murray river council

ATTACHMENTS

UNDER SEPARATE COVER

Ordinary Council Meeting

Tuesday, 28 October 2025

Table of Contents

9.1.1 Resolutions of the Council - Resolution Tracker & InfoCouncil Action Reports
Attachment 2 Open Actions Report as of 17 October 2025 4
9.2.1 DRAFT - Delegations of Authority (Mayor & CEO) Policy V#6
Attachment 1 DRAFT Delegations of Authority (Mayor & CEO) Policy V#6 35
9.2.2 FINAL ADOPTION - Code of Conduct Policies
Attachment 1 Code of Conduct (Committees) Policy V#5 58
Attachment 2 Code of Conduct (Council Officers) Policy V#5 101
Attachment 3 Code of Conduct (Committees) Policy V#5 140
Attachment 4 Code of Conduct Procedure V#3 175
9.2.6 2024/25 Annual Financial Statements
Attachment 1 2024-2025 General Purpose Financial Statements 204
Attachment 2 2024-2025 Special Purpose Financial Statements 288
Attachment 3 2025 DRAFT Report on the Conduct of the Audit 301
9.4.1 NSW Food Regulation 2025 - Fee Changes
Attachment 1 Comparison of changes from Food Regulation 2015 and 2025 310
9.4.2 Planning Proposal
Attachment 1 Planning Proposal Review - 9 Charters Drive Moama 327

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report
Printed: 17 October 2025 3:13 PM

Item	Recommendation	Comments	Tasked to:	% Complete	Due Date	Progress:
9.4.4	**RESOLUTION 210925** Moved: Cr Geoff Wise Seconded: Cr Kylie Berryman That Murray River Council resolve to: 1. Adopt the DRAFT Council Related Development Applications Policy 409 V#1 and place the document on public display for a period of at least 28 days. **CARRIED**		Arnold, Gary		7/10/2025	
9.4.5	**RESOLUTION 220925** Moved: Cr Kylie Berryman Seconded: Cr Geoff Wise That Council resolve to support the proposed Planning Proposal requesting an amendment to remove the existing Clause 5.22 "*Special flood considerations*" from the Wakool LEP 2013 and the Murray LEP 2011, as outlined in Attachment 1. **CARRIED**		Mackenzie, Mitchell		7/10/2025	
9.4.1	**RECOMMENDATION** 1. That Council resolve to amend current fees and charges in relation to Complying Development Certificates – 1a to 10b by basing the assessment fees on the total cost of works, inclusive of the planning assessment component; and		McFarlane, Jessica		7/10/2025	

Infocouncil
Page 1 of 31

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report
Printed: 17 October 2025 3:13 PM

	2. In accordance with Section 610F of the *Local Government Act 1993*, place the amended fee on public exhibition for a period of 28 days. **Lapsed**					
9.1.4	**RESOLUTION 080925** Moved: Cr Kylie Berryman Seconded: Cr Bianca Hurn That Council become a financial member of the Australian Local Government Women's Association (NSW) at a cost of $275.00 **CARRIED**		Williams, Stacy		7/10/2025	
9.3.1	**RESOLUTION 180925** Moved: Cr Neil Gorey Seconded: Cr Gary Pappin That the Council resolve to receive and note the report on Kyalite Hall and Recreation Reserve - Asset Decommissioning. **CARRIED**		Bulmer, Glenn		7/10/2025	
10.4	**RESOLUTION 300925** Moved: Cr Gary Pappin Seconded: Cr Neil Gorey That Council provide full costing and optioneering for a Noorong Road Flood Culvert		Pappin, Gary		7/10/2025	

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report
Printed: 17 October 2025 3:13 PM

	CARRIED					
10.5	**RESOLUTION 310925** Moved: Cr Kylie Berryman Seconded: Cr Gary Pappin That the CEO brings to a Councillor workshop analysis of Councils use and spend on external consultants. **CARRIED**		Campbell, Gen		7/10/2025	
10.3	**RESOLUTION 290925** Moved: Cr Gary Pappin Seconded: Cr Geoff Wise That Murray River Council address and investigate the matter and lack of gravel pits within the LGA **CARRIED**		Pappin, Gary		7/10/2025	
10.1	**MOTION** That the Murray River Council General Manager be referred to as General Manager and not Chief Executive Officer **LAPSED**		Campbell, Gen		7/10/2025	
10.2	**RESOLUTION 280925** Moved: Cr Gary Pappin Seconded: Cr Dennis Gleeson		Pappin, Gary		7/10/2025	

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report
Printed: 17 October 2025 3:13 PM

	That Murray River Council support the Barham High School in: 1. Establishing a Country University Centre 2. Construction of an indoor sports centre **CARRIED**					
9.4.1	**RESOLUTION 120825** Moved: Cr Gary Pappin Seconded: Cr Bianca Hurn That Council resolve to place the Draft Companion Animals Policy (P410-003) on public exhibition for a period of 28 days. **CARRIED**		Baker, Luke		9/09/2025	
9.4.5	**RESOLUTION 160825** Moved: Cr Geoff Wise Seconded: Cr Gen Campbell 1. That Council notes the information outlined in this report and the officer's recommendation. 2. Approves the Section 82 objection to contravene the requirements of Sections 9, 41, 51, 65, 66 and 68 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* to allow the		McFarlane, Jessica		9/09/2025	

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report
Printed: 17 October 2025 3:13 PM

	manufactured homes within the estate to be constructed entirely on-site and on concrete slabs and; 3. Authorises the relevant Council officer to forward this report and decision to the Chief Executive of the Office of Local Government for concurrence approval as per Section 82 (Subsection 3) of the *Local Government Act 1993* **CARRIED**					
9.1.2	**RESOLUTION 070625** Moved: Cr Neil Gorey Seconded: Cr Dennis Gleeson That Council authorises the CEO to write a letter to Edward River Council in support their efforts to advocate for funding a new Deniliquin Hospital. **CARRIED**		Williams, Stacy		7/07/2025	**28 Aug 2025** Please update all of your action items by COB 8th September 2025.
9.1.1	**RESOLUTION 060625** Moved: Cr Bianca Hurn Seconded: Cr Neil Gorey That Cr. Gen Campbell be authorised as the Murray River Council voting delegate at the Australian Local Government Association National General Assembly for 2025. **CARRIED**		Williams, Stacy		7/07/2025	**28 Aug 2025** Please update all of your action items by COB 8th September 2025.

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report
Printed: 17 October 2025 3:13 PM

9.2.5	**MOTION** That Council fund and undertake a feasibility assessment to develop an assess options for a stock and saleyards at Murray Downs for the purpose of providing certainty to rural constituents in Murray River Council and surrounds. **LAPSED**		Williams, Stacy		7/07/2025	**28 Aug 2025** Please update all of your action items by COB 8th September 2025.
9.5.2	**RESOLUTION 200625** Moved: Cr Kylie Berryman Seconded: Cr Joy Allan That Council; 1. Agree to the formation of the old Moulamein Courthouse Management Committee 2. Request council officers to seek nominations from community members to become members of the committee. 3. Provide a further report to council with a list of nominated persons for Councils endorsement. 4. Elect Councillor Gleeson as delegate and Councillor Wise alternate delegate to the committee **CARRIED**		Carne, Bernie		7/07/2025	**28 Aug 2025** Please update all of your action items by COB 8th September 2025. **04 Sep 2025** Action reassigned to Carne, Bernie by Donald, Jan - Karen Buckley no longer with MRC.

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report
Printed: 17 October 2025 3:13 PM

9.3.3	**MOTION** Moved: Cr Dennis Gleeson Seconded: Cr Neil Gorey That Council having considered the Draft Moama Flood Risk Management Study and Plan and submissions received during its exhibition: 1. Adopt the recommended responses to the issues raised in those submissions as summarised in the Moama Flood Risk Management Study and Plan, and 2. Adopt and publish the Moama Flood Risk Management Study and Plan. **LOST** ***This motion was lost and the Foreshadowed Motion become the resolution of Council.***		Sherman, Matthew		7/07/2025	**21 Aug 2025** No update. **28 Aug 2025** Please update all of your action items by COB 8th September 2025.
9.2.1	**RESOLUTION 080425** Moved: Cr Kylie Berryman Seconded: Cr Bianca Hurn That Murray River Council (Council) resolve to endorse the road names Alexander Street, Britannia Street, Canally Street, Industry Lane, Ranger Lane, and Success Street, within the Discovery Parks Moama West (Lot 2 DP 577744), at 80 Merool Road, MOAMA NSW 2731. **CARRIED**		Ward, Rebecca		6/05/2025	**28 Aug 2025** Please update all of your action items by COB 8th September 2025.
9.3.1	**RESOLUTION 120425** Moved: Cr Geoff Wise Seconded: Cr Kylie Berryman That Council:		Sherman, Matthew		6/05/2025	**21 Aug 2025** No update. **28 Aug 2025**

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

	1. Receive the information contained in this report regarding the Meninya Street Precinct Project; and 2. Adopt **Option 1** to prioritise parking provided at the Echuca Street Intersection. **CARRIED**					Please update all of your action items by COB 8th September 2025.
10.1	**RESOLUTION 170425** Moved: Cr Dennis Gleeson Seconded: Cr Neil Gorey That a report on the current condition and status of any proposed upgrade works for Caldwell Line Road, between the intersection of the Barham/Deniliquin and Wakool/Deniliquin Roads, be prepared by the responsible officer and submitted to the April Ordinary Meeting of Council. **CARRIED**		Gleeson, Dennis		6/05/2025	**28 Aug 2025** Please update all of your action items by COB 8th September 2025.
5	**RESOLUTION 020425** Moved: Cr Geoff Wise Seconded: Cr Dennis Gleeson That Council approve the presented Disclosure of Interest as listed above. **CARRIED**		Administrator, Infocouncil		6/05/2025	**28 Aug 2025** Please update all of your action items by COB 8th September 2025.
9.2.1	**RECOMMENDATION**		Gordon, Sandra		30/06/2025	**03 Apr 2025**

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report
Printed: 17 October 2025 3:13 PM

	That Murray River Council resolve to adopt the Corporate Credit Card Policy V#3, update the Policy Register and rescind any previous policies.					Target date changed by Gordon, Sandra from 08 April 2025 to 30 June 2025 - Deferred by Councillors **28 Aug 2025** Please update all of your action items by COB 8th September 2025.
11.1	**RESOLUTION 270325** Moved: Cr Gen Campbell Seconded: Cr Gary Pappin That Council: a. defer this matter until the Barham flood study is completed and presented to Council b. seek legal advice in relation to Councils liability in relation to a potential flood event **CARRIED**		Hughes, Daniel		8/04/2025	**08 Apr 2025** Barham flood study not expected to be complete until mid 2026. Legal advice to be obtained on Council's obligation for flood protection. **21 Aug 2025** No further update. **28 Aug 2025** Please update all of your action items by COB 8th September 2025.
7.1	**RESOLUTION 030225** Moved: Cr Gen Campbell Seconded: Cr Dennis Gleeson That Council 1. Consider appointing representatives to each of the RAMJO sub-committees and working groups identified in this Mayoral Minute. 2. Council inform the RAMJO executive of its nominees. **CARRIED**		Harvie, John		11/03/2025	**28 Aug 2025** Please update all of your action items by COB 8th September 2025.

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report
Printed: 17 October 2025 3:13 PM

9.4.1	**MOTION** Moved: Cr Geoff Wise Seconded: Cr Bianca Hurn That Council apply the total *Section 7.11 Development Contributions and Section 64 Water and Sewer Headworks Charges for Development Application (DA) 10.2024.294.1* of $15,660.68. Note: This report and decision by Council is for the review of developer contributions only. The DA has been determined by Council staff as acceptable under Delegated Authority. **MOTION WAS LOST**		Chandra, Vishal		11/03/2025	**28 Aug 2025** Please update all of your action items by COB 8th September 2025.
11.3	**RESOLUTION 260225** Moved: Cr Kylie Berryman Seconded: Cr Geoff Wise That Council resolve to: 1. Negotiate a sale of the land identified as: Lot 3 of Deposited Plan 853861; Lot 2 of Deposited Plan 853862, and Lot 2 of Deposited Plan 853863 including the building (the Property), using an Alternative Method of Disposal as outlined in Council Policy No. POL-602 V#1 (Land Acquisition and Disposal Policy) to achieve a specific strategic policy objective—namely, to support the availability of affordable retirement housing within Council's jurisdiction, as outlined in		Arnold, Gary		30/06/2025	**11 Apr 2025** SR - Probity officer appointed, engagement terms agreed to. Meeting scheduled to proceed. **11 Apr 2025** Target date changed by Ryan, Sarah from 11 March 2025 to 30 June 2025 - SR - probity officer engaged, progressing with HOA **28 Aug 2025** Please update all of your action items by COB 8th September 2025. **04 Sep 2025** Action reassigned to Arnold, Gary by Donald, Jan - Reassigned to Gary Arnold.

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

	the Community Strategic Plan 2022-2032. 2. Acknowledge that the existing independent valuation is more than six months old and that the offer received from the proponent is considerably below this valuation. Authorise the Chief Executive Officer (CEO) to negotiate with the proponent to sell the Property at the best negotiated price for the intended purpose that was outlined to Council at the recent Council meeting and necessary due diligence is undertaken in accordance with Council's Land Acquisition and Disposal Policy. 3. Appoint an independent probity officer, as required under the Policy, to oversee the negotiation and disposal process (as applicable) and provide a report for final consideration by Council; Noting that the final terms of the negotiated arrangement will be put to Council for endorsement and delegation of authority to enter any formal agreement and carry out its terms. **CARRIED**					
7.2	**RESOLUTION 060125** Moved: Cr John Harvie		Harvie, John		11/02/2025	**28 Aug 2025** Please update all of your action items by COB 8th September 2025.

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

	That Council authorise the Mayor and CEO to collaborate with regional councils to advocate for increased local government funding, including a minimum allocation of 1% of Commonwealth taxation revenue. **CARRIED**					
10.4	**RESOLUTION 330125** Moved: Cr Geoff Wise Seconded: Cr Kylie Berryman That Council: 1. Retain the current angle parking at the three existing sites on Meninya Street to preserve their integrity. 2. Direct Council staff to obtain an updated streetscape plan that incorporates and retains all existing angle parking spaces. **CARRIED**		Sherman, Matthew		11/02/2025	**03 Apr 2025** Action reassigned to Hughes, Daniel by Carne, Bernie - Reassigning to Director of Infrastructure to complete action. **08 Apr 2025** Action reassigned to Sherman, Matthew by Donald, Jan - Reassigned to Matt Sherman as requested by Daniel Hughes. **21 Aug 2025** No update. **28 Aug 2025** Please update all of your action items by COB 8th September 2025.
11.3	**RESOLUTION 380125** Moved: Cr Geoff Wise Seconded: Cr Kylie Berryman That Council resolve to amend the previous purchase price of resolution 431024 to the value listed in the report and delegate authority to the Acting CEO or her delegate to negotiate. **CARRIED**		Hughes, Daniel		11/02/2025	**30 Apr 2025** Action reassigned to Hughes, Daniel by Donald, Jan - Reassigned. **21 Aug 2025** In process. **28 Aug 2025** Please update all of your action items by COB 8th September 2025.

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

9.3.1	**RESOLUTION 261124** Moved: Cr Geoff Wise Seconded: Cr Kylie Berryman That Council give approval to update the Moama Levee Owner's Manual to include the temporary construction of an earthen levee at Tindarra Resort to remove flood impact on lower land in Lignum Road area. That upon inclusion into the Moama Levee Owner's Manual, Council no longer considers the affected land as 'flood prone land' for Planning purposes. **CARRIED**		Hughes, Daniel		10/12/2024	**28 Jan 2025** Action reassigned to Hughes, Daniel by Donald, Jan - Jack Bond has ceased employment with MRC. **11 Feb 2025** Inclusion in the levee owners manual is in progress and has included discussion with DCCEEW. **11 Mar 2025** Inclusion in the levee owners manual is in progress and a grant funding application is being considered for investigation and design costs for a permanent levee. **07 Apr 2025** Levee owners manual update expected to be completed in May 2025. Grant application for investigation and design currently being prepared, **21 Aug 2025** In process. **28 Aug 2025** Please update all of your action items by COB 8th September 2025.
9.4.1	**RECOMMENDATION** That: *1.* Council endorse the Planning Proposal prepared by Habitat Planning Pty to amend the Murray Local Environmental Plan 2011 (LEP) to vary the zoning of the site on Lots 2 and 3 in DP1213161		McFarlane, Jessica		5/11/2024	**28 Aug 2025** Please update all of your action items by COB 8th September 2025.

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

	and 15 in DP1273625 from RU1 Primary Production Zone to R1 General Residential Zone and to vary the minimum lot sizes for subject allotments from 120 hectares to a minimum lot size of 500m^2. 2. The Planning proposal be sent to NSW Department of Planning and Environment (DPE) for final endorsement in accordance with the *Environmental Planning and Assessment Act 1979.* 3. Council staff complete all actions outlined in the Gateway Determination and send the planning proposal to the NSW Parliamentary Counsels Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan 2011 (LEP). **ITEM 9.4.1 IS SUPERSEDED BY A SUPPLEMENTARY REPORT ITEM 9.4.3 WHICH WAS BOUGHT FORWARD HERE.**					
9.4.3	**RESOLUTION 351024** Moved: Cr Geoff Wise Seconded: Cr Kylie Berryman That: 1. Council notes the submission made by Transport for New South Wales on 14th October 2024 (received by Council 14 days after the submission closing date).		McFarlane, Jessica		5/11/2024	**28 Aug 2025** Please update all of your action items by COB 8th September 2025.

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

	2. Council allows the submission to be considered, managed and responded to under delegation of the CEO. 3. Council endorse the Planning Proposal prepared by Habitat Planning Pty to amend the Murray Local Environmental Plan 2011 (LEP) to vary the zoning of the site on Lots 2 and 3 in DP1213161 and 15 in DP1273625 from RU1 Primary Production Zone to R1 General Residential Zone and to vary the minimum lot sizes for subject allotments from 120 hectares to a minimum lot size of 500m^2. 4. The Planning proposal be sent to NSW Department of Planning and Environment (DPE) for final endorsement in accordance with the *Environmental Planning and Assessment Act 1979.* 5. Council staff complete all actions outlined in the Gateway Determination under delegation and send the planning proposal to the NSW Parliamentary Counsels Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan 2011 (LEP) *At 3:52 pm, Cr Kylie Berryman left the meeting prior to the final vote being taken.* In Favour: Crs Joy Allan, Dennis Gleeson, Neil Gorey, John Harvie, Gary Pappin and Geoff Wise					

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

	Against: Cr Gen Campbell **CARRIED 6/1**					
9.4.1	**RESOLUTION 150624** Moved: Cr Ann Crowe Seconded: Cr Neil Gorey That 1. The Council to endorse the Planning Proposal prepared by Stimson Urban & Regional Planning to amend the *Murray Local Environmental Plan 2011* (LEP) to override the Land Use Table for the RU1 Primary Production zone to enable the land use definition of 'Caravan Park' on Lot 49 in DP751159 and to vary the minimum lot size provisions subject to the following: A Plan of subdivision is provided to detail the minimum lot size proposed to facilitate the proposed development and how the infrastructure associated with the MHE is to be wholly contained within the proposed lot before the gateway determination has been finalised. 2. The Planning Proposal is to be sent to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a 'Gateway Determination' in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979* following the consideration of the additional material.		McFarlane, Jessica		9/07/2024	**19 Aug 2024** With Consultant to amend PP. **28 Aug 2025** Please update all of your action items by COB 8th September 2025.

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

	3. Council's staff to complete actions, as outlined in the Gateway Determination and send the Planning Proposal to the NSW Parliamentary Counsel's Office (PCO) requesting the Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan (LEP) subject to items 1 and 2. **CARRIED** In Favour: Crs Frank Crawley, Neil Gorey, Ann Crowe, Dennis Gleeson, Kron Nicholas, Thomas Weyrich and Geoff Wise Against: Nil **CARRIED 7/0**					
9.1.3	**RESOLUTION 150524** Moved: Cr Thomas Weyrich Seconded: Cr Nikki Cohen That council notes and condones the endeavours of the Administration to commence investigating shared services. **CARRIED**		Williams, Stacy		31/12/2025	**09 Jul 2024** Target date changed by Leyonhjelm, Lindy from 11 June 2024 to 01 October 2024 - Discussion with neighbouring councils to commence after LG NSW elections **12 Nov 2024** Action reassigned to Ryan, Sarah by Leyonhjelm, Lindy - Acting CEO **08 Jan 2025** Target date changed by Ryan, Sarah from 01 October 2024 to 30 August 2025 - New CEO at MRC and ERC **11 Apr 2025**

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report
Printed: 17 October 2025 3:13 PM

						Target date changed by Ryan, Sarah from 30 August 2025 to 31 December 2025 - SR - for consideration by new CEO **28 Apr 2025** Action reassigned to Williams, Stacy by Ryan, Sarah - For CEO investigation **28 Aug 2025** Please update all of your action items by COB 8th September 2025.
10.2	**RESOLUTION 270424** Moved: Cr Neil Gorey Seconded: Cr Geoff Wise That Murray River Council gives an update on the delivery of the Moulamein Main Street Redevelopment Project, including the timelines involved and community engagement. Following the meeting, a media release to be issued, updating the community on this project. **CARRIED**		McFarlane, Jessica		7/05/2024	**25 Jul 2024** Mitch McKenzie & Leeyana Thokala now working on a Moulamein Masterplan in collaboration with Eco Dev. A brief of the scoping report is in draft format for community engagement for the scope of the project. **19 Aug 2024** John Guilfoyle is working with Consultants to establish some quotes and scope of works for Moulamein & Mathoura **28 Aug 2025** Please update all of your action items by COB 8th September 2025.
9.4.5	**RESOLUTION 190324** Moved: Cr Thomas Weyrich Seconded: Cr Geoff Wise That: 1. Council re-endorse the Planning Proposal prepared by Habitat		McFarlane, Jessica		9/04/2024	**06 Jun 2024** Final mapping stages under completion for rezoning. **19 Aug 2024** This PP is now with Habitat PLanning for further amendments

Division:
Committee:
Officer:
Date From:
Date To:
Action Sheets Report
Printed: 17 October 2025 3:13 PM

	Planning Pty to change zoning from R5 large lot to RU5 Village and vary the minimum lots size from 4000m2 to 450m2 for Lot 611 in DP806704 located at 6 Clifton Street, Mathoura NSW 2710. 2. The Planning Proposal be sent to NSW Department of Planning and Environment (DPE) for final endorsement. 3. Council's staff complete all actions, as outlined in the Gateway Determination and send the Planning Proposal to the NSW Parliamentary Counsel's Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan (LEP). 4. **Council notes that this recommendation assumes that no valid objections are received prior to the public exhibition closing date of 3 April 2024. If valid objections are received via the public exhibition process, the outcomes of this recommendation are null and void and a further report will come back to council for consideration.** In Favour: Crs Frank Crawley, Neil Gorey, Nikki Cohen, Ann Crowe, Kron Nicholas, Thomas Weyrich and Geoff Wise Against: Nil					**28 Aug 2025** Please update all of your action items by COB 8th September 2025.

Infocouncil
Page 19 of 31

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report
Printed: 17 October 2025 3:13 PM

	CARRIED 7/0 **CARRIED**					
9.4.1	**RESOLUTION 130224** Moved: Cr Geoff Wise Seconded: Cr Kron Nicholas That: 1. Council endorse the Planning Proposal prepared by Habitat Planning Pty to amend the Murray Local Environmental Plan 2011 (LEP) to vary the zoning of the site on Lots 2 and 3 in DP1213161 and 15 in DP1273625 from RU1 Primary Production Zone to R1 General Residential Zone and to vary the minimum lot sizes for subject allotments from 120 hectares to a minimum lot size of 500m$^{2.}$ 2. The Planning proposal be sent to NSW Department of Planning and Environment (DPE) for 'Gateway Determination' in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*. 3. Council staff complete all actions outlined in the Gateway Determination and send the planning proposal to the NSW Parliamentary Counsels Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan 2011 (LEP) 4. Council notes if valid objections are received via the public exhibition		Cartlidge, Ashleigh		12/03/2024	**06 May 2024** Action reassigned to Cartlidge, Ashleigh by Leyonhjelm, Lindy - Kellie Richmond has left the organisation **28 Aug 2025** Please update all of your action items by COB 8th September 2025.

Division:
Committee:
Officer:
Date From:
Date To:
Action Sheets Report
Printed: 17 October 2025 3:13 PM

	process, a further report will come back to council for consideration. In Favour: Crs Frank Crawley, Neil Gorey, Dennis Gleeson, Kron Nicholas, Thomas Weyrich and Geoff Wise Against: Nil **CARRIED 6/0** **CARRIED**					
10.3.1	**RESOLUTION 150122** Moved: Cr Thomas Weyrich Seconded: Cr Nikki Cohen That Council A) Approve a budget variation of $130,000 to progress the survey, planning and detailed engineering design to complete detailed construction costs and budget the construction of the residential development in the 2022/23 financial year. OR B) That Council note that to progress the development is $130,000 and that it be considered in the determination of the 2022/2023 Operational Budget. Amendment to (A) budget variation of $130,000 in the 2021/2022 financial year.		Hughes, Daniel		8/02/2022	**08 Feb 2022** Works have commenced on the engineering design following on from meeting with the consultants. **12 Jul 2022** DA has been applied for **30 Nov 2022** Design and planning still underway. More information available in 2023. **04 Apr 2023** Design and planning nearing completion. Actively seeking funding opportunities to support the development. **09 May 2023** No further update at this time. **08 Jun 2023** Motion passed at May meeting to progress to detailed costing stage. **12 Jul 2023**

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

	Option A was moved by Cr Thomas Weyrich and seconded by Cr Nikki Cohen. **CARRIED** In Favour: Crs Chris Bilkey, Nikki Cohen, Neil Gorey, Thomas Weyrich and Kron Nicholas Against: Crs Ann Crowe and Frank Crawley **CARRIED 5/2**					Detailed design underway **12 Sep 2023** Future report to Council for feasibility. **17 Nov 2023** No further update at this time. **24 Nov 2023** Valuation will be sort for current land status. **08 Mar 2024** Drainage constraints required variation **07 Jun 2024** Varied design progressing well **05 Nov 2024** Future presentation to new Councillors being prepared. **28 Jan 2025** Action reassigned to Hughes, Daniel by Donald, Jan - Jack Bond has ceased employment with MRC. **11 Feb 2025** Presentation to be made to a future Council briefing. **11 Mar 2025** To be discussed on Council bus tour on 20 March 2025. **07 Apr 2025**

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

						Discussed on March 2025 Council bus tour and to be a future topic for a Council briefing. **21 Aug 2025** No further update. **28 Aug 2025** Please update all of your action items by COB 8th September 2025.
12.2	**RESOLUTION 290122** Moved: Cr Nikki Cohen Seconded: Cr Neil Gorey That Council resolve to: 1. Give notice of termination of a site agreement to each tenant of Liston Caravan Park in accordance with the provisions of the Residential Tenancies (Caravan Parks and Manufactured Home Estates) Amendment Act 1994. 2. Request a further report that identifies councils' options in relation to the future of the Liston Caravan Park Mathoura, including: a) Cost to upgrade the park to a compliant standard. b) Management and operating models. c) Cost to decommission the site and develop the Caravan Park		McFarlane, Jessica		8/02/2022	**08 Feb 2022** Legal advice on termination of annual leases has been sought. Letters to annual tenants will be sent once legal advice is received. **07 Mar 2022** Letters of termination have beeen sent. Two onsite meetings held with tenants. A further onsite meeting to be held on Monday 14 March. **04 Apr 2022** Further report to council in April. **11 May 2022** Action reassigned to Ryan, Sarah by Leyonhjelm, Lindy - Change of personnel **12 Jul 2022** JH/SR - GB will prepare a report to Council. **12 Jul 2022**

Division:
Committee:
Officer:

Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

	area into a passive recreation park. **CARRIED**					Action reassigned to Bulmer, Glenn by Leyonhjelm, Lindy - GB is currently actioning the steps required for the upgrade of Liston Caravan Park to adhere to current regulations **14 Jul 2022** G Bulmer progressing with closure and preparation of options **04 Oct 2022** Liston CP temporary closure effective 19/09/2022. Minor demolition works to remove old toilet blocks now scheduled for mid October 22. Redevelopment options currently being prepared. **29 Nov 2022** Demolition of delatidated toilets / shower blocks completed. Site cleanup to be fininsh end November 2022. Options paper due Jan 2023. **10 Jan 2023** Awaiting completion of the Options Report by Scope Project Consulting **14 Feb 2023** Options Report by Scope Project Consulting on target for completion 28/02/2023 **04 Apr 2023** Staff currently reviewing the Options Paper submitted by Scope Consulting. **09 May 2023**

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

						Staff have finalised review of the Options Paper and are working with the Consultant to finalise the report. Crown Lands are due to provide options / advice to MRC by 12/05/2023 **05 Jun 2023** Hi Glenn - could you please update your actions on the above item in InfoCouncil. If there hasn't been any change since last month, just put that in there.,Thanks,Jan. **07 Jun 2023** The consultant is currently amending the options paper as a result of the staff review and recent advice from Crown Lands. **11 Jul 2023** The consultant has completed the report and staff are currently reviewing. **11 Sep 2023** Councillor Workshop set for 12/09/2023 to discuss the report and options. **14 Nov 2023** Council report to be drafted for consideration of options at December 2023 meeting. **24 Sep 2024** Action reassigned to Bond, Jack by Bulmer, Glenn - Reassigned to Jack Bond as requested. **05 Nov 2024**

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

						Future presentation to new Councillors being prepared. **28 Jan 2025** Action reassigned to McFarlane, Jessica by Donald, Jan - Jack Bond has ceased employment with MRC. **28 Aug 2025** Please update all of your action items by COB 8th September 2025.
17.3	**RESOLUTION 220220** Moved: Cr Neil Gorey Seconded: Cr Geoff Wise That the Council: 1. Agree to proceed with the compulsory acquisition of the 20Ha site located on the Swan Hill to Moulamein Road at Murray Downs for the purpose of future development of a business/industrial park or other appropriate use. 2. Agree to offer the Local Aboriginal Land Council two lots, totalling not more than 5000sqm, free of charge within the completed development for the purposes of conducting retail or wholesale trade or manufacturing. 3. Upon finalisation of the acquisition of the land, the land be classified as "Operational" land in accordance with Section 31 (2) of the NSW Local Government Act 1993.		Arnold, Gary		30/06/2026	**17 Mar 2020** No comment received on this matter as at 17/03/20. **31 Mar 2020** The Murray Downs Local Aboriginal Land Council (LALC) has been notified of councils decision. The LALC has commenced action to have the 20Ha lot exempted from the blanket claim on all NSW Travelling Stock Routes. **21 Apr 2020** No further comment/update received on the matter as at 21/04/20. **18 May 2020** No further comment/update on this matter as at 18/05/20. **27 May 2020**

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

	4. Delegate authority to the Mayor and General Manager to sign and apply the Common Seal of Council to all documentation relating to the purchase of the land. **CARRIED**					Wamba Wamba nation are finalising an exemption from statewide TSR land claim for the 20Ha parcel of land. Once received compulsory acquisition process will commence. **18 Jun 2020** No further update at this time. **16 Jul 2020** Still waiting on exemption from blanket TSR claim by NSW Aboriginal Land Council. **07 Aug 2020** As above. **14 Oct 2020** As above. **23 Dec 2020** NSW Aboriginal Land Council taking steps to provide a 'No Objection' consent to enable the process to move forward. **12 Feb 2021** As above **05 Mar 2021** Negotiations are continuing **07 Apr 2021** Meeting with CEO Wamba Wamba wc 19/04/21 **10 Jun 2021** Negotiations are still continuing slowly.

Division:
Committee:
Officer:

Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

						15 Jul 2021 As above. **14 Sep 2021** As above **12 Oct 2021** NSW Aboriginal Land Council and the Murray Downs Local Aboriginal Land Council have agreed to provide a 'No Objection' letter supporting a development application by council to develop a businesspark in Murray Downs. **02 Nov 2021** Advice received from Kell Moore in relation to the procedure for compulsory acquisition. **08 Dec 2021** DA being prepared. **12 Jan 2022** As above **11 May 2022** Action reassigned to Ryan, Sarah by Leyonhjelm, Lindy - Change of personnel **12 Jul 2022** Action reassigned to Harvie, John by Leyonhjelm, Lindy - JH to completed **13 Jul 2022** Work in Progress **13 Sep 2022**

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

						This matter will now be actioned by the Director of Community and Economic Development andd the manager of Contracts and Leases. **05 Oct 2022** A meeting with the Acting CEO of Wamba Wamba was held on 05/10/2022 **09 Nov 2022** Action reassigned to Ryan, Sarah by Leyonhjelm, Lindy - Acting Director Community & Economic Development to continue with actions required **10 Nov 2022** SR - JH/SR met with Local Aboriginal Land Council. A subsequent meeting with NSW Aboriginal Land Council was postponed late October due to flood event. Meeting to be rescheduled in November. **16 Mar 2023** SR - met with Local Aboriginal Land and NSW Aboriginal Land Council. It was proposed that the Local Aboriginal Land Council claim the land and progress the industrial development with support from MRC due a recent find of remains on an adjacent block of land. **04 May 2023**

Division:
Committee:
Officer:
Date From:
Date To:

Action Sheets Report

Printed: 17 October 2025 3:13 PM

						Target date changed by Ryan, Sarah from 10 March 2020 to 30 June 2023 - SR in discussions with NSWALC. **12 Sep 2023** SR - Officers continuing to work with Wemba Wemba LALC and NSW ALC to seek first nations led projects with mutually benefically outcomes. **12 Sep 2023** Target date changed by Ryan, Sarah from 30 June 2023 to 30 June 2025 - Long term project **11 Apr 2025** Target date changed by Ryan, Sarah from 30 June 2025 to 30 June 2026 - SR - deffered commencement until such time as the Murray Downs Masterplan has been developed and endorsed by Council. **28 Aug 2025** Please update all of your action items by COB 8th September 2025. **04 Sep 2025** Action reassigned to Arnold, Gary by Donald, Jan - Reassigned to Gary Arnold.

% Complete	
	Not Started
	1% to 49%

Risk Rating		
	High	Immediate – 6 months
	Medium	6 – 12 months

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: 17 October 2025 3:13 PM

	50% to 74%
	75% to 99%
	Complete
	Not Applicable

	Low	ASAP
	Opportunity	ASAP

Positions			
ELT	Executive Leadership Team	MA	Manager Assets
CEO	CEO	MP	Manager Procurement Contracts and Leases
DCS	Director Corporate Services	MF	Manager Finance
DOMP	Director Operations & Major Projects	MR	Manager Risk
DPWRS	Director Planning, Waste & Compliance Services	MP	Manager People
DC&ED	Director Community & Economic Development	MOD	Manager Organisational Development

MURRAY RIVER COUNCIL
COUNCIL POLICY

DRAFT DELEGATIONS OF AUTHORITY (MAYOR & CEO) POLICY

POL-102.V#6

murray river council

DELEGATIONS OF AUTHORITY (MAYOR & CEO) POLICY

TABLE OF CONTENTS

1. INTRODUCTION 3
2. POLICY OBJECTIVES 3
3. SCOPE 3
4. LEGISLATION 4
5. POLICY STATEMENT 5
6. DELEGATION OF FUNCTIONS 6
   - 6.1 Delegations to the Mayor 8
   - 6.2 Delegations to Committees 13
   - 6.3 Delegations to the CEO 15
7. EVALUATION AND REVIEW 23
8. ASSOCIATED DOCUMENTS, DEFINITIONS AND ACRONYMS 23
9. DOCUMENT CONTROL 24

DRAFT

DELEGATIONS OF AUTHORITY (MAYOR & CEO) POLICY

1. INTRODUCTION

Delegations are a fundamental part of good governance and play an important role in ensuring that Council is acting in accordance with the legal and policy framework that applies to it.

Delegations and authorisations enable Council to carry out its functions and to be accountable for the decisions and actions taken on its behalf under specific legislative provisions. Those tasked with the responsibility to carry out a function should have the corresponding authority to carry it out.

It is important that delegations and authorisations are managed effectively to ensure decisions are validly made by a lawfully appointed delegate or authorised officer.

In accordance with Section 377 of the Local Government Act 1993 (NSW) (the 'Act'), the Council, by resolution, delegates its powers, authorities, duties and functions.

The delegations of the Council are subject to the following limitations. The delegated power, authority, duty or function being performed in accordance with:

- The applicable legislation; and
- Council policy.

The delegations of Council will remain in force until they are revoked or amended by a resolution of the Council.

The Council notes that the CEO may delegate his or her powers, authorities, duties and functions at his or her discretion.

2. POLICY OBJECTIVES

The objectives of this Policy are to:

- provide clear, guiding principles and a framework for the use of delegated authority within Murray River Council
- facilitate the efficient and effective operation of the Council by providing the Mayor, CEO, Council Committees and Council employees with sufficient power and authority to generally manage, control and administer the affairs of the Council on a day-to-day basis.
- ensure that Murray River Council complies with the requirements of the Local Government Act 1993, which defines how and what powers vested with the Council can be delegated to Council employees

3. SCOPE

This Policy

- applies to Council's Mayor, CEO and Council Committees who in the performance of their roles require delegated authority to perform their duties; and
- is to be read in conjunction with all applicable legislation and Council's documents relating to delegations.

4. LEGISLATION

- Local Government Act 1993 (NSW)
- Local Government (General) Regulations 2021 (NSW)

Additional Legislation relevant to, but not limited to, this and associated documents.

- Biodiversity Conservation Act 2016 and associated Regulation
- Biosecurity Act 2015 and associated Regulation
- Boarding House Act 2012 and associated Regulation
- Building and Development Certifiers Act 2018 and associated Regulation
- Cemeteries and Crematoria Act 2013 and associated Regulation
- Children and Young Persons (Care and Protection) Act 1998 and associated Regulation
- Children (Education and Care Services National Law Application) Act 2010 and associated Regulation
- Children's Guardian Act 2019 and associated Regulation.
- Community Land Development Act 1989 and associated Regulation
- Community Land Development Act 2021
- Community Land Management Act 2021 and associated Regulation
- Companion Animals Act 1998 and associated Regulation
- Contaminated Land Management Act 1997 and associated Regulation
- Conveyancing Act 1919 and associated Regulation
- Crown Land Management Act 2016 and associated Regulation
- Design and Building Practitioners Act 2020
- Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000, Environmental Planning and Assessment Regulation 2021 and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
- Fines Act 1996 and associated Regulation
- Fire and Rescue NSW Act 1989 and associated Regulation.
- Fluoridation of Public Water Supplies Act 1957 and associated Regulation
- Food Act 2003 and associated Regulation
- Government Information (Public Access) Act 2009 and associated Regulation
- Graffiti Control Act 2008 and associated Regulation
- Health Records and Information Privacy Act 2002 and associated Regulation
- Heavy Vehicle National Law (NSW) and associated Regulation
- Heritage Act 1977 and associated Regulation
- Land Acquisition (Just Terms Compensation) Act 1991 and associated Regulation
- Land and Environment Court Act 1979 and associated Regulation
- Library Act 1939 and associated Regulation 2018
- Liquor Act 2007 and associated Regulation
- Local Government Act 1993 & Local Government (General) Regulation 2021
- Modern Slavery Act 2018
- Native Title (New South Wales) Act 1994 and associated Regulation together with the Native Title Act 1993 (Cth) to the extent of any inconsistency
- Ombudsman Act 1974 and associated Regulation
- Plumbing and Drainage Act 2011 and associated Regulation

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- Privacy and Personal Information Protection Act 1998 and associated Regulation
- Protection of the Environment Operations Act 1997 and associated Regulation
- Protection of the Environment Operations (Waste) Regulation 2014
- Protection of the Environment Operations (Clean Air) Regulation 2021
- Public Health Act 2010 and associated Regulation
- Public Interest Disclosures Act 1994 and associated Regulation
- Public Spaces (Unattended Property) Act 2021 and associated Regulation 2022
- Public Works and Procurement Act 1912 and associated Regulation
- Radiocommunications Act 1992 (Cth) and associated Regulation
- Real Property Act 1900 and associated Regulation
- Recreation Vehicles Act 1983 and associated Regulation
- Roads Act 1993 and associated Regulation
- Road Rules 2014
- Road Transport Act 2013 and Road Transport (General) Regulation 2021
- Rural Fires Act 1997 and associated Regulation
- State Emergency and Rescue Management Act 1989 and associated Regulation
- State Emergency Service Act 1989 and associated Regulation
- State Records Act 1998 and associated Regulation
- Strata Schemes Development Act 2015 and Strata Schemes Development Regulation 2016
- Surveying and Spatial Information Act 2002
- Swimming Pools Act 1992 and Swimming Pools Regulation 2018
- Unclaimed Money Act 1995 and associated Regulation
- Waste Avoidance and Resource Recovery Act 2001 and associated Regulation
- Water Management Act 2000 and associated Regulation
- Work Health and Safety Act 2011 and associated Regulation
- Workers Compensation Act 1987 and associated Regulation
- Workplace Injury Management and Workers Compensation Act 1998 and associated Regulation

5. POLICY STATEMENT

Delegations are intended to improve the efficiency of the administrative processes of Council by the assignment of authority and accountability.

A delegation may be general or limited. A delegated function may be exercised only in accordance with any conditions or limitations to which the delegation is subject.

Delegations are to be made and exercised in accordance with all applicable legislation as well as Council's Code of Conduct, policies and budget limitations.

If a delegation refers to a Council policy, it is taken to refer to the current version of that policy or the successor to that policy at the time the delegation is exercised.

If legislation referred to within a delegation is superseded by updated or new legislation, the delegation applies to the new legislation to the extent practicable.

A delegation cannot be exercised by a person who has a conflict of interest. If any conflict of interest occurs, it must be declared immediately and dealt with in accordance with Council's Code of Conduct and all relevant policies.

murray river council

DELEGATIONS OF AUTHORITY (MAYOR & CEO) POLICY

6. DELEGATION OF FUNCTIONS

This Policy provides a Delegation of Authority to support the efficient and effective operation of the Council business by setting out the delegations from Council to the Mayor and the CEO as detailed in this Policy.

Section 377 - General Power of the Council to Delegate

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:

a) the appointment of a general manager,
b) the making of a rate,
c) a determination under section 549 as to the levying of a rate,
d) the making of a charge,
e) the fixing of a fee,
f) the borrowing of money,
g) the voting of money for expenditure on its works, services or operations,
h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
i) the acceptance of tenders to provide services currently provided by members of staff of the council,
j) the adoption of an operational plan under section 405,
k) the adoption of a financial statement included in an annual financial report,
l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
m) the fixing of an amount or rate for the carrying out by the council of work on private land,
n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under Section 82A of the Environmental Planning and Assessment Act 1979 ,
p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
r) a decision under section 234 to grant leave of absence to the holder of a civic office,
s) the making of an application, or the giving of a notice, to the Governor or Minister,
t) this power of delegation,
u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

(1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:

a) the financial assistance is part of a specified program, and
b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.

(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.

(3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

murray river council

DELEGATIONS OF AUTHORITY (MAYOR & CEO) POLICY

Section 378 Delegations by the General Manager

(1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.

(2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).

(3) Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377(2).

Section 379 Delegation of Regulatory Functions

(1) A regulatory function of a council under Chapter 7 must not be delegated or sub-delegated to a person or body other than

(a) a committee of the council of which all the members are councillors or of which all the members are either councillors or employees of the council, or
(b) an employee of the council, or
(c) a county council, or
(d) a joint organisation.

(2) A regulatory function of a county council under Chapter 7 must not be delegated or sub-delegated to a person or body other than

(a) a committee of the county council of which all the members are members of the county council or of which all the members are either members of the county council or employees of the county council, or
(b) an employee of the county council, or
(c) a council.

(2A) A council may delegate a regulatory function to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

(3) However, if
(a) a regulatory function is delegated to a county council, the function may be delegated to the general manager and by the general manager to an employee of the county council, or
(b) a regulatory function is delegated to a council, the function may be delegated to the general manager and by the general manager to an employee of the council, or
(c) a regulatory function is delegated to a joint organisation; the function may be delegated to the executive officer and by the executive officer to an employee of the joint organisation

Section 380 Review of delegations

Each council must review all its delegations during the first 12 months of each term of office.

Section 381 Exercise of functions conferred or imposed on council employees under other Acts

(1) If, under any other Act, a function is conferred or imposed on an employee of a council or on the mayor or a councillor of a council, otherwise than by delegation in accordance with this section, the function is taken to be conferred or imposed on the council.

(2) Such a function may be delegated by the council in accordance with this Part.

(3) A person must not, under any other Act, delegate a function to—
- the general manager, except with the approval of the council
- an employee of the council, except with the approval of the council and the general manager.

6.1 DELEGATIONS TO THE MAYOR

The Mayor, and in the absence of the Mayor, the Deputy Mayor for the period of the Mayor's absence, is delegated authority under Section 377 of the Act to exercise and/or perform on behalf of the Council the following powers, authorities, duties and functions:

Section 226 of the Local Government Act (NSW) 1993 provides as follows:- What is the role of the Mayor?

The role of the Mayor is:

(a) To be the leader of the council and a leader in the local community,

(b) To advance community cohesion and promote civic awareness,

(c) To be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,

(d) **To exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,**

(e) **To preside at meetings of the council,**

(f) To ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,

(g) To ensure the timely development and adoption of the strategic plans, programs and policies of the council,

(h) To promote the effective and consistent implementation of the strategic plans, programs and policies of the council,

(i) To promote partnerships between the council and key stakeholders,

(j) To advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,

(k) In conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,

(l) **To carry out the civic and ceremonial functions of the mayoral office,**

(m) To represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,

(n) In consultation with the councillors, to lead performance appraisals of the general manager,

(o) **To exercise any other functions of the council that the council determines.**

Item:	Delegation:	Legislation:
M1	**Conferring Powers or Duties** To give effect to the law, Council's adopted policies, resolutions and directions, provided that such delegation is not sub-delegated without the specific approval of the Council or as prescribed under the Local Government Act 1993 (NSW).	LG Act 1993
M2	**Powers or Duties under other Legislation** If, under any other Act other than the Local Government Act 1993 (NSW), a function is conferred or imposed on the Mayor of Council, the function is taken to be conferred or imposed on the Council and the Mayor of the Council has delegated authority to exercise and/or perform on behalf of the Council the powers, authorities, duties and functions as prescribed under that other Act.	LG Act 1993

M3	**Preside at Meetings and Functions of Council** ‣ To preside at all meetings of the Council, committees, community committees and public meetings convened by the Council at which the Mayor is present, unless the Council otherwise appoints another Councillor or person to perform this function. ‣ To call and schedule meetings of Council and Council Committees and/or inspections by Councillors; To request the Chief Executive Officer include items on the agendas for all meetings of Council and Council Committees, provided that if the Council has by resolution determined that a specific item should be placed on its agenda, the function exercised under this delegation must be exercised in accordance with that resolution.	LG Act 1993 and Regulation Code of Meeting Practice Policy
M4	**Extraordinary Meeting:** To call an extraordinary meeting of Council if such a meeting is deemed necessary in accordance with Council's adopted Code of Meeting Practice.	Code of Meeting Practice Policy
M5	**Expulsion from Council Meetings** Pursuant to the Local Government Act 1993, exercise the power of expulsion from meetings of council.	LG Act 1993 Code of Meeting Practice Policy
M6	**Negotiations on Behalf of Council** In conjunction with the Chief Executive Officer, to participate in negotiations on behalf of the Council with third parties and in connection with the sale, purchase and lease of land and buildings. Limitations: This function is subject to the limitation that no contractual agreement is to be entered into without a resolution of Council unless the contractual agreement is authorised by a separate delegation	
M7	**Represent Council – Government and Other Forums/External Relations and Representations** ‣ To act as the official spokesperson of the elected Council; ‣ To represent the Council, in conjunction with the CEO, in deputations to Government, inquires and other forums where it is appropriate that the Mayor should present the Council's position. To represent Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth levels. ‣ To determine: - who should represent Council on external organisations and committees and inter-agency working parties, where Council has not determined a representative; and - who should represent Council at civic ceremonial and social functions, where the Mayor is unable to attend and Council has not determined its representative, Limitations: This function is subject to the limitation that before a determination is made that a Council Officer should represent Council, the Mayor must consult with the CEO.	

M8	**Sign and Execute Documents** To sign correspondence and other documents, Limitations: This function is subject to the limitation that execution of any documents under Council Seal must be carried out in compliance with Regulation 400 of the Local Government (General) Regulations 2021 (NSW).	Regulation 400 of the Local Government (General) Regulations 2021 (NSW).
M9	**Issue Media Releases** To make media statements and issue press releases in respect of Council resolutions/recommendations and decisions subject to prior consultation with the CEO. The Mayor may delegate this function to the Deputy Mayor, a specific Councillor or the CEO as he or she may determine.	Media Policy
M10	**Organisational Accountability and Performance Management** Leave of CEO To approve applications of leave by the CEO. (Leave applications by the CEO in excess of 10 weeks to be referred to Council for determination). CEO Credit Card To provide oversight to the CEO Credit Card statements with the Director Corporate Services. Manage the CEO's Contract • To exercise Council's functions under the CEO's Contract of Employment having regard to any functions of a performance review panel or policy in effect; • To obtain external legal advice in relation to the appointment, conduct and performance of the CEO and related issues; • To negotiate and settle terms of a contract of employment with the CEO, including the appropriate remuneration, bonuses and incentives in accordance with relevant Council resolutions (as required), the CEO's Contract of Employment and relevant Council policies; • To review, approve and implement governance and accountability structures and processes for the performance of the CEO having regard to any functions of a performance review panel or policy in effect; and to oversee the performance of the CEO, including to set performance standards and a plan and carry out performance reviews, of the CEO, in accordance with any performance review panel or policy in effect; • To accept the resignation of the CEO; • On the recommendation of the CEO, appoint a Director as an Acting CEO from time to time as might be required by the absence of the CEO any reason; if not already appointed by the CEO or Council under the Act and until such time as a Council meeting to endorse or amend this appointment. • To take other administrative action in connection with the CEO's Contract of Employment if required and subject to any resolutions of Council.	
M11	**Financial Expenditure** To incur expenditure for goods and services for Council to a limit of $2,500 (GST inclusive) via the Council issued Credit Card and limited to items relating to their mayoral duties only.	Delegations of Authority (CEO to Council Officers) Policy

M12	**Urgent Works** To authorise work, not approved in the Operational Plan, which in the Mayor's opinion is urgent, at a cost not exceeding $50,000 except in the case of a Bush Fire Emergency where the limit is $100,000 For the purpose of this delegation, "urgent work" refers to matters requiring immediate attention of the Mayor or CEO and decision making due to situational factors that may have occurred and relates to: ‣ Natural disasters or events affecting the implementation of Council's Business Continuity Plan (BCP); ‣ Significant public liability issues; ‣ Work Health and Safety of elected officials; ‣ Work Health and Safety of the public; ‣ Incidents involving Council owned or operated property; This delegation is to be only exercised in consultation with the CEO and is to be the subject of a report to the next available Council Meeting.	
M13	**General Authority of Council Between Meetings and During a Recess Period** To exercise the functions of the elected Council where there are grounds to support that a decision of the elected Council cannot be delayed between scheduled meetings of the Council or during a Recess Period other than: ‣ The functions reserved by the elected Council itself in accordance with Section 377 of the Act; and ‣ Those powers and functions delegated to the CEO. In the event of an emergency or an order by legislation or government authority, that prevent Council from being able to meet (either in person or in an electronic form), Council enters into a 'Recess Period' until the emergency is concluded, and that the Mayor may exercise the functions of the elected Council.	LG Act 1993 S226 (d) S367(2)
M14	**Civic and Ceremonial Events** ‣ Represent Council at approved civic and ceremonial events ‣ Conduct Citizenship ceremonies as required/scheduled	
M15	**Professional Development** The Mayor may: ‣ Approve the attendance of the CEO to any seminar, conference or course provided that it is within the existing adopted budget. If it falls outside existing budget only in extenuating or urgent circumstances and with the concurrence of the Deputy Mayor. ‣ Authorise a Councillor to attend a conference, seminar or functions within and outside the Council area), in accordance with Council's Councillor Expenses and Facilities Policy with such approval being reported to the next Council Meeting	Councillor Expenses and Facilities Policy and within budget limits
M16	**Complaints Against the CEO** The Mayor shall have the power to investigate substantive written complaints against the CEO and shall initiate action under either the Council's Code of Conduct Policy & Procedures or Internal Reporting Policy where warranted.	Code of Conduct Policy & Procedures or Internal Reporting Policy

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This Instrument of Delegation should be construed as:

- Operating in a manner which is valid and within the powers conferred on Council under the Act;
- Not limiting the Mayor's ability to carry out such other functions and exercise such other powers as the Council may determine from time, to time or as may be functions of the Lord Mayor under the Act.
- All previous delegations of functions the subject of this Instrument of Delegation are revoked.

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6.2 DELEGATIONS TO COMMITTEES OF COUNCIL

Committees of Council have no delegations except for those provided by resolution of Council.

CC1	Audit, Risk & Improvement Committee	The Audit and Risk Management Committee is granted delegated authority by Council to carry out its duties and responsibilities as defined in the Committee's Charter. The Audit and Risk Management Committee has delegated authority to approve investigation into any matters within its scope of responsibility and make recommendations to the Chief Executive Officer on matters arising from such investigations. Council authorises the internal audit function to have full, free and unrestricted access to all functions, premises, assets, personnel, records and other documentation and information that the internal audit function considers necessary to enable it to fulfil its responsibilities.	
CC2	S355 Committees	Section 355 of the Local Government Act 199 allows Councils to delegate certain functions to community committees. A Section 355 Committee: ‣ is responsible for the care, control and management of a Council assets and services. ‣ Operate under the authority of Council and must adhere to Council's Policies, Procedures and directives. ‣ Provide community involvement in managing council facilities and services. ‣ All activities are transparent and comply with governance standards. ‣ Has a charter that outlines its specific functions and responsibilities. This instrument does not include powers, authorities, duties and functions expressly reserved for Council by virtue of Section 377 of the Act and any duties and functions expressly reserved for the Council under any other Act/Regulation.	LG Act 1993 S355
CC3	Local Transport Forum	Pursuant to the delegation of powers from Transport for NSW – (TfNSW) is the authority for regulation of traffic management and traffic control signs on public roads. This authority is limited to the powers, authorities, duties and functions that are specified in the TfNSW Instrument of Delegation to Council.	

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6.3 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER (CEO)

The CEO, and in the absence of the CEO their nominee as the Acting CEO for the period of the CEO's absence, is delegated authority under Section 377 of the Act, to exercise and/or perform on behalf of the Council the powers, authorities, duties and functions of the Council, subject to the following:

- The CEO is restrained from carrying out any of those functions of Council excluded from delegation by operation of section 377(1) of the Act;
- The CEO is entitled to carry out any functions delegated to the Council by the Departmental Chief Executive or the Minister, subject to any express limitations imposed by the Departmental Chief Executive or Minister;
- The delegation to the CEO is limited in accordance with Council's adopted policies in force from time to time.

If a function is conferred or imposed on a Council Officer under any other legislation, the function is deemed to be conferred or imposed on the Council and is delegated to the CEO.

The CEO is delegated any power, authority, duty and function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the Act

For the avoidance of doubt, the delegated authority conferred or imposed upon the CEO includes the delegated functions of Council as provided in the following table. The following table are not intended to be an exhaustive list of all powers, authorities, duties and functions delegated to the Chief Executive Officer. Rather it is to be relied upon as providing guidance to those most commonly relied upon powers, authorities, duties and functions.

Functions of the CEO - Section 335 of the Act

(a) To conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,

(b) To implement, without undue delay, lawful decisions of the council,

(c) To advise the mayor and the governing body on the development and implementation of the strategic plans programs, strategies and policies of the council,

(d) To advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,

(e) To prepare, in consultation with the mayor and the governing body, the council's community strategic plan community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,

(f) To ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,

(g) To exercise any of the functions of the council that are delegated by the council to the CEO,

(h) To appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,

(i) To direct and dismiss staff,

(j) To implement the council's workforce management strategy,

(k) Any other functions that are conferred or imposed on the CEO by or under this or any other Act

	DELEGATION	
	General Council Operations	
C1	**Day to Day Operations** To ensure that the regular services, functions and operations of Council are undertaken in accordance with the adopted policies of Council, including all Strategic and Operational Policies	
C2	**Allocation of Work:** To allocate priority of works for which funds have been provided subject to any direction of Council	
C3	**Feedback from the Community:** To authorise action to be taken in connection with any complaints or requests received	
C4	**Complaints and Breaches** ‣ To manage investigations and reports on matters referred by the Independent Commission Against Corruption (ICAC) ‣ Refer breaches of the Code of Conduct Policy, Public Interest Disclosures Policy, Fraud and Corruption Control Policy and any legislative contravenes to the relevant agencies for investigation.	
C5	**Employment:** ‣ Approve or refuse the appointment, engagement, or promotion of employees ‣ Approve or refuse the use of a recruitment consultant. ‣ To dismiss employees or consultants/contractors on such terms that the CEO deems appropriate, provided that prior to the dismissal of senior staff the CEO consults with Council. ‣ To approve or refuse staff to engage, for remuneration, in private employment or contract work outside of the Council. ‣ Approve Council Employment Agreements (if relevant) ‣ To deal with industrial disputes ‣ To approve or refuse applications for Leave without Pay ‣ To approve Special Leave with pay and expenses ‣ To authorise the payment of salaries and wages of the staff	Local Government (State) Award (current version) .
C6	**Council Meetings:** ‣ Determine matters included in Business Papers of Council and Committees ‣ Approve groups or individuals to address Council or Committee Meetings	
C7	**Urgent Works** To authorise work, not approved in the Operational Plan, which in the Mayor's opinion is urgent, at a cost not exceeding $50,000 except in the case of a Bush Fire Emergency where the limit is $100,000	

	For the purpose of this delegation, "urgent work" refers to matters requiring immediate attention of the Mayor or CEO and decision making due to situational factors that may have occurred and relates to: ‣ Natural disasters or events affecting the implementation of Council's Business Continuity Plan (BCP); ‣ Significant public liability issues; ‣ Work Health and Safety of elected officials; ‣ Work Health and Safety of the public; ‣ Incidents involving Council owned or operated property; This delegation is to be only exercised in consultation with the Mayor and is to be the subject of a report to the next available Council Meeting.	
C8	**Employee Committees:** ‣ Appoint management/employer representatives to Council's Consultative Committee and Work Health and Safety Committee ‣ Consider and determine matters arising from the Staff Consultative Committee and the Work Health and Safety Committee.	
C9	**Media Statements:** Make or authorise public and media statements on matters involving Council	
C10	**Interaction with the Minister and Government Departments:** To respond and liaise with the Minister and his/her representatives and the department in relation to correspondence, inquiries or requests for information.	
C11	**Intellectual Property** To refuse, approve or conditionally approve any request by an existing or previous employee of Council for the non-exclusive use of intellectual property of the Council created by the employee during the course of their employment with Council, providing there is no monetary or commercial benefit to the employee.	
C12	**Historical Resources** Authority to select and requisition the purchase of all historical resources.	
C13	**Execution of Documents** To sign documents on behalf of Council: ‣ Correspondence; ‣ Contracts, agreements and leases and permissible gifts/benefits applications; ‣ Retail Lease disclosure statements; ‣ Sales agreements for agents to sell Council land; ‣ Approval of designs for subdivision plans and construction certificates; ‣ Release of subdivision certificates; ‣ Development applications for Council owned or controlled property; ‣ Survey plans and survey requests/amendments; ‣ Authorising payments in accordance with Council's strategic planning documents and budget and Council resolutions;	

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	▸ Employment contracts and other declarations/forms associated with the employment of staff; ▸ Rating certificates; ▸ Letters of engagement for consultants; ▸ Approval of Council Logo use; ▸ Funding agreements; and ▸ any other documents that facilitate the core business of Council To affix the Common Seal of Council to a document in accordance with a Council resolution and to act as a signatory with the Mayor or another Councillor	
Finance Matters (including Procurement)		
C14	**Implementation of Council's Adopted Plans:** To commit and authorise operational and/or capital expenditure of any amount within the area of operation and budget in accordance with Council's adopted budget, the Procurement Policy and relevant legislation	
C15	**Engaging Consultants:** To engage Consultants within the budget, to assist with Council projects within the confines of budgetary constraints	
C16	**Obtain Quotations and Authorising Purchase Orders** The CEO may obtain quotations, authorise the purchase of and issue official orders for goods, works and services required for the functioning of the Council and to incur expenditure for such goods, works and services provided that due provision has been made in the approved budget for the incurring of such expenditure or the incurring of such expenditure is otherwise authorised by Council Policy or Council resolution.	
C17	**Waiver of Tendering Requirements** To authorise exemptions from compliance with Council's Purchasing Policies in limited circumstances, as set out in the Procurement Policy.	Procurement Policy.
C18	**Tendering Methods** To determine the method of tendering ie whether tenders are to be by open tendering or selective tendering, and to determine the acceptance of tenders with exception of tenders to provide services currently provided by members of staff of Council	
C19	**Payment of Essential Accounts** Authorise the payment of budgeted items that are over the $250,000 tendering threshold, items to be included but not limited to: ▸ Worker Compensation ▸ Insurance ▸ IT contracted services	

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C20	**Bank signatories:** The CEO is authorised to appoint relevant persons to be joint signatories on all Council bank accounts and to allow for the changes of signatories as required by Council.	
C21	**Purchasing Threshold:** The CEO is authorised to make payments for goods and services up to the value of $1,000,000 in line with Council's adopted budget and the Procurement Policy.	Procurement Policy
C22	**Contract Variations:** To authorise any variations to a contract within the Council's adopted budget	
C23	**Grant Applications:** The CEO is authorised to submit grant applications or expressions of interest for grants, on behalf of Council, providing the project/program is within an approved Council service/function/asset and or relates to an approved action within Council's Operational Plan or Delivery Program. Any funding proposed to be met by Council, as part of the application must be within Council's adopted budget, or a separate Council resolution required prior to submitting the grant.	
C24	**Debt Recovery** • initiate debt recovery procedures; • order restriction or disconnection of water supply to premises if overdue water accounts are not paid; or • approve applications for extension of time to pay accounts.	
C25	**Waiver/Write-Off of Rates, Fees, Charges and Penalties** In line with the Rates Charges General Debtors Write-off Policy	LG Act 1993 S 567 and Council Policy
C26	**Determination of Reserve Price and Disposal of Plant, Equipment and Vehicles by Public Auction, Tender or Trade-in** To authorise the disposal and retirement of assets in accordance with Council's Policies and adopted Asset Management Plans, Community Strategic Plan, Long Term Financial Plan or Delivery/Operational Plan The CEO has authority to approve a sale price for Council plant, equipment or vehicles only if: • the best offer is greater than 90% of the reserve price or the price resolved by Council; and • the reserve price has been set by consulting either a valuer, auctioneer, or professional book (i.e. Red Book); and • results from previous auctions for similar plant, equipment or vehicles has been considered.	Procurement Policy and the Asset Disposal Policy

C27	**Determination of Reserve Price on Land Sold for Unpaid Rates** To set a reserve price at auction, where land is being sold for overdue rates	
C28	**Bank Accounts and Guarantees:** To authorise: ‣ the release of funds and/or Bank Guarantees where the required works or services have been carried out to a satisfactory standard; and ‣ the operation of Council's bank accounts ‣ the investment of Council funds and sign such applications and documents as may be required ‣ the issue of corporate credit cards to in accordance with Council's Credit Card Policy ‣ the payment of petty cash claims up to a maximum of $500 per claim	
C29	**Ex-Gratia Payments to settle Insurance Claims** To authorise ex-gratia payments for public liability/public indemnity claims for amounts below Council's insurance policy excess.	
C30	**Acquittals:** To approve financial returns required by various organisations	
C31	**Councillor Expenses and Facilities:** To, in conjunction with the Mayor, approve payment of expenses and provision of facilities for Councillors in accordance with Council's adopted policy	Councillor Expenses and Facilities Policy
C32	**Private Works:** The CEO can authorise the undertaking of private works and authorise the hire of Council plant subject to satisfactory arrangements being made for the payment of such work.	
Risk, Governance & Legal Matters		
C33	**Legal:** ‣ To obtain legal advice where necessary and to institute, conduct and defend legal proceedings with respect of Council's activities in all Courts ‣ To negotiate and manage contracts and agreements ‣ To negotiate and settle legal proceedings between parties in any Court or Tribunal, including but not limited to, the Local, District or Supreme Courts of any State or Territory, any Industrial Relations Tribunal or Commission, and the Land and Environment Court. ‣ Authority to negotiate and enter into any form of Lease, Licence, Memorandum of Understanding or other transaction for use of land or assets, subject to compliance with the Act, subject to the CEO making reasonable enquiries into the appropriate payments to be made to Council and consulting with Council's solicitor to determine the appropriate format of the legal agreement (that do not require the affixing of the Council Seal)	

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	▸ To terminate any lease or rental agreement on any Council owned property where the terms of the lease have been breached, or accounts fall into arrears ▸ To approve insurance requirements for contracts, projects and events ▸ To respond to applications/requests from the public to access other Government services that require Council approval or support.	
C34	**Risk Management:** To take all necessary action to instigate proper risk management procedures and ensure implementation of same	
C35	**Officers acting under Legislation:** To oversee the powers and functions of an Authorised Officer, an Enforcement Officer, Disclosure Officer, Complaints Officer, Public Officer etc and to sub-delegate to Council Officers these powers and functions, where permitted.	
	Development Matters	
C36	**Development Applications on Council Owned or Controlled Land** The CEO will authorise the relevant and suitably qualified Council Officer to approve Development Applications for Council related activities in line with the Council-Related Development Applications Policy.	Council Related Development Applications Policy.
C37	**Voluntary Planning Agreements:** To negotiate Voluntary Planning Agreement packages in accordance with Council Policy	
	Council Infrastructure, Public Spaces and Community Land	
C38	**Roads** The CEO may only administer the provisions of the Road Rules 2008 and Australian Road Rules as they apply to Council, subject to any applicable standards, protocols and directions from State Government departments and/or NSW Police.	Road Rules 2008 and Australian Road Rules
C39	**Temporary Road Closure** The CEO may approve temporary road closures only where: ▸ The temporary road closure is not more than two consecutive days; and ▸ TfNSW approves the Traffic Management Plan and grants a road occupancy licence (as required); and ▸ NSW Police approve the closure.	
C40	**Special Use Zones** The CEO has authority to approve and/or refuse an application for the following Special Use Zones: ▸ Works Zones; Loading Zones; Mail Zones; Motorcycle Parking; Bus Zone; Taxi Zone; Police Vehicles Zone; Disabled Parking; Temporary Bus Zones (eg. for Railway Buses); subject to consent being obtained from the NSW	

	Police ▸ and in addition; in the instance of Mail Zones, consent is obtained from Australia Post; and ▸ in the instance of Bus Zones , consent is obtained from the State Transit Authority	
Use of Public Spaces and Community Land		
C41	**Public Spaces Use and/or Closure:** The CEO is authorised to manage all Council's public spaces to ensure the safety and enjoyment of all participants.	

This delegation and authority is subject to and is to be exercised in accordance with:

- the requirements of the relevant legislation;
- any conditions or limitations set out abovr; and
- any resolution or policy, procedure or budget adopted from time to time by the Council.

7. EVALUATION AND REVIEW

Under Section 380 Review of delegations of the Act - Each council must review all its delegations during the first 12 months of each term of office.

It is the responsibility of the CEO to monitor the adequacy of this Policy and recommend appropriate changes.

This Policy will be formally reviewed every four (4) years or as needed, whichever comes first.

8. ASSOCIATED DOCUMENTS, DEFINITIONS AND ACRONYMS

Associated Documents:

- MRC Policy - Delegations of Authority (CEO to Council Officers) Policy (POL-107)

Definitions:

Term	Definition
Act	Local Government Act 1993 (NSW)
Authority	Any government (state or federal), government department, statutory corporation or other body having power to legally direct the Council or its officers
Chief Executive	The Chief Executive of the Office of Local Government or the Chief Executive of any other government department which has the carriage of the administrative functions of the Act and the portfolio of Local Government
Conference	Means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions, events etc, held within Australia

Law	The requirements of all statutes, rules, ordinances, codes, regulations, proclamations, by-laws, environmental planning instruments, directions and consents of any Authority
Minister	The Minister for Local Government or any future title given to a ministerial position of a future New South Wales State Government portfolio that includes governance of Local Government
Office	The Office of Local Government, Department of Premier & Cabinet, or any future department (or combined department) carrying out the functions of the present Office of Local Government for the State of New South Wales.

9. DOCUMENT CONTROL

Version No.	Details	Date	CM9 Reference	Resolution
1	Initial Issue	23 May 2016 to 26 May 2016		080516
2	Review – addition of further appointed delegations to staff members.	26 May 2016 to 20 Sept 2016		380516
3	Review – removal of reference to DTS & MTP (no longer staff in these positions and not included in interim organisational structure at this time), addition of further appointed delegations to staff members (mainly planning department) & update of Glossary of Terms in reference to Office of Local Government & legal advice received from Council's lawyers dated 6/10/16.	20 Sept 2016 to 16 Jan 2018		040916
4	Review – stand-alone policy of delegations of authority by the Council to the Mayor and CEO (removal of Part 2 - Delegation to Staff by the CEO to a stand-alone policy (Delegations of Authority (CEO to Staff) Policy POL107))	16 Jan 2018 to 22 Nov 2022	VF/17/102822	140118
5	Rewritten – includes current titling of positions and to clarify the delegations granted	22 Nov 2022 to 24 Jan 2023	VF/17/102822	191122
5.1	Temporary delegation added for the CEO in relation to the flood recovery – increase in tendering threshold to $500 k for 12 months	24 Jan 2023 to DRAFT	VF/17/102822	080123
6	Reviewed in line with other Councils and their content and in consultation with the Councillors	DRAFT	VF/17/102822	TBA

DELEGATIONS OF AUTHORITY (MAYOR & CEO) POLICY

Council reserves the right to review, vary or revoke this policy at any time
This Policy is scheduled for review 2029

NOTE:
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DISCLAIMER:
This document was formulated to be consistent with Murray River Council's legislative obligations and with the scope of Council's powers. This document should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail. This document does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this document.

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a Business Unit, position title or a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. When such changes are made the version number will be amended and an extension added (eg V#1.1)

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MURRAY RIVER COUNCIL
COUNCIL POLICY

CODE OF CONDUCT (COUNCILLORS) POLICY

POL-100.1 V#5

murray river council

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CODE OF CONDUCT (COUNCILLORS) POLICY

TABLE OF CONTENTS

1. INTRODUCTION 3
2. OBJECTIVES 3
3. SCOPE 3
4. LEGISLATION 3
5. POLICY STATEMENT 3
   - PART 1 GENERAL CONDUCT OBLIGATIONS 4
   - PART 2 PECUNIARY INTERESTS 7
   - PART 3 NON-PECUNIARY CONFLICTS OF INTEREST 11
   - PART 4 PERSONAL BENEFIT 15
   - PART 5 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS 18
   - PART 6 ACCESS TO INFORMATION AND COUNCIL RESOURCES 20
   - PART 7 MAINTAINING THE INTEGRITY OF THIS CODE 22
6. RESPONSIBILITIES 24
7. BREACHES 25
8. EVALUATION AND REVIEW 25
9. ASSOCIATED DOCUMENTS, DEFINTIONS AND ACRONYMS 25
10. DOCUMENT CONTROL 26

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE P2.18 29

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE P2.18 36

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER Clause P2.25 42

This Code of Conduct applies to Councillors. It is based on the Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") which is made under Section 440 of the Local Government Act 1993 ("LGA") and the Local Government (General) Regulation 2021 ("the Regulation").

murray river council

CODE OF CONDUCT (COUNCILLORS) POLICY

1. INTRODUCTION

Section 440 of the Local Government Act 1993 (NSW) (the Act) requires every Council to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct.

Council's adopted Code of Conduct Policy may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "Council Officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

2. OBJECTIVES

The Model Code of Conduct sets the minimum standards of conduct for Councillors. It is prescribed by the Local Government (General) Regulation 2021 to assist Councillors to:

- Understand and comply with the standards of conduct that are expected of them;
- Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (Section 439); and
- Act in a way that enhances public confidence in local government.

3. SCOPE

This Policy applies to Councillors of Murray River Council,

4. LEGISLATION

- Local Government Act 1993 (NSW)
- Local Government (General) Regulations 2021 (NSW)
- Corporations Act 2001 (NSW)
- Electoral Funding Act 2018 (NSW);
- Government Information (Public Access) Act 2009 (NSW)
- Government Information (Public Access) Regulations 2018 (NSW);
- Health Records and Information Privacy Act 2002 (NSW)
- Interpretation Act 1987 (NSW)
- Privacy and Personal Information Protection Act 1998 (NSW)
- Public Interest Disclosures Act 1994 (NSW)
- State Records Act 1998 (NSW)
- Work Health and Safety Act 2011 (NSW)

5. POLICY STATEMENT

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

Councillors, Administrators, Council employees, delegates of Councils, (including members of Council committees that are delegates of Council) and any other person Council's adopted code of conduct applies to, (hereafter known as Council Officials) must comply with the applicable provisions of their Council's Code of Conduct. It is the personal responsibility of each Councillor 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 (The Act). The Act 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.

PART 1: GENERAL CONDUCT OBLIGATIONS

GENERAL CONDUCT

P1.1 You must not conduct yourself in a manner that:

a) is likely to bring Council or other Council Officials into disrepute;

b) is contrary to statutory requirements or Council's administrative requirements or policies;

c) is improper or unethical;

d) is an abuse of power;

e) causes, comprises or involves intimidation or verbal abuse;

f) involves the misuse of your position to obtain a private benefit; and

g) constitutes harassment or bullying behaviour under this Code, or is unlawfully discriminatory.

P1.2 You must act lawfully and honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other legislation.

Local Government Act 1993 – Section 439

FAIRNESS AND EQUITY

P1.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

P1.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

P1.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of Clauses P1.3 or P1.4.

HARASSMENT AND DISCRIMINATION

P1.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

P1.7 For the purposes of this Code, "harassment" is any form of behaviour towards a person that:

a) is not wanted by the person;

b) offends, humiliates or intimidates the person; and

c) creates a hostile environment.

BULLYING

P1.8 You must not engage in bullying behaviour towards others.

P1.9 For the purposes of this Code, "bullying behaviour" is any behaviour in which:

a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons; and

b) the behaviour creates a risk to health and safety.

P1.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

a) aggressive, threatening or intimidating conduct;
b) belittling or humiliating comments;
c) spreading malicious rumours;
d) teasing, practical jokes or 'initiation ceremonies';
e) exclusion from Council-related events;
f) displaying offensive material; and
g) pressure to behave in an inappropriate manner.

P1.11 Reasonable action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this Code. Examples of reasonable management action may include, but are not limited to:

a) disciplinary action for misconduct;
b) legitimately exercising a regulatory function; and
c) legitimately implementing a council policy or administrative processes.

WORK HEALTH AND SAFETY

P1.12 All Councillors, owe statutory duties under the Work Health and Safety Act 2011 (WHS Act).

You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by Council to ensure workplace health and safety. Specifically, you must:

a) take reasonable care for your own health and safety;
b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons;
c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by Council to ensure workplace health and safety;
d) cooperate with any reasonable Policy or Procedure of Council relating to workplace health or safety that has been notified to Councillors;
e) report accidents, incidents, near misses, to the CEO or such other Council employees nominated by the CEO 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

P1.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

P1.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

P1.15 If a Councillor/s wish to meet with a developer or an objector to a development application currently under assessment or current planning matter, at a minimum the Director Planning and

Environment or his/her delegate (Manager Development Services) is required to be in attendance. Any outcomes or actions from the meeting should be communicated with all Councillors and the Executive Leadership team via email as soon as possible after the meeting.

BINDING CAUCUS VOTES

P1.16 You must not participate in binding caucus votes in relation to matters to be considered at a Council or Committee meeting.

P1.17 For the purposes of Clause P1.16, 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 Committee, irrespective of the personal views of individual members of the group on the merits of the matter before Council or Committee.

P1.18 Clause P1.16 does not prohibit Councillors from discussing a matter before Council or Committee prior to considering the matter in question at a Council or Committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.

P1.19 Clause P1.16 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

P1.20 You must comply with rulings by the Chair/Mayor at Council and committee meetings or other proceedings of Council unless a motion dissenting from the ruling is passed.

P1.21 You must not engage in bullying behaviour (as defined under this Part) towards the Chair/Mayor, other Council Officials or any members of the public present during Council or Committee meetings or other proceedings of Council (such as, but not limited to, workshops and briefing sessions).

P1.22 You must not engage in conduct that disrupts Council or 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.

P1.23 You 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 Committee of Council. Without limiting this clause, you must not:

a) leave a meeting of Council or a committee for the purposes of depriving the meeting of a quorum, or

b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or

c) deliberately seek to impede the consideration of business at a meeting.

PART 2: PECUNIARY INTERESTS

WHAT IS A PECUNIARY INTEREST?

P2.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in Clause P2.3.

P2.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in Clause P2.6.

P2.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:

a) your interest, or

b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or

c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

P2.4 For the purposes of Clause P2.3:

a) Your "relative" is any of the following:

i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).

b) "de facto partner" has the same meaning as defined in Section 21C of the Interpretation Act 1987.

P2.5 You will not have a pecuniary interest in relation to a person referred to in Sub Clauses P2.3 b) or c):

a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or

b) just because the person is a member of, or is employed by, a Council or a statutory body, or is employed by the Crown, or

c) just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

WHAT INTERESTS DO NOT HAVE TO BE DISCLOSED?

P2.6 You do not have to disclose the following interests for the purposes of this Part:

a) your interest as an elector;

b) your interest as a ratepayer or person liable to pay a charge;

c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Code;

d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Code;

e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not);

f) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company;

g) an interest you 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 your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership;

h) an interest you have arising from the making by Council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by Council in respect of similar matters with other residents of the area;

i) the performance by Council at the expense of your relative of any work or service in connection with roads or sanitation;

ii) security for damage to footpaths or roads; and

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;

i) an interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor);

j) 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 Council Policy;

Local Government Act 1993 – Section 252

k) 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;

l) an interest of a person arising from the passing for payment of a regular account for the wages or salary of a Council employee who is a relative of the person ;

m) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor; and

n) 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.

P2.7 For the purposes of Clause P2.6, "relative" has the same meaning as in Clause P2.4, but includes your spouse or de facto partner.

WHAT DISCLOSURES MUST BE MADE BY A COUNCILLOR?

P2.8 A Councillor

a) must prepare and submit written returns of interests in accordance with Clause P2.9; and

b) must disclose pecuniary interests in accordance with Clause P2.17.

DISCLOSURE OF INTERESTS IN WRITTEN RETURNS

P2.9 A Councillor must make and lodge with the CEO a return in the form set out in Schedule 2 to this Code, disclosing the designated person's interests as specified in Schedule 1 to this Code within 3 months after:

a) becoming a Councillor; and

b) 30 June of each year; and

c) Councillor becoming aware of an interest they are required to disclose under Schedule 1 that has not been previously disclosed in a return lodged under paragraphs a) or b).

P2.10 A Councillor need not make and lodge a return under Clause P2.9 paragraphs a) and b) if:

a) they made and lodged a return under that Clause in the preceding three (3) months, or

b) they have ceased to be a designated person in the preceding three (3) months.

P2.11 A Councillor must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

P2.12 The CEO must keep a register of returns required to be made and lodged with the CEO.

P2.13 Returns required to be lodged with the CEO under Clause P2.9 a) and b) must be tabled at the first meeting of Council after the last day the return is required to be lodged.

P2.14 Returns required to be lodged with the CEO under Clause P2.9 c) must be tabled at the next Council meeting after the return is lodged.

P2.15 Information contained in returns made and lodged under Clause P2.9 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

DISCLOSURE OF PECUNIARY INTERESTS AT MEETINGS

P2.16 A Councillor who has a pecuniary interest in any matter with which Council is concerned, and who is present at a meeting of Council or Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

P2.17 Councillor must not be present at, or in sight of, the meeting of Council or Committee:

a) at any time during which the matter is being considered or discussed by Council or Committee, or

b) at any time during which Council or Committee is voting on any question in relation to the matter.

P2.18 A disclosure made at a meeting of Council or Council Committee must be recorded in the minutes of the meeting.

P2.19 A general notice may be given to the CEO in writing by a Councillor to the effect that Councillor or Councillor'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 Councillor'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.

P2.20 A Councillor 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 Council committee member has an interest in the matter of a kind referred to in Clause P2.6.

P2.21 A Councillor does not breach Clauses P2.16 or P2.17 if Councillor 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.

P2.22 Despite Clause P2.17, 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.

P2.23 Clause P2.17 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 Councillor in Councillor's principal place of residence or an interest of another person (whose interests are relevant under Clause P2.3) in that person's principal place of residence; and

c) Councillor made a special disclosure under Clause P2.24 in relation to the interest before the commencement of the meeting.

P2.24 A special disclosure of a pecuniary interest made for the purposes of Clause P2.23 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.

P2.25 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor who has a pecuniary interest in a matter with which Council is concerned to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or

b) that it is in the interests of the electors for the area to do so.

P2.26 A Councillor with a pecuniary interest in a matter who is permitted to be present at a meeting of Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter under Clause P2.25, must still disclose the interest they have in the matter in accordance with Clause P2.16.

PART 3: NON-PECUNIARY CONFLICTS OF INTEREST

WHAT IS A NON-PECUNIARY CONFLICT OF INTEREST?

P3.1 Non-pecuniary interests are private or personal interests a Council Official has that do not amount to a pecuniary interest as defined in Clause P2.1 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.

P3.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

P3.3 The personal or political views of a Council Official do not constitute a private interest for the purposes of Clause P3.2.

P3.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this Code.

P3.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

MANAGING NON-PECUNIARY CONFLICTS OF INTEREST

P3.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of Clause P3.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.

P3.7 If a disclosure is made at a Council or Committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of Clause P3.6.

P3.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

P3.9 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 P2.1, 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 P2.4 or another person from Council Official's extended family that 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 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 P2.6) that is not a pecuniary interest for the purposes of Clause P2.1; 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.

P3.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination; or

b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with Clauses P2.16 and P2.17.

P3.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

P3.12 Despite clause P3.10 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.

Practise Note:
Councillor Handbook - 3.1.3 Conflicts of interest
An example of a significant non-pecuniary conflict of interest could be where Councillor is an active member and involved in the running of a sporting club that submits a development application to Council for a major extension of its facilities. In this instance there may be a public perception that Councillor's activities with the club would make it difficult for Councillor to view the matter before Council impartially. When the matter comes before Council, Councillor needs to consider whether or not they have a significant conflict of interest and, if so, must disclose the nature of the conflict and refrain from participating in the discussion and voting on the matter.
By contrast, if a Councillor is merely a member of a large club and utilises its facilities via membership, it is unlikely that this membership alone would conflict with their role as a councillor representing the views of the residents and ratepayers generally. However, a Councillor should still consider if this raises a less than significant conflict of interests and if so, they should disclose this, as well as the nature of the interest and a brief explanation of why no further action is required to manage the conflict in the circumstances. It always remains open for councillors to take additional steps to manage any perception of a conflict of interests

"No further action" means that after declaring a less than significant non-pecuniary interest, Councillor may stay in the meeting, participate in the debate and vote on the matter.

Councillors do not have a significant or less than significant non-pecuniary interest in a matter purely by being Council's appointed representative on a Committee, with the exception of potential conflicts in accordance with P3.9(d).

POLITICAL DONATIONS

P3.13 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

P3.14 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:

a) made by a major political donor in the previous four years, and

b) the major political donor has a matter before Council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses P2.16 and P2.17. A disclosure made under this clause must be recorded in the minutes of the meeting.

P3.15 For the purposes of this Part:

a) a "reportable political donation" has the same meaning as it has in Section 6 of the Electoral Funding Act 2018; and

b) "major political donor" has the same meaning as it has in the Electoral Funding Act 2018.

P3.16 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 P3.9 and take the appropriate action to manage them.

P3.17 Despite Clause P3.14, 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

P3.18 A Councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

a) the matter is a proposal relating to:

i) the making of a principal environmental planning instrument applying to the whole or a significant portion of 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 non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and

c) 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 P3.6.

P3.19 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or

b) that it is in the interests of the electors for the area to do so.

P3.20 Where the Minister exempts a committee member from complying with a requirement under this Part under Clause P3.19, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with Clause P3.6.

PERSONAL DEALINGS WITH COUNCIL

P3.21 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

P3.22 You must undertake any personal dealings you have with Council in a manner that is consistent with the way other members of the community deal with Council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this Code.

PART 4: PERSONAL BENEFIT

P4.1 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.

P4.2 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) benefit or facility provided by Council to a Councillor;

e) attendance by an Council Official at a work-related event or function for the purposes of performing their official duties; or

f) free or subsidised meals, beverages or refreshments provided to Councillors 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; or

iii) conferences

iv) Council functions or events

v) social functions organised by groups, such as Council committees and community organisations.

GIFTS AND BENEFITS

P4.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

P4.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

P4.5 Regardless of the value of a gift and/or benefit received or declined by a Councillor, Councillor must complete a Gift and Benefit Declaration and forward it to the CEO.

P4.6 Councillors should, wherever possible, decline offers of gifts and/or benefits of any value, but still complete a Gift and Benefit Declaration noting that the offer had been declined

P4.7 It is at the discretion of the CEO to whether a Councillor may retain an item or whether it is required to be handed in to Council.

P4.8 Invitations received for Council or neighbouring Council's events are exempt from this Section however if accepted must be declared.

HOW ARE OFFERS OF GIFTS AND BENEFITS TO BE DEALT WITH?

P4.9 You must not:

a) seek or accept a bribe or other improper inducement;

b) seek gifts or benefits of any kind;

c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty;

d) subject to Clause P4.11, accept any gift or benefit of more than token value as defined by Clause P4.13;

e) accept an offer of cash or a cash-like gift as defined by Clause P4.17, 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 organiser; or

g) personally benefit from reward points programs when purchasing on behalf of Council.

P4.10 Where you receive a gift or benefit or are offered a gift or benefit of any value other than one referred to in clause P4.2, you must disclose this promptly to the CEO via completing a Gifts and Benefits Declaration. The recipient or CEO 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 or offered the gift or benefit, and

d) the date on which the gift or benefit was received or declined.

P4.11 Where you receive a gift or benefit, of more than token value, that cannot reasonably be refused or returned, the gift or benefit must be surrendered to Council., unless the nature of the gift or benefit makes this impractical.

GIFTS AND BENEFITS OF TOKEN VALUE

P4.12 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a twelve (12) month period that, when aggregated, do not exceed a value of $50. They include, but are not limited to:

a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed $50.

b) gifts of alcohol that do not exceed a value of $50.

c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like; or

d) prizes or awards that do not exceed $50 in value.

GIFTS AND BENEFITS OF MORE THAN TOKEN VALUE

P4.13 Gifts or benefits that exceed $50 in value are gifts or benefits of more than token value for the purposes of Clause P4.9 d) and, subject to Clause P4.11, must not be accepted.

P4.14 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds $50 corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

P4.15 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single twelve (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 twelve (12) month period would exceed $50 in value.

P4.16 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"

P4.17 For the purposes of Clause P4.9 e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

IMPROPER AND UNDUE INFLUENCE

P4.18 You must not use your position to influence other Council Officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the Act.

P4.19 You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.

PART 5: RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

OBLIGATIONS OF COUNCILLORS AND ADMINISTRATORS

P5.1 Each Council is a body politic. Councillors or Administrator/s are the governing body of Council. The role of the governing body of Council includes the development and endorsement of the strategic plans, programs, strategies and policies of Council, including those relating to workforce policy, and to keep the performance of Council under review.

Local Government Act 1993 – Section 223

P5.2 Councillors or Administrators must not:

a) direct Council employees other than by giving appropriate direction to the CEO by way of Council or committee resolution, or by the Mayor or Administrator exercising their functions.

Local Government Act 1993 – Section 226

b) in any public or private forum, direct or influence, or attempt to direct or influence, any other Council employees or a delegate of Council in the exercise of the functions of the Council employees or delegate;

c) contact a Council employee on Council-related business unless in accordance with the Policy and Procedures governing the interaction of Councillors and Council employees that have been authorised by Council and the CEO.

d) contact or issue instructions to any Council's contractors, including Council's legal advisers, unless by the Mayor or Administrator exercising their functions.

Local Government Act 1993 – Section 226

P5.3 Despite Clause P5.2, Councillors may, at a Council meeting, make recommendations to the Audit, Risk and Improvement Committee (ARIC) of items for consideration at a meeting of the Committee.

Such items will be placed on the ARIC agenda at the next scheduled meeting or if considered a matter of urgency a special ARIC meeting will be called.

Despite clause P5.2, councillors may contact Council's external auditor or the chair of Council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

OBLIGATIONS OF COUNCIL EMPLOYEES

P5.4 The role of the CEO includes conducting the day-to-day management of Council in accordance with the strategic plans, programs, strategies and policies of Council, 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.

Local Government Act 1993 – Section 335

P5.5 Council employees 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 Council employee agrees with or approves of them

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

P5.6 You must not engage in any of the following inappropriate interactions:

a) Councillors and Administrators approaching Council employees and employee organisations to discuss individual or operational employee matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters; or

b) Council employees approaching Councillors and Administrators to discuss individual or operational employee matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters; or

c) subject to Clause P6.6, Council employees refusing to give information that is available to other Councillors to a particular Councillor; or

d) Councillors and Administrators who have lodged an application with Council, discussing the matter with a Council employee in employee-only areas of Council; or

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 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 employees; or

g) Council employees being overbearing or threatening to Councillors or Administrators; or

h) Councillors and Administrators making personal attacks on Council employees or engaging in conduct towards Council employees that would be contrary to the general conduct provisions in Part 1 of this Code in public forums including social media; or

i) Councillors and Administrators directing or pressuring Council employees in the performance of their work, or recommendations they should make; or

j) Council employees 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; or

k) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's CEO or, in the case of the Mayor or Administrator, unless they are exercising their functions.

Local Government Act 1993 – Section 226

PART 6: ACCESS TO INFORMATION AND COUNCIL RESOURCES

COUNCILLOR AND ADMINISTRATOR ACCESS TO INFORMATION

P6.1 The CEO is responsible for ensuring that Councillors and Administrators can access information necessary for the performance of their official functions. The CEO 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).

P6.2 The CEO must provide Councillors and Administrators with the information necessary to effectively discharge their official functions.

P6.3 Council employees 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.

P6.4 Council employees 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.

P6.5 Councillors and Administrators who have a private interest only in Council information have the same rights of access as any member of the public.

P6.6 Despite Clause P6.4, 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 AND CONSIDER INFORMATION

P6.7 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

P6.8 Where the CEO 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 Councillor or Administrator to perform their official functions (see Clause P6.2) 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 P6.6). The CEO or Public Officer must state the reasons for the decision if access is refused.

USE OF CERTAIN COUNCIL INFORMATION

P6.9 In regard to information obtained in your capacity as a Council Official, you must:

a) only access Council information needed for Council business;

b) not use that Council information for private purposes;

c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your 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

P6.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

P6.11 In addition to your general obligations relating to the use of Council information, you must:

a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions;

b) protect confidential information;

c) only release confidential information if you have authority to do so;

d) only use confidential information for the purpose for which it is intended to be used;

e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person;

f) not use confidential information with the intention to cause harm or detriment to Council or any other person or body; and

g) not disclose any confidential information discussed during a confidential session of a Council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

PERSONAL INFORMATION

P6.12 When dealing with personal information you must comply with the:

a) Privacy and Personal Information Protection Act 1998;

b) Health Records and Information Privacy Act 2002;

c) Information Protection Principles and Health Privacy Principles ;

d) Council's Privacy Management Plan; and

e) Privacy Code of Practice for Local Government.

USE OF COUNCIL RESOURCES

P6.13 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

P6.14 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

P6.15 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

P6.16 You must not use Council resources (including Council employees), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

P6.17 You must not use Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:

a) for the purpose of assisting your election campaign or the election campaign of others, or

b) for other non-official purposes.

P6.18 You must not convert any property of Council to your own use unless properly authorised.

INTERNET ACCESS

P6.19 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage Council's reputation.

COUNCIL RECORD KEEPING

P6.20 You must comply with the requirements of the State Records Act 1998 and Council's Information and Records Management Policy.

P6.21 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the State Records Act 1998 and Council's approved records management policies and practices.

P6.22 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.

P6.23 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with Council's records Manager and comply with the requirements of the State Records Act 1998.

COUNCILLOR ACCESS TO COUNCIL BUILDINGS

P6.24 Councillors and Administrators are entitled to have access to 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 CEO.

P6.25 Councillors and Administrators must not enter employee-only areas of Council buildings without the approval of the CEO (or their delegate) or as provided for in the procedures governing the interaction of Councillors and Council employees.

P6.26 Councillors and Administrators must ensure that when they are within an employee-only area they refrain from conduct that could be perceived to improperly influence Council employees decisions.

SOCIAL MEDIA

P6.27 Councillors should be aware that any social media activity or interaction, either official or personal, is public, permanently available, traceable and able to be reproduced elsewhere. Contents, comments and digital activity may also form part of an evidentiary brief in Code of Conduct matters, or in more serious matters, tendered as evidence, such as civil claims or investigations by the Independent Commission Against Corruption (ICAC) or the Police.

P6.28 Councillors should also be aware that whether they intend it or not, what they post online in a private capacity may reflect on Murray River Council and their role as a Councillor. They should

therefore behave in a way that upholds the values and reputation of Council, consistent with the Code of Conduct and other policies.

P6.29 Councillors are reminded that 'shares', 'likes' or 'retweets' may be viewed as an endorsement of the original post. In the spirit of the respectful democratic environment that Australian citizens enjoy and live in, constructive criticism or negative comments/commenters should not be blocked or removed, unless they are overtly offensive and defamatory, incite hatred and violence or are criminal in nature. The latter examples should be noted with Council's CEO, or if criminal in nature or threaten your safety and reported to NSW Police as soon as possible.

P6.30 Councillors must also be aware of posts by others to their social media pages and consider if such post/s and its comment/s are offensive or may incite hatred, violence and/or criminal acts. Any post/comments made to a Councillor's social media page/site should be monitored by Councillor to ensure that it meets the standard of socially acceptable behaviour/commentary.

P6.31 Councillors should remove any post/comment that does not meet the required standard of this Policy.

COMPLAINTS HANDLING

P6.32 Councillors must refer any complaint they receive about any facet of Council's activities to the CEO or relevant Director so that the matter can be resolved according to the Customer Feedback and Complaints Management Policy.

P6.33 Depending on the nature of the complaint, wherever possible Councillor who forwarded the information to the CEO will be updated on what action will or has been taken.

PART 7: MAINTAINING THE INTEGRITY OF THIS CODE

COMPLAINTS MADE FOR AN IMPROPER PURPOSE

P7.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this Code for an improper purpose.

P7.2 For the purposes of Clause P7.1, 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; and

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

DETRIMENTAL ACTION

P7.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this Code.

P7.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.

P7.5 For the purposes of Clauses P7.3 and P7.4, 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; and

e) disciplinary proceedings.

COMPLIANCE WITH REQUIREMENTS UNDER THE PROCEDURES

P7.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

P7.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this Clause.

P7.8 You must comply with a practice ruling made by the Office under the Procedures.

DISCLOSURE OF INFORMATION ABOUT THE CONSIDERATION OF A MATTER UNDER THE PROCEDURES

P7.9 All allegations of breaches of this Code must be dealt with under and in accordance with the Procedures.

P7.10 You must not allege breaches of this Code other than by way of a complaint made or initiated under the Procedures.

P7.11 You must not make allegations about, or disclose information about, suspected breaches of this Code at Council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

P7.12 You must not disclose information about a complaint you have made alleging a breach of this Code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

P7.13 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

P7.14 Complaints alleging a breach of this Part by the CEO are to be managed by the Office of Local Government (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.

8. RESPONSIBILITIES

Position	Responsibilities
CEO	To lead Councillors in their understanding of, and compliance with, this Policy and related Procedures.
Councillors	To be aware of and ensure compliance with this Policy.
Directors, Managers and Supervisors	To communicate, implement and comply with this Policy and related Procedures.

9. BREACHES

Failure by a Councillor to comply with Council's Code of Conduct may give rise to disciplinary action.

10. EVALUATION AND REVIEW

It is the responsibility of the Chief Executive Officer, to monitor the adequacy of this Policy and recommend appropriate changes.

This Policy will be formally reviewed every four (4) years or as needed, whichever comes first.

11. ASSOCIATED DOCUMENTS, DEFINITIONS AND ACRONYMS

External:

- Information Protection Principles and Health Privacy Principles
- OLG - Privacy Code of Practice for Local Government

Internal:

- MRC Policy - Code of Conduct (Councillors) Policy (POL-100.1)
- MRC Policy - Code of Conduct (Committees) Policy (POL-100.3)
- MRC Policy - Code of Conduct (Vulnerable Persons and Children) Policy (POL-112)
- MRC Policy – Information and Records Management Policy
- MRC Policy - Privacy Management Plan
- MRC Procedure – Gifts, Benefits and Hospitality Procedure
- MRC Procedure - Code of Conduct Procedures

Definitions:

In this Code the following terms have the following meanings:

Term	Definition
The Act	Local Government Act 1993 (NSW)
Administrator	An Administrator of a Council appointed under the LGA other than an Administrator appointed under Section 66
CEO	Chief Executive Officer (referred to as the General Manager in the Act)
committee	See the definition of "Council committee"
complaint	A Code of Conduct complaint made for the purposes of Clauses P2.1 and P2.2 of the Procedures.
conduct	Includes acts and omissions
Council	Murray River Council
Council Official	Includes Councillors, employees of a Council, Administrators, Council committee members, delegates of Council and, for the purposes of Clause P2.16 of the Model Code of Conduct, Council advisers
Council committee	A committee established by a Council comprising of Councillors, employees or other persons that Council has delegated functions to and Council's Audit, Risk and Improvement Committee (ARIC)
Council committee member	A person other than a Councillor or employee of a Council who is a member of a Council committee other than a wholly advisory committee, and a person other than a Councillor who is a member of Council's Audit, Risk and Improvement Committee.
Councillor	Any person elected or appointed to civic office, including the Mayor and includes members and chairpersons of County Councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
Delegate of Council	A person (other than a Councillor or employee of a Council) or body, and the individual members of that body, to whom a function of Council is delegated

designated person	A person referred to in Clause P2.8
election campaign	includes council, state and federal election campaigns
employee	An employee of Murray River Council – permanent, part-time or casual.
environmental planning instrument	has the same meaning as it has in the Environmental Planning and Assessment Act 1979
local planning panel	a local planning panel constituted under the Environmental Planning and Assessment Act 1979
Mayor	Elected Chairperson of Murray River Council
the Office	Office of Local Government
personal information	Information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	The Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation the Regulation the Local Government (General) Regulation 2021
wholly advisory committee	A Council committee that Council has not delegated any functions to

12. DOCUMENT CONTROL

Version No.	Details	Date	CM9 Reference	Resolution No.
1	Initial Issue –	23 May 2016 to 15 Apr 2019	VF/17/102859	060516
2	Adoption of new Policy based on the Model Code of Conduct for Local Councils in NSW (Office of Local Government – December 2018) as per Office of Local Government Circular to Councils 18-44.	16 Apr 2019 to 27 Oct 2020	VF/17/102859	090419
3	Adoption of new Policy based on the Model Code of Conduct for Local Councils in NSW (Office of Local Government – August 2020) as per Office of Local Government Circular to Councils 20-32.	27 Oct 2020 to 22 Nov 2022	VF/17/102859	181020
4	Code of Conduct Policy split into 3 separate documents – Councillors, Employees and Committee Members, Delegates & Advisors	22 Nov 2022 to 28 Oct 2025	VF/17/102859	131122
5	Updated to reflect the intent of the Model Code of Conduct published by the Office of Local Government.	28 Oct 2025 to today	VF/17/102859	TBA

Council reserves the right to review, vary or revoke this policy at any time
This Policy is scheduled for review before 2029

NOTE:
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DISCLAIMER:
This document was formulated to be consistent with Murray River Council's legislative obligations and with the scope of Council's powers. This document should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail. This document does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this document.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE P2.9

PART 1: PRELIMINARY

DEFINITIONS

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

address	a) in relation to a person other than a corporation, the last residential or business address of the person known to the designated person disclosing the address, or b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or c) in relation to any real property, the street address of the property.
de facto partner	has the same meaning as defined in Section 21C of the Interpretation Act 1987.
disposition of property	means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following: a) the allotment of shares in a company b) the creation of a trust in respect of property c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property e) the exercise by a person of a general power of appointment over property in favour of another person f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.
gift	means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.
interest	means: a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or b) in relation to a corporation, a relevant interest (within the meaning of Section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.
listed company	means a company that is listed within the meaning of Section 9 of the Corporations Act 2001 of the Commonwealth.
occupation	includes trade, profession and vocation.

professional or business association	means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.
property	includes money.
return date	means: a) in the case of a return made under clause 4.9 a), the date on which a person became a designated person b) in the case of a return made under clause 4.9 b), 30 June of the year in which the return is made c) in the case of a return made under clause 4.9 c), the date on which the 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 factor partner of a person referred to in paragraphs (b) and (c).
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 designated person has an interest includes a reference to any real property situated in Australia in which the 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 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: PENUNIARY INTERESTS TO BE DISCLOSED IN RETURNS

REAL PROPERTY

5. A person making a return under clause P2.9 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 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 P2.9 of this Code must disclose:
   a) a description of each gift received in the period since 30 June of the previous financial year, and
   b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
   a) it did not exceed $500, unless it was among gifts totalling more than $500 made by the same person during a period of 12 months or less, or
   b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
   c) the donor was a relative of the donee, or
   d) subject to paragraph (a), it was received prior to the person becoming a 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 P2.9 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 twelve (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 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 P2.9 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 ten (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 designated person.

INTERESTS AS A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER

19. A person making a return under Clause P2.9 of this Code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of Clause 19 of this schedule:

CLOSE ASSOCIATE:

In relation to a corporation or an individual, has the same meaning as it has in Section 53 of the Electoral Funding Act 2018.

PROPERTY DEVELOPER

Has the same meaning as it has in Division 7 of Part 3 of the Electoral Funding Act 2018.

POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

21. A person making a return under Clause P2.9 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.

DISPOSITIONS OF REAL PROPERTY

23. A person making a return under Clause P2.9 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 P2.9 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.

SOURCES OF INCOME

26. A person making a return under Clause P2.9 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 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 P2.9 of the 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 P2.9 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 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 P2.9

'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.
2. If this is the first return you have been required to lodge with the CEO after becoming a Councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the CEO and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the CEO, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the CEO and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the twelve (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 you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

IMPORTANT INFORMATION

This information is being collected for the purpose of complying with clause P2.21 of this Code.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see Clause P2.23). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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

Information contained in returns made and lodged under clause P2.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

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

DISCLOSURE OF INTERESTS FORM

REQUIRED TO BE LODGED UNDER CLAUSE P2.9 OF COUNCIL'S CODE OF CONDUCT POLICY

DECLARATION

(Please type in this document or use BLOCK letters if written. Fill in every section – use NIL if you have nothing to declare)

Disclosure of pecuniary interests and other matters by (Enter Full Name in the box)

as at the return date of the ____ in respect to the period from ____

Signed: ____ Date: ____

(PLEASE NOTE: This cannot by typed text - must be a digital signature or handwritten signature)

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date and at any time since 30 June 20XX	Nature of interest

B. Sources of income

1. Sources of income:

- I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June, and
- received from an occupation at any time since 30 June 20XX

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

DISCLOSURE OF INTERESTS FORM

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, and
- received from a trust since 30 June 20XX.

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:

Source	Amount

C. Gifts

Description of each gift I received at any time since 30 June 20XX	Name and address of donor

DISCLOSURE OF INTERESTS FORM

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 20XX	Dates on which travel was undertaken	Names of states and 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 and at any time since 30 June 20XX.	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. Property development

Were you a property developer or a close associate of a property developer on the return date?

Choose one option:	Yes ☐	No ☐

G. Positions in trade unions and professional or business associations

Name of each trade union & each professional or business association in which I held any position (whether remunerated or not) at the return date and at any time since 30 June 20XX.	Description of position

DISCLOSURE OF INTERESTS FORM

H. Debts

Name and address of each person to whom I was liable to pay any debts at the return date and at any time since 30 June 20XX

I. Disposition of property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June 20XX, as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time.

2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June 20XX, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

DISCLOSURE OF INTERESTS FORM

Received by:

Signed:

Name: CEO or their nominee

Date:

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE P2.25

1. This form must be completed using block letters or typed.

2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

IMPORTANT INFORMATION

This information is being collected for the purpose of making a special disclosure of pecuniary interests under Clause P2.36 c) of the Code of Conduct Policy.

The special disclosure must relate only to a pecuniary interest that a councillor has in 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 P2.3 of the Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause P2.4 of the Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

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

This form must be completed by you before the commencement of 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 FORM

REQUIRED TO BE LODGED UNDER CLAUSE P2.1 OF THE CODE OF CONDUCT POLICY

(Please type in this document or use BLOCK letters if written. Fill in every section)

Special disclosure of pecuniary interests by:	
Full Name of Councillor	
In the matter of: (Name of environmental planning instrument)	
Which is to be considered at a meeting of the Murray River Council (Tick one box)	☐ Council Meeting ☐ Committee of Council
To be held on the (Date of meeting)	

Pecuniary Interest

Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the Councillor (Tick one box)	☐ The Councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). ☐ An associated person of the Councillor has an interest in the land. ☐ 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 one box)	☐ The identified land. ☐ Land that adjoins or is adjacent to or is 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)	
Proposed change of zone/planning control (Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land)	

SPECIAL DISCLOSURE OF PECUNIARY INTEREST FORM

Effect of proposed change of zone/planning control on councillor or associated person: (Tick one box)	☐ Appreciable financial gain ☐ Appreciable financial loss
If more than one pecuniary interest is to be declared, complete a separate form for each additional interest.	
Signed:	Date:

Footnotes:

1 Clause P2.1 of the Code of Conduct Policy 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 P2.6 of the Code of Conduct.

2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in Clause P2.3 of the Code of Conduct has a proprietary interest.

MURRAY RIVER COUNCIL
COUNCIL POLICY

CODE OF CONDUCT (COUNCIL OFFICERS) POLICY

POL-100.2 V#5

murray river council

murray river council

CODE OF CONDUCT (COUNCIL OFFICERS) POLICY

TABLE OF CONTENTS

1. INTRODUCTION 3
2. OBJECTIVES 3
3. SCOPE 3
4. LEGISLATION 3
5. POLICY STATEMENT 3
   - PART 1 GENERAL CONDUCT OBLIGATIONS 4
   - PART 2 PECUNIARY INTERESTS 7
   - PART 3 NON-PECUNIARY CONFLICTS OF INTEREST 11
   - PART 4 PERSONAL BENEFIT 14
   - PART 5 RELATIONSHIPS BETWEEN COUNCIL OFFICERS & COUNCIL OFFICIALS 17
   - PART 6 ACCESS TO INFORMATION AND COUNCIL RESOURCES 19
   - PART 7 MAINTAINING THE INTEGRITY OF THIS CODE 23
6. RESPONSIBILITIES 24
7. BREACHES 24
8. EVALUATION AND REVIEW 24
9. ASSOCIATED DOCUMENTS, DEFINTIONS AND ACRONYMS 25
10. DOCUMENT CONTROL 26

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE P2.18 28

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE P2.18 35

This Code of Conduct applies to Council Officers, including CEOs. It is based on the Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") which is made under Section 440 of the Local Government Act 1993 ("the Act") and the Local Government (General) Regulation 2021 ("the Regulation").

murray river council

CODE OF CONDUCT (COUNCIL OFFICERS) POLICY

1. INTRODUCTION

Section 440 of the Local Government Act 1993 (NSW) ("the Act") requires every Council to adopt a Code of Conduct Policy ("the Code") that incorporates the provisions of the Model Code of Conduct. Council's adopted Code of Conduct Policy may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "Council Officials" for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory committees).

2. OBJECTIVES

The Code sets the minimum standards of conduct for Council Officers. It is prescribed by Regulation to assist Council Officers to:

- Understand and comply with the standards of conduct that are expected of them;
- Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (Section 439); and
- Act in a way that enhances public confidence in local government.

3. SCOPE

This Code of Conduct applies all Council Officers including the Chief Executive Officer (CEO).

4. LEGISLATION

- Local Government Act 1993 (NSW)
- Local Government (General) Regulations 2021 (NSW)
- Corporations Act 2001 (NSW)
- Electoral Funding Act 2018 (NSW);
- Government Information (Public Access) Act 2009 (NSW)
- Government Information (Public Access) Regulations 2018 (NSW);
- Health Records and Information Privacy Act 2002 (NSW)
- Interpretation Act 1987 (NSW)
- Privacy and Personal Information Protection Act 1998 (NSW)
- Public Interest Disclosures Act 1994 (NSW)
- State Records Act 1998 (NSW)
- Work Health and Safety Act 2011 (NSW)

5. POLICY STATEMENT

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

All Council Officers must comply with the applicable provisions of their Council's Code of Conduct. It is the personal responsibility of all Council Officers to comply with the standards in the Code and to regularly review their personal circumstances and conduct with this in mind.

PART 1: GENERAL CONDUCT OBLIGATIONS

GENERAL CONDUCT

P1.1 You must not conduct yourself in a manner that:

a) is likely to bring Council, other Council Officers and/or Council Officials into disrepute;

b) is contrary to statutory requirements or Council's administrative requirements or policies;

c) is improper or unethical;

d) is an abuse of power;

e) causes, comprises or involves intimidation or verbal abuse;

f) involves the misuse of your position to obtain a private benefit; and

g) constitutes harassment or bullying behaviour under this Code or is unlawfully discriminatory.

P1.2 You must act lawfully and honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act.

Section 439 of the Local Government Act 1993.

FAIRNESS AND EQUITY

P1.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

P1.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

P1.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of Clauses P1.3 or P1.4.

HARASSMENT AND DISCRIMINATION

P1.6 You must not harass or unlawfully discriminate against others or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

P1.7 For the purposes of this Code, "harassment" is any form of behaviour towards a person that:

a) is not wanted by the person;

b) offends, humiliates or intimidates the person; and

c) creates a hostile environment.

BULLYING

P1.8 You must not engage in bullying behaviour towards others.

P1.9 For the purposes of this Code, "bullying behaviour" is any behaviour in which:

a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons; and

b) the behaviour creates a risk to health and safety.

P1.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

a) aggressive, threatening or intimidating conduct;
b) belittling or humiliating comments;
c) spreading malicious rumours;
d) teasing, practical jokes or 'initiation ceremonies';
e) exclusion from work-related events;
f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level;
g) displaying offensive material; and
h) pressure to behave in an inappropriate manner.

P1.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this Code. Examples of reasonable management action may include, but are not limited to:

a) performance management processes;
b) disciplinary action for misconduct;
c) informing a worker about unsatisfactory work performance or inappropriate work behaviour;
d) directing a worker to perform duties in keeping with their job;
e) maintaining reasonable workplace goals and standards;
f) legitimately exercising a regulatory function; or
g) legitimately implementing a Council Policy or administrative processes.

WORK HEALTH AND SAFETY

P1.12 All Council Officers, owe statutory duties under the Work Health and Safety Act 2011 ("WHS Act"). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by Council to ensure workplace health and safety. Specifically, you must:

a) take reasonable care for your own health and safety;
b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons;
c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by Council to ensure workplace health and safety;
d) cooperate with any reasonable policy or procedure of Council relating to workplace health or safety that has been notified to Council Officers;
e) report accidents, incidents, near misses, to the CEO or such other Council Officers nominated by the CEO 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

P1.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

P1.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

OBLIGATIONS IN RELATION TO MEETINGS

P1.15 You must comply with rulings by the Chair/Mayor at Council and Committee meetings or other proceedings of Council unless a motion dissenting from the ruling is passed.

P1.16 You must not engage in bullying behaviour (as defined under this Part) towards the Chair/Mayor, other Council Officials or any members of the public present during Council or Committee meetings or other proceedings of Council (such as, but not limited to, workshops and briefing sessions).

P1.17 You must not engage in conduct that disrupts Council or 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.

PART 2: PECUNIARY INTERESTS

WHAT IS A PECUNIARY INTEREST?

P2.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in Clause P2.3.

P2.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in Clause P2.6.

P2.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:

a) your interest, or

b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or

c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

P2.4 For the purposes of Clause P2.3:

a) Your "relative" is any of the following:

i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).

b) "de facto partner" has the same meaning as defined in Section 21C of the Interpretation Act 1987.

P2.5 You will not have a pecuniary interest in relation to a person referred to in Sub Clauses P2.3 b) or c):

a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or

b) just because the person is a member of, or is employed by, a Council or a statutory body, or is employed by the Crown, or

c) just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

WHAT INTERESTS DO NOT HAVE TO BE DISCLOSED?

P2.6 You do not have to disclose the following interests for the purposes of this Part:

a) your interest as an elector;

b) your interest as a ratepayer or person liable to pay a charge;

c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a Section of the public that includes persons who are not subject to this Code;

d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Code;

e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not);

f) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company;

g) an interest you 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 your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership;

h) an interest you have arising from the making by Council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by Council in respect of similar matters with other residents of the area;

i) the performance by Council at the expense of your relative of any work or service in connection with roads or sanitation;

ii) security for damage to footpaths or roads;

iii) any other service to be rendered, or act to be done, by Council by or under any Act conferring functions on Council, or by or under any contract;

i) an interest of a person arising from the passing for payment of a regular account for the wages or salary of a Council Officer who is a relative of the person; and

j) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Council committee member

P2.7 For the purposes of Clause P2.6, "relative" has the same meaning as in Clause P2.4, but includes your spouse or de facto partner.

WHAT DISCLOSURES MUST BE MADE BY A DESIGNATED PERSON?

P2.8 Designated persons include:

a) the CEO;

b) Directors of Council for the purposes of Section 332 of the Act;

c) a person (other than a Director of Council) who is a Council Officers 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 Council Officer or delegate and the person's private interest

d) a person (other than a Director of Council) who is a member of a committee of Council identified by Council as a 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 the committee and the member's private interest.

P2.9 A designated person:

a) must prepare and submit written returns of interests in accordance with Clause P2.18; and

b) must disclose pecuniary interests in accordance with Clause P2.10.

P2.10 A designated person must disclose in writing to the CEO (or if the person is the CEO, 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.

P2.11 Clause P2.10 does not require a designated person who is a Council Officer to disclose a pecuniary interest if the interest relates only to the person's salary as a Council Officer, or to their other conditions of employment.

P2.12 The CEO 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.

P2.13 A disclosure by the CEO must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of Council 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 OFFICERS OTHER THAN DESIGNATED PERSONS?

P2.14 A Council Officer, other than a designated person, must disclose in writing to their Manager or the CEO 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.

P2.15 The Council Officer's Manager or the CEO must, on receiving a disclosure under Clause P2.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

WHAT DISCLOSURES MUST BE MADE BY A COUNCIL COMMITTEE MEMBER?

P2.16 A Council committee member must disclose pecuniary interests in accordance with Clause P2.25 and comply with Clause P2.26.

P2.17 For the purposes of Clause P2.16, a "Council committee member" includes a Council Officer who is a member of the committee.

DISCLOSURE OF INTERESTS IN WRITTEN RETURNS

P2.18 A designated person must make and lodge with the CEO a return in the form set out in Schedule 2 to this Code, disclosing the designated person's interests as specified in Schedule 1 to this Code within 3 months after:

a) becoming a designated person; and

b) 30 June of each year; and

c) the designated person becoming aware of an interest they are required to disclose under Schedule 1 that has not been previously disclosed in a return lodged under paragraphs a) or b).

P2.19 A person need not make and lodge a return under Clause P2.18, paragraphs a) and b) if:

a) they made and lodged a return under that Clause in the preceding three (3) months, or

b) they have ceased to be a designated person in the preceding three (3) months.

P2.20 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

P2.21 The CEO must keep a register of returns required to be made and lodged with the CEO.

P2.22 Returns required to be lodged with the CEO under Clause P2.18 a) and b) must be tabled at the first meeting of Council after the last day the return is required to be lodged.

P2.23 Returns required to be lodged with the CEO under Clause P2.18 c) must be tabled at the next Council meeting after the return is lodged.

P2.24 Information contained in returns made and lodged under Clause P2.18 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.

> Note: For the purpose of Clauses P2.25 to P2.32, a "Council committee member" includes a Council Officers who is a member of a Council committee.

DISCLOSURE OF PECUNIARY INTERESTS AT MEETINGS

P2.25 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 the committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

P2.26 Council committee member must not be present at, or in sight of, the meeting of the committee:

a) at any time during which the matter is being considered or discussed by the committee, or

b) at any time during which the committee is voting on any question in relation to the matter.

P2.27 A disclosure made at a meeting of a Council committee must be recorded in the minutes of the meeting.

P2.28 A general notice may be given to the CEO in writing by a Council committee member to the effect that Council committee member, 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 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 committee after the date of the notice.

P2.29 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 Council committee member has an interest in the matter of a kind referred to in Clause P2.6.

P2.30 A person does not breach Clauses P2.25 or P2.26 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.

P2.31 The Minister for Local Government may, conditionally or unconditionally, allow a Council committee member who has a pecuniary interest in a matter with which Council is concerned to be present at a meeting of the 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 that it is in the interests of the electors for the area to do so.

P2.32 A Council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter under Clause P2.31, must still disclose the interest they have in the matter in accordance with Clause P2.25.

PART 3: NON-PECUNIARY CONFLICTS OF INTEREST

WHAT IS A NON-PECUNIARY CONFLICT OF INTEREST?

P3.1 Non-pecuniary interests are private or personal interests a Council Officer and/or Council Official has that do not amount to a pecuniary interest as defined in Clause P2.1 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.

P3.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

P3.3 The personal or political views of a Council Officer or Council Official do not constitute a private interest for the purposes of Clause P3.2.

P3.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this Code.

P3.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

MANAGING NON-PECUNIARY CONFLICTS OF INTEREST

P3.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of Clause P3.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of Council Officers other than the CEO, such a disclosure is to be made to the Council Officer's Manager. In the case of the CEO, such a disclosure is to be made to the Mayor.

P3.7 If a disclosure is made at a 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 P3.6.

P3.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

P3.9 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 P2.1, but it involves:

a) a relationship between a Council Officer 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 P2.4 or another person from the Council Officer's extended family that the Council Officer 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 Officer 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 Officer'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 P2.6) that is not a pecuniary interest for the purposes of Clause P2.1

f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

P3.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination; or

b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with Clauses P2.25 and P2.26.

P3.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

P3.12 If you are a Council Officer other than the CEO, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your Manager. In the case of the CEO, 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.

Note: For the purpose of Clauses P3.13 and P3.14, a "Council committee member" includes a Council Officer who is a member of a Council committee.

LOSS OF QUORUM AS A RESULT OF COMPLIANCE WITH THIS PART

P3.13 The Minister for Local Government may, conditionally or unconditionally, allow a Council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the 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 that it is in the interests of the electors for the area to do so.

P3.14 Where the Minister exempts a committee member from complying with a requirement under this Part under Clause P3.13, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with Clause P3.6.

OTHER BUSINESS OR EMPLOYMENT

P3.15 The CEO must not engage, for remuneration, in private employment, contract work or other business outside the service of Council without the approval of Council.

P3.16 A Council Officer 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 Council Officer's duties at Council unless they have notified the CEO in writing of the employment, work or business and the CEO has given their written approval for the Council Officer to engage in the employment, work or business.

P3.17 The CEO may at any time prohibit a Council Officer 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 Officer's duties at Council

P3.18 A Council Officer must not engage, for remuneration, in private employment, contract work or other business outside the service of Council if prohibited from doing so.

P3.19 Council Officers 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; and

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

P3.20 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

P3.21 You must undertake any personal dealings you have with Council in a manner that is consistent with the way other members of the community deal with Council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this Code.

PART 4: PERSONAL BENEFIT

WHAT CONSITUTES A BENEFIT OR GIFT FOR THE PURPOSES OF THIS CODE?

P4.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a Council Officer or someone personally associated with them for their personal use and enjoyment.

P4.2 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 Officer or someone personally associated with them;

d) benefit or facility provided by Council to a Council Officer;

e) attendance by a Council Officer at a work-related event or function for the purposes of performing their official duties; or

f) free or subsidised meals, beverages or refreshments provided to a Council Officer 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; or

iii) conferences

iv) Council functions or events

v) social functions organised by groups, such as Council committees and community organisations.

GIFTS AND BENEFITS

P4.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

P4.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

P4.5 One-off gifts and/or benefits (e.g.: a box of chocolates or bunch of flowers) given to a Council Officer in appreciation of the service they provided shall be treated as a gift or benefit to the workspace and be retained at the site for the benefit of all. Such gifts and/or benefits of this nature should not have a value of more that $50.

P4.6 Regardless of the value of a gift and/or benefit received by a Council Officer, the Council Officer must complete a Gift and Benefit Declaration and forward it to Council's records management system.

P4.7 It is at the discretion of the CEO to whether a Council Officer may retain an item or whether it is required to be handed in to Council.

HOW ARE OFFERS OF GIFTS AND BENEFITS TO BE DEALT WITH?

P4.8 You must not:

a) seek or accept a bribe or other improper inducement;

b) seek gifts or benefits of any kind;

c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty;

d) subject to Clause P4.11, accept any gift or benefit of more than token value as defined by Clause P4.10;

e) accept an offer of cash or a cash-like gift as defined by Clause P4.13, 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 organiser; or

g) personally benefit from reward points programs when purchasing on behalf of Council.

P4.9 Where you receive a gift or benefit of any value other than one referred to in Clause P4.2 or P4.5, you must disclose and surrender the item promptly to your Manager/Supervisor or the CEO.

The recipient, Manager or CEO must ensure that, at a minimum, the following details are recorded in Council's Gifts and Benefits 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.

P4.10 Where you receive a gift or benefit, of more than token value, that cannot reasonably be refused or returned, the gift or benefit must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.

GIFTS AND BENEFITS OF TOKEN VALUE

P4.11 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a twelve (12) month period that, when aggregated, do not exceed a value of $50. They include, but are not limited to:

a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed $50.

b) gifts of alcohol that do not exceed a value of $50.

c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like; or

d) prizes or awards that do not exceed $50 in value.

GIFTS AND BENEFITS OF MORE THAN TOKEN VALUE

P4.12 Gifts or benefits that exceed $50 in value are gifts or benefits of more than token value for the purposes of Clause P4.8 d) and, subject to Clause P4.11, must not be accepted.

P4.13 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds $50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

P4.14 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single twelve (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 twelve (12) month period would exceed $50 in value.

P4.15 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"

P4.16 For the purposes of Clause P4.8 e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

IMPROPER AND UNDUE INFLUENCE

P4.17 You must not use your position to influence other Council Officers and/or Council Officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.

P4.18 You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.

PART 5: RELATIONSHIPS BETWEEN COUNCIL OFFICER AND OTHER COUNCIL OFFICIALS

OBLIGATIONS OF COUNCILLORS AND ADMINISTRATORS

P5.1 Each Council is a body politic. Councillors or Administrator/s are the governing body of Council. The role of the governing body of Council includes the development and endorsement of the strategic plans, programs, strategies and policies of Council, including those relating to workforce policy, and to keep the performance of Council under review.

Local Government Act 1993 – Section 223

P5.2 Councillors or Administrators must not:

a) direct Council Officers other than by giving appropriate direction to the CEO by way of Council or committee resolution, or by the Mayor or Administrator exercising their functions.

Local Government Act 1993 – Section 226

b) in any public or private forum, direct or influence, or attempt to direct or influence, any other Council Officer in the exercise of the functions of the Council Officer;

c) contact a Council Officer on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council Officers that have been authorised by Council and the CEO.

OBLIGATIONS OF COUNCIL OFFICERS

P5.3 The role of the CEO includes conducting the day-to-day management of Council in accordance with the strategic plans, programs, strategies and policies of Council, 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.

Local Government Act 1993 – Section 335

P5.4 Council Officers 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 Council Officer 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

P5.5 You must not engage in any of the following inappropriate interactions:

a) Councillors and Administrators approaching Council Officers and employee organisations to discuss individual or operational employee matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters; or

b) Council Officers approaching Councillors and Administrators to discuss individual or operational employee matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters; or

c) subject to Clause P6.6, Council Officers refusing to give information that is available to other Councillors to a particular Councillor; or

d) Councillors and Administrators who have lodged an application with Council, discussing the matter with a Council Officer in employee-only areas of Council; or

e) Councillors and Administrators being overbearing or threatening to Council Officers; or

f) Council Officers being overbearing or threatening to Councillors or Administrators; or

g) Councillors and Administrators making personal attacks on Council Officers or engaging in conduct towards Council Officers that would be contrary to the general conduct provisions in Part 1 of this Code in public forums including social media; or

h) Councillors and Administrators directing or pressuring Council Officers in the performance of their work, or recommendations they should make; or

i) Council Officers 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; or

j) Council Officers meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals.

PART 6: ACCESS TO INFORMATION AND COUNCIL RESOURCES

COUNCILLOR AND ADMINISTRATOR ACCESS TO INFORMATION

P6.1 The CEO is responsible for ensuring that Councillors and Administrators can access information necessary for the performance of their official functions. The CEO 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).

P6.2 The CEO must provide Councillors and Administrators with the information necessary to effectively discharge their official functions.

P6.3 Council Officers 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.

P64 Council Officers 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.

P6.5 Councillors and Administrators who have a private interest only in Council information have the same rights of access as any member of the public.

P6.6 Despite Clause P6.4, 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.

REFUSAL OF ACCESS TO INFORMATION

P6.7 Where the CEO 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 Councillor or Administrator to perform their official functions (see Clause P6.2) 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 P6.6). The CEO or Public Officer must state the reasons for the decision if access is refused.

USE OF CERTAIN COUNCIL INFORMATION

P6.8 In regard to information obtained in your capacity as a Council Officer, you must:

a) subject to Clause P6.13, only access Council information needed for Council business;

b) not use that Council information for private purposes;

c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your 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

P6.9 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

P6.10 In addition to your general obligations relating to the use of Council information, you must:

a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions;

b) protect confidential information;

c) only release confidential information if you have authority to do so;

d) only use confidential information for the purpose for which it is intended to be used;

e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person;

f) not use confidential information with the intention to cause harm or detriment to Council or any other person or body; and

g) not disclose any confidential information discussed during a confidential session of a Council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

PERSONAL INFORMATION

P6.11 When dealing with personal information you must comply with the:

a) Privacy and Personal Information Protection Act 1998;

b) Health Records and Information Privacy Act 2002;

c) Information Protection Principles and Health Privacy Principles;

d) Council's Privacy Management Plan; and

e) Privacy Code of Practice for Local Government.

USE OF COUNCIL RESOURCES

P6.12 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

P6.13 Union delegates and consultative committee members may have reasonable access to Council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

a) the representation of members with respect to disciplinary matters;

b) the representation of Council Officers with respect to grievances and disputes; and

c) functions associated with the role of the local consultative committee.

P6.14 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

P6.15 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

P6.16 You must not use Council resources (including Council Officers), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

P6.17 You must not use Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:

a) for the purpose of assisting your election campaign or the election campaign of others, or

b) for other non-official purposes.

P6.18 You must not convert any property of Council to your own use unless properly authorised.

INTERNET ACCESS

P6.19 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage Council's reputation.

COUNCIL RECORD KEEPING

P6.20 You must comply with the requirements of the State Records Act 1998 and Council's Information and Records Management Policy.

P6.21 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the State Records Act 1998 and Council's approved records management policies and practices.

P6.22 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.

P6.23 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with Council's records Manager and comply with the requirements of the State Records Act 1998.

COUNCILLOR ACCESS TO COUNCIL BUILDINGS

P6.24 Councillors and Administrators must not enter employee-only areas of Council buildings without the approval of the CEO (or their delegate) or as provided for in the procedures governing the interaction of Councillors and Council Officers.

P6.25 Councillors and Administrators must ensure that when they are within an employee-only area they refrain from conduct that could be perceived to improperly influence Council Officer's decisions.

SOCIAL MEDIA

P6.27 Council Officers should be aware that any social media activity or interaction, either official or personal, is public, permanently available, traceable and able to be reproduced elsewhere. Contents, comments and digital activity may also form part of an evidentiary brief in Code of Conduct matters, or in more serious matters, tendered as evidence, such as civil claims or investigations by the Independent Commission Against Corruption (ICAC) or the Police.

P6.28 Council Officers should also be aware that whether they intend it or not, what they post online in a private capacity may reflect on Murray River Council and their role at Council. They should therefore behave in a way that upholds the values and reputation of Council, consistent with the Code of Conduct and other policies.

P6.29 Council Officers are reminded that 'shares', 'likes' or 'retweets' may be viewed as an endorsement of the original post. In the spirit of the respectful democratic environment that Australian citizens enjoy and live in, constructive criticism or negative comments/commenters should not be blocked or removed, unless they are overtly offensive and defamatory, incite hatred and violence or are criminal in nature. The latter examples should be noted with Council's CEO, or if criminal in nature or threaten your safety and reported to NSW Police as soon as possible.

P6.30 Council Officers must also be aware of posts by others to their social media pages and consider if such post/s and its comment/s are offensive or may incite hatred, violence and/or criminal acts. Any post/comments made to a Council Officer's social media page/site should be monitored by the Officer to ensure that it meets the standard of socially acceptable behaviour/commentary.

P6.31 Council Officers should remove any post/comment that does not meet the required standard of this Policy.

COMPLAINTS HANDLING

P6.32 Council Officers must refer any complaint they receive about any facet of Council's activities to the CEO or relevant Director so that the matter can be resolved according to the Customer Feedback and Complaints Management Policy.

P6.33 Depending on the nature of the complaint, wherever possible Council Officers who forwarded the information to the CEO will be updated on what action will or has been taken.

PART 7: MAINTAINING THE INTEGRITY OF THIS CODE

COMPLAINTS MADE FOR AN IMPROPER PURPOSE

P7.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this Code for an improper purpose.

P7.2 For the purposes of Clause P7.1, 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 Officer or Council Official;

b) to damage another Council Officer's or Council Official's reputation;

c) to obtain a political advantage;

d) to influence a Council Officer and/or 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; and

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

DETRIMENTAL ACTION

P7.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this Code.

P7.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.

P7.5 For the purposes of Clauses P7.3 and P7.4, 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; and

e) disciplinary proceedings.

COMPLIANCE WITH REQUIREMENTS UNDER THE PROCEDURES

P7.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

P7.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this Clause.

P7.8 You must comply with a practice ruling made by the Office under the Procedures.

DISCLOSURE OF INFORMATION ABOUT THE CONSIDERATION OF A MATTER UNDER THE PROCEDURES

P7.9 All allegations of breaches of this Code must be dealt with under and in accordance with the Procedures.

P7.10 You must not allege breaches of this Code other than by way of a complaint made or initiated under the Procedures.

P7.11 You must not make allegations about, or disclose information about, suspected breaches of this Code at Council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

P7.12 You must not disclose information about a complaint you have made alleging a breach of this Code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

P7.13 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

P7.14 Complaints alleging a breach of this Part by the CEO are to be managed by the Office of Local Government (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.

P7.15 Complaints alleging a breach of this Part by other Council Officers are to be managed by the CEO in accordance with the Procedures.

8. ROLES & RESPONSIBILITIES

Position	Responsibilities
CEO	To lead Council Officers (either directly or through delegated authority) in their understanding of, and compliance with, this Policy and related Procedures
Directors, Managers and Supervisors	To communicate, implement and comply with this policy and related Procedures.
All Council Officers	To be aware of and ensure compliance with this Policy.

9. BREACHES

Failure by a Council Officer to comply with a Council's Code of Conduct may give rise to disciplinary action.

10. EVALUATION AND REVIEW

It is the responsibility of the Chief Executive Officer to monitor the adequacy of this Policy and recommend appropriate changes.

This Policy will be formally reviewed every four (4) years or as needed, whichever comes first.

11. ASSOCIATED DOCUMENTS, DEFINITIONS AND ACRONYMS

External:

- Information Protection Principles and Health Privacy Principles
- Office of Local Government - Privacy Code of Practice for Local Government

Internal:

- MRC Policy - Code of Conduct (Councillors) Policy (POL-100.1)
- MRC Policy - Code of Conduct (Committees) Policy (POL-100.3)
- MRC Policy - Code of Conduct (Vulnerable Persons and Children) Policy (POL-112)
- MRC Policy – Information and Records Management Policy
- MRC Policy - Privacy Management Plan
- MRC Procedure – Gifts, Benefits and Hospitality Procedure
- MRC Procedure - Code of Conduct Procedures

Definitions:

In this Code the following terms have the following meanings:

Term	Definition
The Act	Local Government Act 1993 (NSW)
Administrator	An Administrator of a Council appointed under the LGA other than an Administrator appointed under Section 66
committee	See the definition of "Council committee"
complaint	A Code of Conduct complaint made for the purposes of Clauses P2.1 and P2.2 of the Procedures.
conduct	Includes acts and omissions
Council	Murray River Council
Council Official	Includes Councillors, employees of a Council, Administrators, Council committee members, delegates of Council and, for the purposes of Clause P2.16 of the Model Code of Conduct, Council advisers
Council Officer	A Council Officer is defined as being one of the following: ▸ An employee (full-time, part-time or casual), or ▸ A contractor or subcontractor, or ▸ An employee of a contractor or subcontractor, or ▸ An employee of a labour hire company who has been assigned to work in the person's business or undertaking, or ▸ An outworker, or ▸ An apprentice or trainee, or ▸ A student gaining work experience, or ▸ A volunteer
Council committee	A committee established by a Council comprising of Councillors, employees or other persons that Council has delegated functions to and Council's Audit, Risk and Improvement Committee (ARIC)
Council committee member	A person other than a Councillor or employee of a Council who is a member of a Council committee other than a wholly advisory committee, and a person other than a Councillor who is a member of Council's Audit, Risk and Improvement Committee.

Councillor	Any person elected or appointed to civic office, including the Mayor and includes members and chairpersons of County Councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
Delegate of Council	A person (other than a Councillor or employee of a Council) or body, and the individual members of that body, to whom a function of Council is delegated
designated person	A person referred to in Clause P2.8
CEO	Chief Executive Officer
Mayor	Elected Chairperson of Murray River Council
the Office	Office of Local Government
personal information	Information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	The Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation the Regulation the Local Government (General) Regulation 2021
wholly advisory committee	A Council committee that Council has not delegated any functions to

12. DOCUMENT CONTROL

Version No.	Details	Date	CM9 Reference	Resolution No.
1	Initial Issue	23 May 2016 to 15 Apr 2019	VF/17/102859	060516
2	Adoption of new Policy based on the Model Code of Conduct for Local Councils in NSW (Office of Local Government – December 2018) as per Office of Local Government Circular to Councils 18-44.	16 Apr 2019 to 27 Oct 2020	VF/17/102859	090419
3	Adoption of new Policy based on the Model Code of Conduct for Local Councils in NSW (Office of Local Government – August 2020) as per Office of Local Government Circular to Councils 20-32.	27 Oct 2020 to 22 Nov 2022	VF/17/102859	181020
4	Code of Conduct Policy split into 3 separate documents – Councillors, Employees and Committee Members, Delegates & Advisors	22 Nov 2022 to 28 Oct 2025	VF/17/102859	141122
5	Updated to reflect the intent of the Model Code of Conduct published by the Office of Local Government.	28 Oct 2025 to today	VF/17/102859	TBA

Council reserves the right to review, vary or revoke this policy at any time
This Policy is scheduled for review before 2029

NOTE:
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DISCLAIMER:
This document was formulated to be consistent with Murray River Council's legislative obligations and with the scope of Council's powers. This document should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail. This document does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this document.

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a Business Unit, position title or a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. When such changes are made the version number will be amended and an extension added (e.g. V#1.1)

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE P2.9

PART 1: PRELIMINARY

DEFINITIONS

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

address	a) in relation to a person other than a corporation, the last residential or business address of the person known to the designated person disclosing the address, or b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or c) in relation to any real property, the street address of the property.
de facto partner	has the same meaning as defined in Section 21C of the Interpretation Act 1987.
disposition of property	means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following: a) the allotment of shares in a company b) the creation of a trust in respect of property c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property e) the exercise by a person of a general power of appointment over property in favour of another person f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.
gift	means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.
interest	means: a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or b) in relation to a corporation, a relevant interest (within the meaning of Section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.
listed company	means a company that is listed within the meaning of Section 9 of the Corporations Act 2001 of the Commonwealth.
occupation	includes trade, profession and vocation.

professional or business association	means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.
property	includes money.
return date	means: a) in the case of a return made under clause 4.9 a), the date on which a person became a designated person b) in the case of a return made under clause 4.9 b), 30 June of the year in which the return is made c) in the case of a return made under clause 4.9 c), the date on which the 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 factor partner of a person referred to in paragraphs (b) and (c).
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 designated person has an interest includes a reference to any real property situated in Australia in which the 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 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: PENUNIARY INTERESTS TO BE DISCLOSED IN RETURNS

REAL PROPERTY

5. A person making a return under clause P2.9 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 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 P2.9 of this Code must disclose:
   a) a description of each gift received in the period since 30 June of the previous financial year, and
   b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
   a) it did not exceed $500, unless it was among gifts totalling more than $500 made by the same person during a period of 12 months or less, or
   b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
   c) the donor was a relative of the donee, or
   d) subject to paragraph (a), it was received prior to the person becoming a 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 P2.9 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 twelve (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 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 P2.9 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 ten (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 designated person.

INTERESTS AS A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER

19. A person making a return under Clause P2.9 of this Code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of Clause 19 of this schedule:

CLOSE ASSOCIATE:

In relation to a corporation or an individual, has the same meaning as it has in Section 53 of the Electoral Funding Act 2018.

PROPERTY DEVELOPER

Has the same meaning as it has in Division 7 of Part 3 of the Electoral Funding Act 2018.

POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

21. A person making a return under Clause P2.9 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.

DISPOSITIONS OF REAL PROPERTY

23. A person making a return under Clause P2.9 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 P2.9 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.

SOURCES OF INCOME

26. A person making a return under Clause P2.9 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 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 P2.9 of the 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 P2.9 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 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 P2.9

'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.
2. If this is the first return you have been required to lodge with the CEO after becoming a Councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the CEO and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the CEO, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the CEO and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the twelve (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 you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

IMPORTANT INFORMATION

This information is being collected for the purpose of complying with clause P2.21 of this Code.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see Clause P2.23). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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

Information contained in returns made and lodged under clause P2.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

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

DISCLOSURE OF INTERESTS FORM

REQUIRED TO BE LODGED UNDER CLAUSE P2.9 OF COUNCIL'S CODE OF CONDUCT POLICY

DECLARATION

(Please type in this document or use BLOCK letters if written. Fill in every section – use NIL if you have nothing to declare)

Disclosure of pecuniary interests and other matters by (Enter Full Name in the box)

as at the return date of the ____ in respect to the period from ____

Signed: ____ Date: ____

(PLEASE NOTE: This cannot by typed text - must be a digital signature or handwritten signature)

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date and at any time since 30 June 20XX	Nature of interest

B. Sources of income

1. Sources of income:

- I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June, and
- received from an occupation at any time since 30 June 20XX

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

DISCLOSURE OF INTERESTS FORM

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, and
- received from a trust since 30 June 20XX.

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:

Source	Amount

C. Gifts

Description of each gift I received at any time since 30 June 20XX	Name and address of donor

DISCLOSURE OF INTERESTS FORM

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 20XX	Dates on which travel was undertaken	Names of states and 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 and at any time since 30 June 20XX.	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. Property development

Were you a property developer or a close associate of a property developer on the return date?

Choose one option:	Yes ☐	No ☐

G. Positions in trade unions and professional or business associations

Name of each trade union & each professional or business association in which I held any position (whether remunerated or not) at the return date and at any time since 30 June 20XX.	Description of position

DISCLOSURE OF INTERESTS FORM

H. Debts

Name and address of each person to whom I was liable to pay any debts at the return date and at any time since 30 June 20XX

I. Disposition of property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June 20XX, as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time.

2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June 20XX, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

MURRAY RIVER COUNCIL
COUNCIL POLICY

CODE OF CONDUCT (COMMITTEES) POLICY

POL-100.3 V#5

murray river council

murray river council

CODE OF CONDUCT (COMMITTEES) POLICY

TABLE OF CONTENTS

1. **INTRODUCTION** 3
2. **OBJECTIVES** 3
3. **SCOPE** 3
4. **LEGISLATION** 3
5. **POLICY STATEMENT**
   - PART 1 GENERAL CONDUCT OBLIGATIONS 4
   - PART 2 PECUNIARY INTERESTS 7
   - PART 3 NON-PECUNIARY CONFLICTS OF INTEREST 11
   - PART 4 PERSONAL BENEFIT 13
   - PART 5 ACCESS TO INFORMATION AND COUNCIL RESOURCES 18
   - PART 6 MAINTAINING THE INTEGRITY OF THIS CODE 18
6. **ROLES & RESPONSIBILITIES** 19
7. **BREACHES** 20
8. **EVALUATION AND REVIEW** 20
9. **ASSOCIATED DOCUMENTS, DEFINTIONS AND ACRONYMS** 21
10. **DOCUMENT CONTROL** 22

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE P2.15 24

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE P2.15 31

This Code of Conduct applies to Councillors. It is based on the Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") which is made under Section 440 of the Local Government Act 1993 ("the Act") and the Local Government (General) Regulation 2021 ("the Regulation").

murray river council

CODE OF CONDUCT (COMMITTEES) POLICY

1. INTRODUCTION

Section 440 of the Local Government Act 1993 (NSW) ("the Act") requires every Council to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct. Council's adopted Code of Conduct Policy may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "Council Officials" for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory committees).

2. OBJECTIVES

The Code of Conduct Policy sets the minimum standards of conduct for Committees. It is prescribed by Regulation to assist Committees to:

- Understand and comply with the standards of conduct that are expected of them;
- Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence; and

  Local Government Act 1993 – Section 439

- Act in a way that enhances public confidence in local government.

3. SCOPE

This Code of Conduct Policy applies all Committees of Murray River Council,

4. LEGISLATION

- Local Government Act 1993 (NSW)
- Local Government (General) Regulations 2021 (NSW)
- Corporations Act 2001 (NSW)
- Electoral Funding Act 2018 (NSW);
- Government Information (Public Access) Act 2009 (NSW)
- Government Information (Public Access) Regulations 2018 (NSW);
- Health Records and Information Privacy Act 2002 (NSW)
- Interpretation Act 1987 (NSW)
- Privacy and Personal Information Protection Act 1998 (NSW)
- Public Interest Disclosures Act 1994 (NSW)
- State Records Act 1998 (NSW)
- Work Health and Safety Act 2011 (NSW)

5. POLICY STATEMENT

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

All Council Officials must comply with the applicable provisions of their Council's Code of Conduct. It is the personal responsibility of Committee members to comply with the standards in the Code and to regularly review their personal circumstances and conduct with this in mind.

PART 1: GENERAL CONDUCT OBLIGATIONS

GENERAL CONDUCT

P1.1 You must not conduct yourself in a manner that:

a) is likely to bring Council or other Council Officials into disrepute;

b) is contrary to statutory requirements or Council's administrative requirements or policies;

c) is improper or unethical;

d) is an abuse of power;

e) causes, comprises or involves intimidation or verbal abuse;

f) involves the misuse of your position to obtain a private benefit; and

g) constitutes harassment or bullying behaviour under this Code, or is unlawfully discriminatory.

P1.2 You must act lawfully and honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other legislation.

Local Government Act 1993 – Section 439

FAIRNESS AND EQUITY

P1.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

P1.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

P1.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of Clauses P1.3 or P1.4.

HARASSMENT AND DISCRIMINATION

P1.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

P1.7 For the purposes of this Code, "harassment" is any form of behaviour towards a person that:

a) is not wanted by the person;

b) offends, humiliates or intimidates the person; and

c) creates a hostile environment.

BULLYING

P1.8 You must not engage in bullying behaviour towards others.

P1.9 For the purposes of this Code, "bullying behaviour" is any behaviour in which:

a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons; and

b) the behaviour creates a risk to health and safety.

P1.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

a) aggressive, threatening or intimidating conduct;
b) belittling or humiliating comments;
c) spreading malicious rumours;
d) teasing, practical jokes or 'initiation ceremonies';
e) exclusion from work-related events;
f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level;
g) displaying offensive material; and
h) pressure to behave in an inappropriate manner.

P1.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this Code. Examples of reasonable management action may include, but are not limited to:

a) performance management processes;
b) disciplinary action for misconduct;
c) informing a worker about unsatisfactory work performance or inappropriate work behaviour;
d) directing a worker to perform duties in keeping with their job;
e) maintaining reasonable workplace goals and standards;
f) legitimately exercising a regulatory function; or
g) legitimately implementing a Council Policy or administrative processes.

WORK HEALTH AND SAFETY

P1.12 All Council Officials, including Councillors, owe statutory duties under the Work Health and Safety Act 2011 (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by Council to ensure workplace health and safety. Specifically, you must:

a) take reasonable care for your own health and safety;
b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons;
c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by Council to ensure workplace health and safety;
d) cooperate with any reasonable Policy or Procedure of Council relating to workplace health or safety that has been notified to Councillors;
e) report accidents, incidents, near misses, to the CEO or such other employees nominated by the CEO 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

P1.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

P1.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

OBLIGATIONS IN RELATION TO MEETINGS

P1.15 You must comply with rulings by the Chair/Mayor at Council and committee meetings or other proceedings of Council unless a motion dissenting from the ruling is passed.

P1.16 You must not engage in bullying behaviour (as defined under this Part) towards the Chair/Mayor, other Council Officials or any members of the public present during Council or Committee meetings or other proceedings of Council (such as, but not limited to, workshops and briefing sessions).

P1.17 You must not engage in conduct that disrupts Council or 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.

PART 2: PECUNIARY INTERESTS

WHAT IS A PECUNIARY INTEREST?

P2.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in Clause P2.3.

P2.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in Clause P2.6.

P2.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:

a) your interest, or

b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or

c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

P2.4 For the purposes of Clause P2.3:

a) Your "relative" is any of the following:

i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).

b) "de facto partner" has the same meaning as defined in Section 21C of the Interpretation Act 1987.

P2.5 You will not have a pecuniary interest in relation to a person referred to in Sub Clauses P2.3 b) or c):

a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or

b) just because the person is a member of, or is employed by, a Council or a statutory body, or is employed by the Crown, or

c) just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

WHAT INTERESTS DO NOT HAVE TO BE DISCLOSED?

P2.6 You do not have to disclose the following interests for the purposes of this Part:

a) your interest as an elector;

b) your interest as a ratepayer or person liable to pay a charge;

c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a Section of the public that includes persons who are not subject to this Code;

d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Code;

e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not);

f) if you are a Council Committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on Council Committee:

g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed ten (10) per cent of the voting rights in the company;

h) an interest you 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 your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership;

i) an interest you have arising from the making by Council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by Council in respect of similar matters with other residents of the area;

i) the performance by Council at the expense of your relative of any work or service in connection with roads or sanitation;

ii) security for damage to footpaths or roads;

iii) any other service to be rendered, or act to be done, by Council by or under any Act conferring functions on Council, or by or under any contract;

j) an interest of a person arising from the passing for payment of a regular account of the wages or salary of an employee who is a relative of the person; and

k) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Council committee member

P2.7 For the purposes of Clause P2.6, "relative" has the same meaning as in Clause P2.4, but includes your spouse or de facto partner.

WHAT DISCLOSURES MUST BE MADE BY A DESIGNATED PERSON?

P2.8 Designated persons include:

(a) a person who is 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 delegate and the person's private interest

(b) a person (other than a member of the senior staff of Council) who is a member of a Committee of Council identified by Council as a 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 the committee and the member's private interest.

P2.9 A designated person:

(a) must prepare and submit written returns of interests in accordance with Clause P2.15, and

(b) must disclose pecuniary interests in accordance with Clause P2.10.

P2.10 A designated person must disclose in writing to the CEO 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.

P2.11 The CEO 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.

WHAT DISCLOSURES MUST BE MADE BY COUNCIL ADVISERS?

P2.12 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 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.

P2.13 A person does not breach Clause P2.12 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?

P2.14 A council committee member must disclose pecuniary interests in accordance with Clause P2.22 and comply with Clause P2.23.

> Note: A Council Committee member identified by Council as a "designated person" for the purposes of Clause P2.8 b) must also prepare and submit written returns of interests in accordance with Clause P2.15.

DISCLOSURE OF INTERESTS IN WRITTEN RETURNS

P2.15 A designated person must make and lodge with the CEO a return in the form set out in Schedule 2 to this Code, disclosing the designated person's interests as specified in Schedule 1 to this Code within 3 months after:

a) becoming a designated person; and

b) 30 June of each year; and

c) the designated person becoming aware of an interest they are required to disclose under Schedule 1 that has not been previously disclosed in a return lodged under paragraphs a) or b).

P2.16 A person need not make and lodge a return under Clause P2.15 paragraphs a) and b) if:

a) they made and lodged a return under that Clause in the preceding three (3) months, or

b) they have ceased to be a designated person in the preceding three (3) months.

P2.17 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

P2.18 The CEO must keep a register of returns required to be made and lodged with the CEO.

P2.19 Returns required to be lodged with the CEO under Clause P2.15 a) and b) must be tabled at the first meeting of Council after the last day the return is required to be lodged.

P2.20 Returns required to be lodged with the CEO under Clause P2.15 c) must be tabled at the next Council meeting after the return is lodged.

P2.21 Information contained in returns made and lodged under Clause P2.15 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

DISCLOSURE OF PECUNIARY INTERESTS AT MEETINGS

P2.22 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 Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

P2.23 Council Committee member must not be present at, or in sight of, the meeting of Council or Committee:

a) at any time during which the matter is being considered or discussed by the Committee, or

b) at any time during which the Committee is voting on any question in relation to the matter.

P2.24 A disclosure made at a meeting of a Council Committee must be recorded in the minutes of the meeting.

P2.25 A general notice may be given to the CEO in writing by a Council Committee member to the effect that Council Committee member 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 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 Committee after the date of the notice.

P2.26 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 Council Committee member has an interest in the matter of a kind referred to in Clause P2.6.

P2.27 A person does not breach Clauses P2.22 or P2.23 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.

P2.28 The Minister for Local Government may, conditionally or unconditionally, allow a Council Committee member who has a pecuniary interest in a matter with which Council is concerned to be present at a meeting of the 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 that it is in the interests of the electors for the area to do so.

P2.29 A Council Committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the Committee, to take part in the consideration or discussion of the matter and to vote on the matter under Clause P2.48, must still disclose the interest they have in the matter in accordance with Clause P2.22.

PART 3: NON-PECUNIARY CONFLICTS OF INTEREST

WHAT IS A NON-PECUNIARY CONFLICT OF INTEREST?

P3.1 Non-pecuniary interests are private or personal interests a Council Official has that do not amount to a pecuniary interest as defined in Clause P2.1 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.

P3.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

P3.3 The personal or political views of a Council Official do not constitute a private interest for the purposes of Clause P3.2.

P3.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this Code.

P3.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

MANAGING NON-PECUNIARY CONFLICTS OF INTEREST

P3.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of Clause P3.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.

P3.7 If a disclosure is made at a Council or Committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of Clause P3.6.

P3.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

P3.9 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 P2.1, 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 P2.4 or another person from Council Official's extended family that 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 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 P2.6) that is not a pecuniary interest for the purposes of Clause P2.1

f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

P3.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination; or

b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with Clauses P2.22 and P2.23.

P3.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

P3.12 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 Council Committee.

LOSS OF QUORUM AS A RESULT OF COMPLIANCE WITH THIS PART

P3.13 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the 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 that it is in the interests of the electors for the area to do so.

P3.14 Where the Minister exempts a Committee member from complying with a requirement under this Part under Clause P3.13, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with Clause P3.6.

PERSONAL DEALINGS WITH COUNCIL

P3.15 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

P3.16 You must undertake any personal dealings you have with Council in a manner that is consistent with the way other members of the community deal with Council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this Code.

PART 4: PERSONAL BENEFIT

WHAT CONSITUTES A BENEFIT OR GIFT FOR THE PURPOSES OF THIS CODE?

P4.1 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.

P4.2 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) benefit or facility provided by Council to a Councillor;

e) attendance by an Council Official at a work-related event or function for the purposes of performing their official duties; or

f) free or subsidised meals, beverages or refreshments provided to Councillors 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; or

iii) conferences

iv) Council functions or events

v) social functions organised by groups, such as Council committees and community organisations.

GIFTS AND BENEFITS

P4.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

P4.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

P4.5 Regardless of the value of a gift and/or benefit received by a Council Committee member, Council Committee member must complete a Gift and Benefit Declaration and forward it to the CEO..

P4.6 It is at the discretion of the CEO to whether a Council Committee member may retain an item or whether it is required to be handed in to Council.

HOW ARE OFFERS OF GIFTS AND BENEFITS TO BE DEALT WITH?

P4.7 You must not:

a) seek or accept a bribe or other improper inducement;

b) seek gifts or benefits of any kind;

c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty;

d) subject to Clause P4.9, accept any gift or benefit of more than token value as defined by Clause P4.11;

e) accept an offer of cash or a cash-like gift as defined by Clause P4.15, 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 organiser; or

g) personally benefit from reward points programs when purchasing on behalf of Council.

P4.8 Where you receive a gift or benefit of any value other than one referred to in clause P4.2, you must disclose this promptly to the general manager in writing. The recipient or general manager 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.

P4.9 Where you receive a gift or benefit, of more than token value, that cannot reasonably be refused or returned, the gift or benefit must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.

GIFTS AND BENEFITS OF TOKEN VALUE

P4.10 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a twelve (12) month period that, when aggregated, do not exceed a value of $50. They include, but are not limited to:

a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed $50.

b) gifts of alcohol that do not exceed a value of $50.

c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like; or

d) prizes or awards that do not exceed $50 in value.

GIFTS AND BENEFITS OF MORE THAN TOKEN VALUE

P4.11 Gifts or benefits that exceed $50 in value are gifts or benefits of more than token value for the purposes of Clause P4.7 d) and, subject to Clause P4.9, must not be accepted.

P4.12 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds $50 corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

P4.13 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single twelve (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 twelve (12) month period would exceed $50 in value.

P4.14 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"

P4.15 For the purposes of Clause P4.7 e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

IMPROPER AND UNDUE INFLUENCE

P4.16 You must not use your position to influence other Council Officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.

P4.17 You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.

PART 5: ACCESS TO INFORMATION AND COUNCIL RESOURCES

USE OF CERTAIN COUNCIL INFORMATION

P5.1 In regard to information obtained in your capacity as a Council Official, you must:

a) subject to Clause P6.13, only access Council information needed for Council business;

b) not use that Council information for private purposes;

c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your 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

P5.2 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

P5.3 In addition to your general obligations relating to the use of Council information, you must:

a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions;

b) protect confidential information;

c) only release confidential information if you have authority to do so;

d) only use confidential information for the purpose for which it is intended to be used;

e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person;

f) not use confidential information with the intention to cause harm or detriment to Council or any other person or body; and

g) not disclose any confidential information discussed during a confidential session of a Council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

PERSONAL INFORMATION

P5.4 When dealing with personal information you must comply with the:

a) Privacy and Personal Information Protection Act 1998;

b) Health Records and Information Privacy Act 2002;

c) Information Protection Principles and Health Privacy Principles;

d) Council's Privacy Management Plan; and

e) Privacy Code of Practice for Local Government.

USE OF COUNCIL RESOURCES

P5.5 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

P5.6 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

P5.7 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

P5.8 You must not use Council resources (including Council employees), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

P5.9 You must not use Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:

a) for the purpose of assisting your election campaign or the election campaign of others, or

b) for other non-official purposes.

P5.10 You must not convert any property of Council to your own use unless properly authorised.

INTERNET ACCESS

P5.11 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage Council's reputation.

COUNCIL RECORD KEEPING

P5.12 You must comply with the requirements of the State Records Act 1998 and Council's Information and Records Management Policy.

P5.13 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the State Records Act 1998 and Council's approved records management policies and practices.

P5.14 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.

P5.15 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with Council's records Manager and comply with the requirements of the State Records Act 1998.

SOCIAL MEDIA

P5.27 Council Officials should be aware that any social media activity or interaction, either official or personal, is public, permanently available, traceable and able to be reproduced elsewhere. Contents, comments and digital activity may also form part of an evidentiary brief in Code of Conduct matters, or in more serious matters, tendered as evidence, such as civil claims or investigations by the Independent Commission Against Corruption (ICAC) or the Police.

P5.28 Council Officials should also be aware that whether they intend it or not, what they post online in a private capacity may reflect on Murray River Council and their role at Council. They should therefore behave in a way that upholds the values and reputation of Council, consistent with the Code of Conduct and other policies.

P5.29 Council Officials are reminded that 'shares', 'likes' or 'retweets' may be viewed as an endorsement of the original post. In the spirit of the respectful democratic environment that Australian citizens enjoy and live in, constructive criticism or negative comments/commenters should not be blocked or removed, unless they are overtly offensive and defamatory, incite hatred and violence or are

criminal in nature. The latter examples should be noted with Council's CEO, or if criminal in nature or threaten your safety and reported to NSW Police as soon as possible.

P5.30 Council Officials must also be aware of posts by others to their social media pages and consider if such post/s and its comment/s are offensive or may incite hatred, violence and/or criminal acts. Any post/comments made to a Council Official's social media page/site should be monitored by the Officer to ensure that it meets the standard of socially acceptable behaviour/commentary.

P5.31 Council Officials should remove any post/comment that does not meet the required standard of this Policy.

COMPLAINTS HANDLING

P5.32 Council Officials must refer any complaint they receive about any facet of Council's activities to the CEO or relevant Director so that the matter can be resolved according to the Customer Feedback and Complaints Management Policy.

P5.33 Depending on the nature of the complaint, wherever possible Council Officers who forwarded the information to the CEO will be updated on what action will or has been taken.

PART 6: MAINTAINING THE INTEGRITY OF THIS CODE

COMPLAINTS MADE FOR AN IMPROPER PURPOSE

P6.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this Code for an improper purpose.

P6.2 For the purposes of Clause P7.1, 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; and

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

DETRIMENTAL ACTION

P6.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this Code.

P6.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.

P6.5 For the purposes of Clauses P7.3 and P7.4, 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; and

e) disciplinary proceedings.

COMPLIANCE WITH REQUIREMENTS UNDER THE PROCEDURES

P6.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

P6.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this Clause.

P6.8 You must comply with a practice ruling made by the Office under the Procedures.

DISCLOSURE OF INFORMATION ABOUT THE CONSIDERATION OF A MATTER UNDER THE PROCEDURES

P6.9 All allegations of breaches of this Code must be dealt with under and in accordance with the Procedures.

P6.10 You must not allege breaches of this Code other than by way of a complaint made or initiated under the Procedures.

P6.11 You must not make allegations about, or disclose information about, suspected breaches of this Code at Council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

P6.12 You must not disclose information about a complaint you have made alleging a breach of this Code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

P6.13 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

P6.14 Complaints alleging a breach of this Part by a Council Committee member or delegate of Council are to be managed by the CEO in accordance with the Procedures.

6. ROLES & RESPONSIBILITIES

Position	Responsibilities
CEO	To lead Council Officials in their understanding of, and compliance with, this Policy and related Procedures
All Council Officials	To be aware of and ensure compliance with this Policy.

7. BREACHES

Failure by a Council Committee member/Council Official to comply with Council's Code of Conduct may give rise to disciplinary action.

8. EVALUATION AND REVIEW

It is the responsibility of the Chief Executive Officer to monitor the adequacy of this Policy and recommend appropriate changes.

This Policy will be formally reviewed every four (4) years or as needed, whichever comes first.

9. ASSOCIATED DOCUMENTS, DEFINITIONS AND ACRONYMS

External:

- Information Protection Principles and Health Privacy Principles
- Office of Local Government - Privacy Code of Practice for Local Government

Internal:

- MRC Policy - Code of Conduct (Councillors) Policy (POL-100.1)
- MRC Policy - Code of Conduct (Employees) Policy (POL-100.3)
- MRC Policy - Code of Conduct (Vulnerable Persons and Children) Policy (POL-112)
- MRC Policy – Information and Records Management Policy
- MRC Policy - Privacy Management Plan
- MRC Procedure – Gifts, Benefits and Hospitality Procedure
- MRC Procedure - Code of Conduct Procedures

Definitions:

In this Code the following terms have the following meanings:

Term	Definition
The Act	Local Government Act 1993 (NSW)
Administrator	An Administrator of a Council appointed under the LGA other than an Administrator appointed under Section 66
Committee	See the definition of "Council committee"
Complaint	A Code of Conduct complaint made for the purposes of Clauses P2.1 and P2.2 of the Procedures.
Conduct	Includes acts and omissions
Council	Murray River Council
Council Official	Includes Councillors, employees of a Council, Administrators, Council committee members, delegates of Council and, for the purposes of Clause P2.16 of the Model Code of Conduct, Council advisers
Council committee	A committee established by a Council comprising of Councillors, employees or other persons that Council has delegated functions to and Council's Audit, Risk and Improvement Committee (ARIC)
Council committee member	A person other than a Councillor or employee of a Council who is a member of a Council committee other than a wholly advisory committee, and a person other than a Councillor who is a member of Council's Audit, Risk and Improvement Committee.
Councillor	Any person elected or appointed to civic office, including the Mayor and includes members and chairpersons of County Councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
Delegate of Council	A person (other than a Councillor or employee of a Council) or body, and the individual members of that body, to whom a function of Council is delegated
Designated person	A person referred to in Clause P2.8
Employee	An employee of Murray River Council – permanent, part-time or casual.
CEO	Chief Executive Officer
Mayor	Elected Chairperson of Murray River Council
the Office	Office of Local Government

Personal information	Information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	The Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation the Regulation the Local Government (General) Regulation 2021
Wholly advisory committee	A Council committee that Council has not delegated any functions to

10. DOCUMENT CONTROL

Version No.	Details	Date	CM9 Reference	Resolution No.
1	Initial Issue	23 May 2016 to 15 Apr 2019	VF/17/102859	060516
2	Adoption of new Policy based on the Model Code of Conduct for Local Councils in NSW (Office of Local Government – December 2018) as per Office of Local Government Circular to Councils 18-44.	16 Apr 2019 to 27 Oct 2020	VF/17/102859	090419
3	Adoption of new Policy based on the Model Code of Conduct for Local Councils in NSW (Office of Local Government – August 2020) as per Office of Local Government Circular to Councils 20-32.	27 Oct 2020 to 22 Nov 2022	VF/17/102859	181020
4	Code of Conduct Policy split into 3 separate documents – Councillors, Employees and Committee Members, Delegates & Advisors	22 Nov 2022 to 28 Oct 2025	VF/17/102859	151122
5	Updated to reflect the intent of the Model Code of Conduct published by the Office of Local Government.	28 Oct 2025 to today	VF/17/102859	TBA

Council reserves the right to review, vary or revoke this policy at any time
This Policy is scheduled for review before 2029

NOTE:
This is a controlled document. If you are reading a printed copy please check that you have the latest version by checking it on Councils Electronic Document system. Printed or downloaded versions of this document are uncontrolled.

DISCLAIMER:
This document was formulated to be consistent with Murray River Council's legislative obligations and with the scope of Council's powers. This document should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail. This document does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this document.

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a Business Unit, position title or a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. When such changes are made the version number will be amended and an extension added (e.g. V#1.1)

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE P2.9

PART 1: PRELIMINARY

DEFINITIONS

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

address	a) in relation to a person other than a corporation, the last residential or business address of the person known to the designated person disclosing the address, or b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or c) in relation to any real property, the street address of the property.
de facto partner	has the same meaning as defined in Section 21C of the Interpretation Act 1987.
disposition of property	means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following: a) the allotment of shares in a company b) the creation of a trust in respect of property c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property e) the exercise by a person of a general power of appointment over property in favour of another person f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.
gift	means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.
interest	means: a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or b) in relation to a corporation, a relevant interest (within the meaning of Section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.
listed company	means a company that is listed within the meaning of Section 9 of the Corporations Act 2001 of the Commonwealth.
occupation	includes trade, profession and vocation.

professional or business association	means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.
property	includes money.
return date	means: a) in the case of a return made under clause 4.9 a), the date on which a person became a designated person b) in the case of a return made under clause 4.9 b), 30 June of the year in which the return is made c) in the case of a return made under clause 4.9 c), the date on which the 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 factor partner of a person referred to in paragraphs (b) and (c).
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 designated person has an interest includes a reference to any real property situated in Australia in which the 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 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: PENUNIARY INTERESTS TO BE DISCLOSED IN RETURNS

REAL PROPERTY

5. A person making a return under clause P2.9 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 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 P2.9 of this Code must disclose:
   a) a description of each gift received in the period since 30 June of the previous financial year, and
   b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
   a) it did not exceed $500, unless it was among gifts totalling more than $500 made by the same person during a period of 12 months or less, or
   b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
   c) the donor was a relative of the donee, or
   d) subject to paragraph (a), it was received prior to the person becoming a 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 P2.9 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 twelve (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 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 P2.9 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 ten (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 designated person.

INTERESTS AS A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER

19. A person making a return under Clause P2.9 of this Code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of Clause 19 of this schedule:

CLOSE ASSOCIATE:

In relation to a corporation or an individual, has the same meaning as it has in Section 53 of the Electoral Funding Act 2018.

PROPERTY DEVELOPER

Has the same meaning as it has in Division 7 of Part 3 of the Electoral Funding Act 2018.

POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

21. A person making a return under Clause P2.9 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.

DISPOSITIONS OF REAL PROPERTY

23. A person making a return under Clause P2.9 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 P2.9 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.

SOURCES OF INCOME

26. A person making a return under Clause P2.9 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 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 P2.9 of the 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 P2.9 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 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 P2.9

'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.
2. If this is the first return you have been required to lodge with the CEO after becoming a Councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the CEO and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the CEO, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the CEO and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the twelve (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 you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

IMPORTANT INFORMATION

This information is being collected for the purpose of complying with clause P2.21 of this Code.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see Clause P2.23). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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

Information contained in returns made and lodged under clause P2.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

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

DISCLOSURE OF INTERESTS FORM

REQUIRED TO BE LODGED UNDER CLAUSE P2.9 OF COUNCIL'S CODE OF CONDUCT POLICY

DECLARATION

(Please type in this document or use BLOCK letters if written. Fill in every section – use NIL if you have nothing to declare)

Disclosure of pecuniary interests and other matters by (Enter Full Name in the box)

as at the return date of the ____ in respect to the period from ____

Signed: ____ Date: ____

(PLEASE NOTE: This cannot by typed text - must be a digital signature or handwritten signature)

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date and at any time since 30 June 20XX	Nature of interest

B. Sources of income

1. Sources of income:

- I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June, and
- received from an occupation at any time since 30 June 20XX

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

DISCLOSURE OF INTERESTS FORM

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, and
- received from a trust since 30 June 20XX.

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:

Source	Amount

C. Gifts

Description of each gift I received at any time since 30 June 20XX	Name and address of donor

DISCLOSURE OF INTERESTS FORM

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 20XX	Dates on which travel was undertaken	Names of states and 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 and at any time since 30 June 20XX.	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. Property development

Were you a property developer or a close associate of a property developer on the return date?

Choose one option:	Yes ☐	No ☐

G. Positions in trade unions and professional or business associations

Name of each trade union & each professional or business association in which I held any position (whether remunerated or not) at the return date and at any time since 30 June 20XX.	Description of position

DISCLOSURE OF INTERESTS FORM

H. Debts

Name and address of each person to whom I was liable to pay any debts at the return date and at any time since 30 June 20XX

I. Disposition of property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June 20XX, as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time.

2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June 20XX, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

DISCLOSURE OF INTERESTS FORM

Received by:

Signed:

Name: CEO or their nominee

Date:

Code of Conduct Procedure

Version V#3

Based on the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

murray river council

TABLE OF CONTENTS

1 INTRODUCTION 3

2 SCOPE 3

3. LEGISLATION 3

PART 4. ADMINISTRATIVE FRAMEWORK 3

PART 5. HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE? 6

PART 6. HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED? 8

PART 7. PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CEO BY CONDUCT REVIEWERS 14

PART 8. INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CEO 18

PART 9. OVERSIGHT AND RIGHTS OF REVIEW 24

PART 10. PROCEDURAL IRREGULARITIES 25

PART 11. PRACTICE DIRECTIONS 25

PART 12. REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS & THE CEO 26

PART 13. CONFIDENTIALITY 26

14. ASSOCIATED DOCUMENTS, DEFINITIONS & ACRONYMS 27

15. DOCUMENT CONTROL 28

1. INTRODUCTION

This Procedure is prescribed for the administration of Murray River Council's Code of Conduct Policy.("the Code").

The Code of Conduct Policies are made under Section 440 of the Local Government Act 1993 (NSW) ("the Act") and the Local Government (General) Regulation 2021 (NSW) ("the Regulation") , which requires every Council to adopt a Code of Conduct Policy that incorporates the provisions of the Model Code of Conduct as provided by the Office of Local Government (OLG).

> Local Government Act 1993 – Section 440

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

> Note: Parts 7, 8, 9 and 12 of these procedures apply only to the management of code of conduct complaints about Councillors (including the Mayor) or the Chief Executive Officer ("CEO").

2. SCOPE

This Procedure applies to all Council Officials.

3. LEGISLATION

- Local Government Act 1993 (NSW)
- Local Government (General) Regulation 2021 (NSW)
- Public Interest Disclosures Act 2022 (NSW).
- Government Information (Public Access) Act 2009 (NSW)
- Government Information (Public Access) Regulation 2018 (NSW)
- State Records Act 1998. (NSW)

THE ESTABLISHMENT OF A PANEL OF CONDUCT REVIEWERS

4.1 Council must establish a panel of conduct reviewers.

4.2 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 Murray River Council.

4.3 The panel of conduct reviewers is to be established following a public expression of interest process.

4.4 An expression of interest for members of Council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.

4.5 To be eligible to be a Conduct Reviewer, 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 2022 (NSW), 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 panel of Conduct Reviewers under Clause 4.6.

4.6 A person is not eligible to be a Conduct Reviewer if they are:

a) a Councillor, or

b) a nominee for election as a Councillor, or

c) an Administrator, or

d) a Council Officer of a Council, 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.

4.7 A person is not precluded from being a member of Council's panel of Conduct Reviewers if they are a member of another Council's panel of Conduct Reviewers.

4.8 An incorporated or other entity may be appointed to Council's panel of Conduct Reviewers 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.

4.9 A panel of Conduct Reviewers established under this Part is to have a term of up to four years.

4.10 Council may terminate the panel of Conduct Reviewers at any time. Where a panel of Conduct Reviewers has been terminated, Conduct Reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.

4.11 When the term of the panel of Conduct Reviewers concludes or is terminated, Council must establish a new panel of Conduct Reviewers in accordance with the requirements of this Part.

4.12 A person who was a member of a previous panel of Conduct Reviewers established by Council may be a member of subsequent panels of Conduct Reviewers established by Council if they continue to meet the selection and eligibility criteria for membership of the panel.

THE APPOINTMENT OF AN INTERNAL OMBUDSMAN TO A PANEL OF CONDUCT REVIEWERS

4.13 Despite Clause 4.6 d), a Council Officer who is the nominated internal ombudsman of one or more Councils may be appointed to Council's panel of Conduct Reviewers with OLG's consent.

4.14 To be appointed to Council's panel of Conduct Reviewers, an internal ombudsman must meet the qualification requirements for Conduct Reviewers prescribed under Clause 4.5 as modified by the operation of Clause 4.13.

4.15 An internal ombudsman appointed to Council's panel of Conduct Reviewers may also exercise the functions of Council's Complaints Coordinator. For the purposes of Clause 7.1, an internal ombudsman who is Council's Complaints Coordinator and has been appointed to Council's panel of Conduct Reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under Clauses 6.26 or 6.33 or refer the matter to another Conduct Reviewer in accordance with Clause 7.2.

4.16 Clause 7.4 c) does not apply to an internal ombudsman appointed to Council's panel of Conduct Reviewers.

THE APPOINTMENT OF COMPLAINTS COORDINATORS

4.17 The CEO must appoint a Council Officer or another person (such as, but not limited to, a Council Officer of another Council or an employee of a joint organisation or other regional body associated with Council), to act as a Complaints Coordinator. Where the Complaints Coordinator is a Council Officer of Murray River Council, the Complaints Coordinator should be a senior and suitably qualified employee.

4.18 The CEO may appoint other Council Officers or other persons (such as, but not limited to, an Council Officer of another Council or an employee of a joint organisation or other regional body associated with Council), to act as alternates to the Complaints Coordinator.

4.19 The CEO must not undertake the role of Complaints Coordinator.

4.20 The person appointed as Complaints Coordinator or alternate Complaints Coordinator must also be a Nominated Disclosures Coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 2022 (NSW).

4.21 The role of the Complaints Coordinator is to:

a) coordinate the management of complaints made under Council's Code of Conduct Policy;

b) liaise with and provide administrative support to a Conduct Reviewer;

c) liaise with the Office of Local Government (OLG); and

d) arrange the annual reporting of Code of Conduct complaints statistics.

PART 5: HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

WHAT IS A CODE OF CONDUCT COMPLAINT?

5.1 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 as a Council Official or the exercise of their functions as a Council Official that would constitute a breach of the standards of conduct prescribed under Council's Code of Conduct Policy if proven.

5.2 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; or

d) complaints about the conduct of a Council Official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under Council's Code of Conduct Policy.

5.3 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?

5.4 A Code of Conduct complaint must be made within three (3) months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.

5.5 A complaint made after three (3) months may only be accepted if the CEO or their delegate, or, in the case of a complaint about the CEO, the Mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the Code of Conduct Policy.

HOW MAY A CODE OF CONDUCT COMPLAINT ABOUT A COUNCIL OFFICIAL OTHER THAN THE CEO BE MADE?

5.6 All Code of Conduct complaints other than those relating to the CEO are to be made to the CEO in writing. This Clause does not operate to prevent a person from making a complaint to an external agency.

5.7 Where a Code of Conduct complaint about a Council Official other than the CEO 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.

5.8 In making a Code of Conduct complaint about a Council Official other than the CEO, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

5.9 The CEO 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.

5.10 Notwithstanding Clauses 5.6 and 5.7, where the CEO becomes aware of a possible breach of Council's Code of Conduct Policy, 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 CEO BE MADE?

5.11 Code of Conduct complaints about the CEO are to be made to the Mayor in writing. This Clause does not operate to prevent a person from making a complaint about the CEO to an external agency.

5.12 Where a Code of Conduct complaint about the CEO 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.

5.13 In making a Code of Conduct complaint about the CEO, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

5.14 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.

5.15 Notwithstanding Clauses 5.11 and 5.12, where the Mayor becomes aware of a possible breach of Council's Code of Conduct Policy by the CEO, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 6: HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

DELEGATION BY CEOS AND MAYORS OF THEIR FUNCTIONS UNDER THIS PART

6.1 A CEO or Mayor may delegate their functions under this Part to a Council Officer or to a person or persons external to Council other than an external agency. References in this Part to the CEO or Mayor are also to be taken to be references to their delegates.

CONSIDERATION OF COMPLAINTS BY CEOS AND MAYORS

6.2 In exercising their functions under this Part, CEOs and Mayors may consider the complaint assessment criteria prescribed under Clause 7.31.

WHAT COMPLAINTS MAY BE DECLINED AT THE OUTSET?

6.3 Without limiting any other provision in these procedures, the CEO or, in the case of a complaint about the CEO, the Mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:

a) is not a Code of Conduct complaint, or

b) subject to Clause 5.5, is not made within three (3) months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or

c) is trivial, frivolous, vexatious or not made in good faith, or

d) relates to a matter the substance of which has previously been considered and addressed by Council and does not warrant further action, or

e) is not made in a way that would allow the alleged conduct and any alleged breaches of Council's Code of Conduct to be readily identified.

HOW ARE CODE OF CONDUCT COMPLAINTS ABOUT COUNCIL OFFICERS (OTHER THAN THE CEO) TO BE DEALT WITH?

6.4 The CEO is responsible for the management of Code of Conduct complaints about Council Officers (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 5 of the Code of Conduct Policy) and for determining the outcome of such complaints.

6.5 The CEO must refer Code of Conduct complaints about Council Officers alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct Policy to OLG.

6.6 The CEO may decide to take no action in relation to a Code of Conduct complaint about a Council Officer other than one requiring referral to OLG under Clause 6.5 where they consider that no action is warranted in relation to the complaint.

6.7 Where the CEO decides to take no action in relation to a Code of Conduct complaint about a Council Officer, the CEO must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

6.8 Code of Conduct complaints about Council Officers 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.

6.9 Sanctions for breaches of the Code of Conduct Policy by a Council Officer 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 ADVISERS AND COUNCIL COMMITTEE MEMBERS TO BE DEALT WITH?

6.10 The CEO 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 Policy) and for determining the outcome of such complaints.

6.11 The CEO must refer Code of Conduct complaints about Council advisers, delegates of Council and Council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct Policy to OLG.

6.12 The CEO 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 OLG under Clause 6.11 where they consider that no action is warranted in relation to the complaint.

6.13 Where the CEO decides to take no action in relation to a Code of Conduct complaint about a delegate of Council or a Council committee member, the CEO must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

6.14 Where the CEO considers it to be practicable and appropriate to do so, the CEO may seek 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 Code of Conduct complaint under this Clause is not to be taken as a determination that there has been a breach of Council's Code of Conduct Policy.

6.15 Where the CEO resolves a Code of Conduct complaint under Clause 6.14 to the CEO's satisfaction, the CEO must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

6.16 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:

a) censure

b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the CEO

c) prosecution for any breach of the law

d) removing or restricting the person's delegation

e) removing the person from membership of the relevant Council committee.

6.17 Prior to imposing a sanction against a delegate of Council or a Council Committee member under Clause 6.16, the CEO or any person making enquiries on behalf of the CEO must comply with the requirements of procedural fairness. In particular:

a) the substance of the allegation (including the relevant provision/s of Council's Code of Conduct Policy that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and

b) the person must be given an opportunity to respond to the allegation, and

c) the CEO must consider the person's response in deciding whether to impose a sanction under Clause 6.16.

HOW ARE CODE OF CONDUCT COMPLAINTS ABOUT ADMINISTRATORS TO BE DEALT WITH?

6.18 The CEO must refer all Code of Conduct complaints about Administrators to OLG for its consideration.

6.19 The CEO must notify the complainant of the referral of their complaint in writing.

HOW ARE CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS TO BE DEALT WITH?

6.20 The CEO must refer the following Code of Conduct complaints about Councillors to OLG:

a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code for Councillors.

b) complaints alleging a failure to comply with a requirement under the Code to disclose and appropriately manage conflicts of interest arising from political donations (see Section 328 B of the Act)

c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the Policy contained in Part 9 of the Code for Councillors.

d) complaints that are the subject of a special complaints management arrangement with OLG under Clause 6.49.

6.21 Where the CEO refers a complaint to OLG under Clause 6.20, the CEO must notify the complainant of the referral in writing.

6.22 The CEO may decide to take no action in relation to a Code of Conduct complaint about a Councillor, other than one requiring referral to OLG under Clause 6.20, where they consider that no action is warranted in relation to the complaint.

6.23 Where the CEO decides to take no action in relation to a Code of Conduct complaint about a Councillor, the CEO 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 under these procedures.

6.24 Where the CEO considers it to be practicable and appropriate to do so, the CEO may seek to resolve Code of Conduct complaints about Councillors, other than those requiring referral to OLG under Clause 6.20, 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 Council's Code of Conduct Policy.

6.25 Where the CEO resolves a Code of Conduct complaint under Clause 6.24 to the CEO's satisfaction, the CEO must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

6.26 The CEO must refer all Code of Conduct complaints about Councillors, other than those referred to OLG under Clause 6.20 or finalised under Clause 6.23 or resolved under Clause 6.24, to the Complaints Coordinator.

HOW ARE CODE OF CONDUCT COMPLAINTS ABOUT THE CEO TO BE DEALT WITH?

6.27 The Mayor must refer the following Code of Conduct complaints about the CEO to OLG:

a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Councillors.

b) 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 for Councillors.

c) complaints that are the subject of a special complaints management arrangement with OLG under Clause 6.49.

6.28 Where the Mayor refers a complaint to OLG under Clause 6.27, the Mayor must notify the complainant of the referral in writing.

6.29 The Mayor may decide to take no action in relation to a Code of Conduct complaint about the CEO, other than one requiring referral to OLG under Clause 6.27, where they consider that no action is warranted in relation to the complaint.

6.30 Where the Mayor decides to take no action in relation to a Code of Conduct complaint about the CEO, the Mayor 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 under these procedures.

6.31 Where the Mayor considers it to be practicable and appropriate to do so, the Mayor may seek to resolve Code of Conduct complaints about the CEO, other than those requiring referral to OLG under Clause 6.27, 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 Council's Code of Conduct Policy.

6.32 Where the Mayor resolves a Code of Conduct complaint under Clause 6.31 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

6.33 The Mayor must refer all Code of Conduct complaints about the CEO, other than those referred to OLG under Clause 6.27 or finalised under Clause 6.30 or resolved under Clause 6.31, to the Complaints Coordinator.

HOW ARE COMPLAINTS ABOUT BOTH THE CEO AND THE MAYOR TO BE DEALT WITH?

6.34 Where the CEO or Mayor receives a Code of Conduct complaint that alleges a breach of the Code of Conduct Policy by both the CEO and the Mayor, the CEO or Mayor must either:

a) delegate their functions under this part with respect to the complaint to a Council Officer other than the CEO where the allegation is not serious, or to a person external to Council, or

b) refer the matter to the Complaints Coordinator under Clause 6.26 and Clause 6.33.

REFERRAL OF CODE OF CONDUCT COMPLAINTS TO EXTERNAL AGENCIES

6.35 The CEO, 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.

6.36 The CEO, Mayor or a Conduct Reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.

6.37 Where the CEO, Mayor or Conduct Reviewer refers a complaint to an external agency under Clause 6.35, 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.

6.38 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

6.39 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.

6.40 Clause 6.39 does not apply to Code of Conduct complaints made by Councillors about other Councillors or the CEO.

6.41 Where a Councillor makes a Code of Conduct complaint about another Councillor or the CEO, 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.

6.42 A request made by a complainant Councillor under Clause 6.41 must be made at the time they make a Code of Conduct complaint and must state the grounds upon which the request is made.

6.43 The CEO or Mayor, and where the matter is referred to a Conduct Reviewer, the Conduct Reviewer, must consider a request made under Clause 6.41 before disclosing information that identifies or tends to identify the complainant Councillor, but they are not obliged to comply with the request.

6.44 Where a complainant Councillor makes a request under Clause 6.41, the CEO or Mayor or, where the matter is referred to a Conduct Reviewer, the Conduct Reviewer, shall notify the 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

6.45 These procedures do not override the provisions of the Public Interest Disclosures Act 2022 (NSW). 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.

6.46 Where a Councillor makes a Code of Conduct complaint about another Councillor or the CEO 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.

6.47 Where a complainant Councillor declines to consent to the disclosure of their identity as the complainant under Clause 6.46, the CEO or the Mayor must refer the complaint to OLG for consideration. Such a referral must be made under Section 26 of the Public Interest Disclosures Act 2022 (NSW).

SPECIAL COMPLAINTS MANAGEMENT ARRANGEMENTS

6.48 The CEO may request in writing that 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.

6.49 Where OLG receives a request under Clause 6.48, 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:

a) imposed an undue and disproportionate cost burden on Council's administration of its Code of Conduct Policy, or

b) impeded or disrupted the effective administration by Council of its Code of Conduct Policy, or

c) impeded or disrupted the effective functioning of Council.

6.50 A special complaints management arrangement must be in writing and must specify the following:

a) the Code of Conduct complaints the arrangement relates to, and

b) the period that the arrangement will be in force.

6.51 OLG may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

6.52 While a special complaints management arrangement is in force, an officer of 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.

6.53 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.

6.54 Prior to the expiry of a special complaints management arrangement, OLG may, at the request of the CEO, review the arrangement to determine whether it should be renewed or amended.

6.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under Clause 6.54.

PART 7: PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CEO BY CONDUCT REVIEWERS

REFERRAL OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CEO TO CONDUCT REVIEWERS

7.1 The Complaints Coordinator must refer all Code of Conduct complaints about Councillors or the CEO that have not been referred to an external agency or declined or resolved by the CEO, Mayor or their delegate and that have been referred to them under Clauses 6.26 or 6.33, to a Conduct Reviewer within 21 days of receipt of the complaint by the CEO or the Mayor.

7.2 For the purposes of Clause 7.1, 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 OLG.

7.3 In selecting a suitable Conduct Reviewer, the Complaints Coordinator may have regard to the qualifications and experience of members of the panel of Conduct Reviewers. 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 4 of these procedures.

7.4 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 2 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, 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.

7.5 For the purposes of Clause 7.4 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 6.2 of the Code for Councillors).

7.6 For the purposes of Clause 7.4 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.

7.7 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 proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.

7.8 The Complaints Coordinator must notify the complainant in writing that the matter has been referred to a Conduct Reviewer, and advise which Conduct Reviewer the matter has been referred to.

7.9 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.

7.10 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:

a) comply with these procedures in their consideration of the matter, or

b) comply with a lawful and reasonable request by the Complaints Coordinator, or

c) exercise their functions in a timely or satisfactory manner.

7.11 Where the Complaints Coordinator terminates a referral to a Conduct Reviewer under Clause 7.10, 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 been referred to instead.

PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CEO BY A CONDUCT REVIEWER

7.12 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.

7.13 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:

a) to take no action

b) 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

c) to refer the matter back to the CEO or, in the case of a complaint about the CEO, 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

d) to refer the matter to an external agency

e) to investigate the matter.

7.14 In determining how to deal with a matter under Clause 7.13, the Conduct Reviewer must have regard to the complaint assessment criteria prescribed under Clause 7.31.

7.15 The Conduct Reviewer may make such enquiries the Conduct Reviewer considers to be reasonably necessary to determine what options to exercise under Clause 7.13.

7.16 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 7.13. The Complaints Coordinator will, as far as is reasonably practicable, supply any information requested by the Conduct Reviewer.

7.17 The Conduct Reviewer must refer to OLG any complaints referred to them that should have been referred to OLG under Clauses 6.20 and 6.27.

7.18 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.

7.19 The resolution of a Code of Conduct complaint under Clause 7.13, paragraphs b) or c) is not to be taken as a determination that there has been a breach of Council's Code of Conduct Policy.

7.20 Where the Conduct Reviewer completes their preliminary assessment of a complaint by determining to exercise an option under Clause 7.13, paragraphs 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 under these procedures.

7.21 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.

7.22 The Conduct Reviewer may only determine to investigate a matter where they are satisfied as to the following:

a) that the complaint is a Code of Conduct complaint for the purposes of these procedures, and

b) that the alleged conduct is sufficiently serious to warrant the formal censure of a Councillor under Section 440 G of the Act or disciplinary action against the CEO under their contract of employment if it were to be proven, and

c) that the matter is one that could not or should not be resolved by alternative means.

7.23 In determining whether a matter is sufficiently serious to warrant formal censure of a Councillor under Section 440 G of the Act or disciplinary action against the CEO under their contract of employment, the Conduct Reviewer is to consider the following:

a) the harm or cost that the alleged conduct has caused to any affected individuals and/or Council

b) the likely impact of the alleged conduct on the reputation of Council and public confidence in it

c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence

d) 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.

7.24 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.

7.25 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 CEO OR MAYOR FOR RESOLUTION

7.26 Where the Conduct Reviewer determines to refer a matter back to the CEO or to the Mayor to be resolved by alternative and appropriate means, they must write to the CEO or, in the case of a complaint about the CEO, to the Mayor, recommending the means by which the complaint may be resolved.

7.27 The Conduct Reviewer must consult with the CEO or Mayor prior to referring a matter back to them under Clause 7.13 c).

7.28 The CEO 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 7.13.

7.29 Where the Conduct Reviewer refers a matter back to the CEO or Mayor under Clause 7.13 c), the CEO or, in the case of a complaint about the CEO, the Mayor, is responsible for implementing or overseeing the implementation of the Conduct Reviewer's recommendation.

7.30 Where the Conduct Reviewer refers a matter back to the CEO or Mayor under Clause 7.13 c), the CEO, or, in the case of a complaint about the CEO, 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

7.31 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 5.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under Council's Code of Conduct Policy.

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 Policy.

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 Council's Code of Conduct Policy.

j) whether the conduct complained of forms part of an ongoing pattern of behaviour

k) whether there were mitigating circumstances giving rise to the conduct complained of

l) the seriousness of the alleged conduct (having regard to the criteria specified in Clause 7.23)

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

o) such other considerations that the Conduct Reviewer considers may be relevant to the assessment of the complaint.

PART 8: INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CEO

WHAT MATTERS MAY A CONDUCT REVIEWER INVESTIGATE?

8.1 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.

8.2 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 CEO, or, in the case of alleged conduct on the part of the CEO, to the Mayor.

8.3 The CEO or the Mayor or their delegate is to deal with a matter reported to them by an Investigator under Clause 8.2 as if it were a new Code of Conduct complaint in accordance with these procedures.

HOW ARE INVESTIGATIONS TO BE COMMENCED?

8.4 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 fourteen (14) days specified by the Investigator in the notice, and

f) provide the respondent the opportunity to address the Investigator on the matter within such reasonable time specified in the notice.

8.5 The respondent may, within seven (7) 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.

8.6 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.

8.7 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 fourteen (14) days specified by the Investigator in the amended notice.

8.8 The Investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the Complaints Coordinator and the CEO, or in the case of a complaint about the CEO, 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 fourteen (14) days specified by the Investigator in the notice.

WRITTEN AND ORAL SUBMISSIONS

8.9 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.

8.10 The Investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.

8.11 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.

8.12 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.

8.13 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.

8.14 The Investigator must consider all written and oral submissions made to them in relation to the matter.

HOW ARE INVESTIGATIONS TO BE CONDUCTED?

8.15 Investigations are to be undertaken without undue delay.

8.16 Investigations are to be undertaken in the absence of the public and in confidence.

8.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.

8.18 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.

8.19 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

8.20 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 CEO, or, in the case of a complaint about the CEO, 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.

8.21 Where an Investigator determines to exercise any of the options under Clause 8.20 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.

8.22 The resolution of a Code of Conduct complaint under Clause 8.20, paragraphs a) or b) is not to be taken as a determination that there has been a breach of Council's Code of Conduct Policy.

8.23 Where an Investigator determines to exercise any of the options under Clause 8.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the Complaints Coordinator and the CEO, or in the case of a complaint about the CEO, to the respondent, the complainant, the Complaints Coordinator and the Mayor, discontinue their investigation of the matter.

8.24 Where the Investigator discontinues their investigation of a matter under Clause 8.23, this shall finalise the consideration of the matter under these procedures.

8.25 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 8.20 or to discontinue their investigation except as may be specifically required under these procedures.

DRAFT INVESTIGATION REPORTS

8.26 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.

8.27 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 fourteen (14) days specified by the Investigator.

8.28 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 fourteen (14) days specified by the Investigator.

8.29 The Investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

8.30 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.

8.31 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.

8.32 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

8.33 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 8.23.

8.34 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.

8.35 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 Policy; or

ii. does not constitute a breach of the Code of Conduct Policy; and

c) provide reasons for the determination.

8.36 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 Policy 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 7.23)

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

j) any recommendations.

8.37 Where the Investigator determines that the conduct investigated constitutes a breach of the Code of Conduct Policy, the Investigator may recommend:

a) in the case of a breach by the CEO, that disciplinary action be taken under the CEO'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 440 G 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 440 G of the Act, and

ii. that the matter be referred to OLG for further action under the misconduct provisions of the Act.

8.38 Where the Investigator proposes to make a recommendation under Clause 8.37 c), the Investigator must first consult with OLG on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by OLG into consideration when finalising their report.

8.39 Where the Investigator has determined that there has been a breach of the Code of Conduct Policy, the Investigator may, in addition to making a recommendation under Clause 8.37, recommend that Council revise any of its policies, practices or procedures.

8.40 Where the Investigator determines that the conduct investigated does not constitute a breach of the Code of Conduct Policy, the Investigator may recommend:

a) that Council revise any of its policies, practices or procedures

b) that a person or persons undertake any training or other education.

8.41 The Investigator must provide a copy of their report to the Complaints Coordinator and the respondent.

8.42 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:

a) the Investigator's findings in relation to the facts of the matter and the reasons for those findings

b) the Investigator's determination and the reasons for that determination

c) any recommendations, and

d) such other additional information that the Investigator considers may be relevant.

8.43 Where the Investigator has determined that there has not been a breach of the Code of Conduct Policy, the Complaints Coordinator must provide a copy of the Investigator's report to the CEO or, where the report relates to the CEO's conduct, to the Mayor, and this will finalise consideration of the matter under these procedures.

8.44 Where the Investigator has determined that there has been a breach of the Code of Conduct Policy and makes a recommendation under Clause 8.37, 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 4 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.

8.45 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 OLG for its consideration instead of reporting it to Council under Clause 8.44.

CONSIDERATION OF THE FINAL INVESTIGATION REPORT BY COUNCIL

8.46 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 Policy and has made a recommendation in their final report under Clause 8.37.

8.47 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 10 A of the Act.

8.48 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.

8.49 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.

8.50 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.

8.51 Council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the Investigator.

8.52 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, or

b) seek an opinion from OLG in relation to the report.

8.53 Council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the Investigator or an opinion from OLG.

8.54 The Investigator may make additional enquiries for the purpose of preparing a supplementary report.

8.55 Where the Investigator prepares a supplementary report, they must provide copies to the Complaints Coordinator who shall provide a copy each to Council and the respondent.

8.56 The Investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the Complaints Coordinator.

8.57 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.

8.58 Council may by resolution impose one of the following sanctions on a respondent:

a) in the case of a breach by the CEO, that disciplinary action be taken under the CEO'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 440 G 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 440 G of the Act, and

ii. that the matter be referred to OLG for further action under the misconduct provisions of the Act.

8.59 Where Council censures a Councillor under Section 440 G 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.

8.60 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.

8.61 Where Council resolves not to adopt the Investigator's recommendation, the Complaints Coordinator must notify OLG of Council's decision and the reasons for it.

PART 9: OVERSIGHT AND RIGHTS OF REVIEW

OLG'S POWERS OF REVIEW

9.1 OLG may, at any time, whether or not in response to a request, review the consideration of a matter under Council's Code of Conduct Policy 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 Policy in their consideration of a matter.

9.2 OLG may direct any person, including Council, to defer taking further action in relation to a matter under consideration under Council's Code of Conduct Policy pending the completion of its review. Any person the subject of a direction must comply with the direction.

9.3 Where OLG undertakes a review of a matter under Clause 9.1, it will notify the Complaints Coordinator and any other affected persons, of the outcome of the review.

COMPLAINTS ABOUT CONDUCT REVIEWERS

9.4 The CEO or their delegate must refer Code of Conduct complaints about Conduct Reviewers to OLG for its consideration.

9.5 The CEO must notify the complainant of the referral of their complaint about the Conduct Reviewer in writing.

9.6 The CEO must implement any recommendation made by OLG as a result of its consideration of a complaint about a Conduct Reviewer.

PRACTICE RULINGS

9.7 Where a respondent and an Investigator are in dispute over a requirement under these procedures, either person may make a request in writing to OLG to make a ruling on a question of procedure (a practice ruling).

9.8 Where OLG receives a request in writing for a practice ruling, 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.

9.9 Where OLG makes a practice ruling, all parties must comply with it.

9.10 OLG may decline to make a practice ruling. Where 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

9.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under Clause 8.58, paragraph c), may, within 28 days of the sanction being imposed, seek a review of the Investigator's determination and recommendation by OLG.

9.12 A review under Clause 9.11 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 Policy, or

c) that in imposing its sanction, Council has failed to comply with a requirement under these procedures.

9.13 A request for a review made under Clause 9.11 must be made in writing and must specify the grounds upon which the person believes the Investigator or Council has erred.

9.14 OLG may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.

9.15 OLG may undertake a review of a matter without receiving a request under Clause 9.11.

9.16 OLG will undertake a review of the matter on the papers. However, OLG may request that the Complaints Coordinator provide such further information that 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 OLG.

9.17 Where a person requests a review under Clause 9.11, OLG may direct Council to defer any action to implement a sanction. Council must comply with a direction to defer action by OLG.

9.18 OLG must notify the person who requested the review and the Complaints Coordinator of the outcome of OLG's review in writing and the reasons for its decision. In doing so, OLG may comment on any other matters OLG considers to be relevant.

9.19 Where OLG considers that the Investigator or Council has erred, OLG may recommend that a decision to impose a sanction under these procedures be reviewed. Where OLG recommends that the decision to impose a sanction be reviewed:

a) the Complaints Coordinator must, where practicable, arrange for OLG's determination to be tabled at the next ordinary Council meeting unless the meeting is to be held within the 4 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 OLG's recommendation in doing so, and

iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

9.20 Where, having reviewed its previous decision in relation to a matter under Clause 9.19 b), Council resolves to reaffirm its previous decision, Council must state in its resolution its reasons for doing so.

PART 10: PROCEDURAL IRREGULARITIES

10.1 A failure to comply with these procedures does not, on its own, constitute a breach of the Code of Conduct Policy, except as may be otherwise specifically provided under the Code of Conduct Policy.

10.2 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 11: PRACTICE DIRECTIONS

11.1 OLG may at any time issue a practice direction in relation to the application of these procedures.

11.2 OLG will issue practice directions in writing, by circular to all councils.

11.3 All persons performing a function prescribed under these procedures must consider OLG's practice directions when performing the function.

PART 12: REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE CEO

11.4 The Complaints Coordinator must arrange for the following statistics to be reported to Council within three (3) months of the end of September of each year:

a) the total number of Code of Conduct complaints made about Councillors and the CEO under the code of conduct 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 under these procedures during the reporting period

f) the number of matters reviewed by 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 CEO during the reporting period, including employee costs.

11.5 Council is to provide OLG with a report containing the statistics referred to in Clause 12.1 within three (3) months of the end of September of each year.

PART 13: CONFIDENTIALITY

13.1 Information about Code of Conduct complaints and the management and investigation of Code of Conduct 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.

13.2 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 CEO or their delegate may, with the consent of OLG, determine that the complainant is to receive no further information about their complaint and any future Code of Conduct complaint they make or purport to make.

13.3 Prior to seeking OLG's consent under Clause 13.2, the CEO or their delegate must give the complainant written notice of their intention to seek OLG's consent, invite them to make a written submission within a period of not less than fourteen (14) days specified by the CEO or their delegate, and consider any submission made by them.

13.4 In giving its consent under Clause 13.2, OLG must consider any submission made by the complainant to the CEO or their delegate.

13.5 The CEO or their delegate must give written notice of a determination made under Clause 13.2 to:

a) the complainant

b) the Complaints Coordinator

c) OLG, and

d) any other person the CEO or their delegate considers should be notified of the determination.

13.6 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 CEO or their delegate under Clause 13.2.

13.7 Clause 13.6 does not override any entitlement a person may have to access to Council information under the Government Information (Public Access) Act 2009 (NSW) or to receive information under the Public Interest Disclosures Act 2022 (NSW) in relation to a complaint they have made.

14. ASSOCIATED DOCUMENTS, DEFINITIONS AND ACRONYMS

External:

Nil

Internal:

- MRC Policy – Code of Conduct (Councillors) Policy (POL-100.1)
- MRC Policy – Code of Conduct (Council Officers) Policy (POL-100.2)
- MRC Policy – Code of Conduct (Committees) Policy (POL-100.3)
- MRC Policy – Code of Conduct (Vulnerable Persons & Children) Policy (POL-112)
- MRC Policy – Public Interest Disclosures (PID) Policy (POL-113)

Definitions

In this Procedure the following terms have the following meanings:

Term	Description
Administrator	an Administrator of a Council appointed under the Act other than an Administrator appointed under Section 66
CEO	Chief Executive Officer
Code of Conduct	a code of conduct adopted under Section 440 of the Act. Council has chosen to adopt 3 separate Code of Conduct polices. One for Councillors, one for Council Officers and another for Committees. References to the Code of Conduct Policy in this procedure refers to the relevant policy.
Code of Conduct complaint	a complaint that is a Code of Conduct complaint for the purposes of Clauses 5.1 and 5.2 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 CEO under these procedures as a Complaints Coordinator
Conduct Reviewer	a person appointed under these procedures to review allegations of breaches of the Code of Conduct by Councillors or the CEO
Council	includes county councils and joint organisations
council committee	a committee established by a Council comprising of Councillors, employees or other persons that Council has delegated functions to and Council's Audit, Risk and Improvement Committee
council committee member	a person other than a Councillor or an employee of a Council who is a member of a Council committee other than a wholly advisory committee, and a person other than a Councillor who is a member of Council's Audit, Risk and Improvement Committee
Councillor	any person elected or appointed to civic office, including the Mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations

Council Officer	A Council Officer is defined as being one of the following: ‣ An employee, or ‣ A contractor or subcontractor, or ‣ An employee of a contractor or subcontractor, or ‣ An employee of a labour hire company who has been assigned to work in the person's business or undertaking, or ‣ An outworker, or ‣ An apprentice or trainee, or ‣ A student gaining work experience, or ‣ A volunteer
Council Official	any Councillor, an employee of council, Administrator, Council committee member, delegate of Council and, for the purposes of Clause 4.16 of the Code of Conduct, Council adviser
delegate of council	a person (other than a Councillor or an employee of Council) 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, OLG, the ICAC, the NSW Ombudsman or the police
ICAC	the Independent Commission Against Corruption
Investigator	a Conduct Reviewer
joint organisation	a joint organisation established under Section 400 O of the Act
Mayor	Chairperson of Murray River Council
The Act	the Local Government Act 1993 (NSW)
OLG	the Office of Local Government
the Regulation	the Local Government (General) Regulation 2021 (NSW)
The respondent	a person whose conduct is the subject of investigation by a Conduct Reviewer under these procedures
wholly advisory committee	a Council Committee that Council has not delegated any functions to

15. DOCUMENT CONTROL

Version No.	Details	Dates	CM9 Reference	Resolution No.
1	Initial Issue – Adoption of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW - 2020	27 Oct 2020 to 22 Nov 2022	VF/17/102859	N/App
2	Reviewed and updated in line with changes to legislation and the organisational structure.	22 Nov 2022 to 28 Oct 2025	VF/17/102859	N/App
3	Reviewed and readopted without change.	28 Oct 2025 to today	VF/17/102859	N/App

Council reserves the right to review, vary or revoke this Procedure at any time

This Procedure is scheduled for review in conjunction with the Code of Conduct Policies

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Murray River Council

GENERAL PURPOSE FINANCIAL STATEMENTS

for the year ended 30 June 2025

Murray River Council

General Purpose Financial Statements
for the year ended 30 June 2025

Contents Page

Statement by Councillors and Management 3

Primary General Purpose Financial Statements:

Income Statement 4
Statement of Comprehensive Income 5
Statement of Financial Position 6
Statement of Changes in Equity 7
Statement of Cash Flows 8

Notes to the Financial Statements 9

Independent Auditor's Reports:

On the Financial Statements (Sect 417 [2]) 83
On the Financial Statements (Sect 417 [3]) 84

Overview

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

52 Perricoota Road
Moama NSW 2731

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.murrayriver.nsw.gov.au.

Murray River Council

General Purpose Financial Statements
for the year ended 30 June 2025

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

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

- the *Local Government Act 1993* (NSW) and the regulations made there under,
- the Australian Accounting Standards issued by 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 this report false or misleading in any way.

Signed in accordance with a resolution of Council made on 28 October 2025.

John Harvie
Mayor
28 October 2025

Neil Gorey
Councillor
28 October 2025

Stacy Williams
Chief Executive Officer
28 October 2025

Julie Moller
Responsible Accounting Officer
28 October 2025

Murray River Council

Income Statement

for the year ended 30 June 2025

Original unaudited budget 2025 $ '000		Notes	Actual 2025 $ '000	Actual 2024 $ '000
	Income from continuing operations			
24,528	Rates and annual charges	B2-1	**25,070**	21,553
12,015	User charges and fees	B2-2	**14,112**	12,940
1,182	Other revenue	B2-3	**1,451**	1,361
19,091	Grants and contributions provided for operating purposes	B2-4	**18,571**	20,156
11,808	Grants and contributions provided for capital purposes	B2-4	**16,601**	54,203
1,639	Interest and investment income	B2-5	**3,204**	3,025
1,128	Other income	B2-6	**712**	601
71,391	**Total income from continuing operations**		**79,721**	113,839
	Expenses from continuing operations			
21,055	Employee benefits and on-costs	B3-1	**22,576**	21,180
26,470	Materials and services	B3-2	**26,697**	20,392
34	Borrowing costs	B3-3	**252**	348
1,100	Other expenses	B3-5	**1,100**	1,100
(3,016)	Net loss from the disposal of assets	B4-1	**9,465**	9,203
45,643	**Total expenses from continuing operations excluding depreciation, amortisation and impairment of non-financial assets**		**60,090**	52,223
25,748	**Operating result from continuing operations excluding depreciation, amortisation and impairment of non-financial assets**		**19,631**	61,616
20,344	Depreciation, amortisation and impairment of non-financial assets	B3-4	**21,918**	20,884
5,404	**Operating result from continuing operations**		**(2,287)**	40,732
5,404	Net operating result for the year attributable to Council		**(2,287)**	40,732
(6,404)	**Net operating result for the year before grants and contributions provided for capital purposes**		**(18,888)**	(13,471)

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

Murray River Council

Statement of Comprehensive Income

for the year ended 30 June 2025

	Notes	2025 $ '000	2024 $ '000
Net operating result for the year – from Income Statement		**(2,287)**	40,732
Other comprehensive income:			
Amounts which will not be reclassified subsequent to operating result			
Gain / (loss) on revaluation of infrastructure, property, plant and equipment	C1-7	**69,269**	72,816
Other movements Revaluation Intangible Assets	C1-8	**130**	(36)
Total items which will not be reclassified subsequent to operating result		**69,399**	72,780
Total other comprehensive income for the year		**69,399**	72,780
Total comprehensive income for the year attributable to Council		**67,112**	113,512

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

Murray River Council

Statement of Financial Position
as at 30 June 2025

	Notes	2025 $ '000	2024 $ '000
ASSETS			
Current assets			
Cash and cash equivalents	C1-1	**11,763**	14,862
Investments	C1-2	**49,572**	43,205
Receivables	C1-4	**14,027**	14,995
Inventories	C1-5	**519**	497
Non-current assets classified as held for sale	C1-6	**1,958**	3,103
Other		**2,216**	1,544
Total current assets		**80,055**	78,206
Non-current assets			
Investments	C1-2	**2**	2
Receivables	C1-4	**18**	26
Infrastructure, property, plant and equipment (IPPE)	C1-7	**1,155,407**	1,089,528
Intangible assets	C1-8	**8,082**	12,089
Right of use assets	C2-1	**498**	359
Other		**1,021**	–
Total non-current assets		**1,165,028**	1,102,004
Total assets		**1,245,083**	1,180,210
LIABILITIES			
Current liabilities			
Payables	C3-1	**12,542**	10,168
Contract liabilities	C3-2	**3,731**	3,697
Lease liabilities	C2-1	**253**	180
Borrowings	C3-3	**272**	267
Employee benefit provisions	C3-4	**4,867**	4,249
Provisions	C3-5	**313**	–
Total current liabilities		**21,978**	18,561
Non-current liabilities			
Lease liabilities	C2-1	**254**	188
Borrowings	C3-3	**1,150**	1,422
Employee benefit provisions	C3-4	**141**	372
Provisions	C3-5	**4,808**	10,027
Total non-current liabilities		**6,353**	12,009
Total liabilities		**28,331**	30,570
Net assets		**1,216,752**	1,149,640
EQUITY			
Accumulated surplus	C4-1	**784,181**	786,468
IPPE revaluation surplus	C4-1	**432,571**	363,172
Council equity interest		**1,216,752**	1,149,640
Total equity		**1,216,752**	1,149,640

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

Murray River Council

Statement of Changes in Equity

for the year ended 30 June 2025

	Notes	2025 Accumulated surplus $ '000	2025 IPPE revaluation surplus $ '000	2025 Total equity $ '000	2024 Accumulated surplus $ '000	2024 IPPE revaluation surplus $ '000	2024 Total equity $ '000
Opening balance at 1 July		786,468	363,172	1,149,640	745,736	290,356	1,036,092
Net operating result for the year		(2,287)	–	(2,287)	40,732	–	40,732
Other comprehensive income							
– Gain/(loss) on revaluation of IPP&E	C1-7	–	69,269	69,269	–	72,816	72,816
– Other movements (Revaluation Intangible Assets)	C1-8	–	130	130	–	–	–
Total comprehensive income		(2,287)	69,399	67,112	40,732	72,816	113,548
Closing balance at 30 June		784,181	432,571	1,216,752	786,468	363,172	1,149,640

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

Murray River Council

Statement of Cash Flows

for the year ended 30 June 2025

Original unaudited budget 2025 $ '000		Notes	Actual 2025 $ '000	Actual 2024 $ '000
	Cash flows from operating activities			
	Receipts:			
24,400	Rates and annual charges		**24,989**	21,251
12,015	User charges and fees		**15,528**	11,862
1,640	Interest received		**2,985**	2,496
34,213	Grants and contributions		**26,780**	41,212
–	Bonds, deposits and retentions received		–	665
1,070	Other		**5,206**	6,394
	Payments:			
(20,959)	Payments to employees		**(22,312)**	(20,836)
(26,453)	Payments for materials and services		**(28,253)**	(23,795)
(34)	Borrowing costs		**(252)**	(338)
–	Bonds, deposits and retentions refunded		**(285)**	–
(1,100)	Other		**(3,093)**	1,348
24,792	**Net cash flows from operating activities**	G1-1	**21,293**	40,259
	Cash flows used in investing activities			
	Receipts:			
–	Sale of investments		–	35,624
–	Redemption of term deposits		–	6,739
–	Sale of real estate assets		–	662
4,237	Proceeds from sale of IPPE		**1,680**	1,471
–	Deferred debtors receipts		–	597
	Payments:			
–	Purchase of investments		–	(35,624)
–	Acquisition of term deposits		**(6,367)**	–
(31,839)	Payments for IPPE		**(19,211)**	(37,313)
–	Purchase of real estate assets		–	(115)
–	Purchase of intangible assets		–	(3,563)
(27,602)	**Net cash flows used in investing activities**		**(23,898)**	(31,522)
	Cash flows used in financing activities			
	Payments:			
(267)	Repayment of borrowings		**(267)**	(971)
–	Principal component of lease payments		**(227)**	(170)
(267)	**Net cash flows used in financing activities**		**(494)**	(1,141)
(3,077)	**Net change in cash and cash equivalents**		**(3,099)**	7,596
7,760	Cash and cash equivalents at beginning of year		**14,862**	7,266
4,683	Cash and cash equivalents at end of year	C1-1	**11,763**	14,862
49,452	plus: Investments on hand at end of year	C1-2	**49,574**	43,207
54,135	Total cash, cash equivalents and investments		**61,337**	58,069

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

Murray River Council

Contents for the notes to the Financial Statements for the year ended 30 June 2025

A About Council and these financial statements 11
A1-1 Basis of preparation 11

B Financial Performance 14

B1 Functions or activities 14
B1-1 Functions or activities – income, expenses and assets 14
B1-2 Components of functions or activities 15

B2 Sources of income 17
B2-1 Rates and annual charges 17
B2-2 User charges and fees 18
B2-3 Other revenue 19
B2-4 Grants and contributions 20
B2-5 Interest and investment income 24
B2-6 Other income 24

B3 Costs of providing services 25
B3-1 Employee benefits and on-costs 25
B3-2 Materials and services 26
B3-3 Borrowing costs 27
B3-4 Depreciation, amortisation and impairment of non-financial assets 28
B3-5 Other expenses 29

B4 Gains or losses 30
B4-1 Gain or loss from the disposal, replacement and de-recognition of assets 30

B5 Performance against budget 31
B5-1 Material budget variations 31

C Financial position 33

C1 Assets we manage 33
C1-1 Cash and cash equivalents 33
C1-2 Financial investments 34
C1-3 Restricted and allocated cash, cash equivalents and investments 35
C1-4 Receivables 37
C1-5 Inventories 38
C1-6 Non-current assets classified as held for sale 38
C1-7 Infrastructure, property, plant and equipment 39
C1-8 Intangible assets 44

C2 Leasing activities 45
C2-1 Council as a lessee 45
C2-2 Council as a lessor 47

C3 Liabilities of Council 48
C3-1 Payables 48
C3-2 Contract Liabilities 48
C3-3 Borrowings 50
C3-4 Employee benefit provisions 51
C3-5 Provisions 52

Murray River Council

Contents for the notes to the Financial Statements for the year ended 30 June 2025

C4 Reserves 53
C4-1 Nature and purpose of reserves 53

D Council structure 54

D1 Results by fund 54
D1-1 Income Statement by fund 54
D1-2 Statement of Financial Position by fund 55

D2 Interests in other entities 56
D2-1 Subsidiaries 56

E Risks and accounting uncertainties 59
E1-1 Risks relating to financial instruments held 59
E2-1 Fair value measurement 62
E3-1 Contingencies 72

F People and relationships 75

F1 Related party disclosures 75
F1-1 Key management personnel (KMP) 75
F1-2 Councillor and Mayoral fees and associated expenses 77

F2 Other relationships 77
F2-1 Audit fees 77

G Other matters 78
G1-1 Statement of Cash Flows information 78
G2-1 Commitments 79
G3-1 Events occurring after the reporting date 79

G4 Statement of developer contributions 80
G4-1 Summary of developer contributions 80
G4-2 Developer contributions by plan 80
G4-3 Contributions not under plans 81
G4-4 S64 contributions 81

A About Council and these financial statements

A1-1 Basis of preparation

These financial statements were authorised for issue by Council on 28 October 2025. 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 financial statements.

The material accounting policy information related to these consolidated financial statements are set out below.

Accounting 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 (Act)* and *Local Government (General) Regulations 2021*, 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.

Historical cost convention

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

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:

i. estimated fair values of infrastructure, property, plant and equipment – refer Note C1-6

Significant judgements in applying the Council's accounting policies

i. Impairment of 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 with Customers* and / or AASB 1058 *Income of Not-for-Profit Entities* – refer to Notes B2-2 - B2-4.
iii. Determination of the lease term, discount rate (when not impact in the lease) and whether an arrangement contains a lease - refer to Note C2-1.

Monies and other assets received by Council

The Consolidated Fund
In accordance with the provisions of Section 409(1) of the *Local Government Act 1993*, 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.

This Consolidated Fund has been included in the financial statements of Murray River Council.

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

- General purpose operations
- Water service
- Sewerage service
- Waste service
- Moama Recreation Reserve S355 Management Committee
- Moama Lions Units S355 Management Committee

continued on next page

A1-1 Basis of preparation (continued)

- Mathoura Retirement Village S355 Management Committee.

All other operations of S355 Management Committees of the Council are immaterial and have not been disclosed as part of the consolidated fund.

The Trust Fund

In accordance with the provisions of Section 411 of the *Local Government Act 1993*, 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.

Trust monies and property subject to Council's control have been included in these reports.

A separate statement of monies held in the Trust Fund is available for inspection at the council office by any person free of charge.

Volunteer services

Council does not have a material dependence on volunteer services. Volunteers are mainly engaged via Section 355 committees. These services are not recognised as they are considered non-material in value.

New accounting standards and interpretations issued but not yet effective

Certain new accounting standards and interpretations have been published that are not mandatory for the 30 June 2025 reporting period. Council has not applied any pronouncements before its operative date in the annual reporting period beginning 1 July 2025.

As at the date of authorisation of these financial statements Council does not consider that any of these new (and still to be applied) standards and interpretations are likely to have a material impact on the Council's future financial statements, financial position, financial performance or cash flows.

List of new accounting standards and interpretation issued but not yet effective which may impact Council in future years are listed below:

- AASB 18 Presentation and Disclosure in Financial Statements (effective date, year ended 30 June 2029)
- AASB 2024-2 Amendments to Australian Accounting Standards - Classification and Measurement of Financial Instruments [AASB 7 and AASB 9] (effective date, year ended 30 June 2027)
- AASB 2024-3 Amendments to Australian Accounting Standards – Annual Improvements Volume 11 [AASB 1, AASB 7, AASB 9, AASB 10 and AASB 107] (effective date, year ended 30 June 2027)

New accounting standards adopted during the year

The following new standard is effective for the first time at 30 June 2025:

- AASB 2022-10 *Amendments to Australian Accounting Standards – Fair Value Measurement of Non-Financial Assets of Not-for-Profit Public Sector Entities.*

Council have reviewed the changes to AASB 2022-10 and Council's Valuers have applied the fair value methodolgy to their assets in accordance with accounting standard.

Council has considered the amendments to AASB 13 Fair Value Measurement that apply for the 2024-25 financial year as a result of AASB 2022-10 Amendments to Australian Accounting Standards - Fair Value Measurement of Non-Financial Assets of Not-for-Profit Public Sector Entities.

For assets, where the Council adopts a current replacement cost approach to determine fair value, the Council now considers the inclusion of site preparation costs, disruption costs and costs to restore another entity's assets in the underlying valuation.

- The AASB 13 amendments apply prospectively, comparative figures have not been restated.
- The AASB 13 amendments have not resulted in any material impacts to Council's financial statements.

Impact of NSW Floods

Council was impacted by floods in October through to December 2022. Council is currently actively engaged in restoration and reconstruction of infrastructure and assets damaged during the floods.

A thorough review of the assets and infrastructure with potential damage was conducted in FY23 resulting in estimated costs for restoration and reconstruction activities to be $7,483,985. In the 2023 financial year we expended $1,158,012, in the 2024

continued on next page

A1-1 Basis of preparation (continued)

financial year $2,080,775 was expended, and $677,376 was expended in the current year. There is approximately $935,000 in planned restoration expenditure for the 2026 financial year.

The balance of $2,633,822 is not likely to be spent, largely as the flood damage heavy patching program came under budget by 50% due to a competitive tender process (approx. $1.8m), and restoration works of other low priority non-essential public assets were unable to be funded under Disaster Reconstruction Authority funding and will be restored over time through usual maintenance and repair programs.

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	
	2025	2024	**2025**	2024	**2025**	2024	**2025**	2024	**2025**	2024
	$ '000	$ '000	**$ '000**	$ '000	**$ '000**	$ '000	**$ '000**	$ '000	**$ '000**	$ '000
Functions or activities										
Governance	**28**	9	**175**	1,959	**(147)**	(1,950)	**–**	–	**–**	–
Administration	**3,501**	1,222	**11,267**	12,762	**(7,766)**	(11,540)	**2,867**	402	**61,196**	44,572
Public order and safety	**280**	801	**2,081**	1,888	**(1,801)**	(1,087)	**240**	808	**5,861**	5,031
Health	**21**	30	**103**	180	**(82)**	(150)	**–**	–	**–**	1,107
Environment	**13,043**	11,133	**8,246**	7,683	**4,797**	3,450	**3,585**	3,641	**28,918**	39,366
Community Services and Education	**1,853**	4,643	**2,878**	2,308	**(1,025)**	2,335	**1,538**	4,186	**21,489**	19,134
Housing and Community amenities	**724**	681	**1,232**	1,627	**(508)**	(946)	**9**	42	**10,060**	8,430
Water supplies	**10,808**	11,182	**7,087**	5,946	**3,721**	5,236	**1,870**	3,488	**94,442**	92,981
Sewerage services	**7,082**	6,846	**3,496**	2,966	**3,586**	3,880	**1,328**	2,002	**87,142**	82,118
Recreation and culture	**1,659**	1,952	**9,382**	5,100	**(7,723)**	(3,148)	**1,597**	1,810	**109,127**	99,796
Mining, manufacturing and construction	**1,148**	692	**2,575**	1,521	**(1,427)**	(829)	**240**	36	**1,423**	2,458
Transport and communication	**15,336**	49,350	**30,090**	26,370	**(14,754)**	22,980	**13,329**	47,115	**816,831**	765,923
Economic affairs	**1,976**	1,659	**3,396**	2,797	**(1,420)**	(1,138)	**1,001**	867	**8,594**	19,294
General purpose income	**22,262**	23,639	**–**	–	**22,262**	23,639	**7,568**	9,962	**–**	–
Total functions and activities	**79,721**	113,839	**82,008**	73,107	**(2,287)**	40,732	**35,172**	74,359	**1,245,083**	1,180,210

B1-2 Components of functions or activities

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

Governance

Includes costs relating to Council's role as a component of democratic government, including elections, members' fees and expenses, subscriptions to local authority associations, meetings of Council and policymaking committees, public disclosure (e.g. GIPA), and legislative compliance.

Administration

Includes corporate support and other support services, engineering works, business intelligence and any Council policy compliance.

Public order and safety

Includes Council's fire and emergency services levy, fire protection, emergency services, beach control, enforcement of regulations and animal control.

Health

Includes immunisation, food control, health centres etc.

Environment

Includes noxious plants and insect/vermin control; other environmental protection; solid waste management, including domestic waste; other waste management; other sanitation; and garbage, street cleaning, drainage and stormwater management.

Community Services and Education

Includes administration and education; social protection (welfare); migrant, Aboriginal and other community services and administration (excluding accommodation – as it is covered under 'housing and community amenities'); youth services; aged and disabled persons services; children's' services, including family day care; child care; and other family and children services.

Housing and Community amenities

Includes public cemeteries; public conveniences; street lighting; town planning; other community amenities, including housing development and accommodation for families and children, aged persons, disabled persons, migrants and Indigenous persons.

Water supplies

Includes the provision and distribution of water to the towns within the boundary of the Council.

Sewerage services

Treatment of wastewater to the towns within the boundaries of the Council.

Recreation and culture

Includes public libraries; museums; art galleries; community centres and halls, including public halls and performing arts venues; sporting grounds and venues; swimming pools; parks; gardens; lakes; and other sporting, recreational and cultural services.

Mining, manufacturing and construction

Includes building control, quarries and pits, mineral resources, and abattoirs.

Transport and communication

Urban local, urban regional, includes sealed and unsealed roads, bridges, footpaths, parking areas, and aerodromes.

Economic affairs

Includes camping areas and caravan parks; tourism and area promotion; industrial development promotion; real estate development, management of Section 355 Committees and other business undertakings.

continued on next page

B1-2 Components of functions or activities (continued)

General purpose income

Includes rates and annual charges; non capital general purpose grants; interest on investments and interest on overdue rates and charges.

B2 Sources of income

B2-1 Rates and annual charges

	2025 $ '000	2024 $ '000
Ordinary rates		
Residential	6,265	5,674
Farmland	5,971	5,713
Business	1,065	991
Less: pensioner rebates (mandatory)	(299)	(292)
Rates levied to ratepayers	13,002	12,086
Pensioner rate subsidies received	165	160
Total ordinary rates	13,167	12,246
Annual charges (pursuant to s496, 496A, 496B, 501 & 611)		
Domestic waste management services	3,348	2,244
Stormwater management services	174	171
Water supply services	3,925	3,291
Sewerage services	4,406	3,523
Waste management services (non-domestic)	134	165
Less: pensioner rebates (mandatory)	(190)	(192)
Annual charges levied	11,797	9,202
Pensioner annual charges subsidies received:		
– Water	54	53
– Sewerage	52	51
– Domestic waste management	–	1
Total annual charges	11,903	9,307
Total rates and annual charges	25,070	21,553

Council has used 2022 year valuations provided by the NSW Valuer General in calculating its rates.

Material accounting policy information

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.

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

	2025 $ '000	2024 $ '000
User charges		
Domestic waste management services	1,348	1,069
Water supply services	3,681	3,313
Sewerage services	269	384
Waste management services (non-domestic)	4,073	3,509
Other	193	138
Total user charges	9,564	8,413
Fees		
(i) Fees – statutory and regulatory functions (per s608)		
Building regulation	611	419
Inspection services	1	–
Sub-division fees	244	167
Private works – section 67	49	59
Regulatory fees	3	–
Section 10.7 certificates (EP&A Act)	65	67
Section 603 certificates	57	55
Tapping fees	128	90
Town planning	699	646
Other	28	22
Health control	14	13
Animal control	8	21
Total fees – statutory/regulatory	1,907	1,559
(ii) Fees – other (incl. general user charges (per s608))		
Aged care	290	403
Caravan park	–	74
Cemeteries	170	149
Leaseback fees – Council vehicles	111	102
Library and art gallery	–	1
Park rents	10	4
Transport for NSW works (state roads not controlled by Council)	1,856	2,116
Public halls	42	12
Recreational grounds / swimming pools / libraries	66	42
Special meter reading	28	23
Other	68	42
Total fees – other	2,641	2,968
Total other fees	4,548	4,527
Total user charges and fees	14,112	12,940
Timing of revenue recognition for user charges and fees		
User charges and fees recognised over time	9,564	8,413
User charges and fees recognised at a point in time	4,548	4,527
Total user charges and fees	14,112	12,940

Material accounting policy information

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. 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 revenue

	2025 $ '000	2024 $ '000
Aboriginal communities program	136	100
Commissions and agency fees	319	302
Diesel rebate	16	1
Energy Certificates	–	–
Fines	10	12
Insurance claims / rebates	157	78
Legal fees recovery – other	43	–
Legal fees recovery – rates and charges (extra charges)	26	87
OLG Rebate	–	–
Recycling income (non-domestic)	44	–
Sponsorship Funding	–	158
Ticket Sales	463	211
Traineeship Subsidy	4	–
Water meter rents / sundry income	86	118
Water temporary licence sales	86	79
Other	61	215
Total other revenue	**1,451**	1,361
Timing of revenue recognition for other revenue		
Other revenue recognised at a point in time	1,451	1,361
Total other revenue	**1,451**	1,361

Material accounting policy information 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 2025 $ '000	Operating 2024 $ '000	Capital 2025 $ '000	Capital 2024 $ '000
General purpose grants and non-developer contributions (untied)				
General purpose (untied)				
Current year allocation				
Financial assistance – general component	1,130	366	–	–
Financial assistance – local roads component	599	174	–	–
Payment in advance - future year allocation				
Financial assistance – general component	3,797	6,135	–	–
Financial assistance – local roads component	2,041	3,288	–	–
Amount recognised as income during current year	7,567	9,963	–	–
Special purpose grants and non-developer contributions (tied)				
Cash contributions				
Aged care	1,100	1,207	–	–
Bushfire and emergency services	240	190	–	560
Economic development	947	790	1	3,520
Library – per capita	103	103	–	–
Noxious weeds	157	148	–	–
NSW rural fire services	–	58	–	–
Recreation and culture	146	–	(48)	149
Storm/flood damage	1,165	961	–	2,763
Planning	–	40	–	–
Energy fuel rebate scheme	204	170	–	–
Waste management	(31)	55	–	–
River access	–	–	973	6
Street lighting	57	51	–	–
Youth services	42	34	–	–
Stronger communities fund	–	–	279	1,074
Transport (roads to recovery)	2,117	2,445	–	–
Transport (other roads and bridges funding)	1,546	736	2,423	3,255
Other specific grants	22	22	–	–
Roads and bridges	27	–	1,007	8,899
Transport for NSW contributions (Block grant Regional, Urban and Rural roads)	2,836	2,932	–	126
Sewerage (excl. section 64 contributions)	–	–	107	78
Water supplies (excl. section 64 contributions)	–	–	9	14
Other contributions	34	46	303	–
S355 committees	117	33	–	(576)
Transport (road safety officer)	175	88	–	–
Waste management	–	84	–	–
Total special purpose grants and non-developer contributions – cash	11,004	10,193	5,054	19,868
Non-cash contributions				
Roads and bridges	–	–	–	21,928
Total other contributions – non-cash	–	–	–	21,928
Total special purpose grants and non-developer contributions (tied)	11,004	10,193	5,054	41,796
Total grants and non-developer contributions	18,571	20,156	5,054	41,796

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B2-4 Grants and contributions (continued)

	Operating 2025 $ '000	Operating 2024 $ '000	Capital 2025 $ '000	Capital 2024 $ '000
Comprising:				
– Commonwealth funding	**10,540**	13,369	**3,340**	45
– State funding	**7,880**	6,711	**1,597**	20,385
– Other funding	**151**	76	**117**	21,366
	18,571	20,156	**5,054**	41,796

Developer contributions

	Notes	Operating 2025 $ '000	Operating 2024 $ '000	Capital 2025 $ '000	Capital 2024 $ '000
Developer contributions: (s7.4 & s7.11 - EP&A Act, s64 of the LGA):	G4				
Cash contributions					
S 7.11 – contributions towards amenities/services		–	–	**555**	781
S 7.12 – fixed development consent levies		–	–	**235**	235
S 64 – water supply contributions		–	–	**430**	982
S 64 – sewerage service contributions		–	–	**265**	427
Total developer contributions – cash		**–**	**–**	**1,485**	2,425
Non-cash contributions					
S 7.11 – contributions towards amenities/services		–	–	**3,903**	3,092
S 64 – water supply contributions		–	–	**1,655**	2,492
S 64 – sewerage service contributions		–	–	**957**	1,497
S 64 – stormwater contributions		–	–	**3,038**	2,901
Other developer/other contributions		–	–	**509**	–
Total developer contributions non-cash		**–**	**–**	**10,062**	9,982
Total developer contributions		**–**	**–**	**11,547**	12,407
Total grants and contributions		**18,571**	20,156	**16,601**	54,203
Timing of revenue recognition					
Grants and contributions recognised over time		**4,104**	1,651	**4,833**	10,066
Grants and contributions recognised at a point in time		**14,467**	18,505	**11,768**	44,137
Total grants and contributions		**18,571**	20,156	**16,601**	54,203

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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 2025 $ '000	Operating 2024 $ '000	Capital 2025 $ '000	Capital 2024 $ '000
Unspent grants				
Unspent funds at 1 July	**8,448**	7,497	**3,981**	5,594
Add: Funds recognised as revenue in the reporting year but not yet spent in accordance with the conditions	**–**	2,157	**–**	–
Add: Funds received and not recognised as revenue in the current year	**106**	57	**582**	1,089
Less: Funds recognised as revenue in previous years that have been spent during the reporting year	**(3,660)**	(1,082)	**(314)**	(187)
Less: Funds received in prior year but revenue recognised and funds spent in current year	**(36)**	(181)	**(1,088)**	(2,515)
Unspent funds at 30 June	**4,858**	8,448	**3,161**	3,981

Material accounting policy information

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 milstones within AASB 15 grants. 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.

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B2-4 Grants and contributions (continued)

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.

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

	2025 $ '000	2024 $ '000
Interest on financial assets measured at amortised cost		
– Overdue rates and annual charges (incl. special purpose rates)	**343**	259
– Cash and investments	**2,858**	2,768
– Deferred debtors	**2**	(2)
– Dividend income (other)	**1**	–
Total interest and investment income	**3,204**	3,025

B2-6 Other income

	Notes	2025 $ '000	2024 $ '000
Rental income			
Other lease income			
Caravan parks		**484**	338
Room/Facility Hire		**193**	127
Other (vacant land, council owned staff housing, retirement units)		**35**	136
Total other lease income		**712**	601
Total rental income	C2-2	**712**	601
Total other income		**712**	601

B3 Costs of providing services

B3-1 Employee benefits and on-costs

	2025 $ '000	2024 $ '000
Salaries and wages	17,742	16,483
Employee termination costs	243	473
Employee leave entitlements (ELE)	2,835	2,597
Superannuation	2,167	1,907
Workers' compensation insurance	911	1,326
Fringe benefit tax (FBT)	190	138
Payroll tax	55	(1)
Other	113	114
Total employee costs	**24,256**	23,037
Less: capitalised costs	(1,680)	(1,857)
Total employee costs expensed	**22,576**	21,180

Material accounting policy information

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	2025 $ '000	2024 $ '000
Raw materials and consumables		7,513	3,082
Contractor costs		491	2,132
Planning Consultants		463	484
Waste, Transfer Station & Recycling Collections Contractors		2,530	2,864
IT Maintenance & Support Contractors		401	–
IT Software Licences		1,170	503
IT Cloud Contract and Managed Services		1,330	1,336
Road & Bridges Contractors		3,212	2,068
Water Supply Contractors		241	134
Sewer Services Contractors		208	128
Building Service & Maintenance Contractors		1,205	1,254
Plant Fleet Contractors		5	25
Swimming Pool Contractors		287	288
Floodplain Management Contractors		155	120
Asset Management Contractors		356	96
Organisational Service Consultants		266	612
Economic Development Services Contractors		1,339	–
Audit Fees	F2-1	103	100
Councillor and Mayoral fees and associated expenses	F1-2	346	337
Advertising		284	426
Bank charges		76	21
Election expenses		117	–
Electricity and heating		1,205	1,195
Insurance		1,266	1,156
Postage/freight		84	74
Printing and stationery		92	69
Street lighting		191	155
Subscriptions and publications		359	425
Telephone and communications		201	192
Valuation fees		161	114
Travel expenses		137	76
Training costs (other than salaries and wages)		324	265
Other expenses		115	37
Vehicle registrations		195	187
Legal expenses:			
– Legal expenses: planning and development		17	55
– Legal expenses: debt recovery		65	64
– Legal expenses: other		96	102
Leases expense:			
Expenses from short-term leases		60	180
Other		31	36
Total materials and services		26,697	20,392

B3-3 Borrowing costs

	Notes	2025 $ '000	2024 $ '000
(i) Interest bearing liability costs			
Interest on leases		16	11
Interest on loans		34	41
Total interest bearing liability costs		50	52
Total interest bearing liability costs expensed		50	52
(ii) Other borrowing costs			
Fair value adjustments on recognition of advances and deferred debtors – Remediation liabilities	C3-5	202	296
Total other borrowing costs		202	296
Total borrowing costs expensed		252	348

B3-4 Depreciation, amortisation and impairment of non-financial assets

	Notes	2025 $ '000	2024 $ '000
Depreciation and amortisation			
Plant and equipment		**2,468**	3,079
Office equipment		**244**	477
Furniture and fittings		**3**	44
Land improvements (depreciable)		**14**	1
Infrastructure:	C1-7		
– Buildings – non-specialised		**525**	435
– Buildings – specialised		**1,449**	704
– Other structures		**1,915**	1,618
– Roads		**8,273**	7,911
– Bridges		**1,320**	1,313
– Footpaths		**230**	215
– Stormwater drainage		**936**	776
– Water supply network		**1,700**	1,559
– Sewerage network		**1,109**	1,049
– Swimming pools		**92**	86
Right of use assets	C2-1	**227**	178
Other assets:			
– Library books		**–**	56
– Other		**235**	55
Reinstatement, rehabilitation and restoration assets:			
– Tip assets	C1-7	**863**	962
– Quarry assets	C1-7	**315**	82
Intangible assets	C1-8	**–**	284
Total gross depreciation and amortisation costs		**21,918**	20,884
Total depreciation and amortisation costs		**21,918**	20,884
Total depreciation, amortisation and impairment for non-financial assets		**21,918**	20,884

Material accounting policy information

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.

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 not tested for impairment since 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 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 non-financial 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.

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.

B3-5 Other expenses

	Notes	2025 $ '000	2024 $ '000
Impairment of receivables			
User charges and fees		103	53
Total impairment of receivables	C1-4	103	53
Other			
Contributions/levies to other levels of government		84	98
Emergency services levy (includes FRNSW, SES, and RFS levies)		92	104
NSW rural fire service levy		625	635
Other		3	–
Donations, contributions and assistance to other organisations (Section 356)		193	210
Total other		997	1,047
Total other expenses		1,100	1,100

B4 Gains or losses

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

	Notes	2025 $ '000	2024 $ '000
Gain on disposal of plant and equipment	C1-7		
Proceeds from disposal		667	1,178
Less: carrying amount of assets sold/written off		(474)	(816)
Gain on disposal		193	362
Loss on disposal of infrastructure	C1-7		
Proceeds from disposal		–	–
Less: carrying amount of assets written off		(6,616)	(8,498)
Loss on disposal		(6,616)	(8,498)
Gain on disposal of real estate assets held for sale	C1-5		
Proceeds from disposal		–	662
Less: carrying amount of assets sold		–	(430)
Gain on disposal		–	232
Gain (or loss) on disposal of non-current assets classified as 'held for sale'	C1-6		
Proceeds from disposal		1,013	–
Less: carrying amount of assets sold		(1,145)	–
Gain (or loss) on disposal		(132)	–
Loss on disposal of intangible assets	C1-8		
Proceeds from disposal		–	–
Less: carrying amount of assets written off		(4,329)	(1,592)
Loss on disposal		(4,329)	(1,592)
Other - Remediation Provisions			
Gain on provision adjustments		1,419	293
Gain on remediation provisions		1,419	293
Net Loss from disposal of assets		(9,465)	(9,203)

B5 Performance against budget

B5-1 Material budget variations

Council's original budget was adopted by the Council on 25 June 2024 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	2025 Budget	2025 Actual	2025 Variance		
Revenues					
Rates and annual charges	24,528	25,070	542	2%	F
User charges and fees	12,015	14,112	2,097	17%	F
Dry conditions over the 2025 financial year led to an increase in water usage of $924k. New development across the LGA led to an increase in subdivision, town planning and building regulation fees of $477k, compared to a conservative development growth assumption in the Original Budget. Waste facilities, particularly the new Automated Depot shed, were very well attended across the year, resulting in an additional $355k in revenue. Hire of Council facilities and cemetery also increased on the prior year, resulting in a favourable budget variance of $134k.					
Other revenue	1,182	1,451	269	23%	F
Increases in other revenue included temporary water sales not budgeted for $86k, scrap metal prices being higher than anticipated resulting in a favourable $44k variance, $59k received in Economic Development contributions not budgeted for, $110k in insurance recoveries, $104k water and sewer additional revenue through communities and $21k additional bridge lift revenue, all of which was partially offset by an unfavourable variance in ticket sales and sponsorship revenue due to the cancellation of Moama Lights.					
Operating grants and contributions	19,091	18,571	(520)	(3)%	U
Capital grants and contributions	11,808	16,601	4,793	41%	F
Disaster Relief Funding of $1.98m was budgeted for but not required due to contracts coming in under budget. Tooranie Bridge funding of $1.46m was budgeted for but unable to be recognised due to delayed construction due to riverbed conditions. Other smaller budgeted grants had no successful opportunities during the year, such as the public amenities and solar panel projects. These unfavourable variances were all offset by a significant increase in non-cash developer contributions received during the year.					
Interest and investment revenue	1,639	3,204	1,565	95%	F
Official cash rates remained higher than anticipated in the 2025 financial year, also leading to a competitive term deposit market, resulting in better return on funds. More funds than had been anticipated were also invested during the year, as a reduction in the capital program across the year led to less need to have as much cash uninvested and readily available.					
Other income	1,128	712	(416)	(37)%	U
Council ceased to provide staff housing during the financial year, resulting in a drop in lease income from staff, as well as the reduction of the associated expense. Additionally, it was discovered that some lease revenue relating to caravan parks had been erroneously included in the original budget twice.					

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B5-1 Material budget variations (continued)

$ '000	2025 Budget	2025 Actual	2025 Variance		
Expenses					
Employee benefits and on-costs	21,055	22,576	(1,521)	(7)%	U
Materials and services	26,470	26,697	(227)	(1)%	U
Borrowing costs	34	252	(218)	(641)%	U
During the year Council undertook a revaluation of landfill rehabilitation and gravel pit rehabilitation costs. As these costs are recognised over the life of the asset, rather than upon closure, this resulted in an uplift in the associated embedded borrowing cost component, which was not originally budgeted for.					
Depreciation, amortisation and impairment of non-financial assets	20,344	21,918	(1,574)	(8)%	U
Other expenses	1,100	1,100	–	0%	F
Net losses from disposal of assets	(3,016)	9,465	(12,481)	414%	U
Several council properties held as real estate for sale that were expected to settle in the 2025 financial year have not settled until early in the 2026 financial year, including the Mathoura Line Road and Moulamein properties. Properties that did settle during the year did not achieve expected prices based on market valuations. Additionally, Council undertook a review of intangibles (refer note C1-8), resulting in an unbudgeted $4.3m write off. A review of Council's aquatic facilities was also undertaken, resulting in a further unbudgeted write off of $1.3m.					
Statement of cash flows					
Cash flows from operating activities	24,792	21,293	(3,499)	(14)%	U
Grants and contributions received were down as per the operating variance above, along with the Financial Asistance Grant which was budgeted to receive 85% in advance as per the prior year, however only 50% was received in advance, resulting in approx $2.7m variance. This was further skewed by the large value of non-cash developer contributions.					
Cash flows from investing activities	(27,602)	(23,898)	3,704	(13)%	F
Council's capital program was reduced during the year due to delays on projects including construction of Tooranie Bridge, the Meninya Street redevelopment and the purchase of land for water and sewer treatment plant upgrades. As cash was not required to fund these projects, additional cash was invested in term deposits and has partially offset the capital reduction. Additionally, Council received less funds than anticipated on the sale of property, plant & equipment, as per the operating variance above.					
Cash flows from financing activities	(267)	(494)	(227)	85%	U
During the year, Council entered into a new lease for waste compactor, which was not budgeted for.					

C Financial position

C1 Assets we manage

C1-1 Cash and cash equivalents

	2025 $ '000	2024 $ '000
Cash assets		
Cash on hand and at bank	11,763	14,862
Total cash and cash equivalents	**11,763**	14,862
Reconciliation of cash and cash equivalents		
Total cash and cash equivalents per Statement of Financial Position	11,763	14,862
Balance as per the Statement of Cash Flows	**11,763**	14,862

C1-2 Financial investments

	2025 Current $ '000	2025 Non-current $ '000	2024 Current $ '000	2024 Non-current $ '000
Debt securities at amortised cost				
Long term deposits	49,572	–	43,205	–
Total	49,572	–	43,205	–
Equity securities at FVOCI				
Unlisted equity securities	–	2	–	2
Total	–	2	–	2
Total financial investments	49,572	2	43,205	2
Total cash assets, cash equivalents and investments	61,335	2	58,067	2

Material accounting policy information

No strategic investments were disposed of during 2025, and there were no transfers of any cumulative gain or loss within equity relating to these investments.

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-equity)

Financial assets are not reclassified subsequent to their initial recognition.

Amortised cost
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. Term deposits with an initial term of more than 3 months are classified as investments rather than cash and cash equivalents.

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.

C1-3 Restricted and allocated cash, cash equivalents and investments

	2025 $ '000	2024 $ '000
(a) Externally restricted cash, cash equivalents and investments		
Total cash, cash equivalents and investments	**61,337**	58,069
Less: Externally restricted cash, cash equivalents and investments	**(48,948)**	(44,402)
Cash, cash equivalents and investments not subject to external restrictions	**12,389**	13,667
External restrictions		
External restrictions – included in liabilities		
External restrictions included in cash, cash equivalents and investments above comprise:		
Specific purpose unexpended grants – general fund	**3,594**	3,697
Specific purpose unexpended grants – water fund	**87**	–
Specific purpose unexpended grants – sewer fund	**50**	–
External restrictions – included in liabilities	**3,731**	3,697
External restrictions – other		
External restrictions included in cash, cash equivalents and investments above comprise:		
Developer contributions – general	**5,640**	4,594
Developer contributions – water fund	**2,333**	1,793
Developer contributions – sewer fund	**2,523**	2,137
Specific purpose unexpended grants (recognised as revenue) – general fund	**4,289**	8,732
Water fund	**6,248**	3,963
Sewer fund	**18,330**	15,992
Special levies – land and water management	**135**	135
Waste fund	**5,655**	3,295
Other	**64**	64
External restrictions – other	**45,217**	40,705
Total external restrictions	**48,948**	44,402

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.

continued on next page

C1-3 Restricted and allocated cash, cash equivalents and investments (continued)

	2025 $ '000	2024 $ '000
(b) Internal allocations		
Cash, cash equivalents and investments not subject to external restrictions	**12,389**	13,667
Less: Internally restricted cash, cash equivalents and investments	**(10,834)**	(9,090)
Unrestricted and unallocated cash, cash equivalents and investments	**1,555**	4,577
Internal allocations		
At 30 June, Council has internally allocated funds to the following:		
Plant and vehicle replacement	**3,661**	616
Employees leave entitlement	**1,503**	1,449
Carry over works	**1,684**	2,157
Community Services	**290**	290
Town improvements	**200**	200
Sand/gravel pit restorations	**42**	369
Parks, halls and reserves	**345**	286
Office equipment	**–**	179
Stormwater drainage	**101**	101
Recreation and culture	**65**	265
Bush fire services	**45**	45
Roads	**679**	679
Retirement village	**1,450**	1,338
Levee bank	**142**	340
Technology OneCouncil	**14**	14
Economic	**69**	189
Cemetery	**81**	81
Caravan park	**242**	242
Buildings	**197**	226
Other	**24**	24
Total internal allocations	**10,834**	9,090

Cash, cash equivalents and investments not subject to external restrictions may be internally allocated by resolution or policy of the elected Council.

C1-4 Receivables

	2025 Current $ '000	2025 Non-current $ '000	2024 Current $ '000	2024 Non-current $ '000
Rates and annual charges	3,089	–	2,592	–
Interest and extra charges	421	–	423	–
User charges and fees	5,230	–	5,882	–
Accrued revenues				
– Interest on investments	1,164	–	943	–
– Other income accruals	819	–	–	–
Government grants and subsidies	2,757	–	4,119	–
Loans to non-profit organisations	9	18	9	26
Net GST receivable	692	–	1,117	–
Other debtors	122	–	83	–
Total	**14,303**	**18**	15,168	26
Less: provision for impairment				
Rates and annual charges	(195)	–	(112)	–
Other debtors	(81)	–	(61)	–
Total provision for impairment – receivables	**(276)**	–	(173)	–
Total net receivables	**14,027**	**18**	14,995	26

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.

Impairment
Impairment of financial assets measured at amortised cost is recognised on an expected credit loss (ECL) basis.

When estimating ECL, 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.

Council uses the simplified approach for trade receivables where the expected lifetime credit losses are recognised on day 1.

When considering the ECL for rates and annual charges 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.

Credit losses are measured at 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.

Council writes off a 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 receivables are over 3 years past due, whichever occurs first.

None of the receivables that have been written off are subject to enforcement activity.

Where 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.

C1-5 Inventories

	2025 Current $ '000	2025 Non-current $ '000	2024 Current $ '000	2024 Non-current $ '000
(i) Inventories at cost				
Stores and materials	519	–	497	–
Total inventories at cost	519	–	497	–
Total inventories	519	–	497	–

Material accounting policy information

Raw materials and stores, work in progress and finished goods are stated at the lower of cost and net realisable value. Costs are assigned to individual items of inventory on the basis of weighted average costs. Costs of purchased inventory are determined after deducting rebates and discounts. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale

C1-6 Non-current assets classified as held for sale

	2025 Current $ '000	2025 Non-current $ '000	2024 Current $ '000	2024 Non-current $ '000
Non-current assets held for sale				
Land	1,958	–	2,630	–
Buildings	–	–	473	–
Total non-current assets held for sale	1,958	–	3,103	–

Details of assets held for sale

Council has two properties on their asset books which have signed contracts in place for the sale of these properties. Both properties are are expected to settle during 2025-2026 year.

Material accounting policy information

Non-current assets are classified as held for sale if their carrying amount will be recovered principally through a sale transaction rather than through continued use and are measured at the lower of their carrying amount and fair value less costs to sell.

Non-current assets are not depreciated or amortised while they are classified as held for sale.

C1-7 Infrastructure, property, plant and equipment

By aggregated asset class	At 1 July 2024			Asset movements during the reporting period										At 30 June 2025		
	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount	Additions Renewals [1]	Additions new assets	Re-measurement of asset remediation provision	Carrying value of disposals	Depreciation expense	WIP transfers	Adjustments and transfers	Developer / Other contribution	Revaluation decrements to equity (ARR)	Revaluation increments to equity (ARR)	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000
Capital work in progress	19,044	–	19,044	13,516	5,695	–	–	–	(17,224)	–	–	–	–	21,031	–	21,031
Plant and equipment	24,435	(12,538)	11,897	–	–	–	(474)	(2,468)	2,502	–	–	(988)	–	23,540	(13,071)	10,469
Office equipment	2,436	(2,046)	390	–	–	–	(184)	(244)	76	–	–	–	–	827	(789)	38
Furniture and fittings	765	(156)	609	–	–	–	(504)	(3)	–	–	–	–	–	112	(10)	102
Land:																
– Operational land	24,597	–	24,597	–	–	–	–	–	–	–	214	–	3,465	28,276	–	28,276
– Community land	64,722	–	64,722	–	–	–	–	–	–	–	97	–	7,195	72,014	–	72,014
– Land under roads (post 30/6/08)	–	–	–	–	–	–	–	–	–	–	172	–	12,006	12,178	–	12,178
– Land improvements – depreciable	12,895	(270)	12,625	–	–	–	–	(14)	–	–	–	–	1,386	14,313	(316)	13,997
Infrastructure:																
– Buildings – non-specialised	26,531	(7,305)	19,226	–	–	–	(150)	(525)	137	(276)	–	–	410	28,751	(9,640)	19,111
– Buildings – specialised	68,707	(23,042)	45,665	–	–	–	(75)	(1,449)	3,607	(62)	–	–	11,947	87,016	(27,672)	59,344
– Other structures	42,969	(15,297)	27,672	–	–	–	(1,690)	(1,915)	868	338	338	–	2,559	46,413	(18,243)	28,170
– Roads	531,912	(145,877)	386,035	–	–	–	(2,238)	(8,273)	4,354	–	2,675	–	14,030	555,030	(158,447)	396,583
– Bridges	143,163	(28,319)	114,844	–	–	–	(427)	(1,320)	954	–	–	–	6,501	151,594	(31,042)	120,552
– Footpaths	21,324	(4,872)	16,452	–	–	–	(280)	(230)	369	–	1,119	–	767	23,498	(5,301)	18,197
– Bulk earthworks (non-depreciable)	153,844	–	153,844	–	–	–	(151)	–	95	–	108	–	5,621	159,517	–	159,517
– Stormwater drainage	73,606	(17,074)	56,532	–	–	–	(99)	(936)	139	–	3,038	–	999	77,920	(18,247)	59,673
– Water supply network	96,699	(28,816)	67,883	–	–	–	(664)	(1,700)	1,305	–	1,152	–	1,834	100,904	(31,094)	69,810
– Sewerage network	84,912	(26,845)	58,067	–	–	–	(93)	(1,109)	110	–	957	–	1,305	87,898	(28,661)	59,237
– Swimming pools	4,302	(2,419)	1,883	–	–	–	–	(92)	–	–	–	–	143	4,646	(2,712)	1,934
Other assets:																
– Library books	297	(236)	61	–	–	–	(61)	–	–	–	–	–	–	–	–	–
– Waste Other	666	(411)	255	–	–	–	–	(235)	2,708	–	–	–	89	3,853	(1,036)	2,817
Reinstatement, rehabilitation and restoration assets (refer Note C3-5):																
– Quarry assets	1,353	(521)	832	–	–	(373)	–	(315)	–	–	–	–	–	980	(836)	144
– Tip assets	9,299	(2,906)	6,393	–	–	(3,317)	–	(863)	–	–	–	–	–	5,982	(3,769)	2,213
Total infrastructure, property, plant and equipment	1,408,478	(318,950)	1,089,528	13,516	5,695	(3,690)	(7,090)	(21,691)	–	–	9,870	(988)	70,257	1,506,293	(350,886)	1,155,407

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

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C1-7 Infrastructure, property, plant and equipment (continued)

By aggregated asset class	At 1 July 2023			Asset movements during the reporting period											At 30 June 2024		
	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount	Additions Renewals [1]	Additions new assets	Re-measurement of asset remediation provision	Carrying value of disposals	Depreciation expense	WIP transfers	Adjustments and transfers	Developer / Other contribution	TIfrs from/(to) 'held for sale' category	Revaluation decrements to equity (ARR)	Revaluation increments to equity (ARR)	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000
Capital work in progress	15,644	–	15,644	20,618	14,935	–	–	–	(32,153)	–	–	–	–	–	19,044	–	19,044
Plant and equipment	24,907	(12,804)	12,103	–	–	–	(849)	(3,079)	3,960	–	–	–	(238)	–	24,435	(12,538)	11,897
Office equipment	2,339	(1,570)	769	–	–	–	–	(477)	98	–	–	–	–	–	2,436	(2,046)	390
Furniture and fittings	771	(112)	659	–	–	–	(6)	(44)	–	–	–	–	–	–	765	(156)	609
Land:																	
– Operational land	20,279	–	20,279	–	–	–	(31)	–	–	4,499	95	(673)	–	428	24,597	–	24,597
– Community land	69,533	–	69,533	–	–	–	–	–	–	(4,186)	152	(1,957)	–	1,180	64,722	–	64,722
– Land improvements – depreciable	12,795	(256)	12,539	–	–	–	(543)	(1)	–	–	–	–	–	630	12,895	(270)	12,625
Infrastructure:																	
– Buildings – non-specialised	25,601	(6,561)	19,040	–	–	–	(397)	(435)	98	23	–	–	–	897	26,531	(7,305)	19,226
– Buildings – specialised	61,480	(21,301)	40,179	–	–	–	(477)	(704)	5,570	–	–	(473)	–	1,571	68,707	(23,042)	45,665
– Other structures	38,522	(13,264)	25,258	–	–	–	(350)	(1,618)	3,001	107	38	–	–	1,236	42,969	(15,297)	27,672
– Roads	493,492	(142,074)	351,418	–	–	–	(2,323)	(7,911)	13,165	1,917	1,937	–	–	27,832	531,912	(145,877)	386,035
– Bridges	115,683	(25,657)	90,026	–	–	–	(2,507)	(1,313)	2,286	8,303	10,500	–	–	7,549	143,163	(28,319)	114,844
– Footpaths	16,631	(4,453)	12,178	–	–	–	(634)	(215)	622	1,239	807	–	–	2,455	21,324	(4,872)	16,452
– Bulk earthworks (non-depreciable)	143,205	–	143,205	–	–	–	(1,627)	–	2,432	(160)	157	–	–	9,837	153,844	–	153,844
– Stormwater drainage	64,106	(16,596)	47,510	–	–	–	–	(776)	407	–	2,901	–	–	6,490	73,606	(17,074)	56,532
– Water supply network	86,267	(24,777)	61,490	–	–	–	(39)	(1,559)	391	269	971	–	–	6,360	96,699	(28,816)	67,883
– Sewerage network	76,222	(24,948)	51,274	–	–	–	–	(1,049)	123	(269)	1,497	–	–	6,491	84,912	(26,845)	58,067
– Swimming pools	4,078	(2,207)	1,871	–	–	–	–	(86)	–	–	–	–	–	98	4,302	(2,419)	1,883
Other assets:																	
– Library books	297	(180)	117	–	–	–	–	(56)	–	–	–	–	–	–	297	(236)	61
– Other	630	(320)	310	–	–	–	–	(55)	–	–	–	–	–	–	666	(411)	255
Reinstatement, rehabilitation and restoration assets (refer Note C3-5):																	
– Quarry assets	958	(440)	518	–	–	396	–	(82)	–	–	–	–	–	–	1,353	(521)	832
– Tip assets	6,377	(1,944)	4,433	–	–	2,922	–	(962)	–	–	–	–	–	–	9,299	(2,906)	6,393
Total infrastructure, property, plant and equipment	1,279,817	(299,464)	980,353	20,618	14,935	3,318	(9,783)	(20,422)	–	11,742	19,055	(3,103)	(238)	73,054	1,408,478	(318,950)	1,089,528

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

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C1-7 Infrastructure, property, plant and equipment (continued)

Material accounting policy information

Infrastructure, property, plant and equipment are held at fair value. Independent comprehensive valuations are performed at least every five years, however the carrying amount of assets is assessed by Council at each reporting date to confirm that it is not materially different from current fair value.

Water and sewerage network assets are indexed at each reporting period in accordance with the Rates Reference Manual issued by Department of Planning, Industry and Environment.

Increases in the carrying amounts arising on revaluation are credited to the 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.

Infrastructure, property, plant and equipment is measured initially at cost. Cost includes the fair value of the consideration given to acquire the asset (net of discounts and rebates) and any directly attributable cost of bringing the asset to working condition for its intended use (inclusive of import duties and taxes).

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.

When infrastructure, property, plant and equipment are acquired by Council for nil or nominal consideration, the assets are initially recognised at their fair value at acquisition date.

Land is not depreciated. Depreciation on other assets is calculated using the straight-line method to allocate their carrying amount, net of their residual values, over their estimated remaining useful lives as follows:

Plant and equipment	Years	Land Improvements	Years
Office equipment	3 to 5	Land improvements - Other	50 to 100
Furniture and fittings	10 to 100	Land improvements - Levee banks	Infinite
Plant and equipment	5 to 20		
Water and sewer assets		**Buildings**	
Water supply network	17 to 130	Buildings - non-specialised	7 to 143
Sewerage network	7 to 160	Buildings - specialised	7 to 143
Other Assets		**Stormwater assets**	
Other	7 to 30	Stormwater drainage	25 to 150
Transportation assets		**Other infrastructure assets**	
Roads	10 to 130	Bulk earthworks	Infinite
Bridges	25 to 145	Swimming pools	38 to 51
Footpaths	60 to 100	Other structures	5 to 128

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.

Land under roads

Land under roads is land under roadways and road reserves including land under footpaths, nature strips and median strips.

Council has elected not to recognise land under roads acquired before 1 July 2008. Land under roads acquired after 1 July 2008 is recognised in accordance with the IPPE accounting policy.

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C1-7 Infrastructure, property, plant and equipment (continued)

Land under roads was initially recognised at Nil value and has been revalued during the current financial year.

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C1-7 Infrastructure, property, plant and equipment (continued)

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

Under Section 119 of the *Rural Fire Services Act 1997 (NSW)*, "all firefighting equipment purchased or constructed wholly or from money to the credit of the Fund is to be vested in the council of the area for or on behalf of which the firefighting equipment has been purchased or constructed".

Until such time as discussions on this matter have concluded and the legislation changes, Council will continue to account for these assets as it has been doing in previous years, which is to incorporate the Building assets, their values and depreciation charges within these financial statements. Council will not recognise rural fire service assets including plant and vehicles in these financial statements. The Council reviews its position in relation to RFS equipment and assets on a yearly basis.

C1-8 Intangible assets

Intangible assets are as follows:

	2025 $ '000	2024 $ '000
Water Licences		
Opening values at 1 July		
Gross book value	7,760	6,370
Net book value – opening balance	7,760	6,370
Movements for the year		
Purchases	192	1,426
Revaluation	130	(36)
Closing values at 30 June		
Gross book value	8,082	7,760
Total water licences – net book value	8,082	7,760
Software		
Opening values at 1 July		
Gross book value	4,831	4,250
Accumulated amortisation	(502)	(218)
Net book value – opening balance	4,329	4,032
Movements for the year		
Development costs	–	581
Amortisation charges	–	(284)
Gross book value written off	(4,831)	–
Accumulated amortisation charges written off	502	–
Closing values at 30 June		
Gross book value	–	4,831
Accumulated amortisation	–	(502)
Total Software – net book value	–	4,329
Total intangible assets – net book value	8,082	12,089

Material accounting policy information

Council holds a number of high and general security water licences, which it recognises as an intangible asset. No amortisation costs are applicable as high and general security water licences have an indefinite life.

Water licences purchased are initially recorded at cost and are valued yearly at 30 June and the revaluation is based on market evidence. Water licences are tested for impairment annually based on market sales evidence. If the recoverable amount is less than carrying amount, the carrying amount is reduced to recoverable amount and the reduction is recognised as impairment loss.

Software
Council purchased a new ERP system, Technology One Council (TechOne), and customised its setup, which it recognised as an intangible asset. Amortisation costs were applicable from 1 July 2021.

During the year management undertook a thorough review of the assets held as software intangibles to ensure that they met the capitalisation requirements of SaaS and AASB 138. This review identified that the intangibles held did not meet these requirements and as such $1.545m was transferred to prepayments as they related to long term contractual amounts prepaid to the supplier, TechnologyOne, and the remaining amount of $2.784 was written off as an expense to ensure correct treatment of these amounts.

C2 Leasing activities

C2-1 Council as a lessee

Council has one lease over a building and also has leases for photocopiers, which are considered as short term leases.

Buildings

Council has staff housing rental agreements in place and these are all under 12 months duration.

Vehicles

Council leases vehicles and equipment with lease terms varying to 5 years; the lease payments are fixed during the lease term and there is generally no renewal option. Waste Management currently have three Caterpillar's which are under lease contracts (two are ceasing during 2025-2026 year) and reported in the financial statements for their current and non current liability.

(a) Right of use assets

	Plant & Equipment $ '000	Total $ '000
2025		
Opening balance at 1 July	**359**	**359**
Additions to right-of-use assets	**366**	**366**
Depreciation charge	**(227)**	**(227)**
Balance at 30 June	**498**	**498**
2024		
Opening balance at 1 July	525	525
Additions to right-of-use assets	12	12
Depreciation charge	(178)	(178)
Balance at 30 June	359	359

(b) (i) Lease liabilities

The maturity analysis of lease liabilities based on contractual undiscounted cash flows is shown in the table below:

	< 1 year $ '000	1 – 5 years $ '000	> 5 years $ '000	Total $ '000	Total per Statement of Financial Position $ '000
2025					
Cash flows	**253**	**254**	**–**	**507**	**507**
2024					
Cash flows	180	188	–	368	368

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C2-1 Council as a lessee (continued)

(c) Income Statement

The amounts recognised in the Income Statement relating to leases where Council is a lessee are shown below:

	2025 $ '000	2024 $ '000
Expenses relating to short-term leases	60	180
Expenses relating to leases of low-value assets	303	369

(d) Statement of Cash Flows

Total cash outflow for leases	243	180
	243	180

(e) Leases at significantly below market value – concessionary / peppercorn leases

Council, as leasee, doesn't have any concessionary/ peppercorn leases.

Material accounting policy information

Council as a lessee

At inception of a contract, Council assesses whether a lease exists – i.e. does the contract convey the right to control the use of an identified asset for a period of time in exchange for consideration?

Council has elected not to separate non-lease components from lease components for any class of asset and has accounted for payments as a single component.

At the lease commencement, Council recognises a right-of-use asset and associated lease liability for the lease term. The lease term includes extension periods where Council believes it is reasonably certain that the option will be exercised.

The right-of-use asset is measured using the cost model where cost on initial recognition comprises: the lease liability, initial direct costs, prepaid lease payments, estimated cost of removal and restoration, less any lease incentives. The right-of-use is depreciated over the lease term on a straight-line basis and assessed for impairment in accordance with the impairment of asset accounting policy.

The lease liability is initially recognised at the present value of the remaining lease payments at the commencement of the lease. The discount rate is the rate implicit in the lease, however where this cannot be readily determined then the Council's incremental borrowing rate for a similar term with similar security is used.

Subsequent to initial recognition, the lease liability is measured at amortised cost using the effective interest rate method. The lease liability is re-measured when there is a lease modification, or change in estimate of the lease term or index upon which the lease payments are based (e.g. CPI). Where the lease liability is re-measured, the right-of-use asset is adjusted to reflect the re-measurement.

Exceptions to lease accounting

Council has applied the exceptions to lease accounting for both short-term leases (i.e. leases with a term of less than or equal to 12 months) and leases of low-value assets. Council recognises the payments associated with these leases as an expense on a straight-line basis over the lease term.

Leases at significantly below market value / concessionary leases

Council has elected to measure the right of use asset arising from the concessionary leases at cost which is based on the associated lease liability at initial recognition.

C2-2 Council as a lessor

Operating leases

Council leases out a number of properties and /or plant and equipment to community groups; these leases have been classified as operating leases for financial reporting purposes and the assets are included in the Statement of Financial Position as:

- Property, plant and equipment - where the rental is incidental, or the asset is held to meet councils service delivery objections (refer C1-8)

	2025 $ '000	2024 $ '000
(i) Assets held as property, plant and equipment Council provides operating leases on Council buildings for the purpose of caravan parks, staff housing, retirement units, vacant land and room/ facility hire. The table below relates to operating leases on assets that are a part of the overall asset fair value balances disclosed in Note C1-6.		
Lease income (excluding variable lease payments not dependent on an index or rate)	**712**	601
Total income relating to operating leases for Council assets	**712**	601
(ii) Maturity analysis of undiscounted lease payments to be received after reporting date for all operating leases:		
Maturity analysis of future lease income receivable showing the undiscounted lease payments to be received after reporting date for operating leases:		
< 1 year	**670**	660
1–2 years	**649**	651
2–3 years	**626**	663
3–4 years	**631**	674
4–5 years	**645**	714
> 5 years	**7,104**	11,390
Total undiscounted lease payments to be received	**10,325**	14,752

C3 Liabilities of Council

C3-1 Payables

	2025 Current $ '000	2025 Non-current $ '000	2024 Current $ '000	2024 Non-current $ '000
Prepaid rates	903	–	570	–
Goods and services – operating expenditure	8,057	–	4,997	–
Accrued expenses:				
– Salaries and wages	646	–	769	–
– Other expenditure accruals	294	–	886	–
Advances	726	–	731	–
Security bonds, deposits and retentions	1,883	–	2,168	–
Other	33	–	47	–
Total payables	12,542	–	10,168	–

Payables
Payables represent liabilities for goods and services provided to Council prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

C3-2 Contract Liabilities

	Notes	2025 Current $ '000	2025 Non-current $ '000	2024 Current $ '000	2024 Non-current $ '000
Grants and contributions received in advance:					
Unexpended capital grants (to construct Council controlled assets)	(i)	3,504	–	3,540	–
Unexpended operating grants (received prior to performance obligation being satisfied)	(ii)	227	–	157	–
Total grants received in advance		3,731	–	3,697	–
Total contract liabilities		3,731	–	3,697	–

Notes
(i) Council has received funding to construct assets including community recreation, mobile library 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.

continued on next page

C3-2 Contract Liabilities (continued)

Revenue recognised that was included in the contract liability balance at the beginning of the period

	2025 $ '000	2024 $ '000
Capital grants (to construct Council controlled assets)	1,698	2,226
Operating grants (received prior to performance obligation being satisfied)	113	310
Deposits received in advance of services provided	231	–
Total revenue recognised that was included in the contract liability balance at the beginning of the period	**2,042**	2,536

Contract liabilities are recorded when 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.

C3-3 Borrowings

	2025 Current $ '000	2025 Non-current $ '000	2024 Current $ '000	2024 Non-current $ '000
Loans – secured [1]	272	1,150	267	1,422
Total borrowings	**272**	**1,150**	267	1,422

(1) Loans are secured over the general rating income of Council.

(a) Changes in liabilities arising from financing activities

	2024		Non-cash movements				2025
	Opening Balance $ '000	Cash flows $ '000	Acquisition $ '000	Fair value changes $ '000	Acquisition due to change in accounting policy $ '000	Other non-cash movement $ '000	Closing balance $ '000
Loans – secured	1,689	(267)	–	–	–	–	1,422
Lease liability (Note C2-1)	368	(226)	365	–	–	–	507
Total liabilities from financing activities	2,057	(493)	365	–	–	–	1,929

	2023		Non-cash movements				2024
	Opening Balance $ '000	Cash flows $ '000	Acquisition $ '000	Fair value changes $ '000	Acquisition due to change in accounting policy $ '000	Other non-cash movement $ '000	Closing balance $ '000
Loans – secured	2,649	(960)	–	–	–	–	1,689
Lease liability (Note C2-1)	538	(170)	–	–	–	–	368
Total liabilities from financing activities	3,187	(1,130)	–	–	–	–	2,057

(b) Financing arrangements

	2025 $ '000	2024 $ '000
Total facilities		
Total financing facilities available to Council at the reporting date are:		
Bank overdraft facilities [1]	400	400
Credit cards/purchase cards	100	100
Total financing arrangements	500	500
Drawn facilities		
Financing facilities drawn down at the reporting date are:		
– Credit cards/purchase cards	21	9
Total drawn financing arrangements	21	9
Undrawn facilities		
Undrawn financing facilities available to Council at the reporting date are:		
– Bank overdraft facilities	400	400
– Credit cards/purchase cards	79	91
Total undrawn financing arrangements	479	491

(1) The bank overdraft facility may be drawn at any time and may be terminated by the bank without notice.

C3-4 Employee benefit provisions

	2025 Current $ '000	2025 Non-current $ '000	2024 Current $ '000	2024 Non-current $ '000
Annual leave	1,794	–	1,705	–
Long service leave	2,902	141	2,421	372
Gratuities	171	–	123	–
Total employee benefit provisions	4,867	141	4,249	372

Current employee benefit provisions not anticipated to be settled within the next twelve months

	2025 $ '000	2024 $ '000
The following provisions, even though classified as current, are not expected to be settled in the next 12 months.		
Provisions – employees benefits	3,534	3,780
	3,534	3,780

Material accounting policy information

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 the 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.

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.

C3-5 Provisions

	2025 Current $ '000	2025 Non-Current $ '000	2024 Current $ '000	2024 Non-Current $ '000
Asset remediation/restoration:				
Asset remediation/restoration (future works)	313	4,808	–	10,027
Sub-total – asset remediation/restoration	313	4,808	–	10,027
Total provisions	313	4,808	–	10,027

Description of and movements in provisions

	Other provisions	
	Asset remediation $ '000	Total $ '000
2025		
At beginning of year	10,027	10,027
Changes to provision:		
Revised costs	(5,108)	(5,108)
Unwinding of discount	202	202
Total other provisions at end of year	5,121	5,121
2024		
At beginning of year	6,714	6,714
Changes to provision:		
Revised costs	3,017	3,017
Unwinding of discount	296	296
Total other provisions at end of year	10,027	10,027

Material accounting policy information

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.

C4 Reserves

C4-1 Nature and purpose of reserves

IPPE Revaluation Surplus
The infrastructure, property, plant and equipment (IPPE) revaluation surplus 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, sewer and waste management. 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, sewer and waste management columns are restricted for use for these activities.

D1-1 Income Statement by fund

	General 2025 $ '000	Water 2025 $ '000	Sewer 2025 $ '000	Waste Management 2025 $ '000
Income from continuing operations				
Rates and annual charges	12,982	4,134	4,422	3,532
User charges and fees	4,274	4,118	274	5,446
Interest and investment revenue	1,501	477	954	272
Other revenue	1,084	208	104	55
Grants and contributions provided for operating purposes	18,590	12	–	(31)
Grants and contributions provided for capital purposes	13,358	1,858	1,328	57
Other income	712	–	–	–
Total income from continuing operations	52,501	10,807	7,082	9,331
Expenses from continuing operations				
Employee benefits and on-costs	19,637	1,276	485	1,178
Materials and services	17,042	3,442	1,797	4,416
Borrowing costs	80	–	–	172
Other expenses	1,104	3	–	(7)
Net losses from the disposal of assets	9,545	669	93	(842)
Total expenses from continuing operations excluding depreciation, amortisation and impairment of non-financial assets	47,408	5,390	2,375	4,917
Operating result from continuing operations excluding depreciation, amortisation and impairment of non-financial assets	5,093	5,417	4,707	4,414
Depreciation, amortisation and impairment of non-financial assets	17,608	1,783	1,122	1,405
Operating result from continuing operations	(12,515)	3,634	3,585	3,009
Net operating result for the year	(12,515)	3,634	3,585	3,009
Net operating result attributable to each council fund	(12,515)	3,634	3,585	3,009
Net operating result for the year before grants and contributions provided for capital purposes	**(25,873)**	**1,776**	**2,257**	**2,952**

D1-2 Statement of Financial Position by fund

	General 2025 $ '000	Water 2025 $ '000	Sewer 2025 $ '000	Waste Management 2025 $ '000
ASSETS				
Current assets				
Cash and cash equivalents	2,927	2,978	5,847	11
Investments	22,837	5,690	15,056	5,989
Receivables	9,257	2,400	1,090	1,280
Inventories	519	–	–	–
Other	2,216	–	–	–
Non-current assets classified as held for sale	1,958	–	–	–
Total current assets	39,714	11,068	21,993	7,280
Non-current assets				
Investments	2	–	–	–
Receivables	18	–	–	–
Infrastructure, property, plant and equipment	998,862	80,846	65,158	10,541
Intangible assets	–	8,082	–	–
Right of use assets	6	–	–	492
Other	1,021	–	–	–
Total non-current assets	999,909	88,928	65,158	11,033
Total assets	1,039,623	99,996	87,151	18,313
LIABILITIES				
Current liabilities				
Payables	12,372	168	–	2
Contract liabilities	3,517	87	50	77
Lease liabilities	4	–	–	250
Borrowings	272	–	–	–
Employee benefit provision	4,867	–	–	–
Provisions	213	–	–	100
Total current liabilities	21,245	255	50	429
Non-current liabilities				
Lease liabilities	2	–	–	251
Borrowings	1,150	–	–	–
Employee benefit provision	141	–	–	–
Provisions	142	–	–	4,666
Total non-current liabilities	1,435	–	–	4,917
Total liabilities	22,680	255	50	5,346
Net assets	1,016,943	99,741	87,101	12,967
EQUITY				
Accumulated surplus	654,843	65,706	52,734	10,898
IPPE revaluation surplus	362,100	34,035	34,367	2,069
Council equity interest	1,016,943	99,741	87,101	12,967
Total equity	1,016,943	99,741	87,101	12,967

D2 Interests in other entities

D2-1 Subsidiaries

Council's consolidated financial statements incorporate the assets, liabilities and results of the following subsidiaries in accordance with AASB 10 and the accounting policy described below.

Council's consolidated financial statements also include controlled entities with ownership interest of 50% or less.

Name of Operation/Entity	Principal activity
1. Moama Recreation Reserve	Management of a Recreation Reserve (Sub Committee) Perricoota Road Moama.

Interests in Subsidiary	Ownership 2025	Ownership 2024	Principal place of business	Voting rights 2025	Voting rights 2024
Council's interest in Subsidiary	**100%**	100%	Perricoota Rd Moama	**100%**	100%

Reporting dates of Subsidiary
The committee completes financials reports to financial year end 30 June 2025. The financial position and performance of subsidiaries for the financial year ended 30 June 2025 have been included in these consolidated financial statements.

Note, a resolution was passed by Council on 26 November 2024 to dissolve the Moama Recreation Reserve committee.

Summarised financial information for the Subsidiary

	2025 $ '000	2024 $ '000
Summarised statement of comprehensive income		
Revenue	**59**	47
Expenses	**(2)**	(36)
Profit for the period	**57**	11
Total comprehensive income	**57**	11
Summarised statement of financial position		
Current assets	**–**	45
Total assets	**–**	45
Net assets	**–**	45
Summarised statement of cash flows		
Cash flows from operating activities	**57**	11
Net increase (decrease) in cash and cash equivalents	**57**	11

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D2-1 Subsidiaries (continued)

Name of Operation/Entity	Principal activity
2. Mathoura Retirement Village	Management of Units for the Aged Mathoura Street, Mathoura.

Interests in Subsidiary	Ownership 2025	Ownership 2024	Principal place of business	Voting rights 2025	Voting rights 2024
Council's interest in Subsidiary	**100%**	100%	12 Mathoura St Mathoura	**100%**	100%

Reporting dates of Subsidiary
The committee completes financial reports to financial year end 30 June 2025. The financial position and performance of subsidiaries for the financial year ended 30 June 2025 have been included in these consolidated financial statements.

Summarised financial information for the Subsidiary

	2025 $ '000	2024 $ '000
Summarised statement of comprehensive income		
Revenue	**53**	55
Expenses	**(40)**	(46)
Profit for the period	**13**	9
Total comprehensive income	**13**	9
Summarised statement of financial position		
Current assets	**251**	237
Total assets	**251**	237
Net assets	**251**	237

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D2-1 Subsidiaries (continued)

Name of Operation/Entity	Principal activity
3. Moama Lions Community Village	Provision of units for the people meeting the criteria Various units in Moama.

Interests in Subsidiary	Ownership 2025	Ownership 2024	Principal place of business	Voting rights 2025	Voting rights 2024
Council's interest in Subsidiary	**100%**	100%	10-12 Council St Moama	**100%**	100%

The nature and extent of significant restrictions relating to the Subsidiary
The Moama Lions is a sub committee of Council under Section 355 of the *Local Government Act (1993)*. The assets of the committee are Council's assets. Their bank accounts are treated as Internally Restricted Assets of the Council.

Reporting dates of Subsidiary
The committee completes financial reports to financial year end 30 June 2025. The financial position and performance of subsidiaries for the financial year ended 30 June 2025 have been included in these consolidated financial statements.

Summarised financial information for the Subsidiary

	2025 $ '000	2024 $ '000
Summarised statement of comprehensive income		
Revenue	**181**	292
Expenses	**(83)**	(77)
Profit for the period	**98**	215
Total comprehensive income	**98**	215
Summarised statement of financial position		
Current assets	**1,200**	1,101
Total assets	**1,200**	1,101
Current liabilities	**–**	287
Total liabilities	**–**	287
Net assets	**1,200**	814
Summarised statement of cash flows		
Cash flows from operating activities	**46**	85
Cash flows from investing activities	**52**	130
Net increase in cash and cash equivalents	**98**	215

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 team under policies approved by the Councillors.

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 assistance of independent advisers.

Council has an investment policy which complies with s625 of the Act and the Ministerial Investment Order. 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:

- **Liquidity risk** – the risk that Council will not be able to pay its debts as and when they fall due.
- **Market risk** - interest rate risk – the risk that movements in interest rates could affect returns.
- **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 advise from its independent advisers before placing any cash and investments.

(a) Market risk – interest rate and price risk

	2025	2024
	$ '000	$ '000
The impact on the result for the year and equity of a reasonably possible movement in the price of investments held and 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	**482**	433

(b) Credit risk

Council's major receivables comprise rates and annual charges and 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 other than Council has significant credit risk exposures in its local area given the nature of Council activities. The level of outstanding receivables is reported to Council monthly and benchmarks are set and monitored for acceptable collection performance. The balance of receivables that remain within initial trade terms (as detailed in the table) are considered to be of high credit quality. The maximum exposure to credit risk at the reporting date is the carrying amount of each class of receivable in the financial statements.

There are no material receivables that have been subjected to a re-negotiation of repayment terms.

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E1-1 Risks relating to financial instruments held (continued)

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 rates and annual charges			
	Not yet overdue	< 5 years	≥ 5 years	Total
	$ '000	$ '000	$ '000	$ '000
2025				
Gross carrying amount	**25**	**2,526**	**538**	**3,089**
2024				
Gross carrying amount	371	1,718	503	2,592

Receivables - non-rates and annual charges and contract assets

Council applies the simplified approach for non-rates and annual charges debtors and contract assets to provide for expected credit losses, which permits the use of the lifetime expected loss provision at inception. To measure the expected credit losses, non-rates and annual charges debtors and contract assets have been grouped based on shared credit risk characteristics and the days past due.

The loss allowance provision is determined as follows. The expected credit losses incorporate forward-looking information.

		Overdue debts				
	Not yet overdue	0 - 30 days	31 - 60 days	61 - 90 days	> 91 days	Total
	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000
2025						
Gross carrying amount	**8,085**	**467**	**39**	**491**	**2,150**	**11,232**
Expected loss rate (%)	**0.00%**	**0.00%**	**0.00%**	**0.00%**	**3.77%**	**0.72%**
ECL provision	**–**	**–**	**–**	**–**	**81**	**81**
2024						
Gross carrying amount	10,045	853	23	281	1,400	12,602
Expected loss rate (%)	0.00%	0.00%	0.00%	0.00%	4.36%	0.48%
ECL provision	–	–	–	–	61	61

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E1-1 Risks relating to financial instruments held (continued)

(c) Liquidity risk

Payables, lease liabilities and borrowings are both subject to liquidity risk; that is, 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 by maintaining an adequate cash buffer. Payment terms can be extended, and overdraft facilities drawn upon in extenuating circumstances.

Borrowings are also subject to interest rate risk: the risk that movements in interest rates could adversely affect funding costs. 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 (refer to Note C2-1(b) for 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	payable in: ≤ 1 Year	1 - 5 Years	> 5 Years	Total cash outflows	Actual carrying values
	%	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000
2025							
Payables	**0.00%**	**1,883**	**10,659**	**–**	**–**	**12,542**	**12,542**
Borrowings	**2.14%**	**–**	**272**	**1,150**	**–**	**1,422**	**1,422**
Total financial liabilities		**1,883**	**10,931**	**1,150**	**–**	**13,964**	**13,964**
2024							
Payables	0.00%	2,168	8,000	–	–	10,168	10,168
Borrowings	2.14%	–	267	1,125	297	1,689	1,689
Total financial liabilities		2,168	8,267	1,125	297	11,857	11,857

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
– Financial assets and liabilities
– Assets held for sale.

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: Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

The table below shows the assigned level for each asset and liability held at fair value by the Council:

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E2-1 Fair value measurement (continued)

	Notes	Date of latest valuation 2025	Date of latest valuation 2024	Fair value measurement hierarchy: Level 1 Quoted prices in active markets 2025	Level 1 2024	Level 2 Significant observable inputs 2025	Level 2 2024	Level 3 Significant unobservable inputs 2025	Level 3 2024	Total 2025	Total 2024
				$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000
Recurring fair value measurements											
Financial assets											
Financial investments – 'Financial assets - " Available for sale"	C1-2	30/06/2025	30/06/2024	**49,572**	43,266	–	–	–	–	**49,572**	43,266
Total financial assets				**49,572**	43,266	–	–	–	–	**49,572**	43,266
Infrastructure, property, plant and equipment	C1-7										
Operational Land		31/12/2024	30/06/2022	–	–	**28,276**	24,597	–	–	**28,276**	24,597
Community Land		31/12/2024	30/06/2022	–	–	**72,014**	64,721	–	–	**72,014**	64,721
Land under roads (post 30/06/08)		31/12/2024	30/06/2018	–	–	–	–	**12,178**	–	**12,178**	–
Land Improvements depreciable		30/06/2023	30/06/2023	–	–	–	–	**13,997**	12,625	**13,997**	12,625
Buildings – non-specialised		31/12/2024	30/06/2022	–	–	**605**	553	**18,506**	18,673	**19,111**	19,226
Buildings – specialised		31/12/2024	30/06/2022	–	–	–	–	**59,344**	45,666	**59,344**	45,666
Other Structures		30/06/2023	30/06/2023	–	–	–	–	**28,170**	27,672	**28,170**	27,672
Roads		30/06/2022	30/06/2022	–	–	–	–	**396,583**	386,035	**396,583**	386,035
Bridges		30/06/2022	30/06/2022	–	–	–	–	**120,552**	114,844	**120,552**	114,844
Footpaths		30-06-2022	30/06/2022	–	–	–	–	**18,197**	16,452	**18,197**	16,452
Bulk Earthworks		30-06-2022	30/06/2022	–	–	–	–	**159,517**	153,844	**159,517**	153,844
Stormwater Drainage		30-06-2024	30/06/2024	–	–	–	–	**59,673**	56,532	**59,673**	56,532
Water Supply Network		30/06/2024	30/06/2024	–	–	–	–	**69,810**	67,883	**69,810**	67,883
Sewerage Network		30/06/2024	30/06/2024	–	–	–	–	**59,237**	58,067	**59,237**	58,067
Swimming Pools		30/06/2023	30/06/2023	–	–	–	–	**1,934**	1,883	**1,934**	1,883
Library Books		30/06/2022	30/06/2022	–	–	–	–	–	61	–	61
Other Assets		30/06/2022	30/06/2022	–	–	–	–	**2,817**	255	**2,817**	255
Tip Assets		31/12/2024	30/06/2022	–	–	–	–	**2,213**	6,393	**2,213**	6,393
Quarry Assets		31/12/2024	30/06/2022	–	–	–	–	**144**	832	**144**	832
Total infrastructure, property, plant and equipment				–	–	**100,895**	89,871	**1,022,872**	967,717	**1,123,767**	1,057,588

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E2-1 Fair value measurement (continued)

	Notes	Date of latest valuation 2025 $ '000	Date of latest valuation 2024 $ '000	Fair value measurement hierarchy: Level 1 Quoted prices in active markets 2025 $ '000	Level 1 2024 $ '000	Level 2 Significant observable inputs 2025 $ '000	Level 2 2024 $ '000	Level 3 Significant unobservable inputs 2025 $ '000	Level 3 2024 $ '000	Total 2025 $ '000	Total 2024 $ '000
Non-recurring fair value measurements											
Intangible assets											
Water Access Licences		30/06/2025	30/06/2024	**8,082**	7,760	–	–	–	–	**8,082**	7,760
Total intangible assets				**8,082**	7,760	–	–	–	–	**8,082**	7,760
Non-current assets classified as held for sale	C1-6										
Non-current assets held for sale		30/06/2024	30/06/2024	–	–	**1,958**	3,103	–	–	**1,958**	3,103
Total NCA's classified as held for sale				–	–	**1,958**	3,103	–	–	**1,958**	3,103

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E2-1 Fair value measurement (continued)

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:

Operational and Community land

Full asset class valuation was completed by an independent consultant (APV Valuers and Asset Management) as of 31 December 2024. An assessment was completed on indexation for the period 1 January 2025 to 30 June 2025. There was no material impact on this asset class and as such indexation has not been applied. Operational Land is valued based on purchase price and valuations provided by commercial valuers.

Community Land is based on land value of either recently sold properties which are of a similar type, the hypothetical development approach (using gross realisation, expected costs, profit and risk), the value to an adjoining owner approach (land has no commercial value and is valued with reference to adjoining owner land values) or the nominal value approach (land is deemed to have a nominal of $1).

Operational and Community land is valued based on level 2 inputs.

Land Under Roads

For Land under roads (acquired post 1 July 2008) a full asset class valuation was completed by an independent consultant (APV Valuers and Asset Management) as of 30 June 2025 in line with level 3 inputs.

Land Improvements

Land Improvements comprises of flood levee banks and associated infrastructure like penstocks and flood gates.

Indexation has been done on this asset class as of 30 June 2025. The valuations are based on a range of level 3 inputs, including at an Asset Level or a Component Level (components, unit rates/ overall value, consumption scores and valuation profiles).

Buildings – non-specialised and specialised

Full asset class valuation was completed by an independent consultant (APV Valuers and Asset Management) as of 31 December 2024. Council engaged commercial valuers to value all Council's buildings as of 31 December 2024. An assessment was completed on indexation for the period 1 January 2025 to 30 June 2025. There was no material impact on this asset class and as such indexation has not been applied.

Buildings valuations are based on either level 2 – Observable evidence of market sales or level 3 - Based on range of inputs: Assessing components of asset, unit rate costs, consumption scores and component level assumptions. Valuation techniques remained the same for the reporting period.

Other structures

Other Structures comprise of sundry recreational assets, signage, shade sails, irrigation systems, lights, fencing, cemeteries, wharfs, boat ramps, skate parks, pounds, sheds, carports, bus shelters, playground equipment and caravan parks assets etc.

Indexation has been done on this asset class as of 30 June 2025. The valuations are based on a range of level 3 inputs, including at an Asset Level or a Component Level (components, unit rates/ overall value, consumption scores and valuation profiles).

Roads, bridges, bulk earthworks and footpaths

Council's Roads, Bridges Bulk Earthworks and Footpaths were inspected and valued by an independent consultant (APV Valuers and Asset Management) on 30 June 2022. The valuation was based on cost approach using level 3 inputs to value this asset class and the following information was determined by the consultant for each component.

The economic useful life has been assessed based on utilising construction year, asset replacement cost and condition after being reviewed carefully.

- The remaining service potential was determined based on physical condition data.
- The replacement costs were developed from unit rates, quantities, sub-component factors and intangible factors.
- Condition assessment is based on factors such as age of the asset, overall condition, economic and functional obsolescence.

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E2-1 Fair value measurement (continued)

- Pattern of consumption straight line pattern of consumption.
- Indexation has been applied for the 2024/25 financial year.

Stormwater Drainage

Indexation has been done on this asset class as of 30 June 2025. The last full asset class valuation was by an independent consultant (APV Valuers and Asset Management) on 30 June 2024. The valuation was based on cost approach using level 3 inputs to value this asset class and the following information was determined by the consultant for each component.

The economic useful life has been assessed based on utilising construction year, asset replacement cost and condition after being reviewed carefully.

- The remaining service potential was determined based on physical condition data sampled by APV Valuers and Asset Management.
- The replacement costs were developed from unit rates, quantities, sub-component factors and intangible factors.
- Condition assessment is based on factors such as age of the asset, overall condition, economic and functional obsolescence.
- Pattern of consumption straight line pattern of consumption.

Water supply network

Assets within this class comprise reservoirs, pumping station, treatment plants and reticulation and delivery mains.

The 'Cost Approach' estimated the replacement cost for each asset by componentising the assets into significant parts with different useful lives and taking into account a range of factors. While the unit rates based on linear metres of certain diameter pipes and prices per pit or similar may be supported from market evidence (level 2) other inputs (such as estimates of pattern of consumption, residual value, asset condition and useful life) required extensive professional judgement and impacted significantly on their final determination of fair value. Additionally, due to limitations in the historical records of very long-lived assets, there is uncertainty regarding the actual design, specifications and dimensions of some assets. These assets are indexed each year in line with the NSW Reference Rates Manual as published by the Office of Water. These assets are assessed internally by technically qualified staff using externally provided indexation rates.

Indexation has been done on this asset class as of 30 June 2025. The last full asset class valuation was by an independent consultant (APV Valuers and Asset Management) on 30 June 2024.

Sewerage network

Assets within this class comprise treatment plants, oxidation ponds, pumping stations and mains.

The 'Cost Approach' estimated the replacement cost for each asset by componentising the assets into significant parts with different useful lives and taking into account a range of factors. While the unit rates based on linear metres of certain diameter pipes and prices per pit or similar may be supported from market evidence (level 2) other inputs (such as estimates of pattern of consumption, residual value, asset condition and useful life) required extensive professional judgement and impacted significantly on the final determination of fair value. Additionally, due to limitations in the historical records of very long-lived assets there is uncertainty regarding the actual design, specifications and dimensions of some assets. These assets are indexed each year in line with the NSW Reference Rates Manual as published by the Office of Water. These assets are assessed internally by technically qualified staff using externally provided indexation rates.

Indexation has been done on this asset class as of 30 June 2025. The last full asset class valuation was by an independent consultant (APV Valuers and Asset Management) on 30 June 2024.

Swimming Pools

This asset class was inspected and valued by an independent consultant (APV Valuers and Asset Management) on 30 June 2023. The valuations are based on a range of level 3 inputs, including at an Asset Level or a Component Level (components, unit rates/ overall value, consumption scores and valuation profiles).

Other Assets

Assets within this class comprise waste bins, construction of new landfill cell, reinstatement of tip and quarry assets.

Construction of new landfill and been brought on at cost during 2024-25. Landfill and Quarry Remediation Assets were based on a full valuation undertaken by an independent consultant (APV Valuers and Asset Management) as of 31 December 2024. These costs were based on Infrastructure Department costs to remediate the assets.

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E2-1 Fair value measurement (continued)

Financial Assets – Non-current assets

Council values the shares held at their original purchase prices as there are no quoted prices in an active market.

Intangible Assets - Water Access Licences

Council values water access licences based on quoted prices in an active market (level 1).

Fair value measurements using significant unobservable inputs (level 3)

The valuation process for level 3 fair value measurements

Council uses external qualified Valuers to value all of Council level 3 assets.

Valuation Technique - The calculation is based on the components unit costs of the asset class as disclosed in Note E2-1. Recent similar construction projects are assessed to determine the appropriate unit costs. This determines the "Gross carrying Amount". An assessment of the useful life and remaining useful life of the assets components, through a condition assessment is undertaken. This determines the "Accumulated Depreciation and Impairment" and the "Net Carrying Amount".

Post Valuation - The Council's Director Engineering Services overviews the valuation process.

continued on next page

E2-1 Fair value measurement (continued)

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
I,PP&E		
Plant, equipment, furniture, fittings and office equipment	Cost approach	Current replacement cost of modern equivalent asset, asset condition, useful life and residual value
Land improvements – depreciable	Cost approach	Current replacement cost of modern equivalent asset, asset condition, remaining lives, residual value. Unit rates per m in length varied from $95 to $16,725
Buildings - non specialised	Market/Income approach	Observable inputs (Level 2) - Sales prices of comparable properties after adjusting for differences in key attributes such as property size. Observable inputs (Level 3) - Current Replacement Cost of modern equivalent asset using componentisation, condition and remaining lives. Unit rates per m2 varied from $728 to $5,200
Buildings – specialised	Cost approach	Current replacement cost of modern equivalent asset using componentisation, asset condition, remaining lives, residual value. Unit rates per m2 varied from $166.40 to $10,400
Other structures	Cost approach	Current replacement cost of modern equivalent asset, asset condition, remaining lives, residual value. Unit rates per m2 or length varied from $128 to $16,122
Roads, bridges and footpaths	Cost approach	Asset condition, remaining lives using componentisation. Unit rates per m2 varied from $11.16 to $3,842.56
Bulk earthworks	Cost approach	Asset condition, remaining lives using componentisation. Unit rates per m2 or length varied from $3.30 to $6.18
Stormwater drainage	Cost approach	Asset condition, remaining lives. Unit rates per m in length varied from $42 to $2,521

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E2-1 Fair value measurement (continued)

	Valuation technique/s	Unobservable inputs
Water supply network	Cost approach	Asset condition and remaining lives using componentisation. Unit rates per m in length varied from $15.5 to $634.55
Sewerage network	Cost approach	Asset condition and remaining lives using componentisation. Unit rates per m in length varied from $39.20 to $1,848
Swimming Pools	Cost approach	Asset condition and remaining lives using componentisation. Unit rates per m2 varied from $7,629 to $24,611
Tips and Quarries	Cost approach	Environmental legislation, timing of expected cash outflows, asset condition
Other Assets	Cost approach	Asset condition and remaining lives using componentisation. Unit rates per unit varied from $20.28 to $388.36
Non-current assets classified as 'held for sale'		
Shares	Original Purchase Price	Current value indefinable as not traded in an active share market

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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 by class of assets is provided below:

	Land Under Roads		Land improvement depreciable		Building specialised		Building Non Specialised	
	2025	2024	2025	2024	2025	2024	2025	2024
	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000
Opening balance	–	–	12,625	12,539	45,666	40,179	18,673	18,487
Transfers from/(to) another asset class	–	–	–	–	(276)	–	(62)	23
Purchases (GBV)	172	–	–	–	3,606	5,570	137	98
Disposals (WDV)	–	–	–	(543)	(150)	(477)	(59)	(397)
Depreciation and impairment	–	–	(14)	(1)	(1,449)	(704)	(506)	(435)
Revaluation Movement - Equity	12,006	–	1,386	630	11,947	1,571	323	897
Reinstatement	–	–	–	–	–	–	–	–
Other	–	–	–	–	–	(473)	–	–
Closing balance	12,178	–	13,997	12,625	59,344	45,666	18,506	18,673

	Other structures		Roads, bridges and footpaths		Bulk earthworks		Stormwater drainage	
	2025	2024	2025	2024	2025	2024	2025	2024
	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000
Opening balance	27,672	25,258	517,331	453,622	153,844	143,205	56,532	47,510
Transfers from/(to) another asset class	338	107	–	11,459	–	(160)	–	–
Purchases (GBV)	1,206	3,039	9,471	29,317	203	2,589	3,177	3,308
Disposals (WDV)	(1,690)	(350)	(2,945)	(5,464)	(151)	(1,627)	(99)	–
Depreciation and impairment	(1,915)	(1,618)	(9,823)	(9,439)	–	–	(936)	(776)
Revaluation Movement - Equity	2,559	1,236	21,298	37,836	5,621	9,837	999	6,490
Reinstatement	–	–	–	–	–	–	–	–
Closing balance	28,170	27,672	535,332	517,331	159,517	153,844	59,673	56,532

	Water supply network		Sewerage network		Swimming pools		Tip and quarry assets	
	2025	2024	2025	2024	2025	2024	2025	2024
	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000
Opening balance	67,883	61,490	58,067	51,274	1,883	1,871	7,225	4,951
Transfers from/(to) another asset class	–	269	–	(269)	–	–	–	–
Purchases (GBV)	2,457	1,362	1,067	1,620	–	–	–	–
Disposals (WDV)	(664)	(39)	(93)	–	–	–	–	–
Depreciation and impairment	(1,700)	(1,559)	(1,109)	(1,049)	(92)	(86)	(1,178)	(1,044)
Revaluation Movement - Equity	1,834	6,360	1,305	6,491	143	98	–	–
Reinstatement	–	–	–	–	–	–	(3,690)	3,318
Closing balance	69,810	67,883	59,237	58,067	1,934	1,883	2,357	7,225

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E2-1 Fair value measurement (continued)

	Other assets		Total	
	2025	2024	**2025**	2024
	$ '000	$ '000	**$ '000**	$ '000
Opening balance	**316**	427	**967,717**	860,813
Transfers from/(to) another asset class	**–**	–	**–**	11,429
Purchases (GBV)	**2,708**	–	**24,204**	46,903
Disposals (WDV)	**(61)**	–	**(5,912)**	(8,897)
Depreciation and impairment	**(235)**	(111)	**(18,957)**	(16,822)
Revaluation Movement - Equity	**89**	–	**59,510**	71,446
Reinstatement	**–**	–	**(3,690)**	3,318
Other	**–**	–	**–**	(473)
Closing balance	**2,817**	316	**1,022,872**	**967,717**

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.

LIABILITIES NOT RECOGNISED

1. Guarantees

(i) Defined benefit superannuation contribution plans

Council is party to an Industry Defined Benefit Plan under Active Super – Pool B (the Scheme) which is a defined benefit plan that has been deemed to be a 'multi-employer fund' for purposes of AASB 119 *Employee Benefits* for the following reasons:

- Assets are not segregated within the sub-group according to the employees of each sponsoring employer.
- The contribution rates have been the same for all sponsoring employers. That is, contribution rates have not varied for each sponsoring employer according to the experience relating to the employees of that sponsoring employer.
- Benefits for employees of all sponsoring employers are determined according to the same formulae and without regard to the sponsoring employer.
- The same actuarial assumptions are currently used in respect of the employees of each sponsoring employer.

Given the factors 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 (to the extent that they are not borne by members).

Description of the funding arrangements

Pooled employers are required to pay standard employer contributions and additional lump sum contributions to the fund. The standard employer contributions were determined using the new entrant rate method under which a contribution rate sufficient to fund the total benefits over the working lifetime of a typical new entrant is calculated. The current standard employer contribution rates are:

Division B	1.9 times member contributions for non-180 Point Member; Nil for 180 Point Members*
Division C	2.5% Salary
Division D	1.64 times member contributions

* For 180 Point Members, Employers are required to contribute 9.5% of salaries for the year ended 30 June 2025 to these members' accumulation accounts in line with current level of SG contributions, which are paid in addition to members' defined benefits.

The past service contribution for each Pooled Employer is a share of the total past service contributions of $20.0 million per annum for 1 January 2022 to 31 December 2024, apportioned according to each employer's share of the accrued liabilities as at 30 June. Given the funding position of the Fund as at 30 June 2024, it was recommended to cease these past service contributions effective 1 January 2025.

The adequacy of contributions is assessed at each actuarial investigation which will be conducted annually, the next of which is due effective 30 June 2025.

Description of the extent to which Council can be liable to the plan for other Council's obligations under the terms and conditions of the multi-employer plan

As stated above, each sponsoring employer (Council) 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 Council.

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 amount of Council employer contributions to the defined benefit section of the Fund and recognised as an expense for the year ended 30 June 2025 was $44,157.45. The last valuation of the Fund was performed by Fund Actuary, Richard Boyfield FIAA as at 30 June 2024.

Murray River Council's expected contribution to the plan for the next annual reporting period is $18,284.87.

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E3-1 Contingencies (continued)

The estimated employer reserves financial position for the pooled employees at 30 June 2025 is:

Employer reserves only*	$millions	Asset Coverage
Assets	2,197.6	
Past Service Liabilities	2,092.0	105.0%
Vested Benefits	2,130.4	103.2%

* excluding other accumulation accounts and reserves in both assets and liabilities

The share of this deficit that is broadly attributed to the Council is estimated to be 0.10% as at 30 June 2024.

Council's share of that deficiency cannot be accurately calculated as the Scheme is a mutual arrangement where assets and liabilities are pooled together for all member councils. For this reason, no liability for the deficiency has been recognised in Council's accounts. Council has a possible obligation that may arise should the Scheme require immediate payment to correct the deficiency.

The key economic long term assumptions used to calculate the present value of accrued benefits are:

The key economic long-term assumptions used to calculate the present value of accrued benefits are:

Investment return	6.00% per annum
Salary inflation	3.50% per annum
Increase in CPI	2.50% per annum

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 by December 2025.

(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 this year 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

Council is a member of StateCover Mutual Limited and holds a partly paid share in the entity.

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.

2. Other liabilities

(i) 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.

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E3-1 Contingencies (continued)

Council believes that it is appropriately covered for all claims through its insurance coverage and does not expect any material liabilities to eventuate.

(ii) 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.

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 June 2008.

(ii) Infringement notices/fines

Fines and penalty income, the result of Council issuing infringement notices is followed up and collected by the Infringement Processing Bureau.

Council's revenue recognition policy for such income is to account for it as revenue on receipt.

Accordingly, at year end, there is a potential asset due to Council representing issued but unpaid infringement notices.

Due to the limited information available on the status, value and duration of outstanding notices, Council is unable to determine the value of outstanding income.

F People and relationships

F1 Related party disclosures

F1-1 Key management personnel (KMP)

The amount of KMP compensation included in Income Statement is:

	2025 $ '000	2024 $ '000
Short-term benefits	**1,546**	1,449
Post-employment benefits	**181**	151
Other long-term benefits	**24**	39
Termination benefits	**44**	–
Total	**1,795**	1,639

Other transactions with KMP and their related parties

Council has determined that transactions at arm's length between KMP and Council as part of Council delivering a public service objective (e.g. access to library or Council swimming pool by KMP) will not be disclosed.

Nature of the transaction	Transactions during the year $ '000	Outstanding balances including commitments $ '000	Terms and conditions	Impairment provision on outstanding balances $ '000	Impairment expense $ '000
2025					
Related Employees [1]	**141**	–	14 Days	–	–
Earthworks [2]	**247**	–	30 Days	–	–
Arborist [3]	**16**	–	30 Days	–	–
2024					
Related Employees [1]	127	–	14 Days	–	–
Earthworks [2]	317	–	30 Days	–	–
Arborist [3]	19	–	30 Days	–	–
Other [4]	1	–	30 Days	–	–

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F1-1 Key management personnel (KMP) (continued)

(1) Murray River Council's employee costs for employees which are directly related to a member of the KMP of Council.

(2) Murray River Council engaged in earthmoving services during the year from two separate business which have a close family member of Council's KMP. Amounts were billed at normal rates for such services and were due and payable under normal payment terms following Council's procurement processes.

(3) Murray River Council engaged in arborist services during the year from a business which has a close family member of Council's KMP. Amounts were billed at normal rates for such services and were due and payable under normal payment terms following Council's procurement processes.

(4) Murray River Council purchased general office supplies from a business during the year which has a close family member of Council's KMP. Amounts were billed at normal rates for such services and were due and payable under normal payment terms following Council's procurement processes.

F1-2 Councillor and Mayoral fees and associated expenses

	2025 $ '000	2024 $ '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	**39**	38
Councillors' fees	**136**	147
Other Councillors' expenses (including Mayor)	**171**	152
Total	**346**	337

F2 Other relationships

F2-1 Audit fees

	2025 $ '000	2024 $ '000
Audit and other assurance services: Auditors of NSW Council - NSW Auditor-General:		
Audit of financial statements	**103**	100
Total fees paid or payable to the Auditor-General	**103**	100

G Other matters

G1-1 Statement of Cash Flows information

(a) Reconciliation of Operating Result

	2025 $ '000	2024 $ '000
Net operating result from Income Statement	**(2,287)**	40,732
Add / (less) non-cash items:		
Depreciation and amortisation	**21,918**	20,884
(Gain) / loss on disposal of assets	**9,465**	9,203
Non-cash capital grants and contributions	**(10,062)**	(31,910)
Amortisation of premiums, discounts and prior period fair valuations		
– Interest exp. on interest-free loans received by Council (previously fair valued)	**–**	11
Movements in operating assets and liabilities and other cash items:		
(Increase) / decrease of receivables	**873**	(2,626)
Increase in provision for impairment of receivables	**103**	40
(Increase) /decrease of inventories	**(22)**	23
(Increase) of other assets	**(1,693)**	(1,290)
Increase in payables	**3,060**	1,372
Decrease in accrued interest payable	**–**	(1)
Increase / (decrease) in other accrued expenses payable	**(715)**	410
Increase in other liabilities	**29**	1,247
Increase / (decrease) in contract liabilities	**34**	(1,572)
Increase in employee benefit provision	**387**	423
Increase in other provisions	**203**	3,313
Net cash flows from operating activities	**21,293**	40,259

(b) Non-cash investing and financing activities

Developer contributions 'in kind'	**9,870**	9,982
Other dedications	**192**	21,928
Total non-cash investing and financing activities	**10,062**	31,910

G2-1 Commitments

Capital commitments (exclusive of GST)

	2025 $ '000	2024 $ '000
Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:		
Property, plant and equipment		
Road infrastructure	**774**	623
Bridges	**1,881**	1,634
Other	**1,277**	3,550
Wastewater	**233**	948
Buildings	**–**	311
Total commitments	**4,165**	7,066
These expenditures are payable as follows:		
Within the next year	**4,165**	7,066
Total payable	**4,165**	7,066
Sources for funding of capital commitments:		
Unexpended grants	**1,993**	2,188
Externally restricted reserves	**838**	1,537
Unrestricted general funds	**906**	1,846
Future grants and contributions	**428**	1,495
Total sources of funding	**4,165**	7,066

Details of capital commitments
Specialised Trucks - $157k
Road Maintenance vehicles - $323k
Design and Construction of Kiely Road Shared Path - $5k
MMA SSU Sewerage Scheme Upgrade Concept Design - $93k
Taggle meter installation and setup of DMA's - $95k
Sewer Pump Stations 3G to 4G upgrade - $62k
River Country Art Trail - $155k
Perricoota Road Pavement Design including roundabouts - $25k
Design of Barham Sewerage Scheme Upgrade - $77k
Meninya Street Detailed Design - $422k
Tataila Intersection upgrade - $5k
Yarrein Creek Bridge Tooranie Rd - $1.88m
Installation of Drainage Infrastructure Clark Court - $188k
Supply and Install replacement sections of Watermains - $548k
Urban Road Resealing - $127k

G3-1 Events occurring after the reporting date

Council has not identified any material or significant 'non-adjusting events' that should be disclosed.

G4 Statement of developer contributions

G4-1 Summary of developer contributions

	Opening balance at 1 July 2024	Contributions received during the year			Interest and investment income earned	Amounts expended	Internal borrowings	Held as restricted asset at 30 June 2025	Cumulative balance of internal borrowings (to)/from
		Cash	Non-cash Land	Non-cash Other					
	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000
Drainage	434	59	–	3,038	25	–	–	518	–
Roads	2,873	554	–	4,074	165	–	–	3,592	–
Open space	451	87	249	399	26	–	–	564	–
Community facilities	229	32	–	–	13	–	–	274	–
Domestic Waste	172	56	–	–	11	–	–	239	–
S7.11 contributions – under a plan	4,159	788	249	7,511	240	–	–	5,187	–
S7.12 levies – under a plan	417	–	–	–	21	–	–	438	–
Total S7.11 and S7.12 revenue under plans	4,576	788	249	7,511	261	–	–	5,625	–
S7.11 not under plans	18	–	–	–	1	–	–	19	–
S64 contributions	3,930	697	–	2,301	225	–	–	4,852	–
Total contributions	8,524	1,485	249	9,812	487	–	–	10,496	–

Under the *Environmental Planning and Assessment Act 1979*, local infrastructure contributions, also known as developer contributions, are charged by councils when new development occurs. They help fund infrastructure like parks, community facilities, local roads, footpaths, stormwater drainage and traffic management. 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 2024	Contributions received during the year			Interest and investment income earned	Amounts expended	Internal borrowings	Held as restricted asset at 30 June 2025	Cumulative balance of internal borrowings (to)/from
		Cash	Non-cash Land	Non-cash Other					
	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000
S7.11 contributions – under a plan									
CONTRIBUTION PLAN (former Murray Shire)									
Drainage	413	54	–	2,819	24	–	–	491	–
Roads	2,207	512	–	3,729	131	–	–	2,850	–
Open space	435	80	249	337	25	–	–	540	–
Community facilities	189	28	–	–	11	–	–	228	–
Domestic Waste	169	52	–	–	10	–	–	231	–
Total	3,413	726	249	6,885	201	–	–	4,340	–

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G4-2 Developer contributions by plan (continued)

	Opening balance at 1 July 2024	Contributions received during the year		Non-cash Other	Interest and investment income earned	Amounts expended	Internal borrowings	Held as restricted asset at 30 June 2025	Cumulative balance of internal borrowings (to)/from
		Cash	Non-cash Land						
	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	$ '000
CONTRIBUTION PLAN (former Wakool)									
Drainage	21	5	–	219	1	–	–	27	–
Roads	666	42	–	345	34	–	–	742	–
Open space	16	7	–	62	1	–	–	24	–
Community facilities	40	4	–	–	2	–	–	46	–
Waste Management	3	4	–	–	1	–	–	8	–
Total	746	62	–	626	39	–	–	847	–

S7.12 Levies – under a plan

CONTRIBUTION PLAN (former Murray Shire)									
Community facilities	417	–	–	–	21	–	–	438	–
Total	417	–	–	–	21	–	–	438	–

G4-3 Contributions not under plans

S94 CONTRIBUTIONS – NOT UNDER A PLAN (former Wakool)									
Kerb & Gutter	18	–	–	–	1	–	–	19	–
Total	18	–	–	–	1	–	–	19	–

G4-4 S64 contributions

S64 contributions (former Murray Shire)									
Sewer	1,790	240	–	850	101	–	–	2,131	–
Water	1,738	380	–	1,251	103	–	–	2,221	–
Total	3,528	620	–	2,101	204	–	–	4,352	–
S64 contributions (former Wakool)									
Sewerage	347	27	–	107	17	–	–	391	–
Water	55	51	–	94	4	–	–	110	–
Total	402	78	–	201	21	–	–	501	–

End of the audited financial statements

Murray River Council

General Purpose Financial Statements
for the year ended 30 June 2025

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

Murray River Council

General Purpose Financial Statements
for the year ended 30 June 2025

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).

Murray River Council

SPECIAL PURPOSE FINANCIAL STATEMENTS

for the year ended 30 June 2025

Murray River Council

Special Purpose Financial Statements

for the year ended 30 June 2025

Contents Page

Statement by Councillors and Management 3

Special Purpose Financial Statements:

Income Statement of water supply business activity 4
Income Statement of sewerage business activity 5
Income Statement of waste business activity 6

Statement of Financial Position of water supply business activity 7
Statement of Financial Position of sewerage business activity 8
Statement of Financial Position of waste business activity 9

Note – Material accounting policy information 10

Auditor's Report on Special Purpose Financial Statements 13

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).

Murray River Council

Special Purpose Financial Statements

for the year ended 30 June 2025

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:

- NSW Government Policy Statement, *Application of National Competition Policy to Local Government*
- 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
- Sections 3 and 4 of the NSW Department of Climate Change, Energy, the Environment and Water's (DCCEEW) *Regulatory and assurance framework for local water utilities, July 2022*

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,
- accord with Council's accounting and other records; and
- 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 28 October 2025.

John Harvie
Mayor
28 October 2025

Neil Gorey
Councillor
28 October 2025

Stacy Williams
Chief Executive Officer
28 October 2025

Julie Moller
Responsible Accounting Officer
28 October 2025

Murray River Council

Income Statement of water supply business activity

for the year ended 30 June 2025

	2025 $ '000	2024 $ '000
Income from continuing operations		
Access charges	4,134	3,367
User charges	3,712	3,335
Fees	406	243
Interest and investment income	477	513
Grants and contributions provided for operating purposes	12	–
Other income	208	235
Total income from continuing operations	8,949	7,693
Expenses from continuing operations		
Employee benefits and on-costs	1,276	2,165
Materials and services	3,312	1,951
Depreciation, amortisation and impairment	1,783	1,772
Water purchase charges	130	127
Net loss from the disposal of assets	669	39
Other expenses	3	11
Total expenses from continuing operations	7,173	6,065
Surplus (deficit) from continuing operations before capital amounts	1,776	1,628
Grants and contributions provided for capital purposes	1,858	3,488
Surplus (deficit) from continuing operations after capital amounts	3,634	5,116
Surplus (deficit) from all operations before tax	3,634	5,116
Less: corporate taxation equivalent (25%) [based on result before capital]	(444)	(407)
Surplus (deficit) after tax	3,190	4,709
Plus accumulated surplus	62,072	56,957
Less prior period adjustments	–	(1)
Plus adjustments for amounts unpaid:		
– Corporate taxation equivalent	444	407
Closing accumulated surplus	65,706	62,072
Return on capital %	2.2%	2.1%
Subsidy from Council	1,587	1,699
Calculation of dividend payable:		
Surplus (deficit) after tax	3,190	4,709
Less: capital grants and contributions (excluding developer contributions)	(1,858)	(14)
Surplus for dividend calculation purposes	1,332	4,695
Potential dividend calculated from surplus	666	2,348

Murray River Council

Income Statement of sewerage business activity

for the year ended 30 June 2025

	2025 $ '000	2024 $ '000
Income from continuing operations		
Access charges	4,422	3,523
User charges	238	365
Liquid trade waste charges	31	71
Fees	5	3
Interest and investment income	954	817
Other income	104	65
Total income from continuing operations	5,754	4,844
Expenses from continuing operations		
Employee benefits and on-costs	485	937
Materials and services	1,797	909
Depreciation, amortisation and impairment	1,122	1,075
Net loss from the disposal of assets	93	–
Other expenses	–	6
Total expenses from continuing operations	3,497	2,927
Surplus (deficit) from continuing operations before capital amounts	2,257	1,917
Grants and contributions provided for capital purposes	1,328	2,002
Surplus (deficit) from continuing operations after capital amounts	3,585	3,919
Surplus (deficit) from all operations before tax	3,585	3,919
Less: corporate taxation equivalent (25%) [based on result before capital]	(564)	(479)
Surplus (deficit) after tax	3,021	3,440
Plus accumulated surplus	49,149	45,230
Plus adjustments for amounts unpaid:		
– Corporate taxation equivalent	564	479
Closing accumulated surplus	52,734	49,149
Return on capital %	3.5%	3.0%
Subsidy from Council	454	804
Calculation of dividend payable:		
Surplus (deficit) after tax	3,021	3,440
Less: capital grants and contributions (excluding developer contributions)	(1,328)	(78)
Surplus for dividend calculation purposes	1,693	3,362
Potential dividend calculated from surplus	846	1,681

Murray River Council

Income Statement of waste business activity

for the year ended 30 June 2025

	2025 Category 1 $ '000	2024 Category 1 $ '000
Income from continuing operations		
Annual charges	3,532	2,439
User charges	5,446	4,623
Grants and contributions provided for operating purposes	(31)	139
Interest and investment income	272	229
Other income	55	125
Total income from continuing operations	9,274	7,555
Expenses from continuing operations		
Employee benefits and on-costs	1,178	1,424
Materials and services	4,416	2,990
Borrowing costs	172	263
Depreciation, amortisation and impairment	1,405	1,233
Other expenses	(7)	13
Net loss/(gain) from the disposal of assets	(842)	39
Total expenses from continuing operations	6,322	5,962
Surplus (deficit) from continuing operations before capital amounts	2,952	1,593
Grants and contributions provided for capital purposes	57	88
Surplus (deficit) from continuing operations after capital amounts	3,009	1,681
Surplus (deficit) from all operations before tax	3,009	1,681
Less: corporate taxation equivalent (25%) [based on result before capital]	(738)	(398)
Surplus (deficit) after tax	2,271	1,283
Plus accumulated surplus	7,889	6,208
Plus adjustments for amounts unpaid:		
– Corporate taxation equivalent	738	398
Closing accumulated surplus	10,898	7,889
Return on capital %	29.6%	13.7%
Subsidy from Council	–	–
Calculation of dividend payable:		
Surplus (deficit) after tax	2,271	1,283
Less: capital grants and contributions (excluding developer contributions)	(57)	(88)
Surplus for dividend calculation purposes	2,214	1,195
Potential dividend calculated from surplus	1,107	597

Murray River Council

Statement of Financial Position of water supply business activity

as at 30 June 2025

	2025 $ '000	2024 $ '000
ASSETS		
Current assets		
Cash and cash equivalents	2,978	78
Investments	5,690	5,678
Receivables	2,400	2,195
Total current assets	11,068	7,951
Non-current assets		
Infrastructure, property, plant and equipment	80,846	77,375
Intangible assets	8,082	7,760
Total non-current assets	88,928	85,135
Total assets	99,996	93,086
LIABILITIES		
Current liabilities		
Contract liabilities	87	–
Payables	168	237
Total current liabilities	255	237
Total liabilities	255	237
Net assets	99,741	92,849
EQUITY		
Accumulated surplus	65,706	62,072
IPPE revaluation surplus	34,035	30,777
Total equity	99,741	92,849

Murray River Council

Statement of Financial Position of sewerage business activity

as at 30 June 2025

	2025 $ '000	2024 $ '000
ASSETS		
Current assets		
Cash and cash equivalents	5,847	3,095
Investments	15,056	15,034
Receivables	1,090	713
Total current assets	21,993	18,842
Non-current assets		
Infrastructure, property, plant and equipment	65,158	63,270
Total non-current assets	65,158	63,270
Total assets	87,151	82,112
LIABILITIES		
Current liabilities		
Contract liabilities	50	–
Payables	–	20
Total current liabilities	50	20
Total liabilities	50	20
Net assets	87,101	82,092
EQUITY		
Accumulated surplus	52,734	49,149
IPPE revaluation surplus	34,367	32,943
Total equity	87,101	82,092

Murray River Council

Statement of Financial Position of waste business activity

as at 30 June 2025

	2025 Category 1 $ '000	2024 Category 1 $ '000
ASSETS		
Current assets		
Cash and cash equivalents	11	107
Investments	5,989	3,449
Receivables	1,280	1,196
Total current assets	7,280	4,752
Non-current assets		
Infrastructure, property, plant and equipment	10,541	13,538
Right of use assets	492	350
Total non-current assets	11,033	13,888
Total assets	18,313	18,640
LIABILITIES		
Current liabilities		
Payables	2	7
Provisions	100	–
Contract liabilities	77	–
Lease liabilities	250	177
Total current liabilities	429	184
Non-current liabilities		
Provisions	4,666	8,798
Lease liabilities	251	182
Total non-current liabilities	4,917	8,980
Total liabilities	5,346	9,164
Net assets	12,967	9,476
EQUITY		
Retained earnings	10,898	7,889
Revaluation reserves	2,069	1,587
Total equity	12,967	9,476

Note – Material accounting policy information

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 Supply
Provision and distribution of water to the towns within the boundaries of the Council.

b. Sewerage
Treatment of wastewater to the towns within the boundaries of the Council.

C. Waste Management
Collection and processing of Waste for the towns within the boundaries of the Council.

Category 2
(where gross operating turnover is less than $2 million)

Council has no Category 2 Businesses.

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 Finanncial Statements.

continued on next page

Note – Material accounting policy information (continued)

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%**

Land tax – the first $1,075,000 of combined land values attracts **0%**. For the combined land values in excess of $1,075,000 up to $6,571,000 the rate is **$100 + 1.6%**. For the remaining combined land value that exceeds $6,571,000 a premium marginal rate of **2.0%** applies.

Payroll tax – **5.45%** on the value of taxable salaries and wages in excess of $1,200,000.

In accordance with DCCEEW's regulatory and assurance framework, 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 regulatory and assurance framework to as a 'dividend for taxation equivalent', may be applied for any purpose allowed under the Act.

Achievement of substantial compliance to the DCCEEW's regulatory and assurance framework 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% (2024: 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 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.

continued on next page

Note – Material accounting policy information (continued)

(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:

$$\frac{\text{Operating result before capital income + interest expense}}{\text{Written down value of I,PP\&E as at 30 June}}$$

As a minimum, business activities should generate a return equal to the Commonwealth 10 year bond rate which is 4.16% at 30/6/25.

(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 2025 multiplied by $30 (less the payment for tax equivalent charges, not exceeding $3 per assessment).

In accordance with DCCEEW's regulatory and assurance framework, statement of compliance and statement of dividend payment, dividend payment form and unqualified independent financial audit report are submitted to DCCEEW.

Murray River Council

Special Purpose Financial Statements
for the year ended 30 June 2025

Independent Auditor's Report

Please upift Council's Audit Report PDF (opinion) for inclusion in the SPFS report (via the Home screen).

Cr John Harvie
Mayor
Murray River Council
PO Box 906
Moama NSW 2713

Contact: Michael Kharzoo
Phone no: 02 9275 7188
Our ref: FA1763

[*date*]

Dear Mayor

Report on the Conduct of the Audit

for the year ended 30 June 2025

Murray River Council

I have audited the general purpose financial statements (GPFS) of the Murray River Council (the Council) for the year ended 30 June 2025 as required by section 415 of the *Local Government Act 1993* (the Act).

I expressed an unmodified opinion on the Council's GPFS.

My audit procedures did not identify any instances of material non-compliance with the financial reporting requirements in Chapter 13, Part 3, Division 2 of the LG Act and the associated regulation or a material deficiency in the Council's accounting records or financial statements. The Council's:

- accounting records were maintained in a manner and form to allow the GPFS to be prepared and effectively audited
- staff provided all accounting records and information relevant to the audit.

This Report on the Conduct of the Audit (the Report) for the Council for the year ended 30 June 2025 is issued in accordance with section 417 of the Act. The Report:

- must address the specific matters outlined in the Local Government Code of Accounting Practice and Financial Reporting 2024-25
- may include statements, comments and recommendations that I consider to be appropriate based on the conduct of the audit of the GPFS.

This Report should be read in conjunction with my audit opinion on the GPFS issued under section 417(2) of the Act.

DRAFT

INCOME STATEMENT

Financial performance

	2025 $m	2024 $m	Variance %
Rates and annual charges revenue	25.1	21.6	16.2
Grants and contributions provided for operating purposes revenue	18.6	20.2	7.9
Grants and contributions provided for capital purposes revenue	16.6	54.2	69.4
Operating result from continuing operations	(2.3)	40.7	105.7
Net Operating result for the year before grants and contributions provided for capital purposes	(18.9)	(13.5)	40.0

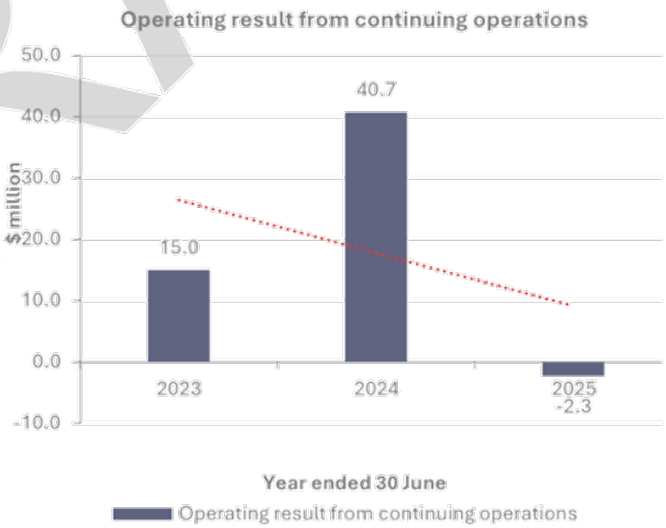
Operating result from continuing operations

This graph shows the operating result from continuing operations for the current and prior two financial years.

Council's operating result from continuing operations for the year was $43.0 million lower than the 2023–24 result.

In 2024-25:

- Capital grant and contributions decreased by $37.6 million (69.4 per cent). Further detail are provided under 'grants and contributions revenue' below.
- Depreciation, amortisation and impairment of non-financial assets expense ($21.9 million) increased by $1.0 million (5.0 per cent) due to revaluation increments applied in the prior period which caused depreciation increases in the current period.
- Materials and services expenditure ($26.7 million) increased by $6.3 million (30.9 per cent) due to Council expensing a number of IT costs related to



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intangible assets and accounting software costs during the year.

The net operating result for the year before grants and contributions provided for capital purposes was a deficit of $18.9 million.

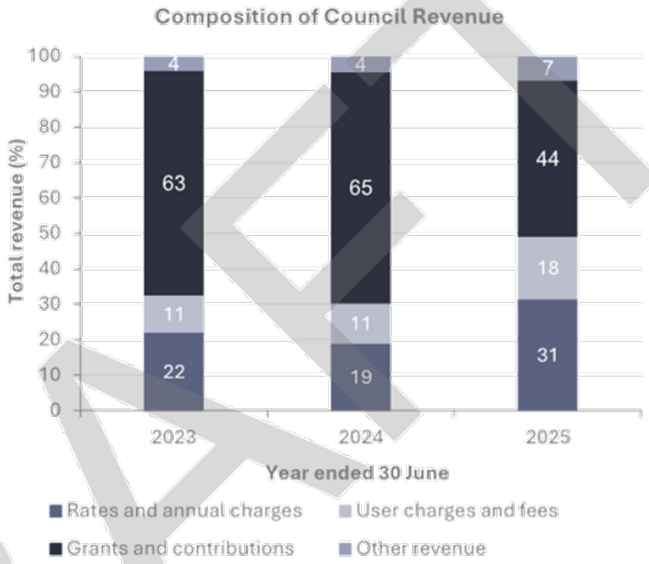
Income

Council revenue

This graph shows the composition of Council's revenue recognised for the current and prior two financial years.

Council revenue ($79.7 million) decreased by $34.1 million (30.0 per cent) in 2024–25 due to:

- rates and annual charges revenue increasing by $3.5 million (16.2 per cent). This was due to the rate peg increase of 4.7% per cent and an increase in annual charges of 28 per cent, due to a new charge for waste services and an increase in water charges.
- user charges and fees revenue increased by $1.2 million (9.3 per cent), mainly due to an increase in waste management fees.
- grants and contributions revenue ($35.2 million) which decreased by $39.2 million (72.3 per cent) – see additional details below.



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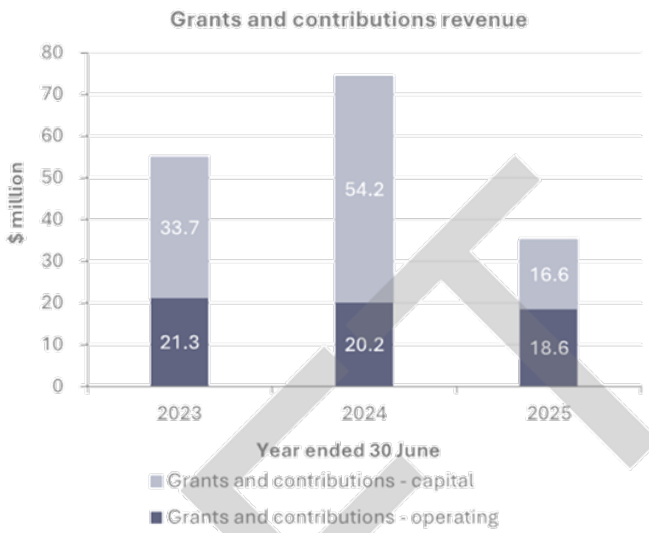
Grants and contributions revenue

This graph shows the amount of grants and contributions revenue recognised for the current and prior two financial years.

Grants and contributions revenue ($35.2 million) decreased by $39.2 million (52.7 per cent) in 2024–25 due to:

- a $36.7 million decrease in capital grants and contributions. This was mainly due to council being gifted Gee Gee bridge on Noorong Road ($10.5 million) along with contributed roads and bridges during ($11.4 million) in the prior period. There was also the completion of a facility for the Moama pre-school ($3.5 million), completed works on flood damage ($2.8 million) and renewal expenditure on roads and bridges in the prior period ($8.9 million).
- receiving 50 per cent of the financial assistance grants for 2025-26 in advance (85 per cent for 2024-25)



CASH FLOWS

Statement of cash flows

The Statement of Cash Flows details the Council's inflows and outflows of cash over a specific period. It helps in assessing the Council's ability to generate cash to fund its operations, pay off debts, and support future projects. It also aids in identifying any pressures or issues in the Council operating in a financially sustainable manner.

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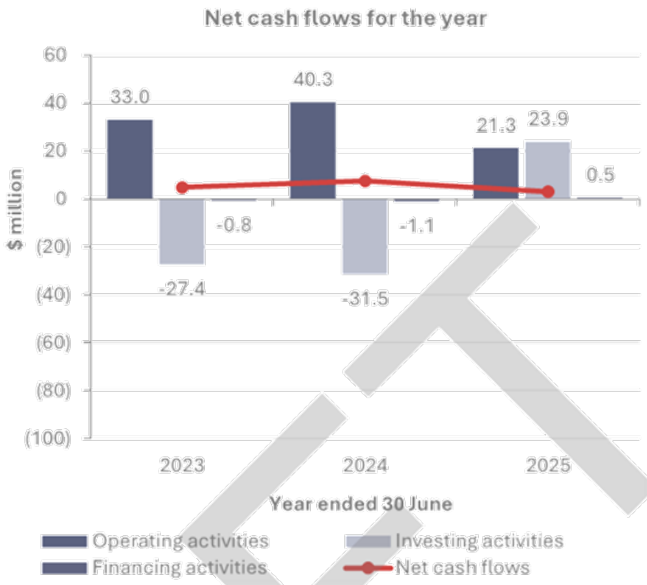
This graph shows the net cash flows for the current and prior two financial years.

The net cash flows for the year were positive $3.1 million (positive $7.6 million in 2023-24).

In 2024-25 the net cashflows:

- from operating activities decreased by $19.0 million, mainly due to the large reduction in grants and contributions discussed above
- used in investing activities decreased by $7.6 million, mainly due to reduced expenditure on infrastructure, property, plant and equipment in the current period which is in line with the reduction in capital grant revenue due to decreased capital projects
- used in financing activities decreased by $0.6 million, mainly due to winding down of borrowings and leases balances remaining.



FINANCIAL POSITION

Cash, cash equivalents and investments

This section of the Report provides details of the amount of cash, cash equivalents and investments recorded by the Council at 30 June 2025.

Externally restricted funds are the cash, cash equivalents and investments that can only be used for specific purposes due to legal or contractual restrictions.

Cash, cash equivalents, and investments without external restrictions can be allocated internally by the elected Council's resolution or policy. These allocations are matters of Council policy and can be changed or removed by a Council resolution.

Cash, cash equivalents and investments	2025	2024	Percentage of total cash and investments 2025	Commentary
	$m	$m	%	
Total cash, cash equivalents and investments	**61.3**	**58.1**		Externally restricted balances are those which are only available for specific use due to a restriction placed by legislation or third-party contract. A breakdown of the sources of externally restricted balances is included in the graph below.
Restricted and allocated cash, cash equivalents and investments:				

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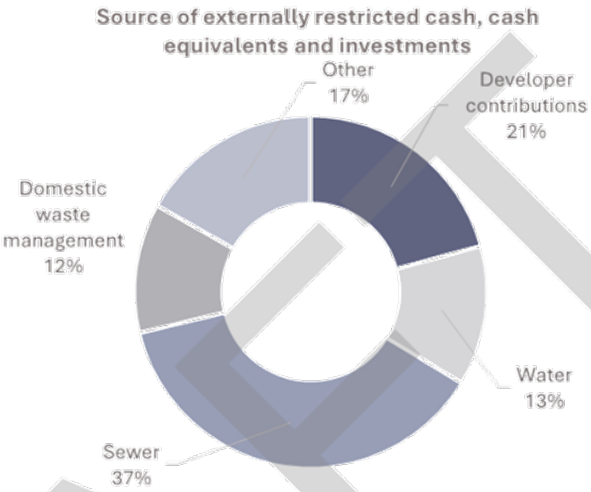
• External restrictions	48.9	44.4	79.8	Internal allocations are determined by council policies or decisions, which are subject to change.
• Internal allocations	10.8	9.1	17.6	

This graph shows the sources of externally restricted cash, cash equivalents and investments.

In 2024-25 the Council's main sources of externally restricted cash, cash equivalents and investments include:

- developer contributions of $10.5 million which increased by $2.0 million, mainly due to ongoing increases in developments within the Council area
- water fund balance of $6.3 million which increased by $2.2 million, mainly due to year-on-year approved charge increase and increases in usage due to dry conditions.
- sewer fund balance of $18.9 million which increased by $2.3 million, mainly due to year-on-year approved charges increase.
- domestic waste fund balance of $5.7 million, which increased by $2.4 million, mainly due to year-on-year approved charges increase.



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Council liquidity

This graph shows the Council's unrestricted current ratio for the current and prior two financial years.

The unrestricted current ratio is specific to local government and represents council's ability to meet its short-term obligations as they fall due. The ratio measures the ratio of unrestricted current assets to specific purpose liabilities.

In 2023-24, the average unrestricted current ratio was an average of 5.6x for rural councils.

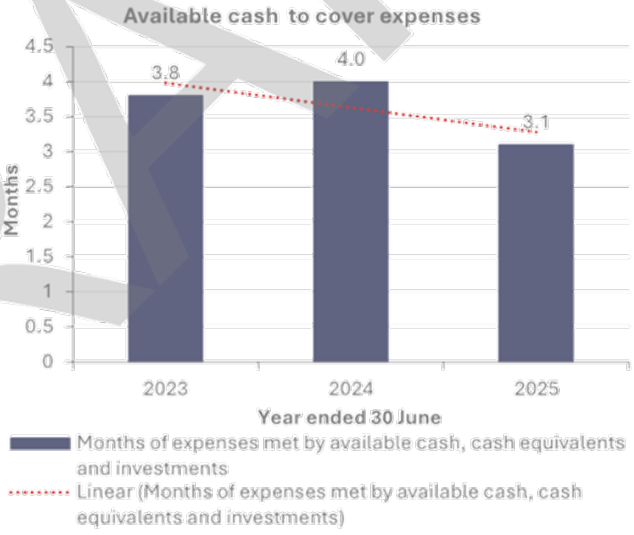
There has been a decline in the unrestricted current ratio over the three periods disclosed due to ongoing increases in the externally restricted cash amounts as explained above, reducing the overall unrestricted balances available to Council.

This graph shows the number of months of general fund expenses (excluding depreciation and borrowing costs), Council can fund from its available cash, cash equivalents and investments (not subject to external restrictions).

Further details on cash, cash equivalents and investments including the sources of external restrictions are included in the section above.

In 2023–24, the available cash to cover expenses was an average of 8 months for rural councils.

Over the three periods being reported, the available cash to cover expenses has remained relatively consistent.



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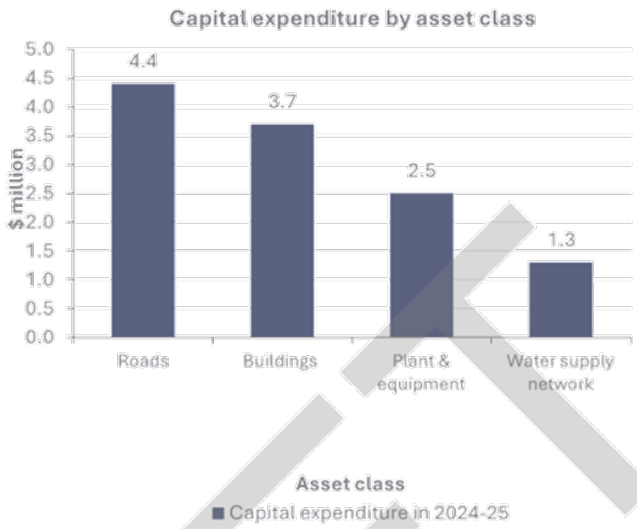
Infrastructure, property, plant and equipment

This graph shows how much the Council spent on renewing and purchasing assets in 2024-25.

Council renewed $13.5 million of infrastructure, property, plant and equipment during the 2024-25 financial year. This was mainly spent on roads, and buildings. A further $5.7 million was spent on new assets including $2.4 million for the construction of the Moama Landfill Cell 5 and $338 thousand on the leachate management system.



Debt

The table below provides an overview of the Council's loans and committed borrowing facilities. Committed borrowing facilities are an element of liquidity management and include bank overdrafts, and credit cards.

Debt	2025	2024	Commentary
	$'000	$'000	
Loans	1,422	1,689	There has been no additional loans entered into by the Council in the current period and the movement between the period is due to the scheduled repayments made by the Council.
Approved overdraft facility	400	400	The Council has made no changes to its approved overdraft facility during period and has not used its drawdown at any time during the period.
Amount drawn down	-	-	
Credit card facility	100	100	The Council has not changed their credit card facility during the year. There are no significant movements on the credit card balances between the periods.
Amount used	21	9	

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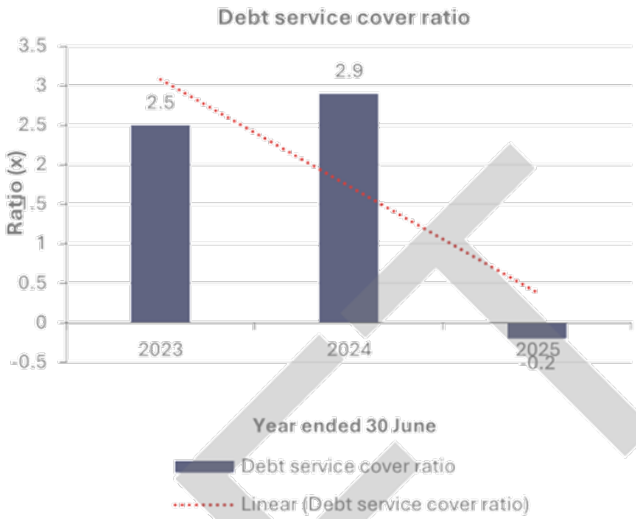
Debt service cover

This graph shows the Council's debt service cover ratio for the current and prior two financial years.

The debt service cover ratio measures the operating cash to service debt including interest, principal and lease payments.

The ratio has had a significant decrease in the current period due to the reduced operating grant funding and increased expenditure for materials and services.



Michael Kharzoo
Director – Financial Audit

Delegate of the Auditor-General

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Comparison – Food Regulation 2015 and Food Regulation 2025

Table Table 1 compares the main amendments to the 2015 Regulation, and the location of these amendments in the 2025 Regulation. It does not include minor changes such as updating the names of Departments and removing reference to past dates.

Table 1 Comparison – Food Regulation 2015 to Food Regulation 2025

2015 Reg reference	2015 Regulation	2025 Regulation	2025 Reg reference
Part 2 Miscellaneous		Part 1 Preliminary	
Clause 5	Sets a replacement document for the purposes of the definition of AUS-MEAT manual in s.23B(5) of the Act, titled the AUS-MEAT Domestic Retail Beef Register (Ed 3 – 2011 version 1 amended 19 May 2011) published by AUS-MEAT.	Update to refer to the current version of the AUS-MEAT Domestic Retail Beef Register, Edition 4 – Version 1 published in May 2019.	Section 5
Part 3 Fees and Charges		Part 11 Fees and Charges	
Clause 11	Sets a $330 fee for an improvement notice under s.66AA (1) of the Act.	Increase the fee for an improvement notice to $565 in line with CPI increases since 2004.	Section 180
Clause 13	Sets a fee of $800 for an application for approval as a food safety auditor under s.87(3)(b) of the Act.	Increase the fee for an application for approval as a food safety auditor to $880. A full CPI increase is not needed for this fee.	Section 182
N/A	N/A	New $500 certificate of clearance fee to lift a prohibition order.	Section 185
Clause 14(1)	Sets the charge for inspections of non-licensed food businesses as $284 per hour with a minimum charge of half an hour (excluding travel time). Clause 14(2) allows the charge to increase annually in accordance with CPI. The current 2024/25 inspection charge used by enforcement agencies is $362 per hour.	Increase the charge for inspecting non-licensed food businesses to $370 per hour. This resets the baseline in response to CPI increases since 2015. Clarify that local councils can charge a fee for inspections of non-licensed food businesses.	Section 186(1)
Clause 15(10)	An annual administration charge may be charged to non-licensed businesses.	Increase the annual administration charge payable by non-licensed food businesses to: • $570 for businesses with less than 5 FTE staff • $1,170 for businesses with 5 – 50 FTE staff • $5,115 for businesses with more than 50 FTE staff. This resets the fee in line with CPI increases since 2010.	Section 187(10)
Clause 17	Sets the fee to accompany an application to change the register.	Increase the fee to apply to change the register to $95 in line with CPI increases since 2004.	Section 184
Part 4 Food safety supervisors		Part 2 Food safety supervisors	
Clause 20	Sets out the training a student must complete to be eligible for a food safety supervisor certificate.	Amend the requirements so that a student must complete the full food safety supervisor certificate training with a single approved RTO. This	Section 12

2015 Reg reference	2015 Regulation	2025 Regulation	2025 Reg reference
	Sets timeline for RTOs and the Food Authority to issue certificates.	ensures the student does not miss out on the key focus areas and reduces administrative burden for RTOs. Amend the requirements so that the maximum time for issuing the certificate is 6 months after the student has completed the training.	Section 12 and 13
Clause 24 and 25	Conditions of approval for registered training organisations. Requires training organisations to have met national requirements.	Provisions merged. Clarified that documents provided to the Food Authority to determine if an individual is suitable to train and assess must be in the form approved by the Food Authority to verify document authenticity.	Section 19
Part 5 Requirements for the display of nutritional information		Part 3 Requirements for display of nutritional information	
Clause 33	Sets out the required nutritional information to be displayed by standard food outlets.	No change to intent. Clarify wording and refer to section S11-2 of the Food Standards Code to calculate average energy content.	Section 26
Clause 34	Sets out the requirements for voluntary display of nutritional information and how it is to be displayed.	No change to intent. Clarify wording and refer to section S11-2 of the Food Standards Code to calculate average energy content.	Section 27
Part 6 Provisions relating to the Food Standards Code		Part 1 Preliminary	
Clause 38	Modifications of the Food Standards Code.	Subclauses 38(1) and (2) moved as is to Part 1, s.6. Subclauses 38(3) and (4) moved as is to Part 2, s.9	Section 6 Section 9
Clause 39	Notifications can be made in writing or electronically.	Clarify wording. No change to intent. Notifications can be made in hard copy or electronically.	Section 7
Part 7 Food safety schemes – general provisions		Part 4 Food safety schemes – general provisions	
Clause 42	Allows a person to apply for a licence to carry on a food business. Clause 42(2) requires a fee of $50 to be included with the application.	Increase the application fee to $85 in line with CPI increases since 2004.	Section 33
Clause 43	Following receipt of an application for a food licence, the Food Authority may grant or refuse to grant the licence. There are certain grounds for refusal to grant a licence and the licence may be issued with conditions.	Simplify and clarify wording. No change to intent. Title amended to Deciding applications for licences, and text amended to specify that this section is about granting or refusing to grant a licence.	Section 35
Clause 45	Additional conditions of a licence. All relevant provisions of the Act, Regulation and Food Standards Code must be complied with.	A new condition has been added requiring the holder of a licence for egg primary production to comply with Schedule 8.	Section 37
Clause 46	Allows for variation of the terms and conditions of a licence. Clause 46(7) requires the licence holder to pay a $50 fee with an application to vary the terms or conditions of a licence.	Increase the fee for an application to vary terms or conditions of a licence to $85 in line with CPI increases since 2004.	Section 38

2015 Reg reference	2015 Regulation	2025 Regulation	2025 Reg reference
Clause 50	Sets out the calculation and notification of licence fees and levies.	An incorrect reference about calculation of licence fees for seafood businesses has been fixed. A new subsection to calculate levies for shellfish businesses has been added.	Section 42
Clause 51	Applicants must present vehicles for inspection related to an application for licence or renewal of a licence.	The requirement to present a vehicle for inspection has been moved to s.34(3) which contains other provisions about an application for a licence.	Section 34
Clause 52	The Food Authority must issue a vehicle licence label for a relevant vehicle and sets out licence holder responsibilities.	The display and placement of the vehicle licence label is clarified.	Section 43
Clause 55	Sets out the arrangements for authorised officers or food safety auditors to inspect food businesses, audit food safety programs and assess compliance with the Food Safety Standards.	The 'before granting a licence' inspections and/or audits have been moved to s.34(1) and (2). An additional subsection clarifies that businesses will be assessed for compliance with all relevant standards of the Food Standards Code, not just the Chapter 3 Food Safety Standards.	Section 34 Section 46
Clause 57	Sets the charge for inspections and audits of licensed food businesses at $284 per hour with a minimum charge of half an hour (excluding travel time). Clause 57(2) allows this charge to increase annually with CPI. The current 2024/25 inspection and audit charge is $362 per hour.	Increase the charge for inspections and audits of licensed food businesses to $370 per hour. This resets charges in response to CPI increases since 2015.	Section 48
Clause 58	Sets out which decisions made by the Food Authority may be challenged by a person by taking the matter to the Civil and Administrative Tribunal.	Consistent with the amendment in Section 35, the text has been updated to refer to granting or refusing to grant a licence.	Section 49
Part 8 Dairy food safety scheme		Part 5 Dairy food safety scheme	
Clause 59	Sets out definitions used in the dairy food safety scheme.	Remove definition of *vehicle vendor*. Insert new definitions processed dairy product and processed dairy product transport business. Any businesses licensed as a vehicle vendor will now be licensed as a processed dairy product transport business. This new definition covers transport of all processed dairy products.	Section 51
Clause 61	States some handling of food that the dairy food safety scheme does not apply to.	Simplify and clarify wording. No change to intent. Clarifies which sections of the dairy food safety scheme do apply to retail sale, and handling that the scheme does not apply to.	Section 53
Clause 62(1)(a)	Lists the types of activities and businesses that are a dairy business.	Remove previous paragraphs (v), (vii) and (viii) as these types of dairy transport activities will be covered by either the existing *dairy transport business* or the new *processed dairy product transport business*.	Section 52

2015 Reg reference	2015 Regulation	2025 Regulation	2025 Reg reference
Clause 62(2)	Set a future date for when a raw milk product business became a dairy business.	Insert the operation of a processed dairy product transport business. Remove the raw milk product business commencement subclause as the date has passed and the requirement is now in effect.	
Clause 69	Businesses that collect milk from a farm must take a sample of the milk.	The time the sample must be taken is now specified to avoid confusion. Samples must be taken at the time of collecting the milk.	Section 61
Clause 71	Dairy businesses required to do analyses must notify the Food Authority verbally and in writing if the sample fails the relevant microbiological standards.	Speed up the notification timeframes for a dairy business to a maximum of 24 hours verbally and 48 hours in writing. New requirement for laboratories to notify the Food Authority in writing within 24 hours of the completion of any analysis of food samples that fail the relevant microbiological standards.	Section 63
Part 9 Meat food safety scheme		Part 6 Meat food safety scheme	
Clause 76	Sets out the definitions used in the meat food safety scheme.	Amend *hogget* and *lamb* definitions to refer to the AUS-MEAT Language sheepmeat processing language handbook. Delete *in wear* definition as no longer required. Insert sheepmeat processing language handbook definition.	Section 69
Clauses 83, 84, 87 and 98	These clauses reference an Australian Standard for hygienic production of meat for human consumption.	Update all references to new version: AS4696-2023 Hygienic Production and Transportation of Meat and Meat Products for Human Consumption.	Sections 75, 76, 79 and 90
Clauses 83 and 84	Require abattoirs and meat processing plants to comply with relevant Australian Standards.	Clarify that all abattoirs and meat processing plants must comply irrespective of their licence status. This provides an extra prosecution option for illegal meat businesses.	Sections 75 and 76
Clauses 98 and 103	Marking of carcases for abattoir meat and game meat.	Update references to new Commonwealth Act: *Export Control Act 2020*.	Sections 90 and 95
Clause 106	Sale of meat for use as animal food. Meat from a licensed abattoir or game meat primary processing plant is permitted.	Insert meat from licensed knackeries as acceptable for sale as an animal food.	Section 98
Clause 117	Meat businesses required to do analyses must notify the Food Authority verbally and in writing if the sample fails the relevant microbiological standards.	Speed up the notification timeframes for a meat business to a maximum of 24 hours verbally and 48 hours in writing. New requirement for laboratories to notify the Food Authority in writing within 24 hours of the completion of any analysis of food samples that fail the relevant microbiological standards.	Section 109
Part 10 Plant products food safety scheme		Part 7 Plant products food safety scheme	
Clause 120	Sets out the definitions used in the plant products food safety scheme.	Amend *fresh cut vegetable* definition to remove "green" as all leafy vegetables are to be included, not just leafy green vegetables. Insert *leafy vegetable* definition.	Section 113

2015 Reg reference	2015 Regulation	2025 Regulation	2025 Reg reference
		From 12 February 2026 the plant products food safety scheme is expanded to apply the new primary production and processing standards of the Food Standards Code in NSW. From 12 February 2026, new definitions: • Berries • Melons • Micro producer • Small berry plant products business • Small leafy vegetable plant products business • Small melon plant products business From 12 February 2026, amended definition: • Plant product	
Clause 124	Lists types of activities that are a plant products business.	From 12 February 2026 the plant products food safety scheme is expanded to apply the new primary production and processing standards of the Food Standards Code in NSW. New activities related to primary production and processing of berries, leafy vegetables and melons will be added.	Section 114
N/A	Not applicable.	From 12 February 2026, new section to apply the Food Standards Code to berry primary production businesses.	Section 116A
N/A	Not applicable.	From 12 February 2026, new section to apply the Food Standards Code to leafy vegetable primary production businesses.	Section 116B
N/A	Not applicable.	From 12 February 2026, new section to apply the Food Standards Code to melon primary production businesses.	Section 116C
N/A	Not applicable.	From 12 February 2026, modify Standards 4.2.8 and 4.2.9 of the Food Standards Code to remove the requirement for a micro leafy vegetable or melon producer to operate with a food safety management statement, and clarify that in NSW Standards 4.2.7, 4.2.8 and 4.2.9 do not apply to a business where the only relevant activities are storing or transporting berries, leafy vegetables or melons.	Section 116D
Clause 126	Plant products businesses required to do analyses must notify the Food Authority verbally and in writing if the sample fails the relevant microbiological standards.	Speed up the notification timeframes for a plant products business to a maximum of 24 hours verbally and 48 hours in writing. New requirement for laboratories to notify the Food Authority in writing within 24 hours of the completion of any analysis of food samples that fail the relevant microbiological standards.	Section 118

2015 Reg reference	2015 Regulation	2025 Regulation	2025 Reg reference
Clause 127	For the plant products food safety scheme, the Food Authority must consult directly with each holder of a licence of a plant products business.	Amend to establish a plant products industry consultative committee for consultation with the plant products industry.	Section 119
Part 11 Seafood food safety scheme		Part 8 Seafood food safety scheme	
Clause 129	Sets out the definitions used in the seafood safety scheme.	Separate the definition of *growing on* from the definition of *spat*. No change to intent. Insert depuration, high pressure processing and wet storage definitions.	Section 122
Clause 134	Lists the activities within the meaning of a seafood business.	Include wet storage and high pressure processing in the list of activities.	Section 124
Clause 140	Seafood businesses required to do analyses must notify the Food Authority verbally and in writing if the sample fails the relevant microbiological standards. Specifies that laboratories must submit written results from certain analyses related to shellfish.	Speed up the notification timeframes for a seafood business to a maximum of 24 hours verbally and 48 hours in writing. New requirement for laboratories to notify the Food Authority in writing within 24 hours of the completion of any analysis of seafood samples that fail the relevant microbiological standards.	Section 132
Clause 150	Sets out arrangements for the Food Authority to fund the NSW Shellfish Committee and local shellfish committees.	Previous subclause (4) has been removed as there is no power in the Act to require local shellfish committees have a trust account.	Section 142
Part 12 Vulnerable persons food safety scheme		Part 9 Vulnerable persons food safety scheme	
Clause 162	Vulnerable persons businesses required to do analyses must notify the Food Authority verbally and in writing if the sample fails the relevant microbiological standards.	Speed up the notification timeframes for a vulnerable persons business to a maximum of 24 hours verbally and 48 hours in writing. New requirement for laboratories to notify the Food Authority in writing within 24 hours of the completion of any analysis of food samples that fail the relevant microbiological standards.	Section 154
Clause 163	Establishes the vulnerable persons food safety scheme consultative committee for consultation about the vulnerable persons food safety scheme.	Amend wording - the Food Authority may establish a consultative committee rather than must establish a committee. This allows the Food Authority permission to communicate directly with each holder of a licence of a vulnerable persons business or have a consultative committee.	Section 155
Part 13 Egg food safety scheme		Part 10 Egg food safety scheme	
Clause 166	Sets the parts of the regulation that are the egg food safety scheme.	Schedule 8 is added to as a licence condition for egg licensed egg producers. Part of the egg food safety scheme applies to small egg producers.	Section 157
Clause 168(2)	Sets out the definitions of an egg product and a blended egg product mixture.	Definitions of *egg product* and *blended egg product mixture* are retained as is but are moved to be with other definitions for the egg food safety scheme.	Section 158

2015 Reg reference	2015 Regulation	2025 Regulation	2025 Reg reference
Clause 169	Sets out the requirements of the Food Standards Code that apply to primary production of eggs.	Clearly sets out the standards to be complied with by small egg producers and the standards for other egg producers.	Section 162
Clause 174	Prohibits certain activities relating to cracked eggs.	Remove previous subclause (3) as not required.	Section 167
Clause 179	Analyses required by certain egg businesses.	New requirement for licensed egg primary producers to undertake *Salmonella* Enteritidis environmental sampling of poultry sheds and poultry housing areas.	Section 172
Clause 180	Egg businesses required to do analyses must notify the Food Authority verbally and in writing if the sample fails the relevant microbiological standards.	Speed up the notification timeframes for an egg business to a maximum of 24 hours verbally and 48 hours in writing. New requirement for laboratories to notify the Food Authority in writing within 24 hours of the completion of any analysis of food samples that fail the relevant microbiological standards.	Section 173
Clause 181(1)	Records must be kept by an egg business about sales. Length of time records to be kept not clear.	Records must be kept for 2 years.	Section 174
Clause 181(2)	Records must be kept by an egg business about purchases. Length of time records to be kept not clear.	Records must be kept for 2 years.	Section 175
Clause 181(3)	Records must be kept by an egg business about transport. Length of time records to be kept not clear.	Records must be kept for 2 years.	Section 176
Clause 181(4)	Records must be kept by an egg business about storage. Length of time records to be kept not clear.	Records must be kept for 2 years.	Section 177
Schedule 2 Penalty notices		Schedule 2 Penalty notice offences	
Part 1	Penalty notice amounts for offences against the *Food Act 2003*.	Remove penalty notices for an offence against the Act s.35. An offence against the Act, s.35 requires judgement about any potential "reasonable excuses" for non-compliance and so is not suitable for a penalty notice. Instead, an alleged offence against the Act, s.35 would be heard in court. Increase all penalty notices for individuals for offences against the Act by CPI, rounded to the nearest penalty unit. Increase penalty notices for corporations for offences against the Act (except s.21 offences) by CPI, rounded to the nearest penalty unit. Increase penalty notices for corporations for s.21 offences against the Act to triple the value of the individual penalty notice.	Schedule 2

2015 Reg reference	2015 Regulation	2025 Regulation	2025 Reg reference
Part 2	Penalty notice amounts for offences against the Food Regulation 2015.	Increase all penalty notices for individuals for offences against the Regulation (except s.117(1), 118(1), 118(2), 165(1), 166 and 167(2)) by CPI, rounded to the nearest penalty unit.	Schedule 2
		Increase some penalty notices in the plant products food safety scheme by more than CPI to be consistent with similar offences in the other food safety schemes - s.117(1), 118(1) and 118(2) about having samples analysed and notifying the Food Authority of samples that fail the microbiological standards.	Schedule 2 s.117(1), s.118(1), s.118(2)
		Increase some penalty notices in the egg food safety scheme by more than CPI to be consistent with other egg related offences in the food safety scheme - previous s.165(1), 166 and 167(2) about not using cracked eggs, or unpasteurised egg product or unpasteurised egg product mixture in food.	Schedule 2 s.165(1), s.166, s.167(2)
		Insert penalty notice for s.62(2) that was previously missing from Schedule 2.	Schedule 2 s.62(2)
		Insert in each food safety scheme a new penalty notice for failure of the person in charge of the laboratory to notify a pathogen detection.	Schedule 2 s.63(3), s.109(3), s.118(3), s.132(6), s.154(3), s.173(3)
Schedule 3 Licence fees		Schedule 3 Licence fees	
Relevant to clauses 75, 119, 128, 151, 164 and 183	Sets annual licence fees for food businesses. Most licence fees are based on the number of full time equivalent (FTE) food handlers in a business. For dairy, meat, plant products, seafood and egg businesses (excluding poultry farms, egg producers selling fewer than 240 eggs per week, game meat field depots and animal food field depots) the following annual licence fees are set: • 0 to 5 FTE $441 • 5 to 50 FTE $910 • More than 50 FTE $3,988 For vulnerable persons businesses the following annual licence fees are set: • 0 to 3 FTE $276 • 3 to 10 $355	Reset annual licence fees in Schedule 3 in line with increase in the Consumer Price Index since 2015. For dairy, meat, plant products, seafood and egg businesses (excluding poultry farms, berry, leafy vegetable and melon producers, berry processors, egg producers selling fewer than 240 eggs per week, game meat field depots and animal food field depots), the following annual licence fees are set: • 0 to 5 FTE $570 • 5 to 50 FTE $1,180 • More than 50 FTE $5,170 For vulnerable persons businesses the following annual licence fees are set: • 0 to 3 FTE $360 • 3 to 10 $460	Relevant to sections 67, 111, 120, 143, 156 and 179

2015 Reg reference	2015 Regulation	2025 Regulation	2025 Reg reference
	• 10 to 30 $657 • 30 to 50 $954 • More than 50 FTE $1,254 For these businesses a fixed annual licence fee is set: • Poultry farm $328 per premises • Transport vehicles $328 per vehicle • Game meat field depots $441 per site • Animal food field depots $328 per site • Meat vans, game meat field harvest vans, animal food vans or animal food field harvest vans $328 per vehicle • Capture or collect wild seafood $328 with or without a vessel Clauses 75(2), 119(2), 128(2), 151(2), 164(2) and 183(2) allow these fees to increase annually in accordance with the Consumer Price Index.	• 10 to 30 $850 • 30 to 50 $1,235 • More than 50 FTE $1,625 For these businesses a fixed annual licence fee is set: • Poultry farm $425 per premises • Transport vehicles $425 per vehicle • Game meat field depots $570 per site • Animal food field depots $425 per site • Meat vans, game meat field harvest vans, animal food vans or animal food field harvest vans $425 per vehicle • Small berry, leafy vegetable or melon producer $75 per site • Berry producer with more than 10 ha under cultivation $300 per site • Leafy vegetable or melon producer with more than 10 ha under cultivation $570 per site • Berry processor $300 per site • Capture or collect wild seafood $425 with or without a vessel Sections 67(2), 111(2), 120(2), 143(2), 156(2) and 179(2) continue to allow licence fees to increase annually in line with CPI.	
Schedule 7 Provisions relating to members and procedure of local shellfish committees		Schedule 7 Provisions relating to members and procedure of local shellfish committees	
Part 2, Section 6	Describes the process to be followed by the committee when a member has a direct or indirect pecuniary interest in a matter being considered by the committee.	Modernised so that disclosures that must be recorded by the local committee no longer need to be recorded in a physical book – other methods of recording the disclosure are acceptable.	Part 2, Section 6
N/A		Schedule 8 Licence condition for primary production of eggs—control of Salmonella Enteritidis	
N/A	N/A	Schedule 8 is a condition of licence for egg primary production businesses. It contains specific requirements to reduce risks of *Salmonella* Enteritidis entering the production area and causing eggs to become contaminated. The requirements include provisions about people and vehicles entering the production area, as well as keeping packaging clean, vermin control, record keeping, and traceability.	Schedule 8

Table Table 2 compares the location of the 2015 Reg provisions in the 2025 Regulation, along with new provisions.

Table 2 Comparison of provision location – Food Regulation 2015 to Food Regulation 2025

2015 Reg Clause number	2015 Regulation Title of clause	2025 Regulation Title of section	2025 Reg Section number
1	Name of Regulation	Name of regulation	1
2	Commencement	Commencement	2
3	Definitions	Definitions	3
4	Enforcement agencies	Enforcement agencies	4
5	AUS-MEAT manual	AUS-MEAT manual	5
6	Food safety auditor reports	Food safety auditor reports	188
7	Delegations	Delegations	189
8	Offences	Offences	190
9	Penalty notice offences and penalties	N/A	Sch 2, s.1
10	Repeal and savings	Savings	191
11	Improvement notice fee	Improvement notice fee	180
12	Payment for sample	Payment for sample	181
13	Fee for food safety auditor application	Fee for food safety auditor application	182
14	Charges for inspections of non-licensed food business	Charge for inspection of non-licensed food businesses	186
15	Annual administration charge	Annual administration charge	187
16	Payment of penalties and fines into Food Authority Fund – determination of maximum amount	Payment of penalties and fines into Food Authority Fund – determination of maximum amount	183
17	Fee for application for change to register	Fee for applications for changes to register	184
N/A	N/A	Certificate of clearance fee	185
Part 4 Food safety supervisors		Part 2 Food safety supervisors	
18	Definitions	Definition	8
19	Food Authority may also issue food safety supervisor certificates	Food Authority may issue food safety supervisor certificates – the Act, s 106B(3)	10
20(1)	Qualifications for issue of food safety supervisor certificate	Issue of food safety supervisor certificates by approved training organisations – the Act, s 106B(4)	12
20(2)	Qualifications for issue of food safety supervisor certificate	Issue of food safety supervisor certificates by Food Authority – the Act, s 106B(4)	13
20(3)-(5)	Qualifications for issue of food safety supervisor certificate	Qualifications for issue of food safety supervisor certificate – the Act, s 106B(4) and (5)	11
21	Form of food safety supervisor certificate	Form of food safety supervisor certificate – the Act, s 106B(4)	14
22	Charges for issue of food safety supervisor certificates	Charges for issue of food safety supervisor certificates – the Act, s 106I	15
N/A	N/A	Definition	16
23	Approval of registered training organisations to issue food safety supervisor certificates	Approval of registered training organisations to issue food safety supervisor certificates – the Act, s 106H	17

2015 Reg Clause number	2015 Regulation Title of clause	2025 Regulation Title of section	2025 Reg Section number
24	Condition of approval	Additional conditions of approval to issue food safety supervisor certificates—the Act, s 106H(3)(c)	19
25	Training qualifications	Additional conditions of approval to issue food safety supervisor certificates—the Act, s 106H(3)(c)	19
26	Duration of approval	Duration and renewal of approval – the Act, s 106H	18
27	Variation, suspension and cancellation of approvals	Variation, suspension and revocation of approvals—106H(2) and (3)(e)	20
28	Definition of "prepackaged food"	Meaning of "prepackaged food"	21
29	Exemptions from Division 3 of Part 8 of the Act	Exemptions from the Act, Part 8, Division 3	
Part 5 Requirements for the display of nutritional information		Part 3 Requirements for display of nutritional information	
30	Definitions	Definitions	23
31	Definition of "prepackaged food"	Meaning of "prepackaged food"	24
32	Standard food outlets required to display nutritional information	Standard food outlets required to display nutritional information	25
33	Kinds of nutritional information required to be displayed	Nutritional information required to be displayed	26
34	Kind of nutritional information voluntarily displayed that must comply with requirements	Nutritional information voluntarily displayed to comply with requirements	27
35	Locations for display of nutritional information	Locations for display of nutritional information	28
36	Manner of displaying nutritional information	Displaying nutritional information	29
37	Exemptions	Exemptions—the Act, s 106Q	30
Part 6 Provisions relating to the Food Standards Code		Part 1 Preliminary	
38(1) and (2)	Modification of Food Standards Code	Modification of Food Standards Code—the Act, s 141	6
38(3) and (4)	Modification of Food Standards Code	Modification of Food Standards Code	9
39	Notification of food handling operations	Notification of food handling operations—the Act, s 139(1)(d)	7
Part 7 Food safety schemes – general provisions		Part 4 Food safety schemes – general provisions	
40	Definitions	Definitions	31
41	Food business to be licensed	Food business to be licensed—the Act, s 102	32
42	Application for licence	Application for licence—the Act, ss 102 and 139(1)(a) and (c1) and (2A)	33
N/A	N/A	Inspections by Food Authority before deciding applications for licences	34
43	Issue of licence	Deciding applications for licences	35
44	Duration of licence	Duration of licence	36
45	Additional conditions of licence	Additional conditions of licences—the Act, s 102(2)(g)	37
46	Variation of terms and conditions of licence	Variation of terms and conditions of licence—the Act, s 102(2)(g)	38

2015 Reg Clause number	2015 Regulation Title of clause	2025 Regulation Title of section	2025 Reg Section number
47	Suspension or cancellation of licence	Suspension or cancellation of licence—the Act, s 102(2)(h)	39
48	Licence not transferable	Licence not transferable—the Act, s 102(2)(f)	40
49	Renewal of licence	Renewal of licence—the Act, s 102(2)(f)	41
50	Calculation and notification of licence fees and levies	Calculation and notice of licence fees and levies—ss 102(2)(x), 117C and 139(1)(a)	42
51	Applicants to present vehicles for inspection	Inspections by Food Authority before deciding applications for licences	34
52	Vehicle labels	Vehicle labels	43
53	Display of licence	Display of licence	44
54	Content of food safety program	Content of food safety program	45
55	Inspections and audits of food businesses	Inspections and audits of food businesses	46
56	Approval for a food business to retain food safety auditor	Approval for food business to engage food safety auditor—the Act, s 102(2)(k)	47
57	Charges for inspections and audits	Charges for inspections and audits	48
58	Administrative review of decisions by Civil and Administrative Tribunal	Administrative review of decisions by Civil and Administrative Tribunal—the Act, s 139(2C)	49
Part 8 Dairy food safety scheme		Part 5 Dairy food safety scheme	
59	Definitions	Definitions	51
60	Dairy food safety scheme	Dairy food safety scheme	50
61	Application of dairy food safety scheme to retail premises and food not intended for sale	Application of dairy food safety scheme to retail premises and food not intended for sale	53
62	Meaning of "dairy business"	Meaning of "dairy business"	52
63	Application of Food Standards Code to primary production of dairy products	Application of Food Standards Code to primary production of dairy products	54
64	Modification of the Food Standards Code	Modification of Food Standards Code	55
65	Processing of dairy products	Processing of dairy products	56
66	Milk for manufacture	Milk for manufacture	57
67	Pasteuriser requirements	Pasteuriser requirements	58
68	Milk to comply with certain requirements of Food Standards Code	Milk to comply with certain requirements of Food Standards Code	59
68A	Sale, delivery and supply of raw milk products by any person	Sale, delivery and supply of raw milk products	60
69	Sampling and testing of milk by certain dairy businesses	Sampling and testing of milk by certain dairy businesses	61
70	Certain dairy businesses to undertake analyses of certain dairy products	Dairy businesses to undertake analyses	62
71	Reports of analyses	Reports of analyses	63
72	Records to be kept by certain dairy businesses	Records to be kept by certain dairy businesses	64
73	Records to be kept by dairy produce stores	Records to be kept by dairy produce stores	65

2015 Reg Clause number	2015 Regulation Title of clause	2025 Regulation Title of section	2025 Reg Section number
74	Establishment of Dairy Industry Consultative Committee	Establishment of Dairy Industry Consultative Committee	66
75	Licence fees for licences in respect of dairy businesses	Licence fees for dairy businesses	67
Part 9 Meat food safety scheme		Part 6 Meat food safety scheme	
76	Definitions	Definitions	69
77	Meat food safety scheme	Meat food safety scheme	68
78	Application of meat food safety scheme to certain vehicles and food not intended for sale	Application of meat food safety scheme to certain vehicles and food not intended for sale	71
79	Meaning of "meat business"	Meaning of "meat business"	70
80	Application of Food Standards Code to primary production of poultry	Application of Food Standards Code to primary production of poultry	72
81	Modification of Food Standards Code	Modification of Food Standards Code	73
82	Slaughtering of certain animals and processing of certain meat for human consumption prohibited	Prohibition on certain slaughtering of animals and processing of meat for human consumption	74
83	Standards for abattoirs	Standards for abattoirs	75
84	Standards for meat processing plants	Standards for meat processing plants	76
85	Standards for game meat field depots	Standards for game meat field depots	77
86	Standards for game meat primary processing plants	Standards for game meat primary processing plants	78
87	Standards for meat vans	Standards for meat vans	79
88	Standards for game meat field harvesting vans	Standards for game meat field harvesting vans	80
89	Standards for knackeries	Standards for knackeries	81
90	Standards for rendering plants	Standards for rendering plants	82
91	Standards for animal food processing plants	Standards for animal food processing plants	83
92	Standards for animal food field depots	Standards for animal food field depots	84
93	Standards for animal food vans	Standards for animal food vans	85
94	Standards for animal food field harvesting vans	Standards for animal food field harvesting vans	86
95	Standards for meat retail premises	Standards for meat retail premises	87
96	Prescribed brands for abattoir meat	Prescribed brands for abattoir meat	88
97	Removal of meat from abattoir	Removal of meat from abattoir	89
98	Marking of carcases	Marking of carcases	90
99	Positions and manner in which brands are to be applied	Positions and application of brands	91
100	Identification systems for lamb and hogget meat	Identification systems for lamb and hogget meat	92
101	Prescribed brands for game meat	Prescribed brand for game meat	93
102	Removal of meat from game meat primary processing plant	Removal of meat from game meat primary processing plant	94
103	Marking of carcases	Marking of carcases	95
104	Positions and manner in which brands are to be applied	Positions and application of brands	96

2015 Reg Clause number	2015 Regulation Title of clause	2025 Regulation Title of section	2025 Reg Section number
105	Sale of meat for human consumption	Sale of meat for human consumption	97
106	Sale of meat for use as animal food	Sale of meat for use as animal food	98
107	Storage of meat	Storage of meat	99
108	Application for and issue of brands	Application for and issue of brands	100
109	Storage of brands	Storage of brands	101
110	Lost, stolen or damaged brands	Lost, stolen or damaged brands	102
111	Resemblances to prescribed brands	Resemblance to prescribed brands	103
112	Unauthorised branding of meat	Unauthorised branding of meat	104
113	Appointment of meat safety inspectors for abattoirs and game meat primary processing plants	Appointment of meat safety inspectors for abattoirs and game meat primary processing plants	105
114	Duty of meat safety inspector to report contraventions of Regulation	Duty of meat safety inspector to report contraventions of regulation	106
115	Revocation of approval of appointment of meat safety inspector	Revocation of approval of appointment of meat safety inspector	107
116	Meat businesses to undertake analyses of certain meats, meat products, animal by-products and water	Meat businesses to undertake analyses	108
117	Reports of analyses	Reports of analyses	109
118	Establishment of Meat Industry Consultative Council	Establishment of Meat Industry Consultative Council	110
119	Licence fees for licences in respect of meat businesses	Licence fees for meat businesses	111
Part 10 Plant products food safety scheme		Part 7 Plant products food safety scheme	
120	Definitions	Definitions	113
121	Plant products food safety scheme	Plant products food safety scheme	112
122	Application of plant products food safety scheme to retail premises and food not intended for sale	Application of plant products food safety scheme to retail premises and food not intended for sale	115
123	Application of plant products food safety scheme to fresh cut fruit and vegetables, seed sprouts and juices	Application of plant products food safety scheme to fresh cut fruit and vegetables, seed sprouts and juices	116
124	Meaning of “plant products business”	Meaning of “plant products business”	114
N/A	N/A	Application of Food Standards Code to primary production of berries—the Act, s 21(5)	116A
N/A	N/A	Application of Food Standards Code to primary production of leafy vegetables—the Act, s 21(5)	116B
N/A	N/A	Application of Food Standards Code to primary production of melons—the Act, s 21(5)	116C
N/A	N/A	Modification of Food Standards Code	116D
125	Plant products business to undertake analyses of plant products	Plant products business to undertake analyses	117
126	Reports of analyses	Reports of analyses	118

2015 Reg Clause number	2015 Regulation Title of clause	2025 Regulation Title of section	2025 Reg Section number
127	Industry consultation	Establishment of Plant Products Industry Consultative Committee	119
128	Licence fees for licences in respect of plant products businesses	Licence fees for plant products businesses	120
Part 11 Seafood food safety scheme		Part 8 Seafood food safety scheme	
129	Definitions	Definitions	122
130	Seafood safety scheme	Seafood safety scheme	121
131	Application of seafood safety scheme to retail premises and food not intended for sale	Application of seafood safety scheme to retail premises and food not intended for sale	125
132	Certain vessels excluded from Part	Certain vessels excluded from Part	126
133	Meaning of "seafood"	Meaning of "seafood"	123
134	Meaning of "seafood business"	Meaning of "seafood business"	124
135	Application of Food Standards Code to primary production of seafood	Application of Food Standards Code to primary production of seafood	127
136	Modification of Food Standards Code	Modification of Food Standards Code	128
137	Application requirements	Application requirements	129
138	Suspension or cancellation of licence	Suspension or cancellation of licence	130
139	Seafood businesses to undertake analyses of seafood	Seafood businesses to undertake analyses	131
140	Reports of analyses	Reports of analyses	132
141	Records to be kept	Records to be kept	133
142	Labelling of shellfish	Labelling of shellfish	134
143	Depuration of shellfish	Depuration of shellfish	135
144	Establishment of New South Wales Shellfish Program	Establishment of New South Wales Shellfish Program	136
145	Establishment of NSW Shellfish Committee	Establishment of NSW Shellfish Committee	137
146	Responsibilities of NSW Shellfish Committee	Responsibilities of NSW Shellfish Committee	138
147	Appointment of local shellfish committees	Appointment of local shellfish committees	139
148	Responsibilities of local shellfish committees	Responsibilities of local shellfish committees	140
149	Provisions relating to members and procedure of committee	Provisions relating to members and procedure of committee	141
150	Funding of committees	Funding of committees	142
151	Annual general licence fees for seafood businesses	Annual general licence fees for seafood businesses	143
152	Payment of licence fees for shellfish harvesting, cultivating of shellfish, cultivating of spat or operation of depuration plant	Payment of licence fees for shellfish harvesting, cultivating of shellfish, cultivating of spat or operation of depuration plant	144
153	Shellfish area service levy	Shellfish area service levy	145
154	Purposes for which licence fee or levy to be applied	Purposes for which licence fee or levy to be applied	146
155	Payment of annual local shellfish program levy	Payment of annual local shellfish program levy	147

2015 Reg Clause number	2015 Regulation Title of clause	2025 Regulation Title of section	2025 Reg Section number
156	Calculation of annual local shellfish program levy	Calculation of annual local shellfish program levy	148
157	Establishment of New South Wales Seafood Industry Forum	Establishment of New South Wales Seafood Industry Forum	149
Part 12 Vulnerable persons food safety scheme		Part 9 Vulnerable persons food safety scheme	
158	Vulnerable persons food safety scheme	Vulnerable persons food safety scheme	150
159	Meaning of "vulnerable persons food business"	Meaning of "vulnerable persons food business"	151
160	Modification of Food Standards Code	Modification of Food Standards Code	152
161	Vulnerable persons food business to undertake analyses of food	Vulnerable persons food business to undertake analyses of food	153
162	Reports of analyses	Reports of analyses	154
163	Establishment of New South Wales Vulnerable Persons Food Safety Scheme Consultative Committee	Establishment of New South Wales Vulnerable Persons Food Safety Scheme Consultative Committee	155
164	Licence fees for licences in respect of vulnerable persons food businesses	Licence fees for vulnerable persons food businesses	156
Part 13 Egg food safety scheme		Part 10 Egg food safety scheme	
165	Definitions	Definitions	158
166	Egg food safety scheme	Egg food safety scheme	157
167	Application of egg food safety scheme to retail premises and food not intended for sale	Application of egg food safety scheme to retail premises and food not intended for sale	161
168(1)	Meaning of "egg business", "egg product" and "blended egg product mixture"	Meaning of "egg business"	159
168(2) and (3)	Meaning of "egg business", "egg product" and "blended egg product mixture"	Definitions	158
N/A	N/A	Meaning of "small egg producer"	160
169	Application of Food Standards Code to primary production of eggs	Application of Food Standards Code to primary production of eggs	162
170	Modification of Food Standards Code	Modification of Food Standards Code	163
171	Sale of unpasteurised egg product and unpasteurised blended egg product mixture	Sale of unpasteurised egg products and unpasteurised blended egg product mixtures	164
172	Unpasteurised egg product not to be used in food for sale	Unpasteurised egg products not to be used in food for sale	165
173	Unpasteurised blended egg product mixture not to be used in food for sale	Unpasteurised blended egg product mixtures not to be used in food for sale	166
174	Sale and use of cracked eggs	Sale and use of cracked eggs	167
175	Sale and processing of dirty eggs	Sale and processing of dirty eggs	168
176	Eggs for sale to be free of chemical contaminants	Eggs for sale to be free of chemical contaminants	169
177	Method of pasteurisation of egg product	Method of pasteurisation of egg products	170
178	Method of pasteurisation of blended egg product mixture	Method of pasteurisation of blended egg product mixtures	171
179	Egg businesses to undertake analyses of eggs, egg products, blended egg product mixtures and water	Egg businesses to undertake analyses	172

2015 Reg Clause number	2015 Regulation Title of clause	2025 Regulation Title of section	2025 Reg Section number
180	Reports of analyses	Reports of analyses	173
181(1)	Records to be kept in relation to sale, purchase, transportation and storage of cracked eggs, unpasteurised egg products and unpasteurised blended egg product mixtures	Records to be kept in relation to sale of cracked eggs, unpasteurised egg products and unpasteurised blended egg product mixtures	174
181(2)	Records to be kept in relation to sale, purchase, transportation and storage of cracked eggs, unpasteurised egg products and unpasteurised blended egg product mixtures	Records to be kept in relation to purchase of cracked eggs, unpasteurised egg products and unpasteurised blended egg product mixtures	175
181(3)	Records to be kept in relation to sale, purchase, transportation and storage of cracked eggs, unpasteurised egg products and unpasteurised blended egg product mixtures	Records to be kept in relation to transportation of cracked eggs, unpasteurised egg products and unpasteurised blended egg product mixtures	176
181(4)	Records to be kept in relation to sale, purchase, transportation and storage of cracked eggs, unpasteurised egg products and unpasteurised blended egg product mixtures	Records to be kept in relation to storage of cracked eggs, unpasteurised egg products and unpasteurised blended egg product mixtures	177
182	Establishment of New South Wales Egg Industry Consultative Committee	Establishment of New South Wales Egg Industry Consultative Committee	178
183	Licence fees for licences in respect of egg businesses	Licence fees for egg businesses	179
Schedule 1 Form		Schedule 1 Form	
Schedule 2 Penalty notices		Schedule 2 Penalty notice offences	
Schedule 3 Licence fees		Schedule 3 Licence fees	
Part 1	Licence fees in relation to dairy food businesses	Licence fees for dairy food businesses	Part 1
Part 2	Licence fees in relation to meat food businesses	Licence fees for meat food businesses	Part 2
Part 3	Licence fees in relation to plant products businesses	Licence fees for plant products businesses	Part 3
Part 4	Annual general licence fees for seafood businesses	Annual general licence fees for seafood businesses	Part 4
Part 5	Licence fees in relation to vulnerable persons food businesses	Licence fees for vulnerable persons food businesses	Part 5
Part 6	Licence fees in relation to egg businesses	Licence fees for egg businesses	Part 6
Schedule 4 Standards for animal food processing plants		Schedule 4 Standards for animal food processing plants	
Schedule 5 Prescribed brands for abattoir meat		Schedule 5 Prescribed brands for abattoir meat	
Schedule 6 Prescribed brands for game meat		Schedule 6 Prescribed brands for game meat	
Schedule 7 Provisions relating to members and procedure of local shellfish committees		Schedule 7 Provisions relating to members and procedure of local shellfish committees	
N/A		Schedule 8 Licence condition for primary production of eggs—control of Salmonella Enteritidis	
N/A		Schedule 9 Amendment of Food Regulation 2025	
N/A		Schedule 10 Dictionary	

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PLANNING PROPOSAL (PP-2025-399) REVIEW:

ASSESSMENT AND SUPPORT OF PLANNING PROPOSAL PP-2025-399 TO PROGRESS TO GATEWAY DETERMINATION

PP-2025-399: AMENDMENT TO MURRAY LOCAL ENVIRONMENTAL PLAN (LEP) 2011 TO REZONE 12 LOTS OF LAND FROM R5 TO R1 AND REDUCE LOT SIZE REQUIRMENTS FROM 4,000M2 TO 750M2 AT "LAYFIELD DOWNS ESTATE" (CHARTERS DRIVE, MOAMA)

October 2025

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Contents

PLANNING PROPOSAL (PP-2025-399) REVIEW: ASSESSMENT AND SUPPORT OF PLANNING PROPOSAL PP-2025-399 TO PROGRESS TO GATEWAY DETERMINATION 1
PLANNING PROPOSAL (PP-2025-399) - EXECUTIVE SUMMARY 3
LEP AMENDMENT: 3
RECOMMENDATION: 3
BACKGROUND: 4
Subject Site 4
Site Characteristics 4
Proposal 6
DISCUSSION and review: 7
Riverina Murray Regional Plan 2041 8
Murray River Council Local Strategic Planning Statement 2020 – 2040 8
Murray River Council Local Housing Strategy 2023 (Draft) 8
Moama Flood Risk Management Study & Plan (FRMS&P) 2025 9
CONCLUSION 9
Appendices 11
Appendix 1 11
Appendix 2 16
Appendix 3 18
Appendix 4 19
Appendix 5 21

PLANNING PROPOSAL (PP-2025-399) - EXECUTIVE SUMMARY

LEP AMENDMENT: Proposed amendment to the Murray LEP 2011 provisions to vary the land zoning (from R5 - Large Lot Residential Zone to R1 - General Residential Zone) and subsequent reduction of the minimum lot size requirement (from 4,000m2 to 750m2) for the land identified as "Layfield Downs Estate" at Charters Drive, Moama NSW 2731, which is inclusive of the 12 addressed lots listed below:

1. Lot 4 DP285349 — 3 Holmfield Court, Moama
2. Lot 5 DP285349 — 4 Holmfield Court, Moama
3. Lot 6 DP285349 — 5 Holmfield Court, Moama
4. Lot 7 DP284349 — 12 Charters Drive, Moama
5. Lot 8 DP284349 — 13 Charters Drive, Moama
6. Lot 9 DP284349 — 14 Charters Drive, Moama
7. Lot 2 DP285484 — 6 Charters Drive, Moama
8. Lot 3 DP285484 — 7 Charters Drive, Moama
9. Lot 4 DP285484 — 8 Charters Drive, Moama
10. Lot 5 DP285484 — 9 Charters Drive, Moama
11. Lot 6 DP285484 — 10 Charters Drive, Moama
12. Lot 7 DP285484 — 11 Charters Drive, Moama

RECOMMENDATION:

Council:

A. Resolves to support the proposed proponent led Planning Proposal requesting an amendment to the Murray LEP 2011 provisions to vary the land zoning (from R5 - Large Lot Residential Zone to R1 - General Residential Zone) and subsequent reduction of the minimum lot size requirement (from 4,000m2 to 750m2) for the land identified as "Layfield Downs Estate" at Charters Drive, Moama NSW 2731 (includes Lots 4-9, DP284349 and Lots 2-7, DP285484)

BACKGROUND:

Habitat Planning Pty Ltd (the Applicant) have lodged a Planning Proposal (PP-2025-399) with Council on behalf of the landowner at 9 Charters Drive, Moama, which seeks to amend the *Murray Local Environmental Plan (LEP) 2011* provisions to vary the land zoning (R5 - Large Lot Residential Zone to R1 - General Residential Zone) and subsequent reduction of the minimum lot size requirement (from 4,000m2 to 750m2) for the land identified as "Layfield Downs Estate" at Charters Drive, Moama NSW 2731 (including Lots 4-9, DP284349 and Lots 2-7, DP285484).

This Planning Proposal Review and Council Recommendations Report has been prepared after having regard to the following:

- A scoping report prepared by the applicant in June 2024;
- A scoping report review prepared for Council by Zonal (an external consultant) in November 2024;
- A Planning Proposal prepared by the applicant in February 2025;
- A Planning Proposal prepared by the applicant and submitted in July 2025 (current Planning Proposal); and,
- Relevant Internal and external referral authority comments.

In support of the Planning Proposal submitted in July 2025, the following plans and documentations has been provided by the proponent:

- Development Concept Plan (Proposed Plan of Subdivision) prepared by Habitat Planning;
- Consistency with Riverina-Murray Regional Plan 2041 prepared by Habitat Planning;
- Consistency with State Environmental Planning Policies by Habitat Planning; and,
- Consistency with Section 9.1 Ministerial Directions by Habitat Planning.

SUBJECT SITE

SITE CHARACTERISTICS

The subject site in this matter is irregular in shape and consists of 12 separate lots totalling approximately 4.41 hectares of land area, located approximately 1.5km north west of Meninya Street and the Moama township. The subject site has a relatively flat topography, with a shallow drainage corridor running through the area of the lots in a north-south direction. Seven (7) of the 12 lots sit on the eastern side of Charters Drive, whereas the remaining five (5) lots sit on the western side of Charters Drive. Three (3) of these lots are accessed from Holmfield Court.

Having been historically used as large lot residential zoned land containing existing dwellings, the site has previously been disturbed; however, the site does contain some vegetation, scattered across the entirety of the lots. Additionally, as identified via Before You Dig Australia (BYDA, 2025), it has been identified that the site has existing water, stormwater, sewer, and NBN connections readily available for any future development. Figures 1 & 2 below provide a view of the subject site.

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Figure 1: Satellite Photograph Subject Site boundary (Source: Habitat Planning Pty Ltd Planning Proposal (July 2025))

Figure 2: Satellite Photograph Showing the 12 Lot Boundaries (Source: IntraMaps, 2025)

PROPOSAL

As summarised in the executive summary, the proposal seeks to amend the Murray Local Environmental Plan 2011 to vary the land zoning (from R5 - Large Lot Residential Zone to R1 - General Residential Zone) and subsequent reduction of the minimum lot size requirement (from 4,000m2 to 750m2) for the land identified as "Layfield Downs Estate" at Charters Drive, Moama NSW 2731 (including Lots 4-9, DP284349 and Lots 2-7, DP285484).

The intention of rezoning this land from R5 - Large Lot Residential Zone to R1 - General Residential Zone for Lots 4-9, DP284349 and Lots 2-7, DP285484 is to create potential for increased dwelling density within the "Layfield Downs Estate", which via Development Application (DA) and master planning will provide for future residential dwellings, in keeping with the surrounding area.

This will also mean that the minimum lot size required for development of a dwelling will be reduced from 4,000m2 to 750m2. Meaning there is the potential for more dwellings to be developed on smaller lots of land (i.e., increased lot yield). Figures 3, 4, 5 and 6 provide an extract of the Applicant's proposed plans to illustrate the potential Land Rezoning and the potential alterations to the Minimum Lot Size map.

Figure 3: Existing Zone Map, 2025

Figure 4: Proposed Zone Map, 2025

Figure 5: Existing Lot Size Map, 2025

Figure 6: Proposed Lot Size Map, 2025

Utility, electricity, and telecommunication infrastructure augmentations are required to facilitate any future development proposed for the site. The Applicant would be required to demonstrate that envisaged services and infrastructure will be available to meet the demands arising from the proposal and any proposed funding arrangements for infrastructure provision at any DA and master plan / subdivision stage.

As per the application material, changes are not proposed to the existing contribution plan by the Applicant nor envisaged. Future development of the site would be subject to the contributions rate for the applicable zone under the Council's adopted Development Contributions Plans. Further, state infrastructure contributions may also be applicable to any future development of the site. Noting, the Planning Proposal is not associated with the outcomes of a previous consultation undertaken by the Applicant and Council.

Due consideration has been given to site-specific matters, which includes but is not limited to, bushfire risk, flood vulnerability, potential biodiversity and agricultural land impacts, infrastructure and utility servicing, consistency with surrounding zoning and site context, as well as traffic impacts.

In particular, the Planning Proposal was amended to remove 35 of the 47 lots proposed in the original scoping report proposal, which resulted in the current proposal to rezone 12 lots. This was amended to account for potential traffic impacts, biodiversity impacts, and due consideration for flooding impacts on the site, resulting from the recent adoption and subsequent mapping controls applied by the *Moama Flood Risk Management Study & Plan 2025 (FRMS&P)*.

A full detailed list of all the required changes can be found in **Appendix 5, Table 5** to this report, which shows the changes requested by internal and external authorities regarding the subject site throughout the planning process.

Since the applicant has amended the proposal and provided all the necessary information, this proposal has been allowed to proceed to this stage.

STATUTORY ASSESSMENT PROCESS

To facilitate the implementation of the Planning Proposal to vary the LEP provisions to change the zoning of the site and to override the minimum lot requirements, an amendment is required to be made by the local plan-making authority under the *Environmental Planning & Assessment Act 1979*.

This will involve an amendment to the following LEP Maps:

- Land Zoning Map – Sheet LZN_006B
- Lot Size Map – Sheet LSZ_006B

Additional legislative implications are not envisioned by the Planning Proposal.

DISCUSSION AND REVIEW:

The Planning Proposal to change the current land zone and minimum size is to be reviewed against the following planning instruments applying to the site and development:

- Riverina Murray Regional Plan 2041
- Murray River Council Local Strategic Planning Statement 2020 – 2040

- Murray River Council Local Housing Strategy 2023 (Draft)
- Moama Flood Risk Management Study & Plan (FRMS&P) 2025

RIVERINA MURRAY REGIONAL PLAN 2041

The Riverina Murray Regional Plan 2041 provides a 20-year strategic planning framework to guide decision-making and development in the Riverina Murray region. It provides eighteen (18) objectives to achieve the strategic vision for the region. The proposal is to be reviewed against the relevant provisions of the Regional Plan.

As shown in **Attachment 1, Table 1,** a full assessment against the 18 objectives and relevant provisions demonstrates that the Planning Proposal is consistent with the Riverina Murray Regional Plan 2041.

MURRAY RIVER COUNCIL LOCAL STRATEGIC PLANNING STATEMENT 2020 – 2040

The *Murray River Council Local Strategic Planning Statement 2020 – 2040* (LSPS) sets out the 20-year vision for land use planning in the Murray River Council LGA. It outlines how the Council will manage growth and change to maintain the high levels of environmental amenity, liveability and landscape quality that characterise the local government area LGA. The Planning Proposal is to be reviewed against the applicable planning priorities identified within the LSPS.

As shown in **Appendix 2, Table 2** a full assessment against the relevant provisions of the LSPS demonstrates that the Planning Proposal is consistent with the Murray River Council Local Strategic Planning Statement 2020 – 2040.

MURRAY RIVER COUNCIL LOCAL HOUSING STRATEGY 2023 (DRAFT)

The Murray River Council Local Housing Strategy (LHS) Draft 2023 provides a guide for future growth and development of the LGA. The Murray River Local Housing Strategy Draft 2023 (the Strategy) was endorsed by Council in November 2023. However, this strategy was not adopted by the Department of Planning, Housing and Infrastructure (DPHI). Subsequently, the Strategy is currently undergoing revision and is expected to be finalised by early 2026 with adoption via the DPHI.

Given that the Planning Proposal is being submitted at this stage, the proposal has been assessed against the provisions of the existing Draft 2023 Strategy, which outlines key factors influencing housing supply and demand across the Murray River Council area. The Draft 2023 Strategy also provides a 20-year implementation plan for land activation and housing delivery on a town-by-town basis.

An assessment of the proposal against the relevant provisions of the Draft 2023 Strategy is presented in **Appendix 3, Table 3** at the end of this report.

The proposal is deemed to comply with the 10 Key Housing Challenges of the Murray River Local Housing Strategy 2023 (Draft). Part 2 of the LHS relates to The Right Place and the Right Time and seeks to implement the 10 key challenges at the local levels. In this regard, the subject site is identified in the preferred sequence and yield figure for urban land. The minimum lot specified ranges from 0-2,000m2.

Further, Part 2 of the LHS Draft implementation Plan provides Place-Based Initiatives at the local level. **Appendix 4, Table 4** provides a review of the Planning Proposal against the Place-Based Initiatives for the Moama Locality.

As shown in **Appendix 3** and **Appendix 4**, the Planning Proposal is consistent with the Murray River Council Local Housing Strategy 2023 (Draft).

MOAMA FLOOD RISK MANAGEMENT STUDY & PLAN (FRMS&P) 2025

The Moama FRMS&P sets out the assessment and recommendation guidelines for various mitigation options relating to flooding risk, including physical works, development controls and flood warning systems. It also provides important intelligence for responding agencies. The Flood Planning Constraint Categories (FPCCs) contained within the Moama FRMS&P comprises four separate categories that identify constraints within a certain area, as well as noting the land use implications of these constraints, and acknowledging appropriate development supported under each one of these four (4) control types.

The majority of the site area does not contain FPCC1 and FPCC2 areas (higher risk flooding areas) of the Moama FRMS&P mapped area. However, it is noted that two (2) lots at Lot 8 DP284349 (13 Charters Drive, Moama) and Lot 9 DP284349 (14 Charters Drive, Moama) both contain a small portion of FPCC2 mapping on the southernmost boundary. Given the small section of FPCC2 resulting from GIS analysis used to define the extent of the FPCC categories, and the overall distance from the majority of the mapped flood hazard area, the small FPCC2 section is of minor significance regarding the overall planning proposal. This has been determined with consideration for Direction 4.1 (Flooding) of the Local Planning Directions, and the overall impact resulting from the Planning Proposal.

Therefore, the proposal is consistent provided that any future DA and master plan / subdivision excludes any residential development footprint for a residential dwelling from the FPCC2 portion of the site. Where necessary, any future DA will also need to consider appropriate flood control standards and be built to an appropriate Flood Planning Levels (FPL) where required, by way of DA consent conditions.

Additionally, the adopted Moama FRMS&P also proposes the inclusion of a possible Tindara Flood Levee, which could potentially assist to mitigate any future flood impacts on land south of the subject site, inclusive of the two lots with FPCC2 area mentioned above. Noting the Tindara Flood Levee has yet to be approved for construction.

The Planning Proposal is therefore consistent with the Murray River Council, Moama Flood Risk Management Study & Plan (FRMS&P) 2025.

CONCLUSION

Following a comprehensive assessment, by way of the scoping report review, former Planning Proposal review, subsequent alterations, as well as the below assessment of the Planning Proposal submitted in July 2025, the proposal presents opportunities for residential development and provides sufficient strategic justification to be consistent with the *Riverina Murray Regional Plan 2041*, the *River Council Local Strategic Planning Statement 2020–2040*, the *Murray River Local Housing Strategy 2023 (Draft)*, and *the Moama Flood Risk Management Study & Plan 2025*.

In reviewing the Planning Proposal against the local planning context, the existing site conditions, and the strategic merits applicable to the premises and proposal, it is considered that there are sufficient grounds to endorse the Planning Proposal application to enable a Gateway Determination by the Department of Planning, Housing and Infrastructure (DPHI) for the proposal to:

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• Amend the Murray Local Environmental Plan 2011 to vary the R5 – Large Lot residential Zone for Lots 4-9, DP284349 and Lots 2-7, DP285484 to the proposed R1 – General Residential Zone; and,

• Override the minimum lot size for Lots 4-9, DP284349 and Lots 2-7, DP285484 from 4,000m2 to a minimum lot size of 750m2.

Whilst the proposal results in changes to the site, zoning and reductions in minimum lot sizes, the variations proposed are not considered to introduce new impacts with potency that detract from the existing built form of the locality. The proposed minimum lot size reduction is considered to present a suitable intensification of residential lot density that is a housing product desired in Moama and consistent with the short-term sequential release mapping in the current LHS.

The Proposal aligns with existing strategic outcomes of the Murray Shire Strategic Land Use Plan, the Murray River Council Local Housing Strategy and in consistent with all overarching local and regional strategic plans, guidelines, and assessment criteria.

Public exhibition has not been undertaken for this proposal but will be required as part of the Planning Proposal submission, following the Gateway Determination.

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APPENDICES

APPENDIX 1

Table 1: Assessment of the proposal against the Riverina Murray Regional Plan 2041

Parts	Relevant Provisions	Assessment	Comments
Part 1: Environment			
OBJECTIVE 1: *Protect, connect and enhance biodiversity throughout the region*	*Strategy 1.1*	Consistent. To Comply at DA stage.	Part 1 of the Regional Plan provides objectives to deliver positive environmental outcomes. The site is not mapped as containing biodiversity values and is predominantly clear of native vegetation following a review of the Biodiversity Values Map and Threshold Tool and the Spatial Viewer mapping. Any future DA and master plan / subdivision for the site must consider its impact on any biodiversity values. However, given the likely development potential that can be achieved it is unlikely to have any impact on any native vegetation or require any clearance. The historic use of the site also demonstrates that the site has previously been disturbed and assessed for any high biodiversity values.
OBJECTIVE 2: *Manage development impacts within riverine environments*	*Strategy 2.1*	Consistent. To comply at DA stage.	Complies with Objective 2 and its actions. Future infill development on the subject site is not expected to adversely affect the functions of Riverine environments, other than possible stormwater being captured offsite in an existing storm water retention basin on Charters Drive, Holmfield Court, and Perricoota Road. Any future DA and master plan / subdivision for the site should manage impacts within the riverine environment by implementing mitigative measures to limit erosion and sediment runoff into the Murray River waterbody and for dust generation, where required.
OBJECTIVE 3: *Increase natural hazard resilience*	*Strategy 3.1*	Consistent. To comply at DA stage.	Complies with Objective 3 and Part 1 of the Regional Plan, subject to compliance at the DA and master plan / subdivision stage. The site is mapped as containing some bushfire and flood hazard area, these are minor in significance pursuant to the Spatial Viewer mapping tool, and the below assessment: **Bushfire:** Although there are some lots affected by Bushfire Prone Land in the Planning Proposal, the bushfire prone land (Vegetation Category 1) is suitable provided any future DA prepares and refers a Bush Fire Risk Assessment to the NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997. Where required, any future development will be constructed in accordance with the requirements of Planning for Bushfire Protection 2019. This will include, amongst other things, the establishment of Asset Protection Zones and minimum construction standards by way of planning permit conditions. **Flooding:** Two (2) lots at Lot 8 DP284349 (13 Charters Drive, Moama) and Lot 9 DP284349 (14 Charters Drive, Moama) both contain a small portion of FPCC2 mapping on the southernmost boundary. Given the small section of FPCC2 resulting from GIS analysis used to define the extent of the FPCC categories, and the overall distance from the majority of the mapped flood hazard area, the small FPCC2 section is of minor

Commented [LT1]: The assessment must be based o documentation submitted and must clearly articulate h the proposal is consistent or inconsistent with relevant requirements. Reliance on future compliance at the Development Application (DA) stage is not acceptable, separate assessment will be undertaken at that stage b on the information available at the time. - this commen applies to the entire table.

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			significance regarding the overall planning proposal. This has been determined with consideration for Direction 4.1 (Flooding) of the Local Planning Directions, and the overall impact resulting from the Planning Proposal. Therefore, the proposal is consistent provided that any future DA and master plan / subdivision does not include a residential dwelling footprint over any FPCC2 area and applies appropriate Flood Planning Level (FPL) planning permit conditions, where required. Flood Control Standards are advised to be appropriately adhered to also.
Part 2: Communities and places			
OBJECTIVE 4: *Support Aboriginal aspirations through land use planning.*	*Strategy 4.1*	Consistent.	Complies with Objective 4. Following a review of the Aboriginal Heritage Information Management System (AHIMS), known Aboriginal sites or places are not recorded in or near the subject site location within a 200m radius. Noting, two (2) aboriginal sites have been identified within a 1km radius of the site, well outside of the Planning Proposal area.
OBJECTIVE 5: *Ensure housing supply, diversity, affordability and resilience.*	*Strategy 5.1*	Consistent.	The proposal to rezone and provide minimum lot sizes from 4,000m2 to 750m2 can contribute to housing supply through higher yield. Housing affordability can be improved by contributing to supply and housing diversity can be achieved by different lot sizes which enables a wide range of housing typologies. Subsequently, the proposal complies by demonstrated planning need for the proposed lot sizes.
	Strategy 5.2	Consistent.	The lodgment material has considered local affordable housing needs and has demonstrated this via the Planning Proposal. There has been mention of affordable housing on smaller lots, which the proposal for rezoning could provide for. Additionally, R1 - General Residential Zone is appropriate zoning for affordable housing within the subject site area.
	Strategy 5.3	Consistent. To comply at DA stage.	Minor constraints and hazards have been identified for the site. However, it is noted that the proposal involves rezoning previously habitable land, currently used for existing residential purposes. Further, the proposal is approximately 400m northeast of Perricoota Road. The proposal demonstrates the minimisation of land use conflicts with surrounding land uses via rezoning and lot size alterations and clearly demonstrates consistency with how it protects and enhances the local character of the area. The proposal is consistent with existing infrastructure also. Any future DA and master plan / subdivision will need to consider this also.
OBJECTIVE 6: *Support housing in regional cities and their sub-regions*	*Strategy 6.1*	Consistent.	Moama is considered as a sub-region, not a city, and the subject site clearly demonstrates appropriate planning need in the context of the Moama township. The proposal is in an area central to the Moama township and will provide for some smaller block sizes to be developed in this location, without significant planning or environmental impacts.
OBJECTIVE 7: *Provide for appropriate rural Residential development*	*Strategy 7.1*	Not applicable.	Not applicable in this regard, the proposal does not relate to rural zoned land. Additionally, the Planning Proposal seeks to override the current LEP provisions from R5 to R1 zoned land.
OBJECTIVE 8: *Provide for short-term accommodation*	*Strategy 8.1*	Not applicable.	Not applicable, the proposal seeks to rezone the land for residential dwelling use.
	Strategy 8.2	Not applicable.	-
OBJECTIVE 9:	*Strategy 9.1*	Consistent.	The Planning Proposal relates to residential infill of an existing residential estate. The proposed rezoning is not expected to adversely affect the character of this area given the very limited lot yield expected to be created.

Plan for resilient places that respect local character			Furthermore, most of the new lots that could be created by way of any future DA as a result of this rezoning are located at the fringe of Layfield Downs Estate and will not be visually seen from Perricoota Road. As such, it is considered that the proposal can plan for resilient places that are consistent with the local character.
	Strategy 9.2	Consistent. To comply at DA stage.	Any future masterplan as part of a DA is to include areas for recreation or public open space opportunities, as well as demonstration of integration with the adjoining urban areas to create communities that are well connected. Further, consideration can be given to water sensitive design and stormwater management as part of the future master plan / subdivision for the site.
	Strategy 9.3	Not applicable.	-
	Strategy 9.4	Consistent. To comply at DA stage.	Retention of existing vegetation and enhancement of the streetscape through planting can be addressed at any DA and master plan / subdivision stage. However, biodiversity values must be assessed in accordance with the *Biodiversity Conservation Act 2016*.
	Strategy 9.5	Not applicable.	-
	Strategy 9.6	Not applicable.	-
	Strategy 9.7	Not applicable.	-
OBJECTIVE 10: *Improve connections between Murray River communities*	*Strategy 10.1*	Not applicable.	-
	Strategy 10.2	Not applicable.	-
OBJECTIVE 11: *Plan for integrated and resilient utility infrastructure*	*Strategy 11.1*	Consistent. To comply at DA stage.	The Planning Proposal is consistent with this objective and specifically Strategy 11.1 as it seeks to focus infill development and utilise existing infrastructure that has capacity to facilitate the additional connection to services. In addition, there is ample capacity within the existing infrastructure to accommodate any expected development that may be achieved as a result of this Planning Proposal. However, this will also require assessment at any DA and master plan / subdivision stage if providing further subdivision.
	Strategy 11.2	Consistent. To comply at DA stage.	The proponent is to provide supporting materials as part of any DA and master plan / subdivision to demonstrate the following: • water supply and quality issues and opportunities throughout the planning process in the context of climate variability and change, planned growth, integrated water cycle management (or equivalent), and water sensitive urban design and environmental needs. • proposals minimisation of impacts on water, including downstream impacts and groundwater resources.
Part 3: Economy			
OBJECTIVE 12: *Strategically plan for*	*Strategy 12.1*	Not applicable.	Not applicable in this regard, the proposal does not relate to rural industries.

rural industries	*Strategy 12.2*	Not applicable.	-
	Strategy 12.3	Not applicable.	-
OBJECTIVE 13: *Support the transition to net zero by 2050*	*Strategy 13.1*	Not applicable.	-
	Strategy 13.2	Not applicable.	-
OBJECTIVE 14: *Protecting and promoting industrial and manufacturing land*	*Strategy 14.1*	Not applicable.	Not applicable in this regard, the proposal does not relate to industrial or manufacturing land.
	Strategy 14.2	Not applicable.	-
	Strategy 14.3	Not applicable.	-
OBJECTIVE 15: *Support the economic vitality of CBDs and main streets*	*Strategy 15.1*	Not applicable.	Not applicable in this regard, the proposal is not contained within a CBD or main street setting.
	Strategy 15.2	Not applicable.	-
	Strategy 15.3	Not applicable.	-
OBJECTIVE 16: *Support the visitor economy*	*Strategy 16.1*	Consistent.	The proposal to rezone the site to R5 and R1 can indirectly support the visitor economy by improvising liveability within the area attracting regional and state migration. Migrants can attract visitors which can further support the visitor economy.
	Strategy 16.2	Not applicable.	-
OBJECTIVE 17: *Strategically plan for health and education precincts*	*Strategy 17.1*	Not applicable.	Not applicable in this regard, the proposal does not relate to health and education precincts.
	Strategy 17.2	Not applicable.	-
	Strategy 17.3	Not applicable.	-
OBJECTIVE 18: *Integrate transport and land use planning*	*Strategy 18.1*	Consistent. To comply at DA stage.	At a local level, the Planning Proposal is consistent with this objective as it utilises and consolidates existing infrastructure. As a result of the Planning Proposal, no upgrades to road intersections will be required, given only a small number of additional lots could be created. However, if any additional subdivision is required then this will be assessed as part of any DA and master plan / subdivision submission.

	Strategy 18.2	Consistent. To comply at DA stage.	A Traffic Impact Assessment (TIA) may also be required and consultation with Transport for NSW undertaken to assess impacts on road corridors and future bypass opportunities. Also, if any additional subdivision is required then this will be assessed as part of any DA and master plan / subdivision submission.
	Strategy 18.3	Consistent. To comply at DA stage.	There is opportunity for the proponent to plan and design streets that priorities walking, cycling and public transport where possible that demonstrate established connected and accessible green walking and cycling networks. Also, if any additional subdivision is required then this will be assessed as part of any DA and master plan / subdivision submission.
	Strategy 18.4	Consistent. To comply at DA stage.	The supporting TIA is to demonstrate non-worsening outcomes on supply chains, freight corridors and logistics facilities given the sites proximity to Cobb Highway as well impacts on the future community to the site proximity with regards to noise and emissions. Also, if any additional subdivision is required then this will be assessed as part of any DA and master plan / subdivision submission.
	Strategy 18.5	Not applicable.	-
	Strategy 18.6	Not applicable.	-

APPENDIX 2

Table 2: Assessment of the proposal against the Murray River Local Strategic Planning Statement 2020-2040

Themes	Relevant Provisions	Assessment	Comments
Part 1: Environment			
***THEME 1** - A ROBUST, GROWING AND INNOVATIVE ECONOMY*	*Priority 1 – Grow, strengthen and sustain agriculture*	Not applicable.	The proposal seeks to facilitate the rezoning of an existing R5 Large Lot Residential Zoned site into R1 General Residential Zone, therefore no agricultural land will be impacted.
	Priority 2 – Grow and strengthen tourism	Not applicable.	Matters of relevance not identified for the proposal. However, the proposal to facilitate rural residential development with appropriate zoning and lot sizes can indirectly contribute to growing and strengthening tourism by attracting purchasers from different geographic locations, which in turn warrants visitors to the area. Alteration to the proposed zoning and lot size changes is considered appropriate.
	Priority 3 – Create an 'open-for-business' identity	Not applicable.	Matters of relevance not identified for the proposal. However, the proposal to facilitate rural residential development with appropriate zoning and lot sizes can indirectly contribute to growing and strengthening the 'open for business' identity, by way of increasing the population that contributes to the local economy.
***THEME 2** - LIVEABLE COMMUNITIES WITH SOCIAL CAPITAL*	*Priority 4 – Housing growth, supply and density*	Consistent.	As per the Draft Housing Strategy (2023), the proposed site has not been identified as an area for future R1 rezoning, instead it has been shown as R5 zoning. Since 2023, the area surrounding the proposal has been rezoned to R1. Therefore, it is noted that the proposal is in keeping with the existing and future proposed growth of the Moama township. The site is wholly contained within urban growth area for Moama. The proposal is also considered appropriate for increased yield as a result, and therefore R1 zoning has been deemed appropriate. The Planning Proposal is consistent with the theme.
	Priority 5 – Recreation and open space	Consistent. To comply at DA stage.	Not directly applicable in this regard, the Planning Proposal relates to land rezoning for future residential. There is an opportunity to incorporate practical, connected, and engaging open space through the master planning / subdivision process within any future DA, in response to identifying community needs. Or, by way of any DA that demonstrates clear justification as to how existing open spaces in the locality sufficiently meet the recreational and social needs of the community.

	Priority 6 – Servicing and utility infrastructure	Consistent. To comply at DA stage.	At any DA stage that proposes subdivision via a master plan, a servicing strategy must be provided to demonstrate how water, sewer, and other infrastructure will support future development.
***THEME 3** – ENVIRONMENT, HERITAGE AND CLIMATE CHANGE*	*Priority 7 - Identify and protect environmental values*	Consistent. To comply at DA stage.	Consistent, however any future DA and master plan / subdivision will need to address any concern raised in Appendix 1, Table 1, Part 1: Environment, Objective 1.1 response above.
	Priority 8- Celebrate culture and heritage	Consistent.	Consistent, however any future DA and master plan / subdivision will need to address any concern raised in Appendix 1, Table 1, Part 2: Communities and places, Objective 4.1 response above.
	Priority 9 - Climate change and natural hazards	Consistent. To comply at DA stage.	Consistent, however any future DA and master plan / subdivision will need to address any concern raised in Appendix 1, Table 1, Part 1: Environment, Objective 3.1 response above.

APPENDIX 3

Table 3: Assessment of the proposal against the 10 Key Housing Challenges of the Murray River Local Housing Strategy 2023 (Draft)

Relevant Provisions	Assessment	Comments
1.1 The Housing Challenge		
1.1.1 Ensure adequate land supply in the right locations and the right time	Consistent.	The proposal seeks to provide additional residential land in an area that is currently surrounded by R1 – General Residential Zoned land and is consistent with the Murray River Local Housing Strategy (2023) and the Moama and District Rural Residential Strategy (2017). See Appendix 4, Table 4 for additional information.
1.1.2 Promote housing diversity and affordability	Consistent.	The immediate surround land uses include R2 – Low Density Residential & R5 - Large Lot Residential to the south, some existing R1 – General Residential Zone land north, east and west, as well as some PCE – Public Recreation zoned land to the southeast. The proposed rezoning is in keeping with the R1 area to the north, and is for a smaller portion of R1 land that does not take away from the R5 zoned land, which provides a different residential typology contributing to housing diversity.
1.1.3 Reinforce commercial centres	Not applicable.	The subject area is not in or close to a commercial centre. It is approximately 1.5km from the Moama commercial centre along Meninya Street. Regarding any future DA and master plan, the proponent is to have regard for a certain level of convenience goods and services, such as neighbourhood shops, cafes and service stations in a manor which does not undermine the viability of the existing centres.
1.1.4 Protect settlement character	Not applicable.	The Planning Proposal is generally consistent with the established residential character observed on the north, west and east of the premises. As such, the proposal is considered to comply by maintaining the settlement character of the immediate and surrounding areas.
1.1.5 Conserve primary industry land	Not applicable.	The subject site does not contain land under this proposal currently being used for agricultural purposes and is considered for the logical area for the Moama township to grow. No further justification is required to confirm that the proposal does not compromise primary industry land.
1.1.6 Conserve environmental assets	Consistent. To comply at DA stage.	Consistent, however any future DA and master plan / subdivision will need to address any concern raised in Appendix 1, Table 1, Part 1: Environment, Objective 1.1 response above.
1.1.7 Ensure development is sustainable	Consistent. To comply at DA stage.	The proponent is to demonstrate consideration for the core principles of sustainability during any DA and master planning stage.
1.1.8 Maintain efficient services	Consistent. To comply at DA stage.	The subject site is located adjacent to an established residential area, with reticulated infrastructure available in close proximity. However, as part of any DA and master plan, it is necessary to provide a clear justification for how infrastructure services will be managed, particularly in consideration of any further subdivision of lots to the south of the subject site, which is currently zoned R5 – Large Lot Residential.
1.1.9 Consolidate urban centres	Consistent.	As per the Draft Housing Strategy (2023), the subject site is wholly contained within the urban growth boundaries. As such, the proposal is considered to comply with Key Issue 9.
1.1.10 Avoid natural hazards	Consistent. To comply at DA stage.	Consistent, however any future DA and master plan / subdivision will need to address any concern raised in Appendix 1, Table 1, Part 1: Environment, Objective 3.1 response above.

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APPENDIX 4

Table 4: Place-Based Initiatives Review

Place-Based Initiatives Moama		
Initiatives	**Methods**	**Assessment Response**
• Introduce a long term placebased plan to guide local works and services including water and sewer upgrades to ensure that these are paced with development	Engage in a catchment-based planning approach that covers the whole urban area, but also which addresses logical staging within each water and sewer subcatchment which may include a longerterm approach out to the urban boundary area.	Can comply. Any future DA and master plan / subdivision over the site is to consider local works and services including water and sewer upgrades and to understand and characterise the community.
• Establish a confirmed and detailed urban growth boundary around Moama. This should accommodate the potential future rezoning areas as shown in the report and consideration of other land uses including commercial and industrial land together with any associated rezonings..	Implement as an overlay through an LEP amendment as part of the consolidated instrument. Consider including rural residential and rural smallholding areas.	As per the Draft Housing Strategy (2023), the proposed site has not been identified as an area for future R1 rezoning, instead it has been shown as R5 zoning. Since 2023, the area surrounding the proposal has been rezoned to R1. Therefore, it is noted that the proposal is in keeping with the existing and future proposed growth of the Moama township. The site is wholly contained within urban growth area for Moama. The proposal is also considered appropriate for increased yield as a result, and therefore R1 zoning has been deemed appropriate.
• Within an overall place-based approach to planning for Moama, introduce a precinctbased model at a smaller spatial scale, hubbed around walkable neighbourhood centres or boutique commercial destinations , which can also be nodes for housing diversity areas.	Engage in broad-based community collaboration in establishing the theme and character of new precincts as well as identifying existing and valued character of current developed areas.	Can comply. The Applicant can engage with the broader community as part of any future DA and master plan / subdivision to establish theme and character requirements as required by the Council.
• Avoid rezoning additional residential lands, except for some intensification areas in the existing town area.	Ensure effective use of the residential land monitor to guide decisions regarding future land zonings.	The proposal is to rezone an area of existing R5 Large Lot Residential Zone to an R1 General Residential Zone, which is currently bounded by existing R1 zoned land (post-2023). Weighing the proposal up with the surrounding area, and context for intensification, the proposal provides for appropriate residential intensification opportunities within the existing Moama township with due consideration to the Local Housing Strategy, and future growth.

• Work with Echuca on an integrated planning approach	Look to the total offering of land across the twin towns and recognise where one has a natural advantage over the other.	Can comply. The site is identified in the preferred sequencing and yields figure and is within the urban growth area for Moama, aligning with Echuca's anticipated growth as much as possible.

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APPENDIX 5

Table 5: Authority Referral Comments and Required Changes

Date & Referral Authority	Referral Comments & Required Changes
09/07/2024 – (BCS) DCCEEW	Department of Climate Change, Energy, the Environment and Water Our ref: DOC24/548192 John Guilfoyle Placemaking Officer Murray River Council Via email: jguilfoyle@murrayriver.nsw.gov.au Dear John **Subject: Planning Proposal Scoping Report - Layfield Downs Estate Moama** Thank you for your referral, dated 9 July 2024, seeking advice from the Biodiversity, Conservation and Science Group (BCS) of the NSW Department of Climate Change, Energy, the Environment and Water. BCS has statutory responsibilities relating to biodiversity and flood risk management. We have reviewed the proposal and provide the following advice, further detailed in **Attachment A**. **Flood Risk Management** The subject site is subject to riverine flooding and may also be subject to flooding from major overland flows that result from intense local rainfall events. BCS recommends this proposal incorporate the results of the Moama Riverine Flood Risk Management Study and Plan and the Moama Major Overland Flow Flood Study that is currently underway. This will assist in determining if this proposal is commensurate with the flood risks. **Biodiversity** The 'community lot' area is likely to contain significant biodiversity values. BCS does not support the proposed changes to the community lot. We recommend this area is either excluded from the proposal or rezoned to an appropriate non-residential zone. The extent of biodiversity values across the rest of the site is not clear. Therefore, the potential biodiversity impacts of the proposal are also unclear. BCS recommends the proposal be supported by a biodiversity assessment to address these issues. We can advise on the proposed scope and methodology for the biodiversity assessment as required. Thank you for the opportunity to provide early input into this proposal. If you have any questions about this advice, please contact Claire Coulson, Senior Conservation Planning Officer, via planning.southwest@environment.nsw.gov.au or 02 6022 0636. Yours sincerely Andrew Fisher 8 August 2024 **Senior Team Leader – Planning, South West** **Biodiversity, Conservation and Science Group** **NSW Department of Climate Change, Energy, the Environment and Water** ATTACHMENT A - Detailed advice on Planning Proposal Scoping Report - Layfield Downs Estate Moama planning.southwest@environment.nsw.gov.au | dpie.nsw.gov.au | 1

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ATTACHMENT A Detailed comments on Planning Proposal Scoping Report - Layfield Downs Estate Moama

BCS has reviewed the supplied information against the Local Environmental Plan Making Guideline (LEP Guideline), which provides guidance for determining the appropriate level of assessment for a planning proposal.

Should this proposal proceed to Gateway Determination, Council will be supporting the proposal's strategic and site-specific merit, so all risks and opportunities should be considered. Gateway Determination may require consultation with BCS on biodiversity and flood impacts.

Flood Risk Management

Any future planning proposal must address the NSW Local Planning Direction – 4.1 Flooding. This Direction requires planning proposals that concern flood prone land to be consistent with:

- the *NSW Flood Prone Land Policy*,
- the principles of the *Flood Risk Management Manual (2023)*,
- the *Considering flooding in land use planning guideline (2021)*, and
- any floodplain risk management study or plan that has been developed and adopted by Council for that land.

The recently completed Echuca-Moama (Riverine) Flood Study (2024) identified that parts of this site are subject to flooding in the 1% Annual Exceedance Probability event. This is due to a breakout from the Murray River originating near the Tindarra Resort during major riverine events.

Further, the riverine probable maximum flood (PMF), or extreme flood event, covers this entire site. Therefore Clause 5.22 of the Murray LEP 'Special Flood Considerations' applies. According to Direction 4.1, in areas between the flood planning area (FPA) and PMF where Special Flood Considerations apply, a planning proposal must not contain provisions that:

- permit development in floodway areas,
- permit development that will result in significant flood impacts to other properties, or
- permit a significant increase in the dwelling density of that land.

BCS considers it will be difficult for this proposal to demonstrate consistency with the riverine flood study, as required by Direction 4.1, as the flood study only identifies the flood risks and does not assess anticipated future development.

The Moama (Riverine) Flood Risk Management Study and Plan (FRMS&P) (in prep.) will assess the flood risks and develop measures to manage them. This includes defining a new riverine FPA. The riverine FPA, due for completion later this year, will likely encompass much of this site.

The riverine FRMS&P should incorporate all anticipated future development and land uses to determine their appropriateness given the identified flood risks.

Council have also initiated a Major Overland Flow Flood Study for Moama. This will define the flood risks associated with local catchment flooding resulting from local intense rainfall events. This site may also be subject to this mechanism of flooding.

12

Flood Recommendations

BCS recommends that:

1. this proposal is incorporated into the riverine FRMS&P project to assist in determining if it is commensurate to the flood risks and hence acceptable to the community.
2. that the riverine FRMS&P and Major Overland Flow Flood Study are completed before finalising this planning proposal, to ensure all potential flooding mechanisms are considered and appropriately assessed.

   Alternatively, Direction 4.1 allows for a stand-alone Flood Impact and Risk Assessment (FIRA) to be completed to support a proposal. This is not a preferred option of BCS since the studies already in preparation will provide an appropriate mechanism for completing this assessment in a holistic and strategic manner.

Biodiversity

The LEP Guideline provides guidance for determining the appropriate level of assessment for a planning proposal. Attachment C of the Guideline indicates the level of technical biodiversity information that may be required, based on a proposal's level of complexity.

It is difficult to determine the full extent of biodiversity values across the site based on the limited desktop analysis provided in the Scoping Report (Habitat Planning June 2024).

The two Plant Community Types (PCTs) mapped on-site are associated with endangered or critically endangered ecological communities. Most of the mapped vegetation is within the 'community lot' area. Given this BCS does not support the rezoning and minimum lot size changes to the community lot. We acknowledge development potential here may already be limited by the 'community lot' status.

These PCTs may also extend into roadsides and private lots. Particularly in the area between Charters Drive and Lignum Road. In addition, the established gardens may include vegetation that meets the definition of native vegetation (Part 5A section 60B of the *Local Land Services Act 2013*).

Collectively, these areas are likely to provide habitat and connectivity for threatened species. The anticipated future infill development across the site may impact these values. Further detail is required to understand the extent of biodiversity across the site, and the potential impacts future development may have.

Biodiversity Recommendations

BCS recommends that:

3. the community lot is either excluded from the proposal or rezoned to an appropriate non-residential zone, such as a conservation zone, that better reflects the biodiversity values and flood risk in this part of the site, and limits future land uses accordingly.
4. a future planning proposal includes a biodiversity assessment. The assessment should:
   - map and describe the biodiversity values of the site, including habitat corridors beyond the site,
   - include ground truthing if relying on existing mapping.

13

- discuss the potential impacts of future development on identified biodiversity values,
- demonstrate how the proposal has taken appropriate steps, as a first step, to avoid or minimise impacts on biodiversity, and
- make recommendations to mitigate the identified impacts of rezoning.

Any biodiversity assessment must consider all potential clearing, including from ancillary developments such as new or upgraded service connections and asset protection zones.

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24/07/2024 – NSW Royal Fire Service (NSW RFS)

RFS

NSW

Murray River Council
PO Box 21
MATHOURA NSW 2710

Your reference: Dated 9/7/2024
Our reference: SPI20240711000126

ATTENTION: John Guilfoyle

Date: Wednesday 24 July 2024

Dear Sir/Madam,

Strategic Planning Instrument
Rezoning - Draft Proposal
The Planning Proposal Scoping Report seeks to rezone the subject land from R5 Large Lot Residential to R1 General Residential, as well as reduce the minimum lot size from 4,000m2 to 750m2.

I refer to your correspondence dated 09/07/2024 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

Based upon an assessment of the information provided, NSW RFS raises no objections to the proposed amendments, subject to a requirement that the future subdivision/development of the land, where it is mapped as Bush Fire Prone Land, complies with Planning for Bush Fire Protection 2019.

It is noted that the Bush Fire Prone Land Map does not appear to have been updated to incorporate grassland hazards.

For any queries regarding this correspondence, please contact David Webster on 1300 NSW RFS.

Yours sincerely,

Martha Dotter
Supervisor Development Assessment & Plan
Built & Natural Environment

1

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murray river council

29/07/2024 – Transport for NSW (TfNSW)	**Transport for NSW**

29 July 2024

TfNSW reference: STH24/00511
Your reference: Layfield Downs Estate Planning Proposal Scoping Report

Placemaking Officer
Murray River Council
By Email: jguilfoyle@murrayriver.nsw.gov.au

Attention: John Guilfoyle

LAYFIELD DOWNS ESTATE PLANNING PROPOSAL SCOPING REPORT

Dear John,

Transport for NSW (TfNSW) is responding to the Scoping Report referred on 24 June 2024.

TfNSW has reviewed the information and has no objections to the preparation of a subsequent Planning Proposal. Comments on the attached Scoping Report are set out in Attachment 1.

If you have any questions, please contact me on 0417 508 107 or email development.south@transport.nsw.gov.au.

Yours faithfully

Cam O'Kane
Case Officer, Development Services South

murray river council

Transport for NSW

NSW GOVERNMENT

Attachment 1

LAYFIELD DOWNS ESTATE PLANNING PROPOSAL SCOPING REPORT

Context

TfNSW notes:

- The subject site is located in the north-west suburbs of Moama, is remote from the classified road network, and relies on connection to local roads. The area is more commonly known as 'Layfield Downs Estate';
- Council is seeking advice from TfNSW on the scoping report which is consistent with NSW Department of Planning, Housing and Infrastructure's Local Environmental Plan Making Guideline;
- The proposal seeks the following:
  - To rezone the subject land from R5 Large Lot Residential to R1 General Residential, as well as reduce the minimum lot size of this area from 4,000m^2 to 750 m^2 to allow for small-scale infill development opportunities

  Proposed Land Zoning and Minimum Lot Size Maps are contained within **Attachment 2**;
- The submitted documentation includes a Scoping Report prepared by Habitat Planning dated June 2024;
- A desktop analysis indicates that the future development could accommodate for approximately 11 additional residential allotments;
- TfNSW notes that most of the traffic generated as a result of development applications lodged subsequent to this proposal will utilise the intersections of Perricoota Road with the Cobb Highway, which is a classified "state" road. This intersection is currently signalised and will not require upgrading as a result of the subsequent related applications.

Transport for NSW

Attachment 2

Figure 1 I Land Zoning Map (Existing)

Figure 2 I Land Zoning Map (Proposed)

Figure 3 I Lot Size Map (Existing)

Figure 4 I Lot Size Map (Proposed)