



Camden Council

Business Paper

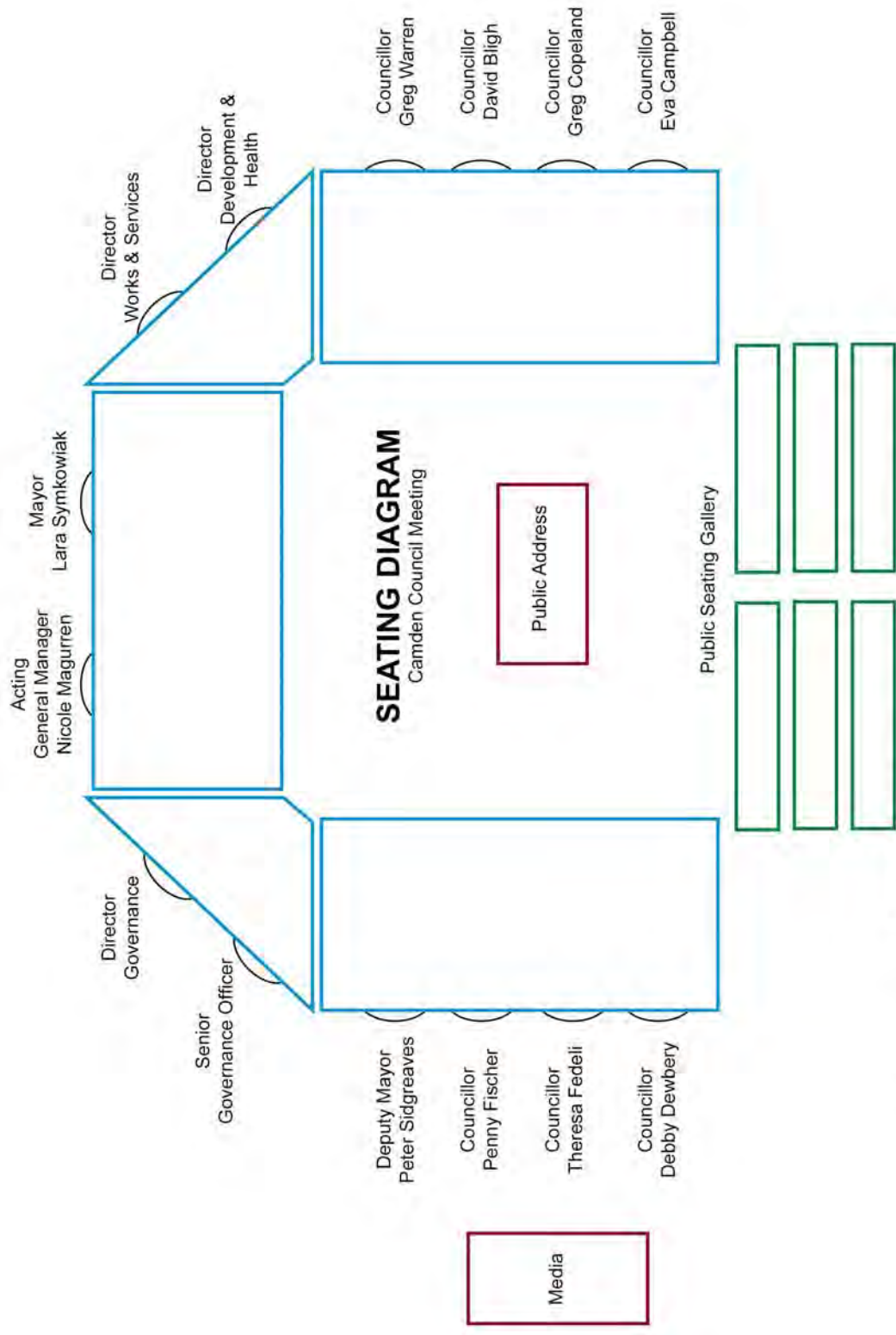
Ordinary Council Meeting
26 February 2013

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DECCW	Department of Environment, Climate Change & Water
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DPI	Department of Planning & Infrastructure
DLG	Division of Local Government, Department of Premier & Cabinet
DWE	Department of Water and Energy
DoH	Department of Housing
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GCC	Growth Centres Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



*Please do not talk during Council Meeting proceedings.
Recording of the Council Meeting is not permitted by members of the public at any time.*



ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

Almighty God, bless all who are engaged in the work of Local Government. Make us of one heart and mind, in thy service, and in the true welfare of the people we serve: We ask this through Christ our Lord.

Amen

Almighty God, give thy blessing to all our undertakings. Enlighten us to know what is right, and help us to do what is good: We ask this through Christ our Lord.

Amen

Almighty God, we pause to seek your help. Guide and direct our thinking. May your will be done in us, and through us, in the Local Government area we seek to serve: We ask this through Christ our Lord.

Amen

AFFIRMATION

We affirm our hope and dedication to the good Government of Camden and the well being of all Camden's residents, no matter their race, gender or creed.

We affirm our hope for the sound decision making by Council which can improve the quality of life in Camden.

Either – “So help me God” or “I so affirm” (at the option of councillors)

We pledge ourselves, as elected members of Camden Council, to work for the provision of the best possible services and facilities for the enjoyment and welfare of the people of Camden.

Either – “So help me God” or “I so affirm” (at the option of councillors)



ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGMENT OF COUNTRY

I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.



ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

In accordance with Camden Council's Code of Meeting Practice and as permitted under the Local Government Act this meeting is being audio recorded by Council staff for minute taking purposes.



ORDINARY COUNCIL

SUBJECT: APOLOGIES

Leave of absence tendered on behalf of Councillors from this meeting.

RECOMMENDED

That leave of absence be granted.

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5 -7.27).

Councillors should be familiar with the disclosure provisions contained in the Local Government Act 1993, Environmental Planning and Assessment Act, 1979 and the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

RECOMMENDED

That the declarations be noted.

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

The Public Address segment (incorporating Public Question Time) in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda or on any matter within the Local Government area which falls within Council jurisdiction.

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting. A limitation of one (1) speaker for and one (1) speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' and should only be considered where the total number of speakers does not exceed seven (7) at any given meeting.

Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting.

All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing.

Public Addresses are recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments.

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 12 February 2013.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 12 February 2013, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

ORD01

ORD01

SUBJECT: PROPOSED RESERVE NAME - YANDEMBO RESERVE
FROM: Acting Director, Development & Health
BINDER: Naming of Reserves

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of the proposed name "Yandembo Reserve" for an existing unnamed public reserve located in Mount Annan. A resolution is also sought to refer the proposed name to the Geographical Names Board (GNB) for public exhibition.

BACKGROUND

Council has been requested by Landcom to consider naming an existing unnamed public reserve "Yandembo Reserve." The reserve is located along Swansona Avenue to the south of Mount Annan Drive in Mount Annan and comprises of 4 separate lots known as 2A, 2B, 2C and 2D Swansona Avenue. The reserve was provided as public open space as part of the surrounding residential subdivision development and dedicated to Council in stages between 2009 and 2012. The reserve contains landscaping and access paths and is used as passive open space and recreation by the residents of the surrounding area. An existing engineered drainage flow path runs south to north through the reserve and connects into Lake Yandelora to the north.

In keeping with the rich Aboriginal history in Mount Annan, the D'harawal Traditional Knowledge Holders' Circle provided a number of traditional names:

- Yandembo - meaning serenity;
- Wingaranya - meaning imagination is free; and
- Nguranguranga - meaning spirit of this plan.

Landcom put forward these names to the local residents and requested that they vote for the one which they would like the reserve to be named. The most votes received from the residents were for the name of "Yandembo."

Landcom subsequently submitted an application and supporting letter from Frances Bodkin of the D'harawal Traditional Knowledge Holders' Circle in support of the proposed reserve name of "Yandembo Reserve" as chosen by residents. **A copy of this letter is provided in the Business Paper Supporting Documents.**

AERIAL PHOTO



MAIN REPORT

The GNB is the naming authority in this circumstance and has the role of assigning names to places and natural features. The GNB’s guidelines and procedures are aimed at ensuring community input, giving all parties a say in a naming decision and avoiding duplication of names.

The GNB has advised Council that the following process is required to be followed in respect of having a reserve name approved. If approved by the GNB, the reserve name will be formally included in the official Place Names register.

1. the land owner, developer or a resident provides to Council a proposed reserve name;
2. the proposed reserve name is checked by Council staff in accordance with the Guidelines published by the GNB;
3. if the proposed reserve name meets the guidelines it is referred to the GNB for comment;
4. a report is sent to Council, seeking endorsement of the proposed reserve name that is able to be approved by the GNB;
5. the GNB exhibits the proposed reserve name in the local media for 30 days, inviting submissions;
6. if objections are received by the GNB they will be forwarded to Council for review; and
7. If no objections are received, the GNB gazettes the name and notifies Council of the gazettal.

Steps 1 to 3 have now been completed and this report has now been prepared in accordance with step 4.

The proposed reserve name is considered by Council staff to be appropriate, taking into account the history of the D'harawal in the region.

Consequently the proposed reserved name is now able to be recommended to Council for endorsement and referral to the GNB to continue the above naming process.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

Landcom has submitted an application and supporting letter from Frances Bodkin of the D'harawal Traditional Knowledge Holders' Circle in support of the proposed reserve name of "Yandembo Reserve." This application follows a public vote by local residents for what the reserve name should be.

The proposed reserve name is in accordance with the GNB guidelines.

Consequently, it is recommended that Council endorse the proposed reserve name of "Yandembo Reserve" for this existing unnamed public reserve and refer the application to the GNB to continue the naming process.

RECOMMENDED

That Council:

- i. endorse the name "Yandembo Reserve" for the existing unnamed public reserve at 2A, 2B, 2C and 2D Swansona Avenue, Mount Annan; and**
- ii. refer the application to the Geographical Names Board in accordance with the GNB place naming process.**

ATTACHMENTS

1. Letter of support - *Supporting Document*



ORD02

ORDINARY COUNCIL

ORD02

SUBJECT: GREGORY HILLS VOLUNTARY PLANNING AGREEMENT PROPOSED VARIATION

FROM: Director Governance

BINDER: Voluntary Planning Agreement Gregory Hills

PURPOSE OF REPORT

The purpose of this report is to vary the VPA to bring it into line with the adopted Indicative Layout Plan (ILP) and the Oran Park and Turner Road Contributions Plan (OPTR CP).

BACKGROUND

At its meeting of 27 March 2012, Council resolved to adopt the Gregory Hills VPA. The VPA applies to land within the Turner Road precinct of the South West Growth Centre (SWGCG) and comprises the residential component of the Gregory Hills development. This VPA will deliver the infrastructure, services and facilities related to the Gregory Hills development in accordance with the OPTR CP. The total VPA package includes \$64.3M worth of works, land dedication and monetary contributions.

An interpretation error has been brought to Council's attention by Dart West (the developers of Gregory Hills) in regards to the way the calculations of open space and drainage areas are described within the VPA. The descriptions of a number of these open space and drainage areas (and therefore calculations) do not correspond to those within the OPTR CP.

The OPTR CP identifies the required areas for drainage and open space. In this instance the drainage and the open space areas are provided on the same site, as is often appropriate. The VPA however inadvertently considers the developments as separate items technically resulting in more land being required than what was anticipated in the OPTR CP.

Dart West are now in the process of trying to deliver lots within Stage 10 of the Gregory Hills development and are being held up by these inconsistencies. As a result of this, it is intended to undergo a variation process to the VPA. Council has legal advice which confirms the variation process does not require exhibition.

At its meeting on 29 January 2013, a report went to Council to vary Schedule 3 of the Gregory Hills VPA. Council resolved to defer this item so that a workshop could be held to further clarify what was being proposed by this report.

On 12 February 2013, a Councillor workshop was undertaken to discuss the proposed variation to the Gregory VPA and the matter has now been brought back to Council for determination.

MAIN REPORT

The Gregory Hills VPA provides substantial works and facilities over the life of the development of the precinct.

It has come to the attention of Council that there are inconsistencies between the Open Space and Basin requirements contained within the Gregory Hills VPA, when compared to the ILP and the OPTR CP. This puts the VPA, into direct conflict with the ILP and the OPTR CP in regards to what is required to be provided in relation to the Gregory Hills development. It should be noted that the ILP is part of the adopted Development Control Plan.

In particular, Dart West has requested that Council vary line items "Basin B5 within Open Space OS24" and "Basin B6 within Open Space OS23" that are contained within Schedule 3 of the Gregory Hills VPA. The location of these items are shown in a map in Schedule 1 of the VPA and **provided as Attachment 1 to this report**. It is intended that this process will be a variation rather than an amendment to the VPA, due to the urgency of this matter.

The variation to the VPA is a pressing issue for Dart West as these inconsistencies are causing delays for development assessment as a key development application is waiting on this issue to be determined.

The VPA Schedule is currently set out so that the basins and open space areas in Stage 10 are accounted for separately. This is inconsistent with the requirements of the adopted OPTR CP and the ILP. The VPA was negotiated with the intent to be consistent with the requirements of the OPTR CP, however it appears that this was not the case in relation to Stage 10 facilities. The variation sought is to ensure that the VPA (as proposed to be varied) is consistent with the OPTR CP as originally intended. The changes to the VPA will allow the one piece of land to be used for two purposes, that is, as open space and as a basin (**see Attachment 2 to this report** for a diagram depicting how the VPA and OPTR CP differ in their description of Open Space and Basins). This is consistent with typical practice for Council, including on parks and basins in earlier stages of Gregory Hills.

It should be noted that there is a distinct legal difference between a "variation" and an "amendment" to the VPA. The latter requires exhibition and significant time, where the former does not. Following legal advice, to ensure the proposed changes can be considered as a "variation", there is a need to ensure the total Contribution Value provided in the VPA does not change. Accordingly, in Schedule 3 of the VPA (**see Attachment 3 to this report**.) Council has requested that Dart West provide Council with a monetary contribution to the value of \$690,521.07 to ensure the total value remains the same. It is likely this amount will be provided by way of bank guarantee. This measure and obligation is expected to be temporary until and unless an amendment to the VPA is carried out at which time it is intended that this amount would be deducted from the monetary contribution owing to Council and bank guarantee returned. Council will be provided with a report on the future review of the VPA as set out later in this report.

Below is an extract of Schedule 3 of the VPA:

B5 – Items Number 38 and 110	Area
Adopted VPA	2,000m ² basin
Proposed Variation	2,100m ² basin
OS24 – Item Numbers 37 and 109	
Adopted VPA	5,210m ² embellished passive open space
Proposed Variation	3,120m ² embellished passive open space
B6 – Item Numbers 39 and 111	
Adopted VPA	3,000m ² basin
Proposed Variation	2,248m ² basin
OS23 – Item Numbers 35 and 107	
Adopted VPA	2,730m ² embellished passive open space
Proposed Variation	1,152m ² embellished passive open space
Monetary Contributions – B5, OS24, B6, OS23	Amount
Stage 10 residue monetary contributions	\$690,521.07

Note: All Proposed variations are consistent with the adopted OPTR CP & ILP.

The variation also includes changes to Schedule 3 of the VPA to the wording of the timing of delivery for works for the Stage 10 basins and open space. The wording now includes ‘or at such later date agreed to by Council’. This addition does not change the intent of the VPA but provides further flexibility in the delivery of facilities.

Review of the VPA

This misinterpretation of the OPTR CP and the ILP has similarly been replicated in other future stages. This will be rectified in a further amendment to be reported to Council at a later stage. In addition, it is appropriate that the OPTR CP and VPA be amended on a regular basis. It should be noted that the OPTR CP and the Gregory Hills VPA are currently under review. This will be a more extensive process and may need to be an amendment to the VPA rather than a variation process and as such will require exhibition. A further report to Council will be provided once this process is undertaken.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council at this stage.

CONCLUSION

The variations, outlined above, to the Gregory Hills VPA include changes to areas of basins and open space to be in line with the underpinning documents, that is, the OPTR CP and ILP. Council has requested that Dart West provide Council with a monetary contribution to the value of \$690,521.07 to ensure the total value remains the same. This measure and obligation is expected to be temporary until and unless an amendment to the VPA is carried out at which time it is intended that this amount would be deducted from the monetary contribution owing to Council and bank guarantee returned. Council will be provided with a report in the near future on the review of the VPA.

RECOMMENDED

That Council:

- i. adopt the variations to Schedule 3 of the Gregory Hills VPA as shown in Attachment 3; and**
- ii. write to Dart West advising of its determination.**

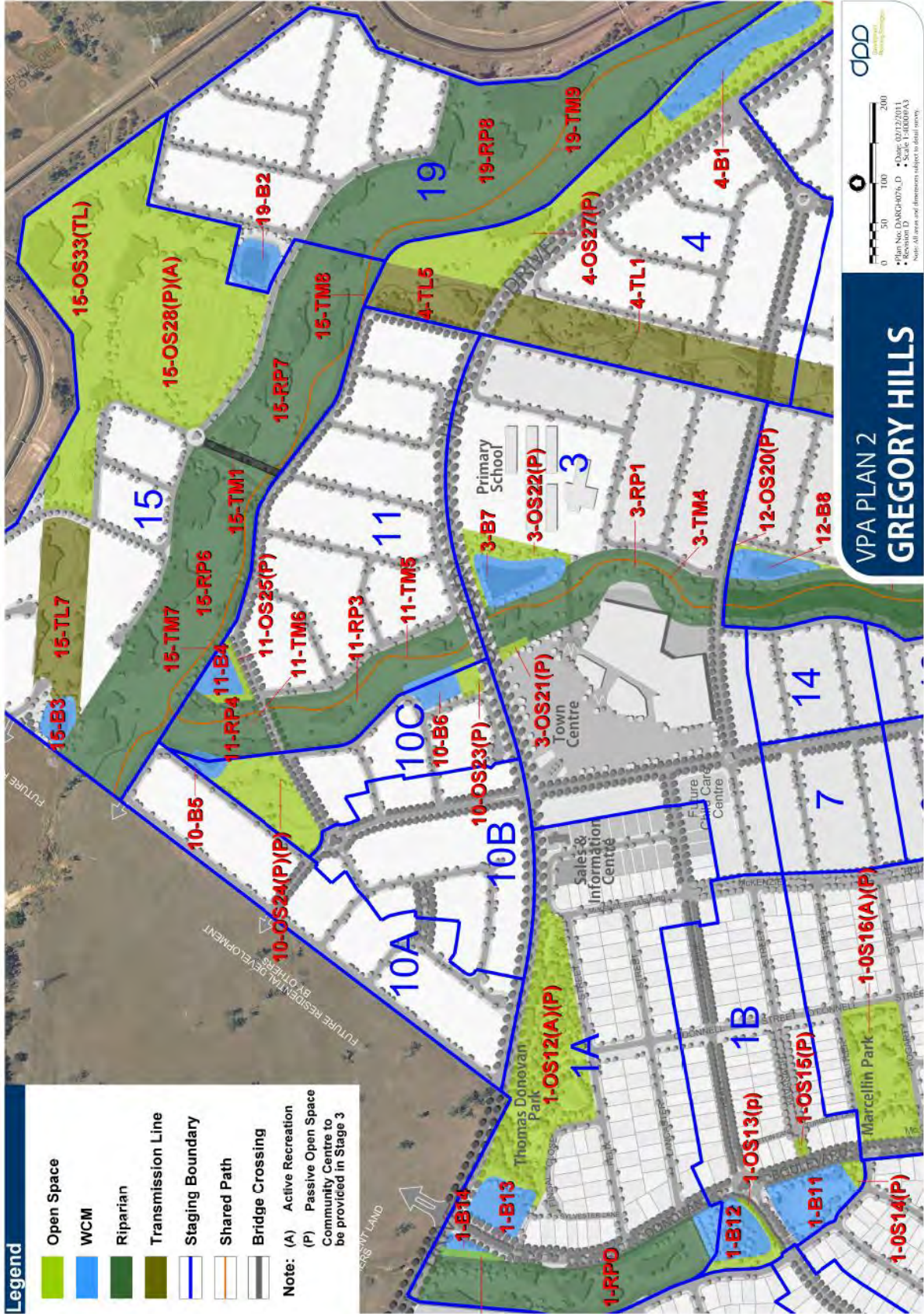
ATTACHMENTS

1. Indicative Staging Map
2. open space & basin diagram
3. VPA Schedule 3

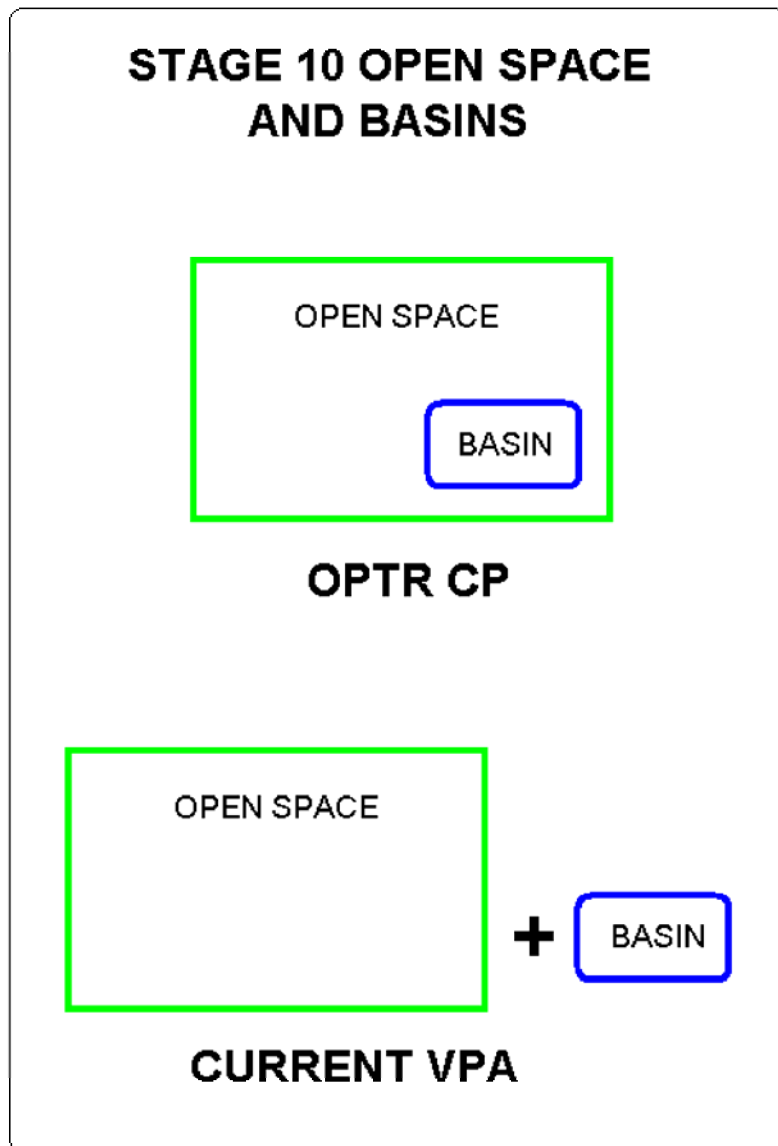
ORD02

ORD02

Attachment 1



Schedule 3 Indicative Staging Map



ORD02

Attachment 3

Dart West Gregory Hills Planning Agreement
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers

Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value
34	8	TL4	Open space corridor and transmission line easement	5,000m ² of embellished transmission line easement land including cycle/pedestrian/access path.	Relevant Stage. Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$35,872.59
35	10	OS23 (OSR4.3)	Passive open space and recreation	2,730 1,152m ² of embellished passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage <u>or at such later date agreed to by Council.</u>	\$62,133,762 6,219.08
36	10	OS 24 (OSR4.1)	Passive open space and recreation	One community park/green space of 5,000m ² .	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage <u>or at such later date agreed to by Council.</u>	\$1,297,273.03

Dart West Gregory Hills Planning Agreement
 Camden Council
 Dart West Developments Pty Limited
 Trustees of the Marist Brothers

Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value
37	10	OS 24 (OSR4.2)	Passive open space and recreation	5,2103,120 m ² of passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage <u>or at such later date agreed to by Council.</u>	\$426,870.91 <u>255,630.95</u>
38	10	B5	Water management	2,0002,100 m ² of water cycle management infrastructure.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage <u>or at such later date agreed to by Council.</u>	\$223,823,392 <u>35,014.56</u>
39	10	B6	Water management	3,0002,248 m ² of water cycle management infrastructure.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage <u>or at such later date agreed to by Council.</u>	\$335,735,092 <u>51,577.49</u>

ORD02

Attachment 3

Dart West Gregory Hills Planning Agreement
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers

Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value
	9	-	transmission line easement	easement land including cycle/pedestrian/access path.	Period for Item 34.	
107	10	OS23 (OSR4.3)	Passive open space and recreation	Dedication of <u>2,7301.152m²</u> of embellished passive open space.	On completion, within the meaning of this Agreement, of Item 35, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$259,350.00 <u>109,440.00</u>
108	10	OS 24 (OSR4.1)	Passive open space and recreation	Dedication of one community park/green space of 5,000m ² .	On completion, within the meaning of this Agreement, of Item 36, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$475,000.00
109	10	OS 24 (OSR4.2)	Passive open space and recreation	Dedication of <u>5,2103.120m²</u> of passive open space.	On completion, within the meaning of this Agreement, of Item 36, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$494,950.00 <u>296,400.00</u>

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Dart West Gregory Hills Planning Agreement
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers

Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value
110	10	B5	recreation	Dedication of 2,000 2,100m ² of water cycle management infrastructure.	Agreement, of Item 37, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$199,000.00 199,500.00
111	10	B6	Water management	Dedication of 3,000 2,48m ² of water cycle management infrastructure.	On completion, within the meaning of this Agreement, of Item 39, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$285,000.00 13,560.00

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ORD02

Attachment 3

Dart West Gregory Hills Planning Agreement
 Camden Council
 Dart West Developments Pty Limited
 Trustees of the Marist Brothers

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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value
<u>137</u>	<u>10</u>	<u>B5, B6, OS24 and OS23</u>	<u>Various</u>	<u>Stage 10 residue monetary contributions</u>	<u>Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage or at such later date agreed to by Council.</u>	<u>\$690,521.07</u>

ORDINARY COUNCIL

ORD03

ORD03

SUBJECT: LEP MAP BOUNDARY ADJUSTMENT
FROM: Director Governance
BINDER: Amendment No 20 - Boundary Adjustment

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement to submit an administrative Planning Proposal to amend two Camden LEP 2010 maps to ensure they are consistent with the LGA boundary adjustment gazetted on 27 May 2011.

BACKGROUND

At the 27 April 2010 Ordinary Council Meeting, Council resolved to support the Local Government boundary adjustment between Camden and Liverpool City Councils for land located in Cut Hill Road, Cobbitty to transfer five (5) portions of land to Liverpool City Council and lodge an application to the Geographical Names Board and the Division of Local Government. This Council Report is included in the Planning Proposal which forms an **Attachment to this report**.

The proposed LEP amendment to formalise the Council resolution was originally within Housekeeping Amendment No.3 to Camden LEP 2010, however the Gateway determination conditioned the removal of this amendment from Housekeeping Amendment No.3 and requested the matter be progressed as a separate Planning Proposal. Accordingly the Planning Proposal is now submitted to Council as a separate item.

Following this resolution of Council, the Council report, Planning Proposal and associated maps will be sent to the Department of Planning and Infrastructure (DPI) so that the matter may proceed to Gateway determination.

MAIN REPORT

This Planning Proposal seeks to amend the following two Camden LEP maps to reflect the new LGA boundary which was gazetted on 27 May 2011:

- 1450_COM_HOB_001_020_20100705
- 1450_COM_LSZ_001_020_20111122

As the Planning Proposal simply seeks to amend the boundary of the map; it is recommended the Planning Proposal bypass public exhibition and proceed directly to publication once Gateway determination has been received.

In addition, Council intends to use its delegation pursuant to Section 23 of the EP&A Act 1979 as the matter is considered to be of only local significance. The delegation will be sub-delegated to the Acting General Manager.

Once the matter has received a Gateway determination, Council will then be responsible for the advancement of the Planning Proposal.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The Planning Proposal is to amend the relevant Camden LEP maps to reflect the local government boundary adjustment between Camden and Liverpool City Councils which occurred on 27 May 2011.

RECOMMENDED

That Council:

- i. forward the Planning Proposal to the DPI for Gateway determination and advise that;
 - a. the matter not be placed on public exhibition; and**
 - b. Council advises that it will be using its delegation, and sub-delegate to the Acting General Manager, pursuant to Section 23 of the Environmental Planning and Assessment Act 1979; and****
- ii. pending a favourable response from DPI, proceed directly to Parliamentary Counsel for the plan to be made.**

ATTACHMENTS

1. Planning Proposal



CAMDEN COUNCIL

PLANNING PROPOSAL

Amendment No. 20 – LEP Boundary Adjustment

February 2013

ORD03

Attachment 1

Amendment No. 20 – LEP Boundary Adjustment

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Amendment No. 20 – LEP Boundary Adjustment

BACKGROUND

At the 27 April 2010 Ordinary Council Meeting, Council resolved to support the Local Government boundary adjustment between Camden and Liverpool City Councils to transfer portions and lodged an application to the Geographical Names Board and the Division of Local Government. This Council Report is included in the planning proposal as **Attachment A**.

The proposed amendment to formalise the Council resolution was originally within Housekeeping Amendment No.3 to LEP 2010, however the Gateway determination conditioned the removal of this amendment from Housekeeping Amendment No.3 and requested the matter be progressed as a separate Planning Proposal.

Liverpool City Council have progressed the zoning of the land transferred to Liverpool City through draft Amendment No 27 to the Liverpool Local Environmental Plan 2008. Draft Amendment 27 has received a Gateway determination and Liverpool City Council will proceed with Public Exhibition shortly.

Following the resolution of Council, this Planning Proposal and associated maps will be sent to the Department of Planning and Infrastructure so that the matter may proceed to Gateway Determination.

Amendment No. 20 – LEP Boundary Adjustment

ORD03

Attachment 1

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to amend two Camden LEP 2010 maps to ensure the Camden LGA boundary is consistent with the 27 May 2011 Government Gazetteal.

PART 2 – EXPLANATION OF PROVISIONS

Council was originally approached by a resident of Orient Road, Greendale, being the owner of land within both Camden and Liverpool City Councils, with a request to consider transferring the portion of land under Camden Council governance to that of Liverpool City Council in order to avoid having land split between two Councils.

Upon investigation, there were eight (8) properties that were split between LGA's based on the Bringelly Creek boundary lines, however only five (5) landowners agreed to the boundary adjustment.

At the 27 April 2010 Ordinary Council Meeting, Council resolved to support the Local Government boundary adjustment between Camden and Liverpool City Councils to transfer portions and lodged an application to the Geographical Names Board and the Division of Local Government. This Council Report is included in the Planning Proposal as **Attachment A**.

This Planning Proposal seeks to amend two Camden LEP 2010 maps to reflect the LGA boundary as shown in Figure 4 to be consistent with the 27 May 2011 Government Gazetteal. The details of the five (5) properties to be transferred and their respective areas are shown in **Table 1** below.

Address details	Property details	Approx area removed from Camden LGA (hectares)
889D Cut Hill Road, Cobbitty	Part Lot 4 DP 776502	0.51
889C Cut Hill Road, Cobbitty	Part Lot 5 DP 776502	1.98
899 Cut Hill Road, Cobbitty	Part Lot 6 DP 1056890	6.2
850A Cut Hill Road, Cobbitty	Part Lot 7 DP 1056890	2.9
+905 Cut Hill Road, Cobbitty	Lot 2 DP 582023	8.1

Note: No properties are to be transferred to Camden Council.

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

This planning proposal is not the result of any strategic study or report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the planning proposal provides the best way of achieving the intended outcome as it seeks to address the minor amendment in a relatively prompt and efficient manner.

3. Is there a net community benefit?

Given the minor nature of the matter contained within this planning proposal, it is not considered that a Net Community Benefit Test need be undertaken.

Section B – Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with both the draft sub regional strategy and the Sydney Metropolitan Strategy.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with Camden Council's Strategic Plan Camden 2040.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with applicable State Planning Policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with the applicable Ministerial Directions. Please refer to the assessment as **Attachment C** to this Planning Proposal.

Section C – Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is no likelihood of any adverse affect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal.

Amendment No. 20 – LEP Boundary Adjustment

-
9. **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

There will not be any other likely environmental effects due to the minor nature of the proposed boundary adjustment.

10. **How has the planning proposal adequately addressed any social and economic affects?**

There are no likely environmental effects as a result of this planning proposal.

Section D – State and Commonwealth interests.

11. **Is there adequate public infrastructure for the planning proposal?**

N/A

12. **What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?**

Given the minor nature of the planning proposal, no state or commonwealth public agencies are proposed to be consulted.

Amendment No. 20 – LEP Boundary Adjustment

ORD03

PART 4 – MAPS

A plan showing the location and properties concerned is shown in **Figure 1** below.

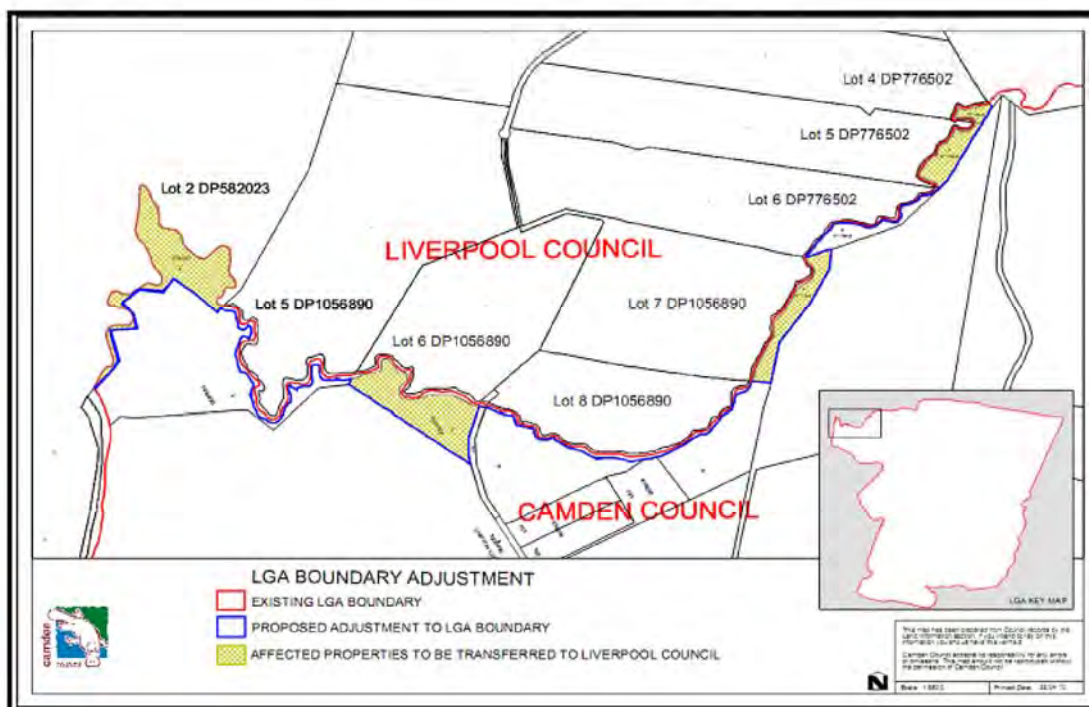


Figure 1: Map identifying LGA boundary adjustment. Source: Camden Council, 2012.

The following Camden LEP 2010 maps will need to be amended and are included in the list of map amendments in Attachment B.

- 1450_COM_HOB_001_020_20100705
- 1450_COM_LSZ_001_020_20111122

PART 5 – COMMUNITY CONSULTATION

Public exhibition is not warranted given the planning proposal simply seeks to amend the boundary line.

PART 6 – PROJECT TIMELINE

The Planning Proposal is yet to receive a Gateway determination and as such project timeframes and expected completion dates cannot be determined. The benchmark timeframe for the finalisation of the Planning Proposal is 6 months from when the Gateway determination is issued.

Attachment 1

ORD03

Amendment No. 20 – LEP Boundary Adjustment

SCHEDULE OF ATTACHMENTS

Attachment A - Council Report 27 April 2010

Attachment B - Proposed Map changes

Attachment C - Section 117 Directions

Attachment 1

Amendment No. 20 – LEP Boundary Adjustment

Attachment A – Council Report 27 April 2010

ORD03

Attachment 1

ORDINARY COUNCIL

ORD03

SUBJECT: LOCAL GOVERNMENT BOUNDARY ADJUSTMENT - LIVERPOOL COUNCIL
FROM: Director Governance
FILE NO: Cnl Properties/Council Boundary Adjustment

PURPOSE OF REPORT

To obtain Council resolution in support of a proposal from five (5) residents to adjust part of the western Local Government boundary along Bringelly Creek with Liverpool City Council.

BACKGROUND

Council was originally approached by a resident of Orient Road, Greendale, being the owner of land adjoining the boundary of Camden and Liverpool City Councils, with a request that Council consider transferring the portion of their land to Liverpool City Council in order to eliminate the anomaly of having land split between two Councils.

Upon investigation, there are several additional properties (8 in all) also falling into this situation. The subject properties are located along Bringelly Creek which is the boundary line between Liverpool City and Camden Council Local Government Areas, with portions of each property overlapping into Camden Council area. **A Plan showing the location and the properties concerned is attached to this report.**

REPORT

Following these investigations, Council wrote to all affected landowners outlining the situation and sought a response to the request. Council also contacted Liverpool City Council seeking its views on the proposal. A community meeting was also held in Bringelly Community Hall in late 2009 which was attended by staff from Camden Council and Liverpool City Council together with 5 of the 7 landowners (note: 7 landowners own 8 properties in total). At the meeting, all aspects of the adjustment were fully discussed with the owners present and 3 of the owners agreed in writing to the proposal. Since the meeting, a further 2 landowners have now also agreed to the boundary adjustment.

A report was submitted to Liverpool City Council outlining the proposal and Liverpool City Council has supported the boundary adjustment.

The details of the five (5) properties to be transferred to Liverpool City Council are shown on the table below:

Address details	Property details	Approx Area in	Rates Payable to
-----------------	------------------	----------------	------------------

This is the report submitted to the Ordinary Council Meeting held on 27 April 2010 - Page 22

		Camden LGA (hectares)	Camden Council
889D Cut Hill Road, Cobbitty	Part Lot 4 DP 776502	0.51	\$654.03
889C Cut Hill Road, Cobbitty	Part Lot 5 DP 776502	1.98	\$705.54
899 Cut Hill Road, Cobbitty	Part Lot 6 DP 1056890	6.2	\$918.38
850A Cut Hill Road, Cobbitty	Part Lot 7 DP1056890	2.9	\$761.62
905 Cut Hill Road, Cobbitty	Lot 2 DP 582023	8.1	\$671.62

The total loss of rate income to Camden Council is \$3,711.19.

Following the community meeting, Liverpool City Council has undertaken to complete all the necessary administrative tasks associated with the proposal and has held discussions with the Geographical Names Board (GNB) concerning the changes. The GNB has given in principle approval to the proposal and is likely to approve such an application if both Councils agree to the boundary adjustment. The GNB has also reinforced a preference for all portions of a lot to be within one Local Government Area and Local Government Area boundaries to be based on a rational divide.

Liverpool City Council has now contacted Camden Council and is seeking support to proceed to the next stage of the boundary adjustment and lodge an application with the GNB and the DLG.

Notwithstanding the mixed response of landowners in the area, it is proposed to proceed with the boundary adjustment for the 5 lots where the approval of landowners has been obtained to adjust these lots entirely to within the Liverpool Local Government area. This would represent the first step towards having all the lots within the location moved to one Council area and be in concurrence with the GNB's preference. It is not considered practical to delay the application and attempt to obtain the agreement of the remaining landowners at this time. It is unlikely that any application would be supported by the GNB if all landowners did not agree to the proposal.

CONCLUSION

The owners of the land in the location have long been frustrated in dealing with two Councils and indeed, paying rates to two Councils and have approached both Councils on several occasions in the past in an endeavour to resolve the dilemma.

This is seen as the initial step in adjusting the Local Government boundary to rationalise all properties to within one Local Government area. The loss of property or rate income to Camden Council is not considered a significant factor and the adjustment of the boundary is both logical and in the public interest.

RECOMMENDED

This is the report submitted to the Ordinary Council Meeting held on 27 April 2010 - Page 23

ORD03

Attachment 1

That Council:

- i. support the Local Government boundary adjustment between Camden and Liverpool City Councils for the 5 lots described in the report and the lodgement of an application to the Geographical Names Board and the Division of Local Government; and
- ii. advise Liverpool City Council of Council's support for the proposal.

ATTACHMENTS



Location Plan LGA Boundary Adjustment March .pdf

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that Council:

- i. support the Local Government boundary adjustment between Camden and Liverpool City Councils for the 5 lots described in the report and the lodgement of an application to the Geographical Names Board and the Division of Local Government;and
- ii. advise Liverpool City Council of Council's support for the proposal.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD75/10

ACTIONS

CRMS number , Finalised 29/04/2010 2:39:34 PM

Action: Finalised,

Completed

. Noted. Letter written to Liverpool Council.

Link to CRMS document [CRMS: 11300030 29/04/2010, 11:00:10 AM](#)

Amendment No. 20 – LEP Boundary Adjustment

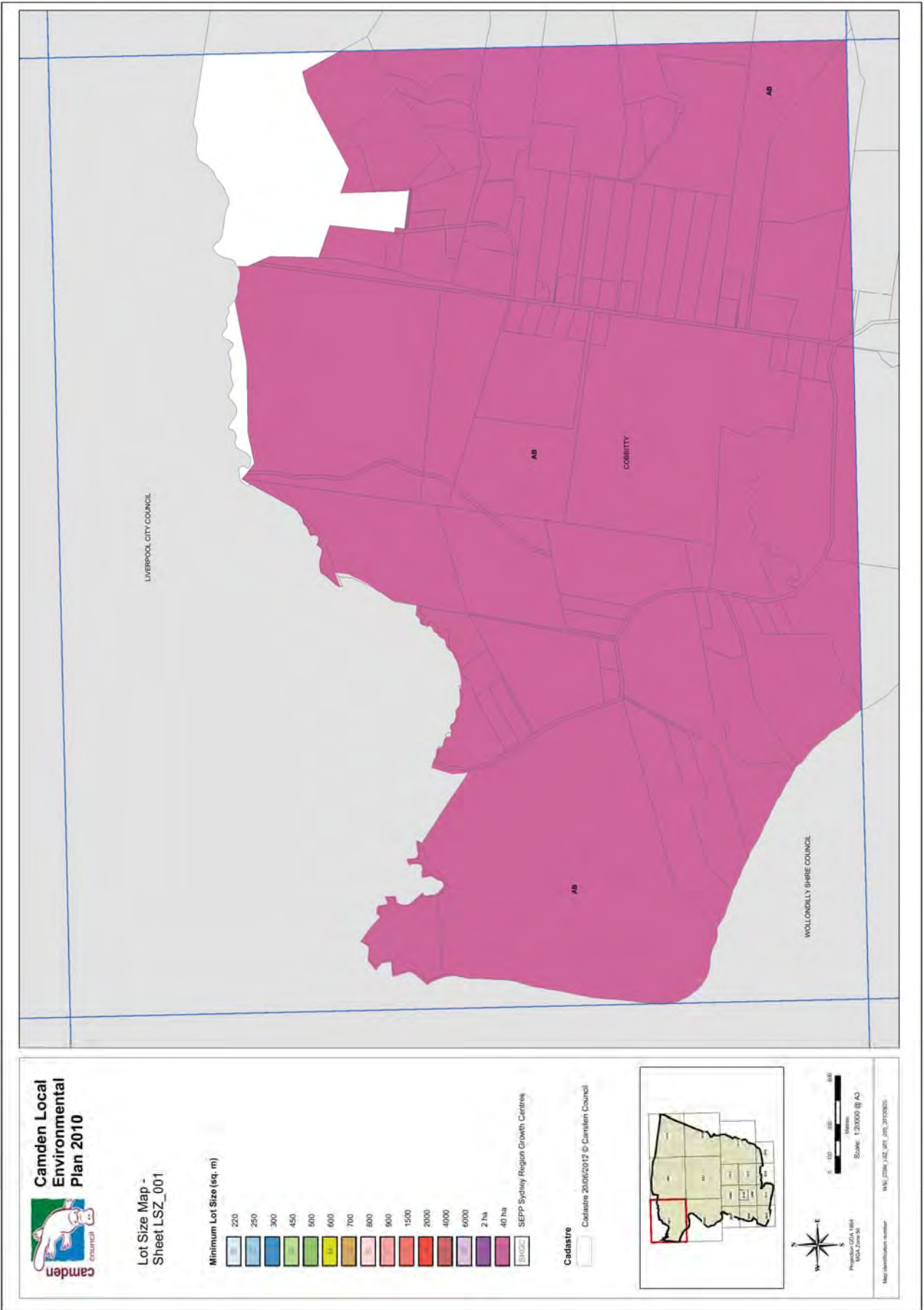
Attachment B – Proposed Map Changes

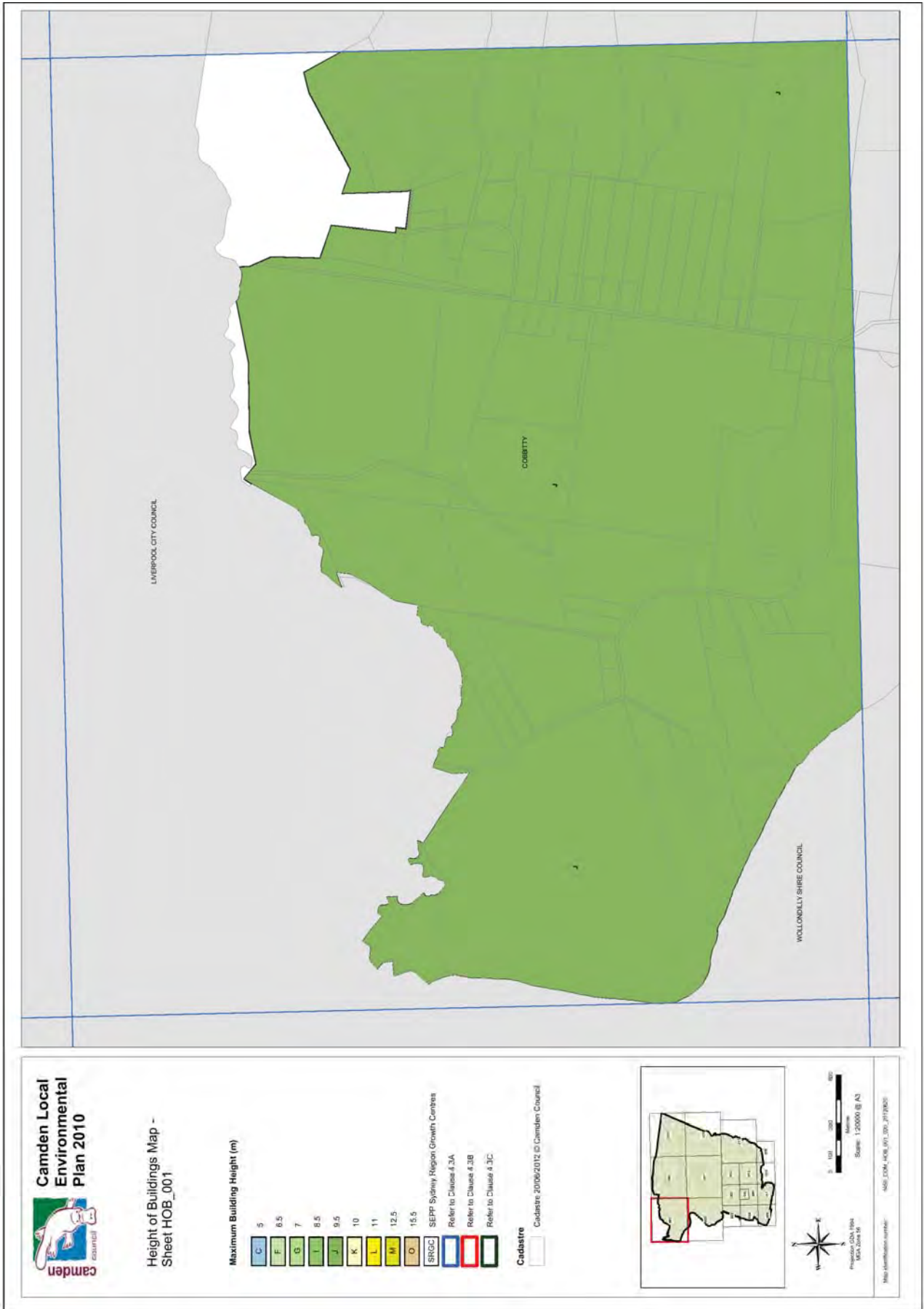
ORD03

Attachment 1

ORD03

Attachment 1





Attachment 1

ORD03

Attachment C – Section 117 Directions

s.117 Direction	Objective	Response
3.1 Residential Zones	<p>The objective of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource land.</p>	<p>The proposal is simply seeking a boundary adjustment and as such will not impact on residential development.</p>
6.1 – Approval and Referral Requirements	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>The requested planning proposal does not include provisions that require the concurrence, consultation and referral of development applications to a minister or public authority.</p>
7.1 – Implementation of the Metropolitan Plan for Sydney 2036	<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.</p>	<p>The proposed rezoning is minor in the context of the Metropolitan Plan for Sydney 2036 and will have the same consistency with the objectives and actions contained in the above strategies as the current zoning.</p>

ORDINARY COUNCIL

ORD04

ORD04

SUBJECT: NEW CODE OF CONDUCT
FROM: Director Governance
BINDER: Code of Conduct

PURPOSE OF REPORT

The purpose of this report is to seek Council resolution of the following:

- (i) the adoption of a new Code of Conduct;
- (ii) endorsement of the appointment of the Senior Governance Officer and Corporate Services Manager as the complaints coordinator and alternative complaints coordinator respectively;
- (iii) to implement measures for an interim code of conduct review panel until the new arrangements have been formalised; and
- (iv) to seek an expression of interest for the conduct review panel members in accordance with the new Code of Conduct for either a joint-regional panel or council panel.

BACKGROUND

The Division of Local Government ("the Division") has recently issued a new Model Code of Conduct. The new Model Code of Conduct and Procedures for the Administration of the Model Code ("the Procedures") has been gazetted and the commencement date for the new framework is 1 March 2013.

Section 440 of the *Local Government Act 1993* requires Council to adopt a code of conduct that incorporates the provisions of the Model Code.

Attached is a copy of the Division's Circular 12-45 dated 19 December 2012 which sets out a summary of the key features of the new framework and the main changes to the code (Please refer to Attachment 1).

MAIN REPORT

The Division has outlined several administrative arrangements Council must undertake in preparation for the commencement of the Code, including:

- adopt the new Code of Conduct incorporating the provisions of the Model Code and Procedures;
- appoint members of staff other than the General Manager to act as a complaints coordinator and alternate complaints coordinator before 1 March 2013; and
- ensure panels of conduct reviewers, appointed using the selection process prescribed under the new procedures, are in place by 30 September 2013. Councils without existing panels should establish a panel by 1 March 2013.

Council is proposing to meet these arrangements as follows:

- The Model Code of Conduct (Code and Procedures) have been incorporated into the draft Code of Conduct and submitted with this report for adoption **(Please refer to Attachment 2)**.
- The Senior Governance Officer and Manager of Corporate Services will be the Complaints Coordinator and Alternative Complaints Coordinator respectively.
- Should Council be of the mind to establish a joint regional panel, Council staff will liaise with MACROC in regards to the possibility of establishing a regional conduct review panel. Should a regional review panel not be supported by MACROC, Council will carry out an EOI to select and appoint its own conduct review panel.
- Until a new conduct review panel is established under the new framework, Council must resolve to appoint an interim panel until such time that the new panel is formalised.

The Proposed Code

It is noted that the draft Code of Conduct incorporates the provisions of the Code and Procedures from the Model Code of Conduct issued by the Division of Local Government, as well as additional matters over and above what the Model Code requires, but which Council has previously endorsed in its earlier code. These additional comments relate to:

- Clarification around definitions (eg. definition of “functions” and “person independent of Council”) and general structuring of the Code for readability.
- The inclusion of key principles in Part 1, reflecting the Council’s Charter under the Act (cl 4).
- Retention of the Guide to Ethical Decision Making to provide greater clarity and reinforce the provisions of the Model Code (cl 5).
- The contact details of the agencies that can provide advice if a Council official believes that something may be unethical or unlawful (cl 5.2).
- Confirmation at clause 6.3 that Councillors must provide leadership and guidance to the community as a Councillor at all times.
- Retention of the reference to the Dignity and Respect in the Workplace Policy (cl 6.7) and the Alcohol and Drugs in the Workplace Policy (cl 6.14-6.16).
- Retention of the reference to the election funding website if Councillors wish to obtain details regarding lodgement of returns (cl 7.25).
- In regards to secondary employment, retention of the fact that the General Manager has the power to refuse permission to staff members to engage in secondary employment where there is a conflict of interest (cl 7.33-7.35).
- Retention of the additional information/clarification around gifts and benefits and noting that a token gift is one which has a value of up to \$50.00.(cl 8.0).
- Repetition of the Councillors and staff contact policy and confirmation that discussions with Councillors in regard to matters of industrial policy should be restricted to broader policy issues (cl 9.8).
- Clarity on the use of public resources for all council officials and reference to the Council’s Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy (cl 10.20-10.22).

These additional comments have been highlighted in yellow of the draft Code of Conduct for Councillor’s ease of reference. Other than the text highlighted in yellow, the remainder of the document is based upon the Model Code and Procedures.

Appointment of staff to the role of Complaints Coordinator and Alternate Complaints Coordinator

Clause 13.12 of the draft Code of Conduct states that the General Manager must appoint a member of staff of the Council to act as a complaints coordinator. Where practicable, the complaints coordinator should be a senior and suitably qualified member of staff (other than the General Manager).

Clause 13.13 states that the General Manager may appoint other members of staff to act as alternates to the complaints coordinator.

It is recommended that the Senior Governance Officer (Megan Roberts) and the Manager of Corporate Services (Paul Rofe) be appointed as the complaints coordinator and alternate complaints coordinator respectively.

Panel of conduct reviewers

Pursuant to the Model Code, the Council must by resolution establish a panel of conduct reviewers. The Council may, by resolution, enter into an arrangement with one or more other councils to share a panel of conduct reviewers.

The panel of conduct reviewers is to be established following a public expression of interest process. An expression of interest for members of the Council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.

To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:

- An understanding of local government; and
- Knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
- Knowledge and experience of one or more of the following:
 - (i) investigations; or
 - (ii) law; or
 - (iii) public administration; or
 - (iv) public sector ethics; or
 - (v) alternative dispute resolution; and
- Meet the eligibility requirements for membership of a panel of conduct under the proposed code.

It is understood that Wollondilly Shire Council are in favour of a regional panel and Council is currently awaiting a commitment from Campbelltown City Council on this matter.

If Council is of the mind to establish a joint-regional panel with Wollondilly Shire Council and Campbelltown City Council, Council staff will liaise with MACROC to gauge if there is some support for this. In the event that a regional review panel is not supported by MACROC, Council will carry out an expression of interest to select and appoint its own conduct review panel in accordance with the Code.

Joint Regional Panel v Council Panel

It is a matter for Council to determine if it has a preference to establish a joint regional panel or a council panel of conduct reviewers.

The advantages of a joint regional panel include but are not limited to the following:

- saving on the duplication of costs for each member of Council in regards to the advertisement and seeking an expression of interest for panel members. A regional panel would allow for shared costs for the facilitation and establishment of a regional panel;
- a joint regional panel would facilitate ease of administration and consistency in decision making across the three Local Government areas;
- it is in keeping with the State Government's current review of Local Government working collaboratively and illustrates a strong sense of regional partnership; and
- it would possibly increase the potential pool of candidates to utilise for code of conduct reviews.

The disadvantages of a joint regional panel include but are not limited to the following:

- a potential lack of control over the appointment of panel members (this would however depend on what arrangements were formalised through MACROC); and
- a potential lack of panel members' availability if there were conflicting reviews occurring at the same time (this could however be prevented by having a larger pool of potential reviewers).

It is assumed that in either case, the fees for conduct reviewers would be incurred on a user-pay basis.

Interim Code of Conduct Panel

It is noted that Council's current Code of Conduct panel technically expired on 25 September 2012 (the date of the 2012 local government elections). The Division of Local Government has allowed a grace period for existing panels to continue on an ad-hoc basis until the new Model Code of Conduct was released.

The Division of Local Government has now given a clear direction in its Circular 12-45 dated 19 December 2012, that Councils must ensure panels of conduct reviewers, appointed using the selection process prescribed under the new procedures, are in place by 30 September 2013.

Councils without existing panels should establish a panel by 1 March 2013. Accordingly, staff have written to the existing Code of Conduct panel members seeking their agreement to remain as panel members for an interim panel, until such time that a panel is formed under the new framework (approximately for a period of two months), subject to the Council's approval.

It is noted that Mr Christopher Gough, Mr Ray Patterson and Mr Barry Daley have agreed to remain Code of Conduct panel members and act as an interim panel until such time that a panel is formalised under the new framework. It is noted that Mr Ian Woodward is no longer employed at Storey & Gough Lawyers.

FINANCIAL IMPLICATIONS

The seeking of an expression of interest and the costs associated with conduct reviewer fees are already provided for in Council's budget.

CONCLUSION

The adoption of the draft Code of Conduct and ancillary recommendations will ensure that Council is carrying out its legislative requirements. In addition, the amended provisions allow for greater guidance and promotion of the Code of Conduct to Councillors, staff and members of the community.

RECOMMENDED

That Council:

- i. adopt the draft Code of Conduct (incorporating the Code and Procedures from the Model Code) as attached to this report;**
- ii. endorse the appointment of the Senior Governance Officer and Manager of Corporate Services as the Complaints Coordinator and Alternate Complaints Coordinator respectively;**
- iii. determine a preference for a joint regional panel or a Council panel of conduct reviewers; and**
 - (a) if Council is of a mind to establish a joint regional panel, authorise the General Manager to liaise with MACROC to investigate the option of a regional conduct review panel and if supported, seek an expression of interest in accordance with the new Code of Conduct procedures;**

OR

 - (b) if Council is of a mind to establish a Council panel of conduct reviewers, or in the event that MACROC is not supportive of a joint-regional panel, authorise the General Manager to seek an expression of interest for the establishment of a panel of conduct reviewers for Camden Council in accordance with the new Code of Conduct procedures.**
- iv. appoint Mr Christopher Gough, Mr Ray Patterson and Mr Barry Daley as members of Council's Conduct Review Panel, on the same terms and conditions as they have previously been acting, until such time that a panel is formalised under the new framework; and**
- v. authorise staff to make the necessary changes to Council policies which refer to specific provisions of the Code and which are now amended as a result of this review.**

ORD04

ATTACHMENTS

1. Division of Local Government Circular
2. Draft Code of Conduct



Premier & Cabinet
Division of Local Government

Circular to Councils

Circular No. 12-45
Date 19 December 2012
Doc ID. A296794

Contact Council Governance
02 4428 4100

THE NEW MODEL CODE OF CONDUCT FRAMEWORK

Purpose

To advise councils of the new Model Code of Conduct framework and implementation arrangements.

Issue

- The new Model Code of Conduct for Local Councils in NSW, Procedures for the Administration of the Model Code and Summary of the Model Code are now available on the Division of Local Government (the Division) website at www.dlg.nsw.gov.au.
- The code and procedures are supported by new provisions in the *Local Government Act 1993* to more effectively deal with serious or repeated breaches of the Code through expanded and strengthened penalties. Key changes to the code are summarised at Appendix A.
- The key features of the new code framework include:
 - Greater flexibility to resolve non-serious complaints, minimising costs to councils
 - Improved complaints management, with complaints about councillors and the general manager managed from start to finish by qualified and independent conduct reviewers
 - Greater fairness and rigour in the investigation process through clearer procedures
 - Stronger penalties for ongoing disruptive behaviour and serious misconduct to more effectively deter and address such behaviour, allowing councils to get on with the business of serving their communities.
- The proposed commencement date for the new model code framework is 1 March 2013.
- The following transitional arrangements will apply:
 - Complaints made or yet to be finalised before 1 March 2013 are to be dealt with under the current Model Code of Conduct and Procedures.
 - Complaints received after 1 March 2013 but where the alleged conduct occurred prior to this date are to be assessed against the standards

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2

prescribed under the current Model Code but dealt with under the new Procedures.

- Complaints relating to alleged conduct that occurred after 1 March 2013 are to be assessed against the new Code and Procedures.
- The Division will provide further information in early 2013 to assist councils implement the new code and procedures.

Actions

Councils should make the following administrative arrangements in preparation for commencement of the Code:

- Adopt the new Model Code and Procedures by 1 March 2013
- Appoint members of staff other than the General Manager to act as a complaints coordinator and alternate complaints coordinator before 1 March 2013
- Ensure panels of conduct reviewers, appointed using the selection process prescribed under the new procedures, are in place by 30 September 2013. Councils without existing panels should establish a panel by 1 March 2013.



Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

ORD04

Attachment 1

APPENDIX A**NEW MODEL CODE OF CONDUCT AND PROCEDURES - KEY CHANGES**

- In the interests of clarity and simplicity, standards of conduct and procedures for dealing with breaches will be separately prescribed.
- Minor changes have been made to the standards prescribed under the code in relation to binding caucus votes, the disclosure of political donations, loss of quorum, the management of significant non-pecuniary conflicts of interests in relation to principal planning instruments, gifts, relationships between councillors and staff and use of council resources for re-election purposes.
- New standards have been included to address misuse of the code and other conduct intended to undermine its implementation.
- New provisions have been included to improve all councils' access to suitably skilled conduct reviewers.
- Under the new procedures, complaints will be managed from start to finish by an independent conduct reviewer at arms length from the council if they are not informally resolved at outset.
- There will be an increased focus on informal resolution of less serious matters.
- Code of conduct matters will be dealt with confidentially. However, where a conduct reviewer determines that a councillor has breached the code and a sanction is imposed by the council, this will be made public via the minutes of the meeting.
- There will be limited rights of review to the Division where a person is subject to an adverse outcome.
- The Division will have more options for dealing with matters directly under the misconduct provisions. This will enable it to directly police the administration of the code and address issues such as misuse or failure to cooperate.
- Penalties for misconduct will be expanded and increased to improve deterrence.
- Both the Division and the Pecuniary Interest and Disciplinary Tribunal will be able impose stronger penalties for repeated misconduct. This will enable the more effective management of ongoing disruptive behaviour by individual councillors to enable councils to get on with the core business of serving their communities.

These changes have been made as a result of extensive consultation with councils and other key stakeholders, and based on feedback, have broad support.

ORD04

Attachment 2



CODE OF CONDUCT POLICY 5.3

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ORD04

Attachment 2

ORD04

Attachment 2

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PART 1 - CONTEXT

This Part of the code establishes the purpose and principles that are used to interpret the standards in the code. This Part does not constitute separate enforceable standards of conduct.

1.0 DEFINITIONS

In the Code of Conduct the following definitions apply:

the Act	the <i>Local Government Act 1993</i>
act of disorder	see the definition in clause 256 of the <i>Local Government (General) Regulations 2005</i>
administrator	an administrator of a Council appointed under the Act other than an administrator appointed under section 66
Chief Executive	Chief Executive of the Division of Local Government, Department of Premier and Cabinet
code of conduct	a code of conduct adopted under section 440 of the Act
code of conduct complaint	a complaint that alleges conduct on the part of a Council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the Council's code of conduct
committee	a Council committee
complainant	a person who makes a code of conduct complaint
complainant Councillor	a Councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the General Manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by Councillors or the General Manager
conflict of interests	a 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 public duty
Council committee	a committee established by resolution of Council

ORD04

Attachment 2

Council committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council committee
Council official	includes Councillors, members of staff of Council, administrators, Council committee members, conduct reviewers and delegates of Council
Councillor	a person elected or appointed to civic office and includes a Mayor
delegate of Council	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	see the definition in section 441 of the Act
election campaign	includes Council, State and Federal election campaigns
functions	where it relates to the conduct of Councillors, functions has the same meaning as “the role of a Councillor” as set out in section 232 of the Act and in addition, in relation to the Mayor, the additional functions as set out in section 226 of the Act.
investigator	a conduct reviewer or conduct review committee
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
person independent of Council	a person who is not an employee of the Council, has no current or ongoing contractual relationship with Council in the nature of a contract for services, retainer or contract for the provision of goods of any kind, or is not an employee of any entity with such a contractual relationship.
subject person	a person whose conduct is the subject of investigation by a conduct reviewer or conduct review committee under these procedures
the Division	the Division of Local Government, Department of Premier and Cabinet
the Regulation	the <i>Local Government (General) Regulation 2005</i>

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

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

2.0 INTRODUCTION

2.1 This Code of Conduct is based upon the Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct"), made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every Council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, this Code of Conduct comprises all parts of this document.

2.2 The Code is made in three parts: Context, Standards of Conduct and Procedures.

- Part 1: Context - establishes the purpose and principles that are used to interpret the standards in the code. This Part does not constitute separate enforceable standards of conduct.
- Part 2: Standards of conduct - sets out the conduct obligations required of Council officials. These are the enforceable standards of conduct.
- Part 3: Procedures - contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for conduct reviews. This Part should be used to guide the management of complaints about breaches of the code.

2.3 Councillors, administrators, members of staff of Council, independent conduct reviewers, members of Council committees including the conduct review committee and delegates of the Council must comply with the applicable provisions of Council's code of conduct in carrying out their functions as Council officials. It is the personal responsibility of Council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind. Council contractors and volunteers will also be required to observe the relevant provisions of Council's code of conduct.

2.4 Failure by a Councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on Councillors for misconduct, including suspension or disqualification from civic office.

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

2.6 A better conduct guide has also been developed to assist Councils to review and enhance their codes of conduct. This guide supports this code and provides further information on the provisions in this code.

2.7 Camden Council has adopted the Division of Local Government's Model Code of Conduct as required by the Act. Any reference in this document to the Model Code of Conduct reflects the Code of Conduct as presently adopted.

2.8 Should you wish to clarify or seek guidance on any of the provisions or issues relating to the code, you may speak to the General Manager about any issue.

2.9 This code is freely available to all staff, Councillors and the community via Council's website and hard copies are available at Council's Customer Service outlets. Council staff may also access the code through the Intranet or by contacting the Senior Governance Officer.

3.0 PURPOSE OF THE CODE OF CONDUCT

- 3.1 This code of conduct sets the minimum requirements of conduct for Council officials in carrying out their functions, based upon the Model Code. The Model Code is prescribed by regulation.
- 3.2 The code has been developed to assist Council officials to:
- understand the standards of conduct expected of them;
 - enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439); and
 - act in a way that enhances public confidence in the integrity of local government.

4.0 KEY PRINCIPLES

4.1 The code is based on a number of key principles (reflected in s. 8, the Council's Charter in the Act). It sets out standards of conduct that meets these principles and statutory provisions applicable to local government activities. The principles underpin and guide these standards and may be used as an aid in interpreting the substantive provisions of the code, but do not themselves constitute separate enforceable standards of conduct.

(1) Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

(2) Leadership

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the Council. *This means promoting public duty to others in the Council and outside, by your own ethical behaviour.*

(3) Selflessness

You have a duty to make decisions in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision maker.*

(4) Impartiality

You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of Council's resources; considering only relevant matters.*

(5) Accountability

You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*

(6) Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*

(7) Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the Code of Conduct; fully disclosing actual or potential conflicts of interest and exercising any conferred power strictly for the purpose for which the power was conferred.*

(8) Respect

You must treat others with respect at all times. *This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.*

5.0 GUIDE TO ETHICAL DECISION MAKING

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

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

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

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

PART 2: STANDARDS OF CONDUCT

This Part of the code sets out the conduct obligations required of Council officials. These are the enforceable standards of conduct.

Failure by a Council official to comply with Part 2, the standards of conduct, of Council's Code of Conduct may result in a range of consequences. For example, a Councillor's failure to comply may constitute misbehaviour and a substantial breach for the purposes of section 9 of the Independent Commission Against Corruption Act 1988. Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.

6.0 GENERAL CONDUCT OBLIGATIONS

General conduct

- 6.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the Council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- (a) contravenes the Act, associated regulations, Council's relevant administrative requirements and policies;
 - (b) is detrimental to the pursuit of the charter of Council;
 - (c) is improper or unethical;
 - (d) is an abuse of power or otherwise amounts to misconduct;
 - (e) causes, comprises or involves intimidation, harassment or verbal abuse;
 - (f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment; or
 - (g) causes, comprises or involves prejudice in the provision of a service to the community (Schedule 6A).
- 6.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act (section 439).
- 6.3 You must:
- (a) treat others with respect at all times; and
 - (b) while you are a Councillor provide leadership and guidance to the community at all times and not just at times when you are carrying out your role as a member of the governing body of the Council.

Fairness and equity

- 6.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 6.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions

Harassment and discrimination

- 6.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age,

race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

6.7 Camden Council is committed to providing a harmonious work environment, which is conducive to good workplace relations. Harassment, bullying and unacceptable behaviour in the workplace is against the law and will not be tolerated by Camden Council management, employees and Councillors.

Related documents:

- Policy No. 5.55 Dignity and Respect in the Workplace.
- Policy No. 5.27 Equal Employment Opportunity Policy.

Development decisions

6.8 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.

6.9 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

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

6.11 For the purposes of clause 6.10, 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.

6.12 Clause 6.10 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.

6.13 Clause 6.10 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.

Alcohol and Drugs in the workplace

6.14 Council is committed to providing a safe, healthy and productive workplace that is free from hazards relating to drug and alcohol use.

6.15 Employees must report to work in a fit state at all times, unimpaired by any substance. Camden Council will not tolerate employees:

- Consuming alcohol while at work;
- Possessing, selling, distributing or consuming prohibited drugs in the workplace;
- Being affected by alcohol or drugs, including medically prescribed or over-the-counter drugs, such that they are unable to work safely, competently and professionally and in accordance with Council's Code of Conduct.

6.16 To show commitment to this policy, Council has provided an Employee Assistance Program (EAP). Employees who are dependent upon drugs or alcohol will not be discriminated against for seeking assistance through this programme to overcome their dependency.

Related documents:

- *Policy No. 5.29 Fit for Work (Drug & Alcohol Policy)*

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7.0 CONFLICT OF INTEREST

- 7.1 A 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 public duty.
- 7.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interest and take the appropriate action to manage the conflict in favour of your public duty.
- 7.3 Any conflict of interest must be managed to uphold the probity of Council decision-making. When considering whether or not you have a conflict of interest, it is always important to think about how others would view your situation.
- 7.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

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

What are non-pecuniary interests?

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

7.11 The political views of a Councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

7.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

7.13 If a disclosure is made at a Council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 7.12.

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

7.15 As a general rule, a non-pecuniary conflict of interest will be significant where a matter does not raise a pecuniary interest but it involves:

- (a) a relationship between a Council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household;
- (b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship; or
- (c) an affiliation between the Council official and an organisation, sporting body, club, corporation or association that is particularly strong.

7.16 If you are a Council official, other than a member of staff of Council, and you have disclosed that a significant non-pecuniary conflict of interest exists, you must manage it in one of two ways:

- (a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official; or
- (b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply.

7.17 If you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

7.18 If you are a member of staff of Council, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with your manager.

- 7.19 Despite clause 7.16(b), a Councillor who has disclosed that a significant non-pecuniary conflict of interest exists may participate in a decision to delegate Council's decision-making role to Council staff through the General Manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not Council would be deprived of a quorum if one or more Councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 7.16(b) above.

Reportable political donations

- 7.20 Councillors should note that matters before Council involving political or campaign donors may give rise to a non-pecuniary conflict of interest.
- 7.21 Where a Councillor has received or knowingly benefitted from a reportable political donation:
- made by a major political donor in the previous four years, and
 - where the major political donor has a matter before Council,
- then the Councillor must declare a non-pecuniary conflict of interest, disclose the nature of the interest, and manage the conflict of interest in accordance with clause 7.16(b).
- 7.22 For the purposes of this Part:
- a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
 - a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.
- 7.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 7.24 If a Councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 7.21, that Councillor is not prevented from participating in a decision to delegate Council's decision-making role to Council staff through the General Manager or appointing another person or body to make the decision in accordance with the law (see clause 7.19 above).

- 7.25 Councillors wishing to obtain further details regarding lodgement of returns to the Election Funding Authority of all political donations and electoral expenditure under the *Election Funding, Expenditure and Disclosures Act 1981*, may be directed to the Election Funding website: www.efa.nsw.gov.au

Related documents:

- Electoral Funding Act 1981.***

Loss of quorum as a result of compliance with this Part

- 7.26 Where a majority of Councillors are precluded under this Part from consideration of a matter the Council or committee must resolve to delegate consideration of the matter in question to another person.
- 7.27 Where a majority of Councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be

delegated under section 377 of the Act, the Councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interest.

- 7.28 The Chief Executive will only exempt a Councillor from complying with a requirement under this Part where:
- (a) compliance by Councillors with a requirement under this Part in relation to a matter will result in the loss of a quorum, and
 - (b) the matter relates to the exercise of a function of the Council that may not be delegated under section 377 of the Act.
- 7.29 Where the Chief Executive exempts a Councillor from complying with a requirement under this Part, the Councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 7.30 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 part of the Council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the Council's area, and
 - (b) the Councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 7.31 If you are a member of staff of Council considering outside employment or contract work that relates to the business of the Council or that might conflict with your Council duties, you must notify and seek the approval of the General Manager in writing (section 353).
- 7.32 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- (a) conflict with your official duties;
 - (b) involve using confidential information or Council resources obtained through your work with the Council;
 - (c) require you to work while on Council duty; or
 - (d) discredit or disadvantage the Council.
- 7.33 It should be noted, the General Manager has the power to refuse permission to staff members to engage in secondary employment.
- 7.34 Secondary employment is one of the key risk areas for staff. It is the area where conflicts of interest can frequently arise and where elements of resource misuse are evident – such as staff time, materials, plant and vehicles, office supplies and equipment. Secondary employment can also result in misuse of confidential information and intellectual property rights.
- 7.35 Examples of where secondary employment may pose a conflict could include planners involved in drafting work for builders active in the Council area or engineering staff performing part time work for a Council road contractor.

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

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8.0 PERSONAL BENEFIT

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

In addition, a token gift is one which has a value of up to \$50.00.

Gifts and benefits

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

8.2 You should never accept any gift or benefit if the gift is designed to influence the way a particular job is performed, regardless of the value of the offer. If, as an employee, a substantial gift or benefit is offered to influence the way work is performed, it is required to be reported immediately to your supervisor and to the General Manager.

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

Token gifts and benefits

8.4 Generally speaking, token gifts and benefits include:

- (a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - (i) the discussion of official business;
 - (ii) Council work related events such as training, education sessions and workshops;
 - (iii) Conferences;
 - (iv) Council functions or events;
 - (v) social functions organised by groups, such as Council committees and community organisations.
- (b) invitations to and attendance at local social, cultural or sporting events;
- (c) gifts of single bottles of reasonably priced alcohol to individual Council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address);
- (d) trivial items such as ties, scarves, coasters, tie pins, diaries, chocolates, flowers or modest refreshments;
- (e) prizes of token value;
- (f) items that are not offered on a frequent basis;
- (g) items that can ideally be shared; or
- (h) items that do not have a significant monetary value.

Gifts and benefits of value

8.5 Notwithstanding clause 8.4, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities

such as gyms, use of holiday homes, free or discounted travel and should not be accepted. Gifts such as expensive pens or a more moderate amount of alcohol (for example more than one bottle of wine) may also be included as non token gifts.

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

- 8.6 You must not:
- (a) seek or accept a bribe or other improper inducement;
 - (b) seek gifts or benefits of any kind;
 - (c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty;
 - (d) accept any gift or benefit of more than token value; or
 - (e) accept an offer of cash or a cash-like gift, regardless of the amount.
- 8.7 For the purposes of clause 8.6(e), a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
- 8.8 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the General Manager. The recipient, supervisor, Mayor or General Manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register through the Governance Team. The gift or benefit must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.

Improper and undue influence

- 8.9 You must not use your position to influence other Council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A Councillor will not be in breach of this clause where they seek to influence other Council officials through the appropriate exercise of their representative functions.
- 8.10 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for Council in order to obtain a private benefit for yourself or for any other person or body.

Related documents:

- *Policy No. 5.55 Dignity and Respect in the Workplace.*
- *Policy No. 5.28 Gifts and Benefits.*

9.0 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of Councillors and administrators

- 9.1 Each Council is a body politic. The Councillors or administrator/s are the governing body of the Council. The governing body has the responsibility of directing and controlling the affairs of the Council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 9.2 Councillors or administrators must not:
- (a) direct Council staff other than by giving appropriate direction to the General Manager in the performance of Council's functions by way of Council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (section 352);
 - (b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate (Schedule 6A of the Act);
 - (c) contact a member of the staff of the Council on Council related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager; or
 - (d) contact or issue instructions to any of Council's contractors or tenderers, including Council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to Council's external auditors or the Chair of Council's audit committee who may be provided with any information by individual Councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Obligations of staff

- 9.3 The General Manager is responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation of the decisions of the Council without delay.
- 9.4 Members of staff of Council must:
- (a) give their attention to the business of Council while on duty;
 - (b) ensure that their work is carried out efficiently, economically and effectively;
 - (c) carry out lawful directions given by any person having authority to give such directions;
 - (d) give effect to the lawful decisions, policies, and procedures of the Council, whether or not the staff member agrees with or approves of them; and
 - (e) ensure that any participation in political activities outside the service of the Council does not conflict with the performance of their official duties.

Obligations during meetings

- 9.5 You must act in accordance with Council's Code of Meeting Practice and the *Local Government (General) Regulations 2005* during Council and committee meetings.

- 9.6 You must show respect to the Chair, other Council officials and any members of the public present during Council and committee meetings or other formal proceedings of the Council.

Inappropriate interactions

- 9.7 You must not engage in any of the following inappropriate interactions:
- (a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
 - (b) Council staff approaching Councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
 - (c) Council staff refusing to give information that is available to other Councillors to a particular Councillor.
 - (d) Councillors and administrators who have lodged a development application with Council, discussing the matter with Council staff in staff-only areas of the Council.
 - (e) Councillors and administrators being overbearing or threatening to Council staff.
 - (f) Councillors and administrators making personal attacks on Council staff in a public forum.
 - (g) Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make.
 - (h) Council staff providing ad hoc advice to Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
 - (i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
 - (j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

- 9.8 It is appropriate that staff and staff organisations have discussions with Councillors in relation to matters of industrial policy. Such discussions however should be limited to broader policy issues and should not relate to individual matters.

Councillor and Staff Contact

- 9.9 Councillors are permitted to contact staff directly to allow quick responses to Councillor related enquiries. Councillors are permitted to contact Managers directly on matters regarding their roles as elected representatives. Information should not be sought on any issue where a Councillor may have a conflict of interest or which pertains to a matter on which a declaration of pecuniary interest has been lodged. Contact must be directed to staff in the workplace or in an "on duty" setting only. Councillors may not seek advice from staff below the level of Manager.

Related documents:

- *Policy 5.8 Code of Meeting Practice.*

10.0 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 10.1 The General Manager and Senior Governance Officer are responsible for ensuring that members of the public, Councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 10.2 The General Manager must provide Councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 10.3 Members of staff of Council must provide full and timely information to Councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with Council procedures.
- 10.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their civic duties must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 10.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of Council have the same rights of access as any member of the public.

Related documents:

- *Access to Information Policy.*

Councillors and administrators to properly examine and consider information

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

Refusal of access to documents

- 10.7 Where the General Manager and the Senior Governance Officer determine to refuse access to a document sought by a Councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the Councillor or administrator to perform their civic duty (see clause 10.2). The General Manager or the Senior Governance Officer must state the reasons for the decision if access is refused.

Use of certain Council information

- 10.8 In regard to information obtained in your capacity as a Council official, you must:
 - (a) only access Council information needed for Council business;
 - (b) not use that Council information for private purposes;
 - (c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with Council;
 - (d) only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

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

The misuse of confidential information is an example of improper or corrupt misuse of Council resources.

Personal information

- 10.11 When dealing with personal information you must comply with:
- (a) the *Privacy and Personal Information Protection Act 1998*;
 - (b) the *Health Records and Information Privacy Act 2002*;
 - (c) the Information Protection Principles and Health Privacy Principles;
 - (d) Council's Privacy Management Plan; and
 - (e) the Privacy Code of Practice for Local Government.

The misuse of personal information is an example of improper or corrupt misuse of Council resources.

Use of Council resources

- 10.12 You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.
- 10.13 Union delegates and consultative committee members may have reasonable access to Council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:
- (a) the representation of members with respect to disciplinary matters;
 - (b) the representation of employees with respect to grievances and disputes; or
 - (c) functions associated with the role of the local consultative committee.
- 10.14 You must be scrupulous in your use of Council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 10.15 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.

- 10.16 You must not use Council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 10.17 You must not use Council letterhead, Council crests and other information that could give the appearance it is official Council material for:
- (a) the purpose of assisting your election campaign or the election campaign of others, or
 - (b) for other non-official purposes.
- 10.18 You must not convert any property of the Council to your own use unless properly authorised.
- 10.19 You must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.
- 10.20 Public resources are those items that are paid for, owned or controlled by Council. Resources can be tangible, such as equipment or intangible, such as your time. Public resources are there to enable you to do your job.
- 10.21 Misuse of resources is a breach of public duty; misuse that is sufficiently serious will result in disciplinary action or may constitute a criminal offence.
- 10.22 Councillors are to abide by Council's Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy with respect to Council resources and the provision of Council supplied equipment.

Councillor access to Council buildings

- 10.23 Councillors and administrators are entitled to have access to the Council chamber, Mayor's office (subject to availability), Councillors' room, 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.
- 10.24 Councillors and administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or delegate) or as provided in the procedures governing the interaction of Councillors and Council staff.
- 10.25 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence Council staff decisions.

Related documents:

- *Policy 5.57 Payment of Expenses and provision of Facilities for Mayor and Councillors;*
- *Local Government (General) Regulation 2005 (Clauses 163-179 Tenders);*
- *Policy No. 5.13 Internet and E-Mail access.*
- *ICAC Publication – "Use and misuse of public sector resources" February, 2008.*

11.0 MAINTAINING THE INTEGRITY OF THIS CODE

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

Complaints made for an improper purpose

- 11.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.
- 11.3 For the purposes of clause 11.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- (a) to intimidate or harass another Council official;
 - (b) to damage another Council official's reputation;
 - (c) to obtain a political advantage;
 - (d) to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions;
 - (e) to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions;
 - (f) to avoid disciplinary action under this code;
 - (g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code;
 - (h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code; or
 - (i) to prevent or disrupt the effective administration of this code.

Detrimental action

- 11.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.
- 11.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.
- 11.6 For the purposes of clauses 11.4 and 11.5 detrimental action is an action causing, comprising or involving any of the following:
- (a) injury, damage or loss;
 - (b) intimidation or harassment;
 - (c) discrimination, disadvantage or adverse treatment in relation to employment;
 - (d) dismissal from, or prejudice in, employment; or
 - (e) disciplinary proceedings.

Compliance with requirements under this code

- 11.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 11.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.

- 11.9 You must comply with a practice ruling made by the Division of Local Government.
- 11.10 Where you are a Councillor or the General Manager, you must comply with any Council resolution requiring you to take action as a result of a breach of this code.

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

- 11.11 You must report breaches of this code in accordance with the reporting requirements under this code.
- 11.12 You must not make allegations of suspected breaches of this code at Council meetings or in other public forums.
- 11.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

- 11.14 Complaints alleging a breach of this Part (Part 11) by a Councillor, the General Manager or an administrator are to be made to the Division of Local Government.
- 11.15 Complaints alleging a breach of this Part by other Council officials are to be made to the General Manager.

PART 3 - PROCEDURES

This Part of the code contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the code.

12.0 INTRODUCTION

- 12.1 These procedures (“the Model Code Procedures”) are prescribed for the purposes of the administration of the Model Code of Conduct for Local Councils in NSW (“the Model Code”). The Model Code and Model Code Procedures are made under sections 440 and 440AA respectively of the *Local Government Act 1993* (“the Act”) and the *Local Government (General) Regulation 2005* (“the Regulation”).
- 12.2 Sections 440 and 440AA of the Act require every Council to adopt a code of conduct and procedures for the administration of the code of conduct that incorporate the provisions of the Model Code and Model Code Procedures respectively.
- 12.3 In adopting procedures for the administration of their adopted codes of conduct, Councils may supplement the Model Code Procedures. However provisions of a Council’s adopted procedures that are not consistent with those prescribed under the Model Code Procedures will have no effect.

13.0 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 13.1 The Council must by resolution establish a panel of conduct reviewers.
- 13.2 The Council may by resolution enter into an arrangement with one or more other Councils to share a panel of conduct reviewers.
- 13.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 13.4 An expression of interest for members of the Council’s panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 13.5 To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:
- (a) an understanding of local government, and
 - (b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - (c) knowledge and experience of one or more of the following:
 - (i) investigations, or
 - (ii) law, or
 - (iii) public administration, or
 - (iv) public sector ethics, or
 - (v) alternative dispute resolution, and
 - (d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 13.6.

- 13.6 A person is not eligible to be a member of the panel of conduct reviewers if they are:
- (a) a Councillor, or
 - (b) a nominee for election as a Councillor, or
 - (c) an administrator, or
 - (d) an employee of a Council, or
 - (e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - (f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - (g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 13.7 A person is not precluded from being a member of the Council's panel of conduct reviewers if they are a member of another Council's panel of conduct reviewers.
- 13.8 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 13.9 The Council may terminate the panel of conduct reviewers at any time by resolution.
- 13.10 When the term of the conduct reviewers concludes or is terminated, the Council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 13.11 A person who was a member of a previous panel of conduct reviewers established by the Council may be a member of subsequent panels of conduct reviewers established by the Council.

The appointment of complaints coordinators

- 13.12 The General Manager must appoint a member of staff of the Council to act as a complaints coordinator. Where practicable, the complaints coordinator should be a senior and suitably qualified member of staff.
- 13.13 The General Manager may appoint other members of staff to act as alternates to the complaints coordinator.
- 13.14 The General Manager must not undertake the role of complaints coordinator.
- 13.15 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 13.16 The role of the complaints coordinator is to:
- (a) coordinate the management of complaints made under the Council's code of conduct;
 - (b) liaise with and provide administrative support to a conduct reviewer or conduct review committee;
 - (c) liaise with the Division of Local Government; and
 - (d) arrange the annual reporting of code of conduct complaint statistics.

14.0 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?What is a “code of conduct complaint”?

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

When must a code of conduct complaint be made?

- 14.3 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 14.4 A complaint made after 3 months may only be accepted if the General Manager, or, in the case of a complaint about the General Manager, the Mayor, is satisfied that there are compelling grounds for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a Council official other than the General Manager be made?

- 14.5 All code of conduct complaints other than those relating to the General Manager are to be made to the General Manager in writing.
- 14.6 Where a code of conduct complaint about a Council official other than the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 14.7 In making a code of conduct complaint about a Council official other than the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 14.8 The General Manager or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant’s preferences in deciding how to deal with the complaint.
- 14.9 Notwithstanding clauses 14.5 and 14.6, where the General Manager becomes aware of a possible breach of the Council’s code of conduct, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the General Manager be made?

- 14.10 Code of conduct complaints about the General Manager are to be made to the Mayor in writing.

- 14.11 Where a code of conduct complaint about the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 14.12 In making a code of conduct complaint about the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 14.13 The Mayor or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 14.14 Notwithstanding clauses 14.10 and 14.11, where the Mayor becomes aware of a possible breach of the Council's code of conduct by the General Manager, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

15.0 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

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

- 15.1 The General Manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about members of staff of Council and for determining the outcome of such complaints.
- 15.2 Where the General Manager decides not to make enquiries into a code of conduct complaint about a member of staff, the General Manager must give the complainant reasons in writing for their decision.
- 15.3 Without limiting clause 15.2, the General Manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 15.4 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 15.5 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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

- 15.6 The General Manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about delegates of Council and Council committee members and for determining the outcome of such complaints.
- 15.7 Where the General Manager decides not to make enquiries into a code of conduct complaint about a delegate of Council or a Council committee member, the General Manager must give the complainant reasons in writing for their decision.
- 15.8 Without limiting clause 15.7, the General Manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 15.9 Sanctions for delegates of Council and/or members of Council committees depend on the severity, scale and importance of the breach and may include one or more of the following:
 - (a) censure;
 - (b) requiring the person to apologise to any person or organisation adversely affected by the breach;
 - (c) prosecution for any breach of the law;
 - (d) removing or restricting the person's delegation; or
 - (e) removing the person from membership of the relevant Council committee.
- 15.10 Prior to imposing a sanction against a delegate of Council or a Council committee member under clause 15.9, the General Manager or any person making enquiries on

behalf of the General Manager must comply with the requirements of procedural fairness. In particular:

- (a) the substance of the allegation (including the relevant provision/s of Council's code of conduct that the alleged conduct is in breach of) must be put to the person the subject of the allegation; and
- (b) the person must be given an opportunity to respond to the allegation; and
- (c) the General Manager must consider the person's response in deciding whether to impose a sanction under clause 15.9.

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

15.11 The General Manager must refer all code of conduct complaints about conduct reviewers to the Division for its consideration.

15.12 The General Manager must notify the complainant of the referral of their complaint in writing.

15.13 The General Manager must implement any recommendation made by the Division as a result of its consideration of a code of conduct complaint about a conduct reviewer.

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

15.14 The General Manager must refer all code of conduct complaints about administrators to the Division for its consideration.

15.15 The General Manager must notify the complainant of the referral of their complaint in writing.

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

15.16 The General Manager must refer the following code of conduct complaints about Councillors to the Division:

- (a) complaints alleging a breach of the pecuniary interest provisions of the Act;
- (b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations (see section 328B);
- (c) complaints alleging a breach of Part 11 of the code of conduct relating to the maintenance of the integrity of the code; and
- (d) complaints the subject of a special complaints management arrangement with the Division.

15.17 Where the General Manager refers a complaint to the Division under clause 15.16, the General Manager must notify the complainant of the referral in writing.

15.18 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve code of conduct complaints about Councillors, other than those requiring referral to the Division under clause 15.16, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 15.20.

- 15.19 Where the General Manager resolves a code of conduct complaint under clause 15.18 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 15.20 The General Manager must refer all code of conduct complaints about Councillors other than those referred to the Division under clause 15.16 or resolved under clause 15.18 to the complaints coordinator.

How are code of conduct complaints about the General Manager to be dealt with?

- 15.21 The Mayor must refer the following code of conduct complaints about the General Manager to the Division:
- (a) complaints alleging a breach of the pecuniary interest provisions of the Act,
 - (b) complaints alleging a breach of Part 11 of the code of conduct relating to the maintenance of the integrity of the code, and
 - (c) complaints the subject of a special complaints management arrangement with the Division.
- 15.22 Where the Mayor refers a complaint to the Division under clause 15.21, the Mayor must notify the complainant of the referral in writing.
- 15.23 Where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about the General Manager, other than those requiring referral to the Division under clause 15.21, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 15.25.
- 15.24 Where the Mayor resolves a code of conduct complaint under clause 15.23 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 15.25 The Mayor must refer all code of conduct complaints about the General Manager other than those referred to the Division under clause 15.21 or resolved under clause 15.23 to the complaints coordinator.

Referral of code of conduct complaints to external agencies

- 15.26 The General Manager, Mayor or a conduct reviewer or conduct review committee may, at any time, refer a code of conduct complaint to an external agency or body such as, but not limited to, the Division, the Independent Commission Against Corruption, the NSW Ombudsman or the Police for its consideration, where they consider such a referral is warranted.
- 15.27 Where the General Manager, Mayor, conduct reviewer or conduct review committee refers a complaint to an external agency or body under clause 15.26, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 15.28 Referral of a matter to an external agency or body shall finalise consideration of the matter under the code of conduct unless the Council is subsequently advised otherwise by the referral agency or body.

Disclosure of the identity of complainants

- 15.29 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- (a) the complainant consents in writing to the disclosure, or
 - (b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - (c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - (d) a conduct reviewer or conduct review committee is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or it is otherwise in the public interest to do so.
- 15.30 Clause 15.29 does not apply to code of conduct complaints made by Councillors about other Councillors or the General Manager.
- 15.31 Where a Councillor makes a code of conduct complaint about another Councillor or the General Manager and the complainant Councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 15.32 A request made by a complainant Councillor under clause 15.31 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 15.33 The General Manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee must consider a request made under clause 15.31 before disclosing information that identifies or tends to identify the complainant Councillor but are not obliged to comply with the request.
- 15.34 Where a complainant Councillor makes a request under clause 15.31, the General Manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee shall notify the Councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 15.35 Code of conduct complaints that are made as public interest disclosures under the *Public Interest Disclosures Act 1994* are to be managed in accordance with the requirements of that Act, the Council's internal reporting policy and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 15.36 For a code of conduct complaint to be dealt with as a public interest disclosure, the complainant must state at the outset and in writing at the time of making the complaint that it is made as a public interest disclosure.
- 15.37 Where a Councillor makes a code of conduct complaint about another Councillor or the General Manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant Councillor must consent in writing to the disclosure of their identity as the complainant.

15.38 Where a complainant Councillor declines to consent to the disclosure of their identity as the complainant under clause 15.37, the General Manager or the Mayor must refer the complaint to the Division for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Related documents:

- *Public Interests Disclosure Policy*

Special complaints management arrangements

15.39 The General Manager may request in writing that the Division enter into a special complaints management arrangement with the Council in relation to code of conduct complaints made by or about a person or persons.

15.40 Where the Division receives a request under clause 15.39, it may agree to enter into a special complaints management arrangement where it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

- (a) imposed an undue and disproportionate cost burden on the Council's administration of its code of conduct, or
- (b) impeded or disrupted the effective administration by the Council of its code of conduct, or
- (c) impeded or disrupted the effective functioning of the Council.

15.41 A special complaints management arrangement must be in writing and must specify the following:

- (a) the code of conduct complaints the arrangement relates to, and
- (b) the period that the arrangement will be in force.

15.42 The Division may by notice in writing, amend or terminate a special complaints management arrangement at any time.

15.43 While a special complaints management arrangement is in force, an officer of the Division (the assessing Divisional officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of these procedures except as provided by clause 15.44 below.

15.44 Where, following a preliminary assessment, the assessing Divisional officer determines that a code of conduct complaint warrants investigation by a conduct reviewer or a conduct review committee, the assessing Divisional officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing Divisional officer.

15.45 Prior to the expiry of a special complaints management arrangement, the Division shall, in consultation with the General Manager, review the arrangement to determine whether it should be renewed or amended.

15.46 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 15.45.

16.0 PRELIMINARY ASSESSMENT

Referral of code of conduct complaints to conduct reviewers

- 16.1 The complaints coordinator must refer all code of conduct complaints about Councillors or the General Manager submitted to the complaints coordinator within 21 days of receipt of a complaint by the General Manager or the Mayor.
- 16.2 For the purposes of clause 16.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- (a) a panel of conduct reviewers established by the Council, or
 - (b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 16.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers.
- 16.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- (a) they have a conflict of interests in relation to the matter referred to them, or
 - (b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - (c) they or their employer has entered into one or more contracts with the Council in the 2 years preceding the referral and they or their employer have received or expect to receive payments under the contract or contracts of a cumulative value that exceeds \$100K, or
 - (d) at the time of the referral, they or their employer are the Council's legal service providers or are a member of a panel of legal service providers appointed by the Council.
- 16.5 For the purposes of clause 16.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 7.1 above).
- 16.6 For the purposes of clause 16.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 16.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the Council.
- 16.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer and advise which conduct reviewer the matter has been referred to.

Preliminary assessment by a conduct reviewer

- 16.9 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.

- 16.10 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- (a) to take no action; or
 - (b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology; or
 - (c) to refer the matter back to the General Manager or, in the case of a complaint about the General Manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, or apology; or
 - (d) to refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police; or
 - (e) to investigate the matter; or
 - (f) to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.
- 16.11 In determining how to deal with a matter under clause 16.10, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 16.27.
- 16.12 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what option to exercise under clause 16.10.
- 16.13 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under clause 16.10. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 16.14 The conduct reviewer must refer to the Division any complaints referred to him or her that should have been referred to the Division under clauses 15.16 and 15.21.
- 16.15 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 16.16 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 16.10, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it and this will finalise consideration of the matter under these procedures.
- 16.17 Where the conduct reviewer refers a complaint to another agency or body, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 16.18 The conduct reviewer may only determine to investigate a matter or to recommend that a conduct review committee be convened to investigate a matter where they are satisfied as to the following:
- (a) that the complaint is a “code of conduct complaint” for the purposes of these procedures; and
 - (b) that the alleged conduct, on its face, is sufficiently serious to warrant investigation; and
 - (c) that the matter is one that could not or should not be resolved by alternative means.

- 16.19 The conduct reviewer may only determine to recommend that a conduct review committee be convened to investigate a matter after consulting with the complaints coordinator and where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole conduct reviewer.
- 16.20 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator.
- 16.21 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint except as may be specifically required under these procedures.

Referral back to the General Manager or Mayor for resolution

- 16.22 Where the conduct reviewer determines to refer a matter back to the General Manager or to the Mayor to be resolved by alternative and appropriate means, they must write to the General Manager or, in the case of a complaint about the General Manager, to the Mayor, recommending the means by which the complaint may be resolved.
- 16.23 The conduct reviewer must consult with the General Manager or Mayor prior to referring a matter back to them under clause 16.22.
- 16.24 The General Manager or Mayor may decline to accept the conduct reviewer's recommendation. Where the General Manager or Mayor declines to do so, the conduct reviewer may determine to deal with the complaint by other means under clause 16.10.
- 16.25 Where the conduct reviewer refers a matter back to the General Manager or Mayor under clause 16.22, the General Manager or, in the case of a complaint about the General Manager, the Mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 16.26 Where the conduct reviewer refers a matter back to the General Manager or Mayor under clause 16.22, the General Manager, or, in the case of a complaint about the General Manager, the Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 16.27 In undertaking the preliminary assessment of a complaint, the conduct reviewer may have regard to the following considerations:
- (a) whether the complaint is a "code of conduct complaint";
 - (b) whether the complaint is trivial, frivolous, vexatious or not made in good faith;
 - (c) whether the complaint discloses prima facie evidence of a breach of the code;
 - (d) whether the complaint raises issues that would be more appropriately dealt with by another agency or body;
 - (e) whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of;
 - (f) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation or apology;
 - (g) whether the issue/s giving rise to the complaint have previously been addressed or resolved;

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- (h) whether the conduct complained of forms part of a pattern of conduct;
- (i) whether there were mitigating circumstances giving rise to the conduct complained of;
- (j) the seriousness of the alleged conduct;
- (k) the significance of the conduct or the impact of the conduct for the Council;
- (l) how much time has passed since the alleged conduct occurred; or
- (m) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

Attachment 2

17.0 OPERATIONS OF CONDUCT REVIEW COMMITTEES

- 17.1 Where a conduct reviewer recommends that the complaints coordinator convene a conduct review committee to investigate a matter, the conduct reviewer must notify the complaints coordinator of their recommendation and the reasons for their recommendation in writing.
- 17.2 The complaints coordinator must convene a conduct review committee comprising three conduct reviewers selected from:
- (a) a panel of conduct reviewers established by the Council, or
 - (b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 17.3 In selecting suitable conduct reviewers for membership of a conduct review committee convened under clause 17.2, the complaints coordinator may have regard to the following:
- (a) the qualifications and experience of members of the panel of conduct reviewers, and
 - (b) any recommendation made by the conduct reviewer about the membership of the committee.
- 17.4 The conduct reviewer who made the preliminary assessment of the complaint must not be a member of a conduct review committee convened under clause 17.2.
- 17.5 A member of a panel of conduct reviewers may not be appointed to a conduct review committee where they would otherwise be precluded from accepting a referral of the matter to be considered by the committee under clause 16.4.
- 17.6 Where the complaints coordinator convenes a conduct review committee, they will advise the complainant in writing that the committee has been convened and the membership of the committee.
- 17.7 Where, after a conduct review committee has been convened, a member of the committee becomes unavailable to participate in further consideration of the matter, the complaints coordinator may appoint another person from a panel of conduct reviewers to replace them.
- 17.8 Meetings of a conduct review committee may be conducted in person or by teleconference.
- 17.9 The members of the conduct review committee must elect a chairperson of the committee.
- 17.10 A quorum for a meeting of the conduct review committee is two members.
- 17.11 Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.
- 17.12 If a quorum is not present at a meeting of the conduct review committee, it must be adjourned to a time and date that is specified.

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

18.0 INVESTIGATIONS

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

- 18.1 A conduct reviewer or conduct review committee (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 18.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the General Manager, or, in the case of alleged conduct on the part of the General Manager, to the Mayor.
- 18.3 The General Manager or the Mayor is to deal with a matter reported to them by an investigator under clause 18.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 18.4 The investigator must at the outset of their investigation provide a written notice of investigation to the subject person. The notice of investigation must:
- (a) disclose the substance of the allegations against the subject person; and
 - (b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct; and
 - (c) advise of the process to be followed in investigating the matter; and
 - (d) invite the subject person to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice; and
 - (e) provide the subject person the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 18.5 The subject person may within 14 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the subject person to identify the substance of the allegation against them.
- 18.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the subject person in relation to the matter referred to them.
- 18.7 Where an investigator issues an amended notice of investigation, they will provide the subject person with a further opportunity to make a written submission in response to the amended notice of investigation within 28 days or such other reasonable period specified by the investigator in the amended notice.
- 18.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the Mayor. The notice must:
- (a) advise them of the matter the investigator is investigating, and

- (b) in the case of the notice to the complainant, invite them to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice.

Written and oral submissions

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

How are investigations to be conducted?

- 18.15 Investigations are to be undertaken without undue delay.
- 18.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 18.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 18.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 18.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

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

- 18.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
- (a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology; or
 - (b) refer the matter to the General Manager, or, in the case of a complaint about the General Manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology; or
 - (c) refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police.
- 18.21 Where an investigator determines to exercise any of the options under clause 18.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 16 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 18.22 Where an investigator determines to exercise any of the options under clause 18.20 after the commencement of an investigation, they may by written notice to the subject person, the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, the Mayor, discontinue their investigation of the matter.
- 18.23 Where the investigator discontinues their investigation of a matter under clause 18.22, this shall finalise the consideration of the matter under these procedures.
- 18.24 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 18.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 18.25 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 18.26 The investigator must provide their draft report to the subject person and invite them to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 18.27 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 18.28 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 18.29 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. Where as a result of making further enquiries, the investigator makes any material change to their

proposed report that makes new adverse comment about the subject person or an affected person, they must provide the subject person or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

- 18.30 Where the subject person or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 18.31 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 18.32 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 18.22.
- 18.33 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 18.34 The investigator's final report must:
- (a) make findings of fact in relation to the matter investigated; and,
 - (b) make a determination that the conduct investigated either:
 - (i) constitutes a breach of the code of conduct; or
 - (ii) does not constitute a breach of the code of conduct; and
 - (c) provide reasons for the determination.
- 18.35 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- (a) that the Council revise any of its policies or procedures;
 - (b) that the subject person undertake any training or other education relevant to the conduct giving rise to the breach;
 - (c) that the subject person be counselled for their conduct;
 - (d) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation;
 - (e) that findings of inappropriate conduct be made public;
 - (f) in the case of a breach by the General Manager, that action be taken under the General Manager's contract for the breach;
 - (g) in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the Act;
 - (h) in the case of a breach by a Councillor, that the Council resolves as follows:
 - (i) that the Councillor be formally censured for the breach under section 440G of the Act; and
 - (ii) that the matter be referred to the Division for further action under the misconduct provisions of the Act.
- 18.36 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- (a) that the Council revise any of its policies or procedures;
 - (b) that a person or persons undertake any training or other education.

- 18.37 In making a recommendation under clause 18.35, the investigator may have regard to the following:
- (a) the seriousness of the breach;
 - (b) whether the breach can be easily remedied or rectified;
 - (c) whether the subject person has remedied or rectified their conduct;
 - (d) whether the subject person has expressed contrition;
 - (e) whether there were any mitigating circumstances;
 - (f) the age, physical or mental health or special infirmity of the subject person;
 - (g) whether the breach is technical or trivial only;
 - (h) any previous breaches;
 - (i) whether the breach forms part of a pattern of conduct;
 - (j) the degree of reckless intention or negligence of the subject person;
 - (k) the extent to which the breach has affected other parties or the Council as a whole;
 - (l) the harm or potential harm to the reputation of the Council or local government arising from the conduct;
 - (m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny;
 - (n) whether an educative approach would be more appropriate than a punitive one;
 - (o) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action; and
 - (p) what action or remedy would be in the public interest.
- 18.38 At a minimum, the investigator's final report must contain the following information:
- (a) a description of the allegations against the subject person;
 - (b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated;
 - (c) a statement of reasons as to why the conduct reviewer considered that the matter warranted investigation;
 - (d) a statement of reasons as to why the conduct reviewer considered that the matter was one that could not or should not be resolved by alternative means;
 - (e) where the matter is investigated by a conduct review committee, a statement as to why the matter was one that warranted investigation by a conduct review committee instead of a sole conduct reviewer;
 - (f) a description of any attempts made to resolve the matter by use of alternative means;
 - (g) the steps taken to investigate the matter;
 - (h) the facts of the matter;
 - (i) the investigator's findings in relation to the facts of the matter and the reasons for those findings;
 - (j) the investigator's determination and the reasons for that determination;
 - (k) any recommendations.
- 18.39 The investigator must provide a copy of their report to the complaints coordinator, the subject person and the complainant.
- 18.40 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the Mayor and this will finalise consideration of the matter under these procedures.

- 18.41 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 18.35, paragraph (a), the complaints coordinator must provide a copy of the investigator's report to the General Manager. Where the General Manager agrees with the recommendation/s, the General Manager is responsible for implementing the recommendation/s.
- 18.42 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 18.35, paragraphs (b) or (c), the complaints coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the Mayor. The General Manager is responsible for arranging the implementation of the recommendation/s where the report relates to a Councillor's conduct. The Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the General Manager's conduct.
- 18.43 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 18.35, paragraphs (d) to (h), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary Council meeting for the Council's consideration unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary Council meeting following the election.

Consideration of the final investigation report by Council

- 18.44 The role of the Council in relation to a final investigation report is to impose a sanction where an investigator determines that there has been a breach of the code of conduct and makes a recommendation in their final report under clause 18.35, paragraphs (d) to (h).
- 18.45 The Council is to close its meeting to the public to consider the final investigation report where it is permitted to do so under section 10A of the Act.
- 18.46 Where the complainant is a Councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant Councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the Act or the Model Code.
- 18.47 Prior to imposing a sanction, the Council must provide the subject person with an opportunity to make an oral submission to the Council. The subject person is to confine their submission to addressing the investigator's recommendation/s.
- 18.48 Once the subject person has completed their oral submission they must absent themselves from the meeting and, where they are a Councillor, take no part in any discussion or voting on the matter.
- 18.49 The Council must not invite oral submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 18.50 Prior to imposing a sanction, the Council may by resolution:
- (a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - (b) seek an opinion by the Division in relation to the report.

- 18.51 The Council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Division.
- 18.52 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 18.53 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the Council, the subject person and the complainant.
- 18.54 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 18.55 The Council is only required to provide the subject person a further opportunity to address it on a supplementary report where the supplementary report contains new information that is adverse to them.
- 18.56 A Council may by resolution impose one or more of the following sanctions on a subject person:
- (a) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the resolution;
 - (b) that findings of inappropriate conduct be made public;
 - (c) in the case of a breach by the General Manager, that action be taken under the General Manager's contract for the breach;
 - (d) in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the Act;
 - (e) in the case of a breach by a Councillor:
 - (i) that the Councillor be formally censured for the breach under section 440G of the Act, and
 - (ii) that the matter be referred to the Division for further action under the misconduct provisions of the Act.
- 18.57 The Council is not obliged to adopt the investigator's recommendation/s. Where the Council does not adopt the investigator's recommendation/s, the Council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 18.58 The Council may, by resolution, impose a sanction on the subject person under clause 18.57 different to the sanction recommended by the investigator in their final report.
- 18.59 Where the Council resolves not to adopt the investigator's recommendation/s, the complaints coordinator must notify the Division of the Council's decision and the reasons for it.

19.0 RIGHTS OF REVIEW

Failure to comply with a requirement under these procedures

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

Practice rulings

- 19.2 Where a subject person and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Division to make a ruling on a question of procedure ("a practice ruling").
- 19.3 Where the Division receives a request in writing for a practice ruling, the Division may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 19.4 Where the Division makes a practice ruling, all parties are to comply with it.
- 19.5 The Division may decline to make a practice ruling. Where the Division declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Requests for review

- 19.6 A person the subject of a sanction imposed under Part 18 of these procedures other than one imposed under clause 18.57, paragraph (e), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Division.
- 19.7 A review under clause 19.6 may be sought on the following grounds:
- (a) that the investigator has failed to comply with a requirement under these procedures; or
 - (b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct; or
 - (c) that the Council has failed to comply with a requirement under these procedures in imposing a sanction.
- 19.8 A request for a review made under clause 19.6 must be made in writing and must specify the grounds upon which the person believes the investigator or the Council has erred.
- 19.9 The Division may decline to conduct a review, where the grounds upon which the review is sought are not sufficiently specified.
- 19.10 The Division may undertake a review of a matter without receiving a request under clause 19.6.
- 19.11 The Division will undertake a review of the matter on the papers. However, the Division may request that the complaints coordinator provide such further information that the Division considers reasonably necessary for it to review the matter. The

- complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Division.
- 19.12 Where a person requests a review under clause 19.6, the Division may direct the Council to defer any action to implement a sanction. The Council must comply with a direction to defer action by the Division.
- 19.13 The Division must notify the person who requested the review and the complaints coordinator of the outcome of the Division's review in writing and the reasons for its decision. In doing so, the Division may comment on any other matters the Division considers to be relevant.
- 19.14 Where the Division considers that the investigator or the Council has erred, the Division may recommend that a decision to impose a sanction under these procedures be reviewed.
- 19.15 In the case of a sanction implemented by the General Manager or Mayor under clause 18.42, where the Division recommends that the decision to impose a sanction be reviewed:
- (a) the complaints coordinator must provide a copy of the Division's determination in relation to the matter to the General Manager or the Mayor; and
 - (b) the General Manager or Mayor must review any action taken by them to implement the sanction; and
 - (c) the General Manager or Mayor must consider the Division's recommendation in doing so.
- 19.16 In the case of a sanction imposed by the Council by resolution under clause 18.57, where the Division recommends that the decision to impose a sanction be reviewed:
- (a) the complaints coordinator must, where practicable, arrange for the Division's determination to be tabled at the next ordinary Council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary Council meeting following the election, and
 - (b) the Council must:
 - (i) review its decision to impose the sanction; and
 - (ii) consider the Division's recommendation in doing so; and
 - (iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 19.17 Where having reviewed its previous decision in relation to a matter under clause 19.16 the Council resolves to reaffirm its previous decision, the Council must state in its resolution its reasons for doing so.

20.0 PROCEDURAL IRREGULARITIES

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

21.0 PRACTICE DIRECTIONS

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

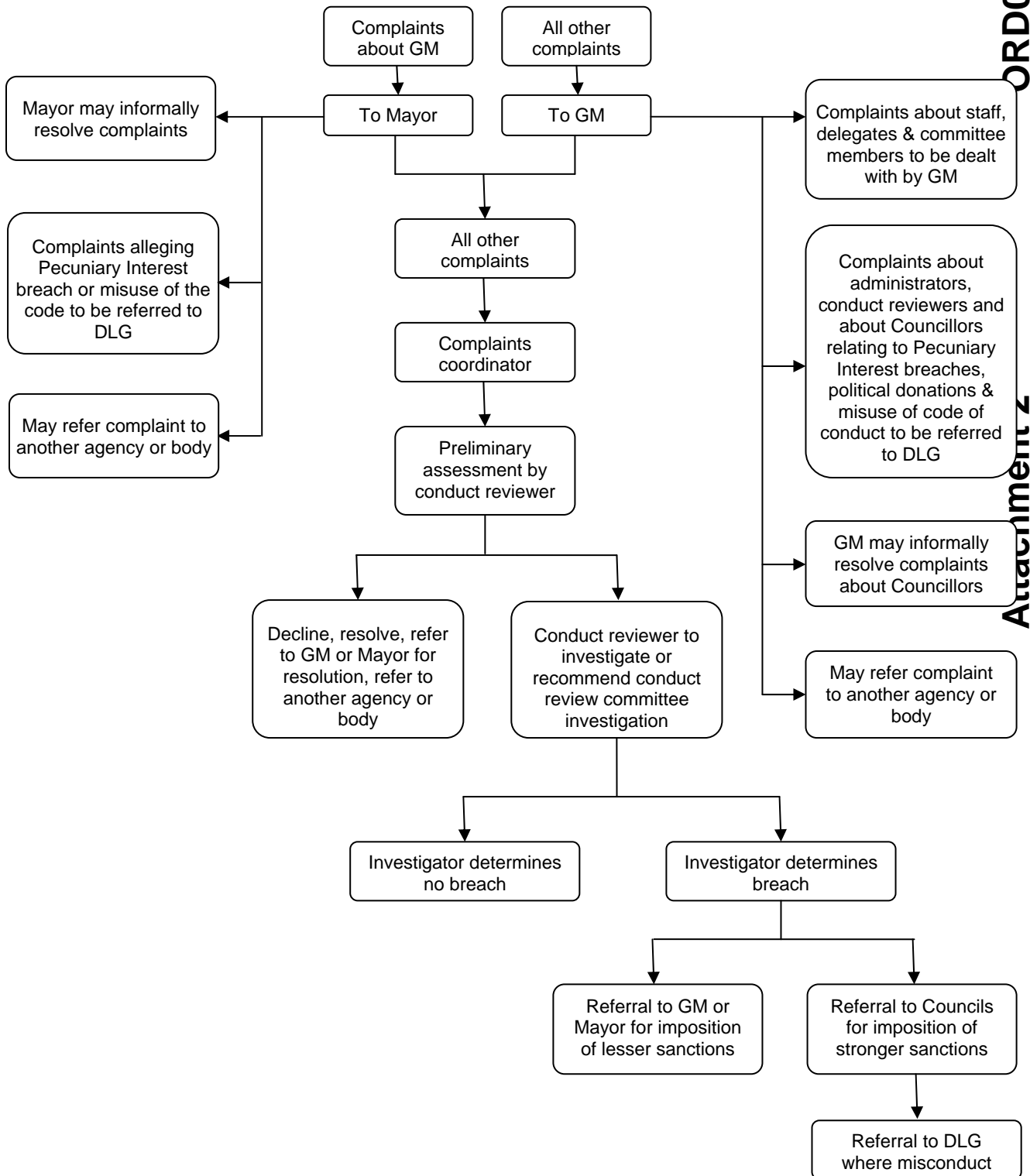
22.0 REPORTING ON COMPLAINTS STATISTICS

- 22.1 The complaints coordinator must arrange for the following statistics to be reported to the Council within 3 months of the end of September of each year:
- (a) the total number of code of conduct complaints made about Councillors and the General Manager under the code of conduct in the year to September;
 - (b) the number of code of conduct complaints referred to a conduct reviewer;
 - (c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints;
 - (d) the number of code of conduct complaints investigated by a conduct reviewer;
 - (e) the number of code of conduct complaints investigated by a conduct review committee;
 - (f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures;
 - (g) the number of matter reviewed by the Division and, without identifying particular matters, the outcome of the reviews; and
 - (h) the total cost of dealing with code of conduct complaints made about Councillors and the General Manager in the year to September, including staff costs.
- 22.2 The Council is to provide the Division with a report containing the statistics referred to in clause 22.1 within 3 months of the end of September of each year.

23.0 CONFIDENTIALITY

- 23.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

Model Code Procedure Flowchart



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Attachment 2

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RELEVANT LEGISLATION: *Local Government Act 1993*
Local Government (General) Regulation 2005
Protected Disclosures Act 1994;
Privacy and Personal Information Protection Act
1998;
Health Records and Information Privacy Act
2002;

RELATED POLICIES: 5.55 Dignity and Respect in the Workplace;
 5.27 Equal Employment Opportunity;
 5.29 Drugs and Alcohol;
 5.15 Councillor and Staff Contact;
 5.8 Code of Meeting Practice;
 5.24 Disciplinary Procedures.
 5.57 Payment of Expenses and Provision of
 Facilities for Mayor and Councillors;
 5.13 Internet and E-Mail access.

DELEGATIONS: N

SUSTAINABILITY ELEMENT: N

STAFF TRAINING REQUIRED? N

NEXT REVIEW DATE:**PREVIOUS POLICY**

ADOPTED: 29/03/2005; 12/05/2003;
 27/05/1996; 14/06/1994;
 22/07/2008; 25/11/2008

MINUTE: ORD52/05; RS028/03; 159/96;
 255/94; ORD198/08;
 ORD303/08

Attachment 2



ORDINARY COUNCIL

ORD05

ORD05

SUBJECT: SPONSORSHIP REQUEST - CAMDEN SHOW SOCIETY
FROM: Director Governance
BINDER: Sponsorship

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a request from the Camden Show Society for additional sponsorship of the 2013 Camden Show.

BACKGROUND

The Camden Show, which started in 1886, is one of the largest events in Camden and seeks to promote agriculture through competitions and education within the Macarthur region.

Since its inception, the event has continued to grow with over 42,000 visitors at last year's event, which was officially opened by Glenn McGrath, the Australian Year of the Farmer Ambassador.

MAIN REPORT

The Camden Show Society has asked Council to give consideration to providing additional financial support again in 2013 for this year's Show, by providing \$3,000 to assist with the distribution of 50,000 event programs in the Macarthur area. **A copy of the letter is attached at the end of this report.**

This year the event will be held on Friday 15 and Saturday 16 March with new headline attractions including the Lumberjack Spectacular, Pansy the Trackless Train, Kids Interactive and the Lifestyle Pavilion with cooking demonstrations.

FINANCIAL IMPLICATIONS

For this year's Camden Show, Council has budgeted \$660 monetary sponsorship as well as a range of in-kind sponsorship, including advertising, provision of waste bins and a range of site works not included in the normal maintenance schedule.

The \$3,000 requested by the Camden Show Society is currently not budgeted. Potential sources of funding include Councillor Ward Funds, of which there is an uncommitted balance of \$20,440 available. Another possible source of funding is the March Quarterly Review of the 2012/13 Budget.

CONCLUSION

Council considers the Camden Show a worthwhile community event and additional funding by Council would help increase the event's profile within the local and wider community.

ORD05

RECOMMENDED

That Council:

- i. determine the matter; and**
- ii. advise the applicant of Council's decision.**

ATTACHMENTS

1. Camden Show Society Request



THE CAMDEN SHOW SOCIETY INC.

Telephone: (02) 4655 8338 - Facsimile & Answer Phone: (02) 4655 9847

Nicole Magurren
Acting General Manager
Camden Council
PO Box 183
Camden
NSW 2570

PO Box 183 Camden 2570
"Onslow Park"
Argyle Street,
Camden, NSW

Dear Nicole,

Camden Show Friday 15th & Saturday 16th March 2013

Thankyou for offering so much support to the Camden Show Society, year after year. The Camden Show Committee and staff are involved dealing with most areas of Council and we continue to appreciate the support and help we receive from all of your staff and Councillors. In 2011 we elevated Camden Council to the highest level of sponsorship for the Show, Supreme Champion, a status shared with only 2 others.

2011 saw our 125th Anniversary Show where we were delighted to host Quentin Bryce AC, the Governor General. Camden Council was incredibly generous in this effort and among other things gave us a one off marketing funding allocation of \$3,000.00. We used these much needed funds to distribute 35,000 brochures in the Macarthur area to promote the Governor General's attendance and indeed promote the Show's Programme of events. (please find a copy of the 2011 programme attached).

Again in 2012 we also had a fantastic Show, Celebrating the Australian Year of the Farmer with its Ambassador Glenn McGrath, opening the show. (please find a copy of the 2011 programme attached).

This year, we are still aiming for a bumper-show with visitors in excess of 42,000 over the two days. Returning attractions combine with many new events. The Lumberjack Spectacular is our New headline attraction for 2013 along with an exciting new Lifestyle Pavilion with cooking and other demonstrations, Pansy the Trackless Train and Kids Interactive

The Camden Show Farmer of the Year, will be back for the second year, inviting our local farmers to promote their excellence and innovation. This has achieved an enthusiastic response and we are hoping that this will become a well supported, annual competition.

As a result of some very successful shows in the last couple of years, The Camden Show Society has managed to give over \$100,000 back into local community organisations through donations and contributions in the last 4 years. \$47,000 of this amount was as a result of the 2012 Show. Not bad for a volunteer / community organisation!

Part of this success is a very concise and low budget Marketing plan whis has been assisted by Camden Council over the last two years.

After discussions with your wonderful marketing staff, I hope that Council may be interested in supporting our marketing distribution of our events programme again in 2012 to the same value of \$3,000.00. Would it be possible for Camden Council to support this again?

We will await your reply at your earliest convenience.

Once again, many thanks for your support.

Regards,

Lyndy Cornwell
Secretary

CC Emma Robilliard Camden Council Marketing
David Head Camden Show President

ORD05

Attachment 1

ORDINARY COUNCIL

ORD06

SUBJECT: DECEMBER REVIEW OF THE 2012/13 BUDGET
FROM: Director Governance
BINDER: 2012/13 Budget

PURPOSE OF REPORT

This report presents the December Quarterly Budget Review for the 2012/13 financial year in accordance with Part 9, Division 3, Clause 203 of the *Local Government (General) Regulation 2005*.

Its purpose is to inform Council of the necessary changes to the 2012/13 Budget since the adoption of the September Review of the 2012/13 Budget, and to consider other changes put forward for determination.

SUMMARY OF BUDGET POSITION

In adopting the September Review of the 2012/13 Budget, Council approved a balanced budget position. Budget adjustments identified at the December Review represent a projected budget surplus for the 2012/13 financial year of \$512,604.

The projected surplus is above Council's minimum working funds level of \$1,000,000.

The improvement in the projected surplus is predominately a result of development income continuing to exceed budget expectations.

Please refer to Attachment 1 for the Quarterly Budget Review Statement.

ALLOCATION OF THE 2012/13 BUDGET SURPLUS

It is recommended that the projected December Budget Review Surplus of \$512,604 be allocated to the Capital Works Reserve.

CURRENT RESERVE BALANCES

The balance of the Central Administration Building Reserve and Capital Works Reserve are as follows:

Central Administration Building Reserve - \$2,038,507

The Central Administration Building Reserve was established as part of the planning for a new central administration building. The balance of the Central Administration Building Reserve reported as part of the September Review was \$3,038,507.

Since the adoption of the September Review of the 2012/13 Budget, Council has approved the following transfer from the Central Administration Building Reserve:

CENTRAL ADMINISTRATION BUILDING RESERVE	
Reserve Balance – 2012/13 September Review	\$3,038,507
Council Approved Transfers	
Proposed Continuation of the Community Infrastructure Renewal Program Council Resolution 317/12 – 11/12/2012	(\$1,000,000)
Revised Balance of Reserve	\$2,038,507

Capital Works Reserve (uncommitted) - \$431,800

The Capital Works Reserve is predominately used to fund emergency capital works or to match grant funding as part of a capital grant funding agreement. The balance of the Capital Works Reserve reported as part of the September Review was \$1,000,000.

Since the adoption of the September Review of the 2012/13 Budget, Council has approved the following transfers for the Capital Works Reserve:

CAPITAL WORKS RESERVE	
Reserve Balance – 2012/13 September Review	\$1,000,000
Proposed Transfers – September Review	
Proposed Continuation of the Community Infrastructure Renewal Program Council Resolution 317/12 – 11/12/2012	(\$500,000)
Council Facilities – Energy Savings Measures Council Resolution 279/12 – 13/11/2012	(\$18,200)
2013/14 Metropolitan Greenspace Program Council Resolution 14/13 – 29/01/2013	(\$50,000)
Balance of Reserve	\$431,800
2012/13 December Budget Review Surplus	\$512,604
Proposed Balance of Reserve	\$944,404

Historically, Council has maintained this reserve at \$1 million. It is recommended that the December Review surplus of \$512,604 be transferred to the Capital Works Reserve to increase the available balance to \$944,404. Council has the discretion to allocate these funds to future capital projects including any funding shortfalls that may be identified as part of considering the 2013/14 Budget.

MAIN REPORT- DECEMBER REVIEW OF THE 2012/13 BUDGET

Further information and explanation of the increase in the projected budget surplus for 2012/13 is detailed below:

NOTE 1 – PROPOSED VARIATIONS TO BUDGET

A list of the variations (greater than \$15,000) is provided in the following table and brief explanations below.

DECEMBER REVIEW OF THE 2012/13 BUDGET PROPOSED VARIATIONS	Budget Impact Increase / (Decrease)
INCOME ADJUSTMENTS	
Note: Increase in income is an increase in working funds	
Shortfall in income is a decrease in working funds	
1. Development Fees & Charges Income Increase	\$361,500
2. General Fund Interest on Investments Increase	\$40,600
3. Insurance Scheme Dividends & Rebates Increase	\$36,110
4. Section 603 Certificate Income Increase	\$15,500
Variations under \$15,000 - Various Increases	\$18,279
Sub Total - Income Adjustments	\$471,989
EXPENDITURE ADJUSTMENTS	
Note: Increase in expenditure is a decrease in working funds	
Savings in expenditure is an increase in working funds	
5. Corporate Superannuation Expense Savings	\$29,392
6. Fleet Management Vehicle Expense Savings	\$13,997
Variations under \$15,000 - Various Increases	(\$1,424)
Sub Total - Expenditure Adjustments	\$41,965
TOTAL - PROPOSED VARIATIONS TO BUDGET	\$513,954
Authorised Variations to Budget (Refer to Note 2)	(\$1,350)
TOTAL – DECEMBER REVIEW VARIATIONS TO BUDGET	\$512,604

1. Development Fees & Charges Income – Increase in Income of \$361,500

Development income continues to exceed budget expectations. Council has received a number of Development Applications of high value this quarter which reflects the high development activity in the release areas of Spring Farm, Elderslie, Oran Park and Gregory Hills. The level of income received from development activity is primarily dependent on the receipt of applications from developers, and as such is somewhat difficult to project given the unprecedented growth Council is experiencing.

2. General Fund Interest on Investments – Increase in Income of \$40,600

The performance of Council's investment portfolio continues to exceed budget expectations. The primary reason for this is Council's investment portfolio has been maintained at a higher level during the second quarter of 2012/13 than previously expected.

3. Insurance Scheme Dividends & Rebates – Increase in Income of \$36,110

Council is a member of its property insurance fund and as such is entitled to a rebate when all claims in a financial year have been finalised. Council has also received a risk management rebate for the implementation of proactive risk management initiatives during the 2011/12 financial year.

4. Section 603 Certificate Income – Increase in Income \$15,500

Income from processing Section 603 Certificate applications is exceeding budget expectations. The increase in Section 603 Certificate income represents the influx of applications generated by the continued development activity in new release areas within the LGA.

5. Corporate Superannuation Expense – Decrease in Expense \$29,392

The decrease in superannuation expense relates primarily to the retirement or resignation of employees in the Defined Benefits Scheme. Savings have also been achieved in the Accumulation Scheme from a number of vacancies in Council's staff structure.

6. Fleet Management Vehicle Expense – Decrease in Expense \$13,997

The savings primarily represent vacant positions within Council's staffing structure where a vehicle is required to perform work duties.

NOTE 2 – COUNCIL AUTHORISED VARIATIONS

Council has authorised eight (8) budget variations since the adoption of the September Review of the 2012/13 Budget. A list of these approved variations is provided in the following table:

COUNCIL APPROVED VARIATIONS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
Camden Bypass Land Acquisition Council Resolution CC05/12 - 23/10/2012	\$1,826,250	\$1,826,250	\$0
Road Improvements - Dowles Ln & Greendale Rd Road Improvements - Richardson Road Council Resolution 302/12 - 27/11/2012	\$505,100 (\$505,100)	\$0	\$0
Floodplain Management - Mapping & Studies Council Resolution 245/12 - 09/10/2012	\$276,500	\$276,500	\$0
Ron Dine Reserve Clubhouse Facilities Council Resolution 278/12 - 13/11/2012	\$250,000	\$250,000	\$0
Belgenny Reserve Lighting & Carpark Improvements Council Resolution 244/12 - 09/10/2012	\$75,000	\$75,000	\$0
Camden Junior Rugby League Contribution	\$30,000	\$30,000	\$0

Council Resolution 265/12 - 23/10/2012			
Council Facilities - Energy Savings Measures Council Resolution 279/12 - 13/11/2012	\$18,200	\$18,200	\$0
Community Events - Christmas Lights Competition Council Resolution 294/12 - 27/11/2012	\$1,350	\$0	(\$1,350)
TOTAL - COUNCIL APPROVED VARIATIONS	\$2,477,300	\$2,475,950	(\$1,350)

NOTE 3 – CONTRA ADJUSTMENTS

This section deals with all offsetting adjustments between income and expenditure or a transfer of funds between allocations. These adjustments have NO impact on Council's projected budget result as both movements of income and expenditure are of equal value.

During the period 1 October 2012 to 31 December 2012, a number of contra adjustments have taken place amounting to a total of \$1,697,326. For a detailed list of these adjustments, **please refer to Attachment 2 provided in the business paper.**

NOTE 4 – EXPENDITURE REVOTES

To assist Council in framing a realistic and accurate 2013/14 Budget, Managers and Directors were encouraged to identify any programmed works/projects that will not commence or be completed by 30 June 2013.

There are five (5) revotes proposed as part of this review.

PROPOSED EXPENDITURE REVOTES	Total Revote	General Fund	Other Funds
Road Improvements - Springs Road Urban Upgrade (Section 94 Developer Contributions)	\$1,394,262	\$0	\$1,394,262
Narellan Family & Childrens Centre Redevelopment (Section 94 Developer Contributions)	\$673,123	\$0	\$673,123
Mount Annan Leisure Centre Stage 2 Design (Section 94 Developer Contributions)	\$200,000	\$0	\$200,000
Kirkham Netball Courts Pavement Rehabilitation (General Fund)	\$150,000	\$150,000	\$0
Stormwater Systems - Lake Annan GPT Installation (Stormwater Management Reserve)	\$100,000	\$0	\$100,000
TOTAL EXPENDITURE REVOTES	\$2,517,385	\$150,000	\$2,367,385

For an explanation of these adjustments, **please refer to Attachment 2 provided in the business paper.**

NOTE 5 – 2012/13 LIST OF UNFUNDED WORKS AND SERVICES

In adopting the Amended Delivery Program and Operational Plan, Council endorsed the List of Unfunded Works and Services. This list identifies works or services that



Council is unable to fund or commence at this point in time. Items are added or deleted from the list via Council reports or by Council officers as a result of Councillor or community feedback.

There were no adjustments requested by Council Officers as part of the December Review. For a copy of the current Unfunded List of Works and Services, **please refer to the Supporting Documents provided as part of the business paper.**

NOTE 6 – COUNCILLOR CONSOLIDATED WARD FUNDS

To further assist Councillors in understanding the total available funds for consideration at each budget review, the following table is provided. This table is to inform Councillors of the current balance of Consolidated Ward Funds, and where funds have been spent in this financial year.

It should be noted that the balance of Consolidated Ward Funds is over and above the projected budget surplus of \$512,604 as advised in this report.

CONSOLIDATED WARD FUNDS	
TOTAL FUNDS AVAILABLE	\$30,000
PROJECTS FUNDED IN 2012/13	
Donation – Relay for Life (Camden Rotary) Council Resolution 129/12 – 12/06/2012	\$1,800
Donation – Goulburn to Camden Classic Council Resolution 190/12 – 14/08/2012	\$639
Mets Baseball Club – Fee Waiver Council Resolution 203/12 – 28/08/2012	\$852
Camden Athletics Club – Fee Waiver Council Resolution 274/12 - 13/11/2012	\$269
Camden Show Society - Donation Council Resolution 295/12 - 27/11/2012	\$3,000
Macarthur Lions ANZAC Fun Run 2013 Council Resolution 321/12 - 11/12/2012	\$3,000
TOTAL PROJECTS FUNDED IN 2012/13	\$9,560
BALANCE OF CONSOLIDATED WARD FUNDS 31 DECEMBER 2012	\$20,440

SUMMARY OF DECEMBER REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 31 December 2012.

SUMMARY OF BUDGET ADJUSTMENTS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
2011/12 Carried Forward Working Funds Balance			\$1,000,000
2012/13 Adopted Budget Position			\$0
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
Total Available Working Funds 01/07/2012			\$0
2011/12 September Review Adjustments	\$3,363,495	\$3,363,495	\$0
Total Available Working Funds as at 30/09/2012			\$0
2012/13 December Review Adjustments			
NOTE 1: Proposed Variations	(\$75,653)	\$438,301	\$513,954
NOTE 2: Authorised Variations	\$2,477,300	\$2,475,950	(\$1,350)
NOTE 3: Contra Adjustments	\$1,697,326	\$1,697,326	\$0
NOTE 4: Revotes (Budget Carry-Overs)	(\$2,367,385)	(\$2,367,385)	\$0
Total - December Review Adjustments	\$1,731,588	\$2,244,192	\$512,604
TOTAL AVAILABLE WORKING FUNDS			\$512,604

STATEMENT BY RESPONSIBLE ACCOUNTING OFFICER

The following statement is made in accordance with Clause 203(2) of the *Local Government (General) Regulations 2005*:

It is my opinion that the Quarterly Budget Review Result for Camden Council for the period ending 31 December 2012 indicates that Council's projected financial position is satisfactory. No remedial actions are required based on the financial position presented within this report.

FINANCIAL IMPLICATIONS

This report proposes to transfer the December Budget Review surplus of \$512,604 to the Capital Works Reserve, increasing the balance of the reserve to \$944,404 for future allocation at Council's discretion.

CONCLUSION

The December Review surplus is a pleasing result. Council continues to realise budget savings and additional income through growth. While growth continues to provide Council with a budget surplus the allocation of these funds should consider how Council will provide expected service levels to existing and new areas of Camden now and into the future.

Council has endorsed the construction of a new administration building which will place pressure on Council's future borrowing capacity and liquidity. Council has an infrastructure renewal backlog which in-part is being addressed in the 2013/14 budget through the proposed continuation of the Community Infrastructure Renewal Program. Council continues to explore funding options to address its asset renewal backlog to ensure Council's long-term sustainability.

Council determines its priorities for funding in consultation with its community through the adoption of a Community Strategic Plan and the Integrated Planning and Reporting framework.

RECOMMENDED

That Council:

- i. approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', 'Contra Variations' and 'Expenditure Revotes' of this report; and**
- ii. allocate the projected 2012/13 December Review Budget Surplus of \$512,604 to the Capital Works Reserve.**

ATTACHMENTS

1. QBRS Report
2. Budget Appendix
3. Unfunded Works & Services - *Supporting Document*



Camden Council Quarterly Budget Review Statement

For the period ending 31 December 2012

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Camden Council
Income & Expenses Budget Review Statement

Quarterly Budget Review Statement
for the period 01/10/12 to 31/12/12

Budget review for the quarter ended 31 December 2012
Income & Expenses Review

	Original Budget 2012/13	Changes			Revised Budget 2012/13	Variations for this Dec Qtr	Notes	Projected Year End Result
		Revotes	Other than by a QBRs	Sept QBRs				
Operating Income								
Actively Managing Camden's Growth	8,821,600	-	29,932	1,065,133	9,916,665	2,214,142	1	12,130,807
Healthy Urban and Natural Environment	19,498,400	136,518	326,000	1,296	19,962,214	4,834		19,967,048
A Prosperous Economy	7,400	-	-	657	8,057	-		8,057
Effective and Sustainable Transport	7,459,300	468,112	620,089	70,870	8,618,371	(19,438)	2	8,598,933
An Enriched and Connected Community	7,425,100	467,217	-	(160,326)	7,731,991	15,808	3	7,747,799
Strong Local Leadership	38,756,200	8,110	-	(412,631)	38,351,679	78,792	4	38,430,471
	81,968,000	1,079,957	976,021	564,999	84,588,977	2,294,138		86,883,115
Operating Expenses								
Actively Managing Camden's Growth	7,242,200	327,131	-	532,572	8,101,903	80,846	5	8,182,749
Healthy Urban and Natural Environment	18,660,300	368,285	291,500	(142,645)	19,177,440	77,437	6	19,254,877
A Prosperous Economy	459,800	-	3,500	(4)	463,296	(17,044)	7	446,252
Effective and Sustainable Transport	14,428,500	59,597	33,900	71,741	14,593,738	49,590	8	14,643,328
An Enriched and Connected Community	10,191,000	111,540	96,350	(1,432)	10,397,458	(46,589)	9	10,350,869
Strong Local Leadership	15,338,300	111,550	-	421,981	15,871,831	327,728	10	16,199,559
	66,320,100	978,103	425,250	882,213	68,605,666	471,968		69,077,634
Net Operating Surplus / (Deficit)	15,647,900	101,854	550,771	(317,214)	15,983,311	1,822,170		17,805,481
Add:								
Non Cash Funded Depreciation	15,107,900	-	-	-	15,107,900	-		15,107,900
Funds from the Sale of Assets	359,400	209,050	-	210,318	778,768	8,182		786,950
Loan Borrowings	1,600,000	-	-	-	1,600,000	-		1,600,000
Transfer from Restricted Assets	19,320,700	9,797,008	2,344,559	1,751,178	33,213,445	(2,465,513)		30,747,932
	36,388,000	10,006,058	2,344,559	1,961,496	50,700,113	(2,457,331)		48,242,782
Less:								
Capital Purchases / Asset Acquisitions	39,260,200	10,107,912	2,930,180	(547,650)	51,750,642	(3,095,440)		48,655,202
Borrowing Expenses (Principal)	1,833,300	-	-	(158,700)	1,674,600	-		1,674,600
Transfer to Restricted Assets	10,942,400	-	-	2,317,132	13,259,532	1,946,325		15,205,857
Proposed - Transfer to Restricted Assets	-	-	-	-	-	512,604		512,604
	52,035,900	10,107,912	2,930,180	1,610,782	66,684,774	(636,511)		66,048,263
Net Budget Position Surplus / (Deficit)	-	-	(34,850)	33,500	(1,350)	1,350		-

Camden Council
Income & Expenses Review Statement

Quarterly Budget Review Statement
for the period 01/10/12 to 31/12/12

Budget review for the quarter ended 31 December 2012
Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
1	2,214,142	Actively Managing Camden's Growth - Increase in Income This adjustment relates to an increase in Section 94 cash payments received for a number of large developments during the first half of 2012/13 (\$1.3M), an increase in income from Voluntary Planning Agreements (\$414K), additional development income reflecting high level of development activity throughout the LGA (\$436K), and additional Section 94 Interest on Investments due to a higher than expected investment balance (\$66K). Other minor adjustments were also required as part of this review (\$2K).
2	(19,438)	Effective and Sustainable Transport - Decrease in Income A range of minor income adjustments have been required at this review including a reduction in expected grant income from the Blackspot Funding Program (\$9K) and a reduction in motor vehicle income (\$7K). A range of other minor adjustments were also required (\$3K).
3	15,808	An Enriched and Connected Community - Increase in Income This adjustment primarily relates to additional income received for the reservation of plots at the Camden Cemetery (\$55K). This has been offset by a reduction in forecast revenue from the Narellan Artycafe (\$39K) due to the reduction in operating hours during 2012/13.
4	78,792	Strong Local Leadership - Increase in Income This increase in income relates primarily to risk management rebates and scheme dividends which were received during the second quarter of 2012/13 (\$36K), additional income from interest on investments as a result of a higher than expected level of funds available for investment (\$41K) and additional income through the processing of Section 603 certificates which is due to the influx of applications due to continued development activity throughout the LGA (\$15K). A range of other minor adjustments are also required at this review (\$13K).
5	80,846	Actively Managing Camden's Growth - Increase in Expense This increase in expenditure relates to additional plan first levy payments (\$75K) which are required due to the increase in development application income and a range of other minor adjustments (\$6K).
6	77,437	Healthy Urban and Natural Environment - Increase in Expense This increase in expenditure is primarily a result of the redirection of funds from the parks and gardens embellishment allocation (capital expenditure) to major turf repairs (\$87K), the reallocation of stormwater maintenance funds to road drainage maintenance (\$62K) and an increase in staff related expenditure for Domestic Waste Management (\$49K). A number of minor adjustments were also completed at this review (\$3K).
7	(17,044)	A Prosperous Economy - Decrease in Expense This decrease in expenditure is primarily a result of the staff vacancy within the economic development function (\$17K). The position is expected to be filled within the coming months.

Camden Council
Income & Expenses Review Statement

Quarterly Budget Review Statement
for the period 01/10/12 to 31/12/12

Budget review for the quarter ended 31 December 2012

Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
8	49,590	<p>Effective and Sustainable Transport - Increase in Income</p> <p>This increase in expense is primarily a result of the transfer of funding from capital renewal accounts for footpaths and kerb and gutter for maintenance works (\$103K), the reallocation of stormwater maintenance works to roads drainage maintenance (\$68K) and additional maintenance works required at the Macarthur Road and Springs Road Intersection (\$26K). This has been offset by a reduction in block grant maintenance expenditure which has been reallocated to a new pedestrian crossing at Murray Street (\$20K) and savings resulting from a range of vacant positions within the Asset and Transport teams (\$122K). A number of minor adjustments in expenditure were also required (\$5K).</p>
9	(46,589)	<p>An Enriched and Connected Community - Decrease in Expense</p> <p>This adjustment primarily relates to the reduction in forecast expenditure from the Narellan Artycafe due to the reduction in operating hours during 2012/13 (\$35K) and the transfer of the Library special project grant to a capital expenditure project (\$22K). A number of other minor adjustments have also been made at this review (\$11K).</p>
10	327,728	<p>Strong Local Leadership - Increase in Expense</p> <p>This increase in expense relates to a number of adjustments including; an increase in payments made to employees on resignation or retirement (\$437K), a reduction in Council's vacancy provision target as a result of vacant positions (\$70K), a reduction in corporate motor vehicle expenditure (\$30K) and a reduction in superannuation expenditure (\$29K). A number of minor increases in corporate expenditure were also required (\$20K).</p>

This statement forms part of the Quarterly Budget Review Statement for the quarter ended 31/12/2012 and should be read in conjunction with the rest of the report Page 3

ORD06

Attachment 1

Camden Council
Capital Budget Review Statement

Quarterly Budget Review Statement
for the period 01/10/12 to 31/12/12

Budget review for the quarter ended 31 December 2012
Capital Expenditure Review

	Original Budget 2012/13	Changes			Revised Budget 2012/13	Variations for this Dec Qtr	Notes	Projected Year End Result
		Revotes	Other than by a QBRs	Sept QBRs				
Capital Expenditure								
New Assets (Council Delivery)								
Transport & Road Infrastructure	8,744,600	4,849,994	1,929,630	41,673	15,565,897	(1,367,670)	1	14,198,227
Community Facilities	3,091,800	1,268,769	250,000	(786,478)	3,824,091	(1,373,123)	2	2,450,968
Parks & Recreation	226,500	504,060	(50,000)	9,420	689,980	-		689,980
Plant & Equipment	-	487,800	-	-	487,800	-		487,800
Stormwater & Drainage	220,000	-	-	-	220,000	(40,000)	3	180,000
Other	208,400	48,110	-	200,000	456,510	-		456,510
New Assets (Works In Kind)								
Transport & Road Infrastructure	6,506,000	-	-	-	6,506,000	-		6,506,000
Community Facilities	-	-	-	-	-	-		-
Parks & Recreation	2,561,000	-	-	-	2,561,000	-		2,561,000
Stormwater & Drainage	9,184,000	-	-	-	9,184,000	-		9,184,000
Asset Renewal (Replacement)								
Transport & Road Infrastructure	3,954,000	1,284,286	677,418	38,133	5,953,837	(112,681)	4	5,841,156
Community Facilities	296,100	49,046	18,200	40,041	403,387	-		403,387
Parks & Recreation	726,000	51,211	75,000	104,800	957,011	(237,240)	5	719,771
Stormwater & Drainage	73,600	-	-	-	73,600	(5,201)		68,399
Council Properties	1,515,400	125,845	-	(156,235)	1,485,010	7,300		1,492,310
Plant & Equipment	1,369,000	1,109,793	-	65,427	2,544,220	19,703	6	2,563,923
Information Technology Upgrades	400,300	327,328	29,932	(104,431)	653,129	(9,028)		644,101
Other	183,500	1,670	-	-	185,170	22,500	7	207,670
Total Capital Expenditure	39,260,200	10,107,912	2,930,180	(547,650)	51,750,642	(3,095,440)		48,655,202
Capital Funding								
Rates & Untied Income	2,882,200	1,303,573	-	62,830	4,248,603	(268,124)		3,980,479
External Grant Income	1,402,100	1,345,854	691,121	(138)	3,438,937	35,856		3,474,793
Reserves:								
External Restrictions	11,407,800	6,067,711	2,104,630	(617,171)	18,962,970	(2,787,580)		16,175,390
Internal Restrictions	3,337,700	1,067,641	109,429	(111,171)	4,403,599	(75,592)		4,328,007
S94 Works In Kind Income (Non Cash)	18,251,000	-	-	-	18,251,000	-		18,251,000
New Loans	1,600,000	-	-	-	1,600,000	-		1,600,000
Receipts from Sale of Assets								
- Plant & Equipment	359,400	209,050	-	38,000	606,450	-		606,450
- Land & Buildings	-	-	-	-	-	-		-
Other Funding	20,000	114,083	25,000	80,000	239,083	-		239,083
Total Capital Funding	39,260,200	10,107,912	2,930,180	(547,650)	51,750,642	(3,095,440)		48,655,202
Net Capital Funding	-	-	-	-	-	-		-

Camden Council
Capital Budget Review Statement

Quarterly Budget Review Statement
for the period 01/10/12 to 31/12/12

Budget review for the quarter ended 31 December 2012
Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
1	(1,367,670)	<p>Transport & Road Infrastructure (New Assets) - Decrease in Expenses</p> <p>This decrease primarily relates to the revote of Springs Road urban upgrade due to the proposed relocation of the primary school (\$1.394M). Funds have also been reallocated from an allocation for asset renewal for the construction of new pedestrian crossings (\$15K). Other minor adjustments were also required as part of this review (\$11K).</p>
2	(1,373,123)	<p>Community Facilities (New Assets) - Decrease in Expenses</p> <p>This decrease relates to the revote of the Narellan Community Centre redevelopment (\$673K) due to delays with the design and approval process and Stage 2 design of Mount Annan Leisure Centre (\$200K) which has been deferred until a review of indoor court requirements has been completed. Funding for the Spring Farm Youth Centre Planning (\$500K) has also been removed as part of this review.</p>
3	(40,000)	<p>Stormwater & Drainage (New Assets) - Decrease in Expenses</p> <p>This decrease relates to the revote of the Lake Annan GPT Installation (\$100K) due to delays in the design process and additional funds which are required for design modifications of the trunk drainage works to be completed in Elderslie (\$60K).</p>
4	(112,681)	<p>Transport & Road Infrastructure (Asset Renewal) - Decrease in Expenses</p> <p>These adjustments relate to the allocation of funding for asset maintenance and renewal works. A higher level of maintenance has been completed for footpaths (\$80K) and kerb and gutter (\$23K) works and funds are required to be transferred from asset renewal allocations. Other minor adjustments have also been required as part of this review (\$10K).</p>
5	(237,240)	<p>Parks & Recreation (Asset Renewal) - Decrease in Expenses</p> <p>Council is currently undertaking a rectification trial on six of the netball courts located at Kirkham Reserve. If successful, the remaining courts will be completed in 2013/14. The funds to complete the balance of works is to be transferred to this reserve (\$150K). Funds have also been redirected from parks and gardens embellishment allocation to major turf repairs (\$87K) which is not classified as capital expenditure.</p>
6	19,703	<p>Plant & Equipment (Asset Renewal) - Increase in Expenses</p> <p>Council was recently successful in its application to partially fund the purchase of a range of new equipment for emergency services (\$12K). A range of minor adjustments were also required as part of this review (\$8K).</p>
7	22,500	<p>Other Assets (Asset Renewal) - Increase in Expenses</p> <p>Funding has been reallocated from the Library special project grant. The funding was originally expected to be spent on operational programs, however funding has been secured to purchase a range of electronic library resources (\$23K).</p>

This statement forms part of the Quarterly Budget Review Statement for the quarter ended 31/12/2012 and should be read in conjunction with the rest of the report Page 5

Camden Council
Cash & Investments Budget Review Statement

Quarterly Budget Review Statement
for the period 01/10/12 to 31/12/12

Projected Year End Cash Position ending 30 June 2013
Cash & Investments Review

	Original Budget 2012/13	Changes			Revised Budget 2012/13	Variations for this Dec Qtr	Notes	Projected Year End Balance
		Revotes	Other than by a QBRs	Sept QBRs				
Externally Restricted								
Section 94 Developer Contributions	10,346,646	-	(1,180,266)	791,352	9,957,732	4,534,993	1	14,492,725
Infrastructure Loan (Lodges Road)	106,024	-	3,022,165	186,500	3,314,689	(65,600)	2	3,249,089
Domestic Waste Management	3,849,406	-	(49,400)	(141,291)	3,658,715	(35,695)	3	3,623,020
Specific Purpose Grants	9,373	(87,945)	-	87,945	9,373	-		9,373
Stormwater Management Levy	160,341	-	36,831	-	197,172	260		197,432
Development Acceleration Fund	561,743	-	15,478	(577,221)	-	1,400		1,400
Other Restricted Contributions	54,726	-	290,000	(294,086)	50,640	-		50,640
Total Externally Restricted	15,088,259	(87,945)	2,134,808	53,199	17,188,321	4,435,358		21,623,679
Internally Restricted								
Employee Leave Entitlements	1,994,654	-	(35,130)	152,580	2,112,104	(237,086)	4	1,875,018
Expenditure Revotes	-	87,945	-	(87,945)	-	150,000	5	150,000
Stormwater Works (General Fund)	167,259	-	86,258	-	253,517	100,000	6	353,517
Capital Works Reserve	528,036	-	(18,200)	744,573	1,254,409	2,892		1,257,301
Infrastructure Loan - Repayment Fund	3,756,300	-	-	-	3,756,300	-		3,756,300
Central Administration Building	2,534,510	-	(283,978)	787,975	3,038,507	-		3,038,507
Camden Town Centre Improvements	1,094,500	-	-	-	1,094,500	-		1,094,500
Water Savings Action Plan	52,897	-	-	-	52,897	-		52,897
Cemetery Improvements	398,360	-	55,245	-	453,605	41,000	7	494,605
Section 355 Management Committees	184,411	-	-	-	184,411	-		184,411
Camden Carparking	120,578	-	-	-	120,578	-		120,578
Risk Management	242,599	-	-	-	242,599	-		242,599
Working Funds Surplus	-	-	1,261,119	(1,261,119)	-	-		-
Major Plant Replacement	508,323	-	(134,711)	172,318	545,930	8,182		554,112
Commercial Waste Management	1,039,343	-	49,004	1,470	1,089,817	(6,012)		1,083,805
Council Elections	-	-	-	-	-	-		-
Community Infrastructure Renewal Program	-	-	3,602	(3,602)	-	-		-
Narellan Artycafe	-	-	(13,600)	13,600	-	-		-
Swimming Pool Repairs	-	-	-	-	-	-		-
Family Day Care Reserve	108,010	-	-	(7,095)	100,915	(7,090)		93,825
Community Facilities Reserve	-	-	-	-	-	-		-
Public Appeals Reserve	35,974	-	-	-	35,974	-		35,974
Engineering Deposits	184,771	-	-	-	184,771	(25,406)	8	159,365
Total Internally Restricted	12,950,525	87,945	969,609	512,755	14,520,834	26,480		14,547,314
Unrestricted (i.e. available after the above Restrictions)	6,454,048	-	-	33,500	6,487,548	580,705		7,068,253
Total Cash & Investments	34,492,832	-	3,104,417	599,454	38,196,703	5,042,543		43,239,246

Cash & Investments Statement

Investments have been invested in accordance with Council's Investment Policy.

The Cash at Bank amount for this period has been reconciled to Council's physical Bank Statements. The date of completion of this bank reconciliation is 31/12/2012.

Notes:

1. The uncommitted balance of the Capital Works Reserve is \$431,800
2. The uncommitted balance of the Central Administration Building Reserve is \$2,038,500
3. The uncommitted balance of the Working Funds Reserve is \$0

Camden Council
Cash and Investments Review Statement

Quarterly Budget Review Statement
for the period 01/10/12 to 31/12/12

Budget review for the quarter ended 31 December 2012

Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
1	4,534,993	<p>Section 94 Developer Contributions Reserve - Net Increase in Transfer to Reserve</p> <p>The balance of Council's Section 94 reserves has increased as a result additional Section 94 Income received from developers (\$1.3M), an increase in income from voluntary planning agreements (\$414K) and additional interest on investments (\$66K). There are also a number of project revotes which been identified as part of this review including; Springs Road urban upgrade (1.394M), Narellan Community Centre redevelopment (\$673K) and Stage 2 design of Mount Annan Leisure Centre (\$200K). Funding for the Spring Farm Youth Centre Planning (\$500K) has also been removed as part of this review. A range of minor adjustments were also made at this review (\$12K).</p>
2	(65,600)	<p>Lodges Road Upgrade Infrastructure Loan (DOP) - Increase in Transfer from Reserve</p> <p>Funds are required for design modifications of the trunk drainage works to be completed in Elderslie (\$60K). These works are to be funded from the Department of Planning Infrastructure Loan. A number of minor adjustments were also made at this review (\$6K).</p>
3	(35,695)	<p>Domestic Waste Management - Increase in Transfer from Reserve</p> <p>Additional funding is required from the Waste Management Reserve primarily as a result of additional staffing expenses and operational expenses (\$36K).</p>
4	(237,086)	<p>Employee Leave Entitlements Reserve - Net Increase in Transfer from Reserve</p> <p>Payments made to employees on resignation or retirement are partially funded from Council's ELE Reserve. Payments funded from the ELE Reserve during the second quarter of 2012/13 total \$243K. Leave entitlements are also transferable between Council's. Transfers to other Council's are funded from the Reserve, and payments received are restricted to the Reserve. The net effect of these transfers is \$6K.</p>
5	150,000	<p>Expenditure Revotes Reserve - Increase in Transfer to Reserve</p> <p>Council is currently undertaking a rectification trial on six of the netball courts located at Kirkham Reserve. If successful, the remaining courts will be completed in 2013/14. The funds to complete the balance of works is to be transferred to this reserve (\$150K).</p>
6	100,000	<p>Stormwater Works (General Fund) - Decrease in Transfer from Reserve</p> <p>The reduction in this reserve transfer relates to the revote of the Lake Annan GPT Installation project (\$100K). There have been delays in the project associated with the design process and work is unlikely to commence prior to June 2013.</p>
7	41,000	<p>Cemetery Improvements - Net Increase in Transfer to Reserve</p> <p>Additional income was received during the first half of 2012/13 primarily as a result of a higher than expected reservation of plots (\$55K). Income is restricted for the purpose of future expenditure at the Camden Cemetery. Additional funds are required for the approval process regarding the proposed cemetery concept plan (\$14K).</p>
8	(25,406)	<p>Development Fees Reserve - Increase in Transfer from Reserve</p> <p>Works have recently been completed at the Macarthur Road / Springs Road Intersection. The works are funded by income received by Council under sand extraction development consent (\$25K).</p>

This statement forms part of the Quarterly Budget Review Statement for the quarter ended 31/12/2012 and should be read in conjunction with the rest of the report Page 7.

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Attachment 1

Camden Council
Contracts Budget Review Statement

Quarterly Budget Review Statement
for the period 01/10/12 to 31/12/12

Budget review for the quarter ended 31 December 2012

Contracts Budget Review

Contractor	Contract Detail & Purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)
Fulton Hogan	Cobbitty Road Resealing	72,393	Nov-12	1 Month	Y
SMEC	Little Sandy Bridge Elderslie Design & Investigation Works	56,068	Nov-12	6 Months	Y
Picton Powerlines	Electrical Sub-Station Ron Dine Reserve	76,840	Nov-12	3 Months	Y
Solar Technology Australia	Solar PV System - Narellan Library	130,000	Dec-12	6 Months	Y

Notes:

1. Contracts listed are those entered into through a tender process during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
2. Contracts for employment are not included in this list.

Camden Council
 Consultancy & Legal Expenses Statement

Quarterly Budget Review Statement
 for the period 01/10/12 to 31/12/12

Budget review for the quarter ended 31 December 2012
 Consultancy & Legal Expenses Overview

Expense	YTD Expense	Budgeted (Y/N)
Consultancies	141,760	Y
Legal Fees	207,811	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Council has engaged specialist consultants to assist in the planning for the location and construction of a new central administration building. Council has also required specialist advice (legal and technical) regarding a number of strategic property acquisitions, rezoning matters and the investigation of defects at Camden Memorial Pool. Costs associated with these matters have been included in the expenditure totals above.

ORD06

Attachment 2

Summary of Budget Review Variations Greater Than \$15,000

December Review of the 2012/13 Budget

Change In Vote			Description	Comments
Expense \$	Income \$	Totals \$		
Note: INCOME - Increases are shown as positives figures. Reductions are shown as negative figures EXPENDITURE - Increases are shown as positive figures. Reductions are shown as negative figures				
1) Proposed Budget Variations				
Proposed variations to the 2012/13 Budget based on income received and expenditure payments to date are as follows:				
(551,830)	1,387,745	1,939,575	Surplus / (Deficit) - Proposed Budget Variations September 2012/13 Review	
-	361,500	361,500	Development - Fees & Charges Income	Development income continues to exceed budget expectations. Council has received a number of Development Applications of high value this quarter which reflects the high development activity in the release areas of Spring Farm, Elderslie, Oran Park and Gregory Hills. The level of income received from development activity is primarily dependent on the receipt of applications from developers, and as such is somewhat difficult to project given the unprecedented growth Council is experiencing.
-	40,600	40,600	Corporate Management - General Fund Interest on Investments	The performance of Council's investment portfolio continues to exceed budget expectations. The primary reason for this is Council's investment portfolio has been maintained at a higher level during the second quarter of 2012/13 than previously expected.
-	36,110	36,110	Risk Management - Insurance Scheme Dividends & Rebates	Council is a member of its property insurance fund and as such is entitled to a rebate when all claims in a financial year have been finalised. Council has also received a risk management rebate for the implementation of proactive risk management initiatives during the 2011/12 financial year.
(29,392)	-	29,392	Corporate Salaries - Superannuation Expense	The decrease in superannuation expense relates primarily to the retirement or resignation of employees in the Defined Benefits Scheme. Savings have also been achieved in the Accumulation Scheme from a number of vacancies in Council's staff structure.
-	15,500	15,500	Corporate Management - Section 603 Certificate Income	Income from processing Section 603 Certificate applications is exceeding budget expectations. The increase in Section 603 Certificate income represents the influx of applications generated by the continued development activity in new release areas within the LGA.
(47,685)	(33,688)	13,997	Fleet Management - Vehicle Expenses*	The savings primarily represent vacant positions within Council's staffing structure where a vehicle is required to perform work duties.
1,424	18,279	16,855	Variations under \$15,000	
(75,653)	438,301	513,954	Surplus / (Deficit) - Proposed Budget Variations December 2012/13 Review	
(627,483)	1,826,046	2,453,529	Surplus / (Deficit) - Net Impact of Variations 2012/13	
* It should be noted where net increases or reductions have been shown within the main Council Report the income and expenditure column will not reconcile, as the two are separated within this attachment.				
2) Council Approved Budget Variations				
Since adopting the 2012/13 Budget, Council has authorised the following changes to the budget:				
2,784,405	844,830	(1,939,575)	Surplus / (Deficit) - Authorised Variations September 2012/13 Budget Review	
1,826,250	-	-	Transport Systems - Camden Bypass Land Acquisition	
-	1,826,250	-	Section 94 Developer Contributions - Transfer from Reserve	Authorised Council Resolution CC05/12 - 23/10/2012
505,100	-	-	Road Improvements - Dowles Lane Sealing	
375,000	-	-	Road Improvements - Greendale Road Reconstruction	Authorised Council Resolution 302/12 - 27/11/2012
(880,100)	-	-	Road Improvements - Richardson Road Upgrade	
276,500	-	-	Floodplain Management - Mapping & Studies	
-	251,000	-	Grant Income - Office of Environment & Heritage	Authorised Council Resolution 245/12 - 09/10/2012
-	25,500	-	Stormwater Reserve - Transfer from Reserve	
250,000	-	-	Park Improvements - Ron Dine Reserve Clubhouse Facilities	
-	250,000	-	Section 94 Developer Contributions - Transfer from Reserve	Authorised Council Resolution 278/12 - 13/11/2012
75,000	-	-	Belgenny Reserve - Lighting & Carpark Improvements	
-	50,000	-	Grant Income - Department of Sport & Recreation	Authorised Council Resolution 244/12 - 09/10/2012
-	25,000	-	Other Contributions - Camden Falcons Soccer Club	

Summary of Budget Review Variations Greater Than \$15,000

December Review of the 2012/13 Budget

Change In Vote			Description	Comments
Expense \$	Income \$	Totals \$		
Note: INCOME - Increases are shown as positives figures. Reductions are shown as negative figures				
EXPENDITURE - Increases are shown as positive figures. Reductions are shown as negative figures				
30,000	-	-	Park Improvements - Camden Junior Rugby League Contribution	Authorised Council Resolution 265/12 - 23/10/2012
-	30,000	-	Section 94 Developer Contributions - Transfer from Reserve	
18,200	-	-	Council Facilities - Energy Savings Measures	Authorised Council Resolution 279/12 - 13/11/2012
-	18,200	-	Capital Works Reserve - Transfer from Reserve	
1,350	-	(1,350)	Community Events - Christmas Lights Competition	Authorised Council Resolution 294/12 - 27/11/2012
2,477,300	2,475,950	(1,350)	Surplus / (Deficit) - Authorised Variations December 2012/13 Budget Review	
5,261,705	3,320,780	(1,940,925)	Surplus / (Deficit) - Council Approved Variations 2012/13	
3) Contra Adjustments				
Contra adjustments that have a NIL impact on Council's Budget:				
1,753,180	1,753,180	-	September 2012/13 Contra Adjustments	
-	1,300,000	-	Section 94 Contributions - Operating & Capital Income	Section 94 developer contributions income is above budget expectations for 2012/13. This is a result of cash payments received for a number of large developments during the first half of the financial year. The income is restricted to reserve for the purpose of funding future infrastructure costs within new release areas.
1,300,000	-	-	S94 Developer Contributions - Transfer to Reserve	
(500,000)	-	-	Community Facilities - Spring Farm Youth Centre	This allocation is not required at present. It is proposed that the Youth Centre and Community Centre at Spring Farm will be combined and is currently being reviewed as part of the 2013/14 Capital Works Program.
-	(500,000)	-	Section 94 Developer Contributions - Transfer from Reserve	
437,355	-	-	Corporate Salaries - Termination Payments	This increase reflects payments made to employees on resignation and retirement. Payments made to employees on retirement and resignation are funded from Council's ELE Reserve and the vacancy discount factor.
(194,619)	-	-	Corporate Management - Vacancy Discount Factor	
-	242,736	-	Corporate Management - ELE Reserve Funding	
-	413,583	-	Voluntary Planning Agreements - Operating & Capital Income	Voluntary Planning Agreement income is above budget expectations for 2012/13. This is a result of cash payments received from developers who have entered into voluntary planning agreements. The income will be restricted to reserve for the purpose of providing infrastructure which is not covered under the planning agreement.
413,583	-	-	Voluntary Planning Agreements - Transfer to Reserve	
(318,799)	-	-	Corporate Salaries & Overheads - Staff Vacancies	Savings primarily reflect vacancies within Council's staffing structure. Savings from vacant positions are used to fund Council's vacancy provision target and is also required to fund staffing requirements in the areas of traffic planning and natural resources.
263,712	-	-	Corporate Management - Staff Vacancy Provision	
38,875	-	-	Natural Resources - Additional Staffing	
16,212	-	-	Traffic Management - Replacement Staffing	
93,000	-	-	Passive Recreation - Elderslie Cycleway Construction	Funds have been allocated to complete Cycleway works within the Elderslie release area. Funds are available for the works from the Section 94 Developer Contributions Reserve.
(93,000)	-	-	Passive Recreation - Elderslie Passive Recreation	
-	66,400	-	Section 94 Contributions - Interest on Investments	Revenue projections for Section 94 interest on investments is above budget expectations. This is a result of the timing of a number of significant cash payments to be made from Section 94 Reserves during 2012/13. The income is restricted to reserve for the purpose of funding future infrastructure costs within new release areas for which the contributions were collected for.
66,400	-	-	S94 Developer Contributions - Transfer to Reserve	
60,000	-	-	Stormwater Systems - Elderslie Trunk Drainage Design	Funds are required for design modifications of the trunk drainage works to be completed in Elderslie. The works are to be funded from the Department of Planning Infrastructure Loan.
-	60,000	-	DOP Loan Reserve - Transfer from Reserve	
-	55,000	-	Camden Cemetery - Fees & Charges	Additional income was received during the first half of 2012/13 primarily as a result of a higher than expected reservation of plots. Income is restricted for the purpose of future expenditure at the Camden Cemetery. Additional funds are required for the approval process regarding the proposed cemetery concept plan.
14,000	-	-	Camden Cemetery - Concept Plans & Designs	
41,000	-	-	Camden Cemetery - Transfer to Reserve	
49,000	-	-	Domestic Waste - Staffing Expenses	Service growth calculations for Council's waste management service have exceeded budget expectations for 2012/13. This is as a result of the higher than anticipated development activity within the Elderslie, Spring Farm, Oran Park and Gregory Hills. As a result of this growth, additional expenditure has been realised in staffing and other operational costs. The increase in operational expenditure is to be partly funded from domestic waste operational reserves.
7,430	-	-	Domestic Waste - Other Operational Expenses	
-	28,910	-	Domestic Waste - Operational Income	
-	27,520	-	Domestic Waste - Transfer from Reserve	

ORD06

Attachment 2

Summary of Budget Review Variations Greater Than \$15,000
December Review of the 2012/13 Budget

Expense \$	Change In Vote		Description	Comments
	Income \$	Totals \$		
Note: INCOME - Increases are shown as positive figures. Reductions are shown as negative figures EXPENDITURE - Increases are shown as positive figures. Reductions are shown as negative figures				
(38,542)	-	-	Narellan Artcafe - Operating Expenses	Expressions of interest to lease the artcafe will be sought in early 2013. It is not expected that the café will operate until a lease agreement has been secured.
-	(38,542)	-	Narellan Artcafe - Operating Income	
34,842	-	-	Road Improvements - George Hunter Drive Stabilisation	Additional funds are required to complete stabilisation works on George Hunter Drive. This is primarily a result of the change in construction methodology which should minimise traffic disruptions.
(34,842)	-	-	Road Improvements - Harrington Street Stabilisation	
26,340	-	-	Road Improvements - Macarthur Road Maintenance	Works have recently been completed at the Macarthur Road / Springs Road Intersection. The works are funded by income received by Council under sand extraction development consent.
-	26,340	-	Engineering Reserve - Macarthur Road Improvement Fund	
9,729	15,379	-	ELE Payments - Transfer to/from Other Councils	Allocations are required to reflect the leave entitlements owed to staff which are transferable between Councils upon commencement & resignation. Income received is restricted to Council's ELE Reserve and expenditure made to other Councils is funded from the ELE Reserve.
5,650	-	-	ELE Reserve - Transfer to Reserve	
1,697,326	1,697,326	-	December 2012/13 Contra Adjustments	
3,450,506	3,450,506	-	Total Contra Variations 2012/13	
4) Revotes for the 2012/13 Year to be included in the 2013/14 Budget				
Budget adjustments which are proposed to be carried forward into the 2013/14 Budget:				
(622,260)	(622,260)	-	Total Revotes Identified for September Period	
(1,394,262)	-	-	Road Improvements - Springs Road Urban Upgrade	Works have been deferred due to the proposed relocation of the local primary school. The location of the school will impact on the design and upgrade of the final section of Springs Road.
-	(1,394,262)	-	Section 94 Developer Contributions - Transfer from Reserve	
(673,123)	-	-	Community Facilities - Narellan Family & Childrens Centre	There have been delays in the project associated with the design and approvals process. Work is anticipated to commence in March 2013.
-	(673,123)	-	Section 94 Developer Contributions - Transfer from Reserve	
(200,000)	-	-	Mount Annan Leisure Centre Stage 2 Design	Works have been deferred whilst a review of indoor court requirements is undertaken. The review is primarily a result of the proposed indoor courts to be located at Gregory Hills, which may result in a change to the original concept plans for the stage two development of Mount Annan Leisure Centre.
-	(200,000)	-	Section 94 Developer Contributions - Transfer from Reserve	
(150,000)	-	-	Kirkham Netball Courts Pavement Rehabilitation	Council is currently undertaking a rectification trial on six of the netball courts located at Kirkham Reserve. If successful, the remaining courts will be completed in 2013/14.
150,000	-	-	Expenditure Revotes - Transfer to Reserve	
(100,000)	-	-	Stormwater Systems - Lake Annan GPT Installation	There have been delays in the project associated with the design process. Work is unlikely to commence prior to June 2013.
-	(100,000)	-	Stormwater Reserve - Transfer from Reserve	
(2,367,385)	(2,367,385)	-	Total Revotes Identified for December Period	
(150,000)	(150,000)	-	Less: Revotes Shown as Expenses	
(2,517,385)	(2,517,385)	-	Total Revotes Identified for December Period	
(3,139,645)	(3,139,645)	-	Total Revotes Identified 2012/13	

Summary of Budget Review Variations Greater Than \$15,000
December Review of the 2012/13 Budget

Change In Vote			Description	Comments
Expense \$	Income \$	Totals \$		
Note: INCOME - Increases are shown as positive figures. Reductions are shown as negative figures EXPENDITURE - Increases are shown as positive figures. Reductions are shown as negative figures				

Reconciliation to 'December Review of the 2012/13 Budget'			
2011/12 Carried Forward Working Funds Balance	1,000,000		
2012/13 Adopted Budget Surplus	-		
Available Working Funds 01/07/12	1,000,000		
Less:			
Minimum Desired Level	(1,000,000)		
Total Funds Available	-		Total Available Working Funds as at 01/07/2012
September Review	1,939,575		Proposed Budget Variations
	(1,939,575)		Council Approved Variations
	-		Budget Contra Variations
	-		Budget Revotes (Carry-Overs)
	-		Sub Total - September Review Variations
	-		Total Projected Budget Surplus as at 30/09/2012
December Review	513,954		Significant Budget Variations
	(1,350)		Council Approved Variations
	-		Budget Contra Variations
	-		Budget Revotes (Carry-Overs)
	512,604		Sub Total - December Review Variations
	512,604		Total Available Working Funds as at 31/12/2012



ORD07

ORDINARY COUNCIL

ORD07

SUBJECT: INVESTMENT MONIES - JANUARY 2013
FROM: Director Governance
BINDER: Investment Monies Report

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 January 2013 is provided.

MAIN REPORT

The weighted average return on all investments was 4.83% p.a. for the month of January 2013.

It is certified that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, the relevant Regulations and Council's Investment Policy.

The Principal Accounting Officer is the Manager Corporate Services. Council's Investment Report is an **attachment to this report**.

FINANCIAL IMPLICATIONS

Council's investments portfolio continues to perform above the industry benchmark and the projected interest received is above the original budget estimates. Further performance information can be found in the attached investment report for January 2013.

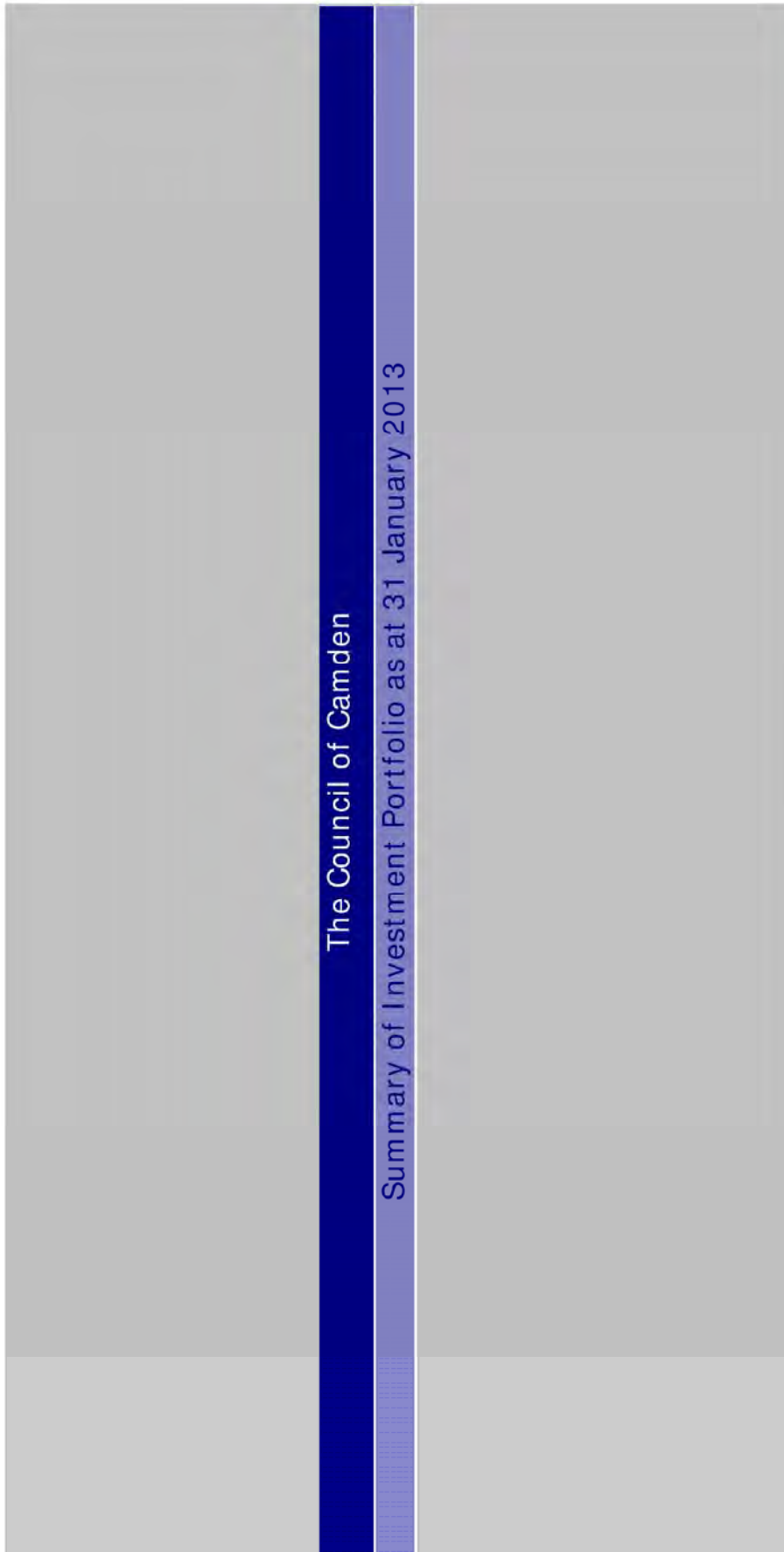
RECOMMENDED

That Council:

- i. **note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act*, Regulations, and Council's Investment Policy;**
- ii. **note the list of investments for January 2013; and**
- iii. **note the weighted average interest rate return of 4.83% p.a. for the month of January 2013.**

ATTACHMENTS

1. Investment Monies-January 2013



The Council of Camden

Summary of Investment Portfolio as at 31 January 2013





The Council of Camden

Investment Summary

Purchase Date	Institution	Rating	Purchase Price	Face Value	Type	Maturity	Interest Rate	Accrued Interest	Reference
3-May-12	Credit Union Australia	BBB+	\$1,000,000	\$1,000,000	Term Deposits	1-May-14	5.95%	\$44,665.75	2518
10-May-12	Credit Union Australia	BBB+	\$1,000,000	\$1,000,000	Term Deposits	728 days	5.95%	\$43,524.66	2519
27-Jul-12	Suncorp Metway	A+	\$1,000,000	\$1,000,000	Term Deposits	734 days	5.14%	\$26,615.34	2537
2-Aug-12	Westpac Banking Corporation	A-1+	\$2,500,000	\$2,500,000	Term Deposits	189 days	5.10%	\$63,924.66	2539
27-Aug-12	Suncorp Metway	A-1	\$1,000,000	\$1,000,000	Term Deposits	171 days	5.00%	\$21,643.84	2544
30-Aug-12	Suncorp Metway	A-1	\$2,000,000	\$2,000,000	Term Deposits	175 days	4.95%	\$42,041.09	2545
31-Aug-12	Commonwealth Bank of Australia	A-1+	\$1,900,000	\$1,900,000	Term Deposits	209 days	5.00%	\$40,082.19	2546
4-Sep-12	Westpac Banking Corporation	A-1+	\$2,000,000	\$2,000,000	Term Deposits	177 days	4.95%	\$40,684.93	2547
13-Sep-12	Suncorp Metway	A-1	\$1,000,000	\$1,000,000	Term Deposits	175 days	4.90%	\$18,928.77	2548
20-Sep-12	Members Equity Bank	A-2	\$1,500,000	\$1,500,000	Term Deposits	175 days	5.05%	\$27,809.59	2549
27-Sep-12	Heritage Bank Ltd	*	\$1,000,000	\$1,000,000	Term Deposits	175 days	4.90%	\$17,049.31	2550
11-Oct-12	Members Equity Bank	A-2	\$1,000,000	\$1,000,000	Term Deposits	175 days	4.80%	\$14,860.27	2551
12-Oct-12	National Australia Bank Limited	A-1+	\$1,500,000	\$1,500,000	Term Deposits	181 days	4.59%	\$21,126.57	2552
18-Oct-12	ING Bank (Australia) Limited	A-1	\$1,500,000	\$1,500,000	Term Deposits	182 days	4.66%	\$20,299.73	2553
25-Oct-12	National Australia Bank Limited	A-1+	\$1,500,000	\$1,500,000	Term Deposits	181 days	4.53%	\$18,430.27	2554
1-Nov-12	Bank of Queensland	A-2	\$1,500,000	\$1,500,000	Term Deposits	182 days	4.70%	\$17,769.86	2555
8-Nov-12	Bank of Queensland	A-2	\$2,000,000	\$2,000,000	Term Deposits	183 days	4.59%	\$16,186.85	2556
15-Nov-12	National Australia Bank Limited	A-1+	\$2,000,000	\$2,000,000	Term Deposits	189 days	4.75%	\$22,123.29	2557
22-Nov-12	National Australia Bank Limited	A-1+	\$1,500,000	\$1,500,000	Term Deposits	189 days	4.68%	\$20,002.19	2558
27-Nov-12	Bank of Queensland	A-2	\$1,500,000	\$1,500,000	Term Deposits	191 days	4.67%	\$13,626.17	2559
29-Nov-12	National Australia Bank Limited	A-1+	\$1,500,000	\$1,500,000	Term Deposits	189 days	4.75%	\$12,883.56	2560
30-Nov-12	Commonwealth Bank of Australia	A-1+	\$1,600,000	\$1,600,000	Term Deposits	151 days	4.69%	\$12,335.34	2561
30-Nov-12	Commonwealth Bank of Australia	A-1+	\$1,000,000	\$1,000,000	Term Deposits	151 days	4.70%	\$12,979.73	2562a
30-Nov-12	Commonwealth Bank of Australia	A-1+	\$1,000,000	\$1,000,000	Term Deposits	151 days	4.70%	\$8,112.33	2562b
6-Dec-12	Commonwealth Bank of Australia	A-1+	\$1,999,999	\$1,999,999	Term Deposits	151 days	4.80%	\$14,991.77	2563
6-Dec-12	Westpac Banking Corporation	A-1+	\$1,500,000	\$1,500,000	Term Deposits	182 days	4.45%	\$10,423.97	2564
13-Dec-12	Members Equity Bank	A-2	\$1,500,000	\$1,500,000	Term Deposits	182 days	4.60%	\$9,452.05	2565
20-Dec-12	National Australia Bank Limited	A-1+	\$1,500,000	\$1,500,000	Term Deposits	182 days	4.54%	\$8,022.74	2566
3-Jan-13	National Australia Bank Limited	A-1+	\$1,000,000	\$1,000,000	Term Deposits	161 days	4.50%	\$3,575.34	2567
3-Jan-13	Members Equity Bank	A-2	\$1,000,000	\$1,000,000	Term Deposits	182 days	4.60%	\$3,654.80	2568
10-Jan-13	Commonwealth Bank of Australia	A-1+	\$1,500,000	\$1,500,000	Term Deposits	152 days	4.70%	\$4,249.31	2569
17-Jan-13	Suncorp Metway	A-1	\$1,500,000	\$1,500,000	Term Deposits	151 days	4.38%	\$2,700.00	2570
24-Jan-13	Commonwealth Bank of Australia	A-1+	\$1,500,000	\$1,500,000	Term Deposits	371 days	4.40%	\$1,446.58	2571
24-Jan-13	Commonwealth Bank of Australia	A-1+	\$1,000,000	\$1,000,000	Term Deposits	371 days	4.40%	\$964.38	2572
31-Jan-13	Suncorp Metway	A-1	\$1,000,000	\$1,000,000	Term Deposits	147 days	4.35%	\$119.18	2573
Totals various	Commonwealth Bank of Australia	A-1+	\$50,499,999	\$50,499,999	Call Account			\$657,306.41	At Call
Totals			\$630,000	\$630,000				3.30%	
			Total Face Value	\$51,329,999					

* Heritage Bank have requested SSP no longer provide a credit rating in relation to the bank. However, Heritage is still rated by Moody's (A3 long term, P2 short term), and by Fitch (BBB+ longer term, P2 short term). Council's investment in Heritage continues to fully comply with the current Investment Policy.

The Council of Camden

Investment Summary

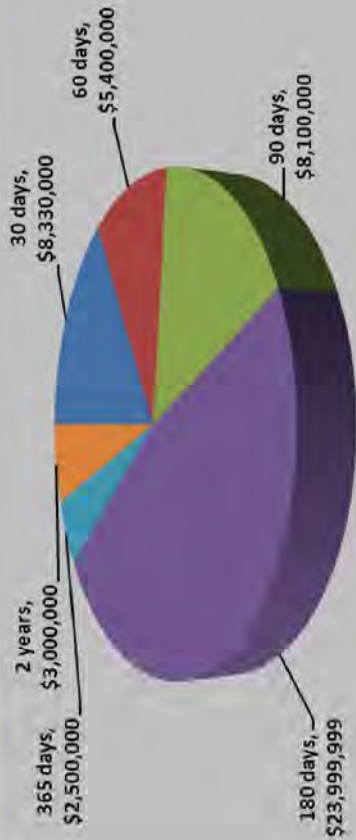
Compliance with Council's adopted investment policy						
Distribution of Funds by Financial Institution						
Financial Institution	Investment Balance	Current Weighting	Investment Policy Limit	Investment Policy Compliance	Short/Long Term Rating	
Commonwealth Bank of Australia	\$11,329,999	22.07%	25%	Yes	A1+	AA-
National Australia Bank	\$12,000,000	23.38%	25%	Yes	A1+	AA-
Westpac Banking Corporation	\$6,000,000	11.69%	25%	Yes	A1+	AA-
Suncorp Bank	\$7,500,000	14.61%	15%	Yes	A1	A+
ING Bank (Australia) Limited	\$1,500,000	2.92%	5%**	Yes	A1	A
Bank of Queensland	\$5,000,000	9.74%	10%	Yes	A2	BBB+
Credit Union Australia	\$2,000,000	3.90%	5%*	Yes	A2	BBB+
Members Equity Bank	\$5,000,000	9.74%	10%	Yes	A2	BBB
Heritage Bank	\$1,000,000	1.95%	5%	Yes	A3	BBB-
Total investment	\$51,329,999	100.00%				
Exposure to Rating Categories						
AAA / A1+ Category	\$29,329,999	57.14%	100%	Yes		
AA / A1 Category	\$8,000,000	15.59%	75%	Yes		
A / A2 Category	\$11,000,000	21.43%	30%	Yes		
BBB / A3 Category	\$3,000,000	5.84%	10%	Yes		
Other						
NSW T-Corp Cash Facilities (unrated)	\$0	0.00%	30%	Yes		
Total investment	\$51,329,999	100.00%				
Term to Maturity Limits						
Portfolio % < 1 yr	\$48,329,999	94.16%	min 40%	Yes		
Portfolio % > 1 yr < 3 yrs	\$3,000,000	5.84%	50%	Yes		
Portfolio % > 3 yrs < 5 yrs	\$0	0.00%	30%	Yes		
* Credit Union Australia (CUA) has a 5% investment policy limit as all investments with CUA are long term investments						
** ING Bank (Australia) has a 5% investment policy limit as it is an authorised depository institution that is a foreign subsidiary bank						

As at 31 January 2013

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The Council of Camden
Investment Summary



Maturity Profile	Investment	Percentage
Less than 30 days	\$8,330,000	16.23%
Between 30 days and 60 days	\$5,400,000	10.52%
Between 60 days and 90 days	\$8,100,000	15.78%
Between 90 days and 180 days	\$23,999,999	46.76%
Between 180 days and 365 days	\$2,500,000	4.87%
Between 365 days and 2 years	\$3,000,000	5.84%
Total Investment	\$51,329,999	100.00%

NUMBER OF INVESTMENTS	35
AVERAGE DAYS HELD	234
AVERAGE PERCENTAGE	4.78%
WEIGHTED PORTFOLIO RETURN	4.83%
CBA CALL ACCOUNT	3.30%
HIGHEST RATE	5.95%
LOWEST RATE	4.35%
BUDGET RATE	5.00%
OFFICIAL CASH RATE	3.00%
AVERAGE BBSW (30 Day)	3.04%
AVERAGE BBSW (90 Day)	2.95%
AVERAGE BBSW (120 Day)	2.95%

SOURCE OF FUNDS INVESTED	Amount
SEC 94 DEVELOPER CONTRIBUTIONS	\$21,064,600
RESTRICTED GRANT INCOME	\$826,500
EXTERNALLY RESTRICTED RESERVES	\$8,765,500
INTERNALLY RESTRICTED RESERVES	\$18,768,600
GENERAL FUND	\$1,904,799
TOTAL	\$51,329,999

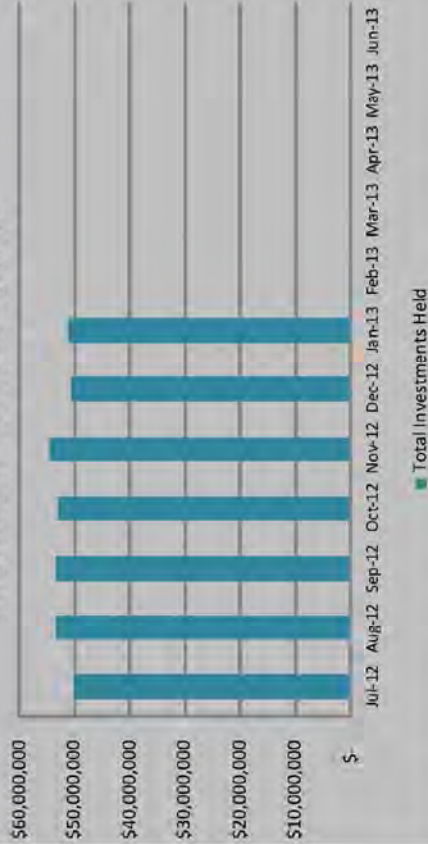
As at 31 January 2013

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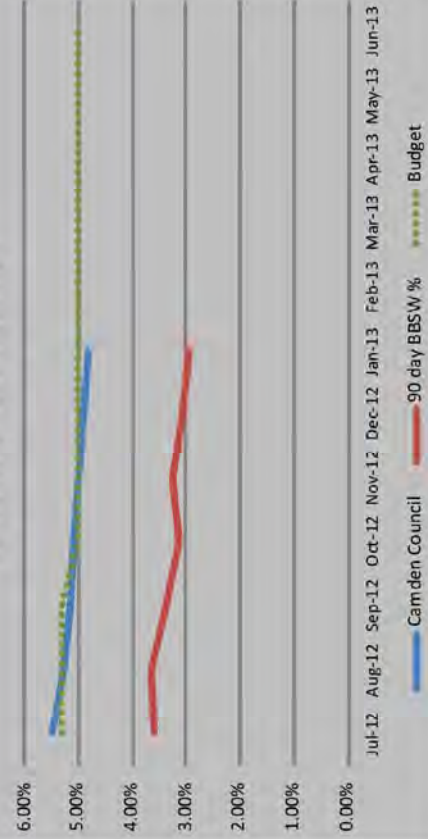
The Council of Camden
Investment Summary

Investment Portfolio Balance



Council's investment portfolio has increased by \$670,000 since the December reporting period. The increase in investment funds relates to operating revenues received for Council's operations and services.

Performance vs Benchmark



Council's portfolio had a weighted average yield of 4.83%pa for the month of January, strongly outperforming the UBS 90 day Bank Bill Swap Rate of 2.95%pa.

INTEREST RECEIVED DURING 2012/13 FINANCIAL YEAR		
	January	Cumulative (since 1 July)
General Fund	\$111,111	\$694,150
Restricted	\$109,930	\$872,607
TOTAL	\$221,041	\$1,566,757
	2012/13 Projected Interest	\$2,459,400
	2012/13 Original Budget Interest	\$1,882,000



Attachment 1

ORD07

The Council of Camden

Investment Summary

Standard & Poor's Ratings Description

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

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

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

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

S&P Short-Term Obligation Ratings are:

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

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

A-3: A short-term obligation rated A-3 exhibits adequate protection parameters.

However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

S&P Long-Term Obligations Ratings are:

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

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

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

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

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

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

As at 31 January 2013

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The Council of Camden

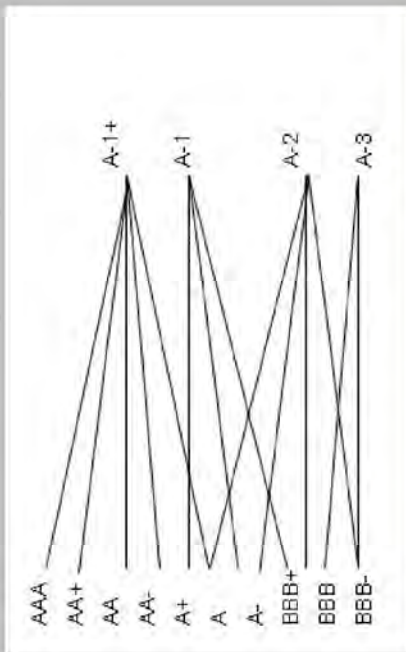
Investment Summary

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

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

S&P Ratings Correlations

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



Profile of Recently Invested Institutions

CUA (S&P: A2/ BBB+) – CUA is Australia's largest credit union with over \$9b in assets. CUA relies on customer deposits for about 70% of its funding, while securitisation makes up 25% of its funding requirements. Its latest profit was \$24m (6 months to Dec 2011) and its Tier 1 Capital Adequacy Ratio was 14.6% (Sep 2012).

ME Bank: (S&P: A2/ BBB) – ME Bank is owned by industry super funds and has assets of nearly \$12b. ME Bank has a heavy reliance on securitization (57% of funding as of Jun 2012) however it is planning to reduce this to 25% by increasing its customer deposits (which make up only 30% of its funding). Its latest profit was \$4.7m (12 months to June 2012) and its Tier 1 Capital Adequacy Ratio was 11.9% (Sep 2012).

Bank of Queensland: (S&P: A2/ BBB+) – Australia-wide bank with Queensland as its core market segment. BoQ is listed on the Australian stock exchange with around \$40b in assets. Deposits make up 59% of total funding, wholesale funds 28%, and securitisation 15%. Its latest profit was -\$17m (12 months to Aug 2012), however this included a \$401m impairment on loans and its Tier 1 Capital Adequacy Ratio was 9.5% (Aug 2012).

Heritage Bank (Moody's: P2/A3) – Queensland based bank that has over \$8b in assets. Heritage relies on customer deposits for about 50% of its funding, securitisation makes up 23% and wholesale funds around 20%. Its latest profit was \$31m (12 months to June 2012) and its Tier 1 Capital Adequacy Ratio was 10.1% (Sep 2012).

