

Richmond
Valley
Council



ATTACHMENTS

Tuesday, 21 September 2021

UNDER SEPARATE COVER

Ordinary Council Meeting

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Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
17 August 2021**

ORDINARY COUNCIL MEETING MINUTES

17 AUGUST 2021

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17 AUGUST 2021

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ORDINARY COUNCIL MEETING MINUTES

17 AUGUST 2021

**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT VIA ZOOM MEETING
ON TUESDAY, 17 AUGUST 2021 AT 5.10PM**

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

PRESENT: Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys, Cr Jill Lyons, Cr Daniel Simpson

IN ATTENDANCE: Vaughan Macdonald (General Manager), 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.

3 PUBLIC ACCESS AND QUESTION TIME

Nil

4 APOLOGIES

Nil

5 MAYORAL MINUTES

5.1 MAYORAL MINUTE - ROUS FUTURE WATER PROJECT

RESOLUTION 170821/1

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That Council:

1. Notes the resolution of the Rous County Council 21 July 2021 Extraordinary Meeting regarding the Future Water Project;
2. Writes to Rous County Council expressing its concern with the decision;
3. Notes that the Dunoon Dam proposal was identified in the draft Far North Coast Regional

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ORDINARY COUNCIL MEETING MINUTES

17 AUGUST 2021

Water Strategy as an option for further consideration;

4. Seeks support from the Deputy Premier, the Hon. John Barilaro MP and the Minister for Water the Hon. Melinda Pavey MP, to complete the detailed cultural heritage and biodiversity assessments associated with the proposed Dunoon Dam, in consultation with relevant Traditional Custodians, prior to finalisation of the Regional Water Strategy;
5. Supports the calls by our local member Chris Gulaptis MP and the Parliamentary Secretary for Water Infrastructure, Sam Faraway MLC for an independent study to investigate water storage and security, flood mitigation, river health and water quality in the area serviced by Rous County Council.
6. Requests the Minister for Local Government, the Hon. Shelley Hancock MP and the Minister for Water, the Hon. Melinda Pavey MP undertake a review of the Rous Water Integrated Water Cycle Management planning process to determine if Rous County Council has:
 - a) Complied with its legislative responsibilities, specifically in regard to community consultation and its decision making processes on behalf of its constituent Councils;
 - b) Appropriately addressed water security risk management within its area of operations.

CARRIED

Note: The Mayor confirmed that Councillors would receive a copy of the draft letters, prior to distribution, which will include raising the issue of the projected increased population growth (37%) and the requirement for additional water supply for our region.

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD ON 20 JULY 2021

RESOLUTION 170821/2

Moved: Cr Daniel Simpson

Seconded: Cr Jill Lyons

That Council confirms the Minutes of the Ordinary Meeting held on 20 July 2021.

CARRIED

6.2 INTERNAL AUDIT AND RISK COMMITTEE MINUTES 3 AUGUST 2021

RESOLUTION 170821/3

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Council receives and notes the Minutes of the Internal Audit and Risk Committee Meeting held on 3 August 2021.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Mayor Robert Mustow referred to questions asked at the 20 July Ordinary meeting by Councillor Daniel Simpson, in relation to Part 1 of the question; the Development Application for the New Italy Complex (24-hour service station and restaurant) and enquired about the public meeting held onsite.

Cr Simpson advised that he attended the meeting with 40-50 other persons present.

Due to Covid restrictions with travel, the proponents/consultants answered any questions via zoom which created some challenges, however the meeting was well run and issues were addressed.

8 DECLARATION OF INTERESTS

Nil

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYORAL ATTENDANCES 14 JUNE - 12 JULY 2021****RESOLUTION 170821/4**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayor's attendance report from 13 July – 9 August 2021.

CARRIED

12 DELEGATES' REPORTS**12.1 DELEGATES' REPORT SUBMITTED TO AUGUST 2021 ORDINARY MEETING****RESOLUTION 170821/5**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Mustow

That Council receives and notes the Delegates' Report for the month of July 2021.

CARRIED

13 MATTERS DETERMINED WITHOUT DEBATE

13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE

Nil

14 GENERAL MANAGER'S REPORTS**14.1 DELIVERY PROGRAM PROGRESS REPORT 1 JANUARY 2021 TO 30 JUNE 2021.****EXECUTIVE SUMMARY**

Council adopted the revised 2017/2022 Delivery Program in June 2021. 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 achievements 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 four of the Delivery Program.

A dashboard has been provided to summarise Council's overall performance in meeting its four-year targets. The number of completed traffic lights (93%) demonstrates a solid performance for this period of the extended five-year program.

RESOLUTION 170821/6

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Progress Report on the Delivery Program for 1 January to 30 June 2021.

CARRIED

Note: The Mayor noted the 93% completion rate for the delivery program and asked the General Manager to congratulate staff on achieving this positive result, under the current difficult conditions.

14.2 RAPPVILLE SEWERAGE SCHEME UPDATE**EXECUTIVE SUMMARY**

In the aftermath of the 2019 bushfires, Council developed a Recovery Plan to highlight ways that Rappville could 'build back better'. A sewerage scheme for Rappville formed part of this Recovery Plan, and through the Bushfire Local Economic Recovery Fund (BLERF), funding of \$3M was secured to deliver this project.

Community consultation has been a critical element of the project thus far with the results of a recent survey showing support for the scheme and a preference for Option A2: a Centralised Treatment Plant – Pressure Sewer System (Oxidation Pond Irrigation). Public Works cost estimates reveal a likely budget shortfall to achieve delivery of the desired sewerage scheme option, so consideration needs to be given to Councils risk appetite for executing a funding agreement.

RESOLUTION 170821/7

Moved: Cr Robert Mustow
Seconded: Cr Stephen Morrissey

That Council

1. Notes the update on the Rappville Sewerage Scheme;
2. Authorises the General Manager to execute the grant funding agreement with Public Works Assurance and Regional NSW for the Rappville Sewerage Scheme project, noting a potential shortfall between the grant amount and the projected capital cost of the project, which if realised will require funding from the Sewer Fund as set out in this report;
3. Notes the results of the Rappville Sewerage Scheme community survey and the 68% positive response rate for a sewerage scheme in Rappville.

CARRIED

14.3 CASINO SHOWGROUND PRECINCT PROJECT UPDATE**EXECUTIVE SUMMARY**

Council has secured \$9.2M in funding for the upgrade of the Casino Showground Precinct. A Masterplan was adopted for the Showground and most elements will be delivered under this funding by the required date of 30 June 2023. Features such as the grass and sand track upgrade, the day stalls and the truck and float parking area will be managed internally by our own works crews and directly appointed contractors. The remaining inclusions will form part of a Design and Construct Tender process, made necessary by unsuccessful negotiations with design only contractors failing to meet budget expectations for the design element of the project.

RESOLUTION 170821/8

Moved: Cr Daniel Simpson
Seconded: Cr Robert Hayes

That Council:

1. Notes the outcome of negotiations for Tender VP242344 – Detailed Design of Casino Showground Precinct which has not resulted in a suitable design contractor being engaged;
2. Notes that a Design and Construct tender process for the Casino Showground Precinct project is now being pursued;

3. Notes that a future report on this tender process will be provided for Council's consideration.

CARRIED

15 FINANCIAL REPORTS

15.1 FINANCIAL ANALYSIS REPORT - JULY 2021

EXECUTIVE SUMMARY

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

The value of Council's Investment Portfolio as at 31 July 2021 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	TCorp IM Funds	Total
\$16,501,440	\$21,000,000	\$4,750,390	\$15,605,440	\$57,857,270

The weighted average rate of return on Council's investments for July 2021 was 5.85% which was above the Bloomberg AusBond Bank Bill Index for July of 0.00%, which is Council's benchmark.

RESOLUTION 170821/9

Moved: Cr Jill Lyons

Seconded: Cr Robert Hayes

That Council adopts the Financial Analysis Report detailing investment performance for the month of July 2021.

CARRIED

Question on Notice:

Cr Jill Lyons sought further information, requesting an itemised breakdown from T-corp regarding ethically responsible investments as well as non fossil fuel investments be included in the list of the companies they invest Richmond Valley Council's money in.

The General Manager advised that the information would be requested from T-corp, and that a review of Council's Investment policy would be undertaken by the in-coming Council in early 2022.

16 GENERAL BUSINESS

Nil

17 MATTERS FOR INFORMATION**RESOLUTION 170821/10**

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

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

CARRIED

17.1 NRLX STATISTICS AND FINANCIAL PERFORMANCE**RESOLUTION 170821/11**

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

That Council receives and notes the NRLX Statistics and Financial Performance Report as at 30 June 2021.

CARRIED

17.2 RICHMOND-UPPER CLARENCE REGIONAL LIBRARY ANNUAL REPORT 2020/2021**RESOLUTION 170821/12**

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

That Council receives and notes the Richmond-Upper Clarence Regional Library 2020/2021 Annual Report which highlights the important services provided across the Richmond Valley and Kyogle areas.

CARRIED

The Mayor commended the report and the excellent service provided to the community by the library and asked the General Manager to pass on Council's congratulations to library staff.

17.3 GRANT APPLICATION INFORMATION REPORT - JULY 2021**RESOLUTION 170821/13**

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

That Council receives and notes the Grant Application Information Report for the month of July 2021.

CARRIED

17.4 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 JULY 2021 TO 31 JULY 2021**RESOLUTION 170821/14**

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

That Council receives and notes the Development Application report for the period 1 July 2021 to 31 July 2021.

CARRIED

17.5 CORRESPONDENCE - TRANSPORT FOR NSW REGARDING EVANS HEAD BREAK WALL**RESOLUTION 170821/15**

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

That Council receives and notes the correspondence received from the Minister for Transport and Roads regarding the maintenance of the Evans Head Break walls.

CARRIED

Question on Notice:

Cr Daniel Simpson referred to the Transport for NSW response letter and enquired about previous contractual arrangements with RMS, now TfNSW for maintenance of the breakwall.

The General Manager advised that there had been an agreement for repairs on a "as needs basis", with RMS covering the costs of Richmond Valley Council underaking the works. Council would be seeking an ongoing contractual maintenance program with TfNSW, following upgrading of the breakwall, to ensure an appropriate level of service was provided in future. As identified in the letter, State government funding is available and staff will continue to pursue this opportunity, to enable the required repairs.

18 QUESTIONS ON NOTICE

Nil

19 QUESTIONS FOR NEXT MEETING (IN WRITING)

Cr Robert Mustow asked the following question:

What is Richmond Valley Council's waste water testing regime in relation to the current COVID situation?

The General Manager advised that NSW Health manages the program working with relevant authorities in NSW, to determine an appropriate testing regime for sewerage treatment facilities, based on risk. Councils take samples which are then forwarded to Sydney for examination. Richmond Valley samples have been taken (11th and 17th August) from the Casino sewerage treatment plant, and Council is currently awaiting these results. As yet, NSW Health has not requested testing at other treatment plants in the local government area. This is just one of the

ORDINARY COUNCIL MEETING MINUTES

17 AUGUST 2021

methods the NSW Government is using to respond to the COVID situation. NSW Health will communicate the results of the sewerage testing to the public via its website.

The Meeting closed at 6.20 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 September 2021.

.....
CHAIRPERSON

Richmond
Valley
Council



Richmond Valley Community Preparedness & Resilience Plan

ADVERSE EVENT PLAN
September 2021

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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.

This plan will build community leadership capability and the capacity to adapt and cope with the chronic stresses and acute shocks caused by adverse events.

INTRODUCTION

The Richmond Valley Community Preparedness and Resilience Plan has been prepared by Richmond Valley Council as a requirement of the Drought Communities Programme. This adverse event plan will provide a strategy and guidance framework for increasing resilience to the likely and potential adverse events that threaten Richmond Valley Council Local Government Area (LGA).

In August 2019 the Richmond Valley LGA was severely impacted by bushfire events which resulted in 48.6% of the local government area and more than 350 homes, outbuildings and facilities being impacted by fire. This large-scale bushfire burnt 142,741 hectares of land within the LGA and severely impacted key industries including primary producers and forestry.

Since then, the Richmond Valley Council LGA has suffered numerous adverse events; the longest drought in living memory, severe storms and flooding, and the global COVID-19 pandemic. This period of overlapping natural disasters and adverse events has shown the strength of the local Council, combat agencies and the overall emergency response management arrangements, as

well as the resilience of our local communities.

This plan has been developed with the valuable input of Council staff and the community, including local farmers, local business owners, representatives from crisis support and health services.

This Adverse Event Plan aims to improve preparation for and recovery from adverse events. The key strategies and actions within this plan are intended to help build community leadership capability, community resilience and the capacity to adapt and cope with chronic stresses and acute shocks caused by adverse events. It articulates Council's role as vital in providing accurate and timely information to its community and to advocate to state and federal governments on their behalf.

This plan is a public document that Council can implement in its preparation for future adverse events and to assist recovery from the recent bushfires, flooding and pandemic. It can be used by the community, farmers, local business and service providers to understand Council's role in building preparedness and how Council can support them in recovery.

This plan was endorsed by Council on **insert date.**

ABOUT THE RICHMOND VALLEY

The Richmond Valley Local Government Area (LGA) is located in the Northern Rivers region of NSW and covers 3050 square kilometres of land which extends from the coastline at Evans Head to the foothills of the Great Dividing Range in the west, interspersed with prime agricultural land, regional villages, state forests and national parks.

A vastly dispersed but close-knit and supportive community, Richmond Valley is home to over 23,000 people and the median resident age is 44 years. Casino, the largest population centre (10,900) is supported by centres such as Evans Head (2,850), Coraki (1,278), Woodburn (730) and Broadwater (643) which provide rural lifestyle and coastal living opportunities (North Coast Regional Plan).

Children aged 0 – 14 years old comprise 19.2% of the population in the Richmond Valley LGA and 22.5% of the population is over the age of 65. Over 1,630 residents identify as Aboriginal or Torres Strait Islander People. The average weekly household income is \$953, lower than the NSW average of \$1,486. At the time of the 2016 Census, 8.7% of the population indicated that they had a need for assistance for a disability (ABS Census 2016).

The Richmond Valley also has a number of important environmental assets, including

wetlands and coastal heath systems located within the Broadwater and Bundjalung National Parks. These assets continue to draw tourists and contribute to attractive lifestyles (North Coast Regional Plan).

Rural communities are the lifeblood of our regional economy. The Richmond Valley contributes \$870 million to Gross Regional Product (NIER 2019) with the economy dominated by the manufacturing and agriculture sectors. The Richmond Valley is a leader in primary industries and food manufacturing with agricultural businesses located across the valley specialising in grain, dairy, beef, fruits, vegetables, timber and tea-tree.

Manufacturing is the region's largest industry in terms of both value-add and employment due to the agricultural processing facilities at NSW Sugar Mill located at Broadwater and Northern Cooperative Meat Company at Casino. The region also supports a healthy retail and tourism sector, growing creative industries and building and construction industry sectors (RDA Northern Rivers).

As key drivers for the Richmond Valley economy, the agricultural and food manufacturing industries are inextricably linked to the environment and the community's resilience, and as such provide dramatic exposure to economic disruption in the aftermath of an adverse event.



THE INTENT OF THIS PLAN

Purpose

The purpose of the Richmond Valley Community Preparedness and Resilience Plan is to provide guidance for Council and the community to prepare for, and manage, adverse events that directly and indirectly affect the Richmond Valley.

Objectives

The objectives of this plan are to:

- Identify key strategies and actions to be undertaken by Council and other relevant stakeholders, to prepare for and manage adverse events that affect the Richmond Valley
- Standardise the approach of Council to meet the needs of the community in dealing with adverse events
- Build community leadership capability and community resilience and capacity to adapt and cope with chronic stresses and acute shocks caused by adverse events
- Learn from adverse events and consequently make improvements as appropriate in preparation for future occurrences

Scope

The plan describes the key strategies and actions at a local level to prevent, prepare for, respond to and recover from adverse events. These events may be events for which Richmond Valley Council has full or partial responsibility, or external events which are the responsibility of another agency (e.g. Rural Fire Service, Local Area Health Service) that may involve a commitment from Council.

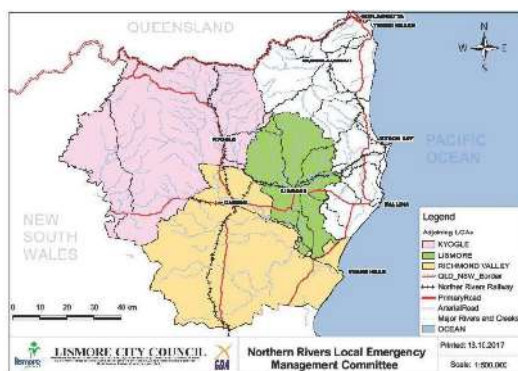
As key drivers for the Richmond Valley economy, the agricultural and food manufacturing industries are inextricably linked to the environment and the community's resilience



RELATIONSHIP TO OTHER PLANS

This Adverse Event Plan is one of three interconnected plans: Northern Rivers Local Emergency Management Plan (EMPLAN); Northern Rivers Local Recovery Plan; and the Richmond Valley Council Community Preparedness and Resilience Plan.

The Northern Rivers Local Emergency Management area covers Kyogle, Lismore City and Richmond Valley Local Government Areas (LGA).



The **Northern Rivers Local Emergency Management Plan (EMPLAN)** focuses on Council's role in an emergency and outlines steps for preparedness by the Local Emergency Management Committee in compliance with the State Emergency and Rescue Management Act 1989.

The **Northern Rivers Local Recovery Plan** provides a framework for the management and coordination of recovery operations to support the affected community following a disaster, in accordance with the NSW Recovery Plan.

Whilst the **Richmond Valley Community Preparedness and Resilience Plan** will focus on building resilience within the community, the economy and the environment. It demonstrates initiatives for preparedness and recovery from the identified hazards that currently do and could affect the LGA.



This Adverse Event Plan should be considered in conjunction with these documents and other relevant plans and policies, including:

- Richmond Valley Council Risk Management Policy
- Richmond Valley Council Community Strategic Plan
- Rebuilding the Richmond Valley Community Revitalisation Plan from 2019 Bushfires
- North Coast Regional Emergency Management Plan (EMPLAN)
- NSW State Emergency Management Plan (EMPLAN)
- Disaster Assistance Guidelines

Responsibility for the preparation and maintenance of these supporting documents lies with a variety of internal and external stakeholders.

WHAT IS AN ADVERSE EVENT?

An adverse event means an event or incident that has a negative impact on the wellbeing of the community. An adverse event can be a drought, flood, bushfire earthquake, storm, biosecurity, spill, terrorist attack, major accident or health pandemic event. It can have environmental, social, cultural, health and economic impacts.

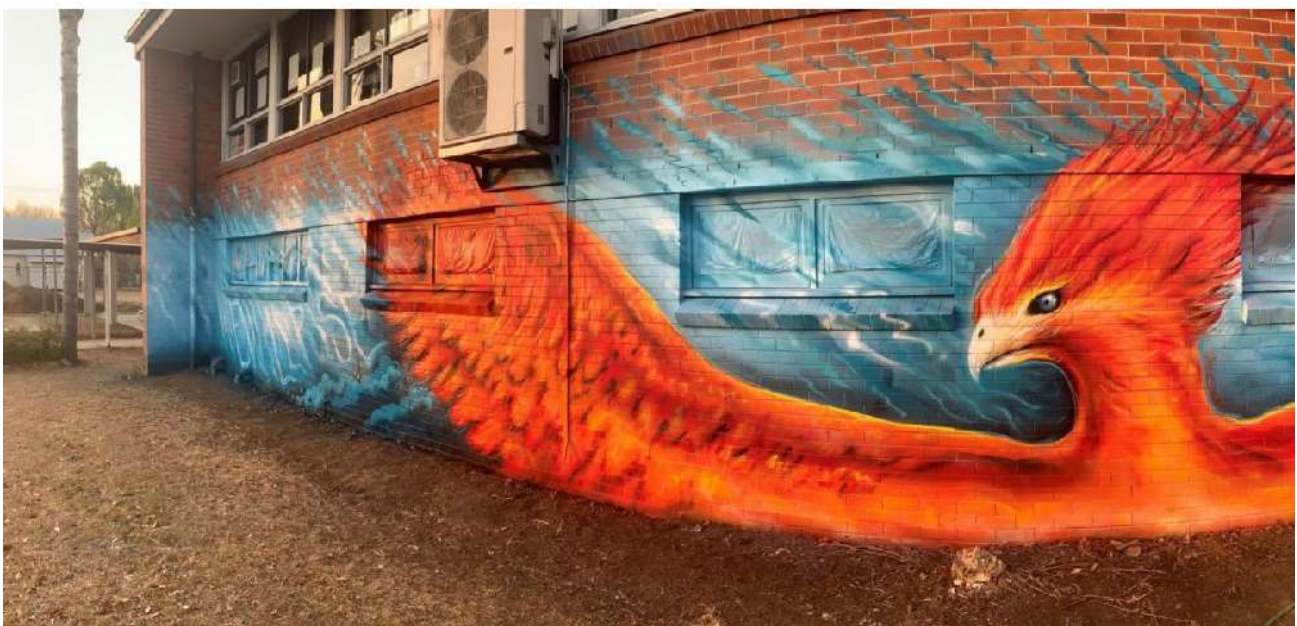
Adverse events may be either events for which Council has full or partial responsibility, or external events which are the responsibility of another agency (e.g. Rural Fire Service, Department of Primary Industries, Area Health Service).

The response of Council will vary in relation to adverse events depending on the:

- Seriousness of the event
- Numbers of people involved
- Risk exposure
- Financial impacts
- Media interest
- Need to involve other stakeholders

Therefore, the response to each adverse event should be proportionate to its scale, scope and complexity.

The impacts of disasters are complex and a need to plan for future disasters and provide our community with information is necessary to ensure we are assisting the community in its recovery and maximise our potential to rebuild and recover better.



WHAT ARE THE HAZARDS?

The Richmond Valley Council LGA has in recent years been impacted by drought, bushfire, storms, flooding and the Covid-19 pandemic, presenting many challenges for the community and all levels of government. These devastating events have seen many homes, grazing land, forestry, crops, machinery and infrastructure lost or damaged impacting on the community, businesses and tourism across the valley.

A critical assessment of the key hazards for the Richmond Valley LGA is detailed in the Northern Rivers EMPLAN and is depicted below. Each hazard has been rated according to the likelihood of the hazard occurring and the potential consequence of each hazard on the Richmond Valley LGA community, environment and economy.

It is important to recognise that the likelihood of some hazards may be seasonal and fluctuate up or down at different times of the year or between years. Similarly, the consequences of these hazards can vary based on the severity and/or duration of the occurrence.

For the Richmond Valley LGA, with our heavy reliance on the agricultural sector for employment, anything which significantly impacts on the environment can be identified as 'High' risk. These include weather and climate related hazards (flood, heatwave); communicable diseases (human epidemic or pandemic, animal or plant disease, agricultural pests); fires, especially bush or grass fires. Floods are a frequent event within the Northern Rivers of NSW, with high rainfall and our tendency to be impacted by Queensland tropical storms, resulting in damage to our roads and bridge infrastructure and environmental issues such as erosion of riverbanks, farmland and the overall health of waterways.

The next highest level of risk classification is the 'Medium' risk category. This includes natural hazards such as storms, drought and blue green algae outbreaks, as well as utilities failure (electricity, water, telecommunications).

And our lowest risk category identifies hazards with potentially devastating impacts which are less likely to occur in our LGA, such as an earthquake.

HIGH	Fire	Flood	Hazardous substance release	Heatwave	Communicable disease	
MEDIUM	Utilities failure	Agricultural disease	Blue green algae outbreak	Storm	Drought	Landslip
LOW	Earthquake	Transport emergency	Terrorism	Coastal erosion	Bridge or building collapse	Tsunami

THE BUSHFIRE EVENT

On 8 October 2019 the rural township of Rappville was devastated by the Busbys Flat Road fire which burned through the township and surrounding areas. Of the 42 homes in the village of Rappville, 9 were destroyed and six damaged by the fire, the community hall was also destroyed by fire.

The day after the disaster struck, work began on the clean-up and recovery for these small but resilient communities. The primary focus was to restore access, electricity and provide potable water to the impacted areas. Council has played a vital role in the coordination of both recovery and the emergency response as the bushfire event continues to impact our region.

On 8 November the Myall Creek Road fire first started and burnt significant rural areas from Bora Ridge across to New Italy South, to Woombah in the Clarence Valley and west to Whiporie for almost two months.

Overall, the Richmond Valley has been significantly impacted by the bush fire events with 48.6% of the local government area burnt.



BUILDING IMPACT	BUSBYS FLAT RD FIRE (COMMENCED 8 OCTOBER 2019)	MYALL CREEK ROAD FIRE (COMMENCED 8 NOVEMBER 2019)
DESTROYED HOUSES	44	18
DESTROYED OUTBUILDINGS	81	84
DESTROYED FACILITIES	7 (INCLUDES SAWMILL)	1 (TEA TREE DISTILLERY)
DAMAGED HOUSES	9	10
DAMAGED OUTBUILDINGS	31	31
DAMAGED FACILITIES	9	3

In February 2020 Richmond Valley Council adopted a revitalisation plan, Rebuilding the Richmond Valley: Community Revitalisation Plan from 2019 Bushfires, to analyse the impact of the bushfire disaster and initiate recovery actions and projects to help impacted communities recover, rebuild, grow and thrive. The projects identified in the plan were based on need and community feedback. With Council and community working together, and the support of the state and federal governments, significant progress has been made with this plan.

Richmond Valley Council has learnt a lot from this devastating event in regard to the recovery process and the need to better prepare the community for adverse events and has incorporated these strategies in this plan.

KEY STRATEGIES AND ACTIONS

The key strategies and actions within the Richmond Valley Adverse Event Plan respond to the objectives of the plan to build community leadership capability and community resilience and the capacity to adapt and cope with chronic stresses and acute shocks caused by adverse events.

The identified hazards, in particular drought as well as the potential for floods and bushfires, affect local businesses and communities. These events impact upon the productivity and profitability of farms and manufacturing which are the main employment areas within the Richmond Valley.

With the constraints of poor internet, phone and physical connectivity the impact of these

threats is increased without a clear plan to prepare the community.

In terms of adverse event management, there are four (4) recognised stages of managing events: prevention, preparedness, response and recovery, also known as the PPRR model.

Richmond Valley Council has identified the following key strategies and actions in order to prepare for and manage adverse events that affect the Richmond Valley LGA. These initiatives are part of preparedness but also influence the recovery of the LGA from the existing bushfire and flood impacts and COVID-19 pandemic.



“Council’s priority following the Black Summer Bushfires is to rebuild stronger and more resilient communities.”

PREVENTION

Prevention refers to actions Council could undertake to reduce or eliminate the likelihood of an incident.

Strategy	Action
Encourage efficient stewardship of important natural resources	Support and encourage workshops and seminars organised by government agencies, including Local Land Services to assist farmers and farm businesses, including feed and pest management.
Actively manage water assets within the Richmond Valley	Invest in and manage water and sewer assets in the Richmond Valley LGA whilst looking for opportunities to improve our water resources; and educate the community on preserving the health of the Richmond River and our waterways.
Improve emergency water supply for rural residents	Improve access to emergency non-potable water filling stations for residents not serviced by town water through the installation of bulk water filling stations.
Improve access to communication networks in the Richmond Valley LGA	Advocate for improved telecommunications infrastructure across the LGA, particularly in our villages and small rural localities.
Improve the provision of local infrastructure, facilities and services in our towns	Actively pursue grant opportunities that benefit the Richmond Valley community in the long term.
Ensure Council owned resources are well maintained to manage the impacts of adverse events on facilities	Continue to maintain Council facilities including roads and buildings in accordance with Council's maintenance schedules to manage impacts of minor adverse events, including minor storm events through drainage work maintenance.
Inform the community about the local flood risk; allowing the community to build safely and resiliently	Ensure flood modelling for the Richmond Valley LGA is up-to-date; and planning and development controls are in place to prevent inappropriate development in areas of flood risk.

PREPAREDNESS

How do we help our communities prepare for future disasters?

Preparedness refers to the steps taken before an incident to ensure effective response and enhance the capacity of an agency to manage response and recovery. A number of recovery action plans and tools have been identified to assist our community in future disasters.

Strategy	Action
Council staff are trained and prepared to assist in managing the impacts of adverse events	Council staff receive training relevant to their area of work to assist and protect the community in adverse events, such as clearing fallen trees from roads as a result of storms and managing road access during flood events and traffic incidents.
Review our road and bridge network for escape options	The road and bridge network should be reviewed to identify any points that, if cut off, would isolate communities in times of flood, bushfire or storm events. If alternate options for escape can be made available, they should be considered.
Support and promote disaster preparedness in the community	Facilitate disaster preparedness activities/ events (including bushfire, flood and storm preparedness sessions) and help to distribute up-to-date preparedness resources to the community, e.g. the Get Ready program
Build community resilience	Support capacity and resilience of individuals to support others through programs such as mental health/ incidental counsellor training, first aid and digital and financial literacy sessions.
Introduce Community-led Resilience Teams (CRTs)	Partner with Red Cross to implement Community Resilience Teams in villages across the LGA. Local communities are best placed to know what their community needs, and with advice and support from emergency management agencies, communities can improve their level of preparedness for future events.
Improve cross-sector communication, coordination, and collaboration mechanisms between emergency management, community services and people with disability	Assist in the rollout of Disability Inclusiveness Disaster Risk Management. Training will be offered to disability service providers to develop emergency preparedness plans for people with disability. The aim of this project is to ensure people with disability are included in emergency preparedness programs and enabling community partners to address the barriers to emergency preparedness for people with disability.
Improve access for emergency aircraft	Seek funding to make improvements to Casino Aerodrome, thereby increasing its capacity to be used for emergency aircraft

RESPONSE

Timely action during and after a disaster is challenging, particularly in our small rural communities.

In the event of a disaster, Council will act in accordance with the Northern Rivers EMPLAN and Council's operational plans, which detail obligations in responding to events which fall under regulatory requirements (e.g. managing road safety by clearing trees, ensuring waste water facilities continue to operate, assisting in the management and recovery of council-owned environmental assets).

Strategy	Action
Provide accurate, clear and timely communication in relation to adverse events	Develop an Emergency Communication Plan detailing how Council will communicate with the community during and following an adverse event.
Provide easy-to-access real time information related to emergencies and assistance	Introduce, promote and maintain a community disaster dashboard as a one-stop location for adverse event information.
Support the establishment of a Recovery Hub	Following a disaster, event emergency staff from the relevant NSW agencies will set up a recovery hub to provide assistance and information to the impacted community. Council needs to assist in this process identifying suitable locations and providing staff to resource the hub. Council is a trusted source of information and local knowledge is beneficial to assist agency staff best assist the impacted community.
Manage spontaneous volunteerism and donated goods	To harness the charity and well wishes of the wider community to assist the impacted community, effective plans need to be implemented to manage spontaneous volunteerism and donated goods. This includes understanding the needs after the event, clear communication, and an effective management system or agency to prioritise donations. Any strategy or plan needs to be embedded within existing emergency management plans.

RECOVERY

Recovery refers to the steps taken to minimise disruption and attempt to assist the community, businesses and government to return to a normalised state and restore wellbeing. For example, disaster recovery can include the coordinated process of supporting emergency- affected communities in reconstruction of the physical infrastructure and restoration of emotional, social, economic and physical well-being. Recovery is crucial to and has been further divided into three focus areas.

Focus Area 1: Community and Social Recovery

Timely action after a disaster is challenging particularly in small communities. It is important that Council is committed to investing in these communities to support community led recovery.

Strategy	Action/ Project
Support a variety of recovery outreach events/ activities	Identify the preferred approach for recovery events, engaging with the community on what type of events will be beneficial to the community's recovery.
Facilitate a Community Advisory Group	A community advisory group framework should be considered as part of any major disaster planning and recovery action plan. After the 2019 bushfire disaster an advisory group was implemented in the Rappville area. Members of the group, including Council staff and community members, meet regularly to consult on recovery needs, future activities and to provide feedback to Council and other government agencies.
Support the development of a Community Resilience Network (CRN)	The CRN brings together organisations that are not traditionally represented within local recovery committees, this enables local community service organisations and non-government organisations to take part in recovery planning and resilience building.
Build the capacity of the community	Support awareness of available government assistance and resources.
Advocate on behalf of the Richmond Valley community	Support continued advocacy by Councillors and the General Manager towards Federal and State Government members of parliament in the interests of the Richmond Valley community.
Improve access to emotional wellbeing support	After a disaster it is vital mental health support is available to the community. Advocate for community access to these services and ensure information on services available is effectively communicated. This support will be needed for years to come with increased rates of PTSD, depression and/or severe distress.
Reduce the financial stress of impacted residents	Provision of Council policy that allows for deferral of Council rates with no penalty for those landholders, experiencing genuine hardship as a result of an adverse event, who have a good rates payment history.

Focus Area 2: Economic Recovery

Local business and tourism operators have been feeling the effects of compounding disasters over recent years which directly impacts on employment, revenue and services available within the community. Council has advocated for several projects aimed at boosting the economy for our existing business and tourism operators and to attract future investment, employment and tourism opportunities.

Strategy	Action
Diversify the local economy to minimise impacts of adverse events	Support a proactive Council that is innovative and progressive in responding to opportunities to diversify the Richmond Valley's economic base.
Support local business by procuring goods locally	Council should consider opportunities to source local goods and services from within the LGA, subject to achieving the "best value" outcome for the community in determining tenders and contracts for services and goods
Build the capacity of small local agricultural businesses	Facilitate and promote the Richmond Valley Paddock to Plate Collaborative, supporting Richmond Valley producers to develop their paddock-to-farm sector collectively.
Activate our towns and villages	Partner with local Chambers of Commerce to implement marketing plans for towns and villages to understand business and industry needs including economic profile strengths, challenges and opportunities.
Establish the Casino Industries Activation Project	The Casino Industries Activation project will deliver critical infrastructure needed to secure major business investment in Casino, driving significant economic and social outcomes for the region.
Upgrade Casino Showground, a major recreational facility to attract more regional and interstate events	The master plan features a new indoor equestrian arena, redevelopment of the horse racing training stables, upgrade to the sand-based training track, establishment of a cross country equestrian course, new day yards, holding yards and pens to support equestrian events. This will position Casino to be the equestrian capital of the Northern Rivers, bringing visitors from across the region and interstate providing a sustained economic boost.
Support local businesses through the implementation of a Business Recovery Plan	Assist Chambers of Commerce to implement emergency preparedness and recovery plans for future disasters. This could be supported by a program of workshops, business seminars and opportunities to help local business adapt and build resilience.
Develop an investment prospectus and marketing campaign to promote investment opportunities	Develop an investment prospectus and marketing campaign to promote opportunities in support of the Regional Jobs Precinct and Casino Industries Activation Project. Job Precincts are designed to cut red tape. With a 30-day target for planning approvals, the job precinct will provide opportunities for current employers looking to expand operations and new investors looking to invest in the region

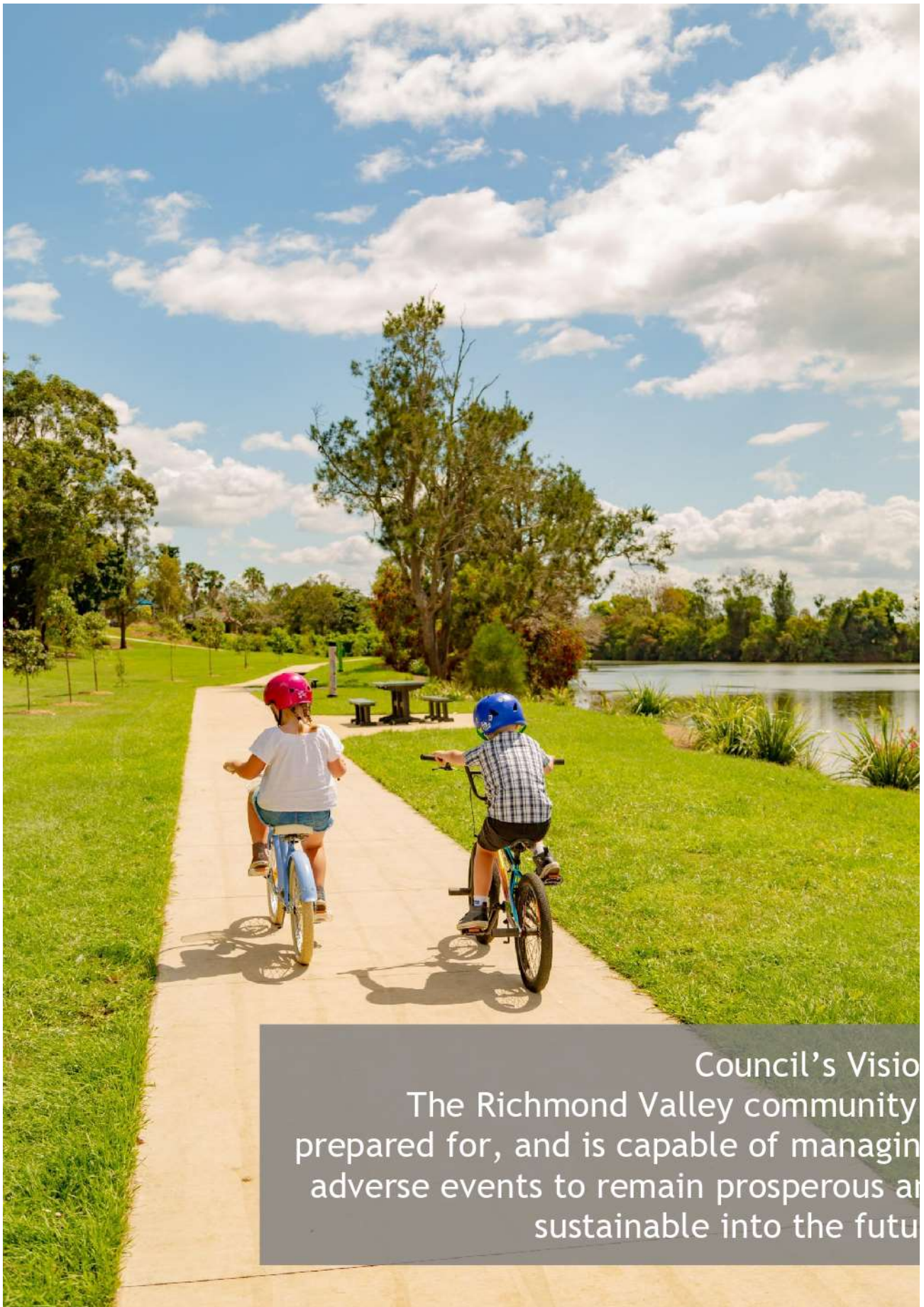
Focus Area 3: Built and Natural Environment Recovery

The environmental impacts of a disaster can be felt for generations.

Critical infrastructure can be placed under great strain during and after a disaster including rail, road, telecommunications, water and sewer. The restoration of essential services to the community is crucial, as is identifying infrastructure that will assist the community in its recovery.

Additionally, the destruction of the natural environment cannot be underestimated. The emotional wellbeing of landowners and the community due to lost livestock, destroyed crops and grazing land, and the loss of forests and wildlife can be significant.

Strategy	Action
Support the community through the rebuild process	Following a disaster, Council should consider prioritising development applications to support community through the rebuild process.
Rebuild important community infrastructure: Rappville Community Hall Precinct	The Rappville Community Hall was completely destroyed in the 2019 bushfires and has been identified by the community as integral to the community's recovery. This important project is being jointly funded by the Australian Government, the Business Council of Australia through its BizRebuild program and through insurance funds from the loss of the original hall.
Support future residential development: Sewer Treatment Option Rappville Village	At present the township of Rappville is not sewered and each residence has its own stand-alone system. If a property owner wishes to rebuild or a new resident wished to build within the village the current environmental requirement does not permit this due to allotment size. Options are currently being investigated for a sustainable process to support future development within the village.
Develop a Resilience Innovation Program	Council to identify and develop shovel-ready projects ready for future disaster or other funding.
Encourage initiatives and projects which seek to regenerate and support recovery of our natural environment	Seek out funding opportunities and encourage interested groups, such as National Parks, Envite, Landcare, Aboriginal organisations and Council, to apply and deliver environmental projects.



Council's Vision
The Richmond Valley community
prepared for, and is capable of managing
adverse events to remain prosperous and
sustainable into the future

WHAT IS COUNCIL'S ROLE?

This Adverse Event Plan has been prepared by Richmond Valley Council but is not solely for Council to implement. The Plan will only be successful with the input of many people and organisations across the community.

The contribution that Council will provide is described below:

Coordination

To use its convening power to bring together the various community committees and working groups discussed earlier in the plan to progress the preparedness and capacity building agenda of this Plan.

Communication

Communication plays a critical role in empowering community lead recovery. Communication in relation to any adverse events shall be in accordance with Council's existing communication procedures. Council will use a variety of communication media to provide the community with relevant information in relation to adverse events including print, radio and social media.

Communications should:

- begin as early as possible in an emergency or adverse event
- include an event-specific website and/or other medium that show all available information and is updated regularly
- specifically address the needs and concerns of local communities
- be expressed in clear, consistent, plain English
- be tailored to local communities and delivered to the various groups within communities
- be provided in easy to understand formats with the aid of visual comparisons
- include practical information and advice

(Australian Disaster Resilience Handbook 2, Community Recovery, 2018, p. 46)

A well-informed community is a critical aspect in terms of Council managing expectations of timeframes, costs and impacts along the road to recovery.

Advocacy

To use its influence and to create a platform to gain support and funding from state and federal governments for socioeconomic and cultural support for the resilience of the LGA.

Training

Several training sessions have been recommended in this plan. Providing training to build the capacity of the community to be prepared to cope is a great way that Council can lead preparedness.

Review

Council will also be responsible for regularly reviewing and testing the Adverse Event Plan and keeping it in the consciousness of the community. This plan should be reviewed after an adverse event occurs to include any lessons learned and to update appropriate initiatives for recovery.

Procedure

Procedure Title:	Disclosure of Interest
Procedure Number:	PRO 1.15
Focus Area:	CS2: Great Support
Responsibility:	Governance and Risk
Date Adopted:	TBC



Purpose

To outline how councillors, designated persons and other persons make annual disclosures of interest, how they make disclosures at or before meetings and how councillors make disclosures to the Electoral Funding Authority.

Scope

Councillors, Council staff, Council delegates and advisors to Council.

Definitions

See definitions in Code of Conduct – Councillors & Personnel (CPOL 1.1) 2020 Schedule 1 Part 1.

References

- Code of Conduct – Councillors & Personnel (CPOL 1.1) 2020 Schedule 1 (Part 1 & Part 2) and Schedule 2
- Disclosure of Interest form
- *Election Funding Act 2018*
- Gifts and Benefits Policy (CPOL 1.05) including Councillors and Staff Personal Benefit Disclosure form
- *Privacy and Personal Information Protection Act 1998*

Procedure

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

Councillors

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

Designated Persons

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

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

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

Designated persons must prepare and submit written returns of interest in accordance with Clause 4.21 and must disclose pecuniary interests in accordance with Clause 4.1 of the Model Code of Conduct in accordance with Schedule 2.

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

Disclosure of Interests – Initial, Annual & Incidental

A councillor or designated person must make and lodge with the General Manager a return in the form set out in Schedule 2 of the Code of Conduct, disclosing the councillor or designated person’s interests as specified in Schedule 1 to the Code of Conduct within 3 months after becoming a councillor or designated person, and 30 June each year.

Return forms will be issued by Council’s Governance Coordinator on an annual basis and in situations where individuals are appointed to a position that Council nominates as a designated person.

In addition to initial and annual returns, there is an obligation under the Code of Conduct to ensure information in a return is kept up to date. If a designated person becomes aware of a new interest that must be disclosed in this return, or an interest that has not previously been disclosed, an updated return must be submitted within 3 months of becoming aware of the previously undisclosed interest.

In the event that a designated person needs to submit an updated return, they are advised to contact Council’s Governance Coordinator as soon as possible, so that the completion and upload of the return can be facilitated.

Consideration of Personal Information

When considering the appropriateness of making public the information contained within a designated person return, the public interest test shall be applied. There is a requirement to establish by clear, logical and probative evidence that the personal and privacy considerations arising under sections 57 and 58 of the *Privacy and Personal Information Protection Act 1998* (PIPI Act) provide a relevant public interest consideration and not a mere personal or private consideration to operate against disclosure.

Section 57 of the PPIP Act prohibits a public sector agency from disclosing personal information kept in a public register unless the agency is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept (s 57(1)). Therefore, an agency may require any person who applies to inspect personal information contained in the public register, to provide particulars, in the form of a statutory declaration, as to the intended use of the information to be obtained (s 57(2)).

Section 58 of the PPIP Act provides that a person whose personal information is contained within a public register may request that the public sector agency remove the personal information from the register and not disclose it to the public (s 58(1)). If the public sector agency is satisfied that the safety or wellbeing of any person would be affected by not suppressing the 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 suppressing the information (s 58(2)).

Redactions or information to be withheld are considered on a case by case basis through the application of the public interest test to each individual return, with redactions being made in order to facilitate release of information.

Disclosure of Interests at Meetings

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

Disclosure of Receipt of Gifts and Benefits

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

Councillors and Election Candidates Disclosure of Election Funding

Councillors and candidates for election as councillors are required to make disclosures of election funding in accordance with the *Election Funding Act 2018*.

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

Review

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

Version Number	Date	Reason / Comments
1	July 2019	New procedure
2	September 2019	Update Annexure A
3	March 2020	Update formatting and Annexure A
4	April 2021	Annual review of Annexure A, together with minor adjustments to Annexure B & C and Schedules 1 – 3 (updates to match Model Code of Conduct adopted in 2020).
5	TBC	Update to Annexure A to add in newly created & renamed manager positions. Inclusion of 'Consideration of Personal Information'. Update to 'References' to include PPIP Act. Update to 'Disclosure of Interests – Initial, Annual & Incidental' to highlight the need to make incidental returns as required.

DRAFT

ANNEXURE A**LIST OF DESIGNATED PERSONS**

At this time, Council designates Councillors, the General Manager, Directors and Managers.
This is subject to change.

Position Title
Mayor
Deputy Mayor
Councillors (5)
General Manager
Director Community Service Delivery
Director Organisational Services
Director Projects and Business Development
Leader Strategy
Manager Finance and Procurement
Manager Development and Certification
Manager Environment, Health and Sustainability
Manager Customer Experience
Manager Community Connection
Manager Infrastructure Services
Recovery Manager
Manager People and Culture
Manager Information and Technology Services
Manager Regional Library
Manager Asset Planning
Manager Property and Economic Projects
Northern Rivers Livestock Exchange (NRLX) Operations Manager
Manager Commercial Services

ANNEXURE B

DECLARATION OF INTEREST COUNCIL AND COMMITTEE MEETINGS

DISCLOSURE OF INTEREST

BY
(full name of person declaring interest)

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

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

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

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

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

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

- Pecuniary – interest in a principal environmental planning instrument
- Pecuniary – other
- Non-pecuniary – significant conflict
- Non-pecuniary – insignificant conflict

IMPORTANT INFORMATION

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

ANNEXURE C



**The Model Code of Conduct for Local Councils in NSW
Councillors and Staff Personal Benefit Disclosure**

GIFTS OR BENEFITS

1. You must not:
 - seek or accept a bribe or other improper inducement
 - seek gifts or benefits of any kind
 - accept any gift or benefit of more than a token value (for the purpose of this policy, token value is regarded as being a value of \$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.
2. You must not seek or accept any payment, gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty to:
 - act in a particular way (including making a particular decision)
 - fail to act in a particular circumstance
 - otherwise deviate from the proper exercise of your official duties.
3. You may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on your part.

TOKEN GIFTS AND BENEFITS

Generally speaking, token gifts and benefits may include:

- gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address).
- free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with the discussion of official business
- council work related events such as:
 - training, education sessions, workshops
 - conferences
 - council functions or events
 - social functions organised by groups, such as council committees and community organisations
- invitations to and attendance at local social, cultural or sporting events
- ties, scarves, coasters, tie pins, diaries, chocolates or flowers
- prizes of token value

GIFTS OF VALUE

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

Personal Benefit Disclosure by:
(Full Name)

Description of Gift or Benefit:

Value of Gift or Benefit: \$ Date Received:

Signature: Date:

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

Schedule 1:

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

Part 1: Preliminary

Definitions

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

address means:

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

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

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

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property

- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

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

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the

Model Code of Conduct for Local Councils in NSW

economic interests of its members in any occupation.

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

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.

Matters relating to the interests that must be included in returns

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

Part 2: Pecuniary interests to be disclosed in returns

Real Property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.

10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions

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- as the holder of a position requiring the making of a return, or
- d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:
close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

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Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

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

obtained wholly or partly the use of the property.

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

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

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28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.
- Debts**
31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
 - e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.
- Discretionary Disclosures**
34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

Schedule 2:

Form of Written Return of Interests Submitted Under Clause 4.21

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.

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6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

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

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

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

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

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

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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 return date/at any time since 30 June	Nature of interest	
B. Sources of income		
1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June		
Sources of income I received from an occupation at any time since 30 June		
Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June		
Sources of income I received from a trust since 30 June		
Name and address of settlor	Name and address of trustee	

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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			
<i>[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i>			
C. Gifts			
Description of each gift I received at any time since 30 June		Name and address of donor	
D. Contributions to travel			
Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken	
E. Interests and positions in corporations			
Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)			
G. Positions in trade unions and professional or business associations			
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June		Description of position	
H. Debts			
Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June			

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

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

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

Important Information

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

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

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

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

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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.

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

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

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

to be held on the day of 20

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> 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 <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

[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].

¹ 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.



Local Government Sector – GIPA Compliance Report

Disclosure of Information (return disclosing the interest of
councillors and designated persons)

July 2021



**Local Government Sector – GIPA Compliance Report – Disclosure of Information
(return disclosing the interest of councillors or designated persons) July 2021**

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1. Purpose

The *Government Information (Public Access) Act 2009* (GIPA Act) encourages the building of an integrity culture through the establishment of a framework based around the principles of:

1. *proactive disclosure*
2. *a presumption in favour of public interest disclosure, and*
3. *oversight by an independent champion of open government in the form of a new Information Commissioner.¹*

The legislators tailored mandatory proactive disclosure of *open access information* to address risks of corruption and serve a pro-integrity purpose unique to the sectors regulated under the GIPA Act. Agencies must make *open access information* publicly available unless there is an overriding public interest against disclosure of the information. Proactive release advances the object of the GIPA Act to “maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective”.

Open access information includes:

- details of an agency's structure and functions
- policy documents to assist members of the public in understanding the decision made by government about the services they will receive and/or their rights and obligations
- specific disclosures to combat corruption such as pecuniary and other interests in the Local Council Sector.²

Local Council sector open access requirements also provide a tool to combat corruption through the identification and management of potential conflicts of interests that might arise.

The requirement for councillors and designated persons to complete and lodge returns of interests is prescribed under the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct). However, the requirement for councils to publish information in returns on their websites as *open access information*, arises under the GIPA Act and the *Government Information (Public Access) Regulation 2018* (GIPA Regulation).

In September 2019, the Information Commissioner released the revised Information Commissioner's *Guideline 1: For Local Councils on the disclosure of information (returns disclosing the interest of councillors and designated persons)* (Guideline 1), to better reflect the Model Code of Conduct and provide additional guidance in relation to the disclosure of interests requirements under the GIPA Act.

Guideline 1 was the subject of extensive consultation with the sector and with the Office of Local Government (OLG). The OLG endorsed the Guideline stating it: “*fully supports the public policy objectives that are served by the requirement for information in returns of interests to be published on council websites and expects all councils to comply with this requirement. OLG shares the Information Commissioner's view that the publication of information in returns operates as an important accountability mechanism ensuring the transparency of interests of councillors and other key decisions makers in councils that may potentially give rise to conflicts of interest in the performance of their public duties.*”³

¹ Government Information (Public Access) Bill 2009 Agreement in Principle Speech June 2009

² GIPA Act s18(c) GIPA Regulation Sch 1 cl.1(2)(a)

³ Correspondence of the Office of Local Government, 23 March 2021

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Complimentary to Guideline 1, the OLG provided guidance to the local government sector on the matters to be considered by councils when identifying “designated persons” and the assessment councils should undertake. Collectively Guideline 1 and the OLG guidance provide a framework to enable Councils to achieve their responsibilities in the mandatory disclosure of returns.

The importance and accountability of the disclosure of interests most recently noted in proceedings before the NSW Civil and Administrative Decisions Tribunal (NCAT) with the Judicial member observing that the reporting of proceedings were “in my view, a matter of public interest, that is the behaviour and conduct of elected councillors to local government”.⁴

In this context, the decision to undertake this audit was informed by a number of complaints and enquiries received by the IPC about the local government sector’s compliance with Guideline 1 and media reporting of non-compliance. The audit is designed to identify and assess the levels of compliance within the local government sector. The audit was undertaken in accordance with section 21 of the *Government Information (Information Commissioner) Act 2009* (GIIC Act), which provides that the Information Commissioner may investigate and report on the exercise of any function by an agency under an Information Act including the systems, policies and practices of agencies. The Information Commissioner’s reporting requirements in relation to an investigation are provided for in section 21(2) of the GIIC Act.

Summary of Findings

The results of this desktop audit of 52 local councils identified that there is inadequate compliance across the local government sector and the categories of councils.

Overall, there were inadequate systems, policies and practices to support compliance.

Significantly non-compliance overall was highest in rural areas including large rural areas.

- 61% (32) of councils were fully compliant with the requirement to publish the returns of the interests of councillors, designated persons and delegates.
- 10% (5) of councils were partially compliant with the requirement to publish the returns of the interests of councillors, designated persons and delegates.
- 29% (15) of councils failed to comply with the requirement to publish the returns of the interests of councillors, designated persons and delegates.
- 52% (27) of councils complied with both the requirement that the returns are available and published, and that they are also easily accessible to members of the public.
- Of the councils that were partially/fully compliant with the requirement to publish the returns of interests, 97% (36 of 37) demonstrated that there was no general/automatic application of the public interest test to information contained in the returns.
- 5% (2) of councils were fully compliant with the requirement to include a record of redacted information on the council’s website in accordance with section 6(5) of the GIPA Act. 90% (47) of councils failed to comply with this requirement.
- 36% (19) of councils had policies and procedures in place to support the exercise of functions under the GIPA Act.
- 63% (33) of councils did **not** have systems, policies and practices to support the exercise of functions under the GIPA Act.
- Only 10% (5) of councils had policies and procedures for the completion and collection of returns of interests.

⁴ Reported in *Mayor Apologises for ‘false and misleading’ disclosures*, The Daily Telegraph, 6 June 2021

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Summary of legislative requirements

Together with the mandatory proactive release provisions of the GIPA Act and the GIPA Regulation require:

- information in the returns to be disclosed on the website of each local council,
- unless to do so would impose unreasonable additional costs on the council, or
- if the council determines that there is an overriding public interest against disclosure of the information
- in circumstances where a council finds that there is an overriding public interest against disclosure of the open access information, the council must facilitate public access to the information by deleting matter from the record to be made publicly available in accordance with section 6(4) of the GIPA Act.
- section 6(5) of the GIPA Act also requires councils to keep a record of the open access information that it does not make publicly available, and
- such a record must indicate the general nature of the information not made publicly available.

2. Background

The Local Government Sector in New South Wales consists of 128 councils⁵ that provide services for local communities. According to the OLG, the sector employs more than 48,000 people and spends over \$12 billion annually on infrastructure, facilities and provision of services generally to local communities. Given the vital role the sector plays in serving local communities, there is a need to ensure openness, transparency and accountability within local government and that effective measures are put in place to maintain integrity and combat corruption. The disclosure of pecuniary interests assists in ensuring that these principles are met and assures the public that elected officials and other publicly funded senior decision makers place the public interest above their private interests as demanded by, and expected of, public office.

Accordingly, Guideline 1 was issued by the Information Commissioner specifically to supplement the provisions of the GIPA Act and GIPA Regulations, and to assist Local Councils to understand their obligations with respect to the disclosure of information contained in the returns disclosing the interests of councillors and designated persons (the returns) as required by clause 1(2)(a) of Schedule 1 of the GIPA Regulation.

Relevantly, Guideline 1 was developed in consultation with regulated entities and their representative associations, the OLG, and the NSW Privacy Commissioner. Guideline 1 also sets out the Information Commissioner's expectations with respect to compliance by the sector.

Following the issuance of Guideline 1, the Information Commissioner committed to a 12-month timeframe to ensure that local councils had adequate time to comply and give effect to Guideline 1. During this 12-month period, the IPC received complaints and enquiries about non-compliance by various local councils. The IPC also became aware that a small subset of local councils had passed resolutions, confirming that they will not be complying with Guideline 1.

⁵ Office of Local Government at <https://www.olg.nsw.gov.au/councils/>

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This audit examined and considered:

1. the level of compliance with Guideline 1 by the local government sector and
2. whether councils are making information about the interests of councillors and designated persons available as open access information, and
3. whether councils have adequate systems, processes and governance frameworks in place to manage the requirements relating to the disclosure of interests about councillors and designated persons.

2.1 Formal audit notification

Councils included in this audit were formally notified of their inclusion in the audit on 10 December 2020 and requested to provide the Information and Privacy Commission (IPC) with information. Councils were required to response to the IPC by 23 December 2020.

The desktop audit was undertaken over the end of January 2021 and early February 2021.

During the course of the audit, the IPC was notified by some councils of additional steps that had been taken subsequent to the audit notice and the provision of information responsive to the audit. In this regard, we acknowledge that in some cases the point in time nature of the audit may not reflect the subsequent steps taken by some councils to improve their compliance with the requirements of section 6 of the GIPA Act.

3. Methodology and Sample Selection

Section 17(g) of the GIPA Act recognises the Information Commissioner’s role in monitoring, auditing and reporting on the exercise by agencies of their functions under the GIPA Act.

A desktop audit was determined to be the most effective and expeditious method to inform a baseline assessment of the local government sector’s compliance with the mandatory open access requirements of the GIPA Act, and to provide recommendations and ongoing monitoring in order to assist the local government sector to progress and achieve compliance. The results of this report are presented in aggregate form.

As a regulatory tool, a desktop audit is generally applied in areas of small to moderate risk of non-compliance and may also form the basis of a preliminary assessment. The methodology of a desktop audit should be recognised as constrained by factors including:

- independent remote assessment;
- reduced inquisitorial assessment;
- a focus on identified compliance risks and informed by agency responses to enquiries.

On that basis it is distinguishable from an onsite audit which can allow for a more direct inquisitorial approach. Accordingly, in general the IPC conducts desktop audits to elevate compliance by way of guidance, raising awareness and, in some cases, providing recommendations to an agency. However, poor results or lack of cooperation by an agency may result in further engagement and escalated compliance action.

Accordingly, this review did not include an assessment as to the accuracy or completeness of the returns that have been published, or whether the assessment processes undertaken by individual councils with respect to its obligations were adequate.

Councils included in this audit were selected by taking into consideration, the following:

- Councils identified in media reports as being non-compliant with open access requirements with respect to the availability of returns for councillors and designated persons; and

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- councils about which a number of complaints and enquiries were received by the IPC with respect to their compliance with Guideline 1.

Additionally, there was a selection of random councils included in the audit to give a broad representation of councils against the ratings (council category type) for local council provided by the OLG. In total, 52 councils were selected and notified of their inclusion in this audit.

For this audit councils were grouped into Metropolitan, Regional Town/City, Metropolitan Fringe, Rural and Large Rural. The categorisation followed the approach of Australian Classification of Local Government and OLG group numbers and the classification applied by the OLG. This means that for each measure there is also a representative result by council type.

The issues that were considered in this audit were whether the audited councils:

- make information about the interests of councillors and designated persons available as open access information as required under the GIPA Act, and
- have in place adequate systems, processes and governance frameworks to manage the requirements of the GIPA Act relating to the disclosure of interests about councillors and designated persons.

4. Performance Overview

Each year the Information Commissioner publishes an annual report – the Section 37 Report on the Operation of the GIPA Act. In publishing the Section 37 Report, the Information Commissioner publishes an associated agency GIPA Dashboard. According to the data available in the section 37 Report and the GIPA Dashboard in 2018-19 the Local Council sector received 2796 formal access applications. The number of applications has steadily increased since reporting first commenced in 2011.

In 2019/20 23% of complaints to the Information Commissioner involved the provision of open access information.

4.1 Assessment Criteria

The IPC assessed each council's compliance with the open access requirements of the GIPA Act against the following criteria:

Assessment criteria
1. Requirement to publish the returns of the interests of councillors, designated persons and delegates
2. Accessibility, availability, completeness and currency of the returns
3. Application of the public interest test to any withheld information including any policies and/or procedures in place to assess the returns
4. Existence of section 6(5) records
5. Policies and Procedures to support compliance

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4.2 Audit sampling and review

At the commencement of the audit, the IPC issued a formal audit notice to all selected councils and invited the councils to furnish it with the following information to assist with the audit:

- Details of how the council makes information about its disclosure of interests of councillors and designated persons publicly available as *open access* information; and
- Copies of any policy or procedure the council has in place that governs the disclosure of its returns in draft or final form.

In addition to the information provided by councils, the IPC conducted a desktop audit between January and February 2021 to ensure that its policies and procedures promote practices consistent with the disclosure of pecuniary interests and the requirements of Guideline 1.

In conducting the audit, a representative of the IPC accessed each council's website to identify the existence and accessibility of disclosures. The audit considered the ease with which disclosures could be located on the council's website and whether they had been published. In making an assessment of compliance with open access requirements under the GIPA Act, all published councillor returns and a random sample of designated persons were obtained.

The random selection of councils is intended to give a broad representation of councils across the ratings for local council provided by the OLG. Accordingly, the IPC considers that the observations and findings made in this report reflect the broader compliance of local government authorities in respect of the open access provisions under the GIPA Act.

4.3 Audit limitations

The scope of this audit is limited to a desktop review of the information provided by the selected councils and information available on its websites in January and February 2021.

The methodology of a desktop audit should be recognised as constrained by factors including

- independent remote assessment; and
- a focus on identified compliance risks informed by agency responses to enquiries.

4.4 Conduct of analysis

The findings of the review are presented in two parts:

- Assessment against select criteria that assist examination of agencies' compliance with legislated requirements; and
- General comments, findings and recommendations to assist agencies in achieving compliance with legislated requirements.

The IPC recorded and retained data in relation to the assessment of each selected council, and for the purposes of this report deems it unnecessary to provide a breakdown of each council as the findings and recommendations are applicable generally.

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5. Observations and findings

5.1 Requirement to publish the returns of the interests of councillors, designated persons and delegates

Criterion		Result
1	Requirement to publish the returns of the interests of councillors, designated persons and delegates	61% (32) fully compliant. 71% (37) fully and partially compliant 29% (15) did not comply
1(a)	Disclosure of interests by councillors and designated persons publicly available	Inconsistencies identified across councils and general improvements would be beneficial to ensure disclosures are publicly available.

Comments, findings and recommendations

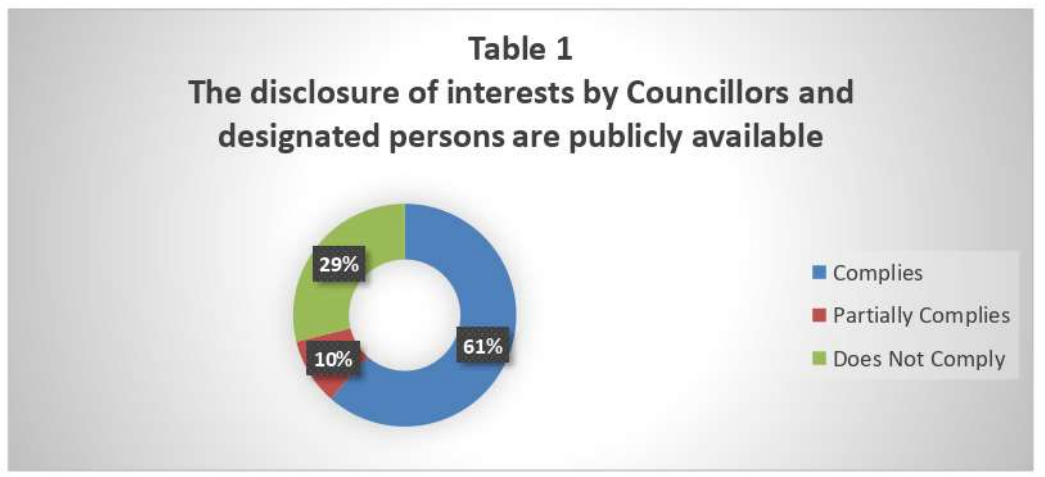
Comment:

To investigate practical compliance, each council’s website was broadly assessed for the availability and accessibility of its returns. Importantly, information may be available on a website, but it may not, in practice be readily located and accessible.

Observations:

Disclosures publicly available

To fully comply with the requirement, it was essential that the disclosure of interests for both Councillors and designated persons are published and publicly available and easily located on the council’s website.



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Table 1 shows that the audit found that of the 52 Councils:

- 32 Councils fully complied;
- 5 Councils partially complied; and
- 15 Councils did not comply

with the requirement that the disclosure of interests for both Councillors and designated persons exist and are publicly available.

Of those councils that partially complied with the requirement, it was observed that either not all Councillors returns, and/or not all of the listed designated persons had been made publicly available.

Table 2 provides the breakdown of the level of compliance with the requirement to have disclosures of interests publicly available by council category.

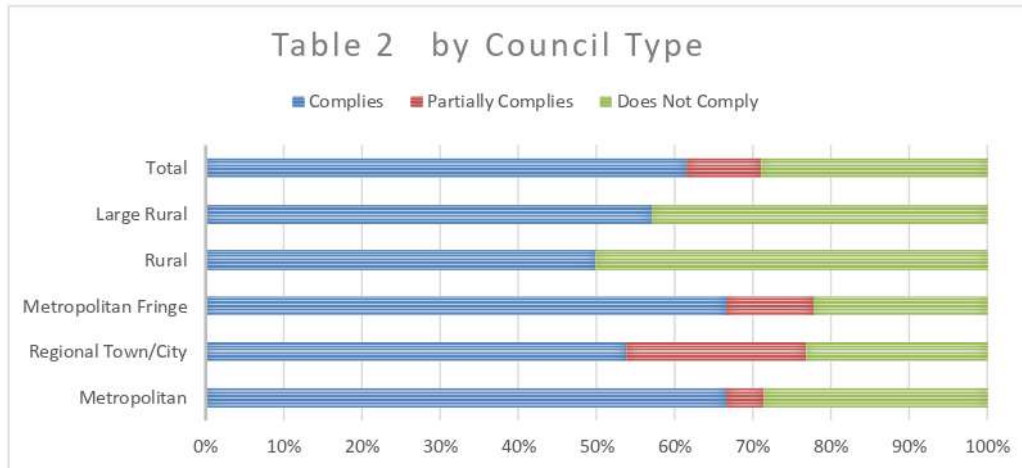


Table 2 demonstrates that the level of non-compliance was highest in the large rural and rural categories of councils. Regional towns also demonstrated lower compliance levels.

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5.2 Accessibility, availability, completeness and currency of the returns

Criterion		Result
2	Accessibility, availability, completeness and currency of the returns	Of the 37 councils that fully and partially complied with the requirement to have returns available on their website there were varying levels of compliance
2(a)	Disclosure of interests by councillors and designated persons are easily located on the website	72% (27) councils that had returns available on the website were fully compliant
2(b)	Disclosure of interests by councillors and designated persons are fully accessible to all users on the website without condition	92% (34) councils that had returns available on the website were fully compliant 8% (3) of the councils that had returns available on the website-imposed conditions on access
2(c)	Disclosure of interests by councillors and designated persons are current	86% (32) of the councils that had returns available on the website were fully compliant

Comments, findings and recommendations

5.2(a) Disclosure of interests by councillors and designated persons are easily located on the website

Consideration of accessibility is also an indicator of a culture of compliance and a demonstrated commitment by senior management to adopt the legislative requirements together with the intent of the GIPA Act.

Compliance on accessibility was assessed on the basis that the returns were:

- in a readable format, clearly labelled and well organised;
- easily navigated from the Council's website and locatable through a search of the council's home page.

Of the 32 fully compliant councils only 27 complied with the accessibility requirement.

Table 3 demonstrates that 8 councils partially complied and 17 did not comply.

It was observed that the councils that fully complied with the accessibility requirement would indicate on their "open access information" page that the returns were available and provided relevant hyperlinks to access the returns. Well organised returns were published on councils' website with separate pdf documents for each individual Councillor and designated person that could easily be navigated.

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Partially compliant councils failed to meet accessibility requirements because they did not provide clear indication or instructions on how to access copies of these returns, and accordingly, were not readily accessible or easily navigable. It was also observed that some councils would make returns available as one single pdf document for all returns. This was accompanied by labelling that was unclear and ineffectively categorised within the returns therefore impeding accessibility.

With respect to those councils that did not comply, it was observed that a number had published the returns. However, they were not easily accessible and no links or instructions on where they could be obtained were provided. Further the returns were not locatable through a search of the council's homepage. In circumstances where it was so difficult to locate the returns a reconciliation of the publication of the returns against each councillor or designated person was not possible.

It is evident from the data that only 52% (27) of councils complied with both the requirement that the returns are available and published, and that they are also easily accessible to members of the public.

Table 3
Pecuniary returns are easily located on the website

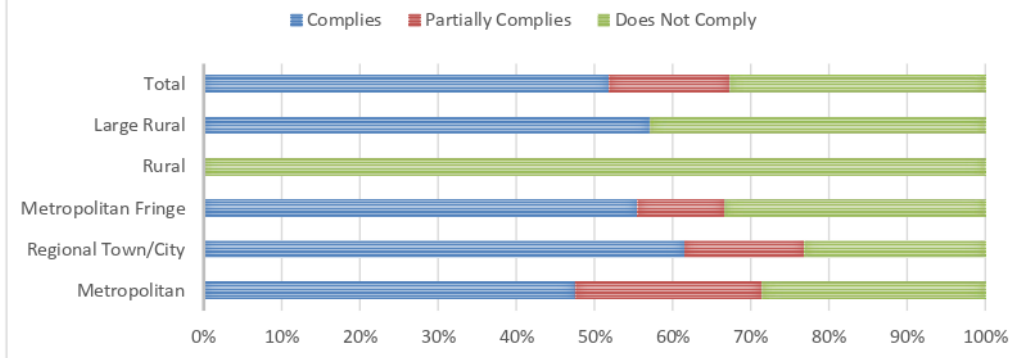


Table 4 further outlines the spread of compliance on this measure according to Council category. Again rural and large rural councils demonstrated the highest level of non-compliance with this requirement.

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**Table 4
by Council Type**



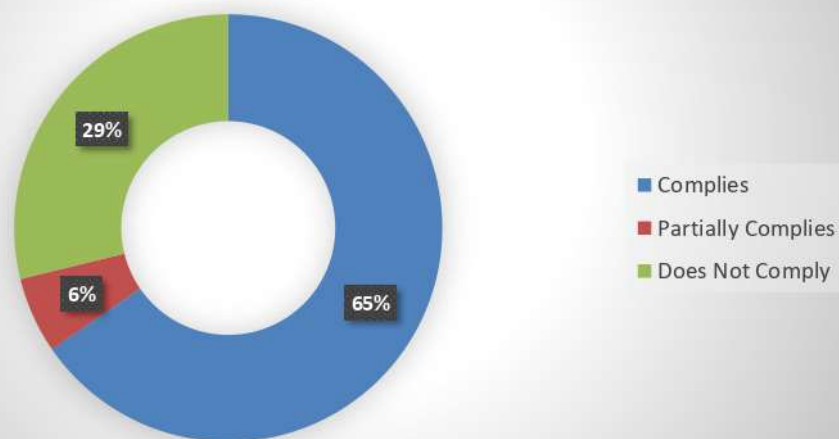
5.2(b) Disclosure of interests by councillors and designated persons are fully accessible to all users on the website without condition

The audit also assessed whether the disclosures were fully accessible to all users of the website without condition. In order to be compliant, it was required that the council needed to be able to demonstrate that there were no barriers to access such as login requirements or access request process (whether formal or informal), or completion of a required form or other written request.

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Table 5
The disclosure of interest is fully accessible to all users
on the website without condition



As indicated in **Table 5** above of the 52 Councils:

- 33 Councils complied;
- 4 Councils partially complied; and
- 15 Councils did not comply

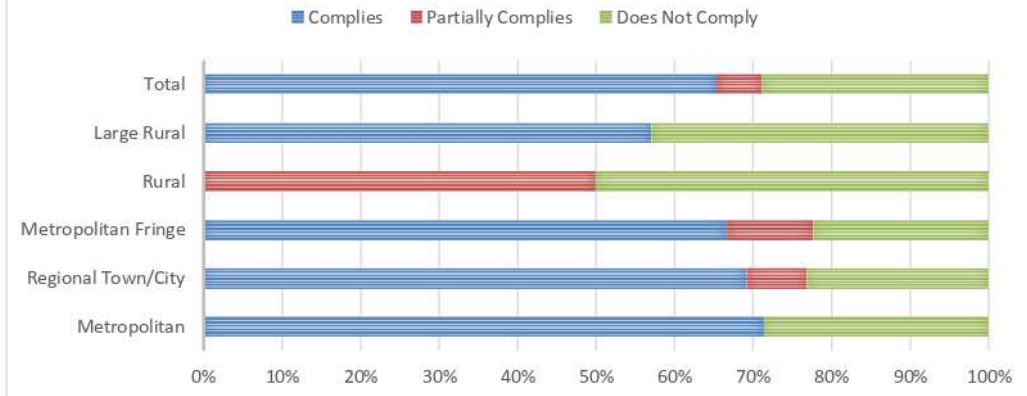
The 15 councils that did not comply with this requirement also did not comply with the requirement that the disclosures are publicly available. It was also observed that a number of councils published the returns and advised that they were also publicly accessible by viewing in person.

Consideration of compliance with section 6 of the GIPA Act is not limited to a finding that the returns are publicly available and published on the council's website. A further important consideration is that in order to comply with section 6, the returns should be easily navigated and located on the council's website and therefore available without condition. **Table 6** below demonstrates compliance by council category again the highest levels of non-compliance were in rural and large rural councils.

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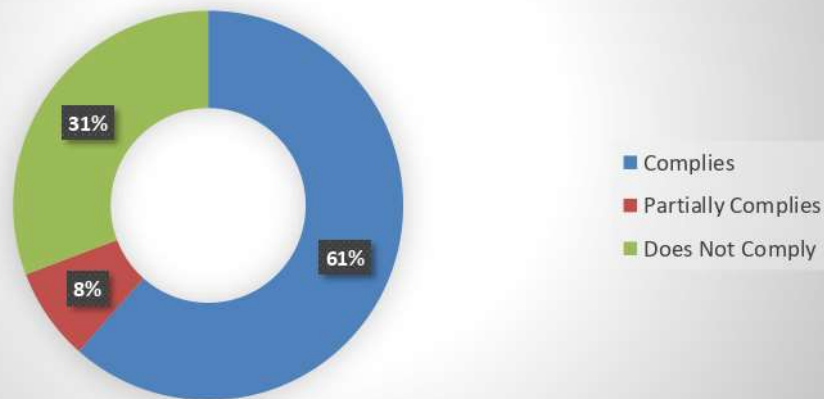
Comments, findings and recommendations

Table 6 by Council Type



5.2(c) Disclosure of interests by councillors and designated persons are current

**Table 7
Publication of returns has occurred in the previous 12 months**



The audit also considered the currency of the published returns. It was observed that those councils that partially complied had published returns for either Councillors or designated persons for the previous 12 months, but not both as required.

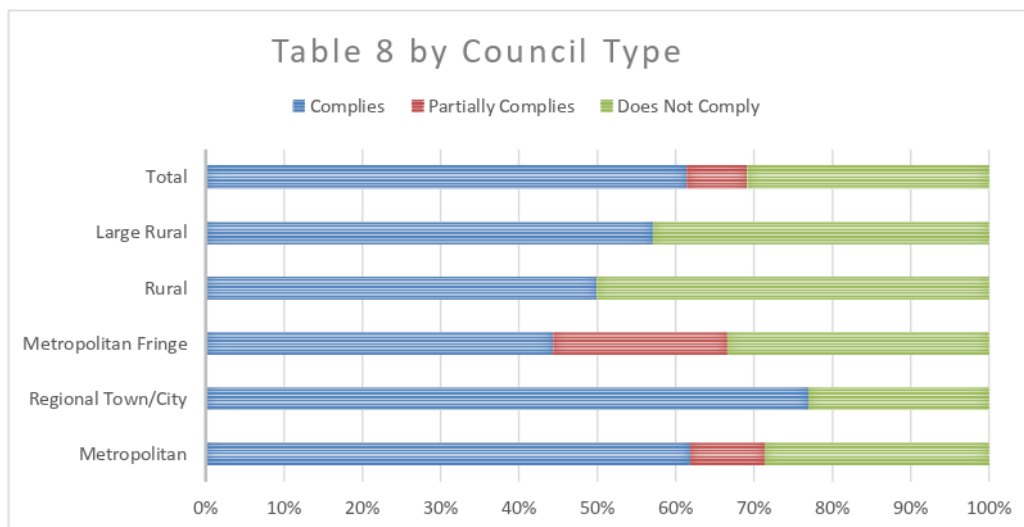
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Table 7 is instructive in observing a majority of councils had published their returns in the last 12 months.

31% (16) of councils had not updated the published returns with new councillors and designated persons. Accordingly, almost a third of councils did not comply. This finding is exacerbated by the passage of time in that more than 12 months had passed since the revision of Guideline 1, notice of an audit was given and therefore ample opportunity was provided to enable action to achieve compliance.

Table 8 below further observes that while the currency was an issue in rural councils, collectively compliance with currency was also an issue across remaining council categories.



Recommendation 1: Councils should ensure that the disclosure of interest by councillors and designated persons are complete and publicly available.

Recommendation 2: Councils would benefit from promoting consistency and accessibility in relation to returns of interest by establishing a single readily identifiable open access pathway. This should include meaningful labelling of returns by year, type and relevant links. The returns should be easily and prominently located on a council’s website and able to be located from a single search from the main page.

Recommendation 3: Councils should ensure that the disclosures are updated as required consistent with clause 4.21 of the Model Code of Conduct for Local Councils in NSW – 2020.

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5.3 Application of the public interest test to any withheld information including any policies and/or procedures in place to assess the returns

Criterion		Result
3	Application of the public interest test to any withheld information including any policies and/or procedures in place to assess the returns	Measured only against a subset of compliant councils (37 of 52)
3(a)	The form does not include any statement that automatic standardised redactions for personal information or other categories of information will be applied	97% (36) of those councils that were compliant with the requirement to publish returns also complied with this assessment criteria.

Comments, findings and recommendations

Comment:

Section 6 of the GIPA Act provides that open access material must be made publicly available unless there is an overriding public interest against disclosure. Section 6(4) requires agencies to facilitate public access to open access information by removing information if it is practicable to do so. This provision allows agencies to delete any information subject to an overriding public interest against disclosure so that the remainder of the information can be released.

When considering whether certain information is to be deleted in a return, the council will need to apply the public interest test. The GIPA Act provides that there is a presumption in favour of disclosure of government information unless there is an overriding public interest against disclosure (section 5). The fact that a return of interest for councillors and designated persons is open access information is an important factor in favour of disclosure.

When balancing the public interest, decision makers should have regard to the intention of the legislature and the objects of the GIPA Act under section 3. In particular, councils should be aware that returns are designed to promote openness and transparency in local government and serve a pro-integrity purpose. Documenting pecuniary and other interests provides an aid to avoiding a conflict of interest (whether actual or perceived) on the part of councillors and senior staff who exercise decision-making functions.

If council or a particular councillor or designated person claims that there is more than one public interest consideration against disclosure of a certain piece of information, then each of those identified considerations are weighed in the balancing test on whether there is an overriding public interest against disclosure. When applying the public interest test, the decision maker should apply the balancing test in section 13 of the GIPA Act in respect of each particular piece of information.

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When a decision maker undertakes the public interest test with respect to open access information, there is no requirement to undertake consultation with the individual who completed the returns. This is because section 54 in Part 4 of the GIPA Act in relation to third party consultations deals with access applications made under the GIPA Act.

This means that any claim of a public interest against disclosure must be considered on its face against the recognition of an express legislative intention that the information constitutes *open access information* together with the existing presumption in favour of disclosure under the GIPA Act. The absence of consultation requirements should streamline the task of assessing individual claims of a public interest disclosure.

During the course of this audit, the IPC was approached by some Councils as to the intersection between the silent elector provisions under the *Electoral Act NSW* and the requirements for disclosure of interests under the GIPA Act. The scope of this audit did not lend itself to an analysis of the interface between these two legislative regimes. However, the IPC recognises that there is an intersect between the ability to be a “silent elector” and the requirements for disclosure under the GIPA Act. Consequently, the IPC will develop further guidance for councils.

Recommendation 4: The IPC commits to the development of further guidance to inform the local government sector on the interface of the “silent elector” requirements of the *Electoral Act NSW* and the GIPA Act.

5.3(a) The form does not include any statement that automatic standardised redactions for personal information or other categories of information will be applied automatic standardised redactions of information

The audit also considered whether the disclosure forms of councils included any statement regarding the application of an automatic standardised redaction for personal information or other categories of information.

This assessment has been conducted in respect of a subset of councils (37) that made their disclosures publicly available. Amongst that cohort there was a strong demonstration of compliance.

Table 9 demonstrates that councils did **not** include a statement of automatic standardised redactions. Of the 37 councils who had made disclosures publicly available, only one council did not comply with this requirement. It was observed that this one form had a box available for councillors and designated persons to mark to request redactions of their signature and residential address.

However, while the form itself did not include a standardised redaction, we did observe that as a matter of practice returns would redact certain types of information on the basis that the information was personal information. This information extended to things like signatures and residential addresses or business addresses.

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Table 9

The disclosure form does not include any statement that automatic standardised redactions for personal information or other categories of information will be applied



The overriding public interest against disclosure of information contained within the disclosure of returns most relied upon relates to personal information. The NCAT has considered the application of the public interest test relevantly in *McEwan v Port Stephens Council [2021] NSWCATAD 110* and considered the interplay between the GIPA Act and the *Privacy and Personal Information Protection Act 1998 (PPIP Act)*.

In applying the public interest test on the grounds of personal information councils are alerted to the observations of the Tribunal that:

in the balancing of interests under s 13 of the GIPA Act, non-compliance with the PPIP Act is permitted where an agency is complying with its obligations under the GIPA Act. Personal information may be used or disclosed pursuant to an obligation under the GIPA Act even if a provision of the PPIP Act would be breached. The weight to be given to the contravention or non-compliance is significantly reduced and still favours disclosure because nothing in the PPIP Act operates "to lessen any obligations" under the GIPA Act: s 5 (2). [at 106].

The Tribunal further observed that: *"In my view, there is a positive and high onus placed on an agency to establish by cogent and probative evidence that the personal and privacy considerations arising under ss 57 and 58 of the PPIP Act provide a relevant public interest consideration and not a mere personal or private consideration to operate against disclosure.*

I make that observation not only mindful of s 5 of the PPIP Act but this must be even more so where the disputed information is open access information and therefore subject to mandatory and pro-active release obligations imposed on a Council by s 6 of the GIPA Act and the GIPA Regulations" [at 134].

Any policy or practice of Councils should therefore have proper regard to the guidance of the Tribunal on the application of the public interest and the interplay between the GIPA and PPIP Acts for the purposes of informing its application of any redactions that may be applied on the basis of application of the public interest test.

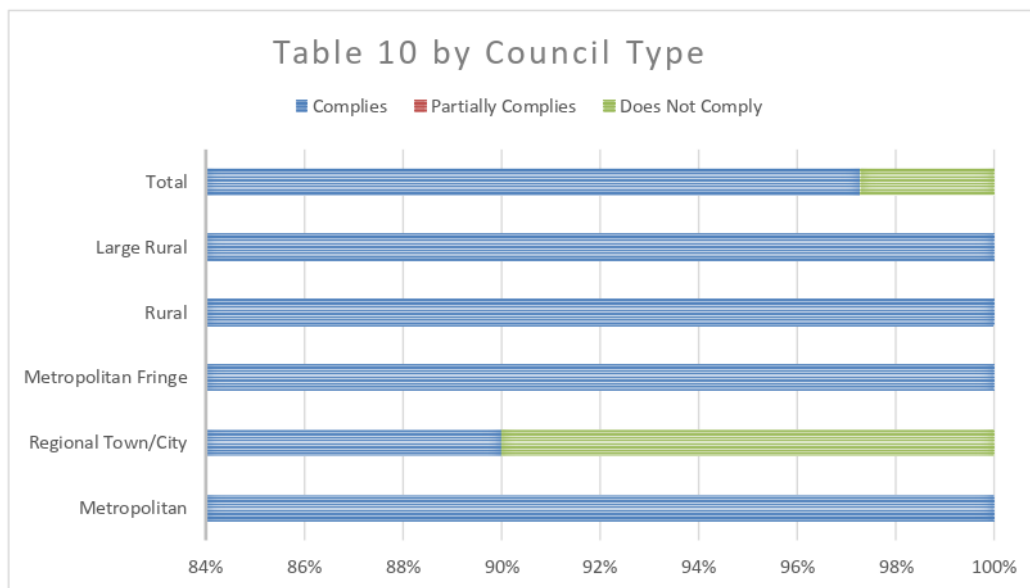
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Further any default reliance on the absence of a response from an individual about the publication of their information in a published return as evidence to have not consented to disclosure applies *the wrong inference in the context of the GIPA Act which provides a presumption that there is a public interest in favour of disclosure: s 12.*

A presumption such as that provided by the GIPA Act requires evidence in rebuttal of that presumption: not mere inference.” [at 42]. The Tribunal’s view is that to equate silence with a positive objection, is not sufficient alone to override the statutory presumptions in favour of disclosure of open access information under the GIPA Act.

The single exception to compliance identified was located in a regional town/city as demonstrated by **Table 10** below.



Recommendation 5: Councils should ensure that systems, policies and practices are developed to support application of the public interest test. Those aids should reflect the requirement to establish by cogent and probative evidence that the personal and privacy considerations arising under ss 57 and 58 of the PPIP Act provide a relevant public interest consideration and not a mere personal or private consideration to operate against disclosure.

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5.4 Existence of section 6(5) records

4	Criterion	Result
	If information has been redacted, a record has been included on the council's website in accordance with section 6(5) of the GIPA Act.	5% (2) of councils were fully compliant 5% (2) of councils were partially compliant

Comments, findings and recommendations

Comment:

If, after applying the public interest test, an agency is of the view that information should be deleted with the remaining information released, under section 6(5) of the GIPA Act, the agency is required to keep a record of this, indicating in general terms, the nature of the information that has been redacted. Such a record should include, in general terms, the nature of the information that has been redacted.

Clause 10(1) of Schedule 4 to the GIPA Act provides that:

In this Act – record means any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means.

Compliance with the requirement to maintain a public facing summary record of the information redacted is the best evidence of the application of the public interest test against each individual return considered by the decision maker.

Notably of the 37 councils that made the disclosure of interests by Councillors and designated persons publicly available, 33 councils did not provide evidence of compliance with this requirement. In the absence of compliance with section 6(5) of the GIPA Act there is insufficient evidence to demonstrate proper application of the public interest test in respect of each declaration that contains redactions.

Further the failure to comply with the requirements of section 6(5) of the GIPA Act provides evidence of immature/inadequate systems, policies and practices to support compliance with the open access requirements of the GIPA Act relevant to disclosures by Councillors and designated persons.

As indicated in **Table 11** below, it was generally observed that councils overwhelmingly do not comply with the requirement under section 6(5) of the GIPA Act. Only two of the councils subject to this audit fully complied with the requirement.

An additional two councils partially complied. Of these two councils that partially complied, one acknowledged the requirement under section 6(5) and offered that it would publish a log to indicate any information withheld confirming that it had no redacted information to date. The council's advice was at odds with the finding of this audit that redactions have been made to the published disclosure.

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Section 6(5) of the GIPA Act provides that the record need only indicate the general nature of the information concerned, councils are not required to provide a detailed log of all information withheld. Accordingly, it would not be sufficient for Councils to merely provide a general statement that “information is withheld”. Councils must describe the nature of the information.

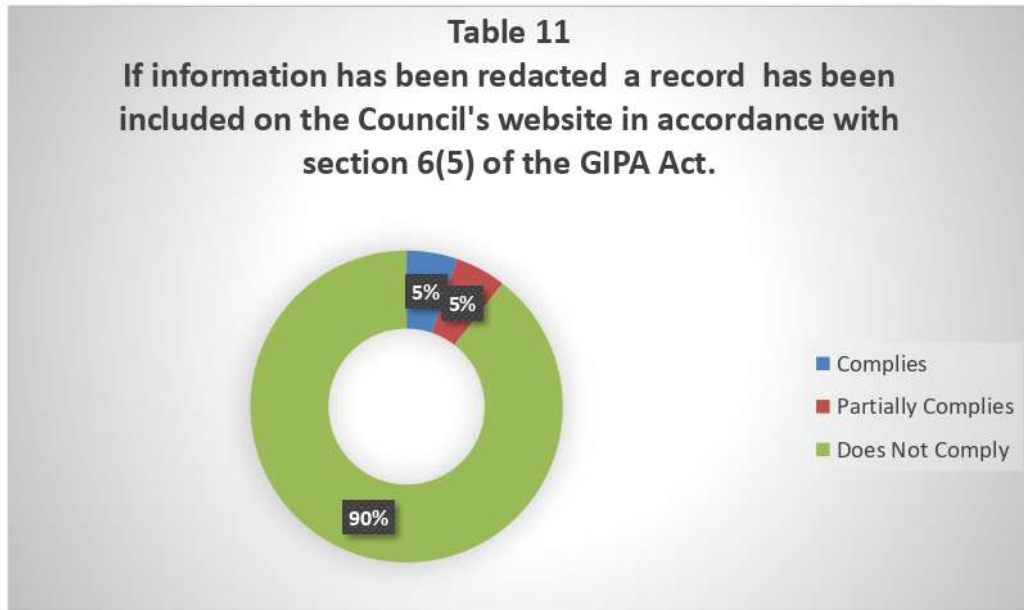
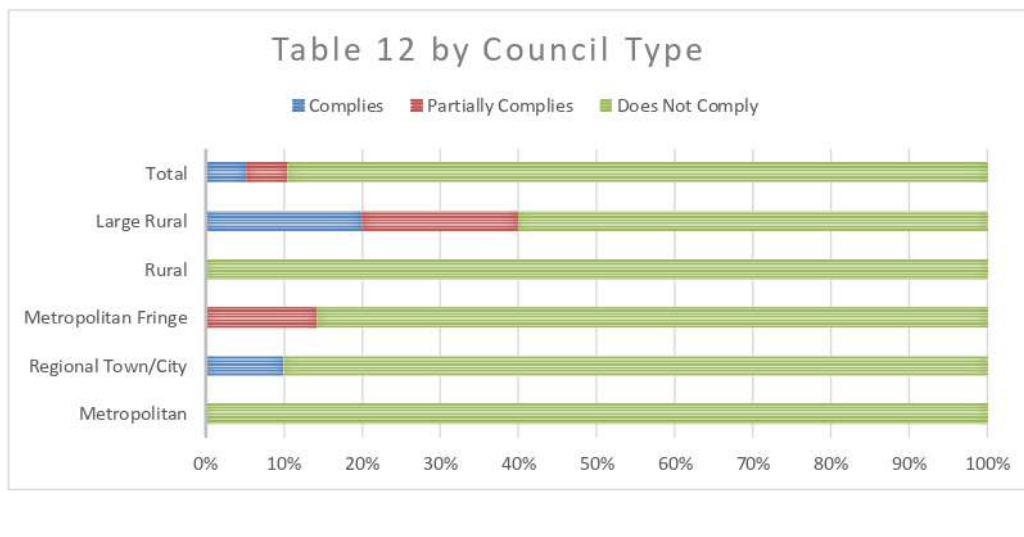


Table 12 below demonstrates high levels of non-compliance with this requirement across all council categories.



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Recommendation 6: Councils should maintain a central record of all open access information that has been withheld due to an overriding public interest against disclosure and embed policies and procedures to ensure compliance with section 6(5) of the GIPA Act.

5.5 Policies and procedures

The exercise of functions under the GIPA Act recognises independent decision making on a case by case basis to enable legislated rights to be effected. This significant function requires training together with well documented policies and procedures. In considering compliance the Information Commissioner has regard to the systems, policies and practices of agencies that relate to functions of agencies under an Information Act.⁶

The availability of policies and procedures would assist council staff to be aware of their obligations and provide a useful reference particularly in circumstances where there are organisational changes such as staffing movements. Further, the existence of policies/procedures would also ensure currency and consistency in the information that is collected and subsequently published.

Criterion		Result
5	Policies and procedures in place that address the disclosure and publication of interests	36% (19) of all councils had policies and procedures
5(a)	There is a documented policy and/or procedure for the completion and collection of interests and publication	10% (5) of all councils (52) were fully compliant
5(b)	Designated persons are clearly defined by the policy and/or procedure	47% (9) of councils that had policies and procedures in place were compliant
5(c)	Where a documented policy and/or procedure is in place, it demonstrates a requirement that redactions or information are withheld on a case by case basis through application of the public interest test to each individual return and is made to facilitate release	26% (5) of councils that had policies and procedures in place were compliant

⁶ GIIC Act section 21

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Criterion		Result
5(d)	The policy and/or procedure makes clear the authorisation process for the approval and publication of returns	37% (7) of councils that had policies and procedures in place were compliant
5(e)	The policy and/or procedure for the publication of returns demonstrates that there is a process for the review and updating of the disclosure of interests	37% (7) of councils that had policies and procedures in place were compliant

Comments, findings and recommendations

Comment:

The IPC wrote to audited local councils and requested that each council provide a copy of any policy or procedure in place that governed the disclosure of returns. In particular, the IPC noted that the policy or procedure may be in draft or final form but must be dated.

All councils responded to the audit with each council confirming whether they had a policy or procedure in place and where available, provided a copy of the policy or procedure. Where a policy or procedure is in place, the IPC considered whether the information contained in the policy or procedure provided adequate guidance on:

- the definition of a 'designated person'
- whether redactions or information that is not disclosed had been withheld on a case by case basis through the application of the public interest test
- whether there is an authorisation process for the approval and publication of returns, and
- whether there is a process in place for the review and updating of the disclosure of interests.

Although some councils advised that they refer to information contained in the Model Code, the Information Commissioner is of the view that the guidance contained in the Model Code does not provide a sufficiently clear framework or process to support compliance with obligations under the GIPA Act regarding open access. Accordingly, where a council only referred to the information contained in the Model Code, the IPC considered that the council did not have a policy or procedure in place to govern the disclosure of returns as required under the open access provisions of the GIPA Act.

Policies and procedures provide guidance to council staff responsible for carrying out this important function. They enable a consistent application of process and confirm the exercise of discretion. In the absence of policies and procedures decision making can be arbitrary or vulnerable to extraneous factors and subject to risks including corruption.

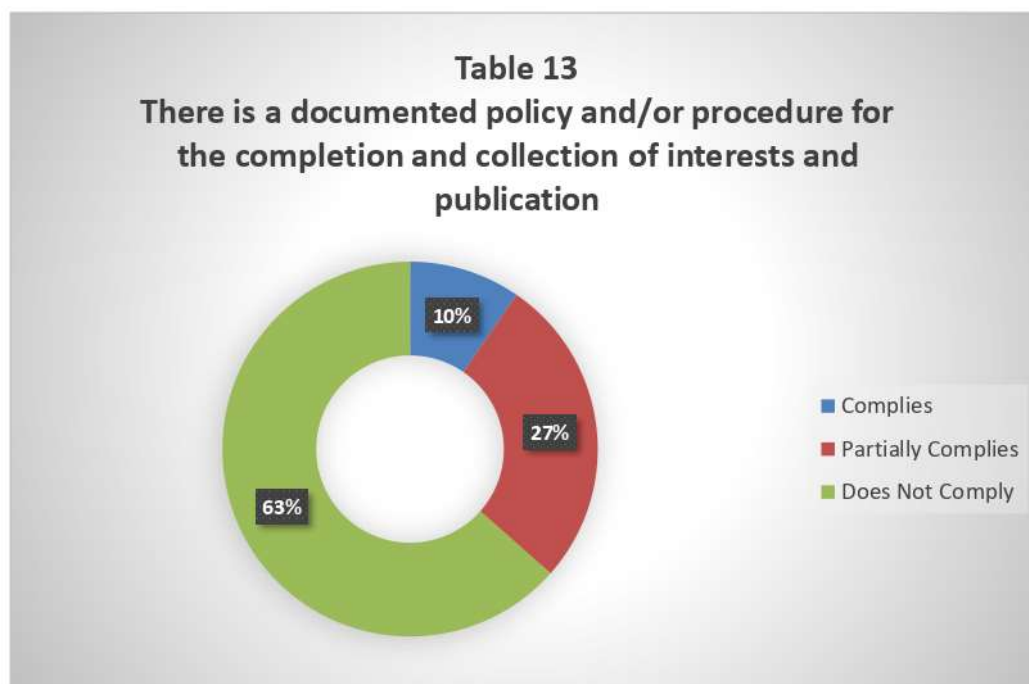
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Observations:

5.5(a) There is a documented policy and/or procedure for the completion and collection of interests and publication

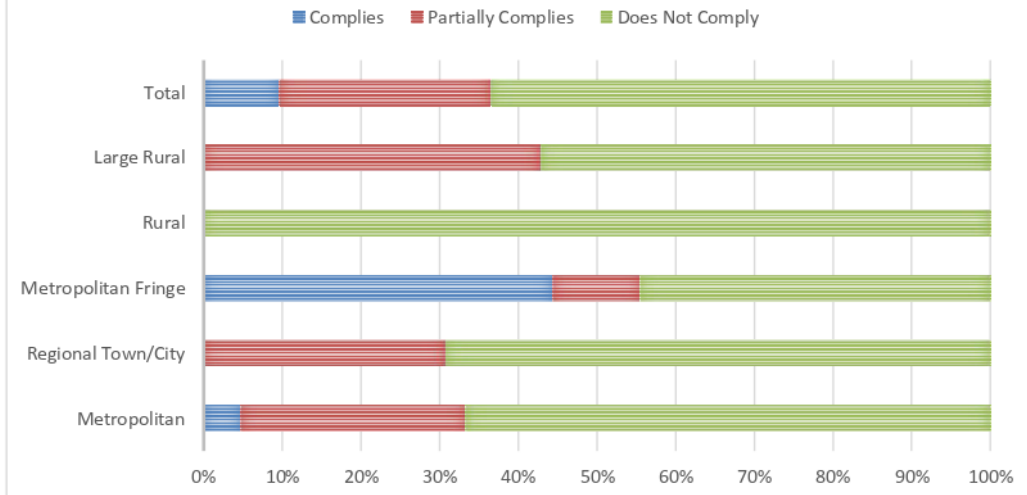
The threshold question of whether each council had a documented policy and/or procedure that pertains to the completion and collection of interests and to the publication of the interests was assessed based on the responses provided by councils to the IPC.



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Table 14 by Council Type



It was identified that only five councils provided a policy and/or procedure that explained the legislative requirements, addressed the process for collection and addressed the process for publication of returns of interests.

A further 14 councils provided the IPC with a policy and/or procedure, where the policy and/or procedure notionally indicated that the disclosure and publication of interests exist but did not provide a process for collection or the publication of the returns.

The remaining 33 councils reported that they did not have a policy or procedure in place with respect to the completion and collection of interests and publication.

It is apparent from the data that the majority of councils did not have a documented policy or procedure in place which would assist council staff in understanding and exercising functions under the GIPA Act with respect to the disclosure of returns.

5.5(b) Designated persons are clearly defined by the policy and/or procedure

For the councils that did have a policy and/or procedure in place, those policies and procedures were then further considered to determine whether they contained a clear definition of what constitutes a 'designated person'.

The inclusion of a clear definition as to who constitutes a 'designated person' within a policy or procedure would provide certainty as to who among the council staff are required to submit a return to disclose their pecuniary interests.

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Table 15
Designated persons are clearly defined by the policy and/or procedure

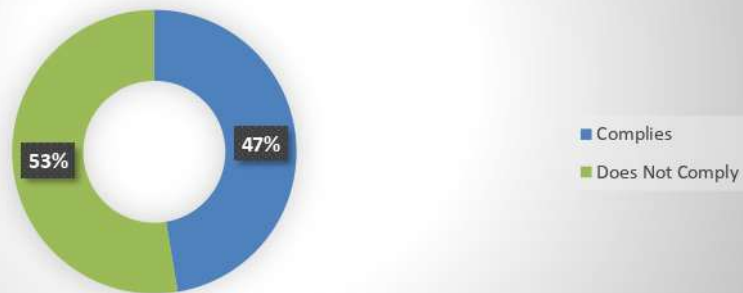
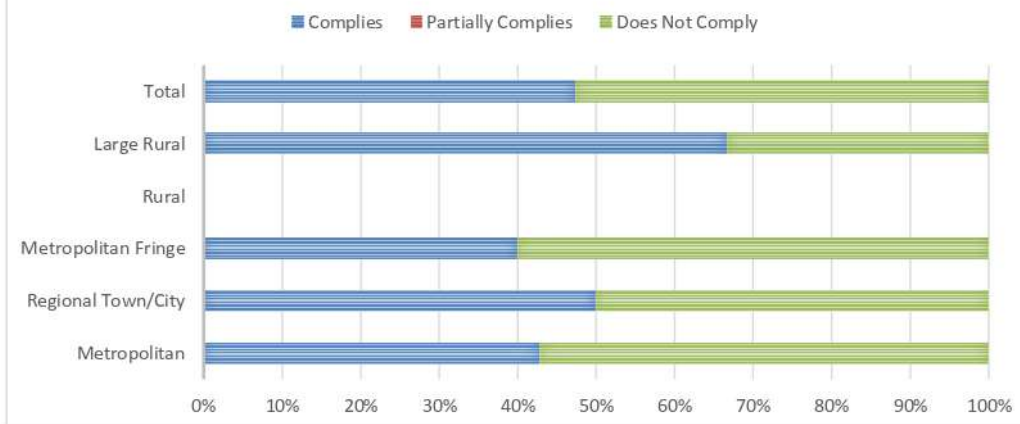


Table 16 by Council Type



It was identified that of the 19 councils that had a policy and/or procedure in place, only nine councils had clearly defined who is a 'designated person'.

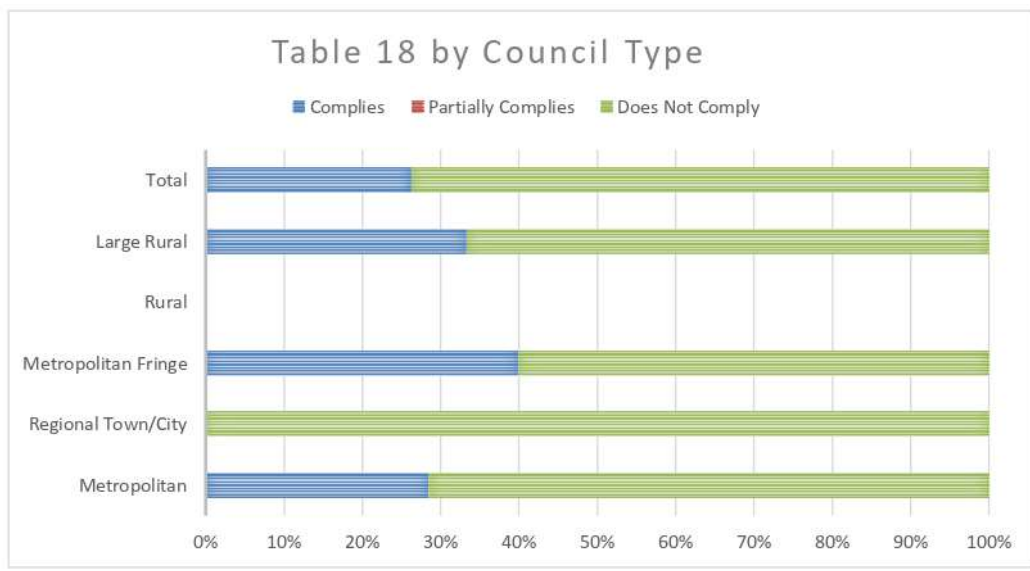
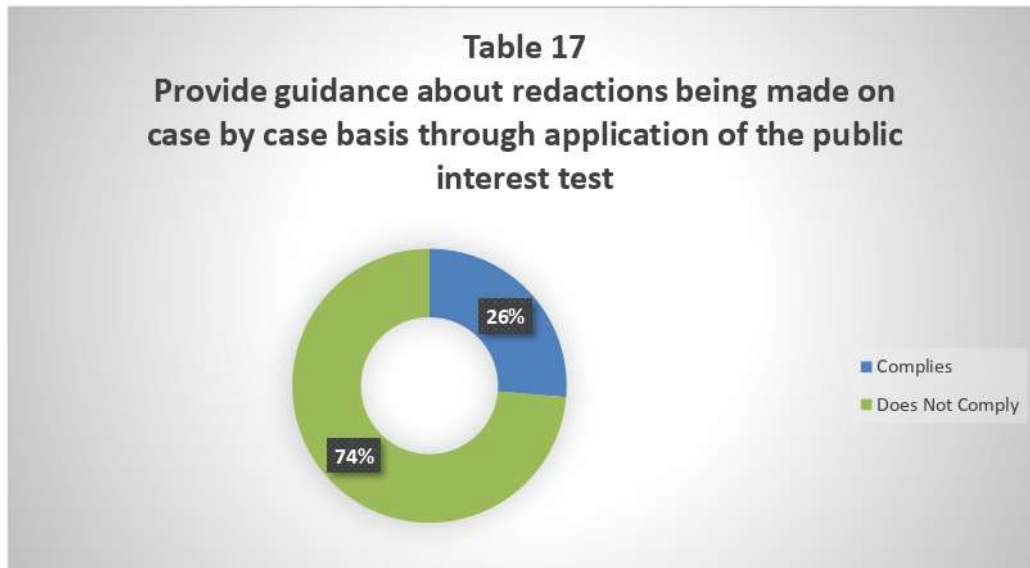
The policies and/or procedures of the remaining 10 councils did not provide an adequate definition of who is a 'designated person'.

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Comments, findings and recommendations

5.5(c) The policy and/or procedure demonstrates a requirement that redactions or information withheld is determined on a case by case basis through application of the public interest test to each individual return

The audit considered whether the policies and/or procedures provide sufficient guidance to council staff about the requirement that redactions or the withholding of information are only contemplated on a case by case basis after the public interest test is applied to each individual return.



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Comments, findings and recommendations

Of the 19 councils that had a policy and/or procedures in place, it was identified that only 5 councils included information or guidance about the need to ensure that each individual return was considered on a case by case basis to apply the public interest test when deciding whether redactions should be made or if certain information should be withheld.

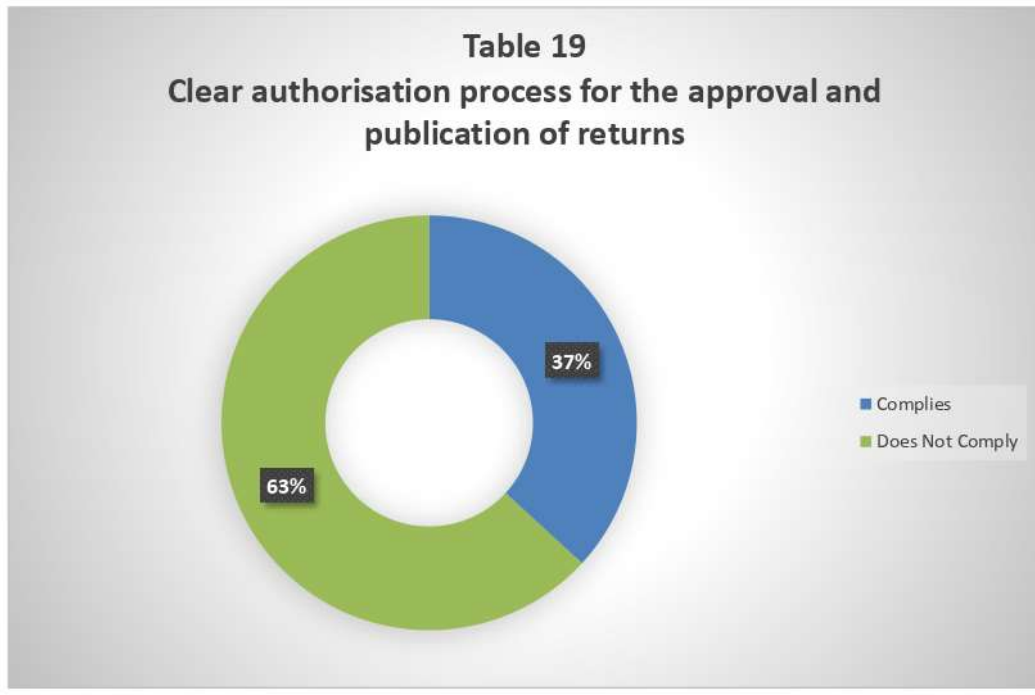
It was found that the policies and/or procedures of these councils contained an express statement about the need to undertake the public interest test for each return.

The policies and/or procedures for the remaining 14 councils did not provide any information or guidance about the need to ensure that redactions are to be made on a case by case basis following the application of the public interest test.

Table 18 demonstrates that non-compliance with this requirement was relatively consistent across all council categories when considering councils that had policies and procedures.

5.5(d) The policy and/or procedure makes clear the authorisation process for the approval and publication of returns

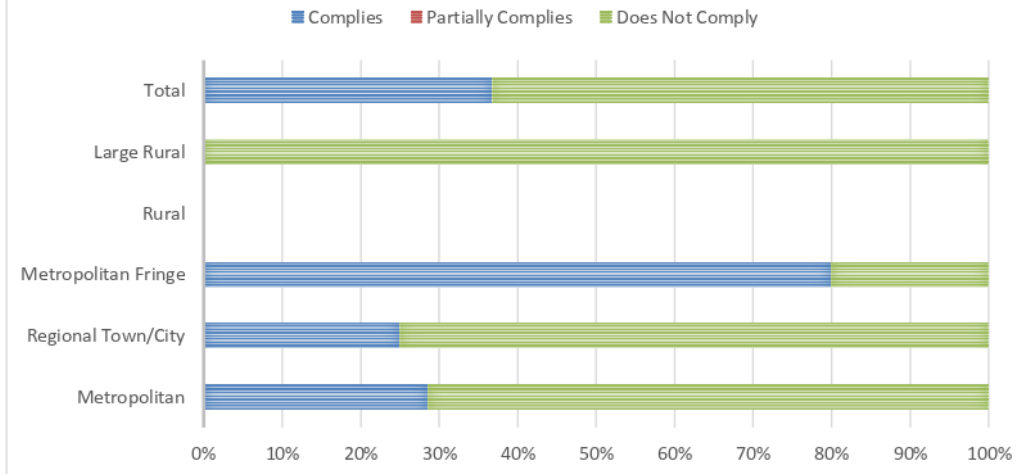
Table 19 (below) represents findings with respect to whether the policies and procedures available contained clear guidance about the authorisation process for the approval and publication of the returns.



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Comments, findings and recommendations

Table 20 by Council Type



Only 7 of the 19 councils that had a policy and/or procedure available provided guidance on the authorisation process for the approval and publication of returns. In particular, it was found that these 7 councils included sufficient details of who within the council is authorised to approve and publish the returns.

The policies and/or procedures of the remaining 12 councils did not refer to an authorisation process for the approval and publication of returns.

As **Table 20** demonstrates compliance was highest in Metropolitan Fringe councils and non-compliance was consistent in other council categories.

5.5(e) The policy and/or procedure for the publication of returns demonstrates that there is a process for the review and updating of the disclosure of interests

Table 21 depicts the policies and procedures that contained information and guidance about the process for reviewing, updating and publishing the returns.

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Comments, findings and recommendations

Table 21
There is a process for the review and updating and publishing the disclosure of interests

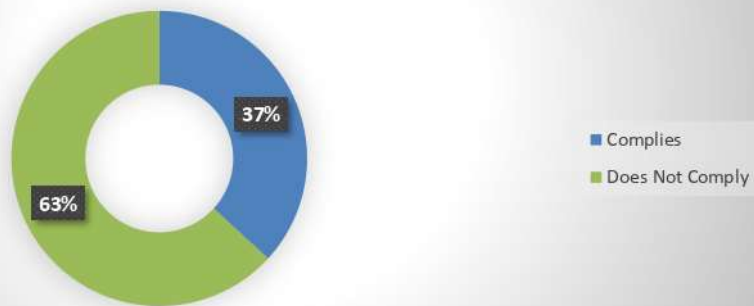
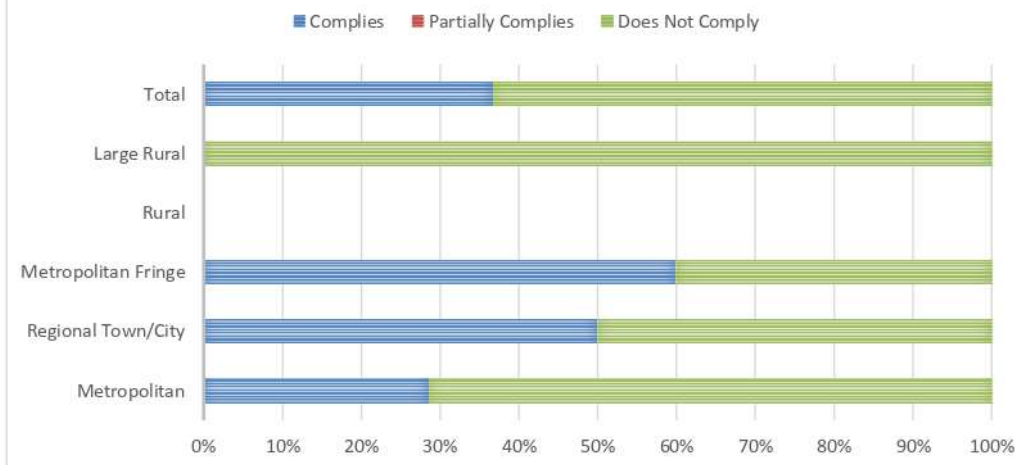


Table 22 by Council Type



Of the councils that had a policy and/or procedure available (19), it was found that the policies and/or procedures of 37% of councils (7) provided adequate information and guidance about the process for reviewing and updating disclosures. In particular, these policies and procedures provided information as to the steps to be taken to collate, review and publish the information contained in the returns. These policies and procedures also included information about the frequency of completion of returns.

The policies and/or procedures of the remaining 12 councils did not contain information about any process for the publication, review or updating of the returns.

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Comments, findings and recommendations

Recommendation 7: Councils should have a clear and specific policy or procedure for the completion, collection and publication of the returns of interest within 12 months of this report.

Recommendation 8: The policy or procedure should include appropriate guidance to assist officers within the council to carry out the obligations with respect to the returns of interests. In particular, councils should ensure that the policy or procedure includes adequate information including:

- a clear definition of 'designated persons'
- guidance about making redactions or withholding information on a case by case basis following application of the public interest test
- setting out the clear authorisation process for the approval and publication of returns, and
- ensuring that there is a clear process for the publication, review and updating of returns.

6. Conclusions

The completion and publication of returns of interests by councillors and designated persons provides an essential aid to councils to ensure that conflicts of interest are identified and managed. Likewise, citizens can only have confidence in elected officials and senior administrators if they are demonstrably transparent and accountable in the exercise of their functions.

There is an inherent and significant power imbalance between administrative officers charged with collecting and managing returns of interest from councillors and senior administrators. To address the resultant vulnerability consistent and visible leadership is required. Within each local council general managers provide that leadership and under the GIPA Act they are the principal officers responsible for implementing effective training, systems and policies. Those policies together with leadership enable the risks associated with the systemic power imbalance to be mitigated so that the public's right to know is preserved.

In this context it is concerning that:

- 33 (63%) of councils did **not** have systems, policies and practices to support the exercise of functions under the GIPA Act.
- Only 10% of (5) councils had policies and procedures that addressed the requirements for the completion and collection of returns of interests

Policies and procedures provide guidance to council staff responsible for carrying out this important function. They enable a consistent application of process and confirm the exercise of discretion. In the absence of policies and procedures decision making can be arbitrary or vulnerable to extraneous factors and subject to risks including corruption.

These significant failings significantly impede the public's right to access information and the object of the GIPA Act to maintain and advance a system of responsible and representative democratic government.

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In reporting these audit results the rural and large rural council category is considered collectively to ensure parity in the sample size. In these two categories there were no policies in place to assist in the exercise of functions under the GIPA Act. Measured against each of the five-criterion large rural councils failed to achieve any level of compliance with three of the five criteria. These outcomes demonstrate a tangible disadvantage to rural communities in their legislated right to access information.

More broadly the results of this audit demonstrate low levels of compliance by Councils with the open access requirements of the GIPA Act.

In particular:

- 61% of councils (32) were fully compliant with the requirement to publish the returns of the interests of councillors, designated persons and delegates
- 29% of councils (15) failed to comply with the requirement to publish the returns of the interests of councillors, designated persons and delegates.

These low levels of compliance by 52 sampled Councils indicate a fundamental failure by almost a third of the Councils audited to provide citizens with their legislated right to know disclosures of pecuniary and other interests.

The IPC has actively engaged with Councils and the OLG to promote knowledge and awareness of the importance of proactive disclosure of the returns of interests of councillors and designated persons. Whilst this will remain a priority for the IPC, councils must now prioritise compliance with this fundamental aid to advance our democratic system of government.

The guidance provided in this report is both practical and pragmatic. In this context swift and decisive action by councils is required to ensure that they perform their mandate within our democratic system of government.

7. Recommendations

The recommendations made in this report are directed to assisting and supporting the local government sector to achieve and elevate its compliance with the requirements of the mandatory open access requirements for the publication of disclosure of interests of councillors and other designated persons.

Recommendations	
Recommendation 1	Councils should ensure that the disclosure of interest by councillors and designated persons are complete and publicly available.
Recommendation 2	Councils would benefit from promoting consistency and accessibility in relation to returns of interest by establishing a single readily identifiable open access pathway. This should include meaningful labelling of returns by year, type and relevant links. The returns should be easily and prominently located on a Council's website and able to be located from a single search from the main page.
Recommendation 3	Councils should ensure that the disclosures are updated as required consistent with clause 4.21 of the Model Code of Conduct for Local Councils in NSW – 2020.

**Local Government Sector – GIPA Compliance Report – Disclosure of Information
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Recommendations	
Recommendation 4	The IPC commits to the development of further guidance to inform the local government sector on the interface of the “silent elector” requirements of the Electoral Act NSW and the GIPA Act.
Recommendation 5	Councils should ensure that systems, policies and practices are developed to support application of the public interest test. Those aids should reflect the requirement to establish by cogent and probative evidence that the personal and privacy considerations arising under ss 57 and 58 of the PPIP Act provide a relevant public interest consideration and not a mere personal or private consideration to operate against disclosure.
Recommendation 6	Councils should maintain a central record of all open access information that has been withheld due to an overriding public interest against disclosure and embed policies and procedures to ensure compliance with section 6(5) of the GIPA Act.
Recommendation 7	Councils should have a clear and specific policy or procedure for the completion, collection and publication of the returns of interest within 12 months of this report.
Recommendation 8	<p>The policy or procedure should include appropriate guidance to assist officers within the council to carry out the obligations with respect to the returns of interests. In particular, Councils should ensure that the policy or procedure includes adequate information including:</p> <ul style="list-style-type: none"> • a clear definition of ‘designated persons’ • guidance about making redactions or withholding information on a case by case basis following consideration of the public interest test • setting out the clear authorisation process for the approval and publication of returns, and • ensuring that there is a clear process for the publication, review and updating of returns.

8. Monitoring

The IPC will continue to monitor compliance by the sector in light of the findings of this audit and will commence a further snapshot 12 months from the publication of this report.

**Local Government Sector – GIPA Compliance Report – Disclosure of Information
(return disclosing the interest of councillors or designated persons) July 2021**

9. Audit chronology

Date	Event
10 December 2021	Notice of Audit to included Councils
23 December 2021	Response to Audit Due
End Jan 2021 and Begin Feb 2021	Desktop Audit Undertaken
6 July 2021	Report provided to the Minister for Local Government
27 July 2021	Response from Minister for Local Government received
27 July 2021	Report published – OLG and Councils notified

10. Abbreviations

The following table lists the commonly used abbreviations within this report.

Acronym or abbreviation	Explanation
GIIC Act	<i>Government Information (Information Commissioner) Act 2009</i>
GIPA Act	<i>Government Information (Public Access) Act 2009</i>
GIPA Regulation	<i>Government Information (Public Access) Regulation 2018</i>
Guideline 1	<i>Commissioner's Guideline 1: For Local Councils on the disclosure of information (returns disclosing the interest of councillors and designated persons)</i>
IPC	Information and Privacy Commission, NSW
LG Act	<i>Local Government Act 1993</i>
Model Code	Model Code of Conduct for the Local Government Sector
NCAT	NSW Civil and Administrative Decisions Tribunal
OLG	Office of Local Government
PPIP Act	<i>Privacy and Personal Information Protection Act 1998</i>

**Local Government Sector – GIPA Compliance Report – Disclosure of Information
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Legislation

The following legislation is relevant to the conduct of this audit.

Government Information (Public Access) Act 2009 – relevant sections:

- Section 17 – Role of the Information Commissioner
- Part 2 – Open government information – general principles
 - Section 6 - Mandatory proactive release of certain government information
- Part 3 – Open access information
 - Section 18 What constitutes open access information

Government Information (Information Commissioner) Act 2009 – relevant sections:

- Section 21 – Investigation of agency systems, policies and practices
- Section 24 – Report on compliance with an Information Act

Government Information (Public Access) Regulation 2009

- Part 2 – Open access information of local authorities

**Local Government Sector – GIPA Compliance Report – Disclosure of Information
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Appendix A: Legislation

GIPA Act Mandatory proactive release of certain government information

- (1) An agency must make the government information that is its *open access information* publicly available unless there is an overriding public interest against disclosure of the information.

Note—

Part 3 lists the information that is open access information.

- (2) Open access information is to be made publicly available free of charge on a website maintained by the agency (unless to do so would impose unreasonable additional costs on the agency) and can be made publicly available in any other way that the agency considers appropriate.
- (3) At least one of the ways in which an agency makes open access information publicly available must be free of charge. Access provided in any other way can be charged for.
- (4) An agency must facilitate public access to open access information contained in a record by deleting matter from a copy of the record to be made publicly available if inclusion of the matter would otherwise result in there being an overriding public interest against disclosure of the record and it is practicable to delete the matter.
- (5) An agency must keep a record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure. The record is to indicate only the general nature of the information concerned.
- (6) Nothing in this section or the regulations requires or permits an agency to make open access information available in any way that would constitute an infringement of copyright.

Part 3 Open access information

Division 1 Preliminary

18 What constitutes open access information

The following government information held by an agency is the agency's *open access information* that is required to be made publicly available by the agency under section 6 (Mandatory proactive release of certain government information)—

- (a) the agency's current agency information guide (see Division 2),
- (b) information about the agency contained in any document tabled in Parliament by or on behalf of the agency, other than any document tabled by order of either House of Parliament,
- (c) the agency's policy documents (see Division 3),
- (d) the agency's disclosure log of access applications (see Division 4),
- (e) the agency's register of government contracts (see Division 5),
- (f) the agency's record (kept under section 6) of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure,
- (g) such other government information as may be prescribed by the regulations as open access information.

GIPA Regulation

Schedule 1 Additional open access information—local authorities

Information contained in the following records (whenever created) is prescribed as open access information—

- (a) returns of the interests of councillors, designated persons and delegates,



Concise Investment Report Pack

Richmond Valley Council

1 August 2021 to 31 August 2021



Contents

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3. Investment Revenue Received For 1 August 2021 to 31 August 2021
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5. Environmentally Sustainable Investment Performance Report for the Period Ending 31 August 2021 Relative To 31 July 2021



1. Portfolio Valuation As At 31 August 2021

	Fixed Interest Security	Security Rating	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
At Call Deposit												
	CBA Business Online Saver Acct RVC At	S&P ST A1+		8,665,000.00	1.00000000	8,665,000.00	100.000	0.000	8,665,000.00	13.43%	0.20%	
	CBA General Fund Bk Acct RVC At Call	S&P ST A1+		4,233,088.40	1.00000000	4,233,088.40	100.000	0.000	4,233,088.40	6.56%	0.00%	
	CBA Trust Acct RVC At Call	S&P ST A1+		87,050.17	1.00000000	87,050.17	100.000	0.000	87,050.17	0.13%	0.00%	
	MACQ 940323M54 At Call	Moody's A2		10,003,397.31	1.00000000	10,003,397.31	100.000	0.000	10,003,397.31	15.51%	0.35%	
	NAB Business Cheque Acct RVC At Call	S&P ST A1+		20.00	1.00000000	20.00	100.000	0.000	20.00	0.00%	0.00%	
				22,988,555.88		22,988,555.88			22,988,555.88	35.64%		0.28%
Term Deposit												
	AMP 0.5 29 Nov 2021 91DAY TD	S&P ST A2		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.50%	
	AMP 0.95 30 Nov 2021 365DAY TD	S&P ST A2		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.95%	
	AMP 0.95 07 Dec 2021 365DAY TD	S&P ST A2		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.95%	
	AMP 0.95 22 Feb 2022 365DAY TD	S&P ST A2		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.95%	
	AMP 0.95 03 Mar 2022 365DAY TD	S&P ST A2		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.95%	
	Auswide 1.75 03 Mar 2022 730DAY TD	Moody's ST P-		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	1.75%	
	SYD 0.6 02 Sep 2021 182DAY TD	Unrated ST		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.60%	
	GB 1 03 Sep 2021 365DAY TD	S&P ST A2		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	1.00%	
	GB 1 03 Sep 2021 365DAY TD	S&P ST A2		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	1.00%	
	GB 0.7 12 Nov 2021 365DAY TD	S&P ST A2		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.70%	
	GB 0.6 13 Dec 2021 367DAY TD	S&P ST A2		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.60%	
	JUDO 0.8 01 Sep 2021 182DAY TD	Unrated ST		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.80%	
	JUDO 0.7 28 Feb 2022 273DAY TD	Unrated ST		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.70%	
	JUDO 0.7 04 Mar 2022 270DAY TD	Unrated ST		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.70%	
	JUDO 0.7 11 Mar 2022 273DAY TD	Unrated ST		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.70%	
	JUDO 0.99 14 Apr 2022 365DAY TD	Unrated ST		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.99%	
	ME Bank 0.45 29 Oct 2021 159DAY TD	Moody's ST P-		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.45%	
	ME Bank 0.45 23 Nov 2021 180DAY TD	Moody's ST P-		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.45%	
	ME Bank 0.5 12 Jan 2022 210DAY TD	Moody's ST P-		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.50%	
	ME Bank 0.5 12 Jan 2022 210DAY TD	Moody's ST P-		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.50%	
	Wanick CU 0.45 01 Sep 2021 182DAY	Unrated ST		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.55%	0.45%	
				21,000,000.00		21,000,000.00			21,000,000.00	32.55%		0.25%
Floating Rate Note												
	Auswide 0.9 06 Nov 2023 FRN	Moody's Baa2	AU3FN0057352	750,000.00	1.00000000	750,000.00	100.923	0.062	750,000.00	1.16%	0.91%	
	Auswide 0.6 22 Mar 2024 FRN	Moody's Baa2	AU3FN0058317	1,500,000.00	1.00000000	1,500,000.00	100.190	0.120	1,500,000.00	2.33%	0.62%	
	MACQ 0.48 09 Dec 2025 FRN	S&P A+	AU3FN0057709	1,000,390.00	1.00000000	1,000,390.00	100.125	0.115	1,000,390.00	1.55%	0.50%	
	MY5 0.65 16 Jun 2025 FRN	Moody's Baa2	AU3FN0061024	1,500,000.00	1.00000000	1,500,000.00	100.000	0.140	1,500,000.00	2.33%	0.67%	
				4,750,390.00		4,750,390.00			4,750,390.00	7.36%		0.30%
List Trust												
	NSWTC Long Term Growth Fund UT			3,000,000.00		3,000,000.00			3,135,662.28	4.86%		
	NSWTC Medium Term Growth Fund UT			11,005,029.35		11,005,029.35			12,635,305.99	19.59%		
				14,005,029.35		14,005,029.35			16,770,968.27	24.45%		3.12%
Portfolio Total				62,743,975.23		62,743,975.23			64,509,914.15	100.00%		3.65%



2. Portfolio Valuation By Categories As At 31 August 2021

Security Type	Market Value	% Total Value
At Call Deposit	22,988,555.88	35.64%
Term Deposit	21,000,000.00	32.55%
Floating Rate Note	4,750,390.00	7.36%
Unit Trust	15,770,968.27	24.45%
Portfolio Total	64,509,914.15	100.00%

Market Value by Security Type





Issuer	Market Value	% Total Value
AMP Bank Ltd	5,000,000.00	7.75%
Auswide Bank Limited	3,250,000.00	5.04%
Bank of Sydney Ltd	1,000,000.00	1.55%
Commonwealth Bank of Australia Ltd	12,985,138.57	20.13%
Greater Bank Ltd	4,000,000.00	6.20%
Judo Bank	5,000,000.00	7.75%
Macquarie Bank	11,003,787.31	17.06%
Members Equity Bank Ltd	4,000,000.00	6.20%
MyState Bank Ltd	1,500,000.00	2.33%
National Australia Bank Ltd	20.00	0.00%
NSW Treasury Corporation	15,770,968.27	24.45%
Warwick Credit Union	1,000,000.00	1.55%
Portfolio Total	64,509,914.15	100.00%

Market Value by Issuer



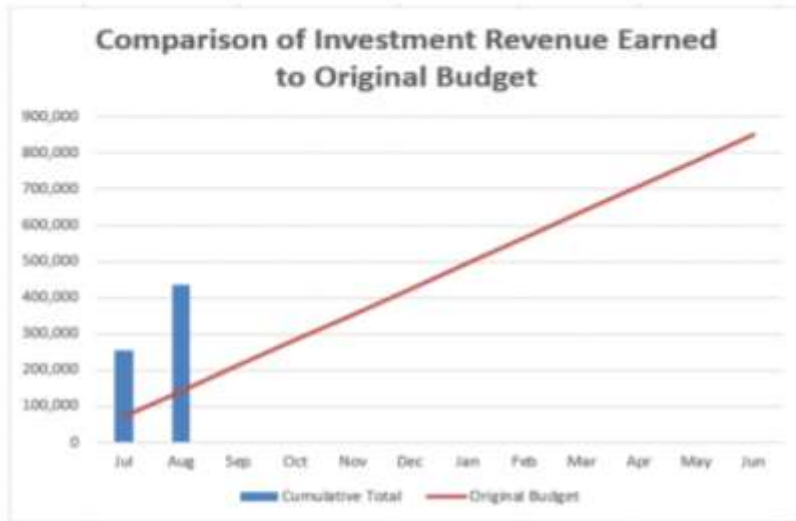


3. Investment Revenue Received For 1 August 2021 to 31 August 2021

Security ISIN	Security	Issuer	Settlement Date	Face Value (Basis of Interest Calculation)	Consideration	Income Type
	Other	Commonwealth Bank	31 Aug 2021		1,010.23	Bank Interest
	Other	Macquarie Bank	31 Aug 2021		3,397.31	Bank Interest
	AMP 1.8 30 Aug 2021 544DAY TD	AMP Bank Ltd	30 Aug 2021	1,000,000.00	7,934.25	Security Coupon Interest
	Auswide 0.9 FRN	Auswide Bank Limited	9 Aug 2021	750,000.00	1,776.98	Security Coupon Interest
					14,118.77	
	Medium Term Growth Fund	NSW Treasury Corporation	31 Aug 2021		107,962.61	Fair Value Gain(Loss)
	Long Term Growth Fund	NSW Treasury Corporation	31 Aug 2021		57,565.23	Fair Value Gain(Loss)
					165,527.84	
	TOTAL				179,646.61	



4. Comparison of Investment Revenue Earned to Original Budget and Investment Portfolio by Month 2021 - 2022 YTD





5. Environmentally Sustainable Investment Performance Report for the Period Ending 31 August 2021 Relative To 31 July 2021

Portfolio Summary by Fossil Fuel Lending ADIs

ADI Lending Status	% Total	Current Period	% Total	Prior Period
Fossil Fuel Lending ADIs				
AMP Bank Ltd	7.8%	5,000,000.00	8.6%	5,000,000.00
Commonwealth Bank of Australia Ltd	20.1%	12,985,138.57	11.2%	6,498,022.63
Macquarie Bank	17.1%	11,003,787.31	19.0%	11,003,787.29
National Australia Bank Ltd	0.0%	20.00	0.0%	20.00
	44.9%	28,988,945.88	38.9%	22,501,829.92
Non Fossil Fuel Lending ADIs				
Auswide Bank Limited	5.0%	3,250,000.00	5.6%	3,250,000.00
Bank of Sydney Ltd	1.6%	1,000,000.00	1.7%	1,000,000.00
Greater Bank Ltd	6.2%	4,000,000.00	6.9%	4,000,000.00
Judo Bank	7.8%	5,000,000.00	8.6%	5,000,000.00
Members Equity Bank Ltd	6.2%	4,000,000.00	6.9%	4,000,000.00
MyState Bank Ltd	2.3%	1,500,000.00	2.6%	1,500,000.00
NSW Treasury Corporation	24.4%	15,770,968.27	27.0%	15,605,440.44
Warwick Credit Union	1.6%	1,000,000.00	1.7%	1,000,000.00
	55.1%	35,520,968.27	61.1%	35,355,440.44
Total Portfolio		64,509,914.15		57,857,270.36

Fossil Fuel vs Non Fossil Fuel Lending ADI



All amounts shown in the table and charts are Current Face Values.

The above percentages are relative to the portfolio total and may be affected by rounding.

A fossil fuel lending ADI appearing in the non-fossil fuel related table will indicate that the portfolio contains a "green bond" issued by that ADI.



Concise Investment Report Pack
Richmond Valley Council
1 August 2021 to 31 August 2021

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Report Code: TERNCONCISE01-01-11
Report Description: Concise Investment Report Pack
Reviewed:
Trading Entity: Richmond Valley Council
Trading Book: Richmond Valley Council

Council Policy

Policy Title:	Roadside and Reserve Memorials
Policy Number:	13.5
Focus Area:	PP3 Working Together
Responsibility:	Infrastructure and Environment
Meeting Adopted:	TBA



OBJECTIVE

To limit Council's exposure to the potential road safety hazard and public liability risks of roadside tributes and memorials.

POLICY

This policy provides guidelines for the erection, maintenance, or removal of roadside memorials that:

- provide a compassionate and consistent approach to the placement of roadside and reserve memorials.
- take in to account the safety requirements of road and reserve users, the community, and the legal obligations of Council and other authorities (Roads and Maritime Services).
- limit Council's exposure to the potential road safety hazard and public liability risks by the placement of tributes and memorials.
- assist Council to manage the road and reserve assets under its care and control.
- maintain the amenity and quality of life in the local surrounding area.

1. Policy Statement

While not encouraging the practice, but recognising the reasons for roadside and reserve memorials, Council is willing to permit the erection or placement of such memorials on its roadsides and reserves subject to the conditions set out below:

1. A roadside memorial can only be located within the immediate vicinity to the site of the accident provided that all other requirements for the safety of road users are considered.
2. Only one memorial is to be erected in respect of each accident or incident.
3. A memorial must be located in a position where it will not distract a driver(s) attention from the driving task, interfere with the role of any traffic control item or present a risk to a person using the reserve.
4. No Memorial can be illuminated and must not be reflective.
5. A memorial must not be located, in a position where it will be hazardous to passing traffic (vehicles, bicycles and pedestrians) or prevent appropriate maintenance of a road reserve.

6. Roadside memorials must not be constructed of materials that may be a hazard to vehicles, bicycles and pedestrians (e.g. large metal or stone components or glass of any type or size is not permitted) and have dimensions of not more than:
 - 500mm high
 - 400mm wide
 - 400mm in ground depth
7. Reserve memorials may be larger; however, the material composition and location of these memorials will be considered in respect to their potential risk to reserve users and the local amenity.
8. Memorials must be secured to prevent dispersion by weather conditions.
9. A memorial must not unreasonably restrict access for utility and emergency services.
10. Wherever possible, the location of a memorial should be chosen to minimise risk. Persons erecting or visiting a roadside memorial do so at their own risk.
11. The location of a memorial should not unreasonably detract from the amenity of the local area or seriously detract from the reasonable quality of life as expected by adjacent landowners or property occupiers and other members of the public.
12. Council reserves the right to remove any memorial that does not comply with these guidelines, is/or becomes a hazard or creates other problems for which Council has a responsibility to manage. Council will endeavour to contact the family, if known, and notify them of the need to remove a memorial.
13. Council reserves the right to remove any memorial that attracts complaints from the general public or adjacent property owners. Council will endeavour to contact the family, if known, and notify them of the need to remove a memorial.
14. Council reserves the right to remove any memorial that attracts unruly or antisocial behaviour. Council will endeavour to contact the family, if known, and notify them of the need to remove a memorial.
15. During road works and maintenance, Council may need to remove a roadside memorial. In such cases, Council will:
 - a) endeavour to identify memorials that may be affected by the work;
 - b) contact the family, if known, and work to safely store the memorial until work is completed; and
 - c) consider the family's views on how best to recreate or relocate the memorial.
16. If the owner or family associated with a memorial cannot be located/contacted, then Council will store the memorial off-site for an appropriate length of time.

17. Roadside memorials can be temporary in nature and a transitional approach may be appropriate. Time frames may vary however some memorials may be removed after a period of 60 days.
18. In all instances Council will endeavour to contact the owner or family associated with the memorial to discuss/arrange removal.

2. Community Wellbeing

1. Should a member of the community contact Richmond Valley Council to express their concern regarding a specific roadside memorial, Council will work with the affected parties to address the concerns in a sensitive and sympathetic manner.
2. Where the memorial does not align with RVC policy principles the memorial maker may be required to modify or relocate the memorial.
3. Where the memorial does align with the policy principles, but the affected parties cannot reach an agreement on a memorial, they may elect to pursue mediation through council.
4. Where mediation is unsuccessful, and the parties cannot reach an agreement Richmond Valley Council may make a decision regarding the memorial.
5. Where there are community concerns regarding the timeframe of a memorial which aligns with all the policy principles, refer to Policy Condition 15 for further guidance.

3. Definitions

A **roadside or reserve memorial** is any object to commemorate a person or group which is constructed, erected, or placed within a Council road or park reserve. Memorials may include the affixing of items such as flowers, crosses, or memorabilia to existing infrastructure.

Public road means any road that is opened or dedicated as a public road under the *Roads Act 1993* or any other Act or Law and includes:

- (a) the land adjoining a road commonly referred to as the road verge or road-side reserve,
- (b) a bridge, culvert, or causeway; or
- (c) a laneway, walkway, or "cycleway",

Note: It does not include a classified road under the control of the TfNSW (Transport for New South Wales formally RMS and RTA).

4. Legislative Requirements

Council has powers under the *Local Government Act 1993* and *Roads Act 1993* to regulate the use of its road reserves. Provided that these guidelines are followed, no consent is required from Council for the erection of a roadside memorial, however, the person erecting the memorial should advise Council in writing of the intention to erect the memorial and should include their name, address and other contact details as well as provide an accurate description of the memorial and its intended location.

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	25/6/2019	New policy
2	TBA	Review with minor updates only

Council Policy

Policy Title:	Bitumen Sealing adjacent to Residences on Unsealed Roads
Policy Number:	11.2
Focus Area:	PP2 Getting Around
Responsibility:	Asset Planning
Meeting Adopted:	TBA



OBJECTIVE

To provide a means of assessing requests for dust sealing on a merit basis.

POLICY

Roadway 100m each side of a residence which is affected by dust will be bitumen sealed subject to the following conditions:

1. Application for the work is made by the resident affected.
2. Dust sealing will need to include formation reconstruction, pavement reconstruction and drainage reconstruction where necessary and if approved, will be included in Council's Works Program to suit resources and programming.
3. Council will provide a cost estimate for the works, including all appropriate overhead costs, i.e. oncosts. However, Council will not include a profit margin for the works.
4. The resident is to pay 100% of the cost of the works; Council will not make any contribution to the works.
5. All requests will be assessed on merit taking into account location, future maintenance, benefit derived, geometry of existing road, whole of life maintenance costs, etc.

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	23/6/2015	New policy
2	TBA	Review with updates to format only

Council Policy



Policy Title:	Contributions for Kerb and Guttering and Footpath Paving
Policy Number:	11.3
Focus Area:	PP2 Getting Around
Responsibility:	Asset Planning
Meeting Adopted:	TBA

OBJECTIVE

Council to recover the costs for constructing or paving any kerb, guttering or footway works.

POLICY

In accordance with Part 13 – Finance; Division 3; Section 217 of the *Roads Act 1993* as amended, Council will seek contributions from property owners as per the Act for construction or paving for any new kerb, guttering or footways.

The contribution is the full cost of any works required as a result of a development consent condition or half the cost for construction for street frontage (defined as the property address) and rear lane frontage with quarter the cost for all other boundaries, for other works.

The charge is to be fixed by Council on completion of works and incorporate all costs allowed by Section 217 of the *Roads Act 1993* including a proportion of all council on-costs and overheads. The contribution for cycleways will be for half the cost for construction of a standard width of footpath.

Council may vary the amount of contribution and/or waive contributions completely where kerbing and guttering is so aligned for traffic control such as ‘roundabouts’ or ‘bulbing’ at certain intersections. All such variations or waivers are to be the subject of reports to Council, detailing the amount of variation or waivers, together with a short explanation as to the reason for the variation or waiver.

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	23/6/2015	New policy
2	TBA	Review with updates to format only

Richmond Valley Council – CPOL11.3 Contributions for Kerb and Guttering and Footpath Paving

Adopted: TBA

Page 1 of 1

Council Policy

Policy Title:	Use of Council Aerodromes
Policy Number:	11.8
Focus Area:	EC1 Driving Economic Growth
Responsibility:	Asset Planning
Meeting Adopted:	TBA



OBJECTIVE

To establish guidelines for the use of Council aerodromes.

POLICY

Mission Statement - Develop Council Aerodrome facilities by effective usage to ensure the best outcomes for the community as a whole.

Vision Statement - The development of the aerodrome usage patterns and natural attributes of the facilities to enable sustainable operation of the facilities into the future.

Preamble

Richmond Valley Council owns and manages one aerodrome, located in Casino (known as Casino Aerodrome). The aerodrome is classified by the Civil Aviation Safety Authority (CASA) Australia, as a non-certified, non-registered aerodrome.

The aerodrome is used by a range of commercial and private aviators and non-aviation users. Council has a responsibility to properly manage its aerodromes to ensure public safety.

As a non-certified, non-registered aerodrome, Council is not required under the regulations to provide aerodrome information to the Aeronautical Information Service (AIS), Civil Aviation Safety Authority (CASA) or be included in Enroute Supplement Australia (ERSA). However, Council has chosen to have information published in ERSA.

It should be noted that Council cannot issue through CASA, a Notice to Airmen (NOTAM) when there is a change in use because the aerodrome is non-registered. Information on the condition of the aerodrome is only available by direct contact with Council.

This policy provides guidelines for use of the aerodrome facility only.

This policy does not exempt the requirement to gain development consent or Section 68 approval when required. Development approval is required for land use in accordance with Council's adopted Local Environmental Plan.

Aims

- Provide a process and procedure that provides clear and consistent guidelines to aviation and non-aviation users of Council's aerodrome.
- The fee structure will reflect the type and nature of activity and will be included in Council's adopted Revenue Policy.
- Establish requirements for provision of public liability insurance.
- Establish fly neighbourly agreements for the aerodrome.
- Establish guidelines on the suitability of use.
- Establish a procedure for closure of an aerodrome.
- Incident, accident or near miss reporting procedure.
- Establish fee exemption criteria.

Areas where the Policy applies

- Casino Aerodrome within the boundaries of Lot 13, DP 1142601.

Visiting AircraftDefinition

- A visiting aircraft is an aircraft in transit not based at the aerodrome.

Usage

- As per Council's Revenue Policy, visiting aircraft are required to pay a fee per landing.
- Receipt is to be displayed on stationary aircraft as per the receipt's instructions.
- Fees are payable at the on-site fee box, via payment at one of Council's Administration Offices, or via Credit Card application.

Annual Permit HolderDefinition

- An Annual Permit should be held by any residential aircraft operator or aerodrome user that has completed and paid the annual fee e.g. commercial aviation, private aviation, hangar lessee, etc.

Usage

- Annual Permit Holders are required to complete the *Annual Aerodrome Permit Application form* and be approved for use of the aerodrome for 12 months.
- All annual aerodrome permit holders must comply with any conditions of approval stated on their permit.
- Fees are as per Council's Revenue Policy.

Events

Definition

- An event is an activity happening at a determined date and time which could include aviation and non-aviation activities.

Usage

- Event applicants are required to complete the *Aerodrome Event Application Form* and be granted approval for use of the aerodrome.
- The Event applicant must comply with any conditions of approval granted.
- Fees are as per Council's Revenue Policy.
- Priority is given to events however consideration will be given to impacts on Annual Permit Holders.

Overnight Aircraft Parking

Definition

- Any aircraft left stationary for more than 14 hours at an aerodrome.

Usage

- Fees are as per Council's Revenue Policy.
- Receipt is to be displayed on stationary aircraft as per the receipt's instructions.
- Fees are payable at the on-site fee box, via payment at one of Council's Administration Offices, or via Credit Card application.

General Issues

Insurance

Applicants for an Aerodrome Event or Annual Aerodrome Permit shall provide public liability insurance which indemnifies Council against all claims of public liability, and shall maintain public liability insurance for a sum not less than twenty million dollars (\$20,000,000) at all times with an insurer approved by Council. A Certificate of Currency is to be provided to Council annually upon renewal of the policy without being requested.

Council will accept aviation clubs' public liability insurance covering its members, provided that the clubs' insurance is consistent with the normal insurance requirements applicable to all aviation applicants using the aerodrome and the proposed use.

Fly Neighbourly Agreements

As a requirement of use of the aerodrome, all aircraft must abide by any endorsed Fly Neighbourly Agreement.

Guidelines on Suitability of Use

Usage that is not consistent with the Richmond Valley Council Local Environment Plan 2012, *Environment Planning and Assessment Act 1979*, Plan of Management or *Heritage Act NSW 1977* will not be granted approval.

Incident, Accident or a Near Miss

Any incident, accident or a near miss which occurs as a result of activities/use undertaken on the aerodrome must be reported to Council within 24 hours of the incident. All incidents are to be reported through Council's 24-hour number (02) 6660 0300.

Fees Exemption

Emergency Services and Department of Defence are exempt from paying fees for use of the aerodromes, however, Council must be notified of the intended use.

Camping

Camping is not permitted on the aerodromes.

Related Documents and Legislation

This policy should be read in conjunction with the following documents:

- Civil Aviation Safety Authority (CASA) Regulations
- Obstacle Limitation Surface Guidelines
- Current adopted ANEF as per Plan of Management
- *Environment Planning and Assessment Act 1979*
- *Environmental Protection and Biodiversity Act 1999*
- *Threatened Species Conservation Act 1995*
- Richmond Valley Council Local Environment Plan 2012

Schedule of documents

- Annual Aerodrome Permit Application Form
- Aerodrome Events Application Form
- Annual Revenue Policy
- Event Management Plan
- Development Application Form
- Section 68 Approval
- Procedure to Close an Aerodrome

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	23/6/2015	New policy
2	TBA	Review with public liability limit increased to \$20M and references to Evans Head Aerodrome removed.

Council Policy



Policy Title:	Naming of Public Parks, Reserves, Sporting Fields and Council Facilities
Policy Number:	13.1
Focus Area:	PP1 Fresh and Vibrant Communities
Responsibility:	Asset Planning
Meeting Adopted:	TBA

OBJECTIVE

To support procedures for the naming of Public Parks, Reserves, Sporting Fields and Council Facilities.

POLICY

Council's Policy and Procedure for Naming of Public Parks, Reserves, Sporting Fields and Facilities, will enable a better identification of public land. Locality names are important navigation tools, not only to residents but for Council, emergency services and mapping services.

The Procedure will provide a systematic approach including all guidelines and requirements that are to be followed when naming a new or existing public park, reserve, sporting field or Council facility.

The Policy, together with the associated procedure, provide guidelines for managing the issue of naming public parks, reserves, sporting fields and Council facilities in accordance with the Standard.

Related Documents

- PRO13.01 Naming of Public Parks, Reserves, Sporting Fields and Council Facilities (adopted by Council 18 August 2020).

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	23/6/2015	New policy
2	TBA	Review with updates to format only