

Governance

Report of Governance to the Ordinary Meeting of Council held on
Monday 16 November 2015

Relevance to Community Strategic Plan

RELEVANCE TO COMMUNITY STRATEGIC PLAN - GOVERNANCE

The reports contained within this section of the agenda outline actions and activities that contribute to the achievement of the outcomes as outlined in your Community Strategic Plan 2033.

Report of Governance to the Ordinary Meeting of Council held on
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GO1 – Notice of Motion Status Report – November 2015

GOVERNANCE

GO1

Notice of Motion Status Report – November 2015

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TRIM 5253

EXECUTIVE SUMMARY

- At its Ordinary Meeting of 13 October 2014 Council resolved via a Notice of Motion 'That a permanent position be created in the Business Paper that records the progress of all action taken on all Notices of Motion passed by Council'.
- It is recommended that Council note the current Notice of Motion Status Report.

REPORT

At the Ordinary Meeting of 13 October 2014 Council resolved via a Notice of Motion 'That a permanent position be created in the Business Paper that records the progress of all action taken on all Notices of Motion passed by Council'.

Council's Authority Register which is updated following each Council meeting records all resolutions passed by Council. Council staff actioning these resolutions record comments in the register on the progress of each resolution. Information held on each resolved Notice of Motion dating back to the start of 2014 has been extracted from the Authority Register to produce a Notice of Motion Status Report.

CONSULTATION

Consultation with the Manager Governance and members of Council's Executive has been conducted.

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates.

ATTACHMENTS

1. Notice of Motion Status Report to be provided to Councillors under separate cover.

RECOMMENDATION

That Council note the November Notice of Motion Status Report.

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GO2 – Investment of Funds as at 30 September 2015

GO2 Investment of Funds as at 30 September 2015

112

TRIM 1022-3

EXECUTIVE SUMMARY

- This report provides details of Council's invested funds as at 30 September 2015.
- It is recommended that the information and certification in relation to the investment of Council funds as at 30 September 2015 be noted.

REPORT

At its last meeting, the Reserve Bank left the cash rate at 2.00%. In relation to the domestic market, the Board of the Reserve Bank commented that:

In Australia, the available information suggests that moderate expansion in the economy continues. While growth has been somewhat below longer-term averages for some time, it has been accompanied with somewhat stronger growth of employment and a steady rate of unemployment over the past year. Overall, the economy is likely to be operating with a degree of spare capacity for some time yet, with domestic inflationary pressures contained. Inflation is thus forecast to remain consistent with the target over the next one to two years, even with a lower exchange rate.

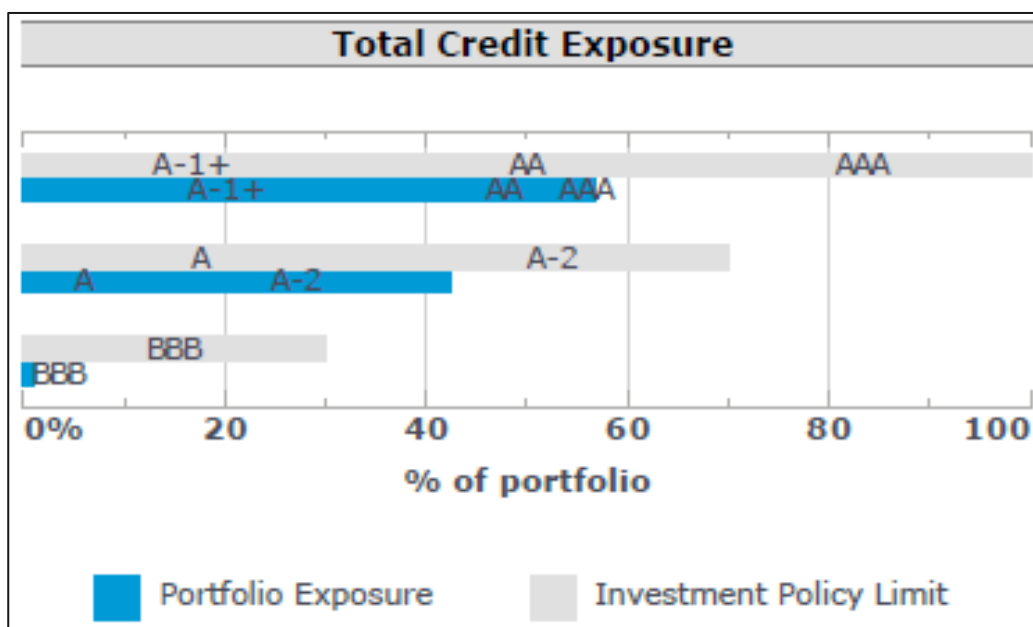
In such circumstances, monetary policy needs to be accommodative. Low interest rates are acting to support borrowing and spending. Credit is recording moderate growth overall, with growth in lending to the housing market broadly steady over recent months. Dwelling prices continue to rise strongly in Sydney and Melbourne, though trends have been more varied in a number of other cities. Regulatory measures are helping to contain risks that may arise from the housing market. In other asset markets, prices for commercial property have been supported by lower long-term interest rates, while equity prices have moved lower and been more volatile recently, in parallel with developments in global markets. The Australian dollar is adjusting to the significant declines in key commodity prices.

Council will continue to monitor and review the portfolio while liaising with our investment advisors, to ensure that returns are maximised and risk exposure is minimised.

As shown in the following chart, the credit rating on Council's portfolio as at 30 September 2015 is within Council's investment policy limits.

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GO2 – Investment of Funds as at 30 September 2015



The percentage of Council's investment portfolio invested with each institution as at 30 September 2015 also complies with the limits specified in Council's investment policy, as detailed in the following table.

Parent Group	% used vs Investment Policy Limit
National Australia Bank	85% ✓
Bank of Queensland	80% ✓
Bendigo and Adelaide Bank	70% ✓
Members Equity Bank	27% ✓
Credit Union Australia	20% ✓
Macquarie Group	20% ✓
Commonwealth Bank of Australia	17% ✓
Westpac Group	15% ✓
ANZ Group	6% ✓
Emerald Reverse Mortgage (B Tranche)	6% ✓
Emerald Reverse Mortgage (A Tranche)	3% ✓

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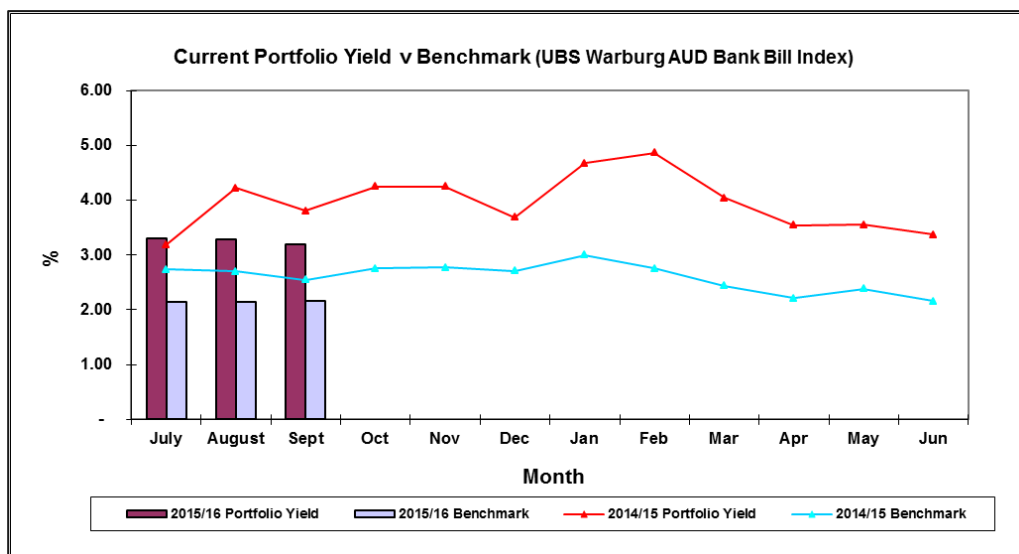
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GO2 – Investment of Funds as at 30 September 2015

The vast majority of Council’s investment portfolio (96%) is invested in deposits / securities with Australian Authorised Deposit taking Institutions (ADI’s). Council has been taking advantage of term deposit “specials” from various institutions without overexposing the portfolio to any one institution.

The marked to market valuations on some of the direct investment products in Council’s portfolio remain at less than the face value of the investment. The marked to market value of these investments is expected to be equal to or greater than the face value by the time they reach their maturity date. Early exit from these products would realise losses.

The following charts compare Council’s portfolio yield with the benchmark UBS Warburg AUD Bank Bills Index rate in each month for 2014/15 and 2015/16.



As shown in the chart above, Council’s portfolio yield has continually exceeded the benchmark UBS Warburg 3 month Bank Bill Index due to the prudent investment of Council’s portfolio. For September 2015, Council’s portfolio yielded 3.20% and returned 1.93% pa for the month, compared to the benchmark’s 2.16% pa return.

Under Reg 212 of the Local Government (General) Regulation 2005, Council’s Responsible Accounting Officer must provide Council each month with a written report setting out details of all money that Council has invested under section 625 of the Act.

Details of Council’s investment portfolio as at 30 September 2015 are provided in attachment 1.

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GO2 – Investment of Funds as at 30 September 2015

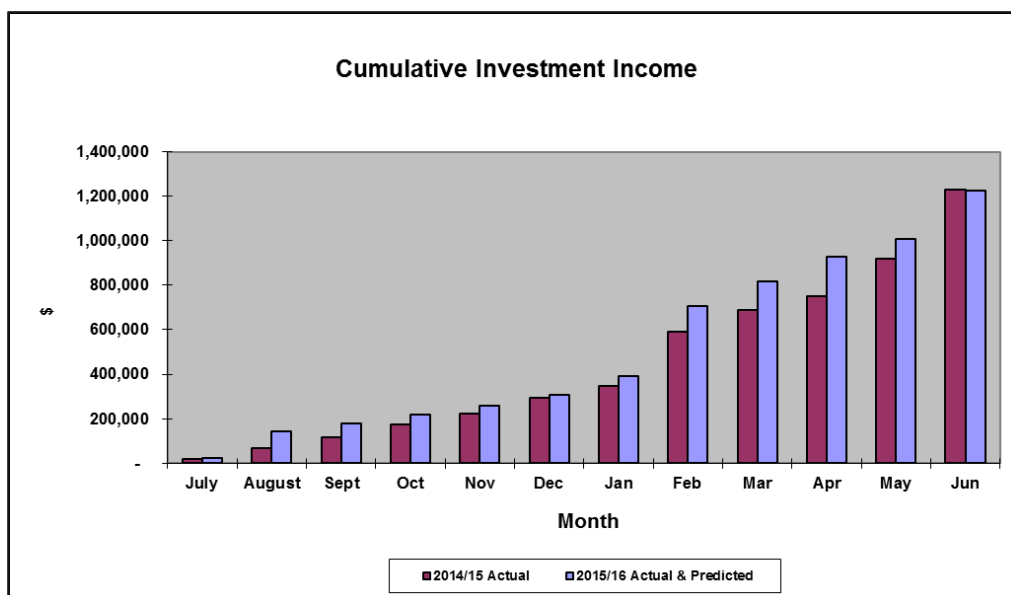
CONSULTATION

Independent advice regarding the investment of Council funds was provided by Prudential Investment Services Corp.

FINANCIAL IMPLICATIONS

Interest earned is allocated to restricted cash and income in accordance with Council’s adopted budget, policy and legislative requirements.

The following chart compares the actual and predicted interest for 2015/16 with the prior year’s interest income.



Council’s investment income for 2015/16 is expected to be similar to the income received for 2014/15 as interest rates on investments remain low.

The prudent investment of funds is necessary to ensure Council’s long term financial sustainability.

CERTIFICATION

I hereby certify that Council’s investments have been made in accordance with Sec 625 of the Local Government Act 1993, clause 212 of the Local Government (General Regulations) 2005 and Council’s Investment Policy.

Ashley Christie
Manager Financial Services
WOLLONDILLY SHIRE COUNCIL

Governance

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GO2 – Investment of Funds as at 30 September 2015

ATTACHMENTS

1. Investments as at 30 September 2015 including reconciliation of invested funds.

RECOMMENDATION

That the information and certification in relation to the investment of Council funds as at 30 September 2015 be noted.

WOLLONDILLY SHIRE COUNCIL

Report of Governance to the Ordinary Meeting of Council held on
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GO2 – Investment of Funds as at 30 September 2015

ATTACHMENT 1 – 1022-3 – 16 NOVEMBER 2015

INVESTMENTS AS AT 30 September 2015							
Reporting Period:		1-Sep-15		to		30-Sep-15	
Investment Institution	Rating	Face Value 30-Sep-15	Value at 30-Sep-15	Percentage Holding	Interest/ Capital Growth %p.a.	received	Maturity
CASH & CASH PLUS FUNDS							
			(1)				
National Australia Bank							
<i>General Account Balance (for information only. Not included in Total Cash Plus Investments)</i>							
		329,005					
11AM At call	A-1+	3,490,000	3,490,000	6.95%	2.05		At Call
National Australia Bank (Matured)							
ME Bank (Matured)	A-2					1,556	
ME Bank	A-2	1,250,000	1,294,240	2.49%	3.60	3,699	07-Oct-15
National Australia Bank	A-1+	1,000,000	1,034,195	1.99%	3.55	2,918	21-Oct-15
National Australia Bank	A-1+	500,000	506,107	1.00%	3.55	1,212	11-Nov-15
National Australia Bank	A-1+	1,000,000	1,032,544	1.99%	3.55	2,918	19-Nov-15
National Australia Bank	A-1+	1,000,000	1,031,291	1.99%	3.55	2,918	09-Dec-15
National Australia Bank	A-1+	1,000,000	1,030,779	1.99%	3.55	2,918	17-Dec-15
Bank of Queensland	A-2	1,000,000	1,010,761	1.99%	3.00	2,466	07-Jan-16
Rural Bank	A-2	1,000,000	1,028,363	1.99%	3.60	2,959	13-Jan-16
Bank of Queensland	A-2	1,000,000	1,010,322	1.99%	3.00	2,466	20-Jan-16
Bank of Queensland	A-2	3,000,000	3,093,887	5.98%	4.05	9,986	03-Feb-16
National Australia Bank	A-1+	1,000,000	1,024,164	1.99%	3.20	2,630	03-Feb-16
ME Bank	A-2	1,000,000	1,021,784	1.99%	3.20	2,630	18-Feb-16
National Australia Bank	A-1+	500,000	511,139	1.00%	3.15	1,295	25-Feb-16
Rural Bank	A-2	1,000,000	1,018,855	1.99%	3.00	2,466	01-Mar-16
Credit Union Australia (CUA) (Matured)	BBB+	2,000,000	2,037,837	3.98%	3.10	5,096	08-Mar-16
National Australia Bank	A-1+	1,000,000	1,006,536	1.99%	2.90	2,384	23-Mar-16
National Australia Bank	A-1+	2,000,000	2,010,840	3.98%	2.93	4,685	13-Apr-16
National Australia Bank	A-1+	2,000,000	2,027,929	3.98%	2.93	4,816	27-Apr-16
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,030,969	1.99%	4.55	3,740	16-May-16
Westpac Banking Corporation- Local Govt	AA-	1,000,000	1,030,903	1.99%	4.55	3,740	17-May-16
Bank of Queensland	A-2	1,000,000	1,009,828	1.99%	2.90	2,384	01-Jun-16
National Australia Bank	A-1+	1,000,000	1,012,967	1.99%	2.95	2,425	15-Jun-16
National Australia Bank	A-1+	750,000	753,681	1.49%	2.91	359	22-Jun-16
Bank of Queensland	A-2	1,000,000	1,007,144	1.99%	2.90	2,384	04-Jul-16
National Australia Bank	A-1+	1,000,000	1,011,802	1.99%	2.97	6,835	06-Jul-16
Bendigo & Adelaide Bank	A-2	1,000,000	1,005,917	1.99%	2.90	6,118	13-Jul-16
Bank of Queensland	A-2	1,000,000	1,007,144	1.99%	2.75	2,110	03-Aug-16
National Australia Bank	A-1+	1,000,000	1,006,098	1.99%	2.85	1,093	14-Sep-16
Bendigo & Adelaide Bank	A-2	1,000,000	999,027	1.99%	2.95	2,425	29-Aug-17
Bendigo & Adelaide Bank	A-2	1,000,000	995,908	1.99%	3.05	2,507	27-Aug-18
TOTAL CASH PLUS INVESTMENTS		37,490,000	38,092,964	74.67%		98,134	
Investment Institution	Rating	Face Value 30-Sep-15	Value at 30-Sep-15	% Holding	Interest %p.a.	accrued	Maturity
INVESTMENT SECURITIES							
			(1)				
Corporate Bond							
National Australia Bank	AA-	1,000,000	1,054,178	2.17%	6.00	4,945	15-Feb-17
Zero Coupon Bond							
Commonwealth Bank of Australia	AA-	2,000,000	1,849,340	3.81%	7.17	0	22-Jan-18
Floating Rate Notes							
Members Equity Bank Pty Ltd	BBB+	500,000	504,176	1.04%	3.38	1,390	28-Nov-16
Westpac Banking Corporation	AA-	500,000	510,378	1.05%	3.79	1,555	20-Feb-17
Macquarie Bank	A	1,000,000	1,003,003	2.07%	5.07	4,158	09-Mar-17
Bendigo Bank Senior FRN	A-	1,000,000	999,691	2.06%	3.11	2,543	17-Sep-19
ANZ Snr FRN	AA-	1,000,000	1,004,525	2.07%	3.00	2,462	11-Nov-19
Westpac Banking Corporation	AA-	1,000,000	1,007,884	2.08%	3.04	2,495	22-Jan-20
Macquarie Bank	A	1,000,000	1,000,364	2.06%	3.24	2,662	03-Mar-20
CBA Snr FRN	AA-	1,000,000	1,002,340	2.07%	3.05	2,503	17-Jul-20
Bendigo Bank Senior FRN	A-	1,000,000	1,003,846	2.07%	3.24	2,663	18-Aug-20
Mortgage Backed Securities							
Emerald Reverse Mortgage Series 2007-1 Class B	AA	1,000,000	605,316	1.25%	2.70	2,215	21-Jul-27
Emerald Reverse Mortgage Series 2006-1 Class A	AAA	715,214	567,096	1.17%	2.59	1,520	22-Aug-22
		12,715,214	12,112,136	0		31,111	
TOTAL CASH & INVESTMENT SECURITIES		50,205,214	50,205,100	75.92%	4.02	129,245	
Benchmark (90 day UBS Warburg AUD Bank Bill Index)					2.16		
Maximum Permitted Institution Holding = 45%							

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WOLLONDILLY SHIRE COUNCIL

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GO2 – Investment of Funds as at 30 September 2015

ATTACHMENT 1 – 1022-3 – 16 NOVEMBER 2015

Summary of Investment Holdings by Investment Type as at 30 September 2015

	Face Value (\$)	Current Value (\$)	Current Yield (%)
Bonds	3,000,000.00	2,903,517.58	6.7795
Cash	3,490,000.00	3,490,000.00	2.0500
Floating Rate Note	8,000,000.00	8,036,205.99	3.4134
Mortgage Backed Securities	1,715,214.48	1,172,412.37	2.6491
Term Deposit	34,000,000.00	34,597,267.40	3.2665
	50,205,214.48	50,199,403.34	3.3942

Governance

Application of Invested Funds- 30 September 2015		
Fund Type	Description	Value \$
Externally Restricted Funds	Developer Contributions	16,402,570
	Domestic Waste Management	6,902,736
	Unexpended Grants held in Restricted Cash	1,656,872
	Unexpended Loan Funds	451,372
Internally Restricted Funds	Sinking Fund	200,000
	Funds held in Restricted Cash for future projects and operations	16,374,492
	Funds allocated to meet current budgeted expenditure	8,217,172
		50,205,214

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GO3 – Presentation of 2014-15 Annual Financial Statements to the Public

GO3 **Presentation of 2014-15 Annual Financial Statements to the Public**
56 TRIM 234-10

EXECUTIVE SUMMARY

- Council's financial reports for the year ended 30 June 2015 have been audited and the Auditor's report has been received.
- In accordance with the Local Government Act, these audited financial reports must be presented at a meeting of Council and made available to the public.
- Any submissions received within the 7 day period of notice are to be referred to Council's auditor.
- The annual financial reports are to be included in Council's annual report and provided to the Minister by 30 November 2015 and made available to the public by placing on Council's website.
- It is recommended:
 1. That the Audited Financial Reports for the year ended 30 June 2015 be received.
 2. That public submissions on the Audited Financial Reports be received up until the close of business Monday 23 November 2015.
 3. That any public submissions received by the due date are to be referred to Council's Auditors.
 4. That the Audited Financial Report be included in the 2014/15 Annual Report.
 5. That the 2014/15 Annual Report be provided to the Minister by 30 November 2015 as prescribed by the Local Government Act 1993.
 6. That the 2014/15 Annual Report be made available to the general public by posting on Council's website.

REPORT

Council's Audited Financial Reports for the year ended 30 June 2015 were adopted by Council at the Ordinary Meeting of Council on 19 October 2015. At the meeting, a date was set to present the Audited Financial Reports to the public, the date being 16 November 2015.

The Financial Reports were tabled at the meeting and the reports showed Council to be in a sound financial position.

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GO3 – Presentation of 2014-15 Annual Financial Statements to the Public

Public notice of the presentation of the audited Financial Statements at this meeting was given in the local newspapers and on Council's website. The public notice was in accordance with Section 418 of the Local Government Act 1993.

Copies of the audited Financial Statements are available for inspection by members of the public at Council's Administration Building and in accordance with Section 420 of the Local Government Act 1993, any person can make written submissions to Council with respect to the Statements within the next seven day period. Any submissions received will be subsequently reported to Council.

Section 428 of the Local Government Act 1993 requires a copy of the annual financial reports to be included within Council's Annual Report and a copy of the Annual Report be provided to the Minister within 5 months after the end of the financial year (ie: by 30 November 2015).

Council has professionally qualified staff to ensure compliance with the reporting requirements. Council staff have also undertaken additional training in specialised areas.

A higher level of assurance is attained from Warton Thompson and Co's external audit.

Council is now presented with a set of annual financial reports that have been prepared in accordance with the Local Government Act 1993, Australian Accounting Standards and other professional pronouncements and the Code of Accounting Practice and Financial Reporting.

CONSULTATION

All members of the Executive and Senior Management have had input into the preparation of the Annual Financial Statements and the Audit Manager and staff of Warton Thompson & Co have been consulted throughout the process.

The Annual Financial Statements were presented to Council on 19 October 2015.

The statements are now ready for presentation to the public and submissions may be received until 23 November 2015.

FINANCIAL IMPLICATIONS

The annual financial reports show Council's short term financial position to be very sound. However, Council will need to constantly monitor its long term financial position to ensure it has the ability to maintain its infrastructure to a satisfactory standard.

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GO3 – Presentation of 2014-15 Annual Financial Statements to the Public

ATTACHMENTS

There are no attachments to this report. The Audited Financial Report document for the year ended 30 June 2015 is provided under separate cover.

RECOMMENDATION

1. That the Audited Financial Reports for the year ended 30 June 2015 be received.
2. That public submissions on the Audited Financial Reports be received up until the close of business Monday 23 November 2015.
3. That any public submissions received by the due date are to be referred to Council's Auditors.
4. That the Audited Financial Report be included in the 2014/15 Annual Report.
5. That the 2014/15 Annual Report be provided to the Minister by 30 November 2015 as prescribed by the Local Government Act 1993.
6. That the 2014/15 Annual Report be made available to the general public by posting on Council's website.

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GO4 – Adoption of Councillors Fees, Expenses & Facilities Policy

GO4 Adoption of Councillors Fees, Expenses & Facilities Policy

256

TRIM 111

EXECUTIVE SUMMARY

- In accordance with section 241 of the Local Government Act the Remuneration Tribunal annually sets out the minimum and maximum amount of fees paid for Mayors and Councillors.
- Council resolved at its meeting on 21 September 2015 to place its amended Councillors Fees, Expenses and Facilities Policy on public exhibition for a period of 28 days. The exhibition period ran from 22 September 2015 until 19 October 2015. Submissions close on 2 November 2015. Any submissions received will be provided under separate cover.
- An adjustment to the Carer reimbursement and some minor administrative changes have been made after the policy was placed on public exhibition, which are explained in the Summary of Changes attached to this report.
- It is recommended that the Councillors Fees, Expenses & Facilities Policy be adopted unless Council considers the policy should be re-exhibited.

REPORT

To ensure transparency, accountability and community confidence it is important that Council officials observe their obligations in relation to the use of Council resources. All Council officials must use Council resources ethically, effectively and carefully.

The Office of Local Government advises Councils are required to review their Councillor expenses and facilities policies on an annual basis. Public notice must be given prior to the annual policy adoption process, even if the proposed amendments are not substantial.

Policies must also be submitted to the Office of Local Government, Department of Premier and Cabinet within 28 days of adoption by a Council, even if the policy remains unchanged.

Council's need not give public notice of a proposed amendment to their policies at other times if the Council is of the opinion that the proposed amendments are not substantial. The term 'not substantial' should be taken to mean minor changes to wording of the policy or changes to monetary provisions or rates that are less than 5%. It also means minor changes to the standard of the provision of equipment and facilities.

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GO4 – Adoption of Councillors Fees, Expenses & Facilities Policy

Substantial amendments to the policy that could include larger changes to monetary limits than the limit noted above, and/or major changes to the standard of provision of equipment and facilities, will require public notice of the amendment. Any new category of expenses, facilities and equipment included in the policy will also require public notice.

As stated in the Executive Summary an adjustment has occurred in relation to carer reimbursement, Section 4.9 of the Policy. This adjustment has been made to reflect the actual costs involved when a carer is required.

Council resources must be used in accordance with the Local Government Act 1993, Guidelines as issued by the Office of Local Government and the Councillors Fees, Expenses and Facilities Policy.

CONSULTATION

The Policy was placed on Public Exhibition on the Council website, in the Library and at the Customer Service Foyer for community information and feedback.

At the time of writing this report there were no submissions.

FINANCIAL IMPLICATIONS

Allocation of funding is available under the Local Democracy and Information Technology Budgets.

ATTACHMENTS

1. Summary of Changes
2. Councillors Fees, Expenses & Facilities Policy

RECOMMENDATION

That the Councillors Fees, Expenses & Facilities policy be adopted unless Council considers the policy should be re-exhibited.

Report of Governance to the Ordinary Meeting of Council held on
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GO4 – Adoption of Councillors Fees, Expenses & Facilities Policy

ATTACHMENT 1 – 111 – 16 NOVEMBER 2015



SUMMARY OF CHANGES – COUNCILLORS FEES, EXPENSES & FACILITIES POLICY

Location	Previous Wording	New Wording	Reasoning
Page 1 – 4.1	The fees for the current financial year are set at \$17,930 per Councillor in line with the most recent determination of the Remuneration Tribunal	The fees for the current financial year are set at \$18,380 per Councillor in line with the most recent determination of the Remuneration Tribunal	The Local Government Remuneration Tribunal has released the Report and Determination for the increase of Councillor Fees.
Page 1 – 4.2	The Mayoral fee in addition to the Councillors fee for the current financial year is set at \$39,110 in line with the most recent determination of the Remuneration Tribunal	The Mayoral fee in addition to the Councillors fee for the current financial year is set at \$40,090 in line with the most recent determination of the Remuneration Tribunal	The Local Government Remuneration Tribunal has released the Report and Determination for the increase of Councillor Fees.
Page 2 – 4.9	This amount will be set as per the attached table (<i>Attachment 9.4</i>).	This amount will be set as per the attached table and will be reviewed annually and adjusted to meet individual circumstances. (<i>Attachment 9.4</i>).	Carer reimbursement has been adjusted to meet individual circumstances.
Page 10 – 10.3	DLG Circular 14/12 - Determination of the Local Government Remuneration Tribunal	OLG Circular 15-24 – 2015/16 Determination of the Local Government Remuneration Tribunal	Updated Circular number.
Page 14 – Attachment 9.4	Carer allowance was \$100.00 per Councillor	Carer allowance adjusted to \$3000.00 ** \$3000.00 is allocated and is to be reviewed annually and adjusted to meet individual circumstances.	Carer reimbursement has been adjusted to meet individual circumstances.

Governance

GO4 – Adoption of Councillors Fees, Expenses & Facilities Policy

ATTACHMENT 2 – 111 – 16 NOVEMBER 2015



**Governance
Councillors Fees, Expenses and
Facilities – GOV0001**

1. POLICY OBJECTIVES

- 1.1 To ensure all Councillors are treated in a consistent and fair manner in the payment of fees, reimbursement of expenses and provisions of facilities by Council.
- 1.2 To ensure accountability and transparency in the reimbursement of expenses incurred by Councillors.
- 1.3 To ensure that the facilities provided to assist Councillors to carry out their civic duties are reasonable.

2. BACKGROUND

- 2.1 Section 252 of the *Local Government Act 1993* addresses the issue of councils setting limits to the payment of various expenses within Council. Council may disburse money only if the disbursement is authorised by the *Local Government Act 1993*, either expressly or because it is supplemental, incidental to or consequential upon the exercise of its functions.

3. ELIGIBILITY

- 3.1 This policy applies to all Councillors, including the Mayor and Deputy Mayor. They are also relevant to NSW council administrators where applicable.
- 3.2 This policy applies to all Council Officers required to process expense reimbursements for Councillors.
- 3.3 This policy applies to all Council Officers involved with any matters relating to payment of Councillor Fees.

4. GUIDELINES

Part 1 - (Payment of Councillor Fees)

- 4.1 The fees for the current financial year are set at **\$18,380** per Councillor in line with the most recent determination of the Remuneration Tribunal.
- 4.2 The Mayoral fee in addition to the Councillors fee for the current financial year is set at **\$40,090** in line with the most recent determination of the Remuneration Tribunal.
- 4.3 Should the Deputy Mayor be requested by the Mayor or if the Mayor is prevented (for a minimum duration of 1 month) by illness; absence or otherwise or during a casual vacancy in the office of the Mayor to exercise any function of the Mayor, they will be paid 1/12th of the annual Mayoral Allowance - pro-rata for the period. The payment will be taken from the allowance paid to the Mayor.

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GO4 – Adoption of Councillors Fees, Expenses & Facilities Policy

ATTACHMENT 2 – 111 – 16 NOVEMBER 2015



**Governance
Councillors Fees, Expenses and
Facilities – GOV0001**

Part 2 - (Reimbursement of Expenses)

There is no provision of a **General Expense Allowance** for Councillors.

- 4.4 Each Councillor is entitled to an equal set amount of reimbursements for the financial year, in accordance with the allocated budget allowances within the Local Democracy Budget. *The amount for the current financial year is shown in the attached table (Attachment 9.4).*
- 4.5 All reimbursement lodgements must be accompanied by an appropriate receipt. The receipt must include the Business Name and ABN of the provider, Date of Receipt, and GST component (where applicable).
- 4.6 All reimbursement lodgements must be accompanied by a completed "Reimbursement of Councillor Expenses" form. The claimed amount must be authorised by the General Manager. *Claim form is attached (Attachment 9.3).*
- 4.7 All receipts for reimbursement of expenses should be lodged with Council within thirty (30) working days of the final day of the financial quarter in which the charge has been incurred.
- 4.8 Councillors may seek an advanced payment of expenses for the cost of a service associated with a civic duty. In these instances, joint permission from the Mayor and General Manager to do so must be sought. Reconciliation of such expenses must be made with the Council within eight (8) working days of the date on which the expense was incurred.
- 4.9 Councillors may be reimbursed for expenses for child care charges, elderly care charges, disabled care and/or sick immediate family member's care, during hours where a Councillor is required to undertake their Council business obligations. The reimbursements of care charges outlined in this clause are conditional on the child/family member being in the care of a registered carer. This amount will be set as per the attached table and will be reviewed annually and adjusted to meet individual circumstances. *(Attachment 9.4).*
- 4.10 Expenses including Councillors' fees are paid monthly in arrears by direct credit to a nominated local bank, building society or credit union account.

Part 3 - (Approval for Attendance and Reimbursement of Expenses - Conferences)

- 4.11 Councillors must submit a request in writing to attend any conference or event other than the LGNSW Conference and the National General Assembly for the Local Government Conference, prior to registration. The submission should outline the benefits to Council.

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- 4.12 Permission to attend conferences or events must be granted by Council at an official meeting of Council.
- 4.13 In circumstances where an official meeting of Council is not held within a reasonable timeframe for approval for attendance at the conference or event to be granted, the approval may be granted jointly by the Mayor and General Manager.
- 4.14 Once approval has been granted for attendance at a conference, Council will pay the following costs (subject to any special conditions of approval for the attendance):
 - 4.14.1 Registration fees.
 - 4.14.2 Accommodation booked by Council (for Councillor only).
 - 4.14.3 Meals and refreshments (for Councillor only).
 - 4.14.4 Travel, under the following guidelines:
 - 4.14.4.1 Council will designate the mode and provider for travel.
 - 4.14.4.2 Where Council does not arrange for the mode of transport and a private vehicle is used, the cost of petrol and relevant running expenses will be reimbursed upon production of receipts (refer to clauses 4.6, 4.7 & 4.8 of this policy for details) (**Attachment 9.2**).
 - 4.14.4.3 Only travel to and from the conference, as well as travel expenses incurred as part of attendance requirements for the conference.
 - 4.14.5 Incidental expenses such as telephone or facsimile calls, refreshments, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees (**Attachment 9.4**) and claim form (**Attachment 9.3**).
- 4.15 Any Councillor attending a conference or representing Council other than the LGNSW Conference or the National General Assembly for the Local Government Conference is required to submit a written report on the aspects of the conference or representation relevant to Council business and/or the local community. This report should be tabled at the first Council Meeting following the conference.
- 4.16 All expenses relating to a Councillor attending a conference other than the LGNSW Conference or the National General Assembly for the Local Government Conference will be costed to that Councillor's set allocation outlined in clause 4.4.

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Part 4 - (Spouse and Partner Expenses)

- 4.17 Costs incurred by a Councillor on behalf of their spouse, partner or accompanying person will not be reimbursed by Council.

This includes attendance at official council functions that are of a formal and ceremonial nature, attendance at conferences, seminars and the like and peripheral expenses incurred by spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

- 4.18 Councillors attending the LGNSW Conference will be responsible for the expenses of spouses, partners or accompanying persons.

Part 5 - (Reimbursement of Expenses – Travel (Non-conference related))

- 4.19 All travel by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport, subject to any personal medical considerations. The amount for the current financial year is shown in the attached table (**Attachment 9.4**) and the Travel Expenses claim form (**Attachment 9.2**).

- 4.20 Travelling expenses for use of a private vehicle are paid in accordance with the Local Government Award by claim for:

4.20.1 Attendance at a meeting of the Council or any Committee of the Council including Management Committees.

4.20.2 Participation in a Council inspection within the area.

4.20.3 Undertaking business of the Council within or outside of the area in compliance with a resolution of the Council as a delegate or representative of Council.

- 4.21 Interstate travel must be approved by a meeting of Council prior to confirming any arrangements. When seeking approval from Council, the motion must outline the full details of the travel, including an itinerary and costs, as well as reason for the travel.

- 4.22 Overseas travel will not be funded by Council. A leave of absence must be given to the General Manager.

Part 6 - (Training and Educational Expenses)

- 4.23 Any Councillor wishing to undertake training must submit their request for training in writing to the Mayor and General Manager (**Attachment 9.1**).

- 4.24 It is essential where Council is paying for these courses that the training or educational course is directly related to the councillors civic functions and responsibilities. Approval to cover the cost of training will only be granted in line with Council's Training Policy and approval procedures (**Attachment 9.4**).

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- 4.25 An in-house Councillor training program will be at no cost to the Councillors (**Attachment 9.4**).
- 4.26 In line with the Department of Local Government *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (October 2009) Participation, Equity and Access* the following applies:
 - 4.26.1 Provision of appropriate resources to enable participation of a Councillor who has a vision or hearing impairment will be made on an individual needs basis.
 - 4.26.2 Consideration of the provision of appropriate support mechanisms for transportation for Councillors unable or unwilling to drive on an individual needs basis.

Part 7 - (Attendance at Dinners and other Non-Council Functions)

- 4.27 Approval for attendance at formal dinners and other non-council functions may only be granted when the function is relevant to the Council's interest. Approval for these functions should be sought in line with clauses 4.12, 4.13 & 4.14.
- 4.28 Once approval for attendance at the non-council function has been granted, only the cost of the service provided will be met. Reimbursements for any component of the ticket that is additional to the service cost of the function (such as a donation to a political party or candidate's electoral fund, or some other private benefit) will not be authorised. An additional payment to a registered charity may be acceptable only as part of the cost of the function.

Part 8 - (Provision of Facilities)

- 4.29 The Mayor will have both business and private use of the Mayoral Vehicle, which shall be of a style, standard and size appropriate for the position of Mayor, as well as a fuel card for exclusive use with the vehicle. Other nominated drivers will be named using the Nominated Drivers Form (**Attachment 9.6**). An incidental usage form can be obtained from the General Manager on request.
- 4.30 The driver of the vehicle is personally responsible for all traffic or parking fines incurred while travelling in a private or a Council vehicle on Council business. This applies to the Mayor and all Councillors acting on behalf of Council.
- 4.31 The Mayor will be allocated a car-parking space outside the Council administration building.
- 4.32 The Mayor will be provided with an office facility, including a computer with email and internet access, telephone and secretarial support.
- 4.33 The Mayor and Councillors will be provided with mobile phones for official business of Council. All associated costs will be borne by Council. Personal use of the mobile phone will be charged as per Councils "Mobile Phone Procedure".
- 4.34 Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.

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- 4.35 All equipment provided to Councillors during their term of office must be returned at the end of that term, unless the Councillor is re-elected for the following term.
- 4.36 Councillors will be provided with refreshments prior to each Council Meeting, Community Forum and Scheduled Workshop. Refreshments will be provided in accordance with Council's catering procedures and allowances.
- 4.37 Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonus or any other such loyalty schemes. However it is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment.
- 4.38 An iPad with internet and email access, iPad cover and MFP printer will be provided to each Councillor for use in their civic duties subject to the provisions of this policy (**Attachments 9.4 and 9.5**).

Part 9 - (Use of Council Resources)

- 4.39 Councillors shall be scrupulously honest in their use of Council facilities, funds, staff services and equipment and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body.
- 4.40 Councillors shall use Council resources entrusted to them effectively and economically in the course of the duties, and not otherwise.
- 4.41 Councillors shall not use Council resources (including the services of Council staff) for private purposes; unless properly authorised to do so, and appropriate payments are made (as determined by the General Manager or the Council).
- 4.42 Councillors shall only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Council.
- 4.44 In circumstances where it is appropriate for councillors to give a gift or benefit (for example, on a council business related trip or when receiving visitors), these gifts and benefits should be of token value and in accordance with Councils Gifts and Benefits Policy.

Part 10 – (Insurance Expenses and Obligations)

- 4.45 Councillors are to receive the benefit of insurance for:
 - 4.45.1 Personal injury whilst engaged in or on any activity directly or indirectly connected with or on behalf of Council including whilst travelling to and/or from such activity. Such injury being bodily injury caused by violent, accidental, external and visible means and including death, permanent disablement, temporary total disablement and temporary partial disablement, but not including medical expenses, subject to the conditions and limitations of Council's Professional Indemnity Insurance policy current at the time of the notification to Council of a relevant claim, or matter which might give rise to a relevant claim.

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4.45.2 For matters arising out of Councillors' performance of civic duties or exercise of their function as Councillors provided the performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper, subject to the conditions and limitations of Council's Professional Indemnity Insurance policy current at the time of the notification to Council of a relevant claim, or matter which might give rise to a relevant claim.

4.45.3 For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, subject to the conditions and limitations of Council's Public Liability Insurance policy current at the time of the occurrence of the incident giving rise to a relevant claim.

Part 11 – (Legal Expenses and Obligations)

4.46 Council may disburse money only if the disbursement is authorised by the Local Government Act 1993, either expressly or because it is supplemental or incidental to or consequential upon the exercise of its functions.

4.47 In the particular circumstances outlined below, Council may therefore indemnify or reimburse the reasonable legal expenses for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:

- (i) Local Government Pecuniary Interest and Disciplinary Tribunal
- (ii) Independent Commission Against Corruption
- (iii) Office of the NSW Ombudsman
- (iv) Division of Local Government, Department of Premier and Cabinet
- (v) NSW Police Force
- (vi) Director of Public Prosecutions
- (vii) Council's Conduct Review Committee/Reviewer

4.47.1 A Councillor defending an action arising from the performance in good faith of a Councillors' function under the Local Government Act; and

- (a) The matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.
- (b) In the case of a conduct complaint made against a councillor, legal costs should only be made available where a matter has been referred by a General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct.
- (c) In the case of a pecuniary interest or misbehaviour matter legal costs should only be made available where a formal investigation has been commenced by the Division of Local Government.

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In addition, legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

- 4.48 Council will not meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances.
- 4.49 Council will not meet the costs of a Councillor seeking advice in respect of possible defamation or in seeking a non-litigious remedy for possible defamation.
- 4.50 Council will not meet the costs in respect of any legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 4.51 A Council may lawfully obtain insurance cover against the risk of having to meet the reasonable legal costs of a Councillor, or to reimburse those costs, provided that the cost or reimbursements are ones that the Council is authorised to meet.
- 4.52 Council will meet the costs of a Councillor seeking advice in respect of Conflict of Interests declarations up to an amount of \$1000 per annum (*Attachment 9.4*).

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 The designated finance officers are responsible for ensuring that reimbursement of expenses are forwarded to the Councillors in a timely manner, in line with Council procedure.
- 5.2 The Manager – Governance is responsible for co-ordinating the notification to the appropriate Council Officers of any increase in Councillor Remuneration as released by the Remuneration Tribunal. This includes:
 - 5.2.1 Notifying the Payroll Officer, Executive Director Community Services & Corporate Support and General Manager of the change.
 - 5.2.2 Submitting a report to Council as appropriate, outlining the change to the Policy.
 - 5.2.3 Notifying the Payroll Officer once the change has been approved by Council.
- 5.3 The payroll officer is responsible for ensuring that the correct pay rate is applied to each Councillor's remuneration, in accordance with the instructions received in line with Guideline 5.2.3.
- 5.4 The General Manager and Mayor are responsible for the management of the Local Democracy Budget line items relating to the reimbursement of expenses for Councillors.

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6. RELATED POLICIES

- 6.1 Code of Conduct

7. RELATED PROCEDURES

- 7.1 Mobile Phone Procedure – TRIM 2365#14

8. RELATED LEGISLATION

- 8.1 *Section 23A of the Local Government Act 1993*
- 8.2 *Section 249 of the Local Government Act 1993*
- 8.3 *Section 250 of the Local Government Act 1993*
- 8.4 *Sections 252 & 252(5) of the Local Government Act 1993*
- 8.5 *Section 253 of the Local Government Act 1993*
- 8.6 *Section 254 of the Local Government Act 1993*
- 8.7 *Clause 403 of the Local Government (General) Regulation 2005*

9. ATTACHMENTS

- 9.1 Councillor Activity Forecast Form 12
- 9.2 Members Travel Expenses Claim Form 13
- 9.3 Reimbursement of Expenses Claim Form 14
- 9.4 Monetary Limits to Expenses 15
- 9.5 Available Facilities..... 16
- 9.6 Nominated Driver Form 17

10. RESOURCES

- 10.1 Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW – DLG October 2009
- 10.2 ICAC Publication – No excuse for misuse, preventing the misuse of Council resources. This publication is available on the ICAC website at www.icac.nsw.gov.au
- 10.3 **OLG Circular 15-24 – 2015/16** Determination of the Local Government Remuneration Tribunal

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11. IMPLEMENTATION STATEMENT

11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:

- 11.1.1 Policy placed in Policy Folder in Customer Service
- 11.1.2 Policy placed on Councils Website
- 11.1.3 Copy of Policy given to Councillors and incorporated into Councillor training
- 11.1.4 Copy of Policy sent to Department of Premier and Cabinet
- 11.1.5 Policy discussed at Staff Meetings.

12. POLICY HISTORY

12.1	Date First Adopted	25 September 2000
12.2	Most Recent Adoption	13 October 2014
12.3	Next Review Date	October 2015
12.4	Responsible Officer	Manager Governance

Wollondilly Shire Council
PO Box 21 Picton NSW 2571
62-64 Menangle St Picton NSW 2571
Tel: 02 4677 1100 Fax: 02 4677 2339 DX: 26052 Picton
Email: council@wollondilly.nsw.gov.au
Rural Living www.wollondilly.nsw.gov.au

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ATTACHMENT 9.1



FORECAST		
Activity	Details	Estimated Cost
NSW Farmer's Conference	Held in Tamworth on 3/3/06. Require accommodation for 1 night + travel reimbursement by car + meals.	Conference Admission \$80 Travel Cost \$95 Accommodation \$120 Meals \$60 TOTAL \$355

Your Name:

FORECAST		
Activity	Details	Estimated Cost
	TOTAL ESTIMATED COSTS:	

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ATTACHMENT 9.2



CLAIM FOR MEMBERS' TRAVEL EXPENSES

COUNCILLOR: MONTH OF

ADDRESS:

TRAVELLING

DATE	DESCRIPTION OF MEETING	KILOMETRES TRAVELLED	ENGINE CAPACITY OF CAR (ie. > 2.5 ltr or <2.5 ltr)
TOTAL KILOMETRES			

CERTIFICATION

I hereby certify that this claim is in accordance with Section 252 of the Local Government Act and Councils Policy "Councillor Fees, Expenses and Facilities".

.....
Signature of Claimant

.....
Signature of General Manager

One form should be submitted for each month and include all claimable travelling expenses. The meeting attendance book is to be signed for Council meetings only.

TRIM 526#76

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ATTACHMENT 9.3



CLAIM FOR REIMBURSEMENT OF COUNCILLOR EXPENSES

COUNCILLOR: MONTH OF
ADDRESS:

EXPENSE

DATE	DESCRIPTION OF EXPENSE	Business Name and ABN No.	Cost
TOTAL			

CERTIFICATION

I hereby certify that this claim is in accordance with Section 252 of the Local Government Act and Councils Policy "Councillor Fees, Expenses and Facilities".

.....
Signature of Claimant

.....
Signature of General Manager

One form should be submitted for each month and include all claimable expenses and receipts. The receipt must include the Business Name and ABN of the provider.

TRIM 526#87

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ATTACHMENT 9.4

MONETARY LIMITS TO EXPENSES

Expense	Mayor	Deputy Mayor	Councillors
Conferences & Seminars	\$1,000	\$500	\$500
Local & Interstate Travel	\$2,000	\$1,000	\$1,000
* Mobile Phone & Internet Usage*	\$1680	\$1680	\$1680
** Carer	\$3000	\$3000	\$3000
In-house Training	N/A	N/A	N/A
Overseas Travel	N/A	N/A	N/A
Legal Expenses – Conflict of Interests	\$1,000	\$1,000	\$1,000

* \$140.00 is allocated for mobile and internet usage per month. \$100.00 may be reimbursed on request (as per clause 4.5 of this policy). \$40.00 Data Plan (iPad data) will be paid by Council and may not be claimed.

** \$3000.00 is allocated and is to be reviewed annually and adjusted to meet individual circumstances.

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ATTACHMENT 9.5

Equipment	Cost per Councillor	Mayor	Deputy Mayor	Councillors
Facilities Available/Not Available for Council business use				
iPad3 16GB 3G WIFI	\$680	Available*	Available*	Available*
iPad Cover	\$70	Available*	Available*	Available*
MFP printer	\$570	Available*	Available*	Available*
3G Data Plan (4GB)	\$40 per month	Available*	Available*	Available*
Vehicle use		Available	Not Available	Not Available
Stationery, office supplies, postage, business cards & other similar consumables		Available	Available	Available
Ceremonial garb	N/A	Available*	Not Available	Not Available
Mobile phone (Blackberry)		Available*	Not Available	Not Available
Mobile Phone	N/A	N/A	Available*	Available*
Facilities				
Furnished mayoral office		Available		
Secretarial & administrative support		Available	Not Available	Not Available
Councillors Room		Available	Available	Available
Meals/refreshments related to council meetings, office functions and committee and work group meetings		Available	Available	Available
Disabled Access		Available	Available	Available
Hearing impaired		Available	Available	Available
Vision impaired	N/A	Not Applicable	Not Applicable	Not Applicable
Corporate clothing	N/A	Not Applicable	Not Applicable	Not Applicable

**Equipment remains the property of Council*

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ATTACHMENT 9.6



NOMINATED DRIVER AGREEMENT

MAYORAL VEHICLE

I
(Elected Mayor)

Of
(Residential Address)

Acknowledge that by virtue of my position as Mayor of Wollondilly Shire Council I have been given both business and incidental private use of a Council owned vehicle.

I have named the following nominated drivers as required:

Nominated Driver	Name	Address
Immediate Family Member/s		
Other Assigned Drivers		

1. I agree that I have read and understand the conditions of use of the Mayoral Vehicle in accordance with the Councillor Fees, Expenses & Facilities Policy.
2. I agree that nominated drivers have read and understand the conditions of use of the Mayoral Vehicle in accordance with the Councillor Fees, Expenses and Facilities Policy.

This agreement is to commence on ##### and will continue throughout my term as Mayor of Wollondilly Shire Council.

.....
(Mayor)

.....
(General Manager)

.....
(Date)

.....
(Date)

TRIM 111#53

Governance

Report of Governance to the Ordinary Meeting of Council held on
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GO5 – First Quarterly Review of 2015/16 Operational Plan including the Quarterly Budget Review Statement for period ended 30 September 2015

GO5 **First Quarterly Review of 2015/16 Operational Plan including the Quarterly Budget Review Statement for period ended 30 September 2015**
39 TRIM 4960-8

EXECUTIVE SUMMARY

- The purpose of this report is to provide information on the First Quarterly Review of 2015/16 Operational Plan including the Quarterly Budget Review Statement for period ending 30 September 2015.
- The document reports on at risk activities, actions or projects that are not running to time, quality or budget and requires attention from Council and Councillors as set out in the Operational Plan 2015/16 with respect to the principle activities detailed in the Delivery Program as at 30 September 2015 and provides an examination of the financial and operational performance of the Council for the first quarter of the 2015/16 financial year.
- It is recommended:
 1. That the information provided in this report be received.
 2. That the Quarterly Review, including the Quarterly Budget Review Statement for the period ending 30 September 2015 and proposed adjustments to the 2015/16 budget estimates, be adopted.

REPORT

The Quarterly Review reports on progress in respect to the principle activities and actions detailed in the Delivery Program and Operational Plan. Council reports on 'at risk' or 'not delivered' actions on a quarterly basis with a complete six monthly progress report on all actions in December and June of each year.

The Quarterly Review document includes Council's Quarterly Budget Review statement which measures Council's financial health as we progress through the year. It needs to adequately disclose Council's overall financial position and provide sufficient information to enable Councillors to make informed and transparent decisions. It is also a means by which Councillors can ensure that Council remains on track to meet its objectives, targets and outcomes as set out in the Delivery Program and Operational Plan.

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GO5 – First Quarterly Review of 2015/16 Operational Plan including the Quarterly Budget Review Statement for period ended 30 September 2015

The Office of Local Government has prescribed that the Quarterly Budget Review Statement includes (as a minimum) the following components:

- Statement by the Responsible Accounting Officer on Council's financial position at the end of the year based on the information in the review documents.
- Income & Expenses Statement, showing the original and revised budgets, along with any changes proposed in the current Quarterly Review. Actual income & expenditure to date is also required to be shown.
- Explanation for material variations between the revised budget and projected year end result and likely impacts of the variation.
- Capital Budget, also showing the original and revised budgets, along with any changes proposed in the current Quarterly Review. Actual income and expenditure to date is also required to be shown.
- Explanation for variations between the revised capital budget and projected year end result and likely impacts of the variation.
- Cash and Investments position.
- Key Performance Indicators.
- Contracts entered into during the quarter (>\$50,000).
- Expenditure to date for Consultancies and External Legal Fees.

Collectively, these documents form the Quarterly Budget Review Statement (QBRS).

Clause 203 (1) of the Local Government (General) Regulation 2005 requires a Quarterly Budget Review Statement to be submitted to Council within two months after the end of each quarter (except the June quarter).

This is the first Quarterly Review of Council's 2015/16 Operational Plan, which in turn contributes to the delivery of Council's four year Delivery Program and the 20 year Community Strategic Plan. In accordance with the Local Government Act 1993, the document, including the Quarterly Budget Review Statement (QBRS) for the period ending 30 September 2015 is presented for Council's consideration.

The Quarterly Review document (including the QBRS) provides a comprehensive report on all of Council's services. It provides transparency and accountability to Council and the Community on the delivery of Council's annual program of operational activities and capital projects.

CONSULTATION

All members of the Executive and Senior Management have had input into the production of this review. The quarterly review including the Quarterly Budget Review Statement is an internally produced document that reports the progress of the 2015/16 Operational Plan. Therefore, in the preparation of this document there was no need for public consultation.

Governance

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GO5 – First Quarterly Review of 2015/16 Operational Plan including the Quarterly Budget Review Statement for period ended 30 September 2015

FINANCIAL IMPLICATIONS

The QBRS provides Council and the Community with information in relation to Council's projected financial position. Having regard to the projected budget estimates and the original budget, Council's financial position is considered to be satisfactory.

For the 2015/16 financial year, Council originally adopted a balanced working funds position (ie: no expected increase or decrease in the level of available funds). Budgetary adjustments identified during the first quarter have enabled Council to maintain its available working funds at a balanced position.

Details of the proposed budget variations for the first quarter of the 2015/16 financial year are provided in the Quarterly Budget Review Statement for the period ending 30 September 2015 (provided under separate cover).

THE QUARTERLY BUDGET REVIEW STATEMENT INDICATES THAT COUNCIL IS PROGRESSING WELL IN MEETING THE OBJECTIVES CONTAINED WITHIN THE 2015/16 OPERATIONAL PLAN.

A copy of the quarterly review document (including the QBRS) will be placed on Council's website.

ATTACHMENTS

There are no attachments to this report. The Quarterly Review including the Quarterly Budget Review Statement for the period ending 30 September 2015 is provided under separate cover and will be publicly available by the Community Forum on Monday 9 November 2015.

RECOMMENDATION

1. That the information provided in this report be received.
2. That the Quarterly Review, including the Quarterly Budget Review Statement for the period ending 30 September 2015 and proposed adjustments to the 2015/16 budget estimates, be adopted.

Report of Governance to the Ordinary Meeting of Council held on
Monday 16 November 2015

GO6 – Draft Farmland Rating Policy for Public Exhibition

GO6 Draft Farmland Rating Policy for Public Exhibition

56

TRIM 91

EXECUTIVE SUMMARY

- A Draft Farmland Rating Policy has been developed.
- It is recommended that the Draft Farmland Rating Policy be placed on Public Exhibition for a period of 21 days and that any submissions received during the exhibition period be considered prior to the finalisation and subsequent adoption of the Policy.

REPORT

Council has not previously had a Farmland Rating Policy. When assessing applications for farmland rating, Council officers have relied upon a guideline document that was developed many years ago in line with the requirements of the Local Government Act 1993.

The creation of a Farmland Rating Policy will formally set the criteria for assessing Farmland rating applications. The criteria in the previous guideline document were brief and included references to out of date case law. The criteria have now been reviewed and updated.

The new draft policy includes references to the relevant sections of the Local Government Act 1993 including the applicant's right of review and appeal to the Land & Environment Court.

For a property to be rated as Farmland, the ratepayer must first apply to Council by completing an "Application for Classification of Land as Farmland for Rating Purposes" and be able to provide evidence that the property meets the definition of section 515 of the Local Government Act 1993. The process also involves a formal Farmland rating inspection being conducted by Council Revenue staff.

Properties that are already rated as Farmland are reviewed upon the sale or subdivision of the property and periodically every 4 years. The last full review was conducted over three years ago and Council officers are due to complete another review in early 2016 to enable the information to be included for the 2016/17 rate levy. It would therefore be beneficial to have the new Policy in place prior to the Farmland reviews being conducted.

Report of Governance to the Ordinary Meeting of Council held on
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GO6 – Draft Farmland Rating Policy for Public Exhibition

Section 515 of the Local Government Act 1993 states the following:

Section 515 Categorisation as farmland

- (1) *Land is to be categorised as farmland if it is a parcel of rateable land valued as one assessment and its dominant use is for farming (that is, the business or industry of grazing, animal feedlots, dairying, pig-farming, poultry farming, viticulture, orcharding, bee-keeping, horticulture, vegetable growing, the growing of crops of any kind, forestry or aquaculture within the meaning of the Fisheries Management Act 1994, or any combination of those businesses or industries) which:*
 - (a) *has a significant and substantial commercial purpose or character, and*
 - (b) *is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made).*
- (2) *Land is not to be categorised as farmland if it is rural residential land.*
- (3) *The regulations may prescribe circumstances in which land is or is not to be categorised as farmland.”*

CONSULTATION

This draft policy has been referred to the Rural Industry Liaison Committee for comment. It is proposed to also place the draft policy on public exhibition for a period of 21 days to enable community submissions to be considered prior to adoption.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this proposal. If the policy is adopted, it will serve to strengthen our current processes.

ATTACHMENTS

1. Draft Farmland Rating Policy.

RECOMMENDATION

1. That the Draft Farmland Rating Policy be placed on Public Exhibition for a period of 21 days.
2. That any submissions received during the exhibition period be considered prior to the finalisation and subsequent adoption of the Policy.

GO6 – Draft Farmland Rating Policy for Public Exhibition

ATTACHMENT 1 - 91 – 16 NOVEMBER 2015



**Financial Services
DRAFT Farmland Rating**

1. POLICY OBJECTIVES

- 1.1 To provide clear procedures and criteria for assessment of categorisation as farmland for rating purposes.
- 1.2 To ensure that all applications for categorisation as farmland for rating purposes are determined using a consistent criteria.

2. BACKGROUND

- 2.1 This policy details the legislative provisions within the Local Government Act 1993 under which Council may categorise land as Farmland for rating purposes and formalises the criteria and procedures to be used to assess applications for Farmland Rating.

3. ELIGIBILITY

- 3.1 This policy applies to the Finance Officer-Revenue, Revenue Team Leader, Executive Management and the General Manager.

4. GUIDELINES

Legislative Requirements

- 4.1 Section 515 of the Local Government Act 1993 provides:
 - (1) Land is to be categorised as "farmland" if it is a parcel of rateable land valued as one assessment and its dominant use is for farming (that is, the business or industry of grazing, animal feedlots, dairying, pig-farming, poultry farming, viticulture, orcharding, bee-keeping, horticulture, vegetable growing, the growing of crops of any kind, forestry or aquaculture within the meaning of the *Fisheries Management Act 1994*, or any combination of those businesses or industries which:
 - (a) has a significant and substantial commercial purpose or character, and
 - (b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made).
 - (2) Land is not to be categorised as farmland if it is rural residential land.
 - (3) The regulations may prescribe circumstances in which land is or is not to be categorised as farmland.

Procedures for Determining Applications and Periodical Reviews

- 4.2 Council shall make available to ratepayers an "Application for Categorisation of Land as Farmland for Rating Purposes" form.
- 4.3 A completed "Application for Categorisation of Land as Farmland for Rating Purposes" form must be lodged with Council by the property owner. The Revenue Team Leader has delegated authority to assess the application in accordance with the 'Criteria for Assessing Applications'. The criteria will be reviewed when required according to changes in legislation and industry standards.

Governance

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**Financial Services
DRAFT Farmland Rating**

- 4.4 Where a parcel of rateable land valued as one assessment is used in conjunction with other parcels of rateable land valued as one assessment, then the total of all the parcels are to be considered as one holding for the purposes of this policy.
- 4.5 Council may ask the applicant to supply further information where the details in the original application are not sufficient to determine the application.
- 4.6 All information contained within an Application for Categorisation as Farmland for Rating Purposes shall be treated as "strictly confidential".
- 4.7 To assist with the determination of an application, property inspections will be carried out for all new applications and all borderline applications following a periodic review of properties categorised as farmland.
- 4.8 Property inspections shall whenever possible be carried out at a time convenient to and in the company of the ratepayer or occupier of the property.
- 4.9 The staff member completing the inspection shall complete an inspection report at the time of inspection, or as soon as practical thereafter.
- 4.10 Authority under the Local Government Act 1993 to enter upon any lands for the purposes of carrying out farmland rating inspections shall be granted to the Revenue Team Leader, Revenue Officer and Finance Officer-Revenue.
- 4.11 As per section 525(6) of the Local Government Act 1993 all applications are to be assessed within 30 days of receipt of the application. In respect of unsuccessful applications, reasons for refusal shall be given.
- 4.12 Effective date for category change for new applications will be the date of application.
- 4.13 In the event of a property owner being dissatisfied with the decision, the applicant may request a review of the decision by submitting their request and reasons why the determination should be reviewed in writing to the General Manager within 30 days of the decision. Applicants will be advised in writing of the outcome of the review.
- 4.14 If the applicant remains dissatisfied with the outcome of the review an appeal against the declaration of category under section 526(1) of the Local Government Act 1993 must be lodged with the Land and Environment Court within 30 days after the declaration is made by Council.
- 4.15 If an applicant chooses to appeal to the Land and Environment Court against the categorisation declaration, Council may obtain an independent review of the application. This review would require the appointment of an independent advisor with agricultural expertise to inspect the property and provide a written report on the categorisation determined by Council.
- 4.16 Where a property is sold, transferred or subdivided the owner(s) will be required to complete and submit an "Application for Categorisation of Land as Farmland for Rating Purposes" form for determination within 30 days of Councils receipt of the notice of sale from Land and Property Information.
- 4.17 A periodical review of all properties categorised as farmland is to be carried out at least every four (4) years. Owners will be requested in writing to complete an Application for Categorisation of Land as Farmland for Rating Purposes form.

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**Financial Services
DRAFT Farmland Rating**

- 4.18 A periodical review is to be completed at least two (2) months prior to the end of the rating year and any category adjustments will be effective from the next rating year. Owners will be notified in writing of any category change and have the same rights of appeal as new applications.
- 4.19 If an applicant refuses to complete an application form or to provide sufficient information to enable determination of the application, the property shall be considered ineligible for farmland rating effective from the next rating year. Owners will be notified in writing of this change.
- 4.20 Properties included in the periodic review are to be assessed under the same criteria as new applications.

Criteria for Assessing Applications

The minimum requirements which will need to be satisfied for eligibility for farmland rating are detailed below.

4.21 Grazing

Minimum area of 10 hectares, minimum number of 20 head of stock, acceptable carrying capacity, registration with the Rural Lands Protection Board, relevant infrastructure such as dams, corrals, loading/unloading ramps, secure and appropriate fencing.

Agistment- each application will be taken on its own merits. A copy of the written agreement for agistment should be supplied showing the number of stock and the time periods of agistment.

4.22 Animal Feedlots

Minimum of 100 square meters per head, confined yard with watering and feeding facilities, either hand or mechanical, required loading and unloading ramps, secure and appropriate fencing and capacity of 50 head or more.

Note: According to DPI "A beef feedlot is a confined yard area with watering and feeding facilities where cattle are completely hand or mechanically fed for the purpose of production. This definition does not include the feeding or penning of cattle in this way for weaning, dipping or similar husbandry purposes or for drought or other emergency feeding, or at a slaughtering place or in recognised sale yards."

4.23 Dairying

Proof of registration with the Dairy Industry Marketing Authority, milking facility available, acceptable carrying capacity, relevant infrastructure such as dams, corrals, loading and unloading ramps, secure and appropriate fencing

4.24 Pig Farming

Minimum area of 2 hectares, minimum of 10 sows, penned and cared for in accordance with relevant legislation

4.25 Poultry Farming

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**Financial Services
DRAFT Farmland Rating**

Approval to operate a poultry farm from Council, minimum of one (1) shed with minimum average quota of 20,000 chickens per annum, 12,000 turkeys per annum or 10,000 laying hens per annum
Free range Ostriches, minimum average quota of 5 birds per annum
Free Range Eggs – the range area must be capable of continued production of vegetation.

4.26 Viticulture

Minimum area under cultivation 5 hectares, registration with the Wine Producers Association or other appropriate body, appropriate irrigation available

4.27 Horticulture

Minimum area under cultivation of 1 hectare, water supply readily available or irrigated
The Horticulture Code of Conduct requires that all Traders (Wholesalers) must have a signed Horticulture Produce Agreements with all their grower suppliers a copy is required with the application. Nurseries are required to be registered and must be growing their own stock.

4.28 Vegetable Growing

Minimum area under cultivation of 1 hectare, water supply readily available or irrigated, to cover the majority of useable land either preparation or planted.

4.29 Orcharding

Minimum area under cultivation of 1 hectare, water supply readily available or irrigated, to cover the majority of useable land either in preparation or planting

4.30 Beekeeping

Minimum of 200 hives in production, hives must be in continuous use, extraction plant available, must be registered with NSW Department of Primary Industries.

4.31 Crop Growing

Minimum area under cultivation of 10 hectares, water supply readily available or irrigated.

4.32 Forestry

Minimum area of 100 hectares, evidence of propagation

4.33 Aquaculture

Aquaculture permit from Department of Primary Industries is required for fish hatcheries or grow-out facilities, including yabby farms, grow-out ponds, fish-out facilities and oyster farms (but not including aquariums for display or pet shops).

4.34 Where multiple farming activities are being conducted on a property and the above criteria for a single farming type is not met but evidence can be provided to show that the mixed farming business has a significant and substantial purpose or character an overall assessment will be made to determine the application.

GO6 – Draft Farmland Rating Policy for Public Exhibition

ATTACHMENT 1 - 91 – 16 NOVEMBER 2015



**Financial Services
DRAFT Farmland Rating**

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Application for Categorisation of Land as Farmland for Rating Purposes should be referred to the Revenue Team Leader in the first instance. All applications will be assessed by the Revenue Team Leader in accordance with the Criteria for Assessing Applications.

6. RELATED POLICIES

- 6.1 Nil

7. RELATED PROCEDURES

- 7.1 Nil

8. RELATED LEGISLATION

- 8.1 Local Government (General) Regulation 2005 – Part 5
- 8.2 The following Sections of the Local Government Act 1993
- Section 515
 - Section 493
 - Section 519
 - Section 520
 - Section 521
 - Section 522
 - Section 523
 - Section 524
 - Section 525
 - Section 526
 - Section 527

9. ATTACHMENTS

- 9.1 Nil

GO6 – Draft Farmland Rating Policy for Public Exhibition

ATTACHMENT 1 - 91 – 16 NOVEMBER 2015



**Financial Services
DRAFT Farmland Rating**

10. RESOURCES

- 10.1 Division of Local Government
- 10.2 Consultation with other Councils Revenue departments
- 10.3 Local Government Act 1993
- 10.4 Council Rating and Revenue Raising Manual

11. IMPLEMENTATION STATEMENT

- 11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:
 - 11.1.1 The draft policy has been discussed with Council's Executive Committee.
 - 11.1.2 Information sessions will be conducted with relevant staff regarding the requirements of the draft policy.

12. POLICY HISTORY

- 12.1 Date First Adopted
- 12.2 Most Recent Adoption
- 12.3 Next Review Date
- 12.4 Responsible Officer Manager Financial Services

Wollondilly Shire Council
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Rural Living www.wollondilly.nsw.gov.au

Report of Governance to the Ordinary Meeting of Council held on
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GO7 – Tender for Internal Audit Services

GO7 **Tender for Internal Audit Services**
238

TRIM 8521

EXECUTIVE SUMMARY

- The purpose of this report is to recommend acceptance of a tender for the engagement of a suitably qualified and experienced Internal Audit Service Provider.
- The report recommends:
 1. That in accordance with the Local Government (General) Regulation 2005, Clause 178 (1)(a) Council accept the tender of InConsult as per Tender EX00036.
 2. That Council delegate to the General Manager (or their delegate) the authority to finalise and execute the Contract and any other documentation required to give effect to the resolution.
 3. That Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to the resolution.
 4. That the Council maintain the confidentiality of the Local Government Procurement Recommendation Report under Section 10A, Cl. 2(c) & (d) of the Local Government Act 1993.

REPORT

Council does not employ an Internal Auditor in-house and a Request for Tender (RFT) was prepared with a view to engage a suitably qualified and experienced Internal Audit Service Provider to deliver cost effective, efficient and most importantly, high quality internal audit services to Council.

Council engaged NSW Local Government Procurement (LGP) to assist with:

- Preparing the tender document
- Establishing tender evaluation criteria
- Acting as a point of contact
- Issue of addendums
- Chairing the evaluation committee
- Conducting the compliance assessment
- Arranging financial and reference checks
- Preparation of a recommendation report for Council.

Governance

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GO7 – Tender for Internal Audit Services

The intention is to appoint an internal audit services provider, for a period of four (4) years. An agreed timeframe will be negotiated for the commencement of the planning phase for the development of the 4 year Strategic Internal Audit Plan commencing 1 July 2016.

Open tenders were called in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005. The details of the calling, closing and opening of tenders are:

- Tenders were called on 7 July 2015
- Tenders were advertised in the Sydney Morning Herald, via Tenderlink (LGP Tenderlink e-tendering web portal), the Macarthur Chronicle; the Advertiser; District Reporter and Council's website
- Tenders closed on 4 August 2015
- Tenders were received from Hills Rogers Spencer Steer; InConsult; Pitcher Partners NSW Pty. Ltd.; RSM Bird Cameron
- There were no late submissions received.

Tenders were assessed by the Evaluation Panel against the following Criteria:

1. Compliance Criteria (Non Weighted)

2. Technical Criteria

- Capacity and Capability - 20%
- Key Personnel and Qualifications - 20%
- Past Performance and Experience - 10%
- Methodology - 10%
- Quality Assurance and Improvement Program - 10%.

Total Technical Sub Weightings - 70%

3. Commercial Criteria

- Fees for Service - 30%

Total Commercial Sub Weighting - 30%

Total Weighting - 100%

Following assessment of each tender against the Evaluation criteria, the following ranking was determined (in order of preferred tenderers starting at rank 1):

1. InConsult
2. Pitcher Partners NSW
3. Hill Rogers Spencer Steer
4. RSM Bird Cameron

The evaluation committee chose to nominate InConsult as the successful tenderer.

Report of Governance to the Ordinary Meeting of Council held on
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GO7 – Tender for Internal Audit Services

InConsult are one of the largest service providers to NSW Councils and they maintain currency of all regulatory changes and trends in the sector. Currently InConsult has over eighty (80) NSW Local Government Clients. InConsult have a comprehensive understanding of local government internal audit requirements and provide training to audit committee members in local government.

It is of the evaluation committee's view that the submission from InConsult is most advantageous and represents the best value for money for Wollondilly Shire Council.

If Councillors wish to discuss information contained in the confidential attachment to this report the Council should move into a closed session in accordance with Section 10A Cl. (1) of the Local Government Act 1993.

CONSULTATION

The tender evaluation panel for Tender EX00036 included; Manager Financial Services; Risk Management Officer; Principal Governance Officer and Business Manager - Local Government Procurement.

FINANCIAL IMPLICATIONS

The budget estimate for 4 audits per year including all extension options is approximately \$60,000.00 per annum. Currently the adopted budget makes provision for Internal Audit Services.

ATTACHMENTS

1. Confidential Attachment - Local Government Procurement - Recommendation Report - provided under separate cover.

RECOMMENDATION

1. That in accordance with the Local Government (General) Regulation 2005, cl. 178 (1)(a), Council accept the tender of InConsult as per Tender EX00036.
2. That Council delegate to the General Manager (or their delegate) the authority to finalise and execute the Contract and any other documentation required to give effect to the resolution.
3. That Council grant the authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to the resolution.
4. That the Council maintain the confidentiality of the Local Government Procurement Recommendation Report under Section 10A, Cl. 2(c) & (d) of the Local Government Act 1993.

GO8 – Supporting Employees Experiencing Domestic Violence

GO8 Supporting Employees Experiencing Domestic Violence

253

TRIM 8717

EXECUTIVE SUMMARY

- The purpose of this report is to provide advice to Council on the new Administrative Protocol - Supporting Employees Experiencing Domestic Violence.
- It is recommended:
 1. That Council note the new Administrative Protocol, Supporting Employees Experiencing Domestic Violence.
 2. That Council endorse the implementation of paid Domestic Violence Leave, as part of employee's sick leave entitlements.

REPORT

In Australia, domestic, family and sexual violence is widespread across all cultures, ages and socio-economic groups and the majority of those who experience these forms of violence are women.

Domestic violence refers to acts of violence that occur between people who have, or have had, an intimate relationship in domestic settings. These acts include physical, sexual, emotional and psychological abuse.

Defining forms of violence, its perpetrators and their victims, is complicated by the many different kinds of intimate and family relationships and living arrangements present in Australian communities.

Domestic violence is most commonly perpetrated by males against their female partners, but it also includes violence against men by their female partners and violence within same-sex relationships.

Council recognises that employees may face situations of violence or abuse in their personal life that may affect their attendance or performance at work.

Council recognises that any form of domestic violence is unacceptable either at home, in the workplace or within the community.

Council has introduced as part of employee's sick leave entitlements, Domestic Violence Leave, as part of a range of initiatives aimed at addressing domestic violence including: Employee Assistance (EAP), Education and Awareness Raising and the provision of Information and Resources.

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GO8 – Supporting Employees Experiencing Domestic Violence

CONSULTATION

Council has consulted a range of organisations which provide support and advice to people experiencing domestic violence.

Current Legislation has been reviewed and referenced within the Administrative Protocol.

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates. The proposed Domestic Violence Leave will be deducted from existing sick leave entitlements.

ATTACHMENTS

1. Administrative Protocol Supporting Employees Experiencing Domestic Violence.

RECOMMENDATION

1. That Council note the new Administrative Protocol Supporting Employees Experiencing Domestic Violence.
2. That Council endorse the implementation of paid Domestic Violence Leave, as part of employee's sick leave entitlements.

GO8 – Supporting Employees Experiencing Domestic Violence

ATTACHMENT 1 - 8717 – 16 NOVEMBER 2015



**Administrative Protocol
Employee Relations
Supporting Employees
Experiencing Domestic Violence –
AP0056**

1. PROTOCOL OBJECTIVES

- 1.1 The protocol provides strategies to support employees experiencing domestic violence.
- 1.2 To promote a workplace culture that demonstrates Council's commitment to preventing any form of violence in the workplace.

2. BACKGROUND

- 2.1 Council recognises that employees may face situations of violence or abuse in their personal life that may affect their attendance or performance at work.
- 2.2 Council has an important role in influencing behaviours and attitudes within the workplace and in the community which can positively contribute to creating a violence-free community by modelling non-violent, equitable and respectful gender relations. Council recognises that any form of domestic violence is unacceptable either at home, in the workplace or within the community.
- 2.3 Council recognises that access to Domestic Violence Leave should be paid, flexible and easily accessible while containing sufficient safeguards to maintain the confidentiality of personal information and the integrity of the leave system.
- 2.4 Council has introduced Domestic Violence Leave as part of a range of initiatives aimed at addressing domestic violence including: Employee Assistance (EAP), Education and awareness raising and the provision of information and resources.

3. APPLICABILITY

- 3.1 This policy applies to all permanent and temporary employees of Wollondilly Shire Council.

4. GUIDELINES

- 4.1 Employees claiming Domestic Violence Leave will be required to provide appropriate documentary evidence, for example Domestic Violence Court Protection Order, Police Event Number, document or medical certificate from a Health Professional, Statutory Declaration or support letter from a Family Violence Support Officer.
- 4.2 Domestic Violence Leave will be available for employees to:
 - 4.2.1 attend appointments with support services
 - 4.2.2 receive medical attention
 - 4.2.3 receive legal advice or attend court
 - 4.2.4 arrange childcare
 - 4.2.5 arrange accommodation or relocation, or
 - 4.2.6 attend to other immediate safety issues

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GO8 – Supporting Employees Experiencing Domestic Violence

ATTACHMENT 1 - 8717 – 16 NOVEMBER 2015



**Administrative Protocol
Employee Relations
Supporting Employees
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AP0056**

- 4.3 Domestic Violence Leave will be granted as Special Leave of up to a maximum 5 (five) days per annum taken from an employees accumulated sick leave balance. This leave may be taken as consecutive or single days or as a fraction of a day (with prior approval) with appropriate documentary evidence provided upon the employees return.
- 4.4 Approved leave for Employees Experiencing Domestic Violence shall be deducted from the employee's current sick leave allocation.
- 4.5 An employee experiencing Domestic Violence may make an application for Domestic Violence Leave by telephone call to their immediate Supervisor, Manager, Manager of Executive Services or Executive Services Team Leader, then completing the application form upon their return to the workplace.
- 4.6 Domestic Violence Leave will not be subject to a minimum employment or qualifying period, or to be accrued in advance.
- 4.7 Domestic Violence Leave cannot be accrued.
- 4.8 Applications for Domestic Violence Leave must be made on the current Application for Leave Form with Special Leave section completed.
- 4.9 Applications for Domestic Violence Leave must be approved by the Section Manager as per standard leave procedure.
- 4.10 All personal information concerning Domestic Violence Leave will be kept confidential in line with Council policy and relevant legislation. Information will not be kept on an employee's personnel file without their express written permission.
- 4.11 Council will endeavour to ensure a safe workplace for employees who are victims of family violence. Where reasonably practicable, this will include undertaking risk assessments that may result in a change of work email addresses, phone number or work location.
- 4.12 No detrimental action will be taken against an employee if their attendance or performance at work suffers as a result of experiencing domestic violence provided the required evidence has been provided.
- 4.13 An employee experiencing domestic violence may raise the issue with their immediate supervisor, the Manager Executive Services or Executive Services Team Leader. The supervisor may seek advice from the Manager Executive Services or Executive Services Team Leader whilst maintaining discretion and confidentiality at all times.
- 4.14 Where requested by an employee, the Manager Executive Services or Executive Services Team Leader will liaise with the employee's supervisor on the employee's behalf, and will make a recommendation on the most appropriate form of individual support to be provided in accordance with the Leave Entitlements and Individual Support options contained in this policy.
- 4.15 In the event that an employee reports domestic violence, the employee should be referred to local domestic violence contacts. These contacts will be available on the intranet.

GO8 – Supporting Employees Experiencing Domestic Violence

ATTACHMENT 1 - 8717 – 16 NOVEMBER 2015



**Administrative Protocol
Employee Relations
Supporting Employees
Experiencing Domestic Violence –
AP0056**

- 4.16 Employee guidelines to accompany this protocol will be developed and placed on the Council intranet.

EMPLOYEE SUPPORT

- 4.17 In order to provide support to an employee experiencing domestic violence and to provide a safe work environment to all employees, Council will consider any reasonable request from an employee experiencing domestic violence for:
- 4.17.1 temporary changes to their span of hours or pattern of hours and/or shift patterns
 - 4.17.2 temporary job redesign or changes to duties;
 - 4.17.3 temporary relocation to suitable employment within the Council;
 - 4.17.4 a change to the employee's work telephone number or work email address to avoid harassing contact; and
 - 4.17.5 any other measures deemed appropriate and agreed in consultation with the employee, their supervisor and the Manager Executive Services.
- 4.18 An employee experiencing domestic violence will be referred to the Employee Assistance Program (EAP) and/or other support services. The EAP provider employs professionals trained to support staff experiencing a range of personal, relationship and work related issues.
- 4.19 An employee who discloses to the Manager Executive Services, Executive Services Team Leader or their supervisor that they are experiencing domestic violence will be given a copy of information regarding support services provided by the Camden Wollondilly Domestic Violence Group.

PERPETRATING DOMESTIC VIOLENCE FROM THE WORKPLACE

- 4.20 Wollondilly Shire Council does not tolerate domestic violence or any violence being perpetrated in or from the workplace.
- 4.21 An employee who threatens harasses or abuses a family or household member at, or from, the workplace will be subject to disciplinary action and the incident may be referred to the NSW Police. This includes the use of Council resources such as phones and email. Consideration may also be given to other remedial action including referral to appropriate support services.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 The Council contact will be the Manager Executive Services or Team Leader Executive Services.
- 5.2 Council will provide contact details for the Employee Assistance Program, who are trained in dealing with employees experiencing domestic violence.

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GO8 – Supporting Employees Experiencing Domestic Violence

ATTACHMENT 1 - 8717 – 16 NOVEMBER 2015



**Administrative Protocol
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5.3 Employee Assistance is available 24hours per day 7 days a week by telephoning 1300 366 789. In emergency or life threatening situations call 000.

6. RELATED POLICIES

- 6.1 Harassment - AP0019
- 6.2 Provisions for Employee Leave - AP0052

7. RELATED PROCEDURES

- 7.1 Leave Entitlement Procedure

8. RELATED LEGISLATION

- 8.1 Council accepts the definition of domestic violence as defined in the Crimes (Domestic and Personal Violence) Act 2007.

Family or Domestic Violence is any violent, threatening or other behaviour by a person that coerces or controls a member of the person's family or household or causes the family or household member to be fearful. It includes current or former partners in an intimate relationship, whenever and wherever the violence occurs.

The most commonly acknowledged forms are physical and sexual violence, threat and intimidation, emotional and social abuse, and economic deprivation.

9. ATTACHMENTS

- 9.1 NIL

10. RESOURCES

- 10.1 <http://www.sayno2dv.org.au/>

- 10.2 Crisis and Emergency Services

▪ Police, Fire and Ambulance	000
▪ Domestic Violence Hotline	1800 200 526
▪ Links2Home	1800 152 152
▪ YConnect Line	1800 424 830
▪ Lifeline	13 11 14
▪ Salvo Care Line	9331 6000
▪ DoCS Helpline (to report child abuse and neglect)	13 21 11
▪ NSW Rape Crisis	1800 424 017
▪ Sydney Rape Crisis	9819 6565
▪ Karitane Line	1300 227 464
▪ Campbelltown Community Mental Health	4629 5400
▪ Benevolent Society Centre for Women's Health	1800 077 760/4633 3777
▪ Macarthur Women's DV Court Advocacy Service	4640 7333

GO8 – Supporting Employees Experiencing Domestic Violence

ATTACHMENT 1 - 8717 – 16 NOVEMBER 2015



**Administrative Protocol
Employee Relations
Supporting Employees
Experiencing Domestic Violence –
AP0056**

10.3 Police

▪ Camden / Picton	4632 4499
▪ Campbelltown	4620 1199
▪ Macquarie Fields	9605 0499

10.4 Legal Support

▪ Law Access NSW	1300 888 529
▪ Macarthur Legal Centre Inc.	4628 2042
▪ Youth Hotline (Criminal Matters)	1800 101 810
▪ Domestic Violence Advocacy Service	1800 810 784
▪ Women's Legal Services NSW	9749 5533
▪ Legal Aid Campbelltown Office	4628 2922
▪ Chamber Registrar - Campbelltown Court	4629 9600
▪ Macarthur Women's DV Court Advocacy Service	4640 7333
▪ WILMA Women's Health Centre	4627 2955

11. IMPLEMENTATION STATEMENT

11.1 To ensure this protocol is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:

- 11.1.1 Council Intranet Links
- 11.1.2 Council Website Links
- 11.1.3 Posters displayed prominently
- 11.1.4 Flyers in Employee Relations / Manager Executive Services Office
- 11.1.5 Flyers in Sick Bay / Toilets
- 11.1.6 Toolbox Talks

12. PROTOCOL HISTORY

12.1	Date First Endorsed	26/08/2015
12.2	Most Recent Endorsement	10/09/2015
12.3	Next Review Date	10/09/2018
12.4	Responsible Officer	Manager Executive Services

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GO8 – Supporting Employees Experiencing Domestic Violence

ATTACHMENT 1 - 8717 – 16 NOVEMBER 2015



**Administrative Protocol
Employee Relations
Supporting Employees
Experiencing Domestic Violence –
AP0056**

12.5 Responsible Department Employee Relations

A handwritten signature in blue ink, appearing to read "Luke Johnson".

Luke Johnson
GENERAL MANAGER

Wollondilly Shire Council
PO Box 21 Picton NSW 2571
62-64 Menangle St Picton NSW 2571
Tel: 02 4677 1100 Fax: 02 4677 2339 DX: 26052 Picton
Email: council@wollondilly.nsw.gov.au
Rural Living www.wollondilly.nsw.gov.au

Governance

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GO9 – Governance Health Check

GO9 Governance Health Check

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TRIM 1609

EXECUTIVE SUMMARY

- The purpose of this report is to outline the development of a Governance Health Check, seek endorsement of three new policies, and rescind two policies.
- A review of governance processes has been in progress, reported to Council's Audit Committee with the view to developing a Governance Health Check for further consideration by the Audit Committee.
- It is recommended:
 1. That Council place the draft Interaction with Developers, Lobbyists and Submitters Policy on public exhibition for a period of 28 days and that a further report comes back to Council following exhibition.
 2. That Council place the draft Customer Service Policy on public exhibition for a period of 28 days and that a further report comes back to Council following exhibition.
 3. That Council adopt the draft Councillor Access to Information and Interaction with Staff Policy.
 4. That Council rescind the Unreasonable Complainant Conduct Policy and the Complaint Handling Policy.
 5. That Council note the endorsement of the two Administrative Protocols of Unreasonable Complainant Conduct Protocol and the Complaint Handling Protocol.

REPORT

Currently a number of Governance processes are being reviewed to prepare for the changing nature of Local Government and the future growth of the Shire.

A first step as part of this process was to complete a policy classification review and the adoption of a new policy framework.

The policy framework has been reported to Council's Audit Committee and a Governance Health Check is currently being developed for further discussion at the Audit Committee.

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Three new policies have been developed, these are:

1. Interaction with Developers, Lobbyists and Submitters Policy - This policy provides ethical guidance for Councillors and staff when dealing with parties included in or associated with a planning proposal or development application.
2. Councillors Access to Information and Interaction with Staff Policy - This policy provides additional guidance for Councillors and staff when observing the requirements of part 6-7 of the adopted Code of Conduct.
3. Customer Service Policy - This new policy replaces Council's former Customer Service Charter. The policy provides guidance as to how customer service is provided to our residents and business people. The former Customer Service Charter is required to be rescinded.

Two new protocols have also been developed. As outlined in the Policy Classification Review presented to the August Ordinary Meeting administrative protocols are related to day to day operational issues involving staff who are under the direction of the General Manager. These are:

1. Unreasonable Customer Conduct Protocol - This protocol requires Council to be accessible and responsive to all customers whilst giving regard to resource allocation, and Work Health and Safety obligations. The former Unreasonable Complainant Conduct Policy is required to be rescinded.
2. Complaint Handling Protocol - This protocol outlines how complaints regarding dissatisfaction with the service provided by Council will be administered. The former Complaint Handling Policy is required to be rescinded.

These Protocols will be Public Access documents and will be published on Council's website with the Customer Service Policy.

CONSULTATION

- Office of Local Government
- Publications of the NSW Ombudsman, Local Government Manager's Association and the Independent Commission Against Corruption were reviewed
- Policy documents from the following Councils were considered - City of Sydney, Wollongong, Randwick, Lake Macquarie, Botany Bay, North Sydney, Fairfield and Blue Mountains.

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FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates.

ATTACHMENTS

1. Draft Interaction with Developers, Lobbyists and Submitters Policy
2. Draft Councillor Access to Information and Interaction with staff Policy
3. Summary of Changes – Customer Service Policy
4. Customer Service Policy

RECOMMENDATION

1. That Council place the draft Interaction with Developers, Lobbyists and Submitters Policy on public exhibition for a period of 28 days and that a further report comes back to Council following exhibition.
2. That Council place the draft Customer Service Policy on public exhibition for a period of 28 days and that a further report comes back to Council following exhibition.
3. That Council adopt the draft Councillor Access to Information and Interaction with Staff Policy.
4. That Council rescind the Unreasonable Complainant Conduct Policy and the Complaint Handling Policy.
5. That Council note the endorsement of the two Administrative Protocols of Unreasonable Complainant Conduct Protocol and the Complaint Handling Protocol.

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**Governance
Interaction with Developers,
Lobbyists & Submitters Policy #**

1. POLICY OBJECTIVES

- 1.1 This Policy provides ethical guidance for Councillors and staff when dealing with parties involved in or associated with a planning proposal or development application.
- 1.2 The Policy aims to:
 - preserve confidence in the good governance of the Shire and the processing of planning proposals and development applications
 - minimise the likelihood of claims being made of improper dealings, bias or conflict of interest
 - promote transparency.

2. BACKGROUND

- 2.1 Free and open access to Councillors, and Council itself, is vital to efficient and effective local government and contact with Councillors is undertaken by many people in the community in relation to a broad range of matters. Lobbying is common in local government and appropriate lobbying of Councillors is part of the democratic process. The most common form occurs when a group or individual makes direct contact with a Councillor in an attempt to influence a council decision.
- 2.2 Lobbyists, developers and submitters seek access to Councillors to discuss potential and existing planning proposals, development applications and other projects. Interactions with community members, lobbyist, developers and submitters are also a way for Councillors to obtain information that maybe relevant to their decision-making. The public has a clear expectation that such contact is carried out ethically and transparently so as not to undermine public confidence in impartial decision-making.
- 2.3 To promote transparency, equity and public accountability, and to assist in better decision making, this policy provides guidance for Councillors and staff when dealing with lobbyists, potential developers or developers and submitters.
- 2.4 Occasionally a lobbyist can try to improperly influence a Councillor's decision-making and Councillors should take care that their duty is to consider issues fairly, properly and not be compromised by participating in lobbying practices that are outside the bounds of appropriate or lawful behaviour. It is always the aim of council to ensure that all dealings are legal, ethical and impartial and give effect to the local government principles set out in the Local Government (LG) Act 1993, and the principles in the Environment Planning and Assessment (EPA) Act and associated Regulations.
- 2.5 For avoidance of doubt, this Policy clarifies requirements and processes imposed upon Councillors and staff. This Policy does not seek to circumvent or undermine requirements within the current legislation; rather, it seeks to provide clarification and guidance for the assistance of Councillors, staff and the public who interact with Council regarding a range of matters.

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Lobbyists & Submitters Policy #**

3. APPLICABILITY

- 3.1 This Policy applies to all Council business-related contact between Councillors and lobbyists, developers and submitters and Council staff.
- 3.2 It does not apply to social interaction between Councillors and other persons simply because those other persons act as lobbyists or developers, or are submitters in respect of a current development application. However Councillors are reminded of their obligation to both avoid conflicts of interest and disclose potential conflicts of interest, and are required to carefully consider possible implications of social interaction with lobbyists, developers or submitters.

4. GUIDELINES

Potential Developments and Potential Submitters

- 4.1 Councillors may encourage responsible and appropriate development in the Wollondilly Local Government area. Councillors should not feel inhibited, in any communications, with potential developers and lobbyists (for a potential development), in promoting the benefits of development in Council's local government area. However, in all dealings with potential developers and lobbyists for a potential development, Councillors and staff must adhere to Council's Code of Conduct and:
 - 4.1.1 Must make clear to potential developers and lobbyists that they can provide general information on the application process but cannot give definitive advice about the developer's or lobbyists chance of success;
 - 4.1.2 Must suggest that the developer or lobbyist seeks their own independent professional advice;
 - 4.1.3 If applicable, must encourage potential development applicants and lobbyists to seek preliminary advice on their proposal by utilising the established process for pre-lodgement meetings with Council staff; and
 - 4.1.4 Must state that any opinions expressed by the Councillor are personal to the Councillor and do not in any way represent the Council's possible attitude to the potential application.
- 4.2 Similarly, in relation to potential submitters to a planning proposal or development application, Councillors should not feel inhibited about discussing with potential submitters what is publicly known about a potential development application. Again, Councillors and staff must adhere to Council's Code of Conduct and:
 - 4.2.1 Must make clear to potential submitters that they can provide general information on the application process but cannot give definitive advice about the developer's chance of success;
 - 4.2.2 Must suggest that the submitter seeks their own independent professional advice; and
 - 4.2.3 Must state that any opinions expressed by the Councillor are personal to the Councillor and do not in any way represent the Council's possible attitude to the potential application.

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Lobbyists & Submitters Policy #**

- 4.3 Often the environment can make it difficult for Councillors to avoid informal discussions and in these situations Councillors should exercise judgement when deciding whether to be involved in private meetings with people seeking to influence a Council decision. Suspicions of inappropriate lobbying can occur when discussions are not open to public scrutiny. Transparency is a useful means of governing accountability and perceptions of fairness in lobbying processes. To help ensure transparency in planning related discussions whilst being lobbied Councillors should adhere to Council's Code of Conduct and:
- 4.3.1 Document meetings with proponents.
 - 4.3.2 Conduct meetings in official locations, such as Council premises or at an authorised inspection.
 - 4.3.3 Where possible, have Council officers or other people present during meetings.
 - 4.3.4 Encourage applicants who have approached them for a meeting to discuss significant development to write to the General Manager or Mayor seeking a meeting with all Councillors and relevant staff.
 - 4.3.5 Provide copies of information presented during lobbying meetings to Council officers for consideration and assessment (if required), distribution to other Councillors and filing as part of Council's record keeping system.
 - 4.3.6 Ask people who have requested a meeting to put their arguments, concerns and views in writing.
 - 4.3.7 Make a declaration at a Council meeting about planning activities they have been engaged in that are not part of Council's formal processes when the matter is before Council for consideration.
 - 4.3.8 All Councillor workshops with potential developers and lobbyists (for a potential development) will be minuted and published on the Council website and noted in the Mayoral minute.
 - 4.3.9 Where Council is involved as an applicant in a development issue, a probity plan will be developed and implemented to guide all interactions and involvement of Councillors and Council staff.
- 4.4 Councillors and staff should keep and maintain a written record of all exchanges of communication with a potential developer, lobbyist for a potential development or potential submitter. The written record should detail, as a minimum, the date and time of the exchange, the format of the exchange (i.e. face to face meeting, telephone call, exchange of emails or exchange of correspondence), a summary of the matters raised and a summary of the response. This response is to be provided to Council staff for filing as Council is required to keep and maintain appropriate records in accordance with the State Records Act and Council's Records/Information Management Policy.

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Meetings after a Planning Proposal or Development Application Has Been Lodged

- 4.5 After a planning proposal or development application has been lodged, any requests for meetings between Councillors and developers, lobbyists or submitters must occur by arrangement through the General Managers office or the Director of Planning and only in circumstances where a Council officer (with adequate knowledge of the development application) is also present.
- 4.6 At any meeting, telephone discussions, email or other correspondence exchange with a developer, lobbyist or submitter where support or opposition is being sought for a development application, Councillors must state:
- 4.6.1 That any opinions expressed by the Councillor are personal to the Councillor and do not in any way represent the Council's possible attitude to the planning proposal or development application; and
- 4.6.2 In relation to Council's possible decision on the application that the Councillor's principal obligation is to serve the public interest by ensuring that his /her decision is:
- consistent with the planning legislation, Council's planning scheme and policies;
 - made after having appropriate consideration of any Council staff's (or Council appointed consultant's) advice; and
 - not influenced by any other irrelevant or inappropriate consideration.
- 4.7 Councillors must keep a written record summarising the matters discussed at the meeting. This written record should detail, as a minimum, the date and time of the meeting, a summary of the matters raised with the Councillor and a summary of the Councillor's response. This response is to be provided to Council staff for filing as Council is required to keep and maintain appropriate records in accordance with the State Records Act and Council's Records/Information Management Policy.
- 4.8 The staff member must maintain an independent record of the meeting.
- 4.9 During various phases of the development assessment process, Councillors and staff may be contacted by applicants and / or submitters for information regarding the progress of an application, and they may also wish to discuss the merits of that application.
- 4.10 If Councillors are concerned at the manner in which application/s are being assessed, these concerns should be discussed with the General Manager or the Director Planning.

Other Communications

- 4.11 Council is required to keep and maintain appropriate records in accordance with the State Records Act and Council's Records/Information Management Policy. Councillors and staff should be mindful of these requirements in regard to the manner in which records from such meetings are maintained. All communication should be clear, direct and accountable (written confirmation) in order to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

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- 4.12 Councillors and staff must comply with obligations within the Local Government Act 1993 and Code of Conduct in dealings with planning proposals and development application matters. If a Councillor is aware that they may have a conflict of interest, they must make that declaration, remove themselves from discussions regarding the matter, pending notification to the General Manager, and potentially further advice being provided.
- 4.13 Attachment 1 to this Policy provides a simple checklist for items to be taken into account by Councillors and staff during interactions with the public, including applicants, developers, consultants and submitters involved in planning proposals and development applications.

Tendering

- 4.14 The lobbying of Councillors by tenders about the outcome of a tender process is an exception to the principle that lobbying is permissible. Lobbying of Councillors by tenderers is not permissible.
- 4.15 The conditions which govern tender processes are based on a request for tender (RFT) and contain statements prohibiting proponents from approaching Councillors during a tender process.
- 4.16 Tender processes do not include mechanisms for community feedback.

What Council asks of Developers, Lobbyist and Submitters – Council's Code of Business Ethics

- 4.17 Council's aspiration is for all developers, lobbyist, landowners and submitters who may be undertaking development-related activity to observe the following principles (Council's Code of Business Ethics) when interacting with Council in relation to any actual or potential planning proposal or development application:
- 4.17.1 Provide accurate and reliable advice and information when required;
 - 4.17.2 Declare actual or perceived conflicts of interest as soon as you become aware of the conflict;
 - 4.17.3 Act ethically, fairly and honestly in all dealings with Council;
 - 4.17.4 Take all reasonable measures to preserve the integrity and keep confidential any confidential information provided to you by Council;
 - 4.17.5 Refrain from engaging in any form of collusive practice, including offering Council employees inducements or incentives designed to improperly influence the conduct of their duties;
 - 4.17.6 Respect legislative processes established under various Acts of Parliament;
 - 4.17.7 Respect the integrity of the Council and acknowledge that all determinations adopted by resolution have been thoroughly investigated by staff and carefully considered by the elected body of Council;
 - 4.17.8 Act with moral conscious at all times respecting statutory protocols and procedures;

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- 4.17.9 Refrain from discussing Council business or information in a disrespectful way with the media;
- 4.17.10 At all times be courteous towards the public, Council staff and Councillors and not bring the Council into disrepute;
- 4.17.11 Obey all relevant laws and contractual obligations;
- 4.17.12 Assist Council to prevent unethical practices in our business relationships;
- 4.17.13 Comply with privacy legislation in relation to personal information obtained through dealings with Council or work undertaken for Council; and
- 4.17.14 Communicate clearly and respond promptly to questions resolving any issues quickly.

Why is Compliance Important?

- 4.18 Developers, lobbyist and submitters should also be aware of the consequences of not complying with Council's ethical requirements when engaging with Council. By complying with this Code of Business Ethics, damaging allegations of unfair or unethical conduct can be avoided in dealings with this Council.
- 4.19 Demonstrated corrupt or unethical conduct could lead to:
 - damage to reputation
 - investigation for corruption
 - matters being referred for criminal investigation
 - criminal prosecution.
- 4.20 Consequences for Councillors, staff and delegates may include:
 - investigation
 - misconduct charges
 - loss of civic office for Councillors
 - disciplinary action including termination of employment
 - potential criminal charges.

Gifts, Benefits and Hospitality

- 4.21 In general, Council expects its staff to decline gifts and benefits offered by parties with whom Council conducts business. Developers, lobbyist and submitters should refrain from offering any such 'incentives' to Council staff as all offers will be formally reported to Council by its officers. Hospitality is however appropriate provided it is linked to business dealings with Council and provided it complies with the provisions set out under "Gifts and Benefits Policy" in the Code of Conduct for Council Employees Statement.
- 4.22 If a gift is accepted, Council requires the staff member to record the gift in a publicly accessible Gifts and Benefits Register.

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Conflicts of Interest

- 4.23 All Councillors and Council staff are required to disclose any conflicts of interest. Council extends this requirement to all our business partners, contractors and suppliers. Should a conflict of interest arise or be recognised in any dealing with Council you must notify and declare this conflict of interest to Council in writing.
- 4.24 A conflict of interest occurs when a public official is in a position to be influenced, or appear to be influenced, by private interests when doing their job. A conflict of interest can involve avoiding personal disadvantage as well as gaining personal advantage. A private interest may include social and professional activities and interests with individuals or groups, including family and friends, as well as financial interests. There are different types of conflict of interest:
- 4.24.1 *Actual conflict of interest:* A public official is in a position to be influenced by their private interest when doing their job.
- 4.24.2 *Perceived conflict of interest:* A public official is in a position to appear to be influenced by their private interests when doing their job.
- 4.24.3 *Potential conflict of interest:* A public official is in a position where they may be influenced in the future by their private interests when doing their job.
- 4.24.4 *A pecuniary interest* involves a situation where there is the potential to gain or lose financially from a public position, for example from owning property, having unpaid debts to others, or receiving hospitality or travel.
- 4.24.5 *A non-pecuniary interest* does not have a financial component. It can involve personal or family relationships or involvement in sporting, social or cultural activities that could influence judgements or decisions, even though there is no financial benefit to the individual.

Confidentiality

- 4.25 All Council information should be treated as confidential unless otherwise advised to you by Council.

Use of Council Equipment, Resources and Information

- 4.26 All Council equipment, resources and information should only be used for the purpose it is made available by Council.

Contracted Employees

- 4.27 All contractors must comply with Council's Code of Business Ethics (4.17) for doing business with Council. These Business Code of Ethics will be included in Council's Contractual documents. If contractors employ sub-contractor(s) in their work for Council, they must ensure sub-contractor(s) are aware of this Code and observe it in their dealings with Council.

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Reporting Unethical Behaviour (Internal Reporting Protocol)

4.28 The Council is committed to promoting ethical behaviour. Reports of unethical behaviour, fraud, corruption, maladministration or waste can be made to Council's Governance Manager. External reporting can also be made to:

- Independent Commission Against Corruption;
- NSW Ombudsman; or
- The Office Local Government.

4.29 Public officials reporting corrupt conduct, maladministration or waste may be protected by the Protected Disclosures Act 1994. This Act protects public officials who are disclosing corrupt conduct from reprisal or detrimental action and ensures disclosures are properly investigated.

Who to Contact

4.30 If you have any questions regarding this Code of Business Ethics or wish to provide information about suspected corrupt conduct, you should contact the appointed probity officer for the project or, where a probity officer has not been appointed, Council's Governance Manager, on telephone 46771100 or at council@wollondilly.nsw.gov.au

5. RESPONSIBILITY/ACCOUNTABILITY

5.1 Definitions

For the purposes of this policy, the following terms are defined: -

"**Councillor**" means the Mayor and Councillors of Wollondilly Shire Council.

"**communicate**" includes communicate in person, in writing, by telephone or by email or other electronic means

"**Developer**" means a person who invests in and develops the potentialities of property.

"**lobbyist**" means:

- (a) a third-party lobbyist, or
- (b) any other individual or body that lobbies Council (including an individual engaged to undertake lobbying for a third-party lobbyist).

"**third-party lobbyist**" means an individual or body carrying on the business (generally for money or other valuable consideration) of lobbying Council officials on behalf of another individual or body.

"**Making a development application**" in so far as it applies to Councillors and staff may include actions associated with provision of advice regarding, preparation of and processing of development application/s lodged under the EPA Act, including, but not limited to:

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- Pre-lodgement enquiries, meetings and responses provided
- Informal meetings and discussions regarding proposed development applications not yet lodged for assessment
- Application lodgement
- Acknowledgement Notices, discussions regarding amendments or clarification regarding same
- Information Requests, discussions regarding same or clarification regarding requirements, responses or meetings
- Information Responses provided by an Applicant or Applicant's representative, including discussions regarding same, clarification or provision of further information
- Clarification of outstanding or additional, unforeseen information required during the assessment for an Application
- Meetings, site visits, telephone conversations and other discussions regarding a development application/s lodged with Council
- Preliminary advice, discussions, site meetings, telephone conversations, post lodgement requests and enquiries regarding applications lodged with Council for assessment, including applications for which Council is a 'concurrence agency' or similar in accordance with the EPA Act, or other State legislation.

"meeting" with a Council official, means a meeting held in person with the official or by means of a teleconference.

"planning proposal application" means an application or request by a person (other than a public authority within the meaning of the Environmental Planning and Assessment Act 1979):

- (a) to initiate the making of an environmental planning instrument or plan under that Act in relation to any development, project or activity on a particular site, or
- (b) for consent to, or approval of, any development, project or activity under that Act or for the modification of any such consent or approval.

"Probity Plan" means a detailed plan that addresses probity issues in Councils commercial dealing and the actions to be taken throughout a process where Council is both the proponent (the developer) as well as the consent authority to ensure:

- the Council observes the highest standards of probity consistent with the public interest
- there is integrity in the negotiation process and that the process set out in the negotiation plan is followed
- the process is conducted objectively and consistently
- all confidential information is secured and handled to the expectations of the parties
- all actual, potential or perceived conflicts of interest are addressed and effectively managed
- accountability is maintained
- confidence is preserved in the chosen processes; and decisions and processes are defensible.

"Staff" means full time and part time staff of Wollondilly Shire Council including contract staff and consultants.

"Submitter" means someone who submits something (as an application or a published view) for the judgment of others.

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6. RELATED POLICIES AND PROTOCOLS

- 6.1 Gift and Benefits Policy GOV0051
- 6.2 Complaint Handling GOV0054
- 6.3 Internal Reporting AP0022
- 6.4 Council's adopted Code of Conduct

7. RELATED PROCEDURES

- 7.1 Nil

8. RELATED LEGISLATION

- 8.1 Local Government Act 1993 (NSW)
- 8.2 Environmental Planning and Assessment Act 1979 (NSW)
- 8.3 Model Code of Conduct – Division of Local Government, Department of Premier and Cabinet
- 8.4 State Records Act 1998 (NSW)
- 8.5 Protected Disclosures Act 1994 (NSW)
- 8.6 Independent Commission Against Corruption Act 1988 (NSW).

9. ATTACHMENTS

- 9.1 Councillor Interaction with Developers - Checklist

10. RESOURCES

- 10.1 Lobbying of Government Officials Act 2011
- 10.2 Lobbying Of Government Officials (Lobbyists Code of Conduct) Regulation 2014
- 10.3 Independent Commission Against Corruption *Lobbying Local Government Councillors – A Guide for Councillors, constituents and other interested parties*

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11. IMPLEMENTATION STATEMENT

11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:

- 11.1.1 Discussions at Councillor Workshop regarding the policy.
- 11.1.2 Training at Staff meetings.
- 11.1.3 Policy published on Council's website.

12. POLICY HISTORY

12.1	Date First Adopted	## / ## / ##
12.2	Most Recent Adoption	## / ## / ##
12.3	Next Review Date	## / ## / ##
12.4	Responsible Officer	Executive Director – Community Services and Corporate Support

DRAFT

Wollondilly Shire Council
PO Box 21 Picton NSW 2571
62-64 Menangle St Picton NSW 2571
Tel: 02 4677 1100 Fax: 02 4677 2339 DX: 26052 Picton
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Rural Living www.wollondilly.nsw.gov.au

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Attachment 9.1

Councillor Interaction with Developers - Checklist

Councillors can involve themselves in discussions with developers, their constituents and others about planning matters. However, difficulties can be avoided if you follow these useful hints:

Do

- ✓ Consider your requirements under the NSW Local Government Act 1993 and the Code of Conduct
- ✓ Be prepared to meet with applicants and officers before a DA is lodged, not after it has been submitted
- ✓ Always involve officers and in discussions with developers, their consultants or representatives
- ✓ Inform officers about any approaches made to you and seek advice
- ✓ Be aware of what predisposition, pre-determination and bias mean in your role
- ✓ Preface discussions with disclaimers; keep notes of meetings and phone calls and make clear at the outset that the discussions are not binding
- ✓ Ensure meeting notes are filed as business records of Council
- ✓ Be aware of what personal and prejudicial interests are
- ✓ Recognise the distinction between giving advice and engaging in negotiation and when this is appropriate in your role
- ✓ Use meetings to show leadership and vision
- ✓ Encourage positive outcomes
- ✓ Be aware that you can engage in discussions but you must have and be seen to have an open mind at the point of decision making
- ✓ Suggest that the developer seek independent professional advice

Don't

- × Use your position improperly for personal gain or to advantage your friends or close associates
- × Meet developers alone or put yourself in a position where you appear to favour a person, company or group – even a friendly private discussion with a developer could cause other to mistrust your impartiality
- × Attend meetings or be involved in decision-making where you have a conflict of interest - except when speaking when the general public are also allowed to do so
- × Seek to influence officers or put pressure on them to support a particular course of action in relation to a planning application
- × Compromise the impartiality of officers
- × Give definitive advice about the developer's chance of success

**Adapted from "positive engagement – a guide for planning Councillors" – Planning Officers Society – England*

GO9 – Governance Health Check

ATTACHMENT 2 - 1609 – 16 NOVEMBER 2015



**Governance
DRAFT Councillor Access to
Information and Interaction
with Staff – Policy #**

1. POLICY OBJECTIVES

- 1.1 The objectives of this Policy are to:
- provide a documented approach by which Councillors can access Council records
 - ensure Councillors have access to all documents reasonably necessary for them to exercise their role as a member of the governing body of Council
 - ensure that Councillors receive accurate and timely advice from nominated staff to help them in the performance of their civic responsibilities
 - provide direction on Councillors' rights of access to Council buildings
 - provide a clear and consistent framework for the reporting of and appropriate application of sanctions for breaches of this policy.

2. BACKGROUND

- 2.1 The Local Government Act 1993 provides for distinctly different roles for Councillors and staff to play in Council. There needs to be interaction between Councillors and staff members, particularly regarding access to and in the provision of information to effectively integrate policymaking and service delivery.
- 2.2 Provisions that specify how Councillors access information and interact with staff should actively support Councillors in their role. At the same time Councillors must actively avoid creating any perceptions of wrongdoing when exercising their rights as elected representatives, particularly the appearance of trying to influence staff improperly.

3. APPLICABILITY

- 3.1 This Policy applies to all Councillors and staff.
- 3.2 This Policy applies to interaction between Councillors and staff in-person, by telephone, internet, email, writing or any other form of communication.

4. GUIDELINES

4.1 Authorised Contact Officers

Staff members provide important services to Councillors to support them in the performance of their civic duties. Contact between Councillors and staff will be managed to ensure that Councillors are able to access the most appropriate staff.

- 4.1.1 Councillors are authorised to contact staff directly as identified on the *List of Authorised Contact Officers for Councillors* which is held and maintained by the General Manager.
- 4.1.2 Should a Councillor contact a staff member who is not the appropriate person, the staff member is expected to refer the Councillor to the appropriate staff member or to the *List of Authorised Contact Officers for Councillors*.

Governance

Report of Governance to the Ordinary Meeting of Council held on
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- 4.1.3 If a Councillor is not sure who the appropriate Contact Officer is, they should contact any of the Directors or General Manager who will attend to the matter or advise the name of the appropriate Contact Officer.
- 4.1.4 Councillors may receive constituent representations on routine matters where a staff member not on the *List of Authorised Contact Officer for Councillors* is the Contact Officer for a particular matter eg. a letter written to a constituent may have the staff member's name as the contact. In these circumstances, Councillors should contact the appropriate Officer on the *List of Authorised Contact Officer for Councillors* to enable the Officer to attend to the enquiry.
- 4.2 **Councillor Access to Council Records**
- 4.2.1 Councillors must be provided with full and timely information sufficient to enable them to carry out their civic office functions, in accordance with the provisions of the Local Government Act 1993 and the Code of Conduct.
- 4.2.2 Councillors are entitled to access all Council files, records or other information identified as Open Access under the Government Information (Public Access) Act (GIPA) as identified in Council's Access to Information Guidelines or that information relating to a matter currently before the Council.
- 4.2.3 Councillors requesting access to files and records shall make a request to the General Manager or nominated staff on the List of Authorised Contact Officer for Councillors.
- 4.2.4 For technical or sensitive matters Councillors should put their requests for information or advice in writing. The request should be drafted carefully and should detail the information, or the nature of the information, being sought.
- 4.2.5 Where it is believed that significant resources will be required to respond to a request for information, the General Manager should advise the Councillor and provide details of the estimates of time and/or costs that are likely to be incurred in providing the information. An indication should also be given of what other matters will not be able to be attended to as a result of compiling the requested information. In such circumstances, the General Manager may require a Councillor to submit a Notice of Motion or Question for Next Meeting, under Council's Code of Meeting Practice.
- 4.2.6 The General Manager will maintain records of Councillors requests. A report detailing active Councillor requests will additionally be emailed to Councillors on a monthly basis.
- 4.2.7 The information provided to a particular Councillor in the performance of their civic duties shall also be made available to other Councillors, upon request or where considered appropriate by the Council officer.
- 4.2.8 Requests for information by Councillors will be responded to expediently. Any recommendation to refuse access should be referred to the General Manager.

Governance

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**Governance
DRAFT Councillor Access to
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with Staff – Policy #**

- 4.2.9 A Councillor who has been refused access to a Council document is entitled to lodge a request under the GIPA Act and has rights of review applicable under that Act.
- 4.2.10 This policy does not preclude a Councillor from making a request for access to information through a Notice of Motion or a Question for Next Meeting, at a Council Meeting.
- 4.2.11 The General Manger will provide a report on the status of all Notices of Motion to the Council Meeting Agenda each month.
- 4.2.12 Councillors who have a personal interest, as distinct from a civic interest, in a document of the Council have the same rights as a member of the public. No Councillor will be provided preferential treatment in the provision of any service when that Councillor is acting outside their elected role and in the capacity of a private citizen.
- 4.3 **Councillor and Staff Interaction at meetings**
- 4.3.1 Questions to staff from Councillors at Council meetings will be in accordance with the provisions of Council's Code of Meeting Practice.
- 4.3.2 Councillors may give a direction to the General Manager by way of a Council or Committee resolution.
- 4.4 **Councillor and Staff Interaction Outside of Meetings**
- 4.4.1 Enquiries to staff on matters generally not available to the public should be directed to the General Manager or to those on the *List of Authorised Contact Officer for Councillors*. Similar procedures shall apply where a Councillor has lodged an application, for example a development application, with the Council.
- 4.4.2 Councillors shall not approach staff, other than those nominated on the *List of Authorised Contact Officer for Councillors*, for advice.
- 4.4.3 Notwithstanding these specific provisions, it is recognised and expected that the Mayor has a day-to-day need to discuss a range of matters with Council staff. In these circumstances the Mayor will enquire as to the availability of staff concerned to enable appropriate discussion or enquiry.
- 4.4.4 Any advice provided to Councillors must be recorded in TRIM, the same way as advice provided to others having business dealings with the Council.
- 4.5 **Councillor Access to Council Offices**
- 4.5.1 As elected members of Council, Councillors are entitled to have access to the Council Chamber, Board Room, Administration Building meeting rooms and public areas of the Council's buildings. Bookings are required for the use of the Administration Building meeting rooms. Booking can be made with the General Manager's office.

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**Governance
DRAFT Councillor Access to
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with Staff – Policy #**

- 4.5.2 If a Councillor wishes to enter a staff-only area of the Council Administration Building or any other Council site during business hours, they are required to:
- Make the request in person or via telephone, email or fax to the appropriate Contact Officer or the General Manager
 - Be accompanied by a Contact Officer at all times.
- 4.5.3 Councillors have after-hours access to the Council Chambers and Board Room via the car-park entrance [rear of the Council Administration Building] whenever a Council or Committee meeting is scheduled.
- 4.6 **Inappropriate Councillor / Staff interaction**
- 4.6.1 All Councillors and Staff are to interact in accordance with provisions of the Code of Conduct.
- 4.6.2 Clause 6.9 of the Council's Code of Conduct prohibits a number of types of interactions between staff and Councillors.

It states that Councillors and staff must not engage in the following inappropriate interactions:

- a) *Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.*
- b) *Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.*
- c) *Council staff refusing to give information that is available to other councillors to a particular councillor.*
- d) *Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.*
- e) *Councillors and administrator being overbearing or threatening to council staff.*
- f) *Councillors and administrators making personal attacks on council staff in public forum.*
- g) *Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.*
- h) *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.*
- i) *Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.*
- j) *Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.*

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**Governance
DRAFT Councillor Access to
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with Staff – Policy #**

4.7 Breaches of this Policy

- 4.7.1 A breach of this Policy will be taken to be a breach of the Code of Conduct and complaints alleging a breach of this Policy must be made in accordance with the Code of Conduct and will be dealt with in accordance with the Procedures for the Administration of the Codes of Conduct.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Councillors are responsible for ensuring their interaction with staff and requests for Council records are in accordance with this Policy.
- 5.2 The General Manager and Public Officer are responsible for ensuring that Councillors can gain access to the documents available under the Government Information (Public Access) Act 2009.
- 5.3 The General Manager must provide Councillors with information sufficient to enable them to carry out their civic office functions.
- 5.4 Contact staff must provide full and timely information to Councillors sufficient to enable them to carry out their civic office functions and in accordance with this Policy.

6. RELATED POLICIES

- 6.1 Code of Conduct
- 6.2 Code of Meeting Practice

7. RELATED PROCEDURES

- 7.1 Access to Information Guidelines

8. RELATED LEGISLATION

- 8.1 Local Government Act 1993
- 8.2 Government Information (Public Access) Act (GIPA) 2009

9. ATTACHMENTS

- 9.1 Nil

10. RESOURCES

- 10.1 ICAC Publication: *Under Careful Consideration: Key Issues for Local Government* (1997)
- 10.2 LGMA/ICAC Publication: *Governance Health Check: Self Audit Guide to Good Governance in Local Government* (2004)

GO9 – Governance Health Check

ATTACHMENT 2 - 1609 – 16 NOVEMBER 2015



**Governance
DRAFT Councillor Access to
Information and Interaction
with Staff – Policy #**

11. IMPLEMENTATION STATEMENT

- 11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and the community and will involve:
- 11.1.1 Presentations and information sessions for Councillors and staff.
 - 11.1.2 Use of Council's website to promote Policy and procedures.
 - 11.1.3 Hard copies of the Policy contained within the policy folders located in the Customer Service Area.

12. POLICY HISTORY

- | | | |
|------|-------------------------|--|
| 12.1 | Date First Endorsed | ## / ## / ## |
| 12.2 | Most Recent Endorsement | ## / ## / ## |
| 12.3 | Next Review Date | 31 October 2018 |
| 12.4 | Responsible Officer | Manager Governance |
| 12.5 | Responsible Department | Community Services and Corporate Support |

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ATTACHMENT 3 - 1609 – 16 NOVEMBER 2015



Policy Changes table for Council Reports:

SUMMARY OF CHANGES – CUSTOMER SERVICE POLICY

Location	Previous Wording	New Wording	Reasoning
4.3.1	By answering your phone call within 4 rings	By answering your phone call promptly (within 6 – 8 rings)	The measure of 4 rings (12 seconds) was too brief as a general rule.
4.3.2	By answering your phone call within 4 rings	By answering your phone call promptly (within 6 – 8 rings)	The measure of 4 rings (12 seconds) was too brief as a general rule.

Governance

GO9 – Governance Health Check

ATTACHMENT 4 - 1609 – 16 NOVEMBER 2015



**Customer Service
Customer Service – Policy #**

1. POLICY OBJECTIVES

- 1.1 To deliver efficient and effective Customer Service by:
 - 1.1.1 Setting out the minimum standards expected from us.
 - 1.1.2 Outlining how complaints can be made if the standards are not met.
 - 1.1.3 Offering advice on how our customers can help us provide a better service.
- 1.2 The policy is an expression of our commitment for continuous improvement in our service and communication.

2. BACKGROUND

- 2.1 Council continually strives to improve services and develops better relationships with our customers.
- 2.2 Council measures performance by the complaints and the compliments we receive as well as bi-annual customer satisfaction surveys. We seek to improve our customer service with or without a complaint.
- 2.3 We will continue to review the Policy to keep it relevant with the time and service we provide and we will independently assess our performance on an annual basis in accordance with the Council's Delivery Program and Operational Plan.

3. APPLICABILITY

- 3.1 This policy applies to all staff.

4. GUIDELINES

- 4.1 We will provide Council Service in a friendly and professional manner by:
 - 4.1.1 Treating people with courtesy, fairness, dignity and respect.
 - 4.1.2 Taking responsibility for providing answers to the best of our knowledge and skills.
 - 4.1.3 Listening carefully to what is being said.
 - 4.1.4 Treating personal information with confidentiality.
 - 4.1.5 Being helpful and sensitive to needs.
 - 4.1.6 Being transparent and accountable.
 - 4.1.7 Being fair, consistent and impartial in administering our legal obligations.
 - 4.1.8 Being competent in providing the information and services Council has determined to provide to our community.

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GO9 – Governance Health Check

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**Customer Service
Customer Service – Policy #**

- 4.2 When our customers visit us we will make every effort to offer assistance:
- 4.2.1 Within 5 minutes of arrival at our service areas.
 - 4.2.2 Within 5 minutes of the appointment time.
- 4.3 When our customers phone us we will make every effort to respond quickly and effectively.
- 4.3.1 At the switch by:
 - By answering a phone call promptly (6 – 8 rings)
 - Transferring your call to the appropriate Officer/Department.
 - 4.3.2 At our workstation phones by:
 - By answering a phone call promptly (6 – 8 rings)
 - If we can't answer a call immediately, returning the call within one working day when a voice message has been left
 - Advising promptly the correct answer or outcome
 - Advising if there is a delay in the service that has been requested
 - Providing after hours service for emergencies.
- 4.4 When a customer writes to us we will make every effort to respond quickly and effectively to a letter or email by:
- 4.4.1 Acknowledging it within 7 working days of receipt.
 - 4.4.2 Responding in a clear, concise and easy to understand way.
 - 4.4.3 Responding quicker if the matter is urgent.
 - 4.4.4 Notifying if there is a delay in the service promised.
 - 4.4.5 Checking our email inbox throughout the working day.
- 4.5 When a customer lodges a Customer Request (CRM) we will make every effort to respond quickly and effectively to the request by:
- 4.5.1 Acknowledging a request within 7 working days, including the status of a request.
 - 4.5.2 Completing or providing a customer within 14 working days a "how and/or when" a request will be completed.
 - 4.5.3 Referring when appropriate, to alternate service providers when the service that is being sought is not a Council matter or Council is not the owner.
 - 4.5.4 Preventing unnecessary return visits or contact to Council.

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**Customer Service
Customer Service – Policy #**

- 4.6 HOW OUR CUSTOMERS CAN HELP US, HELP THEM; assisting us in delivering better service:
- 4.6.1 Provide accurate and relevant information at the outset.
 - 4.6.2 Ensure information provided is not intentionally misleading or knowingly wrong.
 - 4.6.3 Identify the result or outcome they wanted.
 - 4.6.4 Co-operate with Council's processes.
 - 4.6.5 Treat Council staff with the same level of courtesy and respect.
- 4.7 OUR CUSTOMER'S RIGHTS
- 4.7.1 It is our customer's right to expect that we uphold the standards of service detailed in the Customer Service Policy.
 - 4.7.2 If you believe we have not met the standards in the Customer Service Policy, our customers can contact us by their preferred communication means at their earliest convenience. Council will endeavour to resolve requests as soon as possible. We value all feedback for continuous improvements in delivering better service to our customers.
 - 4.7.3 As a regulatory body, Council is required by Government to:
 - Administer various Acts and Regulations and uphold the law
 - Safeguard the public interest.

These responsibilities may not always meet our customer's expectations or plans. Where there is a conflict, and where it cannot be resolved at staff or managerial level, further avenues of appeal may exist.
 - 4.7.4 If our customer is affected by a decision that provides a legislative entitlement to apply for a review, then they will be advised in writing when notified of the outcome of their application.
 - 4.7.5 Specific appeal rights may exist for some decisions made under the:
 - Environmental Planning and Assessment Act 1979
 - Privacy and Personal Information Protection Act 1998
 - The Government Information (Public Access) Act 2009 (GIPA Act)
 - Local Government Act 1993.

Governance

GO9 – Governance Health Check

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**Customer Service
Customer Service – Policy #**

4.8 If our customers are unhappy with the way Council dealt with an issue:

4.8.1 Depending on the nature of the complaint there are a number of accountability/complaint bodies established by the NSW Government that receive and investigate complaints:

- Office of Local Government
- NSW Ombudsman
- Independent Commission Against Corruption (ICAC)
- Information and Privacy Commission
- NSW Small Business Commissioner.

4.8.2 Council's Complaint Handling Protocol is available on request.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Manager Technology, Information and Customer Service
- 5.2 Team Leader Customer Service
- 5.3 Manager Works
- 5.4 CRM team
- 5.5 Manager Compliance
- 5.6 Manager Development Services
- 5.7 Manager Environment
- 5.8 Team Leader Waste Management

6. RELATED POLICIES

- 6.1 Customer Service Strategy

7. RELATED PROCEDURES

- 7.1 Telephone Protocol
- 7.2 Complaint Handling Protocol

8. RELATED LEGISLATION

- 8.1 Environmental Planning and Assessment, 1979
- 8.2 Privacy and Personal Information Protection Act, 1998
- 8.3 The Government Information (Public Access) Act, 2009
- 8.4 Local Government Act, 1993

GO9 – Governance Health Check

ATTACHMENT 4 - 1609 – 16 NOVEMBER 2015



**Customer Service
Customer Service – Policy #**

9. ATTACHMENTS

9.1 NIL

10. RESOURCES

10.1 NIL

11. IMPLEMENTATION STATEMENT

11.1 To ensure this policy is implemented effectively Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:

- 11.1.1 Awareness at Team Meetings.
- 11.1.2 Training sessions.
- 11.1.3 Reviews from customer feedback.
- 11.1.4 Presentations to Management and Executive

12. POLICY HISTORY

12.1	Date First Adopted	## / ## / ##
12.2	Most Recent Adoption	## / ## / ##
12.3	Next Review Date	## October 2018
12.4	Responsible Officer	Manager Technology, Information & Corporate Strategy
12.5	TRIM reference	839#177

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GO10 – Fit for the Future

GO10 **Fit for the Future**
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TRIM 8280

EXECUTIVE SUMMARY

- The purpose of this report is to acknowledge the recent findings from the Independent Pricing and Regulatory Tribunal (IPART) on the Assessment of Local Councils 'Fit for the Future' proposals.
- IPART's report has determined that Wollondilly Shire Council is "Fit For the Future" as the Council satisfies the scale and capacity criteria and all Financial criteria and is therefore recommending no change to our structure as a standalone Council.
- Council has been assessed as being financially sound, operating efficiently and in a strong position to guide community growth and deliver quality services.
- It is recommended that Council respond to the NSW State Government welcoming the findings of the IPART report and confirming that Council intends to continue as a standalone Council.

REPORT

The Office of Local Government (OLG) advised NSW Councils in September 2014 that they would need to prepare a submission by June 2015 which would be assessed by IPART to see if they were "Fit for the Future".

The assessment criteria arose from recommendations of the Independent Local Government Review Panel, essentially requiring Councils to meet targets on seven separate performance measures. A self-assessment tool was provided so that Councils could assess where they currently stood and then determine what needed to be done to achieve targets within an appropriate timeframe.

At the time that Councils were advised of the Fit for the Future requirements, Wollondilly had already commenced a Community Engagement process seeking feedback from the Community on a proposed four year special rate variation for the purpose of improving our infrastructure assets.

Council was already acutely aware of the need to address the growing infrastructure maintenance issue and had looked at all possible funding options with the application for a special rate variation being the only viable solution. The percentage increase sought in Council's application was calculated based on the need to fully address the infrastructure issue within a 10 year timeframe.

Governance






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GO10 – Fit for the Future

When the Fit for the Future benchmarks were released, Council's financial projections based on the special rate variation amounts were applied against the criteria and the results indicated that Council would meet the benchmarks within the required timeframes.

Council assessed our current situation and considered the future needs of our community and the recommendations of the Independent Panel in line with the NSW Government's definition and criteria benchmark for a Fit for the Future Council.

IPART has assessed Councils Proposal and has determined that Wollondilly Shire Council is a "Fit for the Future" Council.

CRITERIA	WOLLONDILLY SHIRE COUNCIL
Scale and Capacity	
Sustainability	
Infrastructure and Service Management	
Efficiency	
FIT FOR THE FUTURE - NO CHANGE	

Council's successful work to meet the Fit for the Future criteria of scale and capacity, sustainability, efficiency, infrastructure and service management and our ongoing commitment to effectively manage ongoing growth, all contributed to the success of being deemed a Fit for the Future Council. This success also places Wollondilly as one of only seven Councils in the Greater Metropolitan area deemed Fit for the Future.

Council has satisfied the scale and capacity criterion as the proposal submitted was consistent with the Independent Local Government Review Panel's preferred option to stand alone. Our ability to demonstrate a robust revenue base and scope to undertake new functions and major projects enabled Council to satisfy this criterion.

Governance

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GO10 – Fit for the Future

Council has satisfied the Sustainability criterion based on our forecast to meet the benchmarks for operating performance, own source revenue and building and infrastructure asset renewal ratios by 2019/20. Council's approved 4 year special rate variation is the primary reason for the improvement in our projected financial performance over time, allowing us to meet the benchmark for the operating performance ratio by 2019/20.

Council has satisfied the Infrastructure and Service Management criterion based on our forecast to meet the asset maintenance and debt service benchmarks by 2019/20. We have also forecast the infrastructure backlog ratio to fall from the current figure of 15.9% down to 11.7% by 2019/20 and then to eventually reach the desired benchmark of 2% by 2024/25.

Council has satisfied the Efficiency criterion based on declining real operating expenditure per capita. Wollondilly Shire Council is well positioned to respond to our community needs and expectations.

To ensure Council continues to deliver the projects and actions specified in our Delivery Program and Operational Plan, in particular the delivery of the Special Rate Variation funded infrastructure renewal projects, Council will be periodically required to report on our progress against the projected measures included within our "Fit for the Future" application. Council will also continue to implement service reviews and efficiencies through its Success Management business improvement and cultural change program and will regularly review Council's fees and charges. Council will also continue with the strong resource sharing program we have with our neighbouring Councils that has been established through the Macarthur Region of Council's (MACROC) and will continue to look for resource sharing and partnership opportunities with other government departments and agencies, to deliver optimum outcomes to meet the needs of our Community.

Council's adopted Delivery Program 2013/14 – 2016/17 and Operational Plan 2015/16 identifies the responsibility of Council officer's for each strategy listed in the Fit for the Future improvement plan and the Fit for the Future criteria.

The importance and significance of the Fit for the Future process is clearly reflected as a Delivery Program and Operational Plan strategy in the adopted Delivery Program 2013/14 – 2016/17 and Operational Plan 2015/16.

Report of Governance to the Ordinary Meeting of Council held on
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GO10 – Fit for the Future

CONSULTATION

The Fit for the Future information has featured in Council's adopted Integrated Planning and Reporting framework documents, Wollondilly Delivery Program 2013/14 - 2016/17 & Operational Plans 2014/15 & 2015/16. The Fit for the Future improvement plan lists all of our initiatives and is detailed in the Productivity Improvements and Cost Containment Strategies in the adopted Operational Plan 2015/16. The next review of the Wollondilly Community Strategic Plan in 2017 may incorporate new strategies to maintain our Fit for the Future status.

As noted previously, Council undertook an extensive community engagement process in late 2014 with 'Addressing Your Future Needs' to ensure that all target audiences were aware of Council's Special Rate Variation proposal.

FINANCIAL IMPLICATIONS

The IPART assessment has confirmed Council's projections that it is financially sustainable and able to continue into the future as a stand-alone Council. Thanks largely due to the effects of the recently approved special rate variation, the financial projections have achieved the "Fit for the Future" benchmark measures.

A "financially sustainable" Council is defined as being a Council which, over the long term, is able to generate sufficient funds to provide the level and scope of infrastructure and services agreed with its community through the Integrated Planning & Reporting Process.

Being assessed as "Fit for the Future" will give Council access to incentives and support such as cheaper finance options, simplified reporting requirements, priority access to State funding and grants and options for additional planning powers.

ATTACHMENTS

1. Extract regarding Wollondilly Shire Council from IPART's Assessment of Council's Fit for the Future Proposals

RECOMMENDATION

That Council respond to the NSW State Government welcoming the findings of the IPART report and confirming that Council intends to continue as a standalone Council.

Report of Governance to the Ordinary Meeting of Council held on
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GO10 – Fit for the Future

ATTACHMENT 1 - 8280 – 16 NOVEMBER 2015

IPART
New South Wales

Independent Pricing and Regulatory Tribunal

**Assessment of Council
Fit for the Future Proposals**

Local Government — Final Report
October 2015

Governance

Report of Governance to the Ordinary Meeting of Council held on
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GO10 – Fit for the Future

ATTACHMENT 1 - 8280 – 16 NOVEMBER 2015

WOLLONDILLY SHIRE COUNCIL – CIP

FIT			
Area (km ²)	2,560	Population 2011	44,600
OLG Group	6	(2031)	57,700
ILGRP Group	Sydney Metro		
Operating revenue (2013-14)	\$44.2m	TCorp assessment	Weak FSR Neutral Outlook
ILGRP options (preference in bold)	No change or combine as a strong JO with Liverpool, Fairfield, Bankstown, Camden, Campbelltown (shaded area) and possible long term merger/s with Camden/ Campbelltown/ Wingecaribee.		



Assessment summary	Scale and capacity	Satisfies
	Financial criteria:	Satisfies overall
	• Sustainability	Satisfies
	• Infrastructure and service management	Satisfies
	• Efficiency	Satisfies

Fit for the Future – FIT

- The council satisfies the scale and capacity criterion.
- The council satisfies the financial criteria overall. It satisfies the sustainability, infrastructure and service management and efficiency criteria.

Scale and capacity – satisfies

- The council proposal is consistent with the ILGRP's preferred option to stand alone.
- Given the ILGRP's preferred option, the council was not required to demonstrate how it met each of the elements of scale and capacity.
- However, the council meets some of the elements. In particular, it has a robust revenue base and scope to undertake new functions and major projects.
- Our analysis has not identified evidence for a better alternative to the council's proposal to stand alone.

Sustainability – satisfies

- The council satisfies the criterion for sustainability based on its forecast to meet the benchmarks for the operating performance, own source revenue and building and infrastructure asset renewal ratios by 2019-20.
- The council has an approved special rate variation from 2015-16 of 50.7% cumulative for 4 years (38.8% above the rate peg). This is the primary reason for the improvement in the council's financial performance over time, allowing it to just meet the benchmark for the operating performance ratio by 2019-20.

Infrastructure and service management - satisfies

- The council satisfies the criterion for infrastructure and service management based on its forecast to meet the asset maintenance and debt service benchmarks by 2019-20.
- The council has forecast an infrastructure backlog ratio of 11.7% by 2019-20 which does not meet the benchmark.

Efficiency - satisfies

- The council satisfies the criterion for efficiency based on declining real operating expenditure per capita.

Report of Governance to the Ordinary Meeting of Council held on
Monday 16 November 2015

GO10 – Fit for the Future

ATTACHMENT 1 - 8280 – 16 NOVEMBER 2015

Other relevant factors

Social and community context	Wollondilly notes it has a number of challenges including: a large area relative to its small population which results in high infrastructure costs, a large funding deficit of \$80m which is expected to be partially addressed through the approved SRV, and significant growth in its population over the next 30 years.
Community consultation	No details of community consultation for the Fit for the Future process were included in the proposal.
Water and/or sewer	The council does not have a water/sewer business.
Submissions	We received one submission in relation to Wollondilly Council's proposal. This submission was supportive of a merger with Camden or Campbelltown Councils as considerate states Wollondilly Council is performing poorly in relation to financial management and in progressing planning and development.

Governance

Infrastructure

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 16 November 2015

Relevance to the Community Strategic Plan

RELEVANCE TO COMMUNITY STRATEGIC PLAN - INFRASTRUCTURE

The reports contained within this section of the agenda outline actions and activities that contribute to the achievement of the outcomes as outlined in your Community Strategic Plan 2033.

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 16 November 2015

IN1 - Recommendations Local Traffic Committee Meeting - 21 October 2015

INFRASTRUCTURE

IN1 **Recommendations Local Traffic Committee Meeting - 21 October 2015**
52 TRIM 1087

EXECUTIVE SUMMARY

- The Local Traffic Committee met on Wednesday 19 August 2015 to consider a number of reports for traffic management in the Wollondilly Local Government Area and to submit the Recommendations for Councils consideration. The agenda papers were distributed to all Councillors.
- It is recommended that Council resolve to adopt the Recommendations of the Local Traffic Committee meeting of 19 August 2015.

REPORT

BACKGROUND

The Local Traffic Committee is a Technical Committee of Roads and Maritime Services. The Committee operates under the authority conferred to Council by the RMS under the Transport Administration Act 1988.

Council has been delegated certain powers from the RMS, with regard to traffic matters upon its local roads. A condition of this delegation is that Council must take into account the Traffic Committee recommendations.

There are four permanent members of the Traffic Committee, each of whom has a single vote only. The members are representatives of the NSW Police Force, the Roads and Maritime Services, the Local State Member of Parliament (for the location of the issue to be voted upon) and a representative of Council.

If the RMS or NSW Police Force disagrees with any Traffic Committee recommendation, or Council's resolution on any Traffic Committee recommendation, that member may lodge an appeal with the Regional Traffic Committee for determination.

CONSULTATION

Refer to Local Traffic Committee Agenda details included in the minutes.

FINANCIAL IMPLICATIONS

The proposals for Council projects contained within the Traffic Committee Agenda are able to be funded from Council's current budget allocations.

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 16 November 2015

IN1 - Recommendations Local Traffic Committee Meeting - 21 October 2015

ATTACHMENTS

The Minutes of the Local Traffic Committee meeting of 21 October 2015 have been distributed, are available in the Mayor's Office and are on the Council website. Copies will be tabled at the Council meeting.

RECOMMENDATION

That Council resolve to adopt the Recommendations of the Local Traffic Committee Meeting of 21 October 2015 as follows:

1. **Thirlmere Festival of Steam 2016 – Request for temporary Road Closures**
52 TRIM 2487

RECOMMENDATION
T19/15

That Council approve road closures of the following streets:

1. Oaks Street from the railway crossing to Carlton Rd
2. Westbourne Avenue from South St. to Oaks St
3. Barbour Road from Oaks Street to Close Street
4. Mason Street from Barbour Road to Goodlet St. (proposed to be used for accessible parking)
5. Westbourne Avenue from South Street to Oaks Street
6. Goodlet Street and a small section of Oaks Street between Goodlet Street and Carlton Road for 30mins only at 1.00pm for the traditional street parade.

In Thirlmere, between the hours of 8:00am and 5:00pm on Sunday, 6 March 2016 for the staging of the Thirlmere Festival of Steam 2016 subject to the requirements for the issue of a permit for "Road Event – Road Closure".

Report of Infrastructure to the Ordinary Meeting of Council held on Monday 16 November 2015

IN1 - Recommendations Local Traffic Committee Meeting - 21 October 2015

2. **Request to extend existing No Stopping (R5-400) zone in front of BP Service Station on Railside Ave, Bargo near Nooral St junction**
52 TRIM 1093

RECOMMENDATION
T20/15

That Council endorse the proposal for the adjustment to the existing and the proposed new “No Stopping” zone of 4m either side of the northern access and reduced (from 6.5m) to 4m from the northern side of the southern access of the BP service station at 116–118, Railside Ave, Bargo.

NOTICE OF MOTION

Notice of Motion to the Ordinary Meeting of Council held on Monday 16 November 2015

NOTICE OF MOTION

TRIM 6416-5

NOM1 **Notice of Motion No. 1 submitted by Cr Law on 7 October 2015 regarding support for Save our Council's Coalition (SOCC)**

RECOMMENDATION

1. That Wollondilly Council support the following aims of the Save our Council's Coalition:
 - To keep our local councils local.
 - To ensure that the NSW State Government keeps its promise of "No forced amalgamations".
 - That where a merger is proposed, a valid referendum be held of all electors in each affected local government area.
2. That Council write to the Save our Council's Coalition advising of this resolution.

QUESTIONS FOR NEXT MEETING

Questions for Next Meeting to the Ordinary Meeting of Council held on Monday
16 November 2015

QUESTIONS FOR NEXT MEETING