Murrumbidgee COUNCIL

Staff Recognition Policy

	Name	Position	Signature	Date
Responsible Officer	Sarah Gurciullo	People & Culture Officer		
Authorised By	John Scarce	General Manager		

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1. Policy Scope

The Council Staff Service and Achievement Recognition Scheme is designed to recognise, acknowledge and reward employees who have committed to the Council for extended periods of employment. It 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 proves difficult to replace.

2. 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.
- Provide recognition for employees who reach identified lengths of continuous employment with Council.
- Recognise staff retiring from the Council organisation (with a minimum period of employment).
- Provide recognition for employees who have provided outstanding service to Murrumbidgee Council and its 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.

3. Policy Statement

Recognition of Years of Service

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

Years of Service	Gift
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 most appropriate to their anniversary, 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 Australian Taxation Office under Fringe Benefits Tax 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.

Council's People & Culture Officer 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 full time, part time, casual and temporary staff have the opportunity to recognise the efforts of other individuals or teams across the organisation whom 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 any of the four Murrumbidgee Council staff value categories:

- Trust
- Honesty
- Respect
- Teamwork

Or, one of our corporate values:

- Creativity
- Innovation
- Reliability

Employee or Team Eligibility

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

4. 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 expectation in roles
- Actual provision of quality and valuable service 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

5. Exceptions

NIL

6. Related Documents and Legislation

- Local Government Act 1993
- Australian Taxation Office Fringe Benefits Tax legislation
- Local Government (State) Award 2020
- Murrumbidgee Council Policies

7. Review

This policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).

Time in Lieu and Flexible RDO Policy

	Name	Position	Signature	Date
Responsible Officer	Sarah Gurciullo	People & Culture Officer		
Authorised By	John Scarce	General Manager		

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1. Policy Aim

To provide for:

1. Flexibility when scheduled Rostered Days Off (RDO) can be taken;
2. How time in lieu can be applied as an alternative to being paid overtime for extra hours worked as directed; and,
3. Acknowledgement of discretionary effort by staff.

2. Application

Applies to administrative, professional and specialist staff of Murrumbidgee Council working a 35 hour week.

3. Policy Objective

This policy:

- Enables staff, with prior approval from their Manager, to bank time for extra hours worked instead of receiving overtime payment when directed to work extra hours;
- Enables staff, with prior approval from their Manager, to bank scheduled RDOs to be taken at a later, mutually agreeable time;
- Does not diminish the need for considering and meeting operational needs when it is being applied;
- Recognises the importance of flexibility for staff in the contemporary workplace and acknowledges discretionary effort applied by staff; and,
- Does not override or replace any related entitlement in the Local Government (State) Award 2020 (Award), or any replacement Award.

4. Definitions

Time in Lieu A situation where a staff member is directed by their Manager to work more than their rostered normal hours, and there is agreement with the Manager that the extra hours so worked are designated as time in lieu (as opposed to receiving overtime payment), with such time to be taken off work at a later time as agreed between the Manager and staff member. Time banked and taken as time in lieu is at time for time (no penalty uplift is applied). Prior approval by the Manager must be evident.

Award Local Government (State) Award 2020, or any replacement Award

5. Policy

Employees can, with prior approval from their Manager, on the leave credit form elect to bank:

1. Time in lieu for overtime that the employee has been directed by their Manager to work (Award provision) up to a maximum of 40 hours (subject to point 4 below), after which extra hours worked will be paid at overtime rates;
2. Up to a maximum of five (5) RDOs, (subject to point 4 below);

3. Banking time under provisions 1 and 2 of this policy is possible only if the staff member has less than 6 weeks annual leave accrued. For clarity, if a staff member has 6 weeks or more annual leave accrued they are not able to bank time in lieu or bank RDOs.
4. Maximum time banked cannot exceed 40 hours – this may comprise:
    a. all time in lieu, or
    b. all RDOs, or
    c. a combination of both time in lieu and RDOs.
5. All banked time must be taken before taking annual and/or long service leave.

Staff with time in lieu banked in accordance with point 1 above:

- may be directed to take all or some of the time off in accordance with Award Clause 20. Overtime A. General (vi) (b) (1) provided two (2) weeks notice is given to the employee, or at an earlier time where there is agreement between employer and the staff member; and,
- must take the time off, whether directed or not, at a time mutually agreeable to the staff member and their Manager, being cognisant of operational and business requirements

Any RDOs banked in accordance with points 2 and 4 above:

- must not exceed a maximum of 5 at any one time;
- must be taken at a time mutually agreeable to the staff member and their Manager, being cognisant of operational and business requirements; and,
- will not be converted to overtime payment (this is separate from being directed to work on a scheduled RDO which is covered by an Award provision).

6. Managing Arrangements and Records

Banking of RDOs and extra hours that will be claimed as time in lieu must be recorded on the respective time sheet and dedicated form. Similarly, any banked RDO and time in lieu taken off must be recorded on the respective time sheet and on the dedicated form. The Manager must approve the timesheet and form. Approving the timesheet approves the hours worked, any banking or taking of RDOs and any time in lieu arrangements claimed, all under the provisions of this policy.

The Manager and staff member are to monitor the agreed arrangements and ensure compliance with the provisions of this policy and documents are properly approved and recorded.

7. Termination of Employment

In the event of a staff member ceasing employment with Murrumbidgee Council and that staff member has approved banked time in lieu and/or approved banked RDOs, the:

- banked time in lieu may be claimed as part or all of the required notice period, or;
- banked RDOs may be claimed as part or all of the required notice period, or;

- banked time in lieu and banked RDOs may be claimed as part or all of the notice period, or;
- staff member may work out the required notice period and be paid out for the banked time in lieu and/or RDOs at the appropriate (Award) rate.

8. Acknowledgement of Discretionary Hours (End of Calendar Year)

To acknowledge discretionary effort and extra hours worked by staff during the calendar year which have not otherwise been recognised and rewarded (including under this Policy), employees will be entitled to take off the normal work days that fall between Christmas Day and Boxing Day public holidays and the New Year's Day public holiday. That is, the rostered work days that do not fall on declared public holidays (normally three (3) days). This will be without any requirement to take accrued annual leave for this time off. If a normal RDO falls in this period, this RDO will be taken on the first working day after this break.

Should Christmas Day (25 December) fall on a Tuesday to Saturday, the 24 December will also be a day entitled to be taken off.

9. Related Documents and Legislation

- Local Government Act 1993
- Local Government (State) Award 2020

10. Review

This policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).

Murrumbidgee COUNCIL

Staff Education and Training Policy

	Name	Position	Signature	Date
Responsible Officer	Sarah Gurciullo	People & Culture Officer		
Authorised By	John Scarce	General Manager		

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1. Purpose

Murrumbidgee Council recognises that staff development is an important part of the working life of each staff member. It is associated with the development needs of the individual and of teams and the achievement of Council's overall strategy.

Council recognises that the calibre and competence of its employees are vital factors in ensuring that it remains a successful organisation. To this end, Council strives to promote employee development through high quality training and learning opportunities, both on and off the job.

This Policy sets out what may be offered in terms of support from the Council, and what is expected from employees.

2. Scope

This Policy does not apply to senior staff employees of Council as defined in the Local Government Act 1993. This Policy does not form part of any employee's contract of employment.

3. Definitions

Training and education to meet position description - is training that Council designates to be a necessary requirement of employment. Employees who participate in this training shall not lose ordinary pay. Training and education to meet position description may have to satisfy statutory or Council determined requirements.

Per annum means the financial year of Council.

Tuition costs meaning if the Commonwealth (Commonwealth Supported Program) supports the qualification on offer, otherwise it is the actual cost the training institution charges.

Travel and accommodation means travel being the most efficient method of time (taken from study time), accommodation no less than 3 stars within 2 km of the venue. If an individual desires to take a less efficient travel method, or stay in an alternative accommodation being outside the 2 km radius, or chooses a lessor or higher star rating than what Council offers, the employee will be responsible for travel costs to and from accommodation and venue, and will be reimbursed an amount equivalent to the travel and accommodation costs up to what Council would provide.

4. Policy Statement

Council recognises that increasing the organisation's efficiency and productivity requires an ongoing commitment to education, training and skill maintenance, development and enhancement. Therefore, Council is committed to:

- Developing a more highly skilled and flexible workforce.
- Providing employees with opportunities, through appropriate education and training, to acquire additional skills.
- Removing barriers to the utilisation of skills in accordance with Council's training plans.

Note: this policy must be read in conjunction with Council's Annual Training Plan.

5. Development of the Annual Training Plan

Council shall design an annual training plan in accordance with the Local Government (State) Award requirements. The training plan is to be based on:

- The current and future skill requirements of the Council;
- The size, structure and nature of the operations of the Council;
- The need to develop vocational skills relevant to Council and the Local Government industry in general, through the utilisation of available internal and external resources.

The training plan shall, where appropriate, provide for training that is consistent with industry specific competency standards. The training plan shall be consistent in identifying the needs of the organisation, and having regard to Council's Workforce Plan.

Participants will receive training in accordance with Council's training plan, based on the needs of Council and the employee as identified in the employee's annual performance review, or as an outcome of workplace assessment of competency.

Employees may make application for consideration to attend training courses on the Training/Conference Request Form.

6. Education and Training Categories

Education and training will be in the following five categories:

i. Training and education to meet position description and/or step one of the salary steps guide;
ii. Training and education that is required to maintain qualifications obtained;
iii. Training that adds value to the individual and organisation, identified at step 2 and above in the salary steps guide of a particular position;
iv. Training and education that adds to the value and/or health and wellbeing of the individual;
v. Conferences and professional development.

i. Training and education to meet position description and/or step one of the salary steps guide

Types of training – Certificates, Statements of Attainment, initial qualifications like white cards, etc.

Where the position you hold has a position description that requires you to obtain a certain competency or qualification, Council will:

- Pay 100% of the tuition costs of a Commonwealth supported programme;
- Pay the equivalent of a Commonwealth supported program should the individual choose a training provider not supported by the Commonwealth;

- Pay 100% of the tuition costs provided that no training institution offers a Commonwealth supported program.

Council will:

- Provide to any employee per annum the equivalent of two weeks ordinary hours of paid study time leave during ordinary hours.
- Reimburse 100% of all stationery and study material (inclusive of textbooks).

Travel and Accommodation

Pay for all travel and accommodation.

ii. Training and education that is required to maintain qualifications obtained

(Types of training - Verification of Competency, confined space refresher, working at heights refresher, one day courses like e-mental, bullying etc.)

Where the position you hold has a position description that requires a qualification to be maintained, refreshed or updated, Council will:

- Provide equivalent to one weeks ordinary hours per annum of paid study time during ordinary hours in which to complete
- Pay 100% of the cost of tuition
- Pay 100% of the study material and stationery (inclusive of textbooks)
- Pay for all travel and accommodation

iii. Training that adds value to the individual and organisation, identified at step 2 and above in the salary steps guide of a particular position

(Types of training, similar to classification i. above, but not essential for the job employed to do, and by obtaining this qualification they advance in the pay step system.)

Where the employee has decided to progress through the steps of the salary guide for their identified position, Council will:

- Pay 50% of the tuition costs of a Commonwealth supported program;
- Provide equivalent to half (0.5) of one weeks ordinary hours per annum study time during ordinary hours;
- Reimburse 50% of all stationery and study material (inclusive of textbooks).

Where there is no equivalent program offered as a Commonwealth supported program, Council will find the closest match within the field of education.

There will be no payment or reimbursement for travel and/or accommodation.

iv. Training and education that adds to the value and/or health and wellbeing of the individual

(Types of claims - gym memberships, small motor mechanic, gladiator fighting, clay pigeon shooting, etc.)

Where the individual has decided to undertake a pursuit, which has been determined

by Council to only add value to the individual's prospects of employment outside of Council or provides for the health and wellbeing of the individual, Council will:

- Pay 25% of the cost, up to a maximum of $125 per annum

There will be no allocation of study time or reimbursement for travel, accommodation or other expenses.

These pursuits are limited only to legal pursuits eg gym membership, dance aerobics, small motor mechanic, artistic classes etc.

v. Conferences and Professional Development

(Types - professionals need to maintain continuous professional development (CPD), example for a CPA (accountant) completion of 120 hours of CPD in a three year cycle; with a minimum of 20 hours in any one year to maintain professional membership.)

Where you must, as part of professional membership, complete professional development hours to maintain membership, Council will support 75% of those hours per annum by:

- Paying 100% of all tuition, conference fees, travel, accommodation all within ordinary hours (without reducing any study time) where professional development hours are obtained

The individual must maximise the obtaining of professional development hours at events attended (i.e. attend prior and post conference workshops to maximise the travel dollars already spent).

Where a Conference is not linked to professional membership, the individual may request to attend, at the General Manager's (or their delegate's) discretion. If the request is approved, Council will:

- Pay 100% of all tuition, conference fees, travel, accommodation all within ordinary hours

7. Roles and Responsibilities

The development of employees is a responsibility shared between individual employees, managers and the organisation. A shared commitment to learning and development is critical to ensure we meet our strategic objectives and foster a culture of career development for our employees.

<u>People & Culture Officer is responsible for:</u>

- Providing employees with appropriate learning and development solutions that are relevant to their positions;
- Promptly considering all learning and development requests;
- Ensuring equitable access for all employees;
- Measuring the effectiveness of programs to promote continuous improvement in our employees, providers and processes;

- Providing advice on learning and development opportunities.

Directors and Managers are responsible for:

- Developing individual learning and development plans for employees in the performance appraisal process on an annual basis;
- Demonstrating an ongoing commitment to supporting employees' learning and development;
- Providing resource solutions to allow employees to attend programs;
- Frequently reviewing and discussing employees' learning and development progress;
- Ensuring employees meet statutory and certification requirements;
- Reviewing competencies on a continual basis;
- In accordance with the delegations, timely completion and approval of application forms.

Employees are responsible for:

- Completing a Training/Conference Request Form;
- Assisting Directors and Managers in identifying their learning and development needs;
- Contributing to the development of their individual learning and development plan on an annual basis;
- Attending and participating in allocated learning and development programs;
- Providing a minimum 5 working days' notice to relevant Managers and the People & Culture Officer for changes to attendance to scheduled programs;
- Completing evaluating and/or feedback forms as required.

8. Review

This policy:

- To be reviewed within the first year of the new Council term;
- may be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).

Murrumbidgee
COUNCIL

CODE OF MEETING PRACTICE

2022

Adopted by Council at its meeting of …….

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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.

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 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

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.

Extraordinary meetings

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

Note: Clause 3.2 reflects section 366 of the Act.

Notice to the public of council meetings

3.3 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 3.3 reflects section 9(1) of the Act.

3.4 For the purposes of clause 3.3, 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.

3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

3.6 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 3.6 reflects section 367(1) of the Act.

3.7 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 3.7 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

3.8 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 3.8 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

3.9 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 **5 business days** before the meeting is to be held.

3.10 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.

3.11 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.

3.12 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

3.13 A councillor may, by way of a notice submitted under clause 3.9 ask a question for response by the General Manager about the performance or operations of the council.

3.14 A councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the General Manager or a member of staff of the council, or a question that implies wrongdoing by the General Manager or a member of staff of the council.

3.15 The General Manager or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

3.16 The General Manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.

3.17 The General Manager must ensure that the agenda for an ordinary meeting of the council states:

(a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
(b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
(c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
(d) any business of which due notice has been given under clause 3.10.

3.18 Nothing in clause 3.17 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.

3.19 The General Manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

3.20 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:

(a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
(b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.20 reflects section 9(2A)(a) of the Act.

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

Availability of the agenda and business papers to the public

3.22 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available 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 3.22 reflects section 9(2) and (4) of the Act.

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

Note: Clause 3.23 reflects section 9(2A)(b) of the Act.

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

Note: Clause 3.24 reflects section 9(3) of the Act.

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

Note: Clause 3.25 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

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

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

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

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

3.29 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.27(a) can speak to the motion before it is put.

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

Pre-meeting briefing sessions

3.31 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.

3.32 Pre-meeting briefing sessions are to be held in the absence of the public.

3.33 The General Manager or a member of staff nominated by the General Manager is to preside at pre-meeting briefing sessions.

3.34 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.

3.35 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 **11.00am 5 business days** 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 **2** 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 **2** 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 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 **5 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 **4 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 **10 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 may participate remotely in a meeting of the council or of a committee of the council if they have made prior arrangements to attend via video link.

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

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

5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

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

Note: Clause 5.6 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.

<u>The quorum for a meeting</u>

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 5.8 reflects section 368(1) of the Act.

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

Note: Clause 5.9 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 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.2.

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 5.15 reflects section 10(1) of the Act.

5.16 Clause 5.15 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 5.17 reflects section 10(2) of the Act.

Webcasting of meetings

5.18 All meetings of the council and committees of the council are to be webcast on the council's website. Audio recording of council meetings to be uploaded on the council's website as soon as practicable following the meeting.

5.19 Clause 5.18 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 **2 years.** 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 5.22 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 5.23 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 5.24 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 The general order of business for an ordinary meeting of the council shall be:

1. Acknowledgement of Country
2. Recording of Meeting
3. Apologies and applications for a leave of absence by councillors
4. Confirmation of Minutes
5. Disclosure of Interest Declarations
6. Notice of Rescission
7. Notice of Motion
8. Mayoral Minute
9. Mayoral Report
10. Delegates' Reports
11. Officers' Reports for Consideration
12. Reports/Minutes of Council Committees
13. Officers' Reports for Noting
14. Questions with Notice
15. Confidential Matters
16. Items without Notice
17. Closure

8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

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

8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

<u>Business that can be dealt with at a council meeting</u>

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 3.9, and
(b) unless notice of the business has been sent to the councillors in accordance with clause 3.6 in the case of an ordinary meeting or clause 3.8 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 3.9 and 3.13.

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 11.4 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.

Voting on planning decisions

11.10 The General Manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

11.13 Clauses 11.10–11.12 apply also to meetings that are closed to the public.

Note: Clauses 11.10-11.13 reflect section 375A of the Act.

Note: The requirements of clause 11.10 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 8.2.

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.

<u>Notice of likelihood of closure not required in urgent cases</u>

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 **11.00am, 5 business days** 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 **2** 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 **2** speakers to make representations in such order as determined by the chairperson.

14.17 Each speaker will be allowed **5 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 Clause 15.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 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.

15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

15.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

15.22 Any person who contravenes or attempts to contravene clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.

15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

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.

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 3.9.

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 3.9.

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 3.10 with the consent of all signatories to the notice of motion.

17.10 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 17.10 reflects section 372(6) of the Act.

17.11 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.

17.12 A motion moved under clause 17.11(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.11(b) can speak to the motion before it is put.

17.13 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.11(c).

Recommitting resolutions to correct an error

17.14 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.

17.15 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.14(a), the councillor is to propose alternative wording for the resolution.

17.16 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.14(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.

17.17 A motion moved under clause 17.14 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.14 can speak to the motion before it is put.

17.18 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.14.

17.19 A motion moved under clause 17.14 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 **8.00pm.**

18.2 If the business of the meeting is unfinished at **8.00pm** 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 **8.00pm**, 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 20.19 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.

20.23 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

20.24 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

20.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

20.26 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

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

21 IRREGULARITES

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 *Local Government Act 1993*
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 *Environmental Planning and Assessment Act 1979* 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 *Local Government (General) Regulation 2005*
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

Code of Conduct For Councillors

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		
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PART 1 INTRODUCTION

This Code of Conduct applies to Councillors. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") which has been prescribed under the *Local Government (General) Regulation 2005* ("the Regulation").

Section 440 of the *Local Government. Act 1993* ("LGA") requires every Council (including County Councils) and Joint Organisation to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct. A Councils' or Joint Organisations' adopted Code of Conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "Council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

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

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

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

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

PART 2 DEFINITIONS

In this Code the following terms have the following meanings:

administrator	an administrator of a Council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "Council Committee"
complaint	a Code of Conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
Council	includes County Councils and Joint Organisations
Council Committee	a Committee established by a Council comprising of Councillors, staff or other persons that the Council has delegated functions to
Council Committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council Committee other than a wholly Advisory Committee
Council official	includes Councillors, members of staff of a Council, administrators, Council Committee members, delegates of Council and Council advisers
Councillor	any person elected or appointed to civic office, including the Mayor and includes members and chairpersons of County Councils and voting representatives of the boards of Joint Organisations and chairpersons of Joint Organisations
conduct	includes acts and omissions
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
election campaign	includes Council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*
General Manager	includes the Executive Officer of a Joint Organisation
Joint Organisation	a Joint Organisation established under section 400O of the LGA
LGA	the *Local Government Act 1993*

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

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

3.1 You must not conduct yourself in a manner that:

a) is likely to bring the Council or other Council officials into disrepute
b) is contrary to statutory requirements or the Council's administrative requirements or policies
c) is improper or unethical
d) is an abuse of power
e) causes, comprises or involves intimidation or verbal abuse
f) involves the misuse of your position to obtain a private benefit
g) constitutes harassment or bullying behaviour under this Code, or is unlawfully discriminatory.

3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act *(section 439).*

Fairness and equity

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

3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.

3.7 For the purposes of this Code, "harassment" is any form of behaviour towards a person that:

a) is not wanted by the person
b) offends, humiliates or intimidates the person, and
c) creates a hostile environment.

Bullying

3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this Code, "bullying behaviour" is any behaviour in which:

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

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

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

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

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

Work health and safety

3.12 All Council officials, including Councillors, owe statutory duties under the *Work Health and Safety Act 2011 (*WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety. Specifically, you must:

a) take reasonable care for your own health and safety
b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the Council to ensure workplace health and safety
d) cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff
e) report accidents, incidents, near misses, to the General Manager or such other staff member nominated by the General Manager , and take part in any incident investigations
f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

3.15 You must not participate in binding caucus votes in relation to matters to be considered at a Council or committee meeting.

3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the Council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the Council or committee.

3.17 Clause 3.15 does not prohibit Councillors from discussing a matter before the Council or committee prior to considering the matter in question at a Council or committee meeting, or from voluntarily holding a shared view with other Councillors on the merits of a matter.

3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a Council committee or a representative of the Council on an external body.

Obligations in relation to meetings

3.19 You must comply with rulings by the chair at Council and committee meetings or other proceedings of the Council unless a motion dissenting from the ruling is passed.

3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other Council officials or any members of the public present during Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).

3.21 You must not engage in conduct that disrupts Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

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

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

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.

4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.

4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:

(a) your interest, or
(b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
(c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

4.4 For the purposes of clause 4.3:

(a) Your "relative" is any of the following:
  i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
  ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
  iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
(b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):

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

What interests do not have to be disclosed?

4.6 You do not have to disclose the following interests for the purposes of this Part:

(a) your interest as an elector
(b) your interest as a ratepayer or person liable to pay a charge
(c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Code

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

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

What disclosures must be made by a Councillor?

4.8 A Councillor:

(a) must prepare and submit written returns of interests in accordance with clause 4.9, and

(b) must disclose pecuniary interests in accordance with clause 4.16 and comply with clause 4.17 where it is applicable.

Disclosure of interests in written returns

4.9 A Councillor must make and lodge with the General Manager a return in the form set out in schedule 2 to this Code, disclosing the Councillor's interests as specified in schedule 1 to this Code within 3 months after:

(a) becoming a Councillor, and

(b) 30 June of each year, and

(c) the Councillor becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.10 A person need not make and lodge a return under clause 4.9 paragraphs (a) and (b) if:

(a) they made and lodged a return under that clause in the preceding 3 months, or

(b) they have ceased to be a Councillor in the preceding 3 months.

4.11 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.12 The General Manager must keep a register of returns required to be made and lodged with the General Manager.

4.13 Returns required to be lodged with the General Manager under clause 4.9(a) and (b) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.

4.14 Returns required to be lodged with the General Manager under clause 4.9(c) must be tabled at the next Council meeting after the return is lodged.

4.15 Information contained in returns made and lodged under clause 4.9 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

4.16 A Councillor who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.17 The Councillor must not be present at, or in sight of, the meeting of the Council or committee:

(a) at any time during which the matter is being considered or discussed by the Council or committee, or

(b) at any time during which the Council or committee is voting on any question in relation to the matter.

4.18 In the case of a meeting of a board of a Joint Organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.16 and 4.17 where they participate in the meeting by telephone or other electronic means.

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

4.20 A general notice may be given to the General Manager in writing by a Councillor to the effect that the Councillor or the Councillor's spouse, de facto partner or relative, is:

(a) a member of, or in the employment of, a specified company or other body, or

(b) a partner of, or in the employment of, a specified person.

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

4.21 A Councillor is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor has an interest in the matter of a kind referred to in clause 4.6.

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

4.23 Despite clause 4.17, a Councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

4.24 Clause 4.17 does not apply to a Councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

(a) the matter is a proposal relating to:

(i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or

(ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and

(b) the pecuniary interest arises only because of an interest of the Councillor in the Councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and

(c) the Councillor made a special disclosure under clause 4.25 in relation to the interest before the commencement of the meeting.

4.25 A special disclosure of a pecuniary interest made for the purposes of clause 4.24(c) must:

(a) be in the form set out in schedule 3 of this Code and contain the information required by that form, and

(b) be laid on the table at a meeting of the Council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

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

(a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or

(b) it is in the interests of the electors for the area to do so.

4.27 A Councillor with a pecuniary interest in a matter who is permitted to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.26, must still disclose the interest they have in the matter in accordance with clause 4.16.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

5.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this Code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

5.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 5.2.

5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this Code.

5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.

5.7 If a disclosure is made at a Council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

a) a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council

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

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

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

a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.

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

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

Political donations

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

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

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

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17. A disclosure made under this clause must be recorded in the minutes of the meeting.

5.15 For the purposes of this Part:

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

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

5.17 Despite clause 5.14, a Councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

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

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

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

a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or

b) that it is in the interests of the electors for the area to do so.

5.20 Where the Minister exempts a Councillor from complying with a requirement under this Part under clause 5.19, the Councillor must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Personal dealings with Council

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

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

PART 6 PERSONAL BENEFIT

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

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

a) a political donation for the purposes of the *Electoral Funding Act 2018*
b) a gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual Council official or someone personally associated with them
c) attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or
d) free or subsidised meals, beverages or refreshments of token value provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
   i) the discussion of official business
   ii) work-related events such as Council-sponsored or community events, training, education sessions or workshops
   iii) conferences
   iv) Council functions or events
   v) social functions organised by groups, such as Council committees and community organisations.

Gifts and benefits

6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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

6.5 You must not:

a) seek or accept a bribe or other improper inducement
b) seek gifts or benefits of any kind
c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
f) participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer–supplier relationship with the competition organiser
g) personally benefit from reward points programs when purchasing on behalf of the Council.

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

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

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

Gifts and benefits of token value

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

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

Gifts and benefits of more than token value

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

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

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

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

"Cash-like gifts"

6.13 For the purposes of clause 6.5(e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as

phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

6.14 You must not use your position to influence other Council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A Councillor will not be in breach of this clause where they seek to influence other Council officials through the proper exercise of their role as prescribed under the LGA.

6.15 You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of Councillors and administrators

7.1 Each Council is a body politic. The Councillors or administrator/s are the governing body of the Council. Under section 223 of the LGA, the role of the governing body of the Council includes the development and endorsement of the strategic plans, programs, strategies and policies of the Council, including those relating to workforce policy, and to keep the performance of the Council under review.

7.2 Councillors or administrators must not:

a) direct Council staff other than by giving appropriate direction to the General Manager by way of Council or committee resolution, or by the Mayor or administrator exercising their functions under section 226 of the LGA
b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the staff member or delegate
c) contact a member of the staff of the Council on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager
d) contact or issue instructions to any of the Council's contractors, including the Council's legal advisers, unless by the Mayor or administrator exercising their functions under section 226 of the LGA.

7.3 Despite clause 7.2, Councillors may contact the Council's external auditor or the chair of the Council's Audit Risk and Improvement Committee to provide information reasonably necessary for the external auditor or the Audit, Risk and Improvement Committee to effectively perform their functions.

Obligations of staff

7.4 Under section 335 of the LGA, the role of the General Manager includes conducting the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, implementing without undue delay, lawful decisions of the Council and ensuring that the mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.5 Members of staff of Council must:

a) give their attention to the business of the Council while on duty
b) ensure that their work is carried out ethically, efficiently, economically and effectively
c) carry out reasonable and lawful directions given by any person having authority to give such directions
d) give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them
e) ensure that any participation in political activities outside the service of the Council does not interfere with the performance of their official duties.

Inappropriate interactions

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

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

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

8.1 The General Manager is responsible for ensuring that Councillors and administrators can access information necessary for the performance of their official functions. The General Manager and public officer are also responsible for ensuring that members of the public can access publicly available Council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).

8.2 The General Manager must provide Councillors and administrators with the information necessary to effectively discharge their official functions.

8.3 Members of staff of Council must provide full and timely information to Councillors and administrators sufficient to enable them to exercise their official functions and in accordance with Council procedures.

8.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their official functions must also provide it to all other Councillors in accordance with Council procedures.

8.5 Councillors and administrators who have a private interest only in Council information have the same rights of access as any member of the public.

8.6 Despite clause 8.4, Councillors and administrators who are precluded from participating in the consideration of a matter under this Code because they have a conflict of interest in the matter, are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain Council information

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

a) only access Council information needed for Council business

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

Use and security of confidential information

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

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

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

Personal information

8.12 When dealing with personal information you must comply with:

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

Use of Council resources

8.13 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.

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

8.15 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

8.16 You must not use Council resources (including Council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.17 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:

a) for the purpose of assisting your election campaign or the election campaign of others, or
b) for other non-official purposes.

8.18 You must not convert any property of the Council to your own use unless properly authorised.

Internet access

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

Council record keeping

8.20 You must comply with the requirements of the *State Records Act 1998* and the Council's records management policy.

8.21 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.

8.22 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.

8.23 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with the Council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to Council buildings

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

8.25 Councillors and administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or their delegate) or as

provided for in the procedures governing the interaction of Councillors and Council staff.

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

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this Code for an improper purpose.

9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

a) to bully, intimidate or harass another Council official
b) to damage another Council official's reputation
c) to obtain a political advantage
d) to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
e) to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
f) to avoid disciplinary action under the Procedures
g) to take reprisal action against a person for making a complaint alleging a breach of this Code
h) to take reprisal action against a person for exercising a function prescribed under the Procedures
i) to prevent or disrupt the effective administration of this Code under the Procedures.

Detrimental action

9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this Code.

9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.

9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:

a) injury, damage or loss
b) intimidation or harassment
c) discrimination, disadvantage or adverse treatment in relation to employment
d) dismissal from, or prejudice in, employment
e) disciplinary proceedings.

Compliance with requirements under the Procedures

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

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

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

9.9 Where you are a Councillor or the General Manager, you must comply with any Council resolution requiring you to take action as a result of a breach of this Code.

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

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

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

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

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

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

Complaints alleging a breach of this Part

9.15 Complaints alleging a breach of this Part by a Councillor or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the Council for consideration in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.9

Part 1: Preliminary

Definitions

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

   address means:

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

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

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

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

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

   interest means:

   a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

a) in the case of a return made under clause 4.9(a), the date on which a person became a Councillor
b) in the case of a return made under clause 4.9(b), 30 June of the year in which the return is made
c) in the case of a return made under clause 4.9(c), the date on which the Councillor became aware of the interest to be disclosed.

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a Councillor has an interest includes a reference to any real property situated in Australia in which the Councillor has an interest.

4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a Councillor by two or more corporations that are

related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.9 of this Code must disclose:
   a) the street address of each parcel of real property in which they had an interest on the return date, and
   b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
   c) the nature of the interest.

6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
   a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
   b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.

7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a Councillor.

8. For the purposes of clause 5 of this schedule, “interest” includes an option to purchase.

Gifts

9. A person making a return under clause 4.9 of this Code must disclose:
   a) a description of each gift received in the period since 30 June of the previous financial year, and
   b) the name and address of the donor of each of the gifts.

10. A gift need not be included in a return if:
    a) it did not exceed $500, unless it was among gifts totalling more than $500 made by the same person during a period of 12 months or less, or
    b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
    c) the donor was a relative of the donee, or
    d) subject to paragraph (a), it was received prior to the person becoming a Councillor.

11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.9 of this Code must disclose:
    a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
    b) the dates on which the travel was undertaken, and
    c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

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

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.9 of this Code must disclose:
    a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
    b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
    c) the nature of the interest, or the position held, in each of the corporations, and
    d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
    a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
    b) required to apply its profits or other income in promoting its objects, and
    c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a Councillor.

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

19. A person making a return under clause 4.9 of this Code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

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

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

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.9 of the Code must disclose:
    a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
    b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
    c) a description of the position held in each of the unions and associations.

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

Dispositions of real property

23. A person making a return under clause 4.9 of this Code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.9 of this Code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

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

Sources of income

26. A person making a return under clause 4.9 of this Code must disclose:

a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
    a) in relation to income from an occupation of the person:
        (i) a description of the occupation, and
        (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
        (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
    b) in relation to income from a trust, the name and address of the settlor and the trustee, or
    c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

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

29. The source of any income received by the person that they ceased to receive prior to becoming a Councillor need not be disclosed.

30. A fee paid to a Councillor or to the Mayor or Deputy Mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.9 of this Code must disclose the name and address of each person to whom the person was liable to pay any debt:
    a) on the return date, and
    b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.9 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:
    a) the amount to be paid did not exceed $500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
        (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the

period since 30 June of the previous financial year, as the case may be, and

(ii) the amounts to be paid exceeded, in the aggregate, $500, or

b) the person was liable to pay the debt to a relative, or

c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or

d) in the case of a debt arising from the supply of goods or services:

(i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or

(ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or

e) subject to paragraph (a), the debt was discharged prior to the person becoming a Councillor.

Discretionary disclosures

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

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.9

'Disclosures by Councillors' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by schedule 1 of the *Model Code of Conduct for Local Councils in NSW*.

2. If this is the first return you have been required to lodge with the General Manager after becoming a Councillor, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Councillor.

3. If you have previously lodged a return with the General Manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the General Manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a Councillor (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.

4. If you have previously lodged a return with the General Manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.

5. This form must be completed using block letters or typed.

6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix, which is to be properly identified and signed by you.

7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.9 of the Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.11 of the Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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

Information contained in returns made and lodged under clause 4.9 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

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

Disclosure of pecuniary interests and other matters by [*full name of Councillor*]

as at [*return date*]

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

[*Councillor's signature*]
[*date*]

A. Real Property

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

B. Sources of income

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

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

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

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June
Sources of other income I received at any time since 30 June
[*Include description sufficient to identify the person from whom, or the circumstances in which, that income was received*]

C. Gifts

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

D. Contributions to travel

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

E. Interests and positions in corporations

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

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

G. Positions in trade unions and professional or business associations

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

H. Debts

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

I. Dispositions of property

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

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

J. Discretionary disclosures

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.25

1. This form must be completed using block letters or typed.

2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.24(c) of the Code of Conduct for Councillors (the Code of Conduct).

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

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

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

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

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

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

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

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

to be held on the day of 20 .

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

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

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

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

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

Councillor's signature

Date

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

Murrumbidgee COUNCIL

Code of Conduct For Council Staff

	Name	Position	Signature	Date
Responsible Officer	**Garry Stoll**	**Director Planning, Community & Development**		
Authorised By	**John Scarce**	**General Manager**		

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PART 1 INTRODUCTION

This code of conduct applies to members of Council staff, including General Managers. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") which has been prescribed under the *Local Government (General) Regulation 2005* ("the Regulation").

Section 440 of the *Local Government Act 1993* ("LGA") requires every Council (including County Councils) and Joint Organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A Councils or Joint Organisation's adopted Code of Conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "Council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

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

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

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

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

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

administrator	an administrator of a Council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "Council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
Council	includes County Councils and Joint Organisations
Council committee	a committee established by a Council comprising of Councillors, staff or other persons that the Council has delegated functions to
Council committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council committee other than a wholly advisory committee
Council official	includes Councillors, members of staff of a Council, administrators, Council committee members, delegates of Council and, for the purposes of clause 4.16, Council advisers
Councillor	any person elected or appointed to civic office, including the Mayor and includes members and chairpersons of County Councils and voting representatives of the boards of Joint Organisations and chairpersons of Joint Organisations
conduct	includes acts and omissions
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes Council, state and federal election campaigns
General Manager	includes the executive officer of a joint organisation
Joint Organisation	a Joint Organisation established under section 400O of the LGA
LGA	the *Local Government Act 1993*

Mayor	includes the chairperson of a County Council or a joint organisation
members of staff of a Council	includes members of staff of County Councils and Joint Organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* prescribed under the Regulation
the Regulation	the *Local Government (General) Regulation 2005*
wholly advisory committee	a Council committee that the Council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

3.1 You must not conduct yourself in a manner that:

a) is likely to bring the Council or other Council officials into disrepute
b) is contrary to statutory requirements or the Council's administrative requirements or policies
c) is improper or unethical
d) is an abuse of power
e) causes, comprises or involves intimidation or verbal abuse
f) involves the misuse of your position to obtain a private benefit
g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.

3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. *(section 439).*

Fairness and equity

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

3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.

3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:

a) is not wanted by the person
b) offends, humiliates or intimidates the person, and
c) creates a hostile environment.

Bullying

3.8 You must not engage in bullying behaviour towards others.

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

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

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

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

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

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

Work health and safety

3.12 All Council officials, including Councillors, owe statutory duties under the *Work Health and Safety Act 2011 (*WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety. Specifically, you must:

a) take reasonable care for your own health and safety
b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the Council to ensure workplace health and safety
d) cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff
e) report accidents, incidents, near misses, to the General Manager or such other staff member nominated by the General Manager, and take part in any incident investigations
f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Obligations in relation to meetings

3.15 You must comply with rulings by the chair at Council and committee meetings or other proceedings of the Council unless a motion dissenting from the ruling is passed.

3.16 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other Council officials or any members of the public present during Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).

3.17 You must not engage in conduct that disrupts Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.

4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.

4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:

(a) your interest, or
(b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
(c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

4.4 For the purposes of clause 4.3:

(a) Your "relative" is any of the following:
  i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
  ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
  iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
(b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):

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

What interests do not have to be disclosed?

4.6 You do not have to disclose the following interests for the purposes of this Part:

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

(d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
(e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
(f) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
(g) an interest you have arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
(h) an interest you have arising from the making by the Council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:
    i) the performance by the Council at the expense of your relative of any work or service in connection with roads or sanitation
    ii) security for damage to footpaths or roads
    iii) any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council, or by or under any contract
(i) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
(j) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Council committee member

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

What disclosures must be made by a designated person?

4.8 Designated persons include:
(a) the General Manager
(b) other senior staff of the Council for the purposes of section 332 of the LGA
(c) a person (other than a member of the senior staff of the Council) who is a member of staff of the Council or a delegate of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest

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

4.9 A designated person:

(a) must prepare and submit written returns of interests in accordance with clause 4.18, and

(b) must disclose pecuniary interests in accordance with clause 4.10.

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

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

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

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

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

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

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

What disclosures must be made by a Council committee member?

4.16 A Council committee member must disclose pecuniary interests in accordance with clause 4.25 and comply with clause 4.26.

4.17 For the purposes of clause 4.16, a "Council committee member" includes a member of staff of Council who is a member of the committee.

Disclosure of interests in written returns

4.18 A designated person must make and lodge with the General Manager a return in the form set out in schedule 2 to this code, disclosing the designated person's interests as specified in schedule 1 to this code within 3 months after:

(a) becoming a designated person, and
(b) 30 June of each year, and
(c) the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.19 A person need not make and lodge a return under clause 4.18, paragraphs (a) and (b) if:

(a) they made and lodged a return under that clause in the preceding 3 months, or
(b) they have ceased to be a designated person in the preceding 3 months.

4.20 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.21 The General Manager must keep a register of returns required to be made and lodged with the General Manager.

4.22 Returns required to be lodged with the General Manager under clause 4.18(a) and (b) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.

4.23 Returns required to be lodged with the General Manager under clause 4.18(c) must be tabled at the next Council meeting after the return is lodged.

4.24 Information contained in returns made and lodged under clause 4.18 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

4.25 A Council committee member who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.26 The Council committee member must not be present at, or in sight of, the meeting of the committee:

(a) at any time during which the matter is being considered or discussed by the committee, or
(b) at any time during which the committee is voting on any question in relation to the matter.

4.27 A disclosure made at a meeting of a Council committee must be recorded in the minutes of the meeting.

4.28 A general notice may be given to the General Manager in writing by a Council committee member to the effect that the Council committee member, or the Council committee member's spouse, de facto partner or relative, is:

(a) a member of, or in the employment of, a specified company or other body, or

(b) a partner of, or in the employment of, a specified person.

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

4.29 A Council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Council committee member has an interest in the matter of a kind referred to in clause 4.6.

4.30 A person does not breach clauses 4.25 or 4.26 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.31 The Minister for Local Government may, conditionally or unconditionally, allow a Council committee member who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.

4.32 A Council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.31, must still disclose the interest they have in the matter in accordance with clause 4.25.

Note: For the purpose of clauses 4.25 to 4.32, a "Council committee member" includes a member of staff of Council who is a member of a Council committee.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

5.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

5.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 5.2.

5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.

5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of Council staff other than the General Manager, such a disclosure is to be made to the staff member's manager. In the case of the General Manager, such a disclosure is to be made to the Mayor.

5.7 If a disclosure is made at a committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

a) a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council

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

b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.

c) an affiliation between the Council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.

d) membership, as the Council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the Council and the organisation are potentially in conflict in relation to the particular matter

e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1

f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

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

a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or

b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.25 and 4.26.

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

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

Loss of quorum as a result of compliance with this Part

5.13 The Minister for Local Government may, conditionally or unconditionally, allow a Council committee member who is precluded under this Part from participating

in the consideration of a matter to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.

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5.14 Where the Minister exempts a committee member from complying with a requirement under this Part under clause 5.13, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Note: For the purpose of clauses 5.13 and 5.14, a "Council committee member" includes a member of staff of Council who is a member of a Council committee.

Other business or employment

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

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

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

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

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

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

Personal dealings with Council

5.20 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private

interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

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

PART 6 PERSONAL BENEFIT

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

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

a) a political donation for the purposes of the *Electoral Funding Act 2018*
b) a gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual Council official or someone personally associated with them
c) attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or
d) free or subsidised meals, beverages or refreshments of token value provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
   i) the discussion of official business
   ii) work-related events such as Council-sponsored or community events, training, education sessions or workshops
   iii) conferences
   iv) Council functions or events
   v) social functions organised by groups, such as Council committees and community organisations.

Gifts and benefits

6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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

6.5 You must not:

a) seek or accept a bribe or other improper inducement
b) seek gifts or benefits of any kind
c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
f) participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer–supplier relationship with the competition organiser
g) personally benefit from reward points programs when purchasing on behalf of the Council.

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

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

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

Gifts and benefits of token value

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

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

Gifts and benefits of more than token value

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

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

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

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

"Cash-like gifts"

6.13 For the purposes of clause 6.5(e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as

phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

6.14 You must not use your position to influence other Council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.

6.15 You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of Councillors and administrators

7.1 Each Council is a body politic. The Councillors or administrator/s are the governing body of the Council. Under section 223 of the LGA, the role of the governing body of the Council includes the development and endorsement of the strategic plans, programs, strategies and policies of the Council, including those relating to workforce policy, and to keep the performance of the Council under review.

7.2 Councillors or administrators must not:

a) direct Council staff other than by giving appropriate direction to the General Manager by way of Council or committee resolution, or by the Mayor or administrator exercising their functions under section 226 of the LGA
b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council in the exercise of the functions of the staff member
c) contact a member of the staff of the Council on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager.

Obligations of staff

7.3 Under section 335 of the LGA, the role of the General Manager includes conducting the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, implementing without undue delay, lawful decisions of the Council and ensuring that the Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.4 Members of staff of Council must:

a) give their attention to the business of the Council while on duty
b) ensure that their work is carried out ethically, efficiently, economically and effectively
c) carry out reasonable and lawful directions given by any person having authority to give such directions
d) give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them
e) ensure that any participation in political activities outside the service of the Council does not interfere with the performance of their official duties.

Inappropriate interactions

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

a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
b) Council staff approaching Councillors and administrators to discuss individual or operational staff matters (other than matters relating to

broader workforce policy), grievances, workplace investigations and disciplinary matters

c) subject to clause 8.6, Council staff refusing to give information that is available to other Councillors to a particular Councillor
d) Councillors and administrators who have lodged an application with the Council, discussing the matter with Council staff in staff-only areas of the Council
e) Councillors and administrators being overbearing or threatening to Council staff
f) Council staff being overbearing or threatening to Councillors or administrators
g) Councillors and administrators making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
h) Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make
i) Council staff providing ad hoc advice to Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
j) Council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

8.1 The General Manager is responsible for ensuring that Councillors and administrators can access information necessary for the performance of their official functions. The General Manager and public officer are also responsible for ensuring that members of the public can access publicly available Council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).

8.2 The General Manager must provide Councillors and administrators with the information necessary to effectively discharge their official functions.

8.3 Members of staff of Council must provide full and timely information to Councillors and administrators sufficient to enable them to exercise their official functions and in accordance with Council procedures.

8.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their official functions must also make it available to any other Councillor who requests it and in accordance with Council procedures.

8.5 Councillors and administrators who have a private interest only in Council information have the same rights of access as any member of the public.

8.6 Despite clause 8.4, Councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act.

Refusal of access to information

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

Use of certain Council information

8.8 In regard to information obtained in your capacity as a Council official, you must:

a) subject to clause 8.13, only access Council information needed for Council business
b) not use that Council information for private purposes
c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your position with Council

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

Use and security of confidential information

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

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

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

Personal information

8.11 When dealing with personal information you must comply with:

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

Use of Council resources

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

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

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

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

8.15 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

8.16 You must not use Council resources (including Council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.17 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:

a) for the purpose of assisting your election campaign or the election campaign of others, or
b) for other non-official purposes.

8.18 You must not convert any property of the Council to your own use unless properly authorised.

Internet access

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

Council record keeping

8.20 You must comply with the requirements of the *State Records Act 1998* and the Council's records management policy.

8.21 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.

8.22 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.

8.23 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with the Council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to Council buildings

8.24 Councillors and administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or their delegate) or as

provided for in the procedures governing the interaction of Councillors and Council staff.

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

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.

9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

a) to bully, intimidate or harass another Council official
b) to damage another Council official's reputation
c) to obtain a political advantage
d) to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
e) to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
f) to avoid disciplinary action under the Procedures
g) to take reprisal action against a person for making a complaint alleging a breach of this code
h) to take reprisal action against a person for exercising a function prescribed under the Procedures
i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.

9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.

9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:

a) injury, damage or loss
b) intimidation or harassment
c) discrimination, disadvantage or adverse treatment in relation to employment
d) dismissal from, or prejudice in, employment
e) disciplinary proceedings.

Compliance with requirements under the Procedures

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

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

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

9.9 Where you are the General Manager, you must comply with any Council resolution requiring you to take action as a result of a breach of this code.

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

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

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

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

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

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

Complaints alleging a breach of this Part

9.15 Complaints alleging a breach of this Part by the General Manager are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the Council for consideration in accordance with the Procedures.

9.16 Complaints alleging a breach of this Part by other Council officials are to be managed by the General Manager in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.18

Part 1: Preliminary

Definitions

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

   address means:

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

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

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

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

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

   interest means:

   a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

a) in the case of a return made under clause 4.18(a), the date on which a person became a Councillor or designated person
b) in the case of a return made under clause 4.18(b), 30 June of the year in which the return is made
c) in the case of a return made under clause 4.18(c), the date on which the Councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a Councillor or designated person has an interest includes a reference to any real property situated in Australia in which the designated person has an interest.

4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods

or services supplied, to a designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.18 of this code must disclose:
   a) the street address of each parcel of real property in which they had an interest on the return date, and
   b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
   c) the nature of the interest.

6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
   a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
   b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.

7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a Councillor or designated person.

8. For the purposes of clause 5 of this schedule, “interest” includes an option to purchase.

Gifts

9. A person making a return under clause 4.18 of this code must disclose:
   a) a description of each gift received in the period since 30 June of the previous financial year, and
   b) the name and address of the donor of each of the gifts.

10. A gift need not be included in a return if:
    a) it did not exceed $500, unless it was among gifts totalling more than $500 made by the same person during a period of 12 months or less, or
    b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
    c) the donor was a relative of the donee, or
    d) subject to paragraph (a), it was received prior to the person becoming a Councillor or designated person.

11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.18 of this code must disclose:
    a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
    b) the dates on which the travel was undertaken, and

c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

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

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.18 of this code must disclose:
    a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
    b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
    c) the nature of the interest, or the position held, in each of the corporations, and
    d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
    a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
    b) required to apply its profits or other income in promoting its objects, and
    c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a Councillor or designated person.

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

19. A person making a return under clause 4.18 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

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

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

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.18 of the code must disclose:
    a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
    b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
    c) a description of the position held in each of the unions and associations.

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

Dispositions of real property

23. A person making a return under clause 4.18 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.18 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

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

Sources of income

26. A person making a return under clause 4.18 of this code must disclose:
    a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
    b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
    a) in relation to income from an occupation of the person:
        (i) a description of the occupation, and
        (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
        (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
    b) in relation to income from a trust, the name and address of the settlor and the trustee, or
    c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

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

29. The source of any income received by the person that they ceased to receive prior to becoming a designated person need not be disclosed.

Debts

30. A person making a return under clause 4.18 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
    a) on the return date, and
    b) at any time in the period since 30 June of the previous financial year.

31. A liability to pay a debt must be disclosed by a person in a return made under clause 4.18 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

32. A liability to pay a debt need not be disclosed by a person in a return if:
    a) the amount to be paid did not exceed $500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
        (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and

(ii) the amounts to be paid exceeded, in the aggregate, $500, or

b) the person was liable to pay the debt to a relative, or

c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or

d) in the case of a debt arising from the supply of goods or services:

(i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or

(ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or

e) subject to paragraph (a), the debt was discharged prior to the person becoming a designated person.

Discretionary disclosures

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

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.18

'Disclosures by Councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by schedule 1 of the *Model Code of Conduct for Local Councils in NSW*.

2. If this is the first return you have been required to lodge with the General Manager after becoming a Councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Councillor or designated person.

3. If you have previously lodged a return with the General Manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the General Manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a designated person (whichever is the later date) to the return date which is the date you became aware of the new interest to be disclosed in your updated return.

4. If you have previously lodged a return with the General Manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.

5. This form must be completed using block letters or typed.

6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.18 of the Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.20 of the Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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

Information contained in returns made and lodged under clause 4.18 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

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

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

as at [*return date*]

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

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

A. Real Property

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

B. Sources of income

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

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

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

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June
Sources of other income I received at any time since 30 June
[*Include description sufficient to identify the person from whom, or the circumstances in which, that income was received*]

C. Gifts

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

D. Contributions to travel

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

E. Interests and positions in corporations

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

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

G. Positions in trade unions and professional or business associations

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

H. Debts

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

I. Dispositions of property

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

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

J. Discretionary disclosures

Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		
Authorised By	John Scarce	General Manager		

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PART 1 INTRODUCTION

This code of conduct applies to Council committee members and delegates of Council who are not Councillors or staff of the Council. It also applies to advisers of Council for the purposes of clause 4.12. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct"), which has been prescribed under the *Local Government (General) Regulation 2005* (the "Regulation).

Section 440 of the *Local Government Act 1993* ("LGA") requires every Council (including County Councils) and Joint Organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A Council's or Joint Organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "Council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

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

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

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

Failure by a Council committee member or delegate of the Council to comply with a Council's code of conduct may give rise to disciplinary action.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

committee	see the definition of "Council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
Council	includes County Councils and Joint Organisations
Council committee	a committee established by a Council comprising of Councillors, staff or other persons that the Council has delegated functions to
Council committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council committee other than a wholly advisory committee
Council official	includes Councillors, members of staff of a Council, administrators, Council committee members, delegates of Council and, for the purposes of clause 4.12, Council advisers
Councillor	any person elected or appointed to civic office, including the Mayor and includes members and chairpersons of County Councils and voting representatives of the boards of Joint Organisations and chairpersons of Joint Organisations
conduct	includes acts and omissions
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes Council, state and federal election campaigns
General Manager	includes the executive officer of a Joint Organisation
Joint Organisation	a Joint Organisation established under section 400O of the LGA
LGA	the *Local Government Act 1993*

members of staff of a Council	includes members of staff of County Councils and Joint Organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* prescribed under the Regulation
the Regulation	the *Local Government (General) Regulation 2005*
wholly advisory committee	a Council committee that the Council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

3.1 You must not conduct yourself in a manner that:

a) is likely to bring the Council or other Council officials into disrepute
b) is contrary to statutory requirements or the Council's administrative requirements or policies
c) is improper or unethical
d) is an abuse of power
e) causes, comprises or involves intimidation or verbal abuse
f) involves the misuse of your position to obtain a private benefit
g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.

3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. *(section 439).*

Fairness and equity

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

3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.

3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:

a) is not wanted by the person
b) offends, humiliates or intimidates the person, and
c) creates a hostile environment.

Bullying

3.8 You must not engage in bullying behaviour towards others.

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

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

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

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

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

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

Work health and safety

3.12 All Council officials, including Councillors, owe statutory duties under the *Work Health and Safety Act 2011 (*WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety. Specifically, you must:

a) take reasonable care for your own health and safety
b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the Council to ensure workplace health and safety
d) cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff
e) report accidents, incidents, near misses, to the General Manager or such other staff member nominated by the General Manager, and take part in any incident investigations
f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Obligations in relation to meetings

3.15 You must comply with rulings by the chair at Council and committee meetings or other proceedings of the Council unless a motion dissenting from the ruling is passed.

3.16 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other Council officials or any members of the public present during Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).

3.17 You must not engage in conduct that disrupts Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.

4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.

4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:

(a) your interest, or
(b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
(c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

4.4 For the purposes of clause 4.3:

(a) Your "relative" is any of the following:
  i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
  ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
  iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
(b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):

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

What interests do not have to be disclosed?

4.6 You do not have to disclose the following interests for the purposes of this Part:

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

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

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

What disclosures must be made by a designated person?

4.8 Designated persons include:
(a) a person who is a delegate of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give

rise to a conflict between the person's duty as a delegate and the person's private interest

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

4.9 A designated person:

(a) must prepare and submit written returns of interests in accordance with clause 4.15, and

(b) must disclose pecuniary interests in accordance with clause 4.10.

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

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

What disclosures must be made by Council advisers?

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

4.13 A person does not breach clause 4.12 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a Council committee member?

4.14 A Council committee member must disclose pecuniary interests in accordance with clause 4.22 and comply with clause 4.23.

Note: A Council committee member identified by Council as a "designated person" for the purposes of clause 4.8(b) must also prepare and submit written returns of interests in accordance with clause 4.15.

Disclosure of interests in written returns

4.15 A designated person must make and lodge with the General Manager a return in the form set out in schedule 2 to this code, disclosing the designated person's interests as specified in schedule 1 to this code within 3 months after:

(a) becoming a designated person, and
(b) 30 June of each year, and
(c) the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.16 A person need not make and lodge a return under clause 4.15, paragraphs (a) and (b) if:

(a) they made and lodged a return under that clause in the preceding 3 months, or
(b) they have ceased to be a designated person in the preceding 3 months.

4.17 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.18 The General Manager must keep a register of returns required to be made and lodged with the General Manager.

4.19 Returns required to be lodged with the General Manager under clause 4.15(a) and (b) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.

4.20 Returns required to be lodged with the General Manager under clause 4.15(c) must be tabled at the next Council meeting after the return is lodged.

4.21 Information contained in returns made and lodged under clause 4.15 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

4.22 A Council committee member who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.23 The Council committee member must not be present at, or in sight of, the meeting of the committee:

(a) at any time during which the matter is being considered or discussed by the committee, or
(b) at any time during which the committee is voting on any question in relation to the matter.

4.24 A disclosure made at a meeting of a Council committee must be recorded in the minutes of the meeting.

4.25 A general notice may be given to the General Manager in writing by a Council committee member to the effect that the Council committee member, or the Council committee member's spouse, de facto partner or relative, is:

(a) a member of, or in the employment of, a specified company or other body, or

(b) a partner of, or in the employment of, a specified person.

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

4.26 A Council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Council committee member has an interest in the matter of a kind referred to in clause 4.6.

4.27 A person does not breach clauses 4.22 or 4.23 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.28 The Minister for Local Government may, conditionally or unconditionally, allow a Council committee member who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.

4.29 A Council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.28, must still disclose the interest they have in the matter in accordance with clause 4.22.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

5.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

5.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 5.2.

5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.

5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.

5.7 If a disclosure is made at a committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

a) a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council official's extended family that the Council official has a close personal relationship with, or another person living in the same household
b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as

friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.

c) an affiliation between the Council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.

d) membership, as the Council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the Council and the organisation are potentially in conflict in relation to the particular matter

e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1

f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

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

a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or

b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.22 and 4.23.

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

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

5.13 The Minister for Local Government may, conditionally or unconditionally, allow a Council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.

5.14 Where the Minister exempts a committee member from complying with a requirement under this Part under clause 5.13, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Personal dealings with Council

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

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

PART 6 PERSONAL BENEFIT

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

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

a) a political donation for the purposes of the *Electoral Funding Act 2018*
b) a gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual Council official or someone personally associated with them
c) attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or
d) free or subsidised meals, beverages or refreshments of token value provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
   i) the discussion of official business
   ii) work-related events such as Council-sponsored or community events, training, education sessions or workshops
   iii) conferences
   iv) Council functions or events
   v) social functions organised by groups, such as Council committees and community organisations.

Gifts and benefits

6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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

6.5 You must not:

a) seek or accept a bribe or other improper inducement
b) seek gifts or benefits of any kind
c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
f) participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer–supplier relationship with the competition organiser
g) personally benefit from reward points programs when purchasing on behalf of the Council.

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

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

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

Gifts and benefits of token value

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

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

Gifts and benefits of more than token value

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

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

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

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

"Cash-like gifts"

6.13 For the purposes of clause 6.5(e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as

phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

6.14 You must not use your position to influence other Council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.

6.15 You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Use of certain Council information

7.1 In regard to information obtained in your capacity as a Council official, you must:

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

Use and security of confidential information

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

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

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

Personal information

7.4 When dealing with personal information you must comply with:

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

Use of Council resources

7.5 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.

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

7.7 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

7.8 You must not use Council resources (including Council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

7.9 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:

a) for the purpose of assisting your election campaign or the election campaign of others, or
b) for other non-official purposes.

7.10 You must not convert any property of the Council to your own use unless properly authorised.

Internet access

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

Council record keeping

7.12 You must comply with the requirements of the *State Records Act 1998* and the Council's records management policy.

7.13 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.

7.14 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.

7.15 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with the Council's records manager and comply with the requirements of the *State Records Act 1998*.

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

8.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.

8.2 For the purposes of clause 8.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

a) to bully, intimidate or harass another Council official
b) to damage another Council official's reputation
c) to obtain a political advantage
d) to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
e) to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
f) to avoid disciplinary action under the Procedures
g) to take reprisal action against a person for making a complaint alleging a breach of this code
h) to take reprisal action against a person for exercising a function prescribed under the Procedures
i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

8.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.

8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.

8.5 For the purposes of clauses 8.3 and 8.4, a detrimental action is an action causing, comprising or involving any of the following:

a) injury, damage or loss
b) intimidation or harassment
c) discrimination, disadvantage or adverse treatment in relation to employment
d) dismissal from, or prejudice in, employment
e) disciplinary proceedings.

Compliance with requirements under the Procedures

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

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

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

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

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

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

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

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

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.15

Part 1: Preliminary

Definitions

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

   address means:

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

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

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

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

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

   interest means:

   a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

a) in the case of a return made under clause 4.15(a), the date on which a person became a Councillor or designated person
b) in the case of a return made under clause 4.15(b), 30 June of the year in which the return is made
c) in the case of a return made under clause 4.15(c), the date on which the Councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a Councillor or designated person has an interest includes a reference to any real property situated in Australia in which the Councillor or designated person has an interest.

4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods

or services supplied, to a Councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.15 of this code must disclose:
   a) the street address of each parcel of real property in which they had an interest on the return date, and
   b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
   c) the nature of the interest.

6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
   a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
   b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.

7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a Councillor or designated person.

8. For the purposes of clause 5 of this schedule, “interest” includes an option to purchase.

Gifts

9. A person making a return under clause 4.15 of this code must disclose:
   a) a description of each gift received in the period since 30 June of the previous financial year, and
   b) the name and address of the donor of each of the gifts.

10. A gift need not be included in a return if:
    a) it did not exceed $500, unless it was among gifts totalling more than $500 made by the same person during a period of 12 months or less, or
    b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
    c) the donor was a relative of the donee, or
    d) subject to paragraph (a), it was received prior to the person becoming a Councillor or designated person.

11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.15 of this code must disclose:
    a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
    b) the dates on which the travel was undertaken, and

c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

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

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.15 of this code must disclose:
    a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
    b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
    c) the nature of the interest, or the position held, in each of the corporations, and
    d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
    a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
    b) required to apply its profits or other income in promoting its objects, and
    c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a Councillor or designated person.

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

19. A person making a return under clause 4.15 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

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

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

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.15 of the code must disclose:
    a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
    b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
    c) a description of the position held in each of the unions and associations.

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

Dispositions of real property

23. A person making a return under clause 4.15 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.15 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

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

Sources of income

26. A person making a return under clause 4.15 of this code must disclose:
    a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
    b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
    a) in relation to income from an occupation of the person:
        (i) a description of the occupation, and
        (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
        (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
    b) in relation to income from a trust, the name and address of the settlor and the trustee, or
    c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

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

29. The source of any income received by the person that they ceased to receive prior to becoming a Councillor or designated person need not be disclosed.

Debts

30. A person making a return under clause 4.15 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
    a) on the return date, and
    b) at any time in the period since 30 June of the previous financial year.

31. A liability to pay a debt must be disclosed by a person in a return made under clause 4.15 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

32. A liability to pay a debt need not be disclosed by a person in a return if:
    a) the amount to be paid did not exceed $500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
        (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the

period since 30 June of the previous financial year, as the case may be, and

(ii) the amounts to be paid exceeded, in the aggregate, $500, or

b) the person was liable to pay the debt to a relative, or

c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or

d) in the case of a debt arising from the supply of goods or services:

(i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or

(ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or

e) subject to paragraph (a), the debt was discharged prior to the person becoming a designated person.

Discretionary disclosures

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

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.15

'Disclosures by designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by schedule 1 of the *Model Code of Conduct for Local Councils in NSW*.

2. If this is the first return you have been required to lodge with the General Manager after becoming a designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a designated person.

3. If you have previously lodged a return with the General Manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the General Manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a designated person (whichever is the later date) to the return date which is the date you became aware of the new interest to be disclosed in your updated return.

4. If you have previously lodged a return with the General Manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.

5. This form must be completed using block letters or typed.

6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.15 of the Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.18 of the Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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

Information contained in returns made and lodged under clause 4.15 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

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

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

as at [*return date*]

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

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

A. Real Property

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

B. Sources of income

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

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

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

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June
Sources of other income I received at any time since 30 June
[*Include description sufficient to identify the person from whom, or the circumstances in which, that income was received*]

C. Gifts

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

D. Contributions to travel

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

E. Interests and positions in corporations

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

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

G. Positions in trade unions and professional or business associations

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

H. Debts

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

I. Dispositions of property

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

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

J. Discretionary disclosures

Enterprise Risk Management Plan

	Name	Position	Signature	Date
Responsible Officer	Janelle Dickson	WHS and Risk Advisor		
Authorised By	John Scarce	General Manager		

Document Revision History	
Initial Document:	June 2022
Date Adopted by Council:	
Minute Number:	
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Next Review Date:	2024 (next Council election cycle)
Date Adopted by Council:	
Minute Number:	

July 2022

Forward

The Murrumbidgee Council (MC) Senior Management Team, in conjunction with the Risk, Audit and Improvement Committee and elected representatives have set the risk management direction for all service areas operating within Council. The management of risk, in conjunction with other management directions, is integral to achieving excellent governance and corporate support for delivery of our Strategic Plan and achievement of our strategic goals.

Effective management of risk begins with Council's leadership and the consideration of our operating environment and our appetite for taking risk. We do this with all our decisions but especially when formulating an effective strategy and goals for the Council. A pragmatic approach for managing risk includes the identification, evaluation and implementation of appropriate treatment strategies to manage our risks, and therefore better manage our operations. Risks that would disrupt operations and therefore our strategic goals encompass threats (potential adverse impacts) and opportunities (potential favourable impacts), both of which we must be prepared to identify and manage.

Council recognises risk management as an integral part of better management practice and decision-making. As such, the objectives of this Enterprise Risk Management Plan are to:

- Adhere to the Enterprise Risk Management Policy,
- Provide a framework within which we can sustainably create, preserve and protect the value inherent in our community, our assets and our operations,
- Create an environment where all employees assume responsibility for managing risk,
- Achieve and maintain legislative and regulatory compliance,
- Ensure resources and operational capabilities are identified and responsibly allocated for managing risk,
- Ensure Council can appropriately deal with risk,
- Demonstrate transparent and responsible risk management processes which align with accepted better practices,
- Provide documented evidence of Council's commitment to adopting risk management principles as an integral part of operations and decision-making, and
- Develop and implement the risk management program and make recommendations for continuous improvement of the program.

It is important that the Council develop a risk-intelligent and proactive culture at all levels. This risk management plan is a broad document covering the requirements of all staff and I request the continued and ongoing commitment of all staff to the plan.

John Scarce
General Manager

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Part 1

1. Introduction

1.1. Purpose

This document should be utilised in conjunction with the Enterprise Risk Management Policy, the Risk Register, and the Risk Appetite Statements.

AS ISO 31000:2018 Risk management - Guidelines (the Standard) states that an organisation should implement a risk management framework by developing an appropriate Plan, and the *ISO Guide 73:2009 Risk Management – Vocabulary* (the Guide) defines a risk management Plan as an element of the risk management framework that specifies:

- the approach,
- the management components, and
- the resources to be applied to the management of risk.

The management components will include procedures, practices, assignment of responsibilities, and the sequencing and timing of activities.

As per the Standard and the Guide, this Plan is a key component of MC's Enterprise Risk Management Framework, which also consists of, the Risk Appetite Statements, the Enterprise Risk Management Policy, and the Risk Management Register. This document, the Enterprise Risk Management Plan (ERMP) will be reviewed every (2) years, or as key references are updated. The ERMP will provide an overview of:

- how the various Risk Management Framework components are linked and support each other,
- the key concepts of risk management and why we do it,
- details regarding the recording, reporting and reviewing of risks, and
- guidance to staff in relation to the governance of risk management.

The aim of MC Enterprise Risk Management activities is to:

- Identify Strategic risks that can potentially impact (positively or negatively) on the achievement of Strategic goals.
- Identify Operational risks that are inherent in the main functions performed by Council.
- Develop and maintain a common Risk Register for Strategic, Operational risks. Projects risk registers will be linked to the common register and the risk of project failure, or failure to take on specific projects will be included in the common register.
- Establish a culture where individual activities are risk assessed as part of every function performed.

1.2. Scope

This document applies to all of MC's Councillors, executives, staff, contractors, operations and activities.

The management of risk is an essential element of better management practices and impacts on every element of the organisation's activity. As such, the principles and processes of Enterprise Risk Management (ERM) will be applied as standard and normal practice throughout Council's management processes and operations.

The ERMP will apply to, but not be limited to, the following areas of Council activities:

- Administration and Governance
- General and legal compliance
- Infrastructure and Works operations
- Planning, Environment and Lifestyle
- Strategy and Performance
- Human Resources
- Information Communication and Technology systems
- Financial management and procurement
- Project Management
- Contract Management
- Environmental Management
- Disaster and Emergency Planning, and Business Continuity Planning

1.3. Relevant Legislation and Standards

- *Local Government Act (NSW)* 1993
    - Chapter 3, Section 8B Principles of sound financial management
    - Chapter 3, Section 8C Integrated planning and reporting principles apply to councils
- AS ISO 31000:2018 Risk management – Guidelines
- ISO Guide 73:2009 Risk management – Vocabulary,
- COSO – Enterprise Risk Management: Integrating with Strategy and Performance,
- ANSI/ASIS/RIMS RA.1-2015 Risk Assessment.
- The MC Enterprise Risk Management Framework

The MC Enterprise Risk Management Framework has both behavioural and tangible components including a suite of documents that together provide a comprehensive coverage of Council's approach to the management of its risks. The Framework documents include of:

- The Enterprise Risk Management Policy – provides the approach that MC uses in the management of risk as aligned to the principles of risk management that are detailed in AS ISO 31000:2018, together with the related documents and standards that should be used.

- The Enterprise Risk Management Plan (this document) – provides an overview of the Framework components, key concepts of risk management, communication plans, and risk governance structures.

- The Risk Management Register – Provides guidance to staff on the recording of risks, it is done in the Master Risk Register by the designated delegate. All other staff are to inform the designated delegate of new risks or to request changes to an existing risk.
- The Risk Appetite Statements – indicates the level of risk that MC is willing to take in pursuit of its objectives, values, purpose and vision. The risk appetite statements provide an indication of how much risk Council is willing to take within each Risk Category in pursuit of its strategic goals.

2. Accountabilities and Responsibilities

Position	Accountabilities And Responsibilities

Mayor, Councillors	• In consultation with the Senior Management Team (SMT) and Audit, Risk and Improvement Committee (ARIC)
	  ○ Endorses the Council's appetite for taking and/or retaining risk
	  ○ Sets the Council's strategy with consideration of the risk appetite and the threats and opportunities to the Council from that strategy.
	  ○ Set the strategic goals required to achieve the strategy and clearly articulates the critical success factors in achieving those strategic goals.
	  ○ Articulates, the strategic risks (threat and opportunity) to the Council from the objectives and strategy.
	• Requires the SMT to actively manage strategic risks and report frequently on their status.
	• Recognises their responsibilities for making informed decisions that take into consideration the associated risks and opportunities.
	• Actively supports the implementation of the ERM Policy and ERMP.

Audit, Risk and Improvement (ARI) Committee	• Independent review and oversight of Council's governance, risk management and control activities. • Oversight of risk management at Council and the Internal Audit function • Requires the periodic review of Council's strategic and other significant operational and project risks to ensure appropriate risk treatment/controls have been implemented and maintain effectiveness.
Internal Audit	• Risk assurance to the ARIC and GM through execution of the annual internal audit plan.

Position	Accountabilities And Responsibilities
General Manager	• Overall accountability for Council's management of its risks • Accountable for the establishment of the Enterprise Risk Management system in the Council and leads the conversation about risk. • Setting the tone, culture and expectations for risk management and governance activities, and assigns appropriate responsibilities to the SMT • Ensures adequacy of resources for risk management activities and sets appropriate delegations for risk management activities • Establishes performance measures for the strategic goals' critical success factors and drives the Council's Enterprise Risk Management objectives.
Senior Management Team	• Accountable for ownership and management of risks in their respective areas • Creates an environment where managing risk is an accepted and expected part of the normal operations. • Accountable for the effective implementation and continual improvement of the ERMP. • Implements monitoring and management of relevant performance measures for strategic goal's critical success factors within their area of responsibility. • Ensures that strategic and significant risks are reported in accordance with the ERM reporting requirements. • Recommends recurrent and discretionary allocation of funding for the purpose of managing risks identified as priority in accordance with the ERMP.

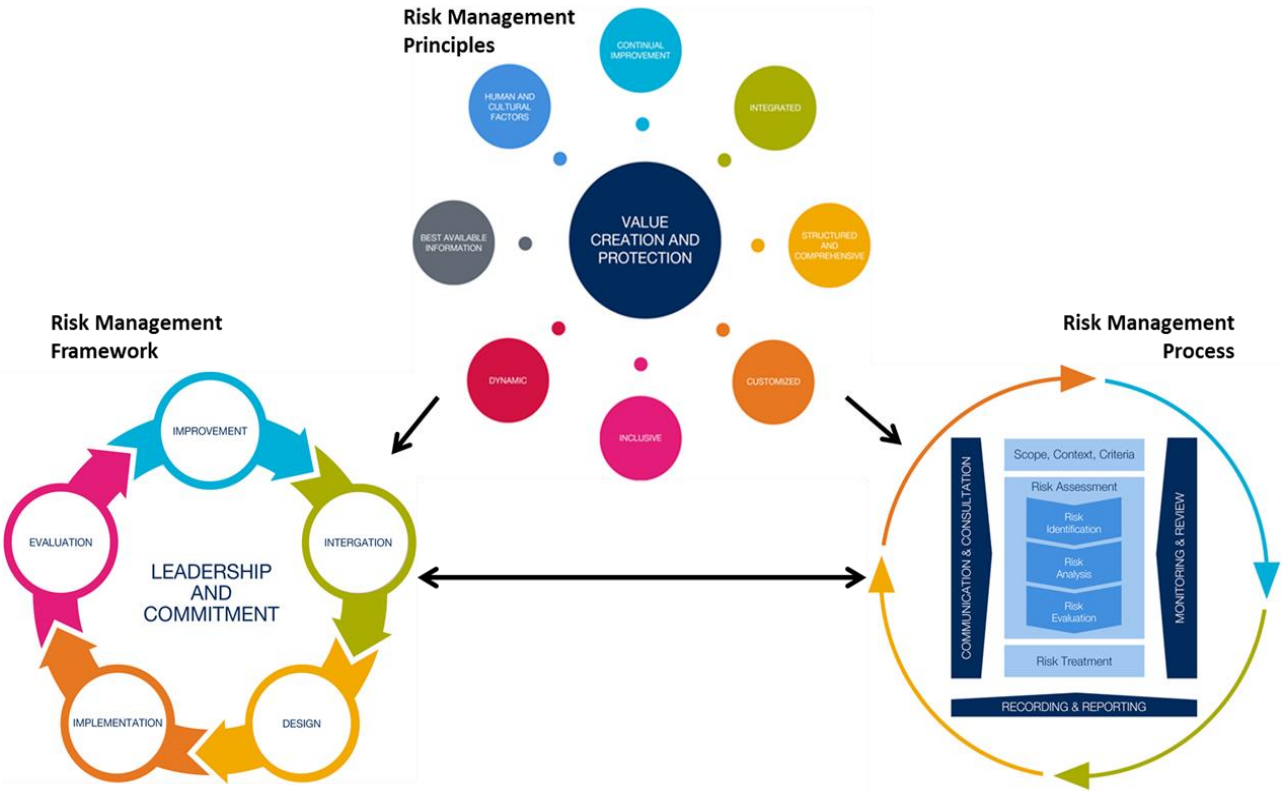
Designated Delegate	• Leading the risk management function.
	• Responsible for developing, implementing and managing an Enterprise Risk Management Framework that is fit for purpose.
	• Responsible for reporting strategic risks and certain residual risks to the Audit, Risk and Improvement Committee.
	• Supporting the organisation to manage its risks through:
	  ○ provision of risk management advice and guidance to staff, and
	  ○ maintenance of the risk management framework.

Position	Accountabilities And Responsibilities
Managers Supervisors	• Accountable for managing risk within their area of responsibility, including monitoring and managing measures for the strategic goals' critical success factors. • Ensures that employees and relevant stakeholders apply the appropriate risk management tools and templates in the correct manner. • Are responsible for providing assistance and advice to staff in relation to the management of risks but not to take on the responsibility of another individual. • Monitor the respective operational risk profile assessments, determine and ensure implementation of control measures for risks identified, and escalate any significant risks to management in accordance with the risk management protocols. • Responsible Contract/Project Managers are to ensure risks associated with the engagement of contractors are appropriately identified and managed. • Responsible Contract/Project Managers are to ensure the responsibilities and accountabilities vested in the contractor are clearly documented and communicated to the Contractor.
All Staff And Contractors	• Applying sound risk management practices in accordance with Council policies and frameworks.

Part 2

3. Risk Management Principles, Framework and Process

A whole of organisation approach to Enterprise Risk Management is required to effectively and efficiently manage Council's emerging, potential and current risks. To do this the AS ISO 31000:2018 integrated model is used. This model is composed of Framework attributes that are influenced by a set of Principles, and both of which influence a Risk Management Process.



4. Risk Management Principles

ERM is not a function or a department. It is the culture, capabilities, and practices that organisations integrate with strategy setting and apply when they carry out that strategy, with a purpose of managing risk in creating, preserving, and realizing value[1]. To do this AS ISO 31000:2018 advocates eight principles that provide guidance on the characteristics of effective and efficient risk management activities. These principles are:

[1] COSO. *Enterprise Risk Management – Integrating with Strategy and Performance*. *June 2017. P. 14*

5. Risk Management Framework

The concept of a risk management framework is to facilitate the integration of risk into significant activities and functions of the organisations. The framework does this by encompassing integration, design, implementation, evaluation and improvement elements into its development, all with explicit commitment from the organisation's leadership.

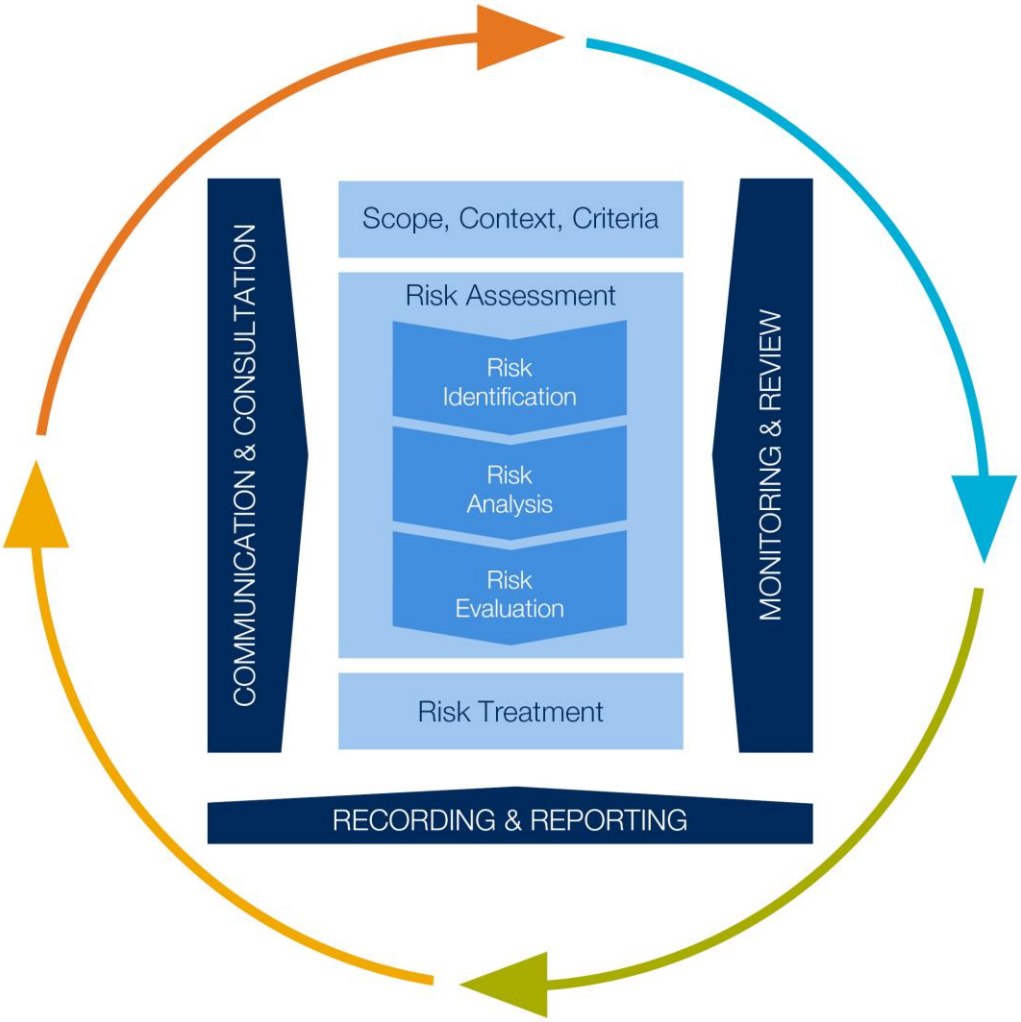
The practical application of these elements creates a risk management framework that consists of tangible artefacts such as policies, plans, procedures and risk appetite statements, and behavioural aspects such as organisational culture and understood appetites for taking risk.

A key component of the Risk Management Framework is Leadership and Commitment. This component, in AS ISO 31000 specifically states that, "*Top management is accountable for managing risk while oversight bodies are accountable for overseeing risk management."* Further to this statement, the Standard, in defining 'Integration' states, *"Determining risk management accountability and oversight roles within an organization are integral parts of the organization's governance."*

Descriptions of the ISO 31000 risk management framework elements are provided at Appendix B.

6. Risk Management Process

The risk management process is a structured approach for Council to identify, assess and respond to risk. The process adopted by Council to manage risks follows the process published in AS ISO *31000:2018 Risk management – Guidelines*. This process can be applied at strategic, operational, program or project levels.



Source: AS ISO 31000: 2018, Risk Management – Guidelines

The main elements of the risk management process are defined below. A deeper level explanation and pragmatic guidance on their application

Communication and Consultation

It is an essential part of the risk management process to develop and implement an effective framework to communicate and consult with all relevant stakeholders, internal and external as appropriate, at each stage of the risk management process and concerning the process as a whole. The level of communication and consultation will vary depending on the level of interest and or influence of that particular stakeholder individual or group.

Scope, Context and Criteria

This part of the process establishes the strategic, organisational and risk management context in which the rest of the process will take place. This includes the criteria, against which risk will be evaluated, the risk appetite of the organisation and corrective actions for the different rating achieved in the assessment of the risks.

Risk Identification

This is the first, and arguably most critical, part of the Risk Assessment phase. Risk identification is the process of finding, recognising and recording risks. *"Risk is the effect of uncertainty on objectives*", it is therefore very important to distil the things that are identified down to only those things that may have a positive or negative impact on reaching organisational objectives.

At the risk identification stage, the organisation identifies what, why and how things can arise, that may affect the organisation, as the basis for further analysis. This is done at both strategic and operational levels of the organisation.

Risk Analysis

This is the second part of the Risk Assessment phase and determines various characteristics of the identified risk. This part is where biases, perceptions, judgements and opinions can have a strong influence – so caution should be used. Risk analysis is where the causes, consequences, likelihoods, impacts, controls and levels of risk are identified. Both quantification and qualification methods can be used.

Risk Evaluation

In this final part of Risk Assessment, the evaluation of the analysed risks is used to support decision-making and is usually where the 'Risk Rating' is derived. Evaluation involves comparing estimated levels of risk against the pre-established criteria. This enables risks to be ranked in order to identify the priorities for the management of these risks. The levels of risk achieved will determine if they fall into the acceptable category (LOW) or whether immediate action is required (for example HIGH or VERY HIGH)

Risk Treatment

Selecting the most appropriate risk treatment option(s) involves balancing the potential benefits derived in relation to the achievement of the objectives against costs, effort or disadvantages of implementation. This is an iterative process that involves formulating, planning and implementing a risk treatment, followed by assessing its effectiveness and deciding if any residual risk is acceptable. If the treatment is less effective than desired and/or the residual risk is not acceptable, then further treatment action will be required.

Awareness that a risk treatment can introduce additional risk is also required. There are multiple risk treatment options to select from, including:

- Avoid the risk by deciding not to start or continue an activity.
- Taking or increasing risk to pursue an opportunity.
- Removing the risk source.
- Developing or improving controls to change the likelihood or consequence.
- Sharing the risk through contracts or insurance.
- Retaining the risk by informed decision.

Monitoring and Review

Monitoring and review transcends all stages of the risk management process. It is integral to continuous improvement and establishes consistent review of the performance of the risk management system and outcomes from risk management activity. This stage is the most effective at flagging changes that might affect risk management performance or changes that facilitate new risks that will require assessment.

Recording and Reporting

The risk management process and its outcomes should be recorded and reported through appropriate mechanisms and governance structures of the organisation. This will ensure effective transparency of the risk management function, aid in decision-making of the organisation's leadership and facilitate interaction with stakeholders.

Part 3

7. Risk analysis and evaluation criteria

For ease of evaluation, risks are grouped into categories. Any given risk may belong in one or more categories, however based on the context in which it is identified it should be grouped into whichever category is most suitable. The risk categories are also used to differentiate risks when assessing consequence.

The **MC Risk Categories** are:

❖ Finance ❖ People ❖ Workplace Health and Safety ❖ Service Delivery ❖ Legal	❖ Environment ❖ Community & Reputation ❖ Information Technology & Cyber Security ❖ Plant & Equipment

To effectively undertake risk analysis and risk evaluation, a set of criteria are required to ensure that all risks are assessed with the same tools and in the same way. The criteria for these two critical aspects of the risk management process are manifested as tables for assessing likelihood (probability) and consequence (impact), and through the use of a matrix that will provide a risk rating or level for a given risk. Additionally, processes for escalation of risks provide the required communication aspects for the next phase – Risk Treatment.

The use of the Likelihood and Consequence Tables is a part of a qualitative risk assessment process. Whilst quantification is possible when assessing risks, MC has chosen to remain with a predominantly qualification based process until Council risk management maturity is in a better position to effectively take advantage of quantification tools.

7.1. MC Consequence and Likelihood Tables

Consequence and likelihood can be determined against set criteria known as ‘descriptors’, which provide a five level nominal scale for each risk category. Whilst likelihood descriptors are static across categories, the consequence descriptors can vary based on the category of risk being analysed. Table 1, below, is the Consequence Table for MC and provides descriptors at each level of consequence for each risk category

Table 1 – MC Consequence Table

Category	Insignificant	Minor	Moderate	Major	Severe
Finance ***(including economic risk)***	• Negligible adverse impact • < 15% of annual budget • no expected impact on program or business operation	• Minor adverse impact • 15% to <30% of annual budget • minimal expected impact on program or business operation	• Moderate adverse impact • 30% to < 40% of annual budget • considerable expected impact on program or business operation	• Major adverse impact • 40% to < 50% of annual budget • large expected impact on program or business operation	• Extensive adverse impact • 50% or more of annual budget • loss of program or business operation
	None to minimal adverse impact or inconvenience to single business operation	Minor and inconvenient adverse impact to a group of business operations in one sector or locally within the region	Moderate adverse impact to a group of business operations in one sector or locally within the region	Major adverse impact to a smaller industry or a whole sector of the region	Severe adverse impact to at least one major industry within the region are severely threatened
People ***(including Community and Stakeholders)***	Staff issues cause negligible impact of day to day service delivery	Staff issues cause several days interruption of day to day service delivery	Staff issues cause failure to service delivery; up to 1 week	Staff issues cause failure to service delivery; 1 to 4 weeks	Staff issues cause continuing failure to deliver essential services; in excess of 1 month

Category	Insignificant	Minor	Moderate	Major	Severe
	None to minimal complaints; primarily acceptance and approval exists	Some inconvenience to the community	Considerable disruption or inconvenience to sectors of the community and negative press coverage	Public protests and dislocation. Potential for significant psychological or physical harm to sectors of the community. Damage to relationships and loss of support	Reasonable expectation for civil commotion, protests and/or rioting
WH&S	• No reasonable expectation of injury • No loss of time	• Reasonable expectation for first-aid or minor medical treatment only • Minor loss of time.	• Reasonable potential for significant injury involving medical treatment or hospitalisation • Moderate loss of time	• Reasonable potential for serious injury or illness • Long-term loss of time	• Reasonable potential for fatality, permanent disability or disease • Very long-term loss of time

Category	Insignificant	Minor	Moderate	Major	Severe
Service Delivery	• Negligible expected adverse impact on service delivery • Potential brief service interruption	• Temporary and recoverable failure of one Council service causing intermittent service interruption • up to 24 hours	• Temporary and recoverable failure of one or more Council services causing intermittent service interruption • >24 hours to 1 week	• Failure of more than one Council service causing lengthy service interruption • >24 hours to 1 week	• Continuing failure of Council to deliver essential services • Removal of key revenue generation services • Substantial loss of operating capacity for a period of a greater than 1 week
Legal ***(including Legislative or Regulatory Risk Compliance*** ***&***	• Isolated non-compliance or breach • Minimal failure of internal controls managed by normal operations • Negligible financial impact	• Contained non-compliance or breach with short-term significance • Minor financial impact • Minor impact on normal operations	• Serious breach involving statutory authorities or investigation • Significant failure of internal controls • Prosecution possible with significant financial impact	• Major breach with fines and litigation • Critical failure of internal controls • Long-term significance and major financial impact	• Extensive breach involving multiple individuals • Extensive fines and litigation with possible class action • Viability of program, service or organisation threatened

Category	Insignificant	Minor	Moderate	Major	Severe
Governance)	• Insignificant breach with no fine or litigation • No OLG involvement • Insignificant impact from legislation or regulations or • No legal action	• Minor breach with no fine or litigation • OLG notified • Minor impact from legislation or regulations or legal action	• Serious breach with possible fine or litigation • OLG notified potential involvement • Moderate impact from legislation or regulations or legal action	• Major breach with fine or litigation • OLG involvement; • Administrator may be appointed; • Major impact from legislation or regulations or legal action	• Extensive breaches with fines and litigation • OLG review of organisation • Administrator appointed • Severe impact from legislation or regulations or legal action
Environment ***(Natural and Built Environments)***	• Minimal physical or environmental impact • Isolated hazard only • Dealt with through normal operations	Minor physical or environmental impact, hazards immediately controlled with local resources	• Significant physical or environmental impact • Hazards contained with assistance of external resources	• Major physical or environmental impact; • Hazard extending off-site • External services required to manage	• Extensive physical or environmental impact extending off-site • Managed by external services • Long-term remediation required
	• Isolated or minimal loss • Short-term impact • repairable through normal operations • facility still operational	• Minor loss with limited downtime • Short-term impact • Mostly repairable through normal operations	• Significant loss with temporary disruption of key facility and services • Medium-term impact on organisation	• Critical loss event requiring replacement of key property or infrastructure • Medium to long-term impact on organisation	• Disaster with extensive loss of key assets and infrastructure with long term consequences • Threat to viability of services or operation

Category	Insignificant	Minor	Moderate	Major	Severe
Community & Reputation	Isolated, internal or minimal adverse attention or complaint	Heightened local community concern or criticism	Significant public criticism with or without media attention	Serious public or media outcry with broad media attention	• Extensive public outcry • potential national media attention
Information Technology & Cyber Security	No measurable operational impact to organisation	• Minor downtime or outage in single area of organisation • Addressed with local management and resources	• Significant downtime or outage in multiple areas of organisation • Substantial management required and local resources	• Loss of critical functions across multiple areas of organisation • Long-term outage • Extensive management required and extensive resources	• Extensive and total loss of functions across organisation • Disaster management required
Plant & equipment	• No impact to operations • Right equipment for the job • No impact on quality or timeline targets	• Small impact to operation • Equipment capable of doing the job • Small impact on quality • 5% delay in timeline targets	• Minor impact on operations • Wrong equipment but job can get done • Minor impact on quality that does not affect safety • 10% delay in timeline targets	• Moderate impact on operations • Wrong equipment forced to dry hire • Moderate impact on quality which could affect safety • 25% delay in timeline targets	• Significant impact on operation • Wrong equipment forced to wet hire • Significant impact on quality that will affect safety • Unable to complete project

Table 2, below, provides the likelihood descriptors for MC. These descriptors are provided on a five level nominal scale and are the same for al risk categories.

Table 2 – MC Likelihood Table

Likelihood	Estimated Probability	Description
Almost Certain	80% or more	A Risk Event is expected to occur during normal operations
Likely	60% - <80%	Will likely occur at some stage during normal operations
Plausible	35% - <60%	Not generally expected to occur but may occur under specific circumstances
Unlikely	10% - <35%	• Conceivable but not likely to occur under normal operations • little evidence of previous events
Rare	<10%	• Only ever occurs under exceptional circumstances • No known evidence of previous events

7.2 MC Risk Matrix

Once the likelihood and consequence of any given risk has been analysed the risk itself will need to be prioritised for further mitigating action or ongoing monitoring. In order to enable the best use of resources risks are rated as Low, Medium, High or Very High through the mapping of likelihood and consequence values on a risk matrix. The structure of the matrix provides a rating for the given risk. Table 3 contains the MC Risk Matrix.

Table 3 – MC Risk Matrix

	CONSEQUENCES				
LIKELIHOOD	**Insignificant**	**Minor**	**Moderate**	**Major**	**Severe**
Almost Certain	**Medium 11**	**High 16**	**High 20**	**Very High 23**	**Very High 25**
Likely	**Medium 7**	**Medium 12**	**High 17**	**High 21**	**Very High 24**
Plausible	**Low 4**	**Medium 8**	**Medium 13**	**High 18**	**High 22**
Unlikely	**Low 2**	**Low 5**	**Medium 9**	**Medium 14**	**High 19**
Rare	**Low 1**	**Low 3**	**Low 6**	**Medium 10**	**Medium 15**

7.3 Actions required for different risk ratings

The analysis and evaluation processes include an initial process that assesses the likelihood and consequence of a risk with no mitigating Controls in place, which provides a raw understanding of the risk and results in an Inherent Risk Rating. Once mitigating Controls are in place, a second risk assessment process will provide a Residual Risk Rating, normally resulting in a lower risk rating.

A key part of the Risk Treatment process is to advocate different actions when various risk ratings are determined. Table 5, below, provides general instructions to be followed in the event of each risk rating, for every risk.

Table 5 – Actions per risk rating

Risk Level	Action Required	Monitoring Level
Very High	• This risk level requires immediate actions for mitigation • **Risk Owner** to develop specific Treatment Plans for immediate implementation to address both likelihood and consequence levels of the risk • **Risk Owner** to create a Risk Exception Report and send immediately to the Senior Management Team via regular management channels • **SMT** to allocate actions and budget for implementation within one month of notification • Include in normal Risk Profile Reports	• Regular agenda item for Audit, Risk & Improvement Committee • Weekly agenda item for Senior Management Team • Daily monitoring of controls and treatments by the Risk Owner
High	• **Risk Owner** to develop and implement a specific Treatment Plan for high risks • **SMT** to allocate actions and budget to minimise risk for High Risks over 2 months old • **Risk Owner** to report to Senior Management within one month • Include in normal Risk Profile Reports	• Regular agenda item for Audit, Risk & Improvement Committee for High Risks over 3 months old • Weekly agenda item for Senior Management Team for High Risks over 2 months old • Weekly monitoring of controls and treatments by Risk Owner
Medium	• **Risk Owner** to develop and implement a specific Treatment Plan for Medium risks that are above their Target rating • **Risk Owner** to report to Senior Management within the quarter for Medium Risks that are above their Target Rating • **Senior Manager** to allocate actions and budget to minimise risk where existing controls deemed inadequate and monitor Treatment Plan implementation • Include in normal Risk Profile Reports.	• Senior Management to receive quarterly Risk Profile Report that highlights Medium Risks that exceed their Target Rating • Weekly monitoring of controls by Risk Owner
Low	• **Risk Owner** to monitor low rated risks and test controls periodically • **Risk Owner** to ensure the risk and controls are managed via routine procedures where possible • Include in normal Risk Profile Reports	• Weekly monitoring of controls by Risk Owner

8. Risk recording, review and reporting

Effective management of risk within any organisation depends on good communication and the effectiveness of its reporting mechanisms, recording processes, risk review protocols.

8.1 Risk recording at MC

Risks are recorded after a risk assessment process has been undertaken. All MC Risks are to be recorded in the **Master Risk Register** by the designated delegate.

All projects are to have their own separate risk register, which are periodically copied to additional dedicated tabs in the Master Risk Register. In doing this, at any given time, the entire Risk Profile of the Council is available in one document. In addition to their separate risk registers, each project should also have an assessed risk within the Master Risk Register that covers the risk of project failure, risk of non-completion, and any risks that the project's completion will introduce to the Council.

8.2 The Master Risk Register

To effectively understand all the risks that MC has (the Risk Profile), it is imperative that an accurate, up to date and relevant register of risks is kept. This is the Master Risk Register, which in order to maintain its integrity must only be updated by the designated delegate.

However, the Register must also be visible to all Senior Management and Risk Owners.

8.3 When to enter a risk in the Master Risk Register

When a staff member identifies a risk, whether through a risk workshop, Toolbox meeting, an incident, or any other method they should notify risk owner and ensure that they have the following information before contacting the designated delegate:

- A description of the risk
- How might it disrupt MC Goals, Department Goals or Projects
- What are the potential causes of the risk
- What are the potential impacts from a risk event
- Any factors that might mitigate or control the risk
- Who should own the risk

The designated delegate will then liaise with the appropriate staff to analyse, evaluate and record the risk in the Master Risk Register. If the risk is given a residual rating of Very High, it is immediately reported to the SMT, via their management line.

8.4 Risk review at MC

8.4.1 Quick Review

Risk Owners should conduct a 'quick review' of their risks on a monthly basis and report any required changes to the designated delegate for recording in the Master Risk Register. The 'quick review' is a reminder exercise, which includes:

- Familiarising what risks the Risk Owner has,
- what the ratings of these risks are,
- what risks are on increased reporting:
    - Very High risks
    - High risks that are over 2 months old
    - Medium risks that have exceeded their Target Risk Ratings
    - Risks that have recently changed rating by more than one risk level,
- which controls require closer monitoring.

8.4.2 Semi-annual Review

All risks are to be fully reviewed on a 6 monthly basis jointly by the Risk Owner and the Designated Delegate. These reviews will be scheduled by the *Designated Delegate* and are mandatory. The reviews will include:

- a review of each element of the risk recorded in the Master Risk Register,
- consideration of whether the circumstances surrounding the risk have changed,
- consideration of whether the operating environment has changed, and
- consideration of whether the risk still belongs in the Master Risk Register.

At the end of the review the staff undertaking it should feel satisfied that the risk is as up to date and accurate as it can be.

8.5 Risk reporting at MC

All risks need to be reported on a periodic basis to ensure that they are understood and being effectively managed. Table 6, below, provides details of the risk reporting regime that is required at MC.

Table 6 – MC Risk reporting regime

Risk Report	Purpose	Prepared by	Prepared for	Frequency
Risk Profile Report	Provides a snapshot of the Council's Risk Profile including a dashboard and rationale for actions and trends	Designated delegate	Senior Management Team	Monthly
Risk Exception Report	Provides information on risks recently rated as Very High, High risks that have been High for greater than 3 months, or any risk that has recently changed rating by more than 1 risk level *A Risk Exception Report Template is at Appendix D*	Risk Owner	Senior Management Team	As required

Risk Report	Purpose	Prepared by	Prepared for	Frequency
High Risk Report	Part of the Risk Profile reporting for the Audit, Risk & Improvement Committee, and it includes all risks rated High (for longer than 3 months) and Very High	Senior Management Team	Audit, Risk & Improvement Committee	Quarterly
Key Risk Indicator Report	Provides a dashboard of risk indicators which help understanding of some risk profiles and enhance decision-making capability	Designated delegate	Senior Management Team & Audit, Risk & Improvement Committee	Quarterly

Part 4

9. Implementing the Enterprise Risk Management Plan

This Enterprise Risk Management Plan (ERMP), as a key component of the Enterprise Risk Management Framework (ERMF), provides the 'What' of risk management for MC – meaning that it describes what MC will do to manage its risks. However, to be an effective ERMF tool it must first be implemented to ensure that staff understand what MC does to management risk. To ensure that the Plan (and the broader ERMF) is implemented, MC will do the following:

- Provide annual Fundamental Risk Management Training for all relevant staff
- Provide periodic presentations on the ERMF
- Provide a Communications Plan for the initial implementation and ongoing implementation of the ERMP

9.1 Risk Management Training

It is imperative that staff at the Council understand risk management and how it can be an effective tool for improving efficiency and avoiding foreseeable issues. As such, it is required that all staff at Supervisor level and above undergo annual face-to-face risk management training. Completion of this training should be a key component of staff annual professional development plans.

The training will cover the fundamental aspects of ERM and the risk management process, with a deeper level demonstration of simple analytical techniques.

9.2 Periodic Presentations on the ERMF

The ERMF presentations are an important reminder of both the tangible and behavioural aspects of the ERMF, especially the role that organisational culture plays in the development of risk management maturity.

To be effective all documents that advocate certain actions and positions need to be read and understood by those people with responsibilities and accountabilities associated with the document/s.

10. Key Risk Indicators

Key Risk Indicators (KRI's) will be used to measure the performance of the organisations risk management activities and in the monitoring of risk exposures.

The KRI's will be reported to SMT (at least on a quarterly basis) in assisting Council to maximise Enterprise Risk Management outcomes.

a. Integrity risk culture – number of fraud & corruption activities and the number of integrity related disciplinary matters handled and reported.
b. The number and % of major (Very High and High) level of risks having had further treatment and the level of risk having been reduced to a lower residual level of risk.
c. The number and % of operational service areas involved in the Enterprise Risk Management process.
d. The number of insurance claims submitted to Council – and the areas to which the claims relate.
e. The number and $ value of insurance claims paid by Council – and the areas to which the claims relate.
f. The number and % of staff trained/educated in Enterprise Risk Management related topics – includes annual risk management training.
g. The risk maturity level of Council – level of awareness and understanding throughout the organisation of the Enterprise Risk Management Framework, Policy and associated processes and procedures. Normally to be undertaken bi-annually.

11. Continuous Improvement Review

As part of efforts to maintain a continuous improvement cycle, this plan will be reviewed every 2 years by the SMT and reported to the Audit, Risk and Improvement Committee to ensure that it continues to meet the requirements and its intent.

Review of this Plan and the broader Enterprise Risk Management Program may be conducted by using any or a combination of the following:

- Obtaining feedback from Managers/ supervisors;
- Surveying staff at all levels;
- Conducting random interviews of sections of council;
- The engagement of a consultant to conduct an external review and provide recommendations for a way forward. This may be done after 12-18mths or later into the implementation process or when Council considers it would be useful to do so.

Other reviews should be conducted prior to the scheduled formal review if the need warrants it.

Appendix A – Risk Management Principles

Integrated

To be truly effective the management of risks should be a standardised and integrated component of day-to-day activities in the organisation.

Structured and comprehensive

An effective organisation will have a structured approach in the pursuit of its strategy and strategic objectives. ERM should be an integrated component of this structure, which will, if comprehensive enough, contribute to consistent and comparable results.

Customised

Understand the organisation's operating environment, inside and out. The risk management framework and process are customised and proportionate to the organisation's external and internal context related to its objectives.

Inclusive

Multiple relevant perspectives regarding risks and their management is a very effective method of combating the various inherent human biases. Therefore, appropriate and timely involvement of stakeholders enables their knowledge, views and perceptions to be considered. This results in improved awareness and informed risk management.

Dynamic

Risks can emerge, change or disappear as an organisation's external and internal context changes. Risk management anticipates, detects, acknowledges and responds to those changes and events in an appropriate and timely manner.

Best available information

The inputs to risk management can come from a variety of sources with varying levels of accuracy and relevance, and are based on historical and current information, as well as on anticipation of future outcomes. Effective risk management explicitly takes into account the timeliness, any biases, limitations and uncertainties associated with such information. Additionally, an acknowledgement of information that is not known or complete is necessary.

Human and cultural factors

Human behaviour and culture significantly influence all aspects of risk management at each level and stage. As such, awareness of human biases and an understanding of the desired culture is important at all organisational levels. The organisation defines the desired behaviours that characterise its desired culture, not the environment it operates in.

Continual improvement

Risk management is continually improved through learning and experience. The organisation should pursue this as standard operating procedure.

Appendix B – Risk Management Framework Elements

Leadership and commitment

Top management and oversight bodies provide explicit commitment to the integration of risk management into all activities of the organisation. Top management will be accountable for managing risk and ensuring that the organisation's risk profile is within acceptable limits. Whereas the oversight bodies are accountable for risk management as a function of the organisation and will set risk-aware strategic objectives and determine the acceptable limits for the risk profile.

Integration

Integrating risk management into an organisation is a dynamic and iterative process, and should be customised to the organization's needs and culture. Risk management should be a part of, and not separate from, the organisational purpose, core values, governance, leadership and commitment, strategy, objectives and operations.

Design

This facet represents the opportunity for the organisation to embed elements of its culture and core values into the framework and make the framework relevant for all stakeholders. In designing the framework, with a thorough understanding of the organisation's internal and external operating environment (context), the organisation should clearly articulate its commitment to risk management. It can assign responsibilities, roles, authorities and accountabilities, and then make the risk management framework relevant to staff by allocating dedicated or delegated resources to fulfil these responsibilities, and establish appropriate communication and consultation protocols.

Implementation

The allocation of appropriate resources is the key element to successful implementation of an effective enterprise risk management function in the organisation. Successful implementation requires the engagement of stakeholders to enable the organisation to explicitly address uncertainty in decision-making and strategy formulation.

Evaluation

Like all other aspects of the organisation the risk management framework should not be developed or exist in isolation. It must be periodically tested against its purpose, implementation, plans, indicators and expected behaviour, to determine whether it remains suitable in its role of supporting the achievement of organisational objectives.

Improvement

A culture of constant vigilance regarding the quality of risk management and the effectiveness of the framework is essential maintain the required flexibility when unexpected changes occur. Such a culture will also embed a continual improvement mindset within the organisation.

Appendix C - Glossary of Terms

Term	Definition
Consequence	Outcome of a risk event affecting objectives
Enterprise Risk Management	Risk management is the culture, processes and structures that are directed towards the effective management of potential opportunities and adverse effects that may occur within an organisation. The word 'Enterprise' denotes that the program will include the whole organisation; therefore all risks within all areas of an organisation's operation will be included.
Enterprise Risk Management Framework	A set of components that provide the foundations, framework and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation. It will also indicate how risk management will be integrated within/across the organisation.
Enterprise Risk Management Plan	Element of the Risk Management Framework documents - The ERMP details what MC will do to manage risk, including the criteria that it uses, the roles and responsibilities of specific staff, the tools that will be used and the process that will be used
Enterprise Risk Management Policy	Element of the Risk Management Framework documents – The ERM Policy details why MC manages risk. It affirms Council's commitment to risk management and reflects the value it places on the management of risk throughout the organisation.
Enterprise Risk Management Process	The systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, identifying, analysing, evaluating, treating, monitoring and reviewing risk.
Enterprise Risk Management Procedure	Element of the Risk Management Framework documents – The ERM Procedure details how MC will undertake the risk management process.
Inherent Level of Risk	The true or real level of risk to the organisation. It is the level of risk prior to taking into consideration the treatment/controls that are currently in place to address the risk.
Key Performance Indicators	Are used to measure the performance of the organisations risk management activities and in the monitoring of risk exposures.
Level of Risk	Is the level of risk (ie. extreme, high medium or low) that is determined by utilising a risk matrix during a risk assessment process after taking into consideration the likelihood and consequence of a risk or opportunity event.
Likelihood	Chance or probability of a risk event occurring
Operational Risk	Risks or opportunities that may impact on an organisations core operational activities. These are risks that the organisation may be exposed to or opportunities that may be available whilst undertaking the day-to-day operational services.

Term	Definition
Project Risk	Risks or opportunities that could endanger or enhance the planned budget, outcome quality, timeframe or goals of an approved project or one that is under consideration.
Residual Risk	The remaining level of risk after current risk treatment/control measures have been taken into consideration.
Risk	The effect of uncertainty on objectives. An effect is a deviation from the expected – positive and/or negative. Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances or knowledge) and the associated likelihood of the occurrence.
Risk Acceptance	An informed decision to accept the consequences and the likelihood of a particular risk.
Risk Analysis	A systematic use of available information to determine how often specified events may occur and the magnitude of their consequences.
Risk Appetite	The amount of risk an entity is willing to accept or retain in order to achieve its objectives. It is a statement or series of statements that describe the entity's attitude towards risk taking.
Risk Assessment	The overall process of risk analysis and risk evaluation.
Risk Attitude	The organisations approach to assess and eventually pursue, retain, take or turn away from risk.
Risk Category	Refers to the type of risk or opportunity that exists within Council's operations eg Liability, financial, reputational, WHS, economic etc.
Risk Control	That part of risk management which involves the implementation of policies, standards, procedures and physical changes to eliminate or minimise adverse risks or to ensure an opportunity is realised.
Risk Criteria/Context	Terms of reference against which the significance of a risk is identified and evaluated. Will include the defining of the internal and external parameters to be taken into account.
Risk Evaluation	The process used to determine risk management priorities by comparing the level of risk against predetermined standards, target risk levels or other criteria.
Risk Identification	The process of determining what can happen, why and how.
Risk Matrix	A matrix that is used during a risk assessment process. The matrix is used to determine the level of risk (extreme, high medium or low) after taking into consideration the likelihood and consequence of the risk or opportunity event.

Term	Definition
Risk Oversight	The supervision of the risk management framework and associated risk management processes.
Risk Profile	A description of any set of identified risks. The set of risks can contain those that relate to the whole organisation, part of the organisation, or as otherwise defined.
Risk Register	A register (electronic or manual) that records Council's enterprise risk profile data whether it be Strategic, Project or Operational risks.
Risk Tolerance	The levels of risk taking that are acceptable in order to achieve a specific objective or manage a category of risk.
Risk Treatment	Is a risk modification process. It involves selecting and implementing one or more treatment options. Once a treatment has been implemented it becomes a control or it modifies existing controls.
Strategic Risk	Risks or opportunities that may impact the Council's direction, external environment and to the achievement of its strategic plans. These risks or opportunities will inhibit or enhance Council's ability to achieve its corporate strategy and strategic objectives with the ultimate goal of creating and protecting community and stakeholder value.
Stakeholder	Person or organisation that can affect, be affected by, or perceive themselves to be affected by, a decision or activity of the organisation.
Worker	Person who carries out work for Murrumbidgee Council, whether paid or unpaid, or directly or indirectly engaged. Includes an employee, labour hire staff, volunteer, apprentice, work experience student, subcontractor and contractor.

Appendix D – Risk Appetite Summary

statewide mutual.

Risk Appetite Summary

Murrumbidgee Council

Version: 1.0 | 22 February 2022

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Executive summary

Risk Appetite is an articulation of an organisation's willingness to take, retain or accept risk and, because it operates at strategic and operational levels, it is an integral part of any risk management capability. In order to influence strategies and objectives it should be considered and reviewed during Strategic Planning. Additionally, risk appetites are a key influence, along with the cost/benefit of mitigation considerations, when determining the Target Risk Ratings of specific risks. Understanding and applying effective risk appetite considerations is highly beneficial in managing risk.

Murrumbidgee Council has articulated its appetite for taking, retaining or accepting risk through qualitative Risk Appetite Statements that are based on nominated risk categories. Council has chosen to identify its risks within nine risk categories that now contain primary and secondary (where appropriate) risk appetites.

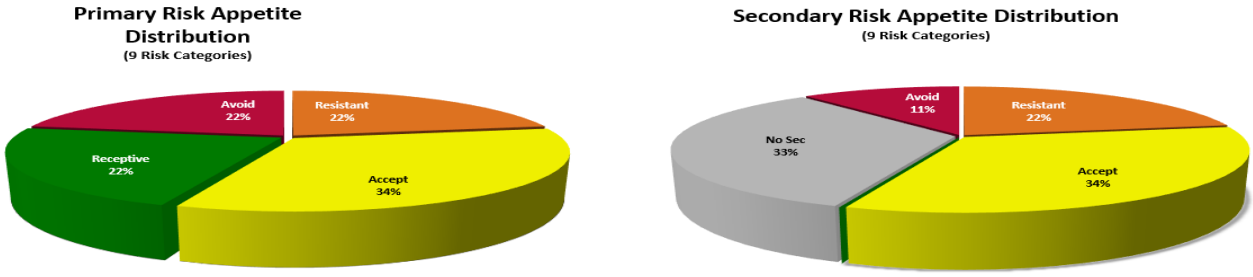
Through a workshop exercise involving Councillor's and members of Council's Executive Leadership Team, risk appetite levels have been determined for each of Council's risk categories. The risk appetite levels produced are based on an ordinal scale of four levels: Avoid; Resistant; Accept; and Receptive. In this order, the levels provide an indication of an increasing willingness to take on, retain or accept risk, where Avoid and Resistant are considered more conservative, and Accept and Receptive are considered less conservative.

Murrumbidgee Council has a primary risk appetite position that is considered less conservative. There are nine Risk Categories which have a primary risk appetites of Avoid (2 or 22%), Resistant (2 or 22%), Accept (3 or 34%) and Receptive (2 or 22%). There are six risk categories with a secondary risk appetite distributed across three levels. These are marginally less conservative at Avoid (1 or 11%), Resistant (2 or 22%) and Accept (3 or 34%). Three of the categories are without a Secondary appetite (33%).

The distribution of primary and secondary risk appetites for Murrumbidgee Council is indicative of a slightly less conservative overall appetite towards taking, retaining or accepting risk, based on the overall distribution of both primary and secondary appetite positions. The distributions of primary and secondary levels of risk appetite for Council are illustrated in Diagram 1.

It should be noted that Risk Appetite Statements provide guidance only on Council's appetite for risk with regard to certain risk categories. There are many variable that should be considered in decision making, and the organisation's appetite for taking, retaining or accepting risk is only one of them.

Diagram 1 – Murrumbidgee Council Primary and Secondary Risk Appetite Distributions



An important caveat to well-articulated qualitative Risk Appetite Statements is that they are, by their nature, not readily measurable (quantitative). In order to fully operationalise the concept of risk appetite, the development of several representative risk tolerance metrics for each risk category is required. These tolerances will provide an adjustable and ongoing ability to measure whether Council continues to operate within its stated risk appetites.

Risk appetite summary

The Risk Appetite Statements for Murrumbidgee Council are based on the amount of risk that the Council is willing to take, retain or accept in pursuit of its objectives over the life of the current Operational Plan. The Council has a strategic focus on multiple areas, and many different and varied operations are carried out to support the Local Government Area. As such, appetites for risk can vary across these different operations and strategic focus areas. Therefore, Council's Risk Appetite Statements have been developed against each of Council's risk categories. These Statements use a four-level ordinal scale to indicate the amount of risk Council is willing to take, retain or accept for each category. Diagram 2 illustrates the four-level ordinal scale, with a definition for each.

Diagram 2: Risk Appetite Levels and Definitions

AVOID	RESISTANT	ACCEPT	RECEPTIVE
(little-to-no appetite)	(small appetite)	(medium appetite)	(larger appetite)
Avoidance of adverse exposure to risks even when outcome benefits are higher	A general preference for safer options with only small amounts of adverse exposure	Options selected based on outcome delivery with a reasonable degree of protection	Engagement with risks based more on outcome benefits than potential exposure

Table 1, provides a summary of Murrumbidgee Council's risk appetite positions across its identified risk categories. Each category has one coloured cell, which represents the Primary Appetite position and one 'greyed' cell, which represents the Secondary Appetite position for those categories with an identified secondary appetite. These positions are defined as follows:

Primary Appetite: indicates a general appetite for taking, retaining or accepting risk for the given risk category.

Secondary Appetite: indicates an appetite-by-exception position for taking, retaining or accepting risk in specific circumstances. It is not necessary for all risk categories to have a Secondary Appetite position.

Table 1: Summary of Council's Risk Appetite positions

Category of Risk	Avoid	Resistant	Accept	Receptive
WH&S	Primary			
Environment	*Secondary*		Primary	
Equipment & Assets		*Secondary*		Primary
Service Delivery		Primary	*Secondary*	
Community & Reputation			Primary	
Legal		Primary	Secondary	
Finance		*Secondary*	Primary	
People				Primary
IT & Cyber Security	Primary		*Secondary*	

Risk appetite statements

The tables below contain the primary and secondary Risk Appetite Statements for each risk category of Murrumbidgee Council. These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take, retain or accept risk, in pursuit of its strategic objectives.

Note: The effectiveness of Risk Appetite Statements will be improved through the development of quantifiable Risk Tolerances from representative metrics for each risk category.

▲ ▲ ▲ ▲ ▲ - Indicates the Secondary Risk Appetite

WH&S		
	Level	Risk Appetite Statement
WH&S	**Avoid**	In the pursuit of its objectives, Council seeks to ***Avoid*** adverse exposure to risks with regard to the Work Health & Safety of its employees, and any other people contracted to work for Council. This position will hold, even if the potential non-WH&S benefits or outcomes of an action are considered to be advantageous or positive. ▲ Council does not consider that a secondary risk appetite level is necessary for this Risk Category.

Environment		
	Level	Risk Appetite Statement
Environment	**Accept**	With regard to the Environment, Council is willing to ***Accept*** a medium level of risk in order to achieve its Strategies. Council will endeavour to select options based on outcome delivery, whilst maintaining a reasonable degree of protection. In certain circumstances, Council will be more conservative and seek to ***Avoid*** risk and adverse exposures, even if there is potential for outcome benefits.

Equipment & Assets		
	Level	Risk Appetite Statement
Equipment & Assets	**Receptive**	To achieve its strategic outcomes, Council has a larger appetite and is ***Receptive*** to risk relating to Equipment and Assets. Council will seek to prudently engage with risk with increased consideration for the outcome benefits. In certain circumstances Council will be ***Resistant*** to Equipment & Assets risks where safer options with only small amounts of exposure is warranted.

Service Delivery		
	Level	Risk Appetite Statement
Service Delivery	**Resistant**	With regard to Service Delivery, Council is ***Resistant*** to taking on or retaining risk in order to achieve its Strategies. Council prefers safer options with only small amounts of adverse exposure. However, in some circumstances Council may be willing to ***Accept*** risk relating to its Service Delivery where there is a reasonable degree of protection.

Community & Reputation		
	Level	Risk Appetite Statement
Community & Reputation	**Accept**	Council is willing to ***Accept*** some risk in order to achieve its Strategies with regard to Community & Reputation. Council will endeavor to select options based on outcome delivery parameters whilst maintaining a reasonable degree of protection. Council does not consider that a secondary risk appetite level is necessary for this Risk Category.

Legal		
	Level	Risk Appetite Statement
Legal	**Resistant**	In the pursuit of its Strategies, Council is ***Resistant*** to taking or retaining Legal risk. Council has only a small appetite for risk in this areas and prefers safer options with only small amounts of adverse exposure. Council is, however, cognisant of the fact that in certain circumstances it will be prudent to ***Accept*** risk exposures so long as there remains a reasonable degree of protection.

Finance		
	Level	Risk Appetite Statement
Finance	**Accept**	Regarding its Finance activities, Council is willing to ***Accept*** a medium level of risk in order to achieve its Strategies. Council will endeavour to select options based on outcome delivery, whilst maintaining a reasonable degree of protection. In certain circumstances, Council will be conservative but remain ***Resistant*** to Finance risks where the potential benefits warrant an increase in exposure and safer options can be maintained.

People		
	Level	Risk Appetite Statement
	Receptive	To achieve its Strategies, Council has a larger appetite and is ***Receptive*** to risk relating to People. Council will seek to prudently engage with risk with increased consideration for the outcome benefits. ⚠ Council does not consider that a secondary risk appetite level is necessary for this Risk Category.

IT & Cyber Security		
	Level	Risk Appetite Statement
	Avoid	With regard to Technology, Council has little-to-no risk appetite for taking, retaining or accepting risk. In the pursuit of its Strategies, Council seeks to ***Avoid*** adverse exposure to Technology risks. ⚠ However, in some circumstances Council may be willing to ***Accept*** risk relating to its Technology where there is a reasonable degree of protection.

Conclusion

The Risk Appetites expressed in this document will provide guidance to decision-makers as to where Council's general position is with regard to the level of risk it is willing to take, retain or accept in pursuit of its Strategies. The statements should be considered and reviewed during strategic planning and can be used as an influence when determining whether to increase or decrease control activity on specific risks, or whether to pursue opportunities. Additionally, it is better practice to review the Risk Appetite Statements thoroughly at least on a semi-annual basis and also every time there is a substantial shift in Murrumbidgee Council's operating environment.

If more robust guidance is required then Council should implement quantifiable risk tolerances for each of its risk categories. These tolerances will provide guidance on whether the risk appetite levels are set appropriately as well as provide indicative measures of whether Council is operating within its expressed appetite level for taking risks.

The development of Risk Appetite Statements is a very good start to Murrumbidgee Council's risk management journey. This work will help the Council to continue an upward trajectory towards risk management maturity, and ultimately facilitate a capability for robust, repeatable and consistent quality decision-making.

Attachment # 9 - Item # 2

100% renewables

NSW GOVERNMENT | Planning & Environment

Murrumbidgee COUNCIL

NSW DPE: Sustainable Councils and Community Program

Murrumbidgee Council

ENERGY STRATEGY

Draft report

March 2022

www.100percentrenewables.com.au

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Glossary of climate change & project abbreviations

Acronym	Definition
AC, DC	Alternating & direct current
ACCU	Australian Carbon Credit Unit
AEMC	Australian Energy Market Commission
AEMO	Australian Energy Market Operator
AER	Australian Energy Regulator
AFOLU	Agriculture, Forestry and Other Land Use
APVI	Australian Photovoltaic Institute
B20, B50	Diesel blends with 20% and 50% biodiesel
BASIX	Building Sustainability Index
BAU	Business-as-usual
BCA	Building Code of Australia
BEEC	Building Energy Efficiency Certificate
BESS	Battery Energy Storage System
BMS	Building Management System
BEV	Battery electric vehicle
CDM	Clean Development Mechanism
C40	Network of the world's megacities committed to addressing climate change
CCF	Climate Change Fund
CER	Certified Emissions Reductions (offsets)
CFL	Compact fluorescent
COP	Coefficient of performance (refrigeration)
COP21	Conference of the Parties in Paris at which the Paris Agreement was reached
CO_2-e	Carbon Dioxide Equivalent
CPP	Cities Power Partnership
CPRS	Australia's Carbon Pollution Reduction Scheme
CSP	Community Strategic Plan
C4CE	Coalition for Community Energy
DOL	Direct On Line
DPE	NSW Department of Planning, and Environment
E3	Equipment Energy Efficiency program
EER	Energy efficiency ratio
EPA	Environmental Protection Authority
EPC	Energy Performance Contracting
EPC(M)	Engineer, Procure, Construct (Maintain)
ERF	Emissions Reduction Fund
ESB	Energy Security Board
ESC	Energy Saving Certificates
ESS	NSW Energy Savings Scheme
EUA	Environmental Upgrade Agreement
EV	Electric Vehicle
FiT	Feed-in-tariff
GFC	Global Financial Crisis

GHG	Greenhouse Gas
HVAC	Heating, ventilation, and air conditioning
ICE	Internal combustion engine
ICLEI	Local Governments for Sustainability
IPCC	Intergovernmental Panel on Climate Change
kWh, MWh, GWh	Units of energy – usually used for electricity
LED	Light Emitting Diode (lighting technology)
LGC	Large-scale Generation Certificate
MJ, GJ	Units of energy – usually used for gas
LGA	Local Government Areas
LPG	Liquefied Petroleum Gas
NABERS	National Australian Built Environment Rating System
NCC	National Construction Code
NDC	Nationally Determined Contributions by countries to meet Paris commitments
NEM	National Electricity Market
NCOS	National Carbon Offset Standard
NGA	National Greenhouse Accounts
O&M	Operation and maintenance
P2P	Peer to Peer trading of renewable energy
PHEV	Plug-in hybrid electric vehicle
PPA	Power Purchase Agreement
PV	Solar photovoltaic technology
REF	Revolving Energy Fund
RET	Australia's Renewable Energy Target
ROI	Return on Investment
S1	Scope 1 greenhouse gas emissions, from combustion of fuel at your facilities
S2	Scope 2 greenhouse gas emissions, caused by consuming electricity
S3	Scope 3 greenhouse gas emissions, indirect emissions upstream and downstream of your business
SDGs	Sustainable Development Goals
SRES	Small-scale Renewable Energy Scheme
SPS	Sewer Pumping Station
STC	Small-Scale Technology Certificates
STP	Sewerage Treatment Plant
VCS	Verified Carbon Standard
VFD, VSD	Variable Frequency Drive / Speed Drive
VGA	Virtual Generation Agreement
VPPs	Virtual Power Plants
W, kW, MW	Units of power – usually used for electricity
WTP	Water Treatment Plant

1 Executive Summary

100% Renewables was engaged by the NSW Department of Environment: Sustainable Councils and Communities Program, to work with Murrumbidgee Council to develop an Energy Strategy that will help Council to reduce energy demand through cost-effective renewable energy and energy efficiency solutions.

This strategy focuses on electricity-related emissions associated with Council's facilities, which can demonstrate to the community that emissions reduction is feasible and cost-effective, and position Council as a leader of the community's climate change response. However, council's broader climate response can extend beyond this to encompass fleet, landfill and other waste emissions resulting from community activities (that Council manages), climate resilience and adaptation, as well as emissions in the community from stationary energy use, transport, agriculture and other land use.

1.1 Recommended strategy and targets

1.1.1 Recommended strategy

This energy plan is based on cost-effective and commercially available solutions that can position Murrumbidgee Council as a leader in sustainability through its emissions reduction actions. Specifically, Council's strategy for renewables in the short and medium term should be to:

- Focus on cost-effective solar PV and energy efficiency opportunities at Council-operated sites, in the short term and medium term. It is noted that as part of the Southern Lights NSW program, Murrumbidgee Council recently upgraded more than 500 lights with LED technology.
    - Within this approach, Council can look at developing solutions that would positively impact the community, such as installing and optimising solar PV systems at community spaces, which will showcase Council's focus on sustainable development for the community as a whole.
- Stay abreast of opportunities for battery energy storage systems (BESS) as a way to increase the amount of solar PV that Council can install at its facilities. We note the numerous solar PV projects undertaken by Council in the past, and within this report we identify the benefits of coupling battery storage systems into solar PV arrays at these and other Council sites.
- Assess the scope for Murrumbidgee Council, alone or in partnership with other Councils – e.g. via RAMJO – to enter into a renewable energy power purchasing agreement (PPA) for the supply of electricity to Council's sites.

In addition Council can take steps to be well informed about and begin to source hybrid and electric fleet and install EV charging infrastructure. Recently, as part of the NSW Net Zero Plan, the government released an EV strategy to accelerate the growth of EVs' in NSW. The outlined support from the government could be an incentive for Murrumbidgee Council to start electrifying its fleet[1].

[1] A. (2021, June 20). NSW Electric Vehicle Strategy. NSW Environment, Energy and Science. https://www.environment.nsw.gov.au/topics/climate-change/net-zero-plan/electric-vehicle-strategy

Depending on timing and funding, Council should seek to ensure that major new projects, or expansions are designed to be energy efficient, and to accommodate solar PV and BESS to meet part of new sites' electricity demand.

This Energy Strategy outlines how Murrumbidgee Council can work towards these objectives, through the identification of short, medium and long term opportunities.

1.1.2 Suggested energy goals for Murrumbidgee Council

Our assessment of energy efficiency and renewable energy across Murrumbidgee Council indicates the following:

- The scope for grid energy savings from energy efficiency and behind-the-meter solar PV (with battery energy storage) at Council's facilities is up to **828 MWh per annum** or **~53%** of current electricity consumption.
- Council has already implemented solar PV across a few of their sites. This report mainly focuses on the next steps to further reduce grid energy consumption at these sites, primarily through battery storage and/or expanding solar PV systems.
- Deterioration of solar performance over time and projects that progressively upgrade Council's sites and services can see some of this potential be reduced. Also, the above estimate excludes efficiency and renewables on new capital projects.
- There is proven potential for local councils in NSW to source electricity from renewables at prices comparable to 'regular' prices, and this is likely to be feasible for Council's electricity supply in coming years, in conjunction with other RAMJO Councils.

Given the identified potential, the following targets can be considered by Murrumbidgee Council.

- By 2030 (or earlier) aim to source 100% of Council's grid-delivered electricity from renewables where cost-effective and incurring no added risk to Council. This will require that Murrumbidgee Council source electricity from renewables in its supply agreements.
- Consider the adoption of an interim target to reduce Council's electricity demand from the grid by at least 30% and up to 50% through the deployment of efficiency, solar PV and battery storage measures at its facilities.

The adoption of an emissions reduction target should be considered when Counci, can develop a fuller carbon footprint for its assets, including electricity, gas, fuel for fleet, and potentially landfill gas and wastewater emissions.

1.2 Budget implications

A number of potential energy efficiency and behind-the-meter solar PV opportunities have been costed at a high level for this strategy. This estimates costs of **$1,098,346** for short, medium and long term actions, with annual cost savings based on current rates of around **$167,319**. Overall, this represents a payback of under **6.6 years**. It is envisaged that Council would enter into a renewable energy power purchase agreement where there is no added cost or risk to Council compared with their normal electricity procurement process, as noted above.

1.3 Council's carbon footprint

1.3.1 Electricity consumption and associated carbon footprint

This strategy focuses on electricity consumed by Murrumbidgee Council in its facilities. The electricity-related carbon footprint in FY2020/21 was **1,338 t CO2-e**. Council's extended carbon footprint would include emissions from sources such as fuel for fleet, streetlighting, and waste.

TABLE 1: MURRUMBIDGEE COUNCIL – ELECTRICITTY-RELATED CARBON FOOTPRINT FY2020/21

	Emission source	Activity data	Units	Scope 1 t CO2-e	Scope 2 t CO2-e	Scope 3 t CO2-e	Total	%
	Electricity	1,574,678.81	kWh		1,228	110	1,338	100.0%
	TOTAL				**1,228**	**110**	**1,338**	**100.0%**

1.4 Efficiency, renewable energy & emissions reduction plans

A review of Murrumbidgee Council's current electricity demand and carbon footprint, site visits and discussions with Murrumbidgee Council staff suggests that there are four main areas of action by Murrumbidgee Council that, implemented together in a planned way, can reduce electricity demand, increase onsite renewables, and reduce emissions. These four areas are:

1. Grid decarbonisation (outside Council's influence)
2. Buying clean energy (e.g. via a renewable energy power purchase agreement or PPA)
3. Behind-the-meter solar (i.e. onsite solar)
4. Energy efficiency

In addition, it is prudent for Council to be informed about, and to begin to develop plans for its response to emissions from fleet, and in its supply chain.

5. Sustainable transport (included for information and future action)
6. Sustainable procurement (included for information and future action)

This gives a total of six focus areas for this report, illustrated below. Waste management is not included here, and should be addressed (from an emissions perspective) in the context of the NSW Waste and Sustainable Materials Strategy 2041.

FIGURE 1: SIX CATEGORIES OF EMISSIONS REDUCTION FOR MURRUMBIDGEE COUNCIL

1.4.1 Short and medium-term action plan

TABLE 2: MURRUMBIDGEE COUNCIL SHORT TO MEDIUM TERM PLAN FOR COUNCIL OPERATED SITES

Category	Sub-category	Site	Energy-saving option	Indicative cost	Payback (years)	Internal Rate of Return
Energy efficiency	Streetlighting	Unmetered Streetlighting	Murrumbidgee Council has replaced ~500 streetlights with LED technology as part of the Southern Lights NSW program. This program has reduced ~145 MWh of annual electricity usage, with an associated savings of $30,000 per annum[2].	**Not assessed** (note: not included in footprint for this work as data not available)**.**		
Behind the meter solar	Solar PV - Roof - STC	Coly Sportsground 1	Council recently built an amenities block at the Coly Sportsground. As a short-term approach, install a 6.5 kW roof-mounted flush system to meet most of the daytime demand. Since this site is new, there are no electricity invoices or historical electrical data to estimate the savings potential from this opportunity.	$6,500	**Not assessed.**	
Behind the meter solar	Solar PV - Roof - STC	Coly Sportsground	Install an 11 kW roof-mounted solar PV system on the new gym building to reduce the annual electricity demand at this site by ~15%. As most of the electricity demand for this site is from late evening to the night time period, we expect large exports from this solar PV only opportunity	$11,000	6.2	15%
Behind the meter solar	Solar PV - Roof - STC	Coly Office	Install a 6 kW roof-mounted solar PV system on the north-east section of the Coly office building.	$6,000	3.6	27%
Energy efficiency	Lighting		Replace ~ 8 x single twin 36 W and ~7 x twin 36 W lights with LED technology.	$1,999	6.0	~17%
Energy efficiency	Baseload	Coly Swimming Pool	We have noted that the annual electricity consumption at the Coly pool is ~4 times the annual electricity consumption of the Darlington Point pool. Additionally, the electricity consumption is seen to be double during the summer months, with little or no change in winter when the pool is closed. Therefore, Council should assess current usage and opportunities for backing off	**Not assessed – Council asseswsment of operational differences between the two pools will help to determine the benefits available.**		

[2] https://councilmagazine.com.au/council-upgrades-500-streetlights-to-led-technology/

			the pool pumps when the site is not operational and understand any inefficiencies with the current pump systems.			
Behind the meter solar	Solar PV - Roof - STC		Install a 15 kW roof and ground-mounted solar PV system at the Coly swimming pool. Due to the high electricity consumption at this site, ~80% of the solar PV generated from this system would be self-consumed. Furthermore, as the proposed ground-mount system is at a public place, Council would need to construct additional fencing for implementing this system. Please note that the additional fencing and AC cabling costs have not been accounted for in these estimated capital costs.	$20,280	4.76	21%
Behind the meter solar	Solar PV - Roof - STC	Coly Water Tower	**Short-term option:** Install an 11.4 kW roof-mounted solar PV across the two small buildings at the Coly water tower.	$11,400	2.97	33%
Behind the meter solar	Solar PV + BESS - Roof - STC		**Medium-term option:** Alternatively, Council can consider expanding the 11.4 kW roof-mounted solar PV system with a ~20 kW ground-mounted solar PV system near the water bore site. However, Council would need to evaluate the issues relating to installation of the ground-mount array, including access needs around the bore, tree management, cabling and trenching requirements, and security.	$40,300	4.69	21%
Behind the meter solar	Solar PV - Roof - STC	DP Depot	Install a 9 kW roof-mounted solar PV system on the north-facing roof of the workshop. This system can reduce the depot's annual electricity demand by ~**35%.**	$9,000	3.5	28%
Energy efficiency	Lighting		Replace ~ 10 x single and 15 x twin 36 W fluorescent lights with LED technology.	$2,855	5.5	~18%
Energy efficiency	Lighting		Replace ~3 x metal halide lamps at the workshop with LED technology.	$952	5.5	~18%
Energy efficiency	Lighting		Replace ~2 x external floodlights with LED technology.	$389	3.0	~33%
Energy efficiency	VSD Control	DP Treatment Works	Install variable speed drives and dissolved oxygen controls (VSD and DO) to manage the motors energy demand for the Pasveer channel.	$15,999	8.0	~13%

Behind the meter solar	Solar PV - Roof - STC		Install a 10 kW roof-mounted solar PV system at the MSB building to meet most of the site's daytime electricity demand. This proposed system can reduce the treatment work's annual electricity demand by ~14%.	$10,000	5.1	19%
Behind the meter solar	Solar PV - Ground - STC	Cemetery Lane	As a short-term approach, Council can consider installing a 30 kW ground-mounted solar PV system to meet most of the site's variable daytime electricity demand. Council can further achieve savings by evaluating the electricity load profile and flexibility in operations to maximise the solar PV self-consumption.	$39,000	4.1	24%
Behind the meter solar	Solar PV - Ground - STC	DP Council Office	Consider installing a 20 kW roof-mounted solar PV system on the east and west sections of the main Council building. This system can reduce the site's electricity demand by ~44%, annually.	$20,000	4.12	24%
Energy efficiency	Lighting	Jerilderie Office & Library	Replace ~105 x twin 36 W twin fluorescent lights with LED technology.	$12,582	3.0	~33%
Behind the meter solar	Solar PV - Roof - STC		**Short-term option:** Install a 31.2 kW roof-mounted solar PV system on the north and west section of the library building to supply the daytime electricity demand across both the admin and library facilities.	$31,200	2.11	47%
Behind the meter solar	Solar PV - Roof - STC		**Medium-term option:** Alternatively, Council can consider implementing a 46 kW roof-mounted solar PV system at the administration building roof space. Due to the age of these buildings, Council may need to carry out a structural certification prior to any solar implementation.	$46,000	6.04	16%
Behind the meter solar	Metering and Accounts	Civic Hall	Based on the planning lots, Council can consider implementing a solar PV system at the Civic Hall to supply electricity to the Jerilderie office and library account. Furthermore, Council can consider consolidating the meters for both the Civic Hall and the office + library buildings to implement a larger solar PV system to service all the buildings within the same lot.	**Not assessed.**		

Behind the meter solar	Solar PV - Roof - STC	Jerilderie Aquatic Centre Building	Consider implementing an 8.51 kW roof-mounted solar PV system at the Jerilderie Aquatic Centre to meet at least ~25% of the annual electricity demand at this site. It is noted that this account supplies electricity to a pump that pumps water from the creek to the Jerilderie lake.	$8,510	4.23	23%
Behind the meter solar	Solar PV - Roof - STC	Jerilderie Depot	Council can consider implementing a 37 kW roof-mounted solar PV system on the north and east section of the depot admin building. Based on a typical load profile of a depot, this system can reduce the site's electricity demand by **~44%**, annually.	$37,600	4.32	23%
Energy efficiency	Lighting		Replace ~30 x twin fluorescent lights and ~13 x highbay lights with LED technology.	$8,716	5.0	~20%
Behind the meter solar	Solar PV - Micro-inverter - Ground - STC	Jerilderie Comms Tower	Consider installing a 10.4 kW ground-mounted solar PV system near the Jerilderie Comms tower. Due to the typical operation of a Comms tower, we expect most of the solar PV generated on this site to be self-consumed. Furthermore, consider implementing this ground-mounted system with optimisers or micro-inverters to reduce shading losses from nearby buildings.	$15,000	5.15	19%
Behind the meter solar	Solar PV - Roof - STC	Monash Park	Considering the lighting upgrades at the park, we expect a reduction in the annual electricity demand at this site. Therefore, as a short-term opportunity, after implementing lighting upgrades, Council can consider installing a 9.92 kW roof-mounted solar PV system on the north-west section of the main grandstand roof.	$10,000	5.77	16%
Energy efficiency	Lighting	Jerilderie Sports Complex	Replace ~40 x twin 36 W fluorescent lights with LED technology.	$3,103	5.0	20%
Behind the meter solar	Solar PV - Roof - STC	Jerilderie Swimming Pool	Consider installing a 7 kW roof-mounted solar PV system at the Jerilderie swimming pool adjacent to the solar hot water system. Due to the seasonal operation of this site, we expect majority of solar to be exported back to the grid when the pool is closed.	$7,000	3.36	29%
Behind the meter solar	Solar PV - Roof - STC	Sewerage Cement Works	Install a 6.6 kW roof-mounted solar PV system to meet most of the site's daytime electricity demand.	$6,600	4.42	22%

Behind the meter solar	Solar PV - Ground - STC	Jerilderie Town Water Pump	Install a 32.8 kW ground-mounted solar PV system on the land adjacent to the supply point and south of the pump house. This system can reduce the annual electricity demand of this pump station by **~33%,** annually.	$42,640	4.31	23%
Behind the meter solar	Solar PV - Ground - STC	Jerilderie Treatment Works	Install a 29.4 kW ground-mounted solar PV system to meet most of the site's daytime electricity demand. Based on a typical load profile of a water treatment plant, we estimate a **~20%** reduction in the annual electricity usage at this site.	$38,220	5.73	17%
Energy efficiency	VSD control		Implement variable speed controls on the 2 x 15 kW clear water pumps to optimise the operational speed of these pumps at any given point in time.	$38,591	7.0	~14%
EV Strategy	EV Charging	Whole of Council	Install EV charging at suitable Council sites to service either Council pool vehicle/s or staff vehicles.	**Not assessed,** with the NSW Government's $595m package for electric vehicles, Council should identify key EV charging locations and have these ready to apply for funding. This could be done in conjunction with RAMJO, to assist all their member Councils.		
Electricity	Renewable Energy Power Purchasing	Whole of Council	Develop a case to enter into a PPA to supply a certain percentage of Council's site with renewable energy.	**Not assessed.** Assess this opportunity along with RAMJO Council members as part of bulk procurement to get competitive pricing in the current electricity market**.**		
Fleet Transition	Hybrid Vehicle	Whole of Council	Develop a strategy to acquire hybrid vehicles as part of transitioning Council to sustainable transportation.	**Not assessed.**		
			TOTAL	**$458,036**	**~4.5**	**~21%**

1.4.2 Long term action plan

A suggested long-term action plan for Murrumbidgee Council is outlined below. Please note that the details in the table below for solar at the Sportsground, Depot, Treatment works, Cemetery Lane, Jerilderie swimming pool and the Town water pump includes the full costs and associated savings for these suggested systems. There are also short / medium term options suggested for these sites. If Council opts to install the short / medium term options, then Council will only incur the marginal cost for expanding the systems in the longer term, along with the marginal savings of the additional systems.

TABLE 3: MURRUMBIDGEE COUNCIL LONG TERM PLAN FOR COUNCIL OPERATED SITES

Category	Sub-category	Site	Energy-saving option	Indicative cost	Payback (years)	IRR
Behind the meter solar	Solar PV + BESS - Roof - STC	Coly Sportsground 1	Council can consider implementing a 9.5 kW roof-mounted solar PV with a 12 kWh battery storage unit for the new amenities block at the Coly Sportsground. However, it would be prudent to revisit this opportunity based on actual electricity invoices and load profiles to estimate an accurate solar PV and battery storage system size.	$20,300	**Not assessed.**	
Behind the meter solar	Solar PV + BESS - Roof - STC	Coly Sportsground	Expand the solar PV system at the Coly sportsground to a 21.7 kW roof-mounted solar PV system on the gym facility with a 40 kWh battery storage system to meet most of the site's annual electricity demand.	$57,700	6.73	12%
Behind the meter solar	Solar PV + BESS - Roof - STC	DP Depot	As a long term approach, Council can consider implementing a 20 kW roof-mounted solar PV system at the depot workshop roof. Furthermore, couple this system with a 20 kWh battery storage unit to meet most of the site's electricity demand.	$38,000	7.52	10%
Behind the meter solar	Solar PV + BESS - Ground - STC	DP Treatment Works	Install a 20 kW roof and ground-mounted solar PV system at the Darlington Point Treatment works with a 39 kWh battery storage unit to meet at least ~60% of the annual electricity demand at this facility.	$61,100	8.5	8%
Behind the meter solar	Solar PV + BESS - Ground - STC	Cemetery Lane	Council can consider installing a 50.2 kW north-facing ground-mounted solar PV system with a 50 kWh battery storage unit to reduce at least ~50% of the electricity demand at this site, annually.	$110,000	8.21	9%
Behind the meter solar	Solar PV - Roof - STC	DP Swimming Pool	Install a 9.12 kW roof-mounted solar PV system at the Darlington Point pool to meet the daytime electricity demand of this site when the pool is	$9,120	4.11	24%

			operational. However, this opportunity is subject to roof availability after decommissioning the solar thermal mats towards the end of its life			
Behind the meter solar	BESS	15 Carrington St	Install a ~17.5 kWh battery storage unit to capture the exports from the existing ~11 kWp solar PV system installed at this site. The battery size has been estimated based on assumed exports from this solar PV system.	$15,750	24	~1%
Behind the meter solar	Solar PV + BESS - Roof - STC	39 Jerilderie st	Install a 3.3 kW roof-mounted tilted solar PV system with a 5 kWh battery storage unit to meet most of the site's electricity demand.	$7,800	8.26	8%
Behind the meter solar	Solar PV + BESS - Roof - STC	Jerilderie Aquatic Centre Building	To maximise the solar PV self-consumption at this electricity meter, Council can consider installing a 10 kWh battery storage system with the proposed 8.51 kW roof-mounted solar PV system to reduce at least **~35%** of the annual electricity demand at this site.	$17,510	6.97	12%
Behind the meter solar	Solar PV + BESS - Roof - STC	Jerilderie Depot	As a long-term opportunity, Council can consider installing a 73.6 kW roof-mounted solar PV system at the depot's workshop building. Furthermore, couple this system with a 60 kWh battery storage unit to meet most of the electricity demand at this depot facility. The battery storage system could be installed next to the main switch board, situated on the east wall of the building. As the workshop roof is high, we expect added costs for implementing new edge protection and new roof safety systems.	$127,600	7.0	12%
Behind the meter solar	Solar PV + BESS - Roof - STC	Monash Park	With the planned lighting upgrades at this site, Council can consider installing a 10 kW roof-mounted solar PV system with a 13.5 kWh battery storage unit to reduce at least **~70%** of the annual electricity demand at this site.	$22,150	8.8	8%
Behind the meter solar	Solar PV + BESS - Roof - STC	Jerilderie Sports Complex	Consider installing a 25 kW solar PV array along with a 40 kWh battery storage. As the sports complex is mostly used in the evening, a battery storage system will help increase the solar PV self-consumption.	$61,100	16.2	5%
Behind the meter solar	Solar PV + BESS - Ground - STC	Sewerage Cement Works	Install a 9.6 kW ground-mounted solar PV system with a 13.5 kWh battery storage unit to meet at least **~80%** of the annual electricity demand at this Council facility.	$24,630	8.7	8%

Behind the meter solar	Solar PV + BESS - Ground - STC	Jerilderie Town Water Pump	Install a 60 kW ground-mounted solar PV system with an 85 kWh battery storage unit at the Jerilderie water pump station. This system can reduce the annual electricity demand at this facility by **~54%**, annually.	$154,500	13.5	7%
Behind the meter solar	Solar PV + BESS - Ground - STC	Jerilderie Treatment Works	Based on a typical load profile of a water treatment plant, Council can consider installing a 60 kW ground-mounted solar PV system with a 50 kWh battery storage to meet most of the variable electricity demand at this facility.	$123,000	7.3	11%
Sustainable Transportation	Low Emissions Fleet Strategy	Whole of Council	Develop a pathway to low and zero emissions plant and vehicles for all Council fleet.	**Not assessed.** Develop a pathway to low and zero emissions plant and vehicles for all Council fleet		
Total				**$850,260**	**7.4**	**~9%**

1.4.3 Continuous improvement

The following opportunities can be pursued over time as part of a continuous improvement approach to energy management by Murrumbidgee Council.

TABLE 4: MURRUMBIDGEE COUNCIL CONTINUOUS IMPROVEMENT PLAN FOR COUNCIL OPERATED SITES

Category	Sub-category	Site	Energy-saving option	Cost or resources required
Energy efficiency	HVAC	Jerilderie Depot	Develop a strategy to replace the existing HVAC systems with energy efficient units towards the end of their life. These units could be replaced with any units with EER/COP greater than 4, preferably using R32 refrigerant gas.	**Not assessed.** Number remaining to be replaced TBC - specify highest COP/EER feasible, particularly for heating.
Energy efficiency	VSD control	Sewer Pump Station - Tubbo St	This was visited as an example of a large SPS, and suggests that there will not be opportunities for solar PV at these sites as they are unsecured. Upgrading to VSD-controlled pumps when pumps and/or boards are upgraded should be considered for all SPS sites across Council.	**Not assessed.**

1.4.4 Low priority opportunities

For completeness, we have also identified opportunities that may be low-priority/ not-feasible for Council at this stage.

TABLE 5: MURRUMBIDGEE COUNCIL LOW PRIORITY OPPORTUNITIES

Category	Sub-category	Site	Energy-saving option	Cost or resources required
Behind the meter solar	Solar PV - Roof - STC	Jerilderie Swimming Pool	Investigate council planning system to confirm if the Sports complex roof can be used to power the swimming pool using solar PV. If so, Council needs to plan on sizing a system that would supply solar to both the pool and Sports complex facilities.	**Not assessed.** Energy demand for the pool may change post renovation; Council should confirm the new energy demand. Furthermore, the sports stadium roof is much larger than the filter room roof at the pool, so the complex offers much more scope to power the pool demand.

Energy efficiency	Geothermal	Civic hall	A geothermal HVAC solution at the Civic Hall at Jerilderie was investigated as part of this Energy Strategy. The Civic Hall has little to no air conditioning units and is sparingly used for events that run for a couple of hours. Therefore, focusing on a geothermal HVAC upgrade for this site may not be financially viable due to the high capital costs for these projects. If Council considers upgrading HVAC systems solely at the Civic Hall, then consider upgrading the existing systems with COP/EER greater than 4 and utilising refrigerants such as R32. Alternatively, an opportunity is to replace all the heating and cooling units across the Jerilerderie offices, library and the Civic Hall with a geothermal HVAC solution. A cost-benefit analysis has not been conducted at this stage, and Council would need to have a detailed study on this opportunity as these units are towards the end of their life. Similar projects have been carried out at Wagga Wagga and Tumut Council. At Tumut Council, the geothermal units delivered ~40% of energy savings annually and had a simple payback of ~8 years[3].	**Not assessed.**

[3] https://www.geoexchange.com.au/commercial_showcase/riverina-highlands-building-tumut-nsw/

100% renewables

Scope

Summary of the scope of work and approach

2 Approach and scope of work

100% Renewables was engaged by the NSW Department of Environment: Sustainable Councils and Communities Program to work with Murrumbidgee Council to develop an Energy Strategy with Council that will help it to reduce electricity demand through cost-effective renewable energy and energy efficiency solutions. The scope of this project is outlined below and is focused on Council's operations, electricity use and carbon emissions.

FIGURE 2: SEVEN-STEP PROCESS TO DEVELOP MURRUMBIDGEE COUNCIL'S ENERGY STRATEGY

- **Stage 1 – Inception**
  - Meet Council's key stakeholders and discuss the project plan
- **Stage 2 – Electricity & carbon footprint**
  - Collect energy data from Council's energy management platform or billing
  - Analyse interval data where available
  - Develop energy & carbon footprint for Council operations
- **Stage 3 – Engagement**
  - Set up meetings / presentations with key stakeholders across Council
  - Set up and conduct site visits across key sites at Council
- **Stage 4 – Draft opportunities**
  - Develop draft opportunities in Excel for discussion with stakeholders
  - Circulate these opportunities to Council staff for input, discussion and prioritisation
- **Stage 5 – Business case development**
  - Model solar PV business cases, assess efficiency opportunities
  - Overview of sustainable transport and renewable energy power purchasing
- **Stage 6 – Action plans**
  - Develop short, medium and long term action plans for Council
- **Stage 7 – Energy Plan**
  - Draft Energy Strategy report
  - Conduct presentation of the plan to Council
  - Finalise Energy Strategy report

100% renewables

Background and Context

Factors underpinning climate action at global and sectoral levels

3 Context for action to reduce emissions

3.1 Climate Change 2021: the Physical Science Basis[4]

Due to all historical carbon emissions, average global temperatures have increased by ~1°C from pre-industrial levels; in Australia it is higher at ~1.4°C. The IPCC's recently-released report, *Climate Change 2021: the Physical Science Basis* has issued the strongest call yet for urgent and deep cuts to be made to global greenhouse gas emissions. The Working Group I Report says the window to deliver the "deep emissions cuts" needed to prevent the worst impacts of climate change is closing rapidly.

The main driver of long-term warming is the total cumulative emissions of greenhouse gases over time. Since 1750, emissions have been more than 2,560 billion tonnes CO_2. A key message from the report is that rapid reductions in emissions are required **this decade** to prevent long-term ecological and climate breakdown. The report predicts that it is near-certain that global warming will exceed 1.5°C in the next two decades, but that accelerated abatement and removals can reverse this situation beyond 2050.

We have a 50/50 chance to limit warming to 1.5°C if we stay within an added global carbon budget of 500 billion tonnes. At pre-pandemic global emission rates, this gives us under 11 years before we exceed 1.5°C. If we want a better chance – two in three – of achieving around 1.5°C of warming by mid-century, then we can emit just 400 billion tonnes globally, and we have even less time to act.

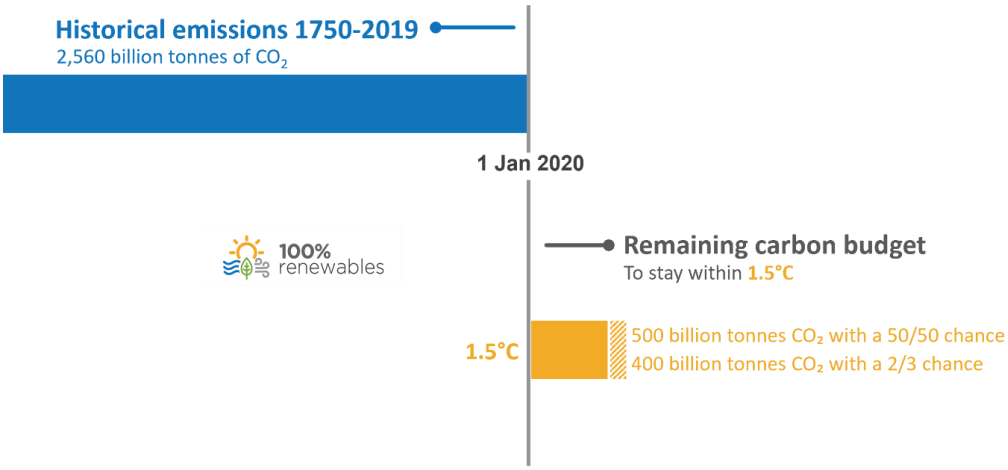


FIGURE 3: REMAINING GLOBAL CARBON BUDGET (ADAPTED FROM IPCC WORKING GROUP I REPORT FAQS)

A net-zero target means that by the target date, there must be no greenhouse gas emissions on a net basis. For a local government's operations for example, this could mean:

1. GHG emissions from stationary fuel combustion such as LP gas use are minimised, and
2. GHG emissions from transport fuel combustion are minimised, and
3. GHG emissions from electricity consumption are minimised, and
4. GHG emissions from waste and in Council's supply chain are minimised, and
5. Remaining emissions offset or removed through sequestration measures

[4] https://www.ipcc.ch/report/sixth-assessment-report-working-group-i/

3.2 International drivers for climate action

Internationally, there are three primary drivers for urgent action on climate, additional to the second commitment period of the Kyoto Protocol from 2013 to 2020. These are:

1. **Sustainable Development Goals (SDGs)**

   In 2015, countries adopted the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals. Governments, businesses and civil society together with the United Nations are mobilising efforts to achieve the Sustainable Development Agenda by 2030[5]. The SDGs came into force on 1 January 2016 and call on action from all countries to end all poverty and promote prosperity while protecting the planet.

2. **Paris Agreement**

   To address climate change, countries adopted the Paris Agreement at the COP21 in Paris on 12 December 2015, referred to above. The Agreement entered into force less than a year later. In the agreement, signatory countries agreed to work to limit global temperature rise to well below 2°C, and given the grave risks, to strive for 1.5°C Celsius[6].

3. **Special IPCC report on 1.5°C warming (SR15)**

   In October 2018 in Korea, governments approved the wording of a special report on limiting global warming to 1.5°C. The report indicates that achieving this would require rapid, far-reaching and unprecedented changes in all aspects of society. With clear benefits to people and natural ecosystems, limiting global warming to 1.5°C compared to 2°C could go hand in hand with ensuring a more sustainable and equitable society[7].

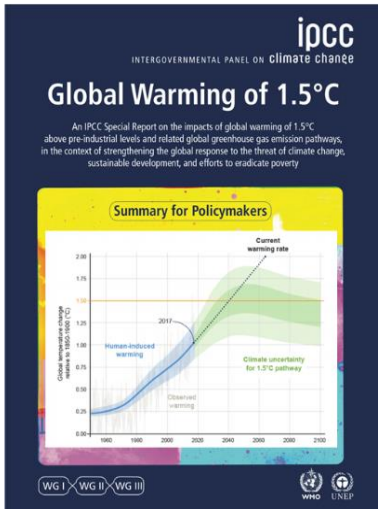


FIGURE 4: GLOBAL CONTEXT FOR ACTION ON CLIMATE

[5] Sourced from https://www.un.org/sustainabledevelopment/development-agenda/
[6] Sourced from https://www.un.org/sustainabledevelopment/climatechange/
[7] Sourced from https://www.ipcc.ch/news_and_events/pr_181008_P48_spm.shtml

In addition, the World Economic Forum's Global Risks Report 2021[8] highlights adverse climate change-related outcomes as among the most likely to occur with the highest impacts to the global economy. The chart below from the WEF's report shows several key climate risks clustered in the top right corner; that is, these risks are assessed to be among the most likely to eventuate, with the greatest economic impact among all the global risks that were assessed.

FIGURE 5: GLOBAL RISKS REPORT – LIKELIHOOD & IMPACT OF CLIMATE, OTHER RISKS TO GLOBAL ECONOMY

[8] https://www.weforum.org/reports/the-global-risks-report-2021

4 National and State Government action

4.1 National targets

At a national level, Australia's response to the Paris Agreement has been to set a goal for greenhouse gas (GHG) emissions of 5% below 2000 levels by 2020 and GHG emissions of 26% to 28% below 2005 levels by 2030. A major policy that currently underpins this is the Renewable Energy Target (RET). This commits Australia to source 20% of its electricity from renewable energy sources by 2020.

FIGURE 6: AUSTRALIA'S RENEWABLE ENERGY AND CARBON GOALS – NATIONAL LEVEL

According to the Clean Energy Regulator[9], the Renewable Energy target has been met and renewable energy generation will exceed the target by some 7,000 GWh.

The RET is the main successful policy underpinning Australia's climate mitigation efforts. Other key initiatives include the Climate Solutions Fund, formerly the Emissions Reduction Fund, which sources abatement from eligible activities in the economy via periodic auction processes. Despite these initiatives, Australia's GHG emissions have remained relatively steady over the period 2015 to 2020, with a dip in emissions expected to be confirmed for the final quarter of 2019/20 due to Covid-19.

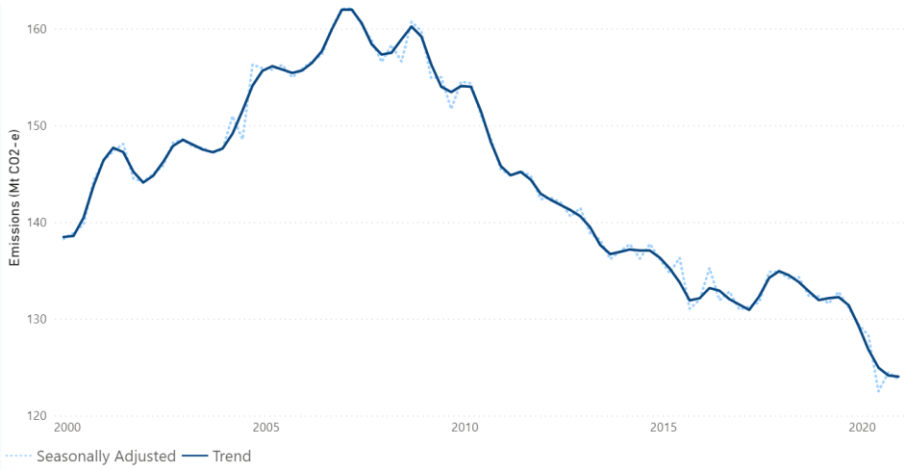


FIGURE 7: AUSTRALIA'S GHG EMISSIONS FROM ALL SOURCES

[9] March 2018, Australian Government – Clean Energy Regulator. 2018 Annual Statement to the Parliament on the progress towards the 2020 Large-scale Renewable Energy Target.

4.2 NSW State targets

At a sub-national level, most states and territories have established emissions targets as well as some legislated targets for renewable energy, as seen below.

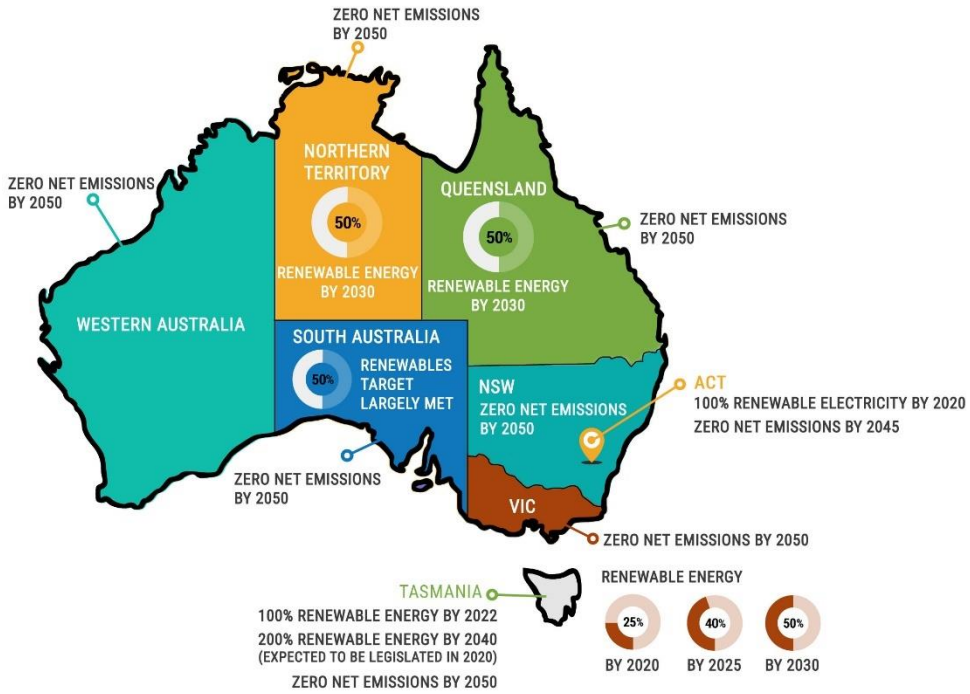


FIGURE 8: AUSTRALIA'S RENEWABLE ENERGY AND CARBON GOALS – STATE & TERRITORY LEVEL

Supporting the NSW Government's commitment to reach net zero emissions by 2050, NSW Government recently released its **Net Zero Plan Stage 1: 2020–2030**[10]. This sees the first of three 10-year plans released that will set a pathway to net zero emissions in NSW by 2050.

In addition the NSW Government has developed a **NSW Electricity Strategy**[11] which will help the State to deliver on its goal to attract renewable energy investment. On 27th November 2020 the NSW Government passed the *Electricity Infrastructure Investment Bill (2020)* which will help to drive the transition to renewables in the state in coming years by coordinating investment in new generation, storage and network infrastructure in New South Wales[12].

In the first instance a renewable energy zone (REZ) in Central West Orana will be developed, attracting significant private sector investment to developing new generation assets in this region. A larger renewable energy zone is to be developed in the New England region, with up to seven additional REZs' to be developed in future, including a recently-announced REZ for the Hunter Valley region.

The figures below show the approximate locations of the Central West Orana, New England and South-West REZs'.

[10] © State of New South Wales 2020. Published March 2020
[11] https://energy.nsw.gov.au/renewables/renewable-energy-zones
[12] https://www.parliament.nsw.gov.au/bill/files/3818/XN%20Electricity%20Infrastructure%20Investment%20Bill.pdf

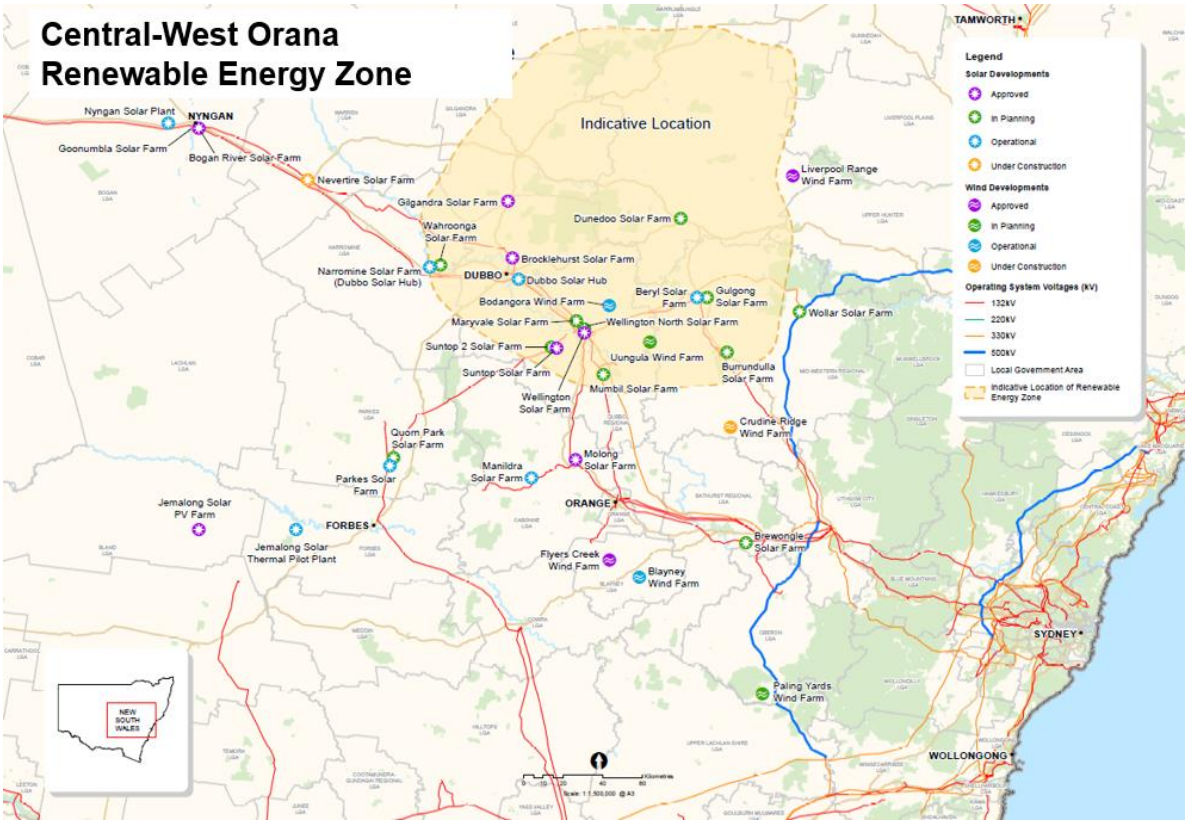


FIGURE 9: INDICATIVE CENTRAL-WEST ORANA NSW RENEWABLE ENERGY ZONE

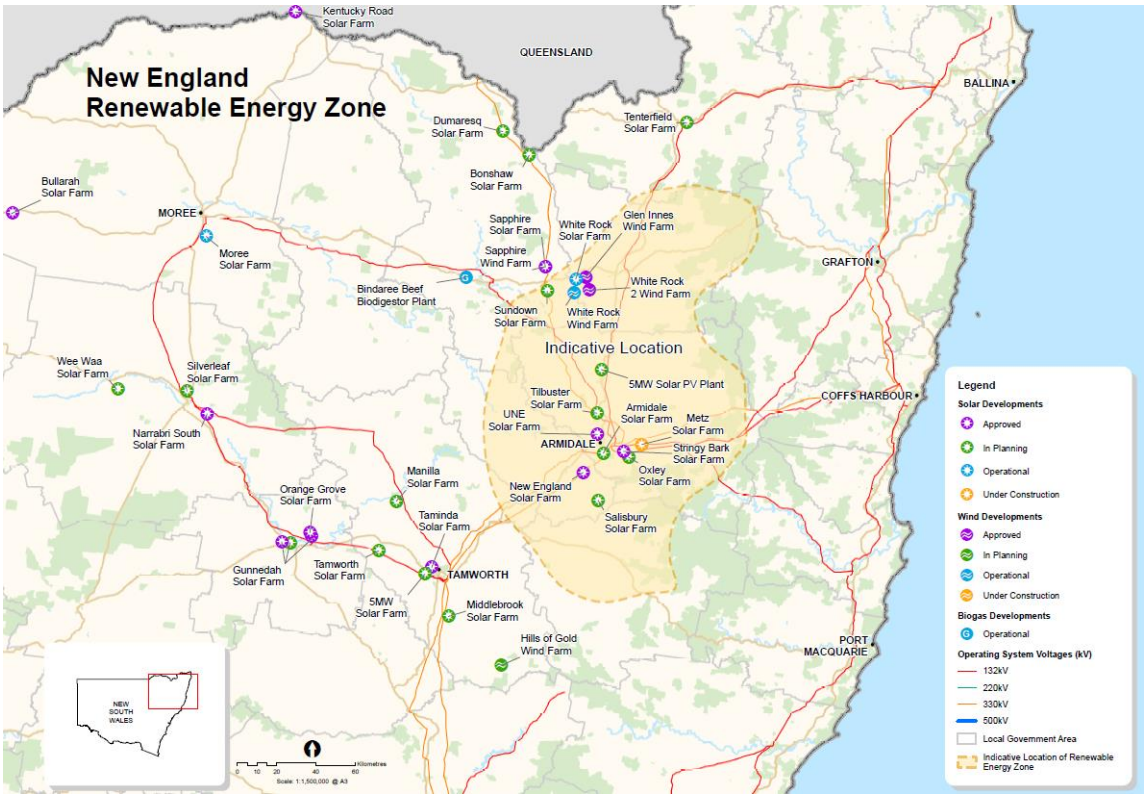


FIGURE 10: INDICATIVE NEW ENGLAND NSW RENEWABLE ENERGY ZONE

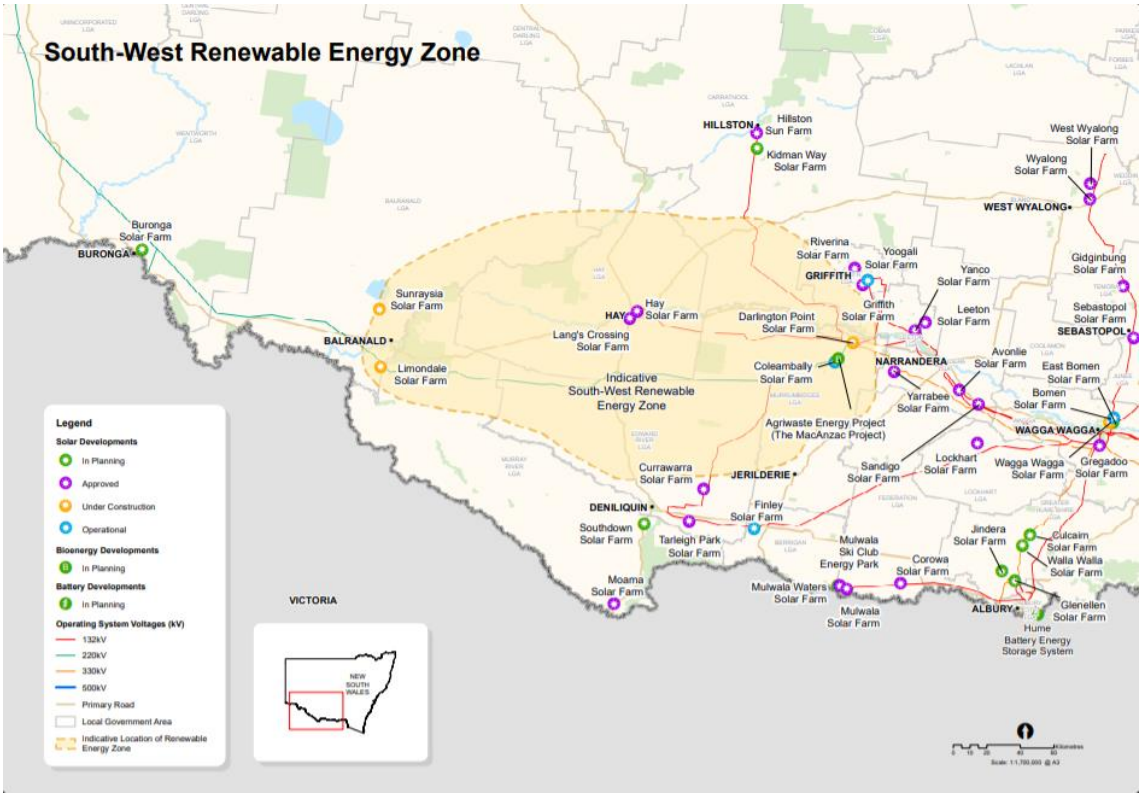


FIGURE 11: INDICATIVE SOUTH-WEST RENEWABLE ENERGY ZONE

Some of the key highlights of the 2020-2030 Net Zero Plan include:

- A central focus of the plan is about jobs that will be created and about the lowering of energy costs for consumers. Many renewable energy jobs will be created in regional NSW.
- The Plan commits to breaking down barriers that remain to people and business investing in commercially available technologies, such as energy-efficient appliances and buildings, Roof-mounted solar, firmed grid-scale renewables, and electric vehicles.
- The Plan commits NSW to reducing State emissions by 50% by 2030 and to net-zero by 2050 and articulates this is a shared responsibility among business, individuals, and governments.
- There will be a broadening of the focus of abatement to encompass low-carbon products and services and providing consumers with more information to influence buying decisions.
- Clarity on some of the funding, targets and programs that will help drive this change, such as:
    - $450 million Emissions Intensity Reduction Program
    - $450 million commitment to New South Wales from the Climate Solutions Fund
    - $1.07 billion in added funding via NSW and Commonwealth across several measures
    - Development of three Renewable Energy Zones in the Central-West, New England and South-West of NSW to drive up to $23 billion in investment and create new jobs
    - Energy Security Safeguard to extend and expand the Energy Savings Scheme
    - Expanded Energy Efficiency Program
    - Expanded Electric and Hybrid Vehicle Plan with the Electric Vehicle Infrastructure and Model Availability Program to fast-track the EV market in NSW
    - Primary Industries Productivity and Abatement Program to support primary producers and landowners to commercialise low emissions technologies

- Target of net-zero emissions from organic waste by 2030
- Development of a Green Investment Strategy, with Sydney as a world-leading carbon services hub by 2030
- Enhancement of the EnergySwitch service by allowing consumers to compare the emissions performance of energy retailers
- Advocate to expand NABERS to more building types, and improve both the National Construction Code and BASIX
- Establishment of a Clean Technology Program to develop and commercialise emissions-reducing technologies that have the potential to commercially out-compete existing emissions-intense goods, services and processes
- Establishment of a Hydrogen Program that will help the scale-up of hydrogen as an energy source and feedstock, and target 10% hydrogen in the gas network by 2030
- Aligning action by the government under GREP with the broader state targets through clear targets for Roof-mounted solar, EVs, electric buses, diesel-electric trains, NABERS for Government buildings, power purchasing and expansion of national parks

Several of these initiatives will be of interest and benefit to Murrumbidgee Council and its community.

4.3 NSW local governments response to climate change

Much of the leadership on renewable energy and climate in Australia comes from local government. Prominent examples of how local governments are demonstrating leadership are highlighted below.

1. Cities Power Partnership or CPP is an initiative of the Climate Council and it represents Australia's largest local government climate action network with >120 councils. While this doesn't involve setting specific targets per se, the commitment to key actions can either serve as a set of de facto targets or can provide a basis from which to set targets in future. Key aspects of the CPP include:
    a. Making five action pledges to tackle climate change.
    b. Connection and sharing between participants.
    c. Access to a comprehensive online Knowledge Hub and Power Analytics tool to help track emissions, energy and cost savings.
2. Adoption and publication of ambitious [13] targets for renewable energy and/or carbon emissions for Council operations. The chart below shows the status of target-setting by regional local councils in NSW (at December 2021).

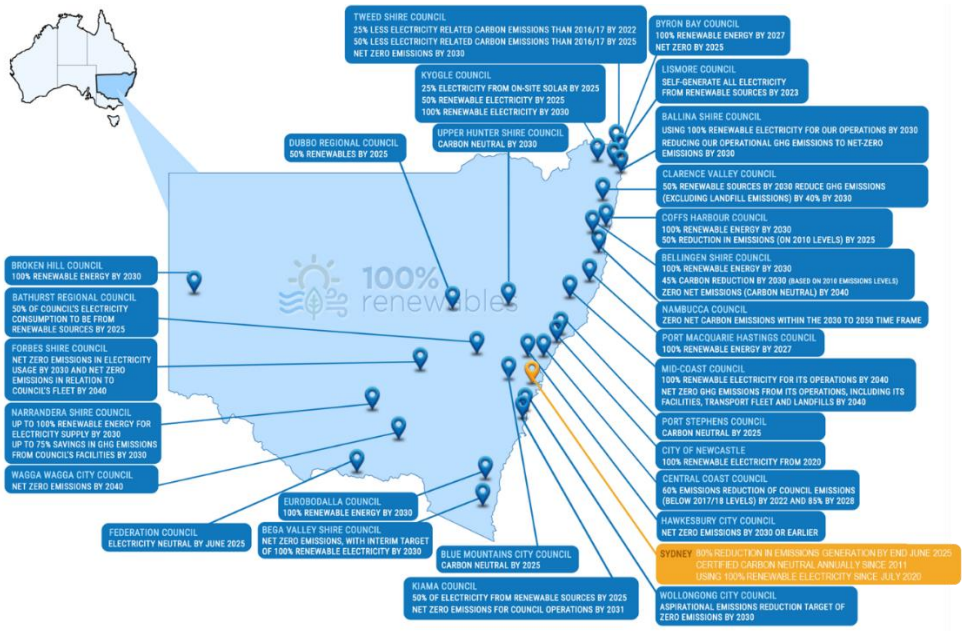


FIGURE 12: RENEWABLE ENERGY & CARBON TARGETS BY REGIONAL NSW COUNCILS & ACT

3. Many local councils across NSW have taken up opportunities as LED streetlighting has become available and approved for use, to upgrade their local and main road lights. Councils across NSW and across the three distribution networks have seen energy use and costs, as well as maintenance costs, fall dramatically as a result of these upgrades. Murrumbidgee Council is among those who have upgraded their streetlights to LED technology.

[13] Most ambitious commitments by local councils include targets for renewable energy (electricity) and/or overall emissions that are aligned with or ahead of a science-based target timeframe for their included emissions sources

5 Local trends – what is occurring in Murrumbidgee Council?

The Murrumbidgee Local Government Area is in the upper middle of LGAs in terms of the uptake of solar hot water and solar PV systems. According to data sourced from the Australian Photovoltaic Institute (APVI), Murrumbidgee LGA has:

- 1,847 PV installations, a 33% penetration rate, in February 2022, with over 526.8 MW of installed capacity. Refer to the APVI map with Murrumbidgee LGA details highlighted below.
- 91 installations over 10 kW and less than 100 kW, 609 installations of less than 10 kW, and 4 installations of over 100 kW. The region has two solar farms, that include the Coleambally (189 MW) and the Darlington Point (333 MW) solar farms.

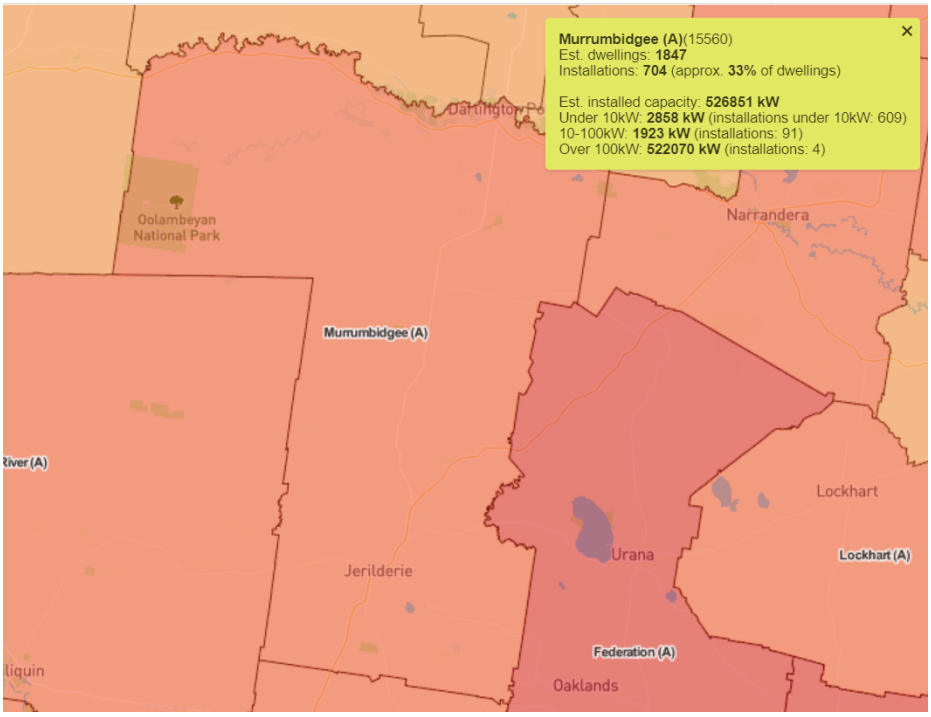


FIGURE 13: MURRUMBIDGEE LGA SOLAR PV INSTALLATIONS, FEBRUARY 2022

Murrumbidgee Council has implemented a number of initiatives to reduce energy demand and cost. It is often the case that this is done as 'business-as-usual'. Examples, supplied by Council and observed from site visits, include:

- Upgraded ~500 Council owned streetlights with LED technology as part of the Southern Lights NSW program.
- Installed several small-scale solar PV systems across council facilities.
- Progressively upgrading lights with LED technologies at Council owned facilities.

6 Council's 2020/21 electricity use and carbon footprint

Council's energy use and carbon footprint were assessed based on available electricity consumption only, and additional emissions from landfill gases, fuel, sewerage treatment emissions and other sources such as refrigerants were excluded. Additionally, electricity consumption from streetlighting assets was not included in this footprint, as electricity data was not available.

TABLE 6: MURRUMBIDGEE COUNCIL'S – CARBON FOOTPRINT 2020/21, ELECTRICITY ONLY

	Emission source	Activity data	Units	Scope 1 t CO2-e	Scope 2 t CO2-e	Scope 3 t CO2-e	Total	%
	Electricity	1,574,678.81	kWh		1,228	110	1,338	100.0%
	TOTAL				1,228	110	1,338	100.0%

There are currently two approaches, location-based and market-based, in calculating electricity emissions. The main differences between the two approaches are discussed below.

The location-based approach

This method reflects the average emissions intensity of the grid, based on Council's location. This method calculates emissions that Council is physically emitting to the atmosphere. So, if a facility is located in the ACT, which is 100% renewable, it will still have to apply the NSW grid's emissions factor, as it would receive electricity from NSW power plants. The location-based method does not allow for any claims of renewable electricity from grid-imported electricity use.

The only way Council can reduce electricity emissions using the location-based method is to reduce its electricity consumption, or to install behind-the-meter renewable energy systems. Buying renewables will not be recognised under the location-based method.

The market-based method

The market-based method reflects the emissions that Council is responsible for from the electricity they purchase, which may be different from the electricity that is generated locally. This method derives emission factors from contractual instruments, such as the purchase of GreenPower®, RECs/LGCs, or bundled renewable energy power purchase agreements. It uses a 'residual mix factor' (RMF) to allow for unique claims on the zero-emissions attribute of renewables without double-counting. Under the market-based approach, Council can reduce their electricity-based emissions by being more energy-efficient, by installing onsite renewables and shifting their electricity supply to renewables.

TABLE 7: ELECTRICITY EMISSIONS USING THE LOCATION-BASED APPROACH

Location-based

Council assets	Activity data	Units	Scope 1 t CO_2-e	Scope 2 t CO_2-e	Scope 3 t CO_2-e	Total
Grid electricity	1,574,679	kWh		1,228	110	1,338
Consumed solar	28,555	kWh		-	-	0
Net electricity emissions			**0**	**1,228**	**110**	**1,338**

TABLE 8: ELECTRICITY EMISSIONS USING THE MARKET-BASED APPROACH

Market-based

Council assets	Activity data	Units	Scope 1 t CO_2-e	Scope 2 t CO_2-e	Scope 3 t CO_2-e	Total
Grid electricity	1,574,679	kWh				
LGC Purchased and retired (kWh) (including PPAs)	-	*kWh*		*0*	*0*	*0*
GreenPower	-	*kWh*		*0*	*0*	*0*
Jurisdictional renewables	-	*kWh*		*0*	*0*	*0*
Large Scale Renewable Energy Target (applied to grid electricity only)	*304,070*	*kWh*		*0*	*0*	*0*
Residual Electricity	*1,270,608*	*kWh*		*1,228*	*142*	*1,370*
Consumed solar	28,555	kWh		*0*	*0*	0
Exported solar	-	kWh		0		0
Net electricity emissions			**0**	**1,228**	**142**	**1,370**

6.1 Electricity consumption summary

As the main source of energy-related greenhouse gas emissions, electricity use was assessed further. The following two charts provide a summary of where and how electricity is used.

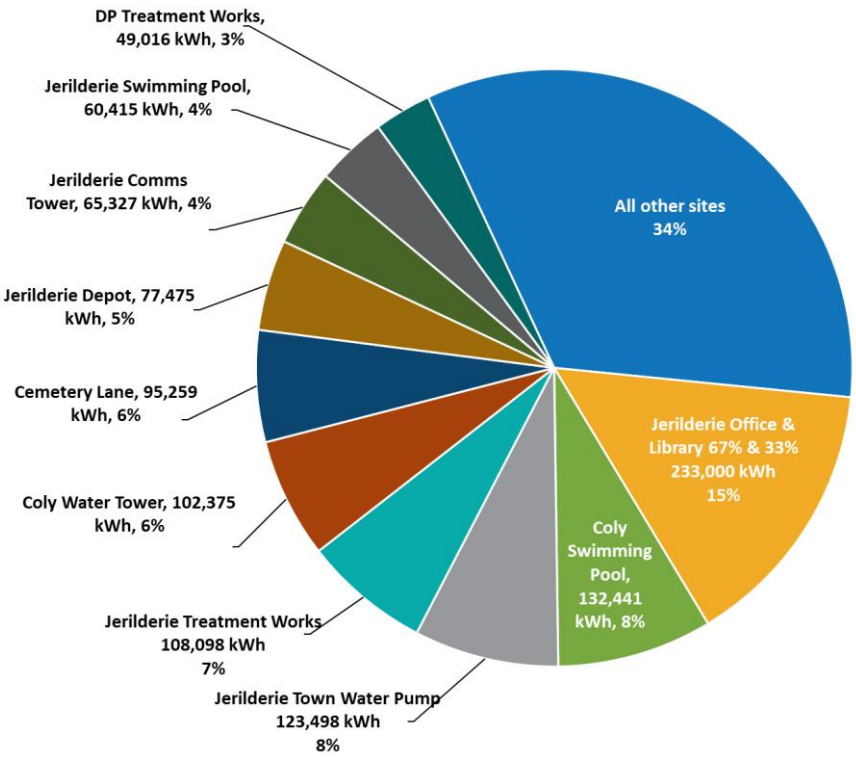


FIGURE 14: MURRUMBIDGEE COUNCIL'S LARGE ELECTRICITY USING SITES

Electricity use is dominated by a small number of large sites and several individually small electricity using sites. The 'top 10' sites' use **66%** of all Council's electricity. As seen in the figure above, 15% of the electricity consumption is from the Jerilderie Office and Library. The other major electricity consumers include swimming pools, treatment works, and depot.

It is also possible to estimate the contribution by major equipment types to electricity use, based on experience with similar operations. The major equipment types include motor systems, lighting, air conditioning (HVAC) and power & appliances. The assessed contribution to Council's electricity consumption is illustrated below, highlighting lighting and motor systems as the major user, and likely the major focus areas for energy efficiency.

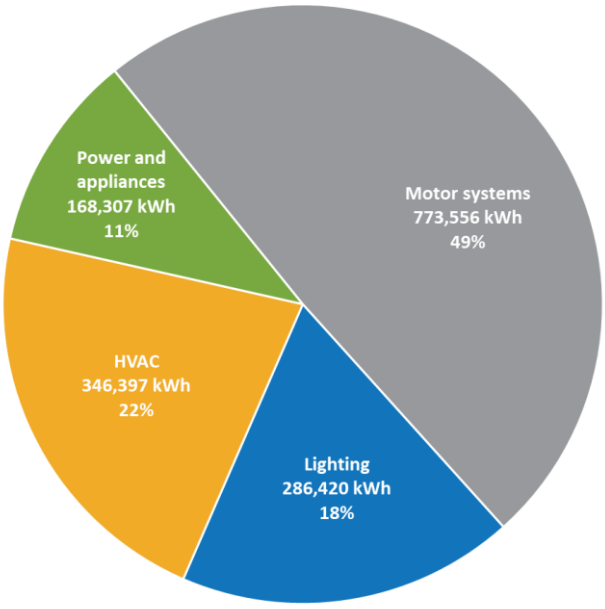


FIGURE 15: MURRUMBIDGEE COUNCIL'S ELECTRICITY USE BY END USE EQUIPMENT

100% renewables

Energy Plan

Murrumbidgee Council's electricity & emissions reduction opportunities

7 Murrumbidgee Council's emissions reduction options

7.1 Measures available to reduce Murrumbidgee Council's footprint

A review of Murrumbidgee Council's current electricity demand and carbon footprint, site visits and discussions with Murrumbidgee Council staff suggests that there are four main areas of action by Murrumbidgee Council that, implemented together in a planned way, can reduce electricity demand, increase onsite renewables, and reduce emissions. These four areas are:

1. Grid decarbonisation (outside Council's influence)
2. Buying clean energy (e.g. via a renewable energy power purchase agreement or PPA)
3. Behind-the-meter solar (i.e. onsite solar)
4. Energy efficiency

In addition, it is prudent for Council to be informed about, and to begin to develop plans for its response to emissions from fleet, and in its supply chain.

5. Sustainable transport (included for information and future action)
6. Sustainable procurement (included for information and future action)

This gives a total of six focus areas for this report, illustrated below. Waste management is not included here, and should be addressed (from an emissions perspective) in the context of the NSW Waste and Sustainable Materials Strategy 2041.

Following this, a summary of the scope, scale, cost-effectiveness and risks associated with each of these measures is presented that can enable the success of Council's abatement efforts. This is then followed by the presentation of action plans that will enable Murrumbidgee Council to achieve its goals. Action plans are based on analysis of information and data, visits to numerous Murrumbidgee Council facilities with experienced staff, and discussions with key stakeholders.

FIGURE 16: SIX CATEGORIES OF EMISSIONS REDUCTION FOR MURRUMBIDGEE COUNCIL

7.2 Grid decarbonisation

Description

In NSW there are five coal-fired power stations with combined 10,240 MW capacity that supply most of the State's electricity and make up most NSW electricity sector emissions (Liddell, Vales Point B, Eraring, Bayswater, Mt Piper).

The state is largely self-reliant for power, with this supplemented by interstate links as and when required. Since 2010 three coal-fired power stations with 1,744 MW of capacity have closed in NSW (Wallerawang C, Redbank, and Munmorah).

As more coal-fired power stations approach the end of their life – the five coal-fired stations above will likely close between 2023 and the early 2030s' – they are most likely to be replaced with renewable energy. This is most likely to be from large-scale wind and solar PV plants with battery storage, together with Distributed Energy Resources (DER) and demand-side measures.

In recent years several thousand MW of large-scale solar, wind energy and rooftop solar PV generation capacity has been built in NSW and much more is planned. In recent years rooftop solar installations have accelerated.

In September 2021 the NSW Government released the draft declaration of the Central-West Orana Renewable Energy Zone for exhibition. This process will ultimately formalise this REZ under the Electricity Infrastructure Investment Act 2020 and will lead to the development of some 3 GW of network capacity (the expressions of interest process elicited more than 27 GW of renewable energy and storage proposals). Recently, EOIs closed for the New England REZ, where more than 8 GW of renewables and storage will be built in coming years. Other REZs' are proposed to be located at Hunter-Central Coast, Illawarra, and the South-West region of NSW.

Given this shift to renewable energy generation, the future carbon intensity of the NSW grid will decline. The grid emissions intensity will be influenced by a range of factors, and the Australian Energy Market Operator's (AEMO) draft Integrated System Plan 2022[14] (ISP2022) models scenarios with differing assumptions for key influencing factors including demand drivers, DER uptake, emissions, large-scale renewable build cost trajectories, investment and retirement considerations, gas market settings and coal price settings, together with assumptions regarding policy settings and transmission infrastructure development.

The resultant scenario outcomes for penetration of renewable energy in the NEM is illustrated below, highlighting the increasing likelihood of a rapid transition to renewables.

The NSW Government's Electricity Infrastructure Investment Bill will facilitate the rapid transition to renewables in NSW, and ISP2022 forecasts reflect this.

[14] AEMO: https://aemo.com.au/consultations/current-and-closed-consultations/2022-draft-isp-consultation

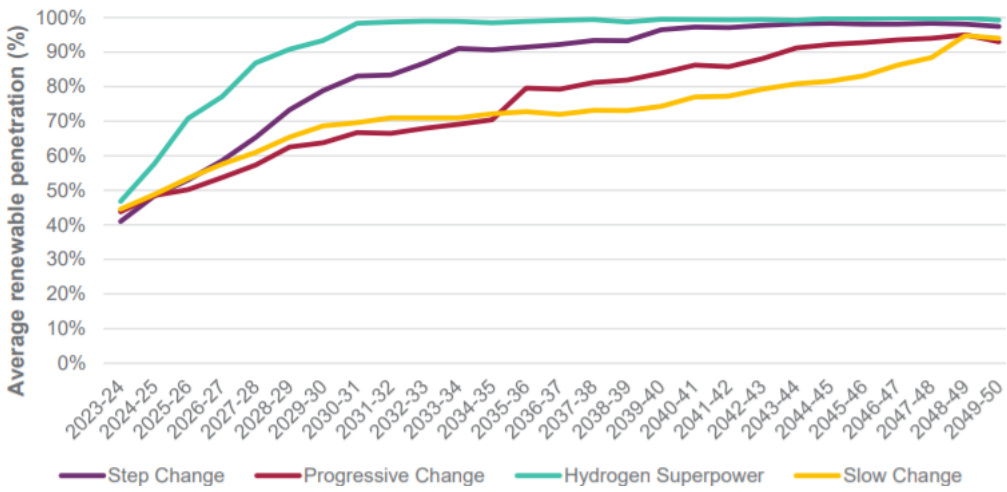


FIGURE 17: AEMO MODEL OF RENEWABLE ENERGY PENETRATION IN ISP2022 SCENARIOS (DRAFT)[15]

Scope for abatement

The above potential change to the NSW grid carbon intensity would have a significant impact on electricity-related GHG emissions for Murrumbidgee Council, with the potential for nearly **1,338 t CO_2-e** of abatement if electricity supply is nearly all renewable and vehicles have transitioned to electric over time.

Under most of AEMO's scenarios the majority of this impact will be seen by the late 2020s, excepting transport where all-electric options may not be feasible until the 2040s', particularly for heavy fleet. If Murrumbidgee Council wants to see its emissions decline at a faster rate, then continued investment in energy efficiency, more onsite solar PV and battery storage, and switching to electric vehicles powered with renewables will be required.

Risks and mitigation

Murrumbidgee Council has little influence over the rate of change in the grid carbon intensity, and the main risk mitigation strategy is to try and build capacity across Murrumbidgee Council to respond with local solutions to reduce emissions.

Costs and benefits

There is no direct cost to Murrumbidgee Council associated with decarbonisation of the electricity grid, excepting impacts on energy pricing in future years. The development of regional renewable energy zones such as the South-West REZ may see economic opportunities for the RAMJO areas.

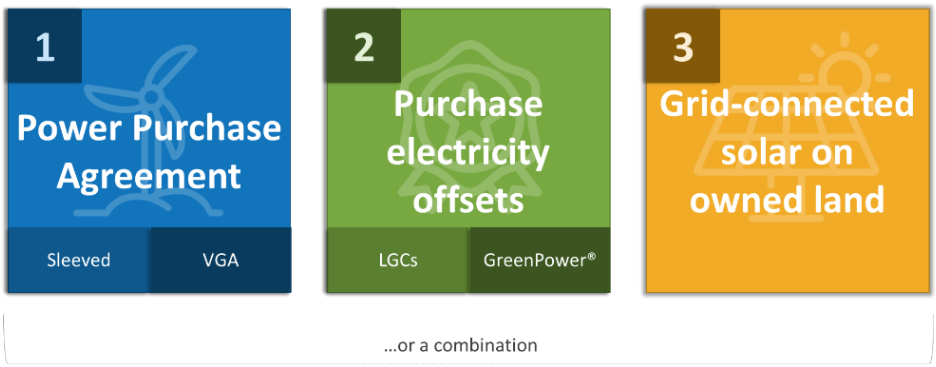
[15] AEMO: https://aemo.com.au/consultations/current-and-closed-consultations/2022-draft-isp-consultation

7.3 Buying clean energy

7.3.1 Renewable energy power purchase agreement

Description

66% of electricity (excluding street lighting) is consumed by 10 sites. **The biggest opportunity to reduce electricity emissions is to purchase renewable energy** or renewable offsets **via Council's electricity procurement**. This does not require Murrumbidgee Council to physically implement change, only to stipulate that renewables be purchased to meet part or all of its electricity needs. This approach has been taken by several local governments and underpins most goals to reach carbon neutrality / net-zero emissions[16]. There are three main ways in which an organisation can source renewable energy, illustrated below.



The most favourable approach in the current market is to enter into a renewable energy power purchase agreement (PPA) with bundled electricity and Large-scale Generation Certificates (LGCs), and to consider the purchase of renewable energy offsets where a bundled PPA falls short of any targets Council may set in future. This can potentially be implemented for Murrumbidgee Council's next agreement.

The cost for a PPA (typically 7 up to 10 years unlike regular electricity agreements that are for 2-3 years) will be compared with forecast electricity retail rates (wholesale rates plus retailer margin) to estimate cost savings.

In the current market there are several types of PPA offers and going forward more will emerge. Challenges for the PPA market include:

- Development of simpler and more customer-focused offers that resemble more closely regular grid supply agreements
- Contracts for shorter terms with low management burden
- Cost-effective pricing, particularly in the current and forecast market
- De-risking PPAs for customers, with risk ideally managed by retailers rather than building in-house expertise

One possible approach that Council could consider is engaging with locally developed solar farms to investigate the potential for Council to be an offtaker

[16] Examples of NSW Councils' purchasing renewables as part of their electricity supply include: Southern Sydney Regional Organisation of Councils, City of Sydney, City of Newcastle and Hawkesbury City Council.

from one of these, via a retailer. Currently, there are two large solar farms situated in Murrumbidgee.

- **Coleambally Solar Farm:** Located 5 km north-east of Coleambally town, the solar farm is spread across 570 ha of land. This project is a 189 MWp solar farm develop by Neoen Australia, that produces ~ 380,000 MWh of solar energy annually. This project has been operational since October 2018.
- **Darlington Point Solar Farm:** This is one of the largest solar farms connected to the National Electricity Market. This 333 MWp solar farm is jointly owned by Edify and Fern Trading Development and is situated ~10 km south of the town of Darlington Point.

Scope for abatement

Based on Murrumbidgee Council's current carbon footprint for Council facilities, purchasing 100% renewables now would lead to abatement of **1,338 t CO_2-e**, and 50% renewables would lead to abatement of **669 t CO_2-e** per year (the exact abatement would change based on annual energy demand, grid decarbonisation, on the selection of large-only sites or all sites, and on the proportion of renewables selected).

Risks and mitigation

Establishing a corporate PPA is complex, time-consuming and contains approaches and risks not previously considered by most consumers, such as market risk, delivery / performance risk, counterparty risk and policy changes. These take time and resources to assess and manage, and this would be an integral part of Murrumbidgee Council's procurement process.

A renewable energy PPA:

- is typically for a longer time period than a regular agreement,
- is associated with new-build solar, wind, hydro and battery projects,
- may be with recent or new entrants to the energy market, and
- occurs in an uncertain policy environment for renewable energy and climate change response

Costs and benefits

The costs or benefits of a renewable energy PPA are assessable via comparison of PPA offer pricing with forecast regular power pricing, and so is inherently subject to the quality of knowledge and assumptions underpinning forecasting.

The market, pricing and contract models for renewable energy PPAs is still evolving, and the costs and benefits to Murrumbidgee Council should be assessed as part of Council's next procurement process.

7.3.1 Mid-scale renewable energy build by Murrumbidgee Council

Description

An option that could be available to Murrumbidgee Council is to build its own mid-scale renewable energy plant on land it owns. Power generated would be exported to the grid, and Council could then potentially purchase this electricity (and LGCs) via a licensed retailer or could simply take the grid spot price as income and retire or sell LGCs depending on its income and/or abatement goals.

This arrangement is like projects developed in recent years by many local government councils. Some of the projects include:

- **Valdora Solar Farm[17]:** This is a 15 MW solar farm situated at Valdora, Sunshine Coast Council. The project was the first of its kind, where Sunshine Coast Council offset their entire electricity consumption across all its facilities and operations from renewable energy generated at this farm. The Valdora solar farm:
  - sees council proactively take control of its electricity supply to combat fluctuating electricity costs.
  - delivers $22 million in savings for ratepayers from council's lower electricity costs over the next 30 years.
  - bolstered council's path to a clean energy economy.

FIGURE 18: 15 MW VALDORA SOLAR FARM

- **Haystack Solar Farm[18]:** A 1.5 MWp community solar farm has been planned at the Grong Grong region in NSW. This project aims to enable people without roof space to install solar PV by purchasing a plot in this solar farm (known as solar gardens). This project is a cooperative initiative that enables the local community to own the Haystack project through participation, engagement and investment, ensuring that the benefits remain local over the long term.

- **Summerhill Solar Farm[19]:** The City of Newcastle commissioned a 5 MW solar farm at a capped landfill site to supply at least half of Council's annual

[17] https://els.sunshinecoast.qld.gov.au/Discover-by-location/Solar-Farm
[18] https://haystacks.solargarden.org.au/
[19] https://newcastle.nsw.gov.au/council/news/latest-news/solar-farm-powering-city-operations-and-revenue

energy needs. Early data suggests that this solar farm is providing higher returns than expected, having delivered ~$420,000 in revenue per annum compared to the forecasted revenue of $250,000 per annum. The City of Newcastle also has a power purchase agreement with one of the largest wind farms in Australia, which made the city the first NSW council to be powered 100% by renewables.

FIGURE 19: 5 MW SUMMERHILL SOLAR FARM

A key aspect to note in these projects is that Council can't simply 'allocate' the renewable energy generated to its sites. If it wants to offset its regular power use with power from its own renewable energy plant, it would do so via a licensed retailer as an intermediary.

Like a PPA that is negotiated for supply from remote / non-Council projects, developing a mid-scale project is a complex undertaking, and requires assessment of a range of aspects, such as design, connection agreements, EPC and O&M contracts, ownership models, and the development of retail agreements to supply the power to Council. Community involvement in the ownership and/or purchasing of clean energy from the project could also be considered.

The visits to Murrumbidgee <u>did not identify</u> a particular site of Council's that could be suited to this approach at this time. Council may identify suitable sites in future and/or may work with neighbouring councils and/or RAMJO to explore regional renewable energy solutions.

Scope for abatement

The scope for abatement of Council's emissions would depend on the scale and type of project, treatment of LGCs generated from the project's operation, and Council's offtake fraction of energy generated, for example.

The case for Council to develop a project such as this may have multiple aspects, such as meeting its own targets for renewables and abatement, its desire to see more renewable energy projects built in Murrumbidgee, its desire to build projects that involve community ownership and/or establishment of a community energy retailer, and opportunities for grant funding that may make such a project economically viable compared with other options.

So, the scope for abatement of Council's emissions can range from a small fraction up to 100% of electricity emissions, and the scope for abatement in the wider community is potentially even larger.

Risks and mitigation

In addition to the renewable energy PPA risks highlighted above (which would also apply in the case of a mid-scale project), additional risks apply when looking at this opportunity. These include:

- Retailers may not want to be party to off-take, so the ability to sleeve the generation with Council's electricity agreement may be limited
- If the plant exceeds 5 MW in capacity, then registration with AEMO will be required, with associated registration and recurrent fees
- Greater skills and knowledge of wholesale markets would be required to manage revenue risk over time

These are examples and other risks may apply and would need to be identified, assessed and managed / mitigated as part of the project development.

Costs and benefits

In the current market – with declining wholesale prices, declining LGC prices, and lower offtake rates available for much larger renewable energy projects compared with mid-scale projects, the business case likely favours a PPA-only model to sourcing renewables for Council's facilities.

However continuing declines in costs for mid-scale solar projects, and grant support to community-based renewables may make a mid-scale project viable for Murrumbidgee Council in future.

7.4 Behind-the-meter solar

Description

Solar PV is a well-established technology, and nearly 30% of Australian homes and an increasing number of businesses are installing solar panels to reduce their grid energy costs and greenhouse gas emissions. Uptake of battery energy storage (BESS) remains low but is expected to become more cost effective in future.

As noted above, Murrumbidgee Council has installed a number of solar PV arrays across Council facilities. Visits to Council's operations as well as discussions about planned new facilities and upgrades has highlighted opportunities for solar at several sites. At several sites more than one option can be considered. At some sites implementation of solar and storage may be a staged approach.

The following is a summary of the solar PV and BESS opportunities that have been identified at Council operated sites:

Site name	Behind-the-meter solar potential
15 Carrington St	Council has installed a ~11 kWp roof-mounted solar PV system at this facility, and as a long-term opportunity, consider coupling this system with a ~17.5 kWh battery storage system to maximise the solar PV self-consumption. However, it would be beneficial to implement a monitoring device prior to battery implementation to size the storage size accurately.
39 Jerilderie St	Install a 3.3 kW roof-mounted tilted solar PV system with a 5 kWh battery storage unit to meet most of the site's electricity demand.
Cemetery Lane	As a short-term approach, Council can consider installing a 30 kW ground-mounted solar PV system to meet most of the site's variable daytime electricity demand. Council can further achieve savings by evaluating the electricity load profile and flexibility in operations to maximise the solar PV self-consumption. Alternatively, Council can consider installing a 50.2 kW north-facing ground-mounted solar PV system with a 50 kWh battery storage unit to reduce at least ~50% of the electricity demand at this site, annually.
Coly Office	Install a 6 kW roof-mounted solar PV system on the north-east section of the Coly office building.
Coly Sportsground	Install an 11 kW roof-mounted solar PV system on the new gym building to reduce the annual electricity demand at this site by ~15%. As most of the electricity demand for this site is from late evening to the night time period, we expect large exports from this solar PV only opportunity. In the long-term, expand the solar PV system at the Coly sportsground to a 21.7 kW roof-mounted solar PV system

	on the gym facility with a 40 kWh battery storage system to meet most of the site's annual electricity demand.
Coly Sportsground 1	Council recently built an amenities block at the Coly Sportsground. As a short-term approach, install a 6.5 kW roof-mounted flush system to meet most daytime demand. Alternatively, Council can consider implementing a 9.5 kW roof-mounted solar PV with a 12 kWh battery storage unit for the new amenities block at the Coly Sportsground. However, it would be prudent to revisit this opportunity based on actual electricity invoices and load profiles to estimate an accurate solar PV and battery storage system size.
Coly Swimming Pool	Install a 15 kW roof and ground-mounted solar PV system at the Coly swimming pool. Due to the high electricity consumption at this site, ~80% of the solar PV generated from this system would be self-consumed. Furthermore, as the proposed ground-mount system is at public place, Council would need to construct additional fencing for implementing this system. Please note that the additional fencing and AC cabling costs have not been accounted for in these estimated capital costs.
Coly Water Tower	Install an 11.4 kW roof-mounted solar PV across the two small buildings at the Coly water tower. And, as a medium-term opportunity, Council can consider expanding the 11.4 kW roof-mounted solar PV system with a ~20 kW ground-mounted solar PV system near the water bore site. However, Council would need to evaluate the issues relating to the installation of the ground-mount array, including access needs around the bore, tree management, cabling and trenching requirements.
DP Council Office	Implement a 20 kW roof-mounted solar PV system on the east and west sections of the main Council building. This system can reduce the site's electricity demand by ~44%, annually.
DP Depot	Install a 9 kW roof-mounted solar PV system on the north-facing roof of the workshop. This system can reduce the depot's annual electricity demand by ~35%. As a long-term approach, Council can consider implementing a 20 kW roof-mounted solar PV system at the depot workshop roof. Furthermore, couple this system with a 20 kWh battery storage unit to meet most of the site's electricity demand.

DP Swimming Pool	Install a 9.12 kW roof-mounted solar PV system at the Darlington Point pool to meet the daytime electricity demand of this site when the pool is operational. However, this opportunity is subject to roof availability after decommissioning the solar thermal mats towards the end of its life.
DP Treatment Works	Install a 10 kW roof-mounted solar PV system at the MSB building to meet most of the site's daytime electricity demand. This proposed system can reduce the treatment work's annual electricity demand by ~14%. Alternatively, implement a 20 kW roof and ground-mounted solar PV system at the Darlington Point Treatment works with a 39 kWh battery storage unit to meet at least ~60% of the annual electricity demand at this facility.
Jerilderie Aquatic Centre Building	Consider implementing an 8.51 kW roof-mounted solar PV system at the Jerilderie Aquatic Centre to meet at least ~25% of the annual electricity demand at this site. To maximise the solar PV self-consumption at this electricity meter, Council can consider installing a 10 kWh battery storage system with the proposed 8.51 kW roof-mounted solar PV system to reduce at least ~35% of the annual electricity demand at this site. It is noted that this account supplies electricity to a pump that pumps water from the creek to the Jerilderie lake.
Jerilderie Comms Tower	Consider installing a 10.4 kW ground-mounted solar PV system near the Jerilderie Comms tower. Due to the typical operation of a Comms tower, we expect most of the solar PV generated on this site to be self-consumed. Furthermore, consider implementing this ground-mounted system with optimisers or micro-inverters to reduce shading losses from nearby buildings.
Jerilderie Depot	Council can consider implementing a 37 kW roof-mounted solar PV system on the north and east section of the depot admin building. Based on a typical load profile at a depot, this system can reduce the site's electricity demand by ~44%, annually. Alternatively, as a long-term opportunity, Council can consider installing a 73.6 kW roof-mounted solar PV system at the depot's workshop building. Furthermore, couple this system with a 60 kWh battery storage unit to meet most of the electricity demand at this depot facility. The battery storage system could be installed next to the main switch board, situated on the east wall of the building.

	As the workshop roof is high, we expect added costs for implementing new edge protection and new roof safety systems.
Jerilderie Office & Library	Install a 31.2 kW roof-mounted solar PV system on the north and west section of the library building to supply the daytime electricity demand across both the admin and library facilities. Alternatively, Council can consider implementing a 46 kW roof-mounted solar PV system at the administration building roof space. Due to the age of these buildings, Council may need to carry out a structural certification prior to any solar implementation.
Jerilderie Sports Complex	Consider installing a 25 kW solar PV array along with a 40 kWh battery storage. As the sports complex is mostly used in the evening time, a battery storage system will help in increasing the solar PV self-consumption.
Jerilderie Swimming Pool	Consider installing a 7 kW roof-mounted solar PV system at the Jerilderie swimming pool adjacent to the solar hot water system. Due to the seasonal operation of this site, we expect majority of solar to be exported back to the grid when the pool is closed.
Jerilderie Town Water Pump	Install a 32.8 kW ground-mounted solar PV system on the land adjacent to the supply point and south of the pump house. This system can reduce the annual electricity demand of this pump station by ~33%, annually. Alternatively, as a long-term approach, install a 60 kW ground-mounted solar PV system with an 85 kWh battery storage unit at the Jerilderie water pump station. This system can reduce the annual electricity demand at this facility by ~54%, annually.
Jerilderie Treatment Works	Install a 29.4 kW ground-mounted solar PV system to meet most of the site's daytime electricity demand. Based on a typical load profile of a water treatment plant, we estimate a ~20% reduction in the annual electricity usage at this site. As a long-term approach, Council can consider installing a 60 kW ground-mounted solar PV system with a 50 kWh battery storage to meet most of the variable electricity demand at this facility.
Monash Park	Considering the lighting upgrades at the park, we expect a reduction in the annual electricity demand at this site. Therefore, as a short-term opportunity, after the implementation of lighting upgrades, Council can consider installing a 9.92 kW roof-mounted solar PV system on the north-west section of the main grandstand

	roof. And as a long-term approach, Council can consider installing the 9.92 kW roof-mounted solar PV system with a 13.5 kWh battery storage unit to reduce at least ~70% of the annual electricity demand at this site.
Sewerage Cement Works	Install a 6.6 kW roof-mounted solar PV system to meet most of the site's daytime electricity demand. Alternatively, expand the system to a 9.6 kW ground-mounted solar PV system with a 13.5 kWh battery storage unit to meet at least ~80% of the annual electricity demand at this Council facility.

Scope for abatement

The above opportunities can be summarised as:

- Council-operated sites have scope for **~330kW – 525kW** of solar PV, with some scope for BESS at sites with low or intermittent demand.
- This can generate from **~508MWh to 765MWh** of electricity per year with most of this consumed on Council sites and some export to grid. Abatement at current grid carbon intensity would be **303 to 477 t CO_2-e** per year based on self-consumed solar, with additional abatement associated with export of surplus solar energy to the grid.

Risks and mitigation

Risks associated with solar PV implementation are minimal provided systems are appropriately sized, designed, installed, connected and maintained on sound buildings and structures, as with any other asset.

The cost effectiveness of solar PV has long been demonstrated, and panel prices continue to fall. The commercial sector has embraced solar PV in recent years, and this has driven further acceleration in the implementation of rooftop solar.

Costs and benefits

The assessed costs and annual savings for each of the above systems is summarised in the tables below.

7.4.1 Floating behind-the-meter systems

With the increased number of solar PV systems across roofs and land areas, there has been a recent push towards implementing these PV systems on water bodies such as reservoirs. This is primarily due to limited availability across major energy-consuming sites and increased land costs to host solar PV systems. Furthermore, recent projects implemented both locally and internationally have realised added co-benefits.

A floating solar PV system is ideally placed at underused water bodies such as a stagnation pond, reservoirs, or coal quarries. Similar to a land-based solar PV system, the arrays are mounted on mounting structures that stay afloat on pontoons and anchored down by weights in the water body. Generally, the power conversion units (inverters) are placed on the land for easy maintenance and are

connected to the solar PV panels via underwater cables. Some of the key advantages of a floating solar PV system include:

- water cools the solar PV panels and increases the performance of the system during the peak summer season,
- reduced evaporation from the water body,
- solar panels can reduce the growth of algae bloom which are considered harmful for water organisms,
- limited shading issues and can be maintained through proper design features.

Many recent floating solar PV projects have started implementing bifacial solar PV modules, which can generate electricity from both sides of the panels. Due to the increased reflectance of water bodies, bifacial modules with decreased operating temperatures could vastly increase solar PV performances. However, as the technology is relatively new and requires niche knowledge and skills for implementation, these types of projects are more expensive than a traditional solar PV system. A recent market engagement has established the average implementation costs of a floating solar PV system to be between ~$1.8/W - $2.5/W.

In 2018, Lismore Council installed a 100 kW floating solar plant at the East Lismore Sewage Treatment Plant. Council realised the savings potential from implementing this system as the treatment plant was a large energy consumer with limited roof space. Each year, this project delivers ~$24,000 in savings and generates ~12% of the plant's energy needs, which equates to 180 MWh per annum[20].

FIGURE 20: 100KW FLOATING SOLAR PV SYSTEM AT THE LISMORE STP

The visits to Murrumbidgee <u>did not identify</u> a particular site of Council's that could be suited to this approach at this time. However, future developments and plans across water bodies and features at Council facilities could accommodate floating solar PV solutions.

[20] https://www.planning.nsw.gov.au/News/2017/Lismores-innovative-floating-solar-farm-on-track-to-contribute-to-a-clean-energy-future

7.4.2 Onsite renewable energy

Site visits and data analysis were used to identify sites that are most likely to be suitable to install solar PV. A summary of the solar PV layouts at Murrumbidgee Council sites is provided in Appendix A. Note that opportunities for solar and storage in the long term represent full rather than marginal PV + storage opportunities, so Council has visibility of the overall opportunity and (current assessed) overall financial returns for each site. If Council elects to implement short / medium term opportunities for these sites, then only the marginal project scope and costs would warrant implementation in the longer term.

TABLE 9: ASSESSED COSTS AND SAVINGS FOR BEHIND-THE-METER SOLAR PV FOR COUNCIL-OPERATED SITES

Site	Modelled PV size	BESS (kWh)	Capital cost	Cost savings	Payback (years)	NPV	IRR	Solar yield (kWh)	% energy saving	% of solar export	Emissions reduction (t CO_2-e)[21]
15 Carrington St	*Long term option:* BESS	17.5	$15,750	$1,316	23.85	-$6,678	1%	6,000	63%	14%	4.37
39 Jerilderie St	*Long term option:* **3.3kW** Solar PV - Roof - STC	5	$7,800	$1,034	8.26	$2,836	8%	5,340	~95%	30%	3.18
Cemetery Lane	*Short term option:* **30kW** Solar PV - Ground - STC		$39,000	$10,318	4.08	$91,420	24%	49,150	41%	20%	33.42
	Long term option: **50kW** Solar PV + BESS - Ground - STC	50	$110,000	$14,782	8.21	$49,454	9%	81,580	53%	38%	43.21
Coly Office	*Short term option:* **6kW** Solar PV - Roof - STC		$6,000	$1,810	3.61	$16,546	27%	9,344	69%	30%	5.56

[21] Emissions reduction refers here only to reduced annual grid electricity use on site, and if systems were installed today without accounting for degradation of output and grid decarbonisation. Excess solar energy that is exported to the grid also reduces emissions that Council can claim for solar PV systems smaller than 100 kW.

Site	Modelled PV size	BESS (kWh)	Capital cost	Cost savings	Payback (years)	NPV	IRR	Solar yield (kWh)	% energy saving	% of solar export	Emissions reduction (t CO_2-e)[21]
Coly Sportsground	*Short term option:* **11kW** Solar PV - Roof - STC		$11,000	$2,031	6.24	$11,961	15%	15,780	15%	70%	4.02
	Long term option: **21.7kW** Solar PV + BESS - Roof - STC	40	$57,700	$9,342	6.73	$41,662	12%	47,080	~95%	30%	29.18
Coly Sportsground 1 *(System has been sized based on an assumed annual electricity consumption, as this site is new)*	*Medium term option:* **6.5kW** Solar PV - Roof - STC		$6,500	$1,187	6.31	$6,916	15%	9,223	-	70%	2.35
	Long term option: **9.5kW** Solar PV + BESS - Roof - STC	12	$20,300	$2,388	14.17	$3,462	7%	13,530	-	40%	6.83
Coly Swimming Pool	*Medium term option:* **15.6kW** Solar PV - Ground - STC		$20,280	$4,590	4.76	$37,916	21%	21,050	14%	15%	15.21
Coly Water Tower	*Short term option:* **11.4.2kW** Solar PV - Roof - STC		$11,400	$4,100	2.97	$41,255	33%	17,500	16%	5%	14.13
	Medium term option: **31kW** Solar PV - Ground - STC		$40,300	$9,355	4.69	$76,245	21%	48,300	33%	30%	28.74

Site	Modelled PV size	BESS (kWh)	Capital cost	Cost savings	Payback (years)	NPV	IRR	Solar yield (kWh)	% energy saving	% of solar export	Emissions reduction (t CO_2-e)[21]
DP Council Office	*Short term option:* **20kW** Solar PV - Roof - STC		$20,000	$5,248	4.12	$46,042	24%	25,000	44%	20%	17.00
DP Depot	*Short term option:* **9kW** Solar PV - Roof - STC		$9,000	$2,789	3.51	$25,761	28%	14,400	35%	30%	8.57
	Long term option: **20kW** Solar PV + BESS - Roof - STC	20	$38,000	$5,520	7.53	$21,633	10%	28,500	69%	30%	16.96
DP Swimming Pool	*Long term option:* **9.12kW** Solar PV - Roof - STC		$9,120	$2,440	4.11	$20,759	24%	13,750	25%	40%	7.01
DP Treatment Works	*Short term option:* **10kW** Solar PV - Roof - STC		$10,000	$2,187	5.09	$16,187	19%	13,570	14%	50%	5.77
	Long term option: **20kW** Solar PV + BESS - Ground - STC	39	$61,100	$7,720	8.50	$20,527	8%	32,950	64%	5%	26.61
Jerilderie Aquatic Centre Building	*Medium term option:* **8.51kW** Solar PV - Roof - STC		$8,510	$2,189	4.23	$18,678	23%	11,300	26%	30%	6.72
	Long term option: **8.51kW** Solar PV + BESS - Roof - STC	10	$17,510	$2,691	6.97	$12,542	12%	11,300	36%	3%	9.35

Site	Modelled PV size	BESS (kWh)	Capital cost	Cost savings	Payback (years)	NPV	IRR	Solar yield (kWh)	% energy saving	% of solar export	Emissions reduction (t CO_2-e)[21]
Jerilderie Comms Tower	*Medium term option:* **10kW** Solar PV - Ground - STC		$15,000	$3,176	5.15	$24,605	19%	16,400	20%	20%	11.15
Jerilderie Depot	*Short term option:* **37.6kW** Solar PV - Roof - STC		$37,600	$9,477	4.32	$80,079	23%	48,930	44%	30%	29.11
	Long term option: **73.6kW** Solar PV + BESS - Roof - STC	60	$127,600	$19,510	7.04	$93,249	12%	86,900	100%	11%	65.73
Jerilderie Office & Library	*Short term option:* **31.2kW** Solar PV - Roof - STC		$31,200	$15,895	2.11	$171,767	47%	72,900	27%	15%	52.67
	Long term option: **46kW** Solar PV - Roof - STC		$46,000	$8,309	6.04	$56,363	16%	42,900	13%	30%	25.53
Jerilderie Sports Complex	*Long term option:* **25kW** Solar PV + BESS - Roof - STC	40	$61,100	$6,407	16.20	$96	5%	33,900	71%	33%	19.34
Jerilderie Swimming Pool	*Short term option:* **7kW** Solar PV - Roof - STC		$7,000	$2,266	3.36	$21,263	29%	11,700	14%	30%	6.96
Jerilderie Town Water Pump	*Short term option:* **33kW** Solar PV - Ground - STC		$42,640	$10,703	4.31	$92,114	23%	52,100	33%	23%	34.21

Site	Modelled PV size	BESS (kWh)	Capital cost	Cost savings	Payback (years)	NPV	IRR	Solar yield (kWh)	% energy saving	% of solar export	Emissions reduction (t CO_2-e)[21]
	Long term option: **60kW** Solar PV + BESS - Ground - STC	85	$154,500	$18,335	13.47	$35,664	7%	94,500	54%	30%	56.40
Jerilderie Treatment Works	*Short term option:* **29.4kW** Solar PV - Ground - STC		$38,220	$7,431	5.73	$51,029	17%	46,100	21%	50%	19.59
	Long term option: **60kW** Solar PV + BESS - Ground - STC	50	$123,000	$18,347	7.33	$82,860	11%	95,200	61%	31%	56.16
Monash Park	*Medium term option:* **10kW** Solar PV - Roof - STC		$10,000	$1,995	5.77	$12,604	16%	15,500	34%	70%	3.95
	Long term option: **10kW** Solar PV + BESS - Roof - STC	13.5	$22,150	$2,787	8.79	$5,986	8%	15,500	71%	39%	8.09
Sewerage Cement Works	*Short term option:* **6.6kW** Solar PV - Ground - STC		$6,600	$1,660	4.42	$13,339	22%	10,300	41%	50%	4.38
	Long term option: **9.6kW** Solar PV + BESS - Ground - STC	13.5	$24,630	$3,088	8.70	$8,032	8%	15,300	91%	25%	9.75

Site	Modelled PV size	BESS (kWh)	Capital cost	Cost savings	Payback (years)	NPV	IRR	Solar yield (kWh)	% energy saving	% of solar export	Emissions reduction (t CO_2-e)[21]
Minimum Solar*	**330.13**	**45**	**$407,970**	**$98,260**	**4.15**	**$795,097**	**22%**	**508,607**	**35%**	**34%**	**302.72**
Maximum Solar**	**525.15**	**455.5**	**$1,013,960**	**$152,224**	**6.66**	**$683,747**	**14%**	**765,144**	**54%**	**26%**	**477.75**

*** The minimum total of 330.13 kW takes into account the minimum solar PV and battery opportunities for all the sites. These consider projects that Council has prioritised as short, medium and long term opportunities for each site. For example, if a site has only a small/ medium term target, the smaller system size is counted towards the minimum PV opportunities.**

**** The maximum total of 525.15 kW takes into account the maximum solar PV and battery opportunities for all the sites. If a site has opportunities in both the long and short term, the long-term opportunity is counted in the maximum PV opportunities calculations. However, for sites that may only have a medium/ short term recommendation, the larger system size still gets calculated towards the maximum PV opportunities.**

7.4.3 Assumptions used

The analysis of these opportunities was performed with the following inputs and parameters:

- Solar modelling software (Helioscope with Nearmap / Six maps) was used for all proposed installations.
- Council's energy billing data and site interval data (where available) was used to determine optimum solar array sizes and to estimate or calculate the level of self-consumption of solar and the amount likely to be exported in each case.
- Benchmark pricing for solar PV systems (flush roof-mount, tilted roof-mount and ground-mount systems) and inverters has been used. An additional of 20 cents is added in the pricing if the system was modelled with microinverters.
    - Flush and fixed roof-mount systems - $1/W STC scale and $1.5/W LGC scale
    - Upgrades to all solar PV systems - $0.7/W
    - Ground-mount systems - $1.3/W STC scale and $1.8/W LGC scale
    - Floating solar systems - $3/W STC scale and $3.5/W LGC scale
    - Carport solar systems - $2.8/W STC scale and $3.3/W LGC scale
    - BESS - $900/kWh
- Annual expenses include cleaning / maintenance. Cleaning costs of $15/MWh of solar energy generation have been used. These are applied to each solar PV opportunity with annual escalation at 2.5%.
- For all exported energy a feed-in rate of $0.08/kWh was assumed to be available, which will require Council to seek this in electricity agreements.
- A single discount rate of 5% is applied for net present value (NPV) calculations.

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7.5 Energy efficiency

Description

Energy efficiency remains the cheapest form of greenhouse gas abatement in many situations. This is reflected in Murrumbidgee Council's past and continuing efforts to manage energy efficiently as described above.

The following is a summary of identified energy efficiency opportunities at Council sites:

- **Street Lighting:** Council recently installed more than 500 streetlights across Murrumbidgee Council that will reduce the power use at Council by 143 MWh per annum. These upgrades are expected to save approximately ~$30,000 each year in maintenance and electricity costs. These streetlighting upgrades were completed as part of the Southern Lights NSW program which was partly developed through Essential Energy.
- **VSD Controls:** There are several pump stations, such as the Jerilderie treatment works and Darlington Point treatment works pumps that could include VSD controls to reduce the sites' electricity consumption. These VSD upgrades could be done as and when the pumps are being replaced at end-of life.
- **Lighting: office / indoor** many of Council's facilities have been upgraded to LED lighting. This is the preferred lighting technology going forward and should be utilised to completely upgrade the lighting technologies at sites such as the Coleambally office, Jerilderie sports complex and Darlington Point depot.
- **Design**: Ensure that energy efficiency is given priority as part of any new capital projects or upgrades.
- **Air Conditioning**: A strategy should be developed by Council to replace old AC units with more efficient AC inverter units. Consider selection of low-GWP refrigerants as well as energy-efficient operation.
    - *Geothermal solutions*: A geothermal HVAC solution at the Civic Hall at Jerilderie was investigated as part of this Energy Strategy. The Civic Hall has little to no air conditioning units and is sparingly used for events that run for a couple of hours. Therefore, focusing on a geothermal HVAC upgrade for this site may not be financially viable due to the high capital costs for these projects. If Council considers upgrading HVAC systems solely at the Civic Hall, then consider upgrading the existing systems with COP/EER greater than 4 and utilising refrigerants such as R32.
      Alternatively, an opportunity is to replace all the heating and cooling units across the Jerilerderie offices, library and the Civic Hall with a geothermal HVAC solution. A cost-benefit analysis has not been conducted at this stage, and Council would need to have a detailed study on this opportunity as these units are towards the end of their life. Similar projects have been carried out at Wagga Wagga and Tumut Council. At Tumut Council, the geothermal units attributed to ~40% of energy savings annually and had a simple payback of ~8 years.

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Efficiency plans and budgeting will be informed by regular auditing of facilities and equipment and by Operational Budget planning and Delivery Program planning that considers projects that will continuously reduce Council's energy footprint.

Scope for abatement

The scope for energy efficiency across Council's sites is assessed to be around **62 MWh per year**, equal to more than **4.6%** of current electricity demand.

While energy savings potential is significant, the design and construction of new facilities may see increases in energy demand as well, even where these new facilities are energy efficient. Hence the net savings potential could be lower than these estimates.

Risks and mitigation

The risks associated with energy efficiency upgrades are generally low provided business cases, specification and contractor management processes are robust. Some of the main risks and mitigants will include:

- Designing effective measurement and verification at an affordable cost that provides useful feedback about the success of projects
- Persistence of energy savings – it is not uncommon, particularly for education initiatives and control settings to lapse in their performance and be changed back to poor practices or inefficient settings, and providing resources to sustain energy savings is also important
- Regular review processes for energy management is important. For example, design guidelines and procurement guidelines should stay at the level of development of new technologies, practices and services

Costs and benefits

The assessed costs and annual savings for each of the above systems are summarised in the tables below.

7.5.1 Energy efficiency initiatives

Site visits and data analysis were used to identify energy efficiency opportunities at Murrumbidgee Council.

TABLE 10: INDICATIVE COSTS AND SAVINGS FOR ENERGY EFFICIENCY FOR COUNCIL-OPERATED SITES

Site	Description of potential energy efficiency opportunity	Indicative cost	Cost savings	Payback (years)	Resource savings (kWh)	Emissions reduction (t CO_2-e)	% energy savings	IRR
Unmetered streetlighting	*Short term option:* Council recently installed more than 500 streetlights across Murrumbidgee Council that will reduce the power use at Council by 143 MWh per annum. These upgrades are expected to save approximately ~$30,000 each year in maintenance and electricity costs. These streetlighting upgrades were completed as part of the Southern Lights NSW program which was partly developed through Essential Energy.							
Coly Office	*Short term option:* Replace ~ 8 x single twin 36 W and ~7 x twin 36 W lights with LED technology.	$1,199	$200	6.00	832	0.71	9%	~17%
DP Depot	*Short term option:* Replace ~ 10 x single and 15 x twin 36 W fluorescent lights with LED technology.	$2,855	$519	5.50	2,163	1.84	8%	~18%
	Short term option: Replace ~3 x metal halide lamps at the workshop with LED technology.	$952	$173	5.50	721	0.61	3%	~18%
	Short term option: Replace ~2 x external floodlights with LED technology.	$389	$130	3.00	541	0.46	2%	~33%
DP Treatment Works	*Short term option:* Install variable speed drives and dissolved oxygen controls (VSD and DO) to manage the motor's energy demand for the Pasveer channel.	$15,999	$2,000	8.00	8,333	7.08	17%	~13%

Site	Description of potential energy efficiency opportunity	Indicative cost	Cost savings	Payback (years)	Resource savings (kWh)	Emissions reduction (t CO_2-e)	% energy savings	IRR
Sewer Pump Station - Tubbo St	*Continuous improvement:* This was visited as an example of a large SPS, and suggests that there will not be opportunities for solar PV at these sites as they are unsecured. Upgrading to VSD-controlled pumps when pumps and/or boards are upgraded should be considered for all SPS sites across Council.							
Jerilderie Office & Library	*Short term option:* Replace ~105 x twin 36 W twin fluorescent lights with LED technology.	$12,582	$4,194	3.00	17,475	14.85	8%	~33%
Jerilderie Depot	*Short term option:* Replace ~30 x twin fluorescent lights and ~13 x highbay lights with LED technology.	$8,716	$1,743	5	7,263	6.17	9%	~20%
	Continuous improvement: Develop a strategy to replace the existing HVAC systems with energy efficient units towards the end of their life. These units could be replaced with any units with EER/COP greater than 4, preferably using R32 refrigerant gas.						**Not assessed.** Number remaining to be replaced TBC - specify highest COP/EER feasible, particularly for heating.	
Jerilderie Sports Complex	*Short term option:* Replace ~40 x twin 36 W fluorescent lights with LED technology.	$3,103	$621	5	2,586	2.20	8%	~20%
Jerilderie Treatment Works	*Short term option:* Implement variable speed controls on the 2 x 15 kW clear water pumps to optimise the operational speed of these pumps at any given point in time.	$38,591	$5,513	7	22,971	19.53	21%	~14%
Whole of Council	*EV Strategy:* Install EV charging at suitable Council sites to service either Council pool vehicle/s or staff vehicles.	**Not assessed,** with the NSW Government's $595m package for electric vehicles, Council should identify key EV charging locations and have these ready to apply for funding. This could be done in conjunction with RAMJO, to assist all their member Councils.						

Site	Description of potential energy efficiency opportunity	Indicative cost	Cost savings	Payback (years)	Resource savings (kWh)	Emissions reduction (t CO_2-e)	% energy savings	IRR
	Renewable Energy Power Purchasing: Enter into a PPA to supply certain percentage of Council's site with renewable energy.	**Not assessed.** It would be beneficial to assess this opportunity along with RAMJO Council members as part of bulk procurement to get competitive pricing in the current electricity market.						
	Hybrid Vehicle: Develop a strategy to acquire hybrid vehicles as part of transitioning Council to EVs.	**Not assessed.**						
Maximum total		**$84,386**	**$15,092**	**5.6**	**62,885**	**53**	**~9%**	**~21%**

7.6 Sustainable transport

Description

Transport emissions are assumed to be a substantial GHG source for Murrumbidgee Council, primarily from diesel used for Council's operational vehicles. Given the dominance of larger diesel-fuelled vehicles and plant the opportunities for Council to transition rapidly to low and zero-emissions fleet are currently limited.

NSW Government's Net Zero Plan 2020-2030 is developing a range of measures that will start to shape the future of transport in the State. Current measures under development in relation to electric vehicles (EV) include:

- Financial support for purchasing EVs, including:
  - Removal of stamp duty for BEVs under $78,000 from Sept 2021
  - $3,000 rebates for up to 25,000 EVs sold after 1 Sept 2021
- EV infrastructure including:
  - $171 million over four years for ultra-fast charging, EV commuter corridors, destination charging in commuter carparks and regional tourist locations
- Transport Consumer Information
- Fleet optimisation including pilots for vehicle-to-grid and base charging
- EVs in Government fleet, including:
  - Fleet incentives for local councils via reverse auctions
  - NSW Government will electrify its fleet by 2030, with 50% EV procurement by 2026

Other measures include electric buses and consumer information programs.

For communities such as Murrumbidgee, some aspects that these measures will need to consider in order for EV strategies to be locally applicable will include:

- Real data examining performance of hybrid and EVs in regional communities,
- Supply, warranty, and servicing issues at a local regional level, and
- Coordination on EV charging infrastructure development, between State Government, councils / groups of councils through RAMJO, and private + motoring association providers

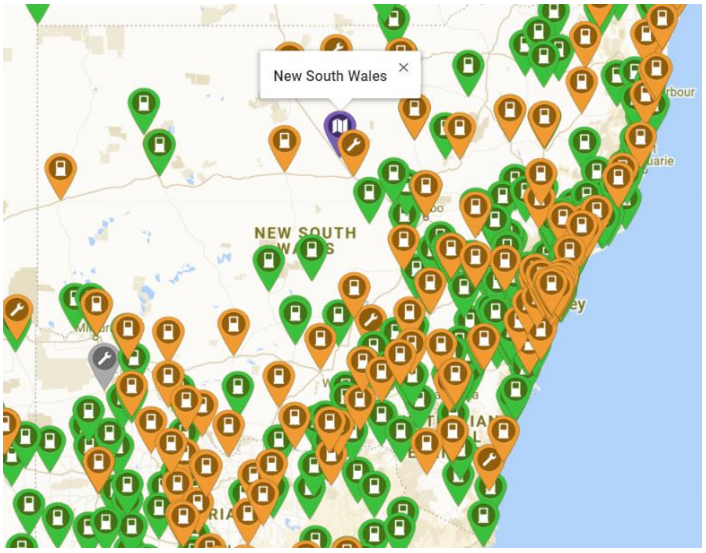
The focus of this section of Council's Energy Strategy is to provide an overview of the current status some of these key areas that will shape future transport, including current EV infrastructure, EV growth, and actions that Council can start to progress.

EV charging infrastructure

In August 2021 the Electric Vehicle Council reported that there were over 3,000 DC and AC chargers in Australia[22]. Locations of DC and public chargers are readily

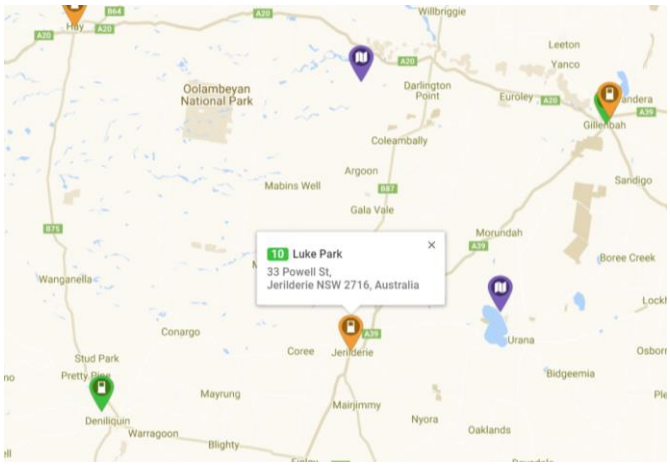
[22] https://electricvehiclecouncil.com.au/wp-content/uploads/2021/08/EVC-State-of-EVs-2021-sm.pdf

accessible, see below[23], where green pins denote public chargers and orange pins denote fast, or rapid chargers. It has been noted that the EV infrastructure is rapidly growing, with a 24% jump in fast chargers in the past 12 months. Increasing numbers of private chargers are also being installed, retrofitted to homes and businesses as well as designed into new buildings.



PLUGSHARE MAP OF PUBLIC (GREEN) AND FAST (ORANGE) EV CHARGERS, FEBRUARY 2022

Currently, Murrumbidgee Council has a single fast charging facility at Luke Park in Jerilderie implemented by NRMA. Furthermore, due to the ideal location of Murrumbidgee Council and being situated between major towns such as Hay, Griffith and Narrandera, public charging stations would be beneficial for EV travellers. Uptake of charging stations has also been seen among facilities such as hotels and motels, with local businesses seeking to provide charging for guests driving EVs.



EV CHARGING INFRASTRUCTURE NEAR MURRUMBIDGEE NSW, FEBRUARY 2022 [23]

[23] https://www.plugshare.com/

Current and continued growth in EV charging infrastructure will facilitate uptake of EVs, and Council should continue to develop and/or enable the implementation of chargers in the region.

Types of EV Chargers

There are three types of EV chargers[24]:

- Level 1: These are typically used at residential properties, and usually draw power from an existing power point (10-15 Amp, single phase). These are slow chargers and require long hours to fully charge a BEV. These chargers use five pin ports. Two pins are used as a communication portal between the EV and the station, and the other three pins are the AC lines for charging.
- Level 2: These are the typical commercial level chargers currently deployed in Australia. They are AC chargers, and have a seven-pin port which is to support the three-phase supply. The level 2 chargers can be found in apartment complexes, shopping centres, public and office spaces. A BEV can be charged overnight with this charger.
- Level 3: These are rapid DC EV chargers at power levels ranging from 25kW to 350kW. There is an uptake of these chargers across Australia, mainly at public locations, as they have the capability to charge certain EV's fully in less than 30 mins.

EV charging infrastructure providers in Australia

While there are multiple EV suppliers in the Australian market, we note some of the leading providers below.

- JET Charge: One of the largest suppliers of EV in Australia. They are the official charging partner to 14 different vehicle manufactures.
- Schneider Electric: They provide turn-key charging solutions for EV through their EVlink charging stations. They are compatible with most of the EV's manufactured for Australia. They also have different solutions for residential, commercial private and public parking areas.
- Tritium: They are specialised in designing and manufacturing the world's most advanced and reliable fast and high-powered DC chargers. Tritium has developed DC chargers with nameplates ranging from 50kW to 350kW.
- NHP: They are a well-established electrical and engineering company with over 50-years of experience in the Oceania region. They offer solutions ranging from low-cost home chargers to DC rapid chargers.

DC vs AC charging stations

Most electrical cars are fitted with DC batteries. As the grid infrastructure carries AC power, Australia as pushed forward AC charging infrastructure. Currently, there

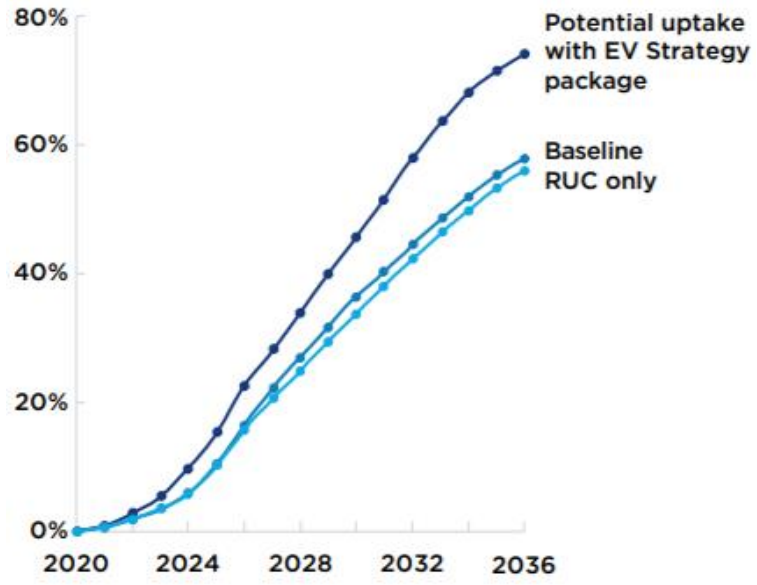
[24] https://electricvehiclecouncil.com.au/about-ev/charger-map/

are 2,531 AC chargers, with 836 of them located in NSW. The AC current is converted onboard to DC, before the car is refuelled, hence the car takes longer to charge. On the other hand, DC chargers have AC-DC converters inside the charger, allowing for rapid charging. The DC chargers are more expensive units, and there are currently 470 charging stations across Australia with 181 of them located in NSW. The DC charging stations are beneficial for community areas, which could attract travellers and tourists.

Projected growth in electric vehicles

The NSW Government's Electric Vehicle Strategy[25] forecasts that EVs are expected to make up 52% of new car sales in 2030-31 and it is the NSW Government's objective to achieve that uptake and see most new car sales as EVs by 2035.

Where fuelled with regular grid power in NSW, EVs currently have higher operational emissions than hybrids, whereas where fuelled from renewables this is not the case. As the grid changes with retirements of coal fired power stations, this situation will change and emissions from EVs will become less than those from hybrids.



NSW GOVT EV STRATEGY: FORECAST SHARE OF BATTERY ELECTRIC VEHICLES IN ANNUAL SALES

Availability of electric passenger vehicles in Australia

According to the Electric Vehicle Council[26], Australians now have access to 31 passenger EV models from 12 carmakers, a small increase compared with 2020. A total of 14 EV models are priced at under $65,000. There are currently more PHEV models on the Australian market than BEVs.

[25] https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Climate-change/nsw-electric-vehicle-strategy-210225.pdf, p30
[26] https://electricvehiclecouncil.com.au/wp-content/uploads/2021/08/EVC-State-of-EVs-2021-sm.pdf, p07

By the end of 2022 it is expected that Australians will have access to a further 27 EV models, with 20 of these expected to be BEVs.

Corporate and government fleets make up more than 50% of new EV sales, and many Councils are now developing long term transport strategies that explicitly include a shift in their fleet to low and ultimately zero-emissions fleet. Most prominent at this time is still the ACT Government, which is switching its passenger fleet to EVs for all new leases from 2020-21 and has trialled electric buses with a view to shifting these to all-electric by 2040 as part of the ACT's carbon neutral commitment.

Commercial Electric Vehicles in Australia

The EV Council also reports that there is still a limited supply of light and heavy vehicles, which include the Renault Kangoo van and several models available from SEA Electric including a van and minibus as well as specialised vehicles and multiple truck-cab chassis. The EV Council report forecasts that several more models are coming on to the Australian market, but that there is a need for a nationally coordinated approach for this category.

Utility vehicles are commonly used as part of council fleets and can account for a sizeable proportion of fuel use. Plans by manufacturers such as Mitsubishi (Triton), Toyota (HiLux), Nissan (Navara) and Ford (Ranger, Everest) to introduce hybrid-electric models from the early to mid-2020s have been announced, but the pathway to full-electric utility vehicles may be some years away.

Recommended actions – electrification of vehicles

Suggested actions for Council to pursue in coming years in relation to electrification of its vehicle fleet include:

- Assess the costs and benefits of hybrid passenger cars within council's petrol and diesel fleet for new purchases or leases.
- In the medium-term switch to hybrid passenger vehicles and LCVs when these become commercially available and viable, and potentially one or more electric passenger vehicles.
- Consider the development of EV charging infrastructure on Council land and by supporting local businesses.
- Consider trialling or implementing telematics on fleet to get more detailed data that can help to inform future vehicle selection decisions.
- In future reviews of Council's transport / vehicle procurement strategy, integrate planning to assess / evaluate and progress Council's fleet towards electric technologies where and when feasible.
- Stay abreast of developments in EV incentives, policy and other support, and incorporate these in Council's planning process for its transport fleet.
- Over the longer term, progressively migrate fleet to lower and zero emissions where it is technically and financially viable, including passenger vehicles, utes, commercial vans / buses and other operational plant.
- Continue transition from diesel to petrol vehicles where hybrids are not available (NOx, Euro 6).

Scope for abatement

The emissions and scope of abatements from transportation have not been considered in this project. However, the speed of emissions reduction will depend on the rate of adoption of EVs and hybrids, and on selection of renewable energy as the fuel source.

Risks and mitigation

Murrumbidgee Council should assess the range of factors influencing the uptake of EVs for different types of vehicle user – owned or leased by Council, salary-sacrificed by staff, or driven by contractors. Factors will include:

- Whole of Life costing basis that consider purchase price, incentives, resale, and operating costs including electricity price
- Range and charging infrastructure
- Fitness for purpose
- Availability, serviceability, warranties
- The role of other technologies such as hydrogen, autonomous vehicles, etc in Council's long-term fleet strategy

Costs and benefits

The capital cost premium for EVs and hybrid models that are fit for purpose for Council requirements, as well as the future resale value will be assessed alongside fuel, registration, insurance and maintenance cost savings from time to time using a Whole of Life cost calculation. A cost-neutral approach would see low-emission vehicles have comparable total-cost-of-ownership to current fleet.

7.7 Sustainable procurement

Description

Sustainable procurement is an effective method of incrementally reducing Council's energy consumption and emissions, and improving sustainability over time. There are three main components to a suggested sustainable procurement approach:

1. Regularly reviewing and updating existing procurement policy framework to incorporate or update sustainable procurement aspects
2. Providing engagement and training to Council staff to educate and drive the use of a sustainable procurement framework in all aspects of Council's operations
3. Review current equipment and services specifications, and identify opportunities to incorporate the sustainable procurement framework into the procurement and use of equipment

Sustainable procurement framework

A policy relating to sustainable procurement can set out Council's overall intent to procure products and services with consideration of Council's sustainability goals, such as emissions reduction, energy efficiency and water conservation (among others). Alongside a policy, Council should develop its internal sustainable procurement guidance, drawing on an appropriate framework. One is summarised here:

NSW Local Government Guide

*"Sustainable procurement takes into consideration responsibility for the **economic**, **environmental**, **social** and **governance** impacts of any purchase – products or services. These four factors are referred to as the quadruple bottom line and relate to a total purchase cost, and not just the upfront dollar expense. Sustainable procurement, applied to NSW councils' spending, represents a significant opportunity to drive social and environmental change throughout a wide range of not only direct suppliers, but also the associated supply chains[27]".*

The 2017 Sustainable Procurement Guide for NSW local governments aims to help Councils develop and embed sustainable procurement practices in their organisation. The guide presents information on key concepts, certifications, standards and processes and is designed for all council staff involved in any purchasing. The Guide is applicable from major tenders through to one-off equipment purchases.

Council should examine the guide to identify key areas within its procurement processes where this can add value and lead to more informed and better procurement decisions.

Engagement & Training

Even with a policy and sustainable procurement framework in place, decisions to source services and products that deliver best practice sustainability

[27] Sustainable Procurement Guide for Local Governments in NSW, 2017: https://www.lgnsw.org.au/files/imce-uploads/127/esstam-sustainable-procurement-guide-30.05.17.pdf

outcomes will happen when people who are buying these services and products take these decisions.

Underpinning this needs to be engagement, education and training of staff across Council who procure services and products. This could encompass:

- Capital works staff involved in the design of new projects such as new water and sewer treatment plants, or new / renovated buildings, where energy and water efficiency and onsite renewables and battery storage could be specified,
- Roads and pavement repair / maintenance teams who specify the types of materials to be used, where there may be opportunities to use more sustainable materials,
- Fleet procurement staff who assess plant and vehicle needs and specify new purchases and leases that will impact fuel use for a number of years,
- Operational staff who may repair or replace equipment as it fails, such as appliances, air conditioners, lights, where there are opportunities to ensure that replacements are fit for purpose and energy efficient

Equipment and Services Specifications

Policy, procurement frameworks and education / training should ultimately lead to the specifications that Council develops for services and works / products being modified to include requirements for efficiency and renewables where applicable. In addition, the evaluation criteria and weighting of responses to tenders and quotes should be designed to properly evaluate and weight performance against specified sustainability requirements, such as level of efficiency, emissions reduction and whole-of-life cost.

Scope for abatement

The scope for abatement from sustainable procurement is sizeable, with incremental gains made via all purchased goods and services over the long term. Murrumbidgee Council also has the capacity to influence emissions reduction by its suppliers and contractors

Risks and mitigation

An assessment of risks and mitigation strategies would be part of any periodic review of procurement policies and processes for goods and services.

Costs and benefits

A robust sustainable procurement approach would see sustainable services and goods sourced on a whole-of-life cost basis, which will tend to favour efficiency and lower lifetime cost. Similarly, contractors and suppliers who are sustainable in their own operations are likely to have lower, not higher costs.

8 Murrumbidgee Council Energy Strategy

In order to achieve deep cuts in its electricity use and associated GHG emissions, Murrumbidgee Council will need to commit time, resources and financial support to a multi-year program of work that will implement measures identified in this plan that reduce emissions. A key priority in this should be to invest in measures that also improve Council's bottom line.

These measures are identified below and tabulated into a short-medium term plan, and long-term and continuous improvement actions, based on priorities, costs and maturity of the technology recommended. The opportunities identified reflect the measures identified in the above section.

8.1 Short to medium term action plan

A suggested short to medium term action plan for Murrumbidgee Council is outlined below. Actions recommended could be implemented during the course of the current and next Delivery Plan cycle, for example.

TABLE 11: MURRUMBIDGEE COUNCIL SHORT TO MEDIUM TERM PLAN FOR COUNCIL OPERATED SITES

Category	Sub-category	Site	Energy-saving option	Indicative cost	Payback (years)	Internal Rate of Return
Energy efficiency	Streetlighting	Unmetered Streetlighting	Murrumbidgee Council has replaced ~500 streetlights with LED technology as part of the Southern Lights NSW program. This program has reduced ~145 MWh of annual electricity usage, with an associated savings of $30,000 per annum[28].	**Not assessed** (note: not included in footprint for this work as data not available)**.**		
Behind the meter solar	Solar PV - Roof - STC	Coly Sportsground 1	Council recently built an amenities block at the Coly Sportsground. As a short-term approach, install a 6.5 kW roof-mounted flush system to meet most of the daytime demand. Since this site is new, there are no electricity invoices or historical electrical data to estimate the savings potential from this opportunity.	$6,500	**Not assessed.**	
Behind the meter solar	Solar PV - Roof - STC	Coly Sportsground	Install an 11 kW roof-mounted solar PV system on the new gym building to reduce the annual electricity demand at this site by ~15%. As most of the electricity demand for this site is from late evening to the night time period, we expect large exports from this solar PV only opportunity	$11,000	6.2	15%
Behind the meter solar	Solar PV - Roof - STC	Coly Office	Install a 6 kW roof-mounted solar PV system on the north-east section of the Coly office building.	$6,000	3.6	27%
Energy efficiency	Lighting		Replace ~ 8 x single twin 36 W and ~7 x twin 36 W lights with LED technology.	$1,999	6.0	~17%
Energy efficiency	Baseload	Coly Swimming Pool	We have noted that the annual electricity consumption at the Coly pool is ~4 times the annual electricity consumption of the Darlington Point pool. Additionally, the electricity consumption	**Not assessed – Council asseswsment of operational differences between the two pools will help to determine the benefits available.**		

[28] https://councilmagazine.com.au/council-upgrades-500-streetlights-to-led-technology/

			is seen to be double during the summer months, with little or no change in winter when the pool is closed. Therefore, Council should assess current usage and opportunities for backing off the pool pumps when the site is not operational and understand any inefficiencies with the current pump systems.			
Behind the meter solar	Solar PV - Roof - STC		Install a 15 kW roof and ground-mounted solar PV system at the Coly swimming pool. Due to the high electricity consumption at this site, ~80% of the solar PV generated from this system would be self-consumed. Furthermore, as the proposed ground-mount system is at a public place, Council would need to construct additional fencing for implementing this system. Please note that the additional fencing and AC cabling costs have not been accounted for in these estimated capital costs.	$20,280	4.76	21%
Behind the meter solar	Solar PV - Roof - STC	Coly Water Tower	**Short-term option:** Install an 11.4 kW roof-mounted solar PV across the two small buildings at the Coly water tower.	$11,400	2.97	33%
Behind the meter solar	Solar PV + BESS - Roof - STC		**Medium-term option:** Alternatively, Council can consider expanding the 11.4 kW roof-mounted solar PV system with a ~20 kW ground-mounted solar PV system near the water bore site. However, Council would need to evaluate the issues relating to installation of the ground-mount array, including access needs around the bore, tree management, cabling and trenching requirements, and security.	$40,300	4.69	21%
Behind the meter solar	Solar PV - Roof - STC	DP Depot	Install a 9 kW roof-mounted solar PV system on the north-facing roof of the workshop. This system can reduce the depot's annual electricity demand by ~**35%.**	$9,000	3.5	28%
Energy efficiency	Lighting		Replace ~ 10 x single and 15 x twin 36 W fluorescent lights with LED technology.	$2,855	5.5	~18%
Energy efficiency	Lighting		Replace ~3 x metal halide lamps at the workshop with LED technology.	$952	5.5	~18%
Energy efficiency	Lighting		Replace ~2 x external floodlights with LED technology.	$389	3.0	~33%

Energy efficiency	VSD Control	DP Treatment Works	Install variable speed drives and dissolved oxygen controls (VSD and DO) to manage the motors energy demand for the Pasveer channel.	$15,999	8.0	~13%
Behind the meter solar	Solar PV - Roof - STC		Install a 10 kW roof-mounted solar PV system at the MSB building to meet most of the site's daytime electricity demand. This proposed system can reduce the treatment work's annual electricity demand by ~14%.	$10,000	5.1	19%
Behind the meter solar	Solar PV - Ground - STC	Cemetery Lane	As a short-term approach, Council can consider installing a 30 kW ground-mounted solar PV system to meet most of the site's variable daytime electricity demand. Council can further achieve savings by evaluating the electricity load profile and flexibility in operations to maximise the solar PV self-consumption.	$39,000	4.1	24%
Behind the meter solar	Solar PV - Ground - STC	DP Council Office	Consider installing a 20 kW roof-mounted solar PV system on the east and west sections of the main Council building. This system can reduce the site's electricity demand by ~44%, annually.	$20,000	4.12	24%
Energy efficiency	Lighting	Jerilderie Office & Library	Replace ~105 x twin 36 W twin fluorescent lights with LED technology.	$12,582	3.0	~33%
Behind the meter solar	Solar PV - Roof - STC		**Short-term option:** Install a 31.2 kW roof-mounted solar PV system on the north and west section of the library building to supply the daytime electricity demand across both the admin and library facilities.	$31,200	2.11	47%
Behind the meter solar	Solar PV - Roof - STC		**Medium-term option:** Alternatively, Council can consider implementing a 46 kW roof-mounted solar PV system at the administration building roof space. Due to the age of these buildings, Council may need to carry out a structural certification prior to any solar implementation.	$46,000	6.04	16%
Behind the meter solar	Metering and Accounts	Civic Hall	Based on the planning lots, Council can consider implementing a solar PV system at the Civic Hall to supply electricity to the Jerilderie office and library account.			**Not assessed.**

			Furthermore, Council can consider consolidating the meters for both the Civic Hall and the office + library buildings to implement a larger solar PV system to service all the buildings within the same lot.			
Behind the meter solar	Solar PV - Roof - STC	Jerilderie Aquatic Centre Building	Consider implementing an 8.51 kW roof-mounted solar PV system at the Jerilderie Aquatic Centre to meet at least ~25% of the annual electricity demand at this site. It is noted that this account supplies electricity to a pump that pumps water from the creek to the Jerilderie lake.	$8,510	4.23	23%
Behind the meter solar	Solar PV - Roof - STC	Jerilderie Depot	Council can consider implementing a 37 kW roof-mounted solar PV system on the north and east section of the depot admin building. Based on a typical load profile of a depot, this system can reduce the site's electricity demand by **~44%**, annually.	$37,600	4.32	23%
Energy efficiency	Lighting		Replace ~30 x twin fluorescent lights and ~13 x highbay lights with LED technology.	$8,716	5.0	~20%
Behind the meter solar	Solar PV - Micro-inverter - Ground - STC	Jerilderie Comms Tower	Consider installing a 10.4 kW ground-mounted solar PV system near the Jerilderie Comms tower. Due to the typical operation of a Comms tower, we expect most of the solar PV generated on this site to be self-consumed. Furthermore, consider implementing this ground-mounted system with optimisers or micro-inverters to reduce shading losses from nearby buildings.	$15,000	5.15	19%
Behind the meter solar	Solar PV - Roof - STC	Monash Park	Considering the lighting upgrades at the park, we expect a reduction in the annual electricity demand at this site. Therefore, as a short-term opportunity, after implementing lighting upgrades, Council can consider installing a 9.92 kW roof-mounted solar PV system on the north-west section of the main grandstand roof.	$10,000	5.77	16%
Energy efficiency	Lighting	Jerilderie Sports Complex	Replace ~40 x twin 36 W fluorescent lights with LED technology.	$3,103	5.0	20%
Behind the meter solar	Solar PV - Roof - STC	Jerilderie Swimming Pool	Consider installing a 7 kW roof-mounted solar PV system at the Jerilderie swimming pool adjacent to the solar hot water system. Due to the seasonal operation of this site, we expect	$7,000	3.36	29%

			majority of solar to be exported back to the grid when the pool is closed.			
Behind the meter solar	Solar PV - Roof - STC	Sewerage Cement Works	Install a 6.6 kW roof-mounted solar PV system to meet most of the site's daytime electricity demand.	$6,600	4.42	22%
Behind the meter solar	Solar PV - Ground - STC	Jerilderie Town Water Pump	Install a 32.8 kW ground-mounted solar PV system on the land adjacent to the supply point and south of the pump house. This system can reduce the annual electricity demand of this pump station by **~33%,** annually.	$42,640	4.31	23%
Behind the meter solar	Solar PV - Ground - STC	Jerilderie Treatment Works	Install a 29.4 kW ground-mounted solar PV system to meet most of the site's daytime electricity demand. Based on a typical load profile of a water treatment plant, we estimate a **~20%** reduction in the annual electricity usage at this site.	$38,220	5.73	17%
Energy efficiency	VSD control		Implement variable speed controls on the 2 x 15 kW clear water pumps to optimise the operational speed of these pumps at any given point in time.	$38,591	7.0	~14%
EV Strategy	EV Charging	Whole of Council	Install EV charging at suitable Council sites to service either Council pool vehicle/s or staff vehicles.	**Not assessed,** with the NSW Government's $595m package for electric vehicles, Council should identify key EV charging locations and have these ready to apply for funding. This could be done in conjunction with RAMJO, to assist all their member Councils.		
Electricity	Renewable Energy Power Purchasing	Whole of Council	Develop a case to enter into a PPA to supply a certain percentage of Council's site with renewable energy.	**Not assessed.** Assess this opportunity along with RAMJO Council members as part of bulk procurement to get competitive pricing in the current electricity market**.**		
Fleet Transition	Hybrid Vehicle	Whole of Council	Develop a strategy to acquire hybrid vehicles as part of transitioning Council to sustainable transportation.	**Not assessed.**		
			TOTAL	**$458,036**	**~4.5**	**~21%**

8.2 Long term action plan

A suggested long-term action plan for Murrumbidgee Council is outlined below. Please note that the details in the table below for solar at the Sportsground, Depot, Treatment works, Cemetery Lane, Jerilderie swimming pool and the Town water pump includes the full costs and associated savings for these suggested systems. There are also short / medium term options suggested for these sites. If Council opts to install the short / medium term options, then Council will only incur the marginal cost for expanding the systems in the longer term, along with the marginal savings of the additional systems.

TABLE 12: MURRUMBIDGEE COUNCIL LONG TERM PLAN FOR COUNCIL OPERATED SITES

Category	Sub-category	Site	Energy-saving option	Indicative cost	Payback (years)	IRR
Behind the meter solar	Solar PV + BESS - Roof - STC	Coly Sportsground 1	Council can consider implementing a 9.5 kW roof-mounted solar PV with a 12 kWh battery storage unit for the new amenities block at the Coly Sportsground. However, it would be prudent to revisit this opportunity based on actual electricity invoices and load profiles to estimate an accurate solar PV and battery storage system size.	$20,300	**Not assessed.**	
Behind the meter solar	Solar PV + BESS - Roof - STC	Coly Sportsground	Expand the solar PV system at the Coly sportsground to a 21.7 kW roof-mounted solar PV system on the gym facility with a 40 kWh battery storage system to meet most of the site's annual electricity demand.	$57,700	6.73	12%
Behind the meter solar	Solar PV + BESS - Roof - STC	DP Depot	As a long term approach, Council can consider implementing a 20 kW roof-mounted solar PV system at the depot workshop roof. Furthermore, couple this system with a 20 kWh battery storage unit to meet most of the site's electricity demand.	$38,000	7.52	10%
Behind the meter solar	Solar PV + BESS - Ground - STC	DP Treatment Works	Install a 20 kW roof and ground-mounted solar PV system at the Darlington Point Treatment works with a 39 kWh battery storage unit to meet at least ~60% of the annual electricity demand at this facility.	$61,100	8.5	8%
Behind the meter solar	Solar PV + BESS - Ground - STC	Cemetery Lane	Council can consider installing a 50.2 kW north-facing ground-mounted solar PV system with a 50 kWh battery storage unit to reduce at least ~50% of the electricity demand at this site, annually.	$110,000	8.21	9%
Behind the meter solar	Solar PV - Roof - STC	DP Swimming Pool	Install a 9.12 kW roof-mounted solar PV system at the Darlington Point pool to meet the daytime electricity demand of this site when the pool is	$9,120	4.11	24%

			operational. However, this opportunity is subject to roof availability after decommissioning the solar thermal mats towards the end of its life			
Behind the meter solar	BESS	15 Carrington St	Install a ~17.5 kWh battery storage unit to capture the exports from the existing ~11 kWp solar PV system installed at this site. The battery size has been estimated based on assumed exports from this solar PV system.	$15,750	24	~1%
Behind the meter solar	Solar PV + BESS - Roof - STC	39 Jerilderie st	Install a 3.3 kW roof-mounted tilted solar PV system with a 5 kWh battery storage unit to meet most of the site's electricity demand.	$7,800	8.26	8%
Behind the meter solar	Solar PV + BESS - Roof - STC	Jerilderie Aquatic Centre Building	To maximise the solar PV self-consumption at this electricity meter, Council can consider installing a 10 kWh battery storage system with the proposed 8.51 kW roof-mounted solar PV system to reduce at least **~35%** of the annual electricity demand at this site.	$17,510	6.97	12%
Behind the meter solar	Solar PV + BESS - Roof - STC	Jerilderie Depot	As a long-term opportunity, Council can consider installing a 73.6 kW roof-mounted solar PV system at the depot's workshop building. Furthermore, couple this system with a 60 kWh battery storage unit to meet most of the electricity demand at this depot facility. The battery storage system could be installed next to the main switch board, situated on the east wall of the building. As the workshop roof is high, we expect added costs for implementing new edge protection and new roof safety systems.	$127,600	7.0	12%
Behind the meter solar	Solar PV + BESS - Roof - STC	Monash Park	With the planned lighting upgrades at this site, Council can consider installing a 10 kW roof-mounted solar PV system with a 13.5 kWh battery storage unit to reduce at least **~70%** of the annual electricity demand at this site.	$22,150	8.8	8%
Behind the meter solar	Solar PV + BESS - Roof - STC	Jerilderie Sports Complex	Consider installing a 25 kW solar PV array along with a 40 kWh battery storage. As the sports complex is mostly used in the evening, a battery storage system will help increase the solar PV self-consumption.	$61,100	16.2	5%
Behind the meter solar	Solar PV + BESS - Ground - STC	Sewerage Cement Works	Install a 9.6 kW ground-mounted solar PV system with a 13.5 kWh battery storage unit to meet at least **~80%** of the annual electricity demand at this Council facility.	$24,630	8.7	8%

Behind the meter solar	Solar PV + BESS - Ground - STC	Jerilderie Town Water Pump	Install a 60 kW ground-mounted solar PV system with an 85 kWh battery storage unit at the Jerilderie water pump station. This system can reduce the annual electricity demand at this facility by **~54%**, annually.	$154,500	13.5	7%
Behind the meter solar	Solar PV + BESS - Ground - STC	Jerilderie Treatment Works	Based on a typical load profile of a water treatment plant, Council can consider installing a 60 kW ground-mounted solar PV system with a 50 kWh battery storage to meet most of the variable electricity demand at this facility.	$123,000	7.3	11%
Sustainable Transportation	Low Emissions Fleet Strategy	Whole of Council	Develop a pathway to low and zero emissions plant and vehicles for all Council fleet.	**Not assessed.** Develop a pathway to low and zero emissions plant and vehicles for all Council fleet		
Total				**$850,260**	**7.4**	**~9%**

8.3 Continuous improvement

The following opportunities can be pursued over time as part of a continuous improvement approach to energy management by Murrumbidgee Council.

TABLE 13: MURRUMBIDGEE COUNCIL CONTINUOUS IMPROVEMENT PLAN FOR COUNCIL OPERATED SITES

Category	Sub-category	Site	Energy-saving option	Cost or resources required
Energy efficiency	HVAC	Jerilderie Depot	Develop a strategy to replace the existing HVAC systems with energy efficient units towards the end of their life. These units could be replaced with any units with EER/COP greater than 4, preferably using R32 refrigerant gas.	**Not assessed.** Number remaining to be replaced TBC - specify highest COP/EER feasible, particularly for heating.
Energy efficiency	VSD control	Sewer Pump Station - Tubbo St	This was visited as an example of a large SPS, and suggests that there will not be opportunities for solar PV at these sites as they are unsecured. Upgrading to VSD-controlled pumps when pumps and/or boards are upgraded should be considered for all SPS sites across Council.	**Not assessed.**

8.4 Low priority opportunities

For completeness, we have also identified opportunities that may be low-priority/ not-feasible for Council at this stage.

TABLE 14: MURRUMBIDGEE COUNCIL LOW PRIORITY OPPORTUNITIES

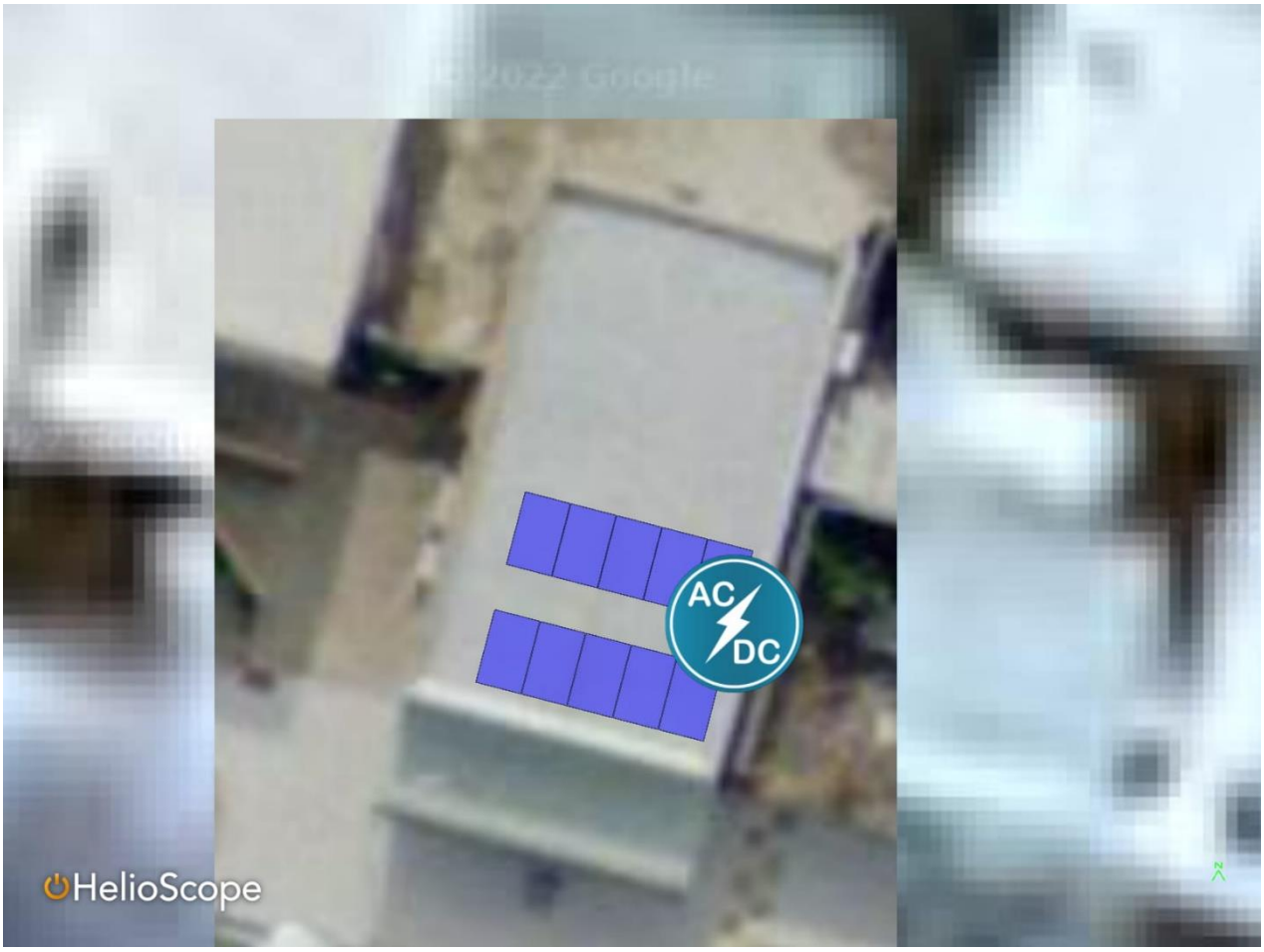
Category	Sub-category	Site	Energy-saving option	Cost or resources required
Behind the meter solar	Solar PV - Roof - STC	Jerilderie Swimming Pool	Investigate council planning system to confirm if the Sports complex roof can be used to power the swimming pool using solar PV. If so, Council needs to plan on sizing a system that would supply solar to both the pool and Sports complex facilities.	**Not assessed.** Energy demand for the pool may change post renovation; Council should confirm the new energy demand. Furthermore, the sports stadium roof is much larger than the filter room roof at the pool, so the complex offers much more scope to power the pool demand.

Energy efficiency	Geothermal	Civic hall	A geothermal HVAC solution at the Civic Hall at Jerilderie was investigated as part of this Energy Strategy. The Civic Hall has little to no air conditioning units and is sparingly used for events that run for a couple of hours. Therefore, focusing on a geothermal HVAC upgrade for this site may not be financially viable due to the high capital costs for these projects. If Council considers upgrading HVAC systems solely at the Civic Hall, then consider upgrading the existing systems with COP/EER greater than 4 and utilising refrigerants such as R32. Alternatively, an opportunity is to replace all the heating and cooling units across the Jerilerderie offices, library and the Civic Hall with a geothermal HVAC solution. A cost-benefit analysis has not been conducted at this stage, and Council would need to have a detailed study on this opportunity as these units are towards the end of their life. Similar projects have been carried out at Wagga Wagga and Tumut Council. At Tumut Council, the geothermal units attributed to ~40% of energy savings annually and had a simple payback of ~8 years[29].	**Not assessed.**

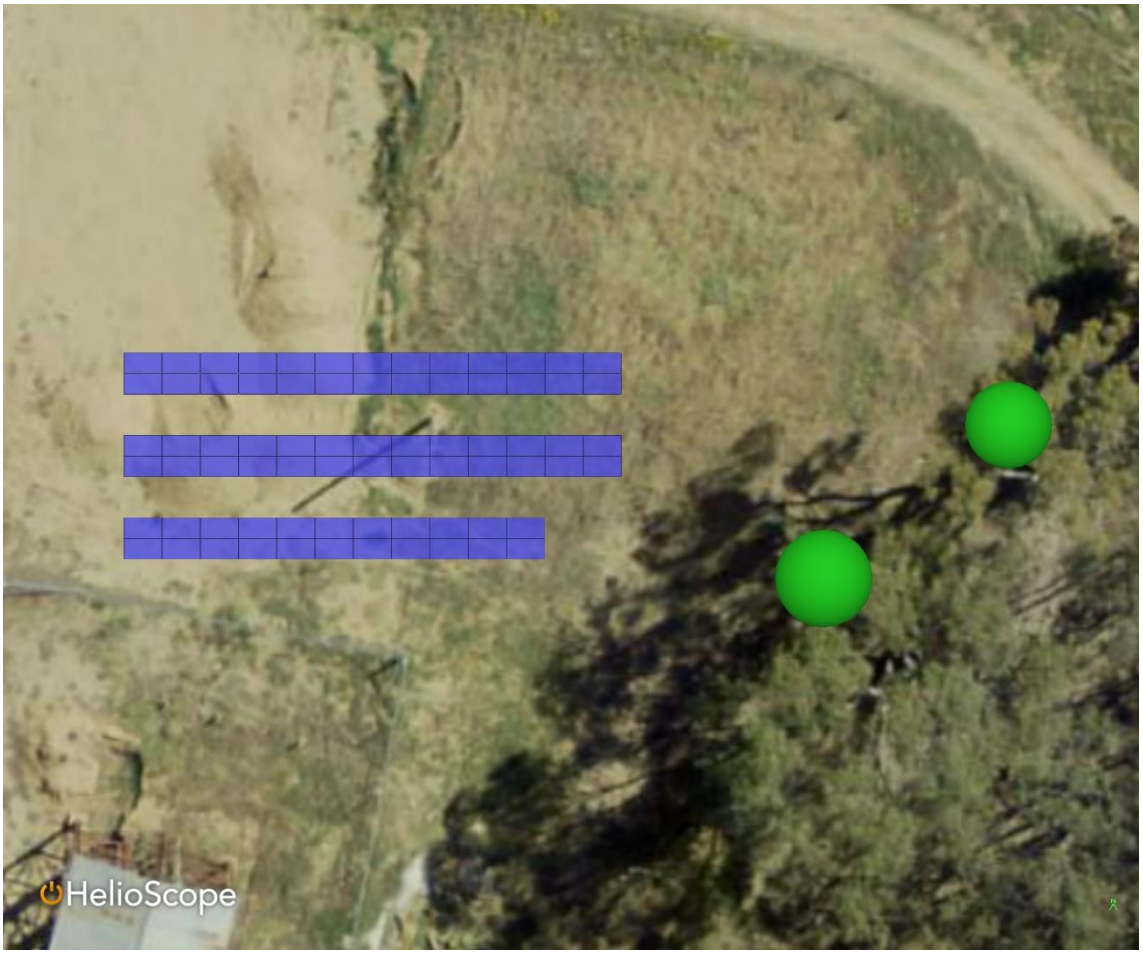
[29] https://www.geoexchange.com.au/commercial_showcase/riverina-highlands-building-tumut-nsw/

Appendix A: Solar PV potential locations

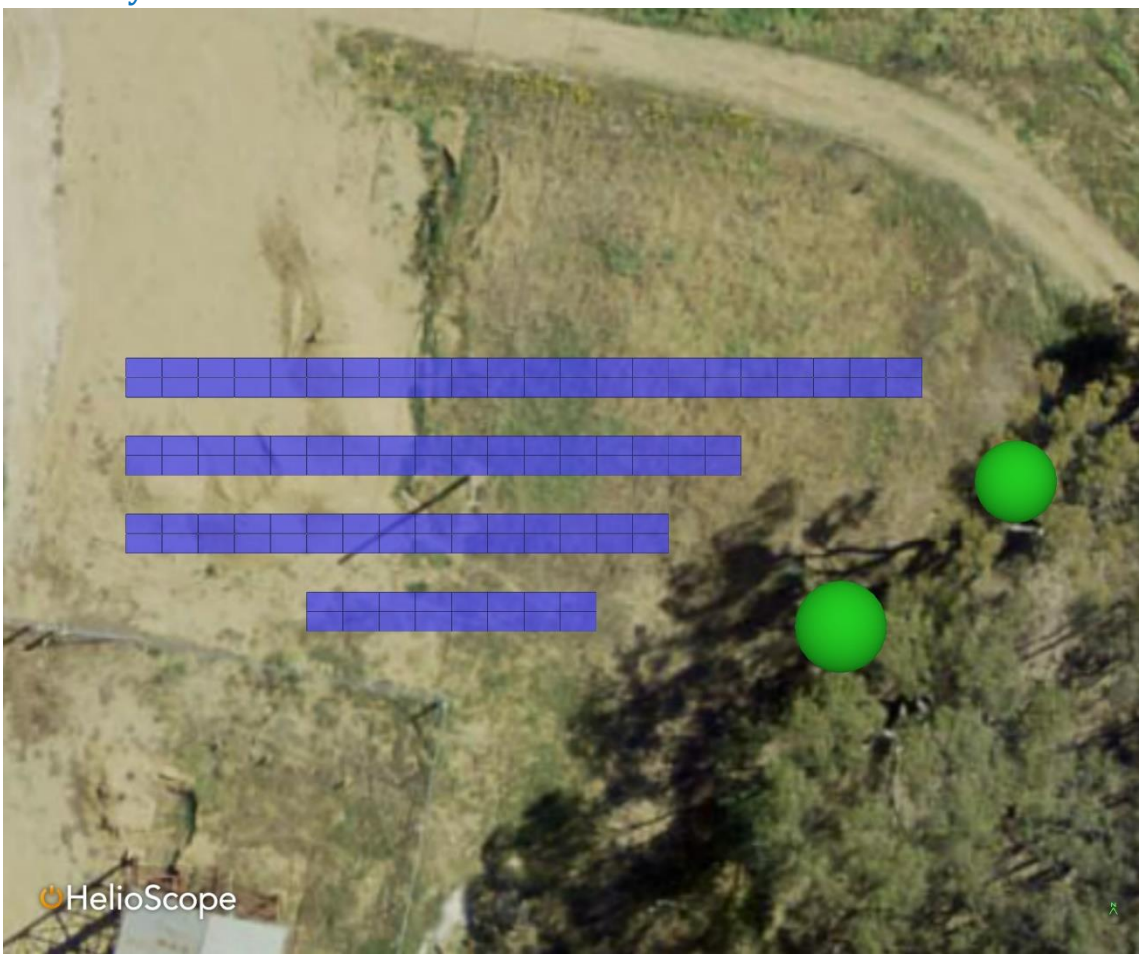
39 Jerilderie St – 3.3 kW – Solar PV + BESS - Roof - STC



Cemetery Lane – 30 kW – Solar PV - Ground - STC



Cemetery Lane – 50 kW – Solar PV + BESS - Ground - STC



Coly Office – 6 kW – Solar PV - Roof - STC

Coly Sportsground – 11 kW – Solar PV - Roof - STC

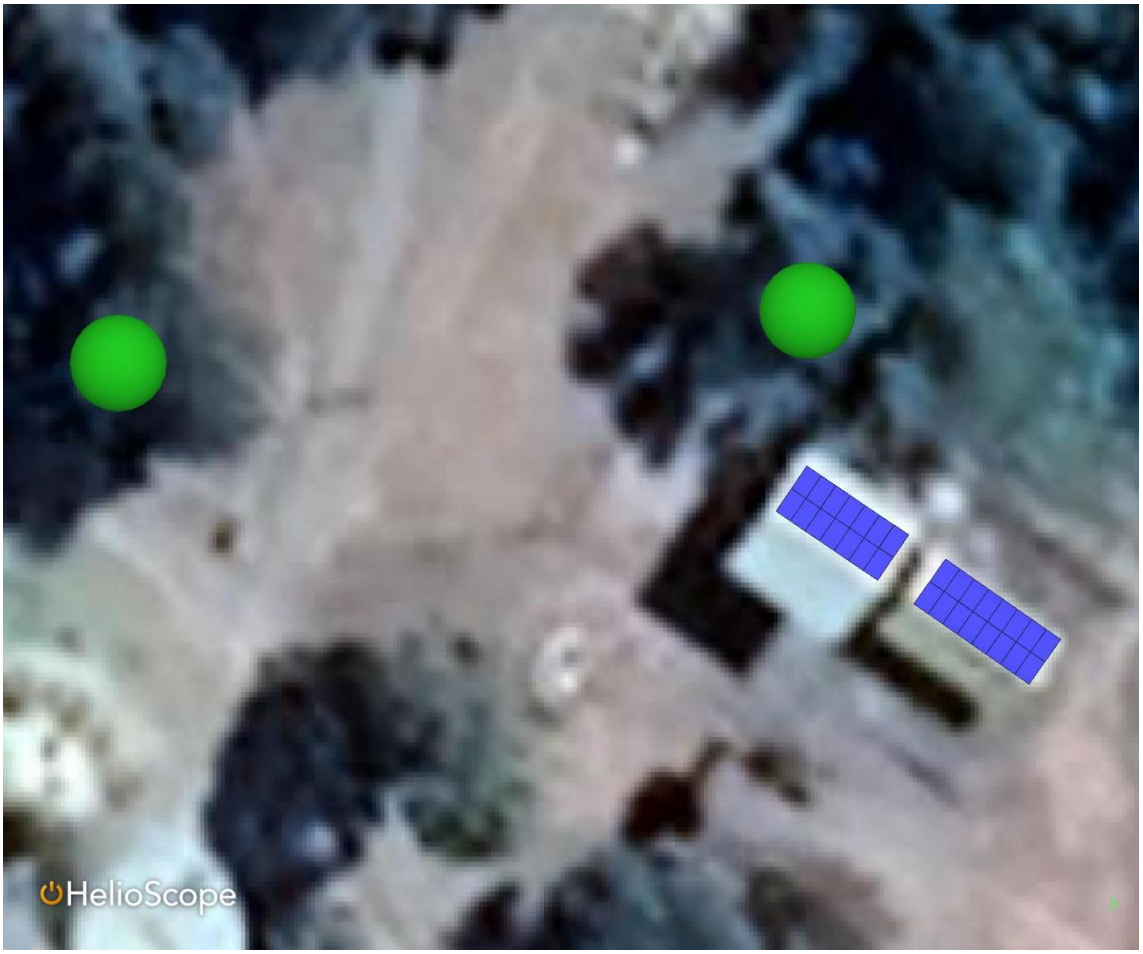
Coly Sportsground – 21.7 kW – Solar PV + BESS - Roof - STC

Coly Sportsground 1– 6.5 kW – Solar PV - Roof - STC

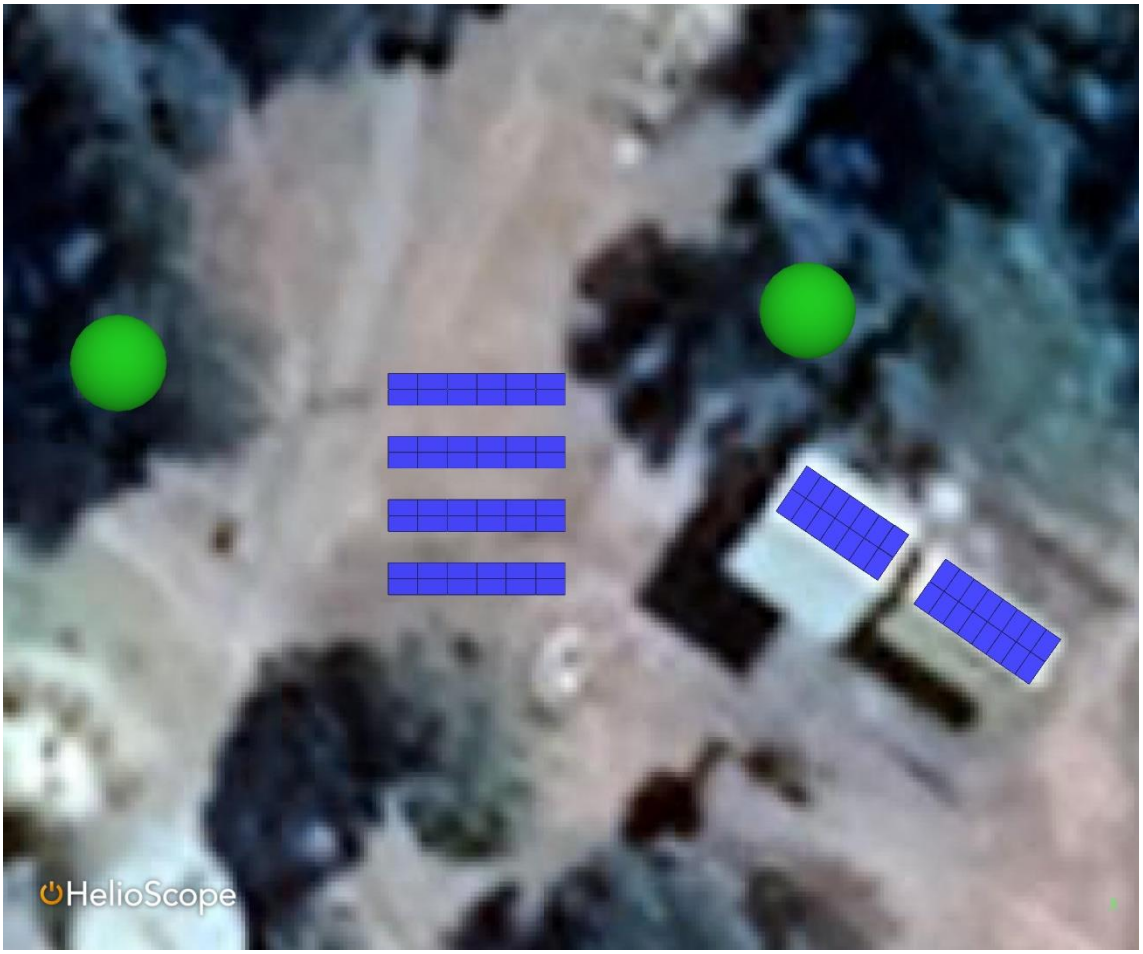
Coly Sportsground 1– 9.5 kW – Solar PV - Roof - STC

Coly Swimming Pool – 15.6 kW - Solar PV - Ground - STC

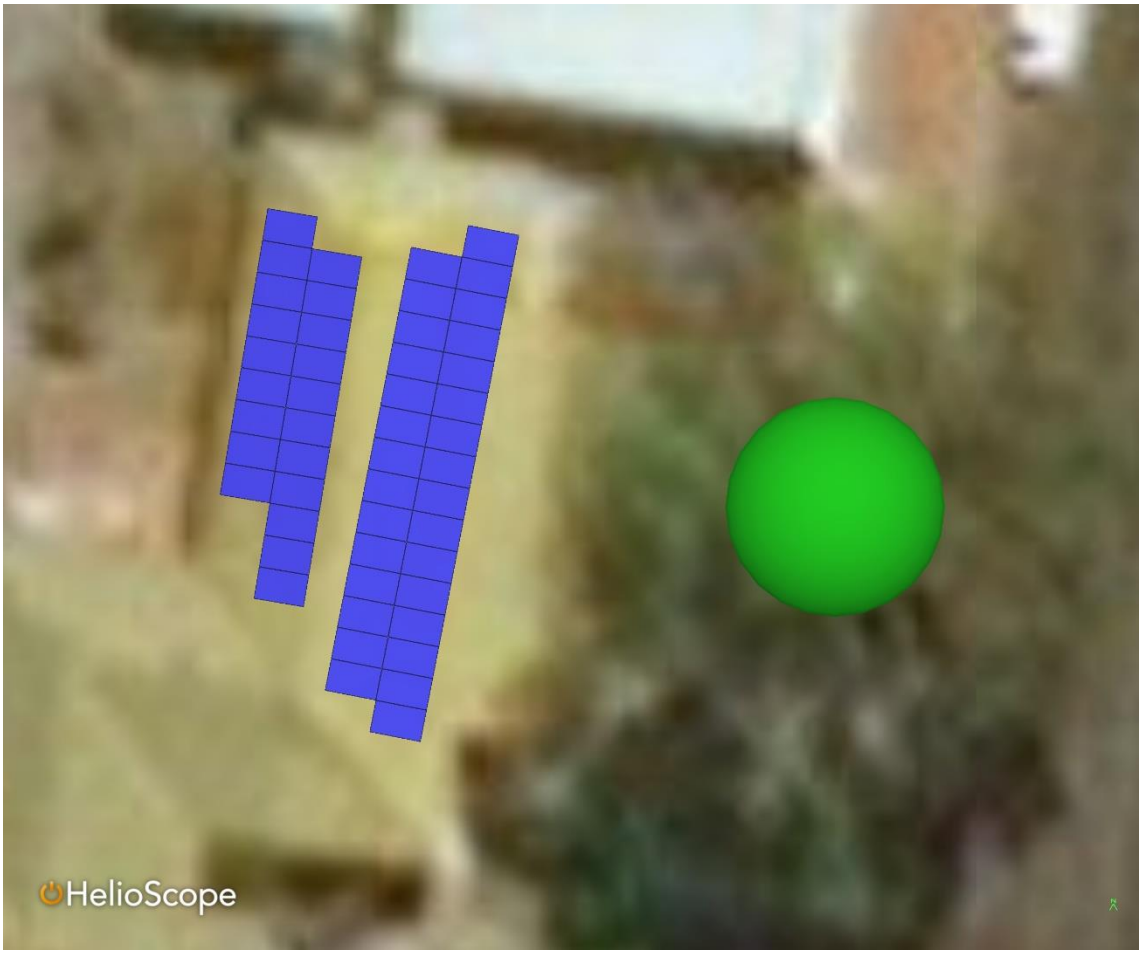
Coly Water Tower – 11.4 kW - Solar PV - Roof - STC



Coly Water Tower – 31 kW - Solar PV - Ground - STC



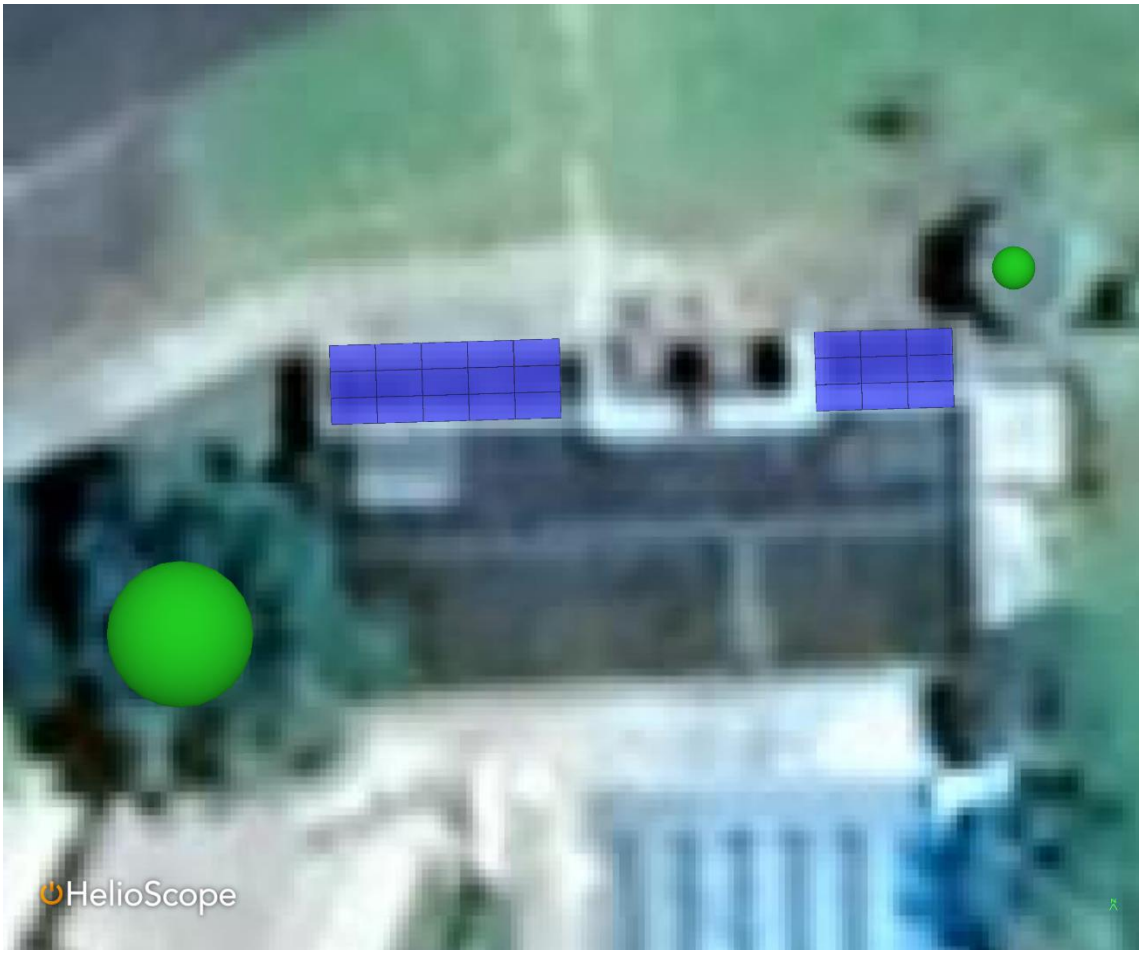
DP Council Office – 20 kW – Solar PV - Roof - STC



DP Depot – 9 kW – Solar PV - Roof - STC

DP Depot – 20 kW – Solar PV + BESS - Roof - STC

DP Swimming Pool – 9.12 kW – Solar PV - Roof - STC



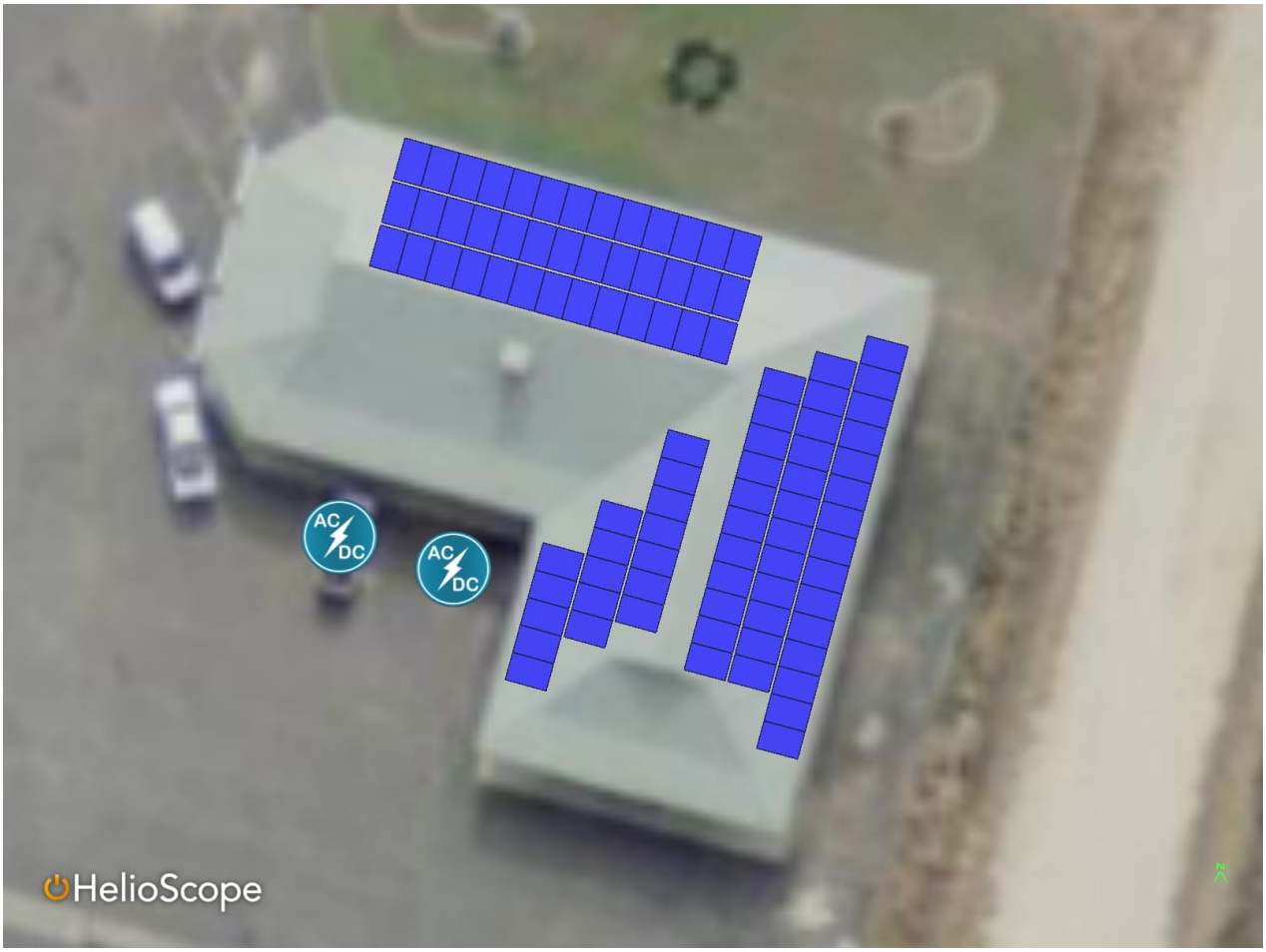
DP Treatment Works – 10 kW – Solar PV - Roof - STC

DP Treatment Works – 20 kW – Solar PV + BESS - Ground - STC

Jerilderie Aquatic Centre Building – 8.51 kW – Solar PV + BESS - Roof - STC

Jerilderie Comms Tower – 10 kW – Solar PV - Ground - STC

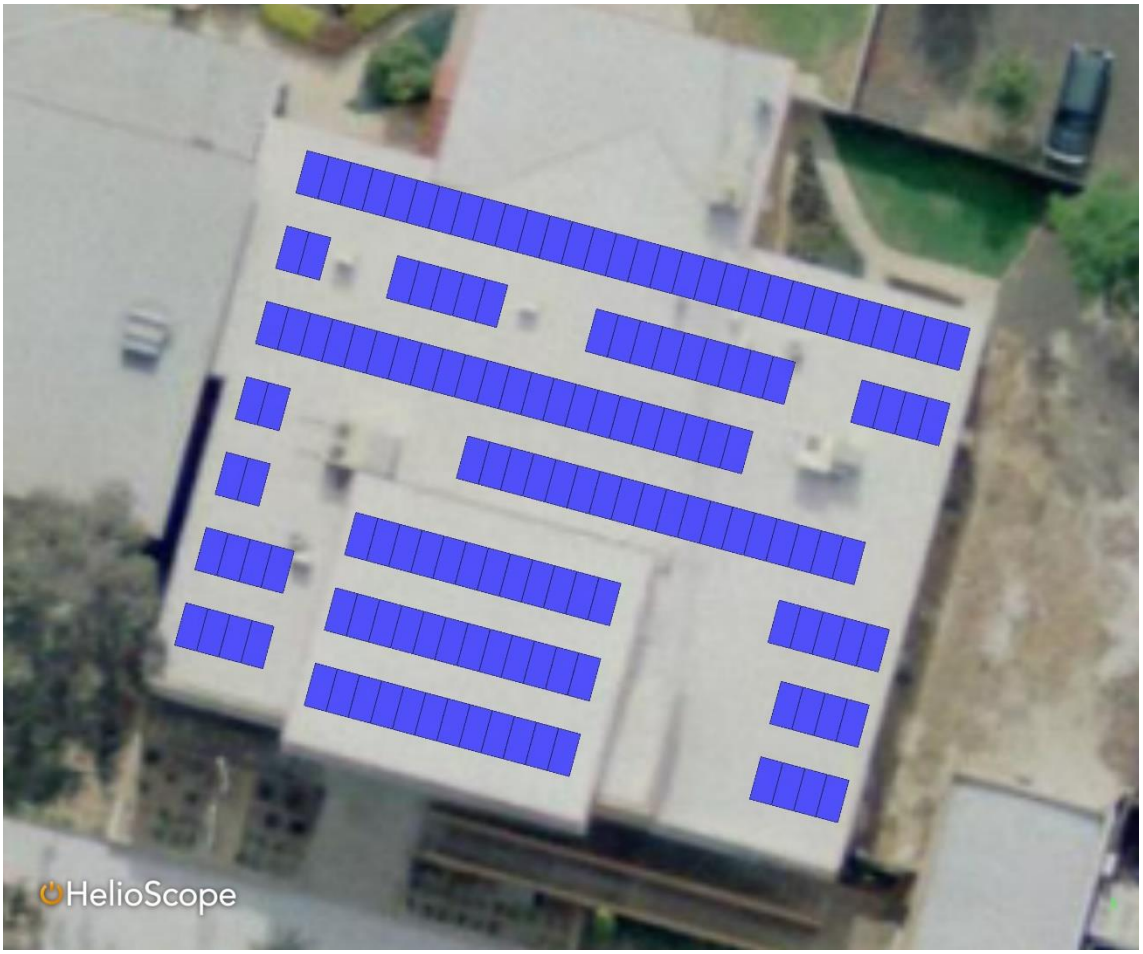
Jerilderie Depot – 37.6 kW – Solar PV - Roof - STC



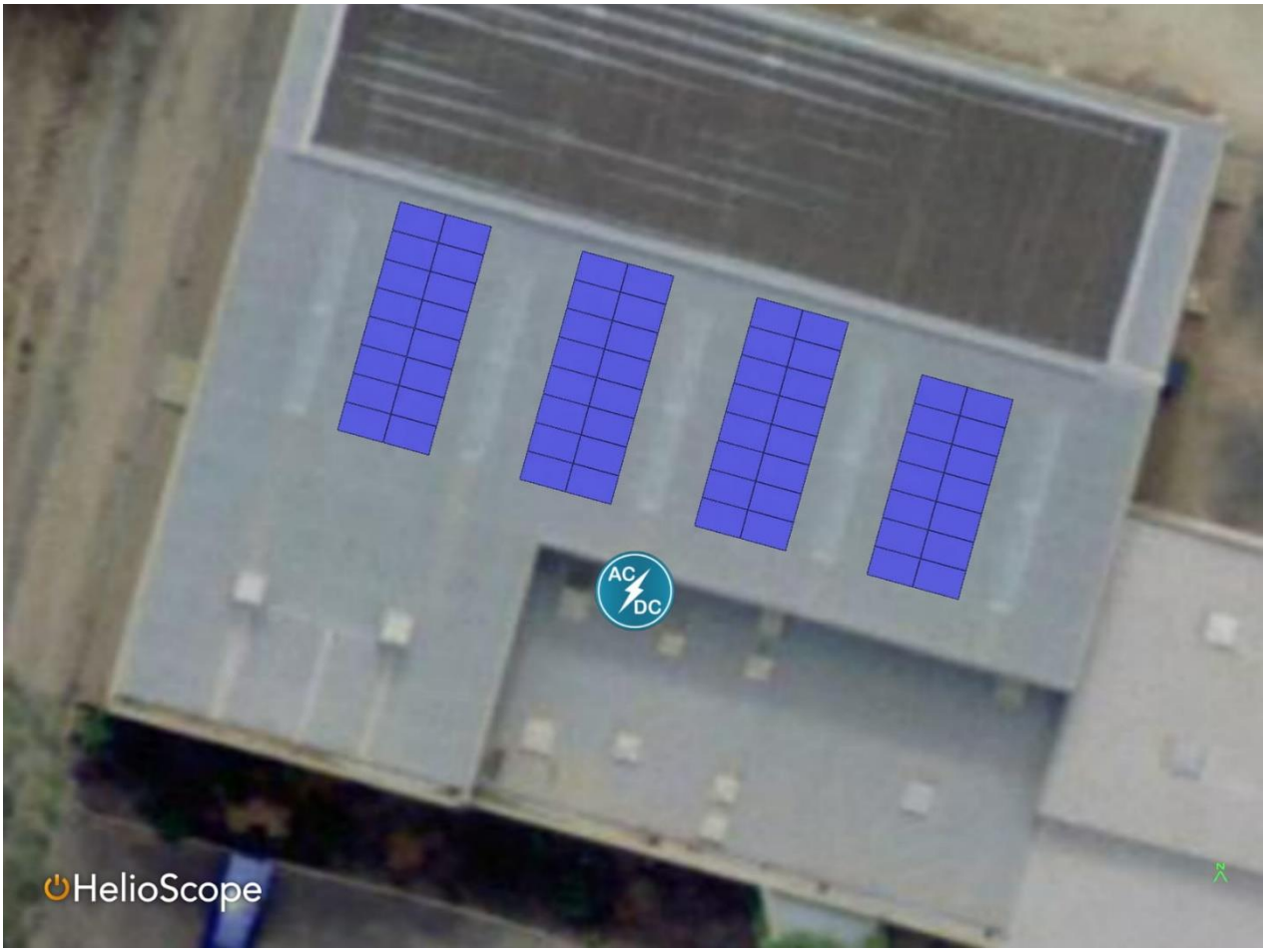
Jerilderie Depot – 73.6 kW – Solar PV + BESS - Roof - STC

Jerilderie Office & Library – 31.2 kW – Solar PV - Roof - STC

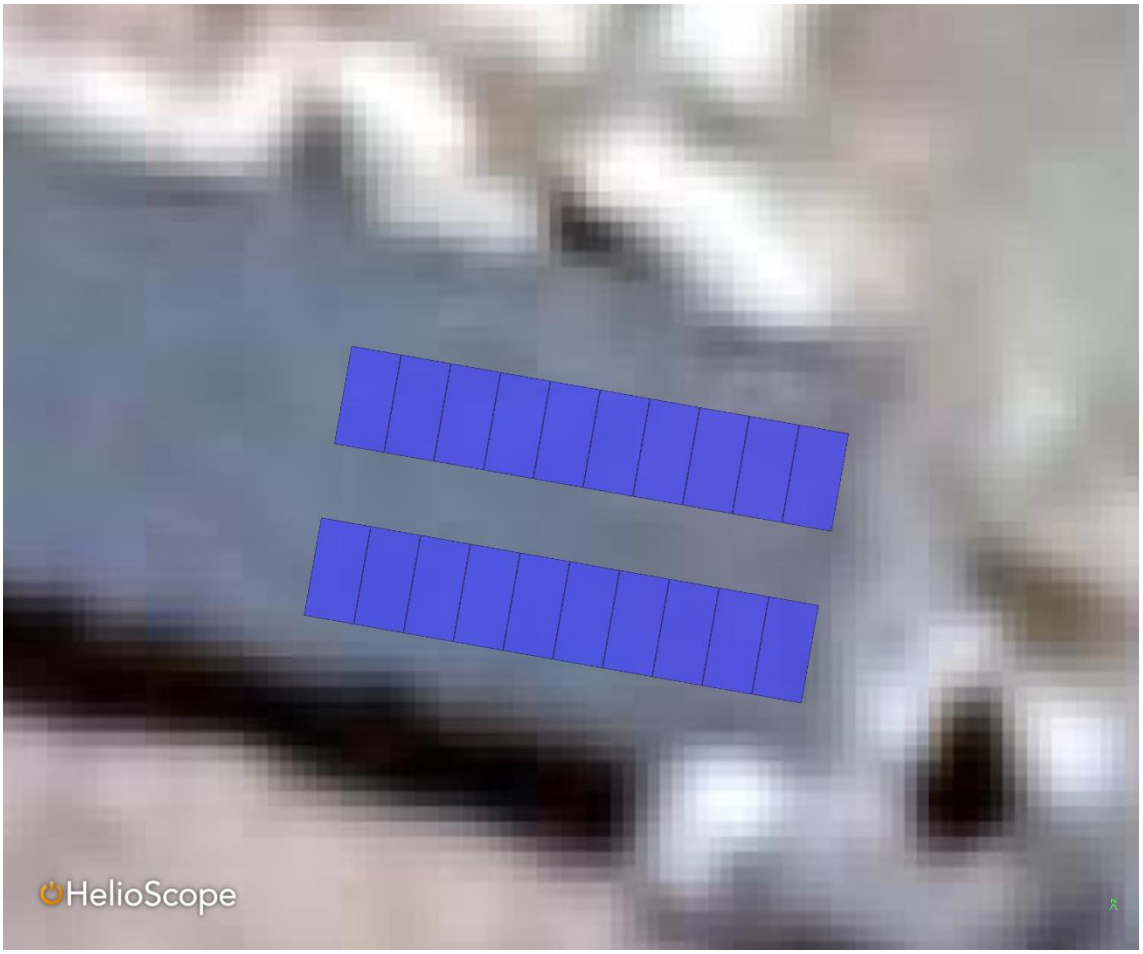
Jerilderie Office & Library – 46 kW – Solar PV - Roof - STC



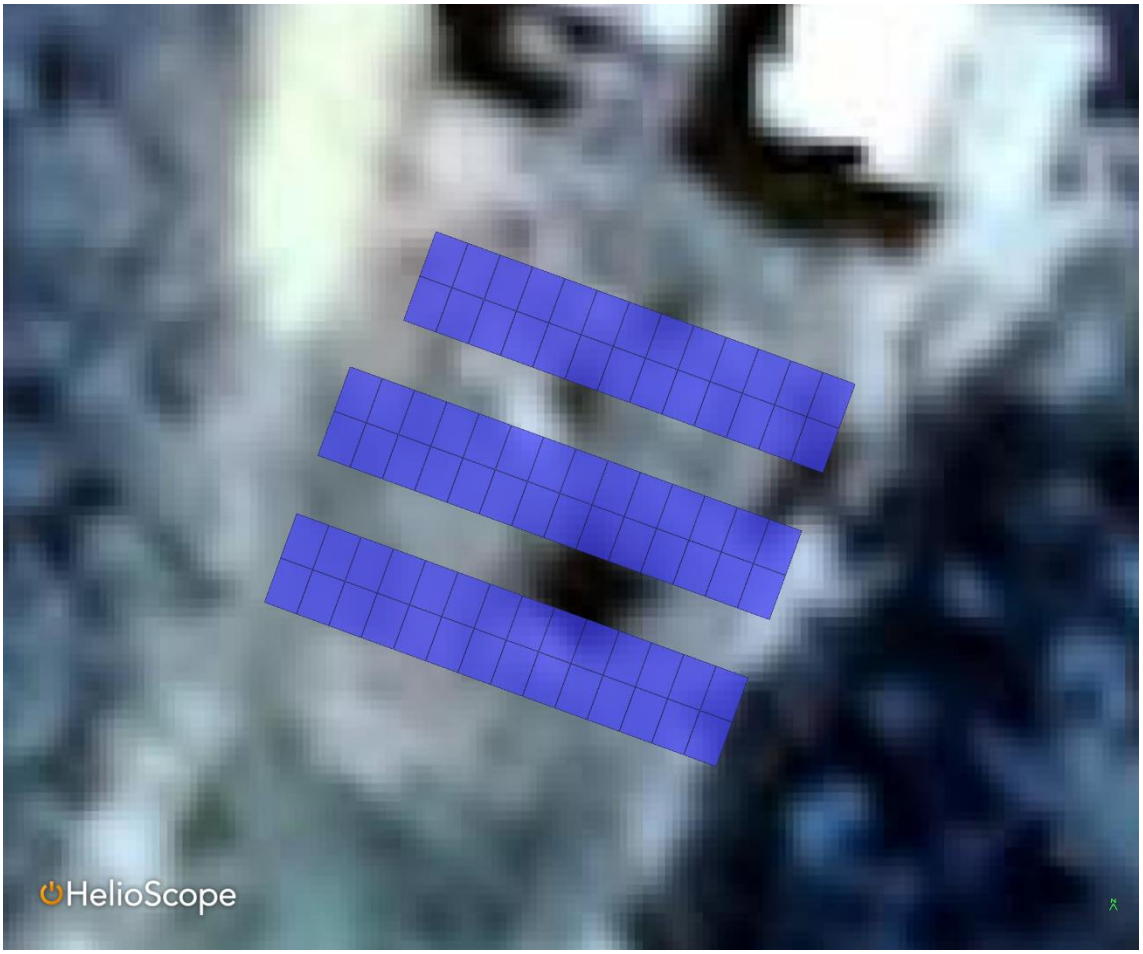
Jerilderie Sports Complex– 25 kW – Solar PV + BESS - Roof - STC



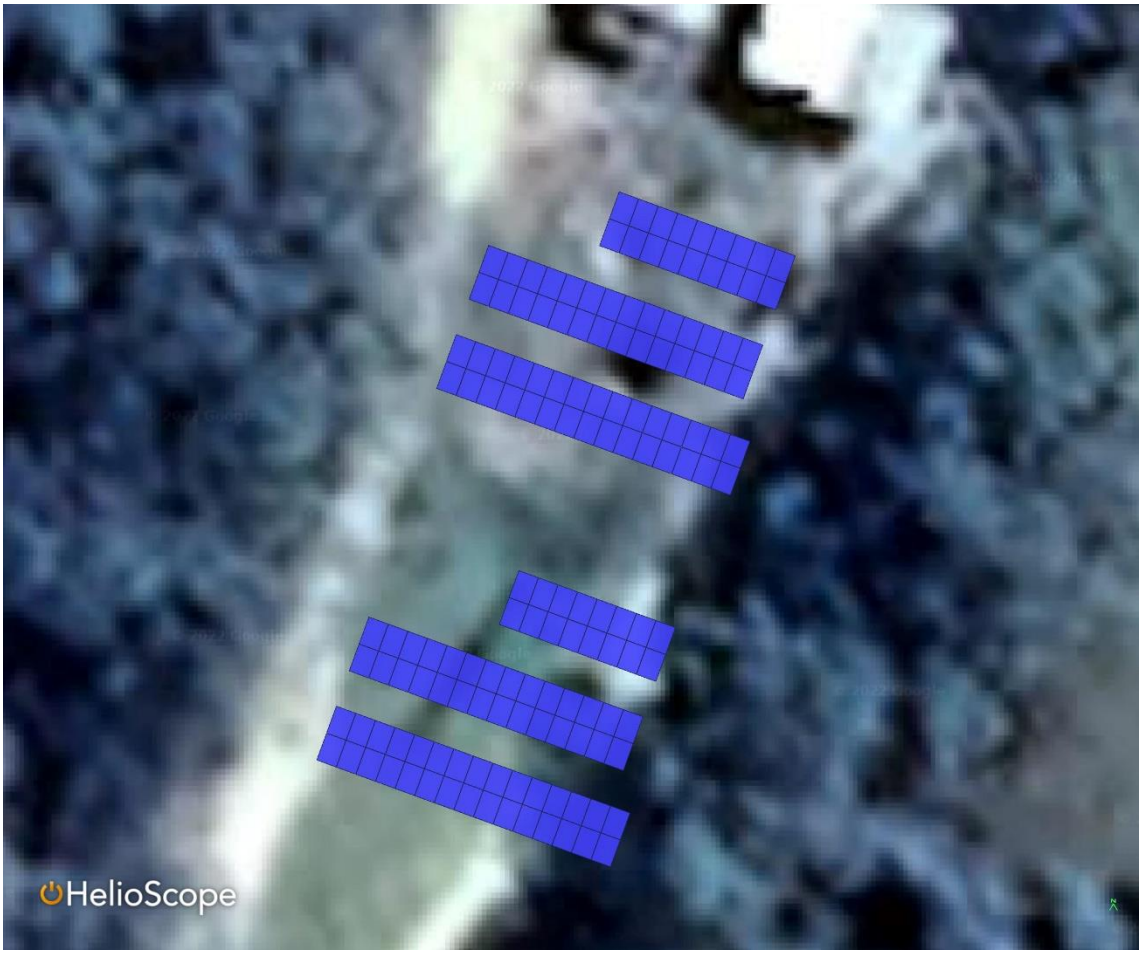
Jerilderie Swimming Pool– 7 kW – Solar PV - Roof - STC



Jerilderie Town Water Pump – 33 kW – Solar PV - Ground – STC



Jerilderie Town Water Pump – 60 kW – Solar PV + BESS - Ground - STC



Jerilderie Treatment Works– 30 kW – Solar PV - Ground - STC

Jerilderie Treatment Works– 60 kW – Solar PV + BESS - Ground – STC

Monash Park – 10 kW – Solar PV + BESS - Roof - STC

Sewerage Cement Works – 9.6 kW – Solar PV + BESS - Ground - STC

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21 June 2022

John Scarce
General Manager
Murrumbidgee Shire Council

Email: mail@murrumbidgee.nsw.gov.au

Dear John,

MURRAY DARLING BASIN PLAN - 450GL "UP WATER"

I am writing as a consequence of a resolution of Griffith City Council at its meeting held Tuesday 14 June 2022. Council resolved as follows:

RESOLVED on the motion of Councillors Glen Andreazza and Jenny Ellis that Griffith City Council write to the Murray Darling Association (MDA) Inc. Chair and (cc to Murray Darling Association (MDA) Region 9 Chair) requesting that the MDA:

(a) Write to the new Federal Minister for Environment and Water, the Honourable Tanya Plibersek MP to reiterate that given the Government is committed to recovering an additional 450GL of upwater from the Basin, the water must be achieved without adverse social and economic impacts as required by the Murray Darling Basin Plan;

(b) That the MDA opposes the use of buybacks to achieve the saving of the 450GL of upwater; and

(c) That Council write to all Councils in MDA Region 9 seeking support for this Motion.

As a member of Murray Darling Association (Region 9), Council would appreciate your support of the above resolution by advocating regarding this critically important issue.

Yours sincerely,

Brett Stonestreet
General Manager

cc: Cr. Glen Andreazza, Chair - Murray Darling Association (Region 9)

Griffith City Council, PO Box 485, Griffith NSW 2680, 1 Benerembah Street, Griffith NSW 2680
• Ph: 02 6962 8100 • Fax: 02 6962 7161
Email: admin@griffith.nsw.gov.au • Web: www.griffith.nsw.gov.au

ADMINISTRATIVE & GENERAL CONDITIONS

	CONDITIONS	REASON
1.	**Approved plans and supporting documentation** Development consent has been granted for a *motel* development on Lot 241 part of Lot 242 DP 750908, 34 Hay Road, Darlington Point. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.	To ensure that all parties with an interest in the application are aware of the approved plans and supporting documentation that has been approved as part of the development.

Plan Reference	Plan Title	Prepared by	Portal Upload
Plan No. A.02 Revision A	Proposed Site plan	Steven Murray Architect	
Job No. 22-289 v.3, 4 & 5 Sheets 2 & 3	Floor plans & elevations	Coolibah Cabins	

Document	Reference No	Prepared by	Portal Upload
Statement of Environmental Effects (SEE)		Steven Murray Architect	

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note 1: An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

2.	**Environmental Planning & Assessment Act, 1979** All works associated with the development shall be carried out in conformity with the provisions of the Environmental Planning and Assessment Act, 1979, and the Regulations made thereunder, in accordance with the plans and specifications approved by Council. Any alteration to the approved building will require the submission of a further development application or a modification application under Section 4.55 of the *Environmental Planning and Assessment Act 1979*, to amend the consent.	To ensure that the provisions of the Environmental Planning and Assessment Act, 1979 and the Regulations are met.
3.	**Lapsing of consent** In accordance with Section 4.53 of the Environmental Planning and Assessment Act, 1979 this consent is valid for a period of five (5) years from the date of consent.	The maximum period in which a consent is valid is five (5) years.

Note 2: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

4. **National Construction Code**

All works must be carried out in accordance with the following:

a) All building work must comply with and be carried out in accordance with the requirements of the Building Code of Australia.

b) All plumbing and drainage works must comply with and be carried out in accordance with the requirements of the Plumbing Code of Australia.

Prescribed by clause 69(1) of the EP&A Regulation, 2021.

5. **Construction certificate**

In accordance with the provisions of Part 6, Divisions 6.2 and 6.3 of the EP&A Act, 1979 a person must not carry out building works, including associated excavation works (as applicable) until such time as:

(a) A *Construction Certificate* has been obtained from either Murrumbidgee Council or an *Accredited Certifier* holding the appropriate accreditation under the Building Professions Act, 2005;

(b) A *Principal Certifier* has been appointed; and

(c) The person with the benefit of the development consent has given at least two (2) days' notice to Murrumbidgee Council and the *Principal Certifier* of the person's intention to commence the erection of the building.

To ensure that the requirements of the EP&A Act, 1979 are met.

6. **Occupation certificate**

An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) prior to occupation of the new building, part of a building, or a change of building use. Before an application being made for an Occupation Certificate all conditions set out in this notice of determination are to be met to the satisfaction of the Principal Certifier.

Prescribed by Section 6.9 of the EP&A Act, 1979.

7. **Compliance with Home Building Act (if applicable)**

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Prescribed by clause 69(2) of the EP&A Regulation, 2021.

8. **Minimum floor level**

All dwellings shall have a minimum floor level of 30mm above the existing ground levels. For dwellings within the flood planning area the minimum floor level of the dwelling shall be 300mm above the 1% AEP.

To reduce the impact of the 1:100 ARI flood event.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

	CONDITIONS	REASON
9.	**Construction certificate information requirements** A Construction Certificate is required for the development in accordance with Section 6.7(1) of the *Environmental Planning and Assessment Act 1979*. Any copy of documentary evidence submitted must be a complete copy of the original certificate, report or document. The following information shall be submitted for assessment when applying for a Construction Certificate: (a) Architectural plans of the building(s) that demonstrate conformity with the National Construction Code (b) Site Classification Report by a professional geotechnical engineer, soil scientist or geologist. (c) For sites with reactive soils, engineering drawings and details of stormwater and sanitary drainage to show compliance with AS2870 and AS3500 (This includes lagging, swivel and expansion joints, trenching, grade, clay plug and backfill) (d) A signed and dated Compliance Certificate (and associated structural drawings) from a professional engineer certifying that the design and construction of the building complies with the National Construction Code (Volume 1) 2019. The Certificate shall identify the relevant Australian Standards and provisions of the Building Code of Australia that the buildings comply with. The site classification is to be referenced on the engineering plans as identified from the Site Classification Report prepared for the site. (e) Dwellings within the flood area shall be identified on the plans and the finished floor levels as required by Condition 8 be shown. (f) A Fire Safety System Plan prepared by an accredited Fire Safety Practitioner identifying the layout, extent and location of all statutory fire safety measures or system components to be provided in the building to meet the relevant performance requirements of the Building Code of Australia. Details or specifications must be provided that describes the basis for the design, the performance requirements and the relevant provisions of the Building Code of Australia that are met. Evidence of the satisfactory accreditation, experience or registration of the Fire Safety Practitioner shall be provided with the Plan. (g) An electrical plan showing all services to be provided, (h) A Part J Energy Report by an experienced Energy Consultant showing that the building complies with Section J (NSW) of the NCC (Volume 1) 2019. (i) An Access Report prepared by an industry recognised and experienced Access Consultant that demonstrates that the development will if constructed in accordance with those plans and details will comply with the performance requirements of the Building Code of Australia and the relevant provisions of AS1428 and AS 2890.6 (j) Evidence that building(s) will not be constructed over allotment boundaries.	To ensure that the requirements of the EP&A Act, 1979 are met.

Should the plans submitted with the Construction Certificate differ substantially from the plans approved as part of the development consent then a Section 4.55 modification of consent application shall be made to Council.

Note 3: Murrumbidgee Council can issue your *Construction Certificate* (or an accredited private certifier) and be appointed as your *Principal Certifier* for the development to undertake inspections and ensure compliance with the development consent. For further details contact Council on 1300 676243.

Note 4: Where a *Performance Requirement* is proposed to be satisfied by a *Performance Solution,* the following steps must be undertaken to comply with the National Construction Code:

(k) Prepare a *Performance-based design brief* in consultation with relevant stakeholders.
(l) Carry out analysis, using one or more of the *Assessment Methods* listed in (2), as proposed by the
(m) *Performance-based design brief.*
(n) Evaluate results from (b) against the acceptance criteria in the *Performance-based design brief.*
(o) Prepare a final report that includes –

(p) all *Performance Requirements* and/or *Deemed-to-Satisfy Provisions* identified through A2.2(3) or
(q) A2.4(3) as applicable; and
(r) identification of all *Assessment Methods* used; and
(s) details of steps (a) to (c); and
(t) confirmation that the *Performance Requirement* has been met; and
(u) details of conditions and limitations, if any exists, regarding the *Performance Solution.*

10. Civil Works Approval

Civil Works approval is required for any amplification of water, sewer, drainage and road works. The following information is to be submitted to Council for approval prior to the issue of any Construction Certificate for building works as referred to in conditions 5 & 9:

To ensure that any amplification of services and works to Council's infrastructure are designed to the satisfaction of Murrumbidgee Council.

a) Stormwater detention is to be created onsite for the critical storm event. The maximum developed stormwater discharge shall not exceed the pre-development stormwater discharge from the site. Design and details including hydraulic calculations, prepared by a suitably qualified person, are to be submitted to Council for approval.
b) Sewer design plans are to be submitted to Council and approved for any extension of Council's sewerage system to service the proposed subdivision. Such plans shall include designs, calculations and specifications for all proposed works as required for acceptance and approval by Council.
c) A flow rate and pressure test shall be carried out, at the applicant's expense, to justify connection to Council's existing water main. Where the existing water main cannot provide adequate flows and pressure for the proposed development, Council's water main is to be upgraded to ensure Council's water system can supply the minimum requirements for the proposed development.
d) Nominal 150mm high integral kerb & guttering, driveway laybacks and associated road works are to be constructed along the De Mamiel Street for the full frontage of the subject allotment (or otherwise approved by Council as part of the s138 approval). Detailed engineering design drawings for the kerb and gutter and associated works shall be submitted to Council for approval.

All costs associated with the preparation of design details and works associated with the construction of the above civil works are to be at no cost to Murrumbidgee Council and to be borne by the person or entity with the benefit of the consent.

11. **Access to Premises**

The proposed development must be made accessible in accordance with the Building Code of Australia, Access to Premises Code and AS1428.1. The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the *Commonwealth Disability Discrimination Act 1992* and the applicant should therefore consider their liability under the Act.

To require minor design amendments to the approved plans and/or the supporting documents following the assessment of the development are made prior to the issue of a construction certificate.

12. **Payment of building and construction industry long service levy**

Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (B&CILSP) and provides proof of this payment to the certifier.

To comply with the provisions of the B&CILSP Act, 1986.

13. **Construction Management Plan**

Before the issue of a construction certificate, the applicant must ensure a construction management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

a) Erosion and sediment control measures as set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book).

b) A waste management plan that includes:

   (i) the contact details of the person(s) removing the waste; and
   (ii) an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill; and
   (iii) the address of the disposal location(s) where the waste is to be taken.

c) Details and location of temporary site fencing or hoardings required to provide controlled access to the site and for public safety.

d) Location of pedestrian and vehicular site access points and construction activity zones.

e) Details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site.

f) Protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable).

g) Location of site storage areas, temporary toilets and any temporary site offices.

A copy of the approved construction management plan must be kept on-site at all times during construction.

Note 5: The information above may be included as a separate document or included on any site or architectural plan.

14. **Payment of section 7.12 contributions (if applicable)**

In accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 (former S94A) and Council's Development Contribution Plan 2010, this development requires the payment of a 7.12 contribution. The Section 7.12 Contribution is required towards the provision of public amenities and services in accordance with Councils adopted Section 7.12 Contributions Plan (copy of this policy is publicly available from Council's website www.murrumbidgee.nsw.gov.au.

To ensure development contributions are paid to address the increased demand for local community facilities.

Total payment shall be **$5050.00** (**1%** of the proposed cost of carrying out the development). The required contribution will be indexed in accordance with the Contribution Plan at the date of payment.

The contribution is to be paid prior to the issue of the Construction Certificate, unless other arrangements acceptable to Council are made. Payment is to be in the form of cash, bank cheque or EFTPOS.

15. **Landscape Plan**

Prior to the issue of the Construction Certificate a detailed landscaping plan shall be designed for the proposed development and submitted to the Principal Certifier for approval.

To provide a landscaping design appropriate to the scale of the development.

The landscaping plan shall be drawn to scale by a suitably qualified person and include:

(a) Identification of all trees to be retained or removed
(b) The location of all existing and proposed tree and shrub species

(c) Height and spread of selected species at maturity
(d) Irrigation measures
(e) The nature strip and the footpath areas of the development are to be incorporated into the overall landscaped area of the development.

Landscaping to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance for pedestrians and motorists entering and exiting the site.

BEFORE THE COMMENCEMENT OF BUILDING WORK

	CONDITIONS	REASON
16.	**Home Building Act requirements**	
	Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information: a) In the case of work for which a principal contractor is required to be appointed: i. the name and licence number of the principal contractor, and ii. the name of the insurer by which the work is insured under Part 6 of that Act. b) In the case of work to be done by an owner-builder: i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.	Prescribed by clause 71(2) & (3) of the EP&A Regulation, 2021.
17.	**Erosion and sediment controls in place**	
	Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as detail in the construction management plan and approved by the principal certifier) are in place until the site is rectified.	To ensure runoff and site debris do not impact local stormwater systems and waterways.

18. **Signs on site**

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

a) showing the name, address and telephone number of the principal certifier for the work, and
b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Prescribed by clause 70(2) & (3) of the EP&A Regulation, 2021.

19. **Plumbing and Drainage Works**

A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a “Notice of Works”.

Note 6: A copy of the Notice of Works form can be found on Council’s website.

It is in the public interest that plumbing and drainage work is carried out with the relevant approvals required under the Local Government Act 1993 and the National Construction Code

20. **Tree protection measures**

Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction management plan are in place.

To protect and retain trees.

21. **External Service Providers**

Before the commencement of works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services to the development.

Note 7: Any costs associated with the amplification or relocation of services is the responsibility of the person or entity with the benefit of the consent.

To ensure that the services appropriate to the scale of the development.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

	CONDITIONS	REASON
22.	**Procedure for critical stage inspections**	
	While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.	To require approval to proceed with building work following each critical stage inspection.
	CLASS 2, 3 or 4 Building Critical Stage Inspections are: a) At the commencement of building work, and b) After excavation for and prior to the placement of, any footings, and c) Prior to pouring any in-situ reinforced concrete building element , and d) Prior to covering of the frame work for any floor, wall, roof or other building element e) Prior to covering all hot and cold water plumbing and sewer plumbing and drainage. f) Prior to waterproofing in any wet areas, for a minimum 10% of rooms with wet areas within a building and g) Prior to covering any stormwater drainage connections, and h) After building work has been completed and prior to any occupation certificate being issued in relation to the approval. **Class 1 and 10 Buildings Critical stage inspections are:** (a) after excavation for, and prior to the placement of, any footings, and (b) prior to pouring any in-situ reinforced concrete building element, and (c) prior to covering of the framework for any floor, wall, roof, or other building element, and (d) prior to covering any stormwater drainage connections, and (e) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.	
	Plumbing inspections: As Murrumbidgee Council is the water supply authority an inspection is also required for internal and external plumbing work prior to covering all plumbing and drainage. During works plumbing inspections are to be carried out and a Compliance Certificate for the plumbing and drainage work must be obtained from the Council. The Builder must ensure that the plumber is provided with any engineering plans that detail requirements for plumbing and drainage. **Note 6:** Prior to the final plumbing inspection a sewer service diagram (SSD) drawn to the standard template details of Department of Fair Trading is required to be submitted to the Council.	

23. **Implementation of the construction management plans**

While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

To ensure the approved construction management measures are undertaken during construction.

24. **Hours of work**

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7.00am to 6.00pm on Monday to Fridays
- 8.00am to 1.00pm on Saturdays
- No work on Sundays or Public Holidays

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note 7: Any variation to the hours of work requires Council's approval.

To protect the amenity of the surrounding area in accordance with the provisions of the *NSW EPA draft Construction Noise Guideline, 2020.*

25. **Construction noise**

The applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed a LAeq (15 min) of 5dB (A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

To protect the amenity of the surrounding area in accordance with the provisions of the *NSW EPA draft Construction Noise Guideline, 2020.*

26. **Discovery of contamination**

Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled, or otherwise disposed of to the requirements of such Authority.

To ensure any contamination found during construction or demolition is dealt with as quickly as possible and to protect the health of the community and the environment.

27. **Uncovering relics or Aboriginal objects**

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

To ensure the protection of objects of potential significance during works.

In this condition:

"relic" *means any deposit, artefact, object or material evidence that:*

(a) *relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and*
(b) *is of State or local heritage significance; and*

"Aboriginal object" *means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.*

28. **Waste management**

While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

The principal certifier is to be satisfied that all waste from the site is disposed of in a lawful manner. The applicant, at the request of the principal certifier, is to compile and provide records of the disposal to the principal certifier and this may require the following details:

- The contact details of the person(s) who removed the waste
- The waste carrier vehicle registration
- The date and time of waste collection
- A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- The address of the disposal location(s) where the waste was taken
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note 8: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

29. **SafeWork NSW**

The applicant is to comply with all the requirements of SafeWork NSW.	To ensure the construction site is maintained in accordance with legislative requirements.
30. **Tree protection**	
While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of *AS 4970-2009 Protection of trees on development sites* and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.	To protect trees during construction.
31. **Cut and fill**	
While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.	To ensure soil imported to the site is safe for future occupants and that soil removed from the site is properly disposed of.

PART E - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

CONDITIONS	REASON
32. **Works-as-executed plans and any other documentary evidence**	
Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works: (a) Works-as-executed drawings for onsite detention and civil works set out in condition 10 have been constructed in accordance with the approved plans, being: i. The stormwater detention system	To confirm the location of works once constructed that will become council assets

ii. Any works undertaken on the sewerage system
iii. Any works undertaken on the water system.
iv. Kerb & guttering and associated road works

(b) Council requires Compliance Certificates for the following:

i. Critical stage inspections
ii. Waterproofing
iii. Termite management installation system
iv. Glazing
v. Plumbing and drainage
vi. Sewer service diagrams
vii. Nathers
viii. As relevant acoustic or fire separation

Note 9: The principal certifier must provide a copy of the compliance certificates and the work-as-executed drawings to Council with the occupation certificate and upload the documents to the NSW Planning Portal.

33. **Final Plumbing Inspection**

A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011

To ensure compliance with the National Construction Code

34. **Repair of infrastructure**

Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note 10: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

To ensure any damage to public infrastructure is rectified

35. **Removal of waste upon completion**

Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.

To ensure waste material is appropriately disposed or satisfactorily stored

36. **Street Address**

The house number shall be displayed so it is clearly visible from the street. This number shall be reflective and permanently displayed in a prominent position that is clearly visible from the public road at all times.

To ensure emergency service vehicles can identify the subject property.

Note 11: Upon written request Council will provide details of the house number.

37. **Completion of landscape and tree works**

Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with *AS 4373-2007 Pruning of amenity trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).

39. **Accessway construction**

Prior to the issue of an Occupation Certificate, a concrete vehicular crossing is to be constructed between the property boundary and road carriageway off De Mamiel Street and across Lot 242. Accessway and layback construction for the proposed development is to be completed in accordance with Murrumbidgee Council Drawing SD-R-07.

To ensure driveway crossings are constructed in accordance with Council's requirements.

40. **Masterplan for future development**

Prior to the issue of an occupation certificate the applicant is to prepare a masterplan for the future development for the entire site. The masterplan is be prepared within regard to the design principles set down in the Low Rise Housing Diversity Design Guide and include the following:

- A site plan showing the location of all dwellings, ancillary structures, common open space, driveways and manoeuvring areas, and communal garbage storage areas and mailboxes (if proposed).
- An infrastructure plan showing the location of services.
- An indicative design of the dwellings, providing a diversity of housing in terms of the number of bedrooms. A mix of 1, 2 and 3 bedroom dwellings is required.

PART F – OCCUPATION AND ONGOING USE

	CONDITIONS	REASON
41.	**Stormwater Management**	
	The development must not result in the diversion of overland surface waters onto adjoining properties and where necessary shall construct	To ensure that stormwater is appropriately managed on the site and is properly

appropriate surface drainage systems that connect to Council's stormwater system.

directed to the drainage network.

Note 12: Stormwater runoff shall not be permitted to flow over property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created.

42. **Location of mechanical ventilation**

During occupation and ongoing use of the building, the applicant must ensure all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBa at the boundary adjacent to any habitable room of an adjoining residential premises.

To protect the residential amenity of neighbouring properties

43. **Carport not to be enclosed**

The carports are not to be enclosed.

44. **Operation of Motel**

The motel is to operate in conjunction with the motel approved viz. DA 58/17-18 at 25 Demamiel Street, Darlington Point. \

The following conditions relate to the ongoing operations of the motel:

a) All vehicles are to enter and exit the site in a forward direction so as to avoid possible conflict with traffic along Demamiel Street.
b) All loading and unloading associated with the development shall be carried out within the site
c) All vehicle manoeuvring areas within that part of the site to be used as a motel are to be sealed.
d) Reception hours are to be from 7am to 9pm daily from the 25 Demamiel Street site. With Management to advise guests arriving outside of these hours to be mindful of the neighbourhood and noise.
e) Noise is to be limited to a maximum of 5dBA above background levels.

45. **Annual Fire Statement**

The owner shall supply to the Council an Annual Fire Safety Statement which is to state that each essential fire or other safety measure installed in the building has been inspected and tested by a competent person and that the service was or was not designed, installed and capable of operating at the required standard.

Appendix 1

Dictionary

The following terms have the following meanings for the purpose of this consent (except where the context clearly indicates otherwise):

Applicant means the applicant for development consent or any person having the benefit of the consent (including, but not limited to, the owner of the property from time to time).

Approved plans means the plans endorsed by Council and specified in Part A of this consent.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken.

BCA means the Building Code of Australia published by the Australian Building Codes Board.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018* and principal certifier means the certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation.

Council means Murrumbidgee Council.

Court means the NSW Land and Environment Court.

Emergency means an actual or imminent occurrence which endangers or threatens to endanger the safety or health of any person(s), property or the environment above the normal state of affairs.

EPA means the NSW Environment Protection Authority.

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

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

LG Act means the *Local Government Act 1993.*

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Owner-builder means a person who does 'owner-builder work' as defined in section 29(1) of the *Home Building Act 1989* under an owner-builder permit issued to the person for that work.

Owner means the registered proprietor of the property from time to time.

Principal contractor means the person responsible for the overall co-ordination and control of the carrying out of the building works or the owner where a principal contractor has not been appointed by the owner of the site.

Property means the land to which the development application relates, upon which the development is to be carried out, as set out on page 1 of this consent.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

Suitably qualified means a person with at least a degree and 5 years' experience carrying out the type of work that is the subject of the relevant condition.

Murrumbidgee COUNCIL

Revised Liquid Trade Waste Regulation Policy

	Name	Position	Signature	Date
Responsible Officer	**Garry Stoll**	**Director – Planning, Community & Development**		
Authorised By	**John Scarce**	**General Manager**		

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JULY 2022

Policy Statement

This policy sets out how Murrumbidgee Council will regulate liquid trade waste discharges to its sewerage system in accordance with the NSW Framework for Regulation of Liquid Trade Waste (Appendix F).

Sewerage systems are generally designed to cater for liquid waste from domestic sources that are essentially of predictable strength and quality. Council **may** accept liquid trade waste into its sewerage system as a **service** to businesses and industry.

Liquid trade wastes may exert much greater demands on sewerage systems than domestic sewage and, if uncontrolled, can pose serious problems to public health, worker safety, Council's sewerage system and the environment.

This Policy is consistent with the *Liquid Trade Waste Management Guidelines 2021* developed by the Water Utilities branch of the NSW Department of Planning, Industry and Environment (https://www.industry.nsw.gov.au/__data/assets/pdf_file/0010/147088/trade-waste-management-guidelines.pdf)

Note that the term 'Department' in this Policy refers to the state agency responsible for granting concurrence to Council's approval to discharge liquid trade waste to Council's sewerage system (under Clause 28 of the Local Government (General) Regulation 2021).
Currently, it is the Department of Planning and Environment.

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1 Introduction

This Policy has been developed to ensure the proper control of liquid trade waste and hence protection of public health, worker safety, the environment and Council's sewerage system. The policy also promotes waste minimisation, water conservation, water recycling and biosolids reuse.

In addition, the approval, monitoring and enforcement processes for liquid trade wastes discharged to Council's sewerage system and the levying of commercial sewerage and liquid trade waste fees and charges are described in this document. The procedure for liquid trade waste approval is governed by Chapter 7 of the Local Government Act.

Under section 68 of the *Local Government Act 1993* a person wishing to discharge liquid trade waste to the sewerage system must obtain prior approval from Council. Discharge of liquid waste other than domestic sewage without prior approval is an offence under section 626 of the Act.

1.1 What is liquid trade waste?

Liquid trade waste is defined in the Local Government (General) Regulation 2021 as below:

Liquid trade waste means all liquid waste other than sewage of a domestic nature.

Liquid trade waste discharges to the sewerage system include liquid wastes from:

- industrial premises
- business/commercial premises (e.g. beautician, florist, hairdresser, hotel, motel, restaurant, butcher, supermarket, etc.)
- community/public premises (including clubs, school, college, university, hospital and nursing home)
- any commercial activities carried out at residential premises
- saleyards, racecourses and stables and kennels that are not associated with domestic households
- tankered human waste, ship-to-shore waste from marina pump-out facilities, portable toilet waste and established sites for the discharge of pan contents from mobile homes/caravans
- any other waste tankered to the sewerage facilities, e.g. commercial or industrial waste from un-sewered areas.

Liquid trade waste excludes:

- toilet, hand wash basin (used for personal hygiene only), shower and bath wastes derived from all the premises and activities mentioned above
- wastewater from residential toilets, kitchens, bathrooms or laundries (i.e. domestic sewage)
- wastewater from common laundry facilities in caravan parks (discharges from common kitchen facilities in caravan parks are liquid trade waste)
- residential pool backwash.

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1.2 Objectives

The objectives[1] of this policy are:

- to protect public and workers health and safety and the environment
- to protect council's assets from damage
- to minimise adverse impacts on the sewage treatment processes
- to assist Council meeting regulatory and licence compliance
- to promote water conservation, waste minimization, cleaner production, effluent recycling and biosolids reuse
- to provide an environmentally responsible liquid trade waste service to the non-residential sector
- to ensure commercial provision of services and full cost recovery through appropriate sewerage and liquid trade waste fees and charges.

2 Structure of the Policy

This policy comprises three parts:

- Part 1 specifies the circumstances in which a person is exempt from the necessity to apply for an approval to discharge liquid trade waste to Council's sewerage system
- Part 2 specifies the criteria which Council will take into consideration in determining whether to give or refuse a liquid trade waste approval
- Part 3 specifies the application procedure and approval process, liquid trade waste discharge categories and applicable fees and charges, the NSW Framework for Regulation of Liquid Trade Waste, alignment with the *National Framework for Wastewater Source Management* and other relevant information

2.1 Part 1 – Exemptions

The list of discharges exempt from obtaining Council's approval is provided in Appendix B. These discharges are known as 'Deemed to be approved'. Each such discharger must meet the standard requirements specified in Appendix B.

[1] The above objectives are consistent with the *National Framework for Sewage Quality Management* in the *Australian Sewage Quality Management Guidelines, June 2012*, Water Services Association of Australia (WSAA).

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2.2 Part 2 - Criteria for approval to discharge liquid trade waste into council's sewerage system

2.2.1 Factors for consideration

Council's decision to accept liquid waste into its sewerage system will be based on the discharger satisfying Council's requirements. Therefore, when determining an application to discharge liquid waste to the sewerage system, Council will consider the following factors:

- The potential impacts of the proposed discharge on Council's ability to meet the objectives outlined in s. 1.2 of this document.
- The adequacy of the pre-treatment process(es) to treat the liquid trade waste to a level acceptable for discharge to the sewerage system, including proposed contingency measures in an event of the pre-treatment system failure
- The capability of the sewerage system (reticulation and treatment components) to accept the quantity and quality of the proposed liquid waste
- The adequacy of chemical storage and handling facilities and the proposed safeguards for prevention of spills and leaks entering to the sewerage system
- The adequacy of the proposed due diligence program and contingency plan, where required.
- Proposed management of prohibited substances and other liquid waste not planned to be discharged to the sewerage system and safeguards to avoid any accidental discharge
- The potential for stormwater entering the sewerage system and adequacy of proposed stormwater controls
- The potential for growth of the community

2.2.2 Discharge quality

Council's acceptance limits for liquid trade waste discharges are set out in Table 1. These limits are consistent with the acceptance limits specified in the *Liquid Trade Waste Management Guidelines*, 2021 by the Department.

Table 1: Acceptance limits for liquid trade waste into the sewerage system

Parameter	Limits
Flow Rate	The maximum daily and instantaneous rate of discharge (kL/h or L/s) is determined based on the available capacity of the sewer. Large discharges are required to provide a balancing tank to even out the load on the sewage treatment works.
BOD_5	Normally approved at 300 mg/L. Concentrations up to 600 mg/L may be accepted.
Suspended solids	Normally approved at 300 mg/L. Concentrations up to 600 mg/L may be accepted.
COD	Normally, not to exceed BOD_5 by more than three times. This ratio is given as a guide only to prevent the discharge of non-biodegradable waste.
Total Dissolved Solids	Up to 4000 mg/L may be accepted. The acceptance limit may be reduced depending on available effluent disposal options and may be subjected to a mass load limit.
Temperature	Less than 38°C.
pH	Within the range 7.0 to 9.0.
Oil and Grease	100 mg/L if the volume of the discharge does not exceed 10% of the design capacity of the treatment works and 50 mg/L if the volume is greater than 10%.

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Detergents	All detergents are to be biodegradable. A limit on the concentration of 50 mg/L (as MBAS) may be imposed on large liquid trade wastes discharges.
Colour	Colour must be biodegradable. No visible colour when diluted to the equivalent dilution afforded by domestic sewage flow. Specific limits may be imposed on industrial discharges where colour has a potential to interfere with sewage treatment processes and the effluent management.
Radioactive Substances	If expected to be present (e.g. Iodine 131 from ablation), acceptance requirements will be set on a case-by-case assessment.

Acceptance limits for inorganic and organic compounds		Maximum concentration (mg/L)
Inorganic compounds	Ammonia (as N)	50
	Boron	5
	Bromine	5
	Chlorine	10
	Cyanide	1
	Fluoride	30
	Nitrogen (total Kjeldahl)	100
	Phosphorus (total)	20
	Sulphate (as SO_4)	500
	Sulphide (as S)	1
Organic compounds	Benzene	< 0.001
	Toluene	0.5
	Ethylbenzene	1
	Xylene	1
	Formaldehyde	30
	Phenolic compounds non-halogenated	1
	Petroleum Hydrocarbons[2] • C_6-C_9 (flammable) • Total Recoverable Hydrocarbons (TRH)	 5 30
	Pesticides general (except organochlorine and organophosphorus)	0.1
	Polynuclear Aromatic Hydrocarbons (PAH)	5

[2] Always ask a laboratory to carry out a silica gel clean up, if other than petroleum products are expected to be present in a liquid trade waste sample, e.g. animal fats, plant oil, soil, etc.

Acceptance limits for metals	Maximum concentration (mg/L)	Allowed daily mass limit (g/d)
Aluminium	100	-
Arsenic	0.5	2
Cadmium	1	5
Chromium[3]	3	10
Cobalt	5	15
Copper	5	15
Iron	100	-
Lead	1	5
Manganese	10	30
Mercury	0.01	0.05
Molybdenum	5	15
Nickel	1	5
Selenium	1	5
Silver	2	5
Tin	5	15
Zinc	1	5
Total heavy metals excluding aluminium, iron and manganese	Less than 30 mg/L and subject to total mass loading requirements	

Notes:

1. *Acceptance limits for substances not listed in the above Tables will be determined on a case by case basis.*
2. *The quality of liquid trade waste from some low risk commercial activities in Classification A and B will exceed acceptance limits listed in above Table. As a higher level of pre-treatment is not cost-effective, such waste is acceptable if the discharger installs, maintains and properly operates the required on-site pre-treatment. Similarly, septic and pan waste may exceed some acceptance limits.*
3. *The analytical testing methods for the above parameters should be in accordance with the Australian Sewage Quality Management Guidelines, June 2012, WSAA and council's requirements*

2.2.3 Prohibited or restricted substances and waste

Substances prohibited from being discharged into the sewerage system unless they are specifically approved under section 68 of the Act are listed in

[3] Where hexavalent chromium (Cr^{6+}) is present in the process water, pre-treatment will be required to reduce it to the trivalent state (Cr^{3+}), prior to discharge into the sewer

Table **2**. In addition, s 2.2.3.1 lists the discharges either prohibited or restricted. Refer to Appendix C for detailed description of substances and discharges either prohibited or restricted.

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Table 2 Waste prohibited from discharge to the sewerage system

• Organochlorine weedicides, fungicides, pesticides, herbicides and substances of a similar nature and/or wastes arising from the preparation of these substances • organophosphorus pesticides and/or waste arising from the preparation of these substances • per- and poly-fluoroalkyl substances (PFAS) • any substances liable to produce noxious or poisonous vapours in the sewerage system • organic solvents and mineral oil# • any flammable or explosive substance# • discharges from 'Bulk Fuel Depots' • discharges from chemicals and/or oil storage areas • natural or synthetic resins, plastic monomers, synthetic adhesives, rubber and plastic emulsions • roof, rain, surface, seepage or ground water, unless specifically permitted (clause 137A of the Local Government (General) Regulation 2021) • solid matter# • disposable products including wet wipes, cleaning wipes, colostomy bags, cat litter and other products marketed as flushable • any substance assessed as not suitable to be discharged into the sewerage system • liquid waste that contains pollutants at concentrations which inhibit the sewage treatment process – refer to Australian Sewage Quality Management Guidelines, June 2012, WSAA • any other substances listed in a relevant regulation

In excess of the approved limit

2.2.3.1 Other substances/discharges either prohibited or restricted

- Stormwater from open areas
- Contaminated groundwater
- Landfill leachate
- Discharge from float tanks
- Discharge from new service station forecourts and other refuelling points
- Discharge of liquid waste arising from liquefaction and/or pulverisation of solid waste by physical or chemical processes (e.g. garbage grinders/in-sinkerators, macerators, alkaline hydrolysis).
- Discharge from solid food waste processing units (digesters/composters, etc.)
- Use of additives in pre-treatment systems

For further details on limitations and restrictions applicable to above discharges, refer to Appendix C of this policy, Chapter 3 of the *NSW Liquid Trade Waste Management Guidelines, 2021.*

2.3 Part 3 –Matters relating to liquid trade waste approvals

2.3.1 Application procedures and approval process

Under s.68 of the Local Government Act 1993 Council's written approval is required prior to commencing the discharge of liquid trade waste to its sewerage system. Application forms are available from Council.

The applicant must lodge a trade waste application and provide all requested information.

A trade waste application is not required to discharge liquid trade waste from 'Deemed to be approved' activities listed in Appendix B

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2.3.2 Who can make the application?

S. 78 of the Local Government Act states that an application may be made by the person seeking to carry out the activity or, if the application applies to a particular land, the owner of the land or a person who has the consent of the owner

2.3.3 Council's process in determination of applications

Council may request an applicant to provide further information to enable it to determine the application.

2.3.4 Approval of applications

Where an application is approved, Council will notify the applicant including any conditions of the approval and reasons for such conditions. The duration of the approval will be as stated in the approval.

An applicant may make a minor amendment or withdraw an application before it is processed by Council. An applicant may also apply to Council to renew or extend an approval, in accordance with section 107 of the Local Government Act.

2.3.5 Refusal

If an application is refused, Council will notify the applicant of the grounds for refusal.

Under section 100 of the Act the applicant may request the review of council's determination. Under section 176 of the Act, the applicant dissatisfied with Council's determination may appeal to the Land and Environment Court within 12 months.

2.3.6 Change of approval holder

An approval to discharge liquid trade waste to Council's sewerage system is not transferable. A new application must be lodged and a new approval must be obtained if there is a change of the approval holder. Council must be notified of change of ownership and/or occupier in all cases, whether a new approval is required or not, to allow updating of records.

2.3.7 Validity of an existing approval

A new approval is required where there is a change of:

- approval holder (either owner or occupier can be an approval holder)
- activity generating the waste
- the quantity or the nature of liquid trade waste
- approval conditions.

2.3.8 Modification and revocation of approvals

Council reserves the right to modify or revoke an approval to discharge liquid trade waste to the sewerage system under the circumstances described in s.108 of the *Local Government Act 1993*:

2.3.9 Concurrence

If Council supports an application and has a notice stating that concurrence of the Secretary, NSW Department can be assumed for the liquid trade waste relevant to the application, Council will approve the application. Otherwise, Council will seek concurrence to its approval.

For concurrence purposes, liquid trade waste discharges are divided into four classifications.

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- Concurrence Classification A – liquid trade waste for which Council has been authorised to assume concurrence to the approval subject to certain requirements
- Concurrence Classification B – liquid trade waste for which Council may apply for authorisation to assume concurrence to the approval subject to certain requirements
- Concurrence Classification S – the acceptance of septic tank, pan waste and ship-to-shore pump-out etc. Council may apply for authorisation to assume concurrence to the approval subject to certain conditions
- Concurrence Classification C – all other liquid trade waste that do not fall within Concurrence Classification A, B or S, and therefore require Council to forward the application for concurrence.

Refer to Appendix E which lists the type of discharges that Council can approve under their assumed concurrence (i.e. that Council can approve without seeking concurrence from the Department).

Existing dischargers who have nil or inadequate liquid trade waste pre-treatment equipment at their current premises are generally required to improve their discharge quality by installing or upgrading pre-treatment equipment to the current standards.

2.3.10 Liquid trade waste from existing premises/dischargers

At Council's discretion, a period of time may be granted for an **existing** discharger to install liquid trade waste pre-treatment equipment or perform other works required to achieve compliance with the conditions of a liquid trade waste approval. The period of time granted will generally not exceed 12 months and will be assessed on a case by case basis taking into account the capacity of the receiving sewage treatment plant to accept the discharger's liquid trade waste and the cost and/or difficulty of works to be undertaken. The scope of works required, results to be achieved and timetable for completion shall be laid out by the discharger and agreed to by Council.

Where installation of the prescribed liquid trade waste pre-treatment equipment is not considered by Council as feasible or reasonable in order to treat an **existing** discharge, an exception from installing such equipment may apply.

At premises where liquid trade waste pre-treatment equipment is undersized and it is not considered by Council or the Department as feasible or reasonable to upgrade the pre-treatment equipment to treat the **existing** discharge, an exception from upgrading the equipment may apply.

Existing premises undergoing refurbishment/renovation must allow for the installation of the appropriate liquid trade waste pre-treatment equipment.

Where Council considers an application for exception should be approved, the application will need to be forwarded to the Department for consideration and concurrence.

In the event the business is sold (new documentation requirements supporting an exception may apply) or if renovations/refurbishments are carried out then Council may require the appropriate prescribed pre-treatment equipment to be installed.

Where the prescribed liquid trade waste pre-treatment equipment (or alternative acceptable to Council and the Department) cannot be installed or the effluent quality is not improved to a standard satisfying Council and the Department, the non-compliance liquid trade waste usage charge will be applied.

Details to be provided with the application for an exception from installing prescribed liquid trade waste pre-treatment equipment:

- An explanation from the applicant requesting an exception and on what grounds this exception is sought;

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- A letter from a hydraulic consultant, plumber or the company that provides the pre-treatment equipment stating that the pre-treatment installation required by Council is not feasible and the reason(s) why;
- Details of the proposed frequency of cleaning, maintenance and the nominated licensed contractor undertaking these functions;
- A site plan.

Upon receiving the application, Council will carry out:

- An inspection in order to assess the feasibility of installing the prescribed pre-treatment equipment. This inspection report is to be signed off by a senior Council officer with appropriate delegated authority.
- An assessment of the sewerage system capacity to accept the proposed untreated waste load and that the modifications, alterations or undersized pre-treatment equipment will not adversely impact on the sewage treatment process, sewage transportation system, by-product management and the environment.

3 Sewerage and liquid trade waste fees and charges

Council provides sewerage and liquid trade waste services on a commercial basis to non-residential dischargers, with full cost recovery through sewerage and liquid trade waste fees and charges. Council implements best practice pricing for non-residential sewerage and liquid trade waste services to ensure that dischargers bear a fair share of the cost of providing sewerage services and to facilitate appropriate pre-treatment, waste minimisation and water conservation

The current sewerage and liquid trade waste fees and charges are provided on Council's website https://www.murrumbidgee.nsw.gov.au

Council's liquid trade waste fees and charges may include:

- general fees and charges (application fee, annual liquid trade waste fee, inspection and/or re-inspection fees and renewal fee)
- category specific charges (trade waste usage charges for Charging Category 2 discharges, excess mass charges for Charging Category 3 discharges, charges for Charging Category 2S discharges and non-compliance charges)
- other charges related to the nature of waste (eg. charges for the discharge of stormwater from large areas)

Detailed description of the liquid trade waste fees and charges and the methodology of calculating them are provided in Appendix D.

3.1 Liquid trade waste charging categories

For charging purposes there are 4 liquid trade waste charging categories:

- Category 1 – discharges requiring minimal pre-treatment or prescribed pre-treatment but low impact on the sewerage system. These dischargers will only pay an annual fee. If pre-treatment equipment is not provided or maintained, non-compliance charges will be applied.
- Category 2 – discharges with prescribed pre-treatment[4] and other activities listed under this charging category in Appendix D. These dischargers will pay a trade waste usage

[4] Excludes activities in Category 1.

charge and an annual trade waste fee. If pre-treatment equipment is not provided or not maintained, then such dischargers will be required to pay non-compliance usage charges.

- Category 2S – transporters who tanker human waste to council's STWs, owners/operators of ship-to-shore pump out facilities and owners/operators of 'dump points' directly connected to sewer
- Category 3 – large (>20 kL/d) and industrial discharges (excluding shopping centres and institutions). Such dischargers will pay excess mass charges. If the discharge fails to comply with council's acceptance limits, dischargers will be required to pay non-compliance excess mass charges and pH charges

Note that these charging categories are different to four classifications that have been established for concurrence purposes (i.e. Classification A, B, C and S). The relationship between Concurrence Classifications and Charging Categories are shown in Figure 1 in Appendix D.

3.2 Non-compliance liquid trade waste charges

In order to encourage compliance, council may apply non-compliance trade waste charges. Refer to Appendix D for further details of non-compliance charges for different charging categories.

Council will continue to apply non-compliance charges until the discharge meets the approved acceptance limits within the timeframe determined by Council for remedying the problem. If the discharger fails to rectify the problem within an agreed timeframe, the discharger may be required to cease discharging liquid trade waste into Council's sewerage system. Council may also consider issuing a penalty infringement notice to a non-compliant discharger or may prosecute the discharger

3.3 Other applicable liquid trade waste charges

Additional fees and charges may be levied by council if wastewater is discharged to council's sewerage system from the following equipment and or processes, with council's approval.

- Food waste disposal units (ie. garbage grinders/insinkerators) [5]
- Solid food waste processing unit
- Discharge of stormwater to the sewerage system from large open areas or large quantities of groundwater

Refer to Appendix D for further details.

3.4 Charges for premises with multiple liquid trade waste streams

Examples of premises with multiple waste streams include:

- shopping centres
- commercial strata units
- institutions, e.g. hospitals, tertiary educational facilities and correctional centres
- other premises with multiple waste streams,

Refer to Appendix D and *Trade Waste Management Guidelines 2021* for further details.

3.5 Summary of category specific fees and charges

The summary of fees and charges are indicated in Table 3 below:

Table 3 Summary of fees and charges

Fee/Charge	Category 1	Category 2	Category 3	Category 2S

[5] For existing installations only. New installations are not permitted.

Application fee	Yes[6]	Yes	Yes	Yes
Annual non-residential sewerage bill with appropriate sewer usage charge/kL	Yes	Yes	Yes	No
Annual liquid trade waste fee	Yes[7]	Yes	Yes	Variable[8]
Re-inspection fee (when required)	Yes	Yes	Yes	Optional[9]
Trade waste usage charge/kL	No	Yes	No	No
Human waste disposal charge/kL	No	No	No	Yes
Excess mass charges/kg	No	No	Yes	No
Non-compliance trade waste usage charge/kL	Yes[10]	Yes[10]	No	No
Non-compliance excess mass/kg and pH charges/kL (if required)	No	No	Yes	No

Note: Refer to Appendix D for other applicable charges not included in this Table.

Responsibility for payment of fees and charges

Property (land) owners are responsible for the payment of fees and charges for water supply, sewerage and liquid trade waste services. This includes property owners of marinas, caravan parks, etc.

Where another party (lessee) leases premises, any reimbursement of the lessor (property owner) for such fees and charges is a matter for the lessor and the lessee.

In relation to tankered human waste, transporters who collect and discharge waste at the STW are responsible for the payment. A waste transporter who tankers liquid trade waste to the STW may pay only the liquid trade waste fees and charges as non-residential sewerage fees are not applicable.

Note that a liquid trade waste discharger (except for tankered waste) pays both the non-residential sewerage charges and liquid trade waste fees and charges.

4 The NSW framework for regulation of sewerage and trade waste and alignment of with the national framework.

The NSW framework for regulation of sewerage and trade waste and the alignment with the national framework for wastewater source management are listed in Appendix F.

5 Liquid trade waste service agreement

In addition to its approval under the Local Government Act, Council may require certain dischargers, including those who wish to discharge liquid trade waste in large volumes (discharge >20 kL/d) or industrial waste (Concurrence Classification C discharges) or some Classification S discharges into its sewerage system to execute a liquid trade waste services agreement. The agreement will set out the conditions associated with the discharge and execution of the agreement will be a condition of the approval issued by Council.

6 Not applicable for discharges listed as Deemed to be Approved
7 May not be applicable for discharges listed as 'Deemed to be Approved'.
8 Refer to Appendix D for guidance on applying annual fees to Category 2S discharges.
9 Applicable if re-inspection of facilities is required, e.g. ship-to-shore pump-out facility.
10 Non-compliance trade waste usage charge, if the discharger fails to install or properly maintain appropriate pre-treatment equipment. Refer to council's Management Plan

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6 Enforcement of approvals and agreements

If the discharge is not approved or fails to comply with the approval conditions, the discharger is subject to prosecution and imposition of fines under the *Local Government Act 1993* (under s. 626 and s. 627).

Above offences are also prescribed as penalty notice offences under the Act and Council may issue a penalty infringement notice (i.e. on the spot fine) to such discharger (Refer to Schedule 12 of the Local Government (General) Regulation 2021).

In addition to fines, council may recover costs of damages and fines incurred by council as a result of an unauthorised liquid waste discharge. Temporally suspension or ceasing the discharge may also be required.

Note that sections 628 and 634 to 639 also list other offences related to water, sewerage and stormwater drainage.

Polluting of any waters by a discharger of liquid trade waste who does not have a Council approval or who fails to comply with the conditions of the approval is also an offence under section 120 (1) of the *Protection of the Environment Operations Act 1997*. In addition, under section 222 of this Act, Council may issue a penalty infringement notice to such a discharger.

7 Prevention of waste of water

Water must be used efficiently and must be recycled where practicable. It is an offence under section 637 of the *Local Government Act 1993* and its Regulation (refer to Appendix G) to waste or misuse water.

Dilution of liquid trade waste with water from any non-process source including Council's water supply, bore water, groundwater, stormwater as a means of reducing pollutant concentration is therefore strictly prohibited.

8 Effluent improvement plans

Where the quality of liquid trade waste discharged does not meet Council's requirements, the applicant may be required to submit an Effluent Improvement Plan setting out how Council's requirements will be met. The proposed plan must detail the methods/actions proposed to achieve the discharge limits and a timetable for implementation of the proposed actions. Such actions may include more intensive monitoring, improvements to work practices and/or pre-treatment facilities to improve the effluent quality and reliability.

9 Due diligence programs and contingency plans

A discharger may be required to submit a due diligence program and a contingency plan for some liquid trade waste discharges (generally in Concurrence classification C, Charging Category 3) where it is considered that the discharge may pose a potential threat to the sewerage system. If required, a due diligence program and contingency plan must be submitted to Council within the time specified in the liquid trade waste approval.

10. Review

This policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government Policy changes occur).

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Appendix A - Glossary

Authorised assumed concurrence—councils with significant experience in liquid trade waste regulation are encouraged to apply to the Secretary, Department of Planning, Industry and Environment seeking to obtain concurrence for council's approval for Classification B and Classification S discharges. If granted, Council will no longer need to forward such applications to the department for concurrence, provided that council complies with the conditions outlined in the notice of concurrence.

Automatic assumed concurrence—council has been granted assumed concurrence for approval for Classification A discharges, provided that council complies with conditions outlined in the notice of concurrence. Such applications may be approved by council without forwarding the application to the department for concurrence.

Biochemical Oxygen Demand (BOD_5) —the amount of oxygen utilised by micro-organisms in the process of decomposition of organic material in wastewater over a period of five days at 20°C. In practical terms, BOD is a measure of biodegradable organic content of the waste.

Biosolids—primarily organic solids produced by sewage processing. Until such solids are suitable for beneficial use, they are defined as wastewater solids or sewage sludge.

Blackwater—wastewater containing human excrement (i.e. faeces, urine).

Bunding—secondary containment provided for storage areas, particularly for materials with the propensity to cause environmental damage.

Chemical Oxygen Demand (COD) —a measure of oxygen required to oxidise organic and inorganic matter in wastewater by a strong chemical oxidant. Wastewaters containing high levels of readily oxidised compounds have a high COD.

Chemical toilet—toilets in which wastes are deposited into a holding tank containing deodorizing or other chemicals. Stored wastes must be pumped out periodically.

Commercial retail discharge: commercial discharges can be described as wastes that are discharged from businesses dealing directly with the public.

Commercial caterer—a commercial caterer is typically a stand-alone operation and prepares food for consumption off-site. These types of businesses typically cater to wedding functions, conferences, parties, etc. This definition does not apply to a food processing factory supplying pre-prepared meals to a third party.

Council—for the purpose of this document, "council" refers to a local government body (including Local Water Utility) which provides water supply and sewerage services in regional NSW

Contingency plan—a set of procedures for responding to an incident that will affect the quality of liquid trade waste discharged to the sewerage system. The plan also encompasses procedures to protect the environment from accidental and unauthorised discharges of liquid trade waste, leaks and spillages from stored products and chemicals.

Concurrence—under s. 90(1) of the *Local Government Act 1993* and cl. 28 of the Local Government (General) Regulation 2021, council must obtain the written concurrence of the Secretary of the Department of Planning Industry and Environment prior to approving the discharge of liquid trade waste to council's sewerage system. The department's Water Utilities Branch provides concurrence on behalf of the Secretary.

Due Diligence Program—a plan that identifies potential health and safety, environmental or other hazards (e.g. spills, accidents or leaks) and appropriate corrective actions aimed at minimising or preventing the hazards.

Effluent—the liquid discharged following a wastewater treatment process.

Effluent Improvement Plan (EIP)—the document required to be submitted by a discharger who fails to meet the acceptance limits set down in council's approval conditions and/or liquid trade waste agreement. The document sets out measures taken by a discharger in order to meet the acceptance limits within the agreed timeframe.

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Fast food outlet —a food retailing business featuring a very limited menu, precooked or quickly prepared food, and take-away operations. Premises of this nature include KFC, McDonalds, Red Rooster, Pizza Hut, Hungry Jack's, Burger King, etc.

Galley waste —liquid waste from a kitchen or a food preparation area of a vessel; not including solid wastes.

Greywater—wastewater from showers, baths, spas, hand basins, laundry tubs, washing machines, dishwashers or kitchen sinks.

Heavy Metals —metals of high atomic weight which in high concentrations can exert a toxic effect and may accumulate in the environment and the food chain. Examples include mercury, chromium, cadmium, arsenic, nickel, lead and zinc.

Housekeeping—a general term, which covers all waste minimisation activities connected within the premises as part of its operation.

Industrial Discharges—industrial liquid trade waste is defined as liquid waste generated by industrial or manufacturing processes. Examples are provided in Trade Waste Management Guidelines 2021.

Liquid Trade Waste—all liquid waste other than sewage of a domestic nature discharged to the sewerage system.

Mandatory Concurrence—for the liquid waste in Classification C, councils need to obtain concurrence for approval of each discharge. The Water Utilities Branch of the Department provides concurrence on behalf of the department's Secretary.

Methylene Blue Active Substances (MBAS) —anionic surfactants. Their presence and concentration are detected by measuring colour change in a standard solution of methylene blue dye.

Minimal Pre-treatment—for the purpose of this document this means sink strainers, basket arrestors for sink and floor waste, plaster arrestors and fixed or removable screens.

Mixed Business—a general store that sells a variety of goods and may also prepare some food.

Open Area—any unroofed process, storage, washing or transport area where rainwater potentially can be contaminated.

Pan—any moveable receptacle kept in a closet and used for the reception of human waste.

PFAS—group of manufactured chemicals, containing a component with multiple fluorine atoms, with many specialty applications. Examples are perfluoro octane sulfonate (PFOS) and perfluorooctanoic acid (PFOA). They are used in a range of products, such as textiles, leather, cosmetics, non-stick coatings in cookware, food packaging, and in some types of fire-fighting foam. These chemicals take a long time to break down in humans and the environment and their persistence and bioaccumulation potential pose concerns for the environment and for human health.

Pit latrines/long-drop toilet/pit toilet —a type of toilet that collects faeces and urine directly into a tank or a hole in the ground

Portable Toilet—toilet in which wastes are deposited into a holding tank used on construction sites, caravans, motor homes, boats, trains and at outdoor gatherings. If chemicals are used to control odours, it is referred to as a chemical toilet.

pH—a measure of acidity or alkalinity of an aqueous solution, expressed as the logarithm of the reciprocal of the hydrogen ion (H^+) activity in moles per litre at a given temperature; pH 7 is neutral, below 7 is acidic and above 7 is alkaline.

Premises—has the same meaning as defined in the Local Government Act Dictionary and includes any of the following:

- a building of any description or any part of it and the appurtenances to it
- land, whether built on or not
- a shed or other structure
- a tent
- a swimming pool
- a ship or vessel of any description (including a houseboat)

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- a van.

Prescribed Pre-treatment Equipment—standard non-complex equipment used for pre-treatment of liquid trade waste, e.g. a grease arrestor, an oil arrestor/separator, solids arrestor, cooling pit.

Regional NSW—the areas of the state that are not serviced by the Sydney Water Corporation or the Hunter Water Corporation.

Regulation—Local Government (General) Regulation 2021 under the *Local Government Act 1993*.

Secretary—the head of the Department**.**

Septage—material pumped out from a septic tank during desludging; contains partly decomposed scum, sludge and liquid.

Septic Tank—wastewater treatment device that provides a preliminary form of treatment for wastewater. It provides sedimentation of settleable solids, flotation of oils and fats, and anaerobic digestion of sludge.

Septic Tank Effluent—the liquid discharged from a septic tank after treatment.

Sewage Management Facility—a human waste storage facility or a waste treatment device intended to process sewage and includes a drain connected to such a facility or device.

Sewage of a Domestic Nature—human faecal matter and urine and wastewater associated with ordinary kitchen, laundry and ablution activities of a household, but does not include waste in or from a sewage management facility.

Sewerage System—the network of sewage collection, transportation, treatment and by-products (effluent and biosolids) management facilities.

Sewage treatment works—this is the facility designed to treat sewage. The level of treatment will vary based on the expected quality of the effluent.

Ship-to-Shore Pump-out—liquid waste from a vessel that may be considered for disposal to the sewerage system. This includes on-board toilet wastes, galley wastes and dry dock cleaning waste from maintenance activities.

Sludge—the solids that are removed from wastewater by treatment.

Stormwater Run-off—run-off resulting from rainfall.

Surfactants—the key active ingredient of detergents, soaps, emulsifiers, wetting agents and penetrants. Anionic surfactants react with a chemical called methylene blue to form a blue-chloroform-soluble complex. The intensity of colour is proportional to concentration.

Suspended Solids (SS) —the insoluble solid matter suspended in wastewater that can be separated by laboratory filtration and is retained on a filter.

Total Dissolved Solids (TDS) —total amount of dissolved material in the water.

Total Recoverable Hydrocarbons (TRH)—Both biological and petroleum hydrocarbons which have been extracted (recovered) from a sample. TRH are equivalent to the previously reported Total Petroleum Hydrocarbons (TPH). TRH is reported in fractions with Carbon chain (C_6 – C_{40}). TRH with carbon chain C_6 – C_{10} are flammable.

Waste Minimisation—procedures and processes implemented by industry and business to modify, change, alter or substitute work practices and products that will result in a reduction in the volume and/or strength of waste discharged to sewer

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Appendix B – Deemed to be Approved Activities

The list of discharges exempts from obtaining of Council's approval (ie considered as Deemed to be approved) is shown in Table B1. Each such discharger must meet standard requirements specified in this Table.

Table B 1 Discharges deemed to be approved

Activity generating waste	Requirements
Beautician	Solvents not to be discharged to sewer
Bed and Breakfast (not more than 10 persons including proprietor)	Sink strainers in food preparation areas Housekeeping practices (see Note 4)
Cooling tower <500L/h	No chromium-based products to be discharged to the sewer
Crafts ceramic, pottery, etc. (including hobby clubs) • flows <200 L/d	Nil
• flows 200-1,000 L/d	Plaster arrestor required
Delicatessen (no hot food prepared)	Sink strainers in food preparation areas Housekeeping practices (see Note 4)
Dental technician	Plaster arrestor required
Dental mobile (no amalgam waste)	Nil
Dog/cat grooming/animal wash only	Dry basket arrestor for floor waste outlets and sink strainer required (see Note 3) Animal litter and any disposable waste products must not be discharged to sewer Organophosphorus pesticides are prohibited to be discharged to sewer
Florist	Dry basket arrestor for floor waste outlet and sink strainer required Herbicides/pesticides are not permitted to be discharged to sewer
Fruit and vegetable – retail	Dry basket arrestor for floor waste outlet and sink strainer required (see Notes 3 and 5)

Hairdressing	Dry basket arrestor for floor waste outlet and sink strainer, hair trap
Jewellery shop • miniplater	Miniplater vessel to contain no more than 1.5 L of precious metal solution
• ultrasonic washing	Nil
• precious stone cutting	If: < 1000 L/d plaster arrestor required > 1000 L/d general purpose pit required
*Medical centre/doctor surgery/physiotherapy *(Only if plaster cast are made onsite)	Plaster arrestor required, if plaster of paris casts are used
Mobile cleaning units • carpet cleaning	20-micron filtration system fitted to a mobile unit
• garbage bin washing	Dry basket arrestor for floor waste outlet required. Discharge via grease arrestor (if available)
Motel (no hot food prepared and no laundry facility)	Dry basket arrestor for floor waste outlet and sink strainer required (see Note 3) Housekeeping practices (see Note 4)
Nut shop	Dry basket arrestor for floor waste outlet and sink strainer required (see Note 3)
Optical service - retail	Solids settlement tank/pit required
Pet shop – retail	Dry basket arrestor for floor waste outlet and sink strainer required (see Note 2) Animal litter and any disposable waste products must not be discharged to sewer Organophosphorus pesticides are prohibited to be discharged to sewer
Pizza reheating for home delivery	Housekeeping practices (see Note 4)
Venetian blind cleaning	Nil (see Note 2)

Notes:

1. Where “required” is used, it means as required by council.
2. If activity is conducted outdoors, the work area is to be roofed and bunded to prevent stormwater ingress into the sewerage system.
3. Dry basket arrestors must be provided for all floor waste outlets.
4. Food preparation activities need to comply with sound housekeeping practices including:
   (a) floor must be dry swept before washing
   (b) pre-wiping of all utensils, plates, bowls etc. to the scrap bin before washing up
5. Use of a food waste disposal unit (garbage grinder) and/or a food waste processing unit (food waste digester, composter etc.) is not permitted.

Appendix C - Prohibited or restricted substances and wastes from discharge to sewer

This Appendix provides additional information regarding substances and waste either prohibited or restricted from being discharged to sewer (as indicated in Table 2 of this Policy).

C1 Stormwater from open areas

The ingress of stormwater into the sewerage system can cause operational problems and result in sewer overflows, as the sewerage system does not have the capacity for such flows. Under clause 137A of the Regulation, the discharge of roof, rain, surface, seepage or groundwater to a sewerage system is prohibited unless specifically approved.

However, it may not be practical or feasible to totally prevent stormwater contamination and ingress into a sewerage system from some non-residential premises.

The discharge of limited quantities of stormwater (generally, 10 mm of rain) from sealed areas can be considered when roofing cannot be provided due to safety or other important considerations. In such instances, the applicant should take measures to minimise the contamination of stormwater and the volume of stormwater entering the sewerage system (e.g. first flush systems, flow separation, bunding, on-site detention, etc.). The discharge from unsealed areas is not permitted.

Refer to Trade Waste Management Guidelines 2021 for further information

C2 Contaminated groundwater

Similar to stormwater, discharge of groundwater or seepage water to a sewerage system is prohibited under clause 137A of the Regulation. Accordingly, groundwater extracted during construction activities (e.g. building/road construction activities, vacuum excavation, mining/exploration works, etc.) is not permitted to be discharged to Council's sewerage system directly or indirectly.

However, groundwater previously contaminated by human activities (e.g. service station remediation sites) may be considered for discharge to the sewerage system. Limited quantities of groundwater from remediation projects may be accepted under controlled conditions after appropriate pre-treatment for a limited period.

C3 Discharge of landfill leachate

The discharge of leachate from municipal waste landfills to the sewerage system may be considered under controlled conditions, if there is no other viable option of managing this waste and the discharge is within the Council's acceptance limits.

The proponent when seeking approval to discharge leachate to sewer needs to demonstrate that a sound stormwater management plan has been developed and implemented. The plan needs to address:

- segregation of potentially contaminated areas from uncontaminated areas
- prevention of surface runoff entering leachate collection ponds/dams and to Council sewerage system.
- appropriate pre-treatment to meet Council's acceptance limits

Only the excess leachate after on-site management within the premise will be considered for sewer discharge, if it meets Council's acceptance criteria. On-site pre-treatment to reduce ammonia levels (and other substances, e.g. PFAS) may also be required.

C4 Discharge from float tanks

Float tanks, often referred to as floatation pods, iso-pods (isolation tank), sensory deprivation systems, or REST tanks (restricted environmental stimulation therapy tanks) are typically small, enclosed pods containing about 1,000 litres of water. This water usually contains large quantities of Epsom salts (300 - 700 kg of magnesium sulphate), resulting in total dissolved solids concentration up to 700,000 mg/L.

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Discharge of such water to sewer is not permitted due to potential adverse impacts associated with the high salt content on the sewer infrastructure and treatment processes. It is also not appropriate to dispose of such waste to septic tanks or on-site soak wells.

If wastewater is proposed to be transported away for off-site management, the operator of such facilities must provide details of liquid waste transporters and written verification from the receival facilities acknowledging and agreeing to receive such wastewater.

C5 Discharge from Service station forecourts and other refuelling points

C5.1 New premises

The discharge of wastewater from service station forecourts and other refuelling points (e.g. at bus depot, etc.) is not permitted.

Refer to NSW EPA Practice Note, titled *Managing Run-off from Service Station Forecourts*, June 2019, for options for managing such wastewater.

C5.2 Existing premises

The discharge from existing service stations and other refuelling areas may be permitted, provided appropriate pre-treatment and discharge control requirements are adhered to. Further information is provided in Chapter 3 and Appendix F of the Liquid Trade Waste Management Guidelines 2021.

If a refuelling area is refurbished, then the discharge from this area must be disconnected from the sewerage system.

C6 Discharges from liquefaction and/or pulverisation of solid waste by physical or chemical processes

The wastewater arising from liquefaction or pulverisation of solid waste by physical (e.g. pulping, macerating) or chemical means (e.g. dissolving solid waste in highly acidic or alkaline solutions) is not permitted to be discharged to the sewerage system.

Accordingly, discharges from the following devices/processes are not permitted.

- **Macerators** or similar devices that pulverising of solid waste. Solid waste includes, but not limited to sanitary napkin, placenta, surgical waste, disposable nappy, mache bedpan/urine containers, food waste, disposable products and animal waste (dog/cat faeces, cat litter).

- **Food waste disposal units,** also known as in-sink food waste disposers or garbage grinders in commercial premises. Discharges from existing installations in hospitals and nursing homes may be permitted, provided that wastewater is discharged through an adequately sized grease arrestor (additional charges will be applied).

  If the kitchen is refurbished, the food waste disposal unit must be removed.

- **Alkaline hydrolysis waste,** process where a human or animal tissue is broken down using alkaline solutions at elevated temperatures and pH. The process may be used in animal care facilities, veterinary premises, animal research laboratories, funeral parlours etc. The generated wastewater is of a high strength and may exhibit high loadings on the sewerage system. Accordingly, the wastewater generated by this process is **not** permitted to be discharged to the sewerage system.

C6.1 Discharge from Solid Food Waste Processing Units (digesters/ composters, etc.)

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Discharge from a solid food waste processing unit (digesters/composters, etc.) to a Council's sewerage system is a Concurrence Classification C discharge (ie. Charging Category 3), hence Council needs to obtain concurrence to its approval from the department for individual applications.

The quality of wastewater from this equipment depends on the type of solid waste feed into it and the effectiveness of the on-site pre-treatment, hence frequent sampling will be required for monitoring and charging purposes. Sampling needs to be undertaken by either a council officer or an independent party acceptable to council.

Appropriate on-site pre-treatment needs to be provided prior to combining with any other liquid waste stream that discharges to the Council's sewerage system.

Each application will be assessed on a case by case basis.

C7 Use of additives in pre-treatment systems

The use of bacterial, enzyme and/or odour controlling agents in pre-treatment equipment (eg. in grease arrestors) is prohibited unless specifically approved by Council with the department's concurrence.

C8 Discharge of disposable products marketed as flushable

Any disposable solid products including those marketed as "flushable" (eg. wet wipes, cleaning wipes, cat litter, etc.) is not permitted to flush down the sewerage system.

Contrary to manufacturers' claims, flushable wet wipes do not breakdown in the sewerage system similarly to a toilet paper and may cause blockages within the premises or in the Council's sewerage system and may cause raw sewage overflow to the environment.

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Appendix D - Non–residential sewerage and liquid trade waste fees and charges

This Appendix provides information on Council's charging criteria for liquid trade waste customers. Some guidance is also provided on the applicable non-residential sewerage charges.

The best practice pricing for non-residential sewerage and liquid trade waste services are to ensure that liquid trade waste dischargers pay a fair share of the cost of sewerage services provided by Council. Appropriate pricing is essential to provide relevant pricing signals to non-residential and liquid trade waste customers to use water and sewerage system efficiently.

D1 Non-residential sewerage pricing[11]

A non-residential sewerage bills is based on a cost-reflective two-part tariff with an annual access charge and a uniform sewer usage charge per kL. The total discharged volume to the sewerage system can be either measured (by a flow meter) or estimated using the customer's total water consumption multiplied by a sewer discharge factor.

The sewerage bill for a non-residential customer is calculated as follows:

$$B = SDF \times (AC + C \times UC)$$

Where: B = Annual non-residential sewerage bill ($)
C = Customer's water annual consumption (kL)
AC = Annual non-residential sewerage access charge as shown below ($)
SDF = Sewer discharge factor
UC = Sewer usage charge ($/kL)

Access charge

The sewerage access charge is proportional to the square of the size of the water supply service connection.

$$AC = \left(AC_{20} \times \frac{D^2}{400} \right)$$

Where: AC_{20} = Annual non-residential sewerage access charge for 20 mm water service connection ($)
D = Water supply service connection size (mm)

Sewer Usage charge

The sewer usage charge ($/kL) is applied for the total volume of wastewater discharged to the sewerage system.

[11] Detailed guidance for calculation of non-residential sewerage prices are provided in the Department's Water Supply, Sewerage and Trade Waste Pricing Guidelines, 2002, Department of Land and Water Conservation

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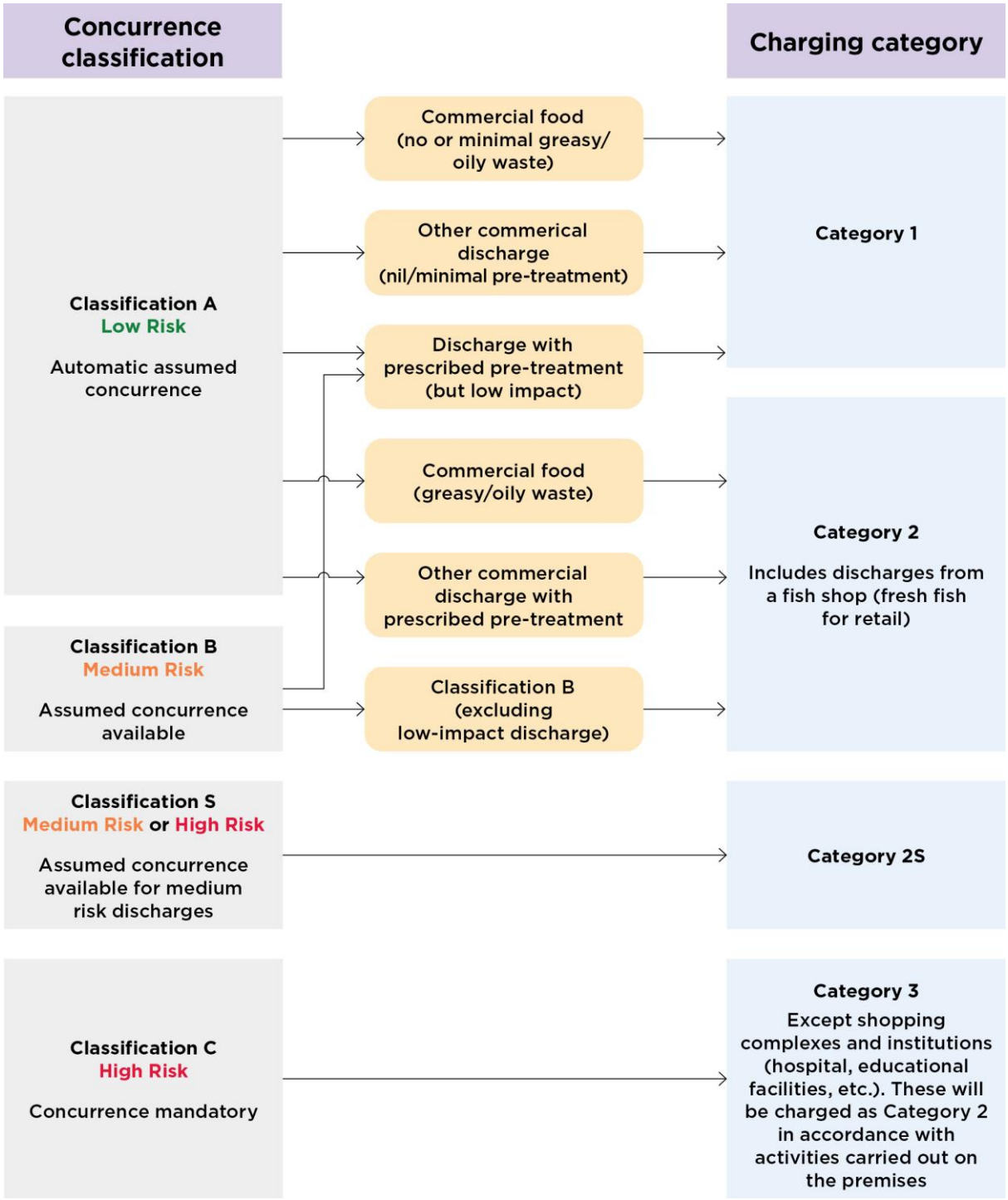
D2 Liquid Trade Waste fees and charges

This section describes varies fees and charges associated with liquid trade waste and fees and charges applicable to charging categories. Figure 1 shows the relationship between concurrance classifications and charging categories.

Figure 1 Charging categories for liquid trade waste



In summary, Classification A discharges fall into Charging Category 1 or Category 2. Classification B discharges fall into Charging Category 2, except for a few discharges with low impact on the sewerage system which fall into Category 1. Classification S discharges fall into Charging Category 2S and Classification C discharges fall into Charging Category 3.

D2.1 Description of various trade waste fees and charges

Followings sections describe various trade waste fees and charges and the methodology of calculating them.

D2.1.1 Application fee

The application fee recovers the costs of administration and technical services provided by Council in processing a liquid trade waste application. This fee varies for different charging categories to reflect the complexity of processing the application.

D2.1.2 Annual trade waste fee

The purpose of this fee is to recover the costs incurred by council for ongoing administration and scheduled inspections, in order to ensure that the discharge complies with the approval conditions.

As part of an inspection, Council may undertake monitoring which may include, but is not limited to, flow measurement and the sampling. In general, cost of one inspection is included in the annual fee, in particular for Category 1 and 2 discharges.

Annual liquid trade waste fee varies for different charging categories in order to reflect the complexity of their inspection and administration requirements. In particular, for Category 3 discharges, Council may opt to set the annual fee on a case by case basis to reflect the complexity of monitoring requirements and the extent of inspection.

Refer to section D8.4 with regard to annual fees applicable to premises with **multiple activities**.

Council may require a discharger to pay for monitoring (quantity and quality) based on full cost recovery.

D2.1.3 Inspection fee/re-inspection fee

Cost of one inspection is usually included in annual liquid trade waste fee for charging categories 1 and 2.

However, it may be required to conduct un-planned inspections or re-inspections of a premise (e.g. non-compliance with approved conditions, investigating an accident, etc.). Also, more frequent inspections may be necessary for large and industrial discharges.

Where **more than one inspection** is undertaken in a financial year and/or the cost of inspections is not included in the annual fee, the cost may be recovered from the discharger as the re-inspection fee.

Council may recover the cost of sample analysis from the discharger, in addition to the re-inspection fee.

D2.1.4 Renewal fee

Council may apply a renewal fee if an existing approval needs to be renewed or modified.

D2.1.5 Category specific charges

The following sections describe the charging categories and relevant fees and charges. If a discharge is not listed, council will determine (with the consultation of the department) the relevant charging category, based on the quality and the quantity of discharge.

D3 Category 1 discharger

This charging category includes:

- Classification A discharges (both commercial retail non-oily/greasy food preparation and other commercial discharges, listed below)
- Classifications B discharges identified as low risk.

Some of the above discharges may require prescribed pre-treatment to be installed however, the treated effluent is considered to have a low impact on the sewerage system.

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Classification A discharges – commercial retail food preparation activities that do not generate or generate minimal oily/greasy waste: bakery (only bread baked on-site), bistro (sandwiches, coffee only), boarding/hostel < 10 persons, café/coffee shop/coffee lounge (no hot food), canteen/cafeteria (no hot food), community hall/civic centre (minimal food), day care centre (minimal hot food), delicatessen (minimal or no hot food), fruit and vegetable shop, hotel/motel (minimal hot food), ice cream parlour (take away only), juice bar, mobile food van (no hot food), mixed business (minimal hot food), nightclub (no hot food), nut shop, pie shop (re-heating only), pizza no cooking/reheating (pizza heated and sold for consumption off-site), potato peeling (small operation), sandwich shop/salad bar/snack bar (no hot food), take away food outlet (no hot food), school canteen with minimal hot food.

Classification A discharges from other commercial activities: animal wash, beautician/tanning booths/hairdressing, crafts ≤ 1,000 L/d, dental surgery/dental technician (plaster casts), dry cleaning, florist, funeral parlour, jewellery shop, medical centre/physiotherapy (plaster casts), mobile cleaning units, morgue, optical service, pet shop, plants retail (no nursery), non-residential swimming pool/hydrotherapy, veterinary.

Classification A or B discharges with prescribed pre-treatment and low impact on the sewerage system: boiler blowdown, cooling tower, industrial boilers, laboratory (analytical/pathology/tertiary institution), laundry/laundromat, primary and secondary school[12], vehicle washing/detailing (excluding truck washing).

D3.1 Category 1 discharger - Liquid trade waste charges

D3.1.1 "Deemed to be approved" discharges

For a discharger in "Deemed to be approved discharges" (refer to Appendix B), the annual liquid trade waste fee for a category 1 discharger will be applicable.

D3.1.2 Category 1 discharger, other than "deemed to be approved"

Category 1 discharger who installs recommended appropriate pre-treatment equipment and maintains them regularly will be required to pay **only** the annual fee nominated for Category 1.

Liquid trade waste bill for Category 1 discharger (TW_1)

$$TW_1 = A_1$$

A_1 = Annual liquid trade waste fee ($) for Category 1

D4 Category 2 discharger

Category 2 liquid trade waste dischargers are those discharging waste generated by an activity listed below:

Classification A discharges – commercial retail food preparation/serving activities that generate oily/greasy waste: bakery (pies, sausage rolls, quiches, cakes, pastries with creams or custards), bistro, boarding house/hostel kitchen (exceeding 10 persons), butcher, café/coffee shop/coffee lounge (with hot food), cafeteria/ canteen (with hot food), chicken/poultry shop –fresh/roast, retail BBQ/charcoal chicken, day care centre with hot food, club, civic centre/community hall[13], commercial kitchen/caterer, delicatessen with hot food, fast food outlet, fish shop (retail and cooking on-site), function centre, hotel, ice cream parlour, mixed business (hot food), mobile food van (base), motel, nightclub, nursing home, patisserie, pizza cooking, restaurant, sandwich shop/salad bar/snack bar (with hot food), supermarket, take away food outlet with hot food, school canteen with hot food.

Classification A discharges – other commercial discharges: car detailing, craft activities > 1000 L/d, lawnmower repairs, mechanical workshop, stone working, surfboard manufacture (wet process only).

[12] If significant hot food preparation is carried out, Category 2 charges may be levied by council.

[13] If the type and size of kitchen fixtures installed enable catering for large functions.

Classification B discharges: auto dismantler, bus/coach depot, bakery (wholesale), butcher (wholesale) construction equipment maintenance and cleaning, boutique or artisan foods, engine reconditioning, equipment hire, maintenance and cleaning, fish co-op, graphic arts, hospital, micro-brewery, oyster processing – shucking, panel beating, radiator repairer, screen printing, service station forecourt, shopping complex, truck washing (platforms/flat beds) and truck washing (external).

D4.1 Category 2 discharger - Liquid trade waste charges

Category 2 discharger who installs appropriate pre-treatment equipment and maintains them will pay annual fee nominated for Category 2 plus the trade waste usage charge.

Liquid trade waste bill for Category 2 discharger (TW_2),

$$TW_2 = A_2 + Q_{TW}\ x\ C_2$$

A_2 = Annual liquid trade waste fee ($) for Category 2

Q_{TW} = Total liquid trade waste discharge volume (kL)

C_2 = Trade waste usage charge ($/kL)

The liquid trade waste discharge volume is generally estimated by applying a Trade Waste Discharge Factor (TWDF) to the total water consumption unless a discharge meter is installed.

D5 Category 2S discharger

Category 2S dischargers include:

- **transporters who tanker human waste** to council's STWs - septic tank waste (effluent and septage), ablution block waste (blackwater and greywater), portable toilet waste, sludge from on-site aerated wastewater treatment systems (AWTS) for **single households,** waste from pit toilets**,** night soil.
- **ship-to-shore pump out facility owners/operators** - toilet waste and/or grey water
- **owners/operators of 'dump points'** directly connected to the sewer for disposal toilet waste and/or grey water from a bus or a recreation vehicle (RV), e.g. caravan, motor home.

D5.1 Category 2S discharger - Liquid trade waste charges

D5.1.1 Transported human waste

The transporters of human waste will be required to pay waste disposal charge ($/kL).

Liquid trade waste bill for Category 2S waste transporter (TW_{TW}),

$$TW_{TW} = A_{TW} + Q_{TW}\ x\ C_{TW}$$

A_{TW} = Annual fee ($) for transported waste

Q_{TW} = Transported human waste volume (kL)

C_{TW} = Charging rate ($/kL) for the transported waste (may vary based on the type of waste transported)

***Note**: Charging rate C_{TW} can be varied for different type of waste, i.e. septic waste, ablution block waste, sludge from AWTS, pit toilets etc. Refer to Council's annual Management Plan.*

D5.1.2 Ship-to-shore waste pump-out facility

The owner/operator of a ship-to-shore waste receival facility will be required to pay an annual fee and waste disposal charge based on the discharge volume ($/kL), if practical to estimate the discharge volume. If the discharge volume cannot be established, council may negotiate the waste disposal charge based on the expected discharge volume.

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Liquid trade waste bill for ship-to-shore pump out facility owner (TW_{STS}),

$$TW_{STS} = A_{STS} + Q_{TW} \; x \; C_{STS}$$

A_{STS} = Annual fee ($)

Q_{TW} = Discharge volume (kL) (measured or negotiated)

C_{STS} = Charging rate ($/kL)

Note: *The above charges are applicable to owners/operators of ship-to-shore pump out facility discharging such waste directly to council's sewerage system and* ***not*** *to individual or commercial boat owners using the facility. This policy does not provide information on how to charge individual boat owners using a facility to dispose of their wastewater.*

D5.1.3 Waste dump points

Dump points are often located in public places (roadside), hence the monitoring of discharge volumes is not practical. Accordingly, only an annual fee is applied for stand-alone dump points.

Liquid trade waste bill for dump point operator (TW_{DP}) (if applicable),

$$TW_{DP} = A_{DP}$$

A_{DP} = Annual fee for dump point ($)

D6 Category 3 discharger

Category 3 liquid trade waste dischargers are those conducting an activity which is of an industrial nature and/or which results in the discharge of large volumes of liquid trade waste to the sewerage system. Any Category 1 or 2 discharger whose volume exceeds the limits shown below becomes a Category 3 discharger (excluding shopping centres and institutions):

Classification A discharge > 20 kL/d

Classification B discharge – as shown in Chapter 5 of the Guidelines.

Classification C discharges include: abattoir, acid pickling, adhesive/latex manufacture, agricultural and veterinary drugs, anodising, bitumen and tar, bottle washing, brewery, cardboard and carton manufacture, carpet manufacture, caustic degreasing, chemicals manufacture and repackaging, contaminated site treatment, cooling towers, cosmetics/perfumes manufacture, cyanide hardening, dairy processing* (milk/cheese/yoghurt/ice cream, etc.), detergent/soaps manufacture, drum washing, egg processing, electroplating, extrusion and moulding (plastic/metal), feather washing, fellmonger, felt manufacture, fertilisers manufacture, fibreglass manufacture, filter cleaning, foundry, food processing* (cereals/cannery/condiments/confectionary/edible oils/fats/essence/flavours/fish/fruit juice/gelatine/honey/meat/pickles/smallgoods/tea and coffee/vinegar/yeast manufacture, etc.), food waste processing unit (digester/composter), fruit and vegetable processing, flour milling, galvanising, glass manufacture, glue manufacturer, ink manufacture, laboratories (excluding those in Category 1 & 2), liquid wastewater treatment facility (grease trap receival depot and other pump-out waste depot), metal finishing, metal processing (refining/rumbling/non-cyanide heat treatment/phosphating/photo engraving/printed circuit etching/sheet metal fabrication etc.), mirrors manufacture, oil recycling (petrochemical) and refinery, paint stripping, paint manufacture, paper manufacture, pet food processing, plants nursery (open areas), pharmaceuticals manufacture, plaster manufacture, powder coating, potato processing, poultry processing, printing (newspaper, lithographic), saleyards, sandblasting, seafood processing, slipway, soft drink/cordial manufacture, starch manufacture, sugar refinery, tanker washing, tannery, timber processing (joinery and furniture/plywood/hardwood), textile manufacture (wool dyeing/spinning/scouring), tip leachate, transport depot/ terminal, truck washing (internal), waxes and polishes, water treatment backwash, wholesale meat processing, winery, distillery, wine/spirit bottling.

* Excluding small boutique, craft or artisan food industries not exceeding the discharge volume shown in the *Liquid Trade Waste Management Guidelines, 2021*.

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D6.1 Category 3 discharger - Liquid trade waste charges

D6.1.1 Excess mass charges

Category 3 discharger will be required to pay the annual liquid trade waste fee plus excess mass charges.

Liquid trade waste bill for Category 3 discharger (TW_3),

$$TW_3 = A_3 + EMC$$

A_3 = Annual liquid trade waste fee ($)**

EMC = Excess mass charges ($)

Note: **Annual fee may vary for different business activities, depending on the complexity and time taken for inspection.

How excess mass charges are calculated

Excess mass charges will be applicable for substances discharged in excess of the 'Deemed Concentrations' in domestic sewage. For the purpose of excess mass charge calculation, the deemed concentrations of substances in domestic sewage are listed in Table D1.

Table D1 Deemed concentration of substances in domestic sewage

Substance	Concentration (mg/L)
Biochemical Oxygen Demand (BOD_5)	300
Suspended Solids	300
Total Oil and Grease	50
Ammonia (as Nitrogen)	35
Total Kjeldahl Nitrogen	50
Total Phosphorus	10
Total Dissolved Solids	1000
Sulphate (SO_4)	50[#]

[#] The concentration in the potable water supply to be used if it is higher than 50 mg/L.

NB. Substances not listed above are deemed not to be present in domestic sewage.

For excess mass charge calculation, equation (1) below will be applied for all parameters including for BOD_5 up to 600 mg/L (but excluding COD and pH).

$$\text{EMC } (\$) = \frac{(S - D) \times Q_{TW} \times U}{1{,}000} \qquad (1)$$

Where: S = Concentration (mg/L) of substance in sample

D = Concentration (mg/L) of substance deemed to be present in domestic sewage

Q_{TW} = Volume (kL) of liquid trade waste discharged to the sewerage system

U = Unit charging rate ($/kg) for the substance (note that this rate varies from substance to substance. Refer to council's annual Management Plan for charging rates for various substances)

D6.1.2 Excess mass charges for BOD

BOD up to 600 mg/L

Equation (1) applies for BOD_5 up to 600 mg/L. Note that there are no excess mass charges if the BOD does not exceed 300 mg/L (deemed concentration of BOD in domestic sewage).

Excess mass charges for BOD exceeding 600mg/L

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If council approves the acceptance limits for BOD_5 higher than 600mg/L, an exponential type equation will be used for calculation of the charging rate U_e ($/kg) as shown in equation (2). This provides a strong incentive for dischargers to reduce the strength of waste. Note that equation (5) will be used where the discharger has failed to meet their approved BOD limit on more than two instances in a financial year.

U_e is the excess mass charging rate U_e ($/kg) for BOD is calculated as:

$$\mathrm{Ue} = 2\mathrm{C} \times \frac{(\text{Actual BOD - 300mg/L})}{600\text{mg/L}} \times 1.05^{\frac{(\text{Actual BOD - 600mg/L})}{600\text{mg/L}}} \qquad (2)$$

Where: C = Charging rate ($/kg) for BOD_5 600mg/L

Actual BOD = Concentration of BOD_5 as measured in a sample

D6.2 Tankered Category 3 waste

In some instances, liquid waste that falls into Charging Category 3 is transported to the STW. Examples of such waste may include tankered landfill leachate or dairy waste from un-sewered areas. In such instances, council will determine the appropriate approval holder (waste generator or the transporter) and invoice accordingly**.**

D7 Non-compliance liquid trade waste charges

Non-compliance charges for Category 1 and 2 dischargers

If the discharger has not installed or maintained appropriate pre-treatment equipment, the following non-compliance trade waste usage charges will be applied for the relevant billing period:

D7.1 Category 1 discharger - non-compliance charges

The trade waste usage charge ($/kL) as per Council's Management Plan will be applied.

D7.2 Category 2 discharger – non-compliance charges

For Category 2 discharger, a non-compliance charge will be levied as outlined in the Council's Management Plan

Dischargers who have an undersized grease arrestor and improved the effluent quality by other means (e.g. increased pump-outs, installing additional pre-treatment equipment, etc.) will pay a trade waste usage charges in accordance with a Category 2 discharger.

Dischargers who cannot install a grease arrestor or those who have an arrestor with capacity significantly less than the required size and are unable to improve the effluent quality by means described above will have to pay non-compliance trade waste usage charges, as per category 2 non-compliance charge above.

D7.3 Non-compliance charges for Category 3 discharger

If a discharger in charging Category 3 fails to comply with the acceptance limits specified in council's approval conditions, following non-compliance charges will be applicable.

D7.3.1 Non-compliance pH charge

If the pH of the waste discharge by Category 3 discharger is outside the approved range, equation (3) is used for the calculation of non-compliance pH charges. This equation provides an incentive for dischargers to install and properly maintain a pH correction system, so their waste remains within the approved pH limits.

Charging rate for pH, if outside the approved range =

$$K \times |\text{actual pH} - \text{approved pH}|^{\#} \times 2^{|\textit{actual pH} - \textit{approved pH}|^{\#}} \qquad (3)$$

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Absolute value to be used.

K = pH coefficient in $

***Example 4**:*

Council has approved the pH range 7.0 to 9.0 for a large discharger. pH coefficient (K) listed in council's Management Plan is $0.45

***Case 1**: pH measured 6.0*

Charging rate for pH ($/kL) = 0.45 x $|6 – 7|^{\#}$ x $2^{|6-7|^{\#}}$ = $0.90/kL

***Case 2**: pH measured 11.0*

Charging rate for pH ($/kL) = 0.45 x $|11 – 9|^{\#}$ x $2^{|11-9|^{\#}}$ = $3.60/kL

 # Absolute value to be used.

D7.3.2 Non-compliance excess mass charges

Equation (4) shall apply for non-compliance excess mass charges for various substances, except for BOD_5 where equation (5) shall apply to calculate the charging rate.

$$\text{Non} - \text{compliance Excess Mass Charges (\$)} = \frac{(S - A) \times Q \times 2U}{1000} + \frac{(S - D) \times Q \times U}{1000} \quad (4)$$

Where:
- S = Concentration (mg/L) of a substance in sample
- A = Approved maximum concentration (mg/L) of pollutant as specified in council's approval (or liquid trade waste policy)
- Q = Volume (kL) of liquid trade waste discharged for the period of non-compliance
- U = Excess mass charging rate ($/kg) for the substance, as shown in council's annual Management Plan
- D = Concentration (mg/L) of the substance deemed to be present in domestic sewage

D7.3.3 Non-compliance excess mass charges for BOD

The non-compliance excess mass charging rate (U_n) for BOD_5 is calculated by using equation (5):

U_n is the BOD_5 non-compliance excess mass charging rate in ($/kL).

$$U_n = 2C \times \frac{(A - 300\text{mg/L})}{600\text{mg/L}} \times 1.05^{\frac{(A - 600\text{mg/L})}{600\text{mg/L}}} + 4C \times \frac{(\text{Actual BOD} - A)}{600\text{ mg/L}} \times 1.05^{\frac{(\text{Actual BOD} - A)}{600\text{mg/L}}} \quad (5)$$

D8 Other applicable liquid trade waste charges

D8.2 Solid food waste processing unit

Discharge of waste from a solid food waste processing unit (digester/composter) is classified as Concurrence Classification C and is in charging Category 3.

Excess mass charges for all parameters in excess of the deemed concentrations in domestic sewage and non-compliance charges, above the council's acceptance limits, will be applicable to the waste stream from such equipment (refer s. D6.1.for further information).

In addition, the discharger needs to bear the cost of frequent sampling as the quality of wastewater dependent on the solid waste input to the processing unit and the effectiveness of the on-site pre-treatment equipment.

D8.3 Discharge of stormwater from large open areas or large quantities of groundwater to the sewerage system

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The discharge of roof, rain, surface, seepage or ground water to the sewerage system is prohibited under clause 137A of the Local Government (General) Regulation 2021 and this policy. Consideration will be given to the acceptance of limited quantities of contaminated stormwater (first flush stormwater) based on a case-by-case assessment.

If stormwater run-off from a large areas or groundwater is approved for discharge to sewer for a Category 3 discharger (e.g. saleyards), a volume based charge similar to the non-compliance usage charging rate ($/kL) for Category 2 will be applied (e.g. 5 to 10 times of Usage charging rate listed in council's Management Plan. Excess mass charges may be also applied to such discharges

D8.4 Charges for premises with multiple liquid trade waste streams

Examples of premises with multiple waste streams include:

- shopping centres
- commercial strata units
- institutions, e.g. hospitals, tertiary educational facilities and correctional centres
- other premises with multiple waste streams, e.g. premises comprising food cooking/serving activities and "Boutique/artisan food" businesses. For example, a liquid trade waste application may include a restaurant or a hotel, a microbrewery, a chocolate making and/or a cheese making shops, all located on the same site.

D8.4.1 Shopping centre

Council will apply a trade waste usage charge based on the estimated trade waste discharge volume.

The annual liquid trade waste fee will be levied as follows:

Pre-treatment	Annual fees
Individual pre-treatment equipment	A bill to the management that covers all discharges in accordance with the relevant charging category
Shared pre-treatment equipment	Annual fee to centre management as per management plan for category 2, which covers up to four waste streams.

D8.4.2 Commercial strata title units

Councils will issue individual liquid trade waste bills to each owner of the strata title unit

D8.4.3 Hospitals, tertiary educational facilities and correctional centres

Council will generally issue a liquid trade waste bill to the management of the above premises. The annual fee will be in accordance with the relevant charging category, which is category 2 for hospitals and educational facilities. A correctional centre may fall into category 3 if industrial activities are carried out on-site.

Council will apply trade waste usage charge based on the estimated trade waste discharge volume.

If food preparation activities are carried out by an outside contractor, e.g. take away food outlets in the educational facilities. Council may issue a separate liquid trade waste bill to such individual shops, where practical. It may require an individual water meter or a check meter to be installed at the relevant service line.

D8.4.4 Other premises with multiple waste streams

There are some premises where various "boutique type" businesses are located on the same site as restaurants, café, etc. For example, a premise may include a restaurant, a microbrewery, a chocolate making shop and a cheese making business, all owned by the same owner. When a liquid trade waste

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application includes a few different activities on the same site, council will assess the application and determine the relevant charging categories and applicable fees and charges.

For situations where there are combined liquid waste streams that belong to charging category 2 (classification A and B) and 3 (classification C) and when the category 2 discharge is predominant category 3 trade waste fees and charges be applicable only to classification C discharge and the rest of the site be charged as category 2.

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Appendix E – List of discharges Council may approve

E1 Classification A

Discharges from activities that Council can process without seeking Department concurrence, subject to complying with certain requirements.

Food preparation/serving, generating liquid waste, up to 16 kL/day	Other Activities generating liquid waste, up to 5 kL/day
Bakery (retail)	Animal wash (pound, stables, racecourse, kennels, mobile animal wash)
Bed and Breakfast (<10 persons)	Beautician
Bistro	Boiler blowdown
Boarding house/hostel kitchen	Car detailing
Butcher (retail)	Cooling towers
Café/coffee shop/coffee lounge	Craft activities (pottery, ceramics, cutting and polishing of gemstones or making of jewellery)
Canteen	Dental surgery
Cafeteria	Dental technician
Chicken/poultry shop (fresh chicken/game, retail, barbeque/roast chicken)	Dry-cleaning (separator water, boiler)
Club (kitchen wastes)	Florist
Commercial kitchen/caterer	Funeral parlour/morgue
Community hall/civic centre/function centre (kitchen waste)	Hairdressing
Day care centre	Jewellery shop
Delicatessen	Laboratory (pathology/analytical)
Doughnut shops	Laundry or laundromat (coin operated)
Fast food outlets (McDonalds, KFC, Burger King, Hungry Jack, Pizza Hut, Red Rooster, etc.)	Lawnmower repairs
Fish shop (retail—fresh and/or cooked)	Mechanical repairs/workshop
Fruit and vegetable shop (retail)	Medical centre/doctor surgery/physiotherapy—plaster of paris casts, laboratory
Hotel	Mobile cleaning units
Ice-cream parlour	Nursing home (other than food-related activities)
Juice bar	Optical services
Mixed business	Per shop (retail)
Mobile food van	Photographic tray work/manual development
Motel	Plants retail (no nursery or open space)
Nightclub	School (other than kitchen waste)
Nursing home kitchen	Stone working
Nut shop	Surfboard manufacturing (wet process only)
Patisserie	Swimming pools/spas/hydrotherapy pools

Food preparation/serving, generating liquid waste, up to 16 kL/day	Other Activities generating liquid waste, up to 5 kL/day
Pie shop	Vehicle (car) washing (by hand/wand, automatic car wash/bus wash/external truck wash or underbody/engine degrease only)
Pizza shop	Venetian blind cleaning
Restaurant	Veterinary surgery
Salad bar	
Sandwich shop	
School – canteen, home science	
Snack bar	
Supermarket (with butcher/bakery/delicatessen/seafood or roasted chicken)	
Take away food shop	

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Appendix F - Framework for regulation of liquid trade waste

F1 The NSW framework for regulation of sewerage and trade waste

The NSW framework is driven by the NSW Government's *Best Practice Management of Water Supply and Sewerage Guidelines, 2007*. Sound regulation of sewerage and liquid trade waste is a key element of the 2007 guidelines, and requires each council to implement all the following integrated measures:

1. Preparation and implementation of a sound trade waste regulation policy, assessment of each trade waste application and determination of appropriate conditions of approval. The conditions must be consistent with the LWU's *Integrated Water Cycle Management Strategy* and demand management plan. In addition, execution of a liquid trade waste services agreement is required for large dischargers to assure compliance.

2. Preparation and implementation of a sound *Development Servicing Plan*, with commercial sewerage developer charges to ensure new development pays a fair share of the cost of the required infrastructure.

3. Full cost recovery with appropriate sewer usage charges and trade waste fees and charges in order to provide the necessary pricing signals to dischargers. These charges must include non-compliance trade waste usage charges and non-compliance excess mass charges in order to provide the necessary incentives for dischargers to consistently comply with their conditions of approval.

4. Monitoring, mentoring and coaching of dischargers in order to achieve cleaner production and assist them to comply with their conditions of approval.

5. Enforcement, including appropriate use of penalty notices in the NSW legislation. Orders may also be issued under the *Local Government Act 1993*.

6. Disconnection of a trade waste service in the event of persistent failure to comply with the LWU's conditions of approval.

Together, the above six measures comprise the NSW framework for regulation of sewerage and trade waste. The framework involves a preventive risk management approach, which has been developed to address the use of common pool resources by providing economic incentives for dischargers to minimise their waste and to consistently comply with their conditions of approval.

F2 Alignment with the national framework for wastewater source management

The NSW framework for regulation of sewerage and trade waste is outlined in section 3.1. The NSW framework is driven by the NSW Government's *Best-Practice Management of Water Supply of Sewerage Guidelines, 2007* and is consistent with that in the *National Framework for Wastewater Source Management*.[14]

[14] The following 12 elements of the *National Framework for Sewage Quality Management* are set out on page 18 of the *Australian Sewage Quality Management Guidelines, June 2012*, WSAA:

COMMITMENT

1. Commitment to Wastewater Source Management

In particular, under the *Best-Practice Management Guidelines* each LWU is required to achieve the following outcomes:

- Prepare and implement a 30-year Integrated Water Cycle Management Strategy, demand management plan, pay-for-use water supply pricing and community and customer involvement (Elements 1, 6, 8)
- Annual performance monitoring, including an annual triple bottom line (TBL) Performance Report and Action Plan to identify and address any areas of under-performance
  (Elements 5, 6, 9, 10, 11, 12)
- Achieve full cost recovery for water supply, sewerage and trade waste services and apply an appropriate non-residential sewer usage charge (Elements 3, 8)
- Prepare and implement a sound trade waste regulation policy and issue an appropriate approval to each trade waste discharger, including waste minimisation and cleaner production (Elements 1, 2, 3, 4, 7, 8)
- Appropriate trade waste fees and charges (including incentives to comply with LWU's approval conditions through non-compliance trade waste usage charges and non-compliance excess mass charges) (Elements 3, 8)
- Trade waste services agreement for large dischargers to assure compliance (Elements 3, 8)
- Appropriate training of LWU staff and monitoring, mentoring and coaching of trade waste dischargers (Elements 1, 4, 5, 7, 8)
- Enforcement, including appropriate use of penalty notices or orders (Elements 3, 8)
- Disconnection of a trade waste service in the event of persistent failure to comply with the LWU's conditions of approval (Element 8).

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SYSTEM ANALYSIS and MANAGEMENT

2. Assessment of the Wastewater System
3. Preventive Measures for Wastewater Input Quality Management
4. Operational Procedures and Process Control
5. Verification of Wastewater Inputs Quality
6. Management of Incidents/Complaints and Emergencies

SUPPORTING REQUIREMENTS

7. Employee Awareness and Training
8. Customer and stakeholder involvement and awareness
9. System Validation and Research and Development
10. Documentation and Reporting

REVIEW

11. Evaluation and Audit
12. Review and Continual Improvement

Appendix G – Legislative provisions

Provisions in the Local Government (General) Regulation 2021 in regard to acceptance of liquid trade waste into the sewerage system

Clause 25 Matters to accompany applications relating to discharge into sewers

An application for approval to discharge trade waste into a sewer under the control of a Council or that connects with such a sewer must be accompanied by the information required by Table 1 to the Liquid Trade Waste Management Guidelines[#].

Clause 28 Approval to discharge waste into sewers: concurrence required

A council must not grant an approval under section 68 of the Act to discharge trade waste (whether treated or not) into a sewer of the council unless the Director-General[*] of the Department of Trade and Investment, Regional Infrastructure and Services (or that Director-General's nominee) has concurred with the approval.

Note: Section 90 (2) of the Act permits any person or authority whose concurrence is required before an approval may be granted to give the council notice that the concurrence may be assumed (with such qualifications or conditions as are specified in the notice).

Clause 32 Disposal of trade waste

(1) An approval to dispose of trade waste into a sewer of the council is subject to such conditions (if any) as the council specifies in the approval.

(2) In imposing any such conditions, the council is to have regard to the matter set out in Table 5 to the Liquid Trade Waste Management Guidelines[#].

Clause 159 Prevention of waste and misuse of water

The owner, occupier or manager of premises to which water is supplied by the council must:

(a) prevent waste of water by taking prompt action to repair leaking taps, pipes or fittings located on the premises

(b) take any other action that is reasonable to prevent waste and misuse of water.

137A Substances prohibited from being discharged into public sewers

(1) For the purposes of section 638 of the Act (Discharge of prohibited matter into sewer or drain), roof, rain, surface, seepage or ground water is prescribed as prohibited matter.

(2) This clause does not apply in relation to:

(a) a discharge that is specifically approved under section 68 of the Act, or

(b) a discharge into a public drain or a gutter of a council, or

(c) a discharge in an area of operations within the meaning of the *Sydney Water Act 1994* or the *Hunter Water Act 1991* .

143 Inspection of pipes and drains and measurement of water and sewage

(1) The council may, at any reasonable time:

(a) inspect any service pipe connected to a water main, and

(b) inspect any drain connected to a sewer main, and

(c) install meters or other devices for measuring the quantity of water supplied to, or the quality and quantity of sewage discharged from, premises, and

(d) measure the quantity of water supplied to, or the quality and quantity of sewage discharged from, premises, and

(e) inspect any pre-treatment devices connected to the council's sewerage system.

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[*] In accordance with the *Government Sector Employment Act 2013*, this is the Secretary of the NSW Department of Industry.

DRAFT

(2) The occupier of the relevant premises must provide to the council such information as it requires to enable it to estimate the quantity of water actually supplied to, or the quality and quantity of sewage actually discharged from, the premises.

(3) In this clause,
"pre-treatment device" means any device used to reduce or eliminate contaminants in trade waste, or to alter the waste's nature, before it is discharged into a sewer.

SCHEDULE 12 – Penalty notice offences

Column 1	Column 2
Offence under *Local Government Act 1993*	Penalty
Section 626 (3)-carry out without prior approval of council an activity specified in item 4 of Part C (Management of waste) of the Table to section 68	$330
Section 627 (3)-having obtained the council's approval to the carrying out of an activity specified in item 4 of Part C (Management of waste) of the Table to section 68, carry out the activity otherwise than in accordance with the terms of that approval	$330

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[#] "Liquid Trade Waste Management Guidelines" means the Guidelines of that name produced by the Department of Energy, Utilities and Sustainability in March 2005, as in force from time to time. The 2005 Guidelines have now been superseded by *Liquid Trade Waste Management Guidelines, 2021*.

Murrumbidgee COUNCIL

Revised Investment Policy

	Name	Position	Signature	Date
Responsible Officer	Kaitlin Salzke	Chief Financial Officer		
Authorised By	John Scarce	General Manager		

Document Revision History	
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JULY 2022

Related Documents

Local Government Act 1993
Local Government (General) Regulation 2005
Government Information (Public Access) Regulation 2009
Trustee Act 1925 (NSW)
Relevant Office of Local Government Circulars
Ministerial Investment Order – dated 12 February 2011
Local Government Code of Accounting Practice and Financial Reporting
Australian Accounting Standards

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1. Policy Statement and Scope

1.1. Purpose and Objectives

1.1.1. The purpose of this Policy is to provide a framework for investing surplus Council funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of the investment:

- Preservation of capital is the principal objective of Council's investment portfolio. Investments are to be placed in a manner that safeguards the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters;
- Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment; and
- Investments are expected to achieve a market average rate of return in line with Council's risk tolerance.

1.2. Delegation of Authority

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

1.2.2. The General Manager has the authority to invest surplus funds, and to ensure adequate skill, support and oversight, may, in turn, delegate this function to the Responsible Accounting Officer (RAO) or senior staff, subject to regular reviews. Officers investing funds on behalf of the Council must do so in accordance with this Policy.

1.2.3. Officers delegated authority to administer and/or manage the Council's investments shall be recorded and required to acknowledge they have received a copy of this Policy and understand their obligation in this role. A sample form is included at Attachment 1.

1.2.4. Adequate controls are in place to safeguard the Council's assets, such as the separation of the duties of authorising and executing transactions through the requirement of two authorised signatories for each transaction.

1.2.5. The General Manager, or their delegated representative, have the authority to approve variations to this Policy if the investment is to Council's advantage or due to revised legislation or a change in market conditions. Any variations to the Policy will be reported to Council at the next meeting.

1.3. Prudent Person Standard

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

1.4. Ethics and Conflicts of Interest

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

1.4.2. Independent advisors utilised in accordance with clause 2.2 must also declare that they have no actual or perceived conflicts of interest.

2. Investment Guidelines

2.1. Risk Management

2.1.1. Investments obtained are to be considered in light of the following key criteria:

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

2.2. Investment Advisor and/or Advisory Services

2.2.1. The Council may use the services and/or seek advice from a suitably qualified and experienced investment advisor licenced by the Australian Securities and Investment Commission to achieve this Policy's objectives.

2.2.2. Any such advisor is required to be independent and provide written confirmation that they do not have any actual or potential conflicts of interest in relation to investment products being recommended or reviewed.

2.2.3. Under Circular 17-29 Council may also engage the NSW Treasury Corporation (TCorp) to provide investment advice.

2.3. Non-Financial Factors

2.3.1. When assessing an investment opportunity as part of the prudent person rule, there will always be factors which are not easily quantifiable that should be considered. These factors may lead to Council accepting a lower rate of return on a particular investment. The highest rate should not always be accepted. Instead, the investment which delivers the best value to Council should be selected.

2.3.2. To ensure accountability and transparency and to enable these factors to be identified subsequently, staff making such a decision should document their decision-making process.

2.3.3. Factors which may be considered when choosing investments include, but are not limited to:

- transaction costs
- ease of making transactions
- ability to swap funds
- level of service from an institution
- benefits to local government
- liquidity terms
- reduced costs to other services, or
- choosing ethical and socially responsible investments.

2.3.4. <u>Ethical and Socially Responsible Investments</u>

2.3.4.1. Ethical and socially responsible investments are a means for investors (including Council) to support their principles and consider factors other than the financial return potential of particular investments. In addition to standard risk assessment, investments can be further evaluated in terms of environmental, social and governance issues. Several independent organisations have been

established to evaluate and rate companies according to these criteria.

2.3.4.2. Subject to compliance with government legislation and the outlined investment strategic objectives, Council supports investments in ethical or socially responsible investments.

2.4. Investment in Coleambally Community Bank

2.4.1. In recognition of the significant community role, support and activities undertaken within the Local Government Area, Council will aim to hold 50% of its portfolio with the Coleambally Community Bank.

2.4.2. If, when considering a new investment, an equivalently-rated or better-rated institution is offering an interest rate 0.40% p.a. (or more) higher than Coleambally Community Bank with a comparable term to maturity, Council may invest in that institution in preference to Coleambally Community Bank, irrespective of the target set out in clause 2.4.1

2.4.3. Notwithstanding clause 2.4.2, Council will hold a minimum of 10% of its portfolio with the Coleambally Community Bank at all times.

3. Mandatory Investment Constraints

3.1. Legislative Requirements

3.1.1. All investments must comply with legislative requirements including, but not limited to:

- *Local Government Act 1993*;
- Local Government (General) Regulation 2005 – Clause 212;
- Ministerial Investment Order – dated 12 February 2011;
- Local Government Code of Accounting Practice and Financial Reporting;
- Australian Accounting Standards; and
- Office of Local Government Circulars.

3.2. Approved Instruments

3.2.1. Investments are limited to those allowed by the most current Ministerial Order that has been issued by the NSW Minister for Local Government.

3.3. Prohibited Investments

3.3.1. This Investment Policy prohibits any investment carried out for speculative purposes including, but not limited to:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Standalone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

3.4. Borrowing

3.4.1. This Policy prohibits leveraging (borrowing to invest).

3.4.2. However, nothing in this Policy shall prohibit the short-term investment of loan proceeds where the loan is raised for non-investment purposes, and there is a delay before the spending occurs.

3.5. Currency

3.5.1. Investments must be denominated in Australian Dollars.

3.6. Ownership

3.6.1. Investments must be held in the name of Murrumbidgee Council.

3.6.2. Notwithstanding the above, investments may be held in safe custody on Council's behalf where it is cost-effective to do so, as long as the following criteria are met:

a) Council must retain beneficial ownership of all investments;
b) Adequate documentation is provided verifying the existence of the investment, both at inception and on an ongoing basis;
c) The custodian conducts regular reconciliations of records with relevant registries and/or clearing systems;
d) The custodian has an AFS licence issued by ASIC that explicitly covers custodial services;
e) The institution or custodian recording and holding the assets must be one of the following:
    - Austraclear;
    - the custodian nominated by TCorp for T-Corp's Investment Management (IM) Cash Funds;
    - an institution with an investment-grade rating;
    - a specialist custodian with adequate insurance, including professional indemnity insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement.

3.7. Term to Maturity

3.7.1. The maximum duration of investments in each credit rating category shall be:

Long Term Credit Rating	Maximum Duration
AAA	5 years
AA	4 years
A	3 years
BBB	1 year

3.8. Overall Credit Quality Limits

3.8.1. The maximum total holding limit in each credit rating category shall be:

Long Term Credit Rating	Maximum Percentage
AAA	100%
AA	100%
A	60%
BBB	40%

3.8.2. Overall credit quality limits exclude Council's trading account and funds invested with Coleambally Community Bank.

3.8.3. Where the principal amount and accrued interest of any investment with a financial institution are directly guaranteed by the Australian Federal Government for full repayment, the total exposure to credit ratings lower than AA may be exceeded. The excess amount must comprise only guaranteed investments.

3.9. Individual Counterparty Limits

3.9.1. All investments must have a long-term credit rating of BBB or stronger. Investments with institutions below Class A are restricted to licenced banks, building societies and credit unions.

3.9.2. Exposure to individual counterparties/financial institutions will be determined by the counterparty's credit rating and will be limited to:

Long Term Credit Rating	Maximum Percentage
AAA	40%
AA	30%
A	14%
BBB	10%

3.9.3. Counterparty limits exclude Council's trading account and funds invested with Coleambally Community Bank.

3.9.4. Where the principal amount and accrued interest of any investment with a financial institution are directly guaranteed by the Australian Federal Government for full repayment, the exposure to individual institutions may exceed the stated limit provided that the excess amount comprises only guaranteed investments.

3.10. Changes in Credit Ratings

3.10.1. If any of Council's investments are downgraded such that they no longer fall within these Investment Policy guidelines, they will be divested as soon as practicable.

4. Reporting

4.1. Investment Register

4.1.1. Documentary evidence must be recorded and held for each investment, and details maintained in an Investment Register. The Investment Register must specify:

- the source and the amount of money invested,
- particulars of the security or form of investment in which the money was invested,
- the term of the investment
- if appropriate, the rate of interest to be paid

4.2. Reconciliations

4.2.1. Certificates must be obtained from the financial institution confirming the amounts of all investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register. All investments must be appropriately prepared in Council's financial records and reconciled at least monthly.

4.3. Performance Benchmarks

4.3.1. Investment performance for the current month and year-to-date will be measured monthly against the Bloomberg AusBond Bank Bill Index.

4.4. Monthly Reporting to Council

4.4.1. In accordance with the *Local Government (General) Regulation 2005*, the Responsible Accounting Officer (RAO) will provide Council with a monthly written report setting out details of all money that the Council has invested under section 625 of the Act, including:

- the source and amount of money invested;
- particulars of the security or form of investment in which the money was invested; and

- if appropriate, the interest rate to be paid, and the amount of money that Council has earned, in respect of funds invested.

4.4.2. The report must include a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and Council's Investment Policy.

4.4.3. In addition, the report will detail:

- the performance of the investment portfolio, including:
  - investment income earned versus budget; and
  - a comparison between the relevant performance benchmark(s) outlined in this Policy and the money-weighted rate of return on Council's portfolio;
- percentage exposure of total portfolio; and
- maturity date and term of the investment.

4.5. Annual Financial Statements

4.5.1. In accordance with Section 413 of the *Local Government Act 1993*, Council must recognise, measure and disclose investments in its annual financial statements in accordance with the publication(s) issued by the Australian Accounting Standards Board and the Local Government Code of Accounting Practice and Financial Reporting.

4.6. Breach of Policy

4.6.1. If a breach of this Investment Policy occurs, Council's Responsible Accounting Officer (RAO) should notify Council at its next ordinary meeting. Council should also consider notifying the Office of Local Government of any such breach.

5. Review of Investments

5.1. Council's Audit, Risk & Improvement Committee will, from time to time, review the investments of Council to verify:

a) that new investment types/products comply with this Policy;
b) the performance of Council's investments against the benchmarks established within this Policy;
c) that investments have been placed in accordance with this Policy.

5.2. Council's external auditor is also required to review Council's investments as part of the audit of the annual financial reports.

6. Policy Review

6.1. This Policy:

i. To be reviewed within the first year of the new Council term;

ii. May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur)

6.2. Any amendment to the Investment Policy must align with the 'Delegation of Authority' provisions of this Policy.

7. Definitions

Act	*Local Government Act 1993*
Credit rating	Credit risk investment parameters are based on credit rating bands published by the credit rating agencies Standard & Poor's (S&P), Moody's, and Fitch. In the event of disagreement between agencies as to the rating band ("split ratings") Council shall use the higher in assessing compliance with portfolio policy limits but shall apply the lower in assessing new purchases. Credit ratings apply to both products and institutions. This Policy requires the rating applicable to the institution responsible for the product to be taken as the relevant rating, as this represents the underlying risk to Council.
Responsible Accounting Officer (RAO)	A member of Council staff designated by the General Manager, or, if no such member has been designated, the General Manager. (Local Government (General) Regulation 2005 (NSW) – Clause 196)

Attachment 1: Officers with Delegated Authority

This form is to be completed by officers with Delegated Authority under this Investment Policy and retained in the Investments Register.

DECLARATION

I have read and understood the Murrumbidgee Council Investment Policy and understand and accept my obligations under the Policy.

NAME: _____

POSITION: _____

SIGNATURE: _____ DATE: _____

Murrumbidgee COUNCIL

Revised Rates, Fees & Charges Hardship Policy

	Name	Position	Signature	Date
Responsible Officer	Kaitlin Salzke	Chief Financial Officer		
Authorised By	John Scarce	General Manager		

Document Revision History	
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July 2022

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1. Purpose

To provide a formal process for assisting ratepayers who may, due to exceptional circumstances, encounter difficulties with payment of their rates, fees and/or charges.

2. Objectives

To provide assistance to ratepayers including pensioners, experiencing genuine financial hardship, with the payment of rates, fees and annual charges.

To be sympathetic and helpful to such ratepayers experiencing financial hardship.

To provide an administrative process and decision making framework to determine and assess hardship applications.

To fulfil the statutory requirements of the *Local Government Act 1993* with respect to hardship applications

3. Scope of Policy

This policy shall apply to all ratepayers, businesses, individuals, and community groups within the Murrumbidgee Council Local Government Area.

4. Policy Implementation

4.1 Guidelines

Any ratepayer, business, individual or community group who cannot pay their rates, fees and/or annual charges for reasons of financial hardship can apply to Council for assistance at any time.

Each individual case will be considered on its merits.

Council will treat all people fairly and consistently under this policy.

Council will consider all matters relating to this policy with complete confidentiality.

Council will treat people with respect and compassion in considering their circumstances.

4.2 Hardship Criteria

Each case will be considered on merit, provided that an actual hardship exists and is genuine.

4.3 Application for Hardship

Consideration for hardship will only be given to cases on the following grounds:

Death/Terminal Illness: consideration will be given to waiving of interest on rates and annual charges for a specific term.

Temporary illness or serious accident: consideration will be given to waiving interest on rates and annual charges for a specific term.

Unemployment: consideration in structuring a hardship repayment plan that recognises financial constraints exist.

Financial Hardship: with extenuating circumstances beyond the control of the ratepayer - consideration in structuring a hardship repayment plan that recognises financial constraints exist and consideration of interest waiver on rates and annual charges for a specific term.

Natural Disasters: (bushfire, flooding, drought) – consideration will be given to waiving interest for rates and annual charges for a specific term.

Valuation Changes: Council has discretion under S601 of the Act to defer payment of the whole or any part of an increase in the amount of rates payable by the ratepayer for such period and subject to such conditions as it sees fit

Ratepayers seeking concessions for financial hardship are to submit an application to Council outlining their particular circumstances and providing supporting documentation which may include, but is not limited to:

- Copies of recent bank/financial institution statements
- Details of income and expenditure (including monthly budget analysis)
- Letter from a recognised financial counsellor or financial planner
- A letter with details of the extent of the losses of property will be required with regards to applications under the natural disaster clause.

Applications for hardship caused through revaluation must be received within 3 months of the issue of rates notice in the first year of the general revaluation for rating purposes has taken effect.

5. Procedures

The following procedures will be followed with all financial hardship concessions:

- All hardship applicants shall be advised in writing of Council's decision within 30 days of receipt of the application.

- Any applicant dissatisfied with Council's decision may request that the application be reconsidered. Such requests must be made within 7 days of

being advised that the initial application was unsuccessful. After Council reconsiders the application and makes a determination, the ratepayer has no further right of appeal.

- Any mutually acceptable repayment schedule will have a maximum 24 month term.

- All repayment schedules are to be reviewed annually, and upon the raising of further rates and charges

- Any future rates and charges raised against the property are due and payable on the due dates.

- Interest will be charged and then written off where a repayment schedule is adhered to and the arrangement provides for accrued interest to be waived.

- Where a scheduled repayment default occurs, interest will be calculated and levied from the date of the last payment made in accordance with the repayment schedule. The ratepayer will be contacted in regard to the repayment default.

6. Amount of Hardship Concession

The amount of any financial hardship concession will be determined on the merits of each individual application, but will be limited to the waiving of interest charges that would otherwise be applicable during the period of a mutually acceptable repayment arrangement.

Council reserves the right to vary the terms and conditions within this policy.

7. Privacy

Personal information collected as a consequence of this policy will only be used for the purposes of assessing eligibility under the policy and will not be used for any other purpose or disclosed to any person unless we are required by law to do so, or authorised to do so by the person to whom the personal information relates.

8. Legislation

Local Government Act 1993
Local Government (General) Regulation 2005
Privacy and Personal Information Act 1998

9. Review

This policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government Policy changes occur).

SCHEDULE OF INVESTMENTS - 30 JUNE 2022

External investments

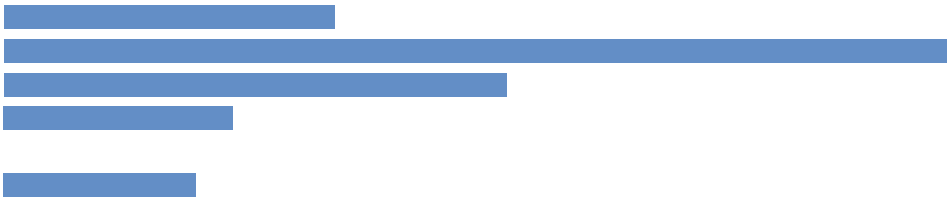
In accordance with Regulation 212 of the *Local Government (General) Regulation 2005*, details of Murrumbidgee Council's external investments are set out below.

Institution	Balance ($)	Yield (p.a.)	Maturity	Term (months)	No.
Suncorp - Metway	1,574,217	0.53%	04 Jul 22	3	34
IMB Ltd	750,000	0.35%	06 Jul 22	4	29
Bendigo	803,775	0.15%	16 Jul 22	3	35
Westpac	1,200,000	0.79%	20 Jul 22	3	30
IMB Ltd	1,014,313	0.40%	08 Aug 22	5	22
Bendigo	500,813	1.00%	08 Aug 22	3	26
Bendigo	6,010,553	0.30%	16 Aug 22	7	45
Westpac	1,200,000	0.99%	19 Aug 22	4	25
IMB Ltd	1,301,409	1.20%	23 Aug 22	3	36
IMB Ltd	1,002,144	1.20%	24 Aug 22	3	44
IMB Ltd	800,592	1.20%	25 Aug 22	3	33
IMB Ltd	500,620	1.30%	30 Aug 22	3	20
Bendigo	815,165	1.60%	02 Sep 22	3	28
St George	509,790	0.32%	03 Sep 22	7	27
IMB Ltd	800,000	1.60%	06 Sep 22	3	41
NAB	503,154	0.40%	07 Sep 22	6	23
IMB Ltd	750,662	1.75%	08 Sep 22	3	42
Westpac	1,000,000	2.11%	15 Sep 22	3	43
St George	1,002,660	1.65%	18 Sep 22	3	31
Westpac	1,200,000	1.17%	19 Sep 22	5	39
Bendigo	3,000,000	0.40%	16 Oct 22	7	38
Bendigo	1,500,000	0.45%	16 Dec 22	7	40
IMB Ltd	1,012,053	3.00%	20 Dec 22	6	24
	28,751,918				

Maturity

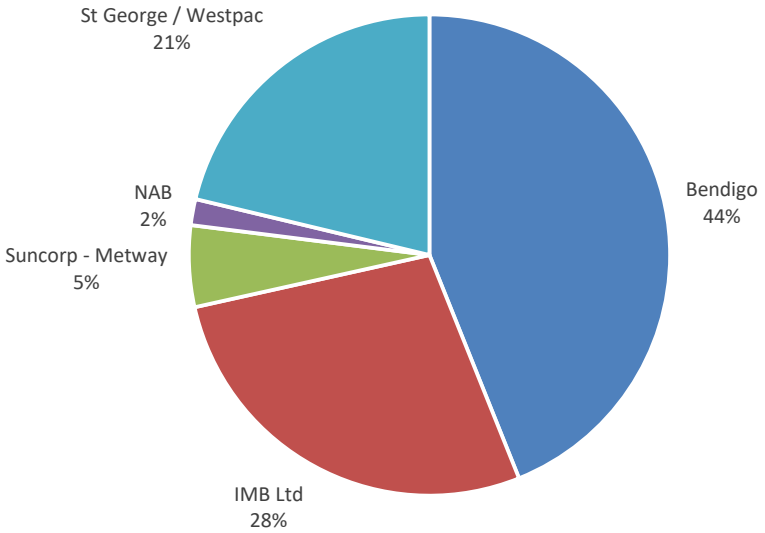
All investments comply with the maximum duration set out for each rating category in the *Investment Policy*.

Month		$ Funds Maturing
July 2022	$	4,327,991
August 2022	$	12,330,444
September 2022	$	6,581,430
October 2022	$	3,000,000
November 2022	$	-
December 2022	$	2,512,053
January 2023	$	-
February 2023	$	-
March 2023	$	-
April 2023	$	-
May 2023	$	-
June 2023	$	-
	$	28,751,918



Counterparties to Investments

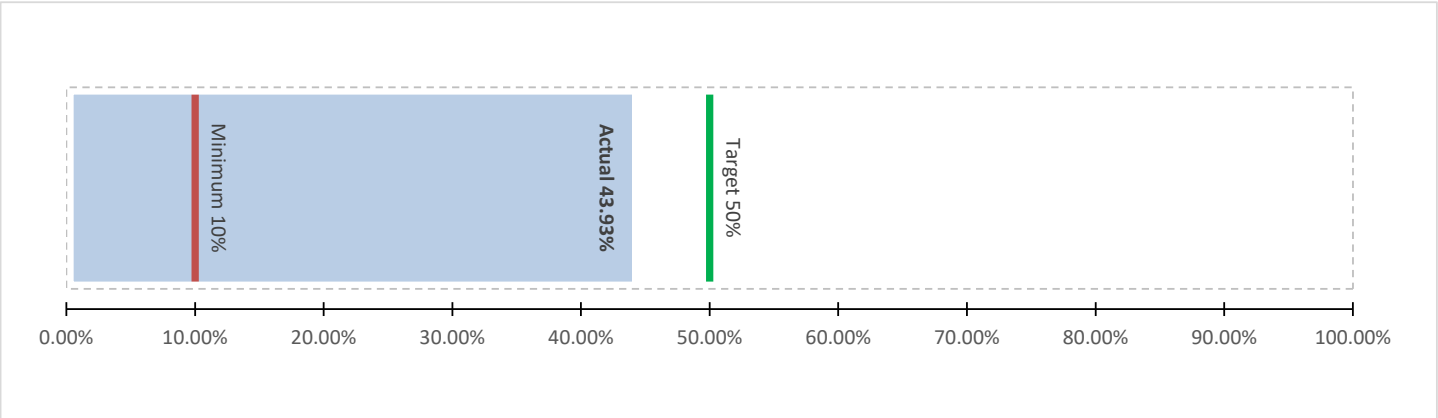
Institution	Balance	S&P / Moody's / Fitch	Highest	Limit	% Invested	Compliant
Bendigo	12,630,305	BBB+ / A3 / A-	A	N/A	43.93%	N/A
IMB Ltd	7,931,792	- / Baa1 / BBB+	BBB	10%	27.59%	
Suncorp - Metway	1,574,217	A+ / A1 / A+	A	14%	5.48%	
NAB	503,154	AA / Aa3 / A+	AA	30%	1.75%	
St George / Westpac	6,112,450	AA- / Aa3 / A+	AA	30%	21.26%	
	28,751,918				100%	



Investment with Coleambally Community Bank 43.93%

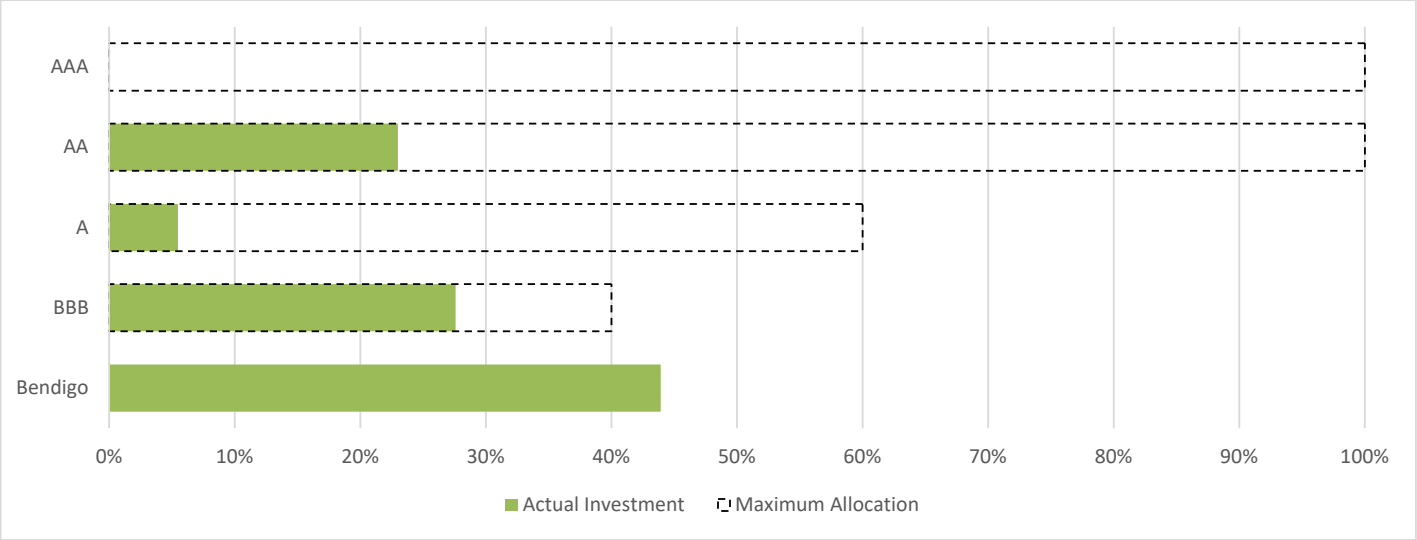
In recognition of the significant community role, support and activities undertaken within the Council area, Council aims to hold 50% of its investment portfolio with the Coleambally Community Bank.

If, when considering a new investment, an equivalently-rated or better-rated institution is offering an interest rate 0.40% p.a. (or more) higher than Coleambally Community Bank with a comparable term to maturity, Council may invest in that institution in preference to Coleambally Community Bank, irrespective of the target set out above. However, Council will hold a minimum of 10% of its portfolio with the Coleambally Community Bank at all times.



Overall Credit Quality Limits

Credit Rating	Maximum		Balance	% Invested	Compliant
AAA	100%	$	-	0.00%	●
AA	100%	$	6,615,604	23.01%	●
A	60%	$	1,574,217	5.48%	●
BBB	40%	$	7,931,792	27.59%	●
Bendigo	N/A	$	12,630,305	43.93%	N/A
Total		$	28,751,918	100%	



Monthly investment movements

Redemptions

Institution - No.	Balance ($)	Comments
NAB - 32	717,195	Redeemed on maturity and funds reinvested into a new 3-month IMB Ltd term deposit (as below).

New Investments

Institution - No.	Balance ($)	Yield (p.a.)	Term (months)	Comments
IMB Ltd - 41	800,000	1.60%	3	Funds invested in IMB prior to becoming aware of breach of Investment Policy.
Westpac - 43	1,000,000	2.11%	3	

Rollovers

Institution - No.	Balance ($)	Yield (p.a.)	Term (months)	Comments
IMB Ltd - 24	1,012,053	3.00%	6	
IMB Ltd - 42	750,662	1.75%	3	Funds invested in IMB prior to becoming aware of breach of Investment Policy.
Bendigo - 28	815,165	1.60%	3	
St George - 31	1,002,660	1.65%	3	

Investment performance

For the period from 1 June 2022 - 30 June 2022:

Total investment income, including accrued interest	$18,064
Money-weighted rate of return	0.78%
Bloomberg AusBond Bank Bill Index	0.60% p.a.

Murrumbidgee Council's rate of return exceeded the benchmark rate for the period 1 June 2022 - 30 June 2022.

Stronger Communities Fund Grant Information at 30 June 2022

Stronger Communities Fund		W/O Number	**Jerilderie Budget**	**Expend to date**	**Coleambally Budget**	**Expend to date**	**Darlington Pt Budget**	**Expend to date**	**Still to be Expended**		
Community Grants			**448,317.27**	448,317.27	**711,024.09**	705,949.69	**255,480.88**	255,480.88	5,074.40		
Community Infrastructure Fund (Major Projects)											
Jerilderie											
Tidy Towns Committee	Solar Lighting Walkway Project	555.3500	**13,167.00**	13,167.00						Complete	
Jerilderie Netball Club	Netball Courts Upgrade	555.3530	**204,535.30**	204,535.30						Complete	
Central Coree Hall	Upgrade Hall and Play Equipment	555.3470/3550	**45,363.42**	45,363.42						Complete	
Balmeringa Senior Citizens Units	Kerbing & sealing of driveway & carpark	555.5350	**41,100.15**	41,100.15						Complete	
Tidy Towns Committee	Installation of playground at Luke Park	237/555.3540	**76,516.71**	76,516.71						Complete	
Tidy Towns Committee	Installation of exercise stations around Lake	555.3480	**53,420.72**	53,420.72						Complete	
Tidy Towns Committee	Installation of additional seating in Luke Park	555.5370	**29,029.00**	29,029.00						Complete	
Tidy Towns Committee	Purchase of equipment/ride on mower	555.3560	**9,552.13**	9,552.13						Complete	
Tidy Towns Committee	Construction of footpath through Luke Park	555.3490	**20,067.53**	20,067.53						Complete	
Yamma Management Committee	Yamma Hall Toilet Block/Kitchen Redevelopment	555.4655	**156,833.64**	156,833.64						Complete	
Water Filtration Plant Replacement	Water Filtration Plant Replacement	884	**685,843.98**	15,074.10					670,769.88		Partial funding for IWCM sourced from this grant
Jerilderie Independent Living Inc	Independent Living Units	555.4805	**550,000.00**	550,000.00						Complete	
Jerilderie Civic Hall	Kitchen Upgrade	590	**135,963.60**	135,963.60					0.00	Complete	
Jerilderie Town Water Supply	Purchase of water entitlement	555.4815	**686,470.63**	686,470.63						Complete	
Jerilderie Swimming Pool	Swimming Pool Restoration	555.4825	**568,306.02**	568,306.02					0.00	Complete	
Jerilderie Racecourse	Showground Amenities Upgrade	670.2150	**70,332.17**	70,332.17						Complete	
Jerilderie Pre School & Long Day Care	Long Day Care Centre		**636,000.00**	342,753.09					293,246.91		Works Substantially completed in conjunction with SCCF grant
Coleambally											
Coleambally Squash Club	Resurface existing walls	555.4880			**54,057.39**	54,057.39				Complete	
Coleambally Sports Ground Upgrade	Coleambally Netball Court Upgrade	411			**282,318.57**	282,318.57				Complete	

Stronger Communities Fund Grant Information at 30 June 2022

Stronger Communities Fund		W/O Number	**Jerilderie Budget**	**Expend to date**	**Coleambally Budget**	**Expend to date**	**Darlington Pt Budget**	**Expend to date**	**Still to be Expended**		
Coleambally Sports Ground Upgrade	Coly Sports Precinct Upgrade	643/555.4855			**600,000.00**	543,223.08			56,776.92		Construction substantially complete
Brolga Place Streetscape/Masterplan Upgrade	Streetscape Upgrade	555.4865			**1,500,000.00**	55,539.00			1,444,461.00		Delay in proposed project
Coleambally Water Treatment	Treatment Works Upgrade	555.4875			**600,000.00**				600,000.00		Works subject to IWCM completion
Bencubbin Avenue	Rehabilitation	11.2160			**750,000.00**	426,210.36			323,789.64		Construction works ongoing
Coleambally Sports Ground Upgrade	Multipurpose indoor gym/sports centre	555.5785			**500,000.00**	500,000.00			0.00	Complete	
Coleambally Community Hall	Community Hall Upgrade	555.5787			**565,000.00**	11,355.00			553,645.00		Draft plans finalised
Darlington Point											
Heritage Darlington Point	Purchase & install solar panelling	555.3520					**6,544.41**	6,544.41		Complete	
Anglican Parish of Coleambally & Darlington Point	Upgrade to Op Shop Community Hub	111/555.4895					**400,000.00**	168,112.20	231,887.80		Structural works undertaken. Internal kitchen fitout underway
Darlington Point Townlife Committee	Town information boards & tourism maps	555.4925					**58,000.00**	8,750.00	49,250.00		Artwork design purchased. Further signage to be determined.
Apex Boat Ramp	Boat Ramp Installation	421					**858,212.62**	858,212.62	0.00	Complete	
Lions Park Facilities & Display	Lions Park Facilities Upgrade & Display	555.5360					**547,012.21**	547,012.21	0.00	Complete	
Town Water Treatment	Update Water Treatment Facilities	555.4945					**691,787.38**		691,787.38		Partial funding for IWCM to be sourced from this grant
Waddi Community Centre	Demolition/Cultural Garden	555.4955					**80,000.00**	74,566.75	5,433.25		Works nearing completion

Stronger Communities Fund Grant Information at 30 June 2022

Stronger Communities Fund		W/O Number	**Jerilderie Budget**	**Expend to date**	**Coleambally Budget**	**Expend to date**	**Darlington Pt Budget**	**Expend to date**	**Still to be Expended**	
Darlington Point Caravan Park	Management Plan	555.4965					**350,000.00**	238,085.31	111,914.69	Purchase undertaken. Masterplan prepared. Further application for grant funds still to be determined
Darlington Point Sports Precinct	Upgrade to Facilities	555.4975					**367,750.00**	188,379.84	179,370.16	Upgrade to amenities block completed. Further works ongoing
Waddi Community Centre	Stage 1 & 2 Education Arts & Cultural Centre	555.4957					**300,000.00**	285,485.32	14,514.68	Works nearing completion
Young Street Subdivision	Young Street Subdivision	555.5775					**1,500,000.00**	100,343.19	1,399,656.81	Engineering plans and costings to be undertaken
			3,982,502.00	3,018,485.21	**4,851,375.96**	1,872,703.40	**5,159,306.62**	2,475,491.85	6,626,504.12	
Announced to date		15,408,006.82	**4,430,819.27**	3,466,802.48	**5,562,400.05**	2,578,653.09	**5,414,787.50**	2,730,972.73	6,631,578.52	
Expended to date		8,776,428.30								
Announced projects Unexpended		6,631,578.52								

Stronger Communities Funding	**14,365,000.00**
Interest Received to 30/06/22	**868,610.00**
	15,233,610.00
Less expenditure to date	**8,776,428.30**
	6,457,181.70
Balance unexpended for calc purposes	**5,588,571.70**

Available to date	**14,365,000.00**
Interest to date	**868,610.00**
	15,233,610.00
Less announced to date	15,408,006.82
Available/(Oversubscribed)	-174,396.82