



GOVERNANCE AND FINANCE COMMITTEE

13 May 2025



COMMUNITY STRATEGIC PLAN 2018-2028

ONE – CENTRAL COAST IS THE COMMUNITY STRATEGIC PLAN (CSP) FOR THE CENTRAL COAST LOCAL GOVERNMENT AREA

ONE – CENTRAL COAST DEFINES THE COMMUNITY'S VISION AND IS OUR ROADMAP FOR THE FUTURE

ONE – CENTRAL COAST BRINGS TOGETHER EXTENSIVE COMMUNITY FEEDBACK TO SET KEY DIRECTIONS AND PRIORITIES

One - Central Coast will shape and inform Council's business activities, future plans, services and expenditure. Where actions are the responsibility of other organisations, sectors and groups to deliver, Council will work with key partners to advocate on behalf of our community.

Ultimately, every one of us who live on the Central Coast has an opportunity and responsibility to create a sustainable future from which we can all benefit. Working together we can make a difference.

RESPONSIBLE

WE'RE A RESPONSIBLE COUNCIL AND COMMUNITY, COMMITTED TO BUILDING STRONG RELATIONSHIPS AND DELIVERING A GREAT CUSTOMER EXPERIENCE IN ALL OUR INTERACTIONS.

We value transparent and meaningful communication and use community feedback to drive strategic decision making and expenditure, particularly around the delivery of essential infrastructure projects that increase the safety, liveability and sustainability of our region. We're taking a strategic approach to ensure our planning and development processes are sustainable and accessible and are designed to preserve the unique character of the coast.

 **Good governance and great partnerships**

G2 Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making

There are 5 themes, 12 focus areas and 48 objectives

COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK

All council reports contained within the Business Paper are now aligned to the Community Strategic Plan. Each report will contain a cross reference to a Theme, Focus Area and Objective within the framework of the Plan.

The infographic details the following structure:

- THEME: BELONGING**
 - Focus Area: OUR COMMUNITY (Objectives: G1, G2, G3, G4)
 - Focus Area: COMMUNITY GOVERNANCE AND LOCAL GOVERNMENT (Objectives: G5, G6)
- THEME: SMART**
 - Focus Area: A GROWING AND COMPETITIVE REGION (Objectives: C1, C2, C3, C4)
 - Focus Area: A PLACE OF OPPORTUNITY FOR PEOPLE (Objectives: O1, O2, O3, O4)
- THEME: GREEN**
 - Focus Area: ENVIRONMENTAL WELL-BEING FOR THE FUTURE (Objectives: E1, E2, E3, E4)
 - Focus Area: INCREASED RAIN WATER RESILIENCE (Objectives: R1, R2)
- THEME: RESPONSIBLE**
 - Focus Area: GOOD GOVERNANCE AND GREAT PARTNERSHIPS (Objectives: G1, G2, G3, G4)
 - Focus Area: BELONGING THROUGH INFRASTRUCTURE (Objectives: I1, I2, I3, I4)
 - Focus Area: SAFETY AND WELLBEING & DEVELOPMENT (Objectives: D1, D2, D3, D4)
- THEME: LIVEABLE**
 - Focus Area: RELIABLE PUBLIC TRANSPORT AND CONNECTIVITY (Objectives: T1, T2, T3, T4)
 - Focus Area: SAFE AND HEALTHY LIVES (Objectives: H1, H2, H3, H4)
 - Focus Area: WELL-BEING, RESILIENCE AND SUPPORTIVE COMMUNITIES (Objectives: S1, S2, S3, S4)



Meeting Notice

**The Governance and Finance Committee
of Central Coast Council
will be held in Function Room 2,
2 Hely Street, Wyong,
on Tuesday 13 May 2025 7:00pm,
for the transaction of the business listed below:**

1 Reports

1.1	Introduction: Welcome, Acknowledgement of Country, and Apologies	4
1.2	Disclosures of Interest.....	4
1.3	Q3 (March 2025) Operational Plan and Budget Review	6
1.4	Reviewed Code of Conduct - for Public Exhibition	7
1.5	Draft Code of Meeting Practice - for Public Exhibition.....	63
1.6	Draft Public Forum Policy - For Public Exhibition.....	113
1.7	Draft Councillor Expenses and Facilities Policy - for Adoption.....	127
1.8	Reviewed Investments Management Policy and Draft Borrowings Policy - for Adoption.....	155
1.9	Reviewed Procurement Policy - for Adoption	180
1.10	North Avoca Surf Life Saving Club - Approval to issue Lease and Licence	197

Councillor Jared Wright
Chairperson

1.1 INTRODUCTION: WELCOME, ACKNOWLEDGEMENT OF COUNTRY, AND APOLOGIES

WELCOME

ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Traditional Custodians of the land on which we live, work and play.

We pay our respects to Darkinjung Country, and Elders past and present.

We recognise the continued connection to these lands and waterways and extend this acknowledgement to the homelands and stories of those who also call this place home.

We recognise our future leaders and the shared responsibility to care for and protect our place and people.

RECEIPT OF APOLOGIES

DISCLOSURES OF INTEREST

Item No: 1.2
Title: Disclosures of Interest
Department: Corporate Services

13 May 2025 Economic Development Committee

Reference: F2025/00484 - D16751331

Chapter 14 of the *Local Government Act 1993* ("LG Act") regulates the way in which the councillors and relevant staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public functions.

Section 451 of the LG Act states:

- "(1) A councillor or a member of a council committee 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.*
- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:*
- (a) at any time during which the matter is being considered or discussed by the council or committee, or*
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.*

- (3) *For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.*
- (4) *Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:*
- (a) the matter is a proposal relating to:*
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*
 - (a1) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person's principal place of residence, and*
 - (b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*
- (5) *The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*
- (a) be in the form prescribed by the regulations, and*
 - (b) contain the information required by the regulations."*

Further, the Code of Conduct adopted by Council applies to all councillors and staff. The Code relevantly provides that if a councillor or staff have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed as well as providing for a number of ways in which a non-pecuniary conflicts of interests might be managed.

Recommendation

That Committee members and staff now disclose any conflicts of interest in matters under consideration at this meeting.

Item No: 1.3
Title: Q3 (March 2025) Operational Plan and Budget Review
Department: Performance and Communications

13 May 2025 Governance and Finance Committee

Reference: F2024/00101 - D16814695



Due notice is given of this matter in accordance with Council's Code of Meeting Practice.

The report and any relevant attachments will be provided prior to the Governance and Finance Committee meeting on 13 May 2025.

Item No: 1.4
Title: Reviewed Code of Conduct - for Public Exhibition
Department: Corporate Services



13 May 2025 Governance and Finance Committee

Reference: F2025/00484 - D16759980
Author: Alysha Coussos, Section Manager Governance
Warwick Lawrence, Governance Consultant
Manager: Louise Rampling, Unit Manager Governance Risk and Legal
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That the Committee:

- 1 Recommends to Council that the Code of Conduct provided as Attachment 1 to this report to be placed on public exhibition for a period of 28 days, with a further report to be presented after the public exhibition period.***
- 2 Notes that the Office of Local Government's reform of the Councillor Conduct Framework has not, to date, resulted in any amendments to the current Model Code of Conduct.***

Report purpose

To present a reviewed Code of Conduct to be placed on public exhibition.

Executive Summary

Council is required to review its adopted code of conduct within 12 months of the local government elections. The Office of Local Government is currently conducting a review of the Councillor Conduct Framework which will likely result in changes to the Model Code. Pending the prescription of a new Model Code, and noting Council's current Code of Conduct conforms to the Model Code, it is not considered necessary to make any adjustments to the adopted Code of Conduct. It is nevertheless recommended the current Code be placed on public exhibition before being adopted by the elected Council for optimum transparency and community engagement.

Background

Under section 440 of the *Local Government Act 1993* (the Act), Council must adopt a code of conduct that incorporates the provisions of the Model Code of Conduct (Model Code) prescribed by the *Local Government (General) Regulation 2021* (Regulation) and as provided by the Office of Local Government (OLG). A council's adopted code has no effect to the extent that it is inconsistent with the model code in force for the time being.

Section 440(7) states that a Council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate and as are consistent with this section.

In September 2024, the OLG flagged a new approach to the councillor conduct framework, which would involve reform of the Model Code and associated legislative changes. Council had delayed reviewing its Code of Conduct in anticipation of an early announcement on this matter; however, there has been no such announcement to date.

In order to ensure compliance with Council's post-election obligations, a review of the Code of Conduct has therefore been undertaken against the existing Model Code. No adjustments are considered necessary at this time, noting that Council's existing Code of Conduct conforms with the OLG's current Model Code.

The Code was last amended at the Ordinary Meeting of Council held on 23 July 2024, when Council was under administration. While there is no legislative requirement for the Code to be exhibited as part of the post-election review, it is proposed that the current Code be placed on public exhibition prior to re-adoption for maximum transparency and community engagement.

Stakeholder Engagement

Council has undertaken internal consultation in addition to reviewing information and guidance from the OLG. Similar policies from other councils have also been reviewed to determine common practice and maximise industry consistency.

Financial Considerations

Financial Year (FY) Implications.

The proposal does not have financial implications for the current year or outer years in the LTFP.

Budget and Long-Term Financial Plan (LTFP) Impact.

The FY adopted budget includes funding for this proposal.

No impact on Council's budget or LTFP.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.


Risk Management

Reviewing and adopting this policy will ensure that Council fully complies with its legislative responsibilities, and reduce the risk of challenge and possible reputational loss or exposure to legal action.

Critical Dates or Timeframes

Council has a legislative responsibility to review and adopt a Code of Conduct within the first 12 months of a newly elected Council, which falls due in September 2025.

Attachments

1   Code of Conduct for Public Exhibition D16811396

Central Coast Council Code of Conduct

Date Adopted: TBA
Revision: 6
Policy No.: CCC002



DRAFT

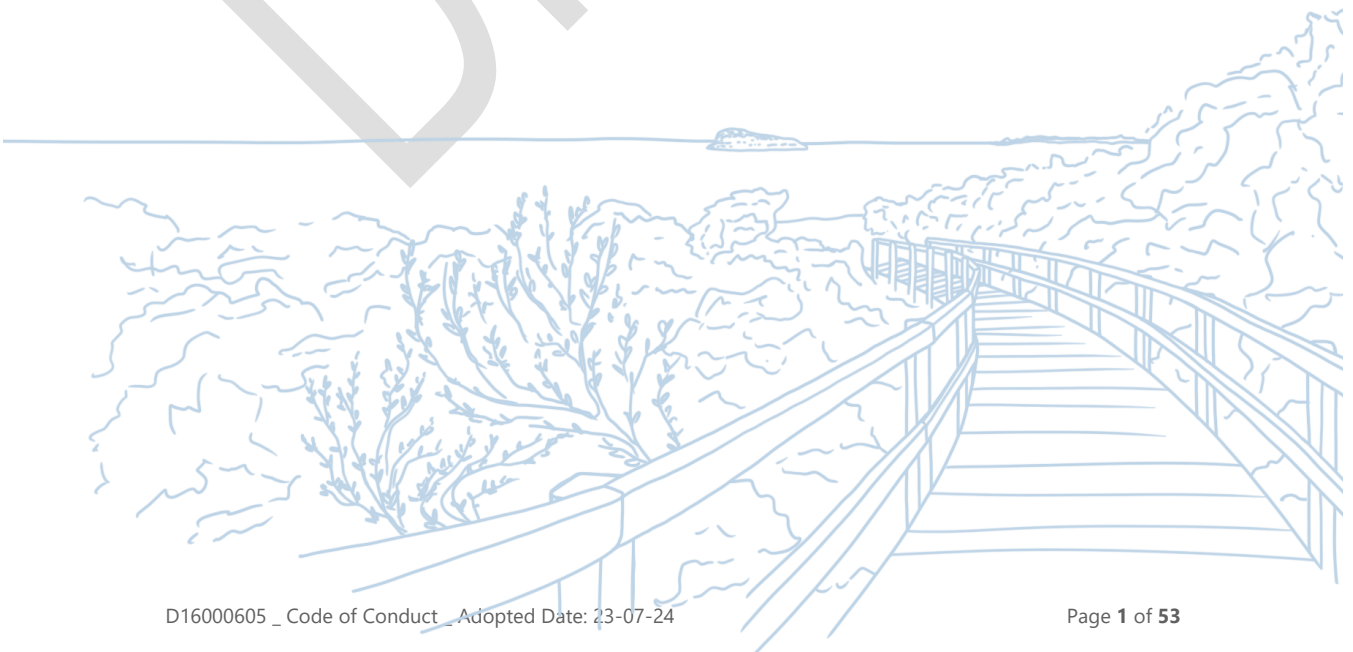


Table of Contents

1. Introduction	4
2. Definitions	5
3. General Conduct Obligations	7
General conduct	7
Fairness and equity	7
Harassment and discrimination	7
Bullying	8
Work health and safety	9
Alcohol and other drugs	9
Child safety behavioural expectations	10
Land use planning, development assessment and other regulatory functions	10
Binding caucus votes	10
Obligations in relation to meetings	11
Public comment	11
4. Pecuniary Interest	12
What is a pecuniary interest?	12
What interests do not have to be disclosed?	13
What disclosures must be made by a designated person?	14
What disclosures must be made by council staff other than designated persons?	15
What disclosures must be made by council advisers?	15
What disclosures must be made by a council committee member?	15
What disclosures must be made by a councillor?	16
Disclosure of interests in written returns	16
Disclosure of pecuniary interests at meetings	16
5. Non-Pecuniary Conflict of Interest	18
What is a non-pecuniary conflict of interest?	18
Managing non-pecuniary conflicts of interest	19
Political donations	21
Loss of quorum as a result of compliance with this Part	22
Other business or employment	22
Personal dealings with council	23
Council Officials and future employment	23
6. Personal Benefit	24
Gifts and benefits	24
How are offers of gifts and benefits to be dealt with?	25
Gifts and benefits of token value	26
Gifts and benefits of more than token value	26

"Cash-like gifts"	26
Improper and undue influence	27
7. Relationships between Council Officials.....	27
Obligations of councillors and administrators.....	27
Obligations of staff.....	28
Inappropriate interactions.....	28
8. Access to Information and Council Resources	29
Councillor and administrator access to information	29
Councillors and administrators to properly examine and consider information	30
Refusal of access to information	30
Use of certain council information	30
Use and security of confidential information	30
Personal information.....	31
Use of council resources.....	31
Internet access.....	32
Council record keeping.....	32
Councillor access to council buildings.....	33
9. Maintaining the Integrity of this Code	33
Complaints made for an improper purpose	33
Detrimental action.....	34
Compliance with requirements under the Procedures	34
Disclosure of information about the consideration of a matter under the Procedures	34
Complaints alleging a breach of this Part.....	35
General	35
10. Policy Administration.....	36
11. Policy History	38
12. Schedules.....	38
Schedule 1: Disclosures of Interests and Other Matters in Written Returns Submitted under Clause 4.21.....	39
Schedule 2: Form of Written Return of Interests Submitted under Clause 4.21	48
Schedule 3: Form of Special Disclosure of Pecuniary Interest Submitted under Clause 4.37	48

1. Introduction

- 1.1. This Model Code of Conduct for Local Councils in NSW (**the Model Code of Conduct**) is made under section 440 of the *Local Government Act 1993 (LGA)* and the *Local Government (General) Regulation 2021 (the Regulation)*.
- 1.2. This Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:
- understand and comply with the standards of conduct that are expected of them
 - enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
 - act in a way that enhances public confidence in local government.
- 1.3. Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory committees).
- 1.4. A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.
- 1.5. Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.
- 1.6. Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.
- 1.7. Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.
- 1.8. The Code of Conduct should be read in conjunction with all other Council policies.

2. Definitions

2.1. In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
chief executive officer	includes the executive officer of a joint organisation
child	any person under 18 years of age
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council, contractors, community members of wholly advisory committees, volunteers and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and deputy mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state, and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>

joint organisation	a joint organisation established under section 400O of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
reportable conduct	<p>The <i>Children's Guardian Act 2019</i> defines reportable conduct as:</p> <ul style="list-style-type: none"> • A sexual offence committed against, with, or in the presence of a child • Sexual misconduct with, towards, or in the presence of a child • Ill-treatment of a child • Neglect of a child • An assault against a child • Behaviour that causes significant emotional or psychological harm to a child • An offence under section 43B or 316A of the <i>Crimes Act 1900</i>.
the Regulation	the <i>Local Government (General) Regulation 2021</i>
token value	a gift or benefit valued at \$50 or less
voting	a voting representative of the board of a joint organisation
wholly advisory	a council committee that the council has not delegated any functions to

3. General Conduct Obligations

General conduct

- 3.1.** You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power - abuse of power in the form of 'malfeasance in office' or 'official misconduct' is the commission of an unlawful act, done in an official capacity, which affects the performance of official duties
 - e) causes, comprises or involves intimidation or verbal abuse - intimidation is to frighten or threaten someone, usually in order to persuade the person to do something he or she does not wish to do
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code or, is unlawfully discriminatory.
- 3.2.** You must act lawfully and honestly and, exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (section 439).

Fairness and equity

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

Harassment and discrimination

- 3.6.** You must not harass or unlawfully discriminate against others or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

- 3.7.** For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person
 - c) creates a hostile environment, and
 - d) causes a person mental or emotional suffering, which includes repeated unwanted contacts without a reasonable purpose, insults, threats, touching or offensive language.

Bullying

- 3.8.** You must not engage in bullying behaviour towards others.
- 3.9.** For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b) the behaviour creates a risk to health and safety, which includes but is not limited to:
 - i) physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects;
 - ii) verbal or written threats to inflict physical harm;
 - iii) stalking someone;
 - iv) physically aggressive behaviours including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, physically restraining someone or any other form of physical or sexual assault.
- 3.10.** Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours
 - d) teasing, practical jokes or 'initiation ceremonies'
 - e) exclusion from work-related events
 - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g) displaying offensive material
 - h) pressure to behave in an inappropriate manner
 - i) abusive behaviour which is any behaviour or action designed to control, intimidate, threaten or injure another person.

- 3.11.** Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards
 - f) legitimately exercising a regulatory function
 - g) legitimately implementing a council policy or administrative processes.

Work health and safety

- 3.12.** All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011 (WHS Act)*. You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e) report accidents, incidents, near misses, to the chief executive officer or such other staff member nominated by the chief executive officer, and take part in any incident investigations
 - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Alcohol and other drugs

- 3.13.** Central Coast Council fosters a culture where it is not acceptable to come to work under the influence of alcohol and/or any other drug that will prevent workers from performing duties in a safe manner. All workers must present for work physically and mentally capable of safely performing their duties.
- 3.14.** You must not consume, carry, purchase, or be under the influence of alcohol or illicit drugs during working hours.

- 3.15.** You are under a duty, when acting as a Council Official, to declare any consumption of drugs, alcohol or medications which may impair your ability.

Child safety behavioural expectations

- 3.15a** You must not conduct yourself in a manner which is deemed reportable conduct in accordance with The Office of the Children’s Guardian’s Reportable Conduct Scheme. Such conduct includes:

- A sexual offence committed against, with, or in the presence of a child
- Sexual misconduct with, towards, or in the presence of a child
- Ill-treatment of a child
- Neglect of a child
- An assault against a child
- Behaviour that causes significant emotional or psychological harm to a child
- An offence under section 43B or 316A of the *Crimes Act 1900*

Land use planning, development assessment and other regulatory functions

- 3.16.** You must ensure that land use planning development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.17.** In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

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

Obligations in relation to meetings

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

Public comment

- 3.26.** The mayor or chief executive officer will generally be the spokesperson on council business or matters before council. Only council officials with specific delegations are authorised to make public comment about council business or on matters before council on behalf of council. All comments are to be made in accordance with council's associated policies and procedures.
- 3.27.** On social media, such as council's Twitter, Instagram and Facebook accounts, Council spokespeople will be delegated by the chief executive officer.
- 3.28.** If a council official makes a comment on council business using their personal social media accounts, they are under a duty to ensure it is clear that it is a personal opinion, that it is not the official position of council and that the comment is not derogative, malicious, vindictive, defamatory or in any way a breach of the State of NSW or Commonwealth of Australian Anti-Discrimination Laws.
- 3.29.** If a council official chooses to identify themselves as a council official on their personal social media, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity.
- 3.30.** Council officials must not defame other persons, including other council officials. This includes during any meeting of council, meeting of any committee

of council, any public meeting conducted by or for council, or in any publication made by or for council.

4. Pecuniary Interest

What is a pecuniary interest?

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

a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

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

- a) your interest as an elector
- b) your interest as a ratepayer or person liable to pay a charge
- c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of

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

What disclosures must be made by a designated person?

- 4.8.** Designated persons include:
- a) the chief executive officer
 - b) other senior staff of the council for the purposes of section 332 of the LGA
 - c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
 - d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that,

in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

- 4.9.** A designated person:
- a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
 - b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10.** A designated person must disclose in writing to the chief executive officer (or if the person is the chief executive officer, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11.** Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12.** The chief executive officer must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13.** A disclosure by the chief executive officer must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

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

What disclosures must be made by council advisers?

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

What disclosures must be made by a council committee member?

- 4.18.** A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.

- 4.19.** For the purposes of clause 4.18, a “council committee member” includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

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

Disclosure of interests in written returns

- 4.21.** A councillor or designated person must make and lodge with the chief executive officer a return in the form set out in Schedule 2 to this code, disclosing the councillor’s or designated person’s interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a councillor or designated person, and
 - b) 30 June of each year, and
 - c) the councillor or designated person becoming aware of an interest they are required to disclose under Schedule 1 that has not been previously disclosed in a return lodged under paragraphs a) or b).
- 4.22.** A person need not make and lodge a return under clause 4.21, paragraphs a) and b) if:
- a) they made and lodged a return under that clause in the preceding 3 months, or
 - b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23.** A person must not make and lodge a return that the person knows or ought to reasonably to know is false or misleading in a material particular.
- 4.24.** The chief executive officer must keep a register of returns required to be made and lodged with the chief executive officer.
- 4.25.** Returns required to be lodged with the chief executive officer under clause 4.21a) and b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26.** Returns required to be lodged with the chief executive officer under clause 4.21c) must be tabled at the next council meeting after the return is lodged.
- 4.27.** Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of *the Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28.** A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29.** The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- a) at any time during which the matter is being considered or discussed by the council or committee, or
 - b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30.** In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31.** A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32.** A general notice may be given to the chief executive officer in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
 - b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33.** A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34.** A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35.** Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

- 4.36.** Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37.** A special disclosure of a pecuniary interest made for the purposes of clause 4.36c) must:
- a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38.** The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 4.39.** A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

5. Non-Pecuniary Conflict of Interest

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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

- a close personal relationship with, or another person living in the same household
- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10.** Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11.** If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12.** If you are a member of staff of council other than the chief executive officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your

manager. In the case of the chief executive officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

- 5.13.** Despite clause 5.10b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14.** Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15.** Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16.** Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17.** For the purposes of this Part:
- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*
- 5.18.** Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19.** Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

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

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

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

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22. Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

5.23. The chief executive officer must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

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

- 5.25.** The chief executive officer may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26.** A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27.** Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage the council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

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

Council Officials and future employment

- 5.30.** Councillors and council staff should not use their position to obtain opportunities for future employment.
- 5.31.** You must not allow yourself or your work to be influenced by plans for, or offers of, employment outside council.
- 5.32.** You must be careful in your dealings with former council officials and make sure that you do not give them, or appear to give them, favourable treatment or access to information.
- 5.33.** Former council officials must not use or take advantage of confidential information obtained in the course of their official duties at council that may lead to gain or profit.

- 5.34.** At the end of your involvement with council, all council officials must return all council property, documents or items and not make public, or otherwise use, any confidential information gained as a consequence of your involvement with council.

6. Personal Benefit

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

Gifts and benefits

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

- 6.5.** Accepting money or offers of money, or cash-like gifts or benefits, regardless of the amount is strictly prohibited in all circumstances and must be declined and declared.

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

- 6.6.** You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) accept any gift or benefit of more than token
 - e) accept an offer of cash or a cash-like gift, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
 - h) accept supplier discounts offered for your personal purchase of goods and services that are not available to the general public or a broad class of persons
 - i) accept any gift, benefit, or hospitality, including promotionally branded items, from any supplier, consultant, contractor, or property developer.
- 6.7.** Where you are offered or receive a gift or benefit of any value, you must disclose this promptly to your manager or the chief executive officer in writing. The recipient, manager, or chief executive officer must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit
 - d) the date on which the gift or benefit was received, and
 - e) how the gift or benefit was managed. i.e., accepted and surrendered, refused etc.
- 6.8.** Where you receive a gift or benefit that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.
- 6.9.** Any gift or benefit received because of a purchase incentive scheme will become the property of Council. For example, if purchases from a specific

supplier reach a certain value which results in a gift being rewarded, this gift will become the property of the Council.

Gifts and benefits of token value

- 6.10.** You may accept gifts and benefits of token value, however, gifts and benefits of token value must still be declared. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
 - b) gifts of alcohol that do not exceed a value of \$50
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

- 6.11.** Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value and must not be accepted.
- 6.12.** Gifts and benefits of more than token value include, but are not limited to:
- a) tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50
 - b) corporate hospitality at a corporate facility at major sporting events
 - c) free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons
 - d) the use of holiday homes
 - e) artworks
 - f) free or discounted travel.
- 6.13.** For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.
- 6.14.** Where a gift or benefit of more than token value cannot be reasonably refused or returned, it must be surrendered to Council's Governance Unit.

"Cash-like gifts"

- 6.15.** "Cash-like gifts" include, but are not limited to:
- a) gift vouchers
 - b) credit cards
 - c) debit cards with credit on them
 - d) prepayments such as phone or internet credit
 - e) lottery tickets

- f) memberships, or
 - g) entitlements to discounts that are not available to the general public or a broad class of persons.
- 6.14 Accepting money or offers of money or cash-like gifts or benefits in any form is considered an attempt at bribery and is a crime which may be reportable to the Independent Commission Against Corruption (**ICAC**).

Improper and undue influence

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

7. Relationships between Council Officials

Obligations of councillors and administrators

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

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

Obligations of staff

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

- 7.5. Members of staff of council must:

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

Inappropriate interactions

- 7.6. You must not engage in any of the following inappropriate interactions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - e) councillors and administrators approaching members of local planning

panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting

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

8. Access to Information and Council Resources

Councillor and administrator access to information

- 8.1.** The chief executive officer is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The chief executive officer and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009 (GIPA Act)*.
- 8.2.** The chief executive officer must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3.** Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.

- 8.4.** Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5.** Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6.** Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain council information

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

Use and security of confidential information

- 8.10.** You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11.** In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information
 - c) only release confidential information if you have authority to do so
 - d) only use confidential information for the purpose for which it is intended to be used
 - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
 - g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12.** When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
 - b) the *Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) Council's Privacy Management Plan Policy
 - e) the Privacy Code of Practice for Local Government
 - f) the *Government Information (Public Access) Act 2009* and Regulation

Use of council resources

- 8.13.** You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14.** Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters

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

Internet access

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

Council record keeping

- 8.21.** You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22.** All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23.** All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.

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

Councillor access to council buildings

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

9. Maintaining the Integrity of this Code

Complaints made for an improper purpose

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

- i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

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

Compliance with requirements under the Procedures

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

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

- 9.9. All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10. You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11. You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12. You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

- 9.13.** Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 2022*.

Complaints alleging a breach of this Part

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

General

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

10. Policy Administration

Business Group	Office of the Chief Executive Officer
Responsible Officer	Chief Executive Officer
Associated Procedure (if any, reference document(s) number(s))	Procedures for the Administration of the Code of Conduct
Policy Review Date	Four years from date of adoption unless legislated otherwise
File Number / Document Number	D16000605
Relevant Legislation (reference specific sections)	<p>This Policy supports Council's compliance with the following legislation:</p> <ul style="list-style-type: none"> ▪ <i>Children's Guardian Act 2019</i> ▪ <i>Corporations Act 2001 (Cth), ss 9, 50</i> ▪ <i>Electoral Funding Act 2018, Part 3 of Division 7, section 53</i> ▪ <i>Environmental Planning and Assessment Act 1979</i> ▪ <i>Government Information (Public Access) Act 2009</i> ▪ <i>Government Information (Public Access) Regulation 2018</i> ▪ <i>Health Records and Information Privacy Act 2002</i> ▪ <i>Interpretation Act 1987, s 21C</i> ▪ <i>Local Government (General) Regulation 2021, cl 193 and 194</i> ▪ <i>Local Government Act 1993, ss 10A, 66, 223, 226, 252, 328B, 335, 343, 352, 353, 439, 440, 441, 442, 443, 449, 459 and 749, Local Government Act 1993</i> ▪ <i>Privacy and Personal Information Protection Act 1998</i> ▪ <i>Public Interest Disclosures Act 2022</i> ▪ <i>State Records Act 1998</i> ▪ <i>Work Health and Safety Act 2011</i>
Link to Community Strategic Plan	<p>Theme 4: Responsible</p> <p>Goal G: Good governance and great partnerships</p> <p>R-G2: Engage and communicate openly and honestly with the community to build a relationship based on</p>

	trust, transparency, respect and use community participation and feedback to inform decision making.
<p>Related Policies / Protocols / Procedures / Documents (reference document numbers)</p>	<ul style="list-style-type: none"> ▪ Information and Records Management Policy ▪ Delegations Register ▪ Model Code of Conduct for Local Councils in NSW ▪ Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW ▪ Councillor and Staff Interaction Policy ▪ Code of Meeting Practice

DRAFT

11. Policy History

Revision	Date Approved / Authority	Description Of Changes
1	25 May 2016 Minute No. 11/16 (adoption)	Creation of policy based on updated Model Code of Conduct issued by NSW State Government
2	25 March 2019 Minute No. 223/19 (adoption)	Amended in accordance with the NSW Office of Local Government's Model Code of Conduct for Local Councils in NSW 2018
3	14 September 2020 Minute No. 457/20 (adoption)	Amended in accordance with the NSW Office of Local Government's Model Code of Conduct for Local Councils in NSW 2020 issued via Government Gazette number 172 on Friday 7 August 2020.
4	13 December 2022 Minute No. 262/22 (adoption)	Amended to include child safety behavioural expectations in accordance with the Children's Guardian Act 2019.
5	23 July 2024 Minute No. 275/24 (adoption)	Review of the Gifts and Benefits clause to align with best and industry practice, addition of an Alcohol and Drugs clause, and minor amendment to 3.27; also transferred into Council's new policy template.

12. Schedules

Schedule 1: Disclosures of Interests and Other Matters in Written Returns Submitted under Clause 4.21

Schedule 2: Form of Written Return of Interests Submitted under Clause 4.21

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



Item No: 1.5
Title: Draft Code of Meeting Practice - for Public Exhibition
Department: Corporate Services

13 May 2025 Governance and Finance Committee

Reference: F2022/02582 - D16771620
Author: Warwick Lawrence, Governance Consultant
Alysha Coussos, Section Manager Governance
Manager: Louise Rampling, Unit Manager Governance Risk and Legal
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That the Committee:

- 1 Recommends that Council endorses the Draft Code of Meeting Practice provided as Attachment 1 to this report to be placed on public exhibition for a period of 28 days, allowing submissions from the public up to 42 days, with a further report to be presented after the exhibition period.***
- 2 Notes that the Office of Local Government's reform of the Councillor Conduct Framework has not, to date, resulted in a new Model Code of Meeting Practice being prescribed.***

Report purpose

To seek endorsement of the proposed amendments to Council's Code of Meeting Practice and approval to undertake a public consultation process.

Executive Summary

Council is required to adopt a Code of Meeting Practice no later than 12 months of the local government elections. It is anticipated that, as part of the Office of Local Government's review of the Councillor Conduct Framework, a new Model Code of Meeting Practice will be prescribed. Pending the prescription of a new Model Code, a number of minor amendments are proposed to the current Code to reflect Council meeting practice and to ensure Council satisfies its post-election legislative obligation.

Background

Section 360 of the *Local Government Act 1993* (the Act) requires Council to adopt a Code of Meeting Practice (CoMP) which incorporates the mandatory provisions of the Model Code of Meeting Practice (Model Code), no later than 12 months after an ordinary election of Councillors. The Model Code also contains non-mandatory provisions that can be amended to suit local circumstances.

Section 361 of the Act also requires that, prior to adoption of a CoMP, the draft Code be publicly exhibited for not less than 28 days, and a period of not less than 42 days be provided for submissions to be made to the Council.

As Councillors are aware, the Office of Local Government (OLG) is currently undertaking a review of the Councillor Conduct Framework and meeting practices. Although the OLG anticipated that a new Model Meeting Code would be prescribed in early 2025, this has not occurred to date.

Report

While the new Code has not yet been prescribed, Council is nevertheless obliged to comply with its post-election obligation to adopt a CoMP. Pending the release of a new Model Code, it is proposed to make a number of minor amendments to the existing CoMP to reflect current Council meeting practice. These amendments are shown in the draft CoMP at (Attachment 1) and detailed in the following table.

Clause	Proposed Amendment	Commentary
Clause 9 – Order of business	Adding “Minutes of Committee meetings” to the order of business.	As Council has adopted a standing committee structure, it is proposed that the order of business be updated to reflect this, with consideration of committee minutes and recommendations to follow “Items Considered by Exception”.
Clause 9 - Order of Business	Changing the order of business to allow Mayoral minutes to be considered after “Confirmation of Minutes”.	Section 10.7 of the Code of Meeting Practice provides that Mayoral minutes should take

		<p>precedence over all other business of the Council. The current order of business provides for consideration of any Mayoral minute after items considered by exception. It is proposed any Mayoral minute instead be considered after the minutes of the previous meeting have been confirmed.</p>
<p>10.20, 10.21 and 10.22 – Laying an item 'on table'</p>	<p>Addition of the following clauses:</p> <p>10.20 A Councillor may move a Procedural Motion that an item 'lie on the table'. If the motion is successful, no further debate can be undertaken until there is a Procedural Motion for the item to be 'taken off the table'. Such a motion is not debatable and there can be no amendments or right of reply. This motion can be moved only once during the discussion of any substantive motion and if the motion is carried while an amendment is before the Chair, both the amendment and the original motion are laid on the table.</p> <p>10.21 At the end of the Council meeting at which the item was 'laid on the table' the chairperson will remind Councillors that there are matter/s 'on the table' which Council may now wish to consider. Otherwise, the matter/s will appear on the agenda and business paper for the next ordinary Council meeting.</p> <p>10.22 If and when the item is 'taken off the table' debate resumes where it left off, with Councillors who have already spoken (other than the mover in reply) having no further right to speak, unless the procedural motion to take the item 'off the table' calls for the speakers list to be recommenced.</p>	<p>Council's current CoMP does not specifically make reference to this procedural motion. For clarity, and to formalise the future use of this procedure, it is recommended that it be included in the COMP.</p>

Stakeholder Engagement

Council has undertaken internal consultation with affected Business Units in addition to reviewing information and guidance from the OLG. Similar policies from other councils have also been reviewed to determine common practice and maximise industry consistency.

Financial Considerations

Financial Year (FY) Implications.

The proposal does not have financial implications for the current year or outer years in the LTFP.

Budget and Long-Term Financial Plan (LTFP) Impact.

The FY adopted budget includes the impact for this proposal.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.

Risk Management

Reviewing and adopting this policy ensures that Council fully complies with its legislative responsibilities, thus reducing the risk of challenge and possible reputational loss or exposure to legal action.

Critical Dates or Timeframes

Council has a legislative responsibility to adopt a Code of Meeting Practice within the first 12 months of a newly elected Council, which falls due in September 2025.

Attachments



DRAFT - Code of Meeting Practice - 1.5.25 D16813116

Item No: 1.6
Title: Draft Public Forum Policy - For Public Exhibition
Department: Corporate Services



13 May 2025 Governance and Finance Committee

Reference: F2022/02582 - D16788821
Author: Alysha Coussos, Section Manager Governance
Warwick Lawrence, Governance Consultant
Manager: Louise Rampling, Unit Manager Governance Risk and Legal
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That the Committee:

- 1 Recommends that Council endorses the draft Public Forum Policy as amended at Attachment 1 to this report to be placed on public exhibition for a period of 28 days with a further report to be presented after the exhibition period.***
- 2 Notes that the Office of Local Government's reform of the Councillor Conduct Framework has not, to date, resulted in a new Model Code of Meeting Practice being prescribed.***

Report purpose

To seek Council's endorsement of the proposed amendments to Council's Public Forum Policy and approval to undertake a public consultation process prior to formal adoption of the policy.

Executive Summary

The current Model Meeting Code includes non-mandatory provisions authorising councils to hold public forums prior to Council and Committee meetings. These non-mandatory provisions form the basis of Council's current Public Forum Policy, which was adopted in 2022. The Policy has been reviewed and updated, and is now presented for endorsement.

A review of the policy has been undertaken and an amended draft is now before Council for consideration. The policy is required to be placed on public exhibition for at least 28 days after which a further report will be presented to Council. Council is required to consider any submission received during the exhibition period prior to adopting a policy.

Background

Council must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Code of Meeting Practice (Model Meeting Code) that is prescribed under the relevant provisions of the *Local Government Act 1993* (Act) and regulations.

The current Model Meeting Code includes non-mandatory provisions authorising Councils to hold public forums prior to Council and Committee meetings. These non-mandatory provisions provide rules of operation for public forums, and Council has in the past amended these provisions to suit local circumstances.

While the rules relating to the operation of public forums can be incorporated within the Code of Meeting Practice, Central Coast Council adopted a separate and stand-alone Public Forum Policy on 22 February 2022. Council's standalone policy basically mirrors the non-mandatory provisions of the current Model Meeting Code with only minor variations.

The Policy requires that it be reviewed at least every four (4) years; however, given that Council has recently come out of administration, it is appropriate that Councillors have an opportunity to review the policy and to consider if current arrangements for public forums are still suitable and to consider any amendments to the policy that staff consider may be of benefit.

Report

It is noted that the current Consultation Draft for the proposed review of the Model Meeting Code foreshadows the Government's intention to delete the non-mandatory provisions relating to Public Forums from the Model Code, providing each Council with the opportunity to develop its own rules relating to the operation of public forums. Council's current approach to public forums is already consistent with the proposed changes.

A review of the current policy has provided the opportunity to suggest amendments which are considered beneficial by making the process clearer, which will provide greater clarity of responsibilities for the parties concerned. Minor amendments including transposing into Council's new policy template, formatting and changes to grammar or language to improve the readability of the policy.

All amendments provided for the Council's consideration have been marked up in the attached Policy, however the table below provides further detailed commentary on some of the more substantial amendments proposed.

Clause	Proposed Amendment	Commentary
4.5	Expand clause 4.5.2 to inform speakers that they must comply with Council's Code of Conduct.	Self-explanatory.
4.6	Delete "to be rotated on a 6-monthly basis".	The Mayor should be provided with the opportunity of chairing all Public Forums or to delegate that responsibility if they choose not to chair. This requirement mirrors that provided in Council's Code of Meeting Practice.
4.6 – 4.12	Clarifying the requirements for applications to speak at the Public Forum.	This includes changing the closing time for applications to speak at the Public Forum and supporting material from 10am on the day to 12pm the day before.
4.19	Introduction of an assessment criteria for when applications to speak exceed the permitted number.	This assessment criteria, to be utilised by the Chief Executive Officer, will ensure that a broad range of views is able to be heard and ensure compliance with this policy.
4.32-4.33	Inclusion of a webcasting clause.	This clause provides guidance on the public forums will be webcast and available on Council's website.
Definitions - Chairperson	Amended for clarity.	Self-explanatory.
Definitions - Committee of the Council	Removed.	Incorrect references to previous clauses that were also incorrect have been removed.

Whilst not a legislative requirement, it is proposed to place the endorsed draft Policy on public exhibition for 28 days and to report back to Council addressing any submissions received during the exhibition period, prior to final adoption by Council.

Stakeholder Engagement

A councillor workshop was held on 12 April 2025.

Financial Considerations

Financial Year (FY) Implications.

The proposal does not have financial implications for the current year or outer years in the LTFP.

Budget and Long-Term Financial Plan (LTFP) Impact.

The FY adopted budget includes funding for this proposal.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G2: Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making.

Risk Management

There are both regulatory and reputational risks to Council should it not comply with its statutory obligation in reviewing and adopting a council policy.

Critical Dates or Timeframes

The draft policy will be placed on public exhibition for 28 days before a further report is returned to the Committee.

Attachments

1   DRAFT Public Forum Policy D16660987



Item No: 1.7
Title: Draft Councillor Expenses and Facilities Policy - for Adoption
Department: Corporate Services

13 May 2025 Governance and Finance Committee

Reference: F2022/02582 - D16786196
Author: Alysha Croussos, Section Manager Governance
Warwick Lawrence, Governance Consultant
Manager: Louise Rampling, Unit Manager Governance Risk and Legal
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That the Committee:

- 1** *Recommends to Council that the draft Councillor Expenses and Facilities Policy at Attachment 1 be adopted.*
- 2** *Notes that a letter will be sent to those persons that made a submission during the exhibition period thanking them for their interest and submission.*

Report purpose

To present the exhibited and revised Councillor Expenses and Facilities Policy for adoption.

Executive Summary

The Councillor Expenses and Facilities Policy must be adopted within 12 months of each new term of Council. At the Ordinary Meeting of Council held on 25 March 2025, Council resolved to place the draft policy on public exhibition for a 28 day period. Four (4) submissions were received during the exhibition process. This report addresses the feedback received and recommends adoption of the attached Policy.

Background

The *Local Government Act 1993* ('the Act') provides that Council must adopt a Councillor Expenses and Facilities Policy ('the Policy') within the first 12 months of each term of a council.

Section 252(3) of the Act states that Council must not pay any expense incurred or to be incurred by, or provide any facilities to, Councillors otherwise than in accordance with the Policy. This ensures accountability and transparency for the reimbursement of reasonable expenses and the provision of facilities to Councillors to allow them to undertake their civic responsibilities as elected representatives of their community.

The Office of Local Government ('OLG') provides [Guidelines for the payment of expenses and provision of facilities for Mayors and Councillors](#), as well as a suggested [template Policy](#).

Report

On 25 March 2025, Council resolved to place the draft Policy on public exhibition for 28 days. During the exhibition period, four (4) submissions were received. These consisted of two (2) formal submissions and two (2) submissions providing general feedback or asking for further clarification in relation to the Policy.

Council appreciates all feedback and submissions received as they assist in drafting a policy which aligns with community expectations.

The table below provides a summary of the matters or queries raised in the submissions and how they have been addressed:

Clause	Submission comment	Response
7.45 – Special requirement and carer’s expense	<i>Starting on a positive, this is inclusive and speaks to the need to support those in carer roles which I welcome as a local resident.</i>	Noted.
7.27 – Professional development	<i>Whilst I acknowledge that all employees benefit from ongoing training, \$13,000 feels excessive when comparing it to other service providers. Therefore, I would recommend that the relevance of this be examined, as there may be more cost-effective training options available locally.</i> <i>A rationale as to why more sustainable measures such as other service providers or virtual training is not taking place could provide justification for this cost. The investigation into other options may reduce the cost of training and travel.</i> <i>For those that take up this opportunity,</i>	The 2022 Central Coast Council Public Inquiry Report recommended that consideration be given to a mandatory requirement for all councillors to complete an accredited course for company directors, or a course of equivalent rigour developed specifically for local government councillors, within the first twelve months of their election, with refresher courses for councillors who have previously completed such courses. The Company Directors Course offered by

Clause	Submission comment	Response
	<i>the attendees should publicly disclose the training they attended how they aim to use that training to benefit the council and the community for transparency and justification.</i>	<p>the AICD is a well-recognised and accepted professional qualification for Councillors.</p> <p>All requests for professional development will be reviewed for relevance and benefit to Council, prior to receiving the CEO's approval.</p>
7.6 – Interstate, overseas and long-distance intrastate travel expenses	<p><i>I agree that this should be avoided where possible and approval should be given before the travel is booked. The \$10,000 cap per councillor per financial year should be clearly justified. Again, I would recommend public disclosure of what trips were attended, what benefits came from it and how will it impacts the council in the future. This will work to build transparency and accountability.</i></p> <p><i>Furthermore, clarity is needed regarding whether this budget is sperate or overlaps with the conference and seminar funding of \$7000 for the mayor or \$5000 for councillors, and the \$13,000 Company Directors Course budget as it raises the question as to why so much training is being outsourced instead of utilising more cost-effective in-house training that can be rolled out nationally.</i></p>	<p>All requests for travel must be supported with sufficient information to ensure that it has relevance and will provide tangible benefits to Council. Travel must be approved by the CEO prior to bookings being made. The cost of all approved travel will be reported to Council bi-annually and to the community via the Annual Report and on Council's webpage.</p> <p>The allowance for interstate, overseas and long-distance travel is separate to the allowance for conferences and seminars, and the allowance for professional development.</p> <p>In-house training, conferences and seminars all play an important role in ensuring elected representatives have the knowledge and skills necessary to undertake their roles successfully.</p>
7.41 – 7.44 – Information and communications	<i>This equates to \$4000 a year which is \$500 less than the previous limit but it still needs transparency on where this money is going as once a laptop is</i>	In addition to a laptop, the allowance for ICT expenses includes provision for a mobile phone, two SIM

Clause	Submission comment	Response
technology (ICT) expenses	<i>purchased at the start of a political term, it is likely to only require system upgrades to remain functional and many costs at home can be added to individual tax returns.</i>	cards, software licences, accessories, printing and consumable stationery.
General feedback	<i>I recommend that with an aging population who are not digital natives, and to include those who do not have access to the internet, it is important to provide other options that online submissions for this feedback for co-decision making and democratic engagement. I appreciate the opportunity to contribute to this consultation and encourage the council to focus on cost-effectiveness when implementing this new policy.</i>	Council's approach to engagement is guided by the Community Engagement Strategy, which was adopted by Council on 25 March 2025.
General feedback	<i>Why do Councillors need to undertake a paid company director course? I thought that ratepayers elected councillors because of their skill set. We didn't envision having to train them at ratepayers our expense.</i>	See the above response regarding clause 7.27. In addition, it is mandatory under section 185 of the <i>Local Government (General) Regulation 2021</i> for the general manager to ensure that an ongoing professional development program is delivered to the mayor and each councillor during the term.

Following internal review, the Policy has been amended to specify a maximum allowance of \$500 per Councillor for corporate uniform, as the draft Policy did not identify a monetary limit for this expense.

Stakeholder Engagement

A councillor workshop on the Policy was held on 18 February 2025.

Financial Considerations

Financial Year (FY) Implications.

The proposal has cost financial implications for the current FY and outer years in the LTFP.

Budget and Long-Term Financial Plan (LTFP) Impact.

The FY adopted budget does not include the impact of this proposal and the amount will need to be included in a future Quarterly Budget Review. The LTFP does not allow for the ongoing impact and will need to be updated in the next review.

Should Council resolve to increase policy limits as set out in this report, there will be an impact on the 2025-26 budget and subsequent yearly budgets. The impact is an increase in the 2025-26 budget for Councillor expenses as follows:

- \$37,500 per annum for travel costs,
- \$65,000 per annum (over the remaining 3 year term) for the Company Directors Course recommended by the Public Inquiry Report,
- \$30,000 per annum (approximately) for conferences and seminars, noting that the current Policy does not quantify the allowance for attending the LGNSW conference, which is additional to the collective allowance of \$30,000 for seminars and conferences,
- \$33,000 per annum for ICT expenses,

TOTAL: \$165,500 per annum increase.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G2: Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making.

Risk Management

Adopting the Policy will avoid the risk of breaching Council's legislative obligations with respect to payment of councillor expenses and provision of facilities, while at the same time ensuring that elected councillors are not out-of-pocket for performing their civic duties.

Critical Dates or Timeframes

Council must adopt a policy on the payment of expenses and the provision of facilities to the mayor and councillors within the first 12 months of the term.

Attachments

1  2025 DRAFT Councillor Expenses and Facilities Policy D16808632



Item No: 1.8
Title: Reviewed Investments Management Policy and Draft Borrowings Policy - for Adoption
Department: Corporate Services

13 May 2025 Governance and Finance Committee

Reference: F2025/00484 - D16791550
Author: Michelle Best, Section Manager Financial Accounting and Assets
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That the Committee:

- 1 Recommends to Council that the reviewed Investments Management Policy at Attachment 1 to be referred to the Audit, Risk and Improvement Committee, and then submitted to Council for adoption.***
- 2 Recommends to Council that the draft Borrowings Policy at Attachment 2 to be referred to the Audit, Risk and Improvement Committee, and then submitted to Council for adoption.***

Report purpose

The purpose of this report is to submit the Investments Management Policy and Borrowings Policy for Committee consideration and endorsement, prior to submission to the Audit, Risk and Improvement Committee (ARIC) and then to Council for adoption.

Background

Council adopted the 'Investments and Borrowings Management Policy' at its meeting on 23 July 2024.

In accordance with the 'Investment Policy Guidelines' issued by the then Division of Local Government in May 2010, Council is required to review the Investments Policy at least annually. Accordingly, the Investments management component of the Policy has been reviewed and minor changes to the content are proposed. Changes proposed are aimed at reducing Council's risk exposure in the current economic climate.

1.8 Reviewed Investments Management Policy and Draft Borrowings Policy - for Adoption (cont'd)

The Borrowings component of the Policy remains unchanged in content.

It is further proposed that the current adopted 'Investments and Borrowings Management Policy' is split into two separate policies:

- Investments Management Policy
- Borrowings Policy

The proposed split will facilitate a more agile review of each respective aspect of the Policy as and when required.

It is proposed that the existing policy be revoked, and separate policies 'Investment Management Policy' (as revised) and 'Borrowings Policy' (with revised review cycle), as attached to this report, be reviewed by ARIC and then be submitted to Council for adoption, through the Governance and Finance Committee.

Report

Investments Management Policy

The proposed Investments Management Policy incorporates the Investments section of the current Investments and Borrowings Policy, as a standalone policy.

The Policy provides an effective, accountable and transparent framework for decision making with respect to managing Council's cash and related investments portfolio.

The Policy is aimed at:

- Ensuring that investments are undertaken in accordance with the relevant legislation.
- Maximising investment returns while maintaining the security of investments and preserving capital through the prudent management of risk.
- Ensuring there is sufficient liquidity to meet all reasonably anticipated cashflow requirements as and when they fall due.

The proposed Policy sets out:

- the approach to investing surplus funds;
- the management of risks associated with investing activities; and
- the management of interest rates.

1.8 Reviewed Investments Management Policy and Draft Borrowings Policy - for Adoption (cont'd)

Proposed Changes

Whilst there are no proposed changes to the overall content or structure of the Policy, it is proposed to reduce the maximum portfolio weightings for BBB rated investments from 60% to 45%, and counter party limits for the A (reduced from 20% to 10%) and BBB categories (reduced from 10% to 5%) to reduce risk exposure, considering current economic conditions.

The proposed changes to the limits are based on Council's investments portfolio as at the time of writing this report, to ensure that ongoing compliance to the proposed new limits can be achieved effective from when the new Policy is proposed to be adopted in June 2025.

Upon maturity of new investments, and when surplus funds are invested, the approach will be to actively reduce the holdings in BBB towards a target of 25%, and a reduction of A category counterparty limit to 7.5%, and the BBB counterparty limit to 2%.

It is noted that these limits can be reviewed at any time through an update to the Policy adopted by Council.

The proposed changes are highlighted in the tables below.

Maximum Portfolio Weighting per rating category

Long Term Credit Ratings	Current Maximum Portfolio Weighting	Proposed Maximum Portfolio Weighting
AAA Category	100%	100%
AA Category or Major Bank [^]	100%	100%
A Category	70%	70%
BBB Category	60%	45%
Unrated	0%	0%

Counter party risk

Individual Institutions Limits		
Long Term Credit Ratings	Current Maximum Exposure	Proposed Maximum Exposure
AAA Category*	100%	100%
AA Category*	30%	30%
A Category	20%	10%
BBB Category	10%	5%
Unrated Category	0%	0%

1.8 Reviewed Investments Management Policy and Draft Borrowings Policy - for Adoption (cont'd)

Borrowings Policy

The proposed Borrowings Policy incorporates the Borrowings section of the current Investments and Borrowings Policy, as a standalone policy.

The Policy addresses matters such as ensuring that Council has regard to the long term and cumulative effects of their decisions when borrowing funds, and states how Council will monitor the impact of borrowings through assessment against the industry benchmark.

The Policy sets parameters that support the utilisation of borrowings, whilst ensuring that Council's financial position and ongoing sustainability are not adversely impacted.

Proposed Changes

It is proposed that the Borrowings Policy has a review cycle of four (4) years from date of adoption.

Stakeholder Engagement

The Policies have been presented to Council's Executive Leadership Team and will be presented to ARIC prior to presentation to Council. Considering the significantly regulated nature of these policies it is considered appropriate that the review by qualified experts included in the Committee and ARIC is sufficient and appropriate, and there is limited utility to be gained by public exhibition of the draft policy, before Council adoption.

Financial Considerations

Financial Year (FY) Implications.

The proposal has revenue financial implications for the current FY and outer years in the LTFP.

Budget and Long-Term Financial Plan (LTFP) Impact.

The FY adopted budget includes the impact for this proposal.

Management of Council's investments and borrowings in accordance with the two (2) proposed Policies will ensure prudent and optimised management of Council's cash and investments and borrowings.

The proposed Investments Management Policy supports investment of surplus funds in a manner that balances revenue with risks whilst ensuring liquidity to enable Council to effectively deliver its Operational Plan.

The proposed changes are likely to result in a reduction in interest on investments income, however the extent of the current proposed changes is not anticipated to materially affect Council's financial position. On balance, it is considered that the adverse financial impact of

1.8 Reviewed Investments Management Policy and Draft Borrowings Policy - for Adoption (cont'd)

the proposed changes, is appropriate within the context of higher risk resulting from current economic conditions.

The proposed Borrowings Policy (same as currently adopted) provides guidance on borrowings to ensure that Council borrows funds for the appropriate reason and in a manner that is affordable and financially sustainable.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.

Risk Management

All Investments will be managed in accordance with the proposed Investments Management Policy. Any specific circumstances, including, but not limited to, any changes to the rating of the financial institutions, and changes in the wider economic environment, will be taken into consideration through the application of the Investments Management Policy.





The proposed Borrowings Policy will ensure that borrowings are undertaken in a financially sustainable manner as measured through the industry benchmark for debt.

In accordance with legislative requirements the Policies will be reviewed annually, or sooner in the event of a legislative change impacting on the either Policy.

Critical Dates or Timeframes

It is proposed to present the proposed policies at Council's Ordinary Meeting on 24 June 2025.

Attachments

- | | | | |
|---|---|--------------------------|-----------|
| 1 |   | Draft Borrowings Policy | D16796474 |
| 2 |   | Draft Investments Policy | D16796473 |

Item No: 1.9
Title: Reviewed Procurement Policy - for Adoption
Department: Infrastructure Services



13 May 2025 Governance and Finance Committee

Reference: F2025/00484 - D16761106
Author: Michael Ross, Unit Manager Procurement and Project Management
Executive: Boris Bolgoff, Director Infrastructure Services

Recommendation

That the Committee:

- 1 Endorses the recommended amendments to the Procurement Policy.***
- 2 Recommends to Council that the reviewed Procurement Policy at Attachment 1 be adopted.***

Report purpose

Present the Governance and Finance Committee with the draft Procurement Policy for review, feedback, endorsement, and recommendation to Council for adoption.

Executive Summary

Council procures goods, services, and works to effectively deliver services and infrastructure to the community. The Procurement Policy outlines the key principles, objectives and requirements that must be followed by all individuals conducting procurement activities on behalf of the Council.

The current Procurement Policy is due for renewal and is presented as a draft for Council's adoption. Upon adoption, the policy will remain in effect for four (4) years.

Background

The Procurement Policy was initially established following the amalgamation of Gosford City Council and Wyong Shire Council and was endorsed by the then CEO in March 2019.

Subsequently, in March 2020, the policy was updated to incorporate Council resolutions related to local supplier support.

The most recent amendment to the Policy occurred in September 2022 to incorporate a commitment to addressing modern slavery, aligning with the *Modern Slavery Amendment Act 2021 (NSW)*. This amendment was endorsed by the CEO.

Report

For the period 1 July 2022 to 28 February 2025, Council has spent an estimated \$1,186,222,101 on goods, services and works. To ensure good practice procurement principles are upheld and compliance with regulatory requirements a Procurement Policy is required. The Procurement Policy is due for renewal, with the attached draft Procurement Policy presented for ELT review and endorsement prior to proceeding to Council for adoption. This report and the attached Policy outline the key amendments proposed and provide some context to support the retention of Local Supplier Support initiatives.

Modern Slavery Prevention

The policy has been amended to incorporate an updated Modern Slavery commitment that aligns with the NSW Anti-slavery Commissioner Guidance on 'Reasonable Steps' released in December 2023. The Modern Slavery component of the procurement policy is required to meet our legislative requirements under the *Local Government Act 1993*, and the *Modern Slavery Act 2018*.

Examples of the actions that Council is required to undertake to ensure compliance with modern slavery requirements include,

- Identifying our modern slavery risks and developing a risk management plan to reduce the likelihood of the risks eventuating.
- Working with and supporting our suppliers reduce the risk of modern slavery.
- Incorporating modern slavery clauses within our contracts that set out requirements to comply and remedies if breaches are identified.
- Provide training to staff.

Local Supplier Support

The draft Procurement Policy retains provisions intended to support local suppliers bid and be successful in supplying goods, services and works to Council.

For the period 1 July 2022 to 28 February 2025, Council spent a total of \$1,186,222,101 of which an estimated \$516,516,520 (44%) was spent on goods, services and works with suppliers that are classed as 'local' under our Procurement Policy. If expenditure with government agencies and commodities or services that cannot be sourced locally (such as electricity, core software systems, and specialised construction services) are excluded from consideration, the percentage of expenditure with local suppliers increases to 57% over the same period.

1.9 Reviewed Procurement Policy - for Adoption (cont'd)

Furthermore, of the total spend for the period 1 July 2022 to 28 Feb 2025, Council executed 148 contracts with a value of \$505,986,234 via the Open or Selective tendering methods regulated by the *Local Government (General) Regulation 2021*, noting the sourcing of goods and services for the remaining value of Council total spend is typically through the use of prescribed agencies, such as Local Government Procurement (LGP) and in accordance with Councils Procurement Manual and quotation thresholds.

When assessing tenders, the Procurement Policy impacts on the value of local content. If defined as a local contractor, supplier or business, the maximum benefit of 20% or \$150,000 is discounted from the tendered price for assessment. Non-local tenderers still have access to the weighting; however, it is limited to consideration of local content within their tender submissions. Through this process, the Policy has demonstrated \$251,427,424 of spend with local suppliers and an additional \$54,801,409 local spend through non-local suppliers utilising local suppliers and subcontractors.

Reason for proposed amendments

Below is a summary of the proposed changes.

Clause	Proposed Change
1.6	Clarified the requirement for staff to comply with Council procedure, such as the Procurement and Contract Management procedures.
2.4	Clarified the exemption provisions to ensure legislation compliance is met before an exemption can be approved.
6.2 & 6.3	Added additional Modern Slavery requirements to meet legislation requirements and Guidance on Reasonable Steps.
Definitions – Disability Organisation	Added for clarity.
Definitions – Indigenous Business	Added for clarity.

Stakeholder Engagement

External Stakeholders

Stakeholder engagement has occurred with representatives of Local Government Procurement (LGP) who have provided advice on what to include in the Policy to meet Modern Slavery policy expectations set by the NSW Anti-Slavery Commissioner.

Consultation and review of other Council Procurement Policies has been undertaken to understand Procurement Policy inclusions, including the management of Local Supplier

Support Initiatives. Consultation has also occurred with non-local suppliers to understand tendering considerations with the existence of Local Supplier Support Initiatives.

Consideration was given around the benefit of community consultation of the Policy prior to seeking formal adoption, however as the minor Policy changes address legislative compliance and there would be little opportunity to influence the Policy content, there is limited utility to be gained by public exhibition of the draft policy before Council adoption.

Internal Stakeholders

The Policy has been distributed to all Unit Managers, detailing the minor changes that were undertaken to address legislative compliance. A workshop was also facilitated to enable further discussion and consideration of feedback.

Financial Considerations

Financial Year (FY) Implications.

The proposal does not have financial implications for the current year or outer years in the LTFP.

Budget and Long-Term Financial Plan (LTFP) Impact.

The FY adopted budget includes the impact for this proposal.

Analysis of Councils Procurement spend demonstrates significant current spend with local suppliers. It is considered that the primary contributors to this outcome is the Local Supplier Policy Provisions and the geographical size of the Central Coast Local Government Area capturing a significant and diverse supplier base, enabling many of our supply requirements to be sourced locally.

Whilst it is possible that local supplier support initiatives can have an impact on the costs of goods, services and works, it is considered that continuation of the current local support provisions would continue to provide positive benefit to local suppliers whilst not having significant financial impact beyond current state.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.

Risk Management

There is no discernible risk to Council as the proposed Policy does not make significant changes to the current Policy.

Critical Dates or Timeframes

Nil

Attachments

1   Draft Procurement Policy - March 2025 Revision D16234976



Item No: 1.10
Title: North Avoca Surf Life Saving Club - Approval to issue Lease and Licence
Department: Community and Recreation Services

13 May 2025 Governance and Finance Committee

Reference: F2020/00574 - D16812083
Author: Cassie Field, Property Officer Community Services and Facilities
Manager: Phil Cantillon, Unit Manager Leisure Beach Safety and Community Facilities
Executive: Melanie Smith, Director Community and Recreation Services

Recommendation

That the Committee recommends to Council that the Chief Executive Officer be authorised to negotiate, finalise and execute a lease and licence for surf lifesaving purposes for a period of up to twenty (20) years over land at 46 North Avoca Parade, North Avoca (being part of Lot 1 DP543153 and Part Lot 2 DP543153) with North Avoca Surf Life Saving Club.

Report purpose

For Council to approve the issuing of a 20-year lease and licence renewal to North Avoca Surf Life Saving Club for the community facility at 46 North Avoca Parade, North Avoca.

Executive Summary

In April 2024, Council developed and adopted a surf club leasing model, which provides consistency and transparency in fees, tenure, and maintenance responsibilities for all Council surf clubs. The model was fully supported by Surf Life Saving Central Coast.

In line with this model and, given the current Lease for the North Avoca Surf Life Saving Club (The Club) expired in 2022, a new lease and licence has been prepared for the club.

Background

Council owns 12 surf clubs across the region which are operated by Surf Life Saving Clubs under a lease arrangement. From the twelve surf club assets, five (5) are on Council land and seven (7) are on Crown land. Additionally, three (3) surf clubs (The Lakes, North Entrance and MacMasters Beach) have direct leases with the NSW Government, Crown Lands and are not Council assets.

1.10 North Avoca Surf Life Saving Club - Approval to issue Lease and Licence (cont'd)

Staff have worked with Surf Life Saving Central Coast (SLSCC) to develop a realistic and affordable leasing model which aims to give security of tenure to clubs, ensure financial sustainability for Council and surf clubs, and provide consistency and rationale across the leasing arrangements.

Report

In April 2024, a fixed fee tiered model was adopted by Council as the preferred option for Surf Life Saving Club fees. The model provided capped fees and allowed for surf clubs with greater commercial opportunities to pay a higher lease fee, whilst acknowledging the benefit of surf clubs to the community. The fee ranges are fixed at \$5,000 to \$15,000 per year depending on the commercial activities operating at the facility.

Current Status

The current 20-year lease expired in July 2022 and the club is currently operating under a holding over provision. To prevent the need for the tenants to obtain an updated survey at the site, and in line with legal advice, a lease will be issued for the building footprint and a separate License for the area occupied outside the building footprint.

At the Council meeting of 10 December 2024, a motion was carried stating that the CEO (or delegate) cannot execute a lease for a term exceeding 10 years. Under the adopted surf club model, all surf club leases are for a 20-year tenure, so all leases will need to be adopted by Council once their current lease expires. Leases expire at various periods over the next 10 years.

Standard Term Inclusions for Lease

- Lease is for a tenure of a 20-year period with a review date of 15 years into the term of the Lease, which provides security and long-term tenure.
- CPI increase will be applied annually based on an average of the previous three-year actual CPI.
- Clear maintenance responsibilities for both Council and Surf Clubs are aligned to Council's Leasing and Licensing Policy Annexure.
- Any sub-leases are to be reviewed by Council for approval.
- Council staff are to review and approve Surf Club building upgrades, redevelopment plans and funding submissions to ensure they meet building code, planning legislation and community need.
- Rent – Tier One. Surf club operating with a community facility space for hire only.
- Special Conditions (if applicable): standard Surf Club conditions – Facility to be available for Council training and shared spaces with Council Beach Safety staff.

1.10 North Avoca Surf Life Saving Club - Approval to issue Lease and Licence (cont'd)

Stakeholder Engagement

Leisure, Beach Safety and Community Facilities Unit Manager and Director Community and Recreation Services have collaborated with the Chief Executive Officer for SLSCC. Internal stakeholders include Facilities and Asset Management, Open Space and Recreation, Roads and Drainage Infrastructure, Leisure Beach Safety and Community Facilities, Legal. All stakeholders were supportive of the lease and licence, and feedback provided was implemented.

Financial Considerations

Financial Year (FY) Implications.

The proposal does not have financial implications for the current year or outer years in the LTFP.

Budget and Long-Term Financial Plan (LTFP) Impact.

The FY adopted budget includes funding for this proposal.

The lease fee is \$5,000pa and this is included in budget forecasts.

Council spends approximately \$180,000 per year in pro-active maintenance of 12 Surf Clubs, with necessary repairs and renewals. This expenditure varies depending on the reactive nature of repairs and damage.

Link to Community Strategic Plan

Theme 1: Belonging

Goal L: Healthy lifestyle for a growing community

B-A4: Enhance community safety within neighbourhoods, public spaces and places.

Risk Management

There is a reputational risk to Council if lease fees are fixed at 100% commercial rate that would be detrimental to the financial sustainability of Surf Life Saving Clubs and their ability to operate.

There is a reputational risk to Council if lease fees are not closely aligned to the current Leasing and Licensing Policy. The proposed model supports Surf Life Saving Clubs by providing a higher subsidy to those clubs that have limited commercial opportunities, whilst clubs with significant sub-lease opportunities which yield commercial income pay the most. This approach is fair and equitable.

**1.10 North Avoca Surf Life Saving Club - Approval to issue Lease and Licence
(cont'd)**

Critical Dates or Timeframes

Nil

Attachments

- | | | |
|----------|---------------------------------|-----------|
| 1 | Lease - North Avoca Surf Club - | D16811947 |
| 2 | Licence - North Avoca SLSC - | D16811944 |