

ATTACHMENTS

Tuesday, 15 September 2020

UNDER SEPARATE COVER

Ordinary Council Meeting

Table of Contents

6.1	Minutes Ordina	ary Meeting held on 18 August 2020	
	Attachment 1	Unconfirmed Ordinary Minutes 18 August 2020	4
14.2	Review of Cod	e of Conduct and Gifts and Benefits Policy	
	Attachment 1	Code of Conduct - Councillors & Personnel Policy	19
	Attachment 2	Gifts and Benefits Policy	134
17.1	Casino Showg	round Racecourse Recreation Reserve Plan of Management	
	Attachment 1	Casino Showground and Racecourse Plan of Management	138
17.3	Rappville Rese	erve Draft Plan of Management	
	Attachment 1	Rappville Reserve Draft Plan of Management	195
	Attachment 2	Final Public Hearing Report - Land Recategorisation Rappville Reserve 28 August 2020	224
18.2	Review of Acco	ess to Council Records by the Public Policy and Privacy Management Pla	เท
	Attachment 1	Draft Access to Council Records and Privacy Management Plan	250



MINUTES

Ordinary Council Meeting 18 August 2020

18 AUGUST 2020

ORDER OF BUSINESS

1	ACKN	OWLEDGEMENT OF COUNTRY	4
2	PRAY	₽	4
3	PUBLI	C ACCESS AND QUESTION TIME	4
4	APOLO	DGIES	4
5	MAYO	RAL MINUTES	5
	1.1	Mayoral Minute - Impact of Queensland Border Closure	5
6	CONFI	RMATION OF MINUTES	5
	6.1	Minutes Ordinary Meeting held on 21 July 2020	5
	6.2	Minutes of the Internal Audit and Risk Committee Meeting held on 4 August 2020	5
7	MATTE	ERS ARISING OUT OF THE MINUTES	5
8	DECL	ARATION OF INTERESTS	5
9	PETITI	ons	5
	Nil		
10	NOTIC	E OF MOTION	6
	10.1	Notice of Motion - Additional Signage Pacific Highway Motorway	6
11	MAYO	R'S REPORT	6
	11.1	Mayor Attendances 14 July - 10 August 2020	6
12	DELEG	GATE'S REPORTS	6
	Nil		
13	MATTE	ERS DETERMINED WITHOUT DEBATE	6
	13.1	Matters to be Determined Without Debate	6
14	GENE	RAL MANAGER'S REPORTS	7
	14.1	Delivery Program Progress Report (January 2020 to June 2020)	7
	14.2	Rous County Council Future Water Project 2060	7
15	FINAN	CIAL REPORTS	8
	15.1	Monthly Budget Adjustments Report - July 2020	8
	15.2	Financial Analysis Report - July 2020	9
16	TENDE	ER REPORTS	9
	Nil		
17	GENE	RAL BUSINESS	10
	17.1	Lennox Street Casino Residential Rezoning (PP2018/0001) & Planning Agreement - Post Exhibition Report	10
	17.2	Cemeteries and Burial Policy	11
	17.3	NSW Shark Program 2020/2021	11
	17.4	Naming of Public Parks, Reserves, Sporting Fields and Council Facilities Revised Procedure and Casino Cricket Association Request for Oval Naming	12

Page 2

ORDINARY COUNCIL MEETING MINUTES 18 AUGUST 2020 MATTERS FOR INFORMATION.......12 18 18.1 18.2 Development Applications determined under the Environmental Planning and 18.3 18.4 19 Nil 20 21 MATTERS REFERRED TO CLOSED COUNCIL14 21.1 22

Page 6

18 AUGUST 2020

MINUTES OF RICHMOND VALLEY COUNCIL ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO ON TUESDAY, 18 AUGUST 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 Robert

Hayes, Cr Sandra Humphrys, Cr Jill Lyons, Cr Daniel Simpson.

IN ATTENDANCE: Vaughan Macdonald (General Manager), Angela Jones (Director

Infrastructure & Environment), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Scott Walters (Manager Information and Technology Services), Kate Allder-Conn (Governance Officer), Julie Clark (Personal Assistant to the General Manager and Mayor), Simon Breeze (IT Support

Officer).

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.

A minute's silence was observed as a mark of respect for former Councillor and Mayor Charlie Cox OAM.

3 PUBLIC ACCESS AND QUESTION TIME

Nil

4 APOLOGIES

RESOLUTION 180820/1

Moved: Cr Stephen Morrissey Seconded: Cr Robert Hayes

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

CARRIED

Page 4

18 AUGUST 2020

5 MAYORAL MINUTES

1.1 MAYORAL MINUTE - IMPACT OF QUEENSLAND BORDER CLOSURE

RESOLUTION 180820/2

Moved: Cr Robert Mustow Seconded: Cr Stephen Morrissey

That Council continues to advocate, via the Cross-Border Commissioner and Northern Rivers Joint Organisation, for more practical and reasonable cross-border travel arrangements between the

Northern Rivers and Southern Queensland.

CARRIED

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD ON 21 JULY 2020

RESOLUTION 180820/3

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That Council confirms the Minutes of the Ordinary meeting held on 21 July 2020.

CARRIED

6.2 MINUTES OF THE INTERNAL AUDIT AND RISK COMMITTEE MEETING HELD ON 4 AUGUST 2020

RESOLUTION 180820/4

Moved: Cr Daniel Simpson Seconded: Cr Sandra Humphrys

That the Minutes of the Internal Audit and Risk Committee Meeting, held on 4 August 2020, be taken as read and confirmed as a true record of proceedings.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Nil

8 DECLARATION OF INTERESTS

Nil

9 PETITIONS

Nil

Page 5

18 AUGUST 2020

10 NOTICE OF MOTION

10.1 NOTICE OF MOTION - ADDITIONAL SIGNAGE PACIFIC HIGHWAY MOTORWAY

RESOLUTION 180820/5

Moved: Cr Daniel Simpson Seconded: Cr Robert Hayes

That Council writes to Mr Kevin Hogan MP, the Member for Page and Mr Chris Gulaptis MP, the Member for Clarence seeking their support for TfNSW to include a sign which includes a photo north of the Broadwater exit and south of the Woodburn exit to advise the exit for Evans Head. The signs should be the same as those provided along the Pacific Motorway for Ballina and Maclean and as will be provided for Broadwater and Woodburn.

CARRIED

11 MAYOR'S REPORT

11.1 MAYOR ATTENDANCES 14 JULY - 10 AUGUST 2020

RESOLUTION 180820/6

Moved: Cr Robert Mustow Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayor's attendance report 14 July - 10 August 2020.

CARRIED

12 DELEGATE'S REPORTS

Nil

13 MATTERS DETERMINED WITHOUT DEBATE

13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE

RESOLUTION 180820/7

Moved: Cr Sandra Humphrys Seconded: Cr Stephen Morrissey

That items 15.1, 17.2, 17.3 identified be determined without debate.

CARRIED

Page 6

18 AUGUST 2020

14 GENERAL MANAGER'S REPORTS

14.1 DELIVERY PROGRAM PROGRESS REPORT (JANUARY 2020 TO JUNE 2020)

EXECUTIVE SUMMARY

Council adopted the revised 2017/2021 Delivery Program in June 2020. 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 year three of the Delivery Program.

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

RESOLUTION 180820/8

Moved: Cr Robert Mustow Seconded: Cr Stephen Morrissey

That Council receive and note the Progress Report (January 2020 to June 2020) on the Delivery

Program 2017/2021.

CARRIED

ROUS COUNTY COUNCIL FUTURE WATER PROJECT 2060 14.2

EXECUTIVE SUMMARY

The Rous County Council (RCC) Future Water Project (FWP) 2060 has been released for community feedback. Council received a presentation from the General Manager of RCC at its August Information Session and has reviewed the information publicly available.

Following this presentation and working through the key points listed below in the report, Council endorses the approach being undertaken by RCC to seek the views of the community on the options being considered under the Plan.

RESOLUTION 180820/9

Moved: Cr Robert Mustow Seconded: Cr Sandra Humphrys

That Council:

- 1. Endorse Rous County Council's Future Water Project (FWP) 2060 and the community consultation process underway.
- 2. Authorise the General Manager to provide a submission to Rous County Council, based on the matters outlined in this report.

CARRIED

Page 7

18 AUGUST 2020

15 FINANCIAL REPORTS

15.1 MONTHLY BUDGET ADJUSTMENTS REPORT - JULY 2020

EXECUTIVE SUMMARY

This report details proposed carry over works for the financial year ended 30 June 2020 as well as the proposed adjustments to the 2020/2021 original budget for the month of July 2020.

Carry over works represent those projects that were not fully completed in the previous financial year of 2019/2020. This is an annual occurrence and can be due to several factors. These include savings in completion of projects, where those funds can then be utilised on new or additional projects, weather events, and the timing of grant funding and the associated expenditure of those funds.

The proposed adjustments for carry over works total \$2,767,675, comprising \$605,557 in operating expenditure and \$2,162,118 in capital expenditure. This represents only 0.8% of budgeted operating expenditure and 10.8% of budgeted capital expenditure for 2019/2020. Council's annual Financial Statements are currently being prepared for audit and as such, the final carry over budgets are still subject to change. Any changes will be included in the Quarterly Budget Review Statement as at 30 September 2020, once unexpended grants and final reserve balances have been audited.

This report also details proposed adjustments to the 2020/2021 original budget for the month of July 2020. The main adjustment includes the proposed reallocation of \$400,000 from Sandy Creek Bridge towards Naughtons Gap Road, Woodburn Riverside Park and Casino Drill Hall Riverside. Council is awaiting approval for alternative funding for Sandy Creek Bridge for 2020/2021. Other adjustments include the addition of a project at Casino North reservoir to refurbish valves and install new submersible pumps in each pit.

In summary, the proposed changes will have no impact on the projected budget surplus of \$318,869 for 2020/2021 as the carry over works are fully funded from unexpended grants and contributions or other reserves. Likewise, the proposed budget adjustments for the month of July 2020 are either a reallocation of funds between projects or fully funded from reserves.

Although the final end of year result for 2019/2020 is still being prepared for audit, at this stage the projected budget result from the May 2020 Monthly Budget Review remains unchanged at a surplus of \$122,219.

The report provides further details of the proposed budget changes as well as the revised 2020/2021 budget position as at 31 July 2020.

RESOLUTION 180820/10

Moved: Cr Sandra Humphrys Seconded: Cr Stephen Morrissey

That Council:

- 1. Approve carry over works for the financial year ended 30 June 2020;
- Approve the proposed adjustments to the 2020/2021 original budget for the month of July 2020; and
- 3. Note the revised 2020/2021 budget position as at 31 July 2020.

CARRIED

Page 8

18 AUGUST 2020

15.2 FINANCIAL ANALYSIS REPORT - JULY 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 July 2020 including General Bank Accounts and Trust Funds is shown below.

Investment Portfolio	General Bank Accounts	Trust Funds	Total
\$49,520,900	\$742,570	\$87,050	\$50,350,520

The weighted average rate of return on Council's investments for July 2020 was 3.04% which was above the 90 Day Bank Bill Index for July of 1.00%.

RESOLUTION 180820/11

Moved: Cr Robert Mustow Seconded: Cr Daniel Simpson

That Council adopt the Financial Analysis Report detailing investment performance for the month of July 2020.

CARRIED

16 TENDER REPORTS

Nil

Page 9

18 AUGUST 2020

17 GENERAL BUSINESS

17.1 LENNOX STREET CASINO RESIDENTIAL REZONING (PP2018/0001) & PLANNING AGREEMENT - POST EXHIBITION REPORT

EXECUTIVE SUMMARY

Planning Proposal PP2018/0001 proposes to rezone a 4-ha area of land bounded by Lennox, East, Boundary and Hare Streets, Casino for residential development (Zone R1 General Residential with a minimum lot size of 600m²).

The proposal was supported by Council in Resolution No. 191217/7 and a Gateway Determination was obtained from the Department of Planning, Industry and Environment (DPIE) on 21 September 2018. Agency Consultation has been satisfactorily completed, and the Planning Proposal was publicly exhibited for 30 days. Two (2) submissions were received during the exhibition period and neither has raised issues requiring amendment to the Planning Proposal.

A Planning Agreement was prepared to support the Planning Proposal and secure a minimum of 6 biodiversity offset credits for the clearing of a small patch of Forest Red Gum on the land. This Agreement was publicly exhibited concurrently with the Planning Proposal with no submissions being received. The Planning Agreement must be endorsed by Council and the owner and registered on title for the land prior to finalising the Local Environmental Plan Amendment.

Local Plan-making functions have been delegated to Council for this Planning Proposal, and Council has received formal advice from the Secretary that it agrees Section 9.1 Direction inconsistencies are justified.

Subject to gaining a positive resolution to this report, Council can proceed to finalise the Planning Proposal and make the Planning Agreement.

RESOLUTION 180820/12

Moved: Cr Robert Hayes Seconded: Cr Sandra Humphrys

That:

- 1. Council receive and note the report on Planning Proposal PP2018/0001;
- Pursuant to authorisations under Section 3.36(2) of the Environmental Planning & Assessment Act, Council proceed to make a local environmental plan to give effect to PP2018/0001;
- 3. Local Plan-making authorisation from the Planning Secretary (dated 21 September 2019) be delegated to the General Manager to make the final Local Environmental Plan Amendment (previously delegated per Resolution No. 191217/7);
- 4. The General Manager be authorised to enter into a Planning Agreement to secure biodiversity offset credits for future development pursuant to PP2018/0001; and
- Finalisation of the Local Environmental Plan Amendment (i.e. notification on the NSW Legislation Website) not take place until after the Planning Agreement has been made and registered on title.

CARRIED

Page 10

18 AUGUST 2020

17.2 CEMETERIES AND BURIAL POLICY

EXECUTIVE SUMMARY

Council has developed a draft Cemeteries and Burial Policy to encourage best practice in the overall management of cemetery infrastructure and interments. The policy was presented to the June Ordinary Council Meeting where the recommendation to place the policy on public exhibition for a period of 28 days was resolved.

The 28-day public exhibition period closed on 27 July 2020 and one verbal submission was made. As a result of this a change has been made to Section 30 of the Policy.

RESOLUTION 180820/13

Moved: Cr Sandra Humphrys Seconded: Cr Stephen Morrissey

That Council adopts the Cemeteries and Burial Policy.

CARRIED

17.3 NSW SHARK PROGRAM 2020/2021

EXECUTIVE SUMMARY

Richmond Valley Council has been included in the next round of shark mitigation initiatives in NSW as part of the \$8 million allocation announced by the Minister for Agriculture and Western NSW, Adam Marshall on 1 July 2020. It is important that we support and advocate for this initiative as it not only provides the NSW Department of Primary Industry, Shark Management Team vital data to continue to implement the mitigation measures but also provides a sense of safety in our community, particularly over the holiday months.

RESOLUTION 180820/14

Moved: Cr Sandra Humphrys Seconded: Cr Stephen Morrissey

That Council:

- 1. Receives and notes the status of the NSW Government's Shark Program;
- Writes to the Minister for Agriculture and Western NSW, Adam Marshall, as well as the NSW Department of Primary Industry Shark Management Team to commend them on the program and the inclusion of the Richmond Valley in the current and future shark mitigation measures being delivered for 2020/2021.

CARRIED

Page 11

18 AUGUST 2020

17.4 NAMING OF PUBLIC PARKS, RESERVES, SPORTING FIELDS AND COUNCIL FACILITIES REVISED PROCEDURE AND CASINO CRICKET ASSOCIATION REQUEST FOR OVAL NAMING

EXECUTIVE SUMMARY

Council has been approached to allow the naming of a playing field within the Queen Elizabeth Reserve to recognise the achievements and contribution of Mr John McDonald to local cricket over 65 years. To allow this to be formalised, a draft review of the relevant procedure has been provided to Council for adoption.

RESOLUTION 180820/15

Moved: Cr Robert Hayes Seconded: Cr Daniel Simpson

That Council:

- Adopt the revised Naming of Public Parks, Reserves, Sporting Fields and Council Facilities Procedure which recognises changes relevant to internal features, and;
- Council endorse the recommendation to name Queen Elizabeth Oval No 7 in honour of Mr John McDonald in recognition of his service to local cricket over 65 years.

Note: Policy to include the wording "Council reserves the right to revoke or rename a reserve or facility or part thereof if it believes that the naming is no longer appropriate or relevant to that feature".

CARRIED

18 MATTERS FOR INFORMATION

RESOLUTION 180820/16

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

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

CARRIED

18.1 RICHMOND-UPPER CLARENCE REGIONAL LIBRARY ANNUAL REPORT 2019/2020

RESOLUTION 180820/17

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That the Richmond-Upper Clarence Regional Library 2019/2020 Annual Report which highlights the important services provided across the Richmond Valley and Kyogle areas be received and noted.

CARRIED

Page 12

18 AUGUST 2020

18.2 GRANT APPLICATION INFORMATION REPORT - JULY 2020

RESOLUTION 180820/18

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That Council receives and notes the Grant Application Information Report for the month of July

2020.

CARRIED

18.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 JULY TO 31 JULY 2020

RESOLUTION 180820/19

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That Council receives and notes the development application report for the period 1 July to 31 July

2020.

CARRIED

18.4 UPGRADE OF CASINO MEMORIAL OLYMPIC POOL PREFERRED TENDERER

RESOLUTION 180820/20

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That Council receive and note the contents of the Upgrade of Casino Memorial Olympic Pool

Preferred Tenderer report.

CARRIED

19 QUESTIONS ON NOTICE

Nil

20 QUESTIONS FOR NEXT MEETING (IN WRITING)

20.1 CR ROBERT HAYES - QUESTIONS FOR SEPTEMBER 2020 ORDINARY MEETING

With the ongoing complaints regarding 4WD usage of Airforce Beach, can Council staff investigate further and report back to Council, determining what is involved and what cost to Council will be required to implement a fee free online permit system for 4WD access to Airforce Beach, so that the local Rangers and the Police can better regulate this area.

Page 13

18 AUGUST 2020

21 MATTERS REFERRED TO CLOSED COUNCIL

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

21.1 Write Off Bad Debt

This matter is considered to be confidential under Section 10A(2) - (a) 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 personnel matters concerning particular individuals (other than councillors).

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 that 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 10(2) as outlined above.

RESOLUTION 180820/21

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That:

- 1. Council resolved to enter Closed Council to consider the business identified in Item 21.1, together with any late reported tabled at the meeting.
- Pursuant to section 10A(2) (c) 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*.

CARRIED

Council closed its meeting at 5.48pm. The public left the Chamber.

The Open Council Meeting resumed at 5.54pm.

Page 14

Page 17

Item 6.1 - Attachment 1

18 AUGUST 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 Write off bad debt

That Council:

- 1. Write off the debt as detailed in the report due to all recovery options being exhausted, and
- 2. Necessary steps be undertaken to ensure the debt default is listed on relevant parties' credit files.

The Meeting closed at 5.55pm.

The	minutes	of	this	meeting	were	confirmed	at	the	Ordinary	Council	Meeting	held	on	15
Sept	ember 20	20.		_					_					

	(CHAIR	PERSON

Page 15

Council Policy

Policy Title: Code of Conduct – Councillors & Personnel

Policy Number: 1.1

Focus Area: Making Council Great
Responsibility: Governance and Risk

Meeting Adopted: Date of Council Meeting – Resolution Number



OBJECTIVE

To define and maintain suitable standards of conduct and openness in Council decisions and dealings and meet the requirements of section 440 of the *Local Government Act 1993*.

POLICY

Council has adopted 'The Model Code of Conduct for Local Councils in NSW 2020' and 'The Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW 2020'.

REVIEW

This policy will be reviewed by Council at the time of any relevant legislative changes, changes to the Model Code of Conduct, compliance requirements or at least every four years.

Version Number	Dale	Reason / Commonts
Ĭ.	19 February 2019	New policy
2	XX XXXX 2020	Updated to incorporate amendments to the Code and Regulations

Richmond Valley Council - 1.1 Code of Conduct - Councillors & Personnel Policy

Adopted: Date Page 1 of 1





MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

2020

ACCESS TO SERVICES

The Office of Local Government is located at:

Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541

Postal Address: Locked Bag 3015, Nowra, NSW 2541

Phone: 02 4428 4100
Fax: 02 4428 4199
TTY: 02 4428 4209
Email: olg@olg.nsw.gov.au
Website: www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday 9.00am to 5.00pm (Special arrangements may be made if these hours are unsuitable) All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact us on 02 4428 4100.

DISCLAIMER

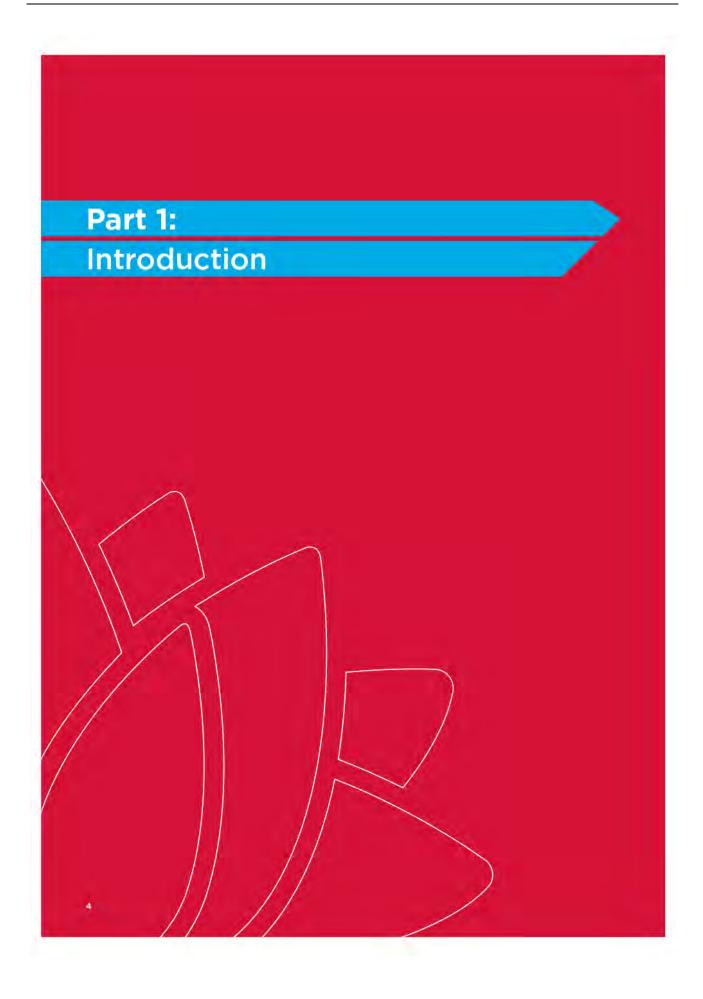
While every effort has been made to ensure the accuracy of the information in this publication, the Office of Local Government expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© Department of Planning, Industry and Environment 2020 Produced by the Department of Planning, Industry and Environment

Contents

Contents

Part 1:	Introduction	4
Part 2:	Definitions	6
Part 3:	General Conduct Obligations	10
Part 4:	Pecuniary Interests	14
Part 5:	Non-Pecuniary Conflicts of Interest	22
Part 6:	Personal Benefit	28
Part 7:	Relationships Between Council Officials	32
Part 8:	Access to Information and Council Resources	36
Part 9:	Maintaining the Integrity of this Code	42
Schedule 1:	Disclosures of Interest and Other Matters in Written Returns Submitted Under Clause 4.21	46
Schedule 2:	Form of Written Return of Interests Submitted Under Clause 4.21	54
Schedule 3:	Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37	58



Introduction

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

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

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

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

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

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

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

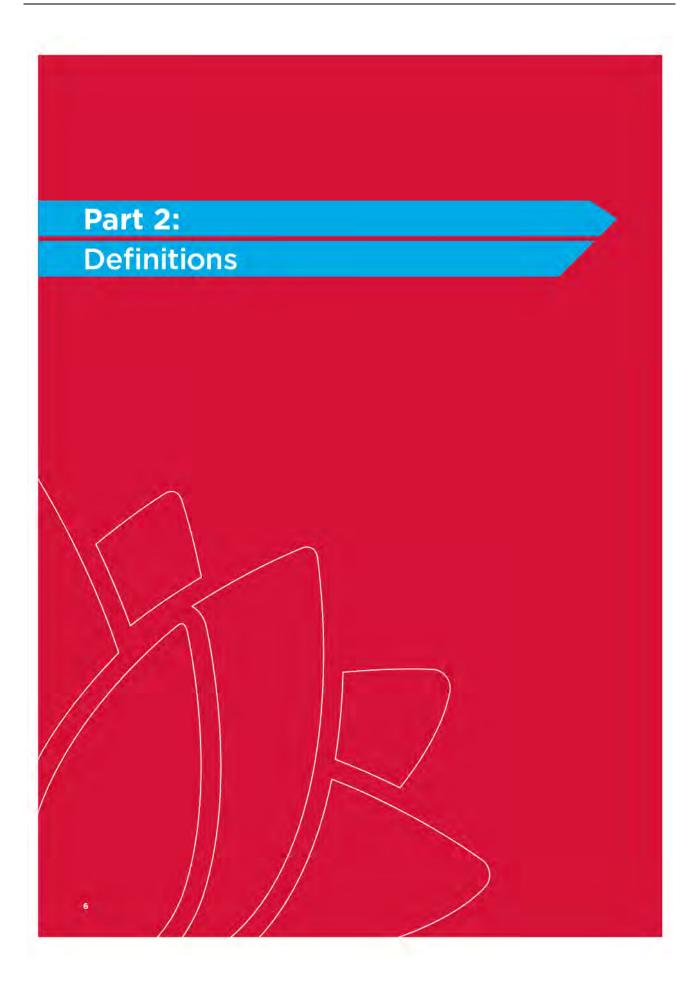
Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

5



Definitions

In this code the following terms have the following meanings:

administrator an administrator of a council appointed under the LGA other than an

administrator appointed under section 66

committee see the definition of "council committee"

complaint a code of conduct complaint made for the purposes of clauses 4.1

and 4.2 of the Procedures.

conduct includes acts and omissions

council includes county councils and joint organisations

council committee a committee established by a council comprising of councillors, staff

or other persons that the council has delegated functions to and the

council's audit, risk and improvement committee

council committee member — a person other than a councillor or member of staff of a council who

is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of

the council's audit, risk and improvement committee

council official includes councillors, members of staff of a council, administrators,

council committee members, delegates of council and, for the

purposes of clause 4.16, council advisers

councillor any person elected or appointed to civic office, including the mayor

and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and

chairpersons of joint organisations

delegate of council a person (other than a councillor or member of staff of a council) or

body, and the individual members of that body, to whom a function

of the council is delegated

designated person a person referred to in clause 4.8

election campaign includes council, state and federal election campaigns

environmental planning has the same meaning as it has in the Environmental Planning and instrument Assessment Act 1979

general manager includes the executive officer of a joint organisation

joint organisation a joint organisation established under section 4000 of the LGA

LGA Local Government Act 1993

local planning panel a local planning panel constituted under the Environmental Planning

and Assessment Act 1979

mayor includes the chairperson of a county council or a joint organisation

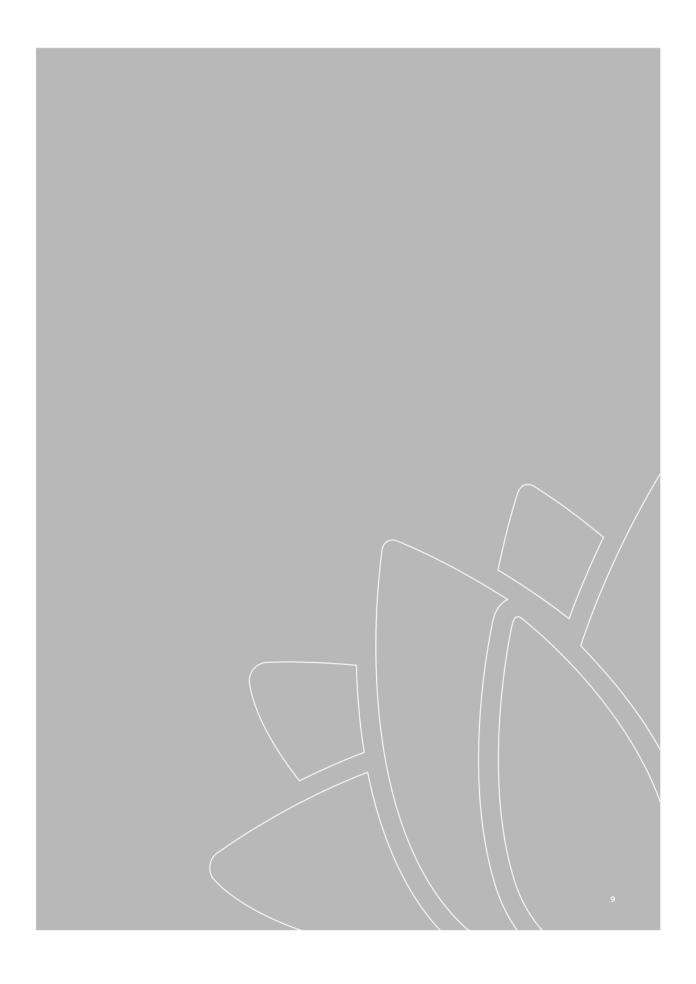
7

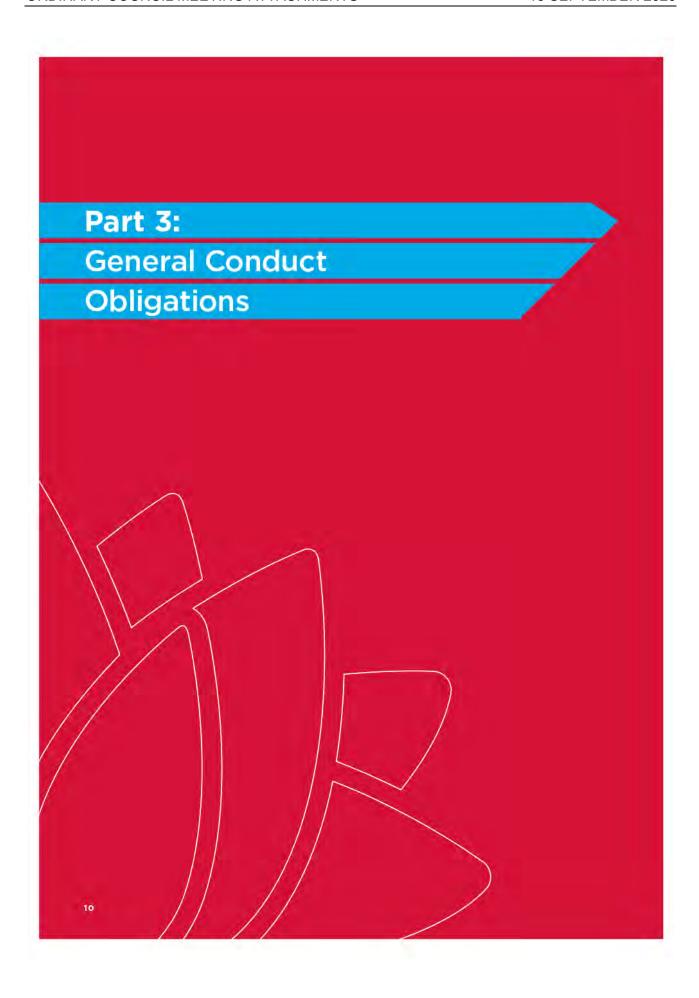
Madel Code of Conduct for Local Councils in NSW

committee

members of staff includes members of staff of county councils and joint organisations of a council the Office Office of Local Government information or an opinion (including information or an opinion personal information forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion the Procedures for the Administration of the Model Code of Conduct the Procedures for Local Councils in NSW prescribed under the Regulation the Local Government (General) Regulation 2005 the Regulation voting representative a voting representative of the board of a joint organisation wholly advisory a council committee that the council has not delegated any

functions to





General Conduct Obligations

General conduct

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

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3,3 or 3,4,

Harassment and discrimination

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

Bullying

- You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
 - a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
 - aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments

11

Page 30

Item 14.2 - Attachment 1

Madel Code of Conduct for Local Councils in NSW

- c) spreading malicious rumours
- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
 - a) performance management processes
 - b) disciplinary action for misconduct
 - informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards
 - f) legitimately exercising a regulatory function
 - g) legitimately implementing a council policy or administrative processes.

Work health and safety

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

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

Land use planning, development assessment and other regulatory functions

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

12

General Conduct Obligations

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

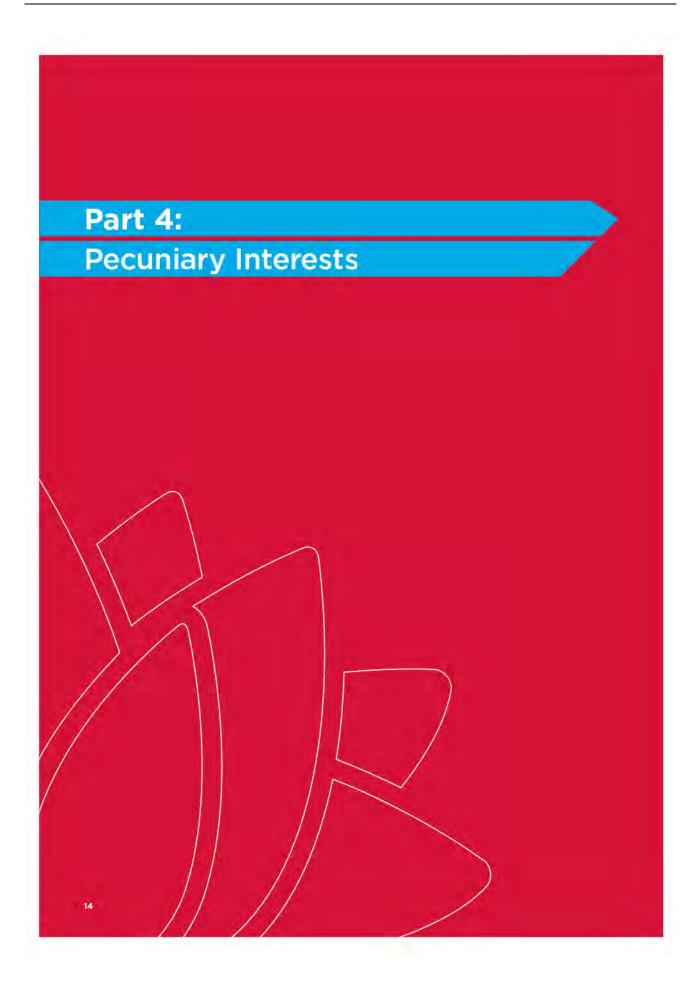
Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
 - a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.

13



Pecuniary Interests

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - (a) your interest, or
 - (b) the interest of your spouse or defacto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - (a) Your "relative" is any of the following:
 - j) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs
 (i) and (ii).
 - (b) "de facto partner" has the same meaning as defined in section 21C of the Interpretation Act 1987.

- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
 - (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body,
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

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

15

Madel Code of Conduct for Local Councils in NSW

- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a nonprofit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area;

- the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
- ii) security for damage to footpaths or roads
- iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA.
- (I) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

16

Pecuniary Interests

What disclosures must be made by a designated person?

- 4.8 Designated persons include:
 - (a) the general manager
 - (b) other senior staff of the council for the purposes of section 332 of the LGA
 - (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
 - (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 4.9 A designated person:
 - (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.10.

- 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

17

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

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

What disclosures must be made by a councillor?

4.20 A councillor:

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

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
 - (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
 - (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.

18

Pecuniary Interests

- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
 - (a) at any time during which the matter is being considered or discussed by the council or committee, or

- (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
 - (a) a member of, or in the employment of, a specified company or other body, or
 - (b) a partner of, or in the employment of, a specified person.

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

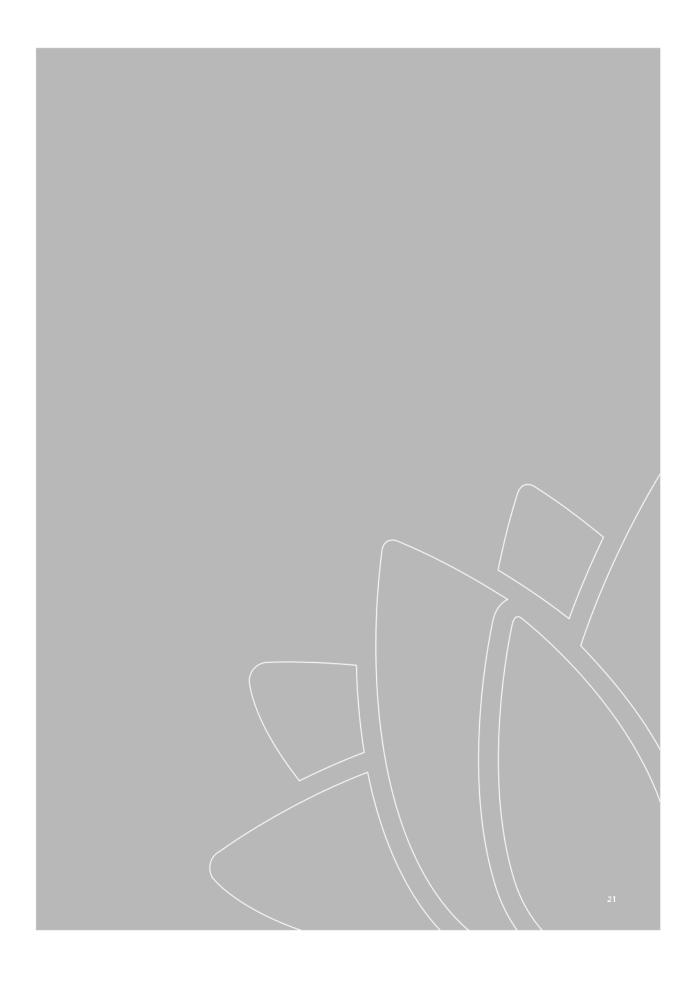
4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause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

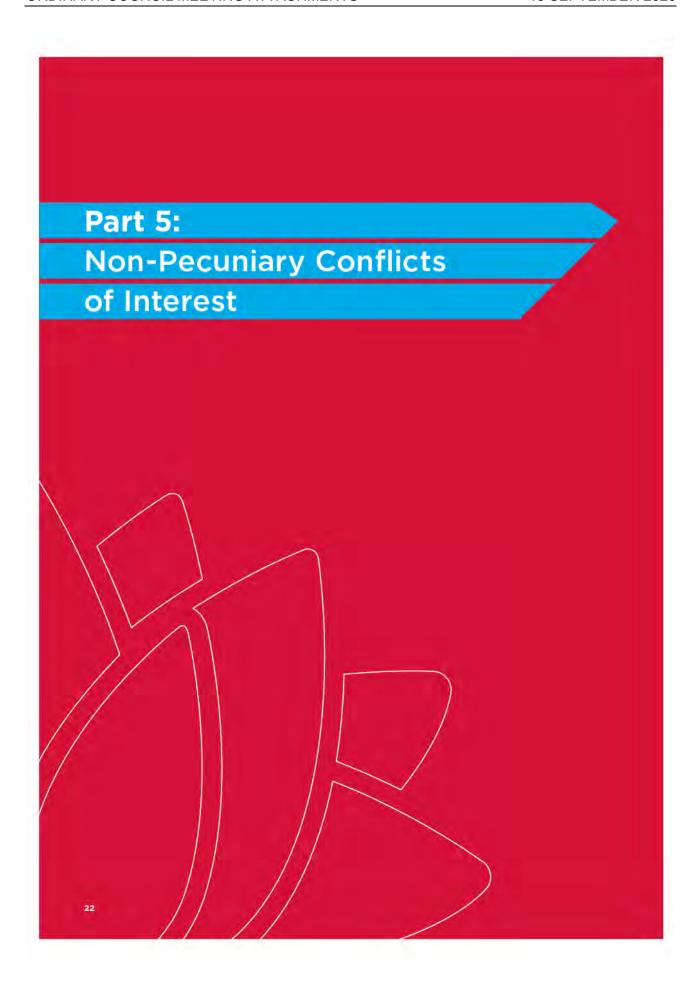
19

- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
 - (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - (b) the pecuniary interest arises only because of an interest of the councillor 4.39 A councillor or a council committee in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - (c) the councillor made a special disclosure under clause 4,37 in relation to the interest before the commencement of the meeting.

- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
 - (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
 - (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

20





Non-Pecuniary Conflicts of Interest

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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

23

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

- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
 - a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

24

Non-Pecuniary Conflicts of Interest

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

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
 - a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,

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

- 5.17 For the purposes of this Part:
 - a) a "reportable political donation" has the same meaning as it has in section 6 of the Electoral Funding Act 2018
 - b) "major political donor" has the same meaning as it has in the Electoral Funding Act 2018.

- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
 - a) the matter is a proposal relating to:
 - the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

25

- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
 - a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
 - a) conflict with their official duties
 - involve using confidential information or council resources obtained through their work with the council including where private use is permitted

26

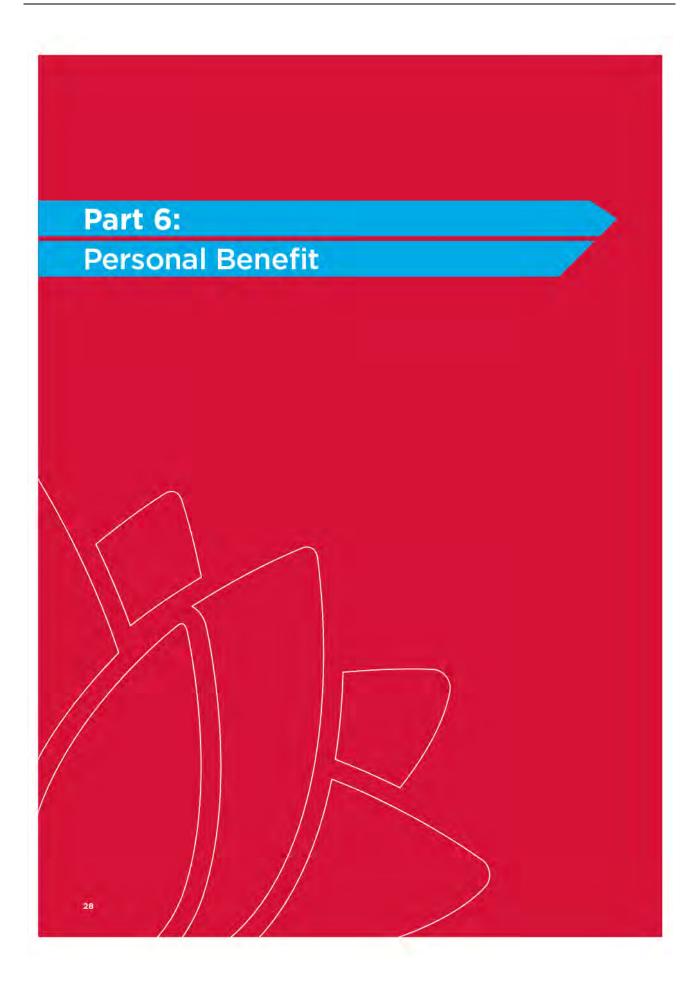
Non-Pecuniary Conflicts of Interest

- require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

27



Personal Benefit

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
 - a) items with a value of \$10 or less
 - a political donation for the purposes of the Electoral Funding Act 2018
 - a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) a benefit or facility provided by the council to an employee or councillor
 - attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - y) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

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

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

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

29

- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
 - a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
 - a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
 - b) gifts of alcohol that do not exceed a value of \$100
 - ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted trayel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

30

Personal Benefit

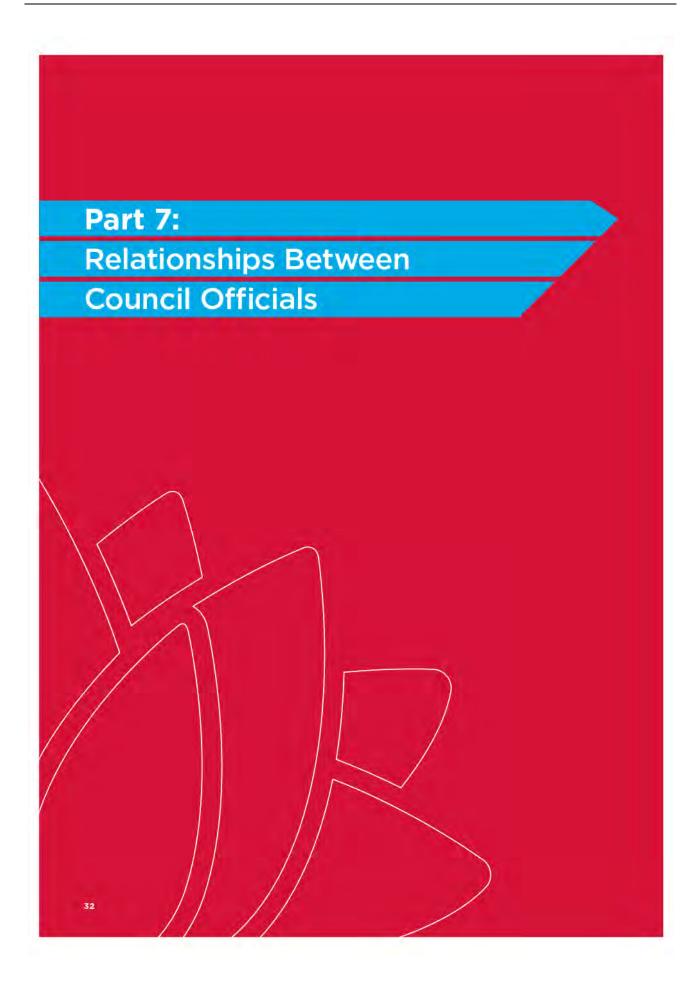
"Cash-like gifts"

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

Improper and undue influence

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

31



Relationships Between Council Officials

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
 - a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.

7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

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

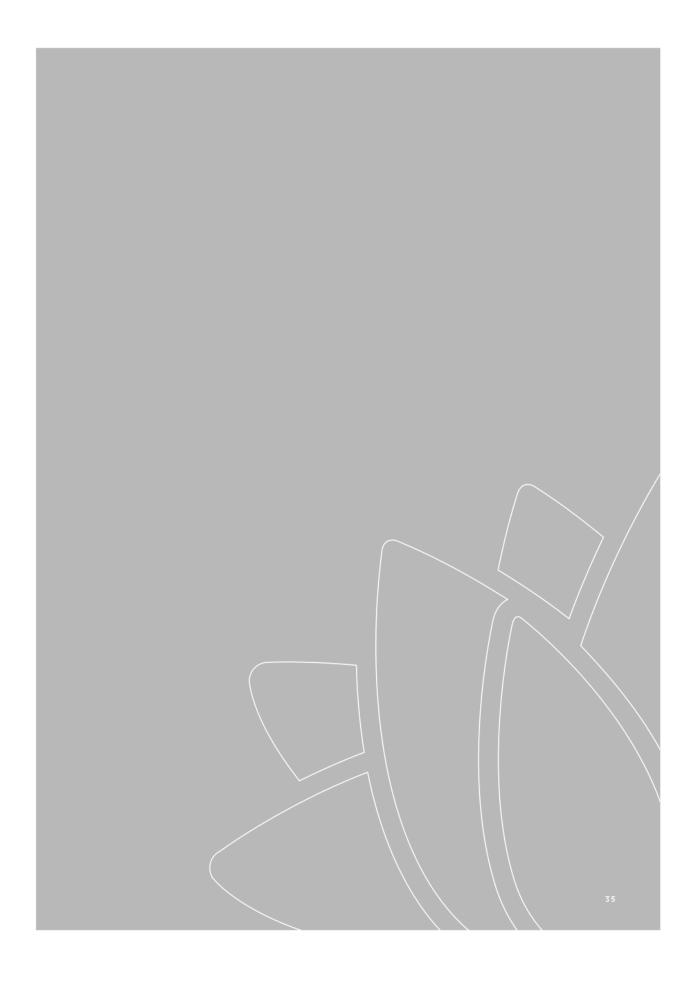
33

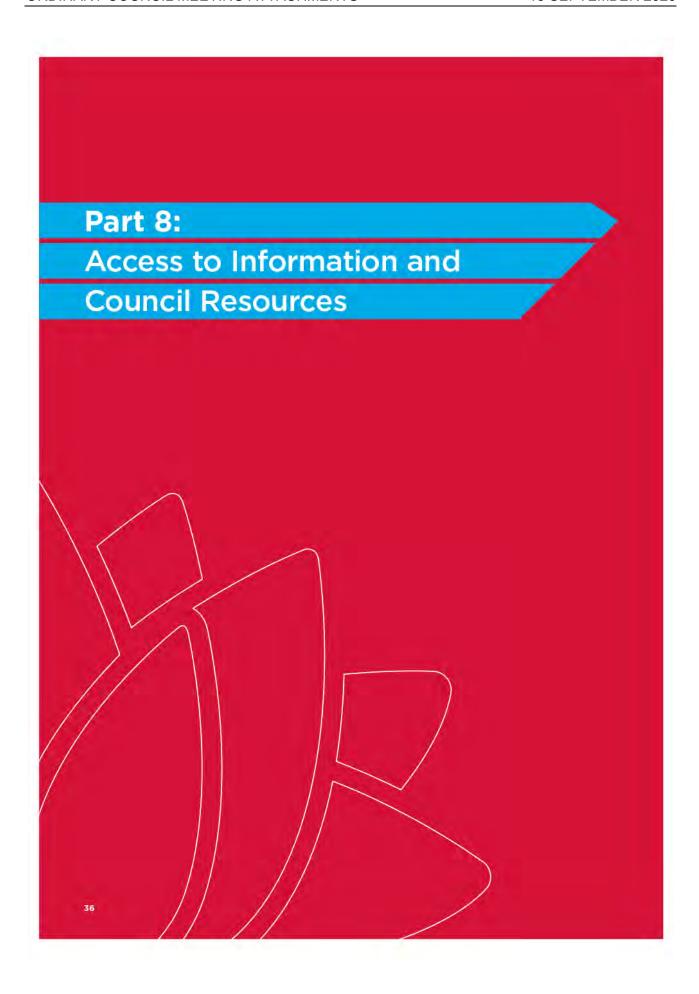
Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
 - a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
 - f) councillors and administrators being overbearing or threatening to council staff

- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media.
- councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

34





Access to Information and Council Resources

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the Government Information (Public Access) Act 2009 (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

37

Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
 - a) subject to clause 8.14, only access council information needed for council business
 - not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
 - a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information
 - only release confidential information if you have authority to do so
 - d) only use confidential information for the purpose for which it is intended to be used

- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12 When dealing with personal information you must comply with:
 - a) the Privacy and Personal Information Protection Act 1998
 - b) the Health Records and Information Privacy Act 2002
 - c) the Information Protection Principles and Health Privacy Principles
 - d) the council's privacy management
 - e) the Privacy Code of Practice for Local Government

Use of council resources

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

38

Access to Information and Council Resources

- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
 - a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
 - a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.

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

Internet access

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

Council record keeping

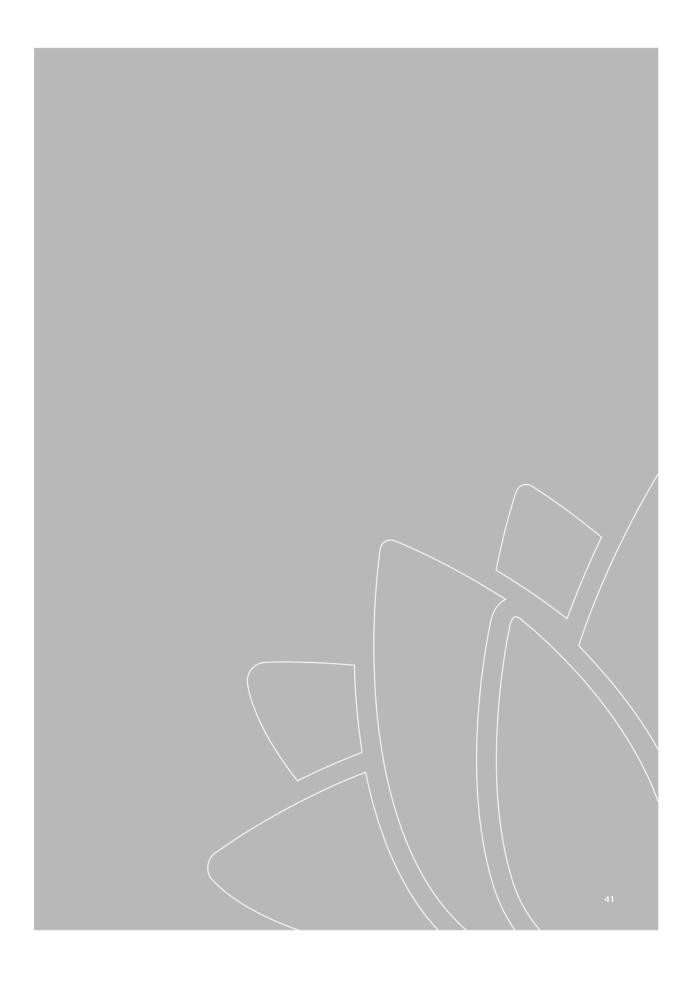
- 8.21 You must comply with the requirements of the State Records Act 1998 and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the State Records Act 1998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

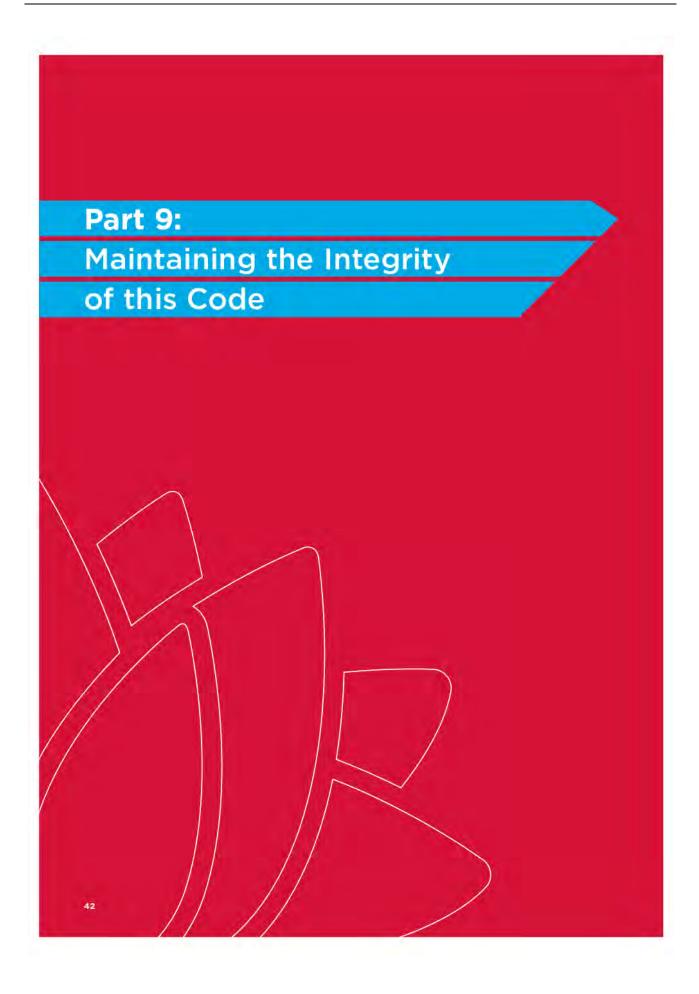
39

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

40





Maintaining the Integrity of this Code

Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

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

43

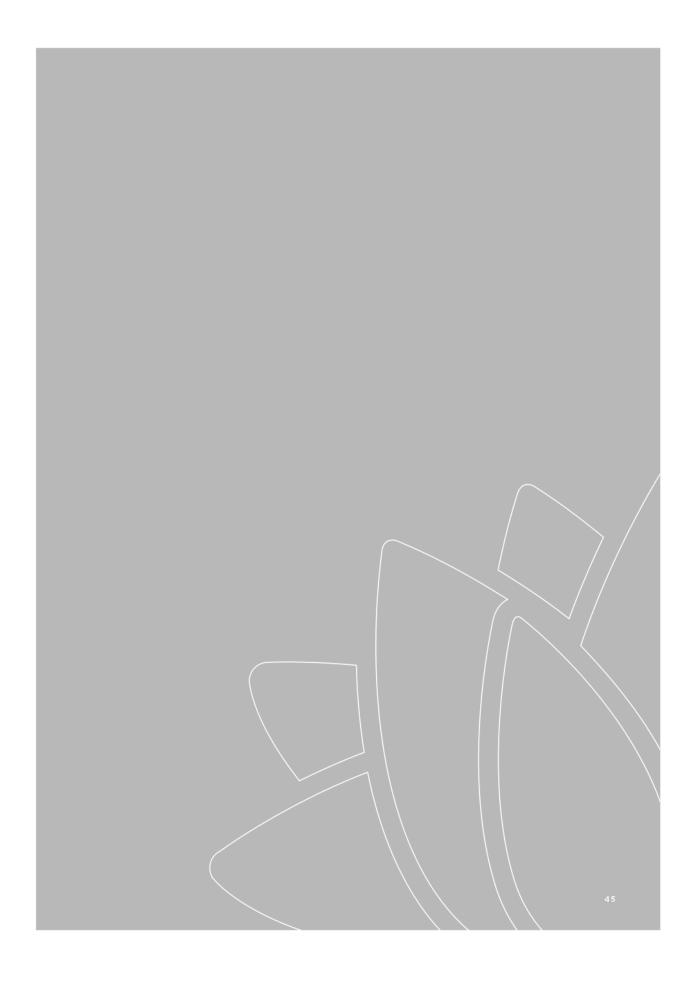
Disclosure of information about the consideration of a matter under the Procedures

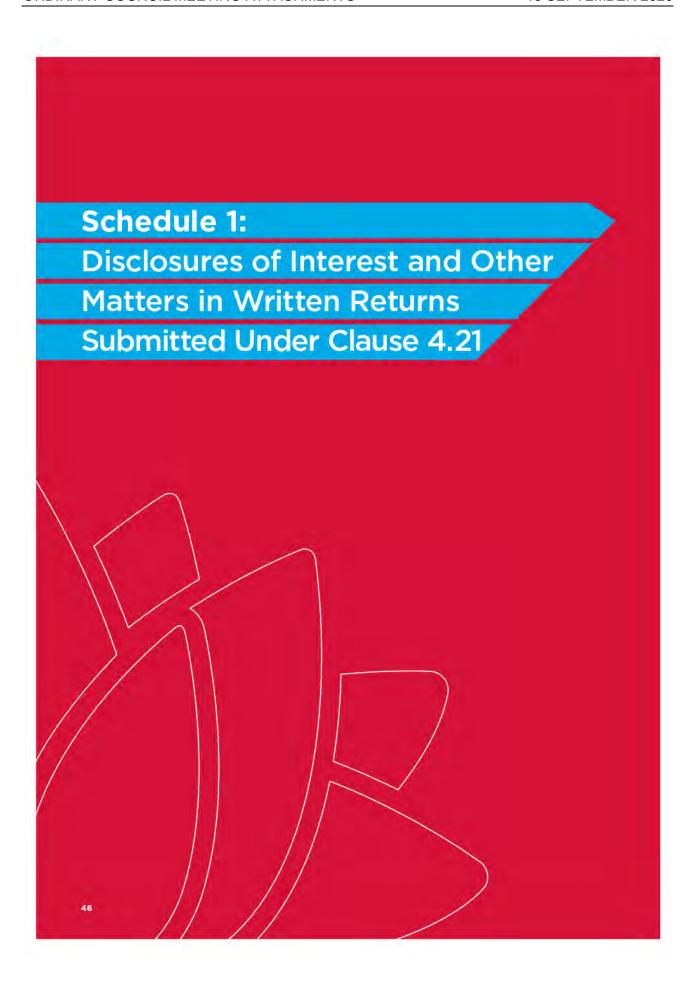
- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the Public Interest Disclosures Act 1994.

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

44





Schedule 1

Part 1: Preliminary

Definitions

 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
- 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
- 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
- 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.

47

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 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.

48

Schedule 1

Part 2: Pecuniary interests to be disclosed in returns

Real property

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

Gifts

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

- 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

49

- the dates on which the travel was undertaken, and
- the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
- 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,
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) Was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia,
 - 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

- 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
 - 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
 - the nature of the interest, or the position held, in each of the corporations, and
 - a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
- 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.
- 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.
- 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.

50

Schedule 1

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.
- 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

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

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

Dispositions of real property

- 23. A person making a return under clause 4,21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
- 24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
- A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

51

Sources of income

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

- 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
 - 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
- 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:

52

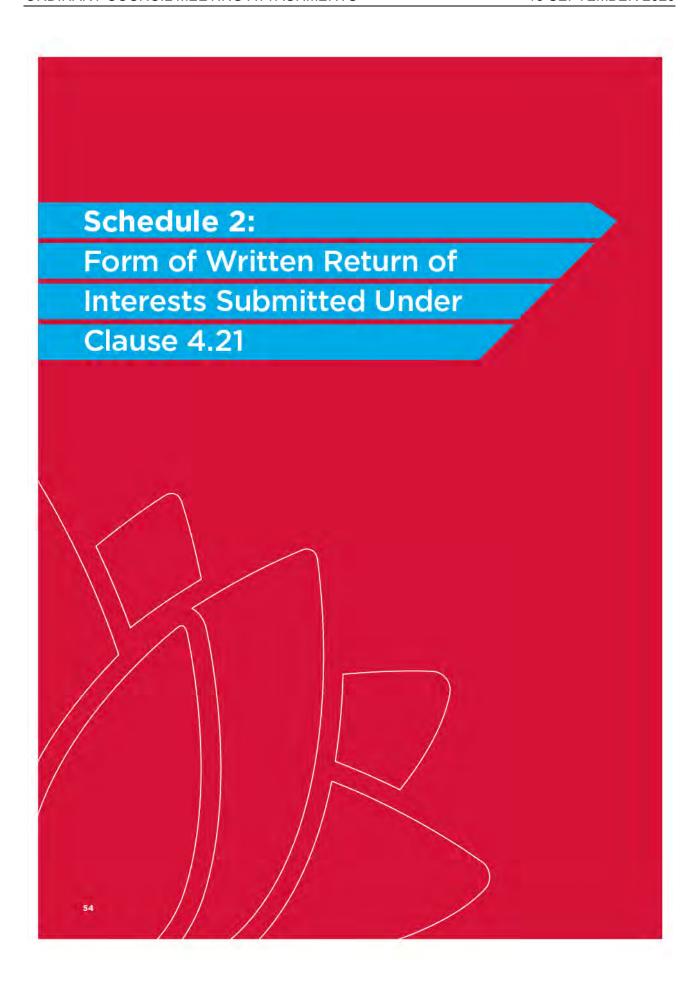
Schedule 1

- (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
- 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 deposittaking 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
- 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.

53



Schedule 2

'Disclosures by councillors and designated persons' return

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

- 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.
- 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.

55

Model Code of Conduct for Local Councils in NSW

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

as at [return date]

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

[councillor's or designated person's signature]

[date]

A. Real Property

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

B. Sources of income

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

Sources of income I received from an occupation at any time since 30 June

Description of occupation

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

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

Sources of income I received from a trust since 30 June

Name and address of settlor

Name and address of trustee

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

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

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

C. Gifts

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

56

Schedule 2

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 Description of (if any) position (if any)

Description of principal objects (if any) of corporation (except in case of listed company)

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

G. Positions in trade unions and professional or business associations

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

Description of position

H. Debts

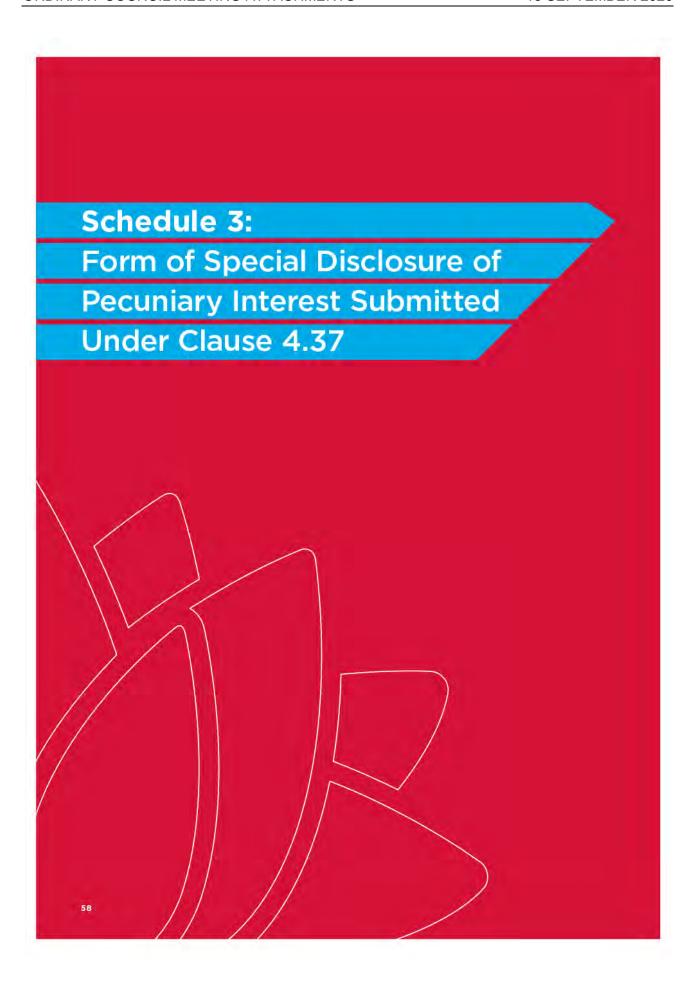
Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

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

J. Discretionary disclosures

57



Schedule 3

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

Important information

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

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

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your defacto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because

you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

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

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

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

59

Madel Code of Conduct for Local Councils in NSW

Special disclosure of pecuniary inter	[townstand and analysis
in the matter of [insert name of environmental ,	planning instrument]
which is to be considered at a meeting of the [name of council or council committee (as the co	ase requires)]
to be held on the day of	20 .
Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to councillor [Tick or cross one box.]	☐ The councillor has an interest in the land (e.g. is the owner or has another interest arising ou of a mortgage, lease, trust, option or contract or otherwise).
	An associated person of the councillor has an interest in the land.
	An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ²	☐ The identified land.
	☐ Land that adjoins or is adjacent to or is in proximity to the identified land.
[Tick or cross one box]	
Current zone/planning control	
[Insert name of current planning Instrument and identify relevant zone/planning control applying to the subject land]	

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

60

Schedule 3

Proposed change of zone/planning control

[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]

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

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

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

Councillor's signature

Date

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



Procedures for the Administration of

The Model Code of Conduct

for Local Councils in NSW

2020



PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

2020

ACCESS TO SERVICES

The Office of Local Government is located at:

Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541

Postal Address: Locked Bag 3015, Nowra, NSW 2541

Phone: 02 4428 4100
Fax: 02 4428 4199
TTY: 02 4428 4209
Email: olg@olg.nsw.gov.au
Website: www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday 9.00am to 5.00pm (Special arrangements may be made if these hours are unsuitable) All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact us on 02 4428 4100.

DISCLAIMER

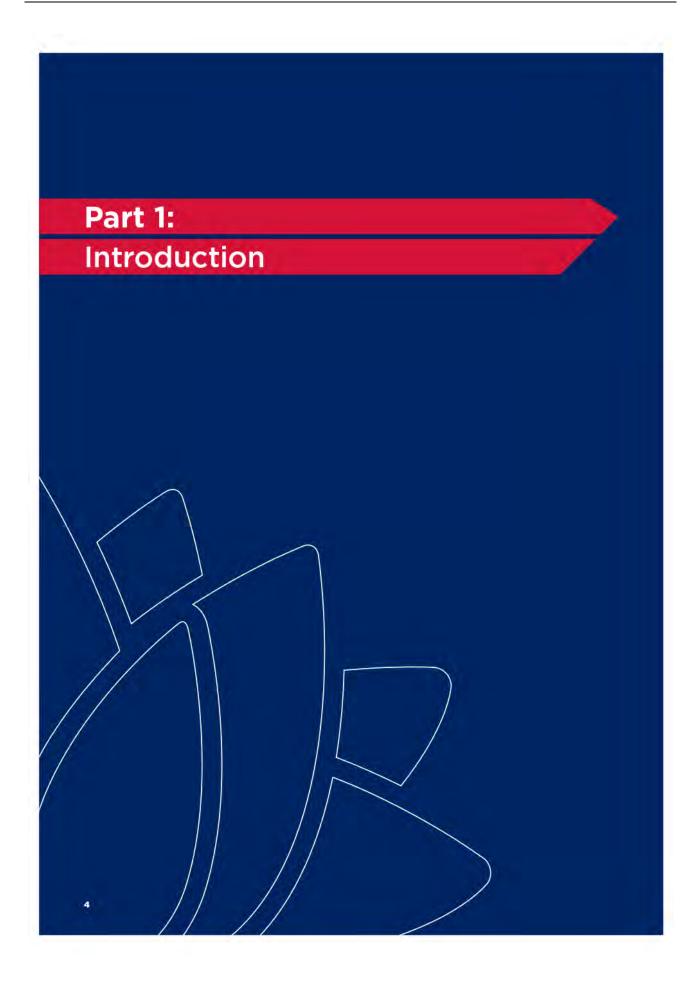
While every effort has been made to ensure the accuracy of the information in this publication, the Office of Local Government expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© Department of Planning, Industry and Environment 2020 Produced by the Department of Planning, Industry and Environment

Contents

Contents

Part 1:	Introduction	4
Part 2:	Definitions	6
Part 3:	Administrative Framework	10
Part 4:	How May Code of Conduct Complaints be Made?	14
Part 5:	How are Code of Conduct Complaints to be Managed?	18
Part 6:	Preliminary Assessment of Code of Conduct Complaints About Councillors or the General Manager by Conduct Reviewers	26
Part 7:	Investigations of Code of Conduct Complaints About Councillors or the General Manager	32
Part 8:	Oversight and Rights of Review	40
Part 9:	Procedural Irregularities	44
Part 10:	Practice Directions	46
Part 11:	Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager	48
Part 12:	Confidentiality	50



Introduction

These procedures ("the Model Code Procedures") are prescribed for the administration of the Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct").

The Model Code of Conduct is made under section 440 of the Local Government Act 1993 ("the LGA") and the Local Government (General) Regulation 2005 ("the Regulation"), Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

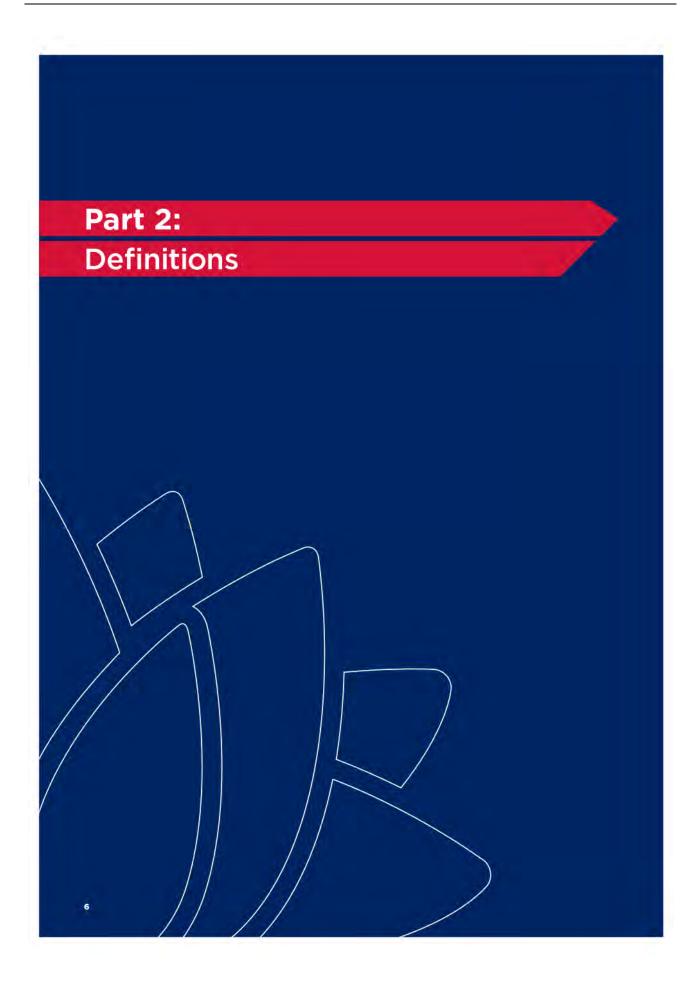
In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, Joint organisations should adapt them to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.



Definitions

In these procedures the following terms have the following meanings:

administrator of a council appointed under the LGA

other than an administrator appointed under section 66

code of conduct adopted under section 440 of the LGA

code of conduct complaint a complaint that is a code of conduct complaint for the

purposes of clauses 4.1 and 4.2 of these procedures

complainant a person who makes a code of conduct complaint

complainant councillor a councillor who makes a code of conduct complaint

complaints coordinator a person appointed by the general manager under these

procedures as a complaints coordinator

conduct reviewer a person appointed under these procedures to review

allegations of breaches of the code of conduct by

councillors or the general manager

council includes county councils and joint organisations

council committee a committee established by a council comprising of

councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and

improvement committee

council committee member a person other than a councillor or member of staff of a

council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and

improvement committee

councillor any person elected or appointed to civic office, including

the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations

council official any councillor, member of staff of council, administrator,

council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct,

council adviser

delegate of council a person (other than a councillor or member of staff of a

council) or body, and the individual members of that body,

to whom a function of the council is delegated

external agency a state government agency such as, but not limited to, the

Office, the ICAC, the NSW Ombudsman or the police

general manager includes the executive officer of a joint organisation

7

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

ICAC the Independent Commission Against Corruption

joint organisation a joint organisation established under section 4000

of the LGA

LGA the Local Government Act 1993

mayor includes the chairperson of a county council or

a joint organisation

members of staff of a council includes members of staff of county councils and

joint organisations

the Office the Office of Local Government

investigator a conduct reviewer

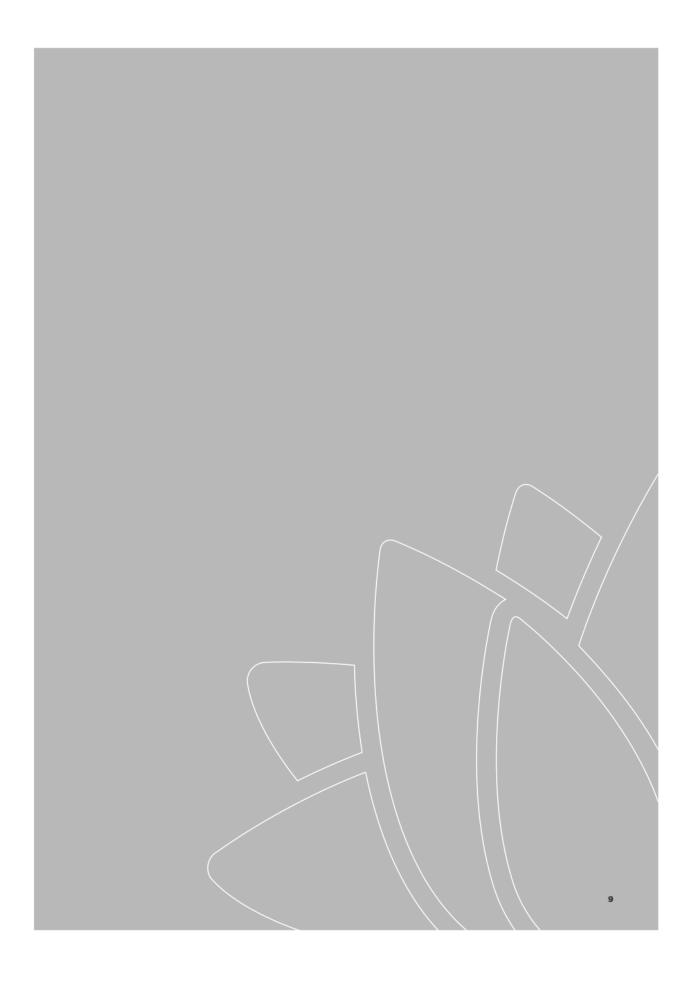
the Regulation the Local Government (General) Regulation 2005

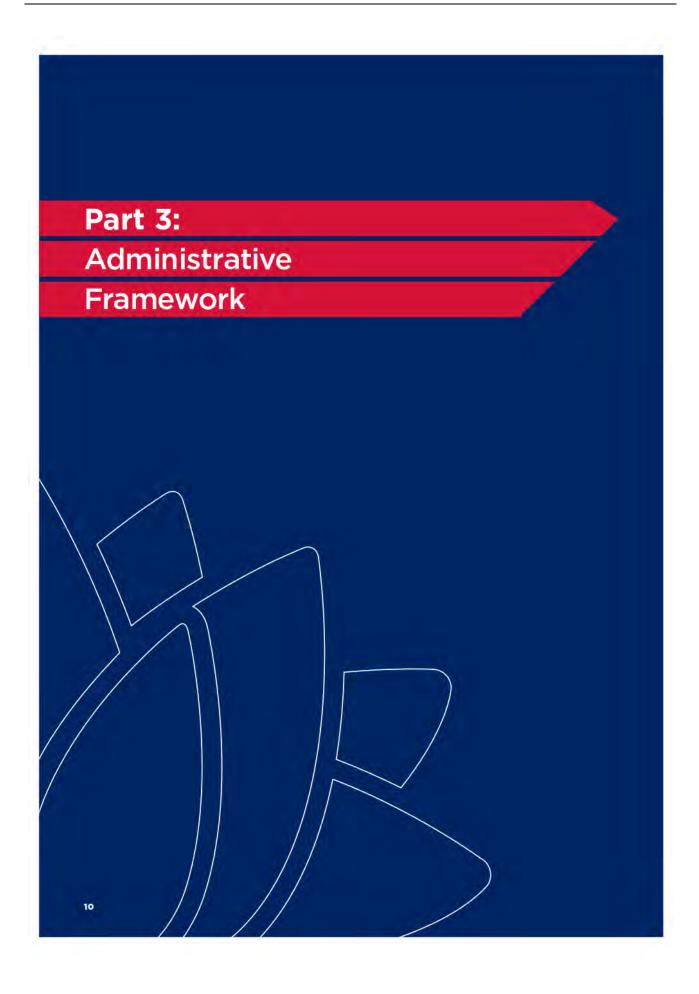
respondent a person whose conduct is the subject of investigation by a

conduct reviewer under these procedures

wholly advisory committee a council committee that the council has not delegated

any functions to





Administrative Framework

The establishment of a panel of conduct reviewers

- The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act* 1994, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.

- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a) a councillor, or
 - a nominee for election as a councillor,
 - c) an administrator, or
 - d) an employee of a council, or
 - a member of the Commonwealth
 Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.

11

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3,12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

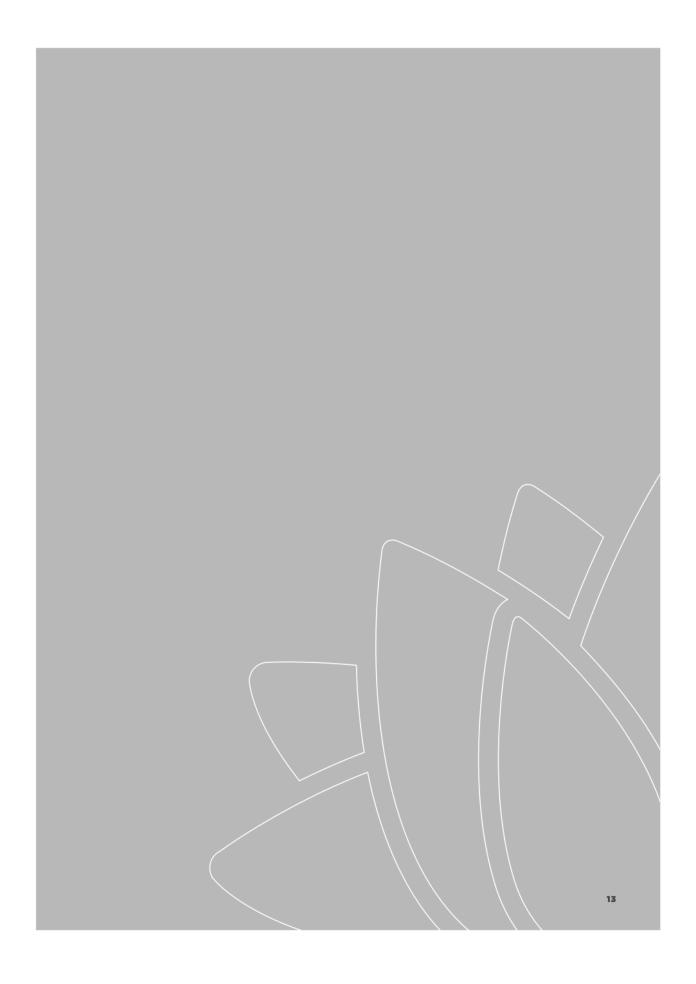
The appointment of an internal ombudsman to a panel of conduct reviewers

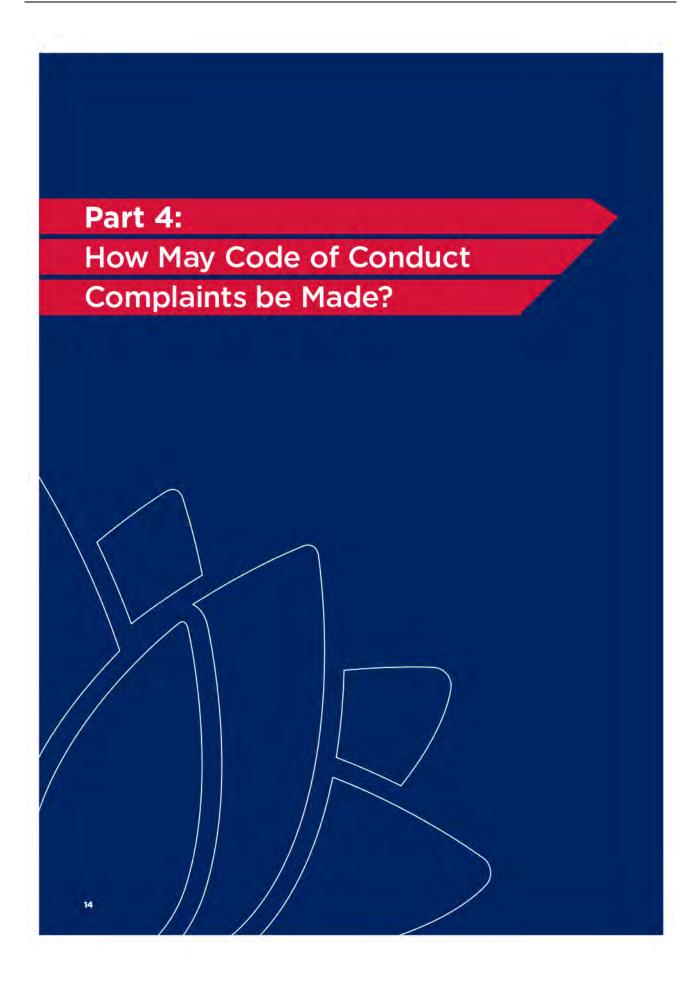
- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994.
- also exercise the functions of the council's 3,21. The role of the complaints coordinator is to:
 - a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

12





How May Code Of Conduct Complaints be Made?

What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
 - a) complaints about the standard or level of service provided by the council or a council official
 - complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c) complaints about the policies or procedures of the council
 - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

15

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

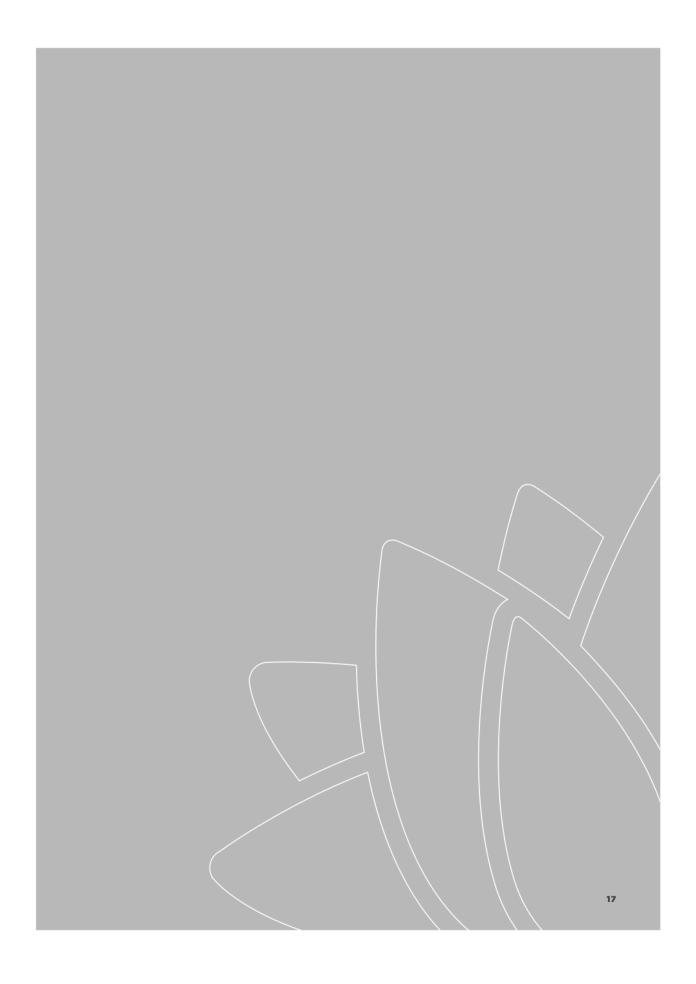
How may a code of conduct complaint about a council official other than the general manager be made?

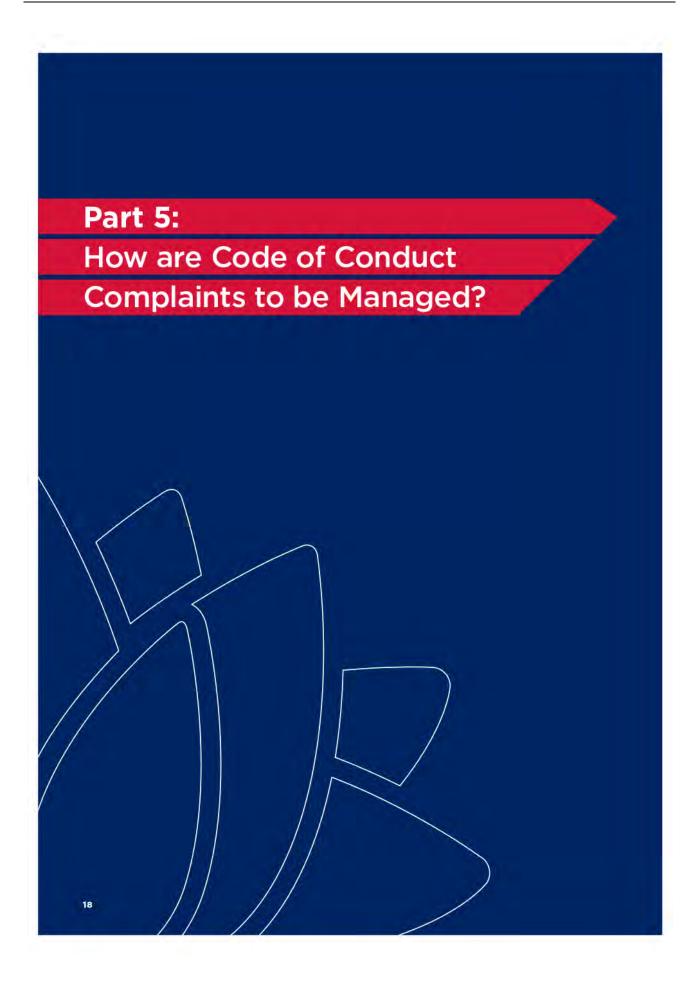
- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

16





How are Code of Conduct Complaints to be Manage d?

Delegation by general managers and mayors of their functions under this Part

5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

Consideration of complaints by general managers and mayors

5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint;
 - a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or

- relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
- is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

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

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office,
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

19

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
 - a) censure
 - requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law

20

How are Code of Conduct Complaints to be Managed?

- d) removing or restricting the person's delegation
- removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
 - a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - the person must be given an opportunity to respond to the allegation, and
 - the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

- 5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The general manager must notify the complainant of the referral of their complaint in writing.

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

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
 - a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

21

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
 - a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

22

How are Code of Conduct Complaints to be Manage d?

- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the general manager and the mayor to be dealt with?

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
 - a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
 - refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

23

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
 - a) the complainant consents in writing to the disclosure, or
 - it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5,43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5,44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures*Act 1994. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

24

How are Code of Conduct Complaints to be Managed?

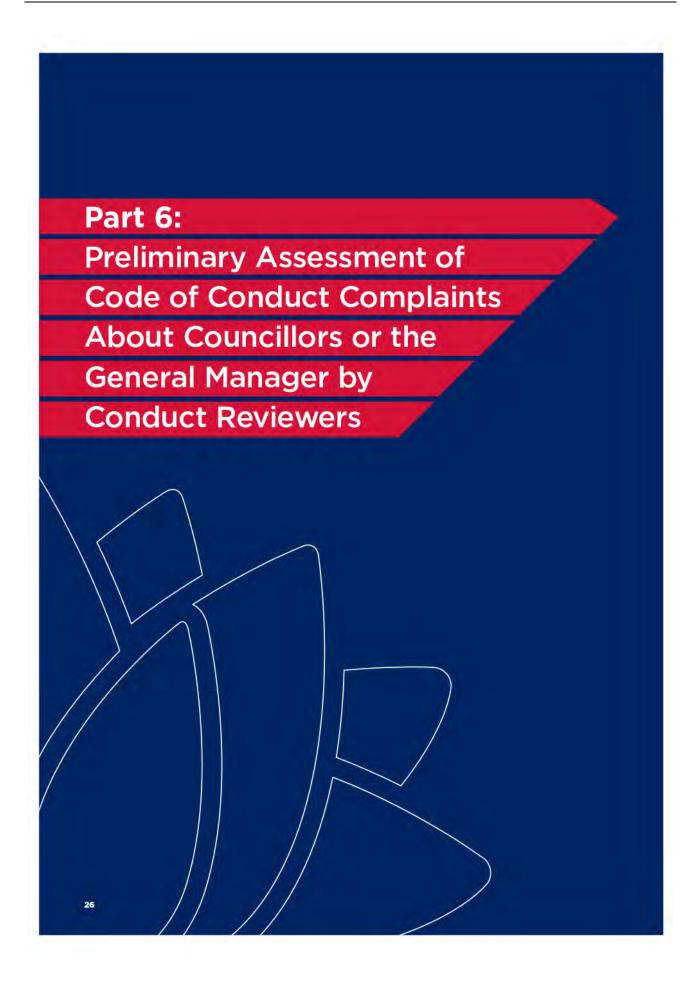
5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
 - a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - impeded or disrupted the effective administration by the council of its code of conduct, or
 - impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
 - a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.

- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

25



Preliminary Assessment of Code of Conduct Complaints About Councillors or the General Manager by Conduct Reviewers

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
 - a) a panel of conduct reviewers established by the council, or
 - a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.

- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
 - a) they have a conflict of interest in relation to the matter referred to them, or
 - a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

27

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
 - a) comply with these procedures in their consideration of the matter, or
 - comply with a lawful and reasonable request by the complaints coordinator, or
 - exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
 - a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

28

Preliminary Assessment of Code of Conduct Complaints About Councillors or the General Manager by Conduct Reviewers

- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:

- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
- b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
- c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
 - a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

29

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

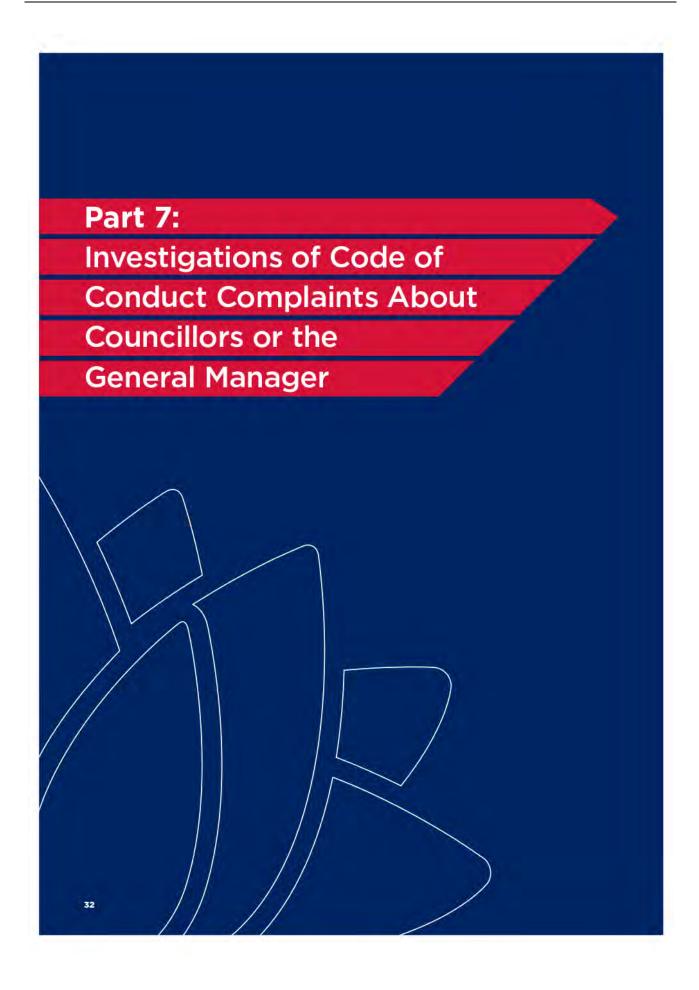
- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
 - a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

30

Preliminary Assessment of Code of Conduct Complaints About Councillors or the General Manager by Conduct Reviewers

- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved.
- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- whether there were mitigating circumstances giving rise to the conduct complained of
- the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

31



Investigations of Code of Conduct Complaints About Councillors or the General Manager

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent,
 - advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - advise of the process to be followed in investigating the matter, and

- advise the respondent of the requirement to maintain confidentiality, and
- e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
- f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:

33

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

- a) advise them of the matter the investigator is investigating, and
- in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
- c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

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

34

Investigations of Code of Conduct Complaints About Councillors or the General Manager

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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
 - resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

35

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

- 7.35 The investigator's final report must:
 - a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i) constitutes a breach of the code of conduct, or
 - does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
 - a) a description of the allegations against the respondent
 - the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - the investigator's determination and the reasons for that determination
 - j) any recommendations.

36

Item 14.2 - Attachment 1

Investigations of Code of Conduct Complaints About Councillors or the General Manager

- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
 - a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - in the case of a breach by a councillor, that the council resolves as follows:
 - that the councillor be formally censured for the breach under section 440G of the LGA, and
 - that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
 - a) that the council revise any of its policies, practices or procedures

- b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
 - a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

37

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.

- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
 - a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.

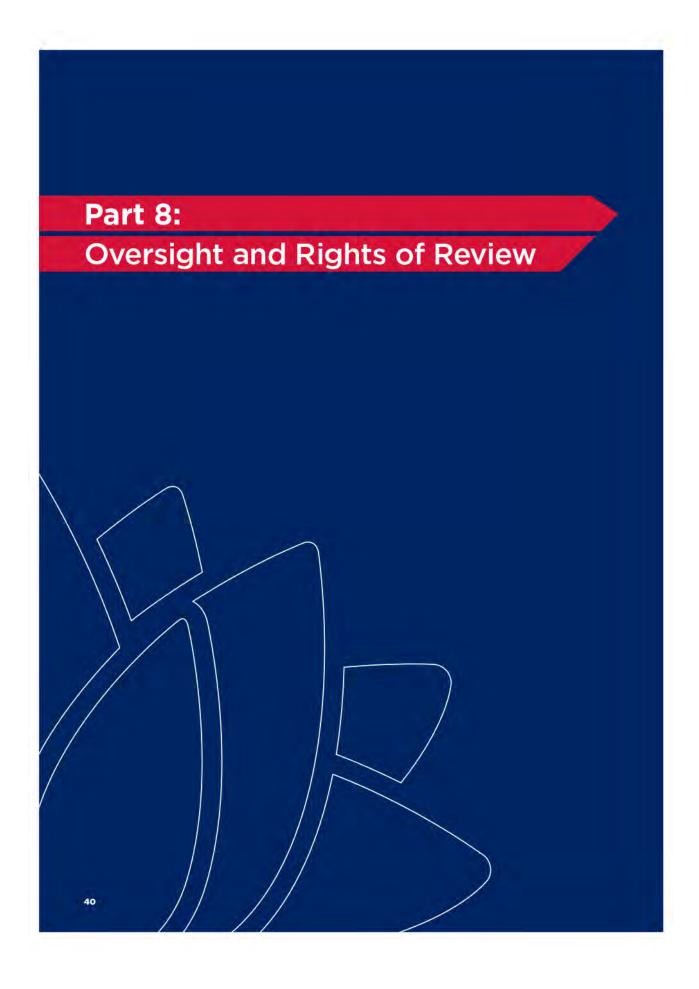
38

Investigations of Code of Conduct Complaints About Councillors or the General Manager

- 7.58 A council may by resolution impose one of 7.60 The council is not obliged to adopt the the following sanctions on a respondent: investigator's recommendation. Where
 - a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - that the councillor be formally censured for the breach under section 440G of the LGA, and
 - that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.

- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

39



Oversight and Rights of Review

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
 - a) that the investigator has failed to comply with a requirement under these procedures, or
 - that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

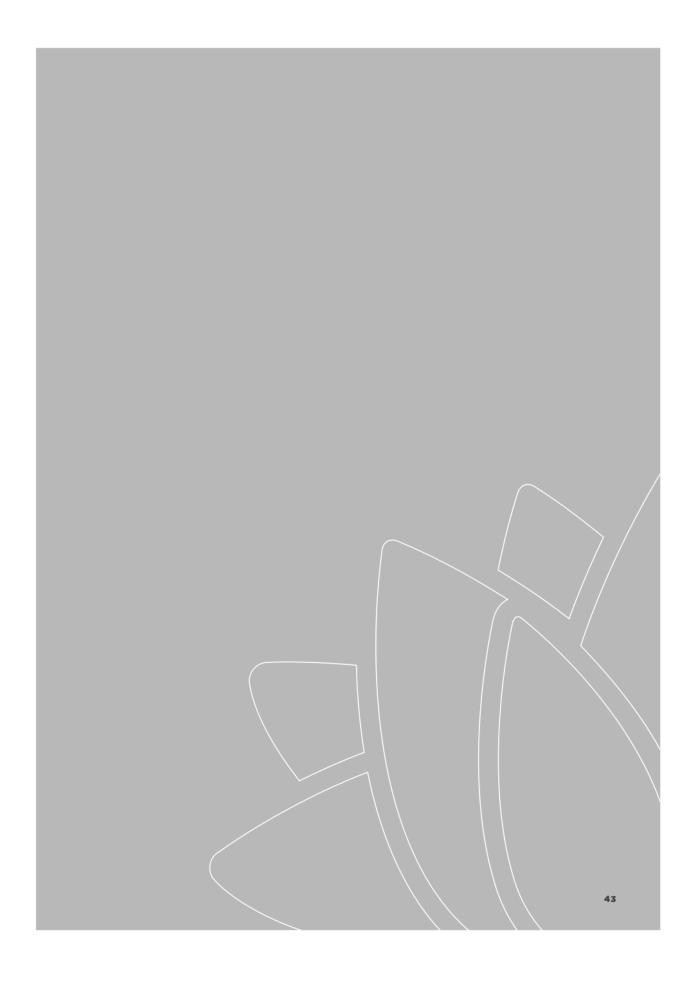
41

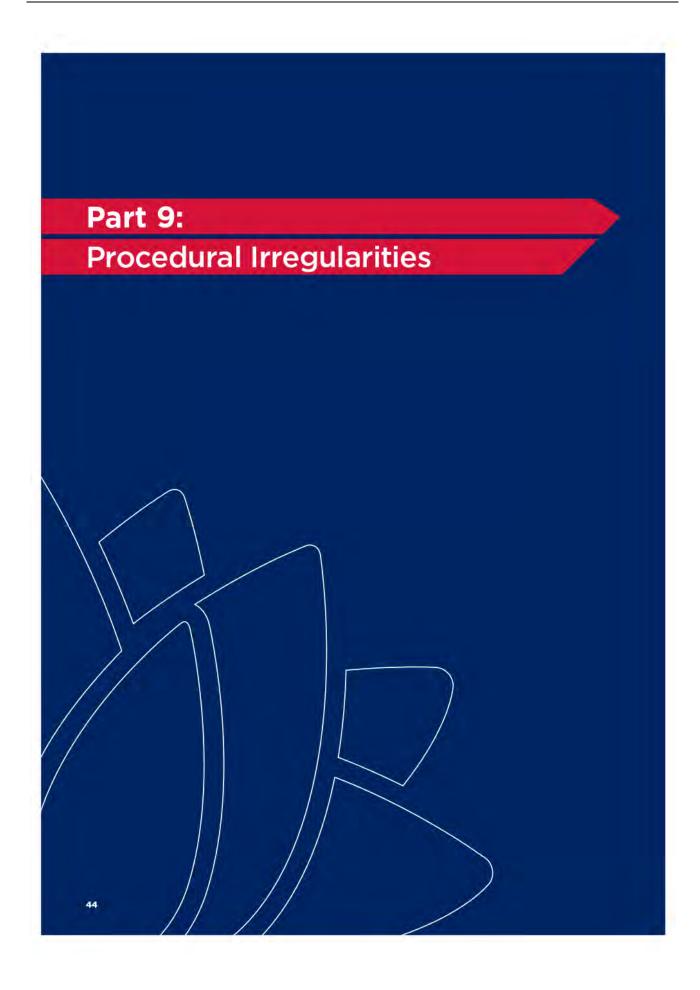
Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

- 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

- 8.13 A request for a review made under clause 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
 - a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - i) review its decision to impose the sanction, and
 - ii) consider the Office's recommendation in doing so, and
 - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.
 - 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8,19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

42



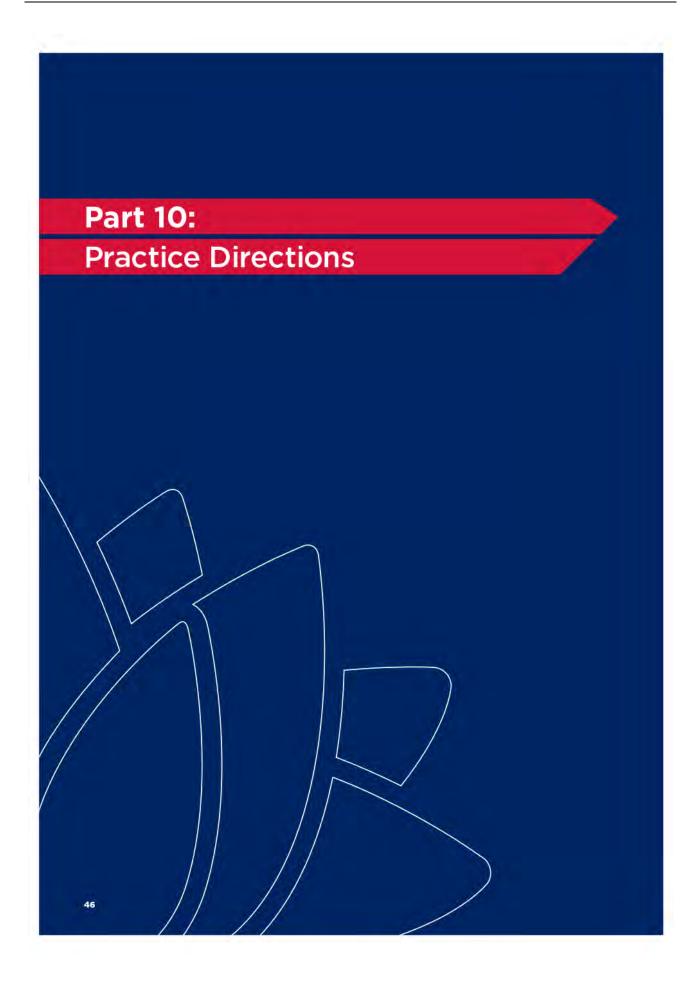


Procedural Irregularities

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

45

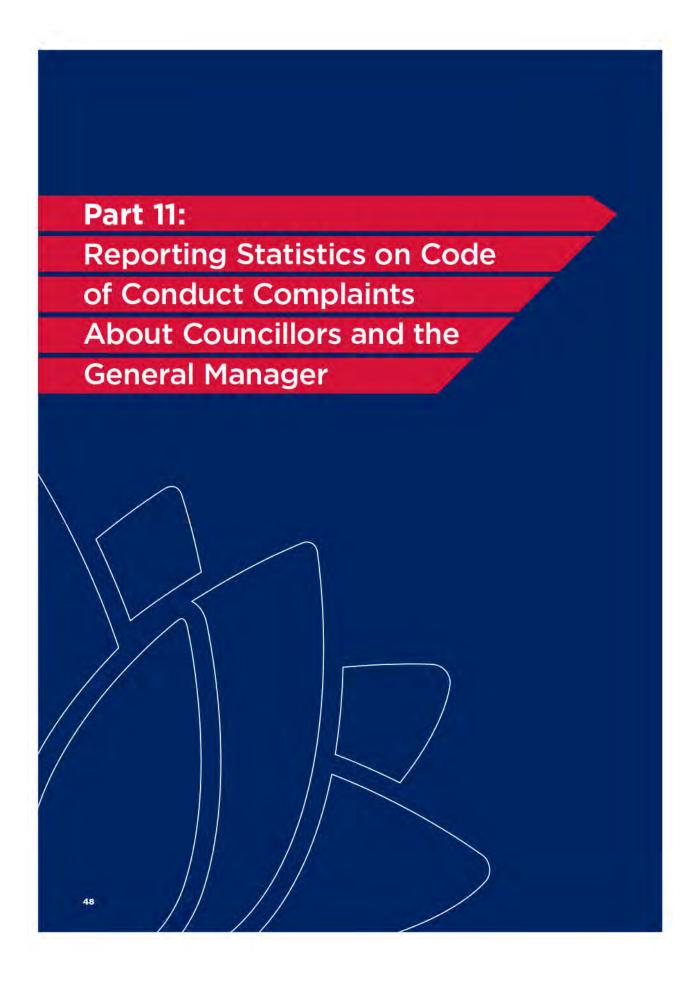
Page 126



Practice Directions

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
 - 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

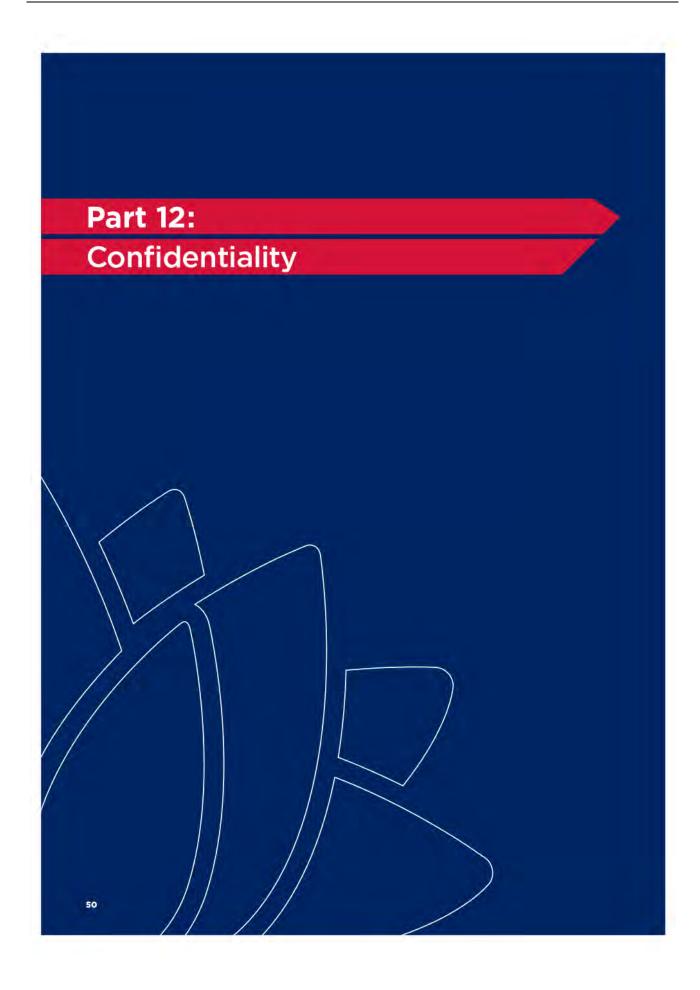
47



Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
 - a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
 - the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period

- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.



Confidentiality

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.

- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
 - a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the Government Information (Public Access) Act 2009 or to receive information under the Public Interest Disclosures Act 1994 in relation to a complaint they have made.

51



Council Policy

Policy Title: Gifts and Benefits

Policy Number: 1.05

Focus Area: Making Council Great
Responsibility: Governance and Advocacy

Meeting Adopted: Date of Council Meeting – Resolution Number



DBJECTIVE

The purpose of the Gifts and Benefits Policy is to provide a framework for Council staff and Councillors on the ethical considerations and procedures involved in the giving and receiving of gifts and benefits in the course of their official duties.

It is essential that all Council staff and Councillors not place themselves in situations which could lead to, or be seen to give rise to, a conflict of interest.

Council's Code of Conduct provides information in relation to gifts and benefits that may be offered to Councillors and staff. Corrupt acts such as inducements are not considered acceptable by Council and instances of corrupt conduct must be reported to the Independent Commission Against Corruption (ICAC) in accordance with Council's Internal Reporting (Public Interest Disclosures) Policy.

SCOPE

This policy applies to all Council staff and Councillors and should be read in conjunction with Council's Code of Conduct relating to the giving and receiving of gifts and benefits. It is the responsibility of the individual staff member or Councillor to respond to offers of gifts and benefits in accordance with this policy.

POLICY

Gifts and 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 \$100.00 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.
- 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:

Richmond Valley Council - 1.05 Gifts and Benefits Policy

Adopted: XX XX 2020 Page 1 of 4

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.

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)
- I 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
- lies, scarves, coasters, tie pins, diaries, chocolates or flowers
- prizes of token value

Dealing with Gifts and Benefits

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

Richmond Valley Council - 1.05 Gifts and Benefits Policy

Adopted: XX XX 2020 Page 2 of 4

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 (refer to the Code of Conduct). This is required to be included in Disclosure of Interest Returns – section 449 Local Government Act 1993).

Disclosure

A Personal Benefit Disclosure form has been prepared for utilisation in conjunction with this policy. The disclosure form should be utilised by staff and Councillors to record the receipt of all gifts and benefits.

REFERENCES

Internal Reporting (Public Interest Disclosures) Policy
Local Government Act 1993
Model Code of Conduct – Councillors and Personnel Policy

REVIEW

This policy will be reviewed by Council at the time of any relevant legislative changes, compliance requirements or at least every four years.

Version Number	Date	Reason / Lamments
1	19 September 2006	New policy
2	17 August 2010	Review
3	4 October 2017	Review
4	XX XX 2020	Review and alignment with amended Code of Conduct, increasing token value of gifts from \$50 to \$100.

Richmond Valley Council - 1.05 Gifts and Benefits Policy

Adopted: XX XX 2020 Page 3 of 4



Local Government Act 1993 – Section 440 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 \$100.00 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.
- 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:
Submit to the General Manager for notation and rec	ording in Council's Corporate Information System

Richmond Valley Council - 1.05 Gifts and Benefits Policy

Adopted: XX XX 2020 Page 4 of 4

Casino Showground and Racecourse

Plan of Management 2019 - 2024









Richmond Valley Council



Cover images by Locale Consulting, Equestrian Services Australia, Centalbuild

Version	Date	Author	Reviewed	Approved
1	11,04,19	Steve Thompson / Lelia Kamphorst	Lelia Kamphorst	Steve Thompson

Disclaimer:

Whilst care and diligence has been exercised in the preparation of this document, Locale Consulting Pty Ltd does not warrant the accuracy of the information contained within and accepts no liability for any loss or damage that may be suffered as a result of reliance on this information, whether or not there has been any error, omission or negligence on the part of Locale Consulting Pty Ltd, their employees or sub-contractors. This Plan of Management has been developed in conjunction with Council's staff and relies on input from them as well as the experience of Locale Consulting.

Contents

EXEC	UTIVE	SUMMARY	1		
PART	1: EXI	STING SITUATION AND DESIRED DIRECTIONS	1		
1.	KEY I	NFORMATION	1		
2.	INTR	ODUCTION	2		
	2.1	Corporate objectives	3		
	2.2	Land to which this plan applies	3		
	2.3	Owner of the land	6		
	2.4	Categorisation of the Reserve	6		
3.	LEGISLATION CONTEXT				
	3.1	Local Government Act 1993	7		
	3.2	Crown Land Management Act 2016	7		
	3.3	Other relevant legislation and statutory controls	8		
4.	EXISTING USE AND BROAD FUTURE DIRECTIONS				
	4.1	Overview	13		
	4.2	Existing Site and Asset Condition	13		
	4.3	General Features	13		
PART	2: ACI	HIEVING DESIRED DIRECTIONS	19		
5.	ESTA	BLISHING A RATIONALE FOR FUTURE USE	19		
	5.1	Introduction	19		
	5.2	Key Issues	22		
	5.3	Development and Use	32		
	5.4	Master Plan Intent	33		
	5.5	Authorised Uses - Leases, Licences and other Estates	38		
	5.6	Implementation Action Plan	40		
6.	POM	ADMINISTRATION AND MANAGEMENT	45		

Richmond Valley CouncilCasino Showground and Racecourse Plan of Management 2019-2024

EXECUTIVE SUMMARY

The Casino Showground and Racecourse has long been part of the social history of the Casino area, and continues to play an important role for many groups that utilise the site and for its occasional use for major events. The site is Crown land that has been reserved for the purposes of Showground, Racecourse and Public Recreation, with a wide range of sports and community groups recognising the site as their home.

In recent years Council has been working with site user groups and other stakeholders such as peak sporting bodies, to develop a comprehensive Master Plan for the site. This Master Plan was completed and endorsed by Council in 2018 following public exhibition. This Master Plan envisages the site as having the opportunity to grow its existing uses and to expand its reach to become a regional centre for a range of equestrian, horse racing and other inter-related activities.

Under amendments to the Crown land management system in 2018, the site is now to be managed by Council under the *Local Government Act* 1993. Whilst remaining as a Crown land reserve, the land will essentially be managed by Council as if it were Council land. This means that the land is to be "Classified" as "Community Land" and "Categorised" as land to be used for "General Community Use" under the *Local Government Act*, and there requiring a Plan of Management to guide future use and management of the land.

This Plan of Management for the Casino Showground and Racecourse includes two main parts:

- Part 1: Existing Situation and Desired Directions provides an overview of the current situation, including the legislative contact, land information and context of potential future use; and
- Part 2: Achieving Desired Directions which provides for additional details around the site issues, key aspects of legislative influence and how the site and its management will respond over time. This part ultimately identifies an Action Plan which will guide implementation of the Plan of Management.

Ultimately, the Plan of Management is designed to provide the management context to enable the delivery of the site Master Plan. Together, the Plan of Management and the Master Plan outlines future development outcomes as including:

- A substantial new under-cover equestrian style arena, including associated building and infrastructure to enable local through to high level events to be accommodated - both within the context of equestrian sports, but also other event activities suitable to the site;
- Improvements to the racecourse and associated Club infrastructure to enable an increase in racing, including during adverse weather conditions which can result in "wash-out" of others in the region and enable the site to host emergency meetings;
- Redevelopment of the on-site stables and associated facilities, with a view to increasing the
 presence of on-site thoroughbred training, which will utilise the upgraded tracks and
 establish the site as a seven day per week facility; and
- Enable other improvements and associated infrastructure to facilitate the safe and effective use of the site commensurate with the increase in use and size / frequency of events.

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Executive Summary

In undertaking the proposed works, Council will seek to effectively establish the facility as a key community asset where a combination of sporting and recreational pursuits will sit alongside community-based activities, as well as occasional events that highlight the strengths of the Richmond Valley area. These directions are consistent with core operational documents of Council, seeking to capture tourism, events and economic development opportunities alongside jobs growth and social opportunity.

The Plan of Management authorises Council to enter into long-term leases and licences over the site, for both existing and future users - including for the potential of overarching management of new facilities and where commercial opportunities are available to ensure income streams can be captured to reinvest in the site over the longer-term.

To meet the core objectives for management, and the design objectives identified through the master planning process, this Plan of Management contains a number of actions to respond to identified issues and opportunities. These are summarised in the table below.

Management Issue		Means of achievement of objectives (Actions)		
Maintain and grow		1.1.	Maintain current facilities prior to new development by Clubs and Council	
	equestrian and other recreational uses	1.2.	Develop new facilities that meet user requirements and in accordance with the intent of the Master Plan	
2.	Maintain and grow	2.1	Maintain current facilities prior to new development by Club and Council	
	thoroughbred training and racing	2.2	Develop new facilities that meet user requirements and in accordance with the intent of the Master Plan $$	
3.	Achieve safe and	3.1	Main entry is retained and improved as required	
	effective access arrangements	3.2	Secondary entry / exit point is available adjoining the public entry to the Race Club	
		3.3	Undercover arena competitor entry point is available on the northern boundary of the site	
		3.4	Horse racing competitor entry point is available off Ellangowan Road on the southern boundary of the site	
		3.5	Summerland Way operational speed is limited to 60km/hr along the site frontage on a permanent basis $$	
4.	Integrate existing facilities with new	4.1	A Reserve Working Group / Committee is established to meet regularly to assist in whole of site co-ordination of design and management	
		4.2	Detailed design work involves relevant users groups and is regularly reported to the Reserve Working Group / Committee	
		4.3	Overall management of the site by Council is transparent for both site user groups and the public.	
5.	Define role and responsibilities with	5.1	On-site user groups have current, clear and appropriate agreements with Council	
	user groups	5.2	Communication with and between user groups will be facilitated by Council to best meet the needs of groups and the broader community	
6.	Establish short-term visitor access	6.1	Appropriate infrastructure is developed to support the use of the site by overnight visitors including access arrangements, amenities and payment systems as applicable	
		6.2	Appropriate management agreements and responsibilities are in place to manage the site over time.	

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Executive Summary

Management Issue		Means of achievement of objectives (Actions)		
7.	Integrate signage, public art and wayfinding	7.1 Signage and wayfinding designs and layouts are developed in conjunction with detailed design - including a whole of site approach		
	devices	7.2 Signage, branding and public art opportunities are integrated with new works or as funding opportunities arise		
		7.3 Signage is maintained and updated (e.g. variable message signs) to communicate regular events and activities		
8.	Integrate, protect and enhance natural features	8.1 Appropriate detailed assessments are undertaken of natural areas to ensure proposed uses are appropriate and managed in ways that respond to natural area needs - e.g. design of cross-country equestrian course		
		8.2 Where high value environments are identified, appropriate mechanisms are put in place to protect and enhance these environments.		
9.	Manage public safety in emergency situations	9.1 Emergency response plans are developed and are readily available and communicated to all user groups from bushfire, flood and other emergency situations as identified through development of such plans		
		9.2 Appropriate assessments are undertaken to ensure that development appropriately responds to the potential threats		
10	. Management of user group leases and	10.1 Council will ensure that use of the site is conducted in accordance with appropriate user agreements		
	licences	10.2 Council, in conjunction with respective user groups and relevant legislation, will determine the appropriate user agreements to be utilised.		
		10.3 User agreements will include but are not limited to:		
		 Sporting and recreational groups, including equestrian related sports, horse racing and training, and other as applicable 		
		 Commercial entities and activities including events, retail and food outlets, and other uses such as electric vehicle changing stations 		
		 Community groups and related activities, such as the Men's Shed 		
		 Camping and overnight stays in designated camping areas 		
11	I. Ensuring adequate baseline infrastructure availability	11.1 Prior to any substantive development, detailed assessments of electrical, water and sewerage systems are undertaken		
		11.2 Appropriate rectification works are undertaken to meet user needs and ensure safe operation of facilities.		
12	. Simplify site zoning	12.1 Council will include the rezoning of Lot 73 DP 755627 within an appropriate LEP housekeeping amendment to create consistency in zoning across the Reserve		

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Executive Summary

Page 143 Item 17.1 - Attachment 1

PART 1: EXISTING SITUATION AND DESIRED DIRECTIONS

1. KEY INFORMATION

CROWN RESERVE NUMBER	97756
LAND OWNER	CROWN
CROWN LAND MANAGER	RICHMOND VALLEY COUNCIL
APPLICABLE LAND	LOT 72 & 73 DP 755627
	LOT 3 DP 823672
LAND AREA	62.5 HECTARES
LOCAL GOVERNMENT AREA	RICHMOND VALLEY
LAND RESERVATION / DEDICATION	PUBLIC RECREATION, RACECOURSE, SHOWGROUND
INTERIM LAND CATEGORY	GENERAL COMMUNITY USE
PROPOSED LAND CATEGORY	GENERAL COMMUNITY USE
DATE OF ADOPTION	[TBC]

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 1

2. INTRODUCTION

Richmond Valley Council is responsible for a range of Crown and Council owned land that extends across its local government area. Under the *Local Government Act* 1993, Council owned land is managed as either "Community" or "Operational" land, with a range of Categories being applied to Community land to guide their ongoing management. All Community land is required to be captured within a Plan of Management, which provides the details of how land will be managed.

These same management directions and principles now also apply to Crown reserves that are managed by Council under the *Crown Lands Management Act* 2016. These Crown lands will also have a reservation or dedication "purpose/s" that also give direction to how this land is to be used.

When a Plan of Management is being develop for the first time, as is the case for the site subject to this Plan, the reservation or dedication purposes are captured through their alignment with the relevant Community land Categories. This relationship is shown in Figure 1.



Figure 1: Legislative relationship to Plan of Management requirements

This Plan of Management identifies how the Casino Showground and Racecourse, formally referred to as Crown Reserve 97756, will be managed into the future. It applies the principles of the *Local Government Act* 1993, identifying the land as if it were Community land and providing an appropriate Category that meets community needs whilst respecting and integrating the reservation purposes.

The Showground and Racecourse site has long been a part of the local area, with horse racing at the site commencing around 1881 while the annual show moved to the Racecourse around 1955 following a 14-year hiatus. The site is now home to a range of community activities and groups, creating an important hub that has great potential to grow into the future.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 2

2.1 Corporate objectives

Richmond Valley Council's operating mandate is highlighted through its 10 year Community Strategic Plan - Richmond Valley Made 2030. It outlines Council's high level priorities and feeds into the associated Delivery Program and Operational Plans which guide the day to day activities of Council's staff. The Vision and Mission statements from the Richmond Valley Made document are highlighted below, alongside the community priorities and objectives which provide further context to the relationship of the Casino Showground and Racecourse site.

VISION STATEMENT A collaborative community working together to advance a resilient and robust economy which reflects a strong sense of community, successful businesses and a healthy environment. MISSION STATEMENT To protect and improve the quality of life for our community, and for future generations. **GROWING OUR** CONNECTING PEOPLE **ECONOMY** AND PLACES Driving Economic Growth Fresh & Vibrant Community Building on our Strengths Getting Around Working Together LOOKING AFTER MAKING COUNCIL **OUR ENVIRONMENT** GREAT Managing our Waste and Water Leading and Advocating for Promoting the Protection of the our Community Environment · Great Support

Figure 2: Community Priorities and Objectives

Richmond Valley Made identifies the Casino Showground and Racecourse as a key project for planning improvements as part of the Connecting People and Places priority. This priority includes the Fresh and Vibrant Community objective to provide and maintain key amenities and open spaces which service the needs of the Richmond Valley's diverse community. Master planning for the site was also identified and has since been completed in July 2018.

2.2 Land to which this plan applies

The Richmond Valley is located in the Northern Rivers region of NSW, with the Casino Showground and Racecourse site being on the southern fringe of the regional town of Casino. In turn, Casino is centrally located between a series of other regional towns, including Lismore and Ballina to the east,

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 3

and Grafton to the south. Each of those localities also contain racecourse facilities, and together with the Casino Racecourse, form the four core regional race facilities in the area.

The regional context is shown in Figure 3.



Figure 3: Site location - Regional Context

As mentioned above, the site itself is located on the southern outskirts of Casino, on the Summerland Way, just over 2km from the central business district. This means that the site is ideally located to service the Casino community and whilst being well integrated to the town, also has a degree of separation to enable future development to have minimal impacts on neighbouring areas.

The context of the site and its relationship to Casino is shown in Figure 4.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 4



Figure 4: Site location - Context of site to Casino

This Plan of Management specifically applies to the Casino Showground and Racecourse, being Crown Reserve 97756. The Reserve contains a total of three land parcels, being Lot 72 and 73 DP755627 and Lot 3 DP823672, and measuring a total of 62.5 hectares. The site itself is located on the main road between Casino and Grafton, the Summerland Way. It extends along this frontage for around 1,000m, with rural land generally surrounding the site with the exception of a small area of urban residential land to the immediate north. The extent of the Reserve is shown in Figure 5.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 5

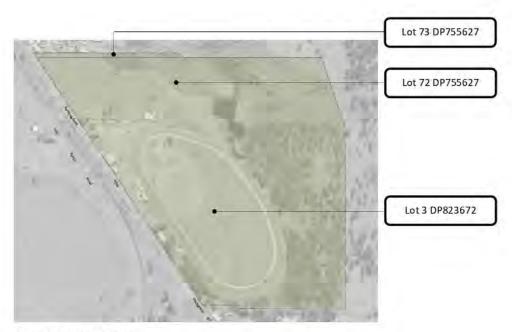


Figure 5: Reserve Extents

2.3 Owner of the land

The land subject to this Plan of Management is owned by the Crown and is managed by Richmond Valley Council as the relevant Crown Land Manager under the *Crown Land Management Act* 2016.

There are no known covenants or restrictions applying to the land and is not subject to any conditions by the Crown. A Reserve Trust over Reserve 97756 (the subject land) was established on 9 May 1986. The Casino Council, and by extension the Richmond Valley Council, was appointed to manage the affairs of the Casino Showground Racecourse and Public Recreation Reserve Trust on 9 September 1994.

2.4 Categorisation of the Reserve

The Reserve is classified as "Community" land consistent with the *Local Government Act* 1993. All land classified as Community land is required to be placed into a "Category" as also defined under the *Local Government Act* 1993. In respect of the land to which this Plan of Management applies, the relevant category is **General Community Use**.

This Plan of Management categorises the Reserve for the first time.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 6

LEGISLATION CONTEXT

This Plan of Management has been prepared in accordance with relevant legislation, primarily relating to the *Crown Land Management Act* 2016 and the *Local Government Act* 1993. These provide the core framework to enable the future management and improvement of the Casino Showground and Racecourse site. This section also includes other relevant legislation and associated policies, regulations, guidelines and strategies.

3.1 Local Government Act 1993

Under Section 36(1) of the *Local Government Act* 1993, Plans of Management must be prepared for all Community land. In general terms, Plans of Management:

- are prepared by a council in consultation with the community
- identifies the important features and attributes of the land, including how it is used at the current time
- o identifies how the council will manage the land
- o indicates how the land may be used or developed in the future

This Act sets out a range of associated activities and processes under various sections. A summary of the key provisions are provided in the table below, though a number of other sections also apply, generally being captured under Chapter 6, Part 2, Division 2 of the Act.

Requirement	Act Section
To prepare plans of management for all community land	35, 36(1)
What a plan of management for council owned land must include and how it is to be categorised for use	36(3), 36(4)
Process for community land that is not owned by the council (i.e. Crown land)	37, 39
A draft must be exhibited prior to adoption and may be re-exhibited if amended prior to adoption	38, 39, 40
Use and nature of community land must not change prior to the preparation of a plan of management	44

3.2 Crown Land Management Act 2016

Section 3.23(6) of the *Crown Land Management Act* requires council managers to adopt a Plan of Management for any Crown reserve for which it is the appointed Crown land manager, and that is classified as "Community" land under the *Local Government Act*. This process is described in Section 3.1 above.

Section 3.23(7) of the *Crown Land Management Act* also specifies an 'initial period' that ends on 30 June 2021, during which Council must adopt the first Plan of Management using the above process (e.g. this Plan of Management). This section also states that Council can amend existing Plans of Management over existing Council owned land so that they also apply to Crown reserves

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 7

(for example where "generic" Plans of Management are used to provide across a number of Council managed sites).

As another interim process, Section 3.23(7)(c) of the Act also enables the first Plan of Management for Crown land that is to be managed by Council to not hold a public hearing as would typically be required under section 40A of the *Local Government Act*. This is the situation for this Plan of Management.

After 30 June 2021, any Plan of Management that is prepared must meet all of the requirements of the *Local Government Act*.

3.3 Other relevant legislation and statutory controls

In addition to the legislative directions established via the *Local Government Act* and *Crown Land Management Act* as outlined above, there are also a number of broader strategic directions that have been established by Richmond Valley Council and others which are also important to the Plan of Management at the site -specific level. These are highlighted below.

3.3.1 Broad Strategies and Directions

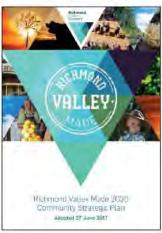
The following broad strategy documents provide important direction to the Showground and Racecourse site:

- o Richmond Valley Made 2030: Being Council's overarching Community Strategic Plan / guiding document over the next 10 years. As outlined in Section 2.1 of this Plan of Management, Richmond Valley Made 2030 provides an overarching vision for the area, as well as highlighting improvements to the Casino Showground and Racecourse site as a key project for the area. The Plan also targets increased community satisfaction with events and with the availability of recreation and sporting facilities, being primary use elements of the Showground and Racecourse site both now and into the future.
- A Guide to Economic Development in the Richmond Valley: Council's economic development strategy document which highlights key existing and future industry opportunities for the area, including tourism and links through to the significant agricultural production businesses that are located in the LGA. The document also seeks to establish and reinforce the "Richmond Valley Made" brand; and
- Richmond Valley Tourism Development Plan: Council's tourism strategy document which highlights the need for tourism and event activities to be created and enlarged - particularly within the Casino area. The Plan highlights the easy accessibility of the area, and the positive links between tourism and the strong agricultural sector, but that there is a lack of existing infrastructure and drive for new sporting tourism and related events.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 8







3.3.2 Site Specific Directions

Council has undertaken both generic and detailed site-specific planning for the Casino Showground and Racecourse site. These are based on:

- o A master plan that was prepared for the site in 2018; and
- Local Environmental Planning controls that apply to the site.

A review of these is provided below.

Casino Showground and Racecourse Master Plan

Over and above Council's suite of strategic documents as outline in the previous section, and as directed by them, in 2018 Council prepared the *Casino Showground and Racecourse Master Plan* and associated *Design Report*. This document identifies both the current and future use potential for the land that is subject to this Plan of Management, outlining future use potential in a spatial manner.

The master planning process included extensive consultation with site user groups, as well as public exhibition of the subsequent documents. It highlights that the existing Casino Showground and Racecourse site meets the basic needs of many of its users, however the potential exists to greatly enhance the facilities for the future, in-line with the strategic directions of Council as outlined in the previous section.

The Master Plan drawings that were the outcome of this process are provided in Appendix A.

Richmond Valley Local Environmental Plan 2012

The Richmond Valley Local Environmental Plan (**RVLEP**) 2012 is the primary land use planning document that applies to the Richmond Valley LGA, and therefore to the subject site. Under RVLEP 2012, the subject site is predominantly zoned as RE1 - Public Recreation. The objectives of RE1 - Public Recreation zone are as follows:

- o To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 9

The activities and development outlined within this Plan of Management are permissible with consent under the RVLEP 2012 and include such things as:

Animal boarding or training establishments; Building identification signs; Business identification signs; Community facilities; Emergency services facilities; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Water reticulation systems; Water storage facilities.

A small area of the subject site, being Lot 73 DP755627, is zoned RU1 - Primary Production. This area adjoins the residential development to the immediate north of the subject site and area would remain integral to the recreational purposes of the site.

A zone plan for the site is provided in Figure 6.



Figure 6: Richmond Valley Local Environmental Plan - Land Use Zones

Other key site-specific controls associated with the site under RVLEP 2012, and well as associated natural hazard constraints, include:

- Bushfire planning
- Flood planning
- Wetland and Terrestrial Biodiversity overlays

Mapping associated with these are provided in the maps shown in Figure 7.

Richmond Valley Council Casino Showground and Racecourse Plan of Management 2019-2024

Page 10



Bushfire prone land

Wetland and terrestrial biodiversity



Flood extents (approx. adapted from 1:100 Year ARI)

Figure 7: Richmond Valley Local Environmental Plan - Other Mapping

3.3.3 Reclassification

This is the first time the land has been classified as "community" land under the *Local Government Act* 1993. As such there is no intention to reclassify the land at the current time.

3.3.4 Review of this plan

This Plan of Management is to be reviewed after a 10-year period.

3.3.5 Community consultation

Richmond Valley Council have developed and adopted a Community Engagement Strategy which sets out the principals for their engagement with the community. These are summarised as follows:

- Partnership and respect We seek to partner with our community and key stakeholders and will engage respectfully at all times.
- Accessibility We will provide access to information that is both easily obtained and understood.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 11

- Right to be informed Our stakeholders have a right to be informed about Richmond Valley Council decisions that affect them.
- Proportionate We will involve the community to participate in decisions in a way which is proportionate to the significance or impact of an activity on them.
- Transparency Richmond Valley Council will make decisions in an open and transparent way and provide stakeholders with reasons for decisions, including how views have been taken into account

Council have applied these principals in planning for the Showground and Racecourse site over a number of years. Council will continue to liaise and involve key stakeholders and the broader community in the ongoing development of the site into the future.

In addition, this Plan of Management will be exhibited in its draft form in accordance with Section 38 of the *Local Government Act* 1993. This will entail Council giving public notice of the draft Plan, exhibiting it for a minimum of 28 days, and providing an opportunity for the community to respond to the draft Plan for a period of not less than 42 days.

Under Section 40A, Council is also required to hold a public hearing regarding a proposed plan of management where the category of land is to be altered. However, Section 3.23(7)(c) of the *Crown Land Management Act* also states that if the Plan of Management does not add, change or alter the initial assigned categories that were made by Council - as is the case in the circumstances of this Plan of Management - a public hearing is not required.

[NOTE: THIS SECTION WILL BE UPDATED TO REFLECT THE OUTCOMES OF THE EXHIBITION PERIOD. PRIOR TO ADOPTION]

Richmond Valley Council Casino Showground and Racecourse Plan of Management 2019-2024

Page 12

EXISTING USE AND BROAD FUTURE DIRECTIONS

This section provides an overview of the current and future use of the site in general terms. It has a particular focus on the existing situation and the broad opportunities for the future. Section 5 provides greater detail as to the future ongoing development and management priorities, key issues to be considered and a management framework for the site.

4.1 Overview

Council is responsible for a broad range of public land, including land owned by Council, as well as Crown owned land for which Council has management responsibilities. Council manages these reserves through a range of in-house services delivery teams that undertake general maintenance and improvements over time.

Council also operates an asset management framework that seeks to meet its legislative and regulatory requirements which emphasise prudent resource usage whilst liming impact on natural resources. Council has developed a series of Asset Management Plans specifically focused on built assets, including buildings and structures. Both the current and future assets at the subject site would be subject to this management regime.

4.2 Existing Site and Asset Condition

The site is located on the southern outskirts of Casino, on the Summerland Way, just over two kilometres from the central business district. The facility has an extensive frontage to the main road (Summerland Way), which links Casino and Grafton.

The site contains a number of substantial buildings and other improvements, including turf and sand tracks for horse racing, outdoor camp draft and dressage / show jump grass arenas, and various buildings, sheds, stables and other structures such as amenity blocks. The existing buildings and other facilities have been developed over time and are in varying stages of their useful lives.

4.3 General Features

The physical improvements / buildings within the site are generally aligned to the western portion of the area, being on the Summerland Way frontage. Areas to the east have been, and in some areas continued to be, grazed by beef cattle. These areas are typically lower lying areas subject to occasional inundation. In the south-east, around 17 hectares of native trees and associated vegetation are present, albeit with relatively limited understory as a consequence of historical grazing activities.

Key buildings that are located on the site include:

- Racing club tracks and buildings;
- Stabling buildings;
- Pony Club building and yards;
- Show Pavilion and poultry shed;
- Infield facilities, including camp draft buildings, canteen and toilets;
- Men's Shed building; and

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 13

Various other structures and covered yards in varying degrees of repair.

4.3.1 Landform and Views

The site area gently slopes down from a high point / ridge that extends from the north-west to the south-east. Elevations of up to around 29m AHD are apparent, dropping to lows of around 23m AHD in the north-east, coinciding with the presence of mapped wetlands that exist on and to the north of the site.

The site is relatively open and low scale in nature, as highlighted by the images in Figure 8, albeit with some two storey buildings associated with the Racing Club, Pavilion and Men's Shed being located along the Summerland Way frontage. Views from the site to external areas are relatively limited due to only small changes in elevation. Tree cover around the southern and eastern boundaries enclose the otherwise open site lines in these directions. Views to residential areas in the north and open fields to the west are also apparent.

The site analysis plans in Appendix B provide further information on the contours of the site and the general site attributes.



Internal site view towards Pavilion building

View across southern portion of race track

Figure 8: Views within Site

4.3.2 Existing Buildings and Other Features

As outlined above, at the time of adoption of this Plan of Management, there are a number of building and other assets on the site. Photos in Figure 9 show many of these, whilst a site plan indicating their respective location is also provided in Figure 10. A more comprehensive list of the existing assets and their condition is also provided in Appendix D.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 14

Page 157

Item 17.1 - Attachment 1





Pavilion with RV dump point and toilets at front

Men's Shed (background) and Pony Club area (left)





Race Club grandstand / bar under

View from inside Race Club entry area





Show cattle undercover yard

Race day stalls facing to Race Club building

Figure 9: Existing buildings within the Showground & Racecourse Site

Richmond Valley Council Casino Showground and Racecourse Plan of Management 2019-2024

Page 15

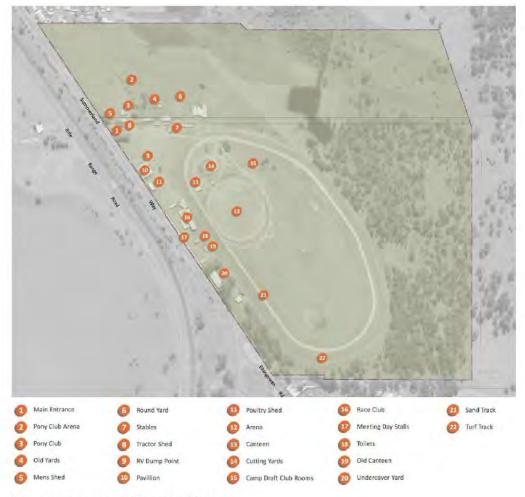


Figure 10: Summary of site assets / features

4.3.3 Use of the land and structures

At the time of adoption of the Plan of Management, the site is used by a number of different organisations for a range of typically localised activities and events, including:

- Casino Racing Club;
- Casino Pony Club;
- Richmond Valley Riding Club;
- o Casino Community Men's Shed;
- Casino Poultry Club;
- Casino Rodeo and Campdraft Association;
- Northern Rivers Horse Cutting Club; and
- Casino Show Society.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 16

A number of earlier identified existing buildings, structures and other improvements are associated with the core equestrian, horse racing and community-based user groups. Key assets used by the various groups are summarised as follows:

- Casino Racing Club Utilise training facilities including stabling and sand track on a daily basis. The turf track is utilised more infrequently for training, as well as for race days. Race Club buildings / areas utilised for race meetings and other functions and include meeting rooms, grandstand, betting ring, bar, jockey's and steward's rooms, entry area (including toilets) and separate amenities block;
- Casino Pony Club Generally utilise the north-eastern portion of the site including club building, storage shed, day yards and basic outdoor dressage arena area;
- Richmond Valley Riding Club Also generally utilise the north-eastern portion of the site, similar to the Pony Club;
- Casino Community Men's Shed Utilise the recently completed Men's Shed building and associated spaces located to the immediate north of the main entry;
- Casino Poultry Club Utilise the Poultry Shed;
- Casino Rodeo and Campdraft Association Utilise the arena within the racecourse, including the associated buildings within that precinct;
- Northern Rivers Horse Cutting Club Utilise the cutting yards at the northern end of the racecourse in-field; and
- Casino Show Society Utilise much of the north-eastern portion of the site during the annual show period, typically around mid-October each year.

The way that the current user groups utilise the site is shown in the current use plans that are set out in Appendix C. The current leases and licences that are associated with the site are also included in Table 1 below.

Table 1: Existing Lease and Licence Holders (as at April 2019)

Туре	Licensee	Term	Dates
Short Term Licence	Richmond Valley Riding Club	1 year	01.01.19 - 31.12.19
Short Term Licence	Casino Pony Club	1 year	01.01.19 - 31.12.19
Short Term Licence	Miss Sophie's Dance School	1 year	01.01.19 - 31.12.19
Short Term Licence	Northern Rivers Cutting Horse Club	1 year	01.01.19 - 31.12.19
Short Term Licence	Casino Rhee Taekwondo	1 year	01.01.19 - 31.12.19
Short Term Licence	Hilton Murphy	1 year	01.07.18 - 30.06.19
Short Term Licence	Casino Community Men's Shed Inc	1 year	01.07.18 - 30.06.19
Short Term Licence	Casino Racing Club Ltd	1 year	01.07.18 - 30.06.19
Short Term Licence	Casino Show Society Inc	1 year	01.07.18 - 30.06.19
Grazing Agreement	RJ Bowen – Grazing No 9	2 years (option taken)	01.07.18 - 30.06.19
Grazing Agreement	M & A Usher – Grazing No 35	2 years + 2 year option	01.08.18 - 30.09.20

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 17

4.3.4 Permitted use and future use

At the current time uses are undertaken at the site in accordance with relevant policies and procedures of Council and the Crown. Permissibility of uses are guided by the Richmond Valley Local Environmental Plan 2012, the public purposes of the reserve (being 'public recreation', 'racecourse' and 'showground'), and the needs of the broader community.

Formal use of the site is generally managed in accordance with lease and licence agreements as previously outlined in Section 4.3.3.

In the future, there is potential for the use of the site, including the scale and intensity of use, to increase over time. These uses would generally be as identified by the site master plan included at Appendix A. These uses would include:

- o Retention of all current uses, generally in the same or similar locations to existing; and
- Expansion to include a range of new related uses, particularly related to the development or redevelopment of the following:
 - Indoor equestrian facility, including a range of sports and non-sporting uses; and
 - Horse training facilities, including the removal of existing, and replacement with new (including additional) training facilities to support the thoroughbred racing industry already present on the site.

These potential future uses are further explored in Section 5.3.

4.3.5 Additional matters

Suggest removing this section - issues are covered by other areas of the Plan

Richmond Valley Council Casino Showground and Racecourse Plan of Management 2019-2024

Page 18

PART 2: ACHIEVING DESIRED DIRECTIONS

ESTABLISHING A RATIONALE FOR FUTURE USE

This section establishes the rationale for why the proposed future directions for the Casino Showground and Racecourse site are being pursued. In doing so it considers the way that the land has been categorised and the public purposes by which has been established. It also explores the key issues with the site and how these are to be managed into the future.

5.1 Introduction

5.1.1 Identification of Land Category

As previously outlined the entire Casino Showground and Racecourse site, formally referred to as Crown Reserve 97756, is to be categorised as General Community Use. This category provides for a relatively wide range of uses, which best meets the variety of uses that occur across the site at various times of the year. However, there are a number of "core objectives" that are associated with the category that are to be met in considering current and future use potential. For the General Community Use category, in accordance with Section 36I of the *Local Government Act*, these core objectives are as follows.

Core objectives for management of community land categorised as general community use

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

With a wide range of current uses, and the potential additional investment to generate an even greater scale and intensity of use, the General Community Use category is considered to be appropriate for the subject site. Whilst some aspects of the site are focused on sporting activities for periods of the year, they are also used for a range of regular non-sporting events which are an important aspect of the site - such as the annual show and a range of events associated with the annual Beef Week showcase.

Similarly, no part of the site is included within the Office of Environment and Heritage Biodiversity Values Map and whilst some areas will only be used with a relatively low level of intensity to retain their natural character, they have potential for future uses such as cross-country equestrian events subject to appropriate assessment.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 19

5.1.2 Key Statutory Guidance

The Casino Showground and Racecourse is subject to a range statutory controls, from the overarching public land management guidance (see *Crown Land Management Act* and *Local Government Act* comments in Section 3), through to the *Environmental Planning & Assessment Act* which establishes local, regional and state land use planning frameworks. Key aspects of these as they apply to the Casino Showground and Racecourse include:

- Future use of the land must be consistent with the relevant land use zone, being RE1 Public Recreation, with the area of RU1 - Primary Production recommended to be included in the RE1 - Public Recreation zone subject to future minor amendments to the Richmond Valley LEP 2012 (refer Section 3.3.2 for details of site areas);
- Future development / infrastructure provision within the site will need to consider as required, the following State Environmental Planning Policies (SEPPs):
 - SEPP (Vegetation in Non-Rural Areas) 2017 outlines approval requirements for clearing of vegetation in non-rural areas such as the subject site. A permit is required from Council for clearing below the biodiversity offsets scheme threshold where a development control plan applies, albeit no such plan applies in the Richmond Valley at the time of adoption. Above the biodiversity offsets scheme threshold, approval is required from the NSW Government's Native Vegetation Panel. If an approval under the SEPP is not required, clearing that is not ancillary to other development can be undertaken without development consent.
 - SEPP (Infrastructure) 2007 provides for the development of certain infrastructure
 to be exempt or complying or development that is permitted with consent. Part 3,
 Division 12 is of particular interest, as this specifies type of infrastructure and
 approval pathways for works on public reserves.
- Rural Fires Act This Act related to the mapping of bushfire prone lands and a requirement for development to respond to the requirements of the "Planning for Bushfire Protection" Guidelines. Under Section 100B, a "bush fire safety authority" approval is required from the Rural Fire Service (RFS) for a range of residential, tourism accommodation and other development. As parts of the site are mapped as bushfire prone, referral of relevant matters to the RFS may be required.
- Native Title Act (Commonwealth) and Aboriginal Land Rights Act (NSW) The Crown Lands Management Act 2016 requires Council to nominate a "Native Title Manager" to provide advice on conducting activities which may impact Native Title. Written advice is also required for Plans of Management. Under NSW legislation, Aboriginal Land Councils are able to make a Land Right claim, including over Crown land. Claims are assessed based on issues such as the current and potential need for the land in the future. A current, but undetermined land claim has been made over Lot 3 DP823672 of the site (the southern portion including the racecourse). No Native Title claim is known over the site.

Future use and development of the subject site will otherwise be generally guided by legislation as relevant to the circumstance of the project type - including accessibility requirements, building standards and operational parameters.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 20

5.1.3 Key Values and Future Site Development Objectives

The Casino Showground and Racecourse site is particularly valuable to the community for a number of reasons. The core values to the community of the facility are highlighted below.

Social and Economic Values



The Casino Showground and Racecourse forms an important part of the identity of the Richmond Valley community. The area accommodates a range of community and sporting groups, facilitates a range of events and is home to the annual show. The site generates direct employment, and the visitors to its events provide economic stimulus through the town, as well as being a great source of pride for the community.

Recreation and Sporting Values



The Casino Showground and Racecourse provides a highly valued recreational facility for the Richmond Valley community and beyond. In particular, it facilitates a range of equine related activities, including thoroughbred training and racing, pony club / riding club and camp draft competition. These clubs and associated activities provide a major focus for many local and regional residents and visitors.

Natural and Historic Values



The Casino Showground and Racecourse comprises areas of both natural and built heritage value. Along the eastern boundary are area of native vegetation and mapped wetland, presenting opportunities to retain a natural outlook retain native habitats. The racecourse and show facilities are of historic importance to Casino, and this long-term presence is valued by many in the community.

Objectives for the future development of the site based on these values, and as established by the site Master Plan, include:

- To ensure that existing user needs are carefully considered alongside opportunities to establish clear pathways for development of new facilities;
- ii. To enhance the identity of the site through the use of a more consistent set of building materials, vegetation and colours - and in doing so, to create a more recognisable "brand" for the facility consistent with the broader "Richmond Valley Made" branding being promoted by Council;
- To increase the attractiveness and useability of the site through higher quality facilities, presence of simple attributes such as shade trees, amenities and access arrangements, and rationalised site precincts that establish clear and safe operational practices for the various events that are held at the site;

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 21

- iv. To elevate the level of the facility to being regionally significant in terms of its infrastructure provision, activities undertaken and attraction of future events;
- v. To recognise key constraints and opportunities to the development and use of the site, such as low-lying areas and locations of potential environmental sensitivity; and
- vi. To ensure that new facilities are designed, wherever possible, with a view to ensuring their ability to return an income to the site and the regional economy more broadly.

These objectives apply to the site, over and above those Core Objective that apply to land categorised as General Community Use (refer Section 5.1.1).

5.2 Key Issues

Based on consultation activities associated with the site over the last five years, there are a number of known needs and desires that have been identified. In brief these include:

- Need for upgrade to basic site infrastructure, including for example, electrical supply
- Need for upgrade to recreational infrastructure to maintain and grow existing uses, including for example, storage space, outdoor arena surfaces, day yards and associated facilities
- Need for upgrade to professional sporting infrastructure based around the thoroughbred racing activities, including access, amenities, training and track based improvements
- Consideration of a new undercover equestrian arena in order to attract larger and highlevel events
- o Consideration of dedicated spaces for ongoing, and/or event focused on-site camping areas

The ongoing development and maintenance of the Showground and Racecourse site to achieve these highlights a number of key issues that need to be addressed to enable their implementation. With a spatial framework in place as generally set out in the associated site master plan at Appendix A, this section seeks to establish the directions of key issues to enable the progression of this in a managed and co-ordinated way. This is done through a series of identified key issues as identified and discussed below. These are further described within the Action Plan presented in the Management Framework component of this Plan of Management - see Section 5.6.

5.2.1 Maintain and grow equestrian and other recreational uses

Existing Situation

One of the two core existing uses of the site is a range of equestrian based recreation and sporting activities. These are undertaken by the following site user groups:

- Casino Pony Club
- o Richmond Valley Riding Club
- Casino Rodeo and Campdraft Association
- Northern Rivers Horse Cutting Club

The Pony and Riding Clubs generally utilise facilities in the north-western portion of the site, shown as area "A" on plan number "05 Existing Use - Other" which is provided in Appendix C. The Rodeo

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 22

and Campdraft Association, and the Cutting Club utilise areas within the racing track, referred to as area "C", "D" and "E" on the plan described above.

Future Directions

All these uses are intended to be retained and wherever possible, their use profiles increased within the site. This will involve two aspects:

- o Maintaining and improving existing facilities; and
- o Establishing new facilities to supplement or replace existing.

The extent of these is described in the Master Plan drawings at Appendix A and generally include:

- Undercover arena area including appropriate competition sized sand-based arena floor (shown as 90 x 50m in the Master Plan) including:
 - Surrounding areas suitable for portable grandstand seating
 - Associated lighting, sprinkler systems and other needs
- Adjoining turfed event spaces which could be used in conjunction with the arena (e.g. camp draft / cutting competitions that are partially indoor and outdoor), or as additional warm-up, display or corporate areas for major events;
- Adjoining amenities / changes facilities / canteen building (also to be utilised by the Pony and Riding Clubs as local club facilities);
- o Improved outdoor arena / warm-up areas including:
 - One 60 x 30m grassed arena (two dressage or one show jumping space)
 - Small embankment areas for elevated seating
 - New sand-based warm-up / dressage area
- New fencing and shade trees;
- o Riding trails connecting to facilities and the proposed cross-country course;
- Ancillary areas including day yards (up to 40 initially), round yard and wash bay; and
- Parking areas for both spectators / visitors (~100), as well as competitor parking allowing for a range of floats / trucks within the precinct.

All these facilities would generally be focused in the north-western portion of the site.

In addition, a new cross-country trail is envisaged within the south-eastern portion of the site. This would need to give consideration to native vegetation and associated environmental constraints, though would appear to be possible based on the relatively sparse understorey and with careful site layout.

Within the infield, on-site camping associated with event activities are identified, including potential for power, water and sullage to be provided. Other nominated infield improvements include recent amenities and current canteen / bar upgrades are identified as being sufficient for future use at the current time. Over the longer-term, there is however scope for additional equestrian facilities within the infield area. For example, facilities could be developed in the south-eastern portion in association with the proposed cross-country course, whilst additional multi-purpose fields / arenas could also be developed near the south of the rodeo and camp draft arena. Facilities such as

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 23

additional camping areas and amenities buildings could be considered on an as need basis if these facilities become more regularly used.

Desired outcome

These identified changes are designed to enable both the short and long-term progression of these groups and their recreation / sporting activities. In the long-term, more regular use of the site for larger and high-level competition is envisaged, providing opportunity for grass-roots through to high level competition to be attained locally.

These facilities also provide a platform for the attraction for larger events, enabling site facilitation of tourism and economic development benefits to flow through to the community over and above localised participation.

5.2.2 Maintain and grow thoroughbred training and racing

Existing Situation

The Casino Racing Club and its predecessors have been utilising the site since 1881 when racing was first established. The Racing Club facilitates a relatively limited number of racing meetings each year, and is home to a relatively small number of trainers, who utilise on-site or other external stabling facilities.

The facilities utilised by the Racing Club fall into three general areas:

- Turf and sand racing / training tracks
- Stabling and associated facilities to the north of the track
- Club building area and associated facilities, such as the bar and betting ring located to the west of the track

These assets are in varying condition, with elements no longer being fit for purpose or in such poor condition that they require immediate attention. However, all facilities are regularly used, and have the potential to having greater use in the future. This is particularly apparent given the relative elevation of the track which is predominantly above flood levels unlike many others in the region. This means that the site has potential to grow its use through the security that it can remain in use during heavy rain periods, and that it can remain available for emergency races that have been "washed out" in other localities in the region.

Future Directions

To enable the future growth of the Racing Club activities, a number of infrastructure improvements are required. These include (under the three areas identified above):

- Turf and sand racing / training tracks:
 - Turf track drainage upgraded around the southern turn where poor drainage and inappropriate track camber result in some wet weather concerns.
 - Sand track upgraded to an appropriate standard for regular and more intensive training activities.
- Stabling and associated facilities:

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 24

- Series of new stables would be established in locality of existing stables in very poor condition. Designed and constructed in a staged manner to best suit demand, with stable sets of 20, each being approximately 4m x 4m shown on the Master Plan.
- Centralised area established where associated facilities would be provided (wash bays, round yard etc.).
- Stable enclosure separated from other "public use" areas, with the opportunity to isolate that component of the site via fencing and landscape treatments.
- Future opportunity for onsite caretaker's residence / administration space and other facilities as required over time.

Club building area:

- New jockey and steward's rooms, catering for both male and female participants
- New / improved public toilets
- Improvements to the betting ring
- Associated improvements of bar and spectator areas

Designed and managed in a co-ordinated way, these facilities would create a steady revenue stream that increases the capacity of the Club to maintain and improve other facilities over time. It would also seek to create a critical mass of on-site racing activity (and combined for recreation equine sporting activity) that may support future on-site employment in related fields - e.g. veterinary services.

Desired Outcomes

These identified changes are designed to enable both the short and long-term progression of the Racing Club activities. In the long-term, more regular use of the site for race days (both emergency replacement and regular) would generate not only income for the facility, but create additional social and sporting activity for the Casino community.

When supported by more effective long-term training facilities, these two aspects of the facilities create a more generous business case for investment, opportunities for ongoing full-time employment and greater exposure of the Richmond Valley to broader markets.

5.2.3 Achieve safe and effective access arrangements

Existing Situation

There are a number of inter-related access and internal access arrangements that exist within the Showground and Racecourse site. These include:

- External conflict between site users and external road (Summerland Way) users due to travelling speed and entry locations
- Internal conflict between public and competitors, particularly on race days and for events with larger crowds
- Lack of access infrastructure other than by private vehicle
- Need to ensure adequate event parking on the site given the context of the adjoining State Road.

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 25

These issues are of concern even within the context of the current use of the site. Should the use of the site increase as envisaged by the Master Plan and this Plan of Management, these matters are of particular note into the future.

Future Directions

To address these concerns, the following measures are identified:

- Need to reduce travelling speed along the site frontage (Summerland Way), extending the 60km/hr zone from the northern boundary, to beyond the southern boundary of the site - a distance of approximately one kilometre
- o Need for separation of public and competitor access for race day events:
 - Enabling safe negotiation of trucks / floats and horses within a secured area to be access from the southern boundary where dedicated race day competitor facilities can then be established
 - Enabling a clearer network of entry and exit for visiting public on race days, including one-way loop system utilising the existing main entry and secondary access adjoining the visitor entry gates
- Extension of a shared user path from Eccles Street to the north and the main site entrance a distance of approximately 750m
- Provision of appropriate parking and wayfinding signage to cater for future event needs during detailed design stages.

Desired Outcomes

Ultimately, the reduction in speed limit of the adjoining road and the provision of safe pedestrian and cycle access should be progressed within the context of the existing situation. These do not rely on new projects being established for the intensification of use, and as such should be a key priority.

As required by future site development, the internal conflicts, provision of effective entry and exit arrangements and the assurance of effective ongoing parking arrangements are all matters to be resolved as projects progress into the future. Direction is provided for these by the Master Plan for the site as shown at Appendix A.

5.2.4 Integrate existing facilities with new

Existing Situation

The size of the site and the way that it is currently used means that there are few conflicts between the various activities and events which occur of the site. Whilst there are occasional "whole of site" events, such as the annual show, rodeo and major race events, the majority of the time there is more than sufficient space for multiple small-scale events to be occurring simultaneously. Over time and as the use of the site intensifies, there is potential for use conflicts to occur and to be more frequent.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 26

Future Directions

There are two key areas which will be important to ensuring that the ongoing use of the Showground and Racecourse site is a positive experience for those utilising the area - the design of the spaces, and how they are managed.

Firstly, the design and integration of new infrastructure requires careful consideration. This has already occurred through the consultation processes associated with the Master Plan for the site, but will remain critical moving forward into detailed design. Considerations during these next stages will include:

- Ensuring that site access and internal distribution occurs in ways that are easily understood and which do not create confusion or congestion that spills onto the adjoining public road network;
- Ensuring that private use areas, and those areas that have specialised needs such as the
 racecourse and training stables have appropriate separation to the more publicly accessible
 locations, including well integrated access restrictions; and
- Ensuring that the detail of future use spaces meet the diverse needs of the groups that are intended to use those areas.

It is recognised that the Master Plan is indicative only, and is subject to detailed design outcomes.

The second key aspect for effective integration of new facilities is to ensure that ongoing management of the site recognises the needs of various user groups. This is particularly important in terms of the co-ordination of events (particularly larger / whole of site events), and ensuring that there are clear management responsibilities that are understood and respected.

Desired Outcomes

Prior to the implementation of the Master Plan, a formalised working group or reserve committee will be established to create a regular consultation loop and to ensure that decisions made for projects areas are respecting others. This same group would be expected to continue to meet to ensure that ongoing management issues and needs are being considered.

At full operation, it is envisaged that the promotion and use of the site would be well co-ordinated with regular updating of a "what's on" style calendar being used to promote use of the site and to facilitate bookings. This would be co-ordinated by Council or as otherwise agreed by the reserve working group / committee.

5.2.5 Define role and responsibilities with user groups

Existing Situation

As an extension to the above discussion of facility integration (see Section 5.2.4), there is also a need to ensure that all user groups have clearly defined roles and responsibilities over the longer-term and particularly as new facilities are developed.

Under current arrangements, roles and responsibilities are generally managed as part of site licence agreements as they pertain to each user groups and the location of their activities. Council has then historically provided oversight as the Reserve Trust Manager (now Crown Land Manager). Council

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 27

regularly meets with user groups and assists with the management and co-ordination of major events.

Future Directions

Over the longer-term, Council will work with user groups and to expand leases and/or licences over site areas and facilities in line with the needs of future activities. In particular, Council will ensure that future management arrangements are established around the requirements of new facilities and the ongoing operation of these facilities that provides opportunities for both existing and new user groups, events and activities to occur. Council will determine the most appropriate form of arrangements are required and in consultation with the reserve working group / committee.

Desired Outcomes

The desired outcome for the site is to establish a range of user group activities and events which are operated and delivered in a co-ordinated and transparent way. This will require clear roles and responsibilities which can best be defined by both formal agreements and through communication and co-ordination roles to be led by Council.

5.2.6 Establish short-term visitor access

Existing Situation

Showgrounds are commonly used in regional areas to provide low cost accommodation for the visiting public. Whilst the Casino Showground and Racecourse is not currently used in this way, there are demands for this type of service and for event camping provisions. The site also accommodates a recreational vehicle (RV) dump point, which is advertised for public use and frequently provided at camping locations.

Future Directions

There is potential to provide for time limited RV camping outside of event periods. This could be managed on a self-serve basis (e.g. honesty system) in conjunction with online booking systems. The service may also be contracted to an on-site organisation such as the Men's Shed, acting as both a regulator under appropriate agreements from Council, as well as a provider of tourist information to visitors.

The locality of this form of service could be within a main access / parking area that is located centrally within the site with a frontage to the Summerland Way (as identified by the Master Plan at Appendix A. This public / common-use area could be made accessible to visitors with careful planning around further access into the site.

Desired Outcomes

The establishment of short-term visitor access for camping is supported by the planning for the site, though will need to be carefully integrated with site use and ongoing management frameworks. Where supported by existing user groups, a clear process for booking and use will need to be established so that conflicts between on-site camping and other activities does not occur. This will need to include notice of major events requiring the use of the space and delineation of responsibilities of the various organisations including Council.

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 28

5.2.7 Integrate signage, public art and wayfinding devices

Existing Situation

With the current use of the site being predominantly low scale, access arrangements and the need for wayfinding and other signage is correspondingly minimal or informal. Whilst this meets the current needs of users, the Master Plan and this Plan of Management highlight that there is significant potential for change and with this will come need for improvements in these areas. As a consequence, there is also a need for improvements to:

- the way that the site is presented in terms of appearance,
- the way in which it communicates upcoming events and activities, and
- the way that people are able to access the site, and find their way to relevant site facilities.

Future Directions

There are a number of future directions that are relevant to this area, many of which are outlined by the site Master Plan, though will need to be detailed moving forward. These include:

- Establishing a clear and legible internal distribution network, with associated signage so that site users are able to effectively find their way to relevant locations,
- Rectifying the presence of an expansive blank wall along Summerland Way, that presents the opportunity to establish a new piece of public art or related signage infrastructure, and
- Identifying opportunities to best promote and advertise upcoming events via new signage,
 potentially in conjunction with the undercover equestrian centre building.

The intent of these directions is to ensure that the site is well presented to passing traffic, that the public is aware of the site and upcoming events and once on site, are able to clearly and effectively find their destination.

Desired Outcomes

The future of the site in terms of integrating signage, public art and wayfinding devices is to create an effective and consistent "branding" of the area that establishes its presence, highlights its offerings and enables users to effectively negotiate their surrounds once they have entered the site. Creating a consistent palette of materials and a clear style guide for their creation will be key steps to enabling this to occur. Once this is established, opportunities for signage and associated features can be created over time and to work in effectively with future detailed site planning and design.

5.2.8 Integrate, protect and enhance natural features

Existing Situation

The existing wetland and native vegetation areas which exist predominantly on the eastern side of the site present an opportunity to integrate and enhance these features to site uses. This must however, be undertaken in ways that are cognisant of the environmental values and which balance such use with the protection of the integrity of these areas.

Future Directions

Integration of these uses has already commenced with recognition of site opportunities and constraints as part of the master planning process. For example, the proposed cross-country

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 29

equestrian course will need to be integrated within the native vegetation with consideration of impacts on flora and fauna through this area. It does however present the opportunity to retain significant trees and large extents of the understorey in this area, creating an opportunities for native flora and fauna protection while maintaining a backdrop to the more formal use areas such as the racecourse.

Prior to any clearing or development within vegetated or low-lying areas, consideration will need to be given to legislative requirements under appropriate legislation such as the *State Environmental Planning Policy (Vegetation in Non-Rural Areas)* 2017, *Local Land Services Act* 2013 and the *Biodiversity Conservation Act* 2016. Opportunities may also exist to highlight, rehabilitate and provide interpretive information relating to natural areas - particularly the wetland areas to the north-east.

Desired Outcomes

The site is highly disturbed in some areas, whilst others have more natural settings (albeit also largely disturbed either in past or present times). The master planning process has sought to concentrate use activities in those areas that have been previously disturbed, whilst lower intensity uses are highlighted in other areas. Retaining natural areas presents both an opportunity to provide an attractive backdrop to activities, create a sense of place within the site and to provide opportunities for rehabilitation and improvement of their attributes. This balanced approach is the overarching desired outcome across the site.

5.2.9 Manage public safety in emergency situations

Existing Situation

The Showground and Racecourse site is located on land which is subject to various natural hazards and other potential emergency situations. These include bushfire and flood threat from natural hazards, and others threats that are associated with the forms of use associated with the site - such as infectious disease and biosecurity measures. Whilst these risks are currently minimal given the intensity of use, these risks increase with use intensity and the ongoing impacts of Climate Change and require regular attention over time.

Future Directions

Over time and as projects are developed and site conditions change - such as during drought periods, Council will ensure emergency management procedures and plans are in place to address known and potential threats on a risk management basis. This would include consideration of both day to day use of the site, potential for overnight accommodation / visitors, as well as major event planning and management.

Desired Outcomes

The future use of the site should be focused on creating both a safe atmosphere for site visitors, as well as having clear and well-communicated emergency response processes for these situations. This is also important in terms of "business continuity", particularly where (for example) the Race Club is able to assist other Clubs in the region suffering from adverse weather conditions.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 30

5.2.10 Management of user group leases and licences

Existing Situation

Council current provides a number of leases and licences to user groups that utilise the site. This practice is consistent with local government requirements and these are generally supported by this Plan of Management. A use agreement on Crown land may also impact on Native Title rights and interests. Any use agreement issued on Crown land must be issued in accordance with the "future acts" provisions of the *Native Title Act* 1993 (Commonwealth) and in accordance with Part 8 of the *Crown Land Management Act* 2016 (State) unless Native Title is extinguished. This will require written advice of Council's Native Title Manager that it complies with any applicable provisions of the native title legislation.

Future Directions

Council will continue to work with existing user groups and entities that have an interest in the Showground and Racecourse site. Council will continue to ensure that appropriate management systems are in place to facilitate this. In addition to these existing user groups, Council will also seek to increase the extent of use and the groups that utilise the site over time - particularly as and when new infrastructure is developed. This would potentially include, but is not limited to:

- o Operators of new infrastructure such as the indoor arena space
- Operators of ancillary uses, such as canteen / bar and other services
- o Operators of accommodation offerings, including camping areas
- Operators of equine support services, such as veterinary services and the like
- Event operators, including both commercial and community style events

Council will determine the appropriate form of these as applicable at the time.

Desired Outcomes

The intent is not to replace any existing users groups and their established activities, but to supplement this use where desired by Council with additional groups, operators and activities which have a relationship to the site and the intent for its long-term use. This may result in additional user groups agreements, and modification of user group agreements to best meet the needs of Council and users over time.

5.2.11 Ensuring adequate baseline infrastructure availability

Existing Situation

At the current time, concerns exist with respect to infrastructure capacity to service the site. In particular, concerns have been raised regarding electrical capacity. This issue particularly relates to the ongoing future use and growth / intensification of use of the site.

Future Directions

As major elements of the site Master Plan are progressed on the ground, upgrade works for electrical capacity have been identified. Detailed design will dictate the extent and type of upgrade required and these will need to be progressed to suit the timing of site expansion.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 31

Desired Outcomes

That baseline infrastructure requirements at the site keep pace with future use expansion, particularly as and when major investments are being considered.

5.2.12 Simplify site zoning

Existing Situation

At the current time the land that comprises the Reserve has two zones - predominantly being the appropriate RE1 - Public Recreation, though with the most northern lot, being Lot 73 DP755627 being within the RU1 - Primary Production zone under the Richmond Valley Local Environmental Plan 2012 (RVLEP). The lot is around 16 metres in width between the existing RE1 zoned land and the adjoining urban residential areas - zoned R1 - General Residential.

Future Directions

Preferably, the entire site would be under the same zone unless otherwise dictated by specific site attributes - e.g. sensitive environmental areas. Modification of the zone from RU1 to RE1 is considered to be an administrative change which could be best progressed within an "LEP housekeeping" amendment process.

Desired Outcomes

The desired outcome would be for all land within the Reserve to be consistently zoned, in the instance of the Showground and Racecourse site, this is suggested to be the RE1 - Public Recreation zone.

5.3 Development and Use

The future development and use of the site are set out in the Master Plan drawings provided at Appendix A. Further details of the intent and proposed infrastructure associated with the Master Plan are also provided in Section 5.4. This Plan of Management enables the development of the land consistent with the Master Plan, and as the proposal moves to detailed design, the changes that may be required to the Master Plan to establish and implement the intent thereof.

Other development may also be required from time to time that is not directly identified by the Master Plan. Such development should be integrated with the Master Plan so as to not impact on its future implementation. In particular, this Plan of Management does not prevent the implementation of infrastructure under the following:

- State Environmental Planning Policy (Infrastructure) 2007 provides for certain infrastructure developments to be exempt development, complying development or development that is permitted with consent. Division 12 of the SEPP applies to parks and other public reserves and includes a wide range of infrastructure developments for sport and recreation activities.
- Division 1 of Part 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides for a range of activities to be exempt including:
 - Temporary event signs
 - Community notice and public information signs

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 32

- Tents, marquees or booths for community events
- Stage or platforms for community events

For the avoidance of doubt, these activities remain possible under this Plan of Management over and above those specifically identified by the site Master Plan.

Future use of the site is to include those authorised under Section 5.5 of this Plan of Management to enter into appropriate forms of agreement with Council in regard to that use.

5.4 Master Plan Intent

In terms of the extent and type of infrastructure proposed, and how this would be used, there are five main precinct areas that have been identified by the site Master Plan as follows:

- Equestrian areas and facilities;
- o Racecourse areas and facilities;
- Stables and race horse training facilities;
- o Infield facilities; and
- Streetscape presentation and entry areas.

The extent of development and use of each of these areas is summarised below.

5.4.1 Equestrian Areas and Facilities

The existing equestrian areas and associated facilities are primarily consolidated within the north-western portion of the site. The proposed undercover equestrian arena in this locality will have a significant footprint and change the function of this space into the future. Key infrastructure and use areas within this precinct will include:

- o Undercover arena area including:
 - 90 x 50m sand-based arena floor
 - Surrounding areas suitable for portable grandstand seating
 - Associated lighting, sprinkler systems and other needs
- Adjoining turfed event spaces which could be used in conjunction with the arena (e.g. camp draft / cutting competitions that are partially indoor and outdoor), or as additional warm-up, display or corporate areas for major events.
- Adjoining amenities / changes facilities / canteen building (also to be utilised by the Pony and Riding Clubs as local club facilities).
- o Improved outdoor arena / warm-up areas including:
 - One 60 x 30m grassed area (two dressage or one show jumping space)
 - Small embankment areas for elevated seating
 - New sand-based warm-up / dressage area (30 x 35m)
 - New fencing and shade trees
- Riding trails connecting to facilities and the proposed cross-country course.
- $_{\circ}$ Ancillary areas including day yards (up to 56 or more if required), round yard and wash bay.

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 33

Parking areas for both spectators / visitors (approximately 100 spaces), as well as competitor parking allowing for a range of floats / trucks within the precinct.



- NOTES
- ES
 TRUCK EXIT WITH SIGNAGE
 TRUCK & FLOAT PARKING (20 Spaces)
 STORAGE SHED, SULK STORAGE BINS &
 TRUCK PARKING (8 Spaces)
 INDOOR ARENA (90 x 50m arena)
- NEW KIOSK, CHANGE ROOMS, TOILETS,
- NEW KIOSK, CHANGE ROOMS, TOILE & PONY CLUBHOUSE TURE EVENT SPACES (4000m2 & 1500m2) MULTI-PURPOSE AREA FOR PONY & RIDING CLUBS, & ARENA WARM UP

- 8 DAY STALLS (56 shown)
 9 SAND WARM-UP AREA (30 x 35m)
 10 EVISTING PORY CLUBHOUSE TO BE REMOVED
 11 EVENT CAR PARK (Approx 100 spaces)
 12 MEN'S SHED & ASSOCIATED PARKING
- NEW ENTRY ROAD WITH LANDSCAPING
- NEW ENTIR DESCRIPTION & SIGNAGE UPGRADED SITE LIGHTING & POWER TRANSFORMER FUTURE CARETAKER'S COTTAGE DIRECTIONAL & EVENT INFORMATION SIGN

Figure 11: Proposed equestrian precinct area

INDOOR ARENA







PONY & RIDING CLUB FACILITIES & COVERED DAY STALLS







Figure 12: Equestrian precinct character images and uses

Richmond Valley Council Casino Showground and Racecourse Plan of Management 2019-2024

Page 34

5.4.2 Racecourse Areas and Facilities

Much of the existing racecourse area footprint would be retained, with improvements being focused on useability and ensuring all-weather use of the sand and turf race courses. Key works would include:

- Turf racing track: drainage upgraded, particularly around the southern, and inappropriate camber rectified to ensure all weather operations are possible.
- Sand training track: redressed and upgraded to an appropriate training standard as the primary training facility in the region.
- o Racecourse building upgrades including:
 - Reconfigured and improved jockey and steward's rooms, catering for both male and female participants
 - New / improved public toilets
 - Improvements to the betting ring
 - Associated improvements of bar and spectator areas
- Competitor entry: southern entry upgraded to facilitate access by competitors, including larger horse floats and trucks, to avoid conflict with event spectators. Parking areas and holding pens provided.
- Spectator drop-off / entry area: basic upgrades to existing access to create a one-way spectator drop-off system at or near the front entry.



Figure 13: Proposed racecourse precinct area improvements



Figure 14: Equestrian precinct images

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 35

5.4.3 Stables and Race Horse Training Facilities

Within the area currently occupied by older stables that are in relatively poor condition, a series of new stables would be established, designed to be constructed in stages. Key works would include:

- o Stable buildings: stable building comprising sets of 20 stables each. Each stable would be approximately 4 x 4m in size, with four buildings provided (total 80 stables).
- Associated training facilities: central area with wash bays, round yard, associated fencing and landscaping.
- Agistment yards: delivered in a range of sizes.
- Caretaker's residence / administration space: including accommodation for on-site oversight and security and to facilitate operation of the stabling / training facilities.



NOTES

- 14 TRAINING STABLES ENTRY AREA
- STABLE ADMIN BUILDING 15
- TRAINING STABLES (Approx 80)
- 17 TRAINING ROUND YARDS
- TRAINING YARDS & SAND AREA 18
- AGISTMENT AREAS 19
- HORSE & SERVICE VEHICLE ACCESS
- 23
- GRASS PARKING AREA EXISTING TRACK CROSSING

Figure 15: Proposed horse training complex area

TRAINING STABLES







WASH BAYS, ROUND YARD, & SAND AREA







Figure 16: Proposed horse training complex area character images

Richmond Valley Council Casino Showground and Racecourse Plan of Management 2019-2024

Page 36

5.4.4 Infield Facilities

The infield area, which is currently used by a range of stakeholders including the Show Society, Rodeo and Campdraft and Horse Cutting, would be largely retained under the Master Plan. Recent improvements have been made to the area with the construction of a new amenities and club room space, whilst funding has been secured for the construction of a new canteen / bar facility in this area to replace the existing sub-standard facility. Key improvements that are proposed in the infield area include:

- Camping facilities: Provision of facilities for on-site camping, including water, sullage and electrical power heads.
- Cross-country circuit: accessed from the in-field area, a new 2.2km cross-country circuit would be developed in the south-eastern portion of the site.
- Portable grandstands: Portable grandstands would be provided (10 x 6m / 4 tier or similar), which would be used across the site depending on the event requirements and providing seating for around 500 people.



NOTES

- 28 NEW CANTEEN & TOILET
- 29 CUTTING YARD
- 30 PORTABLE SPECTATOR SEATING
- 31 RODEO & CAMP DRAFT ARENA
- 32 CAMPING AREA WITH POWER
 - B DOG ARENA & FUTURE MULTI-PURPOSE AREA

Figure 17: Proposed infield area

CUTTING YARD, CAMP DRAFTING & RODEO







EQUESTRIAN CROSS COUNTRY & TETRATHLON CIRCUIT







Figure 18: Proposed infield and cross country areas character images

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 37

5.4.5 Streetscape Presentation and Entry Areas

The Summerland Way frontage provides an opportunity for both improvement of visual appearance and promotion of the facility. The frontage currently comprises chain link / barbwire security fencing, or the blank rear wall of the racing day stalls. In particular, the day stalls provide a "blank canvas" to the road frontage upon which a mural could be installed or painted. Key improvements include:

- Signage and wayfinding: Provision of site signage and internal directions signage between the various areas location of the site.
- Frontage mural: Provision of mural or similar artwork to existing day stall façade to promote the site and the regional more generally.

5.5 Authorised Uses - Leases, Licences and other Estates

Based on the precincts as described in the previous section, the following uses / user groups are authorised under this Plan of Management.

5.5.1 Equestrian areas and facilities

This Plan of Management authorises Council to enter into the most appropriate management arrangement for the proposed undercover arena area, and associated equestrian facilities, based on an assessment of:

- o Current and future benefit to the relevant sports and community more broadly.
- Capacity to respond to the facility's:
 - Long term asset maintenance requirements
 - Staffing needs and associated considerations
- Potential financial cost to Council of the facilities in their entirety or by segregation of the respective aspects of the facility.

Council may enter into leases or licenses with community or commercial operators for purposes which are consistent with core objectives for general community use, including but not limited to the following:

- Café and/or food related outlet
- Undercover arena facility
- External yards, day stalls and open-air facilities
- o Meeting rooms or any related building facilities

The above purposes for which a lease or licence may be granted are consistent with the core objective for the General Community Use category of the land and are purposes nominated by the *Local Government Act* 1993 (section 46(1)(b)), being public recreation activities or activities supporting the physical, cultural, social and intellectual welfare or development of persons.

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 38

5.5.2 Racecourse areas and facilities

This Plan of Management authorises Council to enter into the most appropriate management arrangement with the Casino Racing Club to facilitate the long-term use and improvement of the Racecourse areas and facilities.

5.5.3 Stables and race horse training facilities

This Plan of Management authorises Council, or the Casino Racing Club under a sub-lease or licence arrangement, to enter into the most appropriate management arrangement for the proposed stable and horse training facilities, based on an assessment of:

- Current and future benefit to the relevant sports and community more broadly.
- Capacity to respond to the facility's:
 - Long term asset maintenance requirements
 - Staffing needs and associated considerations
- Potential financial cost to Council of the facilities in their entirety or by segregation of the respective aspects of the facility.

Council may enter into leases or licenses with community or commercial operators for purposes which are consistent with core objectives for general community use, including but not limited to the following:

- o Stabling facilities under individual stable or grouping of stables
- External yards, stalls and open-air facilities
- o Caretaker facilities or associated administration building facilities

The above purposes for which a lease or licence may be granted are consistent with the core objective for the General Community Use category of the land and are purposes nominated by the *Local Government Act* 1993 (section 46(1)(b)), being racecourse activities or activities supporting the physical, cultural, social and intellectual welfare or development of persons.

5.5.4 Infield facilities

This Plan of Management authorises Council to enter into the most appropriate management arrangement for the proposed infield facilities, based on an assessment of:

- o Current and future benefit to the relevant sports and community more broadly.
- Capacity to respond to the facility's:
 - Long term asset maintenance requirements
 - Staffing needs and associated considerations
- Potential financial cost to Council of the facilities in their entirety or by segregation of the respective aspects of the facility.

Council may enter into leases or licenses with community or commercial operators for purposes which are consistent with core objectives for general community use, including but not limited to the following:

o Overnight camping areas

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 39

- Cutting yards and associated facilities
- o Bar and canteen facilities

The above purposes for which a lease or licence may be granted are consistent with the core objective for the General Community Use category of the land and are purposes nominated by the *Local Government Act* 1993 (section 46(1)(b)), being public recreation activities or activities supporting the physical, cultural, social and intellectual welfare or development of persons.

5.6 Implementation Action Plan

This section provides an ongoing management framework for the implementation of this Plan of Management and associated Master Plan. This framework is identified through the "action plan" presented overleaf, which includes the minimum requirements of the *Local Government Act* 1993.

References to various elements included within the Action Plan include:

Management Issue: Refers to the issues identified in Section 5.2 of the Plan of Management

Objectives and Performance Targets: Refers to the objectives for General Community land (the "core objectives") and the Master Plan Objectives that were nominated in Section 5.1.3. It also provides performance targets that can be used to measure outcomes. This is in accordance with s.36(3)(b) of the *Local Government Act* 1993.

Means of achievement of objectives: Refers to options available to undertake actions that seek to meet the objectives - what will be done? This is in accordance with s.36(3)(c) of the *Local Government Act* 1993.

Manner of assessment of performance: Refers to the ways that performance or success of the management process will be measured. This is in accordance with s.36(3)(d) of the Local Government Act

Richmond Valley Council Casino Showground and Racecourse Plan of Management 2019-2024

Page 40

Casino Showground and Racecourse Plan of Management - Implementation Action Plan

Management Issue		Objectives and Performance Targets		ns of achievement of objectives	Manner of assessment of performance	
1.	Maintain and grow equestrian and other recreational uses	Core Objectives: (a) (b) Master Plan Objectives: (i) (iii) (iv) Performance Targets: Increase participation rates within local clubs Increase the number of equestrian related events undertaken at the site		Maintenance of current facilities prior to new development by Clubs and Council Development of new facilities that meet user requirements and in accordance with the intent of the Master Plan	 User group membership numbers Number of equestrian events held per annum 	
2.	Maintain and grow thoroughbred training and racing	Core Objectives: (a) (b) Master Plan Objectives: (i) (iii) (iv) (vi) Performance Targets: Increase number of onsite trainers / thoroughbred horses being trained Increase number of racing days, including emergency race meetings	2.1	Maintenance of current facilities prior to new development by Club and Council Development of new facilities that meet user requirements and in accordance with the intent of the Master Plan	 Number of thoroughbred horses trained on site Number of on-site trainers / stabled horses Number of race meetings held per annum 	
3.	Achieve safe and effective access arrangements	Core Objectives: (a) Master Plan Objectives: (i) (iii) (v) Performance Targets: Effective access arrangements along Summerland Way are achieved, including main and secondary access points Speed limits along the site frontage are appropriate for the level of use of the site Appropriate separation between site visitors and competitors is achieved	3.1 3.2 3.3 3.4 3.5	Main entry is retained and improved as required Secondary entry / exit point is available adjoining the public entry to the Race Club Undercover arena competitor entry point is available on the northern boundary of the site Horse racing competitor entry point is available off Ellangowan Road on the southern boundary of the site Summerland Way operational speed is limited to 60km/hr along the site frontage on a permanent basis		

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 41

Management Issue		Objectives and Performance Targets		Means of achievement of objectives		Manner of assessment of performance	
4.		Core Objectives: (a) (b)	4.1	A Reserve Working Group / Committee is	•	Regularity of Reserve Working	
	facilities with new	Master Plan Objectives: (i) (ii) (iii) (iv) (v) (vi)	4.2	established to meet regularly to assist in whole of site co-ordination of design and management		Group / Committee meetings	
		Performance Targets:		Detailed design work involves relevant users groups	•	Participation of user groups in advisory roles during design	
		 New and existing facilities are able to be integrated through careful site planning and 		and is regularly reported to the Reserve Working Group / Committee		periods	
		 Ongoing operation of the site is well co- ordinated and meets public and user needs 	4.3	Overall management of the site by Council is transparent for both site user groups and the public.	•		
5.	Define role and responsibilities with user groups Core Objectives: (a) (b) Master Plan Objectives: (i) (ii) Performance Targets:		5.1	On-site user groups have current, clear and appropriate agreements with Council	or place for each appropriately best meet the needs of mmunity place for each appropriately place for each appropriately appropriately opportunities	User group agreements are in place for each user and appropriately managed by Counci	
		, , , , , , ,	5.2	5.2 Communication with and between user groups will be facilitated by Council to best meet the needs of			
		 User groups have clear and defined roles established under site user agreements 		groups and the broader community		opportunities are in place via effective communication	
		 User agreements reflect the scale of the roles and responsibilities 					
6.	Establish short-term	Core Objectives: (a) (b)	6.1		Site is established as an available		
	visitor access	Master Plan Objectives: (i) (ii) (iii) (vi)		the use of the site by overnight visitors including access arrangements, amenities and payment systems as applicable		overnight camping area	
		Performance Targets:			•	Number of overnight stays	
		 On-site camping / overnight stays are available for visitors to the area 	6.2	Appropriate management agreements and responsibilities are in place to manage the site over time.			

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 42

Management Issue		Objectives and Performance Targets		Means of achievement of objectives		Manner of assessment of performance	
7.	Integrate signage, public art and wayfinding devices	Core Objectives: (a) Master Plan Objectives: (ii) (iii) Performance Targets: Effective and consistent signage palette and plans are in place through detailed design Signage is consistent with branding of Council and the site as applicable Signage is effective in the communication of upcoming events and activities that are occurring at the site over time	7.1 7.2 7.3	Signage and wayfinding designs and layouts are developed in conjunction with detailed design - including a whole of site approach Signage, branding and public art opportunities are integrated with new works or as funding opportunities arise Signage is maintained and updated (e.g. variable message signs) to communicate regular events and activities	•	Signage palette and plans are available to guide implementation over time Signage meets design requirements and able to facilitate the communication of upcoming events and activities	
8.	Integrate, protect and enhance natural features	Core Objectives: (a) Master Plan Objectives: (ii) (iii) (v) Performance Targets: Use of areas reflects and responds to their natural assets and constraints Natural elements to the site are retained and integrated into use activities wherever possible		Appropriate detailed assessments are undertaken of natural areas to ensure proposed uses are appropriate and managed in ways that respond to natural area needs - e.g. design of cross-country equestrian course Where high value environments are identified, appropriate mechanisms are put in place to protect and enhance these environments.		Environmental assessment is undertaken prior to use of natural areas in accordance with relevant legislation Environmental management plans are in place for recognised areas of high environmental value (should these be identified over time)	
9.	Manage public safety in emergency situations	Core Objectives: (a) Master Plan Objectives: (i) (iii) (iv) (v) Performance Targets: Emergency management plans are in place and able to be effectively implemented during such situations	9.1	readily available and communicated to all user groups from bushfire, flood and other emergency situations as identified through development of such plans	•	Emergency management plans are in place, up to date and well communicated to user groups New development has appropriately responded to potential for natural hazards and emergency response situations	

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 43

Management Issue	Objectives and Performance Targets	Means of achievement of objectives	Manner of assessment of performance
10. Management of user group leases and licences	Core Objectives: (a) (b) Master Plan Objectives: (i) (iii) (iv) (vi) Performance Targets: User groups activities occur within the context of site user agreements with Council	 10.1 Council will ensure that use of the site is conducted in accordance with appropriate user agreements 10.2 Council, in conjunction with respective user groups and relevant legislation, will determine the appropriate user agreements to be utilised. 10.3 User agreements will include but are not limited to: Sporting and recreational groups, including equestrian related sports, horse racing and training, and other as applicable Commercial entities and activities including events, retail and food outlets, and other uses such as electric vehicle changing stations Community groups and related activities, such as the Men's Shed 	Regular site users are captured within a user agreement, either with Council or another identified site user under subsequent agreements Legislative requirements are met
		Camping and overnight stays in designated camping areas	
11. Ensuring adequate baseline infrastructure availability	Core Objectives: (a) Master Plan Objectives: (i) (iii) (iv) (vi) Performance Targets: Necessary baseline infrastructure is adequate to meet site user needs.	 11.1 Prior to any substantive development, detailed assessments of electrical, water and sewerage systems are undertaken 11.2 Appropriate rectification works are undertaken to meet user needs and ensure safe operation of facilities. 	 Appropriate assessments are undertaken in conjunction with major works
12. Simplify site zoning	Core Objectives: (a) Master Plan Objectives: (i) (iii) Performance Targets: • Entire Reserve is within the RE1 - Public Recreation zone	12.1 Council will include the rezoning of Lot 73 DP 755627 within an appropriate LEP housekeeping amendment to create consistency in zoning across the Reserve	Site is consistently zoned as RE1 - Public Recreation

Richmond Valley Council

Casino Showground and Racecourse Plan of Management 2019-2024

Page 44

6. POM ADMINISTRATION AND MANAGEMENT

Council will administer this Plan of Management in conjunction with its other Plans of Management for individual sites and generic plans that incorporate a range of Categorised lands. Funding for ongoing development of the site in accordance with the Master Plan at Appendix A will be subject to the considerations of Council and the competing pressures for project funding.

Efforts have been made to secure external funding for the project and these opportunities will continue to be pursued. This will include both State and Federal programs, with funding opportunities and efforts to be co-ordinated with user groups as required. Details of project costs are provided in the Master Plan Design Report (Locale Consulting, September 2018).

It is intended that the Plan of Management will be reviewed within 10 years of the date of endorsement by Council.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Page 45

Appendix A – Site Master Plan Drawings

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Appendix A

Appendix B – Site Analysis Plans

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Appendix B

Appendix C - Site Use Plans

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Appendix C

Appendix D – List of Existing Assets

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Appendix D

Casino Showground and Racecourse - Existing Assets List

Assets in the following table are identified in the subsequent plan by asset number (#).

#	Description	Condition ¹	Comments	
1	Main entrance	2	Walls and entry boom gate generally in good condition	
2	Pony Club arena	3	Basic grassed surface with some landscape surrounds. Perimeter fencing in relatively poor condition.	
3	Pony Club building	3	Metal framed and clad building in fair condition with outdoor undercover area.	
4	Pony Club day stalls	3	Metal and timber fenced areas. Metal fencing in good condition, however timber fenced areas are in comparatively poor condition.	
5	Men's shed	1	Near new metal clad building in good condition.	
6	Round yard	4	Approx. 24m diameter timber construction in relatively poor condition.	
7	Permanent stables	4 - 5	Typically metal clad and roofed stables in relatively poor condition. Some more substantial block work buildings with metal roof.	
8	Tractor shed	3	Block work building with metal roof.	
9	RV dump point	3	Dump point for recreational vehicle water and sewer.	
10	Pavilion	3	Brick building with metal roof.	
11	Poultry shed	3	Metal roof and clad building.	
12	Arena	3	Earth arena area for show time activities, rodeos and camp draft. Metal perimeter fencing surround with some permanent metal / timber grandstands.	
13	Canteen	4	Block work building with metal roof.	
14	Cutting yards	2	Steel fenced holding yards and larger cutting yard space approx. 30 x 35m.	
15	Camp draft club rooms	1	Near new metal framed and clad building in good condition with outdoor undercover area.	
16	Race Club building	3	Various buildings comprising public and private club areas Predominantly brick / block with metal roof. Areas include: Club members room / function - upstairs overlooking track; Public grandstand area near finish line; Jockey and stewards rooms - poor condition with regular water damage - inadequate female jockey space; Betting ring - bitumen seal floor surface with partial metal roof - floor area uneven and requires repair;	

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Appendix D

Page 193 Item 17.1 - Attachment 1

#	Description	Condition ¹	Comments	
			 Bar - Under upstairs function space with frontage to both track and betting ring; 	
			 Office space / administration building (weatherboard cottage with extensions); and 	
			 Entry areas including toilets. 	
17	Race meeting day stalls	3	Brick stalls with metal roof - approx. 160m in length along road frontage. $ \\$	
18	Toilets	4	Block work building with metal roof.	
19	Canteen building	4	Block work building with metal roof. Limited use.	
20	Undercover yard	3	Timber framed, metal roof and metal pens under. Used for show cattle.	
21	Sand track	3	Sand based training track. Approx. 1,400m total distance. Approx. 5-6m wide.	
22	Turf track	3	Turf track with start shoot. Various race lengths, up to 1,400m from start shoot to finish line. South-east corner become water-logged during heavy rain periods.	

Footnote 1

Condition rating is based on 1 - 5 scale. 1 representing assets in near new condition and 5 representing those that have failed or are on the verge of failure. These ratings are representative only and for comparative purposes. It is noted that no structural and detailed examinations of any infrastructure have been completed and assessment is visual only.

Richmond Valley Council
Casino Showground and Racecourse Plan of Management 2019-2024

Appendix D







Rappville Reserve Draft Plan of Management (2020)

Prepared by Infrastructure and Environment Department June 2020

Contents

GLOSSARY OF TERMS	3
Introduction	4
Background	4
Aims and objectives	4
Location and regional setting	5
Land covered by this plan of management	7
History and significance	7
Ownership of the land	8
Categorisation of the land	9
Other applicable legislation and plans	11
Existing uses and structures	14
Public use	
Site infrastructure	14
Management and future use	20
Core objectives for management of land	20
Permitted Uses	20
Future uses	22
Management issues	23
Policy and framework for management	23
Leases, licences and other estates	26
Legislative requirements	26
Future leases, licences and other estates	27
Appendices	28
APPENDIX A – DP1155620	28
APPENDIX B - Current Grazing Lease Area	29



Richmond Valley Council recognises the people of the Bundjalung nations as custodians and traditional owners of this land. We value and appreciate their unique role in the life of this region in the past, present and future.

Page 2 of 29

GLOSSARY OF TERMS

Community land	Land that is set aside for use by the general public for community use. This includes land such as neighbourhood parks, sportsgrounds, bushland, wetlands, foreshores or watercourses.
LG Act	Local Government Act 1993
LG Regulation	Local Government (General) Regulation 2005
LGA	Local Government Area
PoM	Plan of Management
RVC	Richmond Valley Council
Richmond Valley Made 2030 Community Strategic Plan (CSP)	The Community Strategic Plan (CSP) sits at the top of Council's planning framework and influences all the activities for the future of the local area. This plan identifies the community's main priorities and aspirations for the future and has established broad strategies for achieving these goals. https://richmondvalley.nsw.gov.au/wp-content/uploads/2018/09/Richmond-Valley-Made-2030-Community-Strategic-Plan-Adopted-by-Council-on-27-June-2017.3.pdf
Richmond Valley Council Resourcing Strategy 2015-2025	The Resourcing Strategy focuses on the resources (time, money, assets and people) to achieve the goals of the CSP. The Resourcing Strategy consists of the Long Term Financial Plan, Organisational Development Plan, and Asset Management Plan. https://richmondvalley.nsw.gov.au/wp-content/uploads/2018/09/220198 Resourcing Strategy 2015-2025.pdf

Page 3 of 29

Richmond Valley Council Rappville Reserve – Draft Plan of Management (2020)

Introduction

Background

The Rappville Reserve is owned by Richmond Valley Council and is community land under the Local Government Act 1993 (LG Act).

This plan of management has been prepared in accordance with the provisions of Part 2, Division 2, of Chapter 6 of the LG Act.

This specific plan has been developed for the use and management of the Rappville Reserve.

Aims and objectives

The plan of management aims to provide direction and continuity for the planning, resource management, maintenance, operation and programming of Rappville Reserve. It enables Council to proceed in an efficient and sustainable manner, helps reconcile competing interests, identifies priorities for the allocation of available resources, and facilitates public understanding.

Periodic revision of the plan enables changing social, economic and ecological conditions to be considered as they arise and, where necessary, be amended to reflect these changes.

The Rappville Reserve plan of management has been developed to meet the requirements of the *LG Act* specifically and to inform the public generally.

The plan will provide details of the use and management of the land and will identify the following:

- (a) the category of the land;
- (b) the objectives and performance targets of the plan with respect to the land;
- (c) the means by which Council proposes to achieve the plan's objectives and performance targets; and
- (d) the manner in which Council proposes to assess its performance with respect to the plan's objectives and performance targets.

Page 4 of 29

Richmond Valley Council Rappville Reserve – Draft Plan of Management (2020)

Location and regional setting

The Richmond Valley Council local government area comprises an area of 3051 km² in the Northern Rivers region of NSW (figure 1.1). Consisting of the six town and village areas of Casino, Broadwater, Coraki, Evans Head, Woodburn, Rappville, numerous rural locations, with a combined population of 23,181 in 2016. This area encompasses a broad range of environments including coastal, riverine, urban, rural and natural settings.

Rappville is a small village located 35km south of Casino (figure 1.2). The village was originally known for the thriving timber industry, cattle grazing and dairy industries, and is located on the Sydney-Brisbane train line, however, the station has long closed. The most prominent building in the village is still the Commercial Hotel, also known as the Rappville Pub. The village also contains a post office, an Anglican Church, tennis courts and a primary school.

In October 2019 the village was devastated by a destructive bushfire which raced through the residential area leading to the loss of 10 houses, a sawmill, telephone exchange and community hall.



Figure 1.1: Locality Map of Richmond Valley Local Government Area - Regional Context

Page 5 of 29

Richmond Valley Council
Rappville Reserve – Draft Plan of Management (2020)



Figure 1.2: Rappville township

Page 6 of 29

Land covered by this plan of management

This plan of management applies to Lot 1 DP 1155620, known as Rappville Reserve. The area of the land is approximately 6.116 ha. This plan was created under old system with limited folio creation, and as such the boundaries have not been investigated by the Registrar General.

Some of the Rappville Reserve facilities appear to encroach into Pearse Street road reserve (figure 1.3), however, the boundaries are undefined due to the lack of survey in this area. These facilities and the land, which form part of Rappville Reserve, are included in this plan of management.

Rappville Reserve is addressed as 9 Pearse Street, Rappville NSW 2469.



Figure 1.3: Rappville Reserve

History and significance

This land has been used for community involvement over many years, being the site for activities such as working dog trials, rodeo, camp draft, horse-drawn carriage training, overnight camping as part of a motorbike rally (planned stopover), Australia Day celebrations, community markets. Part of the land has been consistently leased for grazing.

Page 7 of 29

Richmond Valley Council
Rappville Reserve – Draft Plan of Management (2020)

Land zoning

Rappville Reserve is located on the north east corner of the intersection of Pearse Street. The parcel of land is approximately 6.116ha. The land is zoned RE1 – Public Recreation under Richmond Valley Council Local Environmental Plan 2012 (figure 1.4).

Adjacent land

The land uses to the north, east, and west are zoned RU1 - Primary Production and are characteristics of this zoning, comprising of a combination of rural dwellings, vacant underutilised land, bushland, and rural grazing land. South of Pearse Street the land zoning changes to RU5 - Village, this land uses incorporate dwellings, community facilities, and sparse distribution of small paddocks (figure 1.4).



Figure 1.4: Rappville Reserve, Richmond Valley Council Local Environmental Plan 2012 (LZN) Zoning Map

Ownership of the land

The land was vested to Council on the 17 June 1977.

Torrens Title for Council's ownership was established on 28 September 2011.

Page 8 of 29

Richmond Valley Council Rappville Reserve – Draft Plan of Management (2020)

Categorisation of the land

Section 36 of the LG Act requires that 'community land' is to be categorised into one or more of the following categories:

- (a) a natural area
- (b) a sportsground
- (c) a park
- (d) an area of cultural significance
- (e) general community use

The land covered by this plan is classified as a 'sportsground', and 'general community use' (figure 1.5).

Clauses 102 – 111 of Division 1 of Part 4 of the LG Regulation provides guidelines and the purpose of land categorisations categorisation processes. They are as follows:

General community use

Land should be categorised as general community use under Section 36(4) of the Act if the land:

- (a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public; and
- (b) is not required to be categorised as a natural area under section 36A, 36B or 36C of the LG Act and does not satisfy the guidelines under clauses 102–105 for categorisation as a natural area, a sportsground, a park or an area of cultural significance.

The land does not contain any known recorded habitat of endangered or threatened species.

The land does not contain any known areas of natural or cultural significance.

Sportsground

Land should be categorised as a sportsground under Section 36(4) of the Act if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.

Page 9 of 29

Richmond Valley Council Rappville Reserve – Draft Plan of Management (2020)



Figure 1.5: Rappville Reserve, categorisations of the Land

Page 10 of 29

Other applicable legislation and plans

Under Section 35 of the *LG Act*, community land is required to be used and managed in accordance with a plan of management and any law permitting the use of land for a specific purpose. Table 1 sets out the legislation (other than the *LG Act*) which applies, or potentially may apply, to management and use of Rappville Reserve.

Table 1 - Main legislation applicable to Rappville Reserve

Legislation	Application to Rappville Reserve					
Environmental Planning and	This Act provides environmental planning instruments for development control at the State, regional and local levels.					
Assessment Act 1979 (NSW)	While this plan determines permitted uses in the Rappville Reserve specific activity or development, proposals will require assessments through a development application (DA) process under Part 4 of this Act. Where a proposal is likely to have a significant impact on the environment an environmental impact assessment (EIA) must be conducted under Part 5 of the Act.					
	Where applicable, the DA and EIA processes consider and provide the public with information on the environmental, social, cultural and economic impacts of the proposed activity or development and enable members of the public to commen on the proposal.					
	State Environmental Planning Policy (Infrastructure) 2007, Clause 65 permits specific development upon a public reserve without consent.					
National Parks and Wildlife Act 1974 (NSW)	Under Part 6 of this Act, it is an offence to knowingly disturb an Aboriginal object or site without a consent permit issued by the Office of Environment and Heritage Traditional Aboriginal cultural activities, conservation works, and emergency activities are exempt from this provision.					
Heritage Act 1977 (NSW)	This Act covers the protection and management of non-Aboriginal heritage, It provides for listing of significant sites on the State Heritage Register or under local environmental plans.					
Biodiversity Conservation Act 2016 (NSW)	This Act provides for the management of biodiversity conservation and native vegetation, including through a Biodiversity Offsets Scheme, declaration of Areas of Outstanding Biodiversity Value and protection of threatened species. It provides for the listing and protection of threatened flora and fauna species and ecologica communities and the management of threatening processes. Any developments will need to demonstrate compliance with this Act.					
Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)	This Commonwealth legislation provides for the protection of nationally significant threatened species and cultural heritage. There were no nationally significant matters under this Act within Rappville Reserve at the time of writing this plan However, compliance with this Act should be demonstrated in consideration of future developments.					
Biosecurity Act 2015 (NSW)	This Act provides for the management of animal and plant pests, diseases and contaminants which threaten the environment, biodiversity, the economy and the community. Regulations, policies and procedures for are being developed. This Act replaces a range of legislation including the Noxious Weeds Act 1993.					

Page 11 of 29

Richmond Valley Council Rappville Reserve – Draft Plan of Management (2020)

Rural Fires Act 1997 (NSW)

Under Section 63 of this Act public authorities have a duty to take steps to prevent the occurrence of bush fires on their land and minimise the danger of the spread of bush fires from that land.

Compliance with this Act may also need to be demonstrated for any future developments as areas of Rappville Reserve are identified as bush-fire prone land.

Richmond Valley Made 2030 Community Strategic Plan (CSP)

Richmond Valley Council Community Strategic plan 2030, Richmond Valley Made 2030, was adopted by Council in June 2017. This CSP sets out strategies to achieve Council's vision:

A great community with a relaxed lifestyle, beautiful environment and vibrant economy

Council's priority, Connecting People and Places, is about providing and maintaining amenities and open spaces which service the needs of the diverse community. To be able to create happy and healthy communities whom enjoy living and working together. Strategies relevant to this plan include:

- providing clean and well-maintained public recreation and sporting facilities, and outdoor spaces which are accessible and safe for everyone; and
- to create and provide and promote community places and spaces which encourage the community to participate in healthy active lifestyles.

Councils priority, Growing our Economy, is about providing an environment which allows the economy to flourish now and into the future. Strategies relevant to this plan include:

increasing tourism for visitors and residents.

Richmond Valley Council Resourcing Strategy 2015-2025

Richmond Valley Council's *Resourcing Strategy 2015-2025* outlines the relationship between finance, people and assets as resources to deliver on services for the community. This incorporates asset management plans, Organisational Development Strategy and the Long Term Financial Plan.

This strategy is relevant to the plan through maintaining, renewal, rehabilitation and disposal of infrastructure assets at the Rappville Reserve. This is to ensure site infrastructure is managed in the most cost-effective manner ensuring financial sustainability whilst having the organisational resources to implement, support and provide ongoing maintenance and management of these facilities.

Page 12 of 29

Richmond Valley Council Rappville Reserve – Draft Plan of Management (2020)

Rebuilding the Richmond Valley Community Revitalisation Plan from 2019 Bushfires

On 8 October 2019 the rural township of Rappville was devastated by fire which burned through the township and surrounding areas. Of the 30 homes in the village, 10 were destroyed by fire and a further six damaged.

The revitalisation plan aims to help the impacted community to recover, rebuild, grow and thrive. The Rappville village master plan, identified in the revitalisation plan, specifically identifies renewing site infrastructure including:

- Fire-damaged cattle yards and arena fencing
- Rural fencing
- Enhancing canteen, toilets and washroom facilities

The revitalisation plan identifies the need for telecommunication improvements, improved tourism opportunities such as camping, festival and sporting events, and community facilities which are relevant to this plan of management.

Page 13 of 29

Existing uses and structures

Section 36 (3A ai - biii) of the *LG Act* requires that a plan of management is to include a description of the condition of the land and any buildings or other improvements on the land and their use as of the date of adoption of the plan.

Public use

The area identified 'general community use' comprises an area of approximately 3.415 ha. The area identified 'sportsground' has an area of approximately 2.78 ha. The sportsground oval consists of 1.28 ha includes open, mowed and fenced areas. The surrounding public facilities are maintained on grounds of approximately 1.5ha.

The Rappville Reserve is actively managed by Rappville Sporting Facilities Committee, exercised from Part 1, Section 355, of Chapter 12 of the *LG Act*. This committee acts on behalf of Council and manages this resource for the community.

This land is currently used for community events including Australia Day celebrations, a bull ride, and annual dog trials. Part of the land has a current lease for grazing (see Appendix C for current leased area).

Site Infrastructure

Rappville Reserve currently has several public facilities, buildings and land improvements which include (figure 1.6).

- Buildings (announcers box, bar/display area, canteen, amenities)
- BBQ area with wood BBQ
- Fencing around oval, septic and portable fencing
- . 3x table and seats with Colourbond roof
- Lighting
- 2x 10lt water tanks
- Effluent treatment (septic)

The photographs and condition assessment were performed as part of an asset revaluation on 10 February 2020 (see *Table 3*). The condition has been rated as per the following classification in *Table 2*.

Page 14 of 29

Table 2 - Condition description

Condition Rating ()	Description
0	Excellent –new asset
0.5	Excellent – used but in excellent condition
1	Very Good – no signs of defects
1.5	Very Good – minimal signs of defects
2	Good – some signs of wear and tear – no immediate intervention required
2.5	Good – minor routine maintenance
3	Average – minor to moderate routine maintenance
3.5	Average – moderate routine maintenance
4	Significant renewal – poor condition with extensive wear and tear or defects
4.5	Significant renewal – severe defects requiring replacement or reconstruction
5	Very poor – no longer providing acceptable level of service. If action is not taken, asset will need to be closed or decommissioned

Table 3 - Current condition assessment of building, structures and land improvements

Building - bar/display area

Structural shell constructed of weatherboard cladding of good condition (2). Roof constructed of metal of good condition (2).





Building - amenities

Structural shell constructed of concrete block cladding of good condition (2.5). Roof constructed of metal of good condition (2).





Page 15 of 29

Building - announcers box Structural shell constructed of weatherboard cladding of very good condition (1.5). Roof constructed of metal of very good condition (1.5).



Building - canteen
Structural shell constructed of weatherboard cladding of good condition (2). Roof constructed of metal of good condition (2).





Building - BBQ area Structural shell constructed of timber and weatherboard cladding of very good condition (1.5). Roof constructed of metal of very good condition (1.5).



Other structures - septic tank and enclosure fencing

Concrete septic effluent treatment tank of good condition (2). Enclosure fence 19m x 1mH galv steel post & two rails of very good condition (1.5).





Page 16 of 29

Other structures - tables and seats

Three units of basic pipe frame, Colourbond roof. Timber table and seats of good condition (2-2.5)



Other structures – fencing
1.4m high timber post oval fencing and three rails require significant renewal condition (4).



Other structures - BBQ

Concrete block timber fuel BBQ of poor condition requiring significant renewal (4).



Other structures - water tanks

10kL concrete water tank of good condition (2.5), 10kL Polyethylene water tank of good condition (2).





Page 17 of 29

Richmond Valley Council Rappville Reserve - Draft Plan of Management (2020)

Land improvement - footpath

1.2m wide concrete footpath of good condition (2).



Other structures - lights

Two floodlights on short roof mounted pole of average condition (3).



Land improvement - access road

Reserve access and internal road approximately 2.5m wide mostly of natural formation. Construction of gravel in very good condition (1.5)





Page 18 of 29

Richmond Valley Council Rappville Reserve – Draft Plan of Management (2020)

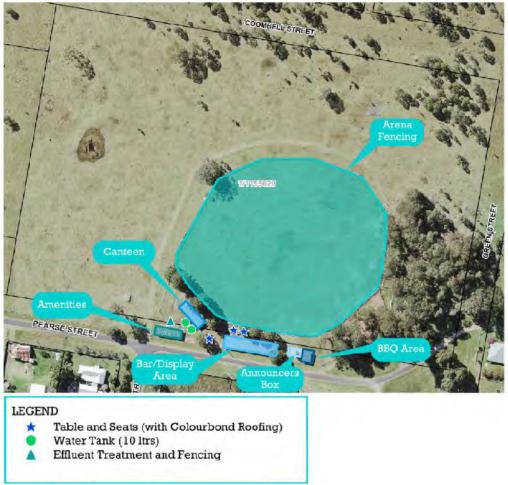


Figure 1.6: Rappville Reserve, location of site infrastructure

Page 19 of 29

Management and future use

Core objectives for management of land

Section 361 of the LG Act outlines the core objectives for management of community land categorised as general community use:

- to encourage, promote and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
 - (1) In relation to public recreation and physical, cultural, social and intellectual welfare or development of individual members of the public; and
 - (2) In relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Section 36F of the LG Act outlines the core objectives for management of community land categorised as a **sportsground**:

- to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games; and
- to ensure that such activities are managed having regard to any adverse impact on nearby residences.

Permitted Uses

Based on Richmond Valley Council Local Environmental Plan 2012 land use table for Zone RE1-Public Recreation and the legislative core objectives in the LG Act, the uses which may be permitted on community land categorised as 'general community use and 'sportsground' are:

Page 20 of 29

Richmond Valley Council Rappville Reserve – Draft Plan of Management (2020)

Permitted Uses	General Community Use	Sportsground	
 Passive recreation and the construction of facilities to cater for these activities. 	~	~	
 The playing of organised sporting activities and the construction and/or the use of facilities to cater for these activities. 	×	~	
 The construction of community facilities which will enhance individuals and groups to come together for social, community, educational, cultural, leisure and welfare activities, such as community halls, community/neighbourhood centres, senior citizens, youth and children's centres and museums. 	~	~	
Construction of emergency services facilities.	~	~	
 Establishment of flood mitigation and water control works. 	~	~	
 Establishment of environmental factors to provide shade around playing areas, a windbreak, enhanced scenic value or visual screening, habitat for native wildlife and a suitable buffer for the protection of water quality and ecological processes in neighbouring watercourses or wetlands. 	~	~	
Lease, license or the grant of another estate for: the connection of premises adjoining the community land to a facility of the Council or other public utility provider situated on the community land the playing of organised and informal sporting and recreational activities short-term casual purpose as prescribed by the LG Regulation Clause 116 refreshment kiosks and restaurants community activities car parking biodiversity stewardship agreements to conserve land of high biodiversity value such as, but not limited to, land containing endangered ecological communities	~	~	

Page 21 of 29

Richmond Valley Council Rappville Reserve – Draft Plan of Management (2020)

Future uses

It is expected the Rappville Reserve will continue with existing uses which includes:

- Australia Day celebrations
- Bull ride
- Working dog trials
- Grazing lease

With the implementation of the Community Revitalisation Plan from the 2019 bushfires the additional future use of the Rappville Reserve is proposed to include:

- RV-friendly overnight camping
- Telecommunication mobile tower capabilities
- Rodeo
- Equestrian endurance events
- Camp drafting events
- Additional community facilities/shed/buildings

The proposed development areas are shown on Figure 1.7.

A suitable location for the telecommunication mobile tower is currently being investigated with consideration of the location to be on the Rappville Reserve site.



Figure 1.6: Rappville Reserve, Location of Proposed Future Development Area

Page 22 of 29

Richmond Valley Council
Rappville Reserve – Draft Plan of Management (2020)

Management issues

Management issues are matters which arise periodically and generally impact on the areas of community land and public facilities.

Facilities/Activities Issue:

Discussion: What facilities are currently being provided for general community use and

sporting facilities? Are these facilities adequate? Are there plans to introduce

more or newer facilities?

Issue: Maintenance

Discussion:

What level of maintenance is required to maintain the facility to a satisfactory standard? Who is responsible for undertaking various aspects of maintenance? Has a maintenance program been setup or introduced to distinguish between Councils responsibilities and each relevant committee?

ssue: Community Involvement

Discussion: Council has identified the need for community and user involvement in

maintained, preparing and contributing to the use of the community land.

Issue: **Future Planning**

Are there plans to upgrade the area, expand, or improve facilities? Discussion:

Issue: Financial Resources

This issue relates to the provision of funds and/or labour to ensure the Discussion:

maintenance and improvements of the facilities being provided.

Policy and framework for management

Management	Objectives and	Means of achievement	Manner of
Issue	Performance Targets		assessment
Facilities/Activities	Maximise opportunities for community access to facilities and services. Identify opportunities for new community facilities and services. Ensure that management committees manage community facilities in accordance with Council's policies and licence agreement.	and the general community in the planning processes for new community facilities and future use. Undertake feasibility study and provide for funding through corporate planning	satisfaction and participation in the provision of community facilities and services. Level of demand for new

Page 23 of 29

Richmond Valley Council Rappville Reserve - Draft Plan of Management (2020)

Management	Objectives and	AND DESCRIPTION OF THE PARTY OF	Manner of
Issue	Performance Targets	achievement	assessment
Maintenance	To maintain the facilities which meet the expectation of the community and visitors. Optimise quality and opportunity of recreational experience for the facility users.	Support Rappville Sporting Facilities Committee for maintenance via financial assistance, advice, and grant applications. Continue grazing opportunities to partnership the maintenance activities with lease holder. Development with community groups to assist with future use and maintenance of the facilities and surrounding grounds. Invite the committee to include submission through Council's annual maintenance plans. Maintenance program revised with facility improvements in Council's Operational Asset Plan.	Number of complaints received regarding the maintenance of facilities and grounds. Level of user acceptance.
Community Involvement	Facilitate and encourage range of community-based activities to optimise the use of the facilities. Encourage community user groups to participate in the management of the facilities. Encourage for community committees to strive for self-sustainability.	Engage with the Rappville Sporting Facilities Committee for involvement with this plan and future vision of the facilities. Partner with the Rappville Action Group as part of the future plans and revitalisation of Rappville Reserve facilities since the 2019 bushfires. Invite public comment on this plan and to consider amendments as part of the process of producing a final plan.	Number of community groups requesting use of Council's community facilities and the number of groups able to be accommodated. Level of community input Level of user satisfaction.

Page 24 of 29

Richmond Valley Council Rappville Reserve – Draft Plan of Management (2020)

Management Issue	Objectives and Performance Targets	Means of achievement	Manner of assessment
Future Planning	Facilities are expanded and improved to support the rebuilding and revitalisation of Rappville.	Capital works incorporated as part of revitalisation Council's facilities programs. Resources and funding opportunities identified for opportunities for future planning.	Completion of future works Satisfaction standard of facilities provided. Positive community feedback.
Financial Resources	Encourage and partner with the community to pursue government funding to assist in maintenance/improvement of the facilities.	Encourage committee to be as self-sufficient as possible. Finances collected from RV camping hire will help cover the day-to-day expense of maintenance. Utilise finances receive from grazing towards maintenance of the facilities.	Level of funds obtained. Number of groups funded. Level of funding raised from committee ventures.

Page 25 of 29

Richmond Valley Council Rappville Reserve – Draft Plan of Management (2020)

Leases, licences and other estates

Legislative requirements

Sections 45-47AA of the *LG Act* establishes the restrictions and requirements for Council in relation to granting leases, licences and other estates on 'community land'. These requirements and restrictions include:

- The plan of management must expressly authorise the lease or licence and must be consistent with the core objectives for the category in which the land is issued.
- The lease, licence or other estate may be granted if the goods, services, facilities or activities are appropriate to the current and future needs within the local community and of the wider public, in relation to public recreation.
- The lease, licence or other estate may be granted for the provisions of public utilities, public roads or providing connections under the surface of the ground for the connection of adjoining community facilities.

Section 46(3) of the *LG Act* states the maximum period for any lease or licence is 30 years (including any renew option). If a lease, licence or other estate is proposed, under the provisions of Section 47-47A of the *LG Act*, Council must:

- Provide public notification of the proposed lease, licence or other estate (including on Council's website)
- Give notice of the proposal to landowners or occupiers of the land adjoining the subject 'community land'
- Be open to submissions from the general public regarding the proposal
- If a lease or licence exceeds 21 years Council must seek approval from the Minister

Clause 116 of the LG Regulations provides the purposes in which Council may grant a shortterm (five years or less) lease, licence or other estate, prescribed only if the use or occupation does not involve the erection of any building or structure of a permanent nature. These include:

- . The playing of a musical instrument, or singing, for fee or reward
- Engaging in a trade or business
- The playing of a lawful game or sport
- The delivery of a public address
- Commercial photographic sessions
- Picnics and private celebrations such as weddings and family gatherings
- Filming sessions
- The agistment of stock

For the purposes of Section 46(1)(b)(iii) of the LG Act, the use of any existing road or fire trail on community land to transport building materials and equipment required in relation to building work that is to be, or is being, carried out on land adjoining the community land, or to remove waste that is consequential on such work, is prescribed as a short-term, casual purpose.

For the purposes of Section 46(1)(b)(iii) of the *LG Act*, the use of any community land that does not have an existing road or fire trail to transport building materials and equipment required in relation to building work that is to be, or is being, carried out on land adjoining the community land, or to remove waste that is consequential on such work, is prescribed as a short-term, casual purpose if such work is for a purpose referred to in section 46(4)(a)(ii) of the Act.

Page 26 of 29

Richmond Valley Council Rappville Reserve – Draft Plan of Management (2020)

Future leases, licences and other estates

Sections 45-47AA of the *LG Act* establishes the restrictions and requirements on Council in relations to granting new leases, licences and other estates of 'Community Land'.

All existing leases, licences and other estates remain valid until renewal and they will not be terminated or become invalid because of the adoption of this new plan of management. They will be reassessed as part of any renewal, to comply with the current plan at that time.

This plan expressly authorises the issue of leases, licences and other estates over Rappville Reserve, provided:

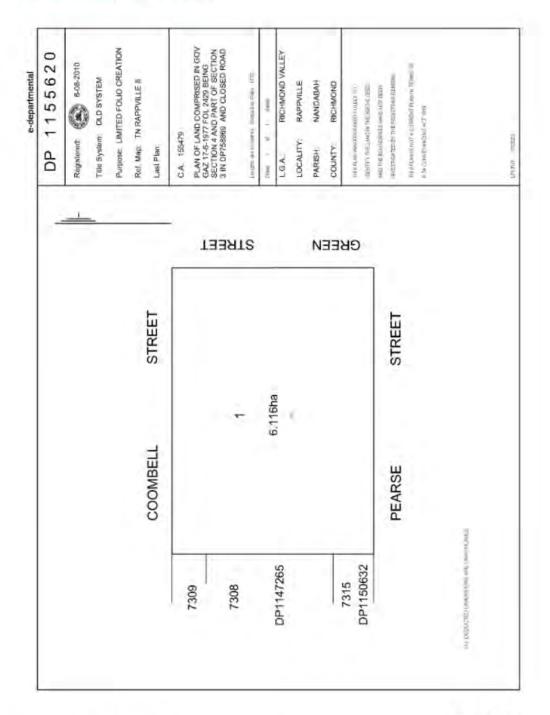
- The purpose of the lease, licence or other estate is consistent with the core objectives
 of the categories in which the land is issued.
- The lease, licence or other estate is consistent with the permitted purposes listed in the LG Act or the LG Regulation.
- The lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act and the LG Regulation.
- The issue of the lease, licence or other estate will not materially harm the use of the land for any of the core objectives of which it has been categorised.

Page 27 of 29

Richmond Valley Council Rappville Reserve – Draft Plan of Management (2020)

Appendices

APPENDIX A - DP1155620



Page 28 of 29

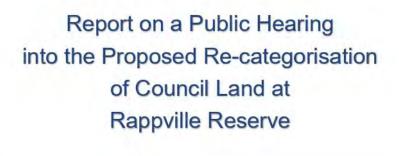
Richmond Valley Council
Rappville Reserve – Draft Plan of Management (2020)

COOMBELL DP 1755620 PEARSE LAND UNDER COUNCIL CONTROL Subject Land Part Rappville Recreation Reserve Part Lot 1 DP 1155620 Pearse St RAPPVILLE Approx. Area - 4.16 ha 11/12/2015 Scale: 1:2,500 DISCLAIMER: Whilst all due care has been taken in the preparation of this plan. Council accepts no responsibility for any misprints, errors or omissions. The information contained within this plan is for pictorial representation only. Do not scale. Accurate measurements should be undertaken by survey. This map has no Evidentiary value under the Evidence Act.

APPENDIX B - Current Grazing Lease Area

Page 29 of 29

Richmond Valley Council Rappville Reserve – Draft Plan of Management (2020)





The land the subject of this public hearing is known as Rappville Reserve, Rappville



Prepared for Richmond Valley Council by MikeSvikisPlanning 28 August 2020

This Report has been prepared by MikeSvikisPlanning for Richmond Valley Council and may only be used and relied upon by Richmond Valley Council for the purpose agreed between MikeSvikisPlanning and Richmond Valley Council.

MikeSvikisPlanning otherwise disclaims responsibility to any person other than Richmond Valley Council for any matter arising in connection with this Report. MikeSvikisPlanning also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by MikeSvikisPlanning in connection with preparing this Report were limited to those specifically detailed in the Report and are subject to the scope limitations set out in the Report.

The opinions, conclusions and any recommendations in this Report are based on conditions encountered and information reviewed at the date of preparation of the Report. MikeSvikisPlanning has no responsibility or obligation to update this Report to account for events or changes occurring subsequent to the date that the Report was prepared.

The opinions, conclusions and any recommendations in this Report are based on assumptions made by MikeSvikisPlanning described in this Report. MikeSvikisPlanning disclaims liability arising from any of the assumptions being incorrect.



3 Gibingbell Close Ocean Shores 2483

Mob: 0447 805 871

Ph: (02) 6680 1003

E: mikesvikisplanning@bigpond.com

Rev No	Author	Approved for issue	
		Signature	Date
A	M Svikis	M. Sules	26 August 2020
В	M Svikis	M. Sales	28 August 2020

CONTENTS

1	Introduction	1
	1.1 Objectives of the Public Hearing	1
	1.2 The Independent Chairperson	1
2	Background	3
	2.1 Relevant Legislation	4
	2.2 Subject Land	6
3	Public Hearing	8
	3.1 Advertising the Public Hearing	8
	3.2 Holding the Public Hearing	8
4	ISSUES	9
	4.1 Boundary Issues with Pearse Street	9
	4.2 Access to Neighbouring Land	9
5	Discussion of the Re-categorisation	11
6	Recommendation	13
7	What Happens Next?	14
Ap	ppendices	15

(j)

1 Introduction

Mike Svikis (Principal Planner at MikeSvikisPlanning) was engaged by Richmond Valley Council as an independent chair for a public hearing into the proposed re-categorisation of land at Rappville Reserve in Rappville.

The public hearing was held on 19 August 2020 at the Richmond Valley Council Chambers, Casino. It was held as a Skype meeting because of the COVID-19 restrictions on public gatherings. Four staff members represented Council at the public hearing. No-one made verbal submissions on the subject land. No written submissions were received up to the day of the public hearing. This report provides a recommendation to Council on the subject land.

This report, as it relates to the public hearing and proposed changes to the Rappville Reserve Draft Plan of Management prepared by Richmond Valley Council and dated June 2020, has been prepared under section 40A of the Local Government Act 1993 (the Act).

Council will consider this report in its deliberations on the re-categorisation of the subject land.

In preparing this report, I have also reviewed the information that Council placed on public exhibition. The public exhibition commenced on 16 July and closed on 14 August 2020, with submissions received up until 28 August 2020.

Rappville Reserve is public land owned by Richmond Valley Council. The whole of Rappville Reserve is zoned RE1 Public Recreation under *Richmond Valley Local Environment Plan 2012*. No change of land use zone is proposed. No land reclassification is currently proposed by Council.

I inspected the subject land on 19 August 2020.

1.1 Objectives of the Public Hearing

The objectives of the public hearing are to:

- Satisfy legislative requirements relating to public land re-categorisation.
- Provide an opportunity for any person to make a verbal submission.
- Enable those submissions to be considered by an independent chairperson who can then prepare a report and make recommendations on those issues to Council.

Public land' is any land (including a public reserve) vested in, or under the control of, Council (with some exceptions such as roads). 'Community land' is public land that is generally open to the public, eg parks, reserves or sports grounds. 'Operational land' is public land that may be used for other purposes, eg a works depot or held as a temporary asset. All public land is either Community or Operational (NSW Department of Planning Environment Practice Note PN 09-003).

The current classification of Rappville Reserve as Community land is not proposed to be changed by the draft plan of management.

1.2 The Independent Chairperson

The public hearing must be chaired by an independent person. In relation to this, the *Local Government Act* 1993 states:

47G Public hearings

 In this section, public hearing means any public hearing required to be arranged under this Part.



Page 1

- (2) The person presiding at a public hearing must not be—
 - (a) a councillor or employee of the council holding the public hearing, or
 - (b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.
 - (3) Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.

This public hearing was chaired by Mike Svikis who is not a Councillor or an employee of Richmond Valley Council now or at any time in the past.



Page 2

2 Background

Council adopted the current Plan of Management for Rappville Reserve on 18 June 1996. The entire reserve is currently categorised as Sportsground. At its information session in July 2020, Council agreed to publicly exhibit the draft plan of management for Rappville Reserve.

On 8 October 2019, the rural township of Rappville was devastated by fire, which burned through the township and surrounding areas. Of the 30 homes in the village, 10 were destroyed by fire and a further six were damaged (Rebuilding the Richmond Valley Community Revitalisation Plan from 2019 Bushfires). The revitalisation plan aims to help the impacted community to recover, rebuild, grow and thrive. The Rappville village master plan, identified in the revitalisation plan, specifically identifies renewing site infrastructure at Rappville Reserve, including:

- · Fire-damaged cattle yards and arena fencing
- Rural fencing
- · Enhancing canteen, toilets and washroom facilities,

The revitalisation plan identifies the need for telecommunication improvements; improved tourism opportunities such as camping, festival and sporting events; and community facilities, which are relevant to this plan of management.

To achieve this for Rappville Reserve, the plan of management needs to reflect the proposed future use of the site. In parts of the site, the existing categorisation reflects the existing and/or future uses envisaged by the master plan. For about half the site, the category would need to change to match the proposed future use. These changes are the subject of the public hearing.

Richmond Valley Council's Rappville Reserve Draft Plan of Management (2020) proposes to categorise/recategorise Community land comprising:

- The open grassed area west and north of the main fenced arena (3.415 hectares) from Sportsground to General Community Use.
- The balance of the site (2.78 hectares) will remain categorised as Sportsground.
- Part of the Pearse Street road reserve will be classified as Sportsground and part as General Community Use.

The proposed land categories in the Rappville Reserve Draft Plan of Management (2020) are shown in Figure 1.



Page 3

Figure 1: Rappville Reserve is proposed to be categorised as part Sportsground and part General Community Use



2.1 Relevant Legislation

The Local Government Act 1993 defines public land as:

Public land means any land (including a public reserve) vested in or under the control of the council, but does not include—

- (a) a public road, or
- (b) land to which the Crown Land Management Act 2016 applies, or
- (c) a common, or
- (d) a regional park under the National Parks and Wildlife Act 1974.

Section 36(3) of the *Local Government Act 1993* requires Council to prepare a plan of management for Community land and that the plan identifies the following:

- (a) the category of the land,
- (b) the objectives and performance targets of the plan with respect to the land,
- the means by which the council proposes to achieve the plan's objectives and performance targets,



Page 4

 (d) the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,

Section 36(4) of the Act requires that a plan of management which applies to just one area of 'community' land (as opposed to the whole local government area) be categorised as one or more of the following:

- (a) a natural area,
- (b) a sportsground,
- (c) a park.
- (d) an area of cultural significance,
- (e) general community use.

Section 36F of the Act identifies the core objectives for the management of Community land categorised as a Sportsground as follows:

- to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- (b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.

Section 36I of the Act identifies the core objectives for the management of Community land categorised as General Community Use as follows:

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public—

- in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Section 40A of the Act requires Council to hold a public hearing in relation to a proposed plan of management for Community land if the following apply:

- (1) The council must hold a public hearing in respect of a proposed plan of management (including a plan of management that amends another plan of management) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36(4).
- (2) However, a public hearing is not required if the proposed plan would merely have the effect of altering the categorisation of the land under section 36(5).
- (3) A council must hold a further public hearing in respect of the proposed plan of management if—
 - the council decides to amend the proposed plan after a public hearing has been held in accordance with this section, and
 - (b) the amendment of the plan would have the effect of altering the categorisation of community land under section 36(4) from the categorisation of that land in the proposed plan that was considered at the previous public hearing.



Fage 5

Item 17.3 - Attachment 2

The Local Government (General) Regulation 2005 provides guidance in relation to the use of various categories as follows:

103 Guidelines for categorisation of land as a sportsground

Land should be categorised as a sportsground under section 36(4) of the Act if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.

106 Guidelines for categorisation of land as general community use

Land should be categorised as general community use under section 36(4) of the Act if the land—

- may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and
- (b) is not required to be categorised as a natural area under section 36A, 36B or 36C of the Act and does not satisfy the guidelines under clauses 102–105 for categorisation as a natural area, a sportsground, a park or an area of cultural significance.

113 Preparation of draft plan of management where land is categorised in more than one category

A draft plan of management that categorises an area of community land, or parts of an area of community land, in more than one category must clearly identify the land or parts of the land and the separate categories (by a map or otherwise).

114 Adoption of draft plan of management in relation to which certain submissions have been made

- (1) This clause applies if-
 - a council prepares a draft plan of management, and
 - (b) the council receives any submission, made in accordance with the Act, concerning that draft plan that makes any objection to a categorisation of land under the draft plan, and
 - (c) the council adopts the plan of management without amending the categorisation that gave rise to the objection.
- (2) If this clause applies, the resolution by which the council adopts the plan of management must state the council's reasons for categorising the relevant land in the manner that gave rise to the objection.

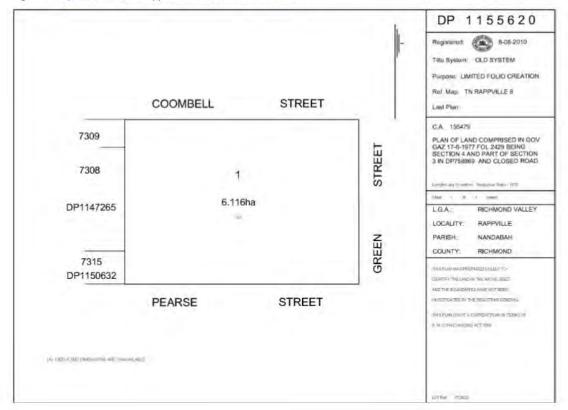
2.2 Subject Land

Rappville Reserve occupies one lot of 6.116 hectares, being Lot 1 DP 1155620 (Figure 2). Some uses have historically "spilled over" onto the adjacent Pearse Street road reserve. The public hearing is focussed on land that is being re-categorised and this land is approximately half of the Rappville Reserve.



Fage 6

Figure 2: Deposited Plan for Rappville Reserve - Lot 1 DP 1155620





Page 7

3 Public Hearing

3.1 Advertising the Public Hearing

Advertisements and notifications for the public hearing include:

- Council's website: https://richmondvalley_nsw.gov.au/exhibition/rappville-reserve-draft-plan-of-management/
- Local newspaper: ('Richmond River Independent' and 'The Northern Rivers Times', 29 July 2020)
- Facebook (Council, Rappville Express)
- · Emails to:
 - Rappville Advisory Group
 - Rappville Post Office (for distribution).

The newspaper advertisement is included as Appendix A to this report.

3.2 Holding the Public Hearing

The public hearing was held on 19 August 2020 at the Richmond Valley Council Chambers in Casino. It commenced at 5.30 pm and closed at 5.35 pm. Prior to the public hearing, the site was inspected by the independent chairperson and Council staff.

Mike Svikis chaired the public hearing. It was attended by Andrew Leach, Kelly Moroney, Kim Anderson and Georgia Matheson as representatives of Council. No members of the public attended the hearing. No-one had pre-registered to speak at the hearing.

No written submissions were provided to the independent chairperson at the time of holding the public hearing.

Kelly Moroney stated that she had tabled the draft plan of management to the Rappville Advisory Committee on 11 August 2020, and they raised no issues and did not suggest any changes. Notes from the meeting were provided to verify this consultation.

MikeSvikisPlanning Experience/Commitment/Quality

Page 8

4 ISSUES

4.1 Boundary Issues with Pearse Street

Rappville Reserve was registered as a single lot on 6 August 2010. However, it has not been surveyed in recent times and past improvements such as the amenities, bar/display area, announcer's box and barbecue area may all be located on the adjacent Pearse Street road reserve rather than the subject land (Figure 3). The draft plan of management acknowledges this issue.

The site needs to be surveyed as soon as practicable to establish whether the improvements are on Lot 1 DP 1155620 or the road reserve. Part of the road reserve can be closed and amalgamated into the Rappville Reserve as Community land because the road is lightly used and the reserve is quite wide (30 metres). Once this is achieved, it can be managed as part of this plan of management. This will also make it easier to take advantage of SEPP (Infrastructure) 2007 provisions in relation to the management of public reserves.

It is also noted that the Pearse Street road reserve is zoned RU5 Village under Richmond Valley LEP 2012, while Rappville Reserve is zoned RE1 Public Recreation. Council should consider increasing the area subject to the RE1 Public Recreation zone when the road related boundary issues have been resolved. If part of the road reserve is added to the Rappville Reserve, it should be classified as Community land.

Figure 3: Apparent encroachment of infrastructure onto the Pearse Street road reserve



4.2 Access to Neighbouring Land

A farm house is located at the eastern end of Pearse Street, adjacent to Rappville Reserve. It uses Pearse Street as its access, but before reaching the private land it "cuts the corner" across Lot 1 DP 1155620, being Rappville Reserve (Figure 4). This needs to be verified by survey. However, if this is the case then approximately 30 metres of a private driveway is located on Community land. There are a number of solutions that Council could consider in conjunction with the adjacent land owner to resolve this encroachment. However, the extent of any encroachment needs to be established by survey in the first instance.



Page 9

Figure 4: Potential encroachment of a driveway across the south-east corner of Rappville Reserve





5 Discussion of the Re-categorisation

The western and northern portion of Rappville Reserve has an area of 3.415 hectares (area shaded blue in Figure 1), and historically has been leased for grazing purposes to reduce the maintenance costs to Council and the community. Since the recent bushfires, the grazing of the land has ceased. Part of the site has been used for the temporary storage of materials cleared from bushfire sites prior to disposal. A hardstand area remains in this location but it will be removed in due course. This western area has no recent history of being used for sporting purposes.

Figure 5: Western area that is proposed for the General Community Use category



Council is now considering the western part of the reserve as a location for a rural fire shed for local volunteers to use as it has good road access, electricity and existing amenties.

Council is also considering using the site for primitive camping (such as camper vans) on a short-term basis. This may be associated with existing or proposed events that could take place on the sportsground part of the reserve.

In order to be categorised as General Community Use, the land must not be suitable to be categorised as a natural area, a sportsground, a park, or an area of cultural significance. In this case, the land has a small amount of scattered regrowth but is not categorised as having biodiversity values and, therefore, is not suitable to be categorised as a natural area (Appendix B).

The land has no sportsground related improvements or assets. It is not required as a park. An AHIMS search (Appendix C) shows that the site is not known to have Aboriginal cultural significance.



Page 11

The proposed re-categorisation of the western part of the land to General Community Use is appropriate as it will provide for a suite of community related uses in the future without having a negative impact on the sportsground related uses on the eastern part of the site.

Retaining the Sportsground category on the eastern part of the site (Figure 6) will allow it to be retained primarilly for active recreation, sports and outdoor games.

Figure 6: The sports oval and its curtilage will be retained in the Sportsground category





Page 12

6 Recommendation

That part of Rappville Reserve identified in the draft plan of management to be retained in the Sportsground category contains the sports oval and its curtilage. It is reasonable that it remains categorised as Sportsground.

That part of Rappville Reserve identified in the draft plan of management to be changed from Sportsground to General Community Use contains minimal public infrastructure and is suitable to be categorised as General Community Use to potentially permit a suite of non-sporting related uses on the site.

It is recommended that Council retains the proposed land categorisations as exhibited in the Rappville Reserve Draft Plan of Management (2020) because they represent the existing and/or proposed land uses accurately and no compelling reasons have been presented to change them.



Page 13

Page 239

Item 17.3 - Attachment 2

7 What Happens Next?

Section 114 of the Local Government (General) Regulation 2005 states that if a council receives any submission objecting to a categorisation of land in the plan of management (which it has not), and the council adopts the plan of management without amending the categorisation that gave rise to the objection, the resolution by which the council adopts the plan of management must state the council's reasons for categorising the relevant land in the manner that gave rise to the objection.

Within four days of receiving this final report, Council is required under section 47G (3) of the *Local Government*Act 1993 to make a copy of this report available for inspection by the public at a location within the area of the

Council



Page 14

Appendices

Appendix A: Newspaper Advertisement for Public Hearing to discuss Draft Plan of Management

Appendix B: NSW Biodiversity Values Map

Appendix C: AHIMS search for Rappville Reserve



Page 15

APPENDIX A

Newspaper Advertisement for Public Hearing to discuss Draft Plan of Management

RICHMOND VALLEY COUNCIL Rappville Reserve -Draft Plan of Management

Richmond Valley Council

Richmond Valley Council has prepared a draft Plan of Management for Rappville Reserve, and will hold a public hearing on **Wednesday 19 August** to discuss proposed changes to land categories in the draft Plan.

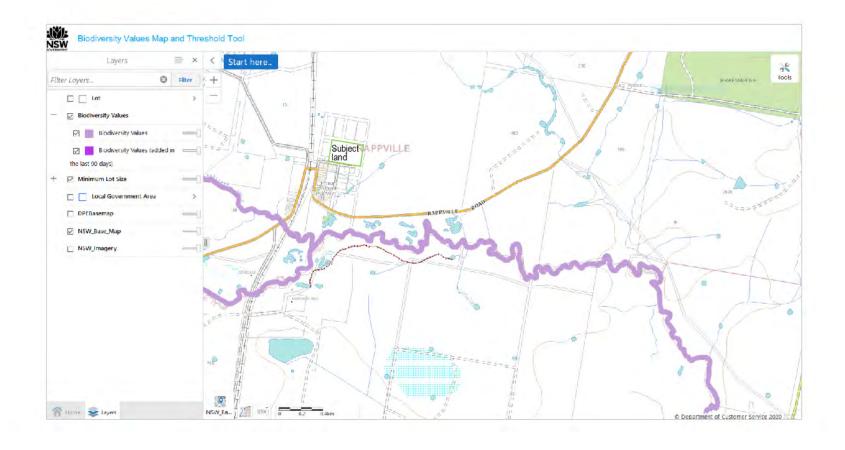
This draft Plan of Management incorporates the future use and development of the Rappville Reserve to meet the values and expectations of the community. Future works have been proposed on this land as part of rebuilding the community since the 2019 bushfires devastated the village. The draft Plan is available for viewing or download from the **On Exhibition** section on Council's website.

In accordance with Section 40A of the Local Government Act, a public hearing will be held on **Wednesday**, **19 August at 5.30pm** in regards to the proposed changes to categorisation of land in the draft Rappville Reserve Plan of Management. Due to COVID-19 restrictions on public gatherings, the public hearing will take place via a Skype for Business meeting.

To register your interest in the public hearing, go to www.richmondvalley.nsw.gov.au/exhibition/rappville-reserve-draft-plan-of-management/ or contact Council on 6660 0300.

APPENDIX B

NSW Biodiversity Values Map



APPENDIX C

AHIMS search for Rappville Reserve



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Rappville reserve

Client Service ID: 521906

Date: 21 July 2020

Mike Svikis

3 Gibingbell Close

Ocean Shores New South Wales 2483

Attention: Mike Svikis

Email: mikesvikisplanning@bigpond.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 1, DP:DP1155620 with a Buffer of 200 meters, conducted by Mike Svikis on 21 July 2020.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

O Aboriginal sites are recorded in or near the above location.

O Aboriginal places have been declared in or near the above location.*

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it.

 Aboriginal places gazetted after 2001 are available on the NSW Government Gazette
 (http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from
 Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested.
 It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are
 recorded as grid references and it is important to note that there may be errors or omissions in these
 recordings.
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of
 Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded
 as a site on AHIMS.
- . This search can form part of your due diligence and remains valid for 12 months.

3 Marist Place, Parramatta NSW 2150 Locked Bag 5020 Parramatta NSW 2220 Tel. (02) 9585 6380 Fax. (02) 9873 8599 ABN 30 841 387 271 Email ahims@environment.nsw.gov.au Web: www.environment.nsw.gov.au



3 Gibingbell Close Ocean Shores 2483

Mob: 0447 805 871

Ph: (02) 6680 1003

E: mikesvikisplanning@bigpond.com



Council Policy

Policy Title: Access to Council Records and

Privacy Management Plan

Policy Number: 1.19

Focus Area: CS1 Leading and Advocating for our Community

Responsibility: Governance

Meeting Adopted: Date of Council Meeting – Resolution Number

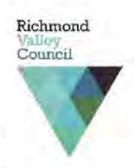


Table of Contents

Obje	ctive	2
Scop	e	2
Polic	у	2
1.	Types of personal information held by Council	2
2.	Access to information under the Government Information (Public Access) Act 2009	3
3.	Access to information under the State Records Act 1998	4
4.	Access to information under the Privacy and Personal Information Protection Act 1998	4
5.	Access to information under the Health Records and Information Privacy Act 2002	8
6.	Public Registers	11
7.	Privacy Protection Notice (Part 2, Division 1, Section 10 PPIP Act)	12
8.	Internal Review Process (Part 5, Section 52 & 53 PPIP Act)	13
9.	External Review Process	14
). Awareness	
	Offences	
Cons	ultation	15
Furth	her Information	15
Refe	rences	15
Revi	ew	16

Richmond Valley Council - 1.19 Access to Council Records and Privacy Management Plan

OBJECTIVE

The objectives of this policy are to determine public accessibility to Richmond Valley Council records, and to convey Council's commitment to protecting privacy and complying with our obligations under the *Privacy and Personal Information Protection Act 1998* (PPIP Act), *Health Records and Information Privacy Act 2002* (HRIP Act) and the *Government Information (Public Access) Act 2009* (GIPA Act). This policy has been reviewed in line with the Privacy Code of Practice for Local Government published in 2019.

Under section 33 of PPIP Act, Council is required to prepare a Privacy Management Plan. This Plan forms part of Council's Governance Framework.

5COPE

This policy applies to Councillors, employees (including volunteers), consultants, contractors and committee members when dealing with personal information or health information.

POLICY

1. Types of personal information held by Council

Council may hold personal information concerning its customers, ratepayers and residents, such as:

- Rates records;
- DA applications and objections;
- · Request for action/complaints; and
- Various types of health information (such as applications made on the basis of health grounds i.e. tree removal or rate concession applications).

Council may hold personal information concerning Councillors, such as:

- Personal contact information;
- · Complaints and disciplinary matters;
- · Pecuniary interest returns; and
- · Entitlements to fees, expenses and facilities.

Council may hold personal information concerning its employees, such as:

- Recruitment material;
- Leave and payroll data;
- · Personal contact information;
- Performance management plans;
- Disciplinary matters;
- Pecuniary interest returns;
- Wage and salary entitlements;
- Health information (such as medical certificates and workers compensation claims).

Richmond Valley Council - 1.19 Access to Council Records and Privacy Management Plan

Adopted: Date

Page 2 of 16

Item 18.2 - Attachment 1 Page 251

2. Access to Information under the Government Information (Public Access) Act 2009

Your rights to access Council information are provided in the GIPA Act. The GIPA Act was introduced on 1 July 2010 and replaced the *Freedom of Information Act 1989* and Section 12 of the *Local Government Act 1993*. It introduced a new right to information system designed to meet the community's expectations of a more open and transparent government.

The GIPA Act requires all councils to make certain information publicly available. The Act also requires Council to provide other information on request, although fees may be charged for access.

There are four ways in which council information is available under the GIPA Act:

Mandatory release: Certain information, referred to as open access information, must be published on the agency's website, free of charge.

Proactive release: Beyond mandatory release, agencies are encouraged to release as much government information as possible.

Informal request: Agencies are encouraged to informally release information, without the need for a formal application (and fee) to be submitted. Please note that photocopying charges may apply.

Formal application: This is the last resort if information is not accessible in any of the above three ways. Decisions made in response to formal applications are reviewable. Formal applications incur a \$30 application fee and may be subject to an additional \$30 per hour processing fee.

The GIPA Act requires Council to maintain an information guide and a disclosure log (both available on Council's website). The **information guide** includes information regarding the structure and functions of Council; the ways in which the functions (including, in particular, the decision-making functions) of Council affect members of the public; arrangements which exist to enable members of the public to participate in the formulation of Council's policy and the exercise of Council's functions; information on the various kinds of government information held by Council which Council makes (or will make) publicly available.

A **disclosure log** is a list of documents released following a decision about an application for access made under the GIPA Act where in Council's opinion the information released may be of interest to other members of the public.

Richmond Valley Council - 1.19 Access to Council Records and Privacy Management Plan

Adopted: Date

Page 3 of 16

Item 18.2 - Attachment 1 Page 252

Access to information under the State Records Act 1998

The State Records Act 1998, Part 6, 'Public access to State records after 30 years', allows the General Manager to give an Open Public Access direction (OPA) or a Closed Public Access direction (CPA) on records older than 30 years, which have become State Archives.

On the 28 February 2002 the General Manager determined that with the exception of the following list, Richmond Valley Council Records, including those of Casino, Richmond River Shire, Tomki Shire and Woodburn Shire have OPA status if they are older than 30 years.

- · Personnel case records;
- Workers compensation records; and
- Legal matters still pending.

Persons wishing to access the Council's archived records should apply in writing to the General Manager indicating which files they wish to access.

The General Manager may grant permission to use the reference facilities of the archive; examine and study individual archives and records or collections held by archives; or extract information from archives and records for research or publication.

If granted, the General Manager will make suitable arrangements for access to the records at the Council Office in Casino and determine supervision requirements. It should be noted that a record that is not open to public access under this Act does not affect any entitlement to access to the record under the GIPA Act.

Access to Information under the Privacy and Personal Information Protection Act 1998

Council respects the privacy of the residents and ratepayers of Richmond Valley area. In order to comply with the requirements of the Acts and regulations governing the actions of local government, Council will endeavour to provide appropriate information to the public using the Information Protection Principles.

Personal information is defined at section 4 of the PPIP Act as "information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion".

Richmond Valley Council – 1.19 Access to Council Records and Privacy Management Plan

Adopted: Date

Page 4 of 16

Information Privacy Principles (Part 2 Division 1 Sections 8 to 19 inclusive, PPIP Act)

1. The Council will not collect personal information unless:

- information is collected for a lawful purpose that is directly related to a function or activity of Council, and
- 1.2) the collection of the information is reasonably necessary for that purpose.

Council will not collect personal information by any unlawful means. From 1 July 2000 it may be unlawful to collect personal information from Government Departments in order to pursue debtors unless that Department has a clause allowing this under their management plan.

Council will continue the practice of dealing with the NSW Governments and Agencies for enquiries on personnel and recruitment matters where required.

When collecting personal information, Council will collect information only from the individual to whom the information relates unless:

- 2.1) the individual has authorised collection from someone else, or
- 2.2) the information has been provided by a parent or guardian of a person under the age of 16.

Note that Council is not required to comply with this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be, or may be, conferred upon the person to whom the information relates.

When Council collects personal information about an individual, that person will be notified of:

- 3.1) the fact that the information is being collected,
- 3.2) the purposes for which the information is collected,
- 3.3) the intended recipients of the information,
- 3.4) whether the supply of the information is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,
- 3.5) Council's name and address, where the information will be stored.

Council may depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be, or may be, conferred upon the person to whom the information relates.

4. Council will take reasonable steps to ensure that:

- 4.1) information collected is relevant to a purpose, is not excessive, and is accurate, up to date and complete, and
- 4.2) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

Richmond Valley Council – 1.19 Access to Council Records and Privacy Management Plan

Adopted: Date Page 5 of 16

- 5. With regards to the retention and security of personal information Council will ensure:
 - 5.1) the information is used for a lawful purpose and is kept for no longer than is necessary,
 - 5.2) that the information will be disposed of securely,
 - 5.3) that the information is protected against loss, unauthorised access, use, modification or disclosure and against all other misuse (as are reasonable in the circumstances), and
 - 5.4) if it is necessary to release the information to a person in connection with the provision of a service to Council, everything reasonable is done to prevent unauthorised use or disclosure of the information.

The culling and destruction of records is carried by Records staff in accordance with the Council's approved Records Management Disposal Schedule.

- 6. If Council holds personal information about any individual it must take the necessary steps to enable any person to ascertain:
 - 6.1) whether the Council holds personal information; and
 - 6.2) whether the Council holds personal information relating to that person, and
 - 6.3) if Council holds personal information relating to that person:
 - 6.3.1) the nature of that information; and
 - 6.3.2) the main purposes that the information is being used, and
 - 6.3.3) that person's entitlement to gain access to that information.
- Any person will be able to ascertain whether Council holds their personal information by making a request of Council.

A person can make a request to find out whether an agency holds their personal information, the nature of the information, the main purpose for which it was collected and the right of access by making a request in writing to the General Manager, Richmond Valley Council, Locked Bag 10 CASINO NSW 2470.

8. Any person who is unhappy with the accuracy or acceptable use of their personal information kept by Council, may request amendments be made to that information by writing to the General Manager.

Personal information must be used for the purpose that it was collected and used to any purpose that is directly related to that purpose, it must be relevant, up to date, complete and not misleading.

Council has an obligation to take such steps to amend personal information where necessary. If Council decides that it will not amend the information, it must add the additional information, so it can be read with the existing information and the individual notified. The individual to whom the information relates is entitled to have the recipients of the amendments made by Council.

Council will take reasonable steps to ensure the accuracy of personal information prior to
use, having regard to the purpose it was collected, its proposed use, its relevance, accuracy,
whether it is up to date, complete and not misleading.

A person can make a request to amend personal information held by Council, by writing to the General Manager, Richmond Valley Council, Locked Bag 10 CASINO NSW 2470.

Richmond Valley Council – 1.19 Access to Council Records and Privacy Management Plan

Adopted: Date Page 6 of 16

Council will not use personal information for a purpose other than for which it was collected unless:

- 10.1) the individual to whom the information relates has consented to use the information for that other purpose, or
- 10.2) the other purpose for which the information is used is directly related to the purpose for which it was collected, or
- 10.3) the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom that information relates or of another person, or
- 10.4) it is for the purpose of undertaking Council's lawful and proper functions and Council is satisfied that personal information is reasonably necessary for the exercise of such functions, or
- 10.5) where the personal information is to be used for the purpose of conferring upon a particular person, an award, prize or benefit or similar form of personal recognition.

Council will use any personal information for a variety of purposes within its departments, as on most occasions the information was collected for one main purpose, it may be used for a variety of other purposes. For example, the names and addresses of individual owners of property kept on the Rate Register are used to notify adjoining owners of proposed development, identify companion animal ownership, evaluate road openings and obstructions, evaluate tree preservation orders, investigate parking controls, evaluate land dedications and laneway status as well as being the basis of the Rating and Valuation Register. Staff investigating these uses of personal information will not notify individuals for approval to perform these functions. Personnel and recruiting records will be discussed with solicitors when the need arises and with administrative staff when necessary without prior approval of individuals.

11. Council will take reasonable care not to disclose personal information unless:

- 11.1) the disclosure is directly related to the purpose for which it was collected and there is no reason to believe the individual concerned would object, or
- 11.2) the individual has been made aware that this kind of information is usually released, or
- 11.3) disclosure is necessary to prevent or lessen a serious or imminent threat to the life of the individual concerned or another person, or
- 11.4) where a public sector agency or utility provider has written to Council and Council is satisfied that the information is to be used for the proper and lawful functions of that agency or utility provider, and that the personal information is reasonably necessary for the exercise of that agency or utility provider's functions, or
- 11.5) where personal information about an individual collected or held is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition, or
- 11.6) where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of their employment and the position occupied during their employment. Note that this exception shall not permit Council to give an opinion as to that person's suitability to a particular position unless Council is satisfied that the person has provided their consent for Council to provide a reference.

Richmond Valley Council – 1.19 Access to Council Records and Privacy Management Plan

Adopted: Date Page 7 of 16

12. Council will take reasonable care not to disclose personal information that:

- 12.1) relates to an individual's ethnic or racial origin, political opinions, religion or philosophical beliefs, trade union membership or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.
- 12.2) relates to any enquiry from anyone outside the State of New South Wales unless:
- 12.2.1) Council reasonably believes that the recipient of the information is subject to a law, binding scheme or contract that effectively upholds principles for fair handling of the information that are substantially similar to the information protection principles, or
- 12.2.2) the disclosure is permitted or required by an Act or any other law, or
- 12.3) where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of their employment and the position occupied during their employment. Note that this exception shall not permit Council to give an opinion as to that person's suitability to a particular position unless Council is satisfied that the person has provided their consent for Council to provide a reference.

Council will fulfill its obligations under the *Government Information (Public Access)* Act 2009 by providing free public access to documents and files and provide copies of those documents at reasonable cost. Restrictions on access will still apply, with exempt documents being released under the *Government Information (Public Access)* Act 2009 following the application process and the payment of the fee. The disclosure of personal information contained on Council files and computer records will be dealt with the provisions of these Acts, and where information released may cause personal hardship to a resident or ratepayer, reasonable care will be taken to ensure appropriate levels of disclosure will be maintained.

5. Access to information under the Health Records and Information Privacy Act 2002

In 2002, most references to 'health information' were taken out of the PPIP Act and separate legislation was enacted.

The Health Records and Information Privacy Act 2002 (HRIP Act) was enacted to deal with this specific type of personal information. From September 2004, various agencies and organisations, including local councils were expected to comply with the HRIP Act in their collection and management of health information.

Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual. Health information also includes personal information that is information or an opinion about:

- a health service provided, or to be provided, to an individual;
- an individual's express wishes about the future provision of health services to him or her;
- other personal information collected in connection with the donation of human tissue; or
- genetic information that is or could be predictive of the health of an individual or their relatives or descendants.

Health information is defined in section 6 of the HRIP Act. Local councils will often hold health information; therefore, it is very important for councils to be familiar with the 15 Health Protection Principles ("HPP") set down in Schedule 1 to the HRIP Act.

Richmond Valley Council - 1.19 Access to Council Records and Privacy Management Plan

Adopted: Date

Page 8 of 16

The following is a non-exhaustive list of examples of the types of health information and circumstances in which councils may collect health information in exercising its functions:

- Tree pruning/removal application where residents approach council for a reconsideration or reassessment of a tree pruning/removal application on medical grounds;
- Issuing of clean up orders which may include recording information about a resident's health,
 GP professional contact details or involvement with mental health services;
- Volunteer programs where volunteers are asked to disclose health conditions which may preclude them from some types of volunteer work;
- Community Services programs where information may be collected on special medical needs or dietary requirements, e.g. allergies for catering purposes;
- Information may be collected through a healthy community program; and/or
- Community development or community support workers records.

Health Privacy Principles (Schedule 1, HRIP Act)

Following is a summary of the Health Privacy Principles (source: Fact Sheet – Health Privacy Principles for the public, August 2019 https://www.ipc.nsw.gov.au/health-privacy-principles-hpps-explained-members-public)

Health Privacy Principle 1: Purposes of collection of health information

Lawful – an agency or organisation can only collect your health information for a lawful purpose. It must also be directly related to the agency or organisation's activities and necessary for that purpose.

Health Privacy Principle 2: Information must be relevant, not excessive, accurate and not intrusive

Relevant - an agency or organisation must ensure that your health information is relevant, accurate, up-to-date and not excessive. The collection should not unreasonably intrude into your personal affairs.

Health Privacy Principle 3: Collection to be from the individual concerned

Direct - an agency or organisation must collect your health information directly from you, unless it is unreasonable or impracticable to do so.

Health Privacy Principle 4: Individual to be made aware of certain matters

Open - an agency or organisation must inform you of why your health information is being collected, what will be done with it and who else might access it. You must also be told how you can access and correct your health information, and any consequences if you decide not to provide it.

Health Privacy Principle 5: Retention and Security

Secure - an agency or organisation must store your personal information securely, keep it no longer than necessary and dispose of it appropriately. It should also be protected from unauthorised access, use or disclosure.

Richmond Valley Council – 1.19 Access to Council Records and Privacy Management Plan

Adopted: Date Page 9 of 16

Health Privacy Principle 6: Information about health information held by organisations

Transparent - an agency or organisation must provide you with details regarding the health information they are storing, why they are storing it and what rights you have to access it.

Health Privacy Principle 7: Access to health information

Accessible - an agency or organisation must allow you to access your health information without unreasonable delay or expense.

Health Privacy Principle 8: Amendment of health information

Correct - allows a person to update, correct or amend their personal information where necessary.

Health Privacy Principle 9: Accuracy

Accurate - ensures that the health information is relevant and accurate before being used.

Health Privacy Principle 10: Limits on use of health information

Limited - an agency or organisation can only disclose your health information for the purpose for which it was collected or a directly related purpose that you would expect (unless one of the exemptions in HPP 11 applies). Otherwise separate consent is required.

Health Privacy Principle 11: Limits on disclosure of health information

Limited - an agency or organisation can only disclose your health information for the purpose for which it was collected or a directly related purpose that you would expect (unless one of the exemptions in HPP 11 applies). Otherwise separate consent is required.

Health Privacy Principle 12: Identifiers

Not identified - an agency or organisation can only give you an identification number if it is reasonably necessary to carry out their functions efficiently.

Health Privacy Principle 13: Anonymity

Anonymous - give the person the option of receiving services from you anonymously, where this is lawful and practicable.

Health Privacy Principle 14: Transborder data flows and data flow to Commonwealth agencies

Controlled - only transfer health information outside New South Wales in accordance with HPP 14.

Health Privacy Principle 15: Linkage of health records

Authorised - only use health records linkage systems if the person has provided or expressed their consent.

For further information on the HPPs, please contact the Information and Privacy Commission NSW (IPC) on 1800 472 679 or visit their website: www.ipc.nsw.gov.au.

Richmond Valley Council - 1.19 Access to Council Records and Privacy Management Plan

Adopted: Date Page 10 of 16

6. Public Registers

Public Registers under the PPIP Act (Part 6, Clauses 57, 58 & 59 PPIP Act)

Council will not disclose personal information kept in a Public Register unless the information is to be used for a purpose relating to the purpose of the Register, or an Act under which the Register is kept. Council may require that any person who applies for information from a public register complete a statutory declaration describing the intended use of any information obtained from the inspection.

The following amendments have been made by the Privacy Code of Practice for Local Government adopted in 2019.

The application of section 57 PPIP Act is modified to the extent that:

Council may allow any person to inspect a publicly available copy of a public register in council premises and copy a single entry or page of the register without requiring the person to provide a reason for accessing the register and without determining that the proposed use of the register is consistent with the purpose of the register or the Act under which the register is kept.

The application of section 57 PPIP Act is modified to the extent that:

- Council should not require any person to provide a reason for inspecting the Council's Pecuniary Interest Register or any register on which the council records returns of interests made by councillors or designated persons under Part 4 of the Model Code of Conduct for Local Councils in NSW.
- Council should not require the making of a statutory declaration as to the intended use of any
 information obtained from an inspection the Council's Pecuniary Interest Register or any register
 on which the council records returns of interests made by councillors or designated persons
 under Part 4 of the Model Code of Conduct for Local Councils in NSW.

Section 58 PPIP Act allows for the suppression of personal information in public registers where the person about whom the information relates has requested the information be removed from, or not placed in the register and not be disclosed to the public. If the public sector agency is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, the agency must suppress the information in accordance with the request. Unless the agency is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppression of the information.

Public Registers under the GIPA Act (Part 2, Division 1, Section 6 GIPA Act)

Section 6 GIPA Act requires the mandatory proactive release of certain government information, known as open access information, unless there is an overriding public interest against disclosure. Open access information is defined as Part 3 and includes an agency information guide, policy documents, disclosure log of access applications and register of government contracts.

Open access information will be made publicly available free of charge on Council's website. Please refer to Council's Agency Information Guide (available on Council's website) for further information.

Richmond Valley Council - 1.19 Access to Council Records and Privacy Management Plan

Adopted: Date

Page 11 of 16

Public Registers under the EPA Act (Section 4.58 & 6.26 EPA Act)

Under section 4.58 of the *Environmental Planning and Assessment Act 1979* (EPA Act), Council must keep a register of applications for development consent, determination of applications for development consent, determination of applications for complying development certificates and decisions on appeal from any determination made. The register is to be available for public inspections, without charge, at the office of the council.

Section 6.26 of the EPA Act addresses building information certificates. Council must keep a record of building information certificates issues. A person may inspect the record at Council's offices and a person may obtain a copy of a building information certificate without the consent of the owner of the building.

Public Registers under other legislation

The Local Government Act 1993 requires the maintenance of the following registers:

- Public Land Register (section 53) available to the public free of charge.
- Register of Pecuniary Interest Returns (section 450A) available to the public free of charge.
- Record of rates and charges (section 602) Council will not release the names and addresses
 of owners to any commercial valuation enquiries. Exceptions will be permitted for adjoining
 property owners for fence or development/building enquiries.

The Companion Animals Act 1998 requires the maintenance of the following register:

 Companion Animals Register (section 79) - Council will only allow access to Council staff or a Police Officer.

The Building and Development Certifiers Regulation 2020 requires the maintenance of the following register:

Registered Certifiers (cl 56) - Council must keep records of each registered certifier who is
employed or engaged by the council to carry out certification work on behalf of the council,
including name, registration number, date the registered certifier was engaged or
commenced employment, the date on which such employment or engagement ceased and a
description of each project.

Privacy Protection Notice [Part 2, Division 1, Section 10 PPIP Act]

When Council collects personal information from an individual, Council must make the individual aware of certain matters. To ensure that Council complies with the PPIP Act, where possible, a Privacy and Personal Information Protection Notice will be included on forms, letters and documents that are used to collect personal information from individuals.

The following is a sample statement that will be used as a guide when developing new forms for use by Council in collecting personal information.

Richmond Valley Council - 1.19 Access to Council Records and Privacy Management Plan

Adopted: Date

Page 12 of 16

Purpose of collection: Public access to Council's documents.

Intended recipients: Council staff and is publicly available under the GIPA Act.

Supply: Voluntary, a consequence of non-provision is that insufficient information will be provided.

Access/Correction: Requests for access/ correction of information under the GIPA Act or Privacy and Personal Information Protection Act 1998, contact Council's Right to Information Officer.

Storage: This form will be recorded in Council's Corporate Records Management System upon receipt.

Internal Review Process (Part S Section 52 & 53 PPIP Act)

Where a person who has requested information is aggrieved by the conduct of Council in the following circumstances:

- contravention of a privacy principle that applies to Council;
- · contravention of a code of practice that applies to Council; or
- · disclosure of personal information kept on a public register,

the person (applicant) is entitled to apply for an Internal Review. The application for review must be in writing and addressed to:

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

The application must be lodged within six (6) months from the time the applicant first became aware of the conduct (the subject of the application).

The application will be dealt with by an individual within the agency who is directed to deal with the application, who will consider any relevant material submitted by either the applicant or the Privacy Commissioner.

The review will be completed as soon as reasonably practicable within 60 days from receipt of the request for review. Following the completion of the review, Council may do one or more of the following:

- · take no further action on the matter;
- make a formal apology to the applicant;
- · take appropriate remedial action;
- provide undertakings that the conduct will not occur again; and/or
- implement administrative measures to ensure that the conduct will not occur again.

As soon as practicable within 14 days of the completion of the review, Council will notify the applicant in writing of:

- the findings and the reasons for those findings;
- any proposed actions to be;
- the right of the applicant to have those findings and the Council's proposed action, reviewed by the Administrative Appeals Tribunal.

Richmond Valley Council - 1.19 Access to Council Records and Privacy Management Plan

Adopted: Date

Page 13 of 16

Page 14 of 16

9. External Review Process

Under section 45 of the PPIP Act, individuals may make a complaint to the Privacy Commissioner if they believe an agency had breached or violated their privacy under the PPIP Act or the HRIP Act.

For further information, refer to Information and Privacy Commission NSW's website: www.ipc.nsw.gov.au or phone 1800 472 679.

Under section 55 of the PPIP Act, if a party is not satisfied with the outcome of an internal review, they may appeal to the NSW Civil and Administrative Tribunal (NCAT).

For further information, refer to NCAT's website www.ncat.nsw.gov.au or phone 1300 006 228.

10. Awareness

Officers and Councillors of Richmond Valley Council will be made aware of this policy and the obligations contained within upon induction and through ongoing awareness programs.

This policy will be published on Council's website to assist the public understand their rights regarding personal and health information held by Council.

11. Offences

Offence	Maximum penalty	Legislative provision	
It is a criminal offence to access or modify restricted data held in a computer where authorisation has not been provided	2 years imprisonment	Section 308H Crimes Act 1900 Section 62 PPIP Act Section 68 HRIP Act	
It is a criminal offence for a public sector official to corruptly disclose and use personal or health information	Fine of up to 100 penalty units (\$11,000) or Imprisonment for two years, or both		
It is a criminal offence for a person to offer to supply personal or health information that has been disclosed unlawfully	Fine of up to 100 Section 63 PPIP penalty units (\$11,000) or Imprisonment for two years, or both		
It is a criminal offence for a person – by threat, intimidation or misrepresentation – to persuade or attempt to persuade an individual: to refrain from making or pursuing a request to access Health information, a complaint to the Privacy Commissioner or NCAT, or an application for an internal review; or to withdraw such a request, complaint or application.	Fine of up to 100 penalty units (\$11,000)	Section 70(1) HRIP Act	
A person must not – by threat, intimidation or misrepresentation – require another person to give consent under HRIP Act, or require a person to do, without consent, an act for which consent is required.	Fine of up to 100 penalty units (\$11,000)	Section 70(2) HRIP Act	

Richmond Valley Council - 1.19 Access to Council Records and Privacy Management Plan

Adopted: Date

It is a criminal offence for a person to: wilfully obstruct, hinder or resist the Privacy Commissioner or a member of the staff of the Privacy Commissioner, refuse or wilfully fail to comply with any lawful requirement of the Privacy Commissioner or a member of the staff of the Privacy Commissioner, or	Section 68(1) PPIP Act
wilfully make any false statement to or mislead, or attempt to mislead, the Privacy Commissioner or a member of the staff of the Privacy Commissioner in the exercise of their functions under PPIP Act or any other Act	

CONSULTATION

This review was undertaken in consultation with relevant Council staff, together with feedback from the Information and Privacy Commission.

FURTHER INFORMATION

For information about your privacy rights under the PPIP Act or HRIP Act call the NSW Information and Privacy Commission on 1800 472 679 or visit the NSW Information and Privacy Commission website at www.ipc.nsw.gov.au.

REFERENCES

- Building and Development Certifiers Regulation 2020
- Companion Animals Act 1998
- Crimes Act 1900
- Environmental Planning and Assessment Act 1979
- Government Information (Public Access) Act 2009
- Health Privacy Principles for the public, August 2019 (Factsheet) https://www.ipc.nsw.gov.au/health-privacy-principles-hpps-explained-members-public)
- Health Records and Information Privacy Act 2002
- Local Government Act 1993
- Privacy and Personal Information Protection Act 1998
- Privacy Code of Practice for Local Government 2019
- Richmond Valley Council Model Code of Conduct Councillors/Personnel
- State Records Act 1998

Richmond Valley Council - 1.19 Access to Council Records and Privacy Management Plan

Adopted: Date

Page 15 of 16

REVIEW

This policy will be reviewed by Council at the time of any relevant legislative changes, compliance requirements or at least every four years.

Version Number	Date	Reason / Comments
1 Date		This policy updates and combines the previously stand-alone documents of Privacy Management Plan (adopted 2000), and the Access to Council Records by the Public Policy (adopted 2002).
	Following feedback from the IPC, the following sections have been added/expanded upon: Types of personal information held by Council, Health Privacy Principles, Offences, Consultation.	

Richmond Valley Council – 1.19 Access to Council Records and Privacy Management Plan

Adopted: Date

Page 16 of 16