



AGENDA

Ordinary Council Meeting

Tuesday, 19 September 2023

I hereby give notice that an Ordinary Council Meeting will be held on:

Date: Tuesday, 19 September 2023

Time: 10:00 AM

**Location: Council Chambers, Estates Building Cressy Street
Deniliquin**

**Philip Stone
Chief Executive Officer**

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1. OPENING MEETING**2. ATTENDANCE****3. LIVE STREAMING STATEMENT**

Edward River Council wishes to advise members of the public that Council Meetings will be recorded and will be available after each meeting on Council's website [Councils Website](#). All care will be taken to maintain the privacy of those in attendance, however As a visitor in the public gallery, your presence may be recorded. By remaining In the public gallery, it is assumed your consent is given in the event your image is broadcast. This includes any filming by television cameras if attendance is approved by the Chief Executive Officer or Mayor.

4. ACKNOWLEDGEMENT OF COUNTRY

The Edward River Council acknowledges and embraces the Traditional Owners of the Lands within the Edward River Council area - the Wamba Wamba/Perrepa Perrepa Peoples – and pay our respects to their elders, past, present, and emerging. The Edward River Council also recognises the diversity of different cultures within our community and their contribution.

5. STATEMENT OF PURPOSE

I have come here as a Councillor freely and without bias to:

- Represent the views of the community in considering the matters before us today
- To vote in a matter I consider to be in the best interest of the community
- To observe the Code of Conduct and respect the rule of the chair and views of my fellow Councillors.

6. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

7. CONFIRMATION OF MINUTES

7.1. DRAFT MINUTES ORDINARY COUNCIL MEETING 15 AUGUST 2023

Author: Executive Assistant

Authoriser: Chief Executive Officer

RECOMMENDATION

That Council accept the Draft Minutes of the Ordinary Council Meeting held 15 August 2023 as a true and correct record.

COMMUNITY STRATEGIC PLAN

5. Accountable leadership and responsive administration

5.1 Collaborative and Engaged

5.2 Financially sustainable

5.3 Professional Workplace culture

FINANCIAL IMPLICATIONS

Nil

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

Draft Minutes Ordinary Council Meeting 15 August 2023



MINUTES

Ordinary Council Meeting

Tuesday, 15 August 2023

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ORDINARY COUNCIL MEETING MINUTES

TUESDAY, 15 AUGUST 2023

1. OPENING MEETING

The meeting opened at 10am with a message by the Mayor, Cr Peta Betts.

On behalf of Edward River Council we extend our heartfelt condolences to the soldiers family members and to the wider Australian Defence Force family following the recent helicopter tragedy in Queensland.

2. ATTENDANCE

Present: Mayor Betts, Deputy Mayor Paul Fellows, Cr Linda Fawns, Cr Harold Clapham, Cr Shirlee Burge, Cr Marc Petersen, Cr Pat Fogarty, Cr Shannon Sampson, Cr Tarria Moore.

In Attendance: Chief Executive Officer, Director Corporate Services, Director Infrastructure, Acting Chief Financial Officer, Acting Senior Governance Officer, Executive Assistant to the CEO

Gallery Members: 3. A further gallery member entered the Chambers at 10.25am bringing the total in the Gallery to 4.

3. LIVE STREAMING STATEMENT

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- Represent the views of the community in considering the matters before us today
- To vote in a matter I consider to be in the best interest of the community
- To observe the Code of Conduct and respect the rule of the chair and views of my fellow Councillors.

6. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

ORDINARY COUNCIL MEETING MINUTES

TUESDAY, 15 AUGUST 2023

7. CONFIRMATION OF MINUTES

7.1. DRAFT MINUTES ORDINARY COUNCIL MEETING 18 JULY 2023

Moved: Deputy Mayor Cr Paul Fellows

Seconded: Cr Pat Fogarty

RESOLUTION 2023/0815/7.1

That Council accept the Draft Minutes of the Ordinary Council Meeting held 18 July 2023 with minor spelling amendments, as a true and correct record.

CARRIED

8. DISCLOSURES OF INTERESTS

12.2 Local Government Heritage Grants - Mayor Cr Peta Betts declared a Non-Pecuniary Less than significant interest and will leave the Chambers during the debate.

9. MAYORAL MINUTE(S)

Nil

10. URGENT ITEMS OF BUSINESS

Cr Shirlee Burge proposed an urgent item of business regarding a request for a meeting of Councillors on a matter which she considered serious.

The Chair ruled that the matter was not urgent.

11. REPORTS OF COMMITTEES

11.1. MINUTES FOR AIRPORT ADVISORY COMMITTEE - TUESDAY, 25 JULY 2023

Moved: Cr Linda Fawns

Seconded: Cr Shannon Sampson

RESOLUTION 2023/0815/11.1

That Council note the Minutes of the Airport Advisory Committee Meeting held 25 July 2023.

CARRIED

ORDINARY COUNCIL MEETING MINUTES**TUESDAY, 15 AUGUST 2023****11.2. MINUTES ABORIGINAL LIAISON COMMITTEE - WEDNESDAY 26 JULY 2023**

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/0815/11.2

That Council notes the draft minutes of the Aboriginal Liaison Committee meeting held Wednesday 26 July 2023.

CARRIED**11.3. MEMORIAL PARK USER GROUP MINUTES - 26 JULY 2023**

Moved: Cr Marc Petersen

Seconded: Cr Linda Fawns

RESOLUTION 2023/0815/11.3

That the minutes of the Memorial Park User Group meeting held 26th July 2023 were tabled and read as true and correct record.

CARRIED**11.4. SALEYARDS ADVISORY COMMITTEE MINUTES - 27TH JULY 2023**

Moved: Cr Marc Petersen

Seconded: Cr Linda Fawns

RESOLUTION 2023/0815/11.4

That the minutes of the Saleyards Advisory Committee meeting held 27th July 2023 were tabled and read as true and correct record.

CARRIED**12. REPORTS TO COUNCIL****12.1. LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 12-14 NOVEMBER 2023**

Moved: Cr Marc Petersen

Seconded: Cr Tarria Moore

RESOLUTION 2023/0815/12.1

That Council approve the attendance of the Mayor, Chief Executive Officer, Cr Marc Petersen and Cr Shannon Sampson at the Local Government NSW Annual Conference taking place from 12 to 14 November 2023 at the Rosehill Gardens Racecourse Sydney.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

TUESDAY, 15 AUGUST 2023

12.2. LOCAL GOVERNMENT HERITAGE GRANTS - LOCAL HERITAGE FUND 2023/24

Mayor Cr Peta Betts left the Chambers at 10.11am and Deputy Mayor Cr Paul Fellows took the Chair.

Moved: Cr Marc Petersen

Seconded: Cr Shirlee Burge

RESOLUTION 2023/0815/12.2

That Council funds the following projects as part of the Local Heritage Fund 2023-2024:

- (a) 115 End Street, Local Heritage Fund contribution being \$5,000, and
- (b) 138 End Street, Local Heritage Fund contribution being \$ 804.

CARRIED

Mayor Betts returned to the Chambers at 10.16am and resume the Chair.

12.3. DA2022/0095 - CHILDCARE CENTRE - 400 WOOD STREET, DENILIQUN

Moved: Cr Harold Clapham

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/0815/12.3

That Council resolves to: -

1. APPROVE the development application 2022/0095 for a Childcare Centre, on Lot 1 DP 323712, 400 Wood Street, Deniliquin as shown on plans numbered DA00.00, DA02.01, DA03.01, DA03.02, DA04.01, DA05.01, DA06.01, DA06.02 & DA06.03 and described in details accompanying the Development Application, in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the following reasons:
 - a) The application complied with the applicable planning controls and has demonstrated to have a satisfactory effect on the environment.
 - b) The application is compliant with the key planning provisions contained within the DLEP 2013 and the Deniliquin Development Control Plan 2016.
 - c) The proposal is appropriate on the site given the existing character of the area.
 - d) The development will have no significant adverse impacts on the natural or built environments.
2. Impose conditions as per Attachment 1

Division:

For: Deputy Mayor Cr Paul Fellows; Cr Linda Fawns; Cr Harold Clapham; Cr Shirlee Burge; Cr Marc Petersen; Cr Pat Fogarty; Cr Shannon Sampson; Cr Tarria Moore; Mayor Cr Peta Betts

Against: Nil

CARRIED 8/0

ORDINARY COUNCIL MEETING MINUTES

TUESDAY, 15 AUGUST 2023

12.4. DEVELOPMENT SERVICES ACTIVITY REPORT JULY 2023

Moved: Cr Pat Fogarty

Seconded: Cr Linda Fawns

RESOLUTION 2023/0815/12.4

That Council receive and note the July 2023 Development Services Activity Report.

CARRIED**12.5. DRAFT COMMUNICATIONS & COMMUNITY ENGAGEMENT STRATEGY FOR PUBLIC EXHIBITION**

Moved: Deputy Mayor Cr Paul Fellows

Seconded: Cr Pat Fogarty

RESOLUTION 2023/0815/12.5

That Council:

1. Endorses the draft Communications & Community Engagement Strategy (CCES) for public exhibition for a minimum period of 28 days commencing Friday 18 August 2023
2. Receive a further report on outcomes of the public exhibition
3. Authorise the Chief Executive Officer to make any necessary amendments to the documents which do not alter the intent or result in material changes to these documents in preparation for public exhibition, including the graphic design of the draft Communications & Community Engagement Strategy.

CARRIED**12.6. AGENCY INFORMATION GUIDE**

Moved: Cr Pat Fogarty

Seconded: Cr Tarria Moore

RESOLUTION 2023/0815/12.6

That Council adopt the Council Information Guide 2023-24.

CARRIED

Manager Development Services left the Chambers at 10.31am

12.7. DELIVERY PROGRAM PROGRESS REPORT - JANUARY TO JUNE 2023

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/0815/12.7

That Council receive and note the six-monthly Delivery Program progress report for the period January to June 2023.

CARRIED

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ORDINARY COUNCIL MEETING MINUTESTUESDAY, 15 AUGUST 2023

12.8. MAJOR PROJECTS REPORT - JULY 2023

Moved: Cr Harold Clapham

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/0815/12.8

That Council receive and note the Major Projects Program – Progress Report for July 2023

CARRIED**12.9. INVESTMENT AND RESERVES REPORT - JULY 2023**

Moved: Cr Linda Fawns

Seconded: Cr Tarria Moore

RESOLUTION 2023/0815/12.9

That Council:

1. Note and receive the July 2023 report on Investments totalling \$45,599,487 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of July 2023 was \$140,324.
3. Note that total interest earned for the year to 31 July 2023 is \$140,324.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

CARRIED**12.10. RESOLUTIONS OF COUNCIL**

Moved: Cr Harold Clapham

Seconded: Cr Pat Fogarty

RESOLUTION 2023/0815/12.10

That Council note the information in the Resolutions of Council as at 2 August 2023.

CARRIED**12.11. MAYOR, COUNCILLOR, CEO MEETINGS JULY 2023**

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

RESOLUTION 2023/0815/12.11

That Council

1. Note meetings attended on behalf of Council by the Mayor, Councillors and Chief Executive Officer during the month of July 2023.
2. Continue to advise the Chief Executive Officer's Executive Assistant of their meeting diaries and activities attendance.

CARRIED

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ORDINARY COUNCIL MEETING MINUTES

TUESDAY, 15 AUGUST 2023

13. NOTICES OF MOTIONS

Nil

14. QUESTIONS WITH NOTICE

Nil

15. CONFIDENTIAL MATTERS

Nil

16. CLOSE OF MEETING

Mayor Cr Peta Betts closed the meeting at 10.51am

8. DISCLOSURES OF INTERESTS

9. MAYORAL MINUTE(S)

10 MAYORAL ELECTION**10.1. ELECTION PROCEDURES: MAYOR AND DEPUTY MAYOR ELECTION**

Author: Senior Governance Officer

Authoriser: Director Corporate Services

RECOMMENDATION

That Council, in accordance with the Local Government (General) Regulation 2021:

1. Note that the Chief Executive Officer will assume the Meeting chair as Returning Officer until the conclusion of the election
2. Determine that the method of voting for the election of the Mayor and Deputy Mayor, should the Returning Officer receive more than one nomination for either role, be by Ordinary Ballot (secret ballot)
3. Elect a Mayor for the remainder of the Council term
4. Elect a Deputy Mayor for the remainder of the Council term.

BACKGROUND

The *Local Government Act 1993* requires that 'mid-term' elections of Mayors by councillors must occur during September. At its January 2022 Meeting, Council resolved that the Deputy Mayor's term corresponds to that of the Mayor (Resolution 220111/7.2). The Local Government (General) Regulation 2021 outlines the procedure councils must follow for the election of Mayor and Deputy Mayor.

The Office of Local Government has issued a Circular to Councils and a Fact Sheet to confirm these procedures and advises that the term of office of councillors elected to the positions of Mayor and Deputy Mayor will automatically expire on 14 September 2024, when their term as councillor expires.

ISSUE/DISCUSSION

Schedule 7 of the Regulation prescribes three methods of election of Mayors and Deputy Mayors:

- open ballot (eg a show of hands)
- ordinary ballot (secret ballot)
- preferential ballot.

This report recommends an ordinary ballot, consistent with the method used at the beginning of this Council term to elect the Mayor and Deputy Mayor. This method requires all voting councillors to be physically present in the Council Chamber for the vote.

The Regulation notes that the General Manager (Chief Executive Officer) or their nominee is to be the Returning Officer for the Mayoral election.

A nomination form is attached to this report and will be circulated under separate cover to all councillors. Nomination forms may be received by the Returning Officer at any time until the close of nominations is called at the Council Meeting.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from this report.

COMMUNITY STRATEGIC PLAN

The election of Mayor and Deputy Mayor for Edward River Council supports Council to achieve the following Community Strategic Plan objective:

5. Accountable leadership and responsive administration

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGISLATIVE IMPLICATIONS

The proposed procedure for the election of Mayor and Deputy Mayor is in line with the requirements of:

- section 290 of the *Local Government Act 1993*
- clause 394 and Schedule 7 of the Local Government (General) Regulation

ATTACHMENTS

The following attachments are included for this report:

- Circular to Councils 23-09: September 2023 mayoral elections
- Fact Sheet: Election of Mayor and Deputy Mayor by councillors
- Nomination forms
- Ballot papers

Attachment 1 - Circular to Councils 23-09 - September 2023 mayoral elections

Circular Details	23-09 / 01 August 2023 / A869189
Previous Circular	21-24 September 2021 Mayoral elections
Who should read this	Councillors / General Managers / Governance staff
Contact	Council Governance Team / 02 4428 4100/ olg@olg.nsw.gov.au
Action required	Council to Implement

September 2023 mayoral elections

What's new or changing

- Councils that elect their mayors are required under section 290(1)(b) of the *Local Government Act 1993* (the Act) to hold mid-term mayoral elections in September 2023.
- Mayors elected in September 2023 will hold their office until council elections are held on 14 September 2024.
- Deputy mayors hold their office for the term specified by the council's resolution. An election for deputy mayor should be held when the deputy mayor's term expires.

What this will mean for your council

- Mayoral elections must be conducted in accordance with Schedule 7 of the *Local Government (General) Regulation 2021*.
- Schedule 7 prescribes three methods of election of mayors:
 - open ballot (eg a show of hands)
 - ordinary ballot, or
 - preferential ballot.
- Councillors can participate in mayoral elections using an open ballot by audio visual link but not where the other two methods of election are used.
- Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person to vote if the mayoral election is held using either of these methods.

Key points

- Mayors elected by councillors normally hold their office for two years (unless a casual vacancy occurs). Because of the postponement of the last ordinary council elections to 4 December 2021, mayors elected by councillors during this term will have a shorter term than the usual two years.
- Councils that elect their mayors are required under the Act to hold mid-term mayoral elections in the month of September. This means that the mid-term mayoral elections will need to be held in September 2023.
- The term of office of mayors elected in September 2023 will automatically expire on 14 September 2024, when their term as a councillor expires.

Where to go for further information

- The Office of Local Government has issued a fact sheet on conducting mayoral elections, which is available [here](#).
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au



Brett Whitworth
Deputy Secretary, Local Government

Attachment 2 - Fact Sheet - election of mayor and deputy mayor by councillors

Fact Sheet

ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS



Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

Procedures

Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.

In accordance with the Local Government (General) Regulation 2005, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

Note: In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.

Each councillor is entitled to vote for only one candidate in each round of voting.

I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

Would those councillors voting for [name of candidate] please raise your hand.

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the

names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

[Name of candidate], having the lowest number of votes, is excluded.

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

[Name of candidate], having the lowest number of votes, is excluded.

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.

Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Preferential ballot

The returning officer explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

[Name of candidate], having the lowest number of first preference votes, is excluded.

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Schedule 7 - Election of Mayor by Councillors

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:
ballot has its normal meaning of secret ballot.
open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot**8 Application of Part**

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. That candidate is elected.
- (4) In this clause, "**absolute majority**", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 General**12 Choosing by lot**

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a) to be declared to councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.

Attachment 3 - Mayoral elections 2023 - ballot paper - Mayor



**Edward
River**
COUNCIL

180 Cressy Street Deniliquin NSW 2710
T: 03 5898 3000 F: 03 5898 3029
council@edwardriver.nsw.gov.au
www.edwardriver.nsw.gov.au

ABN 90 407 359 958
Address all correspondence to:
General Manager, PO Box 270
Deniliquin NSW 2710

Ordinary Ballot Paper for the Election of the Mayor

(election date: 19 September 2023)

Instructions:

Place the name of the nominated councillor/s in order of your choice, below:

1.

2.

3.

If you make a mistake or wish to change your preferences before submitting this ballot paper to the Returning Officer, please request a new form. Only one ballot may be submitted for counting.

Certification of ballot paper:
(initials of Returning Officer on issuing ballot paper)

Attachment 4 - Mayoral elections 2023 - ballot paper - Deputy Mayor



**Edward
River**
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ABN 90 407 359 958
Address all correspondence to:
General Manager, PO Box 270
Deniliquin NSW 2710

**Ordinary Ballot Paper for
the Election of the Deputy Mayor**

(election date: 19 September 2023)

Instructions:

Place the name of the nominated councillor/s in order of your choice, below:

1.

2.

3.

If you make a mistake or wish to change your preferences before submitting this ballot paper to the Returning Officer, please request a new form. Only one ballot may be submitted for counting.

Certification of ballot paper:
(initials of Returning Officer on issuing ballot paper)

Attachment 5 - Mayoral elections 2023 - Nomination form - Mayor(1)



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River**
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ABN 90 407 359 958
Address all correspondence to:
General Manager, PO Box 270
Deniliquin NSW 2710

Nomination for the position of Mayor

(election date: 19 September 2023)

We hereby nominate Councillor
for the position of MAYOR for the period 19 September 2023 to 14 September
2024

Cr Signature.....
(print name)

Cr Signature.....
(print name)

I hereby consent to being nominated for the position of MAYOR for the period 19
September 2023 to 14 September 2024

Cr Signature.....
(print name)

Attachment 6 - Mayoral elections 2023 - Nomination form - Deputy Mayor(1)



**Edward
River**
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www.edwardriver.nsw.gov.au

ABN 90 407 359 958
Address all correspondence to:
General Manager, PO Box 270
Deniliquin NSW 2710

Nomination for the position of Deputy Mayor

(election date: 19 September 2023)

We hereby nominate Councillor
for the position of DEPUTY MAYOR for the period 19 September 2023 to 14
September 2024

Cr Signature.....
(print name)

Cr Signature.....
(print name)

I hereby consent to being nominated for the position of DEPUTY MAYOR for the
period 19 September 2023 to 14 September 2024

Cr Signature.....
(print name)

11. REPORTS OF COMMITTEES

11.1. MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETINGS 8 AUGUST AND 4 SEPTEMBER 2023

Author: Manager Community & Economy

Authoriser: Director Corporate Services

RECOMMENDATION

That Council:

1. Receives the draft Minutes of the Arts and Culture Advisory Committee meeting held on 8 August 2023 and the extraordinary meeting held on 4 September 2023.
2. Consider the recommendation of the extraordinary meeting held on 4 September being the funding of a consultant to develop an arts and culture strategy with the committee as a key stakeholder, through a \$20K budget allocation either:
 - a) at the September quarterly budget review for delivery in the 23/24 financial year or
 - b) in the 2024/25 Operational Plan and Budget, for delivery in the 24/25 financial year.
3. Endorse the resolutions of the Arts & Culture Advisory Committee meetings held on 8 August 2023 and 4 September 2023.

BACKGROUND

The Arts & Culture Advisory Committee was established by Council resolution to provide advice to Council on arts and cultural policy and on priorities for arts and cultural activities that will enhance community well-being, social connectedness, cultural and economic activity and liveability in the Edward River region.

ISSUE/DISCUSSION

At its 8 August meeting the committee participated in an induction where they were introduced to key council governance policies including Council's Code of Conduct, Media and Social Media policies and the Code of Meeting Practice as they apply to the committee.

The committee then elected David Schoeffel "The Baron" as its chair for its term by simple majority vote.

The committee confirmed its meeting schedule and also resolved to hold an extraordinary meeting on Monday 4 September for the purpose of confirming the focus and work of the committee for the next 12 months.

The committee resolved to include a standing item on its agenda to discuss the ongoing promotion of art and cultural activities and events in order to achieve maximum participation from community and visitors.

At its extraordinary meeting on 4 September the Committee determined its work plan for its tenure which concludes at the end of this Council term, which included the following:

- the development of an arts and culture strategy as a priority, and this report includes a recommendation from the committee to council for funding consideration
- engaging as a key stakeholder in the development of the Edward River Growth Strategy from a creative economy perspective

- engaging in the development of the 2024-25 Operational Plan and Budget from an arts and cultural perspective
- determining and reviewing collaborative marketing initiatives to grow audience participation in arts and cultural activities and events

STRATEGIC IMPLICATIONS

The Arts and Culture Advisory Committee provides council with advice on strategic initiatives relating to the creative economy in the Edward River Council region.

COMMUNITY STRATEGIC PLAN

2. An open and connected community
 - 2.3 Cultural and personal links
3. Encouraging growth through partnerships
 - 3.2 Economic development
 - 3.3 The Edward River Experience
5. Accountable leadership and responsive administration
 - 5.1 Collaborative and Engaged

FINANCIAL IMPLICATIONS

The facilitation of the committee has resourcing impacts on staff which are funded through the existing 2023-24 Operational Plan and budget.

The development of an arts and culture strategy for Edward River Council is currently an unfunded project in the 2023-24 Operational Plan. The committee is recommending that council consider either allocating funding through the quarterly budget review process in this financial year or considering prioritising the funding of this work in the budget and Operational Plan development for 2024-25.

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

1. Draft Minutes of the Arts & Culture Advisory Committee Meeting held 8 August 2023.
2. Draft Minutes of the Arts & Culture Advisory Committee Meeting held 4 September 2023.

Attachment 1 - ECM_265878_v4_ Public Minutes for Arts & Culture Advisory Committee 17-30 PM - Tuesday, 8 August 2023



MINUTES

Arts & Culture Advisory Committee

Tuesday, 08 August 2023

I hereby give notice that an Arts & Culture Advisory Committee will be held on:

Date: Tuesday, 08 August 2023
Time: 5:30 PM
Location: Deniliquin Town Hall Meeting Room

Philip Stone
Chief Executive Officer

Order of Business

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ARTS & CULTURE ADVISORY COMMITTEE MINUTES**TUESDAY, 08 AUGUST 2023**

1. MEETING OPEN

The meeting opened at 5:36pm.

2. ATTENDANCE AND APOLOGIES

Present: Manager Community and Economic Development, Cr Tarria Moore (Councillor delegate), Cr Marc Petersen (alternate Councillor delegate), Bronwyn Bathgate – Artlife (Art and Pottery Group), Matthew Johnson – Kurrajong, Sarah Parsons – Outback Theatre for Young People, Vicki Lowry – Deni Play on the Plains Festival Ltd, Deidre Hamilton – Yarkuwa, David Crew – Yarkuwa, Helen Thompson – U3A, Tina Pisasale – Deniliquin Dramatic Club, Narelle Whitham – South West Arts, Paul Young – South West Music, Kerry-Ann Jones - South West Arts, Ginny Reid – Edward River Arts Society (ERAS - Riverbend Gallery), Mel Anderson – Community representative, David Schoeffel “The Baron” – Community representative, Kate Butler - Community representative

In Attendance: Director Corporate Services, Community Projects Officer, Mayor Peta Betts

Apologies: Kerry-Ann Jones - South West Arts, Kate Butler - Community representative

3. ACKNOWLEDGEMENT OF COUNTRY

Mayor Peta Betts left the meeting at 5:48pm after welcoming the committee and opening the meeting with an Acknowledgement of Country.

4. COMMITTEE WELCOME AND ONBOARDING**RESOLUTION 2023/0808/4**

That the committee note:

1. The advisory nature of the committee and how the work of the committee constitute recommendations to Council for consideration
2. The standards of behaviour required by committee members as set out in Council's Code of Conduct
3. The provisions of Council's Media and Social Media policies as they apply to the committee
4. The provisions of Council's Code of Meeting Practice as they apply to the committee

5. CONFIRMATION OF PREVIOUS MINUTES

There were no previous minutes to confirm.

6. ACTIONS ARISING

There were no previous actions to review.

7. REPORTS**7.1. TERMS OF REFERENCE****RESOLUTION 2023/0808/7.1**

ARTS & CULTURE ADVISORY COMMITTEE MINUTES**TUESDAY, 08 AUGUST 2023**

That the Edward River Council Arts & Culture Advisory Committee Members review and note the Terms of Reference for the Committee.

7.2. APPOINTMENT OF CHAIR**RESOLUTION 2023/0808/7.2**

That the Committee:

1. Confirm the Returning Officer for the election of Chair as the Community Projects Officer
2. Call for nominations from members for the position of Chair
3. Elect a Chair by way of a simple majority vote for the period ending with the 2024 Local Government Election should there be more than one nomination.

Two nominations for the position of Chair were received being:

- Cr Moore
- David Schoeffel

Voting was conducted, the results being:

- Cr Moore - 6 votes
- David Schoeffel - 8 votes

4. Confirmed David Schoeffel as Chair by way of majority vote.

7.3. DETERMINATION OF MEETING DAYS AND TIMES**RESOLUTION 2023/0808/7.3**

That the Committee:

1. Confirm that 5.30pm - 7pm on the third Monday in February, May, August and November of each year as it's standing meeting schedule.
2. Confirm the requirement for an extraordinary meeting of the Committee be held on Monday September at 5.30pm - 7pm for the purpose of confirming the work and focus of the Committee for the next 12 months.

8. GENERAL BUSINESS**8.1. COMMITTEE PRIORITIES TO SEPTEMBER 2024****RESOLUTION 2023/0808/8.1**

That the Committee commit to undertaking the following actions in preparation for the extraordinary meeting on 4 September:

1. Research Council arts and culture strategies to identify similarities and opportunities and to better understand the scope of this work

ARTS & CULTURE ADVISORY COMMITTEE MINUTES

TUESDAY, 08 AUGUST 2023

2. Identify all cultural groups in the Edward River Council area to build a comprehensive list of art and culture stakeholders.
3. Consider what priority work the committee should commit to in the development of its workplan for it's term.
4. Explore and consider training opportunities for the Committee members and wider arts and culture sector.

8.2. 'WHAT'S ON' EVENT CALENDAR

RESOLUTION 2023/0808/8.2

That the Committee include as a standing item on the agenda a discussion on upcoming art and cultural activities and events.

9. MEETING CLOSE

Meeting closed at 7pm.

Attachment 2 - ECM_269480_v1_ Public Minutes for Arts & Culture Advisory Committee 17-30 PM - Monday, 4 September 2023



MINUTES

Arts & Culture Advisory Committee

Monday, 04 September 2023

I hereby give notice that an Arts & Culture Advisory Committee will be held on:

Date: Monday, 04 September 2023

Time: 5:30 PM

Location: Deniliquin Town Hall Meeting Room

**Philip Stone
Chief Executive Officer**

ARTS & CULTURE ADVISORY COMMITTEE MINUTES

MONDAY, 04 SEPTEMBER 2023

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9. CLOSE OF MEETING5

ARTS & CULTURE ADVISORY COMMITTEE MINUTES**MONDAY, 04 SEPTEMBER 2023****1. OPEN MEETING**

Meeting opened at 5.33pm

In Attendance: Manager Community & Economy, David Schoeffel "The Baron" (Chair, Community representative), Cr Tarria Moore (Councillor representative), Sarah Parsons (Outback Theatre for Young People), Kate Butler (Community representative), Kerry-Ann Jones (South West Arts), Narelle Whitham (Community representative), Mel Anderson (Community representative), Helen Thompson (U3A), Bronwyn Bathgate (ArtLife), Paul Young (South West Music), Tina Pisasale (Deniliquin Dramatic Club), Phil Stone (CEO), Shelley Jones (Director Corporate Services), Chris Bodey (Community Projects Officer)

2. ACKNOWLEDGEMENT OF COUNTRY

The Chair opened the meeting with an Acknowledgement of Country.

3. APOLOGIES**RESOLUTION 2023/0904/3:**

That apologies were received from Vicky Lowry (Deni Play on the Plains Festival Ltd), Matthew Johnson (Kurrajong), and David Crew and Deidre Hamilton (Yarkuwa)

Moved: Cr Tarria Moore

Seconded: Narelle Whitham

CARRIED

4. DISCLOSURE OF INTEREST

Nil

5. CONFIRMATION OF MINUTES**5.1. PREVIOUS MEETING MINUTES****RESOLUTION 2023/0904/5.1**

That the Arts & Culture Advisory Committee approve the minutes of the previous meeting held on 8th August 2023 as a true and accurate record.

Moved: Sarah Parsons

Seconded: Cr Tarria Moore

CARRIED

6. ACTIONS ARISING**6.1. ARTS & CULTURE ADVISORY COMMITTEE ACTION PLAN****RESOLUTION 2023/0904/6.1**

That the Arts & Culture Advisory Committee receive and note the report on the status of the actions arising from the Arts & Culture Advisory Committee meetings.

Moved: Narelle Whitham

Seconded: Kerry-Anne Jones

Page 3

ARTS & CULTURE ADVISORY COMMITTEE MINUTES**MONDAY, 04 SEPTEMBER 2023**

CARRIED

6.2. ACTIONS ARISING**7. REPORTS****7.1. PROPOSED COMMITTEE WORK PLAN****RESOLUTION 2023/0904/7.1**

That the Committee endorse an agreed work plan for its tenure concluding September 2024 with the inclusion of the following activities:

(a) recommend to Council the funding of a consultant to develop an arts and culture strategy with the committee as a key stakeholder through a \$20K allocation either:

- (i) to the September quarterly budget review for delivery in the 23/24 financial year; or
- (ii) in the 2024/25 Operational Plan and Budget, for delivery in the 24/25 financial year.

(b) Key stakeholder engagement on the Edward River Growth Strategy 2050 as the focus of the November 2023 meeting;

(c) Consideration of the draft 2024/25 ERC Operational Plan and Budget and preparation of a submission to council if required as the focus of the February 2024 meeting;

(d) Review of the collaborative marketing initiatives undertaken to date, in the spirit of continuous improvement as a focus of the May 2024 meeting;

(e) Consideration of an ERC Arts & Culture Strategy (if funded) or other issues arising as the focus of the August 2024 meeting; and

(f) discussion on collaborative marketing opportunities as a standard agenda item at every meeting.

Moved: Narelle Whitham

Seconded: Kerry-Anne Jones

CARRIED

7.2. COUNCIL'S 2023/24 COMMITMENT TO ARTS & CULTURE**RESOLUTION 2023/0904/7.2**

That the Committee note Council's current 2023/24 financial year commitments to the arts and culture sector with the following additions:

1. The cultural facility currently housing Outback Theatre for Young People owned by council
2. The Edward River Library
3. The NAIDOC Week colouring competition

Moved: Kate Butler

Seconded: Paul Young

CARRIED

7.3. GENERAL BUSINESS**RESOLUTION 2023/0904/7.3**

That the Committee note the other items of business discussed, being the coordination of a committee social event for the purpose of relationship building.

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ARTS & CULTURE ADVISORY COMMITTEE MINUTES

MONDAY, 04 SEPTEMBER 2023

8. CORRESPONDENCE

Nil

9. CLOSE OF MEETING

Meeting closed at 7.06pm

11.2. DRAFT MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 10 AUGUST 2023 AND 12 SEPTEMBER 2023

Author: Executive Assistant Corporate Services

Authoriser: Director Corporate Services

RECOMMENDATION

That Council:

1. Receives the draft Minutes of the Audit, Risk & Improvement Committee meeting held on 10 August 2023, and endorse the resolutions of that meeting
2. Receives the draft Minutes of the extraordinary Audit, Risk & Improvement Committee meeting held on 12 September, and endorse the resolutions of that meeting.

BACKGROUND

The Audit, Risk & Improvement Committee (ARIC) is a committee of Council, established to provide independent oversight and review to support Council to continually improve, appropriately address risks and work towards sustainability.

ISSUE/DISCUSSION

The 10 August ARIC meeting included discussion on the following:

- draft Strategic Internal Audit Plan
- draft Annual Internal Audit Plan
- update on Procurement Audit progress
- draft 2022-23 Interim Audit letter and management responses
- financial impacts of receiving the 23-24 Financial Assistance Grants 100% in advance
- external network penetration test outcomes
- major projects update
- implementation plan for the ARIC membership to comply with the new requirements established by the State Government for the membership and function of ARIC committees

The 12 September extraordinary ARIC meeting was held for the purpose of reviewing the draft 2022-23 Financial Statements and to recommend to Council that the statements proceed to audit. The ARIC committee made several recommendations in relation to the draft financial statements which are outlined in the minutes of this meeting.

STRATEGIC IMPLICATIONS

ARIC review of a range of Council processes, plans and policies and provides an opportunity for organisational risks and improvements to be discussed and actioned in a timely way.

COMMUNITY STRATEGIC PLAN

5. Accountable leadership and responsive administration

5.1 Collaborative and Engaged

5.2 Financially sustainable

5.3 Professional Workplace culture

FINANCIAL IMPLICATIONS

The independent members of the Audit, Risk and Improvement Committee are paid a fee to fulfill their obligations. This is included in the annual budget.

LEGISLATIVE IMPLICATIONS

The Audit, Risk & Improvement Committee supports Council to meet its obligations under section 428A of the *Local Government Act 1993*.

ATTACHMENTS

1. Minutes for Audit, Risk and Improvement Committee Meeting held 10 August 2023
2. Minutes for Audit, Risk and Improvement Extraordinary Committee Meeting held 12 September 2023

Attachment 1 - ECM_267500_v2_ Public Minutes for Audit, Risk and Improvement Committee Meeting 10-00 AM - Thursday, 10 August 202



MINUTES

Audit, Risk and Improvement Committee Meeting

Thursday, 10 August 2023

**I hereby give notice that an Ordinary Meeting of Audit Risk and
Improvement Committee will be held on:**

Date: Thursday, 10 August 2023
Time: 10:00 AM
**Location: Council Chambers, Estates Building 180 Cressy
Street, Deniliquin**

Philip Stone
Chief Executive Officer

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES THURSDAY, 10 AUGUST 2023

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AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES THURSDAY, 10 AUGUST 2023

1. OPENING MEETING

Meeting opened at 10am.

Present: Chief Executive Officer, Director Corporate Services, Director Infrastructure, Acting Chief Financial Officer, Cr Paul Fellows, Cr Harold Clapham, Chair Mr Peter Rae, Mr John Tushuizen.

Attending virtually via Teams: Mr Graham Bradley, Senior Governance Advisor.

In Attendance: Executive Assistant to Director Corporate Services, Phil Swaffield (National Audit Group), Stephen Prowse (National Audit Group).

Mayor Peta Betts joined the meeting via Teams at 10.25am.

2. ACKNOWLEDGEMENT OF COUNTRY**3. APOLOGIES****RESOLUTION 2023/0810/3**

Moved: Mr Peter Rae

Seconded: Mr John Tushuizen

That the apology from Ms Justine Keech be received.

CARRIED

4. DISCLOSURE OF INTEREST

No disclosures of interest to report.

5. CONFIRMATION OF MINUTES**5.1. CONFIRMATION OF MINUTES FROM PREVIOUS MEETING**

Moved: Mr Peter Rae

Seconded: Cr Paul Fellows

RESOLUTION**2023/0810/5.1**

That the Audit, Risk and Improvement Committee approve the Minutes of the previous meeting held on 11th May 2023 as a true and accurate record.

CARRIED

6. BUSINESS ARISING FROM MINUTES**6.1. ARIC ACTION REPORT**

Moved: Mr Peter Rae

Seconded: Mr John Tushuizen

RESOLUTION 2023/0810/6.1.1

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES THURSDAY, 10 AUGUST 2023

That the Audit, Risk and Improvement Committee receive and note the report on the status of the actions arising from the Audit Risk and Improvement Committee meetings.

CARRIED

6.1.1. ARIC Actions**7. CONFIDENTIAL MATTERS - VERBAL UPDATE FROM CEO**

Director Corporate Services, Director Infrastructure, Acting Chief Finance Officer and Executive Assistant Corporate, Senior Governance Advisor, Phil Swaffield (National Audit Group) and Stephen Prowse (National Audit Group) left the meeting at 10.26am.

Director Corporate Services, Director Infrastructure, Acting Chief Finance Officer and Executive Assistant Corporate, Senior Governance Advisor, Phil Swaffield (National Audit Group), Stephen Prowse (National Audit Group) rejoined the meeting at 10.44am.

7.1. CONFIDENTIAL MATTERS

Moved: Mr Peter Rae

Seconded: Cr Paul Fellows

RESOLUTION 2023/0810/7.1

That the Audit, Risk and Improvement Committee receive and note the verbal report from the Chief Executive Officer on confidential matters.

CARRIED

8. REPORT FROM CHAIR**8.1. ARIC CHAIRS' WEBINAR**

Moved: Mr Peter Rae

Seconded: Mr Graham Bradley

RESOLUTION 2023/0810/8.1

That the Audit, Risk and Improvement Committee:

1. Notes the presentation from the ARIC Chair's webinar
2. Notes the new requirements for Audit, Risk and Improvement committees and the mandate for compliance by July 2024
3. Notes the unwillingness of the Audit Office to discuss the implications of recognising RFS assets at this session
4. Notes the increasing focus on monitoring of cyber security risks

CARRIED

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES THURSDAY, 10 AUGUST 2023

9. REPORTS FROM OFFICERS**9.1. STRATEGIC INTERNAL AUDIT PLAN (SIAP)**

Moved: Mr John Tushuizen

Seconded: Cr Harold Clapham

RESOLUTION 2023/0810/9.1

That the Audit, Risk and Improvement Committee receive and discuss the draft Strategic Internal Audit Plan (SIAP) as presented by the National Audit Group (NAG).

CARRIED**9.2. ANNUAL INTERNAL AUDIT PLAN (AIAP)**

Moved: Cr Paul Fellows

Seconded: Mr Peter Rae

RESOLUTION 2023/0810/9.2

That the Audit, Risk and Improvement Committee receive and discuss the draft Annual Internal Audit Plan (AIAP) as presented by the National Audit Group (NAG)..

CARRIED**9.3. PROCUREMENT AUDIT-PROGRESS REPORT**

Moved: Cr Harold Clapham

Seconded: Mr John Tushuizen

RESOLUTION 2023/0810/9.3

That the Audit, Risk and Improvement Committee receive and note the progress on the Procurement Audit, as presented by the National Audit Group (NAG).

CARRIED**9.4. DRAFT 2022-23 INTERIM AUDIT LETTER**

Moved: Mr Graham Bradley

Seconded: Cr Harold Clapham

RESOLUTION 2023/0810/9.4

That the Audit, Risk and Improvement Committee:

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AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES THURSDAY, 10 AUGUST 2023

1. Receive and note the 2022-23 draft interim audit report, with management comments
2. Endorse the 2022-23 draft interim audit report, with management comments
3. Acknowledges Council's efforts to prepare the financial statements in accordance with the legislated timelines
4. Expresses its disappointment with the number of issues and errors of fact contained in the auditor's management letter
5. Continues to support Council's position on the accounting for RFS assets.

CARRIED

Chief Executive Officer and Acting Chief Financial Officer left the meeting at 11.10am.

Chief Executive Officer returned to the meeting at 11.20am.

Acting Chief Financial Officer returned to the meeting at 11.21am.

9.5. 11AM VERBAL UPDATE BRAD BOHUN, CROWE. DRAFT INTERIM AUDIT LETTER

This item of business was cancelled due to the external auditor not being able to attend the meeting.

9.6. 2023-24 FINANCIAL ASSISTANCE GRANT (FAG) RECEIVED IN ADVANCE

Moved: Cr Harold Clapham

Seconded: Mr Peter Rae

RESOLUTION 2023/0810/9.6

- That the Audit, Risk and Improvement Committee:
 1. Receive and note the report.
 2. Notes that 100% of the 2023-24 FAG allocation to Council, of \$6.972m, has been received on 28 June 2023.
 3. Notes the requirement to clearly articulate the true and correct position of Council's finances and acknowledges the impact of advance payments on the reported position at year end.

CARRIED

9.7. EXTERNAL NETWORK PENETRATION TEST OUTCOMES - JUNE 2023

Moved: Cr Paul Fellows

Seconded: Cr Harold Clapham

RESOLUTION 2023/0810/9.7

That the Audit, Risk and Improvement Committee:

1. Receive and note the report by Cyber Security NSW on outcomes of recent external penetration testing undertaken in June 2023
2. Acknowledge the outstanding result and efforts by Council in cyber security vigilance.

CARRIED

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AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES THURSDAY, 10 AUGUST 2023

9.8. AUDIT OFFICE REPORT

Moved: Mr Peter Rae

Seconded: Mr John Tushuizen

RESOLUTION 2023/0810/9.8

That the Audit, Risk and Improvement Committee receive and note the report: NSW Audit Office Report into the regulation and monitoring of local government.

CARRIED

9.9. PROJECTS UPDATE

Moved: Mr Graham Bradley

Seconded: Mr John Tushuizen

RESOLUTION 2023/0810/9.9

That the Audit, Risk and Improvement Committee note the Projects Program update report.

CARRIED

9.10. IMPLEMENTATION PLAN FOR ARIC MEMBERSHIP

Moved: Mr Peter Rae

Seconded: Cr Harold Clapham

RESOLUTION 2023/0810/9.10

That the Audit, Risk and Improvement Committee receive and note the report outlining Council's implementation plan for a refreshed ARIC membership in line with new requirements, due to be enacted by July 2024.

CARRIED

10. CLOSE OF MEETING

Meeting closed at 12.33pm.

**Attachment 2 - ECM_269590_v1_ Public Minutes for Audit Risk and Improvement Committee
Extraordinary Meeting 10-00 AM - Tuesday_**



MINUTES

Audit, Risk and Improvement Committee Extraordinary Meeting

Tuesday, 12 September 2023

**I hereby give notice that an Ordinary Meeting of Audit Risk and
Improvement Committee will be held on:**

Date: Tuesday, 12 September 2023
Time: 10:00 AM
**Location: Council Chambers, Estates Building 180 Cressy
Street, Deniliquin**

Philip Stone
Chief Executive Officer

AUDIT, RISK AND IMPROVEMENT COMMITTEE EXTRAORDINARY MEETING MINUTES
TUESDAY, 12 SEPTEMBER 2023

Order of Business

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**AUDIT, RISK AND IMPROVEMENT COMMITTEE EXTRAORDINARY MEETING MINUTES
TUESDAY, 12 SEPTEMBER 2023**

1. OPENING MEETING

Meeting opened at 10.00am.

Present: Chief Executive Officer, Director Corporate Services, Director Infrastructure, Chief Financial Officer, Acting Manager Governance, Safety and Risk, Cr Paul Fellows, Cr Harold Clapham, Chair Mr Peter Rae, Mr John Tushuizen, Mr Graham Bradley

Attending virtually via Teams: Stephen Prowse (National Audit Group)

In Attendance: Executive Assistant to Director Corporate Services, Acting Financial Accountant

2. ACKNOWLEDGEMENT OF COUNTRY**3. APOLOGIES****RESOLUTION 2023/0912/3**

Moved: Mr Peter Rae

Seconded: Cr Paul Fellows

That the apology from Justine Keech be accepted.

CARRIED

4. DISCLOSURE OF INTEREST

Nil

5. REPORTS FROM OFFICERS**5.1. 2022-23 DRAFT FINANCIAL STATEMENTS**

Mayor Cr Peta Betts joined the meeting virtually at 11:05am.

Chief Executive Officer and Acting Manager Governance, Safety and Risk left the meeting at 10:55am. Acting Manager Governance, Safety and Risk returned at 10:56am.

Cr Fellows left the meeting at 10:57am.

The Chair suspended the meeting for a break at 10:58am and resumed the meeting at 11:04am.

Moved: Mr Peter Rae

Seconded: Mr John Tushuizen

RESOLUTION 2023/0912/5.1

That the Audit, Risk and Improvement Committee:

1. Review the Draft Financial Statements for 2022-23, incorporating the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules
2. Recommend to Council that they be presented for audit

Page 3

**AUDIT, RISK AND IMPROVEMENT COMMITTEE EXTRAORDINARY MEETING MINUTES
TUESDAY, 12 SEPTEMBER 2023**

3. Note that the Audited Financial Statements will be provided to ARIC and Council in late October
4. Recommend that the following adjustments to the draft financial statements:
 - a. Move the Bob White bequest monies to a restricted reserve and consider including any Bob White disbursements in note G3-1
 - b. Move the advance payment of the Financial Assistance Grant to an internally restricted reserve
 - c. Move the total of any unspent grant monies to an externally restricted reserve
 - d. Include unrealised reimbursements of all flood recovery grants in note E3-1
 - e. Investigate the recognition of Council's water licences as assets on the balance sheet

CARRIED

6. CLOSE OF MEETING

Meeting closed at 12pm.

11.3. DRAFT MINUTES EDWARD RIVER VILLAGE COMMITTEE MEETING 29 AUGUST 2023

Author: Executive Assistant

Authoriser: Chief Executive Officer

RECOMMENDATION

That Council note the draft minutes of the Edward River Village Committee meeting held Tuesday 29 August 2023.

COMMUNITY STRATEGIC PLAN

3. Encouraging growth through partnerships

3.2 Economic development

FINANCIAL IMPLICATIONS

Nil

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes for Edward River Village Committee 29 August 2023

Attachment 1 - Minutes for Edward River Village Committee 9-00 AM - Tuesday 29 August 2023



MINUTES

**Edward River Village
Committee**

Tuesday, 29 August 2023

Commencing at 9:00 AM

Council Chambers, Estates Building

Edward River Village Committee
Tuesday, 29 August 2023

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Edward River Village Committee

Tuesday, 29 August 2023

1. Attendance and Apologies

Present: Cr Peta Betts, Cr Paul Fellows, Cr Tarria Moore, Cr Linda Fawns, Cr Shannon Sampson, Cr Marc Petersen (via video link)

In Attendance: Chief Executive Officer, Project Manager

2. Confirmation of Previous Minutes

No previous minutes.

3. Actions Arising

No outstanding actions.

4. Reports

4.1. Edward River Village Update

The report was noted by the Committee. Discussions included:

- Progress of unit construction – going well
- Weekly progress reports by the builder
- Budget – forecast surplus of \$281k, plus a further \$100k of contingency,
- Marketing and lease signing options and cost estimates – Noting funds were available from the potential project surplus, or the \$160k operational budget for FY 2023/24
- Styling of “display units”. Discussed Council or the real estate agents doing this
- Discussed inviting local retailers to participate in the styling of the units, and the opportunity to showcase their products

4.2. Options for Real Estate Agents - Edward River Village

General discussion

Various options were discussed by the Committee, including the form of the RFQ, fees structures, marketing, sole versus non-exclusive proposals.

Agreed

The following was agreed by the Committee:

- Council would seek marketing and fee proposals from local real estate agents to sign up potential residents, with details as follows:
 - **Inclusions**
 - Scope – first six units

Edward River Village Committee

Tuesday, 29 August 2023

- Term – 12 months then reviewed by Council
- Exclusive Agreement (single agent only)
- Marketing proposal
- Fee proposal – Marketing
- Fee proposal – Lease signing per unit
- RFQ letters to be sent out as soon as possible
- RFQ response period – two weeks from date of letter being signed by CEO
- **Exclusions**
- This proposal excludes ongoing property management

Draft RFQ Letter

A further local real estate agent was identified by a Committee member to be included on the mailing list

The letter to be updated and sent to the listed agents

[Attachments](#)

1. Updated request for quote

Edward River Village Committee
Tuesday, 29 August 2023

Attachment 1. Updated Request for Quote

Mailing List – Updated 29-8-23.

Big River Deniliquin

394 Cressy Street, Deniliquin
NSW 2710

Ray White Deniliquin

admin.deniliquin@raywhite.com
454 Cressy Street, Deniliquin
NSW 2710

LloydProperty

trent@lloyd.property
hello@lloyd.property
339 Cressy Street, Deniliquin
NSW 2710

Nutrien Harcourts Deniliquin

Jake.freshwater@nutrien.com.au
99 Davidson Street, Deniliquin
NSW 2710

Ash Real Estate

ashley@atrealty.com.au
125 End Street, Deniliquin
NSW 2710

Elders Deniliquin

351 Albert Street, Deniliquin
NSW 2710

Deni Real Estate

Kate Sparks
Kate@denirealestate.com.au

Edward River Village Committee

Tuesday, 29 August 2023

DATE

Dear INSERT

Request for Quotation RQ2023/04 - Edward River (Retirement) Village

Council is seeking fee proposals from local real estate agents to provide marketing and lease signing services for the Edward River Village units. A Summary is show below, with further detail following.

Proposal Inclusions

- Scope – For the first six units
- Term – 12 months from signing the Agreement. Then reviewed by Council and the Agent
- Exclusive Agreement (single agent only)
- Description of the marketing proposal for all six units
- Fee proposal – Marketing only for all six units
- Fee proposal – Lease signing per unit.
- RFQ response period – two weeks from date of letter being signed by CEO.

Exclusions

- This proposal excludes ongoing property management.

Background

Council has commenced construction of the first six units, with a further 26 planned once demand warrants development of these additional units.

The first unit should be available for occupancy by around October/November2023, with each of the remaining five units becoming available monthly thereafter.

Unit inclusions - The six units under construction include two bedrooms and one bathroom. They also include a garage, 6.5 KW solar system, rainwater tank and private backyard.

What the Village fees include - The homes and village common areas are fully maintained. This includes water for gardening and personal use.

What the Village fees exclude – The only village costs borne by the residents are:

- personal contents insurance,
- electricity and
- internet

Village Contracts and Terms - Full details are available in the Contract and supporting documentation.

Edward River Village CommitteeTuesday, 29 August 2023

Future Village Development and Floorplans

Council has several alternate two and three bedroom floorplans available for future development. These alternate floorplans are not yet costed.

15 sites have infrastructure in place for homes now. Stage 2 of the civil works will allow construction of the remainder of the village units once demand is sufficient for future development.

Village Operation

The retirement village will be operated by Council, under a Loan/License arrangement, meeting NSW Retirement Villages legislation.

All necessary documentation is prepared, including Village contracts, rules, fees etc.

The resident pays an Entry Fee, and then a low weekly service fee. At least 2/3 of the Entry Fee is refunded when the resident exits the unit. The village contract and supporting information describes this and other necessary information in detail.

Marketing Materials

Council has an extensive range of marketing materials, including floorplans, digital interior and exterior renders, artists impressions of the finished village, as well as cinematic and video content. Council also has a Village website and social media content.

Duration of Marketing Period

The village will be operating for many years and so marketing and lease signing services may be ongoing.

This RFQ is for 12 months and then reviewed by Council.

Proposal Fees

Please note that the quotation should be complete and inclusive of all fees, costs, expenses etc. Please separate your fee proposal into two parts as shown below

- Fee proposal – Marketing only for all six units
- Fee proposal – Lease signing per unit

Terms and Conditions

Please include with your quotation any Terms and Conditions you wish to apply to this engagement. Council reserves the right to review and discuss these prior to accepting the quotation.

Evaluation Process

Proposals will be evaluated on:

- The best marketing proposal – ie most likely to sign up all six units in the shortest possible time
- Best value for Council/The Community

Edward River Village Committee

Tuesday, 29 August 2023

RFQ Submission

Please email through your fee proposal

When – Friday 15 September 2023

To – Mark Goode, mark.goode@edwardriver.nsw.gov.au

If you have any further questions please don't hesitate to contact me.

Yours sincerely,

Mark Goode

Project manager

0427 382 984

Documents available to the successful agent

1. Floorplans for the initial six dwelling designs
2. Interior and exterior renders of the dwellings
3. Cinematic video/s
4. Artist impression of the finished village
5. Village Contract and Terms
6. Entry Fees, Service Fees and Refund Calculations

Edward River Village Committee
Tuesday, 29 August 2023

5. Meeting Close

Minutes

Meeting Closed at 10:00 am

12. REPORTS TO COUNCIL

12.1. 2023-24 SCHEDULE OF ORDINARY COUNCIL MEETINGS

Author: Senior Governance Advisor

Authoriser: Director Corporate Services

RECOMMENDATION

That Council adopt the proposed 2023-24 Schedule of Ordinary Council Meetings:

- 17 October 2023
- 21 November 2023
- 5 December 2023 (in place of Councillor Briefing)
- 20 February 2024
- 19 March 2024
- 16 April 2024
- 21 May 2024
- 18 June 2024
- 16 July 2024
- 20 August 2024
- 17 September 2024 (following election)

BACKGROUND

The NSW Local Government Act requires local councils to meet at least ten (10) times each calendar year, each time in a different month.

Clause 3.1 of Council's Code of Meeting Practice provides that "Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings".

Traditionally, Council resolves at its September meeting the Schedule of Ordinary Council Meetings for the following 12-month period.

ISSUE/DISCUSSION

The proposed 2023-24 Schedule of Ordinary Council Meetings recommends that Council hold eleven (11) Ordinary Meetings from October 2023 to September 2024 (excluding January).

It is proposed that Ordinary Meetings continue to be held on the third Tuesday of each month (except December, where the meeting is held earlier in the month, replacing the Councillor Briefing).

It is proposed that Ordinary Council Meetings for 2023-24 commence at 10.00am and are held in the Edward River Council Chambers in the Estates Building, Cressy Street, Deniliquin.

Public notice will be given of the time and place of Council Meetings, and this notice will be published on Council's website and in other such manner that brings notice of the meetings to the community's attention.

STRATEGIC IMPLICATIONS

Scheduling Council Meetings in advance provides an opportunity to plan ahead, ensuring Meeting times are quarantined in diaries. This forward planning also enables the timely preparation of reports to support Council decision-making processes.

COMMUNITY STRATEGIC PLAN

This report supports Council to achieve the following Community Strategic Plan objective:

5. Accountable leadership and responsive administration.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGISLATIVE IMPLICATIONS

Confirming the 2023-24 Schedule of Ordinary Council Meetings complies with the following requirements in the *Local Government Act 1993*:

- s365 - How often does the council meet?
- s9 - Public notice of meetings.

ATTACHMENTS

There are no attachments to this report.

12.2. DETERMINATION OF NUMBER OF COUNCILLORS FOR 2024-2028 TERM OF OFFICE

Author: Senior Governance Officer

Authoriser: Director Corporate Services

RECOMMENDATION

That Council, in accordance with section 224(2) of the *Local Government Act 1993* determine the number of councillors for the 2024-2028 term of office to be nine (9), including the Mayor.

BACKGROUND

The *Local Government Act 1993* (the Act) requires Council to determine the number of councillors for the 2024-2028 term of office not less than 12 months before the next ordinary election ie. before 14 September 2023.

The Act requires the number of councillors to be at least five (5) and not more than 15 (one of whom is the Mayor).

ISSUE/DISCUSSION

The number of councillors for the 2024-2028 term of office is submitted for Council's determination. It is proposed that the number of councillors remain the same as for the current Council term.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from this report.

COMMUNITY STRATEGIC PLAN

This report supports Council to achieve the following Community Strategic Plan objective:

5. Accountable leadership and responsive administration

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGISLATIVE IMPLICATIONS

Determining the number of councillors for the 2024-2028 term of Council meets Council's obligations under section 224(2) of the NSW *Local Government Act 1993*.

It is noted that the timing of submission of this report to the September Council meeting for determination means Council is 5 days late in meeting this legislative requirement. The NSW Office of Local Government has been advised of this delay.

ATTACHMENTS

There are no attachments to this report.

12.3. REVISED CODE OF CONDUCT AND PROCEDURE FOR ADMINISTERING THE CODE OF CONDUCT

Author: Governance Coordinator

Authoriser: Director Corporate Services

RECOMMENDATION

That Council adopt the revised Code of Conduct and Procedures for the Administration of the Code of Conduct for Edward River Council.

BACKGROUND

Edward River Council last adopted its Code of Conduct in June 2022, and the Procedures for Administration of the Code of Conduct in September 2020. However, neither of these documents had been updated to reflect the revised Model Code of Conduct and Procedures issued by the NSW Office of Local Government (OLG).

Edits have been made to the previously adopted documents to bring them in to line with the OLG model documents, along with some minor formatting and language edits to reflect the contemporary Edward River Council context.

ISSUE/DISCUSSION

A summary of the changes made in developing the attached documents for Council's adoption is provided below:

Ref	Old	New
Pt 1	Includes broad descriptive text about all councils and joint organisations	Remove surplus text to concentrate on ERC only
Pt 2	Broadly describes all councils and joint organisations	Revised to be ERC specific
Pt 3	Refers to "you" Refers to "General Manager"	Refers to "Council officials", assuming not all readers will be from within ERC. Refers to "Chief Executive Officer"
Pt 4	Refers to "you" Refers to "General Manager"	Refers to "Council officials", assuming not all readers will be from within ERC. Refers to "Chief Executive Officer"
Pt 4A	Related Party Transactions	Not included in OLG's Model Code of Conduct, and so excluded from ERC's CoC

Ref	Old	New
Pt 5	Refers to “you” Refers to “General Manager”	Refers to “Council officials”, assuming not all readers will be from within ERC. Refers to “Chief Executive Officer”
Pt 6	Refers to “you” Refers to “General Manager”	Refers to “Council officials”, assuming not all readers will be from within ERC. Refers to “Chief Executive Officer”
Pt 7	Refers to “you” Refers to “General Manager”	Refers to “Council officials”, assuming not all readers will be from within ERC. Refers to “Chief Executive Officer”
Pt 8	Refers to “you” Refers to “General Manager”	Refers to “Council officials”, assuming not all readers will be from within ERC. Refers to “Chief Executive Officer”
Pt 9	Refers to “you” Refers to “General Manager”	Refers to “Council officials”, assuming not all readers will be from within ERC. Refers to “Chief Executive Officer”
Sched 1		Formatting tidy-up
Sched 2		Formatting tidy-up
Sched 3		Formatting tidy-up
Sched 4	AASB 124 Reporting Requirements	Not included in OLG’s Model Code of Conduct, and so excluded from ERC’s CoC
Version control		updated

STRATEGIC IMPLICATIONS

The attached updated documents set Council up to be equipped with a contemporary Code of Conduct and Procedure for its administration.

COMMUNITY STRATEGIC PLAN

This report supports Council to achieve the following Community Strategic Plan objectives:

5. Accountable leadership and responsive administration

5.1 Collaborative and Engaged

5.3 Professional Workplace culture

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGISLATIVE IMPLICATIONS

The revised Code of Conduct and Procedures for its administration support Council to meet its obligations under section 440 of the NSW *Local Government Act 1993*.

ATTACHMENTS

Attached to this report are the revised Edward River Council Code of Conduct and Procedures for the administration of the Code of Conduct.



CODE OF CONDUCT 2023

EDWARD RIVER COUNCIL

CODE OF CONDUCT

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PART 1: Introduction

This Code of Conduct (Code) incorporates the provisions of the Model Code of Conduct for Local Councils in NSW (the Model Code) which is made under section 440 of the *Local Government Act 1993* (the Act) and the Local Government (General) Regulation 2021 (the Regulation).

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

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

Section 440 of the *Local Government Act 1993* requires every council to adopt a Code of Conduct that incorporates the provisions of the Model Code. A council's adopted Code of Conduct may also include provisions that supplement the Model Code and that extend its application to persons who are not "council officials" for the purposes of the Model Code (eg volunteers, contractors and members of advisory committees).

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

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

Failure by a councillor to comply with the standards of conduct prescribed under this Code constitutes misconduct for the purposes of the Local Government Act 1993 which provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

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



PART 2: Definitions

In this Code the following terms have the following meanings:

Administrator	An administrator of a council appointed under the Act (other than an administrator appointed under section 66)
Advisory Committee	A committee that does not have any delegated functions.
Chairperson	Means the Mayor when chairing a Council meeting or any person chairing a meeting of a Council committee
Chief Executive Officer	Appointed by the governing body, the most senior Council staff member (referred to in the Act as the general manager)
Conduct	Includes acts and omissions
Council	Edward River Council
Council Committee	A committee established by Council comprising of councillors, Council staff or other persons to whom Council has delegated functions (known as a section 355 committee) and Council's Audit, Risk and Improvement Committee
Council Committee member	A person other than a councillor or Council staff member who is a member of a Council Committee other than an Advisory Committee, and a person other than a councillor who is a member of the Council's Audit, Risk and Improvement Committee
Councillor	Any person elected or appointed to civic office, including the Mayor
Council official	Any councillor, Council staff member, administrator, Council Committee member, delegate of Council and, for the purposes of clause 4.16 of the Model Code, Council adviser
Council staff members	Employees of Edward River Council
Delegate of Council	A person (other than a councillor or Council staff member) or body, and the individual members of that body, to whom a function of the Council is delegated
Designated person	A person referred to in clause 4.8.
Election campaign	Includes Council, State and federal election campaigns
Environmental planning instrument	Has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i> .
General Manager	Referred to at Edward River Council as the Chief Executive Officer
Joint Organisation	A regional organisation of councils. Edward River Council is a member of the Riverina & Murray Joint Organisation (RAMJO)
Local Planning Panel	A local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i> .
Mayor	Edward River Council Mayor
Pecuniary interest	An interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person
OLG	The NSW Office of Local Government
Personal information	Information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion



Procedures	The <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> , prescribed in the Regulation
The Act	The <i>Local Government Act 1993</i> .
The Regulation	The <i>Local Government (General) Regulation 2021</i>



PART 3: General Conduct Obligations

General conduct

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

Fairness and equity

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

Harassment and discrimination

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



Bullying

- 3.8 Council officials must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this Code, "bullying behaviour" is any behaviour in which:
- a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- aggressive, threatening or intimidating conduct;
 - belittling or humiliating comments;
 - spreading malicious rumours;
 - teasing, practical jokes or 'initiation ceremonies';
 - exclusion from work-related events;
 - unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level;
 - displaying offensive material; or
 - pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this Code. Examples of reasonable management action may include, but are not limited to:
- performance management processes;
 - disciplinary action for misconduct;
 - informing a worker about unsatisfactory work performance or inappropriate work behaviour;
 - directing a worker to perform duties in keeping with their job;
 - maintaining reasonable workplace goals and standards;
 - legitimately exercising a regulatory function; and
 - legitimately implementing a Council policy or administrative processes.

Work health and safety

- 3.12 All Council officials, including councillors, have statutory duties under the *Work Health and Safety Act 2011* (WHS Act) and must comply with their duties under the WHS Act and their responsibilities under any policies or procedures adopted by Council to ensure workplace health and safety. Specifically, they must:
- take reasonable care for their own health and safety;
 - take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons;
 - comply, so far as reasonably practicable, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by Council to ensure workplace health and safety;
 - cooperate with any reasonable policy or procedure of Council relating to



- workplace health or safety that has been notified to Council staff;
- e) report accidents, incidents, near misses, to the Chief Executive Officer or such other staff member nominated by the Chief Executive Officer, and take part in any incident investigations; and
 - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

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

Binding caucus votes

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

Obligations in relation to meetings

- 3.19 Councillors must comply with rulings by the Chairperson at Council and Committee meetings unless a motion dissenting from the ruling is passed.
- 3.20 Council officials must not engage in bullying behaviour (as defined under this Part)



towards the Chairperson, other Council officials or any members of the public present during Council or Council committee meetings or other proceedings of Council (such as, but not limited to, workshops and briefing sessions).

- 3.21 Council officials must not engage in conduct that disrupts Council or Council committee meetings or other proceedings of Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 Councillors must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of Council, or of a Council committee. Without limiting this clause, councillors must not:
- a) leave a meeting of Council or a Council committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.



PART 4: Pecuniary Interests

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest in which a Council official has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to them or a person referred to in clause 4.3.
- 4.2 A Council official will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision that might be made in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, a Council official will have a pecuniary interest in a matter if the pecuniary interest is:
 - a) their interest, or
 - b) the interest of their spouse or de facto partner, a relative, or their partner or employer, or
 - c) a company or other body of which they, or their nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - a) a Council official's "relative" is any of the following:
 - i. parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child;
 - ii. spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child;
 - iii. the spouse or de facto partner of a person referred to in paragraphs (i) and (ii);
 - b) "de facto partner" has the same meaning as defined in section 21C of the Interpretation Act 1987.
- 4.5 A Council official will not have a pecuniary interest in relation to a person referred to in sub-clauses 4.3(b) or (c):
 - a) if they are unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
 - b) just because the person is a member of, or is employed by, Council or a statutory body, or is employed by the Crown, or
 - c) just because the person is a member of, or a delegate of Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 A Council official does not have to disclose the following interests for the purposes of this Part:
 - a) an interest as an elector;
 - b) an interest as a ratepayer or person liable to pay a charge;
 - c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the



- public that includes persons who are not subject to this Code;
- d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative by Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Code;
 - e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not);
 - f) they are a Council committee member, an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the Council committee;
 - g) an interest they have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company;
 - h) an interest they have arising from the proposed making by Council of an agreement between Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership;
 - i) an interest they have arising from the making by Council of a contract or agreement with a relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by Council in respect of similar matters with other residents of the area:
 - i. the performance by Council at the expense of a relative of any work or service in connection with roads or sanitation;
 - ii. security for damage to footpaths or roads;
 - iii. any other service to be rendered, or act to be done, by Council by or under any Act conferring functions on Council, or by or under any contract;
 - j) an interest relating to the payment of fees to councillors (including the Mayor and Deputy Mayor);
 - k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the Mayor and Deputy Mayor) in accordance with a policy under section 252 of the Act,
 - l) an interest relating to an election to the office of Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor;
 - m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person;
 - n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a Council committee member; or
 - o) an interest arising from the appointment of a councillor to a body as a representative or delegate of Council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes a spouse or de facto partner.

What disclosures must be made by a designated person?

- 4.8 Designated persons include:
- a) the Chief Executive Officer;



- b) other senior staff of Council for the purposes of section 332 of the Act;
 - c) a person (other than a member of the senior staff of Council) who is a Council staff member or a delegate of Council and who holds a position identified by Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest; and
 - d) a person (other than a member of the senior staff of Council) who is a member of a Council committee identified by Council as a Council committee whose members are designated persons because the functions of the committee involve the exercise of Council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of Council committee and the member's private interest.
- 4.9 A designated person:
- a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
 - b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the Chief Executive Officer (or if the person is the Chief Executive Officer, to Council) the nature of any pecuniary interest the person has in any Council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of Council's staff to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The Chief Executive Officer must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the Chief Executive Officer must, as soon as practicable after the disclosure is made, be laid on the table at a Council meeting and Council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

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



What disclosures must be made by Council advisors?

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

What disclosures must be made by a Council Committee member?

- 4.18 A Council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.17, a "Council committee member" includes a member of Council staff who is a member of the Council committee.

What disclosures must be made by a councillor?

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

Disclosure of interests in written returns

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



- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading.
- 4.24 The Chief Executive Officer must keep a register of returns required to be made and lodged with the Chief Executive Officer.
- 4.25 Returns required to be lodged with the Chief Executive Officer under sub-clauses 4.21(a) and (b) must be tabled at the first Council meeting after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the Chief Executive Officer under sub-clause 4.21(c) must be tabled at the next Council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2018 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a Council committee member who has a pecuniary interest in any matter with which Council is concerned, and who is present at a meeting of Council or Council committee at which the matter is being considered, must disclose the nature of the interest to the meeting prior to the matter being considered.
- 4.29 The councillor or Council committee member must not be present at (including by way of electronic meeting attendance), or in sight of, the meeting of Council or Council committee:
 - a) at any time during which the matter is being considered or discussed, or
 - b) at any time during which Council or Council committee is voting on any question in relation to the matter.
- 4.30 In the case of participation at a meeting of the Board of the Joint Organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a Council or Council committee meeting must be recorded in the minutes.
- 4.32 A general notice may be given to the Chief Executive Officer in writing by a councillor or a Council committee member to the effect that the councillor or Council committee member, or the councillor's or Council committee member's spouse, de facto partner or relative, is:
 - a) a member of, or in the employment of, a specified company or other body, or
 - b) a partner of, or in the employment of, a specified person.

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



- 4.33 A councillor or a Council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or Council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a) the matter is a proposal relating to:
 - i. the making of a principal environmental planning instrument applying to the whole or a significant portion of Council's area, or
 - ii. the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of Council's area, and
 - b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of sub-clause 4.36(c) must:
- a) be in the form set out in schedule 3 of this Code and contain the information required by that form, and
 - b) be laid on the table at a meeting of Council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a Council committee member who has a pecuniary interest in a matter with which Council is concerned to be present at a meeting of Council or Council committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors of the area to do so.
- 4.39 A councillor or a Council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of Council or Council committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.



PART 5: Non-pecuniary conflicts of interest

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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



- spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council official's extended family that the Council official has a close personal relationship with, or another person living in the same household;
- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship;
 - c) an affiliation between the Council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation;
 - d) membership, as Council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of Council and the organisation are potentially in conflict in relation to the particular matter;
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1; and
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which the Council official has the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Council or Council committee meeting, by managing the conflict of interest as if the Council official had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If the Council official determined that he or she has a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest, the Council official must also explain in writing why he or she considers that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If the Council official is a member of staff of Council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the relevant Manager or Director. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the Mayor.
- 5.13 Despite sub-clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to



represent the organisation or group on the Council committee.

Political donations

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

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- the matter is a proposal relating to:
 - the making of a principal environmental planning instrument applying to the whole or a significant portion of Council's area, or
 - the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of Council's area, and
 - the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
 - the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.



- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a Council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of Council or Council committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors/community for the area to do so.
- 5.22 Where the Minister exempts a councillor or Council committee member from complying with a requirement under this Part under clause 5.21, the councillor or Council committee member must still disclose any interests they have in the matter to which the exemption applies, in accordance with clause 5.6.

Other business or employment

- 5.23 The Chief Executive Officer must not engage, for remuneration, in private employment, contract work or other business outside the service of Council without the prior approval of Council, made as a resolution of Council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of Council that relates to the business of Council or that might conflict with the staff member's Council duties unless they have notified the Chief Executive Officer in writing of the employment, work or business and the Chief Executive Officer has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The Chief Executive Officer may at any time prohibit a member of Council staff from engaging, for remuneration, in private employment, contract work or other business outside the service of Council that relates to the business of Council, or that might conflict with the Council staff member's duties.
- 5.26 A member of Council staff must not engage, for remuneration, in private employment, contract work or other business outside the service of Council if prohibited from doing so.
- 5.27 Council staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties;
 - b) involve using confidential information or Council resources obtained through their work with Council including where private use is permitted;
 - c) require them to work while on Council duty;
 - d) discredit or disadvantage Council; or
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.



Personal dealings with Council

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



PART 6: Personal benefit

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

Gifts and benefits

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

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

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



- amount;
- f) participate in competitions for prizes where eligibility is based on Council being in or entering into a customer–supplier relationship with the competition organizer; or
 - g) personally benefit from reward points programs when purchasing on behalf of Council.
- 6.6 Where a Council official receives a gift or benefit of any value other than one referred to in clause 6.2, they must disclose this promptly to their Manager, Director or the Chief Executive Officer in writing. The recipient, Manager, Director or Chief Executive Officer must ensure that, at a minimum, the following details are recorded in Council's gift register:
- a) the nature of the gift or benefit;
 - b) the estimated monetary value of the gift or benefit;
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where a Council official receives a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

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

Gifts and benefits of more than token value

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



- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

'Cash-like' gifts

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

Improper and undue influence

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



PART 7: Relationships between Council officials

Obligations of councillors and administrators

- 7.1 Council is a body politic. The councillors or administrator/s are the governing body of Council. Under section 223 of the Act, the role of the governing body of a council includes the development and endorsement of the council's strategic plans, programs, strategies and policies including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct Council staff other than by giving appropriate direction to the Chief Executive Officer by way of Council or Council committee resolution, or by the Mayor or administrator exercising their functions under section 226 of the Act;
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of Council staff or a Council delegate in the exercise of their functions;
 - c) contact a member of Council staff of on Council-related business unless in accordance with the policy and procedures governing the interaction of councillors and Council staff that have been authorised by Council and the Chief Executive Officer
 - d) contact or issue instructions to any of Council's contractors, including Council's legal advisers, unless by the Mayor or administrator exercising their functions under section 226 of the Act.
- 7.3 Despite clause 7.2, councillors may contact Council's external auditor or the Chair of Council's Audit Risk and Improvement Committee (ARIC) to provide information reasonably necessary for the external auditor or the AIRC to effectively perform their functions.

Obligations of staff

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



Inappropriate interactions

- 7.6 Council officials must not engage in any of the following inappropriate interactions:
- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters;
 - b) Council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters;
 - c) subject to clause 8.6, Council staff refusing to give information that is available to other councillors to a particular councillor;
 - d) Councillors and administrators who have lodged an application with Council, discussing the matter with Council staff in staff-only areas of Council;
 - e) Councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting;
 - f) Councillors and administrators being overbearing or threatening to Council staff
 - g) Council staff being overbearing or threatening to councillors or administrators;
 - h) Councillors and administrators making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this Code in public forums including social media;
 - i) Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make;
 - j) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community;
 - k) Council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals;
 - l) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by the Chief Executive Officer or, in the case of the Mayor or administrator, unless they are exercising their functions under section 226 of the Act.



PART 8: Access to information and Council resources

Councillor and administrator access to information

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

Councillors and administrators to properly examine information

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

Refusal of access to information

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



Use of certain Council information

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

Use and security of confidential information

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

Personal information

- 8.12 When dealing with personal information, Council officials must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*;
 - b) the *Health Records and Information Privacy Act 2002*;
 - c) the Information Protection Principles and Health Privacy Principles;
 - d) Council's Privacy Management Plan; and
 - e) the Privacy Code of Practice for Local Government.



Use of Council resources

- 8.13 Council officials must use Council resources ethically, effectively, efficiently and carefully in exercising their official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to Council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- the representation of members with respect to disciplinary matters;
 - the representation of employees with respect to grievances and disputes; and
 - functions associated with the role of the local consultative committee.
- 8.15 Council officials must be scrupulous in their use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 Council officials must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for their benefit or the benefit of any other person or body.
- 8.17 Council officials must not use Council resources (including Council staff), property or facilities for the purpose of assisting their election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 Council officials must not use Council's letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:
- for the purpose of assisting their election campaign or the election campaign of others, or
 - for other non-official purposes.
- 8.19 Council officials must not convert any property of Council to their own use unless this arrangement has been properly authorised and documented.

Internet access

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

Council record keeping

- 8.21 Council officials must comply with the requirements of the State Records Act 1998 and Council's records management policy.



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

Councillor access to Council buildings

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



PART 9: Maintaining the integrity of this Code

Complaints made for an improper purpose

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

Detrimental action

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



Compliance with requirements under the Procedures

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

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

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

Complaints alleging a breach of this Part

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



Schedule 1

Disclosures of interests and other matters in written returns submitted under clause 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the Schedules to this Code, the following definitions apply:

address means:

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

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

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

- a) the allotment of shares in a company;
- b) the creation of a trust in respect of property;
- c) the grant or creation of a lease, mortgage, charge, easement, license, power, partnership or interest in respect of property;
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property;
- e) the exercise by a person of a general power of appointment over property in favour of another person;
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person;

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

interest means:

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



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

occupation includes trade, profession and vocation;

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation;

property includes money;

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. **Interests etc. outside New South Wales:**

A reference in this Schedule or in Schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

3. **References to interests in real property:**

A reference in this Schedule or in Schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.

4. **Gifts, loans etc. from related corporations:**

For the purposes of this Schedule and Schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.



Part 2: Pecuniary interests to be disclosed in returns

Real property

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

Gifts

9. A person making a return under clause 4.21 of this Code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$100, unless it was among gifts totalling more than \$100 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the gift recipient, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.



Contributions to travel

12. A person making a return under clause 4.21 of this Code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

14. For the purposes of clause 13 of this Schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

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

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
 - a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and



- c) prohibited from paying any dividend to its members.
- 17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
- 18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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

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

Positions in trade unions and professional or business associations

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

Dispositions of real property

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



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

Sources of income

26. A person making a return under clause 4.21 of this Code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this Schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - i. a description of the occupation, and
 - ii. if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii. if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the Mayor or Deputy Mayor under sections 248 or 249 of the Act need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this Code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the



return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - i. the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - ii. the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:
 - i. the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - ii. the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
 - e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.



Schedule 2

Form of written return of interests submitted under clause 4.21

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. Council officials completing the first return required to be lodged with the Chief Executive Officer after becoming a councillor or designated person, are not required to complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on their circumstances at the return date, that is, the date on which they became a councillor or designated person.
3. A Council official who has previously lodged a return with the Chief Executive Officer and is completing this return for the purposes of disclosing a new interest that was not disclosed in the last return lodged with the Chief Executive Officer, must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which they became a councillor or designated person, (whichever is the later date), to the return date which is the date of becoming aware of the new interest to be disclosed in the updated return.
4. A Council official who has previously lodged a return with the Chief Executive Officer and is submitting a new return for the new financial year, must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information required to be disclosed, an appendix may be attached which is to be properly identified and signed by .
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.



Important information

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

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

The information collected on this form will be kept by the Chief Executive Officer in a register of returns. The Chief Executive Officer is required to table all returns at a Council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any guidelines issued by the Information Commissioner.

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



Disclosure of pecuniary interest and other matters by:	<i>[full name of councillor or designated person]</i>	
As at:	<i>[return date]</i>	
In respect of the period:	<i>From: [date]</i>	<i>To: [date]</i>
Councillor's or designated person's signature:		
Date return signed:		
A. REAL PROPERTY		
Street address of each parcel of real property in which I had an interest at the Nature of Interest return date/any time since 30 June		
B. SOURCES OF INCOME		
1. Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June Sources of income I received from an occupation at any time since 30 June		
Description of occupation		
Name and address of employer or description of office held (if applicable)		
Name under which partnership conducted (if applicable)		
2. Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June Sources of income I received from a trust since 30 June		
Name and address of settlor		
Name and address of trustee		
3. Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June Sources of other income I received at any time since 30 June		
<i>[include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i>		
C. GIFTS		
Description of each gift I received at any time since 30 June		
Name and address of donor		
D. CONTRIBUTIONS TO TRAVEL		
Name and address of each person who made		



any financial or other contribution to any travel undertaken by me at any time since 30 June	
Dates on which travel was undertaken	
Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken	
E. INTERESTS AND POSITIONS IN CORPORATIONS	
Name and address of each corporation in which I had an interest or held a position at the return date/any time since 30 June	
Nature of interest (if any)	
Description of position (if any)	
Description of principal objects (if any) of corporation (except in case of listed company)	
F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?	
Yes/No	
G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS	
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	
Description of position	
H. DEBTS	
Name and address of each person to whom I was liable to pay any debt at the return date/any time since 30 June	
I. DISPOSITIONS OF PROPERTY	
1. Particulars of each disposition of real property to me (including the street address of the affected property) at any time since 30 June as result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time	
2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since	



30 June, as a result of which I obtained either wholly or in part, the use and benefit of the property	
J. DISCRETIONARY DISCLOSURES:	



Schedule 3

Form of special disclosure of pecuniary interest submitted under clause 4.37

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

Important information

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

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

Clause 4.3 of the Model Code of Conduct states that a person will have a pecuniary interest in a matter because of the pecuniary interest of their spouse, de facto partner or relative or because their business partner or employer has a pecuniary interest. A Council official will also have a pecuniary interest in a matter because they, their nominee, business partner or employer is a member of a company or other body that has a pecuniary interest in the matter.

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

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

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



Special disclosure of pecuniary interest by	[full name of councillor]
in the matter of	[insert name of environmental planning instrument]
which is to be considered at a meeting of the	[name of Council or Council committee, as the case requires]
to be held on the	[date] day of [month] [year]
PECUNIARY INTEREST	
Address of the affected principal place of residence of the councillor or an associated person, company or body	[the identified land]
Relationship of identified land to councillor [tick or cross one box]	<input type="checkbox"/> The councillor has an interest in the land (eg is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise) <input type="checkbox"/> An associated person of the councillor has an interest in the land <input type="checkbox"/> An associated company or body of the councillor has an interest in the land
MATTER GIVING RISE TO PECUNIARY INTEREST ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [tick or cross one box]	<input type="checkbox"/> The identified land <input type="checkbox"/> Land that adjoins or is adjacent to or in proximity to the identified land
Current zone/planning control	[insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]
<p>¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.</p> <p>² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.</p>	
Proposed change of zone/planning control	[insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]
Effect of proposed change of zone/planning control on councillor or associated person	[insert one of the following: "appreciable financial gain" or "appreciable financial loss"]
[if more than one pecuniary interest is to be declared, fill in a new form for each additional interest]	
Councillor's signature	
Date	
This form is to be retained by Council's Chief Executive Officer and included in full in the Minutes of the Meeting	



Version control

Title	Delegations of Authority			
ECM Doc Set ID	27187			
Date Adopted	18 April 2019			
Council Minute No.	2019/04/89			
Document Owner	Director Corporate Services			
Responsible Officer	Governance and Corporate Support Coordinator			
Version Number	Modified By	Modifications Made	Date modified and Approved by Council	Council Minute Number
1	Cian Middleton	Adopted by Council	18 April 2019	2019/04/89
2	Michelle Siena	New Model of Conduct as per OLG Circular 20-32 dated 14 August	24 September 2020	2020/181
3	Greg Briscoe-Hough	Adopted by new Council unamended	11 January 2022	220111/7.4
4	Senior Governance Advisor	Updated to reflect legislative changes and OLG's model Code		

Document control

Related Legislation	<i>Local Government Act 1993</i>
Related Policies	Nil
Related Documents	Council's Code of Meeting Practice Council's Procedures for the Administration of the Code of Conduct

**Attachment 2 - Revised Procedures for the Administration of the Code of Conduct -
September 2023**



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**Procedures for the
Administration of the
Code of Conduct
2023**



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PART 1 Introduction

These Procedures incorporate the provisions of the NSW Office of Local Government's *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Model Code Procedures), which are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (the Model Code).

The Model Code is made under section 440 of the Local Government Act 1993 (the Act) and clause 181 of the Local Government (General) Regulation 2021 (the Regulation). Section 440 of the Act requires every council and joint organisation to adopt a Code of Conduct that incorporates the provisions of the Model Code.

The Model Code Procedures are made under section 440AA of the Act and the Regulation. Section 440AA of the Act requires every council and joint organisation to adopt procedures for the administration of their Code of Conduct that incorporate the provisions of the Model Code Procedures.

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

Edward River Council's Procedures for the Administration of the Code of Conduct are consistent with those prescribed under the Model Code Procedures.



PART 2 Definitions

In these Procedures the following terms have the following meanings:

Term	Definition
administrator	An administrator of a council appointed under the Act other than an administrator appointed under section 66.
advisory committee	A committee that does not have any delegated functions. May also be referred to a User Group or an Advocacy Committee.
Chief Executive Officer	The most senior staff member of Council, who is appointed by the governing body.
Code of Conduct	The Code of Conduct adopted by Council under section 440 of the Act.
Code of Conduct complaint	A complaint that is a Code of Conduct complaint for the purposes of clauses 4.1 and 4.2 of these Procedures.
Complainant	A person who makes a Code of Conduct complaint.
Complainant councillor	A councillor who makes a Code of Conduct complaint.
Complaints Coordinator	A person appointed by the Chief Executive Officer under these Procedures as the Complaints Coordinator.
Conduct Reviewer	A person appointed to a Review Panel under these Procedures to review allegations of breaches of the Code of Conduct by councillors or the Chief Executive Officer.
Council	Edward River Council.
Council committee	A committee established by resolution of Council comprising councillors, Council staff or other persons to which Council has delegated functions (known as a 'section 355 committee') and Council's Audit and Risk Improvement Committee.
Council committee member	A person other than a councillor or member of Council's staff who is a member of a Council committee other than an advisory committee, and a person other than a councillor who is a member of Council's Audit, Risk and Improvement Committee.
Council staff	Employees of Edward River Council.
Councillor	Any person elected or appointed to civic office, including the Mayor.
Council official	Any councillor, Council staff member, administrator, Council committee member, delegate of Council and, for the purposes of clause 4.16 of the Model Code, Council adviser.
Delegate of Council	A person (other than a councillor or member of Council's staff) or body, and the individual members of that body, to whom a function of Council is delegated.
External agency	A State Government agency such as, but not limited to, the Office of Local Government (OLG), the Independent Commission Against Corruption (ICAC), the NSW Ombudsman or the NSW Police.
ICAC	The Independent Commission Against Corruption. ICAC works to prevent and investigates corruption in the NSW public sector.
Investigator	A Conduct Reviewer.
Joint organisation	A joint organisation established under section 4000 of the Act. Edward River Council is a member of the Riverina & Murray Joint Organisation (RAMJO)



Term	Definition
the Act	The <i>Local Government Act 1993</i> .
Mayor	The Edward River Council Mayor, elected every two years by the governing body.
Pecuniary interest	an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, your spouse or de facto partner, your relative, or your partner or employer; or a company or other body of which you or your partner or employer is a shareholder or member.
the OLG	The NSW Office of Local Government.
the Ombudsman	An independent and impartial integrity agency, accountable to the people of NSW.
RAMJO	Riverina & Murray Joint Organisation
the Regulation	The <i>Local Government (General) Regulation 2021</i> .
respondent	A person whose conduct is the subject of investigation by a Conduct Reviewer under these Procedures.

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PART 3 Administrative framework

The establishment of a panel of Conduct Reviewers

- 3.1 Council must establish a panel of Conduct Reviewers (Review Panel).
- 3.2 Council may enter into an arrangement with one or more other councils to share a panel of Conduct Reviewers including through a joint organisation or another regional body associated with Council.
- 3.3 The Review Panel is to be appointed (or endorsed, if established by a shared arrangement as per clause 3.2) by resolution of Council following a public expression of interest (EOI) process.
- 3.4 An EOI for members of the Review Panel must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be appointed to a Review Panel, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including, but not limited to, procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations;
 - ii) law;
 - iii) public administration;
 - iv) public sector ethics;
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a Review Panel under clause
- 3.6 A person is not eligible to be a member of a Review Panel if they are:
 - a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) a Council staff member, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction; or
 - h) a person who had been an Edward River councillor in the previous two years; or
 - i) a close relative or business associate of an Edward River councillor or a Council staff member; or
 - j) a member of Council's Audit & Risk Improvement Committee; or
 - k) a contractor to Council or has been a contractor to Council in the past twelve months;
 - l) a director, owner or employee of an entity with which Council transacts business including solicitors, bankers and media organisations; or
 - m) has, or is likely to have, a conflict of interest.
- 3.7 A person is not precluded from being a member of the Edward River Council's Review Panel if they are a member of another Council's Review Panel.
- 3.8 An incorporated or other entity may be appointed to the Review Panel where Council is satisfied that all the persons who will be undertaking the functions of a Conduct Reviewer on



behalf of the entity meet the selection and eligibility criteria prescribed under this Part.

- 3.9 A Review Panel established under this Part is to have a term of up to four years, in alignment with each Council term.
- 3.10 Council may terminate the Review Panel or a member of the Review Panel at any time. Where a Review Panel has been terminated, the Review Panel may continue (at the discretion of Council's Complaints Coordinator) to deal with any matter referred to them under these Procedures until they have finalised their consideration of the matter.
- 3.11 When the term of the Review Panel concludes or is terminated, Council must establish a new Review Panel in accordance with the requirements of this Part. Council's Review Panel should be confirmed within three months of each ordinary Council election.
- 3.12 A person who was a member of a previous Review Panel established by Council may be a member of subsequent Review Panels if they continue to meet the selection and eligibility criteria for membership.

The appointment of an internal ombudsman to a panel of Conduct Reviewers

- 3.13 Despite sub-clause 3.6(d), an employee of Council who is the nominated internal ombudsman of one or more councils may be appointed to the Review Panel with the OLG's consent.
- 3.14 To be appointed to the Review Panel, an internal ombudsman must meet the qualification requirements prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to the Review Panel may also exercise the functions of the Complaints Coordinator. For the purposes of clause 6.1, an internal ombudsman who is the Complaints Coordinator and has been appointed to the Review Panel, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another Conduct Reviewer in accordance with clause 6.2.
- 3.16 Sub-clause 6.4(c) does not apply to an internal ombudsman appointed to a Review Panel.

The appointment of Complaints Coordinators

- 3.17 The Chief Executive Officer must appoint a Council staff member or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with Council), to act as the Complaints Coordinator. Where the Complaints Coordinator is a Council staff member, he or she should be a senior and suitably qualified member of Council staff.
- 3.18 The Chief Executive Officer may appoint other Council staff members or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with Council), to act as alternates to the Complaints Coordinator.
- 3.19 The Chief Executive Officer must not undertake the role of Complaints Coordinator.
- 3.20 The person appointed as Complaints Coordinator (or Complaints Coordinator alternates) must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.



- 3.21 The role of the Complaints Coordinator is to:
- a) coordinate the management of Code of Conduct complaints
 - b) liaise with and provide administrative support to a Conduct Reviewer
 - c) liaise with the OLG, and
 - d) arrange the annual reporting of Code of Conduct complaints statistics.

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PART 4 How may Code of Conduct complaints be made?

What is a Code of Conduct complaint?

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

When must a Code of Conduct complaint be made?

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

How may a Code of Conduct complaint be made about a Council official other than the Chief Executive Officer?

- 4.6 All Code of Conduct complaints, other than those relating to the Chief Executive Officer, are to be made to the Chief Executive Officer in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a Code of Conduct complaint about a Council official other than the Chief Executive Officer cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a Code of Conduct complaint about a Council official other than the Chief Executive Officer, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The Chief Executive Officer or their delegate, or, where the complaint is referred to a Conduct Reviewer, the Conduct Reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the Chief Executive Officer becomes aware of a possible breach of the Code of Conduct, they may initiate the process for the consideration of



the matter under these Procedures without a written complaint.

How may a Code of Conduct complaint about the Chief Executive Officer be made?

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



PART 5 How are Code of Conduct complaints managed?

Delegation by Chief Executive Officer and Mayor of their functions under this Part

- 5.1 The Chief Executive Officer or Mayor may delegate their functions under this Part to a Council staff member or to a person or persons external to Council other than an external agency. References in this Part to the Chief Executive Officer or Mayor are also to be taken to be references to their delegates.

Consideration of complaints by the Chief Executive Officer and Mayor

- 5.2 In exercising their functions under this Part, the Chief Executive Officer and Mayor may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these Procedures, the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, the Mayor, may decline to deal with a complaint under these Procedures where they are satisfied that the complaint:
- is not a Code of Conduct complaint, or
 - subject to clause 4.5, is not made within three months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - is trivial, frivolous, vexatious or not made in good faith, or
 - relates to a matter the substance of which has previously been considered and addressed by Council and does not warrant further action, or
 - is not made in a way that would allow the alleged conduct and any alleged breaches of the Code of Conduct to be readily identified.

How are Code of Conduct complaints about staff (other than the Chief Executive Officer) to be dealt with?

- 5.4 The Chief Executive Officer is responsible for the management of Code of Conduct complaints about Council staff members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct) and for determining the outcome of such complaints.
- 5.5 The Chief Executive Officer must refer Code of Conduct complaints about Council staff members that allege a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct to the OLG.
- 5.6 The Chief Executive Officer may decide to take no action in relation to a Code of Conduct complaint about a Council staff member (other than one requiring referral to the OLG under clause 5.5) where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the Chief Executive Officer decides to take no action in relation to a Code of Conduct complaint about a member of Council staff, they must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter.
- 5.8 Code of Conduct complaints about Council staff members must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.



- 5.9 Sanctions for breaches of the Code of Conduct by Council staff members depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are Code of Conduct complaints about delegates of Council, Council advisors and Council committee members to be dealt with?

- 5.10 The Chief Executive Officer is responsible for the management of Code of Conduct complaints about delegates of Council and Council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct) and for determining the outcome of such complaints.
- 5.11 The Chief Executive Officer must refer Code of Conduct complaints about Council advisers, delegates of Council and Council committee members that allege a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct to the OLG.
- 5.12 The Chief Executive Officer may decide to take no action in relation to a Code of Conduct complaint about a delegate of Council or a Council committee member other than one requiring referral to the OLG under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the Chief Executive Officer decides to take no action in relation to a Code of Conduct complaint about a delegate of Council or a Council committee member, the Chief Executive Officer must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter.
- 5.14 Where the Chief Executive Officer seeks to resolve Code of Conduct complaints about delegates of Council or Council committee members by alternative means (such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour), the resolution of a complaint under this clause is not to be taken as a determination that there has been a breach of the Code of Conduct.
- 5.15 Where the Chief Executive Officer resolves a Code of Conduct complaint under clause 5.14 to his or her satisfaction, the Chief Executive Officer must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter.
- 5.16 Sanctions for breaches of the Code of Conduct by delegates of Council and/or Council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- censure
 - requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the Chief Executive Officer
 - prosecution for any breach of the law
 - removing or restricting the person's delegation
 - removing the person from membership of the relevant Council committee.
- 5.17 Prior to imposing a sanction against a delegate of Council or a Council committee member under clause 5.16, the Chief Executive Officer or any person making enquiries on behalf of the Chief Executive Officer, must comply with the requirements of procedural fairness. In particular:
- the substance of the allegation (including the relevant provision/s of the Code of Conduct that the alleged conduct has breached) must be put to the person who is the subject of the allegation, and
 - the person must be given an opportunity to respond to the allegation, and
 - the Chief Executive Officer must consider the person's response in deciding whether to



impose a sanction under clause 5.16.

How are Code of Conduct complaints about administrators to be dealt with?

- 5.18 The Chief Executive Officer must refer all Code of Conduct complaints about administrators to the OLG for its consideration.
- 5.19 The Chief Executive Officer must notify the complainant of the referral of their complaint in writing.

How are Code of Conduct complaints about councillors to be dealt with?

- 5.20 The Chief Executive Officer must refer the following Code of Conduct complaints about councillors to the OLG:
 - a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct
 - b) complaints alleging a failure to comply with a requirement under the Code of Conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the Act)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the Code of Conduct contained in Part 9 of the Code of Conduct, and
 - d) complaints that are the subject of a special complaints management arrangement with the OLG under clause 5.49.
- 5.21 Where the Chief Executive Officer refers a complaint to the OLG under clause 5.20, he or she must notify the complainant of the referral in writing.
- 5.22 The Chief Executive Officer may decide to take no action in relation to a Code of Conduct complaint about a councillor, other than one requiring referral to the OLG under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the Chief Executive Officer decides to take no action in relation to a Code of Conduct complaint about a councillor, he or she must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter.
- 5.24 Where the Chief Executive Officer considers it to be practicable and appropriate to do so, he or she may seek to resolve Code of Conduct complaints about councillors, other than those requiring referral to the OLG under clause 5.20, by alternative means (such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour). The resolution of a Code of Conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Code of Conduct.
- 5.25 Where the Chief Executive Officer resolves a Code of Conduct complaint under clause 5.24 to his or her satisfaction, the Chief Executive Officer must (within 21 days of receipt of the complaint) notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter.
- 5.26 The Chief Executive Officer must refer all Code of Conduct complaints about councillors (other than those referred to the OLG under clause 5.20, finalised under clause 5.23 or resolved under clause 5.24) to Council's Complaints Coordinator.



How are Code of Conduct complaints about the Chief Executive Officer to be dealt with?

- 5.27 The Mayor must refer the following Code of Conduct complaints about the Chief Executive Officer to the OLG:
- complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct
 - complaints alleging a breach of the provisions relating to the maintenance of the integrity of the Code of Conduct contained in Part 9 of the Code of Conduct, and
 - complaints that are the subject of a special complaints management arrangement with the OLG under clause 5.49.
- 5.28 Where the Mayor refers a complaint to the OLG under clause 5.27, the Mayor must notify the complainant of the referral in writing.
- 5.29 The Mayor may decide to take no action in relation to a Code of Conduct complaint about the Chief Executive Officer, other than one requiring referral to the OLG under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the Mayor decides to take no action in relation to a Code of Conduct complaint about the Chief Executive Officer, the Mayor must (within 21 days of receipt of the complaint) give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter.
- 5.31 Where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve Code of Conduct complaints about the Chief Executive Officer, other than those requiring referral to the OLG under clause 5.27, by alternative means (such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour). The resolution of a Code of Conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Code of Conduct.
- 5.32 Where the Mayor resolves a Code of Conduct complaint under clause 5.31 to his or her satisfaction, the Mayor must (within 21 days of receipt of the complaint) notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter.
- 5.33 The Mayor must refer all Code of Conduct complaints about the Chief Executive Officer (other than those referred to the OLG under clause 5.27, finalised under clause 5.30 or resolved under clause 5.31) to Council's Complaints Coordinator.

How are Code of Conduct complaints about both the Chief Executive Officer and Mayor to be dealt with?

- 5.34 Where the Chief Executive Officer or Mayor receives a Code of Conduct complaint that alleges a breach of the Code of Conduct by both the Chief Executive Officer and the Mayor, the Chief Executive Officer or Mayor must either:
- delegate their functions under this part with respect to the complaint to a Council staff member other than the Chief Executive Officer where the allegation is not serious, or to a person external to Council, or
 - refer the matter to the Complaints Coordinator under clause 5.26 and clause 5.33.



Referral of Code of Conduct complaints to external agencies

- 5.35 The Chief Executive Officer, Mayor or a Conduct Reviewer may, at any time, refer a Code of Conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The Chief Executive Officer, Mayor or a Conduct Reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the Chief Executive Officer, Mayor or Conduct Reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these Procedures unless Council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these Procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
 - a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a Conduct Reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to Code of Conduct complaints made by councillors about other councillors or the Chief Executive Officer.
- 5.41 Where a councillor makes a Code of Conduct complaint about another councillor or the Chief Executive Officer, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a Code of Conduct complaint and must state the grounds upon which the request is made.
- 5.43 The Chief Executive Officer or Mayor, and where the matter is referred to a Conduct Reviewer, the Conduct Reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the Chief Executive Officer or Mayor or, where the matter is referred to a Conduct Reviewer, the Conduct Reviewer, shall notify councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.



Code of Conduct complaints made as public interest disclosures

- 5.45 These Procedures do not override the provisions of the Public Interest Disclosures Act 1994. Code of Conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, Council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a Code of Conduct complaint about another councillor or the Chief Executive Officer as a public interest disclosure, before the matter may be dealt with under these Procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the Chief Executive Officer or the Mayor must refer the complaint to the OLG for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

- 5.48 The Chief Executive Officer may request in writing that the OLG enter into a special complaints management arrangement with Council in relation to Code of Conduct complaints made by or about a person or persons.
- 5.49 Where the OLG receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of Code of Conduct complaints made by or about a person or persons has:
- imposed an undue and disproportionate cost burden on Council's administration of the Code of Conduct, or
 - impeded or disrupted the effective administration by Council of the Code of Conduct, or
 - impeded or disrupted the effective functioning of Council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- the Code of Conduct complaints the arrangement relates to, and
 - the period that the arrangement will be in force.
- 5.51 The OLG may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the OLG (the assessing OLG officer) must undertake the preliminary assessment of the Code of Conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these Procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a Code of Conduct complaint warrants investigation by a Conduct Reviewer, the assessing OLG officer shall notify the Complaints Coordinator in writing of their determination and the reasons for their determination. The Complaints Coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the OLG may, at the request of the Chief Executive Officer, review the arrangement to determine whether it should be renewed or amended.



- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

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PART 6 Preliminary assessment of Code of Conduct complaints about councillors or the Chief Executive Officer by Conduct Reviewers

Referral of Code of Conduct complaints about councillors or the Chief Executive Officer to Conduct Reviewers

- 6.1 The Complaints Coordinator must refer all Code of Conduct complaints about councillors or the Chief Executive Officer that have not been referred to an external agency, or declined or resolved by the Chief Executive Officer, Mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a Conduct Reviewer within 21 days of receipt of the complaint by the Chief Executive Officer or the Mayor.
- 6.2 For the purposes of clause 6.1, the Complaints Coordinator will refer a complaint to a Conduct Reviewer selected from:
 - a) a panel of Conduct Reviewers established by Council, or
 - b) a panel of Conduct Reviewers established by an organisation approved by the OLG.
- 6.3 In selecting a suitable Conduct Reviewer, the Complaints Coordinator may have regard to the qualifications and experience of members of the Review Panel. Where the Conduct Reviewer is an incorporated or other entity, the Complaints Coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for Conduct Reviewers prescribed under Part 3 of these Procedures.
- 6.4 A Conduct Reviewer must not accept the referral of a Code of Conduct complaint where:
 - a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with Council (other than contracts relating to the exercise of their functions as a Conduct Reviewer) in the two years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000 (exc GST), or
 - d) at the time of the referral, they or their employer are Council's legal service provider; or are a member of a panel of legal service providers appointed by Council; or have provided legal advice to Council in the previous 12 months.
- 6.5 For the purposes of sub-clause 6.4(a), a Conduct Reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code).
- 6.6 For the purposes of sub-clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the Conduct Reviewer might not bring an impartial and unprejudiced mind to the matter referred to the Conduct Reviewer.
- 6.7 Where the Complaints Coordinator refers a matter to a Conduct Reviewer, they will provide the Conduct Reviewer with a copy of the Code of Conduct complaint and any other information relevant to the matter held by Council, including any information about previous proved breaches by the respondent and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The Complaints Coordinator must notify the complainant in writing that the matter has been referred to a Conduct Reviewer and provide the name of the Conduct Reviewer.



- 6.9 Conduct Reviewers must comply with these Procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The Complaints Coordinator may at any time terminate the referral of a matter to a Conduct Reviewer and refer the matter to another Conduct Reviewer where the Complaints Coordinator is satisfied that the Conduct Reviewer has failed to:
- comply with these Procedures in their consideration of the matter, or
 - comply with a lawful and reasonable request by the Complaints Coordinator, or
 - exercise their functions in a timely or satisfactory manner.
- 6.11 Where the Complaints Coordinator terminates a referral to a Conduct Reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it, and advise them which Conduct Reviewer the matter has subsequently been referred to instead.

Preliminary assessment of Code of Conduct complaints about councillors or the Chief Executive Officer by a Conduct Reviewer

- 6.12 The Conduct Reviewer is to undertake a preliminary assessment of a complaint referred to them by the Complaints Coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The Conduct Reviewer may determine to do one or more of the following in relation to a complaint referred to them by the Complaints Coordinator:
- to take no action
 - to resolve the complaint by alternative and appropriate strategies (such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour)
 - to refer the matter back to the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, the Mayor, for resolution by alternative and appropriate strategies (such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour)
 - to refer the matter to an external agency, or
 - to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the Conduct Reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The Conduct Reviewer may make such enquiries the Conduct Reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The Conduct Reviewer may request the Complaints Coordinator to provide such additional information the Conduct Reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The Complaints Coordinator will, as far as is reasonably practicable, supply any information requested by the Conduct Reviewer.
- 6.17 The Conduct Reviewer must refer to the OLG any complaints referred to them that should have been referred to the OLG under clauses 5.20 and 5.27.
- 6.18 The Conduct Reviewer must determine to take no action on a complaint that is not a Code of Conduct complaint for the purposes of these Procedures.
- 6.19 The resolution of a Code of Conduct complaint under clause 6.13, sub-clauses (b) or (c) is not to be taken as a determination that there has been a breach of the Code of Conduct.



- 6.20 Where the Conduct Reviewer completes their preliminary assessment of a complaint by determining to exercise an option under sub-clauses 6.13, (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter.
- 6.21 Where the Conduct Reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The Conduct Reviewer may only determine to investigate a matter where they are satisfied as to the following:
- that the complaint is a Code of Conduct complaint for the purposes of these Procedures, and
 - that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the Act or disciplinary action against the Chief Executive Officer under their contract of employment if it were to be proven, and
 - that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the Act or disciplinary action against the Chief Executive Officer under their contract of employment, the Conduct Reviewer is to consider the following:
- the harm or cost that the alleged conduct has caused to any affected individuals and/or Council
 - the likely impact of the alleged conduct on the reputation of Council and public confidence in it
 - whether the alleged conduct was deliberate or undertaken with reckless intent or negligence, and
 - any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The Conduct Reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the Complaints Coordinator and notify the Complaints Coordinator in writing of the outcome of their assessment.
- 6.25 The Conduct Reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these Procedures.

Referral back to the Chief Executive Officer or Mayor for resolution

- 6.26 Where the Conduct Reviewer determines to refer a matter back to the Chief Executive Officer or to the Mayor to be resolved by alternative and appropriate means, they must write to the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, to the Mayor, recommending the means by which the complaint may be resolved.
- 6.27 The Conduct Reviewer must consult with the Chief Executive Officer or Mayor prior to referring a matter back to them under sub-clause 6.13(c).
- 6.28 The Chief Executive Officer or Mayor may decline to accept the Conduct Reviewer's recommendation. In such cases, the Conduct Reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the Conduct Reviewer refers a matter back to the Chief Executive Officer or Mayor under clause sub- 6.13(c), the Chief Executive Officer or, in the case of a complaint about the



Chief Executive Officer, the Mayor, is responsible for implementing or overseeing the implementation of the Conduct Reviewer's recommendation.

- 6.30 Where the Conduct Reviewer refers a matter back to the Chief Executive Officer or Mayor under sub-clause 6.13(c), the Chief Executive Officer, or, in the case of a complaint about the Chief Executive Officer, the Mayor, must advise the complainant in writing of the steps taken to implement the Conduct Reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the Conduct Reviewer must have regard to the following considerations:
- a) whether the complaint is a Code of Conduct complaint for the purpose of these Procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the Code of Conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the Code of Conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies (such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour)
 - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - i) any previous proven breaches of the Code of Conduct **by the respondent**
 - j) whether the conduct complained of forms part of an ongoing pattern of behaviour
 - k) whether there were mitigating circumstances giving rise to the matter the subject of the complaint
 - l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
 - m) the significance of the conduct or the impact of the conduct for Council
 - n) how much time has passed since the alleged conduct occurred, and
 - o) such other considerations that the Conduct Reviewer considers may be relevant to the assessment of the complaint.



PART 7 Investigations of Code of Conduct complaints about councillors or the Chief Executive Officer

What matters may a Conduct Reviewer investigate?

- 7.1 A Conduct Reviewer (hereafter referred to as an "investigator") may investigate a Code of Conduct complaint that has been referred to them by the Complaints Coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the Code of Conduct that are not related to or do not arise from the Code of Conduct complaint that has been referred to them, they are to report the matters separately in writing to the Chief Executive Officer, or, in the case of alleged conduct on the part of the Chief Executive Officer, to the Mayor.
- 7.3 The Chief Executive Officer or the Mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new Code of Conduct complaint in accordance with these Procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the Code of Conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period (of not less than 14 days) specified in the notice by the investigator, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time as specified in the notice.
- 7.5 The respondent may, within seven days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period (of not less than 14 days) specified in the amended notice by the investigator.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the Complaints Coordinator and the Chief Executive Officer, or in the case of a complaint about the Chief Executive Officer, to the complainant, the Complaints Coordinator and the Mayor. The notice must:
 - a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within a period



(of not less than 14 days) specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

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

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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
 - a) resolve the matter by alternative and appropriate strategies (such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour), or
 - b) refer the matter to the Chief Executive Officer, or, in the case of a complaint about the Chief Executive Officer, to the Mayor, for resolution by alternative and appropriate



strategies (such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour), or

- c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these Procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a Code of Conduct complaint under sub-clauses 7.20 (a) or (b) is not to be taken as a determination that there has been a breach of the Code of Conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the Complaints Coordinator and the Chief Executive Officer, or in the case of a complaint about the Chief Executive Officer, to the respondent, the complainant, the Complaints Coordinator and the Mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation, except as may be specifically required under these Procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period (of not less than 14 days) specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period (of not less than 14 days) specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.



- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these Procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and
 - b) make a determination that the conduct investigated either:
 - i. constitutes a breach of the Code of Conduct, or
 - ii. does not constitute a breach of the Code of Conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
 - b) the relevant provisions of the Code of Conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination, and
 - j) any recommendations.
- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the Code of Conduct, the investigator may recommend:
- a) in the case of a breach by the Chief Executive Officer, that disciplinary action be taken under the Chief Executive Officer's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act, or
 - c) in the case of a breach by a councillor, that Council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the Act, and
 - ii. that the matter be referred to the OLG for further action under the misconduct provisions of the Act.
- 7.38 Where the investigator proposes to make a recommendation under sub-clause 7.37(c), the investigator must first consult with the OLG on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the OLG into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the Code of Conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that Council revise any of its policies, practices or procedures.



- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the Code of Conduct, the investigator may recommend:
- that Council revise any of its policies, practices or procedures, and
 - that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the Complaints Coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the Complaints Coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - the investigator's determination and the reasons for that determination
 - any recommendations, and
 - such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the Code of Conduct, the Complaints Coordinator must provide a copy of the investigator's report to the Chief Executive Officer or, where the report relates to the Chief Executive Officer's conduct, to the Mayor, and this will finalise consideration of the matter.
- 7.44 Where the investigator has determined that there has been a breach of the Code of Conduct and makes a recommendation under clause 7.37, the Complaints Coordinator must, where practicable, arrange for the investigator's report to be reported to the next Ordinary Council Meeting for Council's consideration, unless the meeting is to be held within the four weeks prior to an ordinary local government election, in which case the report must be reported to the first Ordinary Council Meeting following the election.
- 7.45 Where it is apparent to the Complaints Coordinator that Council will not be able to form a quorum to consider the investigator's report, the Complaints Coordinator must refer the investigator's report to the OLG for its consideration instead of reporting it to Council under clause 7.44.

Consideration of the final investigation report by Council

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



- 7.51 Council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, Council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report,
 - b) or seek an opinion from the OLG in relation to the report.
- 7.53 Council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the OLG.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the Complaints Coordinator who shall provide copies to Council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the Complaints Coordinator.
- 7.57 Council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 Council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the Chief Executive Officer, that disciplinary action be taken under the Chief Executive Officer's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act, or
 - c) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the Act, and
 - ii. that the matter be referred to the OLG for further action under the misconduct provisions of the Act.
- 7.59 Where Council censures a councillor under section 440G of the Act, Council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution the investigator's findings and determination and/or such other grounds that Council considers may be relevant or appropriate.
- 7.60 Council is not obliged to adopt the investigator's recommendation. Where Council proposes not to adopt the investigator's recommendation, Council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where Council resolves not to adopt the investigator's recommendation, the Complaints Coordinator must notify the OLG of Council's decision and the reasons for it.



PART 8 Oversight and rights of review

The Office of Local Government's powers of review

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

Complaints about Conduct Reviewers

- 8.4 The Chief Executive Officer or their delegate must refer Code of Conduct complaints about Conduct Reviewers to the OLG for its consideration.
- 8.5 The Chief Executive Officer must notify the complainant of the referral of their complaint about the Conduct Reviewer in writing.
- 8.6 The Chief Executive Officer must implement any recommendation made by the OLG as a result of its consideration of a complaint about a Conduct Reviewer.

Practice rulings

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

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these Procedures (other than one imposed under clause sub-clause 7.58(c)) may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the OLG.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
 - a) that the investigator has failed to comply with a requirement under these Procedures, or



- b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the Code of Conduct, or
 - c) that in imposing its sanction, Council has failed to comply with a requirement under these Procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or Council has erred.
- 8.14 The OLG may decline to conduct a review in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The OLG may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The OLG will undertake a review of the matter using the investigation report papers. However, the OLG may request that the Complaints Coordinator provide such further information that the OLG considers reasonably necessary for it to review the matter. The Complaints Coordinator must, as far as is reasonably practicable, provide the information requested by the OLG.
- 8.17 Where a person requests a review under clause 8.11, the OLG may direct Council to defer any action to implement a sanction. Council must comply with a direction by the OLG to defer action.
- 8.18 The OLG must notify the person who requested the review and the Complaints Coordinator of the outcome of the OLG's review in writing and the reasons for its decision. In doing so, the OLG may comment on any other matters it considers to be relevant.
- 8.19 Where the OLG considers that the investigator or Council has erred, the OLG may recommend that a decision to impose a sanction under these Procedures be reviewed. Where the OLG recommends that the decision to impose a sanction be reviewed:
- a) the Complaints Coordinator must, where practicable, arrange for the OLG's determination to be tabled at the next ordinary Council meeting (unless the meeting is to be held within the four weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary Council meeting following the election) and
 - b) Council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the OLG's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under sub-clause 8.19 (b), Council resolves to reaffirm its previous decision, Council must state in its resolution its reasons for doing so.



PART 9 Procedural irregularities

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



PART 10 Practice directions

- 10.1 The OLG may at any time issue a practice direction in relation to the application of these Procedures.
- 10.2 The OLG will issue practice directions in writing, by Circular to all councils.
- 10.3 All persons performing a function prescribed under these Procedures must consider the OLG's **published** practice directions when performing the function.
- 10.4 **Amendments required to these Procedures resulting from a practice direction will be included in the annual revision and update of these Procedures.**



PART 11 Reporting statistics on Code of Conduct Complaints about councillors and the Chief Executive Officer

- 11.1 The Complaints Coordinator must arrange for the following statistics to be reported to Council within three months of the end of September of each year:
- a) the total number of Code of Conduct complaints made about councillors and the Chief Executive Officer in the year to September (the reporting period)
 - b) the number of Code of Conduct complaints referred to a Conduct Reviewer during the reporting period
 - c) the number of Code of Conduct complaints finalised by a Conduct Reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of Code of Conduct complaints investigated by a Conduct Reviewer during the reporting period
 - e) without identifying particular matters, the outcome of investigations completed during the reporting period
 - f) the number of matters reviewed by the OLG during the reporting period and, without identifying particular matters, the outcome of the reviews, and
 - g) the total cost of dealing with Code of Conduct complaints made about councillors and the Chief Executive Officer during the reporting period, including staff costs.
- 11.2 Council is to provide the OLG with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.



PART 12 Confidentiality

- 12.1 Information about Code of Conduct complaints, and the management and investigation of complaints, is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these Procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a Code of Conduct complaint they have made or purported to make, the Chief Executive Officer or their delegate may, with the consent of the OLG, determine that the complainant is to receive no further information about their complaint and any future complaint they make or purport to make.
- 12.3 Prior to seeking the OLG's consent under clause 12.2, the Chief Executive Officer or their delegate must give the complainant written notice of their intention to seek the OLG's consent, invite them to make a written submission within a period (of not less than 14 days) specified by the Chief Executive Officer or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the OLG must consider any submission made by the complainant to the Chief Executive Officer or their delegate.
- 12.5 The Chief Executive Officer or their delegate must give written notice of a determination made under clause 12.2 to:
 - a) the complainant,;
 - b) the Complaints Coordinator,;
 - c) the OLG, and
 - d) any other person the Chief Executive Officer or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these Procedures that a complainant is to be provided with information about a Code of Conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the Chief Executive Officer or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to Council information under the Government Information (Public Access) Act 2009 or to receive information under the Public Interest Disclosures Act 1994 in relation to a complaint they have made.



Version control

Title	Procedures for the Administration of the Code of Conduct			
ECM Doc Set ID	68688			
Date Adopted	18 April 2019			
Council Minute No.	2019/04/89			
Document Owner	Director Corporate Services			
Responsible Officer	Senior Governance Officer			
Version Number	Modified By	Modifications Made	Date modified and Approved by Council	Council Minute Number
1	Cian Middleton	Adopted by Council	18 April 2019	2019/04/89
2	Michelle Siena	New Model of Conduct as per OLG Circular 20-32	24 September 2020	2020/181
3	Senior Governance Advisor	Updated in line with new Model Code of Conduct and Procedures issued by OLG	TBA 2023	

Related information

Related Legislation	<i>Local Government Act 1993</i>
Related Policies	Nil
Related Documents	Edward River Council Code of Conduct Edward River Code of Meeting Practice

12.4. 2022-23 DRAFT FINANCIAL STATEMENTS FOR PRESENTATION TO AUDIT

Author: Financial Accountant

Authoriser: Acting Manager Governance Safety and Risk

RECOMMENDATION

That Council

1. Establish internally restricted reserves for the Conargo Hall Committee Bob White bequest funds (\$2.636m) and the 2023-24 Financial Assistance Grant received in advance(\$6.972m) and to include these in the 2022-23 draft financial statements
2. Review the Draft Financial Statements for 2022-23, incorporating the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules.
3. Recommend that they be presented for audit.
4. Note that the Audited Financial Statements will be provided to ARIC and Council in late October.

BACKGROUND

For the 2022-23 Financial Statements audit, Council agreed a timetable with its auditors Crowe, that enables the draft financial statements to be endorsed by ARIC and to be forwarded to Council to approve to present to the auditors.

ARIC, at its meeting of 12 September 2023, recommended that Council approve to send the draft financial statements to the auditors.

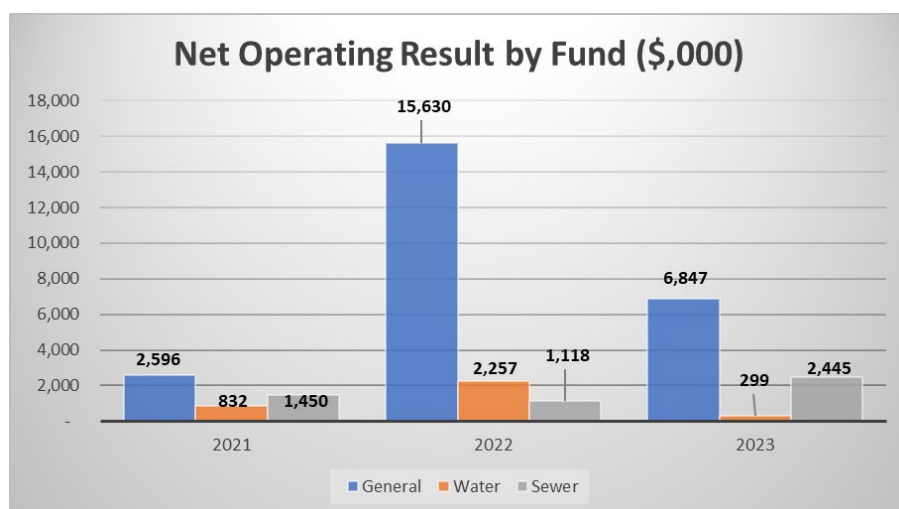
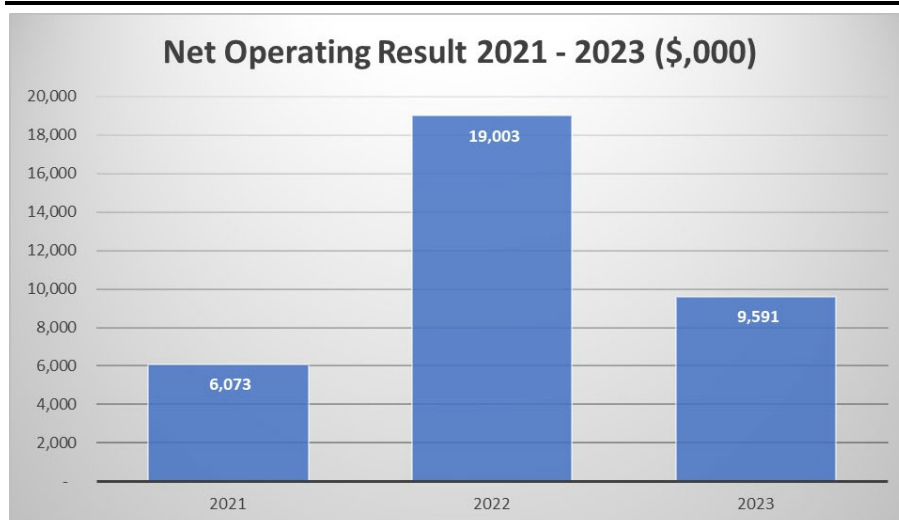
The Draft Financial Statements for 2022-23 have been prepared and are ready for external audit, which is scheduled from in early October 2023.

ISSUE/DISCUSSION

The 2022-23 financial year again saw a positive operating result with an \$9.5m surplus inclusive of capital grants, compared to a \$19m surplus in 2022 and \$6m surplus in 2021. The decrease from 2022 is mainly related to increase in expenditure from the major flooding event in the first half of the financial year.

There was a significant increase in operational grants to help with urgent repairs on Councils roads severely affected by the major flooding event. Council had also received from the federal government an increase in the prepayment portion of the Financial Assistance Grants (FAGs) from 75% to approximately 100% during the year. Although the major flooding event impacted Council, we managed to complete some major projects that were funded by capital grants, even though there was a reduction in capital grants recognised as income for the 2023 financial year.

Operating expenditure had significantly increased from 2022, with Council allocating resources to the floods and then into urgent repairs afterwards. The cost of repair has also been impacted by increased inflation. Most other expenditure appears to be in line with previous years expenditure and management's continued efforts to maintain fiscal discipline and contain costs.



Performance Against Budget

Council’s operating result before capital grants for 2023 strongly outperformed the original budgeted surplus of \$738k. Income from operating activities was the main contributor to this strong result with almost all income categories having favourable variances above the original budget. Most expenditure categories were within 11% of the budgeted figures apart from Materials and services which had an unfavourable variance of 107%. This was mainly because of the major flooding event and subsequent repairs, with grant income subsidising the costs in the income statement. The details of material budget variations are contained in Note B5-1 in the GPFS.

Balance Sheet and Liquidity Position

Council continues to show a strong Balance Sheet, with net assets increasing by \$30m from \$506m in 2022 to \$536m in 2023. This increase is mainly due to asset acquisitions, revaluation and indexation of IPPE. The largest class of assets on Council’s Balance Sheet as at 30 June 2023 was Roads, which constituted 32% of total assets.

Council also maintained a strong liquidity position during the year. As at 30 June 2023 Council held \$51m in cash and investments representing a modest increase of \$1m over the previous year (\$50m). Of this amount, \$10.7m was unrestricted, \$24m had external restrictions and \$16.6m had internal allocations. Council can be confident that it can meet its payment obligations as and when they fall due.

Asset Values

In 2023 a full revaluation of the Water asset class was carried out. In addition, other adjustments for fair value included indexation increments for the Sewer, Land, Buildings and all other infrastructure asset classes. This was necessitated by the increases in inflation and interest rates in the economy. The total increase to the fair value of IPPE due to the above adjustments was a gain of \$35m for the year. This is disclosed as a \$4m Reversal of revaluation decrements from prior years in the Income Statement and a \$31.3m Gain on revaluation of IPPE in the Statement of Comprehensive income.

Council also experienced impairment in its road infrastructure due to the major flooding event of \$11m. Please refer to Note C1-6 of the GPFS for details of all other asset movements for the year.

Performance Ratios

Performance ratios are disclosed at Note G5 and H1 in the GPFS. These ratios have been derived following the financial assessments undertaken by NSW Treasury Corporation on all NSW Councils 2012 and can be used to track Council's performance against the industry benchmarks set.

Council improved in all but two of the disclosed ratios for 2023. Council's unrestricted current ratio (6.16%), rates and annual charges outstanding percentage (6.70%) and cash expense cover ratio (30.19 months) are again performing well against the industry benchmarks. The exceptions were the own source operating revenue ratio which measures Council's fiscal flexibility and reliance on external funding and the operating performance ratio (-0.38%). There was little change in own source operating revenue ratio from 49.57% in 2022 to 50.28% in 2023, this reflects the ability of Council to acquire grants for much needed projects within the community. The operating performance ratio was affected by the increased operating expenditure due to the major flooding event.

Please refer to Note H1 of the GPFS for more details on the performance ratios.

Transfers between Reserves

The draft financial statements include the transfer from unrestricted cash as at 30 June to restricted reserves as follows:

- a) \$6.972m being the 2023-24 Financial Assistance Grant received in advance and,
- c) \$2.636m being the Conargo Hall Committee Bob White bequest funds

STRATEGIC IMPLICATIONS

The preparation of Annual Financial Statements is an integral part of Council's Integrated Planning and Reporting Framework. They assist Council to monitor progress against its strategic and operating plans whilst reporting on Council's financial performance and position in accordance with Local Government Act requirements.

COMMUNITY STRATEGIC PLAN

- 5. Accountable leadership and responsive administration
- 5.2 Financially sustainable

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report as the report does not involve any future expenditure of Council funds, but it is a report advising the financial outcomes of Council during the 2022-23 financial year.

LEGISLATIVE IMPLICATIONS

Section 413(2)(c) of the Local Government Act 1993 and Regulation 215 of the Local Government (General) Regulation 2005 requires Council to specifically form an opinion on the financial

statements. Specifically, Council needs to sign off an opinion on the Financial Statements regarding their preparation and content as follows:

The Financial Statements have been prepared in accordance with the:

Local Government Act 1993 (as amended) and the Regulations made there under.

- Australian Accounting Standards and professional pronouncements.
- Local Government Code of Accounting Practice and Financial Reporting.

The content to the best of Council's knowledge and belief:

- Present fairly the Council's operating result and financial position for the year.
- Accord with Council's accounting and other records.

Council is not aware of any matter that would render the Financial Statements false or misleading in any way.

Section 416(1) of the Local Government Act 1993 requires a Council's annual Financial Statements to be prepared and audited within four (4) months of the end of that financial year, that is on or before 31 October.

ATTACHMENTS

Annual Financial Statements 2023

Edward River Council

ANNUAL FINANCIAL STATEMENTS
for the year ended 30 June 2023



Edward River Council

GENERAL PURPOSE FINANCIAL STATEMENTS
for the year ended 30 June 2023



Edward River Council

General Purpose Financial Statements

for the year ended 30 June 2023

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Overview

Edward River Council is constituted under the Local Government Act 1993 (NSW) and has its principal place of business at:

180 Cressy Street
Deniliquin NSW 2710

Council's guiding principles are detailed in Chapter 3 of the LGA and includes:

- principles applying to the exercise of functions generally by council,
- principles to be applied when making decisions,
- principles of community participation,
- principles of sound financial management, and
- principles for strategic planning relating to the development of an integrated planning and reporting framework.

A description of the nature of Council's operations and its principal activities are provided in Note B1-2.

Through the use of the internet, we have ensured that our reporting is timely, complete and available at minimum cost. All press releases, financial statements and other information are publicly available on our website: www.edwardriver.nsw.gov.au.

Edward River Council

General Purpose Financial Statements

for the year ended 30 June 2023

Understanding Council's Financial Statements

Introduction

Each year NSW local governments are required to present audited financial statements to their council and community.

What you will find in the Statements

The financial statements set out the financial performance, financial position and cash flows of Council for the financial year ended 30 June 2023.

The format of the financial statements is standard across all NSW Councils and complies with both the accounting and reporting requirements of Australian Accounting Standards and requirements as set down by the Office of Local Government.

About the Councillor/Management Statement

The financial statements must be certified by senior staff as 'presenting fairly' the Council's financial results for the year and are required to be adopted by Council – ensuring both responsibility for and ownership of the financial statements.

About the Primary Financial Statements

The financial statements incorporate five "primary" financial statements:

1. The Income Statement

Summarises Council's financial performance for the year, listing all income and expenses. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

2. The Statement of Comprehensive Income

Primarily records changes in the fair value of Council's Infrastructure, property, plant and equipment.

3. The Statement of Financial Position

A 30 June snapshot of Council's financial position indicating its assets, liabilities and "net wealth".

4. The Statement of Changes in Equity

The overall change for the year (in dollars) of Council's "net wealth".

5. The Statement of Cash Flows

Indicates where Council's cash came from and where it was spent. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

About the Notes to the Financial Statements

The Notes to the Financial Statements provide greater detail and additional information on the five primary financial statements.

About the Auditor's Reports

Council's financial statements are required to be audited by the NSW Audit Office.

In NSW the auditor provides 2 audit reports:

1. an opinion on whether the financial statements present fairly the Council's financial performance and position, and
2. their observations on the conduct of the audit, including commentary on the Council's financial performance and financial position.

Who uses the Financial Statements?

The financial statements are publicly available documents and must be presented at a Council meeting between seven days and five weeks after the date of the audit report.

The public can make submissions to Council up to seven days subsequent to the public presentation of the financial statements.

Council is required to forward an audited set of financial statements to the Office of Local Government.

Edward River Council

General Purpose Financial Statements

for the year ended 30 June 2023

Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Local Government Act 1993 (NSW) (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993* (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the *Local Government Code of Accounting Practice and Financial Reporting*.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 19 September 2023.

Peta Betts
Mayor
19 September 2023

Paul Fellows
Deputy Mayor
19 September 2023

Philip Stone
General Manager
19 September 2023

Belinda Langlands
Responsible Accounting Officer
19 September 2023

Edward River Council | Income Statement | for the year ended 30 June 2023

Edward River Council

Income Statement

for the year ended 30 June 2023

Original unaudited budget 2023 \$ '000		Notes	Actual 2023 \$ '000	Actual 2022 \$ '000
Income from continuing operations				
13,952	Rates and annual charges	B2-1	14,030	13,716
3,861	User charges and fees	B2-2	5,630	4,934
512	Other revenues	B2-3	883	620
8,080	Grants and contributions provided for operating purposes	B2-4	12,586	11,202
1,320	Grants and contributions provided for capital purposes	B2-4	5,395	8,767
322	Interest and investment income	B2-5	1,141	356
250	Net gain from the disposal of assets	B4-1	250	–
–	Reversal of revaluation decrements/ impairment of infrastructure, property, plant and equipment previously expensed	B6-1	4,077	7,062
28,297	Total income from continuing operations		43,992	46,657
Expenses from continuing operations				
10,029	Employee benefits and on-costs	B3-1	10,316	9,551
6,371	Materials and services	B3-2	13,192	7,234
230	Borrowing costs	B3-3	–	–
10,262	Depreciation, amortisation and impairment of non-financial assets	B3-3	10,153	9,886
667	Other expenses	B3-4	740	789
–	Net loss from the disposal of assets	B4-1	–	194
27,559	Total expenses from continuing operations		34,401	27,654
738	Net operating result for the year attributable to Council		9,591	19,003
(582)	Net operating result for the year before grants and contributions provided for capital purposes		4,196	10,236

The above Income Statement should be read in conjunction with the accompanying notes.

Edward River Council | Statement of Comprehensive Income | for the year ended 30 June 2023

Edward River Council

Statement of Comprehensive Income
for the year ended 30 June 2023

		2023	2022
	Notes	\$ '000	\$ '000
Net operating result for the year – from Income Statement		9,591	19,003
Other comprehensive income:			
Amounts which will not be reclassified subsequently to the operating result			
Gain (loss) on revaluation of infrastructure, property, plant and equipment	C1-6	31,292	7,124
Impairment (loss) reversal / (revaluation decrement) relating to infrastructure, property, plant and equipment	C1-6	<u>(11,365)</u>	<u>–</u>
Total comprehensive income for the year attributable to Council		<u>29,518</u>	<u>26,127</u>

The above Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

Edward River Council | Statement of Financial Position | for the year ended 30 June 2023

Edward River Council

Statement of Financial Position

as at 30 June 2023

	Notes	2023 \$ '000	2022 \$ '000
ASSETS			
Current assets			
Cash and cash equivalents	C1-1	9,277	7,616
Investments	C1-2	36,005	27,500
Receivables	C1-4	2,950	2,834
Other	C1-8	311	103
Total current assets		48,543	38,053
Non-current assets			
Investments	C1-2	6,000	15,000
Infrastructure, property, plant and equipment (IPPE)	C1-6	498,391	464,485
Intangible assets	C1-7	995	1,268
Total non-current assets		505,386	480,753
Total assets		553,929	518,806
LIABILITIES			
Current liabilities			
Payables	C2-1	4,663	3,195
Contract liabilities	C2-2	6,376	4,464
Employee benefit provisions	C2-3	2,979	2,913
Provisions	C2-4	229	165
Total current liabilities		14,247	10,737
Non-current liabilities			
Payables	C2-1	55	55
Employee benefit provisions	C2-3	149	146
Provisions	C2-4	3,658	1,566
Total non-current liabilities		3,862	1,767
Total liabilities		18,109	12,504
Net assets		535,820	506,302
EQUITY			
Accumulated surplus	C3-1	463,775	454,184
IPPE revaluation reserve	C3-1	72,045	52,118
Total equity		535,820	506,302

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

Edward River Council

Statement of Changes in Equity
for the year ended 30 June 2023

	Notes	2023			2022		
		Accumulated surplus \$ '000	IPPE revaluation reserve \$ '000	Total equity \$ '000	Accumulated surplus \$ '000	IPPE revaluation reserve \$ '000	Total equity \$ '000
Opening balance at 1 July		454,184	52,118	506,302	435,181	44,994	480,175
Opening balance		454,184	52,118	506,302	435,181	44,994	480,175
Net operating result for the year		9,591	–	9,591	19,003	–	19,003
Net operating result for the year		9,591	–	9,591	19,003	–	19,003
Other comprehensive income							
Gain (loss) on revaluation of infrastructure, property, plant and equipment	C1-6	–	31,292	31,292	–	7,124	7,124
Impairment (loss) reversal / (revaluation decrement) relating to infrastructure, property, plant and equipment	C1-6	–	(11,365)	(11,365)	–	–	–
Other comprehensive income		–	19,927	19,927	–	7,124	7,124
Total comprehensive income		9,591	19,927	29,518	19,003	7,124	26,127
Closing balance at 30 June		463,775	72,045	535,820	454,184	52,118	506,302

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Edward River Council

Statement of Cash Flows

for the year ended 30 June 2023

Original unaudited budget 2023 \$ '000	Notes	Actual 2023 \$ '000	Actual 2022 \$ '000
Cash flows from operating activities			
<i>Receipts:</i>			
- Rates and annual charges		14,048	13,894
- User charges and fees		6,376	5,071
- Interest received		718	331
- Grants and contributions		19,957	18,709
- Other		434	2,734
<i>Payments:</i>			
- Payments to employees		(10,217)	(9,763)
- Payments for materials and services		(15,525)	(7,763)
- Bonds, deposits and retentions refunded		-	(65)
- Other		5,356	(3,914)
- Net cash flows from operating activities	G1-1	21,147	19,234
Cash flows from investing activities			
<i>Receipts:</i>			
- Redemption of term deposits		-	250
- Proceeds from sale of IPPE		433	201
<i>Payments:</i>			
- Acquisition of term deposits		495	-
- Payments for IPPE		(20,387)	(18,563)
- Purchase of intangible assets		(27)	(341)
- Net cash flows from (or used in) investing activities		(19,486)	(18,453)
- Net change in cash and cash equivalents		1,661	781
- Cash and cash equivalents at beginning of year		7,616	6,835
- Cash and cash equivalents at end of year	C1-1	9,277	7,616
- plus: Investments on hand at end of year	C1-2	42,005	42,500
- Total cash, cash equivalents and investments		51,282	50,116

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

Edward River Council

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Edward River Council

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A About Council and these financial statements

A1-1 Basis of preparation

These financial statements were authorised for issue by Council on 19 September 2023. Council has the power to amend and reissue these financial statements in cases where critical information is received from public submissions or where the OLG directs Council to amend the financial statements.

The principal accounting policies adopted in the preparation of these financial statements are set out below.

These policies have been consistently applied to all the years presented, unless otherwise stated.

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the *Local Government Act 1993 (NSW)* and Regulations, and the Local Government Code of Accounting Practice and Financial Reporting.

Council is a not for-profit entity. The financial statements are presented in Australian dollars and are rounded to the nearest thousand dollars.

Unless otherwise indicated, all amounts disclosed in the financial statements are actual amounts. Specific budgetary amounts have been included for comparative analysis (to actuals) in the following reports and notes and are clearly marked:

- Income statement
- Statement of cash flows
- Note B5-1 – Material budget variations

Where appropriate, comparative figures have been amended to accord with the current year's presentation, and disclosure has been made of any material changes to comparatives. Those comparative figures included are summarized below:

Nil

Historical cost convention

These financial statements have been prepared under the historical cost convention, as modified by the revaluation of certain financial assets and liabilities and certain classes of infrastructure, property, plant and equipment.

Significant accounting estimates and judgements

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Council's accounting policies.

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that may have a financial impact on the Council and that are believed to be reasonable under the circumstances.

Critical accounting estimates and assumptions

Council makes estimates and assumptions concerning the future.

The resulting accounting estimates will, by definition, seldom equal the related actual results. The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include:

- estimated fair values of infrastructure, property, plant and equipment – refer Note C1-6
- estimated tip remediation provisions – refer Note C2-4
- employee benefit provisions – refer Note C2-3

Significant judgements in applying the Council's accounting policies

(i) Impairment of receivables - refer Note C1-4

Council has made a significant judgement about the impairment of a number of its receivables – refer Note C1-4

(ii) Determination of whether performance obligations are sufficiently specific and whether the contract is within the scope of AASB 15 *Revenue from Contracts* and / or AASB 1058 *Income of Not-for-Profit Entities* - Refer to Notes B2-2 to B2-4

continued on next page ...

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A1-1 Basis of preparation (continued)

(d) Monies and other assets received by Council

(i) The Consolidated Fund

In accordance with the provisions of Section 409(1) of the *Local Government Act 1993 (NSW)*, all money and property received by Council is held in the Council's Consolidated Fund unless it is required to be held in the Council's Trust Fund.

Cash and other assets of the following entities have been included as part of the Consolidated Fund:

- General purpose operations
- Sewerage and water services
- Conargo Recreation Hall Committee

(ii) The Trust Fund

In accordance with the provisions of Section 411 of the *Local Government Act 1993 (NSW)* (as amended), a separate and distinct Trust Fund is maintained to account for all money and property received by the council in trust which must be applied only for the purposes of, or in accordance with, the trusts relating to those monies.

(e) Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the taxation authority is included with other receivables or payables in the Statement of Financial Position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities that are recoverable from, or payable to, the taxation authority, are presented as operating cash flows.

Volunteer services

Council does not have material dependence on volunteer services. Volunteers are utilised at the Visitors Information Centre. The estimated value of these services has been included in the financial statements based on average salary and on costs Council would be required to pay if services were not donated.

(f) New accounting standards and interpretations issued not yet effective

New accounting standards and interpretations issued but not yet effective

Certain new accounting standards and interpretations (ie. pronouncements) have been published by the Australian Accounting Standards Board that are not mandatory for the 30 June 2023 reporting period.

Council has elected not to apply any of these pronouncements in these financial statements before their operative dates.

Council's assessment of these new standards and interpretations (where they have been deemed as having a material impact on Council's future financial performance, financial position and cash flows) are set out below:

AASB 2021-1 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current

AASB 2020-6 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current – Deferral of Effective Date

This Standard amends AASB 101 Presentation of Financial Statements to clarify requirements for the presentation of liabilities in the statement of financial position as current or non-current.

For example the amendments clarify that a liability is classified as non-current if an entity has the right at the end of the reporting period to defer settlement of the liability for at least 12 months after the reporting period. The meaning of settlement of a liability is also clarified.

Council does not expect any material impact from the above amendments and to its classification of liabilities as current or non-current.

This standard has an effective date for the 30 June 2024 reporting period.

A1-1 Basis of preparation (continued)

AASB 2020-3 Amendments to Australian Accounting Standards – Annual Improvements 2018 -2020 and Other Amendments

This Standard amends a number of standards as follows:

- AASB 1 to simplify the application of AASB 1 by a subsidiary that becomes a first-time adopter after its parent in relation to the measurement of cumulative translation differences,
- AASB 3 to update a reference to the Conceptual Framework for Financial Reporting without changing the accounting requirements for business combinations,
- AASB 9 to clarify the fees an entity includes when assessing whether the terms of a new or modified financial liability are substantially different from the terms of the original financial liability,
- AASB 116 to require an entity to recognise the sales proceeds from selling items produced while preparing property, plant and equipment for its intended use and the related cost in profit or loss, instead of deducting the amounts received from the cost of the asset,
- AASB 137 to specify the costs that an entity includes when assessing whether a contract will be loss-making and
- AASB 141 to remove the requirement to exclude cash flows from taxation when measuring fair value, thereby aligning the fair value measurement requirements in AASB 141 with those in other Australian Accounting Standards.

Council does not expect any material impact from the above amendments.

This standard has an effective date for the 30 June 2023 reporting period.

New accounting standards adopted during the year

During the year Council adopted all accounting standards and interpretations (as issued by the Australian Accounting Standards Board) which were mandatorily effective from the first time at 30 June 2023.

Those newly adopted standards which had a material impact on Council's reported financial position, financial performance and/or associated financial statement disclosures are further discussed in Note G4-1.

B Financial Performance

B1 Functions or activities

B1-1 Functions or activities – income, expenses and assets

Income, expenses and assets have been directly attributed to the following functions or activities. Details of those functions or activities are provided in Note B1-2.

	Income		Expenses		Operating result		Grants and contributions		Carrying amount of assets	
	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Functions or activities ^{1,2}										
A community working together to achieve its potential	12,257	15,226	5,847	5,580	6,410	9,646	7,948	7,862	106,759	99,990
A great place to live	1,442	3,117	2,460	2,066	(1,018)	1,051	900	4,148	40,983	38,384
A prosperous and vibrant economy	1,184	730	1,033	817	151	(87)	1,137	1,339	16,208	15,180
A region with quality and sustainable infrastructure	27,070	25,840	21,443	15,930	5,627	9,910	7,775	6,484	316,056	296,016
A valued and enhanced natural environment	2,039	1,744	3,618	3,261	(1,579)	(1,517)	221	136	73,923	69,236
Total functions and activities	43,992	46,657	34,401	27,654	9,591	19,003	17,981	19,969	553,929	518,806

(1) Income and expenditure allocated to each function/ activity using cost centres, with each cost centre being attached to one particular function/activity.

(2) Assets allocated to each activity on the basis of the activities expenditure as a proportion of total expenditure. The assumption is that a function's expenditure is a reflection of that activities utilisation of total assets.

B1-2 Components of functions or activities

Details relating to the Council's functions or activities as reported in B1-1 are as follows:

These Functions align with Council's Community Strategic Plan and are in line with Council's Integrated Planning and Reporting framework.

A community working together to achieve its potential

These are activities that relate to council's leadership, including governance, administration and general purpose operations. Council's objectives of this function are:

1. Our community is informed and engaged.
2. We collaborate and pursue partnerships that achieve great outcomes for our community.
3. Our local government is efficient, innovative and financially sustainable.

A great place to live

These activities relate to council's society and community, including health, public order and security, community services and education, as well as recreation and culture. Council's objectives for this function are:

1. Our community has access to essential services.
2. Our community is safe, happy and healthy, both physically and mentally.
3. Our community and public spaces are accessible and inclusive and reflect our history, heritage and culture.

A prosperous and vibrant economy

These activities relate to the economy in Council's area of operation and include agriculture, manufacturing, construction and economic affairs. Council's objectives for this function are:

1. Our economy is strong and diverse.
2. We develop our key assets to enhance agriculture, boost tourism and support existing business.
3. Our region provides strong education, employment and training opportunities.

A region with quality and sustainable infrastructure

These activities relate to infrastructure, including water and sewerage, roads, transport and communication. Council's objectives for this function are:

1. Our built environment is managed, maintained and improved.
2. Our road network is a source of pride.
3. Our water and sewer infrastructure is efficient and fit for purpose.

A valued and enhanced natural environment

These activities relate to the natural environment in which council operates, including solid waste management, drainage and storm water management. Council's objectives for this function are:

1. We are committed to resource recovery and waste management.
2. Our natural environment is protected and enhanced.
3. We plan for the future to accommodate and facilitate sustainable growth and development.

B2 Sources of income**B2-1 Rates and annual charges**

	2023	2022
	\$ '000	\$ '000
Ordinary rates		
Residential	3,868	3,791
Farmland	2,949	2,891
Business	1,032	1,076
Other	9	9
Less: pensioner rebates (mandatory)	(158)	(159)
Rates levied to ratepayers	7,700	7,608
Pensioner rate subsidies received	76	77
Total ordinary rates	7,776	7,685
Annual charges (pursuant to s496, 496A, 496B, 501 & 611)		
Domestic waste management services	1,316	1,278
Stormwater management services	75	75
Water supply services	1,502	1,456
Sewerage services	3,209	3,112
Waste management services (non-domestic)	205	164
Less: pensioner rebates (mandatory)	(143)	(147)
Annual charges levied	6,164	5,938
Pensioner annual charges subsidies received:		
– Water	33	27
– Sewerage	31	34
– Domestic waste management	26	32
Total annual charges	6,254	6,031
Total rates and annual charges	14,030	13,716

Council has used 2020 year valuations provided by the NSW Valuer General in calculating its rates.

Accounting policy

Rates and annual charges are recognised as revenue at the beginning of the rating period to which they relate. Prepaid rates are recognised as a financial liability until the beginning of the rating period.

Pensioner rebates relate to reductions in rates and certain annual charges for eligible pensioners' place of residence in the local government council area that are not subsidised by the NSW Government.

Pensioner rate subsidies are received from the NSW Government to provide a contribution towards the pensioner rebates and are recognised within the underlying revenue item based on their substance.

B2-2 User charges and fees

	Timing	2023 \$ '000	2022 \$ '000
Specific user charges (per s502 - specific 'actual use' charges)			
Water supply services	2	1,499	1,613
Sewerage services	2	231	239
Waste management services (non-domestic)	2	121	104
Total specific user charges		1,851	1,956
Other user charges and fees			
(i) Fees and charges – statutory and regulatory functions (per s608)			
Building regulation	2	59	65
Inspection services	2	30	45
Private works – section 67	2	142	266
Regulatory/ statutory fees	2	9	8
Section 10.7 certificates (EP&A Act)	2	19	8
Section 603 certificates	2	32	40
Development fees	2	102	99
Impounding fees	2	4	3
Other – certificates and permits	2	40	19
Total fees and charges – statutory/regulatory		437	553
(ii) Fees and charges – other (incl. general user charges (per s608))			
Aerodrome	2	107	128
Caravan park	2	55	107
Cemeteries	2	153	103
Leaseback fees – Council vehicles	2	23	7
Library and art gallery	2	8	8
Park rents	2	8	4
Transport for NSW (state roads not controlled by Council)	2	2,608	1,715
Water connection fees		11	–
Medical centre	2	115	102
Murray Valley industrial park	2	25	25
Museum donations	2	2	1
Other lease rentals	2	73	63
Sewerage connection fees		4	–
Truckwash	2	99	123
Other	2	51	39
Total fees and charges – other		3,342	2,425
Total other user charges and fees		3,779	2,978
Total user charges and fees		5,630	4,934
Timing of revenue recognition for user charges and fees			
User charges and fees recognised over time (1)		–	–
User charges and fees recognised at a point in time (2)		5,630	4,934
Total user charges and fees		5,630	4,934

Accounting policy

Revenue arising from user charges and fees is recognised when or as the performance obligation is completed and the customer receives the benefit of the goods / services being provided.

The performance obligation relates to the specific services which are provided to the customers and generally the payment terms are within 30 days of the provision of the service or in some cases such as caravan parks, the customer is required to pay on arrival or a deposit in advance. There is no material obligation for Council in relation to refunds or returns.

Where an upfront fee is charged such as joining fees for the leisure centre the fee is recognised on a straight-line basis over the expected life of the membership.

B2-2 User charges and fees (continued)

Licences granted by Council are all either short-term or low value and all revenue from licences is recognised at the time that the licence is granted rather than over the term of the licence.

B2-3 Other revenues

	Timing	2023 \$ '000	2022 \$ '000
Rental income – other council properties	1	44	53
Fines	2	12	15
Legal fees recovery – rates and charges (extra charges)	2	91	77
Commissions and agency fees	2	2	1
Diesel rebate	2	119	103
Recycling income (non-domestic)	2	10	41
Sales – general	2	116	43
Insurance rebates	2	45	7
Royalties	2	7	4
Other	2	349	218
Workers compensation reimbursement	2	88	58
Total other revenue		883	620
Timing of revenue recognition for other revenue			
Other revenue recognised over time (1)		44	53
Other revenue recognised at a point in time (2)		839	567
Total other revenue		883	620

Accounting policy for other revenue

Where the revenue is earned for the provision of specified goods / services under an enforceable contract, revenue is recognised when or as the obligations are satisfied.

Statutory fees and fines are recognised as revenue when the service has been provided, the payment is received or when the penalty has been applied, whichever occurs first.

Other revenue is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

B2-4 Grants and contributions

		Operating 2023 \$ '000	Operating 2022 \$ '000	Capital 2023 \$ '000	Capital 2022 \$ '000
	Timing				
General purpose grants and non-developer contributions (untied)					
General purpose (untied)					
Current year allocation					
Financial assistance – general component	2	1,300	2,235	–	–
Financial assistance – local roads component	2	499	837	–	–
Payment in advance - future year allocation					
Financial assistance – general component	2	5,049	3,431	–	–
Financial assistance – local roads component	2	1,924	1,291	–	–
Amount recognised as income during current year		8,772	7,794	–	–
Special purpose grants and non-developer contributions (tied)					
Cash contributions					
Economic development	2	–	158	1,820	1,181
Environmental programs	2	175	13	–	41
Heritage and cultural	2	12	–	–	–
Library		9	–	–	–
Library – per capita	2	66	57	–	–
Noxious weeds	2	62	82	–	–
NSW rural fire services	2	369	195	202	102
Recreation and culture	2	298	50	3,149	3,706
Street lighting	2	–	40	–	–
Transport (flood repair works)		1,000	–	–	–
Transport (roads to recovery)	2	225	1,309	–	–
Transport (other roads and bridges funding)	2	–	–	224	1,380
Transport for NSW contributions (regional roads, block grant)	2	1,424	1,397	–	2,357
Other contributions	2	92	38	–	–
Total special purpose grants and non-developer contributions (tied)		3,732	3,339	5,395	8,767
Total grants and non-developer contributions		12,504	11,133	5,395	8,767
Comprising:					
– Commonwealth funding		8,772	9,249	2,953	2,245
– State funding		3,623	1,571	2,442	6,498
– Other funding		109	313	–	24
		12,504	11,133	5,395	8,767

B2-4 Grants and contributions (continued)

Developer contributions

	Notes	Timing	Operating 2023 \$ '000	Operating 2022 \$ '000	Capital 2023 \$ '000	Capital 2022 \$ '000
Developer contributions: (s7.4 & s7.11 - EP&A Act, s64 of the LGA):		G4				
Cash contributions						
S 64 – water supply contributions		2	45	37	–	–
S 64 – sewerage service contributions		2	37	32	–	–
Total developer contributions			82	69	–	–
Total contributions			82	69	–	–
Total grants and contributions			12,586	11,202	5,395	8,767
Timing of revenue recognition for grants and contributions						
Grants and contributions recognised over time (1)			–	–	–	–
Grants and contributions recognised at a point in time (2)			12,586	11,202	5,395	8,767
Total grants and contributions			12,586	11,202	5,395	8,767

continued on next page ...

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B2-4 Grants and contributions (continued)

Unspent grants and contributions

Certain grants and contributions are obtained by Council on the condition they be spent in a specified manner or in a future period but which are not yet spent in accordance with those conditions are as follows:

	Operating 2023 \$ '000	Operating 2022 \$ '000	Capital 2023 \$ '000	Capital 2022 \$ '000
Unspent grants and contributions				
Unspent funds at 1 July	920	1,792	4,087	5,321
Add: Funds recognised as revenue in the reporting year but not yet spent in accordance with the conditions	316	377	1,492	1,110
Add: Funds received and not recognised as revenue in the current year	3,464	-	-	-
Less: Funds received in prior year but revenue recognised and funds spent in current year	(328)	(1,249)	(2,791)	(2,344)
Unspent funds at 30 June	4,372	920	2,788	4,087

Accounting policy

Grants and contributions – enforceable agreement with sufficiently specific performance obligations

Grant and contribution revenue from an agreement which is enforceable and contains sufficiently specific performance obligations is recognised as or when control of each performance obligations is transferred.

The performance obligations vary according to the agreement but include Local Roads and Community Infrastructure rounds 1 and 2, Showground Stimulus Phase 2, Stronger Country Communities Round 4 and Building Better Regions Fund. Payment terms vary depending on the terms of the grant, cash is received upfront for some grants and on the achievement of certain payment milestones for others.

Performance obligations may be satisfied either at a point in time or over time and this is reflected in the revenue recognition pattern. Point in time recognition occurs when the beneficiary obtains control of the goods / services at a single time (e.g. completion of the project when a report / outcome is provided), whereas over time recognition is where the control of the services is ongoing throughout the project (e.g. provision of community health services through the year).

Where control is transferred over time, generally the input methods being either costs or time incurred are deemed to be the most appropriate methods to reflect the transfer of benefit.

Capital grants

Capital grants received by Council under an enforceable contract for the acquisition or construction of infrastructure, property, plant and equipment to identified specifications which will be under Council's control on completion are recognised as revenue as and when the obligation to construct or purchase is completed.

For construction projects, this is generally as the construction progresses in accordance with costs incurred since this is deemed to be the most appropriate measure of the completeness of the construction project.

For acquisitions of assets, the revenue is recognised when the asset is acquired and controlled by the Council.

Developer contributions

Council has obligations to provide facilities from contribution revenues levied on developers under the provisions of sections 7.4, 7.11 and 7.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

While Council generally incorporates these amounts as part of a Development Consents Order, such developer contributions are only recognised as income upon receipt by Council, due to the possibility that individual development consents may not be acted upon by the applicant and, accordingly, would not be payable to Council.

Developer contributions may only be expended for the purposes for which the contributions were required, but Council may apply contributions according to the priorities established in work schedules for the contribution plan.

B2-4 Grants and contributions (continued)

Other grants and contributions

Assets, including cash, received from other grants and contributions are recognised at fair value when the asset is received. Council considers whether there are any related liability or equity items associated with the asset which are recognised in accordance with the relevant accounting standard.

Once the assets and liabilities have been recognised then income is recognised for any remaining asset value at the time that the asset is received.

B2-5 Interest and investment income

		2023	2022
		\$ '000	\$ '000
Interest on financial assets measured at amortised cost			
– Overdue rates and annual charges (incl. special purpose rates)		40	55
– Cash and investments	G4-1	1,013	294
– Other		88	7
Finance income on the net investment in the lease	C2-2b	–	–
Total interest and investment income (losses)		1,141	356

Accounting policy

Interest income is recognised using the effective interest rate at the date that interest is earned.

Dividends are recognised as income in profit or loss when the shareholder’s right to receive payment is established unless the dividend clearly represents a recovery of part of the cost of the investment.

B3 Costs of providing services**B3-1 Employee benefits and on-costs**

	2023	2022
	\$ '000	\$ '000
Salaries and wages	7,988	7,847
Travel expenses	4	4
Employee leave entitlements (ELE)	1,279	1,090
Superannuation	987	930
Workers' compensation insurance	340	331
Fringe benefit tax (FBT)	202	230
Payroll tax	–	1
Training costs (other than salaries and wages)	162	135
Protective clothing	34	22
Uniform clothing	16	12
Recruitment costs	40	7
WH&S expenses	17	18
Other	8	4
Total employee costs	11,077	10,631
Less: capitalised costs	(761)	(1,080)
Total employee costs expensed	10,316	9,551
Number of 'full-time equivalent' employees (FTE) at year end	105	104
Number of 'full-time equivalent' employees (FTE) at year end (incl. vacancies)	128	116

Accounting policy

Employee benefit expenses are recorded when the service has been provided by the employee.

Retirement benefit obligations

All employees of the Council are entitled to benefits on retirement, disability or death. Council contributes to various defined benefit plans and defined contribution plans on behalf of its employees.

Superannuation plans

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

Council participates in a defined benefit plan under the Local Government Superannuation Scheme, however, sufficient information to account for the plan as a defined benefit is not available and therefore Council accounts for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans, i.e. as an expense when it becomes payable – refer to Note E3-1 for more information.

B3-2 Materials and services

	Notes	2023 \$ '000	2022 \$ '000
Raw materials and consumables		3,180	1,438
Contractor Costs		5,442	2,300
Consultancy Costs		1,049	388
Audit Fees	F2-1	132	86
Previously other expenses:			
Councillor and Mayoral fees and associated expenses	F1-2	220	194
Advertising		232	210
Bank and centrepay charges		47	49
Election expenses		–	129
Electricity and heating		556	494
Insurance		939	825
Office expenses		27	25
Postage		25	26
Printing and stationery		15	21
Street lighting		106	87
Subscriptions and publications		150	116
Telephone and communications		81	89
Valuation fees		43	41
Other expenses		30	26
Information technology		484	303
Licences, fees and permits		242	296
Legal expenses:			
– Legal expenses: planning and development		2	–
– Legal expenses: debt recovery		91	79
– Legal expenses: other		99	12
Total materials and services		13,192	7,234
Total materials and services		13,192	7,234

Accounting policy

Expenses are recorded on an accruals basis as the Council receives the goods or services.

B3-3 Depreciation, amortisation and impairment of non-financial assets

	Notes	2023 \$ '000	2022 \$ '000
Depreciation and amortisation			
Plant and equipment		1,071	1,096
Office equipment		131	107
Furniture and fittings		8	10
Land improvements (depreciable)		123	114
Infrastructure:	C1-6		
– Buildings – non-specialised		289	260
– Buildings – specialised		850	803
– Other structures		104	108
– Roads		4,385	4,185
– Bridges		65	69
– Footpaths		350	322
– Other road assets		69	66
– Stormwater drainage		387	367
– Water supply network		713	787
– Sewerage network		676	724
– Swimming pools		101	91
– Other open space/recreational assets		423	369
Other assets:			
– Library books		8	6
Reinstatement, rehabilitation and restoration assets:			
– Tip assets	C1-6	100	165
Intangible assets	C1-7	300	237
Total depreciation and amortisation costs		10,153	9,886
Total depreciation, amortisation and impairment for non-financial assets		10,153	9,886

Accounting policy**Depreciation and amortisation**

Depreciation and amortisation are calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives. Useful lives are included in Note C1-6 for IPPE assets.

Impairment of non-financial assets

Council assets held at fair value that are not held primarily for their ability to generate net cash flow, and that are deemed to be specialised, are no longer required to be tested for impairment under AASB 136. This is because these assets are assessed on an annual basis to ensure that the carrying amount is not materially different from fair value and therefore an impairment loss would be captured during this assessment.

Intangible assets that have an indefinite useful life, or are not yet available for use, are tested annually for impairment, or more frequently if events or changes in circumstances indicate that they might be impaired.

Other assets that do not meet the criteria above are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows that are largely independent of the cash inflows from other assets or groups of assets (cash-generating units). Non-financial assets that suffered an impairment are reviewed for possible reversal of the impairment at each reporting date.

Impairment losses for revalued assets are firstly offset against the amount in the revaluation surplus for the class of asset, with only the excess to be recognised in the Income Statement.

B3-4 Other expenses

	Notes	2023 \$ '000	2022 \$ '000
Impairment of receivables			
Other		–	15
Total impairment of receivables	C1-4	–	15
Other			
Contributions/levies to other levels of government			
– Emergency services levy (includes FRNSW, SES, and RFS levies)		598	338
Donations, contributions and assistance to other organisations (Section 356)		142	187
Other - prior year imbalances cleared		–	246
Other - Rounding adjustment		–	3
Total other		740	774
Total other expenses		740	789

Accounting policy

Other expenses are recorded on an accruals basis when Council has an obligation for the expenses.

Impairment expenses are recognised when identified.

B4 Gains or losses**B4-1 Gain or loss from the disposal, replacement and de-recognition of assets**

	Notes	2023 \$ '000	2022 \$ '000
Gain (or loss) on disposal of plant and equipment	C1-6		
Proceeds from disposal – plant and equipment		206	201
Less: carrying amount of plant and equipment assets sold/written off		(11)	(10)
Gain (or loss) on disposal		195	191
Gain (or loss) on disposal of infrastructure	C1-6		
Proceeds from disposal – infrastructure		227	–
Less: carrying amount of infrastructure assets sold/written off		(172)	–
Gain (or loss) on disposal		55	–
Gain (or loss) on derecognition of Interest in Associates			
Loss on derecognition Interest in Associates		–	(385)
Net gain (or loss) from disposal of assets		250	(194)

Accounting policy

Gains and losses on disposals are determined by comparing proceeds with carrying amount. The gain or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer and the asset is de-recognised.

B5 Performance against budget

B5-1 Material budget variations

Council's original budget was adopted by the Council on 28 June 2022 and is not required to be audited. The original projections on which the budget was based have been affected by a number of factors. These include state and federal government decisions, including new grant programs, changing economic activity, environmental factors, and by decisions made by Council.

While these General Purpose Financial Statements include the original budget adopted by Council, the Act requires Council to review its financial budget on a quarterly basis, so it is able to manage the variation between actuals and budget that invariably occur during the year.

Material variations of more than 10% between original budget and actual results or where the variance is considered material by nature are explained below.

Variation Key: **F** = Favourable budget variation, **U** = Unfavourable budget variation.

\$ '000	2023 Budget	2023 Actual	2023 ----- Variance -----		
Revenues					
Rates and annual charges	13,952	14,030	78	1%	F
User charges and fees	3,861	5,630	1,769	46%	F
There has been an increase in private works completed and there has also continued to be an increase in Transport of NSW Road Maintenance Council Contract ordered works.					
Other revenues	512	883	371	72%	F
Increased training rebates and subsidies were located by Human Resources and there was a distribution form a former Deniliquin Council investment case that was finalised.					
Operating grants and contributions	8,080	12,586	4,506	56%	F
Financial Assistance Grant paid at 100% in June which is double the expected prepayment figure. Payments for flood repair works were also received due to the emergency situation as well as an increased roads repair grant.					
Capital grants and contributions	1,320	5,395	4,075	309%	F
Councils required to recognise income in accordance with AASB 15 and AASB 1058 as the projects are completed and specific obligations are met. Additional grants were also received through the year that were also recognised.					
Interest and investment revenue	322	1,141	819	254%	F
Interest and investment income has increased due to the higher interest rate environment caused by RBA interest rate increases compared with a conservative budget set in June 2022.					
Net gains from disposal of assets	250	250	-	0%	F
Reversal of revaluation decrements / impairment of IPP&E previously expensed	-	4,077	4,077	∞	F
This was not budgeted, with the water revaluation and asset indexation due to inflation the replacement value of all the asset categories were high resulting in a positive variance.					
Expenses					
Employee benefits and on-costs	10,029	10,316	(287)	(3)%	U
Materials and services	6,371	13,192	(6,821)	(107)%	U
Unexpected consultant costs for vacant employee positions, flood management and repair works were also unexpected through the financial year, and increased RMCC costs that are offset by additional RMCC income have increased materials and contracts for 2022/23.					
Borrowing costs	230	-	230	100%	F
There were no borrowings obtained in 2022/23 as had been budgeted.					

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B5-1 Material budget variations (continued)

\$ '000	2023 Budget	2023 Actual	2023 ----- Variance -----	
Depreciation, amortisation and impairment of non-financial assets	10,262	10,153	109	1% F
Other expenses	667	740	(73)	(11)% U
NSW Community Grant that was approved through the year included additional donations to be paid out.				
Net losses from disposal of assets	-	-	-	∞ F
Statement of cash flows				
Cash flows from operating activities	-	21,147	21,147	∞ F
Cash flows from investing activities	-	(19,486)	(19,486)	∞ U
Cash flows from financing activities	-	-	-	∞ F

B6 Material Income Statement items**B6-1 Material Income Statement items****Material reversal of revaluation decrements on IPPE previously expensed**

	2023	2022
	\$ '000	\$ '000
Operational Land	–	369
Community Land	116	81
Crown Land	–	232
Infrastructure:		
– Buildings – non-specialised	–	57
– Buildings – specialised	493	3,444
– Other structures	842	932
– Footpaths	998	271
– Water supply network	–	1,318
– Sewerage network	1,628	331
– Swimming pools	–	27
Total material reversal of revaluation decrements on IPPE previously expensed	<u>4,077</u>	<u>7,062</u>

C Financial position
 C1 Assets we manage
 C1-1 Cash and cash equivalents

	2023 \$ '000	2022 \$ '000
Cash assets		
Cash on hand and at bank	9,275	7,614
Cash equivalent assets		
– Deposits at call	2	2
Total cash and cash equivalents	9,277	7,616

Accounting policy

For Statement of Cash Flow presentation purposes, cash and cash equivalents include: cash on hand; deposits held at call with financial institutions; other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value; and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the Statement of Financial Position.

C1-2 Financial investments

	2023 Current \$ '000	2023 Non-current \$ '000	2022 Current \$ '000	2022 Non-current \$ '000
Debt securities at amortised cost				
Long term deposits	36,005	6,000	27,500	15,000
Total financial investments	36,005	6,000	27,500	15,000
Total cash assets, cash equivalents and investments	45,282	6,000	35,116	15,000

Accounting policy

Financial instruments are recognised initially on the date that the Council becomes party to the contractual provisions of the instrument.

On initial recognition, all financial instruments are measured at fair value plus transaction costs (except for instruments measured at fair value through profit or loss where transaction costs are expensed as incurred).

Financial assets

All recognised financial assets are subsequently measured in their entirety at either amortised cost or fair value, depending on the classification of the financial assets.

Classification

On initial recognition, Council classifies its financial assets into the following categories – those measured at:

- amortised cost
- fair value through profit and loss (FVTPL)
- fair value through other comprehensive income – equity instrument (FVOCI)

Financial assets are not reclassified subsequent to their initial recognition.

Amortised cost

Assets measured at amortised cost are financial assets where:

- the business model is to hold assets to collect contractual cash flows, and
- the contractual terms give rise on specified dates to cash flows that are solely payments of principal and interest on the principal amount outstanding.

Council's financial assets measured at amortised cost comprise trade and other receivables, term deposits and cash and cash equivalents in the Statement of Financial Position.

Subsequent to initial recognition, these assets are carried at amortised cost using the effective interest rate method less provision for impairment.

Interest income, impairment and gains or loss on de-recognition are recognised in profit or loss.

Financial assets through profit or loss

All financial assets not classified as measured at amortised cost or fair value through other comprehensive income as described above are measured at fair value through profit or loss.

Net gains or losses, including any interest or dividend income, are recognised in profit or loss.

C1-3 Restricted and allocated cash, cash equivalents and investments

	2023 \$ '000	2022 \$ '000
(a) Externally restricted cash, cash equivalents and investments		
Total cash, cash equivalents and investments	51,282	50,116
Less: Externally restricted cash, cash equivalents and investments	<u>(23,957)</u>	<u>(19,312)</u>
Cash, cash equivalents and investments not subject to external restrictions	27,325	30,804
External restrictions		
External restrictions – included in liabilities		
External restrictions included in cash, cash equivalents and investments above comprise:		
Specific purpose unexpended grants – general fund	6,879	4,553
Other - Unexpended merger funds	281	454
External restrictions – included in liabilities	7,160	5,007
External restrictions – other		
External restrictions included in cash, cash equivalents and investments above comprise:		
Developer contributions – general	39	39
Water fund	8,198	7,486
Sewer fund	7,159	5,361
Conargo milestones / interpretative	16	37
Conargo Oval M&R	20	20
Deniliquin band committee	26	20
Deniliquin community gardens	–	3
EPA waste	36	36
Regional arts	3	3
Domestic waste management	1,300	1,300
External restrictions – other	16,797	14,305
Total external restrictions	23,957	19,312

Cash, cash equivalents and investments subject to external restrictions are those which are only available for specific use by Council due to a restriction placed by legislation or third-party contractual agreement.

	2023 \$ '000	2022 \$ '000
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(b) Internal allocations

Cash, cash equivalents and investments not subject to external restrictions	27,325	30,804
Less: Internally restricted cash, cash equivalents and investments	<u>(16,595)</u>	<u>(7,879)</u>
Unrestricted and unallocated cash, cash equivalents and investments	10,730	22,925

C1-3 Restricted and allocated cash, cash equivalents and investments (continued)

	2023 \$ '000	2022 \$ '000
Internal allocations		
At 30 June, Council has internally allocated funds to the following:		
Plant and vehicle replacement	1,799	1,799
Infrastructure replacement	1,780	2,300
Employees leave entitlement	693	693
Deposits, retentions and bonds	258	323
Advanced Payment - Financial Assistance Grant	6,972	-
Airport industrial land	20	20
Asset management	14	14
Airport runway development	187	187
Blighty-upgrade power	70	70
Building maintenance	50	50
Cemetery upgrade	9	9
Conargo Hall Committee Bequest	2,636	-
Depot office and gates upgrade	41	41
Dog trail	3	3
Election reserve	12	12
Fencing Conargo	7	7
Gravel pits	14	14
Human resources	18	18
Internal audit	6	6
Land development fund	385	385
Landscaping plans	90	90
Recreation reserves / village landscaping	1,113	1,113
Risk management	45	44
Wanganella hall community	5	5
Shire – entrance signage	5	5
Tourism/industry promotion	13	13
Town planning plans, surveys and studies	103	103
Waste facilities	63	63
Water infrastructure	57	57
Website development	2	2
Deniliquin town hall and civic precinct redevelopment	-	300
North Depot Redevelopment	125	133
Total internal allocations	16,595	7,879

Cash, cash equivalents and investments not subject to external restrictions may be internally allocated by resolution or policy of the elected Council.

	2023 \$ '000	2022 \$ '000
(c) Unrestricted and unallocated		
Unrestricted and unallocated cash, cash equivalents and investments	10,730	22,925

Edward River Council | Notes to the Financial Statements 30 June 2023

C1-4 Receivables

	2023 Current \$ '000	2023 Non-current \$ '000	2022 Current \$ '000	2022 Non-current \$ '000
Rates and annual charges	779	–	725	–
Interest and extra charges	232	–	198	–
User charges and fees	788	–	1,026	–
Accrued revenues				
– Interest on investments	536	–	147	–
– Other income accruals	623	–	760	–
Net GST receivable	293	–	283	–
Other debtors	5	–	1	–
Total	3,256	–	3,140	–
Less: provision for impairment				
Other debtors	(306)	–	(306)	–
Total provision for impairment – receivables	(306)	–	(306)	–
Total net receivables	2,950	–	2,834	–

	2023 \$ '000	2022 \$ '000
Movement in provision for impairment of receivables		
Balance at the beginning of the year (calculated in accordance with AASB 9)	306	299
+ new provisions recognised during the year	–	14
- amounts already provided for written off this year	–	(7)
Balance at the end of the year	306	306

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C1-4 Receivables (continued)

Accounting policy

Receivables are included in current assets, except for those with maturities greater than 12 months after reporting date which are classified as non-current assets.

Receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. Receivables are generally due for settlement within 30 days.

Cash flows relating to short term receivables are not discounted if the effect of discounting is immaterial.

Impairment

Impairment of financial assets measured at amortised cost is recognised on an expected credit loss (ECL) basis.

When determining whether the credit risk of a financial asset has increased significantly since initial recognition, and when estimating ECL, the Council considers reasonable and supportable information that is relevant and available without undue cost or effort. This includes both quantitative and qualitative information and analysis based on Council's historical experience and informed credit assessment, and including forward-looking information.

When considering the ECL for rates debtors, Council takes into account that unpaid rates represent a charge against the rateable property that will be recovered when the property is next sold. For non-rates debtors, Council uses the presumption that an asset which is more than 30 days past due has seen a significant increase in credit risk.

The Council uses the presentation that a financial asset is in default when:

- the other party is unlikely to pay its credit obligations to the Council in full, without recourse by the Council to actions such as realising security (if any is held) or
- the financial assets (for non-rates debtors) are more than 90 days past due.

Credit losses are measured as the present value of the difference between the cash flows due to the entity in accordance with the contract, and the cash flows expected to be received. This is applied using a probability weighted approach.

On initial recognition of the asset, an estimate of the expected credit losses for the next 12 months is recognised. Where the asset has experienced significant increase in credit risk then the lifetime losses are estimated and recognised.

Council uses the simplified approach for trade receivables where the expected lifetime credit losses are recognised on day 1.

There has been no change in the estimation techniques or significant assumptions made during the current reporting period.

The Council writes off a trade receivable when there is information indicating that the debtor is in severe financial difficulty and there is no realistic prospect of recovery, e.g. when the debtor has been placed under liquidation or has entered into bankruptcy proceedings, or when the receivable are over 5 years past due, whichever occurs first.

None of the receivables that have been written off are subject to enforcement activity.

Where the Council renegotiates the terms of receivables due from certain customers, the new expected cash flows are discounted at the original effective interest rate and any resulting difference to the carrying value is recognised in profit or loss.

Rates and annual charges outstanding are secured against the property.

C1-5 Contract assets and Contract cost assets

Contract cost assets

Council did not incur any material costs to fulfill a contract during the year, therefore had no contract cost assets as at 30 June 2022.

Accounting policy

Contract assets

Contract assets represent Council's right to payment in exchange for goods or services the Council has transferred to a customer when that right is conditional on something other than the passage of time.

Contract assets arise when the amounts billed to customers are based on the achievement of various milestones established in the contract and therefore the amounts recognised as revenue in a given period do not necessarily coincide with the amounts

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C1-5 Contract assets and Contract cost assets (continued)

billed to or certified by the customer. Once an invoice or payment claim is raised or the relevant milestone is reached, Council recognises a receivable.

Impairment of contract assets is assessed using the simplified expected credit loss model where lifetime credit losses are recognised on initial recognition.

Contract cost asset – costs to fulfil a contract

Where costs are incurred to fulfil a contract and these costs are outside the scope of another accounting standard, they are capitalised as contract cost assets if the following criteria are met:

- the costs relate directly to a contract
- the costs generate or enhance resources of Council that will be used to satisfy performance obligations in the future and
- the costs are expected to be recovered.

The capitalised costs are recognised in the Income statement on a systematic basis consistent with the timing of revenue recognition.

Refer to B3-4 for the accounting policy for impairment of contract cost assets.

C1-6 Infrastructure, property, plant and equipment

By aggregated asset class	At 1 July 2022			Asset movements during the reporting period										At 30 June 2023		
	Accumulated depreciation and impairment \$ '000	Gross carrying amount \$ '000	Net carrying amount \$ '000	Additions renewals \$ '000	Additions new assets \$ '000	Carrying value of disposals \$ '000	Depreciation expense \$ '000	Impairment reversal / prior period revaluation decrements reversal (via P&L) \$ '000	Impairment loss / revaluation decrements (recognised in equity) \$ '000	WIP transfers \$ '000	Revaluation increase due to increase in provision for remediation \$ '000	Impairment Rectification Works \$ '000	Revaluation increments to equity (ARR) \$ '000	Accumulated depreciation and impairment \$ '000	Gross carrying amount \$ '000	Net carrying amount \$ '000
Capital work in progress	-	10,062	10,062	3,828	1,965	-	-	-	-	(8,204)	-	-	-	-	7,651	7,651
Plant and equipment	(10,310)	16,171	5,861	8	136	(8)	(1,071)	-	-	-	-	-	(10,581)	15,507	4,926	
Office equipment	(2,901)	3,269	368	1	213	-	(131)	-	-	-	-	-	(3,032)	3,483	451	
Furniture and fittings	(259)	287	28	-	31	-	(8)	-	-	-	-	-	(267)	318	51	
Land:																
- Operational land	-	7,755	7,755	-	250	(172)	-	-	-	-	-	533	-	8,366	8,366	
- Community land	-	1,707	1,707	-	-	-	-	116	-	-	-	-	-	1,823	1,823	
- Crown land	-	4,874	4,874	-	-	-	-	-	-	-	-	331	-	5,205	5,205	
Land improvements – depreciable	(1,687)	5,654	3,967	71	-	-	(123)	-	-	-	-	426	(2,013)	6,354	4,341	
Infrastructure:																
- Buildings – non-specialised	(4,341)	16,964	12,623	793	25	-	(289)	-	-	-	-	1,053	(5,020)	19,225	14,205	
- Buildings – specialised	(22,595)	60,478	37,883	8,314	669	-	(850)	493	-	-	-	2,666	(25,432)	74,607	49,175	
- Other structures	(2,907)	20,808	17,901	387	-	-	(104)	842	-	-	-	522	(3,237)	22,785	19,548	
- Roads	(67,377)	251,561	184,184	6,629	39	-	(4,385)	(11,365)	-	-	287	11,176	(87,176)	273,741	186,565	
- Bridges	(3,582)	10,866	7,284	-	-	-	(65)	-	-	-	-	391	(3,843)	11,453	7,610	
- Footpaths and kerb and gutter	(9,253)	28,996	19,743	480	-	-	(350)	998	-	-	-	-	(10,084)	30,955	20,871	
- Other road assets (including bulk earthworks)	(985)	4,877	3,892	-	-	-	(69)	-	-	-	-	233	(1,118)	5,174	4,056	
- Bulk earthworks (non-depreciable)	-	33,842	33,842	-	-	-	-	-	-	-	-	4,095	-	37,937	37,937	
- Stormwater drainage	(12,873)	39,544	26,671	166	68	-	(387)	-	-	-	-	2,947	(14,704)	44,169	29,465	
- Water supply network	(27,257)	64,787	37,530	340	48	-	(713)	-	-	-	-	4,663	(27,631)	69,499	41,868	
- Sewerage network	(27,458)	59,783	32,325	402	11	-	(676)	1,628	-	-	-	844	(30,302)	64,836	34,534	
- Swimming pools	(1,255)	5,790	4,535	82	161	-	(101)	-	-	-	-	396	(1,481)	6,554	5,073	
- Other open space/recreational assets	(3,268)	13,015	9,747	246	293	-	(423)	-	-	-	-	1,016	(4,087)	14,966	10,879	
Other assets:																
- Library books	(1,152)	1,289	137	-	40	-	(8)	-	-	-	-	-	(1,161)	1,330	169	
Reinstatement, rehabilitation and restoration assets																
- Tip assets	(595)	2,161	1,566	-	-	-	(100)	-	-	2,156	-	-	(696)	4,318	3,622	
Total infrastructure, property, plant and equipment	(200,055)	664,540	464,485	21,747	3,949	(180)	(9,853)	4,077	(11,365)	(8,204)	2,156	287	31,292	(231,865)	730,256	498,391

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

C1-6 Infrastructure, property, plant and equipment (continued)

By aggregated asset class	At 1 July 2021			Asset movements during the reporting period									At 30 June 2022		
	Accumulated depreciation and impairment \$ '000	Gross carrying amount \$ '000	Net carrying amount \$ '000	Additions renewals \$ '000	Additions new assets \$ '000	Carrying value of disposals \$ '000	Depreciation expense \$ '000	Impairment loss / revaluation decrements (recognised in P/L) \$ '000	Impairment reversal / prior period revaluation decrements (via P&L) \$ '000	Adjustments and transfers \$ '000	Other movements (details...) \$ '000	Revaluation increments to equity (ARR) \$ '000	Accumulated depreciation and impairment \$ '000	Gross carrying amount \$ '000	Net carrying amount \$ '000
Capital work in progress	-	8,770	8,770	1,292	-	-	-	-	-	-	-	-	-	10,062	10,062
Plant and equipment	(9,806)	15,751	5,945	-	1,020	(8)	(1,096)	-	-	-	-	(10,310)	16,171	5,861	
Office equipment	(2,795)	3,105	310	-	166	(2)	(107)	-	-	1	-	(2,901)	3,269	368	
Furniture and fittings	(248)	287	39	-	-	-	(10)	-	(1)	-	-	(259)	287	28	
Land:															
- Operational land	-	7,386	7,386	-	-	-	-	-	369	-	-	-	7,755	7,755	
- Community land	-	1,626	1,626	-	-	-	-	-	81	-	-	-	1,707	1,707	
- Crown land	-	4,642	4,642	-	-	-	-	-	232	-	-	-	4,874	4,874	
Land improvements – depreciable	(1,492)	5,260	3,768	98	27	(114)	-	-	-	-	188	(1,687)	5,654	3,967	
Infrastructure:															
- Buildings – non-specialised	(4,081)	14,735	10,654	334	748	-	(260)	-	57	(1)	1,091	(4,341)	16,964	12,623	
- Buildings – specialised	(21,792)	55,689	33,897	555	789	-	(803)	-	3,444	1	-	(22,595)	60,478	37,883	
- Other structures	(2,646)	19,723	17,077	-	-	-	(108)	-	932	-	-	(2,907)	20,808	17,901	
- Roads	(62,114)	239,148	177,034	6,432	2,019	-	(4,185)	-	-	1	2,883	(67,377)	251,561	184,184	
- Bridges	(3,474)	10,564	7,090	183	-	-	(69)	-	-	1	79	(3,582)	10,866	7,284	
- Footpaths	(8,802)	26,303	17,501	2,102	191	-	(322)	-	271	-	-	(9,253)	28,996	19,743	
- Other road assets (including bulk earthworks)	(913)	4,766	3,853	-	82	-	(66)	-	-	-	23	(985)	4,877	3,892	
- Bulk earthworks (non-depreciable)	-	33,136	33,136	141	-	-	-	-	(1)	-	566	-	33,842	33,842	
- Stormwater drainage	(12,164)	37,425	25,261	364	749	-	(367)	-	-	1	663	(12,873)	39,544	26,671	
- Water supply network	(26,462)	61,597	35,135	428	330	-	(787)	(1)	1,319	413	693	(27,257)	64,787	37,530	
- Sewerage network	(26,933)	59,354	32,421	540	169	-	(724)	-	331	(412)	-	(27,458)	59,783	32,325	
- Swimming pools	(1,098)	5,316	4,218	118	54	-	(91)	-	27	1	208	(1,255)	5,790	4,535	
- Other open space/recreational assets	(2,645)	11,049	8,404	326	655	-	(369)	-	-	1	730	(3,268)	13,015	9,747	
Other assets:															
- Library books	(1,146)	1,251	105	3	36	-	(6)	-	-	(1)	-	(1,152)	1,289	137	
Reinstatement, rehabilitation and restoration assets															
- Tip assets	(430)	3,584	3,154	-	-	-	(165)	-	-	-	(1,423)	(595)	2,161	1,566	
Total infrastructure, property, plant and equipment	(189,041)	630,467	441,426	12,916	7,035	(10)	(9,649)	(1)	7,063	4	(1,423)	7,124	(200,055)	664,540	464,485

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

C1-6 Infrastructure, property, plant and equipment (continued)

Accounting policy

Infrastructure, property, plant and equipment are held at fair value. Independent valuations are performed at least every five years, however the carrying amount of assets is assessed at each reporting date to confirm that it is not materially different from current fair value.

Increases in the carrying amounts arising on revaluation are credited to the asset revaluation reserve. To the extent that the increase reverses a decrease previously recognising profit or loss relating to that asset class, the increase is first recognised as profit or loss. Decreases that reverse previous increases of assets in the same class are first charged against revaluation reserves directly in equity to the extent of the remaining reserve attributable to the class; all other decreases are charged to the Income Statement.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to Council and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the Income Statement during the financial period in which they are incurred.

Land is not depreciated. Depreciation on other assets is calculated using the straight-line method to allocate their cost, net of their residual values, over their estimated useful lives as follows:

Plant and equipment	Years	Other equipment	Years
Office equipment	5 to 10	Playground equipment	30 to 60
Office furniture	10 to 20	Benches, seats etc.	20 to 60
Computer equipment	3 to 5		
Vehicles	5 to 10	Buildings	
Heavy plant/road making equipment	5 to 10	Buildings: masonry	60 to 125
Other plant and equipment	5 to 15	Buildings: other	40 to 100
Water and sewer assets		Stormwater assets	
Dams and reservoirs	50 to 150	Drains	100 to 175
Bores	50 to 75	Culverts	60 to 140
Reticulation pipes: PVC	40 to 150	Flood control structures	100 to 175
Reticulation pipes: other	80 to 120		
Pumps and telemetry	30 to 95		
Transportation assets		Other infrastructure assets	
Sealed roads: surface	20 to 70	Bulk earthworks	120 to 200
Sealed roads: structure	70 to 100	Swimming pools	40 to 81
Unsealed roads	15 to 80	Other open space/recreational assets	25 to 60
Bridge: concrete	100 to 175	Other infrastructure	25 to 75
Bridge: other	50		
Road pavements	60		
Kerb, gutter and footpaths	35 to 140		

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each reporting date.

Gains and losses on disposals are determined by comparing proceeds with carrying amount. These are included in the Income Statement.

Crown reserves

Crown reserves under Council's care and control are recognised as assets of the council. While ownership of the reserves remains with the Crown, Council retains operational control of the reserves and is responsible for their maintenance and use in accordance with the specific purposes to which the reserves are dedicated.

Improvements on Crown reserves are also recorded as assets, while maintenance costs incurred by Council and revenues relating to the reserves are recognised within Council's Income Statement.

Rural Fire Service assets

Council recognises the land and buildings used by the Rural Fire Service situated within the Local Government area, however, it does not recognise the Rural Fire Service equipment.

C1-7 Intangible assets

Intangible assets are as follows:

	2023 \$ '000	2022 \$ '000
Software		
Opening values at 1 July		
Gross book value	2,402	2,061
Accumulated amortisation	(1,134)	(897)
Net book value – opening balance	1,268	1,164
Movements for the year		
Development costs	27	343
Amortisation charges	(300)	(237)
Closing values at 30 June		
Gross book value	2,428	2,402
Accumulated amortisation	(1,433)	(1,134)
Total intangible assets – net book value	995	1,268

Accounting policy

IT development and software

Software development costs include only those costs directly attributable to the development phase (including external direct costs of materials and services, direct payroll, and payroll-related costs of employees' time spent on the project) and are only recognised following completion of technical feasibility, and where the Council has an intention and ability to use the asset. Amortisation is calculated on a straight-line basis over periods generally ranging from three to five years.

C1-8 Other

Other assets

	2023 \$ '000	2022 \$ '000
Prepayments	311	103
Total other assets	311	103

C2 Liabilities of Council

C2-1 Payables

	2023 Current \$ '000	2023 Non-current \$ '000	2022 Current \$ '000	2022 Non-current \$ '000
Prepaid rates	620	-	548	-
Goods and services – operating expenditure	1,058	-	520	-
Goods and services – capital expenditure	439	-	888	-
Accrued expenses:				
– Salaries and wages	313	-	226	-
– Other expenditure accruals	1,805	-	581	-
Rural fire service liability	-	-	81	-
Security bonds, deposits and retentions	208	50	208	50
ATO – fringe benefits	89	-	25	-
Workers compensation	104	5	106	5
Other	27	-	12	-
Total payables	4,663	55	3,195	55

C2-1 Payables (continued)

Current payables not anticipated to be settled within the next twelve months

	2023 \$ '000	2022 \$ '000
The following liabilities, even though classified as current, are not expected to be settled in the next 12 months.		
Payables – security bonds, deposits and retentions	50	50
Total payables	50	50

Accounting policy

Council measures all financial liabilities initially at fair value less transaction costs, subsequently financial liabilities are measured at amortised cost using the effective interest rate method.

The financial liabilities of the Council comprise trade payables, accrued expenses and bonds for development applications.

The payables represent liabilities for goods and services provided to the Council prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

C2-2 Contract Liabilities

	Notes	2023 Current \$ '000	2023 Non-current \$ '000	2022 Current \$ '000	2022 Non-current \$ '000
Grants and contributions received in advance:					
Unexpended capital grants (to construct Council controlled assets)	(i)	6,376	–	4,464	–
Total contract liabilities		6,376	–	4,464	–

Notes

(i) Council has received funding to construct assets including roads and other infrastructure. The funds received are under an enforceable contract which require Council to construct an identified asset which will be under Council's control on completion. The revenue is recognised as Council constructs the asset and the contract liability reflects the funding received which cannot yet be recognised as revenue. The revenue is expected to be recognised in the next 12 months.

(ii) The contract liability relates to grants received prior to the revenue recognition criteria in AASB 15 being satisfied since the performance obligations are ongoing.

Revenue recognised that was included in the contract liability balance at the beginning of the period

	2023 \$ '000	2022 \$ '000
Grants and contributions received in advance:		
Capital grants (to construct Council controlled assets)	2,874	5,321
Total revenue recognised that was included in the contract liability balance at the beginning of the period	2,874	5,321

Significant changes in contract liabilities

Council has completed many grant funded projects throughout 2022/2023 as well as start other major capital projects supported by grant funding. Council is well underway in achieving their performance obligations.

C2-2 Contract Liabilities (continued)

Accounting policy

Where the amounts billed to customers are based on the achievement of various milestones established in the contract, the amounts recognised as revenue in a given period do not necessarily coincide with the amounts billed to or certified by the customer.

When a performance obligation is satisfied by transferring a promised good or service to the customer before the customer pays consideration or before the payment is due, Council presents the work in progress as a contract asset, unless the rights to that amount of consideration are unconditional, in which case Council recognises a receivable.

When an amount of consideration is received from a customer / fund provider prior to Council transferring a good or service to the customer, Council presents the funds which exceed revenue recognised as a contract liability.

C2-3 Employee benefit provisions

	2023 Current \$ '000	2023 Non-current \$ '000	2022 Current \$ '000	2022 Non-current \$ '000
Annual leave	795	–	795	–
Sick leave	200	–	187	–
Long service leave	1,743	144	1,712	141
Rostered Day Off leave	93	–	68	–
Time in lieu leave	8	–	11	–
Employee Leave Entitlements on-costs	140	5	140	5
Total employee benefit provisions	2,979	149	2,913	146

Current employee benefit provisions not anticipated to be settled within the next twelve months

	2023 \$ '000	2022 \$ '000
The following provisions, even though classified as current, are not expected to be settled in the next 12 months.		
Provisions – employees benefits	1,749	2,215
	1,749	2,215

C2-3 Employee benefit provisions (continued)

Description of and movements in provisions

	ELE provisions					Total \$ '000
	Annual leave \$ '000	Sick leave \$ '000	Long service leave \$ '000	ELE on-costs \$ '000	Other employee benefits \$ '000	
as at 30/06/23						
At beginning of year	795	187	1,853	145	79	3,059
Additional provisions	171	111	121	-	22	425
Amounts used (payments)	(171)	(98)	(88)	-	-	(357)
Other	-	-	1	-	-	1
Total ELE provisions at end of year	795	200	1,887	145	101	3,128
as at 30/06/22						
At beginning of year	788	194	1,914	143	85	3,124
Additional provisions	495	259	51	2	125	932
Amounts used (payments)	(488)	(266)	(112)	-	(131)	(997)
Total ELE provisions at end of year	795	187	1,853	145	79	3,059

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C2-3 Employee benefit provisions (continued)

Accounting policy

Provisions are recognised when Council has a present legal or constructive obligations as a result of past events, it is probable that an outflow of resources will be required to settle the obligation, and the amount has been reliably estimated.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to anyone item included in the same class of obligations may be small.

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the reporting date. The discount rate used to determine the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as interest expenses.

Employee benefit provisions are presented as current liabilities in the Statement of Financial Position if Council does not have an unconditional right to defer settlement for at least 12 months after reporting date, regardless of when the actual settlement is expected to occur and therefore all annual leave and vested long service leave (or that which vests within 12 months) is presented as current.

Short-term obligations

Liabilities for wages and salaries (including non-monetary benefits, annual leave and accumulating sick leave expected to be wholly settled within 12 months after the end of the period in which the employees render the related service) are recognised in respect of employees' services up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled. The liability for annual leave and accumulating sick leave is recognised in the provision for employee benefits. All other short-term employee benefit obligations are presented as payables.

Other long-term employee benefit obligations

The liability for long-service leave and annual leave that is not expected to be wholly settled within 12 months after the end of the period in which the employees render the related service is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

On-costs

The employee benefit provisions include the aggregate on-cost liabilities that will arise when payment of current employee benefits is made in future periods.

These amounts include superannuation, payroll tax and workers compensation expenses which will be payable upon the future payment of certain leave liabilities which employees are entitled to at the reporting period.

The obligations are presented as current liabilities in the Statement of Financial Position if the Council does not have an unconditional right to defer settlement for at least 12 months after the reporting date, regardless of when the actual settlement is expected to occur.

C2-4 Provisions

	2023 Current \$ '000	2023 Non-Current \$ '000	2022 Current \$ '000	2022 Non-Current \$ '000
Asset remediation/restoration:				
Asset remediation/restoration (future works)	229	3,658	165	1,566
Total provisions	229	3,658	165	1,566

Current provisions not anticipated to be settled within the next twelve months

The following provisions, even though classified as current, are not expected to be settled in the next 12 months.

Description of and movements in provisions

Other provisions

continued on next page ...

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C2-4 Provisions (continued)

	Asset remediation \$ '000	Net carrying amount \$ '000
as at 30/06/23		
At beginning of year	1,731	1,731
Other	2,156	2,156
Total other provisions at end of year	3,887	3,887
as at 30/06/22		
At beginning of year	3,154	3,154
Other	(1,423)	(1,423)
Total other provisions at end of year	1,731	1,731

Accounting policy

Provisions are recognised when Council has a present legal or constructive obligation as a result of past events, it is probable that an outflow of resources will be required to settle the obligation, and the amount has been reliably estimated.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the reporting date. The discount rate used to determine the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as a borrowing cost.

Asset remediation – tips and quarries

Close-down and restoration costs include the dismantling and demolition of infrastructure, and the removal of residual materials and remediation of disturbed areas. Estimated close-down and restoration costs are provided for in the accounting period when the obligation arising from the related disturbance occurs, whether this occurs during the development or during the operation phase, based on the net present value of estimated future costs. Provisions for close-down and restoration costs do not include any additional obligations which are expected to arise from future disturbance. The cost estimates are calculated annually during the life of the operation to reflect known developments, e.g. updated cost estimates and revisions to the estimated lives of operations, and are subject to formal review at regular intervals.

The ultimate cost of environmental remediation is uncertain and cost estimates can vary in response to many factors, including changes to the relevant legal requirements, the emergence of new restoration techniques, or experience at other locations. The expected timing of expenditure can also change, for example in response to changes in quarry reserves or production rates. As a result, there could be significant adjustments to the provision for close down and restoration and environmental clean-up, which would affect future financial results.

Other movements in the provisions for close-down and restoration costs, including those resulting from new disturbance, updated cost estimates, changes to the estimated lives of operations, and revisions to discount rates, are capitalised within infrastructure, property, plant and equipment. These costs are then depreciated over the lives of the assets to which they relate.

C3 Reserves

C3-1 Nature and purpose of reserves

IPPE Revaluation reserve

The infrastructure, property, plant and equipment (IPPE) revaluation reserve is used to record increments and decrements in the revaluation of infrastructure, property, plant and equipment.

D Council structure**D1 Results by fund**

General fund refers to all Council activities other than water and sewer. All amounts disclosed in this note are gross i.e. inclusive of internal charges and recoveries made between the funds. Assets and liabilities shown in the water and sewer columns are restricted for use for these activities.

D1-1 Income Statement by fund

	General 2023 \$ '000	Water 2023 \$ '000	Sewer 2023 \$ '000
Income from continuing operations			
Rates and annual charges	9,372	1,475	3,183
User charges and fees	3,878	1,510	242
Interest and investment revenue	883	145	113
Other revenues	789	62	32
Grants and contributions provided for operating purposes	12,504	45	37
Grants and contributions provided for capital purposes	5,395	–	–
Net gains from disposal of assets	250	–	–
Reversal of revaluation decrements on IPPE previously expensed	2,449	–	1,628
Total income from continuing operations	35,520	3,237	5,235
Expenses from continuing operations			
Employee benefits and on-costs	9,465	620	231
Materials and services	9,705	1,604	1,883
Depreciation, amortisation and impairment of non-financial assets	8,763	714	676
Other expenses	740	–	–
Total expenses from continuing operations	28,673	2,938	2,790
Net operating result for the year	6,847	299	2,445
Net operating result attributable to each council fund	6,847	299	2,445
Net operating result for the year before grants and contributions provided for capital purposes	1,452	299	2,445

Edward River Council | Notes to the Financial Statements 30 June 2023

D1-2 Statement of Financial Position by fund

	General 2023 \$ '000	Water 2023 \$ '000	Sewer 2023 \$ '000
ASSETS			
Current assets			
Cash and cash equivalents	2,553	2,807	3,917
Investments	27,372	5,391	3,242
Receivables	2,255	469	226
Other	274	37	–
Total current assets	32,454	8,704	7,385
Non-current assets			
Investments	6,000	–	–
Infrastructure, property, plant and equipment	428,120	38,610	31,661
Intangible assets	995	–	–
Total non-current assets	435,115	38,610	31,661
Total assets	467,569	47,314	39,046
LIABILITIES			
Current liabilities			
Payables	4,215	117	331
Contract liabilities	6,376	–	–
Employee benefit provision	2,979	–	–
Provisions	229	–	–
Total current liabilities	13,799	117	331
Non-current liabilities			
Payables	55	–	–
Employee benefit provision	149	–	–
Provisions	3,658	–	–
Total non-current liabilities	3,862	–	–
Total liabilities	17,661	117	331
Net assets	449,908	47,197	38,715
EQUITY			
Accumulated surplus	385,741	40,494	37,540
Revaluation reserves	64,167	6,703	1,175
Total equity	449,908	47,197	38,715

E Risks and accounting uncertainties

E1-1 Risks relating to financial instruments held

Council's activities expose it to a variety of financial risks including (1) price risk, (2) credit risk, (3) liquidity risk and (4) interest rate risk.

The Council's overall risk management program focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the financial performance of the Council.

Council does not engage in transactions expressed in foreign currencies and is therefore not subject to foreign currency risk.

Financial risk management is carried out by Council's finance section under policies approved by the Council.

The fair value of Council's financial assets and financial liabilities approximates their carrying amount.

	Carrying value 2023 \$ '000	Carrying value 2022 \$ '000	Fair value 2023 \$ '000	Fair value 2022 \$ '000
Financial assets				
Measured at amortised cost				
Cash and cash equivalents	9,277	7,616	9,206	7,616
Receivables	2,950	2,834	2,948	2,834
Investments				
– Debt securities at amortised cost	42,005	42,500	42,005	42,500
Total financial assets	54,232	52,950	54,159	52,950
Financial liabilities				
Payables	4,718	3,250	4,718	3,250
Total financial liabilities	4,718	3,250	4,718	3,250

Council's objective is to maximise its return on cash and investments whilst maintaining an adequate level of liquidity and preserving capital.

Council's finance area manages the cash and Investments portfolio with the assistance of independent advisors.

Council has an investment policy which complies with the *Local Government Act 1993* and Minister's Investment Order 625. This policy is regularly reviewed by Council and its staff and an investment report is tabled before Council on a monthly basis setting out the portfolio breakup and its performance as required by Local Government regulations.

The risks associated with the instruments held are:

- **Price risk** – the risk that the capital value of investments may fluctuate due to changes in market prices, whether these changes are caused by factors specific to individual financial instruments or their issuers or are caused by factors affecting similar instruments traded in a market.
- **Interest rate risk** – the risk that movements in interest rates could affect returns and income.
- **Liquidity risk** – the risk that Council will not be able to pay its debts as and when they fall due.
- **Credit risk** – the risk that the investment counterparty will not complete their obligations particular to a financial instrument, resulting in a financial loss to Council – be it of a capital or income nature.

Council manages these risks (amongst other measures) by diversifying its portfolio and only purchasing investments with high credit ratings or capital guarantees.

Council also seeks advice from independent advisers before placing any funds in cash equivalents and investments.

E1-1 Risks relating to financial instruments held (continued)

(a) Market risk – interest rate and price risk

	2023 \$ '000	2022 \$ '000
The impact on result for the year and equity of a reasonably possible movement in interest rates is shown below. The reasonably possible movements were determined based on historical movements and economic conditions in place at the reporting date.		
Impact of a 1% movement in interest rates		
– Equity / Income Statement	405	425
Impact of a 10% movement in price of investments		
– Equity / Income Statement	4,050	4,250

(b) Credit risk

Council's major receivables comprise (i) rates and annual charges and (ii) user charges and fees.

Council manages the credit risk associated with these receivables by monitoring outstanding debt and employing stringent debt recovery procedures. Council also encourages ratepayers to pay their rates by the due date through incentives.

The credit risk for liquid funds and other short-term financial assets is considered negligible, since the counterparties are reputable banks with high quality external credit ratings.

There are no significant concentrations of credit risk, whether through exposure to individual customers, specific industry sectors and/or regions.

The level of outstanding receivables is reported to Council monthly and benchmarks are set and monitored for acceptable collection performance.

Council makes suitable provision for doubtful receivables as required and carries out credit checks on most non-rate debtors.

There are no material receivables that have been subjected to a re-negotiation of repayment terms.

Credit risk profile**Receivables – rates and annual charges**

Credit risk on rates and annual charges is minimised by the ability of Council to recover these debts as a secured charge over the land; that is, the land can be sold to recover the debt. Council is also able to charge interest on overdue rates and annual charges at higher than market rates which further encourages payment.

	Not yet overdue \$ '000	overdue rates and annual charges < 5 years \$ '000	≥ 5 years \$ '000	Total \$ '000
2023				
Gross carrying amount	–	640	139	779
2022				
Gross carrying amount	–	614	111	725

Receivables - non-rates and annual charges and contract assets

Council applies the simplified approach for non-rates and annual charges debtors to provide for expected credit losses prescribed by AASB 9, which permits the use of the lifetime expected loss provision. To measure the expected credit losses, non-rates and annual charges debtors have been grouped based on shared credit risk characteristics and the days past due.

The loss allowance provision as at 30 June 2022 is determined as follows. The expected credit losses incorporate forward-looking information.

	Not yet overdue \$ '000	0 - 30 days \$ '000	Overdue debts			Total \$ '000
			31 - 60 days \$ '000	61 - 90 days \$ '000	> 91 days \$ '000	
2023						
Gross carrying amount	1,271	35	22	102	444	1,874

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E1-1 Risks relating to financial instruments held (continued)

	Not yet overdue \$ '000	0 - 30 days \$ '000	Overdue debts			Total \$ '000
			31 - 60 days \$ '000	61 - 90 days \$ '000	> 91 days \$ '000	
Expected loss rate (%)	3.93%	8.75%	5.46%	39.08%	17.56%	9.18%
ECL provision	50	3	1	40	78	172
2022						
Gross carrying amount	–	1,977	10	67	361	2,415
Expected loss rate (%)	5.65%	2.47%	2.47%	7.77%	52.50%	10.10%
ECL provision	111	–	–	5	190	306

(c) Liquidity risk

Payables, lease liabilities and borrowings are both subject to liquidity risk - the risk that insufficient funds may be on hand to meet payment obligations as and when they fall due.

Council manages this risk by monitoring its cash flow requirements and liquidity levels and maintaining an adequate cash buffer.

Payment terms can (in extenuating circumstances) also be extended, and overdraft facilities utilised as required.

Borrowings are also subject to interest rate risk - the risk that movements in interest rates could adversely affect funding costs and debt servicing requirements. Council manages this risk through diversification of borrowing types, maturities and interest rate structures. The finance team regularly reviews interest rate movements to determine if it would be advantageous to refinance or renegotiate part or all of the loan portfolio.

The timing of cash flows presented in the table below to settle financial liabilities reflects the earliest contractual settlement dates. The timing of expected outflows is not expected to be materially different from contracted cashflows.

The amounts disclosed in the table are the undiscounted contracted cash flows for non-lease liabilities and therefore the balances in the table may not equal the balances in the Statement of Financial Position due to the effect of discounting.

	Weighted average interest rate %	Subject to no maturity \$ '000	payable in:			Total contractual cash outflows \$ '000	Actual carrying values \$ '000
			≤ 1 Year \$ '000	1 - 5 Years \$ '000	> 5 Years \$ '000		
2023							
Payables	0.00%	258	4,455	5	–	4,718	4,718
Total financial liabilities		258	4,455	5	–	4,718	4,718
2022							
Payables	0.00%	258	2,987	5	–	3,250	3,250
Total financial liabilities		258	2,987	5	–	3,250	3,250

E2-1 Fair value measurement

The Council measures the following asset and liability classes at fair value on a recurring basis:

– Infrastructure, property, plant and equipment

Fair value hierarchy

All assets and liabilities measured at fair value are assigned to a level in the fair value hierarchy as follows:

Level 1: Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date

Level 2: Inputs other than quoted prices included within level 1 that are observable for the asset or liability, either directly or indirectly

Level 3: Unobservable inputs for the asset or liability

The table below shows the assigned level for each asset and liability held at fair value by Council:

\$ '000	Notes	Fair value measurement hierarchy					
		Date of latest valuation		Level 3 Significant unobservable inputs		Total	
		2023	2022	2023	2022	2023	2022
Recurring fair value measurements							
Infrastructure, property, plant and equipment	C1-6						
Plant and equipment		30/06/23	30/06/22	4,926	5,861	4,926	5,861
Office equipment		30/06/23	30/06/22	451	368	451	368
Furniture and fittings		30/06/23	30/06/22	51	28	51	28
Operational land		30/06/21	30/06/21	8,366	7,755	8,366	7,755
Community land		30/06/21	30/06/21	1,823	1,707	1,823	1,707
Crown land		30/06/21	30/06/21	5,205	4,874	5,205	4,874
Land improvements – depreciable		30/06/21	30/06/21	4,341	3,967	4,341	3,967
Buildings – non-specialised		29/02/20	29/02/20	14,205	12,623	14,205	12,623
Buildings – specialised		29/02/20	29/02/20	49,175	37,883	49,175	37,883
Other structures		29/02/20	29/02/20	19,548	17,901	19,548	17,901
Roads		29/02/20	29/02/20	186,565	184,184	186,565	184,184
Bridges		29/02/20	29/02/20	7,610	7,284	7,610	7,284
Footpaths and kerb and gutter		29/02/20	29/02/20	20,871	19,743	20,871	19,743
Other road assets		29/02/20	29/02/20	4,056	3,892	4,056	3,892
Bulk earthworks		29/02/20	29/02/20	37,937	33,842	37,937	33,842
Stormwater drainage		29/02/20	29/02/20	29,465	26,671	29,465	26,671
Water supply network		30/06/23	30/06/21	41,868	37,530	41,868	37,530
Sewerage network		01/06/22	01/06/22	34,534	32,325	34,534	32,325
Swimming pools		29/02/20	30/06/21	5,073	4,535	5,073	4,535
Other open spaces/recreational assets		30/06/21	30/06/21	10,879	9,747	10,879	9,747
Library books		30/06/21	30/06/21	169	137	169	137
Tip assets		29/02/20	29/02/20	3,622	1,566	3,622	1,566
Total infrastructure, property, plant and equipment				490,740	454,423	490,740	454,423

Valuation techniques

Where Council is unable to derive fair valuations using quoted market prices of identical assets (ie. level 1 inputs) Council instead utilises a spread of both observable inputs (level 2 inputs) and unobservable inputs (level 3 inputs).

The fair valuation techniques Council has employed while utilising level 2 and level 3 inputs are as follows:

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E2-1 Fair value measurement (continued)

Infrastructure, property, plant and equipment (IPPE)

Plant and Equipment - This class of asset category is not valued at fair value. The category is at depreciated historical cost, which approximates fair value.

Office Equipment - Same as Plant and Equipment above.

Furniture and Fittings - Same as Plant and Equipment above.

Operational Land - The latest valuation was conducted by APV Valuers during the 2020/21 financial year.

The valuation method used is in accordance with the Local Government Code of Accounting Practice and Financial Reporting (Guidelines). Operational Land should be valued at market value after considering the buyers and sellers in the market and, where possible, include elements such as zoning limitations, alternative use and size of the land.

Sources of data used when determining revaluations include: Actual sales evidence, mapping evidence, PDSLIVE property searches, Benchmarking, APV database of recent projects and on-site visits.

Community Land - The latest valuation was conducted by APV Valuers during the 2020/21 financial year.

The valuation method used is in accordance with the Local Government Code of Accounting Practice and Financial Reporting (Guidelines). Council is unable to provide neither observable nor unobservable valuation techniques and therefore it is reported as a Level 3.

Sources of data used when determining revaluations include: Actual sales evidence, mapping evidence, PDSLIVE property searches, Benchmarking, APV database of recent projects and on-site visits.

Following advice from the NSW Audit Office, Council discounted the market value of Community Land to equal values from the Valuer General's office. This was done so as to cater for the restrictions that are on Community Land.

Crown Land - Same as Community Land above.

Land Improvements (Depreciable) - The latest valuation was conducted by APV Valuers during the 2020/21 financial year. Council assessed no material movements in the fair value during the year.

The valuation method is based on determining the Replacement Cost of the modern equivalent (or cost of reproduction where relevant) and then adjusting for the level of consumed future economic benefit and impairment.

Sources of data used when determining revaluations include: Actual sales evidence, mapping evidence, Rawlinson's Construction Guide, Benchmarking, APV database of recent projects and on-site visits.

Buildings (Non - Specialised) - The latest valuation was conducted by APV Valuers during the 2019/20 financial year. To account for the movements in fair value due to the rise in the inflation rate during the year, Council applied an indexation rate of 10% on the fair values as at 30 June 2022.

The valuation method is based on determining the Replacement Cost of the modern equivalent (or cost of reproduction where relevant) and then adjusting for the level of consumed future economic benefit and impairment.

In accordance with the depreciation requirements of AASB 116, "complex assets" are componentised and depreciated separately. This is consistent with the AASB's May 2015 decision regarding residual value.

Sources of data used when determining revaluations include: Actual sales evidence, mapping evidence, Rawlinson's Construction Guide (or similar), Benchmarking, APV database of recent projects and on-site visits.

Buildings (Specialised) - The latest valuation was conducted by APV Valuers during the 2019/20 financial year. To account for the movements in fair value due to the rise in the inflation rate during the year, Council applied an indexation rate of 10% on the fair values as at 30 June 2022.

Refer to Buildings (Non-Specialised) above for valuation method and data sources.

Other Structures - The latest valuation was conducted by APV Valuers during the 2019/20 financial year. Council assessed no material movements in the fair value during the year.

The valuation method is based on determining the Replacement Cost of the modern equivalent (or cost of reproduction where relevant) and then adjusting for the level of consumed future economic benefit and impairment.

In accordance with the depreciation requirements of AASB 116, "complex assets" are componentised and depreciated separately (splitting each component into the short and long life parts). This is consistent with the AASB's May 2015 decision regarding residual value.

E2-1 Fair value measurement (continued)

Sources of data used when determining revaluations include: Actual sales evidence, mapping evidence, Rawlinson's Construction Guide, Benchmarking, APV database of recent projects and on-site visits.

Roads & Bulk Earthworks - The latest valuation was conducted by APV Valuers during the 2019/20 financial year.

The valuation method is based on determining the Replacement Cost of the modern equivalent (or cost of reproduction where relevant) and then adjusting for the level of consumed future economic benefit and impairment.

In accordance with the depreciation requirements of AASB 116, "complex assets" are componentised and depreciated separately (splitting each component into the short and long life parts). This is consistent with the AASB's May 2015 decision regarding residual value.

Sources of data used when determining revaluations include: Actual construction or purchase prices, mapping evidence, Rawlinson's Construction Guide (or similar), Benchmarking, APV database of recent projects and on-site visits.

Council assessed no material movements in the fair value during the year.

Bridges - The latest valuation was conducted by APV Valuers during the 2019/20 financial year. Refer to Roads above for valuation method and data sources.

Council assessed no material movements in the fair value during the year.

Footpaths - The latest valuation was conducted by APV Valuers during the 2019/20 financial year. Refer to Roads above for valuation method and data sources.

Council assessed no material movements in the fair value during the year.

Stormwater - The latest valuation was conducted by APV Valuers during the 2019/20 financial year. Refer to Roads above for valuation method and data sources.

Council assessed no material movements in the fair value during the year.

Water Supply Network - The latest valuation was conducted by APV Valuers during the 2022/23 financial year, with an indexation rate of 5.73% applied to the asset values for the 2021/22 year in accordance with the NSW Rates Reference Manual issued by DPI- Water.

The valuation method is based on determining the Replacement Cost of the modern equivalent (or cost of reproduction where relevant) and then adjusting for the level of consumed future economic benefit and impairment.

In accordance with the depreciation requirements of AASB 116, "complex assets" are componentised and depreciated separately (splitting each component into the short and long life parts). This is consistent with the AASB's May 2015 decision regarding residual value.

Sources of data used when determining revaluations include: Actual construction or purchase prices, mapping evidence, Rawlinson's Construction Guide (or similar), Benchmarking, APV database of recent projects and on-site visits.

Sewer Network - The latest valuation was conducted by APV Valuers during the year 2021/22 financial year, with an indexation rate of 7.71% applied to the asset values for the 2022/23 year in accordance with the NSW Rates Reference Manual issued by DPI- Water.

The valuation method is based on determining the Replacement Cost of the modern equivalent (or cost of reproduction where relevant) and then adjusting for the level of consumed future economic benefit and impairment.

In accordance with the depreciation requirements of AASB 116, "complex assets" are componentised and depreciated separately (splitting each component into the short and long life parts). This is consistent with the AASB's May 2015 decision regarding residual value.

Sources of data used when determining revaluations include: Actual construction or purchase prices, mapping evidence, Rawlinson's Construction Guide (or similar), Benchmarking, APV database of recent projects and on-site visits.

Swimming Pools - The latest valuation was conducted by APV Valuers during the 2020/21 financial year. Council assessed no material movements in the fair value during the year.

The valuation method is based on determining the Replacement Cost of the modern equivalent (or cost of reproduction where relevant) and then adjusting for the level of consumed future economic benefit and impairment.

E2-1 Fair value measurement (continued)

In accordance with the depreciation requirements of AASB 116, "complex assets" are componentised and depreciated separately (splitting each component into the short and long life parts). This is consistent with the AASB's May 2015 decision regarding residual value.

Sources of data used when determining revaluations include: Actual sales evidence, mapping evidence, Rawlinson's Construction Guide (or similar), Benchmarking, APV database of recent projects and on-site visits.

Other Open Spaces/ Recreational Assets - The latest valuation was conducted by APV Valuers during the 2020/21 financial year. Council assessed no material movements in the fair value during the year. Refer to Swimming Pools above for valuation method and data sources.

Library Books - Same as Plant and Equipment above.

Fair value measurements using significant unobservable inputs (level 3)

b. Significant unobservable valuation inputs used (for level 3 asset classes) and their relationship to fair value.

The following table summarises the quantitative information relating to the significant unobservable inputs used in deriving the various level 3 asset class fair values.

	Valuation technique/s	Unobservable inputs
Infrastructure, property, plant and equipment		
Work in progress	Cost approach	At cost.
Plant and equipment	Cost approach	Gross replacement cost, remaining useful life and residual value
Office equipment	Cost approach	Gross replacement cost, remaining useful life and residual value
Furniture and fittings	Cost approach	Gross replacement cost, remaining useful life and residual value
Operational land	Market value approach	Comparison to other similar land sales/property prices, use of land and land area.
Community land	Market value approach	Use of land, zoning conditions and unit rates per square metre
Crown land	Market value approach	Use of land, zoning conditions and unit rates per square metre
Land improvements – depreciable	Cost approach - depreciated replacement	Unit rates, pattern of consumption and consumption score
Buildings – non specialised	Cost approach - depreciated replacement	Unit rates, pattern of consumption and consumption score
Buildings – specialised	Cost approach - depreciated replacement	Unit rates, pattern of consumption and consumption score
Other structures	Cost approach - depreciated replacement	Unit rates, pattern of consumption and consumption score
Roads	Cost approach - depreciated replacement	Asset condition, relationship between asset consumption rating scale and the level of consumed service potential and unit rate cost.
Bridges	Cost approach - depreciated replacement	Asset condition, relationship between asset consumption rating scale and the level of consumed service potential and unit rate cost.
Footpaths and kerb	Cost approach - depreciated replacement	Asset condition, relationship between asset consumption rating scale and the level of consumed service potential and unit rate cost.

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E2-1 Fair value measurement (continued)

	Valuation technique/s	Unobservable inputs
Bulk earthworks	Cost approach - depreciated replacement	Asset condition, relationship between asset consumption rating scale and the level of consumed service potential and unit rate cost.
Other road assets	Cost approach - depreciated replacement	Asset condition, relationship between asset consumption rating scale and the level of consumed service potential and unit rate cost.
Stormwater drainage	Cost approach - depreciated replacement	Asset condition, relationship between asset consumption rating scale and the level of consumed service potential and unit rate cost.
Water supply network	Cost approach - depreciated replacement	Unit rate cost from market evidence, split between short and long life components, valuation profiles and consumption score.
Sewerage network	Cost approach - depreciated replacement	Unit rate cost from market evidence, split between short and long life components, valuation profiles and consumption score.
Swimming pools	Cost approach - depreciated replacement	Unit rates, pattern of consumption and consumption score.
Other open spaces/recreational assets	Cost approach - depreciated replacement	Unit rates, pattern of consumption and consumption score.
Library books	Cost approach	Gross replacement cost and remaining useful life
Other assets	Cost approach - depreciated replacement	Gross replacement cost and remaining useful life
Tip assets	Cost approach - depreciated replacement	Gross replacement cost and remaining useful life

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E2-1 Fair value measurement (continued)

A reconciliation of the movements in recurring fair value measurements allocated to Level 3 of the hierarchy is provided below:

	Plant and equipment		Office equipment		Furniture and fittings		Operational land	
	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000
Opening balance	5,861	5,945	368	310	28	39	7,755	7,386
Total gains or losses for the period								
Recognised in profit or loss – realised (refer to Note B6-1)	–	–	–	–	–	–	–	369
Recognised in other comprehensive income – revaluation surplus	–	–	–	–	–	–	533	–
Other movements								
Purchases	144	1,020	213	166	31	–	250	–
Disposals	(8)	(8)	–	(2)	–	–	(172)	–
Depreciation and impairment	(1,071)	(1,096)	(130)	(107)	(8)	(10)	–	–
Adjustments and transfers	–	–	–	1	–	(1)	–	–
Closing balance	4,926	5,861	451	368	51	28	8,366	7,755

	Community Land		Crown Land		Land improvements		Buildings non specialised	
	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000
Opening balance	1,707	1,626	4,874	4,642	3,967	3,768	12,623	10,654
Total gains or losses for the period								
Recognised in profit or loss – realised (refer to Note B6-1)	116	81	–	232	–	–	–	57
Recognised in other comprehensive income – revaluation surplus	–	–	331	–	426	188	1,053	1,091
Other movements								
Purchases	–	–	–	–	71	125	818	1,082
Depreciation and impairment	–	–	–	–	(123)	(114)	(289)	(260)
Adjustments and transfers	–	–	–	–	–	–	–	(1)
Closing balance	1,823	1,707	5,205	4,874	4,341	3,967	14,205	12,623

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E2-1 Fair value measurement (continued)

	Building specialised		Other structures		Roads		Bridges	
	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000
Opening balance	37,883	33,897	17,901	17,077	184,183	177,034	7,285	7,090
Total gains or losses for the period								
Recognised in profit or loss – realised (refer to Note B6-1)	493	3,444	841	932	–	–	–	–
Recognised in other comprehensive income – revaluation surplus	2,666	–	523	–	11,176	2,883	390	79
Other movements								
Purchases	8,983	1,344	387	–	6,668	8,451	–	183
Depreciation and impairment	(850)	(803)	(104)	(108)	(15,463)	(4,185)	(65)	(69)
Adjustments and transfers	–	1	–	–	1	–	–	2
Closing balance	49,175	37,883	19,548	17,901	186,565	184,183	7,610	7,285

	Footpaths		Bulk earthworks		Other road assets		Stormwater drainage	
	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000
Opening balance	19,743	17,501	33,842	33,136	3,892	3,853	26,671	25,261
Total gains or losses for the period								
Recognised in profit or loss – realised (refer to Note B6-1)	998	271	–	–	–	–	–	–
Recognised in other comprehensive income – revaluation surplus	–	–	4,095	566	233	23	2,947	663
Other movements								
Purchases	480	2,293	–	141	–	82	234	1,113
Depreciation and impairment	(350)	(322)	–	–	(69)	(66)	(387)	(367)
Adjustments and transfers	–	–	–	(1)	–	–	–	1
Closing balance	20,871	19,743	37,937	33,842	4,056	3,892	29,465	26,671

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E2-1 Fair value measurement (continued)

	Water supply network		Sewerage network		Swimming pools		Other open spaces	
	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000
Opening balance	37,530	35,135	32,325	32,421	4,535	4,218	9,747	8,404
Total gains or losses for the period								
Recognised in profit or loss – realised (refer to Note B6-1)	–	1,316	1,628	331	–	27	–	–
Recognised in other comprehensive income – revaluation surplus	4,663	696	844	–	396	208	1,016	730
Other movements								
Purchases	388	758	413	709	243	172	539	981
Depreciation and impairment	(713)	(787)	(676)	(724)	(101)	(91)	(423)	(369)
Adjustments and transfers	–	412	–	(412)	–	1	–	1
Closing balance	41,868	37,530	34,534	32,325	5,073	4,535	10,879	9,747

	Library books		Tip assets		Total	
	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000	2023 \$ '000	2022 \$ '000
Opening balance	137	105	1,566	3,154	454,423	432,656
Recognised in profit or loss – realised (refer to Note B6-1)	–	–	–	–	4,076	7,060
Recognised in other comprehensive income – revaluation surplus	–	–	–	–	31,292	7,127
Purchases	40	39	–	–	19,902	18,659
Disposals	–	–	–	–	(180)	(10)
Depreciation and impairment	(8)	(6)	(100)	(165)	(20,930)	(9,649)
Adjustments and transfers	–	(1)	2,156	(1,423)	2,157	(1,420)
Closing balance	169	137	3,622	1,566	490,740	454,423

Highest and best use

All of Council's non-financial assets are considered as being utilised for their highest and best use.

E3-1 Contingencies

The following assets and liabilities do not qualify for recognition in the Statement of Financial Position, but their knowledge and disclosure is considered relevant to the users of Council's financial report.

1. Guarantees

(i) Defined benefit superannuation contribution plans

Council participates in an employer-sponsored defined benefit superannuation scheme, and makes contributions as determined by the superannuation scheme's trustees.

Member councils bear responsibility of ensuring there are sufficient funds available to pay out the required benefits as they fall due.

The Local Government Superannuation Scheme however is unable to provide Council with an accurate estimate of its share of the net deficit and accordingly Council has not recorded any net liability from its defined benefit scheme obligations in accordance with AASB 119.

Future contributions made to the defined benefit scheme to rectify the net deficit position will be recognised as an expense when they become payable – similar to the accounting for defined contributions plans.

Member councils are treated as Pooled Employers for the purpose of AASB119. Pooled Employers are required to pay future service employer contributions and past service employer contributions to the Fund.

The future service employer contributions were determined using the new entrant rate method under which a contribution rate sufficient to fund the total benefits over the working life-time of a typical new entrant is calculated. The current future service employer contribution rates are:

Division B	1.9 times employee contributions for non-180 Point members Nil for 180 Point Members*
Division C	2.5% salaries
Division D	1.64 times employee contributions

*For 180 Point Members, Employers are required to contribute 8.0% salaries for the year ending 30 June 2023 (increasing to 8.5% in line with the increase in the Superannuation Guarantee) to these members' accumulation accounts, which are paid in addition to members' defined benefits.

The past service contribution for each Pooled Employer is a share of total past service contributions of \$20.0 million per annum for 1 July 2022 to 31 December 2024, apportioned according to each employer's share of the accrued liabilities as at 30 June 2022. These past service contributions are used maintain the adequacy of the funding position for the accrued liabilities.

The adequacy of contributions is assessed at each triennial actuarial investigation and monitored annually between triennials.

As stated above, each sponsoring employer is exposed to the actuarial risks associated with current and former employees of other sponsoring employers and hence shares in the associated gains and losses.

However, there is no relief under the Fund's trust deed for employers to walk away from their defined benefit obligations. Under limited circumstances, an employer may withdraw from the plan when there are no active members, on full payment of outstanding past service contributions. There is no provision for allocation of any surplus which may be present at the date of withdrawal of the entity.

There are no specific provisions under the Fund's trust deed dealing with deficits or surplus on wind-up.

There is no provision for allocation of any surplus which may be present at the date of withdrawal of an employer.

The plan is a defined benefit plan. However, each sponsoring employer is exposed to the actuarial risks associated with current and former employees of other sponsoring employers and hence shares in the associated gains and losses (to the extent that they are not borne by members). As such, there is not sufficient reliable information to allow each sponsoring employer to account for its proportionate share of the defined benefit obligation, sub-group assets and costs associated with the sub-group in the same way as it would for a single employer sponsored defined benefit plan.

The amount of Council employer contributions to the defined benefit section of the Local Government Superannuation Scheme and recognised as an expense and disclosed as part of superannuation expenses at Note B3-1 for the year ending 30 June 2022 was \$90,763.60.

The last valuation of the scheme was performed by Mr Richard Boyfield FIAA as at 30 June 2022.

Council's expected contribution to the Fund for the next annual reporting period is \$96,032.52.

continued on next page ...

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E3-1 Contingencies (continued)

The estimated employer reserves financial position for the Pooled Employers at 30 June 2022 is:

Employer reserves only *	\$millions	Asset Coverage
Assets	2,290.9	
Past Service Liabilities	2,236.1	102.4%
Vested Benefits		101.7%

* excluding other accumulation accounts and reserves in both assets and liabilities.

The key economic long-term assumptions used to calculate the present value of accrued benefits are:

Investment return	6.0% per annum
Salary inflation	3.5% per annum
Increase in CPI	6.0% for FY 22/23, 2.5% per annum thereafter

The contribution requirements may vary from the current rates if the overall sub-group experience is not in line with the actuarial assumptions in determining the funding program; however, any adjustment to the funding program would be the same for all sponsoring employers in the Pooled Employers group.

Please note that the estimated employer reserves financial position above is a preliminary calculation, and once all the relevant information has been received by the Funds Actuary, the final end of year review will be completed around December 2023.

Council's past service contribution per annum of 0.30% of the total past services contributions for all Pooled Employers (of \$20 million for each year from 1 January 2022 to 31 December 2024) provides an indication of the level of participation of Council compared with other employers in the Pooled Employer sub-group.

(ii) Statewide Limited

Council is a member of Statewide Mutual, a mutual pool scheme providing liability insurance to local government.

Membership includes the potential to share in either the net assets or liabilities of the fund depending on its past performance. Council's share of the net assets or liabilities reflects Council's contributions to the pool and the result of insurance claims within each of the fund years.

The future realisation and finalisation of claims incurred but not reported to 30 June 2022 may result in future liabilities or benefits as a result of past events that Council will be required to fund or share in respectively.

(iii) StateCover Limited

StateCover is a company providing workers compensation insurance cover to the NSW local government industry and specifically Council.

Council has a contingent liability to contribute further equity in the event of the erosion of the company's capital base as a result of the company's past performance and/or claims experience or as a result of any increased prudential requirements from APRA.

These future equity contributions would be required to maintain the company's minimum level of net assets in accordance with its licence requirements.

(iv) Other guarantees

Council has provided no other guarantees other than those listed above.

(v) Third party claims

The Council is involved from time to time in various claims incidental to the ordinary course of business including claims for damages relating to its services.

Council believes that it is appropriately covered for all claims through its insurance coverage and does not expect any material liabilities to eventuate.

(vi) Potential land acquisitions due to planning restrictions imposed by Council

Council has classified a number of privately owned land parcels as local open space or bushland.

As a result, where notified in writing by the various owners, Council will be required to purchase these land parcels.

At reporting date, reliable estimates as to the value of any potential liability (and subsequent land asset) from such potential acquisitions has not been possible.

continued on next page ...

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E3-1 Contingencies (continued)

ASSETS NOT RECOGNISED

(i) Land under roads

As permitted under AASB 1051, Council has elected not to bring to account land under roads that it owned or controlled up to and including 30/6/08.

F People and relationships

F1 Related party disclosures

F1-1 Key management personnel (KMP)

Key management personnel (KMP) of the council are those persons having the authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.

The aggregate amount of KMP compensation included in the Income Statement is:

	2023 \$ '000	2022 \$ '000
Compensation:		
Short-term benefits	948	929
Other long-term benefits	108	84
Total	1,056	1,013

F1-2 Councillor and Mayoral fees and associated expenses

	2023	2022
	\$ '000	\$ '000
The aggregate amount of Councillor and Mayoral fees and associated expenses included in materials and services expenses in the Income Statement are:		
Mayoral fee	28	26
Councillors' fees	113	105
Other Councillors' expenses (including Mayor)	79	63
Total	220	194

F1-3 Other related parties

	Ref	Transactions during the year \$ '000	Outstanding balances including commitments \$ '000	Impairment provision on outstanding balances \$ '000	Impairment expense \$ '000
2023					
Other	1	3	-	-	-
2022					
Infrastructure works		115	-	-	-
Other	1	200	-	-	-

Transaction provided for training 2023.

1

Two family members of different KMP work for council and they have not received any payments other than remuneration in terms of their employment contract \$182,241.19 in 2022.

F2 Other relationships

F2-1 Audit fees

	2023	2022
	\$ '000	\$ '000

During the year, the following fees were incurred for services provided by the auditor of Council, related practices and non-related audit firms

Auditors of the Council - NSW Auditor-General:

(i) Audit and other assurance services

Audit and review of financial statements

Total audit fees

132	86
132	86

G Other matters**G1-1 Statement of Cash Flows information****(a) Reconciliation of net operating result to cash provided from operating activities**

	2023 \$ '000	2022 \$ '000
Net operating result from Income Statement	9,591	19,003
Add / (less) non-cash items:		
Depreciation and amortisation	10,153	9,886
(Gain) / loss on disposal of assets	(250)	(191)
Non-cash distribution from dissolution of Associate	–	385
Reversal of prior year IPP&E revaluation decrements / impairment previously costed direct to the P&L	(4,077)	(7,062)
Movements in operating assets and liabilities and other cash items:		
(Increase) / decrease of receivables	(116)	(275)
Increase / (decrease) in provision for impairment of receivables	–	7
(Increase) / decrease of other current assets	(208)	(6)
Increase / (decrease) in payables	538	194
Increase / (decrease) in other accrued expenses payable	1,311	79
Increase / (decrease) in other liabilities	68	(39)
Increase / (decrease) in contract liabilities	1,912	(1,260)
Increase / (decrease) in employee benefit provision	69	(64)
Increase / (decrease) in other provisions	2,156	(1,423)
Net cash flows from operating activities	21,147	19,234

(b) Non-cash investing and financing activities

Non-cash distribution from dissolution of Central Murray County Council (CMCC)	–	(385)
Total non-cash investing and financing activities	–	(385)

G2-1 Commitments

Capital commitments (exclusive of GST)

	2023	2022
	\$ '000	\$ '000

Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:

Property, plant and equipment

Buildings	2,008	2,906
Open space and recreational assets	–	309
Water infrastructure	48	96
Sewer infrastructure	161	182
Roads	74	1,321
Motor vehicles and major plant acquisitions	–	1
ERC Merger projects	–	28
Swimming Pools	13	–
Other Infrastructure	5	–
Total commitments	2,309	4,843

These expenditures are payable as follows:

Within the next year	2,309	4,843
Total payable	2,309	4,843

Details of capital commitments

Commitments exist for various projects including the Edward River Village, Airport Runway upgrade, roads, water and sewer projects.

G3-1 Events occurring after the reporting date

Council is unaware of any material or significant events that should be disclosed.

G4 Statement of developer contributions as at 30 June 2023

G4-1 Summary of developer contributions

	Opening balance at 1 July 2022 \$ '000	Contributions received during the year				Interest and investment income earned \$ '000	Amounts expended \$ '000	Internal borrowings \$ '000	Held as restricted asset at 30 June 2023 \$ '000	Cumulative balance of internal borrowings (to)/from \$ '000
		Cash \$ '000	Non-cash Land \$ '000	Non-cash Other \$ '000						
Roads	11	-	-	-	-	-	-	11	-	
Parking	8	-	-	-	-	-	-	8	-	
Open space	4	-	-	-	-	-	-	4	-	
Community facilities	9	82	-	-	-	(82)	-	9	-	
Other	1	-	-	-	-	-	-	1	-	
S7.11 contributions – under a plan	33	82	-	-	-	(82)	-	33	-	
Total S7.11 and S7.12 revenue under plans	33	82	-	-	-	(82)	-	33	-	
S7.11 not under plans	6	-	-	-	-	-	-	6	-	
Total contributions	39	82	-	-	-	(82)	-	39	-	

Under the *Environmental Planning and Assessment Act 1979*, Council has significant obligations to provide Section 7.11 (contributions towards provision or improvement of amenities or services) infrastructure in new release areas. It is possible that the funds contributed may be less than the cost of this infrastructure, requiring Council to borrow or use general revenue to fund the difference.

G4-2 Developer contributions by plan

	Opening balance at 1 July 2022 \$ '000	Contributions received during the year			Interest and investment income earned \$ '000	Amounts expended \$ '000	Internal borrowings \$ '000	Held as restricted asset at 30 June 2023 \$ '000	Cumulative balance of internal borrowings (to)/from \$ '000
		Cash \$ '000	Non-cash Land \$ '000	Non-cash Other \$ '000					
CONTRIBUTION PLAN (former Deniliquin)									
Roads	11	-	-	-	-	-	-	11	-
Parking	8	-	-	-	-	-	-	8	-
Open space	4	-	-	-	-	-	-	4	-
Community facilities	9	82	-	-	-	(82)	-	9	-
Other	1	-	-	-	-	-	-	1	-
Total	33	82	-	-	-	(82)	-	33	-

G5 Statement of performance measures

G5-1 Statement of performance measures – consolidated results

\$ '000	Amounts 2023	Indicator 2023	Indicators 2022 2021		Benchmark
1. Operating performance ratio					
Total continuing operating revenue excluding capital grants and contributions less operating expenses ^{1,2}	(131)	(0.38)%	10.97%	2.04%	> 0.00%
Total continuing operating revenue excluding capital grants and contributions ¹	34,270				
2. Own source operating revenue ratio					
Total continuing operating revenue excluding all grants and contributions ¹	21,684	54.67%	49.57%	58.50%	> 60.00%
Total continuing operating revenue ¹	39,665				
3. Unrestricted current ratio					
Current assets less all external restrictions	29,818	6.16x	5.54x	5.66x	> 1.50x
Current liabilities less specific purpose liabilities	4,840				
4. Debt service cover ratio					
Operating result before capital excluding interest and depreciation/impairment/amortisation ¹	10,022	∞	∞	∞	> 2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	–				
5. Rates and annual charges outstanding percentage					
Rates and annual charges outstanding	1,011	6.70%	6.20%	6.97%	< 10.00%
Rates and annual charges collectable	15,084				
6. Cash expense cover ratio					
Current year's cash and cash equivalents plus all term deposits	51,282	30.19	27.97	32.19	> 3.00
Monthly payments from cash flow of operating and financing activities	1,699	months	months	months	months

(1) Excludes fair value increments on investment properties, reversal of revaluation decrements, reversal of impairment losses on receivables, net gain on sale of assets and net share of interests in joint ventures and associates using the equity method and includes pensioner rate subsidies

(2) Excludes impairment/revaluation decrements of IPPE, fair value decrements on investment properties, net loss on disposal of assets and net loss on share of interests in joint ventures and associates using the equity method

G5-2 Statement of performance measures by fund

\$ '000	General Indicators ³		Water Indicators		Sewer Indicators		Benchmark
	2023	2022	2023	2022	2023	2022	
1. Operating performance ratio							
Total continuing operating revenue excluding capital grants and contributions less operating expenses ^{1,2}	(11.14)%	0.04%	9.24%	43.66%	46.70%	32.80%	> 0.00%
Total continuing operating revenue excluding capital grants and contributions ¹							
2. Own source operating revenue ratio							
Total continuing operating revenue excluding capital grants and contributions ¹	42.62%	35.84%	98.61%	99.28%	99.29%	99.06%	> 60.00%
Total continuing operating revenue ¹							
3. Unrestricted current ratio							
Current assets less all external restrictions	6.16x	5.53x	74.39x	69.39x	22.31x	36.43x	> 1.50x
Current liabilities less specific purpose liabilities							
4. Debt service cover ratio							
Operating result before capital excluding interest and depreciation/impairment/amortisation ¹	∞	∞	∞	∞	∞	∞	> 2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)							
5. Rates and annual charges outstanding percentage							
Rates and annual charges outstanding	9.70%	8.91%	0.00%	0.00%	0.00%	0.00%	< 10.00%
Rates and annual charges collectable							
6. Cash expense cover ratio							
Current year's cash and cash equivalents plus all term deposits	26.23 months	25.61 months	∞	∞	∞	∞	> 3.00 months
Monthly payments from cash flow of operating and financing activities							

(1) - (2) Refer to Notes at Note G6-1 above.

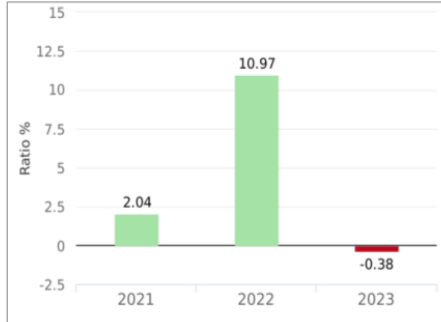
(3) General fund refers to all of Council's activities except for its water and sewer activities which are listed separately.

End of the audited financial statements

H Additional Council disclosures (unaudited)

H1-1 Statement of performance measures – consolidated results (graphs)

1. Operating performance ratio



Purpose of operating performance ratio

This ratio measures Council's achievement of containing operating expenditure within operating revenue.

Commentary on 2022/23 result

2022/23 ratio (0.38)%

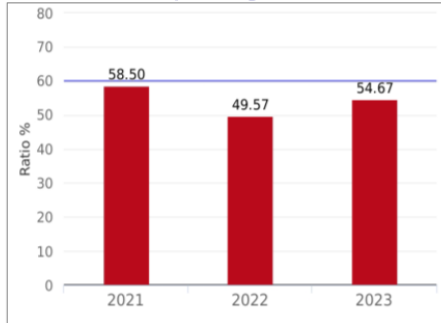
Council's operating performance ratio has again in the positive. Factors keeping the high positive ratio is from the Financial Assistance Grant prepayment portion being increased to approximately 100% from 75% the previous year. In addition, there was a \$4M reversal of revaluation decrements for Assets previously expensed. This had the effect of increasing the income from operating activities and therefore improving the ratio. An increase in operational grants to help with repairs due to flooding has also had an impact.

Benchmark: — > 0.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark (Green bar)
Ratio is outside benchmark (Red bar)

2. Own source operating revenue ratio



Purpose of own source operating revenue ratio

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions.

Commentary on 2022/23 result

2022/23 ratio 54.67%

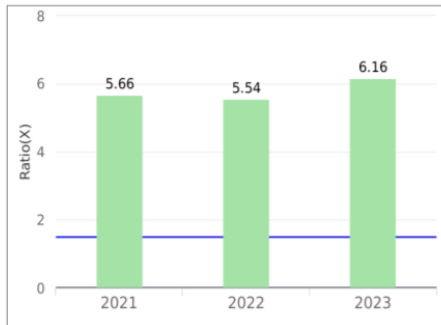
Council has been successful in acquiring grants to help fund natural disasters within the Edward River community. During the financial year Edward River encountered a major flooding event causing damage particularly to the road's infrastructure. The advanced payment of the financial assistance grant was also increased from the previous year from 75% to almost 100% of the 2023/24 financial year allocation.

Benchmark: — > 60.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark (Green bar)
Ratio is outside benchmark (Red bar)

3. Unrestricted current ratio



Purpose of unrestricted current ratio

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Commentary on 2022/23 result

2022/23 ratio 6.16x

Council has consistently managed to maintain its unrestricted current ratio above the benchmark over the years. This highlights its capacity to meet short term obligations as and when they arise. Council is in a very strong liquidity position, with unrestricted current assets able to cover current liabilities more than six times.

Benchmark: — > 1.50x

Source of benchmark: Code of Accounting Practice and Financial Reporting

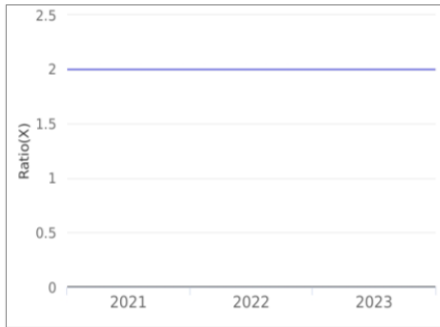
Ratio achieves benchmark (Green bar)
Ratio is outside benchmark (Red bar)

continued on next page ...

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H1-1 Statement of performance measures – consolidated results (graphs) (continued)

4. Debt service cover ratio



Purpose of debt service cover ratio

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments

Commentary on 2022/23 result

2022/23 ratio ∞

Council did not have any borrowings during the year ending 30 June 2023

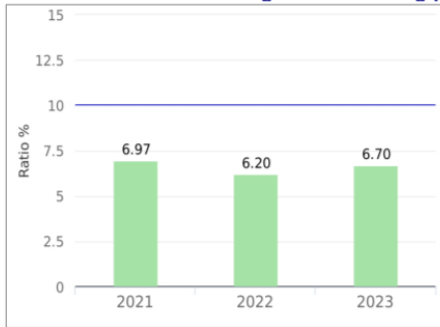
Benchmark: — > 2.00x

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

5. Rates and annual charges outstanding percentage



Purpose of rates and annual charges outstanding percentage

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

Commentary on 2022/23 result

2022/23 ratio 6.70%

The Rates and annual charges outstanding percentage normalised from a peak of 10.62% in 2020 to be 6.7% for 2023. This was due to normalisation of debt recovery processes following the initial worsening situation as a result of the onset of the Covid-19 pandemic in 2020. The ratio as anticipated has settled around the 6%, which is well within the Rural councils benchmark of 10%.

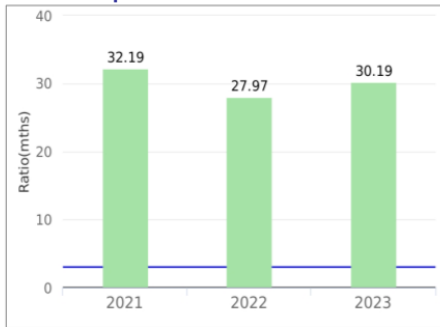
Benchmark: — < 10.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

6. Cash expense cover ratio



Purpose of cash expense cover ratio

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.

Commentary on 2022/23 result

2022/23 ratio 30.19 months

Similar to the unrestricted current ratio, Council has a very strong liquidity position. Council's outstanding cash expense ratio shows that cash balances are sufficient to support its short-term operations for more than 30 months.

Benchmark: — > 3.00months

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

H1-2 Council information and contact details

Principal place of business:

180 Cressy Street
Deniliquin NSW 2710

Contact details**Mailing Address:**

PO Box 270
Deniliquin NSW 2710

Telephone: 03 5898 3000

Facsimile: 03 5898 3029

Opening hours:

8.30am to 5.00pm
Monday to Friday

Internet: www.edwardriver.nsw.gov.au

Email: council@edwardriver.nsw.gov.au

Officers**General Manager**

Philip Stone

Responsible Accounting Officer

Alistair Cochrane

Auditors

Audit Office NSW
Level 19, Tower 2 Darling Park
201 Sussex St
Sydney NSW 2000

Elected members**Mayor**

Cr Peta Betts

Councillors

Cr Paul Fellows - Deputy Mayor
Cr Shirlee Burge
Cr Harold Clapham
Cr Linda Fawns
Cr Pat Fogarty
Cr Tarria Moore
Cr Marc Petersen
Cr Shannon Sampson

Other information

ABN: 90 407 359 958

Edward River Council | Notes to the Financial Statements 30 June 2023

Edward River Council

General Purpose Financial Statements
for the year ended 30 June 2023

Independent Auditor's Reports:

On the Financial Statements (Sect 417 [2])

Independent Auditor's Report

Please uplift Council's Audit Report PDF (opinion) for inclusion in the GPFS report (via the Home screen).

continued on next page ...

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Edward River Council | Notes to the Financial Statements 30 June 2023

Edward River Council

General Purpose Financial Statements
for the year ended 30 June 2023

Independent Auditor's Reports: (continued)

On the Financial Statements (Sect 417 [3])

Independent Auditor's Report

Please uplift Council's Audit Report PDF (commentary) for inclusion in the GPFS report (via the Home screen).

Edward River Council

SPECIAL PURPOSE FINANCIAL STATEMENTS
for the year ended 30 June 2023



Edward River Council

Special Purpose Financial Statements

for the year ended 30 June 2023

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Income Statement of sewerage business activity	5
Statement of Financial Position of water supply business activity	6
Statement of Financial Position of sewerage business activity	7
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Auditor's Report on Special Purpose Financial Statements	11

Background

- i. These Special Purpose Financial Statements have been prepared for the use by both Council and the Office of Local Government in fulfilling their requirements under National Competition Policy.
- ii. The principle of competitive neutrality is based on the concept of a 'level playing field' between persons/entities competing in a market place, particularly between private and public sector competitors.

Essentially, the principle is that government businesses, whether Commonwealth, state or local, should operate without net competitive advantages over other businesses as a result of their public ownership.

- iii. For Council, the principle of competitive neutrality and public reporting applies only to declared business activities.

These include **(a)** those activities classified by the Australian Bureau of Statistics as business activities being water supply, sewerage services, abattoirs, gas production and reticulation, and **(b)** those activities with a turnover of more than \$2 million that Council has formally declared as a business activity (defined as Category 1 activities).

- iv. In preparing these financial statements for Council's self-classified Category 1 businesses and ABS-defined activities, councils must **(a)** adopt a corporatisation model and **(b)** apply full cost attribution including tax-equivalent regime payments and debt guarantee fees (where the business benefits from Council's borrowing position by comparison with commercial rates).

Edward River Council

Special Purpose Financial Statements

for the year ended 30 June 2023

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- the NSW Government Policy Statement '*Application of National Competition Policy to Local Government*',
- the Division of Local Government Guidelines '*Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality*',
- the Local Government Code of Accounting Practice and Financial Reporting,
- the NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year, and
- accord with Council's accounting and other records.
- present overhead reallocation charges to the water and sewerage businesses as fair and reasonable.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 19 September 2023.

Peta Betts

Mayor

19 September 2023

Paul Fellows

Deputy Mayor

19 September 2023

Philip Stone

General Manager

19 September 2023

Belinda Langlands

Responsible Accounting Officer

19 September 2023

Edward River Council | Income Statement of water supply business activity | for the year ended 30 June 2023

Edward River Council

Income Statement of water supply business activity
for the year ended 30 June 2023

	2023	2022
	\$ '000	\$ '000
Income from continuing operations		
Access charges	1,475	1,429
User charges	1,510	1,613
Interest and investment income	145	52
Grants and contributions provided for operating purposes	45	37
Reversal of revaluation decrements of IPPE previously expensed	–	2,039
Other income	62	–
Total income from continuing operations	3,237	5,170
Expenses from continuing operations		
Employee benefits and on-costs	620	547
Materials and services	1,604	1,577
Depreciation, amortisation and impairment	714	789
Total expenses from continuing operations	2,938	2,913
Surplus (deficit) from continuing operations before capital amounts	299	2,257
Surplus (deficit) from continuing operations after capital amounts	299	2,257
Surplus (deficit) from all operations before tax	299	2,257
Less: corporate taxation equivalent (25%) [based on result before capital]	(75)	(564)
Surplus (deficit) after tax	224	1,693
Plus opening accumulated surplus	43,805	41,548
Plus adjustments for amounts unpaid:		
– Corporate taxation equivalent	75	564
Closing accumulated surplus	44,104	43,805
Return on capital %	0.8%	6.3%
Subsidy from Council	1,253	–
Calculation of dividend payable:		
Surplus (deficit) after tax	224	1,693
Less: capital grants and contributions (excluding developer contributions)	45	–
Surplus for dividend calculation purposes	269	1,693
Potential dividend calculated from surplus	135	847

Edward River Council | Income Statement of sewerage business activity | for the year ended 30 June 2023

Edward River Council

Income Statement of sewerage business activity
for the year ended 30 June 2023

	2023	2022
	\$ '000	\$ '000
Income from continuing operations		
Access charges	3,183	3,086
User charges	236	237
Fees	6	12
Interest and investment income	113	42
Grants and contributions provided for operating purposes	37	32
Other income	32	–
Reversal of revaluation decrements of IPPE previously expensed	1,628	–
Total income from continuing operations	5,235	3,409
Expenses from continuing operations		
Employee benefits and on-costs	231	371
Materials and services	1,883	1,195
Depreciation, amortisation and impairment	676	725
Total expenses from continuing operations	2,790	2,291
Surplus (deficit) from continuing operations before capital amounts	2,445	1,118
Surplus (deficit) from continuing operations after capital amounts	2,445	1,118
Surplus (deficit) from all operations before tax	2,445	1,118
Less: corporate taxation equivalent (25%) [based on result before capital]	(611)	(280)
Surplus (deficit) after tax	1,834	838
Plus opening accumulated surplus	36,984	35,866
Plus adjustments for amounts unpaid:		
– Corporate taxation equivalent	611	280
Closing accumulated surplus	39,429	36,984
Return on capital %	7.7%	3.5%
Subsidy from Council	–	52
Calculation of dividend payable:		
Surplus (deficit) after tax	1,834	838
Less: capital grants and contributions (excluding developer contributions)	37	–
Surplus for dividend calculation purposes	1,871	838
Potential dividend calculated from surplus	935	419

Edward River Council | Statement of Financial Position of water supply business activity | for the year ended 30 June 2023

Edward River Council

Statement of Financial Position of water supply business activity
as at 30 June 2023

	2023 \$ '000	2022 \$ '000
ASSETS		
Current assets		
Cash and cash equivalents	2,807	2,095
Investments	5,391	5,391
Receivables	469	393
Other	37	31
Total current assets	8,704	7,910
Non-current assets		
Infrastructure, property, plant and equipment	38,610	36,009
Total non-current assets	38,610	36,009
Total assets	47,314	43,919
LIABILITIES		
Current liabilities		
Payables	117	114
Total current liabilities	117	114
Total liabilities	117	114
Net assets	47,197	43,805
EQUITY		
Accumulated surplus	40,494	43,805
Revaluation reserves	6,703	-
Total equity	47,197	43,805

Edward River Council | Statement of Financial Position of sewerage business activity | for the year ended 30 June 2023

Edward River Council

Statement of Financial Position of sewerage business activity
as at 30 June 2023

	2023 \$ '000	2022 \$ '000
ASSETS		
Current assets		
Cash and cash equivalents	3,917	2,119
Investments	3,242	3,242
Receivables	226	140
Total current assets	7,385	5,501
Non-current assets		
Infrastructure, property, plant and equipment	31,661	31,965
Total non-current assets	31,661	31,965
Total assets	39,046	37,466
LIABILITIES		
Current liabilities		
Payables	331	151
Total current liabilities	331	151
Total liabilities	331	151
Net assets	38,715	37,315
EQUITY		
Accumulated surplus	37,540	36,984
Revaluation reserves	1,175	331
Total equity	38,715	37,315

Note – Significant Accounting Policies

A statement summarising the supplemental accounting policies adopted in the preparation of the special purpose financial statements (SPFS) for National Competition Policy (NCP) reporting purposes follows.

These financial statements are SPFS prepared for use by Council and the Office of Local Government. For the purposes of these statements, the Council is a non-reporting not-for-profit entity.

The figures presented in these special purpose financial statements have been prepared in accordance with the recognition and measurement criteria of relevant Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board (AASB) and Australian Accounting Interpretations.

The disclosures in these special purpose financial statements have been prepared in accordance with the *Local Government Act 1993* (Act), the *Local Government (General) Regulation 2021* (Regulation) and the Local Government Code of Accounting Practice and Financial Reporting.

The statements are prepared on an accruals basis. They are based on historic costs and do not take into account changing money values or, except where specifically stated, fair value of non-current assets. Certain taxes and other costs, appropriately described, have been imputed for the purposes of the National Competition Policy.

The Statement of Financial Position includes notional assets/liabilities receivable from/payable to Council's general fund. These balances reflect a notional intra-entity funding arrangement with the declared business activities.

National Competition Policy

Council has adopted the principle of 'competitive neutrality' in its business activities as part of the National Competition Policy which is being applied throughout Australia at all levels of government. The framework for its application is set out in the June 1996 NSW Government Policy statement titled 'Application of National Competition Policy to Local Government'. *The Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality* issued by the Office of Local Government in July 1997 has also been adopted.

The pricing and costing guidelines outline the process for identifying and allocating costs to activities and provide a standard for disclosure requirements. These disclosures are reflected in Council's pricing and/or financial reporting systems and include taxation equivalents, Council subsidies, and returns on investments (rate of return and dividends paid).

Declared business activities

In accordance with *Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality*, Council has declared that the following are to be considered as business activities:

Category 1

(where gross operating turnover is over \$2 million)

a. Water business activity

b. Sewer business activity

Category 2

(where gross operating turnover is less than \$2 million)

Nil

Taxation equivalent charges

Council is liable to pay various taxes and financial duties. Where this is the case, they are disclosed as a cost of operations just like all other costs.

However, where Council does not pay some taxes which are generally paid by private sector businesses, such as income tax, these equivalent tax payments have been applied to all Council-nominated business activities and are reflected in Special Purpose Financial Statements.

For the purposes of disclosing comparative information relevant to the private sector equivalent, the following taxation equivalents have been applied to all Council-nominated business activities (this does not include Council's non-business activities):

Notional rate applied (%)

Corporate income tax rate – 25%

continued on next page ...

Page 8 of 11

Note – Significant Accounting Policies (continued)

Land tax – the first \$734,000 of combined land values attracts **0%**. For the combined land values in excess of \$734,001 up to \$4,488,000 the rate is **1.6% + \$100**. For the remaining combined land value that exceeds \$4,488,000 a premium marginal rate of **2.0%** applies.

Payroll tax – **5.45%** on the value of taxable salaries and wages in excess of \$900,000.

In accordance with the Department of Industry (DoI) – Water guidelines, a payment for the amount calculated as the annual tax equivalent charges (excluding income tax) must be paid from water supply and sewerage business activities.

The payment of taxation equivalent charges, referred to in the Best Practice Management of Water Supply and Sewer Guidelines as a 'dividend for taxation equivalent', may be applied for any purpose allowed under the *Local Government Act, 1993*.

Achievement of substantial compliance to the DoI – Water guidelines is not a prerequisite for the payment of the tax equivalent charges, however the payment must not exceed \$3 per assessment.

Income tax

An income tax equivalent has been applied on the profits of the business activities.

Whilst income tax is not a specific cost for the purpose of pricing a good or service, it needs to be taken into account in terms of assessing the rate of return required on capital invested.

Accordingly, the return on capital invested is set at a pre-tax level - gain/(loss) from ordinary activities before capital amounts, as would be applied by a private sector competitor. That is, it should include a provision equivalent to the corporate income tax rate, currently 25%.

Income tax is only applied where a gain/ (loss) from ordinary activities before capital amounts has been achieved.

Since the taxation equivalent is notional – that is, it is payable to Council as the 'owner' of business operations - it represents an internal payment and has no effect on the operations of the Council. Accordingly, there is no need for disclosure of internal charges in the SPFS.

The rate applied of 25% is not the equivalent company tax rate prevalent at reporting date. No adjustments have been made for variations that have occurred during the year.

Local government rates and charges

A calculation of the equivalent rates and charges for all Category 1 businesses has been applied to all assets owned, or exclusively used by the business activity.

Loan and debt guarantee fees

The debt guarantee fee is designed to ensure that Council business activities face 'true' commercial borrowing costs in line with private sector competitors. In order to calculate a debt guarantee fee, Council has determined what the differential borrowing rate would have been between the commercial rate and Council's borrowing rate for its business activities.

(i) Subsidies

Government policy requires that subsidies provided to customers, and the funding of those subsidies, must be explicitly disclosed. Subsidies occur where Council provides services on a less than cost recovery basis. This option is exercised on a range of services in order for Council to meet its community service obligations. The overall effect of subsidies is contained within the Income Statements of business activities.

(ii) Return on investments (rate of return)

The NCP policy statement requires that councils with Category 1 businesses 'would be expected to generate a return on capital funds employed that is comparable to rates of return for private businesses operating in a similar field'.

Funds are subsequently available for meeting commitments or financing future investment strategies. The rate of return is disclosed for each of Council's business activities on the Income Statement.

The rate of return is calculated as follows:

Operating result before capital income + interest expense

Note – Significant Accounting Policies (continued)

Written down value of I,PP&E as at 30 June

As a minimum, business activities should generate a return equal to the Commonwealth 10 year bond rate which is 4.02% at 30/6/23.

(iii) Dividends

Council is not required to pay dividends to either itself (as owner of a range of businesses) or to any external entities.

Local government water supply and sewerage businesses are permitted to pay an annual dividend from its water supply or sewerage business surplus.

Each dividend must be calculated and approved in accordance with the Department of Industry – Water guidelines and must not exceed:

- 50% of this surplus in any one year, or
- the number of water supply or sewerage assessments at 30 June 2023 multiplied by \$30 (less the payment for tax equivalent charges, not exceeding \$3 per assessment).

In accordance with the Department of Industry – Water guidelines a Dividend Payment form, Statement of Compliance, Unqualified Independent Financial Audit Report and Compliance Audit Report are required to be submitted to the Department of Industry – Water.

Edward River Council | Special Purpose Financial Statements 2023

Edward River Council

Special Purpose Financial Statements
for the year ended 30 June 2023

Edward River Council

SPECIAL SCHEDULES
for the year ended 30 June 2023



Edward River Council

Special Schedules
for the year ended 30 June 2023

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Special Schedules:	
Permissible income for general rates	3
Report on infrastructure assets as at 30 June 2023	5

Edward River Council | Permissible income for general rates | for the year ended 30 June 2023

Edward River Council

Permissible income for general rates

	Notes	Calculation 2022/23 \$ '000	Calculation 2023/24 \$ '000
Notional general income calculation ¹			
Last year notional general income yield	a	7,769	7,933
Plus or minus adjustments ²	b	7	30
Notional general income	c = a + b	7,776	7,963
Permissible income calculation			
Or rate peg percentage	e	2.00%	4.40%
Or plus rate peg amount	i = e x (c + g)	156	350
Sub-total	k = (c + g + h + i + j)	7,932	8,313
Plus (or minus) last year's carry forward total	l	-	1
Less valuation objections claimed in the previous year	m	-	(2)
Sub-total	n = (l + m)	-	(1)
Total permissible income	o = k + n	7,932	8,312
Less notional general income yield	p	7,933	8,310
Catch-up or (excess) result	q = o - p	(1)	2
Plus income lost due to valuation objections claimed ⁴	r	2	-
Carry forward to next year ⁶	t = q + r + s	1	2

Notes

- (1) The notional general income will not reconcile with rate income in the financial statements in the corresponding year. The statements are reported on an accrual accounting basis which include amounts that relate to prior years' rates income.
- (2) Adjustments account for changes in the number of assessments and any increase or decrease in land value occurring during the year. The adjustments are called 'supplementary valuations' as defined in the *Valuation of Land Act 1916 (NSW)*.
- (4) Valuation objections are unexpected changes in land values as a result of land owners successfully objecting to the land value issued by the Valuer General. Councils can claim the value of the income lost due to valuation objections in any single year.
- (6) Carry-forward amounts which are in excess (an amount that exceeds the permissible income) require Ministerial approval by order published in the *NSW Government Gazette* in accordance with section 512 of the Act. The OLG will extract these amounts from Council's Permissible income for general rates Statement in the financial data return (FDR) to administer this process.

Permissible income for general rates

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Edward River Council

Report on infrastructure assets as at 30 June 2023

Asset Class	Asset Category	Estimated cost		2022/23 Required maintenance ^a	2022/23 Actual maintenance	Net carrying amount	Gross replacement cost (GRC)	Assets in condition as a percentage of gross replacement cost				
		Estimated cost to bring assets to satisfactory standard	to bring to the agreed level of service set by Council					1	2	3	4	5
		\$ '000	\$ '000									
Buildings	Buildings – non-specialised	252	252	476	577	14,205	19,225	49.0%	26.0%	17.0%	5.0%	3.0%
	Buildings – specialised	1,840	1,840	–	–	49,175	74,607	27.0%	32.0%	26.0%	8.0%	7.0%
	Sub-total	2,092	2,092	476	577	63,380	93,832	31.5%	30.8%	24.2%	7.4%	6.1%
Other structures	Other structures	16	16	–	–	19,548	22,785	24.0%	57.0%	18.0%	1.0%	0.0%
	Sub-total	16	16	–	–	19,548	22,785	24.0%	57.0%	18.0%	1.0%	0.0%
Roads	Sealed roads	3,402	3,402	1,147	1,637	175,259	273,741	50.0%	24.0%	16.0%	6.0%	4.0%
	Unsealed roads	1,612	1,612	1,106	1,205	11,306	29,244	19.0%	12.0%	25.0%	29.0%	15.0%
	Bridges	–	–	5	1	7,610	11,453	11.0%	66.0%	23.0%	0.0%	0.0%
	Footpaths and kerb and gutter	516	516	72	70	20,871	30,955	37.0%	29.0%	25.0%	7.0%	2.0%
	Other road assets	44	44	117	131	4,056	5,174	60.0%	30.0%	3.0%	7.0%	0.0%
	Bulk earthworks	–	–	–	–	37,937	37,937	25.0%	15.0%	60.0%	0.0%	0.0%
Sub-total	5,574	5,574	2,447	3,044	257,039	388,504	43.2%	23.9%	21.7%	7.1%	4.1%	
Water supply network	Water supply network	1,319	1,319	2,075	2,281	41,868	69,499	10.0%	25.0%	40.0%	24.0%	1.0%
	Sub-total	1,319	1,319	2,075	2,281	41,868	69,499	10.0%	25.0%	40.0%	24.0%	1.0%
Sewerage network	Sewerage network	5,384	5,384	1,763	1,929	34,534	64,836	23.0%	20.0%	16.0%	21.0%	20.0%
	Sub-total	5,384	5,384	1,763	1,929	34,534	64,836	23.0%	20.0%	16.0%	21.0%	20.0%
Stormwater drainage	Stormwater drainage	216	216	354	225	29,465	44,169	20.0%	71.0%	0.0%	0.0%	9.0%
	Sub-total	216	216	354	225	29,465	44,169	20.0%	71.0%	0.0%	0.0%	9.0%

Edward River Council

Report on infrastructure assets as at 30 June 2023 (continued)

Asset Class	Asset Category	Estimated cost		2022/23 Required maintenance ^a	2022/23 Actual maintenance	Net carrying amount	Gross replacement cost (GRC)	Assets in condition as a percentage of gross replacement cost				
		Estimated cost to bring assets to satisfactory standard	to bring to the agreed level of service set by Council					1	2	3	4	5
		\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000					
Open space / recreational assets	Swimming pools	48	48	115	72	5,073	6,554	70.0%	22.0%	5.0%	1.0%	2.0%
	Other open space/ recreational	166	166	1,047	1,141	10,879	14,966	50.0%	34.0%	7.0%	8.0%	1.0%
	Sub-total	214	214	1,162	1,213	15,952	21,520	56.1%	30.3%	6.4%	5.9%	1.3%
Total – all assets		14,815	14,815	8,277	9,269	461,786	705,145	34.8%	28.8%	21.4%	9.4%	5.6%

(a) Required maintenance is the amount identified in Council's asset management plans.

Infrastructure asset condition assessment 'key'

#	Condition	Integrated planning and reporting (IP&R) description
1	Excellent/very good	No work required (normal maintenance)
2	Good	Only minor maintenance work required
3	Satisfactory	Maintenance work required
4	Poor	Renewal required
5	Very poor	Urgent renewal/upgrading required

Edward River Council

Report on infrastructure assets as at 30 June 2023

Infrastructure asset performance indicators (consolidated) *

\$ '000	Amounts 2023	Indicator 2023	Indicators		Benchmark
			2022	2021	
Buildings and infrastructure renewals ratio					
Asset renewals ¹	<u>17,839</u>	400.79%	158.50%	141.50%	> 100.00%
Depreciation, amortisation and impairment	<u>4,451</u>				
Infrastructure backlog ratio					
Estimated cost to bring assets to a satisfactory standard	<u>14,815</u>	3.16%	1.87%	1.99%	< 2.00%
Net carrying amount of infrastructure assets	<u>469,437</u>				
Asset maintenance ratio					
Actual asset maintenance	<u>9,269</u>	111.99%	95.99%	94.24%	> 100.00%
Required asset maintenance	<u>8,277</u>				
Cost to bring assets to agreed service level					
Estimated cost to bring assets to an agreed service level set by Council	<u>14,815</u>	2.10%	1.36%	1.42%	
Gross replacement cost	<u>705,145</u>				

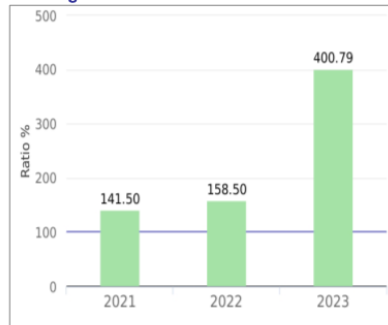
(*) All asset performance indicators are calculated using classes identified in the previous table.

(1) Asset renewals represent the replacement and/or refurbishment of existing assets to an equivalent capacity/performance as opposed to the acquisition of new assets (or the refurbishment of old assets) that increases capacity/performance.

Edward River Council

Report on infrastructure assets as at 30 June 2023

Buildings and infrastructure renewals ratio



Buildings and infrastructure renewals ratio

To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.

Commentary on result	
22/23 ratio	400.79%
Council completed a few major renewal projects during the financial year adding to the significant increase in the ratio.	

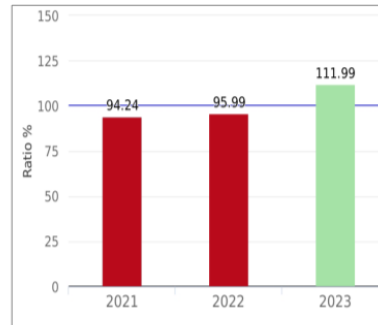
Benchmark: — > 100.00%

Ratio achieves benchmark

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio is outside benchmark

Asset maintenance ratio



Asset maintenance ratio

Compares actual vs. required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the infrastructure backlog growing.

Commentary on result	
22/23 ratio	111.99%
Council invested enough funds into the maintenance of assets during the year.	

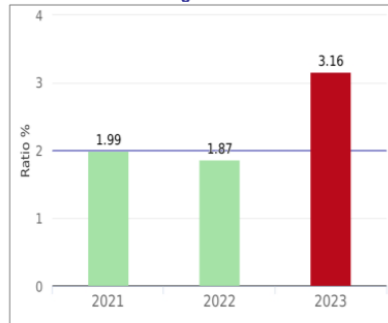
Benchmark: — > 100.00%

Ratio achieves benchmark

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio is outside benchmark

Infrastructure backlog ratio



Infrastructure backlog ratio

This ratio shows what proportion the backlog is against the total value of a Council's infrastructure.

Commentary on result	
22/23 ratio	3.16%
Councils' infrastructure backlog ratio has increased due to a major flooding event mainly affecting the road infrastructure as well as an ongoing review of Councils assets and asset management plans.	

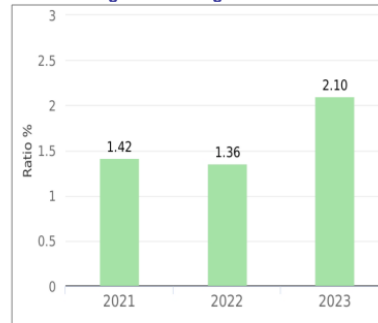
Benchmark: — < 2.00%

Ratio achieves benchmark

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio is outside benchmark

Cost to bring assets to agreed service level



Cost to bring assets to agreed service level

This ratio provides a snapshot of the proportion of outstanding renewal works compared to the total value of assets under Council's care and stewardship.

Commentary on result	
22/23 ratio	2.10%
Council continues to invest to achieve the agreed service levels.	

Edward River Council

Report on infrastructure assets as at 30 June 2023

Infrastructure asset performance indicators (by fund)

\$ '000	General fund		Water fund		Sewer fund		Benchmark
	2023	2022	2023	2022	2023	2022	
Buildings and infrastructure renewals ratio							
Asset renewals ¹	380.36%	155.86%	0.00%	0.00%	0.00%	0.00%	> 100.00%
Depreciation, amortisation and impairment							
Infrastructure backlog ratio							
Estimated cost to bring assets to a satisfactory standard	2.06%	1.84%	3.15%	2.06%	15.59%	2.01%	< 2.00%
Net carrying amount of infrastructure assets							
Asset maintenance ratio							
Actual asset maintenance	113.97%	95.77%	109.93%	98.12%	109.42%	94.61%	> 100.00%
Required asset maintenance							
Cost to bring assets to agreed service level							
Estimated cost to bring assets to an agreed service level set by Council	1.42%	1.42%	1.90%	1.19%	8.30%	1.09%	
Gross replacement cost							

(1) Asset renewals represent the replacement and/or refurbishment of existing assets to an equivalent capacity/performance as opposed to the acquisition of new assets (or the refurbishment of old assets) that increases capacity/performance.

12.5. LOCAL GOVERNMENT GRANTS COMMISSION FINANCIAL ASSISTANCE GRANTS CORRESPONDENCE

Author: Acting Manager Governance Safety and Risk

Authoriser: Chief Executive Officer

RECOMMENDATION

That Council note:

1. The correspondence received from the Local Government Grants Commission, advising that councils 2023-24 FA Grants estimated entitlement is \$6.987m, compared to the 2022-23 final entitlement of \$6.689m, an increase of \$298k (4.5%).
2. That the Local Government Grants Commission requested the enclosed letter be tabled at the next Council meeting and,
3. The Commissions concern about the unpredictability the practice of advance payments creates for councils.

BACKGROUND

Historically, the Federal Government in late June each year pays up to 50% of the FA in advance, for the following year. However, In 2022, this was increased to 75%, and for the 2023-24 financial year, it has decided to pay 100% of the advance, which council received on 28 June 2023.

In accordance with the NSW Local Government Grants Commission's (Commission) policy of providing information to councils about the way the Commission calculates financial assistance grants (FA Grants), enclosed is a summary of Council's 2023-24 estimated FA Grants entitlement, which the Commission have requested for this to be tabled at the next Council meeting. The appendices to the letter have not been included, but they are available if requested by Council.

ISSUE/DISCUSSION

The Commission advises there is no guarantee that a council will receive an increased FA Grant each year, as there are a number of changing variables, including a council's changing measure of relative disadvantage compared to the state average measure and the size of the total

FA Grant pool.

Last year, the Commission advised of a possible decision to return to a negative floor in 2024-25, which would result in some councils receiving less in the 2024-25 than they will in 2023-24.

The Commission also have advised it is no longer sustainable to protect those councils with greatest relative advantage, as it is essential to be consistent with the National Principles and NSW policy.

They have also expressed concern about the unpredictability the practice of advance payments creates.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY STRATEGIC PLAN

5. Accountable leadership and responsive administration

5.1 Collaborative and Engaged

5.2 Financially sustainable

FINANCIAL IMPLICATIONS

N/A

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

1. Financial Assistance Grants Letter

Attachment 1 - A871240 - 2023-24 Financial Assistance Grants - Letter



NSW Local Government Grants Commission
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

OUR REFERENCE: A871240
CONTACT: Helen Pearce
(02) 4428 4131
helen.pearce@olg.nsw.gov.au

Mr Phil Stone
General Manager
Edward River Council

By email: philip.stone@edwardriver.nsw.gov.au
cc: council@edwardriver.nsw.gov.au

5 September 2023

Dear Mr Stone

In accordance with the NSW Local Government Grants Commission's (Commission) policy of providing information to councils about the way the Commission calculates financial assistance grants (FA Grants), please find attached a summary of Council's 2023-24 estimated FA Grants entitlement (**Appendix A**).

2023-24 ESTIMATED ENTITLEMENTS

The national FA Grants total estimated entitlement for 2023-24 is \$3.11 billion and is made up of \$2.15 billion for the general purpose component (GPC) and \$0.96 billion for the local roads component (LRC). The national estimated entitlement for 2023-24 increased by \$161 million to account for final adjustments to the Consumer Price Index (CPI) and population shares for the year.

The Commonwealth Treasury's estimate of the CPI for 2022-23 was adjusted up in July 2023. When compared to the 2022-23 final adjusted amount, the total national estimated FA Grants for 2023-24 increased by 5.5%. Accordingly, the State's FA Grants allocation for 2023-24 is slightly higher than last year, however the ongoing economic impact of the pandemic and other external factors are difficult to predict.

The national GPC was distributed across the states and territories on a population basis. NSW received 31.34% or \$675.7 million in the GPC, which represents a 4.05% increase on last year's final figure. The LRC is based on a historical formula. NSW's share of the total national road funding is a fixed 29% share, or \$277.5 million, which represents a 5.5% increase. The total 2023-24 FA Grants estimated entitlement for NSW is \$953.2 million.

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E olg@olg.nsw.gov.au
W <http://www.olg.nsw.gov.au>
(follow the "Commissions & Tribunals" links)



EXTERNAL FACTORS IMPACTING THE GPC POOL OF FUNDS IN NSW

The Commonwealth decided to pause indexation for three years from 2014-15 to 2016-17 due to budget constraints. In 2021, the impact of the global economic downturn (GED) was closely followed by the Covid-19 Pandemic. NSW also experienced devastating natural disasters, including bushfires and floods. During recent years, the Commission has been faced with these challenges, including a substantially reduced CPI in 2021. In 2023-24, the CPI has continued to trend towards previously average levels of about 3.5% to 4%. But further fluctuations cannot be ruled out.

Change of Annual Grant Entitlements	CPI % Change GPC	# of LGAs on 0% or <0%
2012-13 Final and 2013-14 Estimated	3.4	22
2013-14 Final and 2014-15 Estimated no CPI	-0.2	72
2014-15 Final and 2015-16 Estimated no CPI	-0.2	75
2015-16 Final and 2016-17 Estimated no CPI	0.1	56
2016-17 Final and 2017-18 Estimated	3.6	10
2017-18 Final and 2018-19 Estimated	3.6	12
2018-19 Final and 2019-20 Estimated	4.0	10
2019-20 Final and 2020-21 Estimated GED	0.9	33
2020-21 Final and 2021-22 Estimated Covid	1.7	29
2021-22 Final and 2022-23 Estimated Covid	3.3	9
2022-23 Final and 2023-24 Estimated Covid	4.0	*18

KEY

Three years of paused CPI (only change applied was national movements in jurisdictional population shares)

Transition entered: # of LGAs on 0% or less had the -5% floor been retained

**8 metropolitan councils moved to the negative floor due to population decline as applying the per capita minimum produced a lower result than the negative floor*

A notable by-product of the pandemic flowing through the 2022-23 and 2023-24 grant calculations has been population decline in some metropolitan areas. This has resulted in eight metropolitan councils moving off the per capita minimum grant and instead, benefiting from the 0% floor, as councils cannot breach below 0% floor until the negative floor is resumed. This further demonstrates the need to expedite the pathway out of transition.

Council's 2023-24 FA Grants estimated entitlement, compared to the 2022-23 final entitlement is as follows:

Edward River Council				
Year	General Purpose	Local Roads	Total	
2022-23 final	\$4,870,023	\$1,819,608	\$6,689,631	Change
2023-24 est.	\$5,092,560	\$1,895,132	\$6,987,692	4.5%

To assist councils with budgets and bank reconciliations, a breakdown of the 2023-24 quarterly instalments is attached (**Appendix A**). The NSW Schedule of Payments is also attached (**Appendix B**).

IMPACT OF THE ADVANCE PAYMENTS

The Commonwealth Government decided to make an early payment of the 2023-24 estimated FA Grant entitlement to help manage the cumulative impacts of the floods and the pandemic. In June 2023, all councils were paid 100% of the estimated entitlement in advance, as calculated at that point in time (plus councils received 25% of the 2022-23 entitlement in the same year). This has resulted in the adjusted quarterly instalments for 2023-24 being significantly less than in recent years. The remainder of the grant entitlements (totalling \$45,227,839 for the state) will be paid in quarterly instalments in August 2023, November 2023, February 2024 and May 2024.

The Council of the City of Sydney and Randwick City Council's population decreases flowed through the grant calculations in the 2023-24 financial year, with both councils due to receive a reduction in the LRC. However, as the Commonwealth advance of 100% was based on the prior year's grant recommendations, both Councils received an overpayment in the LRC advance (Sydney \$35,538 and Randwick \$25,555, totalling \$62,083).

As a temporary measure to address the overpayment, the Commission made an accounting adjustment to the 2023-24 recommendations, spreading the overpayment proportionately over the other 126 councils' LRCs. This process will be reversed in 2024-25 to ensure the over and under payments reconcile with actual entitlements.

However, the Commission is concerned about the unpredictability the practice of advance payments creates. Long-term and annual budgeting forecasts are subject to changes, and annual financial statement results can often be skewed. The latest development of overpayments is beginning to impede the Commission's ability to make annual recommendations.

CHALLENGES IN FAIRLY DISTRIBUTING THE GPC FUNDS

As councils will be aware, the Commission is required to adhere to the National Principles which mandate a per capita payment based on population growth/decline. This inhibits the full application of the Horizontal Fiscal Equalisation (HFE) Principle, to distribute the grants on the basis of greatest relative need. It is also the policy of the NSW Government to explore opportunities to direct grants to communities with the greatest relative need. The Commission has had regard to these policies in allocating the grants. The map contained in **Appendix D** identifies the rate of population change in NSW from 2002 to 2022.

Appendix D lists the revised expenditure categories, disadvantage factors, data sources used in calculating the expenditure allowance and the relative disadvantage allowance.

The Commission has been investigating ways to direct funds to councils with greatest relative need. Information about the methodology review and subsequent transition has been provided to councils, including about the recommendations for model refinements. The Commission is currently considering options for a pathway out of transition and resuming the negative floor, which is likely to commence in 2024-25. Further information about the transition and general information about the FA Grants can be found on the Commission's webpage at

<https://www.olg.nsw.gov.au/commissions-and-tribunals/#lggc>.

SPECIAL SUBMISSIONS 2023-24

Special submissions from councils for 2023-24 will be considered by the Commission. The purpose of a submission is to give councils the opportunity to present information on the financial impact of inherent expenditure disadvantages beyond councils' control that are not generally recognised in the current methodology. Please refer to the expenditure functions and Council's disadvantage factors listed in **Appendix A**. This process allows the Commission to adequately consider all legitimate factors that affect councils' capacity to deliver services.

Appendix C, titled *Guidelines for Special Submissions*, contains guidance for preparing submissions – please read the guidelines carefully.

Submissions should be e-mailed to the Commission at olg@olg.nsw.gov.au by **30 November 2023**.

A MESSAGE OF CAUTION

There is no guarantee that a council will receive an increased FA Grant each year. There are a number of changing variables, including a council's changing measure of relative disadvantage compared to the state average measure and the size of the total FA Grant pool. Last year, the Commission advised of a possible decision to return to the GPC to a negative floor in 2024-25, which would result in some councils receiving less in the 2024-25 than they will in 2023-24. Councils have been consulted and have now been given six years to prepare. It is no longer sustainable to protect those councils with greatest relative advantage. The pathway out of transition is essential to distribute the GPC more fairly, allowing greater application of the HFE, consistent with the National Principles and NSW policy.

I would ask that this letter please be tabled at the next Council meeting.

If you have any questions concerning these matters, please contact me on (02) 4428 4131.

Yours sincerely



Helen Pearce
Executive Officer

12.6. INVESTMENTS AND RESERVES REPORT-AUGUST 2023

Author: Financial Accountant

Authoriser: Chief Financial Officer

RECOMMENDATION

That Council:

1. Note and receive the August 2023 report on Investments totalling \$45,430,600 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of August 2023 was \$140,324.
3. Note that total interest earned for the year to 31 August 2023 is \$279,266.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

BACKGROUND

The purpose of this report is to update Council on the investment of surplus funds and performance of Council's investment portfolio for the month to 31 August 2023 as required by Regulation No 264 (Part 19) of the Local Government Act 1993.

As at 31 August 2023, Council had a total of \$45,430,600 in invested funds. Interest earned from investments during the month of August 2023 was \$140,324.

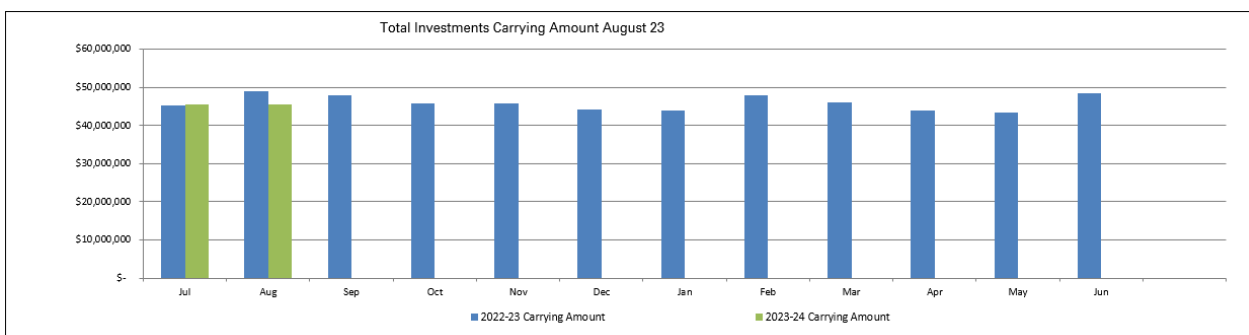
Included in this report are the following items:

- Council's Investments as at 31 August 2023
- Restrictions Applying to Investment Funds
- Investment Portfolio Performance
- Investment Commentary
- Monthly Report from Imperium Markets
- Certification by the Responsible Accounting Officer

ISSUE/DISCUSSION

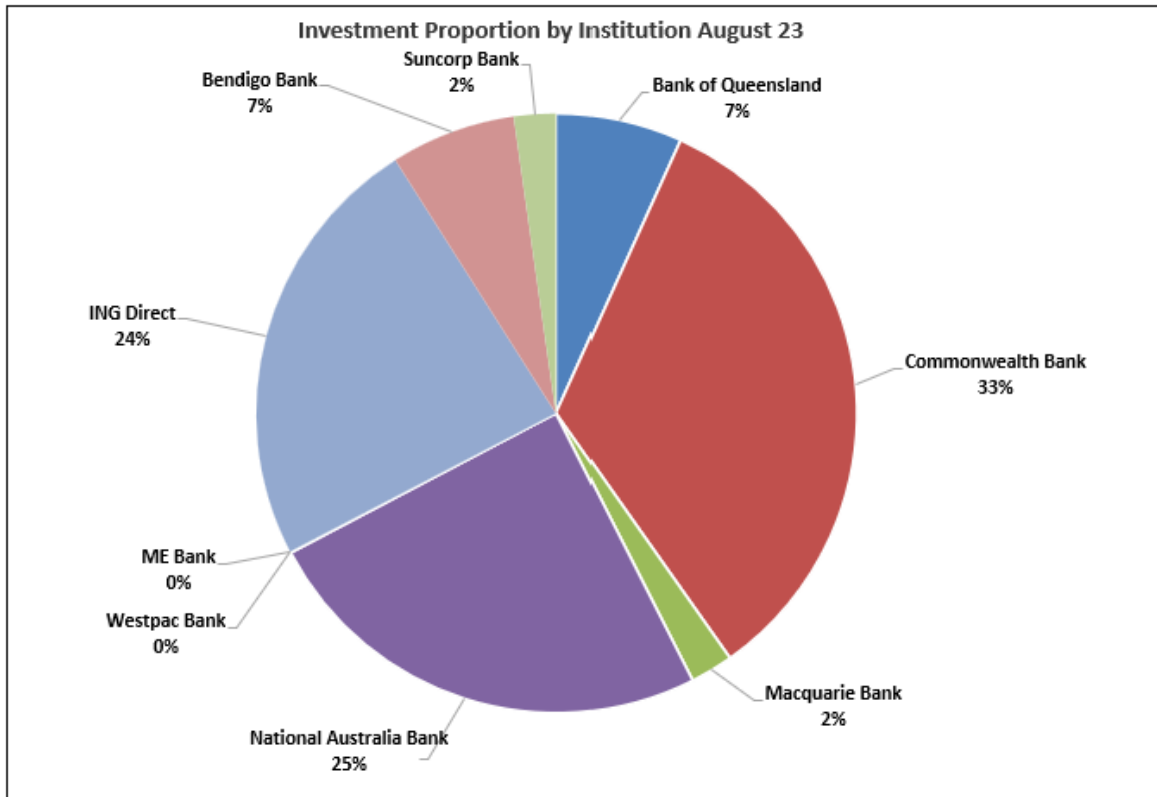
As at 31 August 2023, Council had a total of \$45,430,600 in term deposits and cash at bank exclusive of unrepresented receipts or cheques.

The total investments balance has remained within the \$43M - \$49M range for the past 12 months, with seasonal fluctuations from month to month in line with Council's cashflow requirements.



Council's funds were invested with A1+, A1 and A2 rated Authorised Deposit Institutions (ADI's)

Summary of **cash at bank** from day-to-day operations



Cash Summary		Comment
Opening cash book balance	\$ 3,691,251	
Plus receipts	\$ 6,116,461	Grants, Investments, charges and rates debtors receipts
Less payments	\$ 5,045,769	Capex and Opex payments
Cash book balance as at 31 August 2023	<u>\$ 4,761,943</u>	
Statement Summary		
Opening statement balance	\$ 3,597,821	
Plus receipts	\$ 5,851,126	Grants, Investments, charges and rates debtors receipts
Less payments	\$ 5,020,014	Capex and Opex payments
Bank statement balance as at 31 August 2023	<u>\$ 4,428,933</u>	
plus Unpresented receipts	\$ 337,586	Receipts not yet presented at bank
less Unpresented payments	\$ 4,576	payments not yet presented at bank
less Unmatched receipts on the Bank Statement	\$ -	
plus Unmatched payments on the Bank Statement	\$ -	
Reconciliation balance as at 31 August 2023	<u>\$ 4,761,943</u>	

The following restrictions applied to the cash and investments balance:

Internal Restrictions

Infrastructure replacement	\$ 1,779,826
Plant replacement reserve	\$ 1,798,670
Recreation reserves/villages	\$ 1,113,000
Other internal reserves	\$ 750,971
Employee entitlements	\$ 692,727
Land Development Fund	\$ 385,000
Airport Development	\$ 207,447
Deposits, retentions and bonds	\$ 295,003
Edward River Village	\$ 520,000

Total Internal Restrictions **\$ 7,542,645**

External Restrictions

Water supplies fund	\$ 7,142,761
Sewerage services fund	\$ 6,117,337
Tip remediation	\$ 1,300,000
Unexpended Merger funds	\$ 281,033
Other unexpended grant funds	\$ 4,572,722
Library fund	\$ -
Other external reserves	\$ 180,310

Total External Restrictions **\$ 19,594,163**

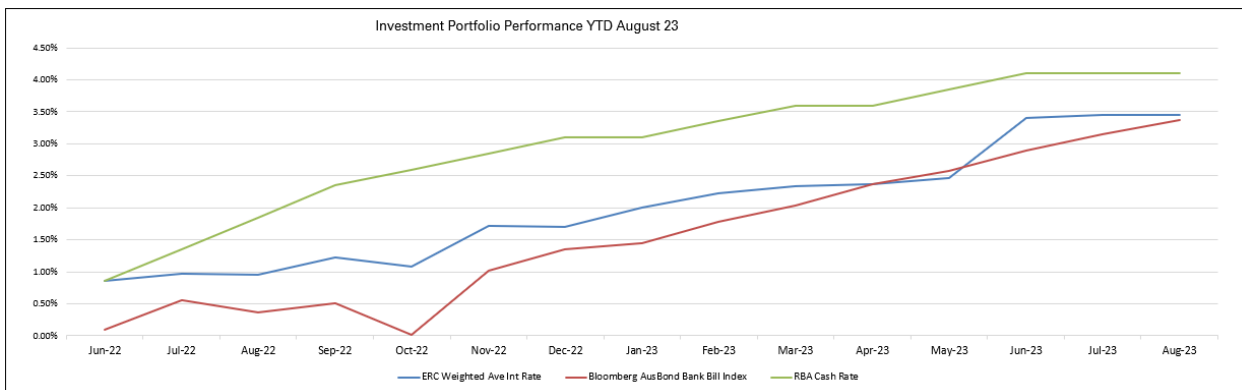
Unrestricted Funds **\$ 18,293,792**

Total Funds **\$ 45,430,600**

Fund Name	Bank and Investments Percentage	
General	\$ 32,170,502	70.81%
Water	\$ 7,142,761	15.72%
Sewer	\$ 6,117,337	13.47%
Total Funds	\$ 45,430,600	100.00%

Investment Portfolio Performance

Total interest earned from investments during the month of August 2023 was \$140,324, compared to the original monthly budget of \$135,077.



As at 31 August 2023, Council's weighted average interest rate was 3.44%, which was 0.07% above the Bloomberg AusBond Bank Bill Index implied one-year return of 3.37%. Total interest earned for the year to 31 August 2023 was \$279,266 compared to the budget of \$270,154 and previous year total of \$76,534.

Monthly Investment Review from Imperium Markets

Council engaged Imperium Markets Pty Ltd to provide ongoing investment advisory services from May 2021 as per recommendation from Audit Risk and Improvement Committee (resolution ARIC/2021/7). As part of this service, Imperium provides, among other services, a monthly investment review report for Council which Council uses to inform investment decisions. A copy of the report is attached in this report as **Attachment 2 - Investment Review August 2023 - Imperium Markets**. Council continues to obtain financial benefits through accessing better rates through the Imperium Investment platform as well as efficiency savings in the investment process.

Investment Commentary

As at 31 August 2023, all investments were within the defined Investment Policy limits. Council's investment portfolio consisted of term deposits (90%) and cash at bank/ on call (10%).

The Reserve Bank of Australia (RBA) elected to hold the official cash rate in August with the cash rate now at 4.10%. The deposit market has factored in the rate movements in recent months. The higher rates provide opportunities for Council to obtain progressively higher rates on investments as the current ones mature. To mitigate the re-investment risk of current recession fears, Council is following on the advice from Imperium Markets, to invest in term deposits with maturities 1 year or longer, taking into consideration council's cashflow needs. This will allow council to take advantage of the relatively higher returns currently on the market for these investments as compared to short term ones.

STRATEGIC IMPLICATIONS

Investments have been made in accordance with Council's investment policy which was adopted on 19 April 2022.

COMMUNITY STRATEGIC PLAN

5. Accountable leadership and responsive administration

5.2 Financially sustainable

FINANCIAL IMPLICATIONS

Under Council's Investment policy, investments are made with a range of ADI's, with Council funds invested with a single institution not going above a percentage of the total portfolio as follows:

40%	A1+ rated institutions
25%	A1 rated institutions

40%	A1+ rated institutions
15%	A2 rated institutions
\$250,000	A3 and unrated authorized deposit taking institutions

The overall portfolio credit framework limits applicable to any credit rating category are as follows:

100%	Commonwealth/State/Tcorp/M Funds
100%	A1+ rated institutions
60%	A1 rated institutions
35%	A2 rated institutions
5%	A3 and Unrated authorized deposit taking institutions

LEGISLATIVE IMPLICATIONS

Local Government Act 1993	<p>625 How may councils invest?</p> <p>(1) A council may invest money that is not, for the time being, required by the council for any other purpose.</p> <p>(2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.</p> <p>Editorial note- See Gazettes No 152 of 24.11.2000, p 12041; No 94 of 29.7.2005, p 3977; No 97 of 15.8.2008, p 7638 and No 160 of 24.12.2008 p 13140.</p> <p>(3) An order of the Minister notifying a form of investment for the purposes of the section must not be made without the approval of the Treasurer.</p> <p>(4) The acquisition, in accordance with section 358, of a controlling interest in a corporation or an entity within the meaning of that section is not an investment for the purposes of this section.</p>
Local Government Act 1993 Local Government (General) Regulation 2005	<p>212 Reports on council investments The responsible accounting officer of a council –</p> <p>(a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented-</p> <p>i) if only one ordinary meeting of the council is held in a month, at that meeting, or</p> <p>(ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and</p> <p>(b) must include in the report a certificate as to whether or not the investment has been made in accordance with Act, the regulations and the council's investment</p>
	<p>2) The report must be made up to the last day of the month immediately preceding the meeting.</p> <p>Note- Section 625 of the Act specifies the way in which a council may invest its surplus funds.</p>

ATTACHMENTS

1. Schedule of Investments August 2023
2. Edward River Monthly Investment Review August 2023

Attachment 1 - Schedule of Investments August 2023

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Schedule of Investments									
This Report is at date					31-August-2023				
Description	Account No.	Rating at EOM (S&P)	Date Invested	Maturity Date	Days	Rate	Face Value Amount	% of Portfolio	Estimated Interest
Westpac Business Cheque Plus Account	032-870 16-6545	A1+	N/a	N/a	365	0.00%	29,820	0.07%	Monthly
Westpac Business Cash Reserve	032-870 17-9231	A1+	N/a	N/a	365	0.05%	0	0.00%	Monthly
Westpac 31 Day Notice Account	032-870 23-2696	A1+	N/a	N/a	365	3.95%	1,666	0.00%	Monthly
Commonwealth Bank General Fund	062-533 00000010	A1+	N/a	N/a	365	3.40%	2,327,951	5.12%	Monthly
Commonwealth Bank Business On Line Saver	062-533 10151117	A1+	N/a	N/a	365	3.65%	2,043,216	4.50%	Monthly
Macquarie Bank - Rates	3005-79778	A1	N/a	N/a	365	0.00%	25,905	0.06%	Monthly
Macquarie Bank - Water	2643-18940	A1	N/a	N/a	365	0.00%	2041	0.00%	Monthly
Total Oncall/ CMT Accounts							4,430,600	9.75%	
Term Deposits									
National Australia Bank	20-049-8755	A1+	10-Jun-21	11-Jun-24	1097	0.75%	3,000,000	6.60%	67,623.29
National Australia Bank	50-665-2647	A1+	24-May-21	24-May-24	1096	0.75%	2,500,000	5.50%	56,301.37
National Australia Bank	81-520-8937	A1+	06-Sep-21	06-Sep-23	730	0.65%	3,000,000	6.60%	39,000.00
National Australia Bank	75-932-6944	A1+	08-Dec-22	08-Dec-23	365	4.32%	1,500,000	3.30%	64,800.00
National Australia Bank	0	A1+	10-Nov-22	10-Nov-23	365	4.55%	1,000,000	2.20%	45,500.00
Commonwealth Bank	CDA 37543602	A1+	18-Feb-22	18-Feb-24	730	1.65%	1,500,000	3.30%	49,500.00
Commonwealth Bank	CDA 37543602	A1+	09-Sep-21	08-Sep-23	729	0.57%	3,000,000	6.60%	34,153.15
National Australia Bank	CDA 37543602	A1+	26-Jul-23	30-Jul-24	370	5.50%	1,500,000	3.30%	83,630.14
Commonwealth Bank	CDA 37543602	A1+	05-Sep-22	05-Sep-23	365	4.16%	1,500,000	3.30%	62,400.00
Commonwealth Bank	CDA 37543602	A1+	28-Nov-22	28-Nov-23	365	4.40%	1,000,000	2.20%	44,000.00
Commonwealth Bank	83-703-9114	A1+	04-Oct-22	04-Oct-23	365	4.45%	2,000,000	4.40%	89,000.00
Suncorp Bank	0	A1+	28-Nov-22	28-Nov-23	365	4.48%	1,000,000	2.20%	44,800.00
Macquarie Bank	CN055243	A1	14-Nov-22	14-Nov-23	365	4.36%	1,000,000	2.20%	43,600.00
Total A1+ Deposits							23,500,000	51.73%	
Bendigo Bank	105-306-781	A2	14-Sep-21	14-Sep-23	730	0.55%	2,000,000	4.40%	22,000.00
Bendigo Bank	0	A2	22-Mar-23	26-Mar-24	370	4.65%	1,000,000	2.20%	47,136.99
ING Direct	0	A2	22-Feb-23	22-Feb-24	365	4.95%	1,500,000	3.30%	74,250.00
ING Direct	0	A2	22-Mar-23	25-Mar-25	734	4.50%	1,000,000	2.20%	90,493.15
ING Direct	1100308	A2	13-Jun-23	18-Jun-24	371	5.41%	2,000,000	4.40%	109,978.63
ING Direct	0	A2	28-Jun-23	19-Dec-23	174	5.52%	2,000,000	4.40%	52,629.04
ING Direct	0	A2	28-Jun-23	09-Apr-24	286	5.55%	2,000,000	4.40%	86,975.34
ING Direct	35-071-3705	A1+	29-Jun-23	30-Jun-25	732	5.55%	2,000,000	4.40%	222,608.22
Bank of Queensland	623109	A2	10-Nov-22	11-Nov-24	732	4.70%	1,000,000	2.20%	94,257.53
Bank of Queensland	75-932-6942	A1+	29-Jun-23	16-Jul-24	383	5.56%	2,000,000	4.40%	116,683.84
MyState Bank	0	A2	28-Jun-23	28-Jun-24	366	5.65%	1,000,000	2.20%	56,654.79
Total A2 Deposits							17,500,000	38.52%	
						Weighted Average Interest Rate	3.44%	45,430,600	100.00%



Monthly Market Commentary

August 2023



Imperium Markets Pty Ltd ABN: 87 616 579 527
Authorised Representative of InterPrac Financial Planning Pty Ltd AFSL 246 638
Phone: +61 2 9053 2987
Email: michael.chandra@imperium.markets / melissa.villamin@imperium.markets
Level 9 Suite 06, 70 Phillip Street, Sydney NSW 2000



Economic Commentary

International Market

Risk markets marginally fell on concerns about the prospects of global growth, led by weaknesses seen in China's economy.

Across equity markets, the S&P 500 Index fell -1.77%, whilst the NASDAQ dropped -2.17%. Europe's main indices also experienced losses, led by UK's FTSE (-3.38%), Germany's DAX (-3.04%) and France's CAC (-2.42%).

US July core PCE deflator rose by +0.2% as expected, lifting the annual rate to +4.3% from +4.2%. The US unemployment rate fell to 3.5% in July, near 50 year lows, after adding +187k jobs for the month.

US retail sales exceeded expectations on all measures: headline +0.7% against +0.4% consensus.

The US FOMC minutes for the July meeting showed most participants continue to see upside risks to inflation which could require further tightening of monetary policy, but that there was uncertainty about policy lags and some officials saw downside risks to growth despite the resilience shown thus far.

China's CPI and PPI for July fell together for the first time since 2020. CPI fell -0.3% y/y which is the first decline since February 2021. China's retail sales fell -0.06% for July, down from an increase of +0.23% in the prior month, bringing the annual rate to +2.5%.

Eurozone core CPI was 0.1% higher than expected at +5.5% y/y vs. +5.4% expected.

UK GDP grew +0.2% q/q, higher than the 0.0% expected. UK annual inflation fell to +6.8% in July from +7.8% in June, driven by lower gas and electricity prices. Core inflation was marginally higher than expected and was unchanged at +6.9% from the previous month.

The Bank of England raised interest rates 25bp in line with expectations at its August meeting, bucking the trend of other central banks and follows a surprise 50bp hike in June. Inflation in the UK remains the highest of the G7 countries.

The RBNZ left rates unchanged at 5.5% at the August Monetary Policy Statement. It was the second consecutive meeting the Official Cash Rate was left on hold and was unanimously expected by economists.

The MSCI World ex-Aus Index fell -2.50% for the month of August:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	-1.77%	+7.84%	+13.97%	+8.80%	+9.21%	+10.69%
MSCI World ex-AUS	-2.50%	+6.68%	+13.97%	+6.83%	+6.67%	+7.52%
S&P ASX 200 Accum. Index	-2.08%	+2.51%	+8.07%	+10.18%	+6.72%	+7.82%

Source: S&P, MSCI



Domestic Market

The RBA kept official interest rates unchanged at 4.10% in its meeting in August (consensus was split), but maintained its hawkish bias. Importantly, extended inflation forecasts has CPI inflation within 2-3% by late 2025. The final paragraph was little changed, with *“some further tightening of monetary policy may be required to ensure that inflation returns to target in a reasonable timeframe, but that will depend upon the data and the evolving assessment of risks”*.

The RBA downgraded its near-term growth forecasts for the economy. It expects real GDP to expand by just +0.9% for 2023, down from its previous forecast of +1.2% and below the current rate of +2.3%. Outside the pandemic, it would be the slowest rate of growth since the early 1990s recession.

Employment disappointed in July, falling -15k (consensus +15k), and the unemployment rate rose 0.2% to 3.7% (consensus 3.6%).

The Monthly CPI Indicator for July fell to +4.9% y/y from +5.4%. Inflation has moderated over recent months, with the RBA now seeing a credible path back to target without further interest rate increases.

The wage price index (WPI) rose +0.8% q/q and +3.6% y/y, a little below consensus and RBA forecasts for +0.9% q/q. Year-ended wages growth ticked down from +3.7% to +3.6%.

The ACCC confirmed it would deny authorisation for ANZ's proposed acquisition of Suncorp Group's banking business stating that *“the proposed acquisition of Suncorp Bank by ANZ would further entrench an oligopoly market structure”*.

Home loan approvals were at their weakest level since June 2020 and a slump in new home loan commitments over 2023 suggests a bleak outlook for future housing activity.

The June monthly trade surplus beat expectations with the surplus at \$11.3bn (consensus \$10.8bn) from a downwardly revised \$10.5bn previously. Exports fell -1.7% m/m (or -\$1.0bn), while imports dropped far larger at -3.9% m/m (or -\$1.8bn).

The Australian dollar fell -2.95%, finishing the month at US64.85 cents (from US66.82 cents the previous month).

Credit Market

The global credit indices marginally widened over August. They are now back to their levels in early 2022 (prior to the rate hike cycle from most central banks):

Index	August 2023	July 2023
CDX North American 5yr CDS	64bp	63bp
iTraxx Europe 5yr CDS	71bp	68bp
iTraxx Australia 5yr CDS	78bp	72bp

Source: Markit



Fixed Interest Review

Benchmark Index Returns

Index	August 2023	July 202
Bloomberg AusBond Bank Bill Index (0+YR)	+0.37%	+0.37%
Bloomberg AusBond Composite Bond Index (0+YR)	+0.74%	+0.52%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.46%	+0.46%
Bloomberg AusBond Credit Index (0+YR)	+0.99%	+0.85%
Bloomberg AusBond Treasury Index (0+YR)	+0.61%	+0.49%
Bloomberg AusBond Inflation Gov't Index (0+YR)	+0.70%	+0.92%

Source: Bloomberg

Other Key Rates

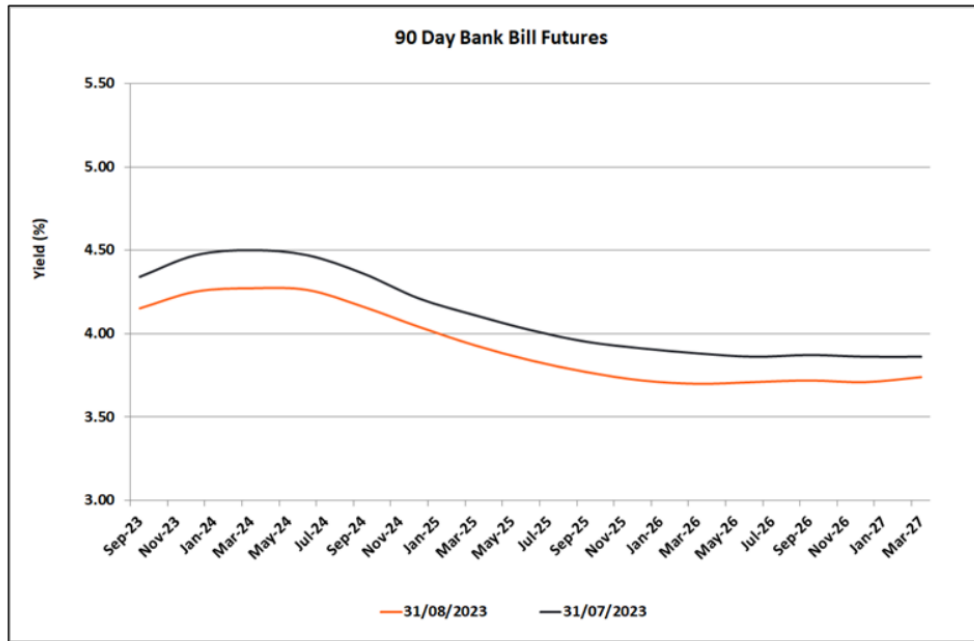
Index	August 2023	July 2023
RBA Official Cash Rate	4.10%	4.10%
90 Day (3 month) BBSW Rate	4.13%	4.26%
3yr Australian Government Bonds	3.74%	3.87%
10yr Australian Government Bonds	4.02%	4.05%
US Fed Funds Rate	5.25%-5.50%	5.25%-5.50%
2yr US Treasury Bonds	4.85%	4.88%
10yr US Treasury Bonds	4.09%	3.97%

Source: RBA, AFMA, US Department of Treasury



90 Day Bill Futures

Bill futures fell across the board this month, with momentum gathering pace and signs that overall inflation is steadily declining. Markets have been quick to revise their interest rate forecasts, with largely no additional rate hikes priced into the futures pricing. The bills market continues to factor in the possibility of a recession over the next few years, highlighted by the drop in the futures pricing by mid-late 2024:



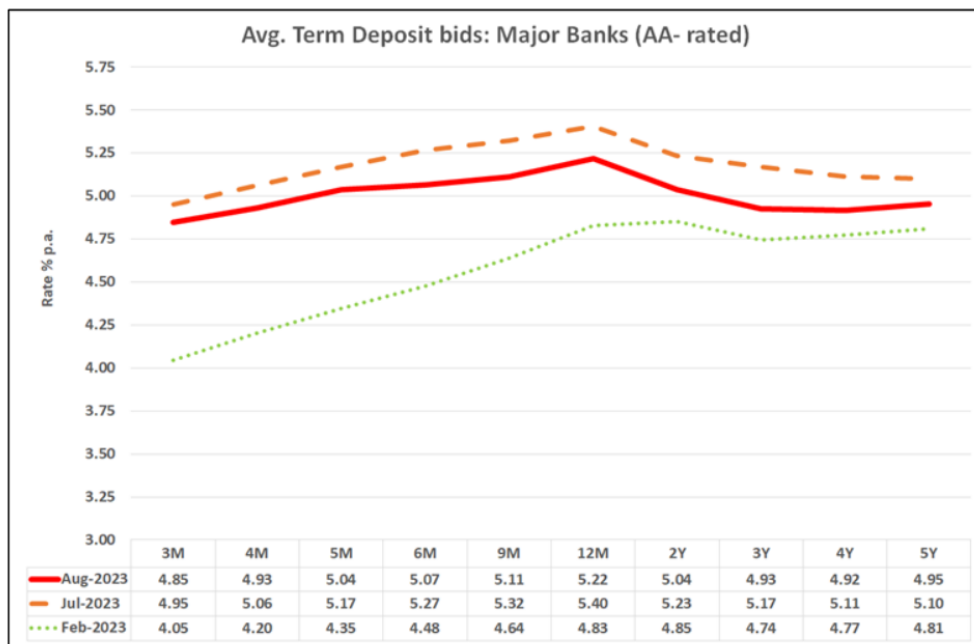
Source: ASX



Term Deposit Market

Over August, major bank deposit rates dropped around 20bp across the 6-12 month part of the curve, reacting to the RBA’s pause and signs that inflation is decelerating. The average bids would have been drifted even lower if one major bank (CBA) was not offering ‘specials’ that was up to 40bp higher than the entire market (not only their peers) across the shorter tenors.

Deposit rates offered by the major banks continue to be lower in the long-end (2-5 years) compared to the shorter-end (6-12 months), reflective of the major banks believing that rate cuts may be required in future years should economic conditions deteriorate, inflation has decelerated and well under control.



Source: Imperium Markets

We are now starting to see a handful of ADIs re-enter the wholesale deposit market. We have noticed a growing number of banks becoming hungry for wholesale deposit funding again. Price movements have seen more competition for deposits, with intra-day adjustments seen throughout business days to ‘win’ funds.

In the wholesale deposit market, for terms under 12 months, the most attractive value is currently being offered by a handful of investment grade ADIs. At month-end, at the short-end of the curve (under 12 months), the highest rates we saw on offer were as follows (*we stress that rates are indicative, dependent on daily funding requirements and different for industry segments*).

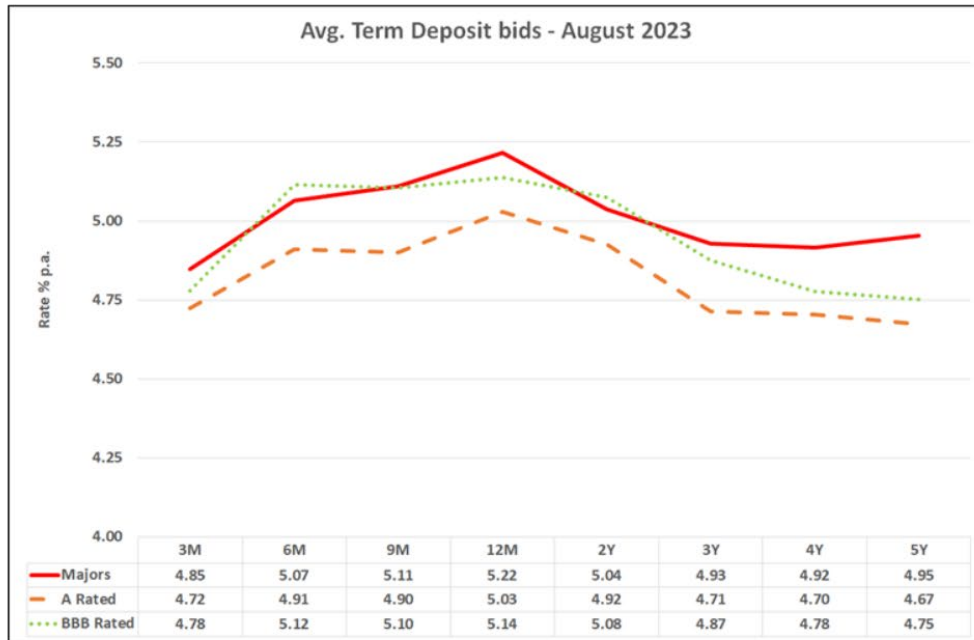


ADI	LT Credit Rating	Term	T/D Rate
AMP Bank (rollovers only)	BBB	11-12 months	5.30% p.a.^
CBA (>\$2m)	AA-	12 months	5.27% p.a.
NAB	AA-	10-12 months	5.15% p.a.
CBA (>\$2m)	AA-	6 months	5.13% p.a.
NAB	AA-	6-9 months	5.10% p.a.
ING Bank	A	12 months	5.10% p.a.
AMP Bank (rollovers only)	BBB	5-8 months	5.10% p.a.^
Westpac	AA-	12 months	5.08% p.a.
Bendigo	BBB+	9-12 months	5.00% p.a.
BoQ	BBB+	6-12 months	5.00% p.a.
NAB	AA-	3 months	4.90% p.a.

^Contact us to get an additional 20bp rebated commission. Aggregate limits temporarily lifted to \$10m (from \$5m).

The abnormal marketplace experienced over the past few years is starting to reverse as the competition for deposits increases. We are now starting to see some of the lower rated ADIs ("BBB" rated in particular) offering slightly higher rates compared to the higher rated banks ("A" or "AA" rated) on different parts of the curve. Some of this has been attributed to lags in adjusting their deposit rates as some banks (mainly the lower rated ADIs) simply set their rates for the week.

The exception this month has been CBA (AA-) who has been offering 'specials' on parcel sizes greater than \$2m, paying up to 40bp above the market on shorter-tenors.



Source: Imperium Markets

Average T/D Bids on Imperium Markets' Platform – August 2023

	Majors			A Rated			BBB Rated		
	Low	High	Avg	Low	High	Avg	Low	High	Avg
1M	3.76	4.30	4.13	4.26	4.26	4.26	4.00	4.45	4.19
2M	3.78	4.54	4.41	4.31	4.42	4.38	4.39	4.75	4.54
3M	4.63	5.04	4.85	4.45	4.94	4.72	4.10	4.95	4.78
4M	4.68	5.14	4.93	4.45	4.94	4.64	4.79	5.10	4.93
5M	4.79	5.25	5.04	4.40	5.11	4.84	4.85	5.25	4.99
6M	4.35	5.41	5.07	4.45	5.28	4.91	4.90	5.45	5.12
7M	4.41	5.35	5.04	4.48	5.28	4.87	4.90	5.33	5.08
8M	4.47	5.39	5.05	4.50	5.28	4.91	4.95	5.45	5.12
9M	4.88	5.50	5.11	4.50	5.25	4.90	4.75	5.39	5.10
10M	4.90	5.51	5.13	4.53	5.28	4.81	4.95	5.32	5.08
11M	4.92	5.52	5.15	4.54	5.25	4.90	4.95	5.32	5.10
12M	4.86	5.57	5.22	4.57	5.40	5.03	4.85	5.45	5.14
2Y	4.88	5.25	5.04	4.42	5.37	4.92	4.75	5.35	5.08
3Y	4.77	5.03	4.93	4.29	5.20	4.71	4.50	5.20	4.87
4Y	4.74	5.15	4.92	4.25	5.22	4.70	4.25	5.19	4.78
5Y	4.77	5.30	4.95	4.26	5.25	4.67	4.00	5.22	4.75



At the longer-end of the deposit curve, **the highest paying rated ADIs for terms across 2-3 years were being offered at outright rates around 4.95%-5.00% p.a. at month-end.** In recent months, we have seen quite a dramatic inversion of the deposit curve, in which 12m deposits were being offered at higher levels compared to 2-5 year tenors. The following deposits are suitable for investors looking to maintain diversification and likely to lock-in a premium compared to purely investing short-term:

ADI	LT Credit Rating	Term	T/D Rate
P&N Bank	BBB	5 years	5.10% p.a.
P&N Bank	BBB	4 years	5.05% p.a.
ING Bank	A	2 years	5.05% p.a.
ING Bank	A	3 years	5.00% p.a.
P&N Bank	BBB	3 years	4.95% p.a.
Westpac	AA-	2 years	4.94% p.a.
P&N Bank	BBB	2 years	4.93% p.a.
NAB	AA-	2 years	4.90% p.a.
CBA	AA-	2 years	4.88% p.a.

[^]Contact us to get an additional 20bp rebated commission. Aggregate limits temporarily lifted to \$10m (from \$5m).

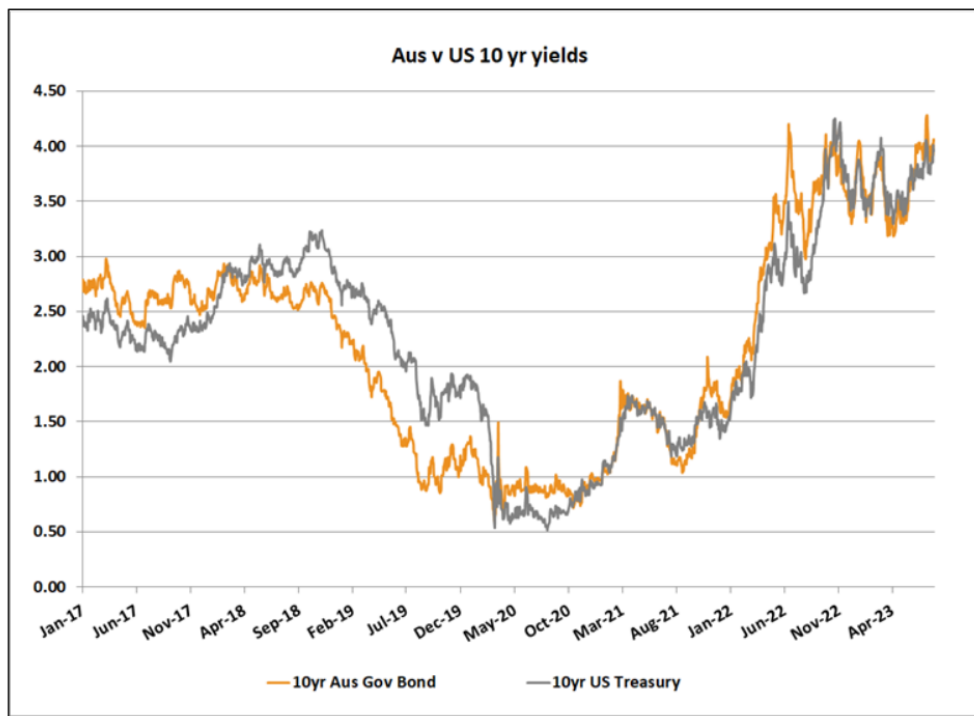
For those investors that do not require high levels of liquidity and can stagger their investments longer-term, they will be rewarded over a longer-term cycle if they roll for an average min. term of 12 months to 3 years (this is where we current value). In a normal market environment (upward sloping yield curve), investors could earn over a cycle, on average, up to ¼-½% p.a. higher compared to those investors that entirely invest in short-dated deposits.

With recessionary fears and a global economic slowdown being priced in coming years, investors should consider allocating some longer-term surplus funds and undertake an insurance policy by investing across 2-5 year fixed deposits and locking in rates close to or above 5% p.a. (mainly available from the lower rated ADIs). This will provide some income protection if central banks decide to cut rates in future years, assuming inflation has stabilised.



Bond Market

10-year US treasury yields finished the month 12bp higher at 4.09%. 10-year Australian government bonds yields fell 3bp, finishing at 4.02%.



Source: RBA, US Department of Treasury

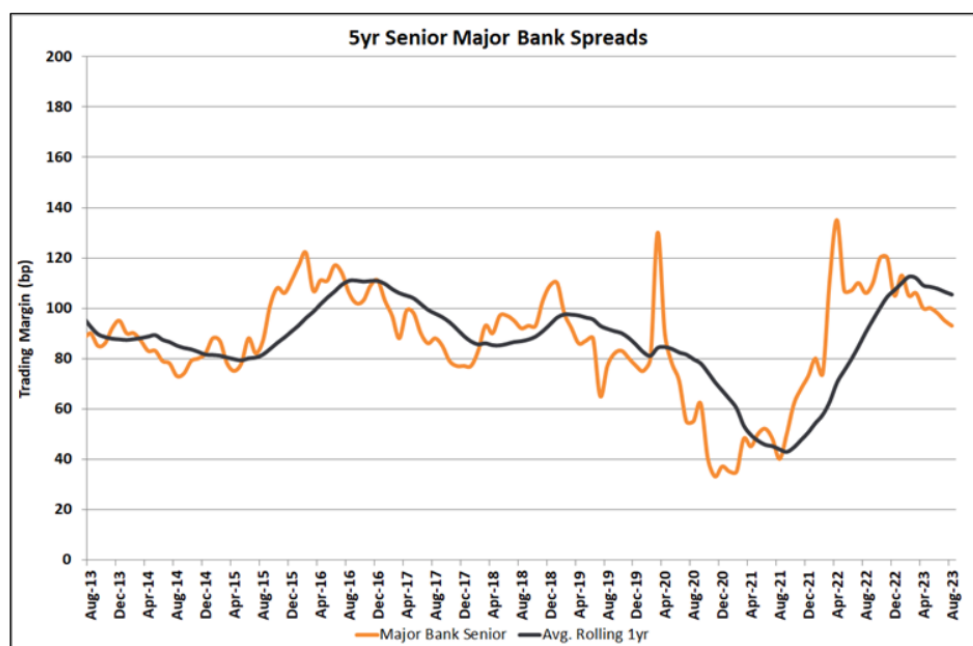
European bonds yields remained largely unchanged over August. Yields rose in the UK (+5bp), Italy (+2bp) and Greece (+2bp). Yields fell in Switzerland (-8bp), France (-4bp), Germany (-3bp), Spain (-3bp), Netherlands (-3bp) and Portugal (-3bp).



Senior FRNs - ADIs

Over August, amongst the senior major bank FRNs, physical credit securities tightened by around 2bp at the very long-end of the curve. Major bank senior securities remain at fair value in the rising rate environment (5 year margins above +90bp level). During the month, two major banks issued dual 3 and 5 year senior deals:

- CBA (AA-) issued a 3 and 5 year senior security at +75bp and +95bp respectively
- ANZ (AA-) issued a 3 and 5 year senior security at +75bp and +93bp respectively



Source: IBS Capital

Outside of the major banks, there were a handful of other new (primary) issuances during August:

- 3yr Bank of China (A) senior FRN at +105bp
- 3yr Agricultural Bank of China (A) senior FRN at +90bp
- ~5½yr Treasury Corporation of Victoria (AA) senior FRN at +11½bp

Amongst the “A” and “BBB” rated sector, the securities remained relatively flat at the longer-end of the curve. Credit securities are looking much more attractive given the widening of spreads over the past ~18 months. FRNs will continue to play a role in investor’s portfolios mainly on the basis of their liquidity and the ability to roll down the curve and gross up returns over future years (in a relatively stable credit environment).



Senior FRNs (ADIs)	31/08/2023	31/07/2023
"AA" rated – 5yrs	+93bp	+95bp
"AA" rated – 3yrs	+75bp	+74bp
"A" rated – 5yrs	+118bp	+115bp
"A" rated – 3yrs	+92bp	+95bp
"BBB" rated – 3yrs	+120bp	+125bp

Source: IBS Capital

We now generally recommend switches ('benchmark' issues only) into new primary issues, out of the following senior FRNs that are maturing:

- **On or before 2025 for the "AA" rated ADIs (domestic major banks);**
- On or before mid-late 2024 for the "A" rated ADIs; and
- Within 6-9 months for the "BBB" rated ADIs (consider case by case).

Investors holding onto the above senior FRNs ('benchmark' issues only) are now generally holding sub-optimal investments and are not maximising returns by foregoing, potentially significant capital gains. In the current challenging economic environment, any boost in overall returns should be locked in when it is advantageous to do so, particularly as switch opportunities become available.



Senior Fixed Bonds – ADIs (Secondary Market)

As global inflationary pressures remain, this has seen a significant lift in longer-term bond yields over the past 12-18 months (valuations fallen) as markets have reacted sharply.

This has resulted in some opportunities in the secondary market. We currently see value in the following fixed bond lines, with the majority now being marked at a significant discount to par (please note supply in the secondary market may be limited on any day):

ISIN	Issuer	Rating	Capital Structure	Maturity Date	~Remain. Term (yrs)	Fixed Coupon	Indicative Yield
AU3CB0265403	Suncorp	A+	Senior	30/07/2024	0.92	1.85%	4.96%
AU3CB0266377	Bendigo	BBB+	Senior	06/09/2024	1.02	1.70%	5.05%
AU3CB0268027	BoQ	BBB+	Senior	30/10/2024	1.17	2.00%	5.14%
AU3CB0287498	Bendigo	BBB+	Senior	17/03/2025	1.55	3.00%	5.14%
AU3CB0273407	UBS	A+	Senior	30/07/2025	1.92	1.20%	5.34%
AU3CB0293967	Bendigo	AAA	Covered	11/11/2025	2.21	5.10%	5.02%
AU3CB0280030	BoQ	BBB+	Senior	06/05/2026	2.69	1.40%	5.33%
AU3CB0282358	ING	AAA	Covered	19/08/2026	2.97	1.10%	4.87%
AU3CB0284149	BoQ	BBB+	Senior	27/10/2026	3.17	2.10%	5.41%



Fixed Interest Outlook

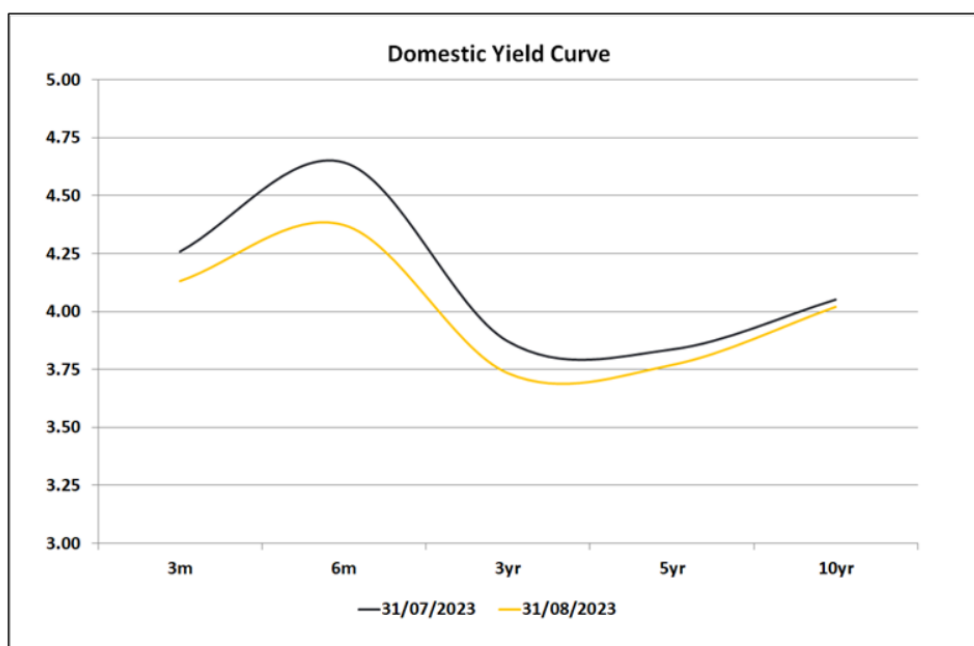
Global inflation continues to show signs of decelerating, although there are a few concerns that incremental falls from here could be difficult. Global policy rates are near peaks, but resilient labour forces remain a concern and could keep rates higher for longer.

After the US Fed lifted rates to 5.25%-5.50%, markets continue to price around a 40% chance of a follow up hike by December, though pricing of cuts extended with over 100bp of cuts thereafter by the end of 2024.

Domestically, the RBA’s practice of using the latest data to base their forecasts leaves them exposed to potentially another hike should Q3 CPI print high as some forecasters expect. Nevertheless, the RBA over recent months also appears to be more concerned around the outlook for growth, particularly the consumer, even though headline activity forecasts were little changed. This suggests that they may well be approaching the peak of their interest hike cycle.

The RBA’s August SoMP key statement was *“members observed that there was a credible path back to the inflation target with the cash rate staying at its present level”*. This was made in the context of a better than expected outcome for inflation in Q2. The board forecast core trimmed mean inflation at +3.9% y/y by end-2023, +2.9% y/y by mid-2025 and at +2.8% y/y by end-2025.

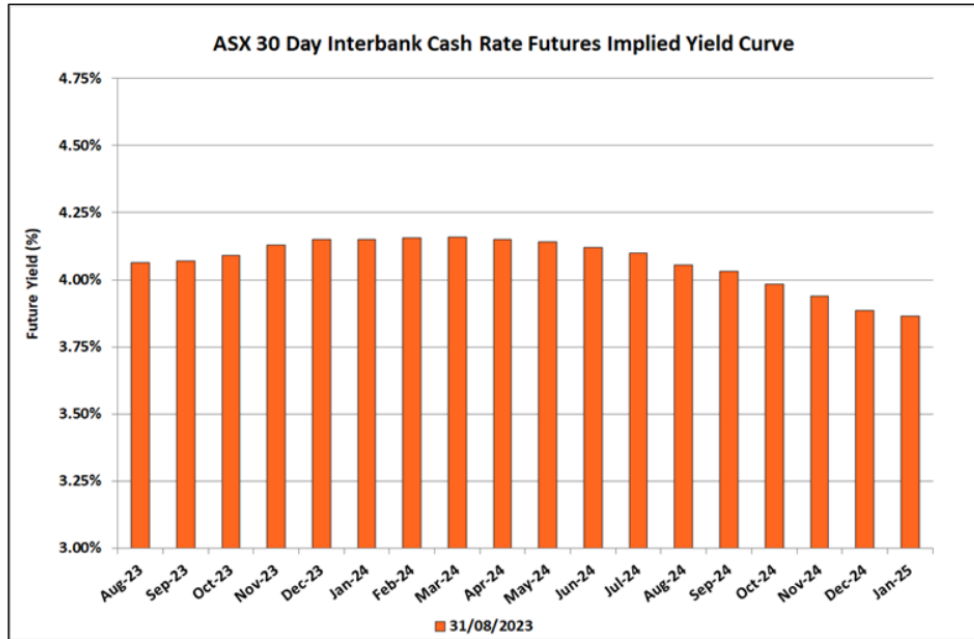
Over the month, yields fell up to 27bp at the short-end of the curve, with markets parring back the chances of another rate hike:



Source: AFMA, ASX, RBA



Markets have been quick to revise their interest rate forecasts with now only potentially only one more rate hike priced this cycle. Interestingly, rate cuts are now more likely being forecasted, but not at least until Q3-Q4 2024.



Source: ASX

Disclaimer

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12.7. UNRECOVERABLE RATES

Author: Acting Coordinator Rates and Revenue

Authoriser: Acting Chief Financial Officer

RECOMMENDATION

That Council:

1. Notes the unrecoverable rates for 47 unclaimed properties in the Edward River Council LGA and approves the write-off of \$291,582.40 under reg 131(4)(d) of *Local Government (General) Regulation 2021* as per attachment one.
2. Notes that the rates or charges written off under that regulation does not prevent council from taking legal proceedings to recover the amounts owed.
3. Agrees to write to the Minister of Local Government and the Treasurer, requesting that the *Local Government Act 1993* section 556 (1) be amended to include unclaimed properties as land that is exempt from rates

BACKGROUND

There are few situations where Council is allowed to write off rates. This is because rates revenue is a tax, as opposed to the supply of goods and services, and Council is able to compulsorily sell a ratepayers property to recover unpaid rates, as provided under s713 of the *Local Government Act 1993*.

For Council to be able to write off rates, they must meet the requirements of reg 131 of the *Local Government (General) Regulation 2021*. An extract of reg 131 is enclosed as per attachment two.

It is proposed to write off \$291,582.40 under reg 131(4)(d) of the regulation, as Council, through the Chief Executive Officer, believes on reasonable grounds that an attempt to recover the amount would not be cost effective.

ISSUE/DISCUSSION

Edward River Council has not undertaken a legal debt recovery process for these properties. This was deemed futile, given action taken prior to merger, and there are no traceable owners. Attachment one outlines each of the unclaimed properties, and their amounts proposed to be written off.

Most of these unclaimed properties were purchased in villages created and gazetted in the NSW Government Gazette for the purpose of Cobb & Co stopovers and horse changes, including the villages of Boooroban, Coree and Tuppal. Forty-five of these properties have already been through the process of Sale of Land under section 713 *Local Government Act* by former Conargo Shire Council with no positive outcome.

The remaining two unclaimed properties relate to the former Deniliquin Council and are laneways where the Sale of Land under section 713 is not considered feasible.

Council, through the Chief Executive Office, believes on reasonable grounds that an attempt to recover these amounts would not be cost effective.

STRATEGIC IMPLICATIONS

Revenue is a key requirement for Council to deliver its priority projects and obligations to the community as outlined in its strategic plans. Rates are a major source of Council revenue and must

be recovered in accordance with *Local Government Act 1993* and *Local Government (General) Regulation 2021*.

COMMUNITY STRATEGIC PLAN

5.2 Financially sustainable

FINANCIAL IMPLICATIONS

The process of writing off unrecoverable rates and charges will reduce the amount of arrears of rates and charges payable to Council and improve cash collections.

LEGISLATIVE IMPLICATIONS

Council is required under the *Local Government Act 1993* to collect revenue in accordance with the legislation and regulations. Any write off of rates needs to meet the requirements of the *Local Government (General) Regulation 2021*.

ATTACHMENTS

1. Unclaimed properties write off August 2023
2. Local Government (General) Regulation 2021-Section 131 extract
3. Unclaimed Land Aerials 16.8.2023

Attachment 1 - Unclaimed properties write off August 2023

Address	Description	Owners	Rate Recovery Code	Rates Balance	Property ID
Cressy Street DENILIQUIN NSW 2710	Land behind Federal Hotel-access laneway	Elliotts Riverine Brewery Aerated Waters & Milling Company Limited	UNCLAIMPRO	10,847.28	4523
Finley Road DENILIQUIN NSW 2710	Laneway situation between 2 properties owned by T Donaldson	Ethel Beck	UNCLAIMPRO	2,424.98	4371
Riverina Highway WARRAGOON NSW 2710	Road running from Riverina Hwy & Middletons Rd, between Strongs & Holdens	Robert H N Landale	UNCLAIMPRO	2,722.93	5676
Cobb Highway BOOROORBAN NSW 2710	Village of Booroorban	William Humphrey	UNCLAIMPRO	9,719.14	5043
Cobb Highway BOOROORBAN NSW 2710	Village of Booroorban	George E Lee	UNCLAIMPRO	9,719.14	5044
Cobb Highway BOOROORBAN NSW 2710	Village of Booroorban	Hubert J Porter	UNCLAIMPRO	9,730.83	5046
Cobb Highway BOOROORBAN NSW 2710	Village of Booroorban	Margaret Dillon	UNCLAIMPRO	7,265.96	5129
Cobb Highway BOOROORBAN NSW 2710	Village of Booroorban	Caroline A Stonham	UNCLAIMPRO	7,300.92	5130
Cobb Highway BOOROORBAN NSW 2710	Village of Booroorban	Geoffrey R Skene	UNCLAIMPRO	7,300.92	5131
Cobb Highway BOOROORBAN NSW 2710	Village of Booroorban	Hubert J Porter	UNCLAIMPRO	9,730.83	5047
Cobb Highway BOOROORBAN NSW 2710	Village of Booroorban	Samuel McCulloch & Roderick Murchison	UNCLAIMPRO	9,719.14	5050
Cobb Highway BOOROORBAN NSW 2710	Village of Booroorban	Hubert J Porter	UNCLAIMPRO	7,332.96	5124
Cobb Highway BOOROORBAN NSW 2710	Village of Booroorban	William Edwards	UNCLAIMPRO	7,265.96	5125
Cobb Highway BOOROORBAN NSW 2710	Village of Booroorban	Daniel Eyre	UNCLAIMPRO	7,277.65	5126
Cobb Highway BOOROORBAN NSW 2710	Village of Booroorban	George Fry	UNCLAIMPRO	7,265.96	5128
Mayrung Road MAYRUNG NSW 2710	2 lots on Peter Thomson's prop - not sure purpose	George Fairbairn	UNCLAIMPRO	7,403.74	5110
Mayrung Road MAYRUNG NSW 2710	3 lots on Peter Thomson's prop - not sure purpose	James McMeckan	UNCLAIMPRO	7,403.74	5112
Oro Road MORAGO NSW 2710	Land sitting on it's own, possibly not picked up in land transfer along time ago	William Officer & The Bank Of New South Wales	UNCLAIMPRO	4,248.09	5188
Pretty Pine Road BARRATTA NSW 2710	Village of Baratta, balance of village owned by FS Falkiner & sons	Alison B McConnell	UNCLAIMPRO	4,785.00	5161
Russells Road MAYRUNG NSW 2710	Land sitting on it's own, at a junction of properties possibly ownership not known	Eileen P Prentice & William V Prentice	UNCLAIMPRO	4,842.50	5166
Gollops Road TUPPAL NSW 2714	Village of Tuppal	Eliza Lawton	UNCLAIMPRO	9,784.96	5023
North Coree Road COREE NSW 2710	Company dissolved in 1986	Coree Pastoral Company Pty Ltd	UNCLAIMPRO	6,583.93	5116
Nesbits Road DENILIQUIN NSW 2710	Land likely not picked up in a land transfer a while ago	William J Allitt, Dudley H Nesbit, Robert R Nesbit	UNCLAIMPRO	7,441.70	5115
Conargo Road COREE NSW 2710	Village of Coree	S McMeckany	UNCLAIMPRO	4,788.24	5071
Conargo Road COREE NSW 2710	Village of Coree	S McMeckany	UNCLAIMPRO	4,784.37	5024
Conargo Road COREE NSW 2710	Village of Coree	A Murphy	UNCLAIMPRO	4,784.37	5025
Conargo Road COREE NSW 2710	Village of Coree	F R Murphy	UNCLAIMPRO	4,784.37	5026
Conargo Road COREE NSW 2710	Village of Coree	J Graham	UNCLAIMPRO	4,784.37	5018
Conargo Road COREE NSW 2710	Village of Coree	W Henry	UNCLAIMPRO	4,784.37	5019
Conargo Road COREE NSW 2710	Village of Coree	E G Kettle	UNCLAIMPRO	4,784.37	5020
Conargo Road COREE NSW 2710	Village of Coree	W E King	UNCLAIMPRO	4,784.37	5022
Conargo Road COREE NSW 2710	Village of Coree	G E Nichols	UNCLAIMPRO	4,784.37	5027
Conargo Road COREE NSW 2710	Village of Coree	J Quarterman	UNCLAIMPRO	4,784.37	5028
Conargo Road COREE NSW 2710	Village of Coree	C W Raleigh	UNCLAIMPRO	4,784.37	5029
Conargo Road COREE NSW 2710	Village of Coree	J R Leigh	UNCLAIMPRO	4,784.37	5030
Conargo Road COREE NSW 2710	Village of Coree	J Raleigh	UNCLAIMPRO	4,784.37	5032
Conargo Road COREE NSW 2710	Village of Coree	W T Raleigh	UNCLAIMPRO	9,513.12	5033
Conargo Road COREE NSW 2710	Village of Coree	F Ross	UNCLAIMPRO	4,784.37	5034
Conargo Road COREE NSW 2710	Village of Coree	A Smith	UNCLAIMPRO	4,784.37	5035
Conargo Road COREE NSW 2710	Village of Coree	W K Thomson	UNCLAIMPRO	4,784.37	5036
Conargo Road COREE NSW 2710	Village of Coree	W K Thomson	UNCLAIMPRO	4,784.37	5037
Conargo Road COREE NSW 2710	Village of Coree	James White	UNCLAIMPRO	4,784.37	5038
Conargo Road COREE NSW 2710	Village of Coree	A Woodfull	UNCLAIMPRO	4,784.37	5039
Conargo Road CONARGO NSW 2710	Village of Coree	James C Alford	UNCLAIMPRO	4,784.37	5017
Lang Street WANGANELLA NSW 2710	Village of Wanganella	Barbara M Nevinson & Keith Nevinson	UNCLAIMPRO	6,590.78	5145
Lang Street WANGANELLA NSW 2710	Village of Wanganella	Margaret Dillon	UNCLAIMPRO	7,516.21	5122
Martin Street COREE NSW 2710	Village of Coree	Alexander K Finlay	UNCLAIMPRO	4,152.76	5168
				291,582.40	

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Attachment 2 - Local Government (General) Regulation 2021-Section 131 extract

Local Government (General) Regulation 2021-Section 131 extract.docx

Attachment Two

NSW Local Government (General) Regulation 2021

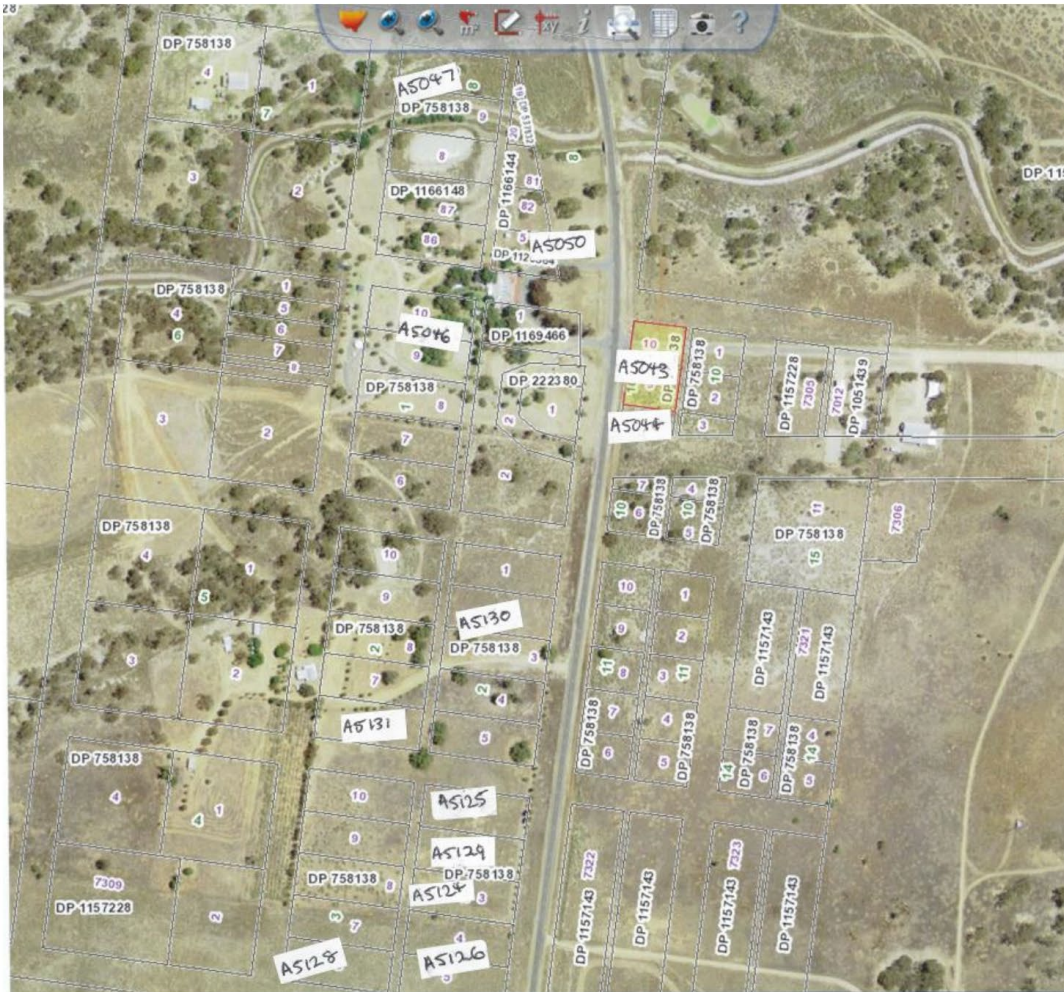
131 Procedures for writing off rates and charges

- (1) The council must, from time to time, by resolution, fix the amount of rates and charges above which any individual rate or charge may be written off only by resolution of the council.
- (2) An amount of rates or charges of or below that amount can be written off either by resolution of the council or by order in writing of the council's general manager. In the absence of a resolution under subclause (1), rates and charges can be written off only by resolution of the council.
- (3) A resolution or order writing off an amount of rates or charges must:
 - (a) specify the name of the person whose debt is being written off, and
 - (b) identify the account concerned, and
 - (c) specify the amount written off or must refer to a record kept by the council in which those particulars are recorded.
- (4) An amount of rates or charges can be written off under this clause only:
 - (a) if there is an error in the assessment, or
 - (b) if the amount is not lawfully recoverable, or
 - (c) as a result of a decision of a court, or
 - (d) if the council or the general manager believes on reasonable grounds that an attempt to recover the amount would not be cost effective.
- (5) The fact that an amount of rates or charges is written off under this clause does not prevent the council concerned from taking legal proceedings to recover the amount.
- (6) The general manager must advise the council of rates and charges written off by written order of the general manager.

Attachment 3 - Unclaimed land aerals 16.8.2023

Unclaimed land - aerals

Village of Booroorban – Unclaimed Properties



Description	Rates Bal	Property ID
Village of Booroorban	9,719.14	5043
Village of Booroorban	9,719.14	5044
Village of Booroorban	9,730.83	5046
Village of Booroorban	7,265.96	5129
Village of Booroorban	7,300.92	5130
Village of Booroorban	7,300.92	5131
Village of Booroorban	9,730.83	5047
Village of Booroorban	9,719.14	5050
Village of Booroorban	7,332.96	5124
Village of Booroorban	7,265.96	5125
Village of Booroorban	7,277.65	5126
Village of Booroorban	7,265.96	5128

Village of Coree – Unclaimed Properties



Village of Coree	4,784.37	5017
Village of Coree	4,784.37	5018
Village of Coree	4,784.37	5019
Village of Coree	4,784.37	5020
Village of Coree	4,784.37	5022
Village of Coree	4,784.37	5024
Village of Coree	4,784.37	5025
Village of Coree	4,784.37	5026
Village of Coree	4,784.37	5027
Village of Coree	4,784.37	5028
Village of Coree	4,784.37	5029
Village of Coree	4,784.37	5030
Village of Coree	4,784.37	5032
Village of Coree	9,513.12	5033
Village of Coree	4,784.37	5034
Village of Coree	4,784.37	5035
Village of Coree	4,784.37	5036
Village of Coree	4,784.37	5037
Village of Coree	4,784.37	5038
Village of Coree	4,784.37	5039
Village of Coree	4,788.24	5071
Village of Coree	4,152.76	5168

Property ID 5122 – Village of Wanganella - appears to have a dwelling on it but no response to any correspondence.

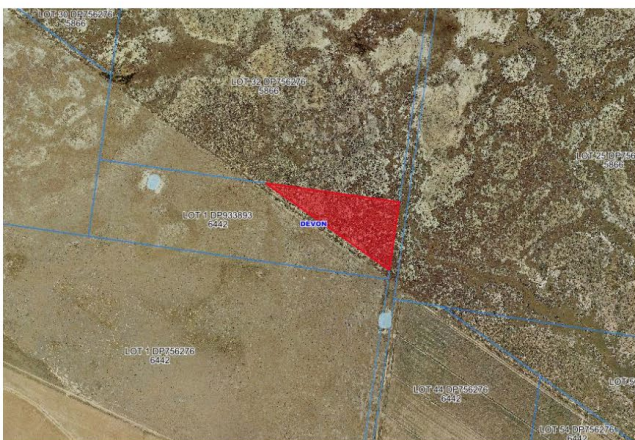
Property ID 5145 – Village of Wanganella - double block on vacant land



Property ID 5161 – Village of Barratta, balance of village now owned by FS Falkiner & Sons



Property ID 5188 – Land sitting on its own, possible left off past land schedule when ownership was transferred



Property ID 5023 – Village of Tuppal



Property ID 5115 – Long piece of land between Yanco Creek and along Wilson anabranch, company search showed owner Coree Pastoral Company Pty Ltd dissolved in 1986



Property ID 5115 - land sitting on it's own, possibly not picked up in a land transfer historically, borders Mary Allitt's land



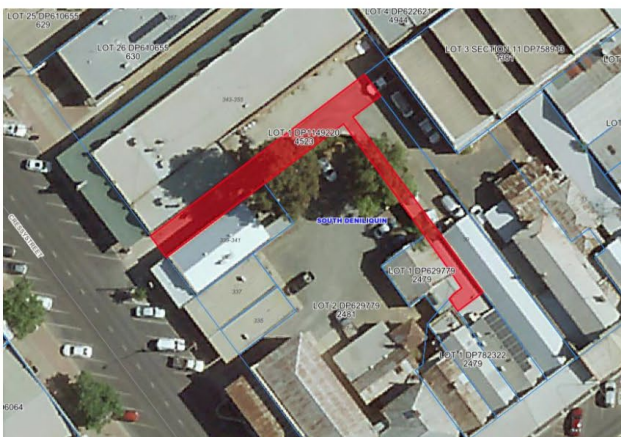
Property ID 5166 – Land, with the Mulwala Canal running through it (should be MIL), Valnet - easement for WV & EP Prentice (not existing owner)



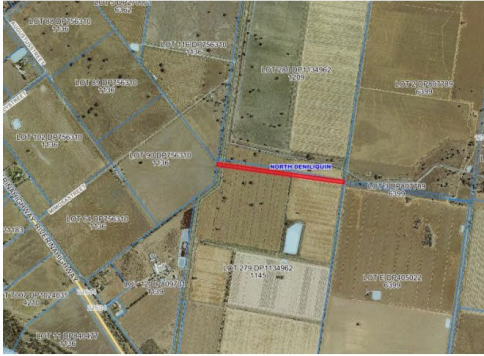
Property IDs 5110 & 5112 – two lots on Peter Thomson’s property, not sure of original purpose



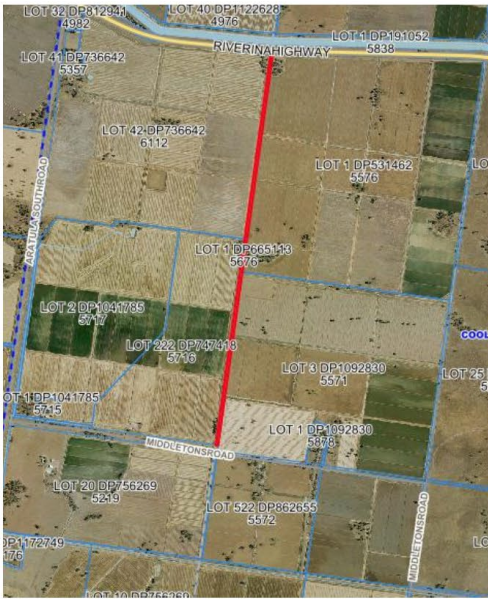
Property ID 4523 – Elliots Riverine Brewer Aerated Waters & Milling Company Ltd - Land behind Federal Hotel-access laneway



Property ID 4371 – Laneway situated between two properties owned by TA Donaldson



Property ID 5676 – Road running between Riverina Highway & Middletons Road, between Strongs and Bill Holden



12.8. DEVELOPMENT SERVICES ACTIVITY REPORT AUGUST 2023

Author: Manager Development Services

Authoriser: Director Infrastructure

RECOMMENDATION

That Council receive and note the August 2023 Development Services Activity Report.

BACKGROUND

Included in Attachment 1 is the Development Services Report. The report includes details of the following delivery functions:

- Development Applications received,
- S68 LGA Applications received,
- Development Applications by type,
- Processing times for applications,
- Value and number of applications,
- Planning Certificate and Drainage Diagram Applications and processing times,
- Progress Inspections Details,
- Swimming Pool inspections,
- Animal control activities,
- Ranger enforcement activities, and
- Public Health Activity.

ISSUE/DISCUSSION

The report details the delivery of regulatory and operational services of the Development Services team . There are no specific issues/matters for discussion arising from this report.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from this report.

COMMUNITY STRATEGIC PLAN

1. Shaping the Future

1.2 - Quality Built Environment

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGISLATIVE IMPLICATIONS

The Regulatory functions of the Development Services Team is governed by the following statutory legislation: Environmental Planning & Assessment Act, Local Government Act, Swimming Pools Act, Public Health Act, Companion Animals Act.

ATTACHMENTS

1. Monthly Report

Attachment 1 - 8 Environment Report August 2023(1)



Development Activity					
Applications received – August 2023					
Application	Property Description	Proposal	Date Received	Date Approved	Status
DA2023/0059 CC2023/0043	Lot 4 DP 260576, 206 Dahwilly Road, Deniliquin	Alterations and Additions to Existing Dwelling	4/8/23	-	Under assessment
PC CC 2023/0044	Lot 5 DP 286093, 18 Riverview Drive, Deniliquin	New Dwelling and Garage	4/8/23	20/7/23	Approved
PC CC 2023/0045	Lot 5 DP 1272156, 5 Robert Walter Place, Deniliquin	New Dwelling and Garage	25/8/23	27/7/23	Approved
DA2023/0060	Lot 2 DP 1286602, 134-138 Pakenham Street, Deniliquin	2 Lot Subdivision	4/8/23	-	Under assessment
DA2023/0061	Lot 10 DP 756319, 2025 Tuppall Road, Tuppall	Earthworks and Construction of 5 Silos	4/8/23	31/8/23	Approved
DA2023/0062	Lot 26 DP 815329, 11-13 Ballantyne Crescent, Deniliquin	Transportable Dwelling	9/8/23	-	Under assessment
DA2023/0063	Lot 141 DP 1045258, 392-394 Hay Road, Deniliquin	Change of Use – 'Community Facility' (Yarkuwa)	22/8/23	-	Under assessment
DA2023/0064	Lot 6 Sec 205 DP 758913, 321 Poictiers Street, Deniliquin	Alterations and Additions	23/8/23	-	Under assessment
DA2023/0065	Lot 2 DP 629779, 47-49 Napier Street, Deniliquin	Alterations and Additions	23/8/23	-	Under assessment



DA2023/0066	Lot 1 DP 797598, 241 Cressy Street, Deniliquin	Alterations and Additions	23/8/23	-	Under assessment
DA2023/0067	Lot 8 DP 22012, 109 Hardinge Street, Deniliquin	Dual Occupancy and 2 Lot Subdivision	23/8/23	-	Under assessment
DA2023/0068	Lot 1 DP 756315, Cobb Highway, Booroorban	Inground Swimming Pool	24/8/23	31/8/23	Approved
DA2023/0069	Lot 32 DP 257592, 305 Jameson Street, Deniliquin	Demolition	24/8/23	-	Under assessment
Complying Development Certificates					
-	-	-	-	-	-
S68 Applications					
LG2023/0041	Lot 2 DP 1103707, 20-24 Davidson Street (Site 25/26)	Install a Manufactured Home, Carry out water supply work, stormwater work and sewerage work	9/8/23	-	Under assessment
LG2023/0042	Lot 2 DP 1103707, 20-24 Davidson Street (Site 12/13)	Install a Manufactured Home, Carry out water supply work, stormwater work and sewerage work	9/8/23	-	Under assessment
LG2023/0043	Lot 2 DP 1103707, 20-24 Davidson Street (Site 9)	Install a Manufactured Home, Carry out water supply work, stormwater work and sewerage work	9/8/23	30/8/23	Approved
LG2023/0044	Lot 2 DP 1103707, 20-24 Davidson Street (Site 16)	Install a Manufactured Home, Carry out water supply work, stormwater work and sewerage work	9/8/23	30/8/23	Approved



LG2023/0045	Lot 26 DP 815329, 11-13 Ballantyne Crescent, Deniliquin	Install a Manufactured Home, Carry out water supply work, stormwater work and sewerage work	9/8/23	-	Under assessment
LG2023/0046	Lot 125 DP 1118059, 167 Cobb Highway (Site 3), Deniliquin	Install a Manufactured Home, Carry out water supply work, stormwater work and sewerage work	17/8/23	-	Under assessment
LG2023/0047	Lot 1 DP 1132408, 1 Butler Street (Site 120), Deniliquin	Install a Flyover	23/8/23	-	Under assessment

Development Applications by Type for August 2023						
Development Type	New Dwellings	Dwelling Alts/Additions/sheds	Commercial/Industrial	Other	Subdivision	No of lots resulting
Number	4	4	0	4	2	4
Totals 2023	20	37	8	23	6	13

Processing Times for August 2023		
Application Type	* Mean Gross Days	** Mean Net Days
DA	48	35
Mod (S4.55) of DA & DA/CC	83	83
CDC	-	-
CC	27	27
S68 Applications	24	24



* Mean gross days = Total days from lodgment to determination ** Mean Net Days = Total days less Stop the Clock days

Value and Number of Applications Determined 2022 and 2023										
Month	DA 2022	DA 2023	CDC 2022	CDC 2023	CC 2022	CC 2023	LG 2022	LG 2023	Value 2022	Value 2023
January	3	4	2	0	1	3	2	4	\$870,000	\$148,890
February	14	8	1	1	9	5	2	7	\$6,541,633	\$1,631,720
March	13	6	0	1	8	5	5	7	\$1,968,289	\$4,340,700
April	8	4	0	0	2	3	0	0	\$1,891,000	\$194,595
May	9	3	1	2	6	2	6	5	\$3,376,895	\$2,248,880
June	13	14	0	0	8	9	3	7	\$277,646	\$4,043,451
July	3	7	0	0	3	3	2	3	\$369,101	\$1,743,731
August	10	12	1	0	4	8	6	7	\$660,693	\$4,318,485
September	7		0		1		3		\$894,000	
October	11		0		8		4		\$2,206,916	
November	10		0		9		7		\$2,002,070	
December	8								\$3,894,506	
TOTALS	109	58	5	4	59	38	40	40	\$24,952,749.00	\$18,670,452.00

Note: numbers of application determined does not include modifications and applications determined by private certifiers. Value of application determined does not include the value of work for Construction Certificates and s68 applications.

Section 10.7 Certificates/Sewerage Drainage Diagrams	
Planning certificates	29
Sewerage drainage diagrams	11
Average processing time	1
Maximum time for processing	3



Inspections for August													
Site	Footing / Pier	Slab	Frame	Hot & Cold	Wet Area	Sewer / Septic	Storm Water	Final	Food Van	Trade Waste Site Visit	Meetings	Murrumbidgee Council	Total
29	7	9	3	1	4	6	4	9	0	0	35	1	108

Swimming Pool Inspection Program				
Month	1 st Inspection	2 nd Inspection	3 rd Inspection	TOTAL 2023
August	0	5	-	49

Animal Control /Ranger Activities												
Ranger's Report – August 2023												
Companion Animals												
Seized / Surrendered / Dumped	Released to Owner prior to impounded	In Pound	Released to Owner after impounded	Re-Homed	Euthanised		Stolen or escaped	Still In Pound	Declared Dangerous Menacing	Micro Chipped	Registered	Fines Issued
					Cats	Dogs						
24	6	18	5	5	3	2	0	3	0	3	9	0

* **Note:** 3 cats, 2 dogs unsuitable for rehoming

Note: The figures contained in this report relate to animal control activities carried out in the current month being reported on. Rehoming/Return to owner etc may occur in a subsequent month and are therefore not captured in this reporting period.

Clean Up		Parking		Impoundment		
Notices Sent	Illegal Dumping	Patrols	Fines	Vehicles	Live Stock	Euthanised
0	2	6	0	1	0	0



Dog Attacks		
Date	Details	Outcome
14.8.23	Unattended child entered dog owners front yard unannounced, dog bit child and facial injuries were sustained.	Child was taken to Bendigo hospital for treatment. Dog euthanized.

Animal Control Signage

Additional "Dogs on Leads /Pick up after your Dog" signage has been recently erected at the Cemetery and along the river walk, to assist in promoting more responsible dog ownership.

Public Health Activities	
Details	
Public Health Workshop, Wagga Wagga	Attended by Health & Building Services Coordinator

Environmental Planning Activities
<p>Local Heritage Fund 2023/24 - Round 2</p> <p>Applications are now open for Round 2 of Edward River Council's Local Heritage Fund 2023/2024. The program is jointly funded by Council and Heritage NSW. Closing date for this round of applications is 27 September 2023.</p>

12.9. MAJOR PROJECTS REPORT - AUGUST 2023

Project Update - July 2023

Author: Projects Coordinator

Authoriser: Chief Executive Officer

RECOMMENDATION

That Council receive and note the Major Projects Program – Progress Report for August 2023

BACKGROUND

A breakdown of current funding and active projects is as follows:

Government Funding Body (does not include Council contribution)	Project	Total Funding (excl)	Funding Remaining (excl)
NSW Showground Stimulus Funding	Demolition & Construction of amenities Extension of Clubrooms - DNA Roadway & Carparking Eastern Side Sealed Access Roads, Carpark and Kerb and Gutter	\$1,500,703	\$1,133,737
Stronger Communities Fund - R4	Lighting Deniliquin and Blighty Rec Reserves	\$1,113,338	\$1,050,427
Stronger Communities Fund - R5	Peppin Heritage Centre - Masterplan Implementation Town Hall Revitalisation Project	\$939,885	\$939,885
Local Roads and Community Infrastructure - R3	Saleyards Refurbishment	\$426,340	\$399,947
Local Roads and Community Infrastructure - R4	Parts 1 and 2 - Not yet allocated. Subject of a separate report	\$1,518,748	\$1,518,748

Government Funding Body (does not include Council contribution)	Project	Total Funding (excl)	Funding Remaining (excl)
Regional Airport Program Local Roads and Community Infrastructure - R3	Deniliquin Aerodrome - Strengthening and Lighting	\$4,000,000	\$352,488
Fixing Local Roads - TfNSW	Pothole repairs on road Networks	\$549,015	\$451,389
Office of Local Government	Flood Recovery - Essential Public Assets	\$1,000,000	\$316,257
Department of Planning & Environment	Edward River Skate Park Development	\$500,000	\$487,913
Fixing Country Roads	Pretty Pine Road Widening	\$1,736,972	\$1,736,972
Regional & Local Road Repair Program	Flood recovery - Road Network	\$2,914,961	\$2,677,440

Total project budgets, actuals, and balance is attached.

ISSUE/DISCUSSION

Project

Updates

DNA Clubrooms extension

Project description	Extension of DNA Clubrooms (managed by the DNA and Cricket Club committees).
Funding	SCCF R4 (Deniliquin Cricket Club) and NSW Showground Stimulus
Timing	Anticipated completion June 2024
% Complete	10%
Update	Tender review is complete, and the Cricket Club will be awarding the Contract in early September 2023.

Lighting Deniliquin and Blighty Reserves

Project description	Provide improved lighting to sporting grounds - Hardinge St Oval, Blighty Oval and Memorial Park
Funding	SCCF R4
Timing	Anticipated completion June 2024
% Complete	5%
Update	Tender for works is expected to go out via Tenderlink in September 2023. Once tender offers are evaluated, variations will be sought from the funding body.

Airport Upgrade

Project description	Runway Strengthening and improved lighting.
Funding	Regional Airport Program, Local Roads and Community Infrastructure - R3 and Council
Timing	Due for completion September 2023
% Complete	80%
Update	Stage 3 intersection works, and Runway 30 closure commenced on 31 August 2023. There have been no difficulties with aircraft using the grass runway. Subgrade has been stabilised and subbase went in end of August 2023. Project is running to time and budget.

Edward River Village

Project description	Stage 1 - Construction of 6 dwellings
Funding	Murray Darling Basin Diversification Funding and Council
Timing	Multi Year Project
% Complete	65%
Update	Unit 1 is due to be complete by mid-September. The concrete slab for Unit 4 is ready to be poured. Six units looking to be complete in New Year. Landscaping and styling on Unit 1 will commence in November.

Refurbishment of the Saleyards

Project description	Refurbishment of the Deniliquin Saleyards
Funding	Local roads and Community Infrastructure R3
Timing	Due for Completion June24
% Complete	2%
Update	A User Group meeting was held late August 2023 to discuss priority scope to suit funding amount. Priority will be given to walkways and ramps. Design and procurement will commence early September 2023.

Peppin Heritage Centre - Masterplan Implementation

Project description	To activate the masterplan implementation for the Peppin Heritage Centre
Funding	Stronger Country Communities - R5
Timing	Due for Completion January 2026.
% Complete	5%
Update	As a precursor to this project, the floor in the Museum and School Room are subject to major repairs. A request for quote was sent out with interest shown from one contractor. The quote will be awarded early in September after review by the Project Control Group.

Pothole repairs

Project description	Pothole repairs throughout the road network
Funding	Fixing Local Roads - Pothole Repairs
Timing	Due for Completion February 2024
% Complete	
Update	Council has, to date, completed repairs to 212 potholes throughout the LGA road network during August 2023. This equates to 1436m ² of road.

Flood Recovery - Road Network

Project description	Damage repairs throughout the road network due to flooding
Funding	Regional & Local Road Repair Program

Project description	Damage repairs throughout the road network due to flooding
Timing	Due for Completion February 2024
% Complete	
Update	Works have commenced on Millears Road. Next priority road will be Stud Park Road.

Deniliquin Skate Park

Project description	Development of a new Skate Park - Stage 1
Funding	Department of Planning and Environment
Timing	Due for Completion June 2024
% Complete	
Update	Four Tenders were received, and review is complete. Subject to a separate report to Council.

Pretty Pine Road Widening

Project Description	Widening of Pretty Pine Road to improve Heavy Vehicle route.
Funding	Fixing Country Roads
Timing	Multiyear project
% Complete	5%
Update	This funding is subject to approved funding from HVSP. An application has been lodged with HVSP and Council has been advised a decision will be made in September 2023.

STRATEGIC IMPLICATIONS

COMMUNITY STRATEGIC PLAN

- 4. Delivering community assets and services
 - 4.1 Vibrant villages and towns
 - 4.2 Reliable Water and Sewerage
 - 4.3 Friendly and Supportive Customer service

FINANCIAL IMPLICATIONS

Projects funded through these programs include costs for the design, documentation, and supervision costs for each project.

LEGISLATIVE IMPLICATIONS

Council must ensure that these projects are completed within the timeframes set out within the funding agreements.

ATTACHMENTS

1. Projects Report - August 2023

Attachment 1 - Projects Report - August 2023(1)



Current/Active Funded Projects

Funding Source	Project Title	Total Budget	Actual Expenses	Balance Remaining	Percentage Complete
NSW Showground Stimulus Funding - P2					
	Demolition & Construction of amenities	\$ 141,894	\$ 141,894		100%
	Extension of Clubrooms - DNA	\$ 347,067	\$ 60,092		25%
	Roadway & Carparking Eastern Side	\$ 232,716	\$ 82,490		15%
	Sealed Access Roads, Carpark, K&G	\$ 630,145	\$ 82,490		15%
Stronger Country Communities Funding - R4					
	Lighting Deniliquin and Blighty Rec Reserves	\$ 1,113,338	\$ 59,386	\$ 1,053,952	10%
Local Roads and Community Infrastructure R4					
Part 1	Not yet allocated	\$ 963,170			0%
Part 2	Not yet allocated	\$ 555,578			
Various Funding					
RAP1	Deni Runway Upgrade - Strengthening & Lighting	\$ 2,500,000	\$ 1,000,000		80%
LRCI R3		\$ 1,500,000	\$ 920,129		
Council		\$ 1,900,000			
Various Funding					
Murray Darling Diversification Funding	Edward River Village	\$ 1,000,000	\$ 1,000,000		60%
Council		\$ 520,000	\$ 520,000		
Council sales revenue		\$ 2,910,000	\$ 1,018,823		
Local Roads and Community Infrastructure - R3					
	Refurbishment of the Saleyards	\$ 426,340	\$ 26,393	\$ 399,947	5%
Stronger Country Communities R5					
	Peppin Heritage Centre - Masterplan Implementation	\$ 714,000	\$ -	\$ 714,000	5%
	Town Hall Revitalisation Project - Regional	\$ 225,885	\$ -	\$ 225,885	5%
Fixing Local Roads					
	Pothole repairs on road network	\$ 549,015	\$ 97,626	\$ 451,389	30%
Regional & Local Road Repair Program - TfNSW					
	Flood Recovery - Road network	\$ 2,914,961	\$ 237,521	\$ 2,677,440	5%
Flood Recovery - Office of Local Government					
	Flood Recovery - Essential Public Assets	\$ 1,000,000	\$ 683,743	\$ 316,257	95%
Department of Planning and Environment					
	Edward River Skate Park Development	\$ 500,000	\$ 12,087	\$ 487,913	10%
Fixing Country Roads					
	Pretty Pine Road - Widening	\$ 1,736,972	\$ 950	\$ 1,736,022	2%

12.10. EDWARD RIVER GROWTH STRATEGY ADVISORY COMMITTEE

Author: Director Corporate Services

Authoriser: Chief Executive Officer

RECOMMENDATION

That Council:

1. Establishes a Committee of Council, being the Growth Strategy Committee, comprised of all councillors, for the purpose of project oversight of the development of the Edward River Growth Strategy.
2. Revise the previously tabled draft Terms of Reference to make clear the purpose, scope and composition of the Committee
3. Notes that Committees for which all the members are Councillors must conduct their meetings in accordance with Councils Code of Meeting Practice

BACKGROUND

There are three types of committee that may be established by a council: Committees of Council, which are comprised entirely of Councillors; Section 355 Committees, which are delegated under Section 355 of the *Local Government Act 1993* to undertake certain functions of Council and may include community representatives, Councillors and/or members of Council staff; and Advisory Committees, which may be made up of community representatives, Councillors and/or members of Council staff, and provide advice to Council on relevant matters.

Each committee will have a Terms of Reference that detail its roles and responsibilities, and where relevant, its delegated functions. Committees for which all the members are Councillors must conduct their meetings in accordance with Councils adopted Code of Meeting Practice.

The committees, through Council officers, must report meeting minutes to Council.

ISSUE/DISCUSSION

Council has considered and determined to defer a decision on the type and composition of a committee to oversight the development of the first Growth Strategy for Edward River at its July 2023 Ordinary meeting, pending further consideration of options.

Councillors have subsequently discussed these matters in order to inform a decision at the Councillor Briefings held in August and September 2023.

This report is now before council for decision.

Council has the option to:

1. Establish a Committee of Council, whose membership is all of councillors, as recommended
2. Not establish any committee and receive project updates at its monthly briefing
3. Establish an Advisory Committee, whose membership comprises both councillors and community representatives

STRATEGIC IMPLICATIONS

Initiating a committee of council to oversight the project will allow the councillor group to "steer" the project while ensuring expediency of delivery of the growth strategy and full community consultation.

COMMUNITY STRATEGIC PLAN

The Edward River Growth Strategy Committee will support Council and the community to achieve the following Community Strategic Plan objectives:

1. Shaping the Future
 - 1.1 Pristine natural environment
 - 1.2 Quality built environment
 - 1.3 Enhanced Active and Passive Open Spaces
 - 1.4 Sustainable Waste Management

FINANCIAL IMPLICATIONS

Administrative support for committees has a minor financial impact. Decisions requiring expenditure of council funds must be resolved by council.

LEGISLATIVE IMPLICATIONS

The Local Government Act 1993 provides for Councils to establish a range of committees to support Council decision-making.

ATTACHMENTS

The original draft Terms of Reference, as tabled at the July Ordinary meeting of council, is attached for reference. Should council adopt the recommendation in this report, the Terms of Reference will be updated to reflect the decision.



TERMS OF REFERENCE

for

EDWARD RIVER COUNCIL

**GROWTH STRATEGY
ADVISORY COMMITTEE**

**Terms of Reference for
Edward River Council Growth Strategy Advisory Committee**

1 NAME OF THE COMMITTEE

The name of the committee will be the EDWARD RIVER COUNCIL GROWTH STRATEGY ADVISORY COMMITTEE (the Committee).

2 OBJECTIVES

The objective of the Committee have been established by Council to provide industry advice to Council on regional growth for the Edward River region.

3 ROLES AND RESPONSIBILITIES

The role of the Committee is to provide a critical link between Council, staff, community, and key stakeholders in the Edward River region.

4 The Terms of Reference of the Committee are:

To support Council through:

- informing the development of the Edward River Growth Strategy; and
- supporting the implementation of the Edward River Growth Strategy.

The Committee is a formally appointed advisory committee of Council; members are appointed by Council resolution.

The Committee does not have any executive powers, nor does it have any delegated financial responsibility.

The Committee does not have the authority to delegate tasks to subcommittees.

The Committee is advisory and all decisions constitute recommendations to Council which are presented for consideration to ordinary meetings of Council for resolution.

5 COMMITTEE MEMBERSHIP

There will be a minimum of 8 members of the Committee comprising a cross section of representatives from our community with expertise in areas affected by growth including, for example:

- Medical and allied health
- Sporting and recreational
- Arts and culture
- Retail
- Hospitality and tourism
- Agriculture
- Industry
- Transport
- Education
- Social housing and housing
- Community safety and law enforcement
- Service clubs and community groups

**Terms of Reference for
Edward River Council Growth Strategy Advisory Committee**

- Professional services,

and two (2) Councillor delegates from Edward River Council.

The term of committee membership will be for:

- Councillors – their term of office;
- Community members – for a period concurrent with the term of Council.

The first Committee's term will be for the remaining period of the current Council. Subsequent Committees will be appointed for the term of Council with appointment and first meeting occurring within three (3) months of the election of Council.

6 MEMBER RESIGNATION

Committee members may resign their position at any time during their tenure by advising Council of their wish to do so in writing.

A resigning member may be replaced through a publicly invited Expressions of Interest.

A person nominated to replace a resigning member will be appointed through resolution of Council for a period concurrent with the term of Council.

Previous committee members are not excluded from reappointment.

7 COUNCIL STAFF

The Manager Community & Economic Development will convene meetings, act as Committee secretariat and is ex officio.

8 CODE OF CONDUCT

All members will be bound by the Council's Code of Meeting Practice and Code of Conduct.

Refer: 220111/7.5 Code of Meeting Practice
220111/7.5 Code of Conduct

9 MEETINGS

Committee meetings are held at least monthly during the development of the Growth Strategy, and approximately quarterly during the implementation stage.

All meetings are hybrid, with the opportunity for attendees to attend virtually or in person.

Extra-ordinary meetings may be convened as required by the Chair.

10 QUORUM AND VOTING

A minimum of five (5) members of the Committee are required to form a quorum for each meeting, including at least one of the Councillor delegates.

Terms of Reference for
Edward River Council Growth Strategy Advisory Committee

11 CHAIR

The Chair of the Committee is elected by the Committee at the commencement of its term by simple majority vote.

12 CONFLICTS OF INTEREST

Councillors, Council staff and members of Council Committees must comply with the applicable provisions of Council's Code of Conduct and Code of Meeting Practice in carrying out the functions as Council officials. It is the personal responsibility of Council officials to comply with the standards in these Codes and regularly review their personal circumstances with these in mind.

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

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

13 RELEVANT LEGISLATION AND GUIDANCE

- NSW Local Government Act 1993
- Edward River Council Code of Conduct
- Edward River Council Code of Meeting Practice

TERMS OF REFERENCE VERSION CONTROL

Title			
ECM Doc Set ID			
Date Approved by Council			
Responsible Officer			
Version Number	Modified By	Modifications Made	Date modified

12.11. RESOLUTIONS OF COUNCIL

Author: Executive Assistant

Authoriser: Chief Executive Officer

RECOMMENDATION

That Council note the information in the Resolutions of Council as at 8 September 2023.

BACKGROUND

The attached report details the status of open Resolutions of Council.

Total Resolutions of Council for the 2022/2023 Financial Year - 230

Total Closed Resolutions of Council for the 2022/2023 Financial Year - 227

Total Resolutions of Council for the 2023/2024 Financial Year - 34

Total Closed Resolutions of Council for the 2023/2024 Financial Year - 30

ISSUE/DISCUSSION

Monthly report to update Councillors and community members on the progress of Council Resolutions.

STRATEGIC IMPLICATIONS

As outlined in the status updates.

COMMUNITY STRATEGIC PLAN

5. Accountable leadership and responsive administration

5.1 Collaborative and Engaged

FINANCIAL IMPLICATIONS

N/A

LEGISLATIVE IMPLICATIONS

N/A

ATTACHMENTS

Council meeting resolutions as at 8 September 2023

Attachment 1 - Council meeting resolutions at 8 September 2023

Council Meeting Resolutions as at 8 September 2023

15 August 2023	Ordinary Council Meeting	Responsibility	Status	Expected Date of Completion
2023/0815/12.1	Local Government NSW Annual Conference 12-14 November 2023 That Council approve the attendance of the Mayor, Chief Executive Officer, Cr Marc Petersen and Cr Shannon Sampson at the Local Government NSW Annual Conference taking place from 12 to 14 November 2023 at the Rosehill Gardens Racecourse Sydney.	Chief Executive Officer	Conference booked.	Closed
2023/0815/12.2	Local Government Heritage Grants – Local Heritage Fund 2023/24 That Council funds the following projects as part of the Local Heritage Fund 2023-2024: a) 115 End Street, Local Heritage Fund contribution being \$5,000, and b) 138 End Street, Local Heritage Fund contribution being \$ 804.	Manager Development Services	Correspondence sent.	Closed
2023/0815/12.3	DA2022/0095 – Childcare Centre – 400 Wood Street, Deniliquin That Council resolves to: - 1. APPROVE the development application 2022/0095 for a Childcare Centre, on Lot 1 DP 323712, 400 Wood Street, Deniliquin as shown on plans numbered DA00.00, DA02.01, DA03.01, DA03.02, DA04.01, DA05.01, DA06.01, DA06.02 & DA06.03 and described in details accompanying the Development Application, in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the following reasons: a) The application complied with the applicable planning controls and has demonstrated to have a satisfactory effect on the environment. b) The application is compliant with the key planning provisions contained within the DLEP 2013 and the Deniliquin Development Control Plan 2016. c) The proposal is appropriate on the site given the existing character of the area. d) The development will have no significant adverse impacts on the natural or built environments. 2. Impose conditions as per Attachment 1	Manager Development Services	Determination sent.	Closed

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2023/0815/12.5	Draft Communications & Community Engagement Strategy for Public Exhibition That Council: 1. Endorses the draft Communications & Community Engagement Strategy (CCES) for public exhibition for a minimum period of 28 days commencing Friday 18 August 2023 2. Receive a further report on outcomes of the public exhibition 3. Authorise the Chief Executive Officer to make any necessary amendments to the documents which do not alter the intent or result in material changes to these documents in preparation for public exhibition, including the graphic design of the draft Communications & Community Engagement Strategy.	Manager Community & Economic Development	Further report will go to the October Ordinary Council Meeting.	17 October 2023
2023/0815/12.6	Agency Information Guide That Council adopt the Council Information Guide 2023-24.	Senior Governance Officer	Adopted	Closed
18 July 2023	Ordinary Council Meeting	Responsibility	Status	Expected Date of Completion
2023/0718/12.1	Edward River Growth Strategy Advisory Committee That Council delay formation of the Edward River Growth Strategy Advisory Committee until the Consultant has been engaged.	Manager Community & Economic Development	Open To September Council Meeting	15 August 2023 19 September 2023
2023/0718/15.1	Contract C2023/01-Regional Kerbside Collection Services Tender That Council: 1. Endorse the provision of additional recycling and food organics and garden organics kerbside collection services, commencing in July 2024, 2. Accepts the tender submitted by JR Richards Pty Ltd for Contract C2023/01 - Regional Kerbside Collection Services, commencing 1 July 2024 until 30 June 2034, for the extended schedule of rates amount of approximately \$12,082,478 including GST over the 10-year period, 3. Authorises the Chief Executive Officer and Mayor to sign and affix the Common Seal of Edward River Council to the contract	Manager Engineering and Assets	Contract to be signed	July 2024

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	<p>documentation for Contract C2023/01 - Regional Kerbside Collection Services,</p> <p>4. Undertakes a review of waste management collection charges as part of preparation for the 2024/25 Operational Plan to minimise the impact of waste charges on the community.</p> <p>5. Notes grant funding from NSW Environmental Protection Authority of approximately \$200,000 to assist with the implementation of the additional food organic and garden organics collection services.</p>			
2023/0718/15.2	<p>Growth Strategy Tender</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Accepts the tender submitted by AEC Group Pty Ltd for Contract C2022-06 – Edward River Growth Strategy 2050 for the lump sum amount of \$200,000+GST, 2. Authorise the Chief Executive Officer and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2022-06 – Edward River Growth Strategy 2050, 3. Note the changes to the project timelines allowing for appropriate research and consultation with finalisation of the strategy proposed before 30 June 2024. 	<p>Manager Community and Economic Development</p>	<p>Contract to be signed.</p>	<p>Prior to 30 June 2024</p>
20 December 2022	Ordinary Council Meeting	Responsibility	Status	Expected Date of Completion
2022/1220/13.2	<p>Notice of Motion – Flood Plans and Mitigation Works</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Agree to hold a community meeting prior to end of March 2023, providing an overview of Council's flood plans and mitigation works that are currently in place, and discussing potential options for North Deniliquin, following the November 2022 floods. 2. Requests the Chief Executive Officer to invite an appropriate panel of expert staff to answer questions and provide 	<p>Director Infrastructure</p>	<p>1.Meeting held March 2023.</p> <p>2.WMA Water engaged to provide expert advice.</p>	<p>May 2023</p>

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	<p>information to the community on what could potentially be developed into the future.</p> <p>3. Provides a further report to a Councillor briefing, prior to June 2023, outlining a potential project for flood mitigation to be advocated to the state government for funding.</p>		<p>3.Underway to be provided to September Briefing</p>	<p>July-2023 September 2023</p>
18 October 2022		Responsibility	Status	Expected Date of Completion
2022/1018/12.5	<p>Town Hall Land That Council:</p> <ol style="list-style-type: none"> Commence the process to consolidate Lot 1 in DP1173376, Lots X and Y in DP410447, Lot 9 in DP662508, Lot 6 in DP667946 and Lot 6 in DP668426, and Apply to Crown Lands to undertake a boundary adjustment for Lot 7 Sec 21 DP758913, being the Town Hall land parcel, to allow for the new foyer entrance to the Town Hall. 	<p>Manager Development</p>	<p>Process commenced.</p> <p>Application made to Crown Lands.</p> <p>No further information to hand, Crown Lands to be followed up.</p>	<p>Open</p> <p>June-2023</p> <p>September 2023</p>
15 July 2021	Resolution	Responsibility	Status	Expected Date of Completion
2021/96	<p>Saleyards Strategic Plan That Council:</p> <ol style="list-style-type: none"> Council defer decision to divest and close the cattle yards and not adopt strategic plan for 12 months. Form a user group to assist Council and the new lease holder to improve the facility. Council investigate the scaling down to three runs to a 300 head of cattle capacity in 12 months. Council initiate a complete WHS report on the three cattle runs. 	<p>Director Infrastructure</p>	<p>1. Noted</p> <p>2. Completed</p> <p>3. Underway with new lease holder</p> <p>4. WHS report received.</p>	<p>Completed</p> <p>Completed June 2024 October 2023</p> <p>Completed</p>

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	<ul style="list-style-type: none"> 5. Provides a report with a recommendation on the outcome of the expression of interest process by November 2021. 6. Includes the development of the Saleyards in its advocacy strategy and investigates funding opportunities to assist with future development of the sales. 7. Includes the development of the saleyards in Council's long term financial plan, and 8. Prepares a management plan for the ongoing operation of the sale yards facility. 		<ul style="list-style-type: none"> 5.Tender in currently being advertised. 6.Underway as part of review of Advocacy Strategy 7.Included in scenarios for 23/24 LTFP. 8.To be prepared as part of the commencement of new lease. 	<ul style="list-style-type: none"> June 2023 Completed August 2023 October 2023
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12.12. MAYOR, COUNCILLOR, CEO MEETINGS AUGUST 2023

Author: Executive Assistant

Authoriser: Chief Executive Officer

RECOMMENDATION

That Council

1. Note meetings attended on behalf of Council by the Mayor, Councillors and Chief Executive Officer during the month of August 2023.
2. Continue to advise the Chief Executive Officer's Executive Assistant of their meeting diaries and activities attendance.

BACKGROUND

The report details meetings undertaken on behalf of Council by the Mayor, Councillors and the Chief Executive Officer during August 2023

ISSUE/DISCUSSION

Date	Participants	Meeting
1 August 2023	Acting Chief Executive Officer	Blighty Committee Meeting
3 August 2023	Acting Chief Executive Officer	Edward River Liquor Accord
3 August 2023	Mayor, Deputy Mayor, Cr Fawns, Acting Chief Executive Officer	Vietnam Veterans Vigil
4 August 2023	Cr Sampson, Cr Petersen	TransGrid drop-in session - Deniliquin RSL
8 August 2023	Chief Executive Officer, Cr Petersen	Opening of the P&A Society Amenities Block
8 August 2023	Mayor	Newell Highway Taskforce Meeting
8 August 2023	Mayor, Cr Moore, Cr Petersen	Edward River Council Arts & Culture Advisory Committee Meeting
9 August 2023	Mayor	Yanco Creek Project
10 August 2023	Mayor, Chief Executive Officer	RAMJO Board Dinner
11 August 2023	Mayor, Chief Executive Officer	RAMJO Board Meeting
14 August 2023	Mayor, Chief Executive Officer	Meeting with CWS re Waste
16 August 2023	Mayor, Chief Executive Officer	Albury Wodonga Single Site Hospital Advocacy
17 August 2023	Mayor, Chief Executive Officer	Essential Energy - Building Stronger Partnerships with Local Councils

Date	Participants	Meeting
18 August 2023	Mayor, Deputy Mayor, Cr Fawns, Cr Burge, Chief Executive Officer	Vietnam Veterans Day Ceremony
19 August 2023	Mayor, Deputy Mayor, Cr Fawns, Cr Moore	Bald Archy Event Peppin Heritage Centre
20 August 2023	Mayor	South West Music - The Spire Strong Quartet
22 August 2023	Mayor	The End of Winter - One Woman Play Town Hall
24 August 2023	Mayor, Cr Fawns, Cr Sampson	Comedy Night - Workshop and Performance Town Hall
25 August 2023	Mayor, Deputy Mayor	Deniliquin High School Science Labs
29 August 2023	Deputy Mayor	Walk through McLeans Beach Caravan Park
29 August 2023	Cr Burge, Cr Clapham	Saleyards Advisory Committee Meeting - on site.

STRATEGIC IMPLICATIONS

N/A

COMMUNITY STRATEGIC PLAN

5. Accountable leadership and responsive administration

5.1 Collaborative and Engaged

ATTACHMENTS

Nil

13. NOTICES OF MOTIONS**13.1. NOTICE OF MOTION - PROTECT WATER SUSTAINABILITY OF REGIONAL IRRIGATION COMMUNITIES****Author: Cr Harold Clapham****Authoriser: Chief Executive Officer****RECOMMENDATION****NOTICE OF MOTION**

I, Cr Harold Clapham, hereby give notice of the following motion to be resolved by Edward River Council and put to the LGNSW 2023 conference.

MOTION:

That Council adopts the following motion to be submitted to the Local Government NSW Conference:

Protect water sustainability of regional irrigation communities.

That Local Government NSW calls on the Australian Government to acknowledge that water buy-back has a detrimental effect upon local communities.

1. Acknowledge the Adverse Socio-Economic Impact: The Australian Government should openly acknowledge that water buybacks have an adverse socio-economic impact on regional communities. This recognition is the first step towards addressing the issue and finding sustainable solutions.
2. Commitment to Financial Support: In the event that water buybacks proceed, it is imperative that the Federal Government commits to providing financial support to assist affected regional communities in their transition. This support should be designed to help local economies adapt to the changes brought about by water buybacks.
3. Tie Assistance to Water Value: The level of structural assistance provided to impacted communities should be directly tied to the value of the water purchased from those Local Government Areas (LGAs). This ensures that communities are adequately compensated for the resources that are being extracted from their regions.

Dated this eighth day of September 2023

Signed by Cr Harold Clapham

FINANCIAL IMPLICATIONS

Nil

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

Nil

13.2. NOTICE OF MOTION - LETTER OF SUPPORT FOR A PUBLIC POST OFFICE BANK IN AUSTRALIA

Author: Cr Shirlee Burge

Authoriser: Chief Executive Officer

RECOMMENDATION

NOTICE OF MOTION

I, Cr Shirlee Burge, hereby give notice of the following motion to be resolved by Edward River Council:

MOTION:

That Council write a letter of support for the campaign for a public post office bank in Australia to the Federal Member for Farrer and the Australian Citizens Party

BACKGROUND

I have received information from the Australian Citizens Party regarding a campaign for a public post office bank in Australia.

The basic concept is detailed below:

The Australian Citizens Party is part of a nationwide campaign to establish a new government bank, like the original Commonwealth Bank, to operate in post offices, which would guarantee face-to-face financial services for all communities, and force the Big Four banks to compete on both cost and service.

The post office bank would also:

- Guarantee deposits, because it is a government bank.
- Maintain cash payments and processing, which the private banks are trying to do away with.
- Increase lending to individuals and small businesses in regional communities.
- Invest in more infrastructure, including through local government.

This policy is different to the existing banking service in post offices, Bank@Post, because it is a dedicated postal bank that will increase competition, whereas Bank@Post is an agency service for the existing banks which can be withdrawn at any time.

Dated this eighth day of September 2023

Signed by Cr Shirlee Burge

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

Nil

14. QUESTIONS WITH NOTICE**15. CONFIDENTIAL MATTERS****RECOMMENDATION**

That Council move into Confidential Council to discuss the following items:-

15.1. CONTRACT C2023-02 OPERATION AND MANAGEMENT OF DENILQUIN REGIONAL SPORTS AND ENTERTAINMENT CENTRE

The Council is satisfied that, pursuant to Section 10A(2) of the Local Government Act 1993, the information to be received, discussed, or considered in relation to this agenda item is:

- d (i) commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

15.2. CONTRACT C2021-20 TRANSFER STATION WASTE DISPOSAL

The Council is satisfied that, pursuant to Section 10A(2) of the Local Government Act 1993, the information to be received, discussed, or considered in relation to this agenda item is:

- d (i) commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

15.3. CONTRACT C2022-07 ROAD RECONSTRUCTION - JOINT COUNCIL SEALED ROADS - PACKAGE 1

The Council is satisfied that, pursuant to Section 10A(2) of the Local Government Act 1993, the information to be received, discussed, or considered in relation to this agenda item is:

- d (i) commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

15.4. CONTRACT C2022-08 DENILQUIN SKATE PARK

The Council is satisfied that, pursuant to Section 10A(2) of the *Local Government Act 1993*, the information to be received, discussed or considered in relation to this agenda item is:

- d(i) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

15.5. CONTRACT C2023-03 SUPPLY OF CRUSHED ROCK TO NOMINATED STOCKPILES

The Council is satisfied that, pursuant to Section 10A(2) of the Local Government Act 1993, the information to be received, discussed, or considered in relation to this agenda item is:

- d (i) commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

16. CLOSE OF MEETING