</b>		
Rates & Annual Charges	619,747	619,747
User Charges & Fees	575,207	575,207
Investment Revenues	48,158	48,158
Grants & Contributions	3,013,149	3,013,149
Other Revenues	4,191	4,191
Profit from Disposal of Assets		
<b>Total Revenues from Ordinary Activities</b>	<b>4,260,452</b>	<b>4,260,452</b>
<b>Expenses from Ordinary Activities</b>		
Employee Costs	125,500	125,500
Materials & Contracts	544,974	544,974
Borrowing Costs	0	0
Depreciation & Amortisation	299,100	299,100
Other Expenses	199,167	199,167
Loss from Disposal of Assets		
<b>Total Expenses from Ordinary Activities</b>	<b>1,168,741</b>	<b>1,168,741</b>
<b>Surplus/(Deficit) from Ordinary Activities</b>	<b>3,091,711</b>	<b>3,091,711</b>
Capital Grants & Contributions	3,000,000	3,000,000
<b>Surplus/(Deficit) from Ordinary Activities before Capital Grants</b>	<b>91,711</b>	<b>91,711</b>

# Murrumbidgee Council

## Quarterly Budget Review as at 30 September 2019

### STATEMENT OF FINANCIAL PERFORMANCE-SEWER SERVICES

	Original Estimate	Projected to 30/6/20
<b>Revenues from Ordinary Activities</b>		
Rates & Annual Charges	553,036	553,036
User Charges & Fees	26,456	26,456
Investment Revenues	138,247	138,247
Grants & Contributions	13,458	13,458
Other Revenues	1,430	1,430
Profit from Disposal of Assets		
<b>Total Revenues from Ordinary Activities</b>	<u>732,627</u>	<u>732,627</u>
<b>Expenses from Ordinary Activities</b>		
Employee Costs	107,000	107,000
Materials & Contracts	221,815	221,815
Borrowing Costs	0	0
Depreciation & Amortisation	283,400	283,400
Other Expenses	96,716	96,716
Loss from Disposal of Assets		
<b>Total Expenses from Ordinary Activities</b>	<u>708,931</u>	<u>708,931</u>
<b>Surplus/(Deficit) from Ordinary Activities</b>	<u>23,696</u>	<u>23,696</u>
Capital Grants & Contributions		
Surplus/(Deficit) from Ordinary Activities before Capital Grants	23,696	23,696

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**

**STATEMENT OF FINANCIAL PERFORMANCE-GENERAL FUND**

	<b>Original Estimate</b>	<b>Projected to 30/6/20</b>
<b>Revenues from Ordinary Activities</b>		
Rates & Annual Charges	4,589,694	4,589,694
User Charges & Fees	2,101,661	2,081,661
Investment Revenues	366,363	366,363
Grants & Contributions	8,982,057	14,199,083
Other Revenues	454,113	454,113
Profit from Disposal of Assets	30,000	30,000
<b>Total Revenues from Ordinary Activities</b>	<b>16,523,888</b>	<b>21,720,914</b>
<b>Expenses from Ordinary Activities</b>		
Employee Costs	7,536,848	7,536,848
Materials & Contracts	2,052,244	2,718,316
Borrowing Costs	8,655	8,655
Depreciation & Amortisation	5,123,029	5,123,029
Other Expenses	1,408,628	1,424,796
Loss from Disposal of Assets	30,000	30,000
<b>Total Expenses from Ordinary Activities</b>	<b>16,159,404</b>	<b>16,841,644</b>
<b>Surplus/(Deficit) from Ordinary Activities</b>	<b>364,484</b>	<b>4,879,270</b>
Capital Grants & Contributions	2,283,165	5,379,307
<b>Surplus/(Deficit) from Ordinary Activities before Capital Grants</b>	<b>(1,918,681)</b>	<b>(500,037)</b>

## **FORECAST BALANCE SHEET - Consolidated**

	Proposed for 30/6/20 as at	
	<b>2019/20</b>	<b>30/09/2019</b>
<b>CURRENT ASSETS</b>		
Cash & cash equivalents/Investments	14593	1812
Cash/Investments - Externally Restricted	4922	4922
Receivables	2087	2087
Receivables - Externally Restricted	321	321
Inventories	3118	3118
Inventories - Externally Restricted (Water Fund)	25	25
Inventories - Realisable > 12 months	0	0
Other	0	0
Non-current assets held for sale		
<b>TOTAL CURRENT ASSETS</b>	<b>25066</b>	<b>12285</b>
<b>NON-CURRENT ASSETS</b>		
Receivables	5	5
Inventories	700	700
Infrastructure, Property, Plant & Equipment	275376	292672
Equity accounted investments		
Investment Property		
Intangible Assets	313	313
Other		
<b>TOTAL NON-CURRENT ASSETS</b>	<b>276394</b>	<b>293690</b>
<b>TOTAL ASSETS</b>	<b>301460</b>	<b>305975</b>
<b>CURRENT LIABILITIES</b>		
Payables	1320	1320
Borrowings	41	41
Provisions - Payable > 12 months	0	0
Provisions	2800	2800
<b>TOTAL CURRENT LIABILITIES</b>	<b>4161</b>	<b>4161</b>
<b>NON-CURRENT LIABILITIES</b>		
Payables		
Borrowings	0	0
Provisions	70	70
<b>TOTAL NON CURRENT LIABILITIES</b>	<b>70</b>	<b>70</b>
<b>TOTAL LIABILITIES</b>	<b>4231</b>	<b>4231</b>
<b>NET ASSETS</b>	<b>297229</b>	<b>301744</b>
<b>EQUITY</b>		
Accumulated Surplus	292986	297501
Revaluation Reserves	4243	4243
Council Equity Interest	297229	301744
Minority Equity Interest		
<b>TOTAL EQUITY</b>	<b>297229</b>	<b>301744</b>

## **FORECAST BALANCE SHEET - Water Fund**

	Proposed for 30/6/20 as at	
	<b>2019/20</b>	<b>30/09/2019</b>
<b>CURRENT ASSETS</b>		
Cash & cash equivalents/Investments	1604	1604
Cash/Investments - Externally Restricted		
Receivables	223	223
Receivables - Externally Restricted		
Inventories	25	25
Inventories - Externally Restricted (Water Fund)		
Inventories - Realisable > 12 months		
Other		
Non-current assets held for sale		
<b>TOTAL CURRENT ASSETS</b>	<b>1852</b>	<b>1852</b>
<b>NON-CURRENT ASSETS</b>		
Receivables		
Inventories		
Infrastructure, Property, Plant & Equipment	12286	12286
Equity accounted investments		
Investment Property		
Intangible Assets	210	210
Other		
<b>TOTAL NON-CURRENT ASSETS</b>	<b>12496</b>	<b>12496</b>
<b>TOTAL ASSETS</b>	<b>14348</b>	<b>14348</b>
<b>CURRENT LIABILITIES</b>		
Payables		
Borrowings		
Provisions - Payable > 12 months		
Provisions		
<b>TOTAL CURRENT LIABILITIES</b>	<b>0</b>	<b>0</b>
<b>NON-CURRENT LIABILITIES</b>		
Payables		
Borrowings		
Provisions		
<b>TOTAL NON CURRENT LIABILITIES</b>	<b>0</b>	<b>0</b>
<b>TOTAL LIABILITIES</b>	<b>0</b>	<b>0</b>
<b>NET ASSETS</b>	<b>14348</b>	<b>14348</b>
<b>EQUITY</b>		
Accumulated Surplus	14168	14168
Revaluation Reserves	180	180
Council Equity Interest	14348	14348
Minority Equity Interest		
<b>TOTAL EQUITY</b>	<b>14348</b>	<b>14348</b>

## **FORECAST BALANCE SHEET - Sewer Fund**

	Proposed for 30/6/20 as at	
	<b>2019/20</b>	<b>30/09/2019</b>
<b>CURRENT ASSETS</b>		
Cash & cash equivalents/Investments	3318	3318
Cash/Investments - Externally Restricted		
Receivables	98	98
Receivables - Externally Restricted		
Inventories		
Inventories - Externally Restricted (Water Fund)		
Inventories - Realisable > 12 months		
Other	25	25
Non-current assets held for sale		
<b>TOTAL CURRENT ASSETS</b>	<b>3441</b>	<b>3441</b>
<b>NON-CURRENT ASSETS</b>		
Receivables		
Inventories		
Infrastructure, Property, Plant & Equipment	10736	10736
Equity accounted investments		
Investment Property		
Intangible Assets		
Other	69	69
<b>TOTAL NON-CURRENT ASSETS</b>	<b>10805</b>	<b>10805</b>
<b>TOTAL ASSETS</b>	<b>14246</b>	<b>14246</b>
<b>CURRENT LIABILITIES</b>		
Payables		
Borrowings		
Provisions - Payable > 12 months		
Provisions		
<b>TOTAL CURRENT LIABILITIES</b>	<b>0</b>	<b>0</b>
<b>NON-CURRENT LIABILITIES</b>		
Payables		
Borrowings		
Provisions		
<b>TOTAL NON CURRENT LIABILITIES</b>	<b>0</b>	<b>0</b>
<b>TOTAL LIABILITIES</b>	<b>0</b>	<b>0</b>
<b>NET ASSETS</b>	<b>14246</b>	<b>14246</b>
<b>EQUITY</b>		
Accumulated Surplus	14040	14040
Revaluation Reserves	206	206
Council Equity Interest	14246	14246
Minority Equity Interest		
<b>TOTAL EQUITY</b>	<b>14246</b>	<b>14246</b>



## **FORECAST BALANCE SHEET - General Fund**

	Proposed for 30/6/20 as at	
	<b>2019/20</b>	<b>30/09/2019</b>
<b>CURRENT ASSETS</b>		
Cash & cash equivalents/Investments	14593	1812
Cash/Investments - Externally Restricted		
Receivables	2087	2087
Receivables - Externally Restricted		
Inventories	3118	3118
Inventories - Externally Restricted (Water Fund)		
Inventories - Realisable > 12 months		
Other		
Non-current assets held for sale		
<b>TOTAL CURRENT ASSETS</b>	<b>19798</b>	<b>7017</b>
<b>NON-CURRENT ASSETS</b>		
Receivables	5	5
Inventories	700	700
Infrastructure, Property, Plant & Equipment	252354	269,650
Equity accounted investments		
Investment Property		
Intangible Assets	103	103
Other		
<b>TOTAL NON-CURRENT ASSETS</b>	<b>253162</b>	<b>270458</b>
<b>TOTAL ASSETS</b>	<b>272960</b>	<b>277475</b>
<b>CURRENT LIABILITIES</b>		
Payables	1320	1320
Borrowings	66	66
Provisions - Payable > 12 months		
Provisions	2800	2800
<b>TOTAL CURRENT LIABILITIES</b>	<b>4186</b>	<b>4186</b>
<b>NON-CURRENT LIABILITIES</b>		
Payables		
Borrowings	69	69
Provisions	70	70
<b>TOTAL NON CURRENT LIABILITIES</b>	<b>139</b>	<b>139</b>
<b>TOTAL LIABILITIES</b>	<b>4325</b>	<b>4325</b>
<b>NET ASSETS</b>	<b>268635</b>	<b>273150</b>
<b>EQUITY</b>		
Accumulated Surplus	264778	269293
Revaluation Reserves	3857	3857
Council Equity Interest	268635	273150
Minority Equity Interest		
<b>TOTAL EQUITY</b>	<b>268635</b>	<b>273150</b>

# **FORECAST STATEMENT OF CASH FLOWS - CONSOLIDATED**

	Original Estimate	As at 30/6/20
<b>Cash Flows from Operating Activities</b>		
<u>Receipts</u>		
Rates & Annual Charges	5,762,477	5,762,477
User Charges & Fees	2,703,324	2,683,324
Interest Received	552,768	552,768
Grants & Contributions	12,008,664	17,225,690
Other Operating Receipts	459,734	459,734
<u>Payments</u>		
Employee Costs	-7,769,348	-7,769,348
Materials & Contracts	-2,819,033	-3,485,105
Borrowing Costs	-8,655	-8,655
Other Operating Payments	-1,704,511	-1,720,679
<b>Net cash provided by (or used in) Operating Activities</b>	<b>9,185,420</b>	<b>13,700,206</b>
<b>Cash Flows from Investing Activities</b>		
<u>Receipts</u>		
Proceeds from sale of Property Plant & Equipment	936,000	936,000
Proceeds from sale of Real Estate	100,000	100,000
<u>Payments</u>		
Purchase of Property Plant & Equipment	-14,901,430	-32,197,168
Provision of Advances & Mortgages	0	0
<b>Net cash provided by (or used in) Investing Activities</b>	<b>-13,865,430</b>	<b>-31,161,168</b>
<b>Cash Flows from Financing Activities</b>		
<u>Receipts</u>		
Proceeds from Borrowings & Advances	25,000	25,000
<u>Payments</u>		
Repayments of borrowings & advances	-84,053	-84,053
<b>Net cash provided by (or used in) Financing Activities</b>	<b>-59,053</b>	<b>-59,053</b>
<b>Net Increase (Decrease) in cash held</b>	<b>-4,739,063</b>	<b>-17,520,015</b>
Cash Assets at beginning of reporting period	24,253,791	24,253,791
<b>Cash Assets at end of reporting period</b>	<b>19,514,728</b>	<b>6,733,776</b>

# **FORECAST STATEMENT OF CASH FLOWS - WATER FUND**

## **Cash Flows from Operating Activities**

	Original Estimate	As at 30/6/20
<u>Receipts</u>		
Rates & Annual Charges	619,747	619,747
User Charges & Fees	575,207	575,207
Interest Received	48,158	48,158
Grants & Contributions	3,013,149	3,013,149
Other Operating Receipts	4,191	4,191
<u>Payments</u>		
Employee Costs	-125,500	-125,500
Materials & Contracts	-544,974	-544,974
Borrowing Costs	0	0
Other Operating Payments	-199,167	-199,167
<b>Net cash provided by (or used in) Operating Activities</b>	<b>3,390,811</b>	<b>3,390,811</b>

## **Cash Flows from Investing Activities**

<u>Receipts</u>		
Proceeds from sale of Property Plant & Equipment	0	0
Proceeds from sale of Real Estate	0	0
<u>Payments</u>		
Purchase of Property Plant & Equipment	-3,685,333	-3,685,333
Provision of Advances & Mortgages	0	0
<b>Net cash provided by (or used in) Investing Activities</b>	<b>-3,685,333</b>	<b>-3,685,333</b>

## **Cash Flows from Financing Activities**

<u>Receipts</u>		
Proceeds from Borrowings & Advances	0	0
<u>Payments</u>		
Repayments of borrowings & advances	0	0
<b>Net cash provided by (or used in) Financing Activities</b>	<b>0</b>	<b>0</b>
<b>Net Increase (Decrease) in cash held</b>	<b>-294,522</b>	<b>-294,522</b>

Cash Assets at beginning of reporting period

<b>Cash Assets at end of reporting period</b>	<b>1,898,125</b>	<b>1,898,125</b>
	<b>1,603,603</b>	<b>1,603,603</b>

# **FORECAST STATEMENT OF CASH FLOWS - SEWER FUND**

## **Cash Flows from Operating Activities**

<u>Receipts</u>	Original Estimate	As at 30/6/20
Rates & Annual Charges	553,036	553,036
User Charges & Fees	26,456	26,456
Interest Received	138,247	138,247
Grants & Contributions	13,458	13,458
Other Operating Receipts	1,430	1,430
<u>Payments</u>		
Employee Costs	-107,000	-107,000
Materials & Contracts	-221,815	-221,815
Borrowing Costs	0	0
Other Operating Payments	-96,716	-96,716
<b>Net cash provided by (or used in) Operating Activities</b>	<b>307,096</b>	<b>307,096</b>

## **Cash Flows from Investing Activities**

<u>Receipts</u>	0	0
Proceeds from sale of Property Plant & Equipment	0	0
Proceeds from sale of Real Estate		
<u>Payments</u>		
Purchase of Property Plant & Equipment	-822,000	-822,000
Provision of Advances & Mortgages	0	
<b>Net cash provided by (or used in) Investing Activities</b>	<b>-822,000</b>	<b>-822,000</b>

## **Cash Flows from Financing Activities**

<u>Receipts</u>	25,000	25,000
Proceeds from Borrowings & Advances		
<u>Payments</u>		
Repayments of borrowings & advances	0	
<b>Net cash provided by (or used in) Financing Activities</b>	<b>25,000</b>	<b>25,000</b>
<b>Net Increase (Decrease) in cash held</b>	<b>-489,904</b>	<b>-489,904</b>

Cash Assets at beginning of reporting period

<b>Cash Assets at end of reporting period</b>	<b>3,808,191</b>	<b>3,808,191</b>
	<b>3,318,287</b>	<b>3,318,287</b>

# **FORECAST STATEMENT OF CASH FLOWS - GENERAL FUND**

	Original Estimate	As at 30/6/20
<b>Cash Flows from Operating Activities</b>		
<u>Receipts</u>		
Rates & Annual Charges	4,589,694	4,589,694
User Charges & Fees	2,101,661	2,081,661
Interest Received	366,363	366,363
Grants & Contributions	8,982,057	14,199,083
Other Operating Receipts	454,113	454,113
<u>Payments</u>		
Employee Costs	-7,536,848	-7,536,848
Materials & Contracts	-2,413,218	-3,079,290
Borrowing Costs	-8,655	-8,655
Other Operating Payments	-1,047,654	-1,063,822
<b>Net cash provided by (or used in) Operating Activities</b>	<b>5,487,513</b>	<b>10,002,299</b>
<b>Cash Flows from Investing Activities</b>		
<u>Receipts</u>		
Proceeds from sale of Property Plant & Equipment	936,000	936,000
Proceeds from sale of Real Estate	100,000	100,000
<u>Payments</u>		
Purchase of Property Plant & Equipment	-10,394,097	-27,689,835
Provision of Advances & Mortgages	0	0
<b>Net cash provided by (or used in) Investing Activities</b>	<b>-9,358,097</b>	<b>-26,653,835</b>
<b>Cash Flows from Financing Activities</b>		
<u>Receipts</u>		
Proceeds from Borrowings & Advances	0	0
<u>Payments</u>		
Repayments of borrowings & advances	-84,053	-84,053
<b>Net cash provided by (or used in) Financing Activities</b>	<b>-84,053</b>	<b>-84,053</b>
<b>Net Increase (Decrease) in cash held</b>	<b>-3,954,637</b>	<b>-16,735,589</b>
Cash Assets at beginning of reporting period	18,547,475	18,547,475
<b>Cash Assets at end of reporting period</b>	<b>14,592,838</b>	<b>1,811,886</b>

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Operating Income & Expenses**

	Total Vote	Consolidated to 30/9/19	Remaining	Revised Estimate	Variance	Note
<b>Operating Income</b>						
Governance & Admin	11,890,538	1,712,905	11,476,704	13,200,848	1,310,310	
Public Order & Safety	262,919	851	176,668	177,519	-85,400	
Health	13,708	0	13,708	13,708	0	
Environment	395,263	319,952	75,311	395,263	0	
Community Services & Education	368,157	84,243	303,914	388,157	20,000	
Housing & Community Amenities	295,244	107,213	246,201	353,414	58,170	
Recreation & Culture	70,064	8,925	75,205	84,130	14,066	
Mining, Manufacturing & Construction	70,236	17,662	52,574	70,236	0	
Transport & Communication	3,006,211	440,000	3,349,949	3,789,949	783,738	
Economic Affairs	477,258	23,092	454,166	477,258	0	
Water Supply	1,260,452	687,042	573,410	1,260,452	0	
Sewer Supply	732,627	564,052	168,575	732,627	0	
<b>Total Income</b>	<b>18,842,677</b>	<b>3,965,937</b>	<b>16,966,385</b>	<b>20,943,561</b>	<b>2,100,884</b>	
<b>Operating Expenses</b>						
Governance & Admin	8,189,772	2,211,946	6,233,782	8,445,728	255,956	
Public Order & Safety	668,811	144,737	524,074	668,811	0	
Health	49,945	12,563	37,382	49,945	0	
Environment	937,141	205,520	748,378	953,898	16,757	
Community Services & Education	444,235	90,005	375,620	465,625	21,390	
Housing & Community Amenities	475,826	169,999	305,827	475,826	0	
Recreation & Culture	1,820,889	411,282	1,436,677	1,847,959	27,070	
Mining, Manufacturing & Construction	37,186	18,062	19,124	37,186	0	
Transport & Communication	5,424,185	1,099,009	4,686,243	5,785,252	361,067	
Economic Affairs	720,289	176,228	544,061	720,289	0	
Water Supply	1,168,741	171,410	997,331	1,168,741	0	
Sewer Supply	708,931	150,615	558,316	708,931	0	
<b>Total Expenditure</b>	<b>20,645,951</b>	<b>4,861,376</b>	<b>16,466,815</b>	<b>21,328,191</b>	<b>682,240</b>	

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Operating Income & Expenses**

	Total Vote	Consolidated to 30/9/19	Remaining	Revised Estimate	Variance	Note
<b>Review of Operating Income</b>						
<b>Governance &amp; Admin</b>						
Governance	0	0	0	0	0	
Administration	104,829	533,297	571,532	1,104,829	1,000,000	1
Merger Funding	0	0	0	0	0	
General Manager	0	0	0	0	0	
General Purpose Revenue	8,980,876	647,148	8,632,799	9,279,947	299,071	2
Insurance Clearing	0	0	0	0	0	
Overhead Clearing	15,000	0	15,000	15,000	0	
Oncost Clearing	0	0	0	11,239	11,239	3
Disposal of Fixed Assets	30,000	0	30,000	30,000	0	
Engineering Admin	0	0	0	0	0	
DES Admin	0	0	0	0	0	
Depots	2,607	0	2,607	2,607	0	
Plant Clearing	2,757,226	532,460	2,224,766	2,757,226	0	
	<b>11,890,538</b>	<b>1,712,905</b>	<b>11,476,704</b>	<b>13,200,848</b>	<b>1,310,310</b>	
<b>Public Order &amp; Safety</b>						
Animal Control	11,139	851	10,288	11,139	0	
Emergency Services	0	0	0	0	0	
Fire Control	251,780	0	166,380	166,380	-85,400	4
	<b>262,919</b>	<b>851</b>	<b>176,668</b>	<b>177,519</b>	<b>-85,400</b>	
<b>Health</b>						
Health & Food Control	7,099	0	7,099	7,099	0	
Medical Services	6,609	0	6,609	6,609	0	
	<b>13,708</b>	<b>0</b>	<b>13,708</b>	<b>13,708</b>	<b>0</b>	
<b>Environment</b>						
Noxious Plants	42,500	0	42,500	42,500	0	
Environment Protection	0	0	0	0	0	
Solid Waste Management	352,763	319,952	32,811	352,763	0	
Street Cleaning	0	0	0	0	0	
Drainage & Stormwater Management	0	0	0	0	0	
	<b>395,263</b>	<b>319,952</b>	<b>75,311</b>	<b>395,263</b>	<b>0</b>	

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Operating Income & Expenses**

	Total Vote	Consolidated to 30/9/19	Remaining	Revised Estimate	Variance	Note
<b>Community Services &amp; Education</b>						
Community Services	368,157	84,243	303,914	388,157	20,000	5
<b>Housing &amp; Community Amenities</b>						
Housing	158,222	25,079	133,143	158,222	0	
Public Cemeteries	40,899	17,000	23,899	40,899	0	
Public Conveniences	0	0	0	0	0	
Street Lighting	45,000	0	45,000	45,000	0	
Town Planning	51,123	65,134	44,159	109,293	58,170	6
	<b>295,244</b>	<b>107,213</b>	<b>246,201</b>	<b>353,414</b>	<b>58,170</b>	
<b>Recreation &amp; Culture</b>						
Museum	0	0	0	0	0	
Parks Gardens & Lakes	0	0	0	0	0	
Public Halls	9,297	2,489	6,808	9,297	0	
Public Library	22,062	582	54,979	55,561	33,499	7
Swimming Pool	20,000	0	0	0	-20,000	8
Sporting Grounds	5,705	1,765	3,940	5,705	0	
Other Cultural Services	0	0	567	567	567	
Other Sports & Recreation	13,000	4,089	8,911	13,000	0	
	<b>70,064</b>	<b>8,925</b>	<b>75,205</b>	<b>84,130</b>	<b>14,066</b>	
<b>Mining, Manufacturing &amp; Construction</b>						
Building Control	25,236	17,662	7,574	25,236	0	
Quarries & Pits	45,000	0	45,000	45,000	0	
	<b>70,236</b>	<b>17,662</b>	<b>52,574</b>	<b>70,236</b>	<b>0</b>	



**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Operating Income & Expenses**

	Total Vote	Consolidated to 30/9/19	Remaining	Revised Estimate	Variance	Note
<b>Transport &amp; Communication</b>						
Aerodrome	0	0	0	0	0	
Bridges	0	0	0	0	0	
Footpaths	0	0	0	0	0	
State & National Highways	1,397,918	0	1,397,918	1,397,918	0	
Sealed Rural Roads Local	0	0	0	0	0	
Sealed Rural Roads Regional	888,787	440,000	440,000	880,000	-8,787	9
Unsealed Rural Roads Local	0	0	0	0	0	
Urban Roads	0	0	0	0	0	
Car Parking Areas	0	0	0	0	0	
Roads to Recovery	719,506	0	1,512,031	1,512,031	792,525	10
Transport Other	0	0	0	0	0	
	<b>3,006,211</b>	<b>440,000</b>	<b>3,349,949</b>	<b>3,789,949</b>	<b>783,738</b>	
<b>Economic Affairs</b>						
Caravan Parks	8,695	1,956	6,739	8,695	0	
Industrial Development	0	0	0	0	0	
Real Estate Development	0	0	0	0	0	
Saleyards & Markets	10,563	1,480	9,083	10,563	0	
Tourism & Area Promotion	8,000	310	7,690	8,000	0	
Sharefarming	0	0	0	0	0	
Private Works	450,000	19,346	430,654	450,000	0	
Other Business Undertakings	0	0	0	0	0	
	<b>477,258</b>	<b>23,092</b>	<b>454,166</b>	<b>477,258</b>	<b>0</b>	
<b>Water Supply</b>						
Water Supply	1,260,452	687,042	573,410	1,260,452	0	
<b>Sewer Supply</b>						
Sewer Supply	732,627	564,052	168,575	732,627	0	

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Operating Income & Expenses**

Review of Operating Expenditure						Note
	Total Vote	Consolidated to 30/9/19	Remaining	Revised Estimate	Variance	
<b>Governance &amp; Admin</b>						
Governance	228,992	63,519	165,473	228,992	0	
Administration	1,436,564	349,785	1,248,694	1,598,479	161,915	11
Merger Funding	925,000	53,759	911,811	965,570	40,570	12
General Manager's Department	919,988	164,742	755,246	919,988	0	
General Purpose Revenue	0	0	0	0	0	
Insurance Clearing	125,873	319,956	-200,902	119,054	-6,819	13
Overhead Clearing	259,970	173,903	146,357	320,260	60,290	14
Oncost Clearing	-15,254	-62,172	46,918	-15,254	0	
Disposal of Fixed Assets	30,000	0	30,000	30,000	0	
Engineering Admin	772,661	262,326	510,335	772,661	0	
DES Admin	523,106	104,377	418,729	523,106	0	
Depot	297,944	69,022	228,922	297,944	0	
Plant Clearing	2,684,928	712,729	1,972,199	2,684,928	0	
	<b>8,189,772</b>	<b>2,211,946</b>	<b>6,233,782</b>	<b>8,445,728</b>	<b>255,956</b>	
<b>Public Order &amp; Safety</b>						
Animal Control	37,250	7,688	29,562	37,250	0	
Emergency Services	21,148	5,127	16,021	21,148	0	
Fire Control	610,413	131,922	478,491	610,413	0	
	<b>668,811</b>	<b>144,737</b>	<b>524,074</b>	<b>668,811</b>	<b>0</b>	
<b>Health</b>						
Health & Food Control	7,390	0	7,390	7,390	0	
Medical Services	42,555	12,563	29,992	42,555	0	
	<b>49,945</b>	<b>12,563</b>	<b>37,382</b>	<b>49,945</b>	<b>0</b>	
<b>Environment</b>						15
Noxious Plants	207,624	40,929	183,452	224,381	16,757	
Environment Protection	119,344	30,396	88,948	119,344	0	
Solid Waste Management	325,440	76,341	249,099	325,440	0	
Street Cleaning	68,946	9,773	59,173	68,946	0	
Drainage & Stormwater Management	215,787	48,081	167,706	215,787	0	
	<b>937,141</b>	<b>205,520</b>	<b>748,378</b>	<b>953,898</b>	<b>16,757</b>	
<b>Community Services &amp; Education</b>						15a
Community Services	444,235	90,005	375,620	465,625	21,390	

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Operating Income & Expenses**

	Total Vote	Consolidated to 30/9/19	Remaining	Revised Estimate	Variance	Note
<b>Housing &amp; Community Amenities</b>						
Housing	167,910	77,449	90,461	167,910	0	
Public Cemeteries	70,495	20,639	49,856	70,495	0	
Public Conveniences	78,567	29,040	49,527	78,567	0	
Street Lighting	119,415	20,915	98,500	119,415	0	
Town Planning	39,439	21,956	17,483	39,439	0	
	<b>475,826</b>	<b>169,999</b>	<b>305,827</b>	<b>475,826</b>	<b>0</b>	
<b>Recreation &amp; Culture</b>						
Museum	16,819	5,676	11,143	16,819	0	
Parks Gardens & Lakes	464,199	127,241	336,958	464,199	0	
Public Halls	199,636	36,121	183,515	219,636	20,000	16
Public Library	270,952	136,674	135,873	272,547	1,595	17
Swimming Pool	379,046	31,376	347,670	379,046	0	
Sporting Grounds	400,938	47,215	353,723	400,938	0	
Other Cultural Services	22,520	12,146	15,849	27,995	5,475	18
Other Sports & Recreation	66,779	14,833	51,946	66,779	0	
	<b>1,820,889</b>	<b>411,282</b>	<b>1,436,677</b>	<b>1,847,959</b>	<b>27,070</b>	
<b>Mining, Manufacturing &amp; Construction</b>						
Building Control	0	0	0	0	0	
Quarries & Pits	37,186	18,062	19,124	37,186	0	
	<b>37,186</b>	<b>18,062</b>	<b>19,124</b>	<b>37,186</b>	<b>0</b>	
<b>Transport &amp; Communication</b>						
Aerodrome	34,646	13,731	20,915	34,646	0	
Bridges	92,673	20,265	72,408	92,673	0	
Footpaths	44,000	12,745	31,255	44,000	0	
State & National Highways	1,397,918	79,436	1,318,482	1,397,918	0	
Sealed Rural Roads Local	2,272,720	570,473	1,702,247	2,272,720	0	
Sealed Rural Roads Regional	757,378	194,502	923,943	1,118,445	361,067	19
Unsealed Rural Roads Local	473,459	138,454	335,005	473,459	0	
Urban Roads	271,115	59,986	211,129	271,115	0	
Car Parking Areas	2,276	67	2,209	2,276	0	
Roads to Recovery	0	0	0	0	0	
Transport Other	78,000	9,350	68,650	78,000	0	
	<b>5,424,185</b>	<b>1,099,009</b>	<b>4,686,243</b>	<b>5,785,252</b>	<b>361,067</b>	

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Operating Income & Expenses**

	Total Vote	Consolidated to 30/9/19	Remaining	Revised Estimate	Variance	Note
<b>Economic Affairs</b>						
Caravan Parks	22,487	3,250	19,237	22,487	0	
Industrial Development	3,861	4,838	-977	3,861	0	
Real Estate Development	45,325	40,103	5,222	45,325	0	
Saleyards & Markets	43,642	16,478	27,164	43,642	0	
Tourism & Area Promotion	197,220	12,103	185,117	197,220	0	
Sharefarming	1,870	262	1,608	1,870	0	
Private Works	400,000	96,846	303,154	400,000	0	
Other Business Undertakings	5,884	2,348	3,536	5,884	0	
	<b>720,289</b>	<b>176,228</b>	<b>544,061</b>	<b>720,289</b>	<b>0</b>	
<b>Water Supply</b>						
Water Supply	<b>1,168,741</b>	<b>171,410</b>	<b>997,331</b>	<b>1,168,741</b>	<b>0</b>	
<b>Sewer Supply</b>						
Sewer Supply	<b>708,931</b>	<b>150,615</b>	<b>558,316</b>	<b>708,931</b>	<b>0</b>	

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Capital Income & Expenses**

	Total Vote	Consolidated to 30/9/19	Remaining	Revised Estimate	Variance	Note
<b>Capital Income</b>						
Governance & Admin	1,771,000	459,156	12,694,738	13,153,894	11,382,894	
Public Order & Safety	0	0	0	0	0	
Health	0	0	0	0	0	
Environment Protection	1,600,060	14,075	1,602,742	1,616,817	16,757	
Community Services & Education	0	0	995,390	995,390	995,390	
Housing & Community Amenities	395,000	39	394,961	395,000	0	
Recreation & Culture	18,000	70,335	3,195,009	3,265,344	3,247,344	
Mining, Manufacturing & Construction	0	0	0	0	0	
Transport & Communication	1,587,889	0	2,126,563	2,126,563	538,674	
Economic Affairs	1,600,000	70,184	1,529,816	1,600,000	0	
Water Supply	3,333,333	0	3,333,333	3,333,333	0	
Sewer Supply	25,000	6,250	18,750	25,000	0	
<b>Total Income</b>	<b>10,330,282</b>	<b>620,039</b>	<b>25,891,302</b>	<b>26,511,341</b>	<b>16,181,059</b>	
<b>Capital Expenses</b>						
Governance & Admin	2,649,754	837,148	13,943,964	14,781,112	12,131,358	
Public Order & Safety	0	0	0	0	0	
Health	1,000	0	1,000	1,000	0	
Environmental Protection	1,766,060	34,766	1,731,294	1,766,060	0	
Community Services & Education	0	0	994,000	994,000	994,000	
Housing & Community Amenities	185,000	58,209	184,961	243,170	58,170	
Recreation & Culture	95,611	361,283	2,954,602	3,315,885	3,220,274	
Mining, Manufacturing & Construction	0	0	0	0	0	
Transport & Communication	4,270,979	557,460	4,674,864	5,232,324	961,345	
Economic Affairs	1,550,000	6,250	1,543,750	1,550,000	0	
Water Supply	3,685,333	39,242	3,646,091	3,685,333	0	
Sewer Supply	822,000	55,683	766,317	822,000	0	
<b>Total Expenditure</b>	<b>15,025,737</b>	<b>1,950,041</b>	<b>30,440,843</b>	<b>32,390,884</b>	<b>17,365,147</b>	

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Capital Income & Expenses**

	Total Vote	Consolidated to 30/9/19	Remaining	Revised Estimate	Variance	Note
<b>Review of Capital Income</b>						
<b>Governance &amp; Admin</b>						
Governance	0	0	277,630	277,630	277,630	20
Administration	925,000	270,247	11,659,727	11,929,974	11,004,974	21
Merger Funding	0	0	0	0	0	
General Manager	0	0	0	0	0	
General Purpose Revenue	0	0	0	0	0	
Insurance Clearing	0	0	0	0	0	
Overhead Clearing	0	0	60,290	60,290	60,290	22
Oncost Clearing	0	0	0	0	0	
Disposal of Fixed Assets	0	0	0	0	0	
Engineering Admin	0	0	0	0	0	
DES Admin	0	0	0	0	0	
Depots	150,000	0	190,000	190,000	40,000	23
Plant Clearing	696,000	188,909	507,091	696,000	0	
	<b>1,771,000</b>	<b>459,156</b>	<b>12,694,738</b>	<b>13,153,894</b>	<b>11,382,894</b>	
<b>Public Order &amp; Safety</b>						
Animal Control	0	0	0	0	0	
Emergency Services	0	0	0	0	0	
Fire Control	0	0	0	0	0	
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Health</b>						
Health & Food Control	0	0	0	0	0	
Medical Services	0	0	0	0	0	
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Environment</b>						
Noxious Plants	0	14,075	2,682	16,757	16,757	24
Environment Protection	1,600,060	0	1,600,060	1,600,060	0	
Solid Waste Management	0	0	0	0	0	
Street Cleaning	0	0	0	0	0	
Drainage & Stormwater Management	0	0	0	0	0	
	<b>1,600,060</b>	<b>14,075</b>	<b>1,602,742</b>	<b>1,616,817</b>	<b>16,757</b>	

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Capital Income & Expenses**

	Total Vote	Consolidated to 30/9/19	Remaining	Revised Estimate	Variance	Note
<b>Community Services &amp; Education</b>						
<b>Community Services</b>	0	0	995,390	995,390	995,390	25
<b>Housing &amp; Community Amenities</b>						
Housing	245,000	0	245,000	245,000	0	
Public Cemeteries	150,000	39	149,961	150,000	0	
Public Conveniences	0	0	0	0	0	
Street Lighting	0	0	0	0	0	
Town Planning	0	0	0	0	0	
	<b>395,000</b>	<b>39</b>	<b>394,961</b>	<b>395,000</b>	<b>0</b>	
<b>Recreation &amp; Culture</b>						
Museum	0	0	0	0	0	
Parks Gardens & Lakes	0	0	0	0	0	
Public Halls	0	0	20,000	20,000	20,000	26
Public Library	18,000	0	28,179	28,179	10,179	27
Swimming Pool	0	0	1,331,250	1,331,250	1,331,250	28
Sporting Grounds	0	66,326	1,814,114	1,880,440	1,880,440	29
Other Cultural Services	0	4,009	1,466	5,475	5,475	30
Other Sports & Recreation	0	0	0	0	0	
	<b>18,000</b>	<b>70,335</b>	<b>3,195,009</b>	<b>3,265,344</b>	<b>3,247,344</b>	
<b>Mining, Manufacturing &amp; Construction</b>						
Building Control	0	0	0	0	0	
Quarries & Pits	0	0	0	0	0	
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Capital Income & Expenses**

	Total Vote	Consolidated to 30/9/19	Remaining	Revised Estimate	Variance	Note
<b>Transport &amp; Communication</b>						
Aerodrome	0	0	0	0	0	
Bridges	0	0	0	0	0	
Footpaths	40,000	0	40,000	40,000	0	
State & National Highways	0	0	0	0	0	
Sealed Rural Roads Local	1,376,000	0	1,376,000	1,376,000	0	
Sealed Rural Roads Regional	161,589	0	608,263	608,263	446,674	31
Unsealed Rural Roads Local	0	0	0	0	0	
Urban Roads	10,300	0	102,300	102,300	92,000	32
Car Parking Areas	0	0	0	0	0	
Roads to Recovery	0	0	0	0	0	
Transport Other	0	0	0	0	0	
	<b>1,587,889</b>	<b>0</b>	<b>2,126,563</b>	<b>2,126,563</b>	<b>538,674</b>	
<b>Economic Affairs</b>						
Caravan Parks	0	0	0	0	0	
Industrial Development	0	0	0	0	0	
Real Estate Development	1,600,000	70,184	1,529,816	1,600,000	0	
Saleyards & Markets	0	0	0	0	0	
Tourism & Area Promotion	0	0	0	0	0	
Sharefarming	0	0	0	0	0	
Private Works	0	0	0	0	0	
Other Business Undertakings	0	0	0	0	0	
	<b>1,600,000</b>	<b>70,184</b>	<b>1,529,816</b>	<b>1,600,000</b>	<b>0</b>	
<b>Water Supply</b>						
Water Supply	3,333,333	0	3,333,333	3,333,333	0	
<b>Sewer Supply</b>						
Sewer Supply	25,000	6,250	18,750	25,000	0	



**Murrumbidgee Council**  
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**Capital Income & Expenses**

	Total Vote	Consolidated to 30/9/19	Remaining	Revised Estimate	Variance	Note
<b>Review of Capital Expenditure</b>						
<b>Governance &amp; Admin</b>						
Governance	0	1,366	-1,366	0	0	
Administration	38,500	-227	1,154,442	1,154,215	1,115,715	33
Merger Funding	0	216,488	10,747,916	10,964,404	10,964,404	34
General Manager	0	0	0	0	0	
General Purpose Revenue	0	0	0	0	0	
Insurance Clearing	0	0	0	0	0	
Overhead Clearing	0	0	0	0	0	
Oncost Clearing	15,254	0	26,493	26,493	11,239	35
Disposal of Fixed Assets	0	0	0	0	0	
Engineering Admin	2,000	0	2,000	2,000	0	
DES Admin	2,000	0	2,000	2,000	0	
Depots	150,000	0	190,000	190,000	40,000	36
Plant Clearing	2,442,000	620,887	1,821,113	2,442,000	0	
	<b>2,649,754</b>	<b>838,514</b>	<b>13,942,598</b>	<b>14,781,112</b>	<b>12,131,358</b>	
<b>Public Order &amp; Safety</b>						
Animal Control	0	0	0	0	0	
Emergency Services	0	0	0	0	0	
Fire Control	0	0	0	0	0	
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Health</b>						
Health & Food Control	1,000	0	1,000	1,000	0	
Medical Services	<b>1,000</b>	<b>0</b>	<b>1,000</b>	<b>1,000</b>	<b>0</b>	
<b>Environment</b>						
Noxious Plants	10,000	0	10,000	10,000	0	
Environment Protection	1,600,060	34,536	1,565,524	1,600,060	0	
Solid Waste Management	1,000	230	770	1,000	0	
Street Cleaning	0	0	0	0	0	
Drainage & Stormwater Management	0	0	0	0	0	
	<b>1,611,060</b>	<b>34,766</b>	<b>1,576,294</b>	<b>1,611,060</b>	<b>0</b>	

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Capital Income & Expenses**

	Total Vote	Consolidated to 30/9/19	Remaining	Revised Estimate	Variance	Note
<b>Community Services &amp; Education</b>						
<b>Community Services</b>	0	0	994,000	994,000	994,000	37
<b>Housing &amp; Community Amenities</b>						
Housing	30,000	0	30,000	30,000	0	
Public Cemeteries	155,000	39	154,961	155,000	0	
Public Conveniences	0	0	0	0	0	
Street Lighting	0	0	0	0	0	
Town Planning	0	58,170	0	58,170	58,170	38
	<b>185,000</b>	<b>58,209</b>	<b>184,961</b>	<b>243,170</b>	<b>58,170</b>	
<b>Recreation &amp; Culture</b>						
Museum	0	0	0	0	0	
Parks Gardens & Lakes	9,611	2,323	7,288	9,611	0	
Public Halls	0	0	0	0	0	
Public Library	18,000	3,032	23,552	26,584	8,584	39
Swimming Pool	65,000	0	1,396,250	1,396,250	1,331,250	40
Sporting Grounds	0	355,928	1,524,512	1,880,440	1,880,440	41
Other Cultural Services	0	0	0	0	0	
Other Sports & Recreation	3,000	0	3,000	3,000	0	
	<b>95,611</b>	<b>361,283</b>	<b>2,954,602</b>	<b>3,315,885</b>	<b>3,220,274</b>	
<b>Mining, Manufacturing &amp; Construction</b>						
Building Control	0	0	0	0	0	
Quarries & Pits	0	0	0	0	0	

**Murrumbidgee Council**  
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**Capital Income & Expenses**

	Total Vote	Consolidated to 30/9/19	Remaining	Revised Estimate	Variance	Note
<b>Transport &amp; Communication</b>						
Aerodrome	0	0	0	0	0	
Bridges	0	0	0	0	0	
Footpaths	100,000	17	99,983	100,000	0	
State & National Highways						
Sealed Rural Roads Local	2,086,000	3,890	2,082,110	2,086,000	0	
Sealed Rural Roads Regional	662,998	20,894	718,924	739,818	76,820	42
Unsealed Rural Roads Local	633,033	252,295	380,738	633,033	0	
Urban Roads	69,442	37,503	123,939	161,442	92,000	43
Car Parking Areas	0	0	0	0	0	
Roads to Recovery	719,506	242,861	1,269,170	1,512,031	792,525	44
Transport Other						
	<b>4,270,979</b>	<b>557,460</b>	<b>4,674,864</b>	<b>5,232,324</b>	<b>961,345</b>	
<b>Economic Affairs</b>						
Caravan Parks	0	0	0	0	0	
Industrial Development	0	0	0	0	0	
Real Estate Development	1,550,000	6,250	1,543,750	1,550,000	0	
Saleyards & Markets	0	0	0	0	0	
Tourism & Area Promotion	0	0	0	0	0	
Sharefarming	0	0	0	0	0	
Private Works	0	0	0	0	0	
Other Business Undertakings						
	<b>1,550,000</b>	<b>6,250</b>	<b>1,543,750</b>	<b>1,550,000</b>	<b>0</b>	
<b>Water Supply</b>						
Water Supply	3,685,333	39,242	3,646,091	3,685,333	0	
<b>Sewer Supply</b>						
Sewer Supply	822,000	55,683	766,317	822,000	0	

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Report on recommended changes to Budget**

	Financial Performance	Cash Flow	Item No
<b>Income variations</b>			
<b>Additional Grant Funding</b>			
Drought Communities Extension Grant	1,000,000		1
Financial Assistance Grant	299,071		2
Library Subsidy Grant	35,499		7 & 27
SCCF 2 - SPORTS CLUB DARLINGTON POINT	127,779		20
SCCF 2 - Long Day Care Centre	665,980		25
SCCF 2 - Swimming Pool	891,938		28
SCCF 2 - Coly Sports Precinct	472,900		29
SCCF 2 - Coly Stadium/Spectator Area	214,400		29
SCCF 2 - DP Sports Precinct	214,400		29
SCCF 1 - DP Sports Female Change Rooms	56,740		29
SCCF 1 - Jerilderie Racecourse toilets	168,844		29
SCCF 1 - Coly Sports Junior Change Rooms	150,750		29
SCCF 1 - DP Signage & Walking Track	92,000		32
Regional Roads Repair Program Grant	38,411		31
Roads to Recovery Grant	792,525		10
	5,221,237		
<b>Increased Income</b>			
Contribution from Coly Solar Farm	20,000		5
Arts contributions	567		
Contributions income for employee LSL	11,239		3
S94a Levy Contributions	58,170		6
	89,976		
<b>Decreased Grant Funding</b>			
Rural Fire Service Grants	-85,400		4
Block Grant for Regional Roads	-8,787		9
Water Supply Grant - Darlington Point			
	-94,187		
<b>Decreased Income</b>			
Swimming Pool Income	-20,000		8
	-20,000		

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Report on recommended changes to Budget**

	Financial Performance	Cash Flow	Item No
<b>Expenditure variations</b>			
Increased expenditure			
Operational			
Crown Land Management Expenses	-85,715		11
Contribution to Defibrillator JNC	-1,200		11
Drought Extension Grant operating expenditure	-75,000		11
Merger Implementation Costs	-40,570		12
Risk Management Costs	-60,290		14
Murray LLS Weeds project exps	-16,757		15
Community grants	-20,000		16
Youth Week Activities	-1,390		15a
Halls M & R Specific Maintenance	-20,000		15a
Library Merger Implementation costs	-1,595		17
Regional Roads expenditure	-361,067		19
Art Show Expenditure	-5,475		18
	<u>-689,059</u>		
<b>Capital</b>			
SCCF 2 - Irrigation DP Sports Club		-190,715	33
Drought Communities Grant Exp - Manufacturing Component		-500,000	33
Drought Communities Grant Exp - Concreting Component		-425,000	33
Stronger Communities Fund Expenditure		-10,964,404	34
Cover over wash down bay		-40,000	36
Long Day Care Centre		-994,000	37
Library-Local Special Projects Grant expenditure		-2,000	39
Library Equipment		-6,584	39
Construction of swimming pool - Jerilderie		-1,331,250	40
Coly Junior Change Rooms		-169,445	41
Coly Sports Precinct		-1,025,825	41
DP Sports Precinct		-450,000	41
Jerilderie Racecourse Amenities		-235,170	41
Repair Program expenditure		-76,820	42
DP Walking Track & Signage		-92,000	43
Roads to Recovery capital works		-792,525	44
		<u>-17,295,738</u>	
<b>Expenditure savings</b>			
Insurance costs	<u>6,819</u>		13
	6,819		

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Report on recommended changes to Budget**

	Financial Performance	Cash Flow	Item No
Financial Performance Variation	4,514,786		
Total Cash Flow Variance	-12,780,952		
<b>Funded from Uncompleted Works Reserve</b>			
Contribution to Defibrillator for JNC	1,200		20
Risk Management Costs	60,290		22
Youth Week Expenditure	1,390		25
Specific Maintenance - Public Halls	20,000		20
Art Show Expenditure	5,475		30
Cover over washdown bay - Jerilderie (funded from reserves)	40,000		23
	128,355		
<b>Funded from Grants Reserves</b>			
Crown Lands Management Exps	85,715		20
Merger Implementation Costs	40,570		21
Murray LLS Weeds Project Exps	16,757		24
Library Books and equipment	6,584		27
Library Merger implementation costs	1,595		27
Regional Roads Expenditure	408,263		31
Stronger Communities Fund Expenditure	10,964,404		21
SCCF 1 - Coly Junior Change Rooms	18,695		29
SCCF 1 - DP Female Change Rooms	73,260		29
SCCF 1 -Jerilderie Racecourse Amenities	66,326		29
SCCF 2 Darlington Point Sports Precinct	105,600		29
SCCF 2 Darlington Point Sports Club	62,936		20
SCCF 2 Jerilderie Long Day Care Centre	328,020		25
SCCF 2 Jerilderie Swimming Pool	439,312		28
SCCF 2 Coly Sports Precinct	338,525		29
	12,956,562		

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Report on recommended changes to Budget**

Transfers to Reserves	Financial Performance	Cash Flow	Item No
Employee Leave Entitlement Reserve	-11,239		35
Sec 94 Contributions Levy Reserve	<u>-58,170</u>		38
	-69,409		

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Cash and Investments**

	Original Budget 2019/20	Actual to Date	Remaining	Revised Estimate	Variance
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<b>Unrestricted</b>	<b>824,042</b>	<b>3,891,011</b>	<b>-3,584,632</b>	<b>306,379</b>	<b>-517,663</b>
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**Externally Restricted**

RTA Contributions		2,217,336	-2,217,336	0	0
Unexpended Grants		11,493,399	-4,875,632	6,617,767	0
Unexpended Grants-SCF	6,671,785	860,569	-7,478,336	-6,617,767	-54,018
Unexpended Grants-NCIF	54,018	2,033,226	-429,623	1,603,603	-6,671,785
Water Supply Funds	1,603,603	3,680,558	-362,271	3,318,287	
Sewerage Funds	3,318,287	73,804	0	73,804	
Domestic Waste Management	73,804	431,703	-375,450	0	
Coleambally Town Development	431,703	375,450	0	0	
Contributions Reserve Sec 94a				0	
<b>Included in liabilities</b>					
Unexpended loans		232,286	-232,286	0	0
Other					
	<b>12,153,200</b>	<b>20,966,628</b>	<b>-15,539,231</b>	<b>5,427,397</b>	<b>-6,725,803</b>

**Internally Restricted**

Employee Entitlements	1,482,122	1,790,000	-790,000	1,000,000	-482,122
Infrastructure Replacement	3,446,572	3,455,815	-3,455,815	0	-3,446,572
Plant Replacement	1,608,792	2,183,176	-2,183,176	0	-1,608,792
Residential Housing Replacement			0	0	
Real Estate Development			0	0	
Uncompleted Works			0	0	
FAG Advance Payment					
	<b>6,537,486</b>	<b>7,428,991</b>	<b>-6,428,991</b>	<b>1,000,000</b>	<b>-5,537,486</b>

**Total Restricted Funds**

	<b>18,690,686</b>	<b>28,395,619</b>	<b>-21,968,222</b>	<b>6,427,397</b>	<b>-12,263,289</b>
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**Total Cash and Investments**

	<b>19,514,728</b>	<b>32,286,630</b>	<b>-25,552,854</b>	<b>6,733,776</b>	<b>-12,780,952</b>
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**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Cash and Investments**

Restricted funds are invested in accordance with Council's investment policies.

Restricted funds have been invested as at 30 September 2019 as presented at meeting of 29 October 2019.

A reconciliation of cash with the bank statement to 30 September 2019 has been made as per meeting of 29 October 2019.

Cash and investments were reconciled with funds invested and cash at bank to 30 September 2019 as per item presented at meeting of 29 October 2019.

**Murrumbidgee Council**  
**Quarterly Budget Review as at 30 September 2019**  
**Key Performance Indicators Statement**

All current statutory financial requirements have been met.

# Murrumbidgee Council

## Quarterly Budget Review as at 30 September 2019

### Consultancy and Legal Expenses

Consultancies	Expenditure YTD	Budgeted
Building & Environmental Services Today P/L	\$12,263	Yes
Habitat Planning	\$13,555	Yes
Xeros Piccolo Consulting Engineers	\$2,491	Yes
Peter Kennard Consulting	\$3,718	Yes
JCAD Design	\$3,200	Yes
SGS Economics & Planning	\$24,344	Yes
PHL Surveyors	\$440	Yes
Mastertek	\$26,564	Yes
Steven Murray Architect	\$29,909	Yes
Red Belly	\$2,376	Yes
DSB Landscape Architects	\$6,160	Yes
Hunter H2O Holdings P/L	\$13,907	Yes
Docherty Surveying	\$3,300	Yes
<b>Legal Fees</b>		
Kell Moore Lawyers	\$1,253	Yes
Sparke Helmore Lawyers	\$2,116	Yes

Monica Whelan  
Tarkoori  
320 McDonald Road  
Coleambally NSW 270  
6<sup>th</sup> November 2019

Mr. Scarce  
General Manager  
Murrumbidgee Council  
39 Brolga Place  
Coleambally NSW 2707

**Request for Murrumbidgee Council support for the development of a Community Garden in Coleambally, subject to successful grant funding**

Dear Mr. Scarce

I am writing to Council to request support to develop a Community Garden in the Coleambally township. As our community struggles with record low water allocations and drought affecting farmers, businesses and the wider community alike I believe such a project would provide a positive and enriching experience. There is much research to support the benefits of community gardens including physical and mental health, social connections and community engagement.

My plan is to apply for grants such as FRRR "Tackling Tough Times Together" drought support funding to secure the financial component for the gardens. I have discussed the idea with Town life Committee, and they support the concept. I will approach other organisations in the community for support such as the Men's Shed, CWA, Garden Club, Lions Club, sports associations and the local schools

My request to Murrumbidgee Council includes the following:

- Commitment from Council to support the project so funding can be sought by various grant applications

- The acquisition of an appropriate area of land for the garden, ideally this would be in a central location close to existing water access, power, toilets, seating and walking path.
- Allocation of water for the garden
- Site works to ensure the area is suitable and hazard free
- Site shed/shelter (hopefully grants may provide for this)
- Assistance with appropriate fencing (again will look for grants to assist with costs)

The idea of the Community Garden is a work in progress dependent on Council support in the first instances and then successful grant applications. There is much more project planning and development to occur for this idea to become a reality and the Town life Committee have committed their support to this role.

I hope that Council agrees that this Community Garden is worthy, and is prepared to support the project, subject to successful grant funding.

Yours faithfully

Monica Whelan

# Risk Assessment Sheet

Work Location: Playground Equipment Soft fall

Person Conducting Inspection: Stephen Goodsall

Activity	Hazard	Consequence	Likelihood	Rating	Controls Used	Reassess Risk	Review of controls
Playground	Fall from heights	4	3		Sand Filling of impact-tested quality • installed in areas of high use 300 millimetres or more, if such is indicated in the suppliers' test report.	5/4	
	Fine particles that can cause sand to set hard	4	3		Ensure that particles are raked and maintained to preserve integrity of the material	6/4	
	Sharp objects hidden	4	3		Maintenance for depth raking	4/4	
	Cat litter/dog litter	6	3		Animals to be excluded from play areas	6/4	
	Water logging	6	3		Sufficient drainage	6/4	
	Impact absorbing material dislodged in high areas of foot impact	6	3		Maintenance of area and audit schedules to evaluate condition, refill of areas	6/4	
	Dissipation due to weather	4	3		Refill of area when required	6/4	

Playground	Fall from Heights	4	3		Rubber Matting of impact-tested quality • installed in areas of high use 300 millimetres or more, if such is indicated in the suppliers' test report.	5/4	
	Tiling from matting lifting due to extreme weather condition	4	3		Regular inspection and maintenance	5/4	
	Dust and soil particle build up on surface	5	3		Regular maintenance and inspections	6/4	
	Impact absorbing consistency fails	4	3		Checked and monitored every 3 years	4/3	
	Water pooling due to impact	6	3		Tiles or sections to be lifted and subsoil depression refilled	6/4	
	Sharp objects hidden between tile sections	4	3		Visual observations and inspections	4/4	
Signed: <i>Stella Sweet</i> Date: 19/11/19. Comments							

# Risk Matrix

VH = Very High, H = High, M = Medium, L = Low				Likelihood						
				L1	L2	L3	L4	L5	L6	
Type	Health & safety	Environment	Journey mgmt	Frequent	Likely	Possible	Unlikely	Rare	Improbable	
C1 Catastrophic	Multiple Fatalities > 20 serious injuries/illnesses as defined S36 WHS Act	Irreversible large-scale environmental impact with loss of valued ecosystems or virtual eradication of endangered species. Permanent damage or destruction to highly valued cultural heritage items. Regulatory intervention, fines and prosecutions potentially curtailing/limiting RMS's operations and activities. Total remediation costs > \$10M.	Main road or freeway closure for multiple peak periods and/or closed during holiday restriction times; or minor road network closure during holiday restriction times and/or multiple peak traffic volume periods – no alternative route.	VH	VH	VH	H	H	M	
C2 Severe	Single Fatality 10 to 20 serious injuries/illnesses as defined S36 WHS Act	Very long term (>5years but <10years) environmental impairment in offsite and/or valued ecosystems. Very significant impact on highly valued species or habitats. Irreparable damage to highly valued items of cultural significance. Extensive remediation required, with regulatory action and overview. A Tier 1 breach up to \$5M in damages. Total remediation costs >\$2M and <\$10M.	Road closure for more than one peak period; or unable to meet ROL conditions for more than 1 hour.	VH	VH	H	H	M	M	
C3 Major	1 to 10 serious injuries/illnesses as defined S36 WHS Act	Offsite long term (>24mths but <5years) damage to items of significant cultural heritage. A Tier 2 breach of legislation and could result in some form of regulatory action or penalties (up to \$1M for Corporates	Road closure for one peak period; or unable to meet ROL conditions for more than 30 minutes but less than 1 hour.	VH	H	H	M	M	L	
C4 Serious	Minor injuries or illnesses resulting in lost time	Short to mid-term (<24mths) impact on biological or physical environment and/or ecosystem. Well contained but requiring serious (<\$200K) remedial action and notification to regulator. Midterm damage to items of cultural significance	Traffic delayed for more than half an hour outside of peak periods; or unable to meet ROL conditions for less than 30 minutes. Detours implemented with alternative routes not communicated to travellers.	H	H	M	M	L	L	
C5 Moderate	Minor injury requiring medical attention – full recovery	Event contained within site. Short term damage (<12mths) to area of limited significance. Short term effects but not affecting the ecosystem. Short term, repairable social impact on local population. Total remediation costs < \$4K.	Traffic delayed for less than 30 minutes outside peak periods. Detours implemented with alternative routes communicated to travellers.	H	M	M	L	L	L	
C6 Minor	Minor injury not requiring Medical Attention	Low level impacts on biological and/or physical environment within an area of low significance. Highly localised event rectified by available on site resources. Isolated, easily contained, no lasting effects. Low level repairable damage to common place structures. Total remediation costs < \$2K.	Single minor delay on a low network category road outside peak period.	M	M	L	L	L	L	