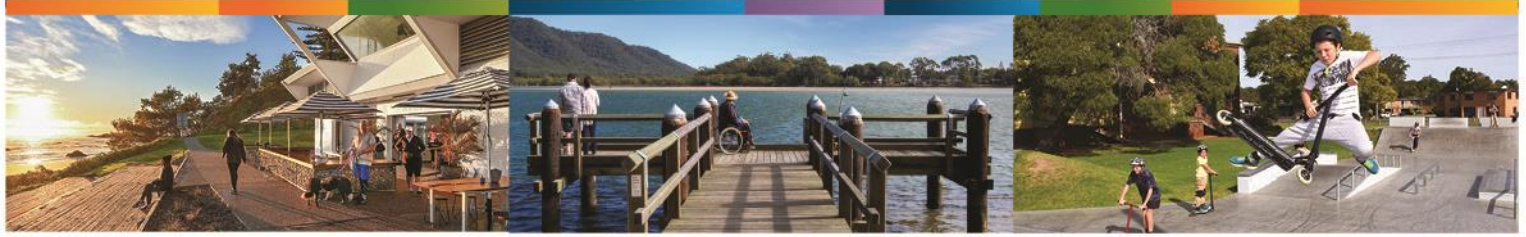




PORT MACQUARIE-HASTINGS
COUNCIL



Port Macquarie Transport Network Community Consultative Committee

Business Paper

date of meeting: Friday 6 March 2020

location: Committee Room
Port Macquarie-Hastings Council
17 Burrawan Street
Port Macquarie

time: 10:30am

Note: Council is distributing this agenda on the strict understanding that the publication and/or announcement of any material from the Paper before the meeting not be such as to presume the outcome of consideration of the matters thereon.

Port Macquarie Transport Network Community Consultative Committee

CHARTER

1.0 PURPOSE OF THE COMMITTEE

The purpose of the Port Macquarie Transport Network Community Consultative Committee is to provide a forum for discussion between Council and the community on issues directly relating to the investigation of proposed Orbital Road options, planned traffic network improvements and upgrades to the existing Port Macquarie road network, through the development of a Strategic Business Case.

At the 19 June 2019 Council meeting it was resolved:

7. Request the General Manager to establish a Proposed Orbital Road Community Consultative Committee that will be guided by a Council-adopted Charter (yet to be determined), with membership of the Committee to be determined via a formal Expression of Interest process, ensuring that a broad cross-section of interests and expertise are represented on the Committee.

2.0 KEY FUNCTIONS

The Committee will:

- Assist Council in meeting its commitment to address the proposed Orbital Road options and broader Port Macquarie road network improvements & upgrades.
- Promote information sharing between Council, local community members and other key stakeholders, on the proposed Orbital Road options and broader Port Macquarie road network improvements & upgrades.
- Work collaboratively with Council and provide feedback on the proposed Orbital Road options, Strategic Business Case studies or reports and broader Port Macquarie road network improvements & upgrades.
- Provide a forum for the community members and other stakeholders to share / seek information on and provide feedback to Council on the development of the Strategic Business Case for the proposed Orbital Road, including planned traffic network improvements and upgrades to the existing Port Macquarie road network,

3.0 MEMBERSHIP

Membership of the Committee will comprise eleven (11) members including:

1. One independent Chair
2. Two Councillor representatives
3. Up to six community and stakeholder representatives (including no more than 2 representatives from any one representative group)
4. Two Council staff representatives (Director and Project Manager)

If and when decision-making is required, this will be by consensus.

It is anticipated other Council staff may be present on an as needs basis in support of the project to present information and listen to discussion.

3.1 Independent Chair

The Independent Chair must be:

- A convenor, facilitator, mediator and advisor for the Committee
- Independent and impartial
- The key contact between the Committee and Council

The Chair will be chosen through an Expression of Interest (EOI) process and must be able to demonstrate detailed experience in community relations, facilitation, mediation and / or public advocacy.

The appointment of the Chair to the Committee will be for a period of 12 months at which time the Committee membership will be reviewed; with the option to extend the Independent Chair's tenure for another twelve-month period via a resolution of the Council, without the need to go through a formal EOI process.

The Chair will be responsible for:

- Convening and running the meetings in a fair and independent way
- Ensuring members comply with the Code of Conduct
- Resolving disputes between members
- Liaising with Council staff on minutes, agendas and reports

3.2 Community and Stakeholder representatives

Community and stakeholder representatives will represent a broad cross section of the community in age and gender and will be chosen through an EOI process.

Local community representative's must:

- Be a current resident or landowner in the Port Macquarie-Hastings Local Government Area
- Be able to demonstrate active involvement in local community groups or activities
- Have awareness and knowledge about the projects on which the Committee will be focussed
- Be able to represent and communicate the interests of the community
- Be willing to adhere to the Council's Code of Conduct at all times, including the need for confidentiality at times.

Representatives of stakeholder groups must:

- Be a member of a stakeholder group with an interest in the projects on which the Committee will be focussed
- Have awareness and knowledge about the projects on which the Committee will be focussed
- Be able to represent and communicate the interests of their group and share information with their respective groups
- Be willing to adhere to the Council's Code of Conduct at all times, including the need for confidentiality at times.

Appointment to the Committee will be for a period of twelve months, at which time a review of the membership of the Committee will take place; with the option to extend the existing

Committee for another twelve-month period via a resolution of the Council, without the need to go through a formal EOI process.

3.3 Obligations of Members

- As per Section 226 (c) of the NSW Local Government Act 1993, the Mayor is the principal spokesperson for the governing body and Councillors that are members of the Committee are to obtain the Mayor's agreement to make media and other statements on behalf of Council. Further, only the Mayor, or a Councillor with the Mayor's agreement and otherwise in accordance with Council policies and procedures, may release Council information through media statements or otherwise, and the release of such information must be lawful under the Council adopted Code of Conduct. Council officers that are members of the Committee are bound by the existing operational delegations in relation to speaking to the media.
- A Councillor as a member of the Committee or the Committee itself has no delegation or authority to make decisions on behalf of Council, nor to direct the business of Council. The only decision-making power rests with Councillors, through formal resolutions of Council.
- The Committee may make recommendations to Director of Strategy and Growth or General Manager who will have the discretion to prepare a report, for consideration by Councillors through a formal meeting of Council. Council will consider recommendations that come from the Committee, however is under no obligation to resolve in favour of such recommendations.
- A Councillor as a member of the Committee or the Committee itself cannot direct staff and must abide by the decisions of Council and the policies of Council.

Confidentiality and Conflict Of Interest:

- Councillors, Council staff and members of this Committee must comply with the applicable provisions of Council's Code of Conduct in carrying out the functions as Council officials. It is the personal responsibility of Council officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.
- Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest should be appropriately minuted.
- Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. This does not relate to where a Committee member resides.
- All members of the Committee will be required to complete a confidentiality agreement that will cover the period of their membership of the Committee.

3.4 Appointment of Members

Council will seek Expressions of Interest for the independent chair and community /stakeholder representatives for an appointment of 12 months by the following means:

- Advertising in the local paper
- Social media
- Council Website.

The EOI will be open for no less than 28 days. The EOI submissions will be reviewed and assessed against appropriate selection criteria.

A report will then be prepared for a future Council meeting in relation to the appointment of members to the Committee.

The Committee will be established for the life of the development of the Strategic Business Case.

4.0 TIMETABLE OF MEETINGS

Meetings of the Committee shall be held on a quarterly basis as a minimum, with no more than six meetings in a 12-month period.

5.0 MEETING PRACTICES

5.1 Quorum

A meeting of the Committee shall not proceed unless a quorum of at least one (1) more than half the number of members are present.

5.2 Chairperson

- The Chairperson shall be the Independent Chair.
- If the Chair is not available, the most senior staff member at the meeting will act as Chair.

5.3 Secretariat

A Council Staff representative is to be responsible for ensuring that the Committee has adequate secretariat support. The secretariat will ensure that the business paper and supporting papers are circulated as early as possible but at least three (3) days prior to each meeting.

6.0 ATTENDANCE BY NON-COMMITTEE MEMBERS

There may be occasions where other attendees are required at Committee meetings, for example; funding partners, other levels of Government, project managers (if applicable), stakeholder engagement specialists and other Council staff. Invitations to Committee meetings will be on an as needs basis and upon the formal request of the Chairperson.

7.0 COMMITTEE INDUCTION

The Independent Chair will ensure that members are given a suitable induction training to equip them for their role in the Committee, in accordance with Council's Code of Conduct and the Council adopted Code of Meeting Practice.

Port Macquarie Transport Network Community Consultative Committee

ATTENDANCE REGISTER

Member	06/03/20					
Clr Lisa Intemann						
Clr Peter Alley						
Denise Wilson (Chair)						
Adele Graham						
Brad Thomas						
Craig Nethery						
Michael Mowle						
Philip Lloyd						
Tony Thorne						
Dan Bylsma (Director Infrastructure)						
Cam Hawkins (Group Manager Infrastructure Planning)						

Key: ✓ = Present

A = Absent With Apology

X = Absent Without Apology

Meeting Dates for 2020

06/03/2020	Committee Room	10:30am
25/05/2020	Committee Room	9:00am
24/08/2020	Committee Room	9:30am
23/11/2020	Committee Room	9:00am

**Port Macquarie Transport Network Community Consultative
Committee Meeting**
Friday 6 March 2020

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Item: 01

Subject: ACKNOWLEDGEMENT OF COUNTRY

"I acknowledge that we are gathered on Birpai Land. I pay respect to the Birpai Elders both past and present. I also extend that respect to all other Aboriginal and Torres Strait Islander people present."

Item: 02

Subject: APOLOGIES

RECOMMENDATION

That the apologies received be accepted.

Item: 03

Subject: CONFIRMATION OF PREVIOUS MINUTES

Not applicable as this is the inaugural meeting.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

Name of Meeting:	
Meeting Date:	
Item Number:	
Subject:	
I, the undersigned, hereby declare the following interest:	
<input type="checkbox"/> Pecuniary: Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> Non-Pecuniary – Significant Interest: Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> Non-Pecuniary – Less than Significant Interest: May participate in consideration and voting.	
For the reason that:	
Name: Signed:	Date:
Please submit to the Governance Support Officer at the Council Meeting.	

(Refer to next page and the Code of Conduct)

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 (i)
 - (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.

Non-Pecuniary

- 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 general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - 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 general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 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.

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the identified land)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
MATTER GIVING RISE TO PECUNIARY INTEREST¹	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the subject land²)</i> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

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

Councillor's Signature: Date:

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

Last Updated: 3 June 2019

Important Information

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

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

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

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

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

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

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

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

Item: 05

Subject: BUSINESS ARISING FROM PREVIOUS MINUTES

Not applicable as this is the inaugural meeting.

Item: 06

Subject: CODE OF CONDUCT

Presented by: Infrastructure, Dan Bylsma

RECOMMENDATION

That the Committee note the information provided in this report.

Discussion

Port Macquarie-Hastings Council prides itself on the application of high standards of behaviour in regard to integrity, responsibility and fair dealing. Our Code of Conduct is made for the purposes of section 440 of the Local Government Act 1993 ("the Act") and outlines our standards and provides you with guidelines to ensure your decisions reflect our Council's vision, mission and values.



COMMUNITY VISION
A sustainable high quality of life for all

COMMUNITY MISSION
Building the future together – People, Place, Health, Education, Technology

VALUES

- C**ommunication – *we keep each other informed*
- A**ccountability – *we hold ourselves and others accountable*
- P**rofessionalism – *we deliver the best value*
- I**ntegrity – *we are open, honest and fair*
- T**eamwork – *we achieve together*

The Code of Conduct sets the minimum standards of conduct for Council officials and it is prescribed by the 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
- Act in a way that enhances public confidence in local government.

Council officials include Councillors, members of staff, administrators, Council committee members, delegates of Council and Council advisors.

As a Council official, it is your personal responsibility to comply with the standards in our Code and regularly review your personal circumstances and conduct with this in mind.

Attachment 1 to this report is Council's adopted Code of Conduct.

The Office of Local Government has made available a number of resources on their webpage, including:

- FAQs on the implementation of the 2018 Model Code Framework
- The Model Code of Conduct, Model Code Summary and Model Code Procedures
- Standalone versions of the Model Code targeted at different types of Council Officials containing only those standards relevant to those officials

The Model Code of Conduct 2013 webpage can be accessed from the Office's website at www.olg.nsw.gov.au.

Attachment 2 of this report is the Model Code of Conduct at a glance for Council Committee Members and Delegates.




Attachment 3 to this report is a presentation on the Code of Conduct.

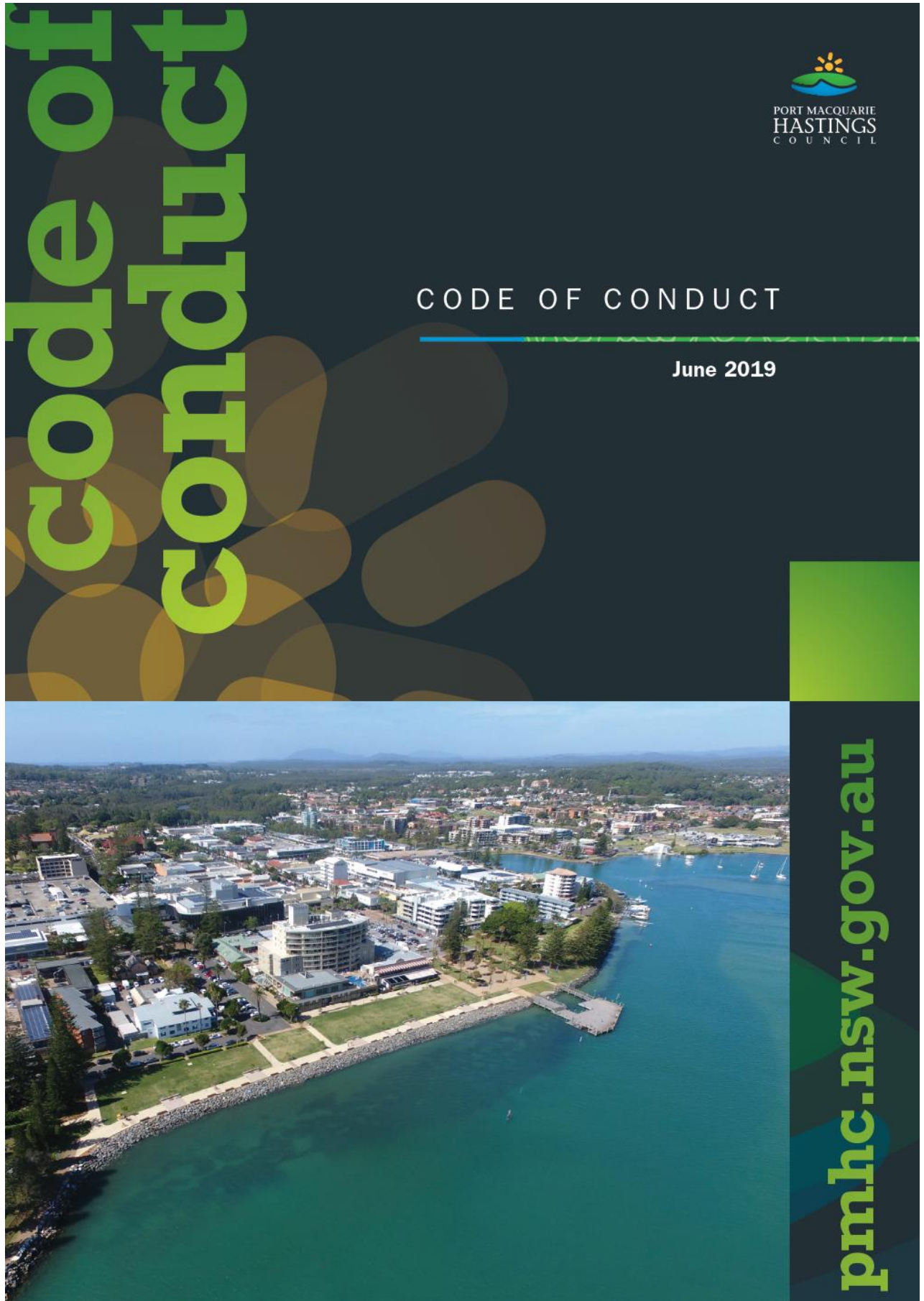
Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest should be appropriately minuted.

Where members are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from the Committee deliberations on the issue where the conflict of interest may exist.

All members of the Committee will be required to complete a confidentiality agreement that will cover the period of their membership of the Committee.

Attachments

- 1  Code of Conduct
- 2  Model Code of Conduct at a Glance
- 3  Presentation of Code of Conduct



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INTRODUCTION

Port Macquarie-Hastings Council prides itself on the application of high standards of behaviour in regard to integrity, responsibility and fair dealing. Our ratepayers need to have confidence that as Council officials, we will continue to strive to maintain the highest standards in our dealings with the community we serve. This *Code of Conduct* is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every Council to adopt a code of conduct that incorporates the provisions of the *Model Code of Conduct* for local councils in NSW. This Code applies to all Council officials.

Based on this Code, a "Statement of Business Ethics" has been developed for Council contractors and consultants. Reference should be made to Council Policy "Statement of Business Ethics".

Port Macquarie-Hastings Council's *Code of Conduct* outlines our standards and provides you with guidelines to ensure your decisions reflect our Council's vision, mission and values, which are:

COMMUNITY VISION

A sustainable high quality of life for all

COMMUNITY MISSION

Building the future together – People, Place, Health, Education, Technology

VALUES

Communication – *we keep each other informed*

Accountability – *we hold ourselves and others accountable*

Professionalism – *we deliver the best value*

Integrity – *we are open, honest and fair*

Teamwork – *we achieve together*

The *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.

As a Council official, it is your responsibility to comply with the standards in our Code.

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.

Council contractors and volunteers will also be required to observe the relevant provisions of Council's *Code of Conduct*.

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

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

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a Council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
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
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
Council official	includes Councillors, members of staff of a Council, administrators, Council committee members, delegates of Council and, for the purposes of clause 4.16, Council advisers
Councillor	any person elected or appointed to civic office, including the Mayor and includes members and chairpersons of county Councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
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>
General Manager	includes the executive officer of a joint organisation
Joint organisation	a joint organisation established under section 4000 of the LGA
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 Procedures for the Administration of the <i>Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a Council committee that the Council has not delegated any functions to



PART 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
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439).

Fairness and equity

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

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities 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, and
 - c) creates a hostile environment.

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.

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.

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* (WH&S Act). You must comply with your duties under the WH&S 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 WH&S Act and any policies or procedures adopted by the Council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff
- e) report accidents, incidents, near misses, to the General Manager or such other staff member nominated by the General Manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

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

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

Binding caucus votes

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

Obligations in relation to meetings

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



PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or 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 General Manager
 - (b) other senior staff of the Council for the purposes of section 332 of the LGA
 - (c) a person (other than a member of the senior staff of the Council) who is a member of staff of the Council or a delegate of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
 - (d) a person (other than a member of the senior staff of the Council) who is a member of a committee of the Council identified by the Council as a committee whose members are designated persons because the functions of the committee involve the exercise of the Council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 4.9 A designated person:
- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the General Manager (or if the person is the General Manager, to the Council) the nature of any pecuniary interest the person has in any Council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the Council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The General Manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the General Manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the Council and the Council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

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

What disclosures must be made by Council advisers?

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

What disclosures must be made by a Council committee member?

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

What disclosures must be made by a Councillor?

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

Disclosure of interests in written returns

- 4.21 A Councillor or designated person must make and lodge with the General Manager a return in the form set out in schedule 2 to this code, disclosing the Councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a Councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the Councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a Councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The General Manager must keep a register of returns required to be made and lodged with the General Manager.
- 4.25 Returns required to be lodged with the General Manager under clause 4.21(a) and (b) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the General Manager under clause 4.21(c) must be tabled at the next Council meeting after the return is lodged.

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

Disclosure of pecuniary interests at meetings

- 4.28 A Councillor or a Council committee member who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The Councillor or Council committee member must not be present at, or in sight of, the meeting of the Council or committee:
- (a) at any time during which the matter is being considered or discussed by the Council or committee, or
 - (b) at any time during which the Council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a Council or Council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the General Manager in writing by a Councillor or a Council committee member to the effect that the Councillor or Council committee member, or the Councillor's or Council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
 - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the Council in which it is given (whichever is the sooner), sufficient disclosure of the Councillor's or Council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council committee after the date of the notice.
- 4.33 A Councillor or a Council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor or Council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 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 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the Council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor or a Council committee member who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 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.



PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any 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 General Manager, such a disclosure is to be made to the staff member's manager. In the case of the General Manager, such a disclosure is to be made to the Mayor.
- 5.7 If a disclosure is made at a Council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council official's extended family that the Council official has a close personal relationship with, or another person living in the same household

- 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 General Manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the General Manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the Mayor.
- 5.13 Despite clause 5.10(b), a Councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 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 General Manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council without the approval of the Council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council that relates to the business of the Council or that might conflict with the staff member's Council duties unless they have notified the General Manager in writing of the employment, work or business and the General Manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The General Manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the Council that relates to the business of the Council, or that might conflict with the staff member's Council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - 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.



PART 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) a political donation for the purposes of the Electoral Funding Act 2018
 - b) 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
 - c) attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or
 - d) free or subsidised meals, beverages or refreshments of token value 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.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, 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.

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

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$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

- 6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

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

Improper and undue influence

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



PART 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 General Manager by way of Council or committee resolution, or by the Mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the Council on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager
 - d) contact or issue instructions to any of the Council's contractors, including the Council's legal advisers, unless by the Mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, Councillors may contact the Council's external auditor or the chair of the Council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

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

7.5 Members of staff of Council must:

- a) give their attention to the business of the Council while on duty
- 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 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 General Manager or, in the case of the Mayor or administrator, unless they are exercising their functions under section 226 of the LGA.



PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 8.1 The General Manager is responsible for ensuring that Councillors and administrators can access information necessary for the performance of their official functions. The General Manager and public officer are also responsible for ensuring that members of the public can access publicly available Council information under the *Government Information (Public Access) Act 2009 (the GIPA Act)*.
- 8.2 The General Manager must provide Councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of Council must provide full and timely information to Councillors and administrators sufficient to enable them to exercise their official functions and in accordance with Council procedures.
- 8.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their official functions must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 8.5 Councillors and administrators who have a private interest only in Council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, Councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

- 8.8 Where the General Manager or public officer determine to refuse access to information requested by a Councillor 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 General Manager 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) the Council's privacy management plan
 - e) the Privacy Code of Practice for Local Government

Use of Council resources

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

- 8.26 Councillors and administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or their delegate) or as provided for in the procedures governing the interaction of Councillors and Council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence Council staff decisions.



PART 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.
- 9.9 Where you are a Councillor or the General Manager, you must comply with any Council resolution requiring you to take action as a result of a breach of this code.

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

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

Complaints alleging a breach of this Part

- 9.15 Complaints alleging a breach of this Part by a Councillor, the General Manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the Council for consideration in accordance with the Procedures.
- 9.16 Complaints alleging a breach of this Part by other Council officials are to be managed by the General Manager in accordance with the Procedures



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MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

'AT A GLANCE' GUIDE FOR COUNCIL COMMITTEE MEMBERS AND DELEGATES



Introduction

This guide summarises the key elements of the *Model Code of Conduct for Local Councils in NSW* that apply to committee members and delegates of councils and joint organisations.

The Model Code of Conduct is available at www.olg.nsw.gov.au.

Each council's and joint organisation's code of conduct must reflect the requirements of the Model Code of Conduct and may contain additional requirements.

While this guide refers to "councils" for simplicity, all references in it to "councils" are to be taken as including local and county councils and joint organisations.

Committee members and delegates should familiarise themselves with their council's code of conduct and understand their obligations and the obligations of others.

Who is a committee member?

A council committee member is any person (other than a councillor or council staff member) who is a member of a council committee that exercises functions of the council under delegation. It may also include members of advisory committees if your council has extended the application of its code of conduct to members of advisory committees.

Who is a delegate?

A delegate of a council is any person (other than a councillor or council staff member) who exercises a council function under delegation.

General Conduct

It is important that the local community has confidence in the council and those that serve it, whether as elected representatives, members of staff or as delegates or committee members.

As a committee member or a delegate of the council, you must ensure that your conduct and behaviour towards others meets the high standards that the community is entitled to expect of all council officials.

What conduct is expected of council committee members and delegates?

(Clauses 3.1 - 3.21)

You must:

- act lawfully and honestly and exercise care and diligence in undertaking your functions
- consider matters consistently, promptly and fairly and in accordance with established procedures
- ensure land use planning, development assessment and other regulatory decisions are properly made and that all parties are dealt with fairly, and
- comply with your duties under the *Work Health and Safety Act 2011* and take care of your own and others' health and safety.

You **must not** conduct yourself in a way that:

- will bring the council into disrepute
- is contrary to law and council policies
- is improper, unethical or an abuse of power
- involves misuse of your position for personal benefit
- constitutes harassment or bullying or is unlawfully discriminatory, or
- is intimidating or verbally abusive.

Submitting returns of interests

Delegates of councils or members of committees that exercise functions of the council that may give rise to conflicts of interest are required to disclose their personal interests in publicly available returns of interests.

These operate as a key transparency mechanism for promoting community confidence in council decision making, whether by councillors or by staff or others under delegation.

Do I need to submit a written return of interests?

(Clauses 4.8 – 4.10)

Delegates or committee members who are “designated persons” must complete and submit returns of their interests to the general manager.

When do I need to submit a written return of interests?

(Clause 4.21)

If you are a designated person, you must submit a return of interests within three months of your appointment and submit a new return annually (within three months of the start of each financial year).

If you become aware of any new interest that needs to be disclosed in the return, you must submit a new return within three months of becoming aware of the interest.

What interests do I need to disclose?

(Schedule 1)

If you are a designated person you will be required to disclose, among other things, the following types of interests in your return:

- interests in real property
- gifts
- contributions to travel
- interests and positions in corporations
- whether you are a property developer or a close associate of a property developer
- positions in trade unions and professional or business associations
- dispositions of real property
- sources of income, and
- debts.

Conflicts of interest

As a member of the local community, it is inevitable that at some point you will have a conflict of interest in a matter that you are dealing with. What is important is that you are able to identify that you have a conflict of interest and that you disclose and manage it appropriately.

There are two types of conflicts of interest – pecuniary and non-pecuniary. Your obligations to disclose and manage conflicts of interest will depend on what type of conflict of interest you have.

What is a pecuniary conflict of interest?

(Clauses 4.1 – 4.5)

You will have a pecuniary interest in a matter you are dealing with where there is a reasonable likelihood or expectation that you or a related person (eg a relative, your employer or business partner or a company you hold shares in), will gain or lose financially appreciably as a result of any decision made in relation to the matter.

How do I manage pecuniary conflicts of interest that I have in matters I am dealing with?

(Clauses 4.10, 4.12 and 4.18)

You must disclose in writing any pecuniary interest you may have in a matter you are dealing with as soon as you become aware of it.

The general manager will decide how the matter will be dealt with.

If you are a member of a committee, you must disclose any pecuniary interest you have in any matter being dealt with by the committee at each committee meeting that the matter arises and leave the meeting while the matter is being considered and voted on.

What is a non-pecuniary conflict of interest?

(Clauses 5.1, 5.2 and 5.8)

Non-pecuniary interests are private or personal interests that are not pecuniary interests.

You will have a non-pecuniary conflict of interest in a matter you are dealing with if a reasonable and informed person would perceive that you could be influenced by a private interest that you have in that matter. This is also known as the "pub test".

How you deal with a non-pecuniary conflict of interest will depend on whether it is significant.

How do I know if I have a significant non-pecuniary conflict of interest in a matter I am dealing with?

(Clause 5.9)

You will have a significant non-pecuniary conflict of interest in a matter you are dealing with where you have a:

- close relationship (including a business relationship) with a person who will be affected by any decision made in relation to the matter
- strong affiliation with an organisation that will be affected by any decision made in relation to the matter, or
- financial interest in the matter that is not a pecuniary interest, or you otherwise stand to gain or lose a personal benefit as a result of a decision made in relation to that matter.

How do I manage significant non-pecuniary conflicts of interest that I have in matters I am dealing with?

(Clauses 5.9 and 5.10)

If you have a significant non-pecuniary conflict of interest in a matter you are dealing with, you must:

- disclose it in writing to the general manager
- disclose it on each occasion the matter arises, and
- not participate in any consideration of the matter.

If you are a member of a council committee you must also disclose your interest at each committee meeting that the matter arises and leave the meeting while the matter is being considered or voted on.

How do I manage non-pecuniary conflicts of interest that are not significant?

(Clauses 5.6, 5.7 and 5.11)

If you believe that you have a non-pecuniary conflict of interest in a matter you are dealing with that is not significant and that does not require further action, you must still disclose your interest in writing to the general manager as soon as possible and explain why you believe it is not significant.

The general manager will help you decide how to manage your interest.

If you are a member of a committee, you must also disclose your interest at each committee meeting the matter arises and explain why you believe it is not significant and no further action is necessary to manage it.

What if I am not sure?

(Clause 5.4)

Remember, no one knows your personal circumstances better than you and for that reason, the onus is on you to identify and disclose any potential conflict of interest you may have in a matter you are dealing with and to manage it appropriately.

If you are not sure whether you have a conflict of interest in a matter you are dealing with or what type of conflict of interest it is, always err on the side of caution. Disclose the interest in writing to the general manager and discuss with them whether you should continue to deal with the matter.

How do I deal with council in my private capacity as a resident or ratepayer?

(Clauses 5.28 and 5.29)

As a member of the community, it is inevitable that you will need to deal with your council in your private capacity. Where this occurs, you should deal with the council in the same way as other members of the public. You should not expect or seek any preferential treatment.

You must not use your position to obtain a private benefit for yourself or for someone else or to influence others in the performance of their functions to obtain a private benefit for yourself or for someone else.

Gifts and benefits

In the course of performing your duties you may be offered a gift or a personal benefit. There are strict rules that govern what gifts or benefits you may accept and those that you must refuse.

These rules are informed by the following principles:

- you must not benefit personally from the performance of your duties on behalf of the council other than through the remuneration and any other benefits you receive as a delegate or committee member, and
- you must not be influenced or be seen to be influenced in the performance of your duties as a result of the receipt of a gift or personal benefit.

What is a gift or benefit?

(Clauses 6.1 and 6.2)

A gift or benefit is something offered to or received by you or someone closely associated with you for personal use or enjoyment.

Gifts and benefits do not include:

- a gift or benefit provided to the council as part of a cultural exchange or sister city relationship (provided it is not used for your personal use and enjoyment)
- attendance at a work-related event or function for the purpose of undertaking your council duties, or
- meals, beverages or refreshments with a value of less than \$50 that are provided to you while you are carrying out your council duties.

What gifts or benefits must I refuse?

(Clause 6.5)

You **must not**:

- seek or accept bribes
- seek gifts or benefits of any kind
- accept any gift or benefit that may create a sense of obligation, or that may be perceived as intended or likely to influence you in undertaking your duties
- accept any gift or benefit that is worth more than \$50
- accept tickets to major sporting or cultural events with a ticket value of over \$50 or corporate hospitality at such events
- accept cash or cash-like gifts (such as gift vouchers, credit cards, debit cards with credit on them, phone or internet credit, lottery tickets etc) of any amount
- participate in competitions for prizes where eligibility is based on the council being a customer of the competition organiser, or
- personally benefit from reward points programs when purchasing on behalf of council.

What if I can't refuse a gift or benefit?

(Clause 6.7)

If you are offered a gift or benefit that is worth more than \$50 that cannot be reasonably refused, you must surrender it to the council.

What gifts can I accept and who must I report this to?

(Clauses 6.6, 6.8 and 6.11)

You may accept gifts with a value of under \$50. However, if you receive further gifts from the same person or another person associated with them in the next 12 months with a value which, when combined with the value of the first gift exceeds \$50, you must refuse to accept the additional gifts.

If you accept a gift of any value, you must disclose this promptly to the general manager in writing. The following details must be recorded in the council's gift register:

- the nature of the gift or benefit
- the estimated monetary value of the gift or benefit
- the name of the person who provided the gift or benefit, and
- the date on which the gift or benefit was received.

Use of council information and resources

Council resources (including council information) are public resources. You must use council resources ethically, effectively, efficiently and carefully when performing your duties.

You must not use council resources for private purposes, or convert council property for your own use unless you are authorised to do so.

What records should I keep?

(Clauses 8.21 – 8.24)

All information created, sent or received in your official capacity (whether or not stored on a council device or a council email account) and any information stored in either soft or hard copy on council resources is considered to be a council record and must be kept in accordance with the *State Records Act 1998* and your council's records management policy.

Do not destroy, alter or dispose of records unless authorised to do so.

What are my obligations in relation to the use of council information?

(Clauses 8.9 – 8.11)

You can only access and use council information for council business. You must not use council information for private purposes and you must not seek to privately benefit from any council information you have obtained in your role as a delegate or committee member.

You must only release council information in accordance with established council policies and procedures and in compliance with relevant legislation (including privacy legislation).

You must maintain the integrity and security of any confidential or personal information you have access to. In particular, you must:

- only access confidential or personal information that you have been authorised to access and only for the purposes of performing your duties
- protect confidential and personal information
- only release confidential or personal information if authorised to do so
- only use confidential or personal information for the purpose for which it is intended to be used
- not use confidential or personal information to obtain a private benefit for you or for someone else
- not use confidential or personal information to cause harm to the council or anyone else, and
- not disclose confidential information discussed during a closed session of a council or committee meeting or any other confidential forum (such as councillor workshops or briefing sessions).

What are my obligations when using my council computer or mobile device?

(Clause 8.20)

You must not use council's computer or mobile devices to access, download or communicate any material that is offensive, obscene, pornographic, threatening, abusive or defamatory or could lead to civil or criminal liability and/or damage council's reputation.

Making code of conduct complaints

Your council's code of conduct is the key mechanism for promoting and enforcing the ethical and behavioural standards the community rightly expects of those who serve the council.

For this reason, it is important that your council's code of conduct is correctly used and that code of conduct processes are respected and complied with.

How do I make a code of conduct complaint?

(Part 4 of the Procedures)

Complaints alleging breaches of the code of conduct must be made in writing to the general manager. Complaints about the general manager must be made in writing to the mayor. Complaints must be made within 3 months of the conduct occurring or you becoming aware of the conduct.

To be dealt with under the council's code of conduct, a complaint must show or tend to show conduct by a member of staff, a councillor or a person exercising council functions under delegation or who is otherwise subject to the council's code of conduct in connection with their official role or the exercise of their official functions that would constitute a breach of the council's code of conduct if proven.

The following types of complaints must not be dealt with under a council's code of conduct and should instead be dealt with under the council's routine complaints management processes:

- complaints about the standard or level of service provided by the council or a council official
- complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
- complaints about the policies or procedures of the council, and
- complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the council's code of conduct.

What happens if a code of conduct complaint is made about me?

(Clauses 5.10 – 5.17 of the Procedures)

The general manager (or another member of staff authorised by the general manager) is responsible for dealing with code of conduct complaints about committee members and delegates.

In dealing with a complaint, the general manager may determine to take no action, to resolve it informally or to take disciplinary action. Prior to taking disciplinary action, the general manager must comply with certain procedural fairness requirements.

Where proven, code of conduct complaints may result in:

- censure
- requirement for an apology
- prosecution for any breach of the law
- removal or restriction of a delegation, and/or
- removal from membership of a committee

What are my responsibilities in relation to code of conduct complaints?

(Clauses 9.1 – 9.7, and 9.13)

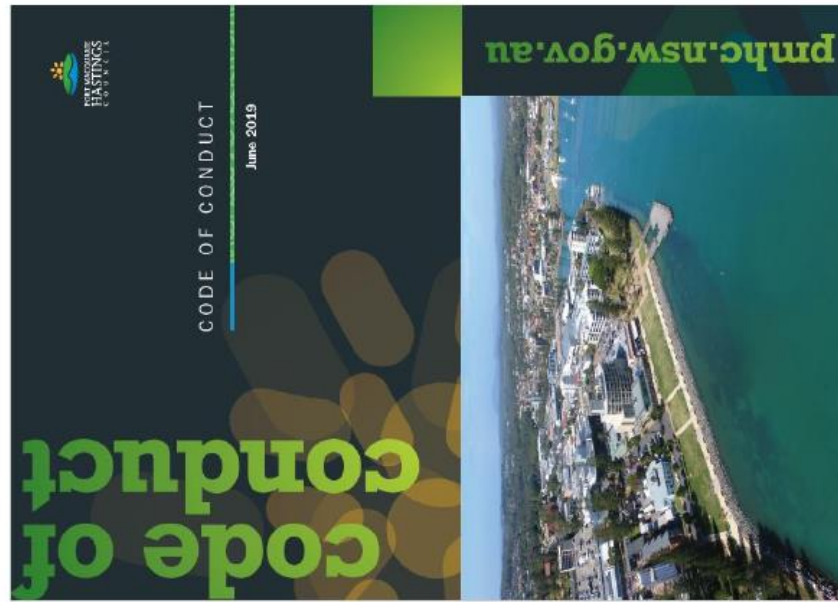
You have certain obligations in relation to any code of conduct complaints that you make or that are made about you. These obligations are designed to safeguard the integrity of your council's code of conduct and the processes for investigating and dealing with alleged breaches by ensuring code of conduct matters are dealt with in a manner that is robust, fair and confidential. Breaches of these obligations may themselves constitute a breach of your council's code of conduct.

In particular you must not:

- make code of conduct complaints for an improper purpose
- take or cause reprisal action to be taken against someone for making or dealing with a code of conduct complaint
- disclose any information about a code of conduct complaint you have made or that has been made about you except for the purpose of seeking legal advice, or
- impede or disrupt the consideration of a code of conduct complaint and you must comply with any reasonable and lawful requests.



Port Macquarie Transport Network Community Consultative Committee



Code of Conduct Overview

Kirsty Callander – Governance and Legal Officer

- General Conduct Obligations
- Pecuniary Interests
- Non-Pecuniary Conflicts of Interest
- Personal Benefit
- Relationship between Council Officials
- Access to Information and Council Resources



General Conduct Obligations

You must not conduct yourself in a manner that:

- is likely to bring the Council or other Council officials into disrepute
- is contrary to statutory requirements or the Council's administrative requirements or policies
- is improper or unethical
- is an abuse of power
- causes, comprises or involves intimidation or verbal abuse
- involves the misuse of your position to obtain a private benefit
- constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.

As a Public Service we are held to a higher threshold



Conflict of Interest

COI may be:

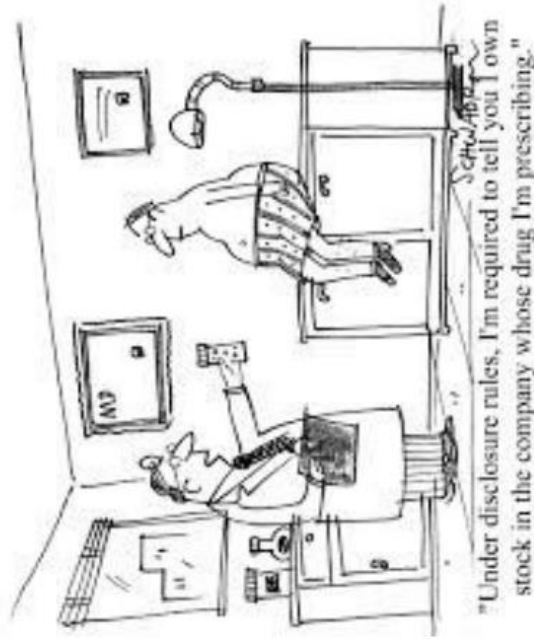
- Pecuniary – an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a relative.
- Non-pecuniary – private or personal interests a Council official has that do not amount to a pecuniary interest as defined above. These commonly 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.



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.





Disclosure of pecuniary interests at meetings

As a member of a Community Consultative Committee, you must disclose any pecuniary interest you have in relation to any matter being discussed. Once identified, the Chair of the meeting will decide how the pecuniary interest will be dealt with. It may be determined that you are to leave the meeting during discussions involving this matter.

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.*

4.31 A disclosure made at a meeting of a Council or Council committee must be recorded in the minutes of the meeting.



Disclosure of Non-pecuniary interests at meetings

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 and to disclose the interest fully.





How to deal with a non-pecuniary conflict of interest will depend on whether it is significant

A significant non-pecuniary conflict of interest is where you have a:

- Close relationship (including a business relationship) with a person who will be affected by any recommendation made in relation to the matter
- Strong affiliation with an organisation that will be affected by any recommendation made in relation to the matter, or
- Financial interest in the matter that is not a pecuniary interest, or you otherwise stand to gain or lose a personal benefit as a result of a recommendation made in relation to the manner



How to deal with a non-pecuniary conflict

As a member of a Community Consultative Committee, you must disclose any non-pecuniary interest you have in relation to any matter being discussed. Once identified, the Chair of the meeting will decide how significant the non-pecuniary interest is and how it will be dealt with. If it is determined that you have a significant non-pecuniary conflict of interest, you will be required to leave the meeting during discussions involving this matter.

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.



Conflict of Interest

It is the responsibility of every committee member to:

- avoid conflicts where reasonably possible
- identify, report and manage conflicts of interest.

Poorly managed conflicts of interest can:

- undermine public confidence
- may place the committee member or their colleagues at risk
- lead to inefficient use of public assets
- lead to opportunities for corruption





Access to Information

In regard to information obtained in your capacity as a Committee member, you must:

- Only access Council information needed for the purposes of performing your duties as a member of the Committee
- Not use that Council information for private purposes
- Not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with Council
- Only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

CONFIDENTIAL



Use of Council Resources

- Use Council resources ethically, effectively and efficiently
- Must not use Council resources for private purposes
- Must not convert any property of the Council to your own.
- Must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Item: 07

Subject: COMMITTEE PURPOSE AND FUNCTION

Presented by: Infrastructure, Dan Bylsma

RECOMMENDATION

That the Committee note the information provided in this report.

Discussion

The purpose of the Port Macquarie Transport Network Community Consultative Committee is to provide a forum for discussion between Council and the Community on issues directly relating to the investigation of proposed Orbital Road options, planned traffic network improvements and upgrades to the existing Port Macquarie road network, through the development of a Strategic Business Case.

As per the Committee Charter, the Committee will:

- Assist Council in meeting its commitment to address the proposed Orbital Road options and broader Port Macquarie road network improvements and upgrades.
- Promote information sharing between Council, local community members and other key stakeholders, on the proposed Orbital Road options and broader Port Macquarie road network improvements and upgrades.
- Work collaboratively with Council and provide feedback on the proposed Orbital Road options, Strategic Business Case studies or reports and broader Port Macquarie road network improvements and upgrades.
- Provide a forum for the community members and other stakeholders to share / seek information on and provide feedback to Council on the development of the Strategic Business Case for the proposed Orbital Road, including planned traffic network improvements and upgrades to the existing Port Macquarie road network.

Attachments

Nil

Item: 08

**Subject: PORT MACQUAIRE TRANSPORT NETWORK IMPROVEMENT
PROJECT**

Presented by: Infrastructure, Dan Bylsma

RECOMMENDATION

That the Committee note the information provided in this report.

Discussion

Introduction to the Project

The Port Macquarie Road Network Planning Project - Strategic Business Case is a project being undertaken by the Port Macquarie-Hastings Council to address current and emerging road network needs. Due to the Oxley Highway, a State Controlled road, being a significant part of the network, TfNSW is a project partner providing guidance and inputs into the project.

Port Macquarie-Hastings Council (Council) has engaged, via an open tender process, an experienced and qualified consultancy firm, SMEC, to undertake a detailed analysis of the Port Macquarie road network to identify suitable short, medium and long-term solutions to be presented via a series of working papers with the highest priority solutions collated in a strategic business case.

The analysis and subsequent strategic business case will generally be in line with the NSW Government's Infrastructure Investor Assurance Framework (IIAF) - Gate 1 Strategic Business Case, with the work including Gate 0 - Needs Confirmation Summary. While this project is utilising the IIAF, it will not be formally entering into the IIAF System as this is reserved for NSW Government Projects.

Investigations will analyse both new transport links and improvements to existing corridors, while considering improvements to public transport, and will assess the social, environmental and economic impacts through a cost-benefit analysis to short list options for further consideration.

At the end of the engagement Council will have a well-considered list of preferred short (0 – 10 years), medium (10 – 20 years) and long term (20+ years) road network improvements solutions documented in a comprehensive Road Network Improvements Plan and analysed as part of a Strategic Business Case that can be easily articulated to the community.

Objective

The over-arching project principle is to provide a safe and efficient Port Macquarie road network. A network which has the capacity to provide an appropriate level of service to the community, responding to current traffic demands and supporting the

development of Port Macquarie as a regional city as it continues to grow into the future.

The objectives of an improved Port Macquarie road network are:

- Provide an adequate level of service (travel delay and congestion) for the community by increasing the capacity of the road network, while improving road safety;
- Facilitate and enable economic growth through improved road access to services and employment lands;

The project objectives will be achieved by identifying and implementing appropriate network improvement solutions that balance the economic, social and environmental impacts.

The objective of the Strategic Business Case is to define and determine appropriate and viable solutions to improve the Port Macquarie road network to meet the abovementioned project objectives in line with the overall project principle.

This will be achieved by investigations, analysis and modelling of current and future community needs of the road network as well as identifying constraints. This leads to subsequent development of options addressing the identified needs and constraints. These options will be compared using Cost to Benefit analysis to identify and articulate the preferred options.

The consultant will develop the Strategic Business Case, applying best practice for the development of innovative options for an improved transport network.

The general premise for preferred options are:

- maximising traffic benefits by minimising travel times and delays;
- minimising social impacts;
- maximising road safety benefits;
- minimising construction cost;
- minimising environmental impacts;
- maximising improvements to social connectivity; and
- maximising future economic development opportunities.

Scope

The scope of the project covers all investigations, analysis and documentation for the development of a shortlist of preferred options, which address the project objectives, presented in a comprehensive Strategic Business Case conforming to the NSW Government Infrastructure Investor Assurance Framework (IIAF) Strategic Business Case requirements. The scope will be developed in accordance with industry best practice and relevant IIAF and Transport for NSW guidelines.

The following are the general stages of the project split over two phases:

PHASE 1
<p>Stage 1 Existing information review</p> <p>1.1 Inception meeting and site visit</p> <p>1.2 Review of existing information</p> <p>1.2.1 Workshop with Council staff to ensure all existing information is identified and understood</p> <p>1.3 Constraints identification and mapping</p> <p>1.4 Project inception working paper report</p> <p>1.4.1 Understanding of Requirement, constraints and existing situation</p> <p>1.5 Needs Confirmation Summary Report - conforming the Infrastructure NSW format</p>
<p>Stage 2 Options identification</p> <p>2.1 Traffic Model development</p> <p>2.1.1 Review of Area Wide Traffic Study model</p> <p>2.1.2 Traffic Modelling Technical Memo</p> <p>2.1.3 Base and future year model development – data collection, calibration and validation as required</p> <p>2.1.4 Base case analysis – issues identification</p> <p>2.1.5 'Do Minimum' case development and analysis</p> <p>2.1.6 Options to be considered shall include several options put forward by the community, which are outlined in Appendix 4.</p> <p>2.2 Existing network working paper report</p> <p>2.3 Improvement options identification</p> <p>2.3.1 Long list of options – existing corridors upgrades and new corridors</p> <p>2.3.2 Schematic option design arrangement development</p> <p>2.3.3 Options testing</p> <p>2.3.4 Options refinement and value management</p> <p>2.4 Network improvement working paper report</p>
<p>Hold Point</p> <p>Outcome of Options identification to inform scope moving forward and revision of provisional sums. Decision point on progress of following stages</p>
PHASE 2
<p>Stage 3 Options development and assessment</p> <p>3.1 Strategic 3D Design of refined list of options from Stage 2</p> <p>3.1.1 Terrain model development using LiDAR and existing survey only</p> <p>3.1.2 Strategic design in accordance with Austroads to understand strategic cost and impacts</p> <p>3.2 Strategic Cost Estimate</p> <p>3.2.1 Development of unit rate estimates for key elements of designs</p> <p>3.2.2 Cost Estimation Technical Memo</p> <p>3.2.3 P90 strategic cost estimates based on strategic designs in accordance RMS Project Estimating manual</p> <p>3.3 Environmental investigations and impacts/benefits assessment</p> <p>3.3.1 Detailed desktop environmental investigation and assessment, including heritage, based on strategic designs</p> <p>3.3.1 Limited 'on-ground' environmental investigations and assessment to refine and validate desktop assessment</p> <p>3.4 Social Impacts/benefits assessment</p> <p>3.4.1 Direct and indirect social impacts/benefits assessment based on strategic designs</p> <p>3.5 Economic Impacts/benefits assessment</p> <p>3.5.1 Direct economic impacts/benefits assessment based on strategic</p>

<p>designs and traffic analysis</p> <p>3.5.2 Indirect economic impacts/benefits assessment based on a suitable best practice methodology</p> <p>3.6 Options refinement and value management</p> <p>3.7 Options development and assessment working paper report</p>
<p>Stage 4 Options Analysis</p> <p>4.1 Economic Appraisal</p> <p>4.1.1 Undertake an economic appraisal on the refined list of options from Stage 3, utilising the analysis and assessment outputs from Stages 2 and 3 in accordance with TfNSW Principles and Guidelines: Economic Appraisal of Transport Investments and Initiatives</p> <p>4.2 Cost benefit Analysis</p> <p>4.2.1 Rank options with a benefit to cost assessment in line with the NSW Government's Guide to Cost-Benefit Analysis TPP 17-03.</p> <p>4.3 Shortlisting and prioritising preferred options</p> <p>4.4 Staging Identification</p> <p>4.4.1 Based on the prioritised shortlist of preferred options identify the short-term (0 to 10 years), medium-term (10 to 20 years) and long-term (20+ years) staging and program of actions (further design, investigations, approvals and detailed business cases) to deliver the options.</p>
<p>Stage 5 Reporting</p> <p>5.1 Strategic Business Case – Draft Report</p> <p>5.1.1 A plain English, but detailed, community facing summary that can be easily understood by a non-technical audience</p> <p>5.1.2 A comprehensive Strategic Business conforming to the Infrastructure NSW format</p> <p>5.2 Strategic Business Case - Final Report (including 5.1.1 and 5.1.2 above)</p>

Milestones

Milestones Phase 1	Planned date
Inception workshop	Complete
Workshop 1 Review and Understanding	Complete
Traffic Modelling Technical Report	10/03/2020
Base and Future Year Model Development	05/05/2020
Do Minimum technical note	32/06/2020
Pre-Value Management Workshop	21/07/2020
Value Management Workshop	05/08/2020
Network Working Paper Report Draft	09/09/2020
Milestones Phase 2	Indicative Date
Strategic Design and Deterministic Risk Workshop	19/11/2020
Value Engineering Value Management Workshop	21/01/2021
Options Development	17/02/2021
Shortlisting and Prioritisation Staging	14/04/2021
Strategic Business Case Report Draft	11/05/2021
Strategic Business Case Report Submission	04/08/2021

Consultant Contract

The consultant undertaking the work for this project is SMEC Australia, who are specialists in the strategic planning of large infrastructure projects. In particular SMEC are experienced with TfNSW (Incorporating RMS) strategic transport planning projects, examples of past projects include the following:

- The Outer Newcastle Study – Strategic Design, Traffic Modelling, Cost Estimation and Economic Analysis;
- Glendale Cardiff Emerging Strategic Centre (Strategic Business Case);
- Ocean Drive Upgrade - Detailed Design and Business Case, Matthew Flinders Dr to Greenmeadows Dr.

Attachments

Nil

Item: 09

Subject: OTHER TRANSPORT IMPROVEMENT PROJECTS

Presented by: Infrastructure, Dan Bylsma

RECOMMENDATION

That the Committee note the information provided in this report.

Discussion

The following is a non-exhaustive list of transport/road related projects at various stages that are being delivered by Council:

1. Bago Road Upgrade - Stage 2 - Lookout Road to Blue Water Close
2. Bay Street Intersections
3. Beechwood Road Upgrade - Stages 5 and 6
4. Dunbogan Flood Access Road Upgrade Stage 1a - Dunbogan
5. Gordon Street and Horton Street Traffic Signals
6. Gordon Street Pavement and Stormwater upgrade
7. Hastings River Drive Upgrade
8. John Oxley Drive Upgrade
9. Kew Main Street Upgrade - Stage 3
10. Lake Road (East) Pavement Upgrade
11. Lake Road (West) Duplication Stage 2
12. Lake Road (west) Duplication Stage 3
13. Ocean Drive Duplication (Matthew Flinders to Green Meadows)
14. Ocean Drive Upgrade - Lake Cathie
15. Schools to School pathway project
16. Beach to Beach pathway project
17. Pedestrian Refuges and Kerb Extensions - Lake and Seymour Street
18. Bold Street Pedestrian Crossing
19. The Ruins Way Upgrade - Major Innes Road to Sitella Street
20. Scrubby Creek Bridge Replacement
21. Thompson's Bridge Replacement
22. Dunbogan Bridge Rehabilitation Project
23. Wood St Road Upgrade
24. Pembroke Road/Stoney Creek Road upgrade
25. Kindee Bridge Management Strategy and Design

1. Bago Road Upgrade - Stage 2 - Lookout Road to Blue Water Close

- The project is currently in the **CONSTRUCTION PHASE**.

This project includes the following works:

- Strengthening of 2.8km road pavement at 310mm deep (Lime stabilising);
- Increasing the lane width of 2.8km of road from 3m to 3.25m;

- Widening of shoulder to 1m; and
- Asphalt resurfacing of the 2.8km of Bago Road.

In addition, the works listed below under the Blackspot funding program will also need to be completed, with includes the installation of:

- Two-way curve alignment markers;
- Reinstatement of reflectors
- Edge and centre line marking with raised audio-tactile markers;
- Additional winding road and advisory speed curve signs;
- Vehicle activated speed warning signs – two locations as per attached map; &
- Shoulder widening minimum 1m with concrete dish drain in cutting where required (dependent on remaining funding)

2. Bay Street Intersections

- Construction was completed December 2019.
- This improved the transport network pedestrian safety by installing two new pedestrian refuges. One at the intersection of Bay St and Bellbowrie St and a second at the intersection of Bay St and Newport Island Rd. The project was possible due to savings realised after the completion of AC re-sheeting works of Bay St. This project also forms part of the broader Local Roads Transport Strategy which aims to provide a safe and reliable road and transport network today, tomorrow and into the future.

3. Beechwood Road Upgrade - Stages 5 and 6

- The project is currently in the **DESIGN PHASE**.
- This project seeks to deliver the design and preconstruction activities related to the upgrade of Beechwood Road between Riverbreeze Drive and Yippin Creek Road (Stage 5) and Yippin Creek Road to Waugh Street (Stage 6). There is no commitment to construction for either stage at this point in time.

4. Dunbogan Flood Access Road Upgrade Stage 1a - Dunbogan

- This project is in the **CONSTRUCTION PHASE**.
- Construction of the final stage (1A) of the Dunbogan Flood Access Road – from the Dunbogan Bridge through to the intersection of The Boulevard and Diamond Head Roads. Earlier stages of the Flood access were completed in 2015 with works suspended until further funding could be made available. OEH Grant funding was approved in March 2019, which has allowed this final stage to be completed. The completed works will provide the residents of Dunbogan with suitable access to Laurieton during flooding of the Camden Haven River. Additionally, the pedestrian access will be improved through providing a formal footpath connection to the Dunbogan Bridge along the length of works.

5. Gordon Street and Horton Street Traffic Signals

- The project is currently in the **DESIGN PHASE**.
- This project seeks to deliver the design and construction of upgrade to the Gordon Street and Horton Street intersection to traffic signals. Detailed design

and approvals suitable for construction are planned to be completed within the 2019/20 financial year. Construction timing is yet to be determined and is subject to funding allocation. The project aims to provide a safe road environment and to improve the operation of the Gordon and Horton Street intersection.

6. Gordon Street Pavement and Stormwater Upgrade

- The project is currently in the **DESIGN PHASE**.
- This project seeks to deliver the design and construction of upgrades to Gordon Street between Hastings River Drive and Horton Street. The project involves the reconstruction of the existing road pavement, upgrade to stormwater and replacement of existing water and sewer mains. The design of the works has been included within the 19/20 FY with construction expected to be carried out within the following Financial Year.

7. Hastings River Drive Upgrade

- The project is currently in the **DESIGN PHASE**.
- This project seeks to upgrade the remaining section of the Hastings River Drive Upgrade between Hughes Place and Boundary Street to four lanes. Detailed design and approvals suitable for construction are planned to be completed within the 2019/20 financial year. Construction timing is yet to be determined and is subject to funding allocation. This project aims to address the strategic growth of the region by providing a safe road environment and improved capacity and operation of Hastings River Drive.

8. John Oxley Drive Upgrade

- The project is currently in the **DESIGN PHASE**.
- This project seeks to deliver the design for the upgrade of John Oxley Drive from Kingfisher Road to The Ruins Way. Detailed design and approvals suitable for construction are planned to be completed within the 2019/20 financial year. Construction timing is yet to be determined and is subject to funding allocation. This project forms part of the broader Lake Innes planning and aims to provide a safe road environment and to improve the capacity and operation of John Oxley Drive.

9. Kew Main Street Stage 3

- This project is currently in the **DESIGN PHASE**.
- Stage 3 of the Kew Main Street project focuses on upgrading the main roundabout, to reduce approach speed and increase safety, and upgrades to the north-western corner car park to improve functionality and amenity.
- Council received \$800,000 grant funding under the Building Better Regions fund for a total project budget of \$1,600,000. Construction will commence following design completion in 2020/21.

10. Lake Road (East) Pavement Upgrade

- This Project is currently in the **PLANNING PHASE**.
- The aim of this project is to rehabilitate the pavement and AC resurface Lake Road from Gordon Street to Ocean Drive.

11. Lake Road (West) Duplication Stage 2

- The project is currently in the **DESIGN PHASE**.
- This project seeks to duplicate/upgrade Lake Road (between Fernhill Road and Jindalee Road). Detailed design and approvals suitable for construction of traffic signals are to be completed within the 2019/20 financial year. Construction timing is yet to be determined and is subject to funding allocation. This project forms part of the broader Lake Road Duplication strategy and aims to provide a safe road environment and to improve the capacity and operation of Lake Road.

12. Lake Road Duplication Stage 3

- The project is currently in the **DESIGN PHASE**.
- This project seeks to deliver a concept layout for the duplication of Lake Road (between Chestnut Road and Ocean Drive) to determine the proposed extent of works, an environmental approvals pathway report and a National Parks land acquisition pathway report. Concept design works and pathways reports are completed. Detailed designs will not commence until land acquisition matters have been resolved. Construction timing is yet to be determined and is subject to the outcome of the land acquisition matter, detailed design and funding allocation. This project forms part of the broader Lake Road Duplication strategy and aims to provide a safe road environment and to improve the capacity and operation of Lake Road.

13. Ocean Drive Duplication - between Matthew Flinders Drive and Greenmeadows Drive (South)

- The project is currently in the **DESIGN PHASE**.
- This project will deliver the duplication of Ocean Drive between Matthew Flinders Drive and Greenmeadows Dr (South), initiated by the \$10M RMS (TfNSW) grant funding announced in 2011.
- Release of the State funding is pending the finalisation of the Detailed Business Case, which is now to be revised following the construction estimate prepared by the RMS Regional Maintenance Delivery team.

14. Ocean Drive Upgrade - Lake Cathie

- The project is currently in the **DESIGN PHASE**.
- This project seeks to deliver the detailed design, environmental approvals and staged construction of an upgrade to the existing road corridor along Ocean Drive between Miala Street and Ernest Street, Lake Cathie. The overall purpose of this project is to remediate the existing road pavement, improve the visual amenity of

the area and improve vehicle and pedestrian access along Ocean Drive in Lake Cathie. Advanced concept design works are forecast to be completed within the 2019/20 financial year.

15. Schools to School pathway project

- The project is currently in the **CONSTRUCTION PHASE**.
- The project seeks to improve vehicular and pedestrian safety along Ocean Drive, West Haven through the construction of shared pathway and pedestrian refuges. The project is jointly funded 50/50 between RMS and Council. Completion planned for April 2020.

16. Beach to Beach shared pathway project

- The project is currently in the **DESIGN PHASE**.
- The Beach to Beach Shared Path is a community based project that aims to deliver 11 kilometres of un- interrupted footpath/cycleway between North Haven Beach and Pilot Beach in Dunbogan. The path will follow the banks of the local river system creating a scenic route that begins in North Haven, loops through Laurieton and ends on Pilot Beach adjacent to the starting point.

17. Pedestrian Refuges and Kerb Extensions - Lake and Seymour Street

- The project is currently in the **CONSTRUCTION PHASE**.
- The project seeks to improve vehicular and pedestrian safety at the intersection of Lake & Seymour Street, Laurieton generally through the construction of pedestrian refuges and kerb extensions. The project is jointly funded 50/50 between RMS and Council.

18. Bold Street Pedestrian Crossing

- The **CONSTRUCTION PHASE** of the Bold Street marked pedestrian crossing is scheduled to commence in early March 2020.
- Council received a number of request from the community, including the Camden haven Chamber of commerce to install a pedestrian crossing on Bold Street, between Tunis and Seymour Streets.
- In May 2017 a concept plan for an upgrade of Bold Street, Laurieton between Tunis and Seymour Streets was prepared. The plan includes:
 - Mid-block pedestrian zebra crossing with kerb extensions and additional street lights
 - Addition of kerb extensions to pedestrian refuges immediately east of Seymour Street and immediately west of Tunis Street
 - Modification of parking layout, taxi stand, bus stop and loading zones
 - Improvements to Coles car park access
 - Wider footpaths including opportunities for outdoor dining at selected locations
 - Landscaped areas to provide for garden beds and trees
 - Retaining wall adjacent to Laurieton Hotel

- Stormwater drainage modifications
- In response to community concerns regards the proposed "mid-block" location of the pedestrian crossing, Council at the Ordinary Council meeting of September 2019 resolved to endorse an alternate location. Subsequent redesign was required for this alternate location.

19. The Ruins Way Upgrade - Major Innes Road to Sitella Street

- The project is currently in the **DESIGN PHASE**.
- This project seeks to deliver The Ruins Way roadway upgrade, approximately 500m in length, between the Major Innes Rd and Sitella St intersections. The work area is identified as Section 1D to 1E in the Innes Peninsula Road Works Section 94 Contributions Plan and generally includes pavement reconstruction and widening, stormwater upgrades, road lighting improvements, a combined cycleway and footpath along the eastern side of The Ruins Way and a standard pedestrian footway on the western side.
- Additional pavement resurfacing has now been included due to an opportunity to redistribute Federal grant funding coming off Bago Road.

20. Scrubby Creek Bridge Replacement

- The project is currently at **DESIGN PHASE**.
- The Scrubby Creek Bridge is located on Upper Pappinbarra Road approximately 14kms west of Beechwood in the Upper Pappinbarra Valley. This project seeks to improve accessibility to the valley and increase safety by replacing the existing timber bridge with a new proprietary concrete bridge across Scrubby Creek. Works are ideally required to be completed by June 2020. This project also forms part of the broader Local Roads Transport Strategy which aims to provide a safe and reliable road and transport network today, tomorrow and into the future. The project will be completed with minor impact to the community and will take approximately 4 weeks to complete.
- Council received \$455,000 grant funding under the Federal Bridge Renewal Program for a total \$910,000 project budget.

21. Thompson's Bridge Replacement

- The project is currently at **DESIGN STAGE**.
- The Thompson's Bridge is located on Upper Rolland Plains Road approximately 9kms north west of Rolland Plains. This project seeks to improve accessibility to the area and increase safety by replacing the existing timber bridge with a new proprietary concrete bridge across the unnamed Creek. Works would ideally be completed by conclusion of Q3 2020. This project also forms part of the broader Local Roads Transport Strategy which aims to provide a safe and reliable road and transport network today, tomorrow and into the future. The project will be completed with some impact to the community and will take approximately 4 weeks to complete.

- Council received \$415,000 grant funding under the Federal Bridge Renewal Program for a total \$830,000 project budget.

22. Dunbogan Bridge Rehabilitation Project

- The project is currently in the **CONSTRUCTION PHASE**.
- Port Macquarie-Hastings Council (PMHC) is undertaking the rehabilitation and strengthening of the Dunbogan Bridge. The existing bridge piers are in poor condition and any further deterioration is likely to lead to load limits causing adverse impacts on the local communities who rely on the bridge. \$1,500,000 of Federal funding has been provided out of a \$5,200,000 budget for the project that will enable Council to ensure that this important transportation link servicing the local community and businesses can undergo the required critical maintenance.
- The major objectives of the Dunbogan Bridge rehabilitation include:
 - Strengthen the piles to resist ARI 20-year flood loadings when combined with traffic lateral loadings.
 - Provide a design life of 50 years.
 - Strengthen piers from the underside of headstock to bed level to address the points of maximum stress along the length of pile.
 - Prevent and further corrosion of the existing reinforcing steel.
 - Minimise construction costs and duration.
 - Incorporate safety in design principles.
 - Minimise impact on the environment.
 - Minimise impacts on key stakeholders.

23. Wood St Road Upgrade

- The project is currently in the **CONSTRUCTION PHASE**.
- This project seeks to deliver the design and construction upgrade of Wood Street from the intersection of Hastings River Drive to the end of Wood Street. An external consultant has previously completed a detailed concept design where internal design resources were used to rationalise the concept design into a working construction set. The design works were complete at the end of 2019 and construction has commenced. The project forms part of the broader Stuarts Park Sporting Precinct upgrade and aims to provide a safer road environment and improve the accessibility to the sporting areas.

24. Pembroke Road / Stoney Creek Road Upgrade

- The project is currently in the **DESIGN PHASE**.
- This project seeks to deliver construction designs for the upgrade of the Pembroke Road / Stoney Creek Road intersection, including the sealing of Stoney Creek Road. This project will also include the upgrade of three single lane timber bridges (two on Stoney Creek Road and one on Pembroke Road). The bridge on Pembroke Road is the last single lane timber bridge on Pembroke Road causing a pinch point on a northern link arterial road. This location also has a bad crash history with a fatality at the bridge in 2018.
- The engineering scoping study is planned to be completed in 2019/20 with detailed design continuing to be delivered in 2020/21.

25. Kindee Bridge Management Strategy and Designs

- This project is in the **PLANNING PHASE**.
- This project seeks to delivery a management strategy and designs for Kindee Bridge as it approaches 100 years old. This unique heritage (Local LEP listing) cable truss suspension bridge was constructed in 1936 as one of the first bridge crossings of the Hastings River. It was designed for 10 tonnes and current still has that load limit today. It was undergone major maintenance works throughout it life with more planned in 2019/20 - 2020/21. As the bridge nears 100 years old a detailed management strategy and designs are required to ensure the properties in the Kindee area can continue to receive an adequate level of service from the transport network.
- The Management Strategy is planned to be completed by the end of 2020 with concept designs commencing in the 2020/21 financial year.

Attachments

Nil