



# **ATTACHMENTS**

**Tuesday, 17 March 2020**

**UNDER SEPARATE COVER**

**Ordinary Council Meeting**



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# **MINUTES**

## **Ordinary Council Meeting 18 February 2020**

## ORDINARY COUNCIL MEETING MINUTES

18 FEBRUARY 2020

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## ORDINARY COUNCIL MEETING MINUTES

18 FEBRUARY 2020

**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 18 FEBRUARY 2020 AT 5.00PM**

*Please note: these minutes are subject to confirmation at the next Council Meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.*

**PRESENT:** Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys and Cr Jill Lyons.

**IN ATTENDANCE:** Vaughan Macdonald (General Manager), Angela Jones (Director Infrastructure & Environment), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Ben Zeller (Manager Projects & Performance), Scott Walters (Manager Information and Technology Services), Kate Alder-Conn (Governance Officer), Julie Clark (Personal Assistant to the General Manager and Mayor).

## **1 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

*"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."*

## **2 PRAYER**

The meeting opened with a prayer by the General Manager.

## **3 PUBLIC ACCESS AND QUESTION TIME**

Nil

## **4 APOLOGIES**

### **RESOLUTION 180220/1**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That the apology received from Cr Simpson be accepted and leave of absence granted.

**CARRIED**

## **5 MAYORAL MINUTES**

Nil

The Mayor commented; February 2020 marks the 20<sup>th</sup> anniversary of the formation of Richmond Valley Council. The Proclamation provided at the February 2000 inaugural meeting was read to the meeting and a reflection on major milestones achieved by Council, was also included in the address.

## ORDINARY COUNCIL MEETING MINUTES

18 FEBRUARY 2020

**6 CONFIRMATION OF MINUTES****6.1 MINUTES ORDINARY MEETING HELD ON 18 DECEMBER 2019****RESOLUTION 180220/2**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

That Council confirms the Minutes of the Ordinary meeting held on 18 December 2019.

**CARRIED****6.2 MINUTES OF THE INTERNAL AUDIT & RISK COMMITTEE MEETING HELD ON 4 FEBRUARY 2020****RESOLUTION 180220/3**

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That Council receives and adopts the minutes of the Internal Audit and Risk Committee Meeting held on 4 February 2020.

**CARRIED****7 MATTERS ARISING OUT OF THE MINUTES**

Nil

**8 DECLARATION OF INTERESTS**

Nil

**9 PETITIONS**

Nil

**10 NOTICE OF MOTION**

Nil

**11 MAYOR'S REPORT****11.1 MAYOR ATTENDANCES 10 DECEMBER 2019 - 10 FEBRUARY 2020****RESOLUTION 180220/4**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receive and note the Mayor's attendance report 10 December 2019 – 10 February 2020.

**CARRIED**

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## ORDINARY COUNCIL MEETING MINUTES

18 FEBRUARY 2020

**12 DELEGATE'S REPORTS****12.1 DELEGATES' REPORT SUBMITTED TO FEBRUARY 2020 ORDINARY MEETING****RESOLUTION 180220/5**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Mustow

That Council receive and note the Delegates' report for the month of February 2020.

**CARRIED****13 MATTERS DETERMINED WITHOUT DEBATE****13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 180220/6**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That items 15.3, 16.1, 16.2, 17.1, 17.2, 17.4 and 17.5 identified be determined without debate.

**CARRIED****14 GENERAL MANAGER'S REPORTS****14.1 DELIVERY PROGRAM PROGRESS REPORT (JULY 2019 TO DECEMBER 2019)****EXECUTIVE SUMMARY**

Council adopted the revised 2017/2021 Delivery Program in June 2019. In accordance with the *Local Government Act 1993* the General Manager must ensure that progress reports are provided to the Council reporting on the progress of all principal activities detailed in the Delivery Program at least every six months. This report relates to and provides information about the achievement of the targeted outcomes prescribed in the Delivery Program.

The report is presented in a traffic light indicator format and provides commentary on the progress of all Delivery Program actions and milestones and progress against the Community Strategic Plan (CSP) performance measures for each community objective within the four priority areas of the CSP. The report represents the results at the end of the first half of the 2019/2020 Delivery Program.

A dashboard has been provided to summarise Council's overall performance in meeting its four-year targets. The percentage of on schedule and completed traffic lights (90%) demonstrates a solid performance for the first 6 months of the third year of the four-year program.

**RESOLUTION 180220/7**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receive and note the Progress Report (July 2019 to December 2019) on the Delivery Program 2017/2021.

**CARRIED**

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**14.2 LOCAL GOVERNMENT SUPERANNUATION - ADDITIONAL CONTRIBUTIONS REQUEST****EXECUTIVE SUMMARY**

Council has recently been advised of the additional contribution it will be required to pay to Local Government Super (LG Super) in 2020/2021 for employees that are members of the Defined Benefit Scheme (the Scheme). The Scheme was available to employees of the Local Government sector until 1991.

As a result of the Scheme being in deficit due in part to the global financial crisis, the Local Government sector have contributed around \$40 million per annum since the 2009/2010 financial year. The additional and ongoing contributions for 2020/2021 will be \$215,300, compared to \$213,200 for the current year: 2019/2020.

The Local Government sector had been advised the Scheme was in a satisfactory financial position as at 30 June 2019, yet LG Super continues to ask for additional contributions to fund the Scheme.

It to be prudent for Council to consider writing to LG Super and Local Government New South Wales (LGNSW) expressing grave concern as to why additional contributions are still required for the 2020/2021 financial year. Further, whether the request for additional contributions will cease by 30 June 2021.

This issue is a concern for the entire Local Government sector, not just Richmond Valley Council and is one that needs further support in challenging LG Super to provide sustainable management of the Scheme without the requirement for Councils to continue to make additional contributions.

**RESOLUTION 180220/8**

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council write to Local Government Super and Local Government NSW concerning:

1. The sustainability and justification for ongoing additional contributions required for employees that are members of the Scheme.
2. Clarification of when the requirement to pay the additional contributions will cease.

**CARRIED**

**15 FINANCIAL REPORTS****15.1 QUARTERLY BUDGET REVIEW STATEMENT FOR THE QUARTER ENDED 31 DECEMBER 2019****EXECUTIVE SUMMARY**

This report outlines the proposed adjustments for the 2019/2020 budget for the quarter ended 31 December 2019. These adjustments exclude all previously adopted Monthly Budget Adjustments.

The proposed changes see Council's projected operating surplus from continuing operations for 2019/2020 improve from the revised budget surplus as at 30 November 2019 of \$36,141 to a surplus of \$1,425,974. The operating result before capital grants and contributions has improved to a projected loss of \$3,754,787. There has been an increase in reserve funding of \$329,982, with a revised projected transfer from cash reserves of \$4,711,762. This improved result is largely due to additional operating revenue being transferred into reserves.

Income from continuing operations has increased by \$2,112,590, with total income now projected to be \$67,182,241. This is largely due to higher than anticipated extraction at Petersons Quarry resulting in projection income increasing \$800,000 which will go into Quarry reserves, along with Council receiving \$596,744 an insurance claim for the Rappville Hall which was destroyed in the recent fires. The insurance claim will be held in reserves until a replacement program is determined. An additional \$293,040 has also been added to the NRLX Budget as a result of a review of this program area, with \$200,000 of this expected to be revenue for the sale of biosolids.

Expenses from continuing operations have increased by \$722,757 with total operating expenses now projected to be \$65,756,267. This increase is largely due to an additional \$334,667 being added to operating expenditure for the NRLX. This includes \$160,000 for processing biosolids to be sold, as mentioned above. A further increase of \$100,000 in the waste budget is towards the preparation of a North Coast Region Waste Investment Report with contributions being received from nine local councils.

Council's capital works program has increased by \$1,189,387, to a projected total of \$24,035,053. This is largely due to the an additional \$430,715 in Water Infrastructure and \$245,057 in Sewerage Infrastructure projects. In addition, \$277,551 was added to capital works at the NRLX of which \$232,051 was approved by Council at its March 2019 meeting towards the Administration Building Upgrade.

A detailed Quarterly Budget Review Statement for the second quarter of the 2019/2020 year has been circulated separately to each Councillor. These changes are disclosed by Priority Areas on pages 2-8 of the Quarterly Budget Review Statement and detailed explanations are provided on pages 9-13.

**RESOLUTION 180220/9**

Moved: Cr Robert Mustow

Seconded: Cr Jill Lyons

That Council adopt the Quarterly Budget Review Statement as at 31 December 2019 and approve the recommended variations.

**CARRIED**

## ORDINARY COUNCIL MEETING MINUTES

18 FEBRUARY 2020

**15.2 FINANCIAL ANALYSIS REPORT - DECEMBER 2019 AND JANUARY 2020****EXECUTIVE SUMMARY**

The purpose of this report is to inform Council on the status and performance of its investment portfolio in accordance with the *Local Government Act 1993* (Section 625), *Local Government (General) Regulation 2005* (Clause 212), Australian Accounting Standard (AASB 9) and Council's Investment Policy.

The value of Council's Investment Portfolio as at 31 December 2019 and 31 January 2020 including General Bank Accounts and Trust Funds is shown below.

| Month         | Investment Portfolio | General Bank Accounts | Trust Funds | Total        |
|---------------|----------------------|-----------------------|-------------|--------------|
| December 2019 | \$48,541,055         | \$570,048             | \$87,050    | \$49,198,154 |
| January 2020  | \$47,941,836         | \$1,079,994           | \$87,050    | \$49,108,881 |

The weighted average rate of return on Council's investments for December 2019 was 0.60% which was below the 90 Day Bank Bill Index for December of 0.907%.

The weighted average rate of return on Council's investments for December 2019 was 6.02% which was above the 90 Day Bank Bill Index for December of 0.880%.

**RESOLUTION 180220/10**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council adopt the Financial Analysis Report detailing investment performance for the month of December 2019 and January 2020.

**CARRIED****15.3 NORTHERN RIVERS LIVESTOCK EXCHANGE STATISTICS AND FINANCIAL PERFORMANCE AS AT 31 DECEMBER 2019****EXECUTIVE SUMMARY**

This report provides an update on the Northern Rivers Livestock Exchange (NRLX) financial performance as at 31 December 2019, as well as monthly throughput information from 2014/2015 to 2019/2020 YTD. Comparatives of averages for periods prior to 19/20 and the adjusted averages including 19/20.

**RESOLUTION 180220/11**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receive and note the performance of the Northern Rivers Livestock Exchange as at 31 December 2019.

**CARRIED**

## ORDINARY COUNCIL MEETING MINUTES

18 FEBRUARY 2020

**16 TENDER REPORTS****16.1 REGPRO801920 - SUPPLY AND DELIVERY OF PASSENGER, TRUCK AND EARTHMOVER TYRES****EXECUTIVE SUMMARY**

Richmond Valley Council engaged the services of Regional Procurement in conjunction with 9 other councils to call for an open Panel Source Tender for the Supply and Delivery of Passenger, Truck and Earthmover Tyres.

**RESOLUTION 180220/12**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That:

1. Casino Tyre Professionals Pty Ltd be awarded the contract for the Supply and Delivery of Passenger, Truck and Earthmover Tyres for a period of 36 months from 1 January 2020 to 31 December 2022
2. Provision be allowed for a 12-month extension based on satisfactory supplier performance which may take this contract through to 31 December 2023
3. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, including affixing the seal of council where necessary

**CARRIED**

**16.2 VP173918 - CONSTRUCT SHARED PATHWAY ON BRUXNER HIGHWAY TO QUEENSLAND ROAD, CASINO NSW 2470****EXECUTIVE SUMMARY**

Richmond Valley Council has received funding to construct a 1.6km section of shared pathway on the Bruxner Highway (corner Walker Street and Johnston Street) to Queensland Road (Colches Street corner), Casino NSW 2470.

This project funding was available for cycleways on highways, with the project included in Council's Pedestrian Access and Mobility Plan, and therefore having community support.

The pathway construction is expected to be completed by 30 April 2020.

Council called for tenders from suitably qualified and experienced contractors to construct this section of pathway.

## ORDINARY COUNCIL MEETING MINUTES

18 FEBRUARY 2020

**RESOLUTION 180220/13**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council:

1. Approve NRC Group Pty Ltd as the preferred tenderer for the construction of this section of the Casino Shared Pathway project for Richmond Valley Council at the tendered rate of \$321,139.00 exclusive of GST.
2. Authorise the General Manager to negotiate and finalise the terms and conditions of any contract or agreement including extension of scope of works in line with the content of this report and the available budget and affixing the seal of Council where necessary.

**CARRIED****16.3 PROVISION OF SWIMMING POOLS MANAGEMENT SERVICES****EXECUTIVE SUMMARY**

Richmond Valley Council called for tenders seeking the professional services of an aquatic contractor for the management of pools across the LGA. The tender process was not successful with two non-conforming responses received. Further to resolution 171219/11 at Council's Ordinary meeting held on 17 December 2019, staff are in the process of direct negotiations with a potential contractor. A business case has also been completed to determine the viability of Council managing the pools in the event an arrangement can't be reached with an external party.

**RESOLUTION 180220/14**

Moved: Cr Robert Hayes

Seconded: Cr Sam Cornish

That Council:

1. Acknowledge that a business case was prepared to determine the viability of Council assuming the management of the four Richmond Valley public pools as opposed to entering an agreement with an external contractor. The outcome of the business case was in favour of engaging an external contractor to manage the four pools.
2. Apply Clause 178 (3e) of the *Local Government (General) Regulation 2005* to authorise the General Manager to continue direct negotiations with prospective contractors in line with this report and execute a contract, including affixing the seal of Council where appropriate, to secure the contractor generally in accordance with the scope of the tender.

**CARRIED**

## ORDINARY COUNCIL MEETING MINUTES

18 FEBRUARY 2020

**17 GENERAL BUSINESS****17.1 REVIEW OF COUNCILLOR ACCESS TO INFORMATION POLICY****EXECUTIVE SUMMARY**

As part of Council's ongoing policy review process a review has been undertaken of Council's current Councillor Access to Information Policy.

**RESOLUTION 180220/15**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council adopt the Draft Councillor Access to Information Policy.

**CARRIED****17.2 STORMWATER MANAGEMENT CHARGE - DISCOUNTS AND EXEMPTION****EXECUTIVE SUMMARY**

Council adopted the stormwater management charge discount and exemption policy in June 2015. The policy has been reviewed by Council officers. The policy gives clarity to ratepayers as to what situations qualify for a discount or exemption to a stormwater management charge.

**RESOLUTION 180220/16**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council adopt the reviewed Stormwater Management Charge – Discounts and Exemption Policy.

**CARRIED**

## ORDINARY COUNCIL MEETING MINUTES

18 FEBRUARY 2020

**17.3 DRAFT LOCAL STRATEGIC PLANNING STATEMENT****EXECUTIVE SUMMARY**

Amendments to the *Environmental Planning and Assessment Act 1979* introduced Section 3.9 requiring each NSW council to prepare a Local Strategic Planning Statement (LSPS).

Statutory requirements are for each LSPS to include:

- the basis of strategic planning in the area having regard to economic, social, and environmental matters,
- planning priorities for the area—these need to be consistent with the *North Coast Regional Plan 2036* (NCRP) and Council's *Richmond Valley Made 2030 Community Strategic Plan 2017* (CSP)
- actions required to achieve the planning priorities, and
- monitoring and reporting associated with the implementation of the actions.

Regional councils are required to have their first LSPS endorsed by the Department of Planning, Industry and Environment (DPIE) and published on the Planning Portal by 1 July 2020.

A Draft LSPS has been prepared and is presented to Council, subject to formatting changes, for a resolution to publicly exhibit it for a minimum period of 28 days.

**RESOLUTION 180220/17**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That:

1. Council endorse *Draft Richmond Valley Council Local Strategic Planning Statement – Beyond 20-20 Vision* (Feb 2020) (Draft LSPS) for public exhibition purposes;
2. The Draft LSPS (subject to formatting changes) be placed on public exhibition with a minimum submission period of 28 days; and
3. Council receive a further report on the Draft LSPS following completion of the exhibition period.

**CARRIED**



## ORDINARY COUNCIL MEETING MINUTES

18 FEBRUARY 2020

**17.4 THE RICHMOND RIVER GOVERNANCE AND FUNDING FRAMEWORK FINAL REPORT****EXECUTIVE SUMMARY**

The Final Draft of the Richmond River Governance and Funding Framework Report was distributed at the last Councillor workshop. A copy of the report is proposed to be made available on for public comment for a period of 21 days. Further discussion may be held amongst the Councillors concerning the report's recommendations at the next (March) workshop prior to a report presented to the March Ordinary meeting outlining any public comments received.

**RESOLUTION 180220/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That:

- a) The Richmond River Governance and Funding Framework Final Report be received and noted.
- b) The Richmond River Governance and Funding Framework document be made available for community feedback for an exhibition period of 21 days.
- c) A report be presented to the March Ordinary meeting incorporating any public comment received which is then be forwarded to the Office of Environment, Energy and Science (EES).

**CARRIED****17.5 CUSTOMER SERVICE REPORT - 1 DECEMBER 2019 TO 31 DECEMBER 2019****RESOLUTION 180220/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receive and note the Customer Service Report for the period 1 December 2019 to 31 December 2019.

**CARRIED****18 MATTERS FOR INFORMATION****RESOLUTION 180220/20**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

Recommended that the following reports submitted for information be received and noted.

**CARRIED**

## ORDINARY COUNCIL MEETING MINUTES

18 FEBRUARY 2020

**18.1 SHORT-TERM HOLIDAY LETTING STUDY RESULTS****RESOLUTION 180220/21**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the information provided in the short-term holiday letting study results conducted by Southern Cross University.

**CARRIED****18.2 DISCLOSURE OF INTEREST - APPOINTMENT OF DESIGNATED PERSONS****RESOLUTION 180220/22**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the newly appointed designated person positions tabled for the information of Council.

**CARRIED****18.3 WRITE-OFF OF MONIES UNDER DELEGATION****EXECUTIVE SUMMARY**

At Council's Ordinary Meeting held in July 2018 it was resolved that where the General Manager exercises his delegation in regard to refunds/write-offs that exceed \$1000, an information summary report be submitted to Council on a bi-annual basis.

This summary report covers the period commencing 1 July 2019 – 31 December 2019.

**RESOLUTION 180220/23**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the information provided in the Write-Off Monies Under Delegation report.

**CARRIED****18.4 GRANT APPLICATION INFORMATION REPORT - DECEMBER 2019 AND JANUARY 2020****RESOLUTION 180220/24**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the Grant Application Information Report for the month of December 2019 and January 2020.

**CARRIED**

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## ORDINARY COUNCIL MEETING MINUTES

18 FEBRUARY 2020

**18.5 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 DECEMBER 2019 TO 31 JANUARY 2020****RESOLUTION 180220/25**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the development application report for the period 1 December 2019 to 31 January 2020.

**CARRIED****19 QUESTIONS ON NOTICE**

Nil

**20 QUESTIONS FOR NEXT MEETING (IN WRITING)****20.1 QUESTIONS IN WRITING FROM CR JILL LYONS**

The following questions were provided by Cr Lyons in relation to Item 12.1 Delegates' Report Submitted to February 2020 Ordinary Meeting, which referred to a summary of the Rous County Council 11 December 2019 Ordinary meeting:

1. Why was the Floodgate and Drainage Management Guidelines Policy revoked?
2. Shouldn't the policy be maintained to reduce any negative impacts on the river quality as they have been previously by the flood migration communities system as per the NSW Floodplain Developer Guidelines and NSW Fisheries Management Act 1994 and NSW Local Government Act 1993?
3. Who asked for this decision and who prepared the report that recommended this decision?
4. Is this decision supported by Department of Primary Industry, Fisheries and other relevant agencies?
5. With the revoking of this policy what has been put in place instead? Who will be responsible for maintaining and monitoring the floodgates now?
6. Does this decision go against Rous County Council's duty of care?

The Mayor accepted the questions and advised responses would be provided to the March Ordinary Meeting.

## ORDINARY COUNCIL MEETING MINUTES

18 FEBRUARY 2020

**21 MATTERS REFERRED TO CLOSED COUNCIL****21.1 Tender for Insurance Related Services and Insurance Coverage**

This matter is considered to be confidential under Section 10A(2) - (d)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

The General Manager reported that no written representations had been received in respect to the item listed for consideration in Closed Council.

The Chair called for verbal representations from the gallery.

There were no representations from the gallery.

The Chair advised under section 10A of the Local Government Act 1993, the media and public are to be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.

**RESOLUTION 180220/26**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That:

1. Council resolved to enter Closed Council to consider the business identified in Item 21.1, together with any late reports tabled at the meeting.
2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

Council closed its meeting at 6.00 pm. The public left the Chamber.

**CARRIED**

The Open Council Meeting resumed at 6.04 pm.

## ORDINARY COUNCIL MEETING MINUTES

18 FEBRUARY 2020

**22 RESOLUTIONS OF CLOSED COUNCIL**

The following resolutions of Council, passed while the meeting was closed to the public, were read to the Open Council Meeting by the Chair.

**21.1 TENDER FOR INSURANCE RELATED SERVICES AND INSURANCE COVERAGE**

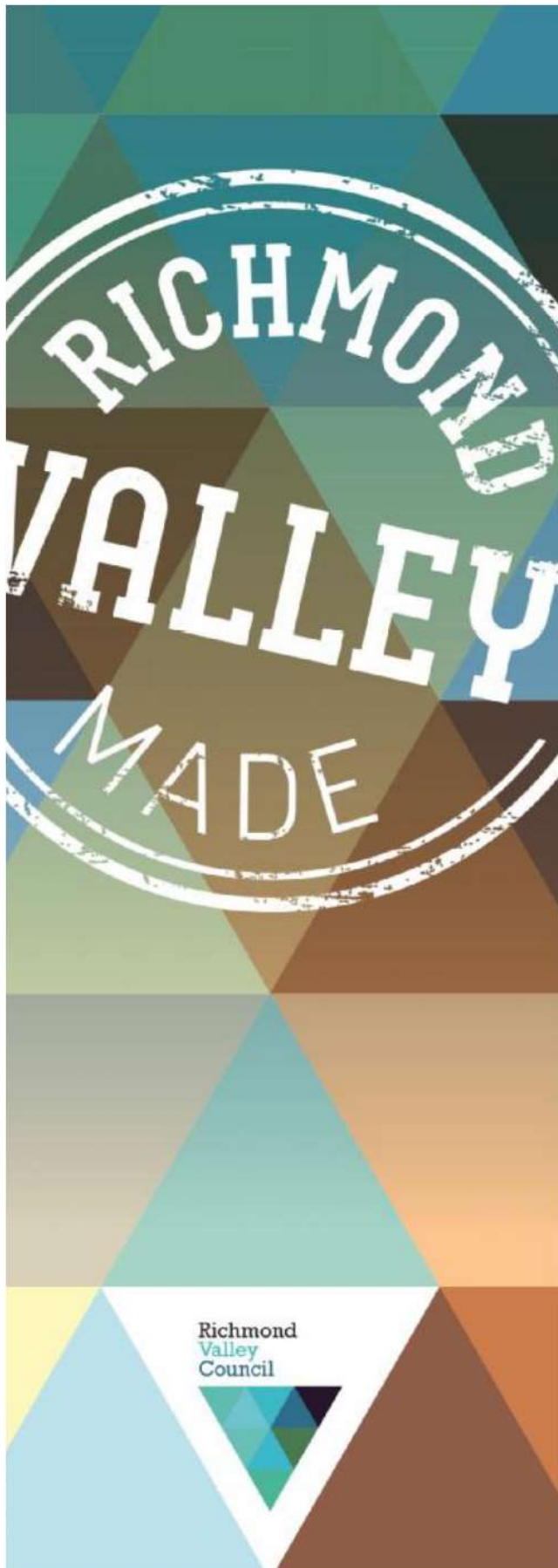
That :

1. Council enter into a three-year contract with the option to extend by a further two years based on performance with the recommended supplier for insurance related services and insurance cover outlined in this report.
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, including affixing the seal of council where necessary.

The Meeting closed at 6.05pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 March 2020.

.....  
**CHAIRPERSON**



# Agency Information Guide

*Government  
Information  
(Public Access)  
Act 2009  
(GIPA Act)*

Approved by the  
General Manager

Month Year

Customer Service. Initiative. Teamwork. Communication. Reliability. Accountability.

### **Richmond Valley Council**

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(Locked Bag 10)  
Casino NSW 2470  
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Fax: 02 6660 1300

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Evans Head NSW 2473  
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[www.richmondvalley.nsw.gov.au](http://www.richmondvalley.nsw.gov.au)

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## 1. Overview

This Agency Information Guide has been prepared and published in accordance with the requirements of the *Government Information (Public Access) Act 2009*. It describes the structure and functions of Council; the various types of information Council holds and how the public can access the information.

Council is committed to the principles of open, accountable, fair and effective government and recognises the right of the public to access Council information. Council holds a wide range of information concerning both the Richmond Valley Local Government Area and the operation of the Council. Much of this information is available on Council's website.

This publication provides members of the public, community organisations, the media, government agencies and staff with information about:

- Council's vision, values, principles and our commitment to the community;
- The structure and functions of Council;
- The ways in which the functions of Council (in particular, the decision-making functions) affect members of public;
- The avenues available to the public to participate in the formulation of Council policies and the exercise of its functions;
- The kinds of information held by Council and in particular, the information Council makes publicly available;
- The manner in which Council makes information publicly available; and
- The kind of information that is free of charge and that for which a charge is imposed.

## 2. Structure and functions of Richmond Valley Council

Richmond Valley Council is a duly constituted body under the Australian Constitution Act 1902, the Local Government Act 1993 and associated acts. This legislation provides the legal framework for an effective, efficient, environmentally responsible and open system of local government.

### *Our Council Representatives*

At the Richmond Valley Council Local Government Election held on 10 September 2016, the following seven Councillors were elected to represent the Richmond Valley for the council term which will conclude in September 2020.



Standing (L to R):

Cr Sam Cornish, Cr Stephen Morrissey  
(Deputy Mayor), Cr Robert Hayes,  
Cr Daniel Simpson.

Seated (L to R):

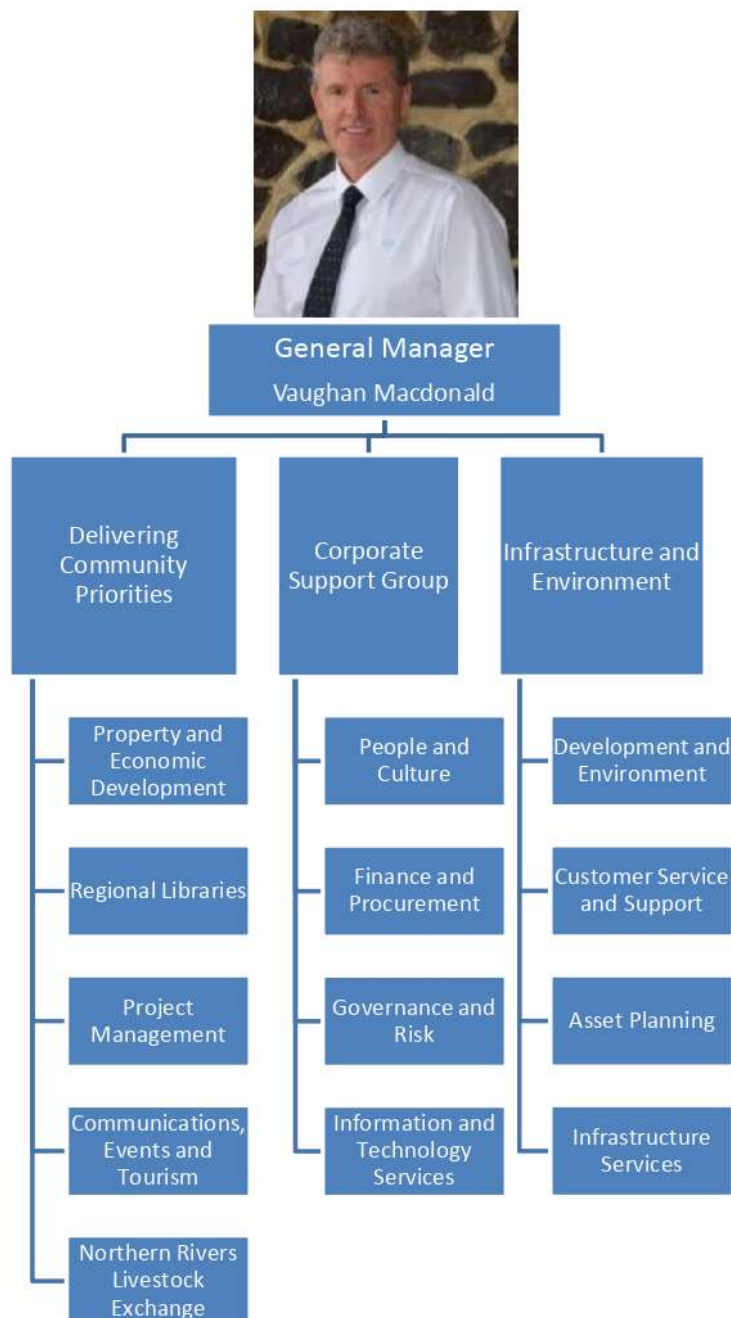
Cr Jill Lyons, Cr Robert Mustow (Mayor),  
Cr Sandra Humphrys.

The elected Council is responsible for the direction and control of Council's affairs in accordance with the NSW Local Government Act and associated legislation.

Councillors represent the interests of our residents and ratepayers. They provide leadership and guidance to the community; and facilitate communication between the community while maintaining the broader vision, needs and aspirations of the wider Richmond Valley.

### *Our Council Structure*

Council adopts an organisational structure that will support the position of General Manager in implementing the actions identified in the Delivery Program and Operational Plan. The structure and functions of Council are determined by the provisions of the Local Government Act 1993, Chapter 6.



### 3. Principles

The following guiding principles (which are regarded as essential elements for good local government) are to be utilised as part of the everyday decision-making processes, actions and management of Richmond Valley Council:

- Good governance - delivers good performance, minimises risks, ensures transparency and accountability and promotes efficiency and effectiveness
- Representative democracy and community support - Council's direction and activities are to broadly reflect its community demographics and to have community support
- Sound policy - clear direction via a policy and planning framework
- Sufficient resources - human and financial resources to implement its decisions and to fulfil statutory obligations
- Meaningful planning - a process to translate community needs and aspirations into Council services; to be meaningful, plans must result in actions and outcomes for the community
- Connectedness - high level of connectivity across all of the community
- Strong leadership - effective local government and outcomes can only be achieved via strong community leadership through councillors and staff.

### 4. Vision and values





## 5. Roles and functions

### Mayor

In accordance with the *Local Government Act 1993* section 226, the role of the mayor is to exercise the policy-making functions of the governing body of the council between meetings of the council (in cases of necessity), to exercise other functions of the council as the council determines, to preside at meetings of the council and to carry out the civic and ceremonial functions of the mayoral office.

### Councillors

In accordance with the *Local Government Act 1993* section 232, the role of councillors includes:

- to provide a civic leadership role in guiding the development of the community strategic plan;
- monitor the implementation of the council's delivery program;
- to direct and control the affairs of the council;
- to participate in the optimum allocation of the council's resources for the benefit of the local government area;
- to play a role in the creation and review of council's policies and objectives relating to the exercise of council's regulatory functions; and
- to review the performance of the council and its delivery of its services.

### Senior Staff

The General Manager, and by delegation, the senior staff, are responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of council. Richmond Valley Council's senior staff include:

|                   |   |
|-------------------|---|
| Vaughan Macdonald | General Manager                               |
| Angela Jones      | Director Infrastructure and Environment       |
| Ryan Gaiter       | Chief Financial Officer/ Manager Mid-Richmond |

In accordance with the *Local Government Act 1993* section 335, the functions of the general manager include:

- to assist the council in connection with the development and implementation of the community strategic plan, resourcing strategy, delivery program and operational plan, together with the preparation of its annual report and state of the environment report;
- the day-to-day management of the council;
- to exercise such functions as delegated by the council;
- to appoint staff in accordance with the organisational structure and resources approved by the council; and
- to implement the council's equal employment opportunity management plan.

### **Functions of Council**

*Local Government Act 1993* (Chapter 5) confers the following functions upon Council:

- Service functions (Chapter 6)
- Regulatory functions (Chapter 7)
- Ancillary functions (Chapter 8)
- Revenue functions (Chapter 15)
- Administrative functions (Chapters 11, 12 and 13), and
- Enforcement functions (Chapters 16 and 17).

Council's priorities and services provided are outlined below:

| Priorities                            | Objectives   | Services   |
|---------------------------------------|--|--|
| <b>Connecting People &amp; Places</b> | PP1 Fresh and Vibrant Community                                | Festivals & Events<br>Sports Grounds, Parks & Facilities<br>Swimming Pools<br>Cemeteries<br>Libraries<br>Community Centres & Halls<br>Emergency Management                           |
|                                       | PP2 Getting Around   | Roads - building & maintenance   |
|                                       | PP3 Working Together   | Community Engagement, Consultation & Communication<br>Community Programs & Grants  |
| <b>Growing our Economy</b>            | EC1 Driving Economic Growth                                    | Economic Development<br>Tourism<br>Town Planning & Development Services  |
|                                       | EC2 Building on our Strengths                                  | Quarries<br>Northern Rivers Livestock Exchange (NRLX)<br>Private Works<br>Real Estate Development  |
| <b>Looking after our Environment</b>  | EH1 Managing our Waste & Water                                 | Waste Management<br>Stormwater Management<br>Water Supplies<br>Sewerage Services   |
|                                       | EH2 Promoting & Facilitating the Protection of the Environment | Environmental Health<br>Environmental Management   |
| <b>Making Council Great</b>           | CS1 Leading and Advocating for our Community                   | Governance & Advocacy  |
|                                       | CS2 Great Support  | Customer Service<br>Information Technology Services<br>People & Culture<br>Work, Health & Safety<br>Financial Services<br>Fleet Management<br>Engineering Support & Asset Management |

In addition to the *Local Government Act 1993*, Council has a range of functions under other legislation, including but not limited to:

- Building Professionals Act 2005
- Civil Liability Act 2002
- Community Land Development Act 1989
- Companion Animals Act 1998
- Contaminated Land Management Act 1997
- Conveyancing Act 1919
- Crown Land Management Act 2016
- Crown Lands Act 1996
- Environmental Planning & Assessment Act 1979
- Food Act 2003
- Government Information (Public Access) Act 2009
- Impounding Act 1993
- Library Act 1939
- Local Land Services Act 2013
- National Parks and Wildlife Act 1974
- Noxious Weeds Act 1993
- Plumbing and Drainage Act 2011
- Privacy and Personal Information Protection Act 1998
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Public Interest Disclosures Act 1994
- Recreation Vehicles Act 1983
- Road Transport Act 2013
- Roads Act 1993
- State Emergency & Rescue Management Act 1989
- State Emergency Service Act 1989
- State Records Act 1998
- Strata Schemes Development Act 2015
- Strata Schemes Management Act 2015
- Swimming Pools Act 1992
- Unclaimed Money Act 1995
- Work Health and Safety Act 2011
- Workplace Injury Management and Workers Compensation Act 1998
- Workplace Surveillance Act 2005

## **6. Integrated Planning and Reporting**

Councils in NSW are required to develop an Integrated Planning and Reporting (IPR) framework under legislative requirements prescribed in the NSW Local Government Act. This framework has been put in place to encourage councils, the community and other organisations to work together to plan for the future in an efficient and collaborative manner. The IPR has five main components:

- Community Strategic Plan
- Delivery Program and Operational Plan
- Resourcing Strategy
- Annual Report
- End of Term Report

### **Community Strategic Plan**

Council's Community Strategic Plan (CSP) 'Richmond Valley Made 2030' was initially adopted in June 2017. The CSP identifies the community's main priorities and aspirations for the future and establishes broad strategies for goals. In order to plan and monitor these goals, council has an established IPR framework consisting of a Resourcing Strategy, Delivery Program and Operational Plan. In order to facilitate community involvement in the ongoing planning processes, council has adopted a Community Engagement Strategy.

### **Delivery Program and Operational Plan**

The Delivery Program is council's commitment to its community over four years; the length of council's term and addresses the major areas council will focus on to address the strategies and actions that will be undertaken to address the four-year program. The Operational Plan is a one-year plan that outlines that actions council will undertake in the financial year to implement the Delivery Program and allocates the resources necessary to achieve the actions over the twelve-month period.

### **Resourcing Strategy**

The Resourcing Strategy consists of the Long-Term Financial Plan, Organisational Development Strategy and Asset Management Plans. They contain information on the time, money, assets and people required by council to progress the projects within the Delivery Program and move towards achieving our community outcomes.

### **Annual Report**

The Annual Report focuses on council's implementation of the Delivery Program and Operational Plan. The report includes information prescribed by the Local Government (General) Regulation 2005. The Annual Report assists the community in understanding how council has performed over the financial year.

### **End of Term Report**

Councils are required every four years to produce an End of Term Report on the progress of implementing the CSP. The report covers the term of office for an elected council.



## 7. Public Participation

Council encourages and provides community members with opportunities to supply input into decision-making processes and participate in the formulation of its policies in the following ways:

- Standing for election as a councillor - the next local government election is due in September 2020;
- Talking to your councillors - for current contact information please refer to Council's website [www.richmondvalley.nsw.gov.au](http://www.richmondvalley.nsw.gov.au);
- Attendance at Council Meetings - Ordinary Meetings of Council are usually held on the third Tuesday of each month, commencing at 5.00pm in the Richmond Valley Council Chambers, corner of Walker Street and Graham Place, Casino (entrance in Graham Place);
- Viewing Business Papers for Council Meetings - these are published on Council's website as well as being available at Council's Casino and Evans Head offices;
- Addressing Council on an agenda item during the Public Access Session at the commencement of Ordinary Council meetings;
- Asking questions on items of interest to the community during Question Time Session at the commencement of Ordinary Council meetings;
- Writing to Council on any matter - all correspondence should be addressed to:  
General Manager  
Richmond Valley Council  
Locked Bag 10  
CASINO NSW 2470  
or emailed to [council@richmondvalley.nsw.gov.au](mailto:council@richmondvalley.nsw.gov.au)  
If the matter is outside the policies or delegations on which staff or the General Manager can make a decision, the matter will be referred to the next appropriate Council meeting.
- Submissions to Community Strategic Plans, Operational Plans, Delivery Program, codes and policies on exhibition;
- Submissions to advertised or notified Development or Subdivision Applications;
- Community surveys; and
- Community Advisory Committees and Section 355 Committees for some functions of Council.

## 8. Council Committees

### Reserve Trust Committee

The Reserve Trust has a function of determining improvement and policy issues in relation to Crown Reserves of which Council is appointed as Trustee under the *Crown Lands Act 1989*.

### Internal Audit Committee

The function of the Internal Audit Committee is to facilitate the internal audit function of Council. The Internal Audit Committee reports to the full Council. Membership consists of all members of Council. The chairman of the Internal Audit Committee is Cr Daniel Simpson (appointed by the committee).

### Richmond Valley Council Local Traffic Committee

The Richmond Valley Council Local Traffic Committee is a statutory committee with operating arrangements covered by the Roads Act 1993 and the Roads and Traffic Authority Engineering Manual. The function of the committee is to advise Council on traffic related matters referred to it by Council. The committee acts as an advisory body only.

Memberships consists of one councillor (Cr Sam Cornish), Director Infrastructure and Environment, one representative each from the Police Traffic Branch and the Roads and Maritime Services, the Member for Lismore and the Member for Clarence.

### Section 355 Committees

The function of the following Section 355 Committees is care, control and management of Council halls or sporting facilities:

- Broadwater – Riley's Hill Community Centre
- Coraki Youth Hall
- Evans Head Recreation Hall
- Fairy Hill Hall
- Leeville Public Hall
- Rappville Hall
- Rappville Sporting Facilities
- Riley's Hill Community Involvement Centre
- Stan Payne Memorial Oval
- Woodburn Memorial Hall
- Woodview/Piora Hall

### Staff Committees

Internal committees include the Health and Safety Committee (promotion of the safety and welfare of workers) and the Consultative Committee (a forum of communication between the employer and its employees).

**Delegates to External Organisations and Committees**

| <b>Organisation</b>                                       | <b>Delegate/Member</b>                                   |
|---|--|
| Rous County Council                                       | Cr Robert Mustow (Mayor)<br>Cr Sandra Humphrys           |
| Arts Northern Rivers                                      | Cr Jill Lyons  |
| Joint Regional Planning Panel                             | Cr Robert Hayes<br>Cr Daniel Simpson (alternate)         |
| Evans Head and District Workspace Committee               | Chief Financial Officer/Manager<br>Mid-Richmond          |
| Legume to Woodenbong Road Alliance                        | Cr Robert Mustow (Mayor)<br>Council Officer              |
| Local Government NSW (Annual Conference)                  | Mayor (or nominee)                                       |
| Northern Rivers Regional Organisation of Councils (NOROC) | Mayor<br>General Manager                                 |
| Northern Rivers Bush Fire Management Committee            | Cr Jill Lyons<br>General Manager (or nominee)            |
| Northern Rivers Zone Liaison Committee                    | Cr Robert Mustow (Mayor)<br>General Manager (or nominee) |

## 9. Information available from Council

Council holds a wide range of information that is available for inspection at Council's Administration Office in Casino. This Agency Information Guide describes the information which members of the public can inspect for free. Reasonable photocopying charges will be charged in accordance with Council's Revenue Policy.

Information may be made available by mandatory open access proactive release, informal release and formal application. Access to information may be subject to an overriding public interest test against disclosure under certain circumstances in accordance with the *Government Information (Public Access) Act 2009*.

### Policy Documents

Policy documents are available for members of the public to access free of charge from Council's website:

<https://richmondvalley.nsw.gov.au/council/access-to-council-information/policy-documents/>

- Access to Council Records by the Public and Privacy Management Plan
- Asbestos Policy
- Banking Services
- Bitumen Sealing Adjacent to Residences on Unsealed Roads
- Business Ethics Policy
- Change of Name - Water and Sewer
- Code of Conduct - Councillors and Personnel (including Model Code of Conduct)
- Code of Meeting Practice
- Community Engagement
- Community Financial Assistance Program
- Complaints Management
- Concealed Water Leaks - Granting of Allowance for Customers
- Conference Attendance
- Contributions for Kerb and Guttering and Footpath Paving
- Council Website
- Councillor Access to Information
- Councillor Induction and Professional Development Policy
- Dealing with Difficult People
- Debt Recovery and Provision of Credit
- Development Assessment Panel (DAP) - Role, Constitution and Operation
- Discharge of Liquid Trade Waste to the Sewerage System
- Effluent Reuse (Evans Head)
- Equal Employment Opportunity
- Event Support
- Financial Assistance - On-Site Sewerage and Wastewater Management
- Financial Hardship & Financial Hardship – Natural Disaster
- Fraud Prevention
- Gathering Information
- Gifts and Benefits
- Heritage Incentives
- Installation of Street Lights
- Internal Reporting
- Investment Policy
- Kerbside Dining
- Management of Contaminated Land

- Managing Council's Community Facilities
- Media
- Naming of Public Parks, Reserves, Sporting Fields and Council Facilities
- Payment of Expenses and Provision of Facilities to Councillors
- Pressure Sewerage
- Private Works - Charges for Works Under Section 67, Local Government Act 1993
- Public Gates and Bypasses (Cattle Grids)
- Purchase Order - Standard Terms and Conditions
- Purchasing
- Recognition of Milestones
- Related Party Disclosure
- Risk Management
- Revenue Policy
- Road Management
- Roadside and Reserve Memorials
- Signature Event
- Signs as Remote Supervision
- Stormwater Management Charge Discount and Exemption
- Use of Council Aerodromes
- Volunteer
- Water and Sewerage Charges - Application of S552 of the Local Government Act
- Welcome to Country
- Write-Off of Debtors
- Write-Off of Rates and Charges

Members of the public wishing to obtain a copy will be charged reasonable photocopying charges in accordance with Council's Revenue Policy in force as at the date of the request.

### Integrated Planning and Reporting

- Annual Reports
- Community Strategic Plan
- Delivery Program and Operational Plan
- Asset Management Plans
- Asset Management Strategy
- Revenue Policy
- Resourcing Strategy
- End of Term Report
- State of the Environment Report
- Annual Reports of bodies exercising delegated Council functions

### Council Meetings

Agendas, Minutes and Business Papers of Council Meetings (excluding items conducted under closed meeting conditions) are available on Council's website.

### Financial Information

- Quarterly Budget Review Statements
- Financial Estimates
- Awarded Contracts Register
- Annual Financial Statements (including independent Auditor's Reports)



### Registers

- Land Register
- Register of Investments
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Disclosures of Political Donations (section 328A *Local Government Act 1993*)
- Delegations Register
- Councillor Voting on Planning Matters (section 375A *Local Government Act 1993*)
- Register of Graffiti Removal Work kept in accordance with section 13 of the *Graffiti Control Act 2008*

### Planning documents

- Development Applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and associated documents
- Local policies adopted by the Council concerning approvals and orders
- Records of approvals granted, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- Records of Building Certificates under *Environmental Planning & Assessment Act 1979*
- Plans of land proposed to be compulsorily acquired by the Council
- Leases and licences for use of public land classified as Community Land
- Plans of Management for Community Land
- Bushfire Prone Land Mapping
- Richmond Valley Local Environmental Plan 2012
- Richmond Valley Development Control Plan 2015
- Section 94A Contributions Plan
- Casino Urban Settlement Strategy
- Evans Head Urban Settlement Strategy
- Richmond Valley Heritage Study 2007
- Richmond Valley Flood Mapping
- Stormwater Drainage Asset Management Plan

### Other documents

- Office of Local Government Representative Reports presented at a meeting of the Council in accordance with Section 433 of the *Local Government Act 1993*
- Richmond Valley Thematic History (Brett Stubbs) published by Richmond Valley Council 2007

Members of the public who wish to be provided with a copy of any of the above information may be charged reasonable photocopying charges in accordance with the Council's Revenue Policy current as at the time of the request.

Many of the above documents may also be viewed on Council's website [www.richmondvalley.nsw.gov.au](http://www.richmondvalley.nsw.gov.au).

### *Publications available for purchase*

The following publications are available for purchase from Council and will be charged in accordance with Council's Revenue Policy current at the time of the request:

- Richmond Valley LEP (Comprehensive LEP) \*
- Richmond Valley LEP Maps – A3 print size \*
- Richmond Valley LEP Maps – A1 print size
- Richmond Valley Development Control Plan 2015 \*
- Section 94A Contributions Plan \*
- Section 94 Heavy Haulage Contributions Plan
- State of the Environment Report \*
- Casino Urban Settlement Strategy \*
- Evans Head Urban Settlement Strategy \*
- Richmond River Rural Residential Development Strategy \*
- Richmond Valley Heritage Study 2007
- Stormwater Management Plans
- Bush Fire Prone Land Maps \*
- On-site Sewage Management Strategy (OSMS) \*
- Northern Rivers Local Government Development Design and Construction Manual
- Thematic History of Richmond Valley Local Government Area, Brett J. Stubbs, published by Richmond Valley Council 2007
- Section 64 Water and Sewerage Development Servicing Plans

*Note: Electronic copies of publications marked \* are available to download free of charge via Council's website [www.richmondvalley.nsw.gov.au](http://www.richmondvalley.nsw.gov.au).*

## 10. Access to documents

Council is committed to the objectives of the *Government Information (Public Access) Act 2009* and will strive to achieve the development, maintenance and advancement of a system of responsible and representative democratic government that is open, accountable, fair and effective. The objective of this Act is to open government information to the public by:

- (a) authorising and encouraging the proactive public release of government information by agencies,
- (b) giving members of the public an enforceable right to access government information, and
- (c) providing that access to government information is restricted only when there is an over-riding public interest against disclosure.

Council Policy No. 1.3.2 - Access to Council Records by the Public, guides the processing of requests/applications to access or amend information, in accordance with the *Government Information (Public Access) Act 2009*, the *State Records Act 1998*, and the *Privacy and Personal Information Protection Act 1998*.

Members of the public can access Council information for free from Council's website [www.richmondvalley.nsw.gov.au](http://www.richmondvalley.nsw.gov.au).

Members of the public will be able to make informal requests for access to information, and they may also make formal applications by completing the relevant application forms, describing the records or information which is the subject of their application, and the legislation under which they make the application, and they may be charged a fee in accordance with the relevant legislation.

Enquiries concerning inspecting or purchasing Council documents and records can be made to by visiting our friendly Customer Service staff or contacting Council on 6660 0300 or email [council@richmondvalley.nsw.gov.au](mailto:council@richmondvalley.nsw.gov.au). Customer Service staff will assist members of the public with enquiries and completion of applications for access to Council information.

|                             |                                  |
|-----------------------------|----------------------------------|
| Casino Office Opening Hours | Monday to Friday 8:30am - 5:00pm |
| Evans Head Opening Hours    | Monday to Friday 9:00am - 5:00pm |
|                             | Saturday 9:30am - 12:00pm        |

Complex applications requiring further assistance will be referred to:

The Public Officer and Right to Information Officer  
Richmond Valley Council  
Locked Bag 10  
CASINO NSW 2470



All applications for access to, or amendment of, Council's records must be made in writing to:

The General Manager  
Richmond Valley Council  
Locked Bag 10  
CASINO NSW 2470

This is the most recent Agency Information Guide published by Richmond Valley Council and was approved by the General Manager on <INSERT DATE>. This document can be obtained from Council's Website [www.richmondvalley.nsw.gov.au](http://www.richmondvalley.nsw.gov.au) or by contacting Council's Public Officer.

Further information is also available by contacting the Information and Privacy Commission NSW:

Phone: 1800 472 679  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

## Procedure

|                          |                               |
|--------------------------|-------------------------------|
| <b>Procedure Title:</b>  | <b>Disclosure of Interest</b> |
| <b>Procedure Number:</b> | PRO 1.15                      |
| <b>Focus Area:</b>       | CS2: Great Support            |
| <b>Responsibility:</b>   | Governance and Risk           |



## Purpose

To outline how Councillors and Designated and Other Persons make Annual Disclosures of Interest, how they make disclosures at or before meetings and how Councillors make disclosures to the Electoral Funding Authority.

## Scope

Councillors, Council staff and Delegates and Advisors to Council.

## Definitions

See definitions in Schedule 1 Part 1.

## References

Richmond Valley Council Model Code of Conduct 2019 Schedule 1 (Part 1 & Part 2) and Schedule 2  
Disclosure of Pecuniary Interest and other matters Form  
CPOL1.05 Gifts and Benefits Policy  
Gifts and Benefits Disclosure Form  
*Election Funding Act 2018*

## Procedure

Councillors, Council Staff, Delegates (e.g. community members who are members of Council Committees) and Advisors to Council are required to be scrupulously honest in all of their dealings with Council business. They are bound by a Code of Conduct and must from time to time make disclosure of pecuniary and non-pecuniary interests.

### Councillors

Councillors must lodge initial and annual disclosures of interests on the form provided (Schedule 2). Councillors must make disclosures of pecuniary and non-pecuniary interests at Council meetings, and they must also make disclosures to the Electoral Funding Authority.

### Designated Persons

The General Manager, senior staff and other staff who are "designated persons" must also lodge initial and annual disclosures of interest and disclose pecuniary and non-pecuniary interests at meetings and prior to making decisions relating to Council business.

Council staff with a financial delegation of \$50,000 or more, and those who make significant regulatory and contractual decisions (e.g. planning decisions, decisions about access to information or decisions about large contracts) are required to be included on the list of “designated persons”. A list of Designated Persons is provided in Annexure A.

Committee members and advisors (other than Councillors and Council staff) may also be required to make disclosures of interest prior to meetings or the exercise of functions that could give rise to a conflict between the persons duty in relation to Council and the person’s private interests.

Designated persons must prepare and submit written returns of interests in accordance with clauses 4.21 and must disclose pecuniary interests in accordance with clause 4.10 of the Model Code of Conduct in accordance with Schedule 2.

A designated person must also disclose in writing to the General Manager the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest. Disclosure is made by completing the Disclosure of pecuniary interests and other matters form at Schedule 2.

### Annual Disclosure of Interests

A Councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 of to the Code of Conduct, disclosing the councillor’s or designated person’s interests as specified in schedule 1 to the Code of Conduct within 3 months after becoming a councillor or designated person, and 30 June each year, and the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 of the Code of Conduct that has not been previously disclosed in a return.

### Annual Disclosure of Interests

A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting of the council or committee during the matter being considered or discussed or during voting on any question in relation to the matter. Disclosures may be made by using the Disclosure of Interest at Ordinary Council Meeting or Council Committee Meetings Form (Annexure B).

### Disclosure of Receipt of Gifts and Benefits

Councillors and Council staff are required to make disclosures of Personal Benefits in accordance with Council’s Gifts and Benefits Policy (POL 1.05). Disclosures are made by completing the Councillors and Staff Personal Benefits Disclosure Form (Annexure C).

### Councillors and Election Candidates Disclosure of Election Funding

Councillors and Candidates for Election as Councillors are required to make disclosures of Election Funding in accordance with the *Election Funding and Disclosures Act 1981* and the Election Funding and Disclosures Regulation 2009.

Disclosures of this nature are administered by the Election Funding Authority. Councillors are required to make Election Funding Disclosures every six months and are solely responsible for their compliance with the legislation.

### Review

This procedure is to be reviewed as required and at least annually.

| Version Number | Date           | Reason / Comments                |
|----------------|----------------|----------------------------------|
| 1              | July 2019      | New procedure                    |
| 2              | September 2019 | Update Annexure A                |
| 3              | March 2020     | Update formatting and Annexure A |

**ANNEXURE A**

**LIST OF DESIGNATED PERSONS & COUNCILLORS  
DISCLOSURE OF INTEREST ANNUAL RETURNS 30 JUNE 2020**

| Position Title   | Name                 | ECM Doc ID        |
|--|----------------------|-------------------|
| Mayor  | Cr Robert Mustow     |                   |
| Deputy Mayor   | Cr Stephen Morrissey |                   |
| Councillor   | Cr Sam Cornish       |                   |
| Councillor   | Cr Robert Hayes      |                   |
| Councillor   | Cr Sandra Humphrys   |                   |
| Councillor   | Cr Jill Lyons        |                   |
| Councillor   | Cr Daniel Simpson    |                   |
| General Manager  | Vaughan Macdonald    |                   |
| Director Infrastructure and Environment                                | Angela Jones         |                   |
| Chief Financial Officer/Manager Mid-Richmond                           | Ryan Gaiter          |                   |
| Manager People and Culture   | Caroline Redwood     |                   |
| Manager Communications, Events and Tourism                             | Sharon Davidson      |                   |
| Manager Strategy   | Vacant               |                   |
| Manager Information and Technology Services                            | Scott Walters        |                   |
| Manager Development and Environment                                    | Andrew Edwards       |                   |
| Manager Asset Planning   | Andrew Leach         |                   |
| Manager Infrastructure Services  | David Timms          |                   |
| Manager Property and Economic Projects                                 | Michael Perkins      |                   |
| Manager Projects and Performance                                       | Ben Zeller           |                   |
| Manager Regional Library   | Gary Ellem           |                   |
| Manager Customer Experience  | Kelly Moroney        |                   |
| NRLX Redevelopment and Operations Manager                              | Bradley Willis       |                   |
| Coordinator Purchasing and Stores                                      | Daniel Parker        |                   |
| Coordinator Planning Services  | Tony McAteer         |                   |
| Coordinator Building Services  | Andrew Clark         |                   |
| Development Assessment Planner   | Cherie Smith         |                   |
| Development Assessment Planner   | Debbie Pinfold       |                   |
| Development Assessment Planner   | Pooja Chugh          |                   |
| Building Development Certifier   | Nicholas Armstrong   |                   |
| Building Development Certifier   | Craig Mylan          |                   |
| Compliance Officer   | Troy Garred          |                   |
| <b>Number of Councillors and Designated Persons as at 30 June 2020</b> |                      | <b>Total = 31</b> |

**ANNEXURE B****DECLARATION OF INTEREST COUNCIL AND COMMITTEE MEETINGS****DISCLOSURE OF INTEREST**

**BY** .....  
*(full name of person declaring interest)*

**IN THE MATTER OF** *(insert Agenda Item No and Report Subject)* .....

to be considered at the ..... Meeting / ..... Committee Meeting  
*(Ordinary / Extraordinary / Reserve Trust) (Name of Committee)*

to be held on the ..... day of ..... 20.....

.....  
*(Declarant's Signature) (Date)*

**PECUNIARY INTEREST** *(insert the reason for declaring an interest)*

.....  
*[Tick or cross one box]*

☐ **Pecuniary – Interest in a principal environmental planning instrument**

☐ **Pecuniary – other**

☐ **Non-pecuniary – Significant conflict**

☐ **Non-pecuniary – Insignificant conflict**

**IMPORTANT INFORMATION**

- (1) **Pecuniary – interest in a principal environmental planning instrument** - You do not need to leave chamber/meeting and can participate in the discussion of and vote on the instrument, provided that you make a special disclosure in the prescribed form (Schedule 3A Local Government Regulations).
- (2) **Pecuniary – other interest** - You must leave chamber/meeting and take no part in the discussion and voting (Part 4 Model Code of Conduct)
- (3) **Non-Pecuniary – Significant Conflict** - Recommended that Councillor/committee member leaves chamber/meeting (Part 5 cl 5.9 Model Code of Conduct)
- (4) **Non-Pecuniary – Insignificant Conflict** - Councillor/committee member may choose to remain in chamber/meeting and participate in discussion and voting (Part 5 cl 5.10 Model Code of Conduct)



## Richmond Valley Council 1.05 Gifts and Benefits Policy

## ANNEXURE C



## The Model Code of Conduct for Local Councils in NSW

### Councillors and Staff Personal Benefit Disclosure

**GIFTS OR BENEFITS**

1. You must not:
  - seek or accept a bribe or other improper inducement
  - seek gifts or benefits of any kind
  - accept any gift or benefit of more than a token value. (For the purpose of this policy, token value is regarded as being a value of \$50.00 or less.)
  - accept an offer of cash or a cash-like gift, regardless of the amount, including but 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.
2. You must not seek or accept any payment, 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 to:
  - act in a particular way (including making a particular decision)
  - fail to act in a particular circumstance
  - otherwise deviate from the proper exercise of your official duties.
3. You may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on your part.

**TOKEN GIFTS AND BENEFITS**

Generally speaking, token gifts and benefits may include:

- 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).
- free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with the discussion of official business
- council work related events such as:
  - training, education sessions, workshops
  - conferences
  - council functions or events
  - social functions organised by groups, such as council committees and community organisations
- invitations to and attendance at local social, cultural or sporting events
- ties, scarves, coasters, tie pins, diaries, chocolates or flowers
- prizes of token value

**GIFTS OF VALUE**

- You must never accept an offer of money, regardless of the amount.
- In general, you must not accept gifts and benefits that have more than a nominal or token value. These include, but are not limited to, tickets to major sporting events, corporate hospitality at a corporate facility at a sporting venue, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.
- If you receive a gift of more than token value in circumstances where it cannot reasonably be refused or returned, you should accept the gift and disclose this promptly to your supervisor, the Mayor or the General Manager. The supervisor, Mayor or General Manager will ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.
- You must avoid situations in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is securing or attempting to influence or secure a favour from you or the council.
- You must also take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure a favour. Immediate family members ordinarily include parents, spouses, children and siblings.
- Councillors and designated persons must by law disclose a description of any gift or gifts totalling a value exceeding \$500 made by the same person during a period of 12 months or less. (*Required to be included in the disclosure of interests returns – section 449*)

Personal Benefit Disclosure by: .....  
(Full Name)

Description of Gift or Benefit: .....

Value of Gift or Benefit: \$ ..... Date Received: .....

Signature: ..... Date: .....

**To be forwarded to the General Manager for notation and recording in Council's Corporate Information System**

## Schedule 1:

### Disclosures of Interest and Other Matters in Written Returns Submitted Under Clause 4.21

#### Part 1: Preliminary

##### Definitions 1.

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

*address* means:

a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or

b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or

c) in relation to any real property, the street address of the property.

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

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

a) the allotment of shares in a company

b) the creation of a trust in respect of property

c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property

d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property

e) the exercise by a person of a general power of appointment over property in favour of another person

f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

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

*interest means:*

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

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

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

*occupation includes* trade, profession and vocation.

*professional or business association*

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

*property* includes money.

*return date* means:

a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person

b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made

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



## Model Code of Conduct for Local Councils in NSW

*relative* includes any of the following:

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

travel includes accommodation incidental to a journey.

### **Matters relating to the interests that must be included in returns**

#### ***2. Interests etc. outside New South Wales:***

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

#### ***3. References to interests in real property:***

A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.

#### ***4. Gifts, loans etc. from related corporations:***

For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

## Model Code of Conduct for Local Councils in NSW

## Part 2: Pecuniary interests to be disclosed in returns

### Real Property

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

a) the street address of each parcel of real property in which they had an interest on the return date, and

b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and

c) the nature of the interest.

6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:

a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or

b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.

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

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

### Gifts

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

a) a description of each gift received in the period since 30 June of the previous financial year, and

b) the name and address of the donor of each of the gifts.

10. A gift need not be included in a return if:

a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or

b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or

c) the donor was a relative of the donee, or

d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.

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

### Contributions to travel

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

13. A financial or other contribution to any travel need not be disclosed under this clause if it:

a) was made from public funds including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or b) was made by a relative of the traveller, or

c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or

d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or

e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or

## Model Code of Conduct for Local Councils in NSW

f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveler to represent the party within Australia, or

g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

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

### Interests and positions in corporations

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

a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and

b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and

c) the nature of the interest, or the position held, in each of the corporations, and

d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:

a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and

b) required to apply its profits or other income in promoting its objects, and

c) prohibited from paying any dividend to its members.

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

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

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

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

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

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

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

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

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

a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and

b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and

c) a description of the position held in each of the unions and associations.

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

## Model Code of Conduct for Local Councils in NSW

**Dispositions of real property**

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

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

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

**Sources of income**

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

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

b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:

- a) in relation to income from an occupation of the person:
- i. a description of the occupation, and
  - ii. if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
  - iii. if the person has entered into a partnership with other persons, the

name (if any) under which the partnership is conducted, or

b) in relation to income from a trust, the name and address of the settlor and the trustee, or

c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be received.

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

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

30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

**Debts**

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:

a) on the return date, and

b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause

4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:

a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:



## Model Code of Conduct for Local Councils in NSW

- i. the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
  - ii. the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
  - i. the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
  - ii. the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

**Discretionary Disclosures**

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

## Model Code of Conduct for Local Councils in NSW

**Schedule 2:****Form of Written Return of Interests Submitted Under Clause 4.21****'Disclosures by councillors and designated persons' return**

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

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

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

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

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

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

7. If there are no pecuniary interests or other matters of the kind required to be

disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

**Important information**

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

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

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

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

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

**Disclosure of pecuniary interests and other matters** by [full name of councillor or designated person]  
as at [return date]

[councillor's or designated person's signature]  
[date]

[illegible]

## Model Code of Conduct for Local Councils in NSW

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

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

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

|  |  |
|--|--|
|  |  |
|  |  |

**C. Gifts**

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

|  |  |
|--|--|
|  |  |
|  |  |

**D. Contributions to travel**

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

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |

**E. Interests and positions in corporations**

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

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

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

|  |
|--|
|  |
|  |

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

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

|  |  |
|--|--|
|  |  |
|  |  |

**H. Debts**

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

|  |
|--|
|  |
|  |



## Model Code of Conduct for Local Councils in NSW

|  |
|--|
| <b>I. Dispositions of property</b>   |
| 1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time                      |
|  |
|  |
| 2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property |
|  |
|  |
| <b>J. Discretionary disclosures</b>  |
|  |
|  |

## Model Code of Conduct for Local Councils in NSW

**Schedule 3:****Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37**

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

particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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

**Important Information**

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

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

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

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

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material

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

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

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

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

## Model Code of Conduct for Local Councils in NSW

Effect of proposed change of zone/planning control  
on councillor or associated person

*[Insert one of the following: "Appreciable financial  
gain" or "Appreciable financial loss"]*

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

Councillor's signature

Date

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