

Attachments

Under Separate Cover

19 August 2025

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Office of the General Manager

Adoption of Code of Conduct and Procedures

Code of Conduct 2022 (Under Separate Cover)

Meeting Date: 19 August 2025

Attachment No: 1

Number of Pages: 39

Code of Conduct

Date Adopted: 12 July 2022

Version: 17.0

Policy Objectives

The objective of this policy is to set the minimum standards of conduct for council officials, and to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439 of the Local Government Act 1993 (“LGA”))
- act in a way that enhances public confidence in local government.

Policy Scope

This policy applies to councillors, administrators, members of staff of Council, delegates of Council, Council contractors and volunteers.

Policy Statement

1. Introduction

Section 440 of the LGA requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. It is the personal responsibility of council officials to comply with the standards in this policy 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 LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with this code may give rise to disciplinary action.

2. Definitions

In this code the following terms have the following meanings:

LGA	The <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66

code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of Section B of this policy
committee	see the definition of "council committee"
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaint	see the definition of "code of conduct complaint"
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct	includes acts and omissions
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
Council	Maitland City Council
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the Council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police

ICAC investigator	the Independent Commission Against Corruption a conduct reviewer
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
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
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under Section B of this policy
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 <i>Local Government (General) Regulation 2005</i>
wholly advisory committee	a council committee that the council has not delegated any functions to

3. General Conduct Obligations

General conduct

- 3.1. You must not conduct yourself in a manner that:
 - a) is likely to bring the Council or other council officials into disrepute
 - b) is contrary to statutory requirements or the Council's administrative requirements and policies
 - c) Is improper or unethical
 - d) Is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2. You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439).
- 3.3. You must treat others with respect at all times.

Fairness and Equity

- 3.4. You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5. You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

- 3.6. An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.4 or 3.5.

Harassment and Discrimination

- 3.7. You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, age, race, carer's responsibilities, marital or domestic status, disability, homosexuality, transgender status, infectious disease, or political, religious or other affiliation.
- 3.8. For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

- 3.9. You must not engage in bullying behaviour towards others.
- 3.10. 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 group of persons and
 - b) the behaviour creates a risk to health and safety.
- 3.11. Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours
 - d) teasing, practical jokes or 'initiation ceremonies'
 - e) exclusion from work-related events
 - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g) displaying offensive material
 - h) pressure to behave in an inappropriate manner.
- 3.12. Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards

- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative process.

Work Health and Safety

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

Land use planning, development assessment and other regulatory functions

- 3.14. You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.15. 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 provide improper concessions or preferential or unduly unfavourable treatment.

Binding Caucus Votes

- 3.16. You must not participate in binding caucus votes in relation to matters to be considered at a Council or committee meeting.
- 3.17. For the purposes of clause 3.16, 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 the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.18. Clause 3.16 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a Council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.

- 3.19. Clause 3.16 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 the Council on an external body.

Obligations in relation to meetings

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

4. Pecuniary Interests

What is a pecuniary interest?

- 4.1. A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2. You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3. For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- a) your interest, or
 - b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4. For the purposes of clause 4.3:
- a) your “relative” is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

- ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
- b) "de facto partner" has the same meaning as defined in section 21C of the Interpretation Act 1987.

4.5. You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):

- a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
- b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
- c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

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

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

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

What disclosures must be made by a designated person?

- 4.8. Designated persons include:
- a) the general manager
 - b) other senior staff of the council for the purposes of section 332 of the LGA
 - c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest
 - d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.
- 4.9. A designated person:
- a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
 - b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10. A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has

in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

- 4.11. Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12. The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13. A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

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

What disclosures must be made by council advisers?

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

What disclosures must be made by a council committee member?

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

What disclosures must be made by a councillor?

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

Disclosure of interests in written returns

- 4.21. 4.21. A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the

councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:

- a. becoming a councillor or designated person, and
- b. 30 June of each year, and
- c. the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

- 4.22. A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
 - a. they made and lodged a return under that clause in the preceding 3 months, or
 - b. they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23. A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24. The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25. Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26. Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27. Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28. A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29. The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
 - a. at any time during which the matter is being considered or discussed by the council or committee, or
 - b. at any time during which the council or committee is voting on any question in relation to the matter
- 4.30. In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31. A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

- 4.32. A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- a. a member of, or in the employment of, a specified company or other body, or
 - b. a partner of, or in the employment of, a specified person.

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

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

to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

- 4.39. A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

5. Non-Pecuniary Conflicts of Interest

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

- 5.6. Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7. If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the

non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

- 5.8. How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9. As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a. a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b. other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c. an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d. membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e. a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f. the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10. Significant non-pecuniary conflicts of interest must be managed in one of two ways
 - a. by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b. if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11. If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12. If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be

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

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

Political donations

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

Loss of quorum as a result of compliance with this Part

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

- i. the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii. the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - b. the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
 - c. the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21. The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a. that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b. that it is in the interests of the electors for the area to do so.
- 5.22. Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.
- 5.23. Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person. Were the majority are excluded precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the NSW Local Government Act 1993, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.

Other business or employment

- 5.24. The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.25. A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.26. The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

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

Personal dealings with council

- 5.29. You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.30. You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. In particular, you must not:
 - a. Access council information for personal purposes
 - b. Undertake personal dealings with the council during work time, or
 - c. Approach council staff in staff only areas to discuss your personal dealings with the council.

You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

6. Personal Benefit

- 6.1. For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2. A reference to a gift or benefit in this Part does not include:
 - a. Items with a value of \$10 or less
 - b. a political donation for the purposes of the Electoral Funding Act 2018
 - c. a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them

- d. benefit or facility provided by the council to an employee
- e. attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
- f. free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i. the discussion of official business
 - ii. work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii. conferences
 - iv. council functions or events
 - v. social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

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

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

- 6.5. You must not:
 - a. seek or accept a bribe or other improper inducement
 - b. seek gifts or benefits of any kind
 - c. accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d. subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e. accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f. participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
 - g. personally benefit from reward points programs when purchasing on behalf of the council.

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

Gifts and benefits of token value

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

Gifts and benefits of more than token value

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

"Cash-like gifts"

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

Improper and undue influence

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

7. Relationships between council officials

Obligations of councillors and administrators

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

Obligations of staff

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

7.5. Members of staff of council must:

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

Obligations During Meetings

- 7.6. You must act in accordance with council's Code of Meeting Practice, and the Local Government (General) Regulation 2005 during council and committee meetings.
- 7.7. You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Obligations Outside of Meetings

- 7.8. All requests for information and approaches to staff by Councillors must be directed to the General Manager or a person nominated by the General Manager.
 - a. Only those senior officers nominated by the General Manager are authorised to provide advice to Councillors.
 - b. A senior officer has the discretion to refer any request for information to the General Manager.
 - c. It is within the discretion of the General Manager to require Councillors to make an appointment with a senior officer, to put a request in writing or to put it on notice to the Council to obtain detailed or otherwise time consuming information.

Inappropriate interactions

- 7.9. You must not engage in any of the following inappropriate interactions:
 - a. councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b. council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c. subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - d. councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - e. councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting

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

8. Access to Information and Council Resources

Councillor and administrator access to information

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain council information

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

Use and security of confidential information

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

Personal information

- 8.12. When dealing with personal information you must comply with:
- the *Privacy and Personal Information Protection Act 1998*
 - the *Health Records and Information Privacy Act 2002*
 - the Information Protection Principles and Health Privacy Principles
 - the council's privacy management plan
 - the Privacy Code of Practice for Local Government

Use of council resources

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

Internet access

- 8.20. You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.
- 8.21. You must not use social media to post comments, photos, sound recordings or other information that:
 - a. Compromises your capacity to perform your official duties in an unbiased manner
 - b. Has the potential to have a negative impact on your working relationships within the council or with external parties
 - c. Is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council

- d. Has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive
- e. Divulges confidential council information
- f. Breaches the privacy of other council officials or those that deal with council
- g. Contains allegations of suspected breaches of this code or information about the consideration of a matter under this code, or
- h. Could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.

Council record keeping

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

Councillor access to council buildings

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

9. Maintaining the Integrity of this Code

Complaints made for an improper purpose

- 9.1. You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2. For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
 - a. to bully, intimidate or harass another council official

- b. to damage another council official's reputation
- c. to obtain a political advantage
- d. to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
- e. to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- f. to avoid disciplinary action under the Procedures
- g. to take reprisal action against a person for making a complaint alleging a breach of this code
- h. to take reprisal action against a person for exercising a function prescribed under the Procedures
- i. to prevent or disrupt the effective administration of this code under the Procedures

Detrimental action

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

Compliance with requirements under the Procedures

- 9.6. You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7. You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8. You must comply with a practice ruling made by the Office under the Procedures.
- 9.9. Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

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

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

Complaints alleging a breach of this Part

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

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

Definitions

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

address means:

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

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

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

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, 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 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
- 4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

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

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$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 councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or

- c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
- d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
- e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
- g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

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

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:

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

Dispositions of real property

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

Sources of income

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

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- on the return date, and
 - at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- 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:
 - 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
 - the amounts to be paid exceeded, in the aggregate, \$500, or
 - the person was liable to pay the debt to a relative, or
 - 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
 - in the case of a debt arising from the supply of goods or services:
 - 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
 - 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
 - subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

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

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager 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 general manager 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 general manager, 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 general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information 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 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the 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 general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 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 pecuniary interests and other matters by [*full name of councillor or designated person*]

as at [*return date*]

in respect of the period from [*date*] to [*date*]

[*councillor's or designated person's signature*]

[*date*]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	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
Sources of income I received from an occupation at any time since 30 June

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

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June
Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June
Sources of other income I received at any time since 30 June
[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

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

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

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

H. Debts

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

I. Dispositions 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 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, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information 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 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

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

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

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

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

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

Special disclosure of pecuniary interests by [*full name of councillor*]

in the matter of [*insert name of environmental planning instrument*]

which is to be considered at a meeting of the [*name of council or council committee (as the case requires)*]

to be held on the day of 20 .

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 [<i>Tick or cross one box.</i>]	<input type="checkbox"/> 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). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [<i>Tick or cross one box</i>]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [<i>Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land</i>]	
Proposed change of zone/planning control [<i>Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land</i>]	
Effect of proposed change of zone/planning control on councillor or associated person [<i>Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"</i>]	

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

Councillor's signature

Date

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

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

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

Policy Administration

Business Group:	Office of the General Manager
Responsible officer:	Office Manager, Office of the General Manager
Council reference:	Ordinary Council Meeting – 24 November 2020
Policy review date:	Three (3) years from date of adoption
File number:	35/47 & 35/1
Relevant legislation	<ul style="list-style-type: none"> • Electoral Funding Act 2018 • Government Information (Public Access) Act 2009 • Local Government Act 1993 (NSW) • Local Government (General) Regulation 2005 (NSW) • State Records Act 1998 • Work Health and Safety Act 2011
Related documents	<ul style="list-style-type: none"> • Code of Meeting Practice • Designated Persons Duties of Disclosure Policy • Equity, Diversity and Respect Policy • Fraud and Corruption Prevention Policy • Public Interest Disclosures Internal Reporting Policy • Secondary Employment Protocol

Policy History

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1	13/2/1990	New Code of Conduct Guidelines
2	24/8/1993	Changes to Conflict of Interest
3	10/5/1994	New Model Code of Conduct
4	28/11/1995	Periodic Review
5	11/2/1997	Periodic Review
6	27/7/1999	Clarification regarding Conflict of Interest

7	25/2/2003	Revised according to ICAC Advice
8	30/11/2004	New Model Code of Conduct from DLG
9	26/8/2008	New DLG model code adopted
10	10/3/2009	Case studies and examples added.
11	8/3/2011	Addition of Information regarding reporting breaches of the Code and issuing of media releases. Removal of 'Model' from the title of the policy.
12	12/2/13	Policy reviewed in accordance with New Model Code of Conduct and procedures from DLG. Change to title.
13	26/04/16	Policy reviewed to incorporate the changes from the Office of Local Government's updated Model Code of Conduct.
14	14/08/18	Policy reviewed and amended to make appropriate adjustments (based on the Office of Local Government's Consultation Draft Model Code of Conduct October 2017)
15	09/04/19	Policy reviewed in accordance with New Model Code of Conduct and Procedures.
16	24/11/2020	Policy reviewed to include councillor disclosure of social media administration.
17	12/7/2022	Policy reviewed including increase in gift value from \$50 to \$100 and the removal of Part 5A provisions pertaining to the administrative interests of councillors in relation to social media pages and websites.

Office of the General Manager

Adoption of Code of Conduct and Procedures

Code of Conduct for Councillors (Under Separate Cover)

Meeting Date: 19 August 2025

Attachment No: 2

Number of Pages: 35

Code of Conduct for Councillors

Date Adopted: 19 August 2025

Version: 19.0

Policy Objectives

The objective of this policy is to set the minimum standards of conduct for council officials and to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439 of the Local Government Act 1993 ("LGA"))
- act in a way that enhances public confidence in local government.

Policy Scope

This policy 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 2005 ("the Regulation").

Policy Statement

Introduction

Section 440 of the LGA requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. It is the personal responsibility of council officials to comply with the standards in this policy and to regularly review their personal circumstances and conduct with this in mind.

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

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

1. General Conduct Obligations

General conduct

- 1.1. You must not conduct yourself in a manner that:
 - a) is likely to bring the Council or other council officials into disrepute
 - b) is contrary to statutory requirements or the Council's administrative requirements and policies
 - c) Is improper or unethical
 - d) Is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 1.2. You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439).
- 1.3. You must treat others with respect at all times.

Fairness and Equity

- 1.4. You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 1.5. 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.
- 1.6. An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 1.4 or 1.5.

Harassment and Discrimination

- 1.7. 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, infectious disease or political, religious or other affiliation.
- 1.8. 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

- 1.9. You must not engage in bullying behaviour towards others.
- 1.10. 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 group of persons and
 - b) the behaviour creates a risk to health and safety.

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

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

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

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

Work Health and Safety

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

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the Council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to Council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

1.14. 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.

1.15. 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 provide improper concessions or preferential or unduly unfavourable treatment.

Binding Caucus Votes

- 1.16. You must not participate in binding caucus votes in relation to matters to be considered at a Council or committee meeting.
- 1.17. For the purposes of clause 1.16, 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 the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 1.18. Clause 1.16 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a Council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 1.19. Clause 1.16 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 the Council on an external body.

Obligations in relation to meetings

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

What is a pecuniary interest?

- 2.1. 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 2.3.
- 2.2. 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 2.6.

- 2.3. 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.
- 2.4. For the purposes of clause 2.3:
- 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*.
- 2.5. You will not have a pecuniary interest in relation to a person referred to in subclauses 2.3(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?

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

is a member (but not a member of the committee) of the association, or is a partner of the partnership

- i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
- l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor
- o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

- 2.7. For the purposes of clause 2.6, “relative” has the same meaning as in clause 2.4, but includes your spouse or de facto partner.

What disclosures must be made by a Councillor?

- 2.8. A Councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 2.9, and
 - (b) must disclose pecuniary interests in accordance with clause 2.16 and comply with clause 2.15 where it is applicable.

Disclosure of interests in written returns

- 2.9. A councillor must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor’s 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) the 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).
- 2.10. A Councillors need not make and lodge a return under clause 2.20, paragraphs (a) and (b) if:
- a) they made and lodged a return under that clause in the preceding 3 months, or
 - b) they have ceased to be a councillor in the preceding 3 months.
- 2.11. A Councillor must not make and lodge a return that the Councillor knows or ought reasonably to know is false or misleading in a material particular.

- 2.12. The general manager must keep a register of returns required to be made and lodged with the general manager.
- 2.13. Returns required to be lodged with the general manager under clause 2.9(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 2.14. Returns required to be lodged with the general manager under clause 2.9(c) must be tabled at the next council meeting after the return is lodged.
- 2.15. Information contained in returns made and lodged under clause 2.9 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

- 2.16. A councillor who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 2.17. The councillor must not be present at, or in sight of, the meeting of the council or committee:
 - a) at any time during which the matter is being considered or discussed by the council or committee, or
 - b) at any time during which the council or committee is voting on any question in relation to the matter.
- 2.18. In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 2.16 and 2.17 where they participate in the meeting by telephone or other electronic means.
- 2.19. A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 2.20. A general notice may be given to the general manager in writing by a councillor to the effect that the councillor or the 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 the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 2.21. 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 the councillor or council committee member has an interest in the matter of a kind referred to in clause 2.6.
- 2.22. A councillor does not breach clauses 4.16 or 2.17 if the 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.
- 2.23. Despite clause 2.17, 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.
- 2.24. Clause 2.17 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 the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 2.3) in that person's principal place of residence, and
 - c) the councillor made a special disclosure under clause 2.25 in relation to the interest before the commencement of the meeting.
- 2.25. A special disclosure of a pecuniary interest made for the purposes of clause 2.24(c) must:
- a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 2.26. The Minister for Local Government may, conditionally or unconditionally, allow a councillor who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 2.27. A councillor with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 2.26, must still disclose the interest they have in the matter in accordance with clause 2.16.

3. Non-Pecuniary Conflicts of Interest

What is a non-pecuniary conflict of interest?

- 3.1. Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 2.1 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.
- 3.2. 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.
- 3.3. The personal or political views of a council official do not constitute a private interest for the purposes of clause 3.2.
- 3.4. 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.
- 3.5. 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

- 3.6. Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 3.2, 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.
- 3.7. 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 3.6.
- 3.8. How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 3.9. 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 2.1, 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 2.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 2.6) that is not a pecuniary interest for the purposes of clause 2.1
 - 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.
- 3.10. Significant non-pecuniary conflicts of interest must be managed in one of two ways:
 - a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 2.16 and 2.17.
- 3.11. 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.

- 3.12. Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

Political donations

- 3.13. 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.
- 3.14. 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 2.16 and 2.17. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 3.15. 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*
 - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 3.16. 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 3.9 and take the appropriate action to manage them.
- 3.17. Despite clause 3.14, 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

- 3.18. 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 the council’s area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council’s area, and
 - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person’s principal place of residence, and
 - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 3.6.
- 3.19. 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 council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.

- 3.20. Where the Minister exempts a councillor from complying with a requirement under this Part under clause 3.19, the councillor must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 3.6.
- 3.21. Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person. Were the majority are excluded precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the *NSW Local Government Act 1993*, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.

Personal dealings with council

- 3.22. 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.
- 3.23. You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. In particular, you must not:
- a) Access council information for personal purposes
 - b) Undertake personal dealings with the council during work time, or
 - c) Approach council staff in staff only areas to discuss your personal dealings with the council.
- You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

4. Personal Benefit

- 4.1. 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.
- 4.2. A reference to a gift or benefit in this Part does not include:
- a) Items with a value of \$10 or less
 - b) a political donation for the purposes of the *Electoral Funding Act 2018*
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) benefit or facility provided by the council to an employee
 - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

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

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

- 4.5. You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 4.6, accept any gift or benefit of more than token value as defined by clause 4.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 4.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 4.6. Where you receive a gift or benefit of any value other than one referred to in clause 4.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 4.7. Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

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

Gifts and benefits of more than token value

- 4.9. Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 4.5(d) and, subject to clause 6.7, must not be accepted.
- 4.10. Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not

available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

- 4.11. Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 4.12. For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 4.13. For the purposes of clause 4.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

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

5. Relationships Between Council Officials
Obligations of councillors and administrators

- 5.1. Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 5.2. Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of the council’s contractors, including the council’s legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 5.3. Despite clause 7.2, councillors may contact the council’s external auditor or the chair of the council’s audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

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

Obligations During Meetings

- 5.6. You must act in accordance with council's Code of Meeting Practice, and the *Local Government (General) Regulation 2005* during council and committee meetings.
- 5.7. You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Obligations Outside of Meetings

- 5.8. All requests for information and approaches to staff by Councillors must be directed to the General Manager or a person nominated by the General Manager.
- a) Only those senior officers nominated by the General Manager are authorised to provide advice to Councillors.
 - b) A senior officer has the discretion to refer any request for information to the General Manager.
 - c) It is within the discretion of the General Manager to require Councillors to make an appointment with a senior officer, to put a request in writing or to put it on notice to the Council to obtain detailed or otherwise time consuming information.

Inappropriate interactions

- 5.9. You must not engage in any of the following inappropriate interactions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c) subject to clause 6.6, council staff refusing to give information that is available to other councillors to a particular councillor

- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or council officials or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 1 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

6. Access to Information and Council Resources

Councillor and administrator access to information

- 6.1. The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 6.2. The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 6.3. Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 6.4. Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 6.5. Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 6.6. Despite clause 6.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

- 6.8. Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 6.2) 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 6.6). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

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

Use and security of confidential information

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

Personal information

- 6.12. When dealing with personal information you must comply with:
- a) *the Privacy and Personal Information Protection Act 1998*
 - b) *the Health Records and Information Privacy Act 2002*
 - c) *the Information Protection Principles and Health Privacy Principles*
 - d) *the council's privacy management plan*
 - e) *the Privacy Code of Practice for Local Government*

Use of council resources

- 6.13. 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.

- 6.14. 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.
- 6.15. 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.
- 6.16. You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 6.17. You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
 - a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 6.18. You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 6.19. 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 the council's reputation.
- 6.20. You must not use social media to post comments, photos, sound recordings or other information that:
 - a) Compromises your capacity to perform your official duties in an unbiased manner
 - b) Has the potential to have a negative impact on your working relationships within the council or with external parties
 - c) Is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
 - d) Has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive
 - e) Divulges confidential council information
 - f) Breaches the privacy of other council officials or those that deal with council
 - g) Contains allegations of suspected breaches of this code or information about the consideration of a matter under this code, or
 - h) Could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.

Council record keeping

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

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

Councillor access to council buildings

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

7. Maintaining the Integrity of this Code

Complaints made for an improper purpose

- 7.1. 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.
- 7.2. For the purposes of clause 7.1, 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:
- to bully, intimidate or harass another council official
 - to damage another council official's reputation
 - to obtain a political advantage
 - to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - to avoid disciplinary action under the Procedures
 - to take reprisal action against a person for making a complaint alleging a breach of this code
 - to take reprisal action against a person for exercising a function prescribed under the Procedures
 - to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 7.3. 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.
- 7.4. 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.
- 7.5. For the purposes of clauses 7.3 and 7.4, a detrimental action is an action causing, comprising or involving any of the following:
- injury, damage or loss
 - intimidation or harassment
 - discrimination, disadvantage or adverse treatment in relation to employment
 - dismissal from, or prejudice in, employment
 - disciplinary proceedings.

Compliance with requirements under the Procedures

- 7.6. You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 7.7. 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.
- 7.8. You must comply with a practice ruling made by the Office under the Procedures.
- 7.9. Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

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

- 7.10. All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 7.11. You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 7.12. You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 7.13. You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 7.14. Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 7.15. Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.

Schedule 1: Disclosures of Interests and Other Matters in Written Returns Submitted Under Clause 2.9

Part 1: Preliminary

Definitions

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

address means:

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

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

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

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, 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 2.9(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 2.9(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 2.9(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns**Real property**

5. A person making a return under clause 2.9 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 councillor.
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 2.9 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 councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 2.9 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 12-month period or less, or
- e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
- g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

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

Interests and positions in corporations

15. A person making a return under clause 2.9 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 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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

19. A person making a return under clause 2.9 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 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 2.9 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 2.9 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 or designated person.

Sources of income

26. A person making a return under clause 2.9 of this code must disclose:
- 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
 - 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:
- in relation to income from an occupation of the person:
 - a description of the occupation, and
 - 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
 - if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - in relation to income from a trust, the name and address of the settlor and the trustee, or
 - in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 2.9 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- on the return date, and
 - 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 2.9 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 councillor or designated person.

Discretionary disclosures

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

Schedule 2: Form of Written Return of Interests Submitted Under Clause 2.9

'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 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager 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 general manager 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 general manager, 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 general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information 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 2.9 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 2.11 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the 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 general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 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 pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]

[date]

A. Real Property

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

Sources of income I received from an occupation at any time since 30 June

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

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

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

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

F. Were you a property developer or a close associate of a property developer on the return date?
(Y/N)

G. Positions in trade unions and professional or business associations

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

H. Debts

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

I. Dispositions 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 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, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

Schedule 3: Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 2.25

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 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

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

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

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

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

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

Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the day of 20 .

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 <i>[Tick or cross one box.]</i>	<input type="checkbox"/> 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). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

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

Councillor's signature

Date

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

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

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

Policy Definitions

In this code the following terms have the following meanings:

Term	Meaning
LGA	the <i>Local Government Act 1993</i>
Administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
Code Of Conduct	a code of conduct adopted under section 440 of the LGA
Code Of Conduct Complaint	a complaint that is a code of conduct complaint for the purposes of clauses 2.1 and 2.2 of Section B of this policy
Committee	see the definition of "council committee"
Complainant	a person who makes a code of conduct complaint
Complainant Councillor	a councillor who makes a code of conduct complaint
Complaint	see the definition of "code of conduct complaint"
Complaints Coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
Conduct	includes acts and omissions
Conduct Reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
Council	Maitland City Council
Council Committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the Council's audit, risk and improvement committee
Council Committee Member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
Council Official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of this policy council advisers
Councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
Delegate Of Council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
Election Campaign	includes council, state and federal election campaigns
Environmental Planning Instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>

External Agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
ICAC investigator	the Independent Commission Against Corruption a conduct reviewer
Local Planning Panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
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
Respondent	a person whose conduct is the subject of investigation by a conduct reviewer under Section B of this policy
The Procedures	the Procedures for the <i>Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
The Regulation	the Local Government (General) Regulation 2005
Wholly Advisory Committee	a council committee that the council has not delegated any functions to

Policy Administration

Version	Date Approved
Business Group:	Office of the General Manager
Responsible Officer:	Team Leader OGM
Council Reference:	Ordinary Council Meeting – 19 August 2025
Policy Review Date:	Within 12 months of the Local Government Election
File Number:	35/47 and 35/1
Relevant Legislation	<ul style="list-style-type: none"> • Electoral Funding Act 2018 • Government Information (Public Access) Act 2009 • Local Government Act 1993 (NSW) • Local Government (General) Regulation 2005 (NSW) • State Records Act 1998 • Work Health and Safety Act 2011
Related Policies / Procedures / Protocols	<ul style="list-style-type: none"> • Code of Meeting Practice • Designated Persons Duties of Disclosure Policy • Equity, Diversity and Respect Policy • Fraud and Corruption Prevention Policy

- Public Interest Disclosures Internal Reporting Policy
- Secondary Employment Protocol

Policy History

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1	13/2/1990	New Code of Conduct Guidelines
2	24/8/1993	Changes to Conflict of Interest
3	10/5/1994	New Model Code of Conduct
4	28/11/1995	Periodic Review
5	11/2/1997	Periodic Review
6	27/7/1999	Clarification regarding Conflict of Interest
7	25/2/2003	Revised according to ICAC Advice
8	30/11/2004	New Model Code of Conduct from DLG
9	26/8/2008	New DLG model code adopted
10	10/3/2009	Case studies and examples added.
11	8/3/2011	Addition of Information regarding reporting breaches of the Code and issuing of media releases. Removal of 'Model' from the title of the policy.
12	12/2/13	Policy reviewed in accordance with New Model Code of Conduct and procedures from DLG. Change to title.
13	26/04/16	Policy reviewed to incorporate the changes from the Office of Local Government's updated Model Code of Conduct.
14	14/08/18	Policy reviewed and amended to make appropriate adjustments (based on the Office of Local Government's Consultation Draft Model Code of Conduct October 2017)

15	09/04/19	Policy reviewed in accordance with New Model Code of Conduct and Procedures.
16	24/11/2020	Policy reviewed to include councillor disclosure of social media administration.
17	12/7/2022	Policy reviewed including increase in gift value from \$50 to \$100 and the removal of Part 5A provisions pertaining to the administrative interests of councillors in relation to social media pages and websites.
18	-	Policy updated to new branding. Content not changed.
19	19/08/2025	Policy reviewed as per policy review requirements. Single Code of Conduct document, separated into three individual documents.

Office of the General Manager

Adoption of Code of Conduct and Procedures

Code of Conduct for Staff (Under Separate Cover)

Meeting Date: 19 August 2025

Attachment No: 3

Number Of Pages: 32

Code of Conduct for Staff

Date Adopted: 19 August 2025

Version: 19.0

Policy Objectives

The objective of this policy is to set the minimum standards of conduct for council officials, and to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439 of the Local Government Act 1993 ("LGA"))
- act in a way that enhances public confidence in local government.

Policy Scope

This policy applies to administrators, members of staff of Council, delegates of Council, Council contractors and volunteers. 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 2005 ("the Regulation").

Policy Statement

Introduction

Section 440 of the LGA requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. It is the personal responsibility of council officials to comply with the standards in this policy and to regularly review their personal circumstances and conduct with this in mind.

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

Failure by a member of staff to comply with this code may give rise to disciplinary action.

1. General Conduct Obligations

General conduct

- 1.1. You must not conduct yourself in a manner that:
 - a) is likely to bring the Council or other council officials into disrepute
 - b) is contrary to statutory requirements or the Council's administrative requirements and policies
 - c) Is improper or unethical
 - d) Is an abuse of power

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

Fairness and Equity

- 1.4. You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 1.5. 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.
- 1.6. An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.4 or 3.5.

Harassment and Discrimination

- 1.7. 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, infectious disease or political, religious or other affiliation.
- 1.8. 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

- 1.9. You must not engage in bullying behaviour towards others.
- 1.10. 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 group of persons and
 - b) the behaviour creates a risk to health and safety.
- 1.11. Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours
 - d) teasing, practical jokes or ‘initiation ceremonies’
 - e) exclusion from work-related events
 - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
 - g) displaying offensive material
 - h) pressure to behave in an inappropriate manner.

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

Work Health and Safety

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

Land use planning, development assessment and other regulatory functions

- 1.14. 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.
- 1.15. 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 provide improper concessions or preferential or unduly unfavourable treatment.

Obligations in relation to meetings

- 1.16. You must comply with rulings by the chair at Council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.

- 1.17. You must not harass or engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).
- 1.18. You must not engage in conduct that disrupts Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

2. Pecuniary Interests

What is a pecuniary interest?

- 2.1. 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 2.3.
- 2.2. 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 2.6.
- 2.3. 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.
- 2.4. For the purposes of clause 2.3:
 - 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.
- 2.5. You will not have a pecuniary interest in relation to a person referred to in subclauses 2.3(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?

- 2.6. You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector
 - b) your interest as a ratepayer or person liable to pay a charge
 - c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - j) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- 2.7. For the purposes of clause 2.6, “relative” has the same meaning as in clause 2.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

- 2.8. Designated persons include:
- a) the general manager
 - b) other senior staff of the council for the purposes of section 332 of the LGA
 - c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual

- functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

- 2.9. A designated person:
- must prepare and submit written returns of interests in accordance with clauses 2.20, and
 - must disclose pecuniary interests in accordance with clause 2.10.
- 2.10. A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 2.11. Clause 2.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 2.12. The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 2.13. A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

- 2.14. A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 2.15. The staff member's manager or the general manager must, on receiving a disclosure under clause 2.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 2.16. A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 2.17. A person does not breach clause 2.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 2.18. A council committee member must disclose pecuniary interests in accordance with clause 4.27 and comply with clause 4.28.
- 2.19. For the purposes of clause 2.18, a “council committee member” includes a member of staff of council who is a member of the committee.

Disclosure of interests in written returns

- 2.20. A designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the 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).
- 2.21. A person need not make and lodge a return under clause 2.20, paragraphs (a) and (b) if:
 - a. they made and lodged a return under that clause in the preceding 3 months, or
 - b. they have ceased to be a designated person in the preceding 3 months.
- 2.22. 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.
- 2.23. The general manager must keep a register of returns required to be made and lodged with the general manager.
- 2.24. Returns required to be lodged with the general manager under clause 2.20(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 2.25. Returns required to be lodged with the general manager under clause 2.20(c) must be tabled at the next council meeting after the return is lodged.
- 2.26. Information contained in returns made and lodged under clause 2.20 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.

Note: For the purpose of clauses 4.27 to 4.36, a “council committee member” includes a member of staff of council who is a member of a council committee.

Disclosure of pecuniary interests at meetings

- 2.27. A council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 2.28. The 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

- 2.29. In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 2.27 and 2.28 where they participate in the meeting by telephone or other electronic means.
- 2.30. A disclosure made at a meeting of a council committee must be recorded in the minutes of the meeting.
- 2.31. A general notice may be given to the general manager in writing by a council committee member to the effect that council committee member, or the council committee member's spouse, de facto partner or relative, is:
- a member of, or in the employment of, a specified company or other body, or
 - a partner of, or in the employment of, a specified person.

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

- 2.32. A council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the council committee member has an interest in the matter of a kind referred to in clause 2.6.
- 2.33. A person does not breach clauses 2.27 or 2.28 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.
- 2.34. The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the 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 the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - that it is in the interests of the electors for the area to do so.
- 2.35. 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 2.34, must still disclose the interest they have in the matter in accordance with clause 4.27.

3. Non-Pecuniary Conflicts of Interest

What is a non-pecuniary conflict of interest?

- 3.1. Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 2.1 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.
- 3.2. 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.

- 3.3. The personal or political views of a council official do not constitute a private interest for the purposes of clause 3.2.
- 3.4. 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.
- 3.5. 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

- 3.6. Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 3.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 3.7. 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 3.6
- 3.8. How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 3.9. 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 2.3, 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 2.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b. other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c. an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d. membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter

- e. a financial interest (other than an interest of a type referred to in clause 2.6) that is not a pecuniary interest for the purposes of clause 2.3
 - 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.
- 3.10. Significant non-pecuniary conflicts of interest must be managed in one of two ways
- a. by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b. if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 2.27 and 2.28.
- 3.11. 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.
- 3.12. If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 3.13. Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Loss of quorum as a result of compliance with this Part

- 3.14. 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 council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a. that it is in the interests of the electors for the area to do so.
- 3.15. Where the Minister exempts a committee member from complying with a requirement under this Part under clause 2.34, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 3.6.

Other business or employment

- 3.16. The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 3.17. A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of

the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

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

Personal dealings with council

- 3.21. 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.
- 3.22. You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. In particular, you must not:
 - a. Access council information for personal purposes
 - b. Undertake personal dealings with the council during work time, or
 - c. Approach council staff in staff only areas to discuss your personal dealings with the council.

You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

4. Personal Benefit

- 4.1. 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.
- 4.2. A reference to a gift or benefit in this Part does not include:
 - a. Items with a value of \$10 or less
 - b. a political donation for the purposes of the Electoral Funding Act 2018

- c. a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
- d. benefit or facility provided by the council to an employee
- e. attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
- f. free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i. the discussion of official business
 - ii. work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii. conferences
 - iv. council functions or events
 - v. social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

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

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

- 4.5. You must not:
 - a. seek or accept a bribe or other improper inducement
 - b. seek gifts or benefits of any kind
 - c. accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d. subject to clause 4.7, accept any gift or benefit of more than token value as defined by clause 4.9
 - e. accept an offer of cash or a cash-like gift as defined by clause 4.13, regardless of the amount
 - f. participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
 - g. personally benefit from reward points programs when purchasing on behalf of the council.
- 4.6. Where you receive a gift or benefit of any value other than one referred to in clause 4.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
 - a. the nature of the gift or benefit
 - b. the estimated monetary value of the gift or benefit
 - c. the name of the person who provided the gift or benefit, and
 - d. the date on which the gift or benefit was received.
- 4.7. Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

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

Gifts and benefits of more than token value

- 4.9. Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 4.5(d) and, subject to clause 4.7, must not be accepted.
- 4.10. Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 4.11. Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 4.12. For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 4.13. For the purposes of clause 4.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 4.14. You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.
- 4.15. You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

5. Relationships between council officials

Obligations of councillors and administrators

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

Obligations of staff

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

Obligations During Meetings

- 5.5. You must act in accordance with council's Code of Meeting Practice, and the Local Government (General) Regulation 2005 during council and committee meetings.

- 5.6. You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 5.7. You must not engage in any of the following inappropriate interactions:
- a. councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b. council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c. subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - d. councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - e. councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
 - f. councillors and administrators being overbearing or threatening to council staff
 - g. council staff being overbearing or threatening to councillors or administrators
 - h. councillors and administrators making personal attacks on council staff or council officials or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 1 of this code in public forums including social media
 - i. councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
 - j. council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
 - k. council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals

6. Access to Information and Council Resources

Councillor and administrator access to information

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

- 6.4. Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 6.5. Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 6.6. Despite clause 6.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Refusal of access to information

- 6.7. Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 6.2) 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 6.6). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 6.8. In regard to information obtained in your capacity as a council official, you must:
 - a. subject to clause 6.13, 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 office or position with council
 - d. only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 6.9. You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 6.10. 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 the council or any other person or body

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

Personal information

- 6.11. When dealing with personal information you must comply with:
 - a. the *Privacy and Personal Information Protection Act 1998*
 - b. the *Health Records and Information Privacy Act 2002*
 - c. the Information Protection Principles and Health Privacy Principles
 - d. the council's privacy management plan
 - e. the Privacy Code of Practice for Local Government

Use of council resources

- 6.12. 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.
- 6.13. 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 employees with respect to grievances and disputes
 - c. functions associated with the role of the local consultative committee.
- 6.14. 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.
- 6.15. 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.
- 6.16. You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
 - a. for other non-official purposes.
- 6.17. You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 6.18. You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.
- 6.19. You must not use social media to post comments, photos, sound recordings or other information that:
 - a. Compromises your capacity to perform your official duties in an unbiased manner
 - b. Has the potential to have a negative impact on your working relationships within the council or with external parties

- b. Is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
- c. Has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive
- d. Divulges confidential council information
- e. Breaches the privacy of other council officials or those that deal with council
- f. Contains allegations of suspected breaches of this code or information about the consideration of a matter under this code, or
- g. Could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.

Council record keeping

- 6.20. You must comply with the requirements of the State Records Act 1998 and the council's records management policy.
- 6.21. 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 the council's approved records management policies and practices.
- 6.22. 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 the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 6.23. 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 the council's records manager and comply with the requirements of the State Records Act 1998.

7. Maintaining the Integrity of this Code

Complaints made for an improper purpose

- 7.1. 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.
- 7.2. For the purposes of clause 7.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
 - a. to bully, intimidate or harass another council official
 - b. to damage another council official's reputation
 - c. to obtain a political advantage
 - d. to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e. to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f. to avoid disciplinary action under the Procedures
 - g. to take reprisal action against a person for making a complaint alleging a breach of this code
 - h. to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i. to prevent or disrupt the effective administration of this code under the Procedures

Detrimental action

- 7.3. 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.
- 7.4. 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.
- 7.5. For the purposes of clauses 7.3 and 7.4, a detrimental action is an action causing, comprising or involving any of the following:
 - a. injury, damage or loss
 - b. intimidation or harassment
 - c. discrimination, disadvantage or adverse treatment in relation to employment
 - d. dismissal from, or prejudice in, employment
 - e. disciplinary proceedings.

Compliance with requirements under the Procedures

- 7.6. You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 7.7. 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.
- 7.8. 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

- 7.9. All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 7.10. You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 7.11. 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.
- 7.12. 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.
- 7.13. 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

- 7.14. Complaints alleging a breach of this Part by the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 7.15. Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

Schedule 1: Disclosures of Interests and Other Matters in Written Returns Submitted Under Clause 2.20

Part 1: Preliminary

Definitions

- For the purposes of the schedules to this code, the following definitions apply:

address means:

- 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
- 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
- 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:

- the allotment of shares in a company
- the creation of a trust in respect of property
- the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- 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
- the exercise by a person of a general power of appointment over property in favour of another person
- 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:

- in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- 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 2.20(a), the date on which a person became a designated person
- b) in the case of a return made under clause 2.20(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 2.20(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 facto 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: Pecuniary interests to be disclosed in returns**Real property**

5. A person making a return under clause 2.20 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 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$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 2.20 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or

- c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
- d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
- e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
- g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

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

Interests and positions in corporations

- 15. A person making a return under clause 2.20 of this code must disclose:
 - a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
- 16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
 - a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
- 17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
- 18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a designated person.

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

- 19. A person making a return under clause 2.20 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 2.20 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 designated person.

Dispositions of real property

23. A person making a return under clause 2.20 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 2.20 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 designated person.

Sources of income

26. A person making a return under clause 2.20 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.

Debts

30. A person making a return under clause 2.20 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
31. A liability to pay a debt must be disclosed by a person in a return made under clause 2.20 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.
32. 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

33. 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 2.20**'Disclosures by councillors and designated persons' return**

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager 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 general manager 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 general manager, 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 general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information 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 2.20 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 2.22 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the 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 general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 2.20 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 pecuniary interests and other matters by [*full name of councillor or designated person*]

as at [*return date*]

in respect of the period from [*date*] to [*date*]

[*councillor's or designated person's signature*]
[*date*]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	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
Sources of income I received from an occupation at any time since 30 June

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

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June
Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June
Sources of other income I received at any time since 30 June
[*Include description sufficient to identify the person from whom, or the circumstances in which, that income was received*]

C. Gifts

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

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

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

H. Debts

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

I. Dispositions 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 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, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

Definitions

In this code the following terms have the following meanings:

Term	Meaning
LGA	The <i>Local Government Act 1993</i>
Administrator	An administrator of a council appointed under the LGA other than an administrator appointed under section 66
Code of conduct	A code of conduct adopted under section 440 of the LGA
Code of conduct complaint	A complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of Section B of this policy
Committee	See the definition of "council committee"
Complainant	A person who makes a code of conduct complaint
Complainant councillor	A councillor who makes a code of conduct complaint
Complaint	See the definition of "code of conduct complaint"
Complaints coordinator	A person appointed by the general manager under these procedures as a complaints coordinator
Conduct	includes acts and omissions
Conduct reviewer	A person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
Council	Maitland City Council
Council committee	A committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the Council's audit, risk and improvement committee
Council committee member	A person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
Council official	Includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 2.16, council advisers
Councillor	Any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
Delegate of council	A person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
Designated person	A person referred to in clause 2.8
Election campaign	Includes council, state and federal election campaigns
Environmental planning instrument	Has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
External agency	A state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
ICAC investigator	The Independent Commission Against Corruption a conduct reviewer
Local planning panel	A local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
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
Respondent	A person whose conduct is the subject of investigation by a conduct reviewer under Section B of this policy
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 <i>Local Government (General) Regulation 2005</i>
Wholly advisory committee	A council committee that the council has not delegated any functions to

Policy Administration

Business Group:	Office of the General Manager
Responsible officer:	Office Manager, Office of the Gern
Council reference:	Ordinary Council Meeting - XXX
Policy review date:	Three (3) years from date of adoption
File number:	35/47 & 35/1
Relevant legislation	<ul style="list-style-type: none"> • Electoral Funding Act 2018 • Government Information (Public Access) Act 2009 • Local Government Act 1993 (NSW) • Local Government (General) Regulation 2005 (NSW) • State Records Act 1998 • Work Health and Safety Act 2011
Related documents	<ul style="list-style-type: none"> • Code of Meeting Practice • Designated Persons Duties of Disclosure Policy • Equity, Diversity and Respect Policy • Fraud and Corruption Prevention Policy • Public Interest Disclosures Internal Reporting Policy • Secondary Employment Protocol

Policy History

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1	13/2/1990	New Code of Conduct Guidelines
2	24/8/1993	Changes to Conflict of Interest
3	10/5/1994	New Model Code of Conduct
4	28/11/1995	Periodic Review
5	11/2/1997	Periodic Review
6	27/7/1999	Clarification regarding Conflict of Interest
7	25/2/2003	Revised according to ICAC Advice
8	30/11/2004	New Model Code of Conduct from DLG
9	26/8/2008	New DLG model code adopted
10	10/3/2009	Case studies and examples added.
11	8/3/2011	Addition of Information regarding reporting breaches of the Code and issuing of media releases. Removal of 'Model' from the title of the policy.
12	12/2/13	Policy reviewed in accordance with New Model Code of Conduct and procedures from DLG. Change to title.
13	26/04/16	Policy reviewed to incorporate the changes from the Office of Local Government's updated Model Code of Conduct.
14	14/08/18	Policy reviewed and amended to make appropriate adjustments (based on the Office of Local Government's Consultation Draft Model Code of Conduct October 2017)
15	09/04/19	Policy reviewed in accordance with New Model Code of Conduct and Procedures.
16	24/11/2020	Policy reviewed to include councillor disclosure of social media administration.
17	12/7/2022	Policy reviewed including increase in gift value from \$50 to \$100 and the removal of Part 5A provisions

		pertaining to the administrative interests of councillors in relation to social media pages and websites.
18	4 June 2025	Updated to new branding and alignment to organisation structure. No change to content.
19	19 August 2025	Policy reviewed as per policy review requirements. Single Code of Conduct document, separated into three individual documents.

DRAFT

Office of the General Manager

Adoption of Code of Conduct and Procedures

Council Committee Members, Delegates of Council and Council Advisers Code of Conduct (Under Separate Cover)

Meeting Date: 19 August 2025

Attachment No: 4

Number of Pages: 30

Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers

Date Adopted: 19 August 2025

Version: 19.0

Policy Objectives

The objective of this policy is to set the minimum standards of conduct for council officials, and to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439 of the Local Government Act 1993 ("LGA"))
- act in a way that enhances public confidence in local government.

Policy Scope

This policy applies to council committee members and delegates of council who are not councillors or staff of the council. It also applies to advisers of council for the purposes of clause 2.12. 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 2005 ("the Regulation").

Policy Statement

Introduction

Section 440 of the LGA requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. It is the personal responsibility of council officials to comply with the standards in this policy and to regularly review their personal circumstances and conduct with this in mind. Members of council committees that are delegates of a council and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct

Failure by committee members, delegates of council and council advisers to comply with this code may give rise to disciplinary action.

1. General Conduct Obligations

General conduct

- 1.1. You must not conduct yourself in a manner that:
 - a) is likely to bring the Council or other council officials into disrepute

- b) is contrary to statutory requirements or the Council's administrative requirements and policies
- c) Is improper or unethical
- d) Is an abuse of power
- e) causes, comprises or involves intimidation or verbal abuse
- f) involves the misuse of your position to obtain a private benefit
- g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.

- 1.2. You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439).
- 1.3. You must treat others with respect at all times.

Fairness and Equity

- 1.4. You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 1.5. 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.
- 1.6. An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 1.4 or 1.5.

Harassment and Discrimination

- 1.7. 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, infectious disease or political, religious or other affiliation.
- 1.8. 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

- 1.9. You must not engage in bullying behaviour towards others.
- 1.10. 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 group of persons and
 - b) the behaviour creates a risk to health and safety.
- 1.11. Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
 - a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours

- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

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

Work Health and Safety

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

Land use planning, development assessment and other regulatory functions

- 1.14. 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.
- 1.15. 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 provide improper concessions or preferential or unduly unfavourable treatment.

Obligations in relation to meetings

- 1.16. You must comply with rulings by the chair at Council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 1.17. You must not harass or engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).
- 1.18. You must not engage in conduct that disrupts Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

2. Pecuniary Interests**What is a pecuniary interest?**

- 2.1. 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 2.3.
- 2.2. 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 2.6.
- 2.3. 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.
- 2.4. For the purposes of clause 2.3:
 - 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.
- 2.5. You will not have a pecuniary interest in relation to a person referred to in subclauses 2.3(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?

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

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

2.7. For the purposes of clause 2.6, “relative” has the same meaning as in clause 2.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

- 2.8. Designated persons include:
- a) the general manager
 - b) other senior staff of the council for the purposes of section 332 of the LGA
 - c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
 - d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 2.9. A designated person:
- a) must prepare and submit written returns of interests in accordance with clauses 2.18, and
 - b) must disclose pecuniary interests in accordance with clause 2.10.
- 2.10. A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 2.11. Clause 2.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 2.12. The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 2.13. A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 2.14. A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 2.15. A person does not breach clause 2.14 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?

- 2.16. A council committee member must disclose pecuniary interests in accordance with clause 2.25 and comply with clause 2.26.
- 2.17. For the purposes of clause 2.16, a “council committee member” includes a member of staff of council who is a member of the committee.

Note: A council committee member identified by council as a “designated person” for the purposes of clause 2.8(b) must also prepare and submit written returns of interests in accordance with clause 2.9.

Disclosure of interests in written returns

- 2.18. A designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the 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).
- 2.19. A person need not make and lodge a return under clause 2.18, paragraphs (a) and (b) if:
 - a. they made and lodged a return under that clause in the preceding 3 months, or
 - b. they have ceased to be a designated person in the preceding 3 months.
- 2.20. 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.
- 2.21. The general manager must keep a register of returns required to be made and lodged with the general manager.
- 2.22. Returns required to be lodged with the general manager under clause 2.18(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 2.23. Returns required to be lodged with the general manager under clause 2.18(c) must be tabled at the next council meeting after the return is lodged.
- 2.24. Information contained in returns made and lodged under clause 2.18 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 2009 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 2.25. A council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 2.26. The 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
- 2.27. In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 2.25 and 2.26 where they participate in the meeting by telephone or other electronic means.
- 2.28. A disclosure made at a meeting of a council committee must be recorded in the minutes of the meeting.
- 2.29. A general notice may be given to the general manager in writing by a council committee member to the effect that council committee member, or the council committee member's spouse, de facto partner or relative, is:
 - a. a member of, or in the employment of, a specified company or other body, or
 - b. a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council committee after the date of the notice.
- 2.30. A council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 2.31. A person does not breach clauses 2.25 or 2.26 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.
- 2.32. The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the 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 it is in the interests of the electors for the area to do so.
- 2.33. 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 2.32, must still disclose the interest they have in the matter in accordance with clause 2.25.

3. Non-Pecuniary Conflicts of Interest

What is a non-pecuniary conflict of interest?

- 3.1. Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 2.1 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.

- 3.2. 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.
- 3.3. The personal or political views of a council official do not constitute a private interest for the purposes of clause 3.2.
- 3.4. 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.
- 3.5. 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

- 3.6. Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 3.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 3.7. 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 3.6.
- 3.8. How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 3.9. 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 2.1, 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 2.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b. other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c. an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate

in the management, administration or other activities of the organisation.

- d. membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e. a financial interest (other than an interest of a type referred to in clause 2.8) that is not a pecuniary interest for the purposes of clause 2.1
- 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.

3.10. Significant non-pecuniary conflicts of interest must be managed in one of two ways

- a. by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b. if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 2.25 and 2.26.

3.11. 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.

3.12. 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 the council committee.

Loss of quorum as a result of compliance with this Part

3.13. 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 council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a. that it is in the interests of the electors for the area to do so.

3.14. Where the Minister exempts a committee member from complying with a requirement under this Part under clause 3.13, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 3.6.

Personal dealings with council

3.15. 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.

- 3.16. You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. In particular, you must not:

- a. Access council information for personal purposes
- b. Undertake personal dealings with the council during work time, or
- c. Approach council staff in staff only areas to discuss your personal dealings with the council.

You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

4. Personal Benefit

- 4.1. 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.
- 4.2. A reference to a gift or benefit in this Part does not include:
- a. Items with a value of \$10 or less
 - b. a political donation for the purposes of the Electoral Funding Act 2018
 - c. a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d. attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - e. free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i. the discussion of official business
 - ii. work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii. conferences
 - iv. council functions or events
 - v. social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

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

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

- 4.5. You must not:
- a. seek or accept a bribe or other improper inducement
 - b. seek gifts or benefits of any kind

- c. accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d. subject to clause 4.7, accept any gift or benefit of more than token value as defined by clause 4.9
 - e. accept an offer of cash or a cash-like gift as defined by clause 4.13, regardless of the amount
 - f. participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
 - g. personally benefit from reward points programs when purchasing on behalf of the council.
- 4.6. Where you receive a gift or benefit of any value other than one referred to in clause 4.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a. the nature of the gift or benefit
 - b. the estimated monetary value of the gift or benefit
 - c. the name of the person who provided the gift or benefit, and
 - d. the date on which the gift or benefit was received.
- 4.7. Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

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

Gifts and benefits of more than token value

- 4.9. Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 4.5(d) and, subject to clause 4.7, must not be accepted.
- 4.10. Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 4.11. Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.

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

“Cash-like gifts”

- 4.13. For the purposes of clause 4.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 4.14. You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.
- 4.15. You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

5. Relationships between council officials

Obligations During Meetings

- 5.1. You must act in accordance with council’s Code of Meeting Practice, and the Local Government (General) Regulation 2005 during committee meetings.
- 5.2. You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 5.3. You must not engage in any of the following inappropriate interactions:
- a. Committee members approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b. Committee members approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c. Committee members who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - d. Committee members approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
 - e. Committee members being overbearing or threatening to council staff
 - f. Committee members being overbearing or threatening to councillors or administrators
 - g. Committee members making personal attacks on council staff or council officials or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
 - h. Committee members directing or pressuring council staff in the performance of their work, or recommendations they should make

6. Access to Information and Council Resources

Use of certain council information

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

Use and security of confidential information

- 6.2. You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 6.3. 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 the council or any other person or body
 - g. not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 6.4. When dealing with personal information you must comply with:
 - a. the *Privacy and Personal Information Protection Act 1998*
 - b. the *Health Records and Information Privacy Act 2002*
 - c. the *Information Protection Principles* and *Health Privacy Principles*
 - d. the *council's privacy management plan*
 - e. the *Privacy Code of Practice* for Local Government

Use of council resources

- 6.5. 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.
- 6.6. 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.

- 6.7. 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.
- 6.8. You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 6.9. You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
 - a. for the purpose of assisting your election campaign or the election campaign of others, or
 - b. for other non-official purposes.
- 6.10. You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 6.11. 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 the council's reputation.
- 6.12. You must not use social media to post comments, photos, sound recordings or other information that:
 - a. Compromises your capacity to perform your official duties in an unbiased manner
 - b. Has the potential to have a negative impact on your working relationships within the council or with external parties
 - c. Is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
 - d. Has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive
 - e. Divulges confidential council information
 - f. Breaches the privacy of other council officials or those that deal with council
 - g. Contains allegations of suspected breaches of this code or information about the consideration of a matter under this code, or
 - h. Could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.

Council record keeping

- 6.13. You must comply with the requirements of the State Records Act 1998 and the council's records management policy.
- 6.14. All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the State Records Act 1998 and the council's approved records management policies and practices.

- 6.15. All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 6.16. You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the State Records Act 1998.

7. Maintaining the Integrity of this Code

Complaints made for an improper purpose

- 7.1. 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.
- 7.2. For the purposes of clause 7.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
 - a. to bully, intimidate or harass another council official
 - b. to damage another council official's reputation
 - c. to obtain a political advantage
 - d. to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e. to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f. to avoid disciplinary action under the Procedures
 - g. to take reprisal action against a person for making a complaint alleging a breach of this code
 - h. to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i. to prevent or disrupt the effective administration of this code under the Procedures

Detrimental action

- 7.3. 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.
- 7.4. 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.
- 7.5. For the purposes of clauses 7.3 and 7.4, a detrimental action is an action causing, comprising or involving any of the following:
 - a. injury, damage or loss
 - b. intimidation or harassment
 - c. discrimination, disadvantage or adverse treatment in relation to employment
 - d. dismissal from, or prejudice in, employment
 - e. disciplinary proceedings.

Compliance with requirements under the Procedures

- 7.6. You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 7.7. 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.
- 7.8. 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

- 7.9. All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 7.10. You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 7.11. 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.
- 7.12. 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.
- 7.13. 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

- 7.14. Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

Schedule 1: Disclosures of Interests and other matters in Written Returns Submitted Under Clause 2.18

Part 1: Preliminary

Definitions

- For the purposes of the schedules to this code, the following definitions apply:

address means:

- 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
- 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
- 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:

- the allotment of shares in a company
- the creation of a trust in respect of property
- the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- 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
- the exercise by a person of a general power of appointment over property in favour of another person
- 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:

- in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- 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 2.18(a), the date on which a person became a designated person
- b) in the case of a return made under clause 2.18(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 2.18(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 facto 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: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 2.18 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 2.18 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 2.18 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or

- c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
- d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
- e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
- g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

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

Interests and positions in corporations

15. A person making a return under clause 2.18 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a designated person.

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

19. A person making a return under clause 2.18 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 2.18 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 designated person.

Dispositions of real property

23. A person making a return under clause 2.18 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 2.18 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 designated person.

Sources of income

26. A person making a return under clause 2.18 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 LGA need not be disclosed.

Debts

31. A person making a return under clause 2.18 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- on the return date, and
 - 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 2.18 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:
- 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:
 - 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
 - the amounts to be paid exceeded, in the aggregate, \$500, or
 - the person was liable to pay the debt to a relative, or
 - 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
 - in the case of a debt arising from the supply of goods or services:
 - 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
 - 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
 - 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 2.18'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager 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 general manager 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 general manager, 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 general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information 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 2.18 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 2.20 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the 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 general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 2.18 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 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 pecuniary interests and other matters by [*full name of councillor or designated person*]

as at [*return date*]

in respect of the period from [*date*] to [*date*]

[*councillor's or designated person's signature*]
[*date*]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	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
Sources of income I received from an occupation at any time since 30 June

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

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June
Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June
Sources of other income I received at any time since 30 June
[*Include description sufficient to identify the person from whom, or the circumstances in which, that income was received*]

C. Gifts

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

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

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

H. Debts

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

I. Dispositions 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 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, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

Definitions

In this code the following terms have the following meanings:

Term	Meaning
LGA	The <i>Local Government Act 1993</i>
Administrator	An administrator of a council appointed under the LGA other than an administrator appointed under section 66
Code of conduct	A code of conduct adopted under section 440 of the LGA
Code of conduct complaint	A complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of Section B of this policy
Committee	See the definition of "council committee"
Complainant	A person who makes a code of conduct complaint
Complainant councillor	A councillor who makes a code of conduct complaint
Complaint	See the definition of "code of conduct complaint"
Complaints coordinator	A person appointed by the general manager under these procedures as a complaints coordinator
Conduct	includes acts and omissions
Conduct reviewer	A person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
Council	Maitland City Council
Council committee	A committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the Council's audit, risk and improvement committee
Council committee member	A person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
Council official	Includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 2.14, council advisers
Councillor	Any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
Delegate of council	A person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
Designated person	A person referred to in clause 2.8
Election campaign	Includes council, state and federal election campaigns
Environmental planning instrument	Has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
External agency	A state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
General Manager	Includes the executive officer of a joint organisation

ICAC investigator	The Independent Commission Against Corruption a conduct reviewer
Joint organisation	A joint organisation established under section 400O of the LGA
Local planning panel	A local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
Mayor	Includes the chairperson of a county council or a joint organisation
Members of staff of a council	Includes members of staff of county councils and joint organisations
The Office	Office of Local Government
Personal information	Information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
Respondent	A person whose conduct is the subject of investigation by a conduct reviewer under Section B of this policy
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 <i>Local Government (General) Regulation 2005</i>
Wholly advisory committee	A council committee that the council has not delegated any functions to

Policy Administration

Business Group:	Office of the General Manager
Responsible officer:	Office Manager, Office of the General Manager
Council reference:	Ordinary Council Meeting - XXX
Policy review date:	Three (3) years from date of adoption
File number:	35/47 & 35/1
Relevant legislation	<ul style="list-style-type: none"> • Electoral Funding Act 2018 • Government Information (Public Access) Act 2009 • Local Government Act 1993 (NSW) • Local Government (General) Regulation 2005 (NSW) • State Records Act 1998 • Work Health and Safety Act 2011

Related documents

- Code of Meeting Practice
- Designated Persons Duties of Disclosure Policy
- Equity, Diversity and Respect Policy
- Fraud and Corruption Prevention Policy
- Public Interest Disclosures Internal Reporting Policy
- Secondary Employment Protocol

Policy History

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1	13/2/1990	New Code of Conduct Guidelines
2	24/8/1993	Changes to Conflict of Interest
3	10/5/1994	New Model Code of Conduct
4	28/11/1995	Periodic Review
5	11/2/1997	Periodic Review
6	27/7/1999	Clarification regarding Conflict of Interest
7	25/2/2003	Revised according to ICAC Advice
8	30/11/2004	New Model Code of Conduct from DLG
9	26/8/2008	New DLG model code adopted
10	10/3/2009	Case studies and examples added.
11	8/3/2011	Addition of Information regarding reporting breaches of the Code and issuing of media releases. Removal of 'Model' from the title of the policy.
12	12/2/13	Policy reviewed in accordance with New Model Code of Conduct and procedures from DLG. Change to title.
13	26/04/16	Policy reviewed to incorporate the changes from the Office of Local Government's updated Model Code of Conduct.
14	14/08/18	Policy reviewed and amended to make appropriate adjustments (based on the Office of Local

		Government's Consultation Draft Model Code of Conduct October 2017)
15	09/04/19	Policy reviewed in accordance with New Model Code of Conduct and Procedures.
16	24/11/2020	Policy reviewed to include councillor disclosure of social media administration.
17	12/7/2022	Policy reviewed including increase in gift value from \$50 to \$100 and the removal of Part 5A provisions pertaining to the administrative interests of councillors in relation to social media pages and websites.
18	4 June 2025	Updated to new branding and alignment to organisation structure. No change to content.
19	19 August 2025	Policy reviewed as per policy review requirements. Single Code of Conduct document, separated into three individual documents.

Office of the General Manager

Adoption of Code of Conduct and Procedures

Procedures for the Administration of the Code of Conduct (Under Separate Cover)

Meeting Date: 19 August 2025

Attachment No: 5

Number of Pages: 27

Procedures for the Administration of the Code of Conduct 2025

Date Adopted: Wednesday, 6 August 2025

Version: 1.0

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PART 1 Introduction

These procedures ("the Model Code Procedures") are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct").

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

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

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

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of Code of Conduct complaints about councillors (including the Mayor) or the General Manager.

PART 2 Definitions

In these procedures the following terms have the following meanings:

Administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
Code of Conduct	a Code of Conduct adopted under section 440 of the LGA
Code of Conduct Complaint	a complaint that is a Code of Conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
Complainant	a person who makes a Code of Conduct complaint
Complainant Councillor	a councillor who makes a Code of Conduct complaint
Complaints Coordinator	a person appointed by the General Manager 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 General Manager
Council	includes county councils and joint organisations
Council Committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee

Council Committee Member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
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 Official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
Delegate of Council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
External Agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
General Manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
Joint Organisation	a joint organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>
Mayor	includes the chairperson of a county council or a joint organisation
Members of Staff of a Council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
Investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
Respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
Wholly Advisory Committee	a council committee that the council has not delegated any functions to

PART 3 Administrative Framework

The establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The 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 the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 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 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 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) an employee 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.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.

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- 3.10 The 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.
 - 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
 - 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the 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

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The General Manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
 - 3.18 The General Manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
 - 3.19 The General Manager must not undertake the role of complaints coordinator.
 - 3.20 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 1994*.
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- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's Code of Conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office, and
 - d) arrange the annual reporting of Code of Conduct complaints statistics.

PART 4 How May Code of Conduct Complaints Be Made?

What is a Code of Conduct complaint?

- 4.1 For the purpose of these procedures, a Code of Conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role 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 the council's Code of Conduct if proven.
- 4.2 The following are not "Code of Conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official
 - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c) complaints about the policies or procedures of the council
 - 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 the council's Code of Conduct.
- 4.3 Only Code of Conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a Code of Conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a Code of Conduct complaint be made?

- 4.4 A Code of Conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the General Manager or their delegate, or, in the case of a complaint about the General Manager, 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.

How may a Code of Conduct complaint about a council official other than the General Manager be made?

- 4.6 All Code of Conduct complaints other than those relating to the General Manager are to be made to the General Manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a Code of Conduct complaint about a council official other than the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

- 4.8 In making a Code of Conduct complaint about a council official other than the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The General Manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the General Manager becomes aware of a possible breach of the council's Code of Conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a Code of Conduct complaint about the General Manager be made?

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

PART 5 How are Code of Conduct Complaints to be managed?

Delegation by General Managers and Mayors of their functions under this Part

- 5.1 A General Manager or Mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the General Manager or Mayor are also to be taken to be references to their delegates.

Consideration of complaints by General Managers and Mayors

- 5.2 In exercising their functions under this Part, General Managers and Mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the General Manager or, in the case of a complaint about the General Manager, 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 4.5, is not made within 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 the 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 the council's Code of Conduct to be readily identified.

How are Code of Conduct complaints about staff (other than the General Manager) to be dealt with?

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

- 5.10 The General Manager is responsible for the management of Code of Conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct) and for determining the outcome of such complaints.

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- 5.11 The General Manager 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 to the Office.
- 5.12 The General Manager may decide to take no action in relation to a Code of Conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the General Manager decides to take no action in relation to a Code of Conduct complaint about a delegate of council or a council committee member, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager 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 the council's Code of Conduct.
- 5.15 Where the General Manager resolves a Code of Conduct complaint under clause 5.14 to the General Manager's satisfaction, the General Manager 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.
- 5.16 Sanctions for breaches of the Code of Conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- censure
 - requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the General Manager
 - prosecution for any breach of the law
 - removing or restricting the person's delegation
 - removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the General Manager or any person making enquiries on behalf of the General Manager must comply with the requirements of procedural fairness. In particular:
- the substance of the allegation (including the relevant provision/s of the council's Code of Conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - the person must be given an opportunity to respond to the allegation, and
 - the General Manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

- 5.18 The General Manager must refer all Code of Conduct complaints about administrators to the Office for its consideration.
- 5.19 The General Manager must notify the complainant of the referral of their complaint in writing.
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How are Code of Conduct complaints about councillors to be dealt with?

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

How are Code of Conduct complaints about the General Manager to be dealt with?

- 5.27 The Mayor must refer the following Code of Conduct complaints about the General Manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct
 - 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 of Conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

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- 5.28 Where the Mayor refers a complaint to the Office under clause 5.27, the Mayor must notify the complainant of the referral in writing.
- 5.29 The Mayor may decide to take no action in relation to a Code of Conduct complaint about the General Manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the Mayor decides to take no action in relation to a Code of Conduct complaint about the General Manager, 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.
- 5.31 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 General Manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a Code of Conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's Code of Conduct.
- 5.32 Where the Mayor resolves a Code of Conduct complaint under clause 5.31 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.
- 5.33 The Mayor must refer all Code of Conduct complaints about the General Manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the General Manager and the Mayor to be dealt with?

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

Referral of Code of Conduct complaints to external agencies

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

Disclosure of the identity of complainants

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

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of Conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a Code of Conduct complaint about another councillor or the General Manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the General Manager or the Mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

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

PART 6 Preliminary Assessment of Code of Conduct Complaints about Councillors or the General Manager by Conduct Reviewers

Referral of Code of Conduct complaints about councillors or the General Manager to conduct reviewers

- 6.1 The complaints coordinator must refer all Code of Conduct complaints about councillors or the General Manager that have not been referred to an external agency or declined or resolved by the General Manager, Mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the General Manager or the Mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
 - a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 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 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a Code of Conduct complaint where:
 - a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the 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 the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the Code of Conduct complaint and any other information relevant to the matter held by the 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.

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- 6.8 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.
 - 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
 - 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
 - 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.
 - 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of Code of Conduct complaints about councillors or the General Manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
 - 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
 - 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 General Manager or, in the case of a complaint about the General Manager, 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.
 - 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
 - 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
 - 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
 - 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
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- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a Code of Conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a Code of Conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's Code of Conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, 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.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- 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 440G of the LGA or disciplinary action against the General Manager 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.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the General Manager 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 the council
 - b) the likely impact of the alleged conduct on the reputation of the 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.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the General Manager or Mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the General Manager or to the Mayor to be resolved by alternative and appropriate means, they must write to the General Manager or, in the case of a complaint about the General Manager, to the Mayor, recommending the means by which the complaint may be resolved.

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- 6.27 The conduct reviewer must consult with the General Manager or Mayor prior to referring a matter back to them under clause 6.13(c).
 - 6.28 The General Manager or Mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
 - 6.29 Where the conduct reviewer refers a matter back to the General Manager or Mayor under clause 6.13(c), the General Manager or, in the case of a complaint about the General Manager, the Mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
 - 6.30 Where the conduct reviewer refers a matter back to the General Manager or Mayor under clause 6.13(c), the General Manager, or, in the case of a complaint about the General Manager, the Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
 - a) whether the complaint is a Code of Conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's Code of Conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the Code of Conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - i) any previous proven breaches of the council's Code of Conduct
 - 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 6.23)
 - m) the significance of the conduct or the impact of the conduct for the 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 7 Investigations of Code of Conduct Complaints about Councillors or the General Manager

What matters may a conduct reviewer investigate?

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

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the Code of Conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified 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.
- 7.5 The respondent may, within 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.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.

- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the complainant, the complaints coordinator and the Mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

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

How are investigations to be conducted?

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

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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the General Manager, or, in the case of a complaint about the General Manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a Code of Conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's Code of Conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the respondent, the complainant, the complaints coordinator and the Mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the Code of Conduct, or
 - ii. does not constitute a breach of the Code of Conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
 - b) the relevant provisions of the Code of Conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - j) any recommendations.

-
- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the Code of Conduct, the investigator may recommend:
- a) in the case of a breach by the General Manager, that disciplinary action be taken under the General Manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the Code of Conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the Code of Conduct, the investigator may recommend:
- a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- 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.
- 7.43 Where the investigator has determined that there has not been a breach of the Code of Conduct, the complaints coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the Mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the Code of Conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the 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.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.
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Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the Code of Conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the Code of Conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the 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 the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the General Manager, that disciplinary action be taken under the General Manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
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- 7.59 Where the council censures a councillor under section 440G of the LGA, the 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 the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 Oversight and Rights of Review

The Office's powers of review

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

Complaints about conduct reviewers

- 8.4 The General Manager or their delegate must refer Code of Conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The General Manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The General Manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

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

- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the Code of Conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office'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) the council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 9 Procedural Irregularities

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

PART 10 Practice Directions

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

PART 11 Reporting Statistics on Code of Conduct Complaints about Councillors and the General Manager

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of Code of Conduct complaints made about councillors and the General Manager 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 the Office 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 General Manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 Confidentiality

- 12.1 Information about Code of Conduct complaints and the management and investigation of 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.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a Code of Conduct complaint they have made or purported to make, the General Manager or their delegate may, with the consent of the Office, 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.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the General Manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the General Manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the General Manager or their delegate.
- 12.5 The General Manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the General Manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a Code of Conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the General Manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

Office of the General Manager

Local Government NSW Annual Conference 2025

Motion Submission Guide – 2025 (Under Separate Cover)

Meeting Date: 19 August 2025

Attachment No: 2

Number of Pages: 15



LGNSW 2025 Annual Conference Motion Submission Guide

**ONE VOICE
FOR COUNCILS**

LGNSW.ORG.AU

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MOTION SUBMISSION GUIDE

1. Introduction

Each year, Local Government NSW (LGNSW) members submit a range of motions to the LGNSW Annual Conference. These motions relate to strategic local government issues which affect members state-wide and introduce new or emerging policy issues. They are debated and resolved by Conference delegates, with successful resolutions establishing LGNSW's policy positions and guiding LGNSW's advocacy priorities for the year ahead.

All LGNSW member councils are invited to submit motions to the Annual Conference, with the following guide outlining the motion development and submission process.

2. Deadlines

- Motion submission will open on **Tuesday 1 July 2025**
- Members are encouraged to submit motions [online](#) as early as possible before **Tuesday 30 September 2025**, to allow assessment of the motions and distribution of the Business Paper before the Conference.
- Under the LGNSW Rules, the latest date motions can be accepted for inclusion in the Business Paper is **12 midnight (AEDT) on Sunday 26 October 2025** (28 days prior to Conference).

3. Criteria for motion submission 2025

Members are encouraged to be mindful that each Annual Conference can only reasonably consider and debate around 100 motions in the available time. With the number of LGNSW members including councils and related entities (such as ROCs and JOs), LGNSW requests that members only submit motions that relate to their highest priorities.

The LGNSW Board has resolved that motions will be included in the Business Paper for the Conference only where they fit in with the following criteria.

Criteria for motions

To be included in the Business Paper, motions must:

1. **Be consistent with the objects of the LGNSW Rules (Rule 4)**
2. **Demonstrate that the issue concerns or is likely to concern a substantial number of local governments in NSW**
3. **Seek to establish or change a policy position of LGNSW and/or improve governance of the association** (noting that the LGNSW Board is responsible for any decisions around resourcing and campaigns or operational activities, and any necessary resource allocations will be subject to the LGNSW budgetary process)
4. **Be strategic**
5. **Be concise, clearly worded and unambiguous**
6. **Not be focussed on just a small specific part of NSW**
7. **Not encourage violation of prevailing laws**
8. **Not seek to advantage one or several members at the expense of other members.**

Motions of a similar objective:

9. May be consolidated by LGNSW as a single item.

Motions reflecting existing LGNSW policy:

10. Remain part of LGNSW's Policy Platform but will not be included for debate as they have already been considered by Conference.

Before submitting motions for this year's Annual Conference, members are encouraged to the [LGNSW Policy Platform](#) to ensure the proposed motion wording does not reflect existing policy positions.

4. How to write a motion

Motions adopted at Conferences establish LGNSW policy positions and inform LGNSW's advocacy actions on behalf of the local government sector. LGNSW includes the exact wording of motions when writing to ministers, departments and agencies post-conference, so it is important that the wording of motions clearly outlines your council's policy intent or objective.

The format of motions, as much as possible, should call on a specific body (e.g. LGNSW, state government, federal government, a specific department or minister) and have a specific outcome that the motion is aiming to achieve. The wording should be unambiguous.

*Examples of clearly-worded Annual Conference motions:***Local government representation on National Cabinet**

That Local Government NSW lobbies the Australian Government for permanent local government representation on the National Cabinet.

Natural disaster funding, day labour

That LGNSW requests the Australian and NSW governments reinstate the claimable expense for the use of council staff during their normal working hours to attend to natural disaster relief and recovery funded works and reverse the present policy that effectively requires the mandatory use of contractors for recovery works.

Remuneration for assessment of State Significant Development

That Local Government NSW calls on the Department of Planning to remunerate councils for the time staff provide to review State Significant Development applications.

Short term rental accommodation

That Local Government NSW calls on the NSW Government to complete its review of the options in regard to short-term rental accommodation and provide a range of

'model' options for councils to consider ensuring flexible and improved opportunities to improve the management and regulation of this land use in their local areas.

Skills shortages

That Local Government NSW:

1. calls on the NSW and Federal Governments to provide incentives to address critical sector skills shortages effecting private and public investment, primarily in the fields of planning, engineering and building certification with these incentives to be in the form of scholarships, co-funding cadetships and reduced university course costs.
2. encourages all NSW to provide cadetship programs to build sector capacity in areas of critical sector skill shortages.

For more examples see Business Papers from past Conferences on the [LGNSW website](#).

5. Demonstrating evidence of council support for motion

The member submitting the motion must provide accompanying evidence of support for the motion. Such evidence takes the form of an attachment note or extract from the minutes of the council meeting, at which the member council resolved to submit the motion for consideration by the Conference. In the absence of a council meeting, the evidence should be a letter signed by both the Mayor and General Manager.

6. How to submit a motion

LGNSW members are invited to submit motions through an [online portal](#) from **Tuesday 1 July 2025**.

Attachment A provides detailed instructions on how to submit motions via the online portal.

7. How LGNSW manages incoming motions

The LGNSW Board delegates the function of managing incoming motions for the Conference to a motions committee. The Chief Executive will refer motions to the committee and the committee will assess whether each motion meets or does not meet the Board-endorsed criteria. This assessment forms the final decision on which motions are included in the Conference Business Paper.

Prior to the committee making a final decision, LGNSW may contact the council that submitted the motion to seek clarity on its intent or wording.

Incoming motions which seek to change any long-held [Fundamental Principles](#) (Part A of the Policy Platform), will be highlighted in the Business Paper for members' information at time of voting.

Motions which are consistent with existing LGNSW positions or current LGNSW actions, or that are operational and can be actioned without a Conference resolution, may still be printed in the Business Paper but will not be debated at the Conference.

8. Late motions

Late items are only to be included in the Business paper addendum if, in addition to the above criteria, the late items relate to highly urgent matters that have arisen after the deadline for the motion submission has passed.

In considering whether a late item relates to a highly urgent matter, the Board Motions Committee is to have regard to:

- (a) whether the late item has arisen after the deadline for motions has passed, and
- (b) whether the urgency of the matter justifies it being presented to voting delegates with short notice and limited opportunity to review and consider before they are required to vote on the motion.

9. What happens to motions at the LGNSW Annual Conference

Standing orders are outlined at the front of the Business Paper and adopted at the commencement of each Conference. They outline the manner in which the Conference deals with motions. The standing orders adopted at past conferences can be found in the business papers from previous conferences on the LGNSW [website](#).

During debate on motions at Conference, the standing orders generally permit voting delegates to speak in support of or against each motion. Following a vote on a motion, the motion is either carried and becomes a resolution of the Conference, or it is defeated.

10. Post-conference: Updates to the LGNSW Policy Platform

LGNSW's [Policy Platform](#) consolidates the voices of councils across NSW, reflecting the collective positions of local government on issues of importance to the sector. Importantly, the Policy Platform guides LGNSW in its advocacy on behalf of the local government sector.

The Policy Platform consists of two parts: LGNSW's Fundamental Principles, and the more targeted Position Statements.

- **Fundamental Principles** are the enduring and overarching principles that direct LGNSW's response to broad matters of importance to the local government sector. These Fundamental Principles are endorsed (or amended) by LGNSW members at Annual Conferences.
- **Position Statements** contain LGNSW's more detailed positions on specific issues and guide LGNSW's work on, and response to, policy issues of the day. Position Statements are subordinate to LGNSW's Fundamental Principles but are more agile and are targeted at specific policy issues as they arise.

Changing Fundamental Principles

Where a motion conflicts or may conflict with a Fundamental Principle, this will be clearly highlighted for delegates in the Conference Business Paper. If the motion is adopted as a resolution at Conference, then the relevant Fundamental Principle will be changed.

It is expected that changes to the Fundamental Principles will be uncommon, given their broad focus and general acceptance among the local government sector.

Changing Position Statements

Following each Conference, LGNSW will review resolutions of that Conference to determine whether the intent of each resolution is adequately covered by existing Position Statements. Where the Position Statements do not adequately include the intent of a resolution, LGNSW will update an existing Position Statement or draft a new Position Statement for inclusion in the LGNSW Policy Platform.

LGNSW members will be informed of updates to the LGNSW Policy Platform.

11. Post-conference: Determining LGNSW Advocacy Priorities

Following the LGNSW Annual Conference, LGNSW will review the resolutions and identify key areas of focus to guide LGNSW's advocacy. These areas of focus are also informed by member feedback, the LGNSW strategic plan, position statements, emerging issues, and Board input.

LGNSW's Advocacy Priorities for the following year are then submitted for endorsement by the LGNSW Board.

As LGNSW undertakes advocacy actions on each of the Conference resolutions throughout the year, these actions and their outcomes will be reported to members.

12. Further information

For further information on the motion submission process, please contact LGNSW at policy@lgnsw.org.au.

13. Frequently Asked Questions**How do I know if my proposed motion is consistent with existing LGNSW policy positions?**

The subject matter expert within your council may be best placed to identify this (for example, if the motion relates to a planning matter, this question could be answered by the Planning Manager). Subject matter experts are encouraged to review LGNSW's [Policy Platform](#) to gain an understanding of LGNSW's position on a particular matter to help identify whether your proposed motion is consistent.

What is the deadline for submitting motions?

Members are encouraged to submit motions as soon as possible to allow assessment of the motions and distribution of the Business Paper before the Conference. However, in

line with the LGNSW Rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is **12 midnight AEST on Sunday 26 October 2025** (28 days prior to Conference).

LGNSW can receive more than 300 motions for an Annual Conference. Submitting motions as early as possible helps LGNSW to manage the large volume of motions received within a short period of time and allows LGNSW to seek clarification on any motions if required.

However, the LGNSW Rules allow councils to submit motions with less than 28 days' notice and the LGNSW Board may, in some circumstances, allow these to be considered at Conference as a **late item** (but not included in the Business Paper).

I'm unsure which motion category or sub-category I should select in the online portal

If you are unsure, just select the category you think best fits. LGNSW can re-categorise the motion if necessary.

Who should be the council contact for motions?

We recommend the council contact is someone who is available during the months that motions are open, and able to respond promptly to communications between your council and LGNSW. Some councils have identified the General Manager and others have identified a Governance Manager – it is a decision for each council.

How can I amend my council's motion that I've already submitted?

Once a motion has been submitted it cannot be edited without contacting LGNSW so please review the content carefully before submission. If you need to edit a submitted motion, please contact LGNSW at policy@lgnsw.org.au. You may need to provide evidence of support for the change (see section 5).

ATTACHMENT A - STEP BY STEP GUIDE TO LODGING MOTIONS IN THE ONLINE PORTAL

This section provides step-by-step instructions to assist council staff in lodging a motion via our online portal Survey Monkey Apply.

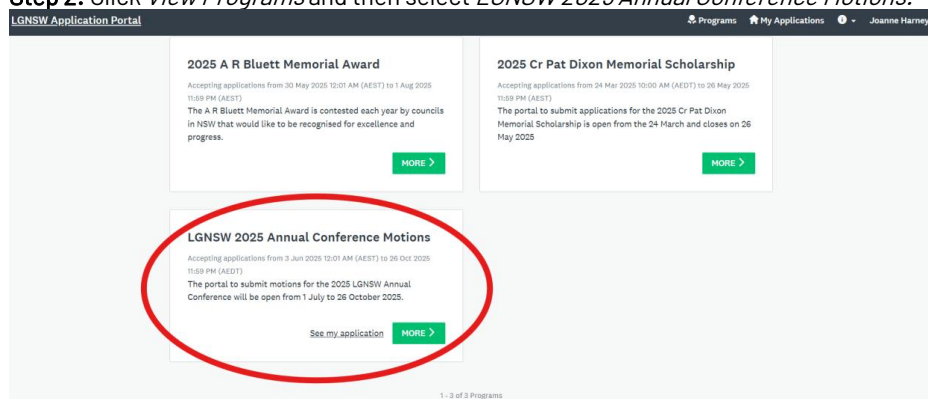
- Member councils are invited to submit motions for the LGNSW Annual Conference via [Survey Monkey Apply](#) from **Tuesday 1 July 2025**.
- Under LGNSW Rules, the latest date motions can be accepted for inclusion in the Business Paper is **12 midnight (AEDT) on Sunday 26 October 2025** (28 days prior to Conference).
- Once a motion has been submitted it cannot be edited without contacting LGNSW, so please review the content carefully before submission.

For further assistance contact LGNSW at policy@lgnsw.org.au

Step 1: Log into [LGNSW's online portal](#) using the same password you use to access the LGNSW member website. If you don't know your password, click "forgot password" to reset your password.

Note: you will need to register if you are logging in for the first time.

Step 2: Click *View Programs* and then select *LGNSW 2025 Annual Conference Motions*.



Step 3: Click **APPLY**.

LGNSW 2025 Annual Conference Motions

The portal to submit motions for the 2025 LGNSW Annual Conference will open from 1 July.

In line with LGNSW rules the latest date motions could be accepted for inclusion in the Conference Business Paper is Sunday 26 October 2025.

More information, including on late motions, is available on the LGNSW Conference website.

Contact policy@lgnsw.org.au for any questions relating to conference motions.

APPLY

Opens
3 Jun 2025 12:01 AM (AEST)

Deadline
26 Oct 2025 11:59 PM (AEDT)

Step 4: Add your motion title (a few words). You will then be taken to the landing page which will show three tasks to complete:

1 of 3 tasks complete

Last edited: 10 Jun 2025 01:21 PM (AEST)

REVIEW SUBMIT

Deadline: 26 Oct 2025 11:59 PM (AEDT)

Joanne Harney (Owner)
joanne.harney@lgnsw.org.au

Add collaborator

LGNSW 2025 Annual Conference...

Cemetery Tax
ID: M25-0000000008

APPLICATION ACTIVITY

Your tasks

- ✓ Applicant Contact Information
Completed on: 10 Jun 2025 01:21 PM (AEST)
- Motion Form
- Evidence of Council's Support for the Motion

Step 5: Click on 'Applicant Contact Information' to add the contact information. This should be the relevant officer within your council who can respond to any questions from LGNSW about the motion promptly. Click **MARK AS COMPLETE** once finished.

Back to application

LGNSW 2025 Annual Conference Motion
Cemetery Tax
ID: M25-0000000008

Applicant Contact Information

Motion Form

Evidence of Council's Support for the Motion

0 of 3 tasks complete

Last edited: 10 Jun 2025 01:32 PM (AEST)

REVIEW SUBMIT

Deadline: 26 Oct 2025 11:59 PM (AEDT)

Applicant Contact Information Reuse data

Contact details ✓ Draft saved

Contact Name

Contact Job Title

Contact Email

Contact Phone

SAVE & CONTINUE EDITING MARK AS COMPLETE

Step 6: Click 'Motion Form' to add the motion details.

Motion category and sub-category assists with categorising motions and grouping related motions in the Conference Business Paper.

Motion wording should include a sentence or two which includes the call to action.

Background note should provide a paragraph or two to explain the context and importance of the issue to the local government sector.
Click **MARK AS COMPLETE** once finished.

LGNSW 2025 Annual Conference Moti...

Cemetery Tax
ID: M25-0000000008

✓ Applicant Contact Information

➔ Motion Form

⌚ Evidence of Council's Support for the Motion

1 of 3 tasks complete

Last edited: 10 Jun 2025 01:44 PM (AEST)

REVIEW SUBMIT

Deadline: 26 Oct 2025 11:59 PM (AEST)

Motion Form ✓ Draft saved

Council/member name

Motion Category

Motion Title
Cemetery Tax

Motion Wording

Motion Background
Maximum 1 or 2 paragraphs

SAVE & CONTINUE EDITING MARK AS COMPLETE

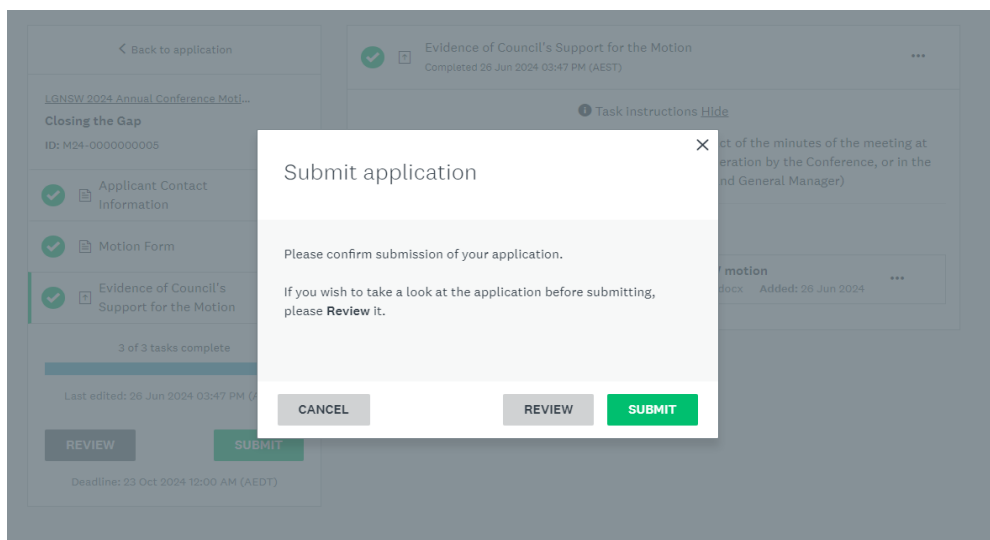
Step 7: Click 'Evidence of Council's Support for the Motion' and attach the relevant file. This will usually be an extract of council meeting minutes. Click **MARK AS COMPLETE** once finished.

The screenshot shows the application form for the LGNSW 2025 Annual Conference Motion. The left sidebar lists the tasks: 'Applicant Contact Information' (completed), 'Motion Form' (completed), and 'Evidence of Council's Support for the Motion' (current step). A progress bar indicates '2 of 3 tasks complete'. The main content area shows the task instructions: 'Attach evidence of council support for the motion (i.e. extract of the minutes of the meeting at which the member resolved to submit the motion for consideration by the Conference, or in the absence of a council meeting, a letter signed by the Mayor and General Manager)'. Below the instructions is a large upload area with an 'ATTACH FILE' button and a link to 'Show accepted formats'. At the bottom right of the upload area, a red circle highlights the 'MARK AS COMPLETE' button.

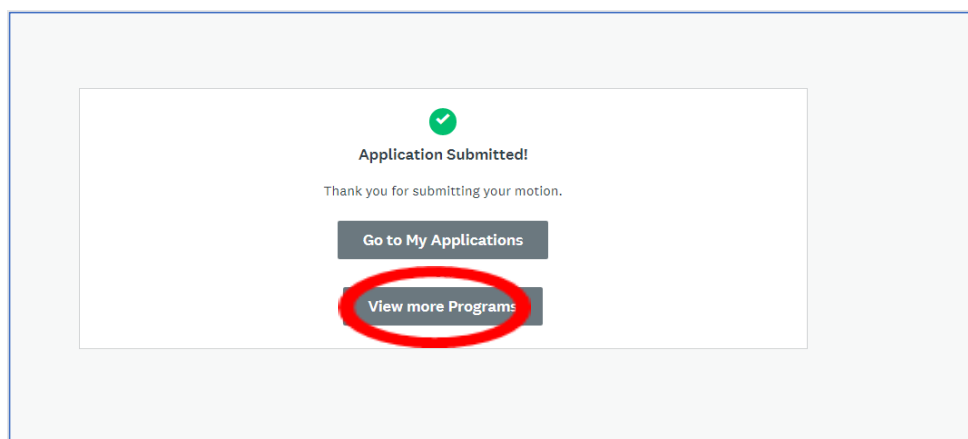
Step 8: Once you have completed all tasks (a green tick is displayed next to each task), click **SUBMIT**.

The screenshot shows the application form for the LGNSW 2024 Annual Conference Motion. The left sidebar lists the tasks: 'Applicant Contact Information' (completed), 'Motion Form' (completed), and 'Evidence of Council's Support for the Motion' (current step). A progress bar indicates '3 of 3 tasks complete'. The main content area shows the task instructions: 'Attach evidence of council support for the motion (i.e. extract of the minutes of the meeting at which the member resolved to submit the motion for consideration by the Conference, or in the absence of a council meeting, a letter signed by the Mayor and General Manager)'. Below the instructions, a file upload section shows a file named 'Council minutes- Evidence of support for LGNSW motion' with the filename 'Council_minutes- Evidence_of_supp_PFnZGb.docx' and the date 'Added: 26 Jun 2024'. At the bottom of the sidebar, there are 'REVIEW' and 'SUBMIT' buttons. The 'SUBMIT' button is highlighted in green.

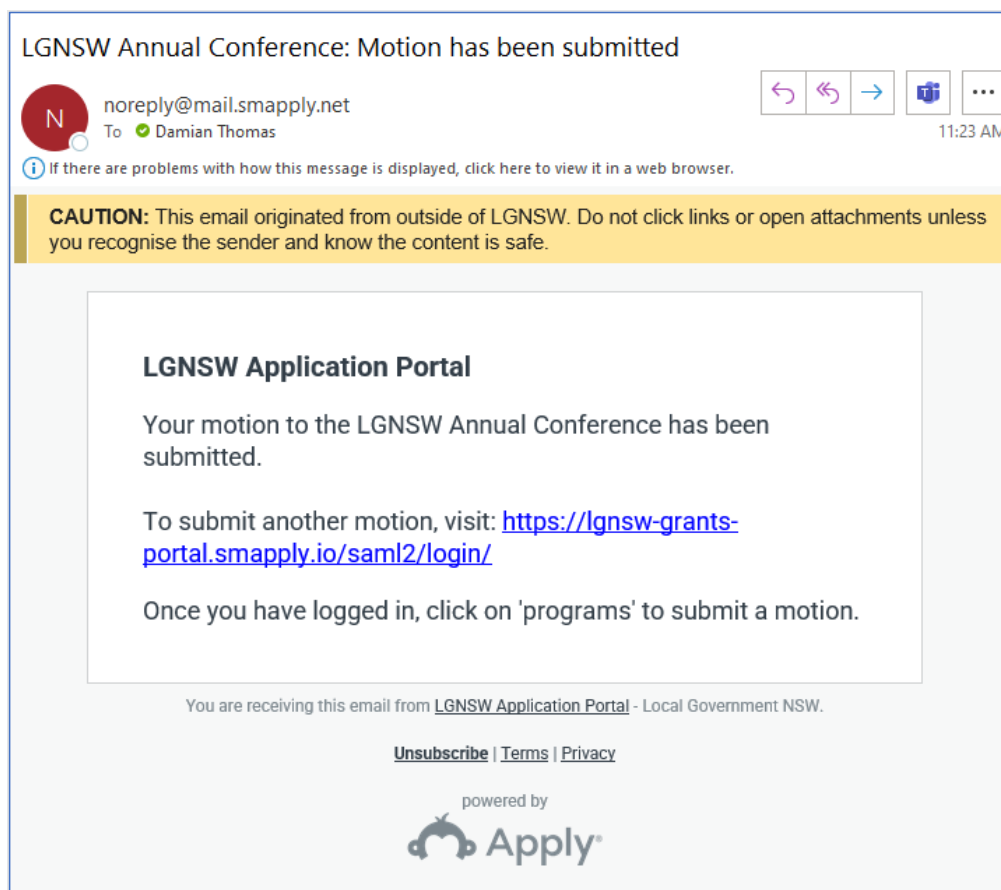
Step 9: You will be asked to confirm submission of the motion. There is an option to review the motion before submitting. When you are ready, click **SUBMIT**.

A screenshot of a web application interface. In the foreground, a white modal dialog box titled 'Submit application' is centered. It contains the text: 'Please confirm submission of your application. If you wish to take a look at the application before submitting, please Review it.' Below the text are three buttons: 'CANCEL' (grey), 'REVIEW' (grey), and 'SUBMIT' (green). In the background, a sidebar on the left shows a list of tasks: 'Applicant Contact Information', 'Motion Form', and 'Evidence of Council's Support for the Motion' (which is highlighted with a green checkmark). The main area shows details for the 'Evidence of Council's Support for the Motion' task, including a completion status and a 'Task Instructions' link.

Step 10: If you are submitting multiple motions, click 'View more Programs'. This will take you back to the landing page to submit more motions.

A screenshot of a confirmation screen. At the top, there is a green checkmark icon. Below it, the text reads 'Application Submitted!' followed by 'Thank you for submitting your motion.' There are two buttons: 'Go to My Applications' and 'View more Programs'. The 'View more Programs' button is circled in red. The entire content is enclosed in a light grey rectangular box.

Step 11: An automated confirmation email will be sent to the email address listed in the 'Applicant Contact Information' section.



City Planning

**DA/2023/415 for Demolition, 8 Into 258 Lot
Torrens Title Subdivision Including 2
Public Reserves, 1 Drainage Reserve, Road
Widening and Associated Infrastructure
over 14 Stages at 2 & 20a Cantwell Road,
25, 39 & 55 Wyndella Road Lochinvar**

**Assessment Report (Under Separate
Cover)**

Meeting Date: 19 August 2025

Attachment No: 3

Number of Pages: 62

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Version 1: Comprehensive

Application No:	DA/2023/415
Proposal:	Demolition, 8 into 258 Lot Torrens Title Residential Subdivision including 2 public reserves, 1 drainage reserve, road widening and associated infrastructure over 14 stages
Address:	2 Cantwell Road, 20A Cantwell Road, 25 Wyndella Road, 39 Wyndella Road and 55 Wyndella Road LOCHINVAR NSW 2321
Lot & DP No:	9/747391, 13/1219648, 2/747391, 6/747391, 3/747391, 4/747391, 5/747391, 12/1219648, 2/1299958
Property No:	34150 89249 34143 34147 34144 34145 34146 89250 105890
Applicant:	Lochinvar Developments Pty Ltd
Owner:	Lochinvar Land Pty Limited
Author:	Scott Fatches, Senior Development Planner
Site Inspection:	25 June 2024
Site conditions	<ul style="list-style-type: none"> • Bushfire prone; • Affected by Class 5 Acid Sulfate Soils; • Affected by flooding from Lochinvar Creek; • Affected by watercourse (1st and 2nd order); • Key Fish Habitat (KFH).
Cost of works	\$26,059,954.00

INTRODUCTION & EXECUTIVE SUMMARY

The purpose of this report is to provide a detailed discussion and assessment of Development Application No. DA/2023/415 proposing demolition of existing structures, an 8 into 258 Lot Torrens Title Residential Subdivision including 2 public reserves, 1 drainage reserve, road widening and associated infrastructure over 14 stages. The assessment will provide consideration of the proposal under the Environmental Planning and Assessment Act (EPA Act) 1979, the Maitland Local Environmental Plan (MLEP) 2011, the Maitland Development Control Plan (MDCP) 2011 and any other relevant legislation, guidelines and policies of the Council.

The development application was initially notified twice in accordance with the Maitland Council Community Participation Plan as adopted by Maitland City Council. The application was initially notified from 15 June 2023 to 12 July 2023 which received four submissions.

A request for further information was sent 13 November 2023 which required a number of design changes.

The application was re-notified on 14 August 2024 to 10 September 2024. No submissions were received during this re-notification period.

The development was referred to the Department of Planning and Environment -Water (General Terms of Approval (GTA's) were issued 16 August 2024), NSW Rural Fire Service (RFS) (GTA's issued 17 April 2025), DPE – Heritage NSW (GTA's issued 14 August 2024), Department of Primary Industries (Fisheries) (GTA's issued 20 August 2024), Ausgrid (advice received 26 June 2023) and Transport for NSW (advice issued 23 October 2024).

All agencies provided their respective General Terms of Approval (GTAs) or advice, which have been considered in the assessment and included in the recommended conditions of consent.

The proposal is consistent with the relevant planning provisions including the MLEP 2011 and the objectives of the MDCP 2011.

The development has been assessed as being satisfactory against the relevant planning instruments and controls to a standard worthy of consent.

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development comprises an 8 into 258 Lot Torrens Title Residential Subdivision including 2 public reserves, 1 drainage reserve, road widening and associated infrastructure over 14 stages (refer to Figure 1 below). Specifics of the proposed subdivision are outlined below:

- Demolition of all existing structures onsite;
- Removal of approximately 0.94 native vegetation;
- 8 into 258 residential lots, varying lot sizes of 450m² to 1200m²;
- Two public reserves (Lots 230 & 522) with an area of approximately 5,000m² each which will be dedicated to Council to accommodate two future Local Parks (subject to a separate application);
- Realignment of existing first order stream;
- Construction of stormwater infrastructure including bio-retention basins (Lot 1401), swale drain, and drainage works;
- Road construction including a central distributor road and local roads;
- Construction of 1.5m wide footpaths along all local roads;
- Construction of 2.5-3m shared paths along the central distributor road;
- Bulk earthworks including importing, spreading, benching and/or retaining (maximum 1.5m high), representing 153,000m³ of cut, 115,000m³ and 38,000m³ of spoil/removal;
- Stockpiling of fill as required;
- Provision of underground water, sewer, stormwater, electrical and communication servicing throughout;
- Establishment of Asset Protection Zones (APZs);
- Landscape buffer along the New England Highway (NEH), street tree planting, planting of bio-retention basins, supplementary planting to riparian corridor; and
- Creation of necessary easements.

The proposed development also includes the following offsite works:

- Upgrade to Wyndella Road including shared path, drainage infrastructure and connection to the New England Highway (NEH);
- Earthworks batters extending into Lot 1 DP65706, Lot 2 DP818314, and Lot 11 DP1219648; and
- Half road over Lot 2 DP818314.
 - **Note:** Owners consent relating to the above lots was submitted as part of the application.

Wyndella Road will be upgraded along the full frontage of the development site to a part width Primary Distributor standard. The western (development) side will comprise a travel lane with kerb and gutter, verge landscaping, and a 2.5–3m shared path. The eastern side, which interfaces with RU2 zoned land, will provide a sealed shoulder and a single travel lane to ensure safe opposing vehicle movements.

Intersection treatments will be constructed at the three internal intersections (MC01, MC03, and MC05) where local roads intersect with Wyndella Road. These treatments will be generally in accordance with agreed concept designs previously reviewed by Council and the applicant and will ensure safe access and integration with the broader Lochinvar Urban Release Area (LURA) road network.

The cost of works for this development is estimated to be approximately \$26,059,954.00 per Quantity Surveyor Report, prepared by Hugh B Gage Pty Ltd (dated 4 July 2023).

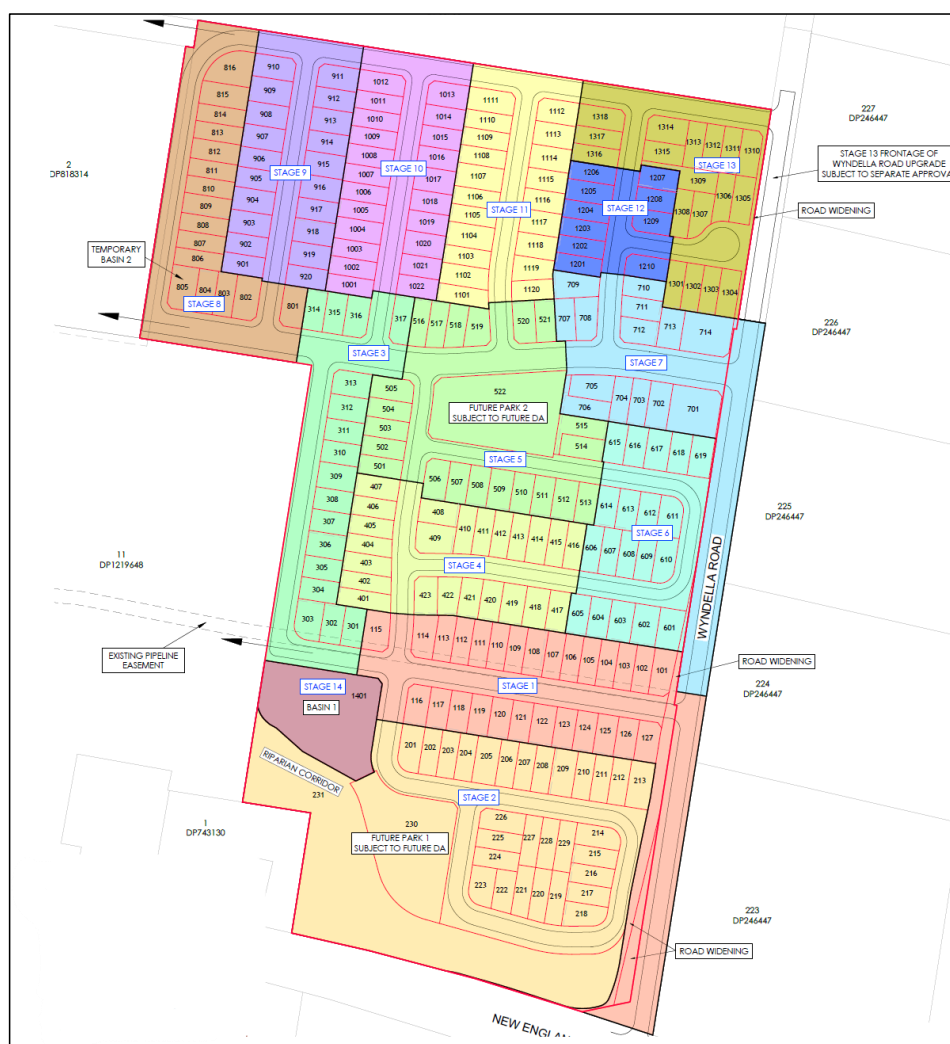
The application proposes the following to be dedicated to Council:

- Lots 230 and 522 will be dedicated to Council for the purposes of local parks. No park embellishment works are proposed under this DA;
- Lot 231 will be dedicated to Council as a riparian corridor;
- Lot 1401 will be dedicated to Council as a drainage reserve

The subdivision is proposed to be carried out in the following stages (refer to table 1):

Table 1: Proposed Staging and lot delivery

Staging	Residential Lots	Other Lots
Stage 1	27	
Stage 2	29	Park (Lot 230/ Future Park 1) and Riparian Corridor
Stage 3	17	
Stage 4	23	Drainage Reserve
Stage 5	21	Park (Lot 522/ Future Park 2)
Stage 6	19	
Stage 7	14	
Stage 8	16	
Stage 9	20	
Stage 10	22	
Stage 11	20	
Stage 12	10	
Stage 13	18	
Stage 14		Basin 1
Total Stages	Total Residential Lots	Total Other Lots
14 Stages	256	2 Lots (plus 1 drainage reserve)



SITE DESCRIPTION

Legal Description and Location

The land on which the development is proposed is legally described as:

- Lots 2–6 in DP 747391 (2 Cantwell Road, Lochinvar)
- Lot 2 in DP1299958 (20A Cantwell Road, Lochinvar)
- Lot 9 in DP 747391 (55 Wyndella Road, Lochinvar)
- Lot 12 in DP 1219648 (39 Wyndella Road, Lochinvar)
- Lot 13 in DP 1219648 (25 Wyndella Road, Lochinvar)

These parcels collectively form the development site, as illustrated in **Figure 2** below. The site has a total area of approximately 22.54 hectares, with a frontage of 235 metres to the New England Highway and 658 metres to Wyndella Road. The site is located within the URA.

Easements and Servicing

The site benefits from two drainage easements that provide legal points of discharge for both the northern and southern catchments. Lot 13 DP 1219648 is burdened along its western boundary by a drainage easement in favour of Lot 12 DP 1219648. This easement is proposed to be released as part of the development. Additionally, the adjoining Lot 11 DP 1219648 is burdened by an easement that benefits Lot 12, providing an additional legal point of discharge.

Lot 13 DP 1219648 is also burdened along its southern boundary by a pipeline easement benefiting Hunter Water, which accommodates two rising mains.

Existing Site Conditions

The site predominantly comprises cleared rural grazing land and has historically been used for farming purposes. Existing structures include an open agricultural shed and scattered rubble piles across various paddocks. Vegetation on site is limited, with small patches of remnant vegetation located in the north-western and south-western corners.

During the assessment of this application, a Complying Development Certificate (CDC) was lodged for a dwelling and detached shed on 39 Wyndella Road, Lochinvar (CDC/2025/96, CDC/2025/200 & CDC/2025/237). A condition of consent for this subdivision will require the demolition of all existing structures and remediation where necessary.

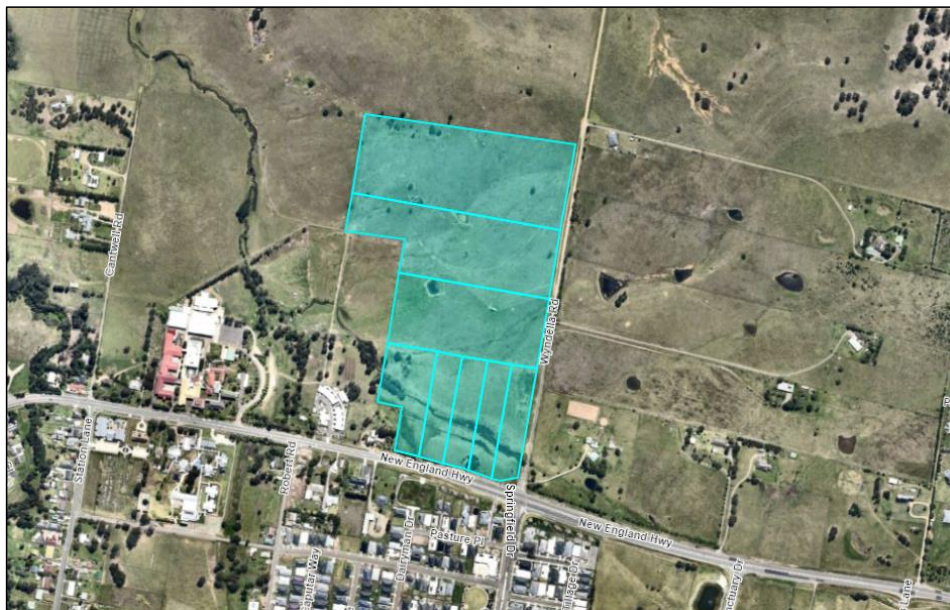


Figure 2: Subject site

Surrounding Context

The site is bounded by vacant rural land to the north and west, the New England Highway to the south, and Wyndella Road to the west. Surrounding land uses include a mix of residential properties and undeveloped rural land.

Minor offsite works are proposed on adjoining properties, including earthworks batters, minor civil works, and construction of a shared boundary road (half-width) across Lot 2 DP 818314. These works extend into Lots 1 DP 65706, 2 DP 818314, and 11 DP 1219648. Owner's consent for these works has been provided with the development application.

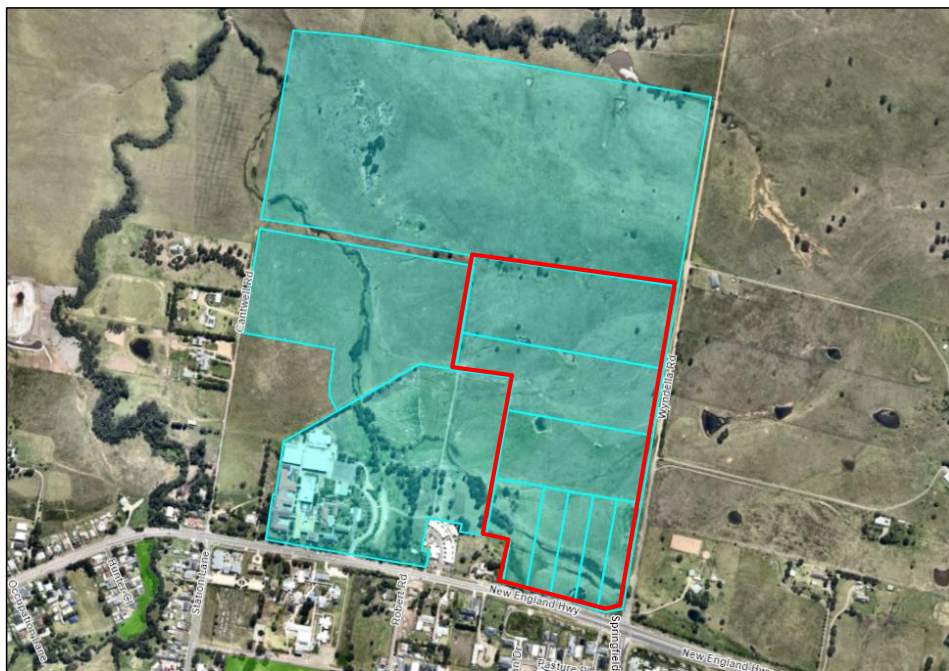


Figure 3: Adjoining properties subject to minor works – subject site identified in red

Zoning and Planning Framework

As shown in **Figure 4** below, the site is zoned R1 General Residential under the MLEP 2011. It adjoins land zoned RU2 Rural Landscape to the north and east. The site forms part of the LURA, which was

rezoned in October 2011. As such, the development is subject to the provisions of Part 6 of the MLEP 2011 and Part F9 of the MDCP 2011.

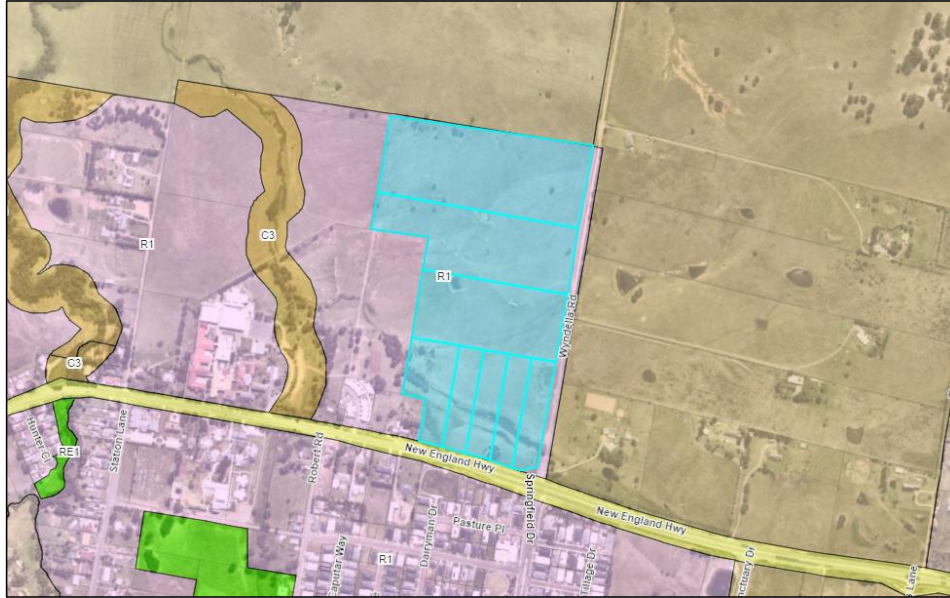


Figure 4: Zoning applicable to the subject site as per MLEP 2011

Topography and Natural Features

The site is irregular in shape and features an undulating landform, ranging from RL 62m AHD at the highest point in the north-east to RL 25m AHD at the lowest point in the south-west. The landscape consists primarily of managed grassland with minimal mature vegetation. The land is not mapped as containing Biodiversity Values, however is mapped under Council's GreenBlue Grid representing the Lochinvar Creek.





Figure 5: Site Photos

Lochinvar Creek runs along the southern boundary of the site and traverses in a north-west direction, containing a combination of first and second order streams.

Environmental Constraints

The site is mapped as being:

- Bushfire prone;
- Affected by Class 5 Acid Sulfate Soils;
- Affected by flooding from Lochinvar Creek;
- Affected by watercourse (1st and 2nd order);
- Key Fish Habitat (KFH).

PREVIOUS DEVELOPMENT HISTORY

The site has had some development history relating to its previous use as rural land. Such development includes erection of a fence (DA/2003/4233) and refurbishment of rest home into hostels (DA/1996/491) relating to The Sisters of St Joseph.

CURRENT DEVELOPMENT HISTORY

The development application was submitted to Council on 6 June 2023.

The application was put on hold pending receipt of a Satisfactory Arrangement Certificate (SAC), which was received from the former Department of Planning on 16 July 2025.

Other items relating to civil design, road upgrades, flood impacts, ecological items, Aboriginal/ heritage items, and acoustic matters were requested in subsequent correspondence requests to the applicant.

Matters relating to external referral agencies were also requested to be addressed to ensure these agency requirements could be met, including bushfire requirements.

PLANNING ASSESSMENT

Development Type

The proposal is categorised as *local development*, under the EPA Act. The proposal **is** integrated development under Section 4.46 of the EPA Act.

Rural Fires Act 1997

The subject site is mapped as within a bushfire buffer zone, and the proposal includes subdivision with the intent of residential development. Subsequently, the development is classified as integrated under s100B of the *Rural Fires Act 1997*.

An integrated referral to the NSW RFS was initially undertaken, with GTA's issued on 30 July 2023. A request for further information was sent to the applicant to ensure the GTA's could be adopted into the subdivision design.

The application was then re-referred to the NSW RFS following design amendments which prompted the NSW RFS to request further information on 16 September 2024.

The applicant provided subsequent design changes which resulted in revised GTA's issued by the NSW RFS dated 17 April 2025. Confirmation by the applicant confirmed that the GTA's could be met at the detailed design stage of the subdivision. Conditions of consent for both the GTA's and design certification are recommended for imposition.

Water Management Act 2000

The application was referred to DPIE – Water as Integrated Development under Section 91 of the *Environmental Planning and Assessment Act 1979*, as the proposal involves works within 40 metres of a watercourse and stream realignment that require a Controlled Activity Approval (CAA) under the *Water Management Act 2000*.

DPIE – Water issued GTAs on 16 August 2024, confirming that the proposed stream realignment, associated riparian restoration, and drainage works could proceed subject to compliance with prescribed design and environmental management requirements. These include controls for protecting water quality, minimising disturbance to bed and bank stability, and maintaining ecological processes during and after construction.

Conditions of consent reflecting the GTAs will be included to ensure the development complies with the *Water Management Act 2000* and aligns with best practice for riparian land and watercourse management.

Fisheries Management Act 1994

The application was referred to the Department of Primary Industries – Regional Development (DPI) as part of the integrated development process under Section 91 of the *Environmental Planning and Assessment Act 1979*, due to proposed works within a watercourse and potential impacts to aquatic habitat.

The proposal involves realignment of a first order stream, classified as Key Fish Habitat (KFH) under the *Fisheries Management Act 1994*. In this context, the development triggers consideration under Sections 198–202 of the Act relating to dredging and reclamation works within aquatic environments.

Following assessment, DPI issued GTAs requiring that:

- A permit under Sections 198–202 of the *Fisheries Management Act 1994* must be obtained prior to commencement of any dredging or reclamation works;
- If works are alternatively assessed under the *Water Management Act 2000*, a Controlled Activity Approval (CAA) is to be obtained from DPIE – Water prior to works commencing;
- All works within or adjacent to the watercourse are to be undertaken in accordance with best practice erosion and sediment controls, specifically in accordance with the "Blue Book" (Landcom, 2004) – Managing Urban Stormwater: Soils and Construction (4th Edition).

These requirements ensure that potential impacts to aquatic habitat, riparian vegetation, and fish passage are managed in accordance with DPI's regulatory framework. Conditions of consent will be imposed requiring compliance with the GTAs issued by DPI Fisheries.

Accordingly, the proposal has been assessed as consistent with the requirements of the *Fisheries Management Act 1994*, and subject to the implementation of the recommended mitigation and management measures, no significant impacts to aquatic biodiversity or key fish habitat are anticipated.

National Parks and Wildlife Act 1974

The application was referred to Department of Climate Change, Energy, the Environment and Water as Integrated Development with regard to an Aboriginal Heritage Impact Permit under the *National Parks and Wildlife Act 1974*. The Department issued its GTAs on 14 August 2024 requiring an Aboriginal Heritage Impact Permit (AHIP) among other specific reporting and consultation. Conditions of consent relating to the GTA's are included within the recommended conditions of this consent.

S7.11 – Development Contributions

The development attracts a monetary contribution of \$6,711,560.00 in accordance with Council's adopted Lochinvar Section 7.11 Contributions Plan include date of Plan.

A condition of consent has been included to allow the applicant to enter into a Works-in-Kind (WIK) agreement with Council, should they wish to deliver any of the following contribution items identified under the Plan:

- L2 – Local Playground;
- L3 – Local Playground;
- L41 – Upgrade of Existing Basin;
- L42 – Upgrade of Existing Basin.

Where a valid Works-in-Kind agreement is executed, appropriate offsets or reimbursements will be applied in accordance with the provisions of the Contributions Plan and subject to Council approval. Council's Contributions Team has confirmed that, at the time of determination, no formal WIK proposal has been submitted by the applicant.

Environmental Planning and Assessment Act

Section 1.7 – Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

The applicant has submitted a Streamlined Biodiversity Development Assessment Report (BDAR) prepared in accordance with the Biodiversity Assessment Method 2020 (BAM), as required under Section 6.7 of the *Biodiversity Conservation Act 2016* (BC Act). The assessment identifies biodiversity values within the subject site, including the presence of native vegetation and potential habitat for threatened species and ecological communities, and quantifies the likely impacts of the proposed development on these values.

The subject site comprises approximately 25.91 hectares, of which approximately 0.94 hectares contains degraded native vegetation. The remaining land consists of exotic pasture, cleared land, and areas of existing infrastructure. Four Plant Community Types (PCTs) were identified within the site, being:

- PCT 3328 – Lower Hunter Red Gum–Paperbark Riverflat Forest (0.03ha),
- PCT 3433 – Hunter Coast Foothills Spotted Gum–Ironbark Grassy Forest (0.07ha),
- PCT 4042 – Lower North Riverflat Eucalypt–Paperbark Forest (0.13ha), and
- PCT 4044 – Northern Creekflat Eucalypt–Paperbark Mesic Swamp Forest (0.70ha).

Additionally, 23.94ha of the site is planted native *Cynodon dactylon* grassland.

The proposal will result in the removal of approximately 0.94ha of native vegetation. No threatened flora or fauna species were recorded within the site, with fauna observations limited to common species typically found in the locality. The remnant vegetation within the site was found to have limited ecological connectivity with larger habitat areas off-site.

In accordance with the BAM and the Streamlined Assessment Module for small-scale impacts, the development would require the retirement of ecosystem credits as follows:

- 1 credit for PCT 3433;
- 10 credits for PCT 4044.

The principles of “avoid and minimise” were considered in the design, with the development footprint located primarily in degraded areas zoned R1 – General Residential to reduce biodiversity impacts. Additional avoid and minimise measures are detailed within the BDAR.

The development involves works within 40 metres of a mapped watercourse, including a proposed creek crossing. As such, it triggers consideration under Section 91 of the *Water Management Act 2000* and Sections 201 and 219 of the *Fisheries Management Act 1994*. Accordingly, assessment under Part 7A of the *Fisheries Management Act 1994* is also relevant.

The proposal has also been assessed against other relevant environmental planning instruments including the *Biodiversity and Conservation SEPP 2021* (Koala Habitat Protection), and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The site was found to provide only potential seasonal foraging habitat and is not identified as important habitat for the Regent Honeyeater or Swift Parrot, nor does it contain any Grey-headed Flying-fox roost camps.

Council’s Ecologist has reviewed the proposed development and BDAR as acceptable. The biodiversity impacts of the development have been properly assessed and are considered acceptable subject to implementation of mitigation measures, vegetation offsets, and long-term management under a Biodiversity Management Plan. Appropriate conditions of consent are recommended to secure these outcomes.

Appropriate conditions recommended for imposition by Council’s Ecologist relating to the Biodiversity Offset Scheme, Biodiversity Management Plan, Vegetation Management Plan, and vegetation clearing will be incorporated into any development consent issued for the development

Section 4.15(1)(a)(i) - Provisions of any environmental planning instrument

State Environmental Planning Policies

The following State Environmental Planning Policies (SEPP’s) are relevant to the assessment of the proposal:

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 – Koala Habitat Protection 2021

The subject site exceeds 1 hectare in area and does not have an approved Koala Plan of Management. As such, Chapter 4 of the Biodiversity and Conservation SEPP 2021 applies and the development must

be assessed in accordance with Clause 4.9, which outlines requirements for land not subject to an approved Koala Plan of Management.

A site inspection confirmed the presence of five (5) Koala feed trees within the subject site, triggering the need for further assessment to determine whether the site constitutes core Koala habitat under the SEPP.

Survey effort was undertaken, including habitat assessments, nocturnal call playback surveys, and Spot Assessment Technique (SAT) searches for scats or tree scratchings.

No evidence of Koala utilisation was identified during any of the survey events. In addition, a desktop review of the BioNet Atlas identified no Koala records within 10km of the subject site over the past 18 years. The site is fragmented and bordered by cleared lands, roads, and rural residential development, which further reduces habitat connectivity and suitability.

Based on the survey outcomes and current site condition, the site does not meet the definition of core Koala habitat. The assessment concludes that there is low to negligible likelihood of Koala presence or usage of the site, and therefore the development can be considered under a Tier 1 Assessment pathway. Specific Koala management measures are not required in this instance given the limited habitat value and lack of Koala activity.

State Environmental Planning Policy (Resilience & Hazards) 2021

The provisions of Chapter 4 have been considered in the assessment of the development application. Section 4.6 of the SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Qualtest Laboratory NSW Pty Ltd (Qualtest) has carried out a Detailed Contamination Assessment of the site. The objectives of the assessment were to provide an assessment of the likelihood for contamination to be present on the site from past uses and activities, and provide recommendations on the need for further assessment, management and/or remediation (if required).

The Qualtest report forms the opinion that as the site has been vacant land (most likely livestock grazing) from the 1970's and remains vacant land (used for livestock grazing) to the present day.

Reporting identified the barn located in the south-eastern portion of the site was observed to have been constructed from brick and metal with concrete flooring and possible ACM roof sheeting. A stockpile with concrete stairs, bricks and concrete blocks was observed along the north boundary of the site and an area of buried fill was observed to the west of the stockpile. Areas of fill were observed along the central western boundary of the site and on the dam walls.

Soil sampling and analysis of surface and fill soils in the areas of the AECs above was carried out. The field investigations identified three waste pits on the site and concentrations of ACM, and/or PAHs above the adopted human health and/or ecological criteria.

Surface water sampling identified metal concentrations including chromium, copper, and zinc, exceeded the adopted guidelines. Given the long history of farming in the region, the concentrations of metals in the surface water are considered to represent background conditions. No elevated concentrations were identified in the dam sediments assessed.

The identified soil contamination will require remediation and/or management as part of the

proposed development. The following soil contamination will require remediation and/or management:

- ACM above human health criteria and zinc above ecological criteria in surface soils surrounding the barn in the south eastern portion of the site;
- ACM above the adopted human health criteria in Waste Pit 2 and ACM and PAHs above human health and ecological criteria in Waste Pit 3; and
- Anthropogenic materials observed in Waste Pit 1 to Waste Pit 3 and Stockpile 1 will also require removal/management for aesthetic reasons.

Provided the recommendations listed above are implemented/carried out it is considered the site is suitable for proposed residential development. The Qualtest report submitted in support of the application states:

Based on the results of the Detailed Contamination Assessment it is considered the site can be made suitable for the proposed residential development, provided the following recommendations are implemented:

- *Additional assessment including sampling and analysis of the waste pits due to the volume of material observed, and the low sampling density. This additional assessment can be included in the Remediation Action Plan (RAP) for the site (see bullet point below).*
- *Preparation of a Remediation Action Plan (RAP) by an experienced contaminated land consultant, to outline the remediation for the soil contamination identified.*
- *Preparation of a Contaminated Land Management Plan as part of a Construction Environmental Management Plan (CEMP) for use during earthworks and construction of the development, which will include:*
 - *Guidance to the workers on identifying potentially contaminating materials such as slag impacted soil, asbestos containing material and,*
 - *Unexpected Finds Procedure (UFP); and*
 - *Procedures for handling, management and disposal/re-use of contaminated soil and surface water, if encountered.*

Council's Contamination Officer has reviewed the Qualtest Detailed Contamination Assessment submitted with the application and considers it to be a high-quality report that appropriately addresses the identified contamination issues. The officer concurs with the report's conclusion that the site can be made suitable for its intended use following the implementation of recommended remedial works.

To address remaining data gaps and ensure the site is fully remediated, the following additional actions are required:

- Preparation of a Sampling and Analysis Quality Plan (SAQP) to guide further investigation, particularly in relation to identified buried waste areas.
- Preparation of a Remediation Action Plan (RAP) to address contamination issues identified in the assessment. The SAQP may be incorporated into the RAP, but if so, the RAP must be revised once further investigations are complete to ensure all remedial works are adequately captured.
- Implementation of remedial works, followed by validation sampling and preparation of a Validation Report. This report must confirm the site has been suitably remediated and is fit for its proposed residential use. For areas impacted by asbestos, clearance must be certified by a SafeWork Licensed Asbestos Assessor.

Additionally, any future civil or bulk earthworks must be undertaken in accordance with an Unexpected Finds Protocol to appropriately manage any unforeseen contamination encountered during construction.

Accordingly, the site is considered suitable for the proposed subdivision with conditions recommended including adoption of the Qualtest report recommendations and other standard conditions.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The subject site is classified as Traffic Generating Development (TGD) by virtue of Clause 2.122 and Schedule 4 of SEPP (Transport and Infrastructure) 2021, as the subdivision will create more than 200 lots and includes the opening of a public road and has frontage to a classified road (NEH). Accordingly, the application was referred to Transport for NSW (TfNSW) seeking its comment on the TGD.

Numerous correspondence was had with TfNSW to look at the development during the application period including. Of most relevance is the following:

25 August 2023

TfNSW recommend a consent condition that requires the existing New England Highway/Wyndella signalised intersection to be upgraded in accordance with an agreed strategic design prior to release of the first lot.

Should the developer propose a contribution in lieu of physical works, the upgrade would still be required prior release of the first lot to ensure the safety and efficiency of the New England Highway.

TfNSW would like to work collaboratively with Council and the developer to identify the scope of work required and determine relevant consent conditions necessary to mitigate impact on the safety and efficiency of the classified (State) road.

It is noted that Council's adopted Lochinvar Section 94 Contribution Plan (Version 3) already identifies that an upgrade of this intersection (Item L26) is required to support the anticipated growth in the URA. Appropriate conditions of consent will therefore need to be imposed once the agreed works are able to be compared to Council's roads and traffic facilities work schedule.

23 October 2024

TfNSW provided advice to Council on 23 October 2024 following review of the updated Traffic Impact Assessment and SIDRA modelling. TfNSW raised no objection to the proposal but provided the following key advice:

- Works on the State Road: Any proposed works on the New England Highway, including modifications to traffic signals and keep-clear line marking, must be delivered at full cost to the developer and will require a Works Authorisation Deed (WAD) with TfNSW. These works must be completed prior to the issue of the first Subdivision Certificate.
- Active and Public Transport: TfNSW reiterated previous advice that greater consideration should be given to active and public transport, with pathways linking to activity centres, parks, schools, and public transport stops.
- Noise Impacts: The developer is responsible for implementing noise attenuation measures in accordance with the NSW Road Noise Policy (2011) due to the site's proximity to the New England Highway. Where external criteria cannot be met, internal noise objectives under the Building Code of Australia should be applied to all habitable rooms.
- Other Matters: Internal road layout, parking, and pedestrian access arrangements remain under Council's jurisdiction as the local road authority under the *Roads Act 1993*.

14 April 2025

General advice was sought from TfNSW on supporting a potential signalised intersection on Wyndella Road (intersection of proposed MC03 and Wyndella Road).

Advice was provided by TfNSW that subject to continued development along Wyndella Road there seems to be merit in providing this signalised intersection treatment. It is noted that this is high level and subject to future studies.

Maitland Local Environmental Plan 2011

The site is zoned R1 General Residential under the MLEP 2011. The proposed development is defined as a Subdivision under the LEP which is a type of development permitted with consent by virtue of Clause 2.6 of MLEP 2011.

R1 General Residential

The proposed development is considered to be consistent with the objectives of the R1 zone. The proposal facilitates additional lots within the LGA that supports residential development to provide for the housing needs of the community. It is anticipated the development will provide for a variety of housing types and densities within the locality.

Additionally, the proposed development provides two Local Parks to meet the day to day needs of the future residents.

The following clauses of the Maitland LEP 2011 are relevant to the assessment of the proposal:

Clause 2.6 – Subdivision – Consent Requirements

This clause permits the subdivision of land, to which the MLEP 2011 applies, with consent.

Clause 2.7 – Demolition requires development consent

The development application includes the demolition of buildings/works to facilitate the development for which development consent is required.

Clause 4.1 Minimum Subdivision Lot Size

The minimum lot size within the R1 General Residential zone is 450m². All proposed residential lots are above the minimum lot size.

Clause 5.10 – Heritage Conservation

There are no European heritage items to consider in relation to the proposed development. It is noted the Lochinvar Structure Plan (LSP) makes reference to the Stations of the Cross which existed some years ago when the LSP was written. The Stations of the Cross, was a series of large white timber crosses erected across site which were visible from NEH and formed a backdrop to the Convent due to the rise in topography.

The crosses have since been removed from the site. That is, there is little to consider as the crosses and walking route no longer exist, and no longer provide a landmark as they previously did. The Stations of the Cross as a physical landmark was not heritage listed by hold such significance that Council or Heritage NSW.

With regard to Aboriginal archaeology, an amended Aboriginal Cultural Heritage Assessment (ACHA) prepared by McCardle Cultural Heritage in April 2024 was submitted in support of the application. This amended assessment was a result of consultation with Heritage NSW which identified a Potential Archaeological Deposit (PAD) on the subject site.

The report identified the Aboriginal object known as stone artefact site 37-6-2228 which was found to be highly disturbed with no in situ subsurface potential. This site will be impacted by the proposed development. The site was deemed to have low scientific significance, and the cultural significance was not assessed. The nature of the identified PAD remained unknown and as such, an archaeological test excavation was undertaken.

Reporting suggests artifacts associated with this site are scattered throughout the landscape, making it difficult to predict their specific locations. Additionally, the land uses of clearing, ploughing, grazing, and dam construction are known to redistribute or destroy archaeological sites, further complicating the prediction of hunting and gathering activity locations. The evidence gathered across the project area suggests that it was likely used for more transitory activities such as hunting and gathering, rather than long-term camping.

Heritage NSW reviewed the amended Aboriginal Cultural Heritage Assessment Report, and recommended mitigation strategies and granted GTA's, of which will form part of the recommended conditions of consent.

An advisory notification was sent to the local Aboriginal community giving notification of the proposed development; however, no response was received.

As a result, the proposed development can proceed with caution with conditions recommended to manage unexpected finds through the construction process.

Clause 5.21 – Flood planning

While the subject site is not formally mapped within a flood planning area under Clause 5.21 of the MLEP 2011, it does receive flow from a significant upstream catchment via a tributary of Lochinvar Creek. As such, the applicant has submitted a detailed Flood Impact Assessment (FIA) within the stormwater management plan supported by relevant catchment-wide studies to confirm that the proposal is compatible with existing and future flood behaviour.

The site lies within the broader Lochinvar URA, which has been the subject of several adopted flood studies including:

- Lochinvar Flood Study (WMA Water, 2019) – adopted by Council, provides catchment-wide flood behaviour up to the PMF;
- Lochinvar Urban Release Area Flood Study (ADW Johnson, 2015) – included 1D modelling under existing and developed conditions;
- Hunter River: Branxton to Green Rocks Flood Study (WMA Water, 2010) – considered regional flood behaviour and its influence on Lochinvar Creek.

The applicant's flood assessment adopts consistent methodology and incorporates modelling of the tributary and local catchment. Key findings of the flood study include:

- The realigned watercourse within the site contains the 1% AEP flood within its channel, with no overtopping of embankments or roads (refer to **Figure 6**).
- All proposed lots are flood free in the 1% AEP event, achieving at least 500mm freeboard, and the realigned channel achieves >300mm freeboard.
- The upgraded culverts at Wyndella Road (south) improve flood performance by reducing upstream extents, addressing known capacity constraints in existing infrastructure.
- No adverse impacts to upstream or downstream flood behaviour, flood hazard or velocities are predicted up to the 1% AEP event.

- Modelled flood hazard changes are negligible downstream, with minor increases within the site due to the watercourse realignment. Isolated modelling irregularities are acknowledged due to cross-section alignment constraints but are not considered representative of real-world impacts.

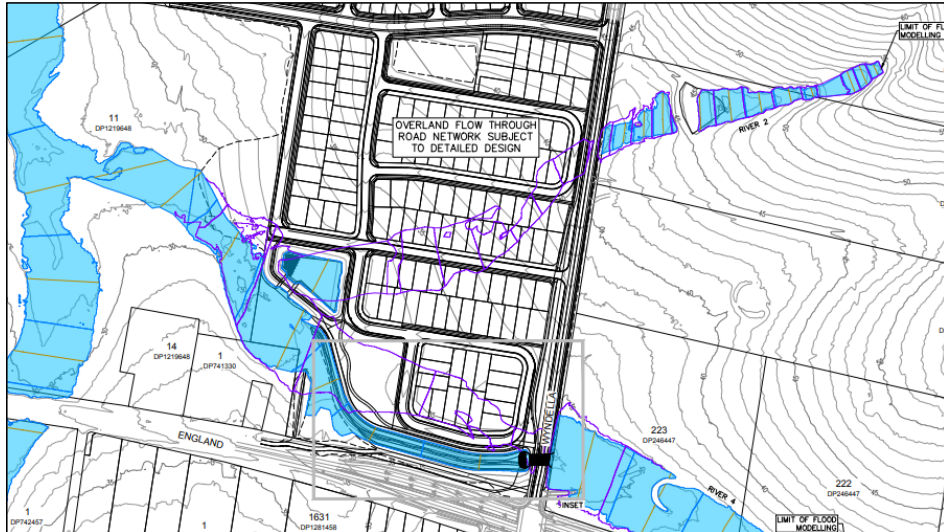


Figure 5: Flood study showing the 1% AEP event

In relation to extreme events, modelling of the Probable Maximum Flood (PMF) confirms that all residential lots are outside the PMF extent, except for minor batter encroachments within front setbacks of lots 217-223 (as depicted in the flood extent modelling plans). This result supports the feasibility of refuge-in-place during extreme flooding.

Further, the New England Highway remains accessible to the east under PMF conditions, enabling evacuation in line with Council's adopted flood emergency response planning.

Overall, the proposal is supported by robust flood modelling and has demonstrated that the subdivision will be flood compatible, avoids adverse or cumulative flood impacts, and enables the safe occupation of land in accordance with the intent of the NSW Floodplain Development Manual (2005).

PART 6 – URBAN RELEASE AREAS

The site is located within the Lochinvar URA. Part 6 of the MLEP 2011 applies and is discussed below.

Clause 6.1 Arrangements for designated State public infrastructure

Clause 6.1 of the MLEP 2011 (now repealed but still operative for this application via transitional savings provisions) requires that Council be in receipt of a Satisfactory Arrangements Certificate (SAC) from the NSW Department of Planning, Housing and Infrastructure (DPHI) before granting development consent for subdivision of land within the Lochinvar URA.

Satisfactory Arrangements Certificate – SVPA2023-56 has been issued by the Department, dated 16 July 2025, and requires all obligations due at this time towards State infrastructure to be met prior to the issue of a Subdivision Certificate.

The certificate ensures that appropriate arrangements have been made for contributions towards the provision of designated State public infrastructure. Appropriate conditions will be included on any development consent issued to ensure this is the case.

Clause 6.2 Public utility infrastructure

This clause requires Council to be satisfied the necessary public infrastructure is available to the development when required, in particular, reticulated systems to service the proposed residential lots.

A Water and Wastewater Servicing Strategy was provided in support of the application with Hunter Water Corporation (HWC) advising connection is available subject to a Booster Pump Station to ensure all lots can be serviced by reticulated systems. Prior to release of any Subdivision Certificate, a Section 50 Certificate issued by HWC will be required, confirming all lots are connected to reticulated systems.

Other public infrastructure (electricity, telecommunications) will be extended to the subdivision and confirmation that all services are available to individual lots is also required prior to the release of a Subdivision Certificate.

The applicant notes electricity, telecommunication and gas facilities to service the proposed allotments will be provided underground within the footpath reservation and connect to existing reticulation in the Lochinvar URA.

Clause 6.3 – Development control plan

This clause requires a Development Control Plan (DCP) to be in force that addresses the relevant matters for consideration under 6.3(3) before development consent can be issued. Chapter F.9 – Lochinvar URA DCP is in force.

A Masterplan has been prepared which has been supported in principle by Council's Coordinator City Planning.

Clause 7.1 – Acid Sulfate Soils

The site is identified as containing Class 5 ASS on the Acid Sulfate Soil Map but is not located near any higher order acid soil classifications. As such, the clause is not triggered by the proposed development.

Clause 7.2 – Earthworks

The proposed development involves extensive earthworks to enable subdivision and infrastructure delivery, including regrading, filling, retaining walls, battering, and stockpiling as required. These works are necessary to provide suitable lot gradients, facilitate drainage infrastructure, and accommodate existing sewer alignments across the site.

As detailed in the submitted earthworks plan, the development will involve approximately 153,000m³ of excavation (cut) and 115,000m³ of fill, with an estimated 38,000m³ of material to be removed from the site as surplus.

In accordance with Clause 7.2 of the Maitland LEP 2011, the proposed earthworks are considered acceptable, having regard to the following:

(a) Impact on drainage patterns and soil stability

The earthworks have been designed in close coordination with the stormwater strategy to ensure no adverse impact to drainage patterns or soil stability. The final design integrates appropriate erosion and sediment controls, including measures to protect the adjoining watercourse. These controls will be implemented throughout construction to minimise off-site impacts and be enforced by conditions of consent.

(b) Effect on future use or redevelopment

The works provide suitable, stable building platforms and enable compliant lot design. Retaining structures and battering are located to minimise fill while ensuring the site is fit for its intended residential use. The works will improve the development potential and usability of the land in line with its zoning and strategic planning intent.

(c) Quality of fill and underlying soils

The Geotechnical Assessment and subsequent Addendum Letter confirm that fill will be placed and compacted in accordance with AS3798-2007. Conditions for filling material to be virgin excavated natural material (VENM) or excavated natural material (ENM) will be imposed to ensure the intent of this control is met.

(d) Amenity of adjoining properties

Earthworks will achieve a smooth transition to neighbouring properties, ensuring compatibility in finished levels. Any temporary construction-related amenity impacts (e.g. noise or dust) will be managed through appropriate conditions of consent and standard environmental controls.

(e) Source and destination of fill

Fill will be sourced on-site where practicable, with any additional material imported from suitable local sources. Excavated spoil not suitable for reuse will be disposed of lawfully off-site, in accordance with EPA guidelines.

(f) Likelihood of disturbing relics

Heritage considerations have been addressed elsewhere in this report. In summary, an amended Aboriginal Cultural Heritage Assessment (ACHA) identified one disturbed artefact site (37-6-2228) and a Potential Archaeological Deposit (PAD). Subsurface testing confirmed limited archaeological potential, and the site was deemed to hold low scientific significance. Heritage NSW reviewed the ACHA, issued GTA's, and recommended mitigation strategies, which will be incorporated into the consent conditions. An unexpected finds protocol will also apply during construction to appropriately manage any unanticipated discoveries.

Accordingly, the potential for disturbance of relics has been appropriately considered and addressed.

(g) Impacts on watercourses or environmentally sensitive areas

The works are located near a tributary of Lochinvar Creek. Drainage and earthworks designs have been prepared with appropriate setbacks and protections to prevent erosion, sedimentation, or disturbance of riparian vegetation. These include stabilisation measures and ongoing site management to protect environmental functions.

Clause 7.4 – Riparian land and watercourses

The proposed development involves the realignment of a first-order stream within the site, and as such, Clause 7.4 of the MLEP applies. In support of the application, an Aquatic Ecology Report (Anderson Environment & Planning, July 2024) and Riparian Assessment Report have been submitted, which collectively provide a detailed assessment of aquatic habitat values, existing riparian condition, and the impacts of the proposed works.

The aquatic habitat survey confirms the watercourse is highly degraded, primarily due to historic agricultural activities, cattle access, and associated bank erosion.

Despite the low ecological function of the existing stream, the proposed development will result in temporary construction related impacts due to the stream realignment. These will be mitigated through the implementation of a temporary diversion channel and best practice sediment and erosion controls. The final stream design will substantially improve riparian and aquatic habitat values by

restoring channel morphology, including the incorporation of pools, riffles, and meanders, and through native revegetation of the riparian corridor.

The realignment is supported by a Biodiversity Management Plan (BMP), which will deliver riparian corridor restoration over a width of approximately 10–20 metres from the top of bank. Key features of the BMP include:

- Construction of instream habitat structures including refuge pools, snags, and meanders to improve fish habitat;
- Regeneration of aquatic and riparian vegetation using native species;
- Exclusion of cattle from the riparian zone to reduce ongoing degradation;
- Long-term management and monitoring commitments to maintain ecosystem function.

No threatened aquatic fauna listed under the *Fisheries Management Act 1994* were recorded during field surveys. Nonetheless, the realignment will improve longitudinal connectivity by removing those barriers and enhancing instream habitat long-term.

Modelling of post-development stormwater quality and flows confirms that the proposal will maintain or improve water quality entering the watercourse and reduce peak flow volumes in comparison to the pre-development condition.

Having regard to the above, it is considered that:

- The development has been designed and will be managed to minimise and mitigate environmental impacts on riparian and aquatic ecosystems;
- The proposal will not result in any significant adverse impacts on water quality, aquatic habitats, or the stability of the watercourse;
- The proposal is unlikely to adversely affect the free passage of aquatic fauna and will in fact enhance fish passage;
- The works do not involve increased water extraction;
- The proposal aligns with relevant NSW DPI Fisheries guidelines and has been prepared to support the necessary permits under the *Fisheries Management Act 1994* and *Water Management Act 2000*. GTA from each regulating authority under the above-mentioned Acts have been provided.

Accordingly, the development satisfies the relevant considerations under Clause 7.4 of the LEP.

Section 4.15(1)(a)(ii) - Any draft environmental planning instrument that is or has been placed on public exhibition

At the time of lodgement, Clause 7.9 – Essential Services was not gazetted into the MLEP – however consideration has been given to this clause per the following:

Clause 7.9 – Essential Services

In accordance with Clause 7.9 of the MLEP 2011, the proposed development must demonstrate that essential services are available, or that adequate arrangements have been made to ensure their provision when required.

A Water and Wastewater Servicing Strategy was submitted in support of the application. Hunter Water Corporation (HWC) has advised that connection to reticulated systems is possible, subject to the installation of a Booster Pump Station to service the entire subdivision. A Section 50 Certificate from HWC will be required prior to the release of any Subdivision Certificate, confirming all lots are connected to water and sewer infrastructure.

Electricity, telecommunications, and gas will be extended into the subdivision and provided underground within the road reserve, connecting to existing networks within the Lochinvar Urban Release Area. Confirmation that these services are available to each lot will also be required prior to Subdivision Certificate release.

Stormwater will be managed via an integrated system of bio-retention basins, swales, and underground drainage, designed in accordance with Council's water management guidelines. Vehicular access will be provided via a new road network connecting to Wyndella Road and the New England Highway, with pedestrian and cycle access also accommodated.

Overall, adequate arrangements are in place to ensure all essential services are available to support the development.

Section 4.15(1)(a)(iii) - Any development control plan

Maitland Development Control Plan 2011 (DCP)

The following chapters of the MDCP 2011 are relevant to the assessment of the proposal:

Part A: Administration

Part B: Environmental Guidelines

Part C.10: Design Guidelines

Part F.9: Lochinvar Urban Release Areas

Part A – Administration

Public notification

The development application was notified for 28 days in accordance with Council's Community Participation Plan from 15 June 2023 to 12 July 2023 with four (4) submission received.

The revised development was re-notified for a period of 28 days from 14 August 2024 to 10 September 2024. No submissions were received during this period.

Refer to section 4.15(1)(d) of this report for detailed discussion regarding the submissions.

Part B – Environmental Guidelines

B.3 – Hunter River Flood Plain

Refer to matters addressed under Clause 5.21 of the MLEP earlier in this report.

B.4 – Onsite Sewage Management Systems

The site will be serviced by connection to Hunter Water's sewer system per the details submitted in the Wyndella Road Wastewater Servicing Strategy Addendum. This has been endorsed by Hunter Water.

B.5 – Tree and Vegetation Management

Refer to Section 1.7 – Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994 in this report.

B.7 – Riparian Land and Waterways

Refer to Clause 7.4 of the MLEP earlier in this report.

Part C – Design Guidelines

C.10 - Subdivision

Environmental considerations under this chapter have been addressed elsewhere in this report and are not reproduced in this section. Specific development controls relating to the Lochinvar URA are discussed under Chapter F.9 – Lochinvar URA. General development controls relating to subdivision (where relevant) are discussed below.

Section	Comments
EC.3 Hazards	<p>Flooding – This issue has been adequately discussed under Clause 5.21 (Flood planning) of the MLEP 2011.</p> <p>Bushfire – The land is mapped as bushfire prone land. A revised bushfire threat assessment was submitted with the revised development scheme. The NSW RFS have issued GTA's. This issue is further addressed within the site suitability section of this report.</p> <p>Fill settlement – This issue has been adequately discussed under Clause 7.2 (Earthworks) of the MLEP 2011 and section DC.8 Site Filling below.</p> <p>Land slip – A Preliminary Geotechnical Assessment and Slope Stability Analysis has found the site is not subject to landslip.</p> <p>Contamination – This issue is adequately discussed under the referral section of the report and SEPP (Resilience and Hazards).</p>
DC.1 Lot size and dimensions	
Part 4 in the Maitland LEP 2011 includes development standards for the subdivision of certain land.	The subdivision has been designed to comply with the minimum lot size requirements identified under the Lot Size Map of the MLEP 2011. All proposed residential lots are consistent with the applicable minimum lot size of 450m ² for the R1 General Residential zone.
Council requires that all new lots are of a size and shape suitable for their future use.	The proposed lots have been designed to ensure practical and functional residential outcomes. Each lot is of a size and shape that can accommodate future dwellings, ancillary development (e.g. garages and sheds), parking, private open space, and landscaping. Solar access and vegetation retention have been considered in the layout. No on-site effluent disposal is proposed, as reticulated sewer will service all lots.
Consistency with FSR and Height Controls	No mapped height/FSR controls apply to this site and will be subject to separate merit assessment.
Lot boundaries should follow natural features such as watercourses and ridges to minimise the potential for soil erosion	<p>The layout of the proposed subdivision is generally considered suitable with these controls.</p> <p>The proposed development has followed the natural feature of the site and modifies the vegetation and topography along the watercourse that traverses the site. Roads are aligned to provide a regular lot pattern and to facilitate stormwater drainage to the proposed stormwater basins accordingly.</p>

Lot boundaries should take account of any requirement for screening or buffering from adjoining land uses.	The lot layout has accounted for appropriate setbacks from riparian corridors and infrastructure. Along the New England Highway, a landscape buffer is provided between future dwellings and the road, in accordance with both acoustic and visual amenity considerations. This area will be managed under the proposed Biodiversity Management Plan which will be dedicated to Council.
Lot size and dimensions are to be suitable for the existing or proposed use, including any requirement for building envelopes, ancillary buildings, farm dams, access, parking, landscaping, solar access, provision of services and/or other requirements.	<p>The proposed lot sizes achieve the minimum lot size for the R1 zone, provide for a mix of lot sizes, which promotes lot diversity, and are considered to be suitable for the future use of residential development.</p> <p>The proposed allotments are all generally rectangular in shape and follows a grid like pattern, which is rational and intuitive to the future users.</p> <p>The allotments all have adequate frontage to the road and depth to accommodate a variety of future dwelling types.</p>
Minimum lot frontage of 12.5m at the road frontage for rectangular lots.	All lots comply with minimum frontage requirements. Rectangular lots meet or exceed the 12.5m requirement. For corner lots and those on curves or cul-de-sacs, minimum 10m chord lengths have been maintained to allow appropriate vehicle access and garbage collection consistent with Figure 2 of the DCP.
Minimum lot frontage of 10.0m chord length around sharp bends and culde-sacs to provide for access, service and garbage collection	
Lot access adjoining roundabouts and center refuges/splitter island shall not provide access within 10m of the splitters/facilities. 88b restrictions should be provided	There are no roundabouts or centre splinters provided under this subdivision.
In assessing the re-subdivision of an existing lot, Council will have regard to the circumstances and planning rationale that formed the basis for the	The proposal does not involve re-subdivision of an existing lot in the context of previous development approvals. Nonetheless, the parent lots are being subdivided in a logical manner consistent with the Lochinvar URA Structure Plan and planning intent of the area.

creation of the parent lot the subject of the application.	
Subdivision proposals must not conflict with the requirements of any existing approvals	During the assessment of this application, a Complying Development Certificate (CDC) was lodged for a dwelling and detached shed on 39 Wyndella Road, Lochinvar (CDC/2025/96, CDC/2025/200 & CDC/2025/237). A condition of consent for this subdivision will require the demolition of all existing structures and remediation where necessary before the issue of the subdivision certificate of Stage 6 (the location of the staging where the building is currently located). Applicable conditions of consent for the management of this works will be included, such as the remediation of the land effected by the onsite sewage system.
Subdivisions are to be designed to maintain and enhance the rural character and scenic attraction of the Maitland local government area, particularly in low lying areas and valleys which may be viewed from above	<p>The proposed subdivision is located within the Lochinvar URA, where the strategic planning framework anticipates a long-term transition from rural land uses to residential neighbourhoods supported by open space and infrastructure. The subdivision design reflects this intended character, particularly through its treatment of the riparian corridor and integration of public open space.</p> <p>The southern riparian corridor will be realigned and regraded in consultation with DPE – Water and DPI Fisheries. This revised alignment, supported by an endorsed Vegetation Management Plan (VMP), will deliver a restored waterway with improved ecological function and landscape outcomes. The corridor has been widened to incorporate riparian planting, shared paths, and revegetation areas, enhancing visual amenity and enabling passive recreation in line with best-practice URA design principles.</p> <p>Although adjoining lands to the east and north remain zoned for rural purposes, the development incorporates appropriate interface treatments. Conditions of consent require rural-style post-and-wire fencing along boundaries with the New England Highway and adjoining rural-zoned land. This ensures a consistent rural edge and supports a gradual transition between existing agricultural uses and future residential development.</p>
Lots are to be designed to conserve prime agricultural land and/or agriculturally productive lands	The works within the rural land are limited to the ancillary earthworks. Works within the RU1 zone are directly adjacent the boundary and will not significantly disrupt or isolate land to be used for agricultural and production purposes into the future. The extent of works is not considered to unsuitably compromise the rural landscape character.
Specific Controls – Residential lot design	
Provide a range of lot sizes to suit a variety of dwelling and household types. No more than 40% of the lot frontages within each street block may have the same lot width type	<p>A lot width table has been provided. For the most part, no more than 40% of the lot frontages within each street block have the same width type. There are some exceedances of 40% for some blocks as identified within the lot width table.</p> <p>Notably the following blocks exceed 40% by the following percentages:</p> <ul style="list-style-type: none"> - block 1 or stages 1-2 (8%), - block 3 or stages 1, 3 and 6 (6%), - block 4 or stages 3, 4 & 6 (2%), - block 5 or stages 4, 6 & 7 (3%), - block 9 or stages 4, 10 & 11 (2%) and; - block 10 or stages 4, 7, 11, 12 & 13 (8%)


	<p>Despite the departure in some blocks, these do not exceed 8% over the 40% control and are therefore considered minor.</p> <p>Collectively, the overall subdivision achieves a variety of lots, with the collective lot width type below 40%, it is considered that the proposed subdivision meets the overall objective of this control.</p> <table><tr><th>Lot Width @ Building Line 4.5 m</th><th>No. Of Lots</th><th>Percentage of Width in Block</th></tr><tr><td>11 – 13m</td><td>18</td><td>7%</td></tr><tr><td>13 – 15m</td><td>100</td><td>38.8%</td></tr><tr><td>15 – 17m</td><td>82</td><td>31.8%</td></tr><tr><td>17 – 19m</td><td>51</td><td>19.8%</td></tr><tr><td>19m – 21m</td><td>4</td><td>1.6%</td></tr><tr><td>21m +</td><td>3</td><td>1.2%</td></tr><tr><td>Total</td><td>258</td><td></td></tr></table> <p>Figure 6: collective lot width table for all lots</p>	Lot Width @ Building Line 4.5 m	No. Of Lots	Percentage of Width in Block	11 – 13m	18	7%	13 – 15m	100	38.8%	15 – 17m	82	31.8%	17 – 19m	51	19.8%	19m – 21m	4	1.6%	21m +	3	1.2%	Total	258	
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19m – 21m	4	1.6%																							
21m +	3	1.2%																							
Total	258																								
Provide a subdivision structure plan which reflects the site's opportunities and constraints.	A Masterplan has been submitted which in principle addresses this control. The Masterplan has been supported in principle by Council's Coordinator City Planning.																								
Provide a clear urban structure that promotes a 'sense of neighbourhood' and encourages walking and cycling both recreationally and for transport purposes	<p>The subdivision provides a clear and legible urban structure centred around a distributor road with connected local streets. It includes 1.5m footpaths on all local roads and 2.5–3m shared paths along the distributor road, supporting safe and convenient walking and cycling for both recreation and transport.</p> <p>Two centrally located public parks (Lots 230 and 522) are integrated into the subdivision and accessible via the path network, enhancing neighbourhood amenity and encouraging active community use.</p>																								
Ensure the design of any proposed residential subdivision considers natural landform features including outlook and proximity to public and community facilities, parks and public transport.	<p>The subdivision has been designed to work with the site's natural topography while providing functional lot layouts and infrastructure. Although earthworks are required, including areas of fill up to 4 metres, the design incorporates tiered levels and appropriate retaining solutions to reduce visual bulk and ensure a gradual transition across the site. The amount of fill is represented across the whole site and not at a specific location.</p> <p>The layout avoids direct encroachment on riparian areas and integrates flood-compatible design alongside open space corridors, supporting both environmental outcomes and residential amenity.</p> <p>In this way, the subdivision responds appropriately to natural landform features and achieves good connectivity with public open space and infrastructure, consistent with the intended urban character of the Lochinvar URA.</p> <p>Public parks are centrally located within walking distance of all lots, and shared paths provide linkages to the broader Lochinvar URA movement network, including future access to public and community facilities.</p>																								
A suitable building envelope with minimum	Each allotment is to a size that is capable to accommodate suitable building envelope with minimum dimensions of approximately 15m by 10m to facilitate future residential development.																								

dimensions of approximately 15m by 10m shall be provided behind the building line.	
Specific Controls – Access handles	
Access handles and carriageways over them shall be in accordance with the table and associated notes	<p>With the exception of Lot 1309, access handles have been designed in accordance with this section. The access handle to Lot 1309 is proposed at 3.5m, representing a 12.5% variation to Council's 4.0m minimum. The variation is considered minor and acceptable for the following reasons:</p> <ul style="list-style-type: none"> • The design can accommodate 3.0m pavement, consistent with Council's standard, with remaining width for services and landscape treatment. • The lot (as well as other battle-axe lots, namely Lot 515 & 706) will be restricted to a single dwelling, limiting future traffic and servicing impacts. This will be done by an 88b restriction item. • The access is solely for Lot 1309 and does not form part of a shared or future connection, minimising any broader network impact.
No more than 2 lots may be serviced by a reciprocal right-of-carriageway (ROC) which shall be centrally located within both access handles	Lot 515, 706 and 1309 are battle-axe lots. Each allotment is individual and does not have two lots are serviced by a reciprocal right-of- carriageway (ROC).
Battle-axe lots without public frontage (i.e., road, park, reserve) are discouraged unless part of an integrated approval.	Lot 515, 706 and 1309 all have access to a public frontage/ road.
When calculating lot size area where battle-axe or hatchet shaped allotments are permitted, the area of the access handle is to be excluded from the area calculation	Each battle-axe allotment exceeds the minimum lot size over 450m ² (excluding the access handles).
Shared use handles are to be incorporated into the 10.0m chord frontage around sharp bends and cul-de-sacs to facilitate access width	There are no battle-axe handles off sharp bends or cul-de-sacs under this proposal.
DC.2 Solar access and energy efficiency	

80% of new lots are to have 5 star solar access and the remainder a 3 or 4 star rating.	<p>The proposed subdivision generally complies with this control.</p> <p>The size, orientation, and shape of the lots are sufficient to ensure that future dwellings can get ample solar access to future habitable living areas and private open space through the implementation of good design. Sufficient solar access is achievable on the proposed allotments.</p>
Lot sizes are to reflect reasonable consideration of the impact of topography, aspect and other constraints so as to maximise solar access.	
Where possible lots should be orientated to provide one axis within 30 degrees east and 20 degrees east of true solar north	
Where a northern orientation of the long axis is not possible, lots should be wider to allow private open space on the northern side of the dwelling.	
Proposals for street planting are to take account of the potential for shading, provision of adequate solar access to dwellings, and if necessary, protection from winter winds.	<p>Street planting is dictated by the road design, however they are not expected to create any issues for solar access.</p> <p>The majority of new lots features a frontage of which can adequately accommodate a street tree and future driveways. The only exemption to this is some of the proposed battle-axe allotments, however can still accommodate some street tree feature at the access handle location and or provide a lot size that can accommodate future planting.</p>
DC.3 Drainage, water quality and soil erosion	
Existing topography and natural drainage lines should be incorporated into drainage designs	The proposed stormwater drainage design incorporates the site's existing topography and drainage lines. The realignment of the Lochinvar Creek tributary enables a more efficient and integrated drainage strategy. The design includes two bioretention basins (one permanent, one temporary) that reflect water-sensitive urban design (WSUD) principles and improve the functionality and environmental performance of the development.
Drainage from proposed lots should be consistent with the pre-development	The subdivision maintains pre-development flow paths through a combination of swales, piped drainage, and bioretention infrastructure. Hydrological analysis has confirmed that stormwater runoff from the development will not exceed pre-development levels. The updated flood study confirms compatibility with existing catchment behaviour and confirms no adverse offsite impacts.

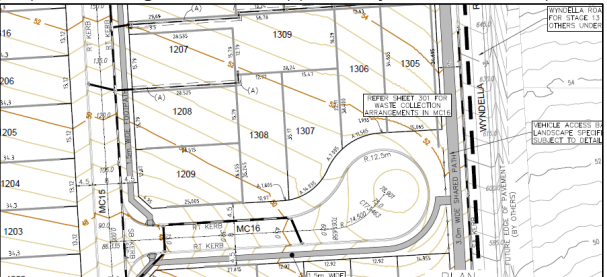
stormwater patterns.	
Best management practices should be implemented to control runoff and soil erosion and to trap sediment on the subject land to ensure there is no net impact on down stream water quality.	The design adopts suitable management through the inclusion of bioretention systems, and appropriate erosion and sediment controls. All works will be subject to standard conditions requiring compliance with the "Blue Book" (Managing Urban Stormwater: Soils and Construction).
Where possible, design multiple use drainage and treatment systems incorporating gross pollutant traps, constructed wetlands and detention basins	The subdivision proposes integrated drainage solutions with co-located detention and treatment systems. The bioretention basins serve dual functions for both stormwater treatment and quantity control. These systems are landscaped and form part of the broader green infrastructure network.
The subdivision should be designed so as to minimise disturbance of the subject land especially in circumstances where there are topographical constraints	The bulk earthworks and drainage works have been designed to minimise disturbance, with fill volumes and retaining walls coordinated to ensure efficient site grading. The layout avoids excessive cut and fill and is consistent with the natural flow paths of the site.
Adequate provision should be made for implementation of measures during subdivision construction to ensure that the landform is stabilised and erosion controlled.	A Soil and Water Management Plan (SWMP) will be implemented during construction to control erosion and sediment loss. This will be enforced through conditions of consent and subsequent subdivision works certification.
All trunk drainage is to be located in publicly owned land, (reserves), in open space land or in an appropriate easement.	All trunk drainage infrastructure, including the realigned watercourse and associated bioretention basins, is located within dedicated drainage reserves or public road reserves, consistent with Council's requirements.


Where drainage impacts cannot be limited to pre-development stormwater levels, by retention or other approved methods, drainage easements will be required.	Where required, drainage easements have been provided, including easements associated with the realigned watercourse and overland flow paths. These will be formalised prior to the release of any Subdivision Certificate in accordance with Council and statutory requirements.
Where site topography in new residential subdivisions prevents discharge of storm water directly to the street gutter or a Council controlled pipe system, inter allotment drainage should be provided to accept run off from all existing or future parcels of land.	<p>The site's existing hydrology is defined by moderate slopes and a single first-order watercourse running through the southern portion of the site. The stormwater strategy has been developed to formalise existing flow paths while respecting natural drainage patterns.</p> <p>The development will discharge to two legal points:</p> <ul style="list-style-type: none"> • The Lochinvar Creek tributary, which traverses the site; and • An existing drainage gully in Lot 2 DP1299958. <p>The southern catchment will drain via a pit-and-pipe system to a bioretention basin in the south-west. The northern catchment, which is reduced due to site regrading, will also be serviced by a temporary bioretention basin. This basin will remain in private ownership until future development downstream delivers consolidated water quality infrastructure for the broader catchment.</p> <p>Flows from upstream catchments (e.g. Hereford Hill) are conveyed across the site via existing culverts under the New England Highway and Wyndella Road.</p> <p>The development includes a realignment of the Lochinvar Creek tributary along the southern boundary. This resolves previous design constraints and improves drainage efficiency, connectivity, and visual amenity. The realigned channel has been designed to meet freeboard requirements, accommodate flows from upstream catchments, and deliver riparian and in-stream enhancements consistent with the Biodiversity Management Plan. A dispersion area is retained to mimic existing conditions, with high-flow banks redefined to protect downstream properties.</p> <p>GTA's under the <i>Water Management Act 2000</i> have been issued by the Office of Water, confirming support for the watercourse realignment. Future stormwater works, including culvert upgrades, will be addressed in subsequent construction stages.</p> <p>The strategy ensures compliance with Council's requirements for water quality, flood management, erosion control, and environmental protection.</p>
Where inter-allotment drainage is required, easements having a general width of 1.5m are to be identified on plans submitted.	The concept engineering plans show inter-allotment drainage and appropriate easements on all rear-draining lots (showing as 'A' easement to drain water 1.5m wide on the civil engineer plans).

A soil and water management plan should be prepared by a qualified practitioner with the aim of minimising erosion and maximising the quality of any water leaving the site.	A condition has been recommended for imposition to ensure a Soil and Water Management Plan is submitted to Council for approval prior to issue of a SWC.
DC.4 Landscape, streetscape & visual impact	
Existing landscape and streetscape character should be maintained and enhanced through retention of existing vegetation, provision of additional landscaping.	<p>The proposed landscape and streetscape character is consistent with proposed development. Furthermore, the site is zoned R1 and is within an URA and as such, the changes are consistent with the future character of the locality.</p> <p>A visual impact assessment was submitted in support of the landscape plan, which demonstrates a compatible development which is consistent with Council's goal as an urban release area for residential development (refer to Figure 8 below).</p> 
Submission of a landscape plan will be required for residential and rural residential subdivisions indicating the location of street trees and any other required landscaping.	Landscape plans have been submitted with the application, which include street tree planting along all proposed roads (including existing Wyndella Road) and a landscape buffer to the New England Highway. These plans are generally considered acceptable.
The developer will also be required to submit a detailed landscape plan for all reserve areas incorporating fencing details.	<p>This section requires adequate landscaping adjoining reserve areas to ensure a suitable level of privacy for the adjoining residential lots, reduce the visual impact of the fencing and improve the landscape quality of the reserve.</p> <p>Fencing will be carried out as an integral part of the subdivision works and will be required to be completed prior to Council releasing the relevant Subdivision Certificate. A condition of consent will be imposed for boundaries adjacent to rural land to be rural style fencing.</p> <p>The submitted subdivision plan shows indicative landscaping on Park 2. This area is limited to Lots 706 and 515 which adjoin the proposed local park in Stage 5.</p>

	<p>The applicant notes open style/pool fencing will be provided along the common boundaries of the above lots, using darker colours/tones. Noting that the future dwellings will orient towards the park itself, there is no need for additional planting for privacy purposes along this interface.</p> <p>A condition of consent to the effect of the above will be recommended.</p> <p>Relating to the stormwater basins, a safe barrier can be provided around the basin. Noting the final basin details will be determined at SWC, it is suggested this forms a consent condition.</p>
DC.5 Effluent Disposal	
All new residential, industrial and commercial lots are to be connected to a reticulated sewerage system.	All lots will be connected to a reticulated sewer system. Subject to approval, a condition will be imposed to ensure this is the case.
DC.6 Roads & Access, Pedestrian & Cycleways – General Requirements	
Road design should take account of the location of existing vegetation and other natural features and minimise loss of vegetation and soil disturbance through excessive cut and fill.	Road design has considered existing site conditions, with minimal vegetation present across the development footprint. The layout has been designed to align with the natural topography where possible, minimising the extent of cut and fill. Disturbance has been limited to areas necessary for road and service installation, and bulk earthworks have been coordinated to reduce unnecessary regrading. As such, vegetation loss and soil disturbance have been minimised in accordance with this control.
All of the components of residential streets (including kerbing, pavement type, and width, street tree planting, footpath paving, lighting, seating and the like) should be considered in an integrated approach to ensure that attractive, safe living environments are created.	The proposed subdivision adopts an integrated street design approach that incorporates kerb and guttering, footpaths, shared paths, and street tree planting in accordance with Council's specifications. Footpaths (1.5m) and shared paths (2.5-3m) are provided throughout the development to support walkability and connectivity. Street tree planting and landscape treatments are detailed in the submitted Landscape Concept Plan, which supports the creation of an attractive and safe living environment. Street lighting and other public domain elements will be delivered in line with relevant standards as part of civil works.
Traffic control devices such as refuges, parking blisters, roundabouts, and on grade	Traffic calming measures such as on-grade thresholds, and parking blisters will be explored further during detailed civil design. These elements will be delivered in accordance with relevant standards and subject to separate approval from Council's Traffic Committee where required.

thresholds are encouraged to reduce traffic speeds in residential streets, but require separate approval from Council's Traffic Committee	
Road widths and geometry in all subdivisions must accommodate necessary service and emergency vehicles	<p>Road widths and geometry have been designed to accommodate service and emergency vehicles in accordance with Council's standards and the requirements of Planning for Bush Fire Protection 2019. Conditions of consent relating to the road hierarchy and design requirements specifying pavement widths will be included to ensure compliance with Council's MOES.</p> <p>The subdivision was referred to the NSW Rural Fire Service (RFS) as integrated development, and General Terms of Approval (GTAs) and a Bush Fire Safety Authority have been issued.</p> <p>The road layout includes dual access points, appropriate turning circles, and road widths that comply with Table 5.3b of PBP 2019. Traffic calming devices, where proposed, will be designed to avoid impeding emergency access. The subdivision is therefore considered to provide suitable access for emergency services.</p>
Direct vehicular access to classified roads such as the State highway, or main roads may be prohibited in favour of an alternative access arrangement subject to consultation with Council, and Transport for NSW (TfNSW).	No access onto the NEH is proposed.
Public transport infrastructure shall comply with 'Guidelines for Public Transport Capable Infrastructure in Greenfield Sites'	<p>A bus route will be provided along Wyndella Road and the proposed east-west primary distributor road. An existing bus route exists on NEH. Accordingly, all future allotments will be located within 400m of a bus route. Final bus stop locations will be subject to the requirements of TfNSW and local bus operator, which is typically determined as part of the detailed design phase.</p> <p>Applicable conditions for bus stop details and locations will be included with this consent to be detailed at the design stage.</p>
Public road access is required to all new lots in a Torrens Title subdivision	All proposed lots have frontage to future proposed public roads.
Road widths in Council's MOES are minimum design standards.	Road widths have been designed to meet MOES. Additional requirements under Planning for Bush Fire Protection 2019 apply – such as for emergency vehicle access or passing lanes have been addressed through appropriate redesign within the subdivision layout. The proposal was referred to the NSW

<p>Additional design requirements, above and beyond these minimum requirements would have to be accommodated within the subdivision design (i.e., road widening to comply with Planning for Bushfire Protection).</p>	<p>Rural Fire Service as integrated development, and General Terms of Approval have been issued, confirming compliance with PBP 2019 access requirements.</p>
<p>Cul-de-sacs and pedestrian laneways shall be avoided, where unavoidable cul-de-sac should be less than 200m in length and able to see the end bulb from the intersection. Greater lengths will require increased road widths and bulb radius.</p>	<p>A cul-de-sac is proposed within Stage 13 which is less than 200m in length (refer to Figure 9 below). A pedestrian laneway is proposed centrally to the street which will be viewable to the end bulb from the intersection. The proposed arrangements are supported by Council's Development Engineers.</p>  <p>Figure 8: Extract of civil plans – depicting cul-de-sac bulb in accordance with this section</p>
<p>Roads shall provide surveillance and safety to items such as along drainage corridors, bushfire and flood plains, around public areas like parks and community lands</p>	<p>Roads are proposed around key items to contribute to surveillance and safety – in particular around proposed drainage basin, and the two local parks.</p>
<p>Public parks shall be located on trunk roads for easy wayfinding and be surrounded by roads on 3 to 4 sides</p>	<p>Park 2 is located on a trunk road (MC03) and is surrounded by 3 roads for easy wayfinding in accordance with this section.</p> <p>Park 1, adjacent to the watercourse whist not strictly meeting this control achieves easy wayfinding by being accessible by a local contributor road (MC04) along the frontage, but also has access via a proposed 2.5m wide shared use pathway to the rear which connects from Wyndella Road throughout the entire proposed subdivision.</p>
<p>Intersection spacing shall follow best practices including:</p>	<p>Intersecting roads within the distributor/ trunk road (MC03) do not meet this section of the DCP per:</p>

<ul style="list-style-type: none"> - minimum 40m stagger of intersections on opposing sides, 60m on same side - minimum 100m stagger on opposing sides, 120m on same side for trunk roads on trunk road 	 <p>Figure 9: extract of subject distributor/ trunk road (MC03) depicting intersection layout</p> <p>The application requests a variation to the intersection spacing as the development can demonstrate the objectives of this section.</p> <p>The location of the distributor road has been set by the Lochinvar Structure Plan, with local streets feeding off this in locations required to accommodate site drainage and minimise the need for large batters/retaining within road reserves. All roads are provided with sufficient verge widths to accommodate public utilities and drainage in accordance with MOES.</p> <p>Appropriate traffic controls (i.e. priority give way signage/speed limits), can be detailed as part of the SWC to ensure achievement of public safety, function, capacity, traffic volumes and vehicle speeds.</p> <p>All lots have been configured to allow for safe ingress/egress with adequate sight distances.</p> <p>Taking the above into consideration, a variation to the above control continues to achieve the relevant objectives, and as such, no objections are raised.</p>
<p>DC.6 Roads & access, pedestrian & cycleways – Specific Controls – residential subdivisions</p> <p>Street block lengths shall be a maximum length of:</p> <ul style="list-style-type: none"> - 180m desirable, 250m maximum for local streets - 180m for residential streets running parallel against trunk roads - Generally 70m deep for residential 	<p>Each block meets the maximum preferred length in accordance with this section.</p> <p>The proposed subdivision adopts a clear and permeable modified grid layout that responds to topography and drainage constraints, while ensuring a safe and functional road hierarchy consistent with Council's Manual of Engineering Standards (MOES) and Planning for Bush Fire Protection 2019.</p> <p>The road network includes a central distributor road, local roads, and appropriate intersection treatments, including acceptable intersection spacing.</p>
<p>A network of constructed footpaths and cycleways will be required in all residential subdivisions, located, designed and constructed in accordance with Council's MoES and</p>	<p>The subdivision includes a comprehensive pedestrian and cycle network, incorporating a 3m wide shared path along the western side of Wyndella Road, a 2.5m shared path along the internal distributor road (MC03), and 1.5m footpaths on all remaining local roads. These paths provide continuous connectivity for both recreational and functional movement across the neighbourhood and link directly to the two proposed public parks. Both parks are fronted by public roads on multiple sides, ensuring safe access, passive surveillance, and compliance with DC.6.20 and DC.6.21. The pedestrian and cycle network is further supported by the Landscape Concept Plan, which ensures safe, visible, and well-landscaped public routes throughout the development.</p>


in view of streets wherever possible.	Applicable conditions of consent will be imposed for the constructed footpaths and cycleways in accordance with Council's MOES.
Particular attention should be paid to pedestrian links to schools with regard to their width, lighting and appropriateness of landscaping and related safety issues.	The proposed subdivision does not directly adjoin a school. Notwithstanding, the development will connect the 3m shared path along the New England Highway which connects to St Joseph's College.
The road, footpath and cycleway network should facilitate walking and cycling throughout neighbourhoods and provide links to schools, community facilities and other activity centres.	Refer to above comments.
DC.7 Crime prevention – Safer by Design	
General Requirements	<p>The proposed subdivision has been designed in accordance with Crime Prevention Through Environmental Design (CPTED) principles, supporting safety, visibility, and legibility across the site. The street network adopts a regular grid pattern that promotes ease of movement and clear wayfinding, while ensuring strong connections between lots, roads, parks, and open space areas.</p> <p>The majority of proposed lots have direct frontage to public roads, ensuring future dwellings will provide natural surveillance of the public domain (refer to Figure 11) . In particular, Lots 706 and 515 are oriented towards the proposed public park (Park 2), and lots adjacent to the drainage corridor and Park 1 have also been positioned to overlook these areas. This enhances passive surveillance and discourages antisocial behaviour.</p> <p>The subdivision layout supports clear transitions between public and private space through lot orientation, road design, and landscape treatment. The Landscape Concept Plan ensures that street tree planting and vegetation will enhance amenity without obstructing sightlines or creating concealment risks near paths or public areas. Pathways within parklands are aligned to avoid direct rear lot interface, and their positioning allows for open sightlines.</p> 



Figure 10: Indicative pathway details for proposed parks

Street lighting will be installed throughout the subdivision and conditioned to meet relevant Australian Standards. While detailed lighting design will be addressed at the civil works stage, indicative path alignments and park interfaces have considered safety and visibility. Separate application for park embellishments will be lodged separately.

Overall, the subdivision is considered to appropriately apply the principles of CPTED through its layout, orientation, surveillance opportunities, and interface design, consistent with the objectives of this section.

DC.8 Site Filling

General Requirements

The proposed development involves extensive earthworks to facilitate the subdivision and associated infrastructure, including regrading, cut and fill operations, retaining walls, battering, and stockpiling. These works are necessary to achieve suitable lot gradients, enable stormwater management, and accommodate existing sewer alignments across the site.

According to the submitted earthworks plan, the development will involve approximately 153,000 m³ of excavation (cut) and 115,000 m³ of fill, with around 38,000 m³ of surplus material to be removed from the site.

While some areas of the site will require cumulative fill depths of up to 4 metres, this is not represented as a singular vertical change in ground level. Rather, the fill is distributed progressively across the site in stepped and tiered formations that follow the subdivision design and stormwater drainage patterns.

At no point will a single fill face exceed 2 metres in height. This approach reduces visual bulk, aligns with the natural topography, and provides stable, buildable lots.

A geotechnical report and supplementary addendum confirm that the proposed earthworks including the deeper, tiered fill areas can be safely engineered in accordance with applicable standards. Retaining walls ranging between 1 metre and 1.5 metres in height are incorporated throughout the development and are integrated with the road and drainage layout.

Council's Development Engineers have reviewed the geotechnical documentation and civil plans and raise no objection, subject to the recommended conditions of consent.

DC.9 Reticulated services

General Requirements	<p>The proposed subdivision has been designed to ensure all new lots are appropriately serviced with water, sewer, electricity, telecommunications, and street lighting infrastructure, consistent with the requirements of DC.9 and relevant utility authorities.</p> <p>A Water and Wastewater Servicing Strategy was submitted in support of the application. The development will be connected to Hunter Water Corporation's infrastructure, with the provision of a Booster Pump Station required to ensure adequate pressure across the site. Reticulated sewer infrastructure is also proposed. A Section 50 Certificate from Hunter Water will be required prior to the issue of any Subdivision Certificate to confirm satisfactory connection of all lots to water and sewer services.</p> <p>The development will be serviced by underground electricity and telecommunications, which will be extended through road reserves in accordance with standard practice. Utility infrastructure will be provided in coordination with the staging of subdivision works. All lots will be serviced by low-voltage electricity supply to the requirements of Ausgrid or other relevant provider, with evidence of installation and compliance to be submitted prior to Subdivision Certificate release.</p> <p>Street lighting will be provided consistent with AS1158 and Council's engineering standards and will be conditioned accordingly.</p> <p>The servicing strategy demonstrates that all utility connections will be delivered in an efficient, coordinated, and environmentally responsible manner, consistent with the objectives of DC.9.</p>
IC.1 – Entry Features	No entry features are proposed for this subdivision.
IC.2 – Street Names	The road naming process will be a condition of consent.
IC.3 – House/Lot numbering	Subject to a condition of consent.

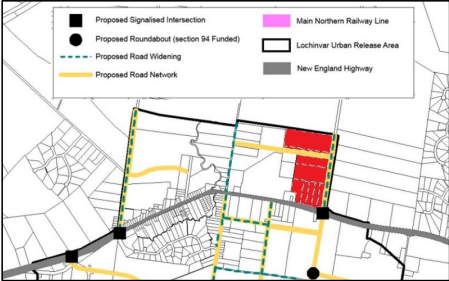
Part F – Urban Release Areas

F.9 Lochinvar Urban Release Area

DCP requirements are detailed in the following table:

F.9.1 Development Requirements	
F.9.1.1 STAGING AND ESSENTIAL INFRASTRUCTURE	
<ol style="list-style-type: none"> 1) <i>Staging of the URA should be consistent with the Lochinvar URA Staging Plan (see Figure 58).</i> 2) <i>The Lochinvar URA Staging Plan is to be read in conjunction with the Lochinvar Structure Plan, the Lochinvar Section 94 Contributions Plan and the Maitland Section 94 Contributions Plan (Citywide).</i> 	<p>The proposed subdivision is located within the northern portion of Stage 3 of the Lochinvar URA, as identified in Figure 58 of Chapter F.9 of the DCP.</p> <p>While some adjoining land remains undeveloped within earlier staging (i.e., Stage 2), the DCP allows for development out of sequence provided satisfactory arrangements have been made for infrastructure servicing, particularly water and wastewater. In this instance, satisfactory arrangements have been confirmed by Hunter Water.</p>

	<p>A copy of Ausgrid's Design Related Services Offer, confirming that the development can be serviced subject to network alterations.</p> <p>A key consideration during assessment was the potential impact of this proposal on access and infrastructure delivery for adjoining Stage 2 lands, particularly Lot 11 DP 1219648. The applicant has provided a revised staging strategy, which confirms:</p> <ul style="list-style-type: none"> • Access to adjoining land will be made available in Stage 3, with full delivery of distributor road MC03 by Stage 8 (approx. 168 lots); • While the development sequencing may not immediately resolve access constraints for neighbouring owners, it does not worsen their position and in fact enables a future access opportunity that would not otherwise exist; • Opportunities remain for adjoining landowners to negotiate interim delivery of required connections if early access is sought. <p>Given the capacity of the WWPS, timing of road delivery, and flexibility built into the staging layout, Council is satisfied that the proposal facilitates logical and efficient land release and supports future development in adjacent areas in accordance with the intent of the Lochinvar URA.</p>
3) Development Applications will need to consider road and drainage infrastructure connection and sequencing in accordance with threshold limitations.	The application includes delivery of the MC03 primary distributor road, widening of Wyndella Road (half road construction), and provision of two detention basins integrated with downstream infrastructure. The sequencing of road connections ensures access to both the site and adjoining lands and has been coordinated with the broader URA staging.
4) Development Applications will require evidence of satisfactory arrangements for essential services, including water and wastewater servicing. The release of allotments will be dependent on the satisfactory provision of reticulated water and wastewater systems.	The applicant has submitted approved Water and Wastewater Servicing Strategies. In-principle approval has been issued by Hunter Water for both a Booster Pump Station (water) and a Wastewater Pump Station (WWPS). These confirm reticulated services will be available and meet the development's demands. A Section 50 Certificate will be required prior to Subdivision Certificate.
5) Development Applications shall incorporate road networks, stormwater detention areas, active and passive recreation areas, consistent with the overall staging and intended development outcomes for the Lochinvar URA.	<p>The subdivision includes key infrastructure consistent with Chapter F.9:</p> <ul style="list-style-type: none"> • Road layout (including MC03) matches the road hierarchy in Figure 60;

	<ul style="list-style-type: none"> Two public parks and stormwater basins are provided in accordance with drainage and open space planning requirements; Road and path networks facilitate access, surveillance, and connectivity as intended under the Lochinvar URA framework.
6) Where it can be demonstrated that only a minor upgrade is required to existing water and wastewater infrastructure in order to enable any proposed urban development within the Lochinvar URA to be serviced.	The proposal relies on approved servicing strategies from Hunter Water, which confirm the infrastructure upgrades (including WWPS and WPS) will support the proposed development. The capacity of the proposed WWPS (up to 2,300 lots) is sufficient to support not only this subdivision but potential future development in the area, meeting the intent of this control.
7) Staging Sequencing – water and sewer servicing strategies	The proposal does not alter the overarching staging plan but justifies development within Stage 3 ahead of Stage 2 based on updated infrastructure strategies approved by Hunter Water. These updated strategies (2023–2024) reflect current servicing capacities and were endorsed by HWC, consistent with the approach outlined in this control.
F.9.1.2 TRANSPORT & MOVEMENT	
1) Development Applications are to include an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.	The subdivision layout establishes a clear road hierarchy, including the provision of the east–west primary distributor road (MC03), and internal local roads that support logical and legible movement for vehicles, pedestrians, cyclists and future public transport services.
2) The overall movement hierarchy for each Development Application for urban development should be consistent with Figure 57 and Figure 59	The proposed layout aligns with Figures 57 and 59 of Chapter F.9. The design facilitates direct internal connections, and integrates with the existing and future URA transport network.
 <p>Figure 11: Lochinvar URA Proposed Road Network and Road Widening (DCP Figure 57)</p>	

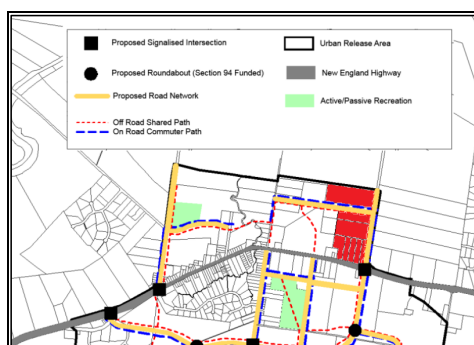


Figure 12: Lochinvar URA Pedestrian and Cycleway Networks (DCP Figure 59)

3) The overall pedestrian and cycleway links should be consistent with Figure 57 & 59 – Lochinvar URA Pedestrian and Cycleway Networks, and the Recreation and Community Facilities Plan, which is identified in the associated Lochinvar Section 94 Contributions Plan.

The subdivision includes a connected pedestrian/cycle network, comprising:

- 3m shared path along Wyndella Road,
- 2.5m shared path along MC03, and
- 1.5m footpaths on local roads.

These links align with the intended connections to public parks (L2 and L3) and broader URA pathways.

4) The primary access for residential development in Stage 1 of the Lochinvar URA is to be provided off the NE Hwy, in accordance with Figure 57 – Lochinvar URA Proposed Road Network.

The site is located in Stage 3, and not subject to this requirement.

5) *Perimeter roads as per Figure 60 shall be a minimum pavement of 8 metres wide. Pavement widening may need to be increased subject to lot catchment yield. Additional parking in between the road pavement and off road shared path shall be provided at points of interest, e.g. parks, open space.*

A primary distributor road (MC03) has been provided through the site in accordance with the alignment shown in DCP Figure 60, running east-west and integrating with the broader Lochinvar URA road network. The road design achieves a minimum pavement width of 8 metres consistent with DCP requirements. Where relevant, additional pavement width and verge treatment has been incorporated, particularly where catchment demands and road hierarchy necessitate enhanced movement or service capacity. Wyndella Road, which defines the western perimeter of the site, is identified as a future Primary Distributor Road under Figure 57 of the DCP. Road widening and part-width construction are proposed along the full site frontage under this application, including kerb and gutter, a safe shoulder, and a shared path on the development side.

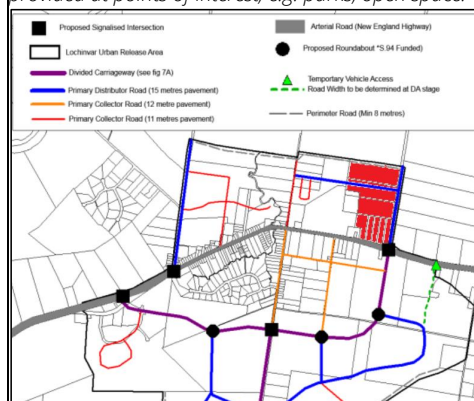


Figure 13: Lochinvar URA Proposed Road Hierarchy and Bus Routes (DCP Figure 60)

The eastern side of Wyndella Road remains RU2 Rural Landscape and is not currently proposed for development. However, the works proposed under this DA have been designed to reflect the ultimate road profile, with permanent placement of the

	shared path and kerb alignment to avoid future rework. Opportunities for on-street parking have also been incorporated where appropriate, particularly adjacent to points of interest such as local parks and open space areas. These features ensure alignment with the intent of the DCP, balancing immediate functionality with long-term road network outcomes for the URA.
6) No new lot shall have direct vehicular access to the NE Hwy or Winders Lane.	Not applicable.
7) Subdivisions adjacent to the NE Hwy.	Not applicable.
8) Development Applications shall consider the proximity of the nominated community facilities and recreation areas identified in the subject DCP chapter and the relevant S94 CP applying to the Lochinvar URA when designing subdivision layouts and movement linkages between adjoining sites.	The subdivision connects to local parks L2 and L3, as identified in the Lochinvar Contributions Plan, and allows for future pedestrian/cycle linkages to adjoining sites and recreation areas.
9) Land is to be developed in walkable distances of up to 400m to a bus route, pedestrian network and local park, to promote sustainable communities.	All lots are located within 400m of proposed shared paths, parks, and indicative bus stop locations.
10) Development Applications shall incorporate road networks that support the overarching traffic study for the Lochinvar URA in accordance with Figures 57, 59 & 60 of this DCP.	The road layout aligns with Figures 57–60 and the Lochinvar URA traffic study. MC03 and Wyndella Road upgrades support long-term regional network outcomes.
11) Traffic management facilities for the Lochinvar URA are to be provided in accordance with Figure 57 – Lochinvar URA Proposed Road Network and the relevant provisions of the Lochinvar S94 CP.	Traffic management is addressed through the provision of the roundabout/signalised-ready intersection (located on MC03) and consistent treatment of Wyndella Road. Works reflect DCP and contributions plan intent.
12) Development Applications are to be supported by appropriate Traffic Impact Assessments (as required by RMS), in order to ensure that capacity exists in the local road network to accommodate the anticipated overall development yield for the Lochinvar URA.	A Traffic Impact Assessment (TIA) was submitted, and the application referred to TfNSW under the SEPP (Transport & Infrastructure) 2021 (refer to comments under this section of this report). Capacity of the local road network has been demonstrated.
13) The subdivision layout shall provide well connected and multiple route options for all modes of transport (pedestrian, cycle, bus and vehicle). The design of pedestrian, cycle and bus routes shall take precedence over vehicle routes. The provision of roads suitable for bus services shall provide for an adaptable growing network.	The grid layout minimises cul-de-sacs (one proposed) and provides multiple access options for pedestrians, cyclists, and vehicles, with future connections to adjoining lands supported.
14) Bus routes shall be provided to facilitate 400m maximum walking distance for primary routes with bus stop location generally around 300m spacing.	The layout ensures walkable access (<400m) to all lots from proposed bus routes. Stop locations will be confirmed at Subdivision Works Certificate stage.
15) Subdivision shall provide transport infrastructure such as pedestrian facilities (i.e.	Shared paths, footpaths, and street crossings have been incorporated. Provision for bus stop

refuges/crossing points, footpath and cycle routes) and bus facilities (i.e. laybys, stops, shelters) for future and current school and public bus services.	locations and turning areas have been demonstrated and reviewed by Council.
16) Public infrastructure shall be upgraded on public land as deemed necessary as a result of; the increased demand, to connect to nearby, or as listed in council documents, i.e. footpaths, road and drainage infrastructure, pedestrian and bus facilities.	Wyndella Road is being upgraded as part of the DA. Shared paths, kerb alignment, and verge works are located to reflect the ultimate configuration of the road corridor. Infrastructure delivery has been reviewed and accepted by Council's Senior Development Engineer.
17) <i>Some existing roads are subject to road widening as shown in Figure 57. Consultation with Council is required to determine relevant widths and if the subject road is identified in the Lochinvar S94 CP.</i>	Road widening has been provided along the western side of Wyndella Road. The remaining 50% will be delivered by future development on the eastern side. Council's expectations under Figure 57 have been met and will be conditioned accordingly.
18) <i>The following roads have pavement and verge widths that are substandard to MOES as they are retrofitting existing laneways to residential streets:</i> <ul style="list-style-type: none"> • Station Lane to Robert Road from NE Hwy to Christopher Road; • Christopher Road to Gregory St from Station Lane to Robert Road. 	Not applicable to this application.
F.9.1.3 OVERALL LANDSCAPING STRATEGY	
1) Each Development Application is to include a landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, visually prominent locations, noise sensitive areas, and detailed landscaping requirements for the public and private realm.	A Landscape Concept Plan has been submitted with the application. It addresses landscaping within the public realm, particularly along the road network and park frontages. The proposal also includes revegetation of the realigned watercourse corridor in accordance with the Biodiversity Management Plan prepared by AEP, with riparian planting and stabilisation measures. Acoustic mounding and landscaping along the New England Highway addresses noise sensitivity and softens visual impacts.
2) Landscaping will be required on land adjacent to major intersections, all collector roads, Station Lane, Northern Access roads and Southern Ring Road so as to soften the visual impact of all built elements, creating attractive streetscapes when viewed by passing traffic and pedestrians.	The MC03 primary distributor road and Wyndella Road frontage include proposed street tree planting and verge landscaping. These elements are integrated with shared paths and footpaths to create a high-quality streetscape at intersections and along key routes.
3) Western and Eastern approaches into Lochinvar	Not applicable.
4) Landscaping buffer to Freeman Drive	Not applicable.
5) The landscaping strategy shall provide extensive tree planning to the edge of existing riparian areas, with visual breaks where streets terminate in views to the riparian areas.	The development includes the realignment of existing first order stream to facilitate the development. A Vegetation Management Plan is proposed, and land will be dedicated to Council. The landscaping strategy provides extensive tree planning to the edge of existing riparian areas, with visual breaks where streets terminate in views to the riparian areas in accordance with this section.

<p>6) Subdivision design shall have regard to the integration of existing residences within the Lochinvar URA with any new development including, where deemed necessary, the provision of suitable landscape treatments to provide visual relief and minor separation distance between existing and future residential developments.</p>	<p>The subdivision design provides suitable landscape transitions and separation between new lots and existing residential properties, particularly along Wyndella Road and adjoining rural lands. Landscape buffers, riparian rehabilitation, and verge plantings provide visual relief and a softened interface between new and existing development.</p> <p>In response to Council's request, the applicant agreed to undertake a comparative bushfire risk analysis to assess the potential change in bushfire threat to Lot 1 DP 164806 and Lot 1 DP 741330, located west of the riparian corridor to be revegetated. Although there was no formal requirement or RFS direction to undertake this assessment, it was agreed that a comparative BAL assessment – evaluating existing conditions versus post-development landscaping – would be appropriate.</p> <p>it is satisfied that the intent of this section is met through the provision of transitional landscaping and that bushfire interface management is being appropriately addressed as part of this assessment process.</p>
<p>7) Subdivision and housing design is to take advantage of significant and attractive views overlooking the surrounding rural lands by orienting streets and locating public space to capture views.</p>	<p>Future dwellings along Wyndella Road and the northern perimeter road will have the ability to take advantage of surrounding rural landscapes through the proposed orientation of streets.</p>
<p>8) Future subdivision design is to incorporate the areas of native vegetation.</p>	<p>The development site is largely devoid of vegetation, comprising mainly grasslands. Due to regrading of the development site, existing vegetation within the footprint will be removed.</p> <p>Stream realignment of the existing watercourse is proposed under this application. An aquatic habitat survey was submitted. Post construction there will be no direct impacts as the proposed regeneration works and adjoining Biodiversity Management Plan (BMP) are likely to significantly improve the water quality, flows, availability of fish habitat, and riparian and instream vegetation. Rehabilitation under the proposed BMP focuses on achieving a naturally regenerating ecosystem through construction of important Key Fish Habitat features such as refuge pools, meanders and riffles. The removal of weeds and plantings of native vegetation, removal of instream obstructions to fish passage and the installation of instream snags will assist in improving the habitat for both native terrestrial and aquatic flora and fauna.</p>

	Council's Ecologist has raised no issues with the proposed clearing noting it does not have significant impacts.
9) Identification and retention of hollow bearing trees and mature trees is necessary.	The Streamlined BDAR identified low ecological and scientific significance of vegetation onsite. While minor areas of degraded native vegetation will be removed, no hollow-bearing trees were identified as part of this report. Biodiversity offset requirements have been addressed through the BDAR process.
10) Riparian buffers shall be maintained around identified watercourses, in accordance with relevant State Government guidelines pertaining to minimum buffer widths.	The realigned watercourse incorporates a dedicated riparian corridor (Lot 231) to be dedicated to Council, with design informed by the <i>Water Management Act 2000</i> , the Aquatic Habitat Assessment, and DPI Fisheries input. The proposed layout and buffer width comply with relevant state waterway protection guidelines and were supported by the issuing of General Terms of Approval.
F.9.1.4 PASSIVE & ACTIVE RECREATIONAL AREAS	
1) The network of passive and active recreational areas should be consistent with that identified in Figure 59 and Community Facilities Plan, which is identified in the associated Lochinvar Section 94 Contributions Plan.	<p>The proposed subdivision includes the delivery of two public park lots (Lots 230 and 522), which are consistent with the locations identified in Figure 59 of the Lochinvar DCP and the Community Facilities Plan in the associated Section 7.11 (formerly s94) Contributions Plan. These parks are strategically located to ensure convenient walking access for residents within the development and are fronted by public roads, providing high visibility and opportunities for natural surveillance.</p> <p>The subdivision integrates a pedestrian and cycle network, including:</p> <ul style="list-style-type: none"> • A 3.0m wide shared path along the western side of Wyndella Road; • A 2.5m wide shared path along the internal distributor road (Road MC03); and • 1.5m footpaths along all other local roads. <p>These connections support safe and accessible movement throughout the neighbourhood and facilitate linkages to future adjoining development, recreation areas, and public transport, consistent with the DCP objectives for walkable communities and integrated open space planning.</p> <p>Overall, the development provides a balanced and connected layout of passive and active recreation opportunities that aligns with the intended open space network for the Lochinvar Urban Release Area.</p>
2) Subdivision of land and the network of passive and active recreational areas should be consistent with that identified in Figure 59 and Community Facilities Plan, which is identified in the associated Lochinvar Section 94 Contributions Plan.	

F.9.1.5 STORMWATER & WATER QUALITY MANAGEMENT CONTROLS

The proposed stormwater strategy has been reviewed by Council's Senior Development Engineer and is considered acceptable, subject to recommended conditions of consent. The subdivision integrates a range of Water Sensitive Urban Design (WSUD) features, including bioretention basins, gross pollutant traps (GPTs), and a realigned watercourse corridor with riparian planting.

Two bioretention basins are proposed. Basin 1 has been confirmed as compliant, while Basin 2, originally identified as temporary, has been redesigned to meet Council's minimum standards for a permanent asset. The revised design now complies with MOES requirements, including 1:5 batters, maximum depth criteria, and adequate freeboard. The temporary basin will remain in the developer's ownership until future integration within the wider trunk drainage system can be facilitated. Post-development stormwater flows have been modelled, and detention infrastructure has been designed to ensure flows do not exceed pre-development levels.

The modelling reflects the ultimate development scenario for the broader Lochinvar catchment. Council has confirmed the strategy generally aligns with the relevant studies and DCP controls regarding the location and function of detention infrastructure.

Key concerns raised by Council's engineer regarding swale gradients, freeboard, channel geometry, and flood hazard mapping have been addressed through plan revisions. The proposed drainage swales now provide compliant freeboard, and the realigned watercourse incorporates a stabilised, meandering low-flow channel with cross-sections confirming flood depth and capacity. Hazard and velocity mapping has been submitted and demonstrates that the development does not increase downstream risk or affect adjoining properties.

Council also raised concerns regarding incorporation of an upstream catchment (12.5ha) into the development network. Revised plans now propose to divert this flow to the southern swale, avoiding integration with the internal drainage system. Additionally, culvert upgrades at the northern Wyndella Road crossing have been incorporated and will be delivered in Stage 1 to avoid downstream risk and ensure proper flow management.

In summary, the stormwater and water quality management outcomes:

- Are consistent with the objectives and WSUD principles of the DCP;
- Respond to the technical requirements of the MOES;
- Align with the broader trunk drainage framework of the URA; and
- Have been assessed as acceptable by Council's Development Engineer, with relevant conditions of consent recommended to manage construction staging, asset delivery and long-term performance.

F.9.1.6 AMELIORATION OF NATURAL & ENVIRONMENTAL HAZARDS

This section only address parts which have not already been addressed in earlier sections of this report (i.e bushfire, contamination and flooding)

7) Rail Noise

Not applicable.

12) Rail Vibration

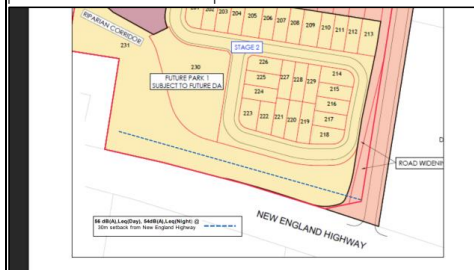
Not applicable.

14) Air Quality (rail)

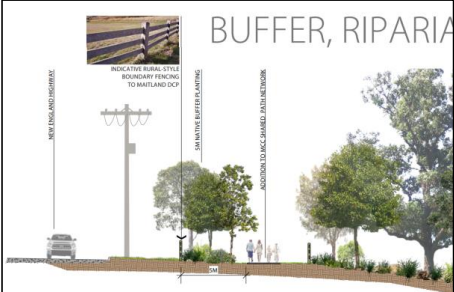
Not applicable.

17) Noise (New England Highway)

An Acoustic Assessment was submitted in support of the application, which considered noise impacts from the New England Highway. The report concluded that the proposed 30-metre buffer

	<p>between the highway and the nearest dwelling site provides sufficient separation to satisfy the internal noise criteria under the SEPP (Transport and Infrastructure) 2021 (refer to Figure 15 below). No acoustic barrier was recommended or required.</p> <p>The assessment also considered noise impacts on the proposed public park. The NSW Road Noise Policy outlines an acceptable noise level of LAeq 55–60 dB(A) for areas of open space and acknowledges that such areas may also function as buffer zones for more sensitive land uses. The revised layout positions the future park more than 30 metres from the highway, with predicted traffic noise levels ranging from 49 to 52 dB(A) across the park—well within acceptable limits.</p>  <p>Figure 14: Extract from Acoustic report noting 30m buffer to New England Highway</p>
18) Visual Impact	<p>The site is identified as being within a visually sensitive area and is also identified as a masterplan site. Consideration has been given to the visual impact of the proposal through master planning of the site and a comprehensive landscaping design to manage the interface with NEH and the development.</p> <p>A Visual Impact Analysis has been provided within the supporting landscape plan to show the likely visual impacts the development when viewed from the specified vantage points along NEH. It is noted that the revised development proposal incorporates significantly more planting and no development at the NEH interface, providing a substantial visual buffer from NEH.</p>
F.9.1.9 KEY DEVELOPMENT SITES (Land adjoining the New England Highway and Winders Lane)	
1) No direct access shall be permitted to the New England Highway or Winders Lane for new residential allotments. Access to new residential allotments adjoining the New England Highway or Winders Lane shall only be via internal local roads.	No direct access to NEH for new residential allotments is proposed. Access will be obtained via the proposed internal local road.
2) A landscape buffer wholly contained within the allotments to be developed adjoining the New	A landscape buffer is provided along the New England Highway, is to be dedicated to Council, and

<p>England Highway and Winders Lane shall be implemented for (i) all allotments adjoining the New England Highway between Robert Road and the Eastern extent of the Lochinvar Urban Release Area that adjoins the New England Highway.</p>	<p>is managed under the Biodiversity Management Plan (from the BDAR report and SWMP) as this satisfies both visual and ecological intent.</p> <p>A Draft Biodiversity Management Plan was appended to the Biodiversity Report, which includes measures to preserve and enhance the riparian corridor and vegetated buffers, including areas along the southern boundary adjacent to the New England Highway. Council's ecologist has reviewed this information and has provided recommended conditions for a final vegetation management plan.</p> <p>This buffer will be wholly contained within the proposed lots and designed to provide visual screening and habitat enhancement consistent with both ecological recommendations and landscape character objectives. The applicant has committed to delivering planting and landscape outcomes consistent with the site's ecological values and the intended role of the New England Highway as a key visual entry corridor to Lochinvar.</p>
<p>3) The landscape buffer adjoining the New England Highway shall include design elements and construction materials that assist with reducing traffic noise generated from vehicles along the New England Highway. These design elements and construction materials shall be identified in a landscape plan supporting any Development Application upon land so affected.</p>	<p>The development includes a landscape buffer along the New England Highway in accordance with DCP requirements. However, the buffer has not been specifically designed as a noise attenuation measure, and the Noise Impact Report prepared by Spectrum Acoustics does not recommend or rely on landscaping as a primary method of reducing road traffic noise.</p> <p>Instead, the acoustic assessment identifies that:</p> <ul style="list-style-type: none"> • External noise levels for lots adjoining the New England Highway can exceed relevant criteria without treatment. • Mitigation measures are to be implemented at the dwelling level, including construction specifications and built-form orientation to achieve compliance with the NSW Road Noise Policy 2011 and Building Code of Australia internal noise criteria. <p>While the buffer meets DCP visual interface and ecological objectives, it is not relied upon to mitigate road traffic noise, consistent with the acoustic report recommendations</p>
<p>4) The respective landscape buffers adjoining the New England Highway and Winders Lane are to be wholly contained within the affected allotments,</p>	<p>The landscape buffer and adjoining riparian zone/stream will be dedicated to Council (refer to Figure 16 below).</p>

<p>with maintenance of the landscape buffer being the responsibility of the individual owners of the respective allotments</p>	<p>The amended landscape plans provides typical cross-section and possible fencing arrangements for the affected land.</p>  <p>Figure 15: Extract of landscape plan – showing landscape buffer and fencing treatment to the New England Highway</p>
<p>5) The dimensioning of the New England Highway landscape buffer will be dependent on the results of acoustic modelling undertaken for land within the “120 metre performance-based area” illustrated in Figure 56 of this DCP chapter</p>	<p>The subject land falls within the “120 metre performance-based area” identified in Figure 56 of Chapter F.9 of the Lochinvar URA DCP. In accordance with the DCP, development within this area must demonstrate that residential uses can satisfy relevant noise and visual impact considerations. A minimum 30 metre building setback from the New England Highway (NEH) is identified as the threshold separation distance for complying with internal noise criteria under SEPP (Transport and Infrastructure) 2021.</p> <p>The submitted Noise Impact Report confirms that the proposed subdivision achieves this threshold. Specifically:</p> <ul style="list-style-type: none"> • The 30m physical separation between the NEH and the nearest dwelling envelope satisfies the internal noise criteria under SEPP (Transport and Infrastructure) 2021; • No acoustic barrier is required or recommended; • The proposed landscape buffer enhances visual amenity but is not relied upon for noise mitigation. <p>It is noted that all proposed residential lots are located well beyond the 30m minimum buffer. While the subdivision does not utilise the full 120m consideration area prescribed under the DCP, the layout satisfies the minimum acoustic and spatial criteria necessary to permit sensitive development in this location. Accordingly, the development is consistent with the intent of the DCP and SEPP framework, and future dwellings can be appropriately designed without being adversely impacted by traffic noise from the NEH.</p>

F.9.1.10 Residential Densities

There are no specific requirements as residential densities are already controlled by lot size in the Maitland Local Environmental Plan 2011.

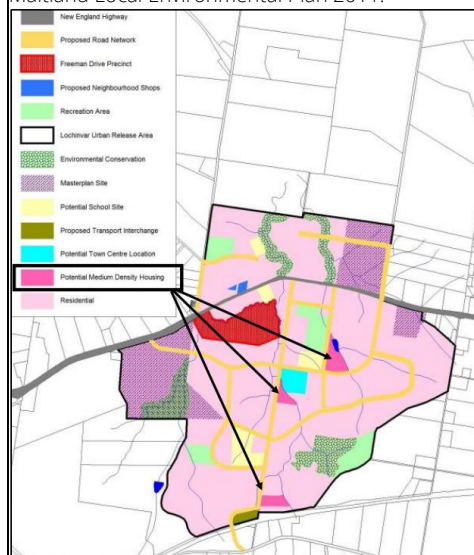


Figure 16: Extract of DCP LURA Area Plan

Council initially raised whether the proposed subdivision could accommodate increased density. In response, the applicant advised that a higher density outcome is not warranted based on the site's context, planning controls, and physical constraints.

The site is located on the northern periphery of the Lochinvar Urban Release Area (LURA), in a location with limited access to services and facilities that would typically justify medium-density development. Specifically:

- The site is over 1.3km from the existing Local Centre (E1 zone), 700m from the nearest school entrances, and approximately 800m from the existing local playing fields.
- Figure 55 of the LURA DCP identifies that future key facilities—including the town centre, recreation areas, schools, and a potential transport interchange—are intended to be located south of the New England Highway. Similarly, areas identified for 'potential medium density housing' are concentrated in that southern precinct, adjacent to these services.

With respect to planning controls:

- The MLEP 2011 prescribes a minimum lot size of 450m² for the site, with all proposed lots meeting this requirement.
- Although Clause 4.1A allows for smaller lots (minimum 300m²) where a dwelling is proposed concurrently, such provisions are optional and not mandated. The current layout includes several lots over 600m², which may enable higher density housing in the future.
- The proposal achieves appropriate lot diversity through varying lot widths, consistent with DC.1.1 of Section C.10 of the DCP.

Overall, the proposed lot layout is considered to provide an appropriate residential density outcome given the site's peripheral location, current infrastructure availability, and planning framework. Opportunities for greater density exist in more central, better-served areas of the LURA

	and may be more suitably pursued in those locations.
<i>F.9.1.12 - Provision of Public Facilities and Services</i>	
2) Public transport should be addressed in Development Applications, with consideration made for overall network connectivity and access to bus stops and the Lochinvar Railway Station.	<p>The proposed subdivision provides a connected internal road layout that supports public transport access and reflects the hierarchy in Figure 55 of the DCP. The subdivision layout has been designed to ensure all future lots are within 400m walking distance of potential bus stops, consistent with DCP principles.</p> <p>A future primary distributor road (MC03) runs through the site, supported by shared paths and footpaths, enabling accessible routes to parks and broader transit connections. Although the Lochinvar Railway Station is located to the south of the New England Highway, the proposed road and pedestrian infrastructure facilitates long-term access potential to the station, consistent with the structure plan.</p>
4) The release of allotments will be dependent on the satisfactory provision of reticulated water and wastewater services. Development Applications will therefore require evidence of satisfactory arrangements for water and wastewater servicing	The application is supported by approved Water and Wastewater Servicing Strategies from Hunter Water Corporation. These strategies confirm that servicing can be made available to the site, subject to infrastructure delivery by the developer. This includes the provision of a wastewater pump station (WWPS) and a booster pump station for water supply. A Section 50 Certificate will be required prior to the issue of any Subdivision Certificate, confirming that all lots are connected to Hunter Water's reticulated system. These arrangements satisfy the requirement for essential servicing under this control.
5) Development Applications shall incorporate indicative road networks (based on Figure 55 and the overarching traffic study prepared by URaP), stormwater detention areas, active and passive recreation areas and evidence of satisfactory arrangements for essential services.	The subdivision incorporates a road hierarchy consistent with Figure 55 of the DCP. The proposed road layout includes the central distributor road (MC03), full road widening on Wyndella Road (west), and provision for future connections to adjoining land. Two stormwater detention basins are proposed and located in accordance with the flood study and trunk drainage strategy, providing catchment management and WSUD outcomes. The development includes two public parks, one of which co-locates with the drainage reserve, supporting both passive and active recreational use and enhancing open space connectivity.
6) Provision of community facilities and open space areas will be in accordance with the associated Lochinvar Section Contributions Plan.	The subdivision responds to the Lochinvar Section 7.11 Contributions Plan by delivering two local parks (proposed Lots 230 and 522), aligning with the identified open space needs. The lot layout ensures these parks are accessible from surrounding lots and front public roads on multiple sides to support safety and visibility.

	Contributions toward broader community facilities and recreation infrastructure will be collected through the relevant contributions plan. The staging and distribution of open space is consistent with the intended structure of the LURA and satisfies the requirements of this control.
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Section 4.15(1)(a)(iia) – Any planning agreement that has been entered under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

The developer has not yet entered into a formal Planning Agreement (VPA) under section 7.4 of the *EPA Act*. However, a draft Planning Agreement has been offered by the developer and is in the process of being finalised with the NSW Department of Planning, Housing and Infrastructure (DPHI).

The Department has provided written confirmation supporting the inclusion of a condition of consent requiring the developer to enter into the VPA with the Minister for Planning and Public Spaces, prior to the issue of the first Subdivision Certificate. This satisfies the intent of clause 6.1 of the Maitland LEP 2011, which requires satisfactory arrangements for State infrastructure contributions in Urban Release Areas.

The condition will require that:

“Prior to the issue of the first Subdivision Certificate, the Applicant must enter into a planning agreement with the Minister for Planning and Public Spaces in the terms of the offer made to the Minister by the Applicant in connection with DA/2023/415 by letter dated 27 November 2023. Confirmation and documentation of the executed planning agreement shall be provided to Council.”

Council will be responsible for verifying that this obligation has been fulfilled prior to issuing any Subdivision Certificate. Relevant matters are further addressed under the discussion of Clause 6.1 of the Maitland LEP 2011 in this report.

Section 4.15 (1)(a)(iv) - The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The following regulations prescribed under the Environmental Planning and Assessment Regulation 2021 apply to the proposal:

The Demolition of Structures

The proposal involves the demolition of an existing dwelling and sheds. Condition are recommended to ensure that all demolition works are carried out in accordance with Australian Standard AS2601-1991.

Section 4.15 (1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The environmental, social, and built form impacts of the development have been considered comprehensively through Council's assessment and the submitted technical reports. Each potential impact is summarised below.

Bushfire Risk

The subject site is mapped as bushfire prone land and a Bushfire Assessment Report (BAR) was prepared by Building Code & Bushfire Hazard Solutions Pty Limited. The BAR identifies that the site is subject to low to moderate bushfire threat immediately to the south-east, south and south-west, and

outlines a range of mitigation measures including the establishment of Asset Protection Zones (APZs), suitable road access, and construction requirements to reduce bushfire risk in accordance with Planning for Bushfire Protection (PBP) 2019.

During the assessment process, several matters were raised and have since been resolved. These included confirmation of access arrangements to satisfy secondary access requirements during staging, treatment of perimeter roads with on-street parking, and the implications of dedicating drainage land (Lot 129) to Council where APZ maintenance responsibilities could not be assumed. These matters were re-referred to the RFS, and amended GTAs were issued confirming support for the revised bushfire protection measures.

Council also requested further clarification of the bushfire risk to the existing dwelling immediately west of the site at Lot 1 DP 164806 and Lot 1 DP 741330, given the proposed revegetation of the riparian corridor adjacent to that property under the updated Biodiversity Management Plan (BMP).

The adopted approach, which restricts plantings within lower-lying areas to groundcover only, with widely spaced canopy trees on the adjacent berm, ensures that bushfire risk to the adjoining residence remains unchanged. The area is not designated as an APZ but has been designed for passive, low-maintenance management that does not introduce elevated fuel loads.

The applicant's bushfire consultant confirmed that a comparative analysis was undertaken, using the BAL ratings in PBP 2019 to assess both existing and post-development conditions.

The analysis found that the current BAL to the existing dwelling, based on existing vegetation, is BAL-19, and that following implementation of the revegetation strategy under the updated BMP (Rev 3, February 2025), the BAL will remain at BAL-19. The assessment confirms that there will be no increase in bushfire risk to the existing adjoining property as a result of the proposed development and associated replanting.

All recommendations of the bushfire assessment have been incorporated into the subdivision design and are addressed via recommended conditions of consent. The development, as amended, is considered to satisfactorily respond to bushfire risk, including potential impacts to surrounding land.

Earthworks and Geotechnical Considerations

The proposed development involves extensive earthworks to facilitate subdivision and associated infrastructure, including regrading, cut and fill operations, retaining walls, battering, and stockpiling. These works are essential to establish suitable lot gradients, integrate drainage infrastructure, and accommodate existing sewer alignments across the site.

As detailed in the submitted earthworks plan, the development will involve approximately 153,000 m³ of excavation (cut) and 115,000 m³ of fill, with around 38,000 m³ of surplus material to be removed from the site.

While some areas of the site will require cumulative fill depths of up to 4 metres, this is not represented as a singular vertical change in ground level. Rather, the fill is distributed progressively across the site in stepped and tiered formations that follow the subdivision design and stormwater drainage patterns. At no point will a single fill face exceed 2 metres in height. This approach reduces visual bulk, aligns with the natural topography, and provides stable, buildable lots.

A geotechnical report and supplementary addendum confirm that the proposed earthworks, including deeper fill areas, can be safely constructed in accordance with relevant engineering standards. Retaining walls ranging from 1 metre to 1.5 metres in height are proposed and are integrated with the subdivision

layout and drainage design. Council's Development Engineers have reviewed the submitted geotechnical advice and plans and raise no objection, subject to the recommended conditions of consent.

Stormwater and Flooding

Stormwater is managed via two bioretention basins. Basin 2 is currently proposed as a temporary measure but will be designed to permanent standards per Council's MOES requirements in case it is retained long term.

The realignment of the existing watercourse has been approved by DPIE-Water and designed to accommodate the upstream Hereford Hill catchment. It includes riparian rehabilitation zones and erosion control measures.

Council's development engineer has reviewed all stormwater modelling and imposed conditions to ensure long-term performance, freeboard, and safety are maintained.

Traffic and Transport

The proposed road layout has been designed to integrate with the broader Lochinvar URA road hierarchy, including delivery of the east-west MC03 primary distributor road through the centre of the site and connections to future development areas. Part-width construction is proposed along the full frontage to Wyndella Road, incorporating kerb and gutter, verge treatments, a shared path, and a safe shoulder. These works will be carried out to reflect the ultimate profile of Wyndella Road as a Primary Distributor.

The proposal was supported by a Traffic Impact Assessment (TIA), including SIDRA modelling, which has been peer-reviewed. The assessment confirms that the internal road network, external intersections, and connections to the New England Highway (NEH) are capable of accommodating the projected traffic volumes generated by the development.

Transport for NSW (TfNSW) has reviewed the proposal and raised no objection with respect to traffic generation or the proximity of the site to the NEH. However, TfNSW has specified that any works on the classified road—including modifications to the existing signals and the proposed 'keep clear' line marking at the Wyndella Road/NEH intersection—will require the developer to enter into a Works Authorisation Deed (WAD) with TfNSW. These works must be designed and constructed in accordance with Austroads Guidelines, Australian Standards and relevant TfNSW Supplements, and be completed at no cost to TfNSW prior to the issue of the first Subdivision Certificate.

The final subdivision layout reflects the outcomes of these discussions and is considered satisfactory subject to conditions.

Noise and Visual Impact

A Noise Impact Assessment confirms that a 30m physical setback to dwellings from the New England Highway is sufficient to meet internal noise criteria under SEPP (Transport & Infrastructure) 2021. No acoustic barrier is required. The landscape buffer along the highway is retained for visual screening but is not relied upon for acoustic mitigation. Visual exposure from the highway has been managed through lot depth, fencing, and street tree planting.

While the DCP suggests buffers may assist with noise mitigation, the acoustic assessment concludes that separation and built form controls at the dwelling level will be sufficient to meet internal noise standards

Public Domain and CPTED

The subdivision provides two new public parks that are centrally located, visible from multiple frontages, and connected via shared path networks. The subdivision design has been assessed against Crime

Prevention Through Environmental Design (CPTED) principles. Passive surveillance and sightlines are ensured through the orientation of lots and reserve interface treatments.

Waste Management

The application includes a Site Waste Minimisation and Management Plan (SWMMP), and conditions have been recommended to ensure appropriate waste handling during all stages of the development.

Contamination

Phase 1 and 2 investigations confirm the site is suitable for its intended residential use. Conditions are recommended to manage any unexpected finds.

Social and Economic Impacts

The proposal will deliver 258 residential lots within the Lochinvar URA, contributing to housing supply in line with strategic planning objectives. Construction will provide employment opportunities, and future residents will support the viability of local services and infrastructure.

Construction Impacts

Construction-phase impacts are considered acceptable and can be appropriately managed by conditions requiring a Construction Environmental Management Plan and a Traffic Management Plan.

Cumulative Impacts

The cumulative impacts of the subdivision have been comprehensively assessed in the context of the Lochinvar URA. The proposal integrates ecological enhancement of riparian corridors, incorporates bushfire risk management for both internal and adjacent land, and ensures no worsening of flood impacts up to the 1% AEP.

Infrastructural upgrades including stormwater detention, Wyndella Road upgrades, and contributions to intersection works ensure that cumulative traffic and servicing demands are appropriately managed. The coordination of stormwater, ecology, bushfire and urban design objectives demonstrates that the development can be delivered without compounding adverse impacts on surrounding land or the broader locality.

Section 4.15 (1)(c) - The suitability of the site for the development

The site is zoned R1 General Residential and located within Stage 3 of the Lochinvar URA. The development is consistent with the zoning and DCP planning framework, including the structure plan, road hierarchy, and servicing strategies.

Servicing is available or will be made available through infrastructure upgrades, including a water pump station and a wastewater pump station, both endorsed by Hunter Water Corporation. The site constraints, with bushfire, stormwater, and biodiversity impacts addressed and resolved through detailed assessment and design amendments.

The proposed lot layout and infrastructure staging have considered adjoining lands and resolved key access, traffic, drainage, and ecological integration issues. The site is therefore considered suitable for the proposed development.

Section 4.15 (1)(d) - Any submissions made in accordance with this Act or the regulations***Public Submissions***

- The proposal was publically notified/advertised for a period of 28 days (exclusive of public holidays), between 15 June 2023 to 12 July 2023 and again on 14 August 2024 to 10 September 2024, in accordance with the EPA Act 1979 and the MDCP 2011.

- A total of four (4) submissions were received during the first exhibition period. The submissions raised objection to the proposal. It should be noted no submissions were received during the second exhibition period.

A summary of the submissions is provided in the following table:

Review of Submissions		
Submission No.	Issue	Comment
1	Concerns regarding existing flooding, including watercourse overflow across Wyndella Road, flooding of adjoining lots during heavy rain events, and associated access issues due to erosion and water damage. Additional concern raised that the proposed road crossing at Stage 10 may exacerbate these issues by causing further obstruction.	<p>Since the original lodgement of the development application, significant revisions have been made to the subdivision layout, including the removal of the previously proposed Stage 10. As such, the road crossing and additional lots south of the watercourse – identified as a key concern in the submission – are no longer proposed. This change responds directly to the flood access and obstruction concerns raised.</p> <p>The application is supported by a detailed Stormwater Management Plan, which includes hydraulic modelling and flood hazard mapping. The modelling confirms that the proposed development will result in improved upstream flood conditions, primarily due to upgraded culvert infrastructure under Wyndella Road. Wyndella Road has been designed to provide flood-free access consistent with Council's engineering standards.</p> <p>Specific consideration has been given to adjoining lots, which the submitter identified as being flood-affected. The flood hazard analysis included in the Stormwater Management Plan confirms that the proposed works will not result in any adverse change in flood hazard to adjoining lots. In fact, the modelling shows a minor reduction in flood hazard in this area. Reported increases in flood hazard are limited to within the subject site, where realignment of the internal watercourse is proposed. Any irregularities in flood mapping beyond the site boundaries are acknowledged by the applicant's engineers as artefacts of the hydraulic model and not reflective of actual adverse impacts.</p>

		In light of these considerations, Council is satisfied that the proposed development will not worsen flooding impacts to upstream or downstream properties, including adjoining lots, and will provide improved access outcomes through the upgrading of Wyndella Road.
2	The submitter raises concerns that the adjoining site is already subject to significant flooding, which they attribute to surrounding development. The submission asserts that the proposed stormwater management plan does not adequately address existing or future stormwater impacts due to limitations in downstream infrastructure capacity, and requests a comprehensive review prior to determination.	<p>A submission raised concern that the subject development does not address existing flooding affecting adjoining lots, and that downstream stormwater infrastructure is inadequate.</p> <p>The applicant has clarified that while these flood impacts predate the development, detailed flood modelling (including 1% AEP comparisons) confirms that the proposed works will not worsen downstream flood affectation. Pre and post flow impacts will remain the same and will not worsen the existing situation.</p> <p>Council's Development Engineer has reviewed the stormwater and flood modelling and raised no objection, subject to recommended conditions of consent.</p>
3	The TIA did not consider how queuing at the intersection will impact on vehicle access to the property, noting that entry / exit will become more difficult as a result of the development. The Developer should be required to relocate the existing driveway to a position further north along Wyndella Road, at its cost.	<p>It is assumed that this issue relates to a site adjacent to the NEH which is positioned at the eastern corner of Wyndella Road and New England Highway.</p> <p>Further analysis has been undertaken by the project traffic engineer regarding access to this property, in consultation with TfNSW.</p> <p>As outlined in Section 5.3.5 of the updated TIA, although this is an existing safety deficiency in the road network, and does not arise due to the proposed development, the increased traffic demands may result in a rear-end collision at the traffic signals.</p> <p>As agreed with TfNSW in correspondence dated 13 February 2024, an interim treatment is proposed which incorporates:</p> <ul style="list-style-type: none"> • A keep clear zone on Wyndella Road; and • A change in signal phasing to reduce the probability of a rear end collision.

		<p>It is noted TfNSW raised concern about the longevity of the design based on the extent of mitigation of the rear end crash risk and requested that if the western approach on New England Highway exceeded LOS C, removal of this hazard would be required. Modelling undertaken as part of the updated TIA confirms that the western approach remains LOS C or better in 2031, and therefore the proposed development may be delivered with the interim treatment in place.</p> <p>Noting this, there is no need to relocate the existing driveway.</p> <p>Further detail is provided in the updated Traffic Impact Assessment.</p>
	<p>Upgrades to Wyndella Road to a Primary Distributor Road should form part of the land the subject of the DA, so as to not shift the burden of future road widening onto the existing properties to the east of Wyndella Road.</p> <p>The boundary to the east shall remain unchanged and the road reserve to the west should encompass the fill required for a Primary Distributor (entirely on Applicants land).</p> <p>The traffic report does not take into account any other significant future development along Wyndella Road, only background growth attributed to a projected increase on the NEH traffic, not Wyndella Road.</p> <p>The land on eastern side of Wyndella Road would need to be rezoned in order to provide enough area for a viable subdivision and hence generate the funds to complete the eastern side of Wyndella Road as the DA applicant proposes. The timing around that is completely unknown, including any rezoning under the next reiteration of the Maitland LEP.</p> <p>The cost and physical burden of any road reserve widening should be borne wholly by the DA Applicant.</p>	<p>The proposed development has been modified to accommodate the Primary Distributor Road required under the Lochinvar Urban Release Area (LURA) framework. The works include part-width construction of Wyndella Road along the site frontage, comprising kerb and gutter, verge landscaping, and a shared path on the development side, with a travel lane and sealed shoulder provided on the opposite side. This design reflects the ultimate road profile anticipated for Wyndella Road while acknowledging the current rural zoning (RU2) on the eastern side.</p> <p>Encroachments into the RU2-zoned land to the east are limited and only occur where necessary to accommodate future infrastructure associated with the adjacent Anambah Urban Release Area (AURA). In consultation with Council, it has been agreed that the eastern side of Wyndella Road may be constructed to a rural standard (sealed shoulder without kerb) at this stage, given the limited development potential and lack of urban zoning.</p> <p>Should urban development occur on the eastern side in the future, the ultimate treatment of Wyndella Road—consistent with the Primary Distributor Road cross section—can be completed through future development applications. This</p>

		<p>staged approach avoids unnecessary works while safeguarding the long-term road function and corridor requirements.</p> <p>Applicable conditions will inform the road treatment works required for this DA.</p>
	<p>The proposed civil works and riparian works in the watercourse will exacerbate the inundation of the property in significant rainfall events. The proposed civil works may inadvertently create detention and backing up of stormwater on Lot 223.</p> <p>The flood assessment does not address water flows from Hereford Hill or Lochinvar Ridge development, which drain through to Lochinvar Creek. A number of proposed allotments in the development are at risk of inundation with no vehicle escape route.</p>	<p>The application is informed by revised flooding modelling to inform the layout amendments.</p> <p>It confirms that the upstream flood extents will be improved, with no observable impact to upstream flood extents of velocities up to the 1% AEP design flood.</p> <p>This outcome will be achieved through the provision of upgraded culverts under Wyndella Road (south), which are currently undersized with respect to the design 1% AEP flow rate.</p> <p>The neighbouring Hereford Hill has been modelled under fully developed conditions. Lochinvar Ridge was considered in its undeveloped state, on the basis it is at the top of the catchment and will have its own stormwater controls imposed.</p> <p>In relation to the proposed allotments at risk of inundation, the lots referred to by the submitter were in former Stage 10, south of the existing watercourse. These lots are no longer proposed.</p> <p>In relation to the updated layout, all proposed lots are flood free for all design events up to and including the PMF, with the exception of several batters within the front setbacks of some lots within Stage 2. Refuge-in-place is the appropriate emergency response for the proposed development, rather than providing escape routes. Further details are contained in the updated Stormwater Management Plan.</p>
4	<p>The proposal should protect the full extent of land required for the LURA intersection by increasing the area of road widening, including a transition to the local road widening</p>	<p>It is noted that subsequent to Roche Group providing its submission to the DA, further consultation has occurred between the Applicant, Roche Group, TfNSW and Council in relation to the broader road network.</p>

	required to serve LURA along Wyndella Road.	As a result, significant progress has been made and the issues raised in this submission have largely been resolved. The proposed development identifies the full extent of land required to facilitate the LURA intersection, as well as the land required for AURA road widening.
	The Proposal should make allowance for the full road widening footprint to achieve the LURA primary distributor road reserve width (25m) within the boundaries of the mapped urban release area and on the LURA development side of Wyndella Road only.	Road widening required to support the development of LURA is now proposed within the existing Wyndella Road reserve boundaries or within the development site. Per MOES, full construction of a Primary Distributor Road is not required. The development will only be required to construct part-width road.
	The proposal should be modified to accommodate the combined allowance for the LURA Wyndella Road widening and LURA NEH intersection (approximately 2,820m ²)	The proposed layout has been adjusted to accommodate the necessary road widening for both LURA and AURA works. Refer to the proposed subdivision plans and Concept Engineering Plans. Applicable conditions will inform the road treatment works required for this DA.
	The justification for part road construction of Wyndella Road is inadequate and Council should seek the full road construction to service LURA, within LURA, and by LURA.	Full road construction is now proposed as part of this development within the bounds of the existing road reserve and the development site. Applicable conditions will inform the road treatment works required for this DA.
	In recognition of the function of Wyndella Road and the New England Highway intersection beyond this Proposal and LURA, the opportunity to provide and reach agreement of additional adjustments to the Proposal now that support a safe and functional road and intersection into the future should be explored further.	Further consultation has occurred between the Applicant, Council, TfNSW, DPE and Roche Group regarding the broader road upgrades necessary to accommodate AURA. The proposed development has been modified to accommodate the works required by AURA, namely the upgrades to NEH intersection. Land allowance has been made to accommodate the works required by AURA for Wyndella Road, based on information provided by Roche Group to the applicant. Applicable conditions will inform the road treatment works required for this DA.

Government Agency Submissions

GTA's have been provided by the following government agencies on the basis that the development is classified as integrated development under Section 4.46 of the EPA Act 1979. A summary of the requirements of each government agency is provided in the following table:

Government Agency Submissions (GTA's)		
Responding Agency	Section/Act under which GTA's are provided	Summary of requirements
NSW Rural Fire Service	Section 100b <i>Rural Fires Act 1997</i>	The proposed development is classified as residential subdivision within a bushfire prone area and required referral to the NSW RFS in accordance with section 100B of the <i>Rural Fires Act 1997</i> . RFS reviewed the documentation, including Bushfire Assessment Report and provided GTA's on 17 April 2025. These have been included as conditions of consent.
Transport for NSW	Section 2.122 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Recommendation of the letter received 23 October 2024 have formed conditions of consent.
Department of Planning and Environment – Water	Section 91 of the <i>Water Management Act 2000</i>	Controlled activities carried out in, on or under waterfront land are regulated by the <i>Water Management Act 2000</i> . The Department of Planning and Environment - Water (DPE-Water) administers the <i>Water Management Act 2000</i> and is required to assess the impact of any controlled activity. The requirements of the <i>Water Management Act 2000</i> are triggered by the proximity of works to tributaries of Lochinvar Creek, in the south and west of the site. DPE-Water reviewed the application and provided concurrence on 16 August 2024. The controlled activity approval (which must be sought prior to works occurring on waterfront land) is noted to require a VMP within the vegetation riparian zone of the creeks.
Heritage NSW	Section 90 of <i>National Parks and Wildlife Act 1974</i>	GTAs were issued by the Department of Planning and Environment – Heritage NSW on 14 August 2024. The GTA's note that an AHIP shall be sought prior to the commencement of works for the subdivision.
Department of Primary Industries	<i>Fisheries Management Act 1994</i>	GTA's were received, dated 20 August 2024.

Comments with respect to the proposal have been provided by the following government agencies as summarised in the following table:

Government Agency Submissions (Comments)		
Responding Agency	Section/Act under which comments are required	Summary of Comments
Ausgrid	Section 45(2) of State Environmental Planning Policy (Transport and Infrastructure) 2021	Comments have been provided to the applicant and conditions of consent included accordingly.

Section 4.15(1)(e) - The public interest

The proposed development is located within the Lochinvar URA, a strategically planned growth area identified to accommodate future residential development. The proposal delivers key enabling infrastructure that benefits both the subject site and adjoining land, including the construction of a primary distributor road (MC03), upgraded intersection works at Wyndella Road and Station Lane, and essential water and wastewater infrastructure approved by Hunter Water Corporation. It also provides two new public open space areas identified in the Lochinvar Contributions Plan, contributing to accessible recreation and improved liveability for future residents.

The development integrates riparian rehabilitation and long-term biodiversity management through the establishment of drainage and ecological reserves, which will restore and enhance environmental values within the locality. The subdivision layout has been carefully planned to respond to site constraints, bushfire risk and interface sensitivities, while facilitating future road and servicing connections in line with the Structure Plan. The proposal aligns with Council's adopted planning framework and contributes to housing supply in a coordinated and infrastructure-supported manner.

The development also resolves competing interface issues relating to drainage, ecology and bushfire through an integrated design approach and collaborative refinement with Council and agencies. The delivery of key infrastructure – such as road upgrades, drainage systems, and open space – also ensures the proposal aligns with the long-term public planning objectives for the URA.

Having regard to these outcomes, the development is considered to be in the public interest.

REFERRALS

The application was referred to the following internal referrals for comment.

Development Engineering

The application was referred to Council's Senior Development Engineer. A number of revisions were requested by the Development Engineer, to ensure the development provided a satisfactory subdivision layout having regard to the road network, drainage systems and earthworks. The current version of the subdivision layout and supporting documentation was reviewed by the Senior Development Engineer who has advised they are satisfactory with draft conditions recommended.

Planning Comment: The recommendations are included in the draft conditions.

Environmental Health

The proposal was referred to Council's Environmental Health Officer to review the Acoustic Report. The report has been reviewed, and the proposed development is supported from an environmental health

perspective.

Planning Comment: The recommendations are included in the draft conditions.

Biodiversity

The application was referred to Council's Biodiversity Officer, who confirmed that the BDAR is satisfactory. The replanting of the watercourse (under a VMP) is supported. This officer has reviewed their draft BMP (submitted with the DA proposal) and believe only minor amendments will be needed to meet the relevant requirements for both the BMP and VMP.

Planning Comment: The recommendations are included in the draft conditions.

Recreation & Community Planning

The proposal was referred to Council's Recreation & Community Planning team, who have been unable to provide comment due to resourcing issues. The initial review did not raise significant issue with the design of the proposed park.

Planning Comment: Conditions regarding future design of the park will be confirmed.

Contamination

The reviewing officer supports the findings of the Detailed Contamination Assessment, agreeing that the site can be made suitable for its intended use following appropriate remediation. The report is considered high quality and its recommendations are endorsed.

Urban Design

General comments were provided related to early version of the proposal, including concerns of private ownership of the planted buffer along the New England Highway. Revised arrangements to the landscape buffer have occurred through different versions since these comments.

Contributions

The proposal was referred to Council's Contributions Officer. The officer has provided a draft condition requiring the applicant to complete their obligations under the agreed VPA.

Planning Comment: The recommendations are included in the draft conditions.

ASSESSMENT CONCLUSION

An assessment of the application has been undertaken against Section 4.15(1) of the EPA Act, 1979 as amended. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

RECOMMENDATION

That Council grant consent subject to the conditions provided in attachment 5

Senior Development Planner
Scott Fatches

Date: 15 July 2025

City Planning

**DA/2023/415 for Demolition, 8 Into 258 Lot
Torrens Title Subdivision Including 2
Public Reserves, 1 Drainage Reserve, Road
Widening and Associated Infrastructure
over 14 Stages At 2 & 20a Cantwell Road,
25, 39 & 55 Wyndella Road Lochinvar

Submission (Under Separate Cover)**

Meeting Date: 19 August 2025

Attachment No: 4

Number of Pages: 40

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

26TH June, 2023

Maitland City Council,
263 High Street,
MAITLAND. N.S.W. 2320

Re: D.A. / 2023/415 – 262 Lot Subdivision off Wyndella Road, Lochinvar.

Thanks for your letter to [REDACTED] of the 13th June, 2023. [REDACTED] are the owners of Lot [REDACTED] (No. [REDACTED]) Wyndella Road, Lochinvar, since [REDACTED] to now. During this long time [REDACTED] have been able to get to know the area well. The above subdivision is much needed and practical to develop.

[REDACTED] do have some concerns about how the site can be integrated into [REDACTED] land and [REDACTED] land. The lots are [REDACTED] Wyndella Road. These [REDACTED] lots of [REDACTED] ha each (over [REDACTED]) would be surrounded on [REDACTED] sides and [REDACTED] are very concerned on how the road, services and stormwater would be integrated into the existing and proposed adjoining subdivisions.

[REDACTED] that [REDACTED] land and the other lots would need a future further subdivision plan to show how everything can be integrated.

[REDACTED] the proposed subdivision is a good idea and is needed in this area. [REDACTED] are concerned that the Wyndella Road water course as it is now floods over the road and about one third of Lot 223 also floods during very heavy rain events. [REDACTED] have been blocked off for several days sometimes because of the soil erosion and water damage to the crossing. Even the second water course opposite Lot 225 also gets temporarily flooded.



Monday 10 July 2023

Brian Gibson,
Maitland City Council
263 High Street
Maitland NSW 2320

Dear Brian,

RE: DA/2023/415 – 262 Lot Residential Subdivision - Submission.

The submission has been prepared in response to the proposed development, which was published on 15/6/2023 – 12/7/2023.

This submission identifies outstanding planning issues not adequately considered in the development application and warrants further council investigation.

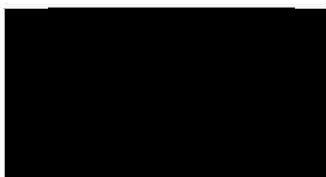
The planning issues are as follows :

The current stormwater flooding of the [REDACTED] has been directly attributed to the surrounding developments in and around [REDACTED] resulting in significant onsite flooding [REDACTED]. See the Images attached.

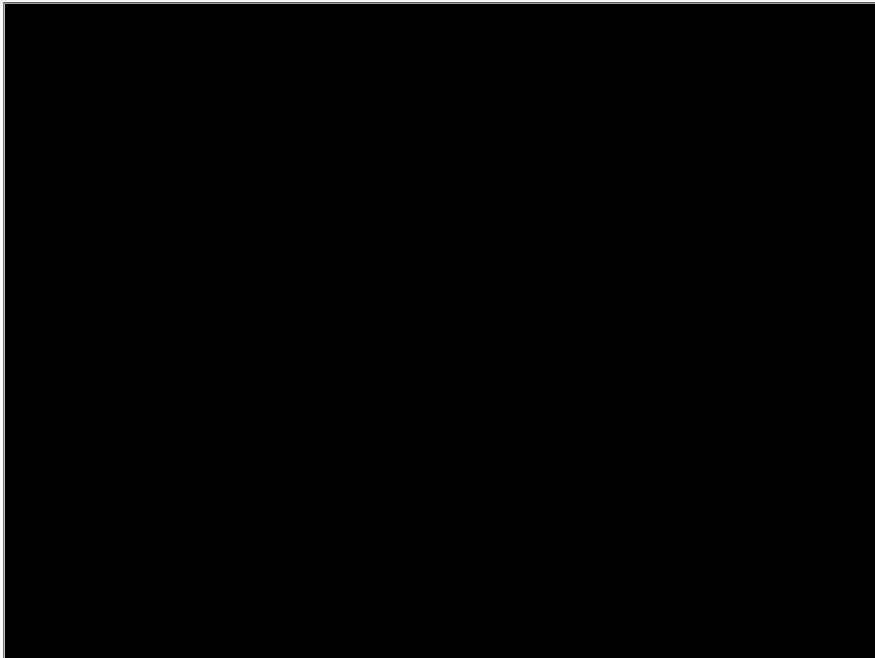
The proposed stormwater management plan does not adequately address the current or future stormwater flooding issues due to the inadequate downstream stormwater infrastructure.

A comprehensive review of the proposed subdivision will ensure that all elements of the proposed development's impact are adequately considered and addressed before being determined.

Yours sincerely,



Attachment 1 – Onsite Flooding Images







12 July 2023

Our ref: 2720

The General Manager
Maitland City Council
263 High Street
Maitland NSW 2320

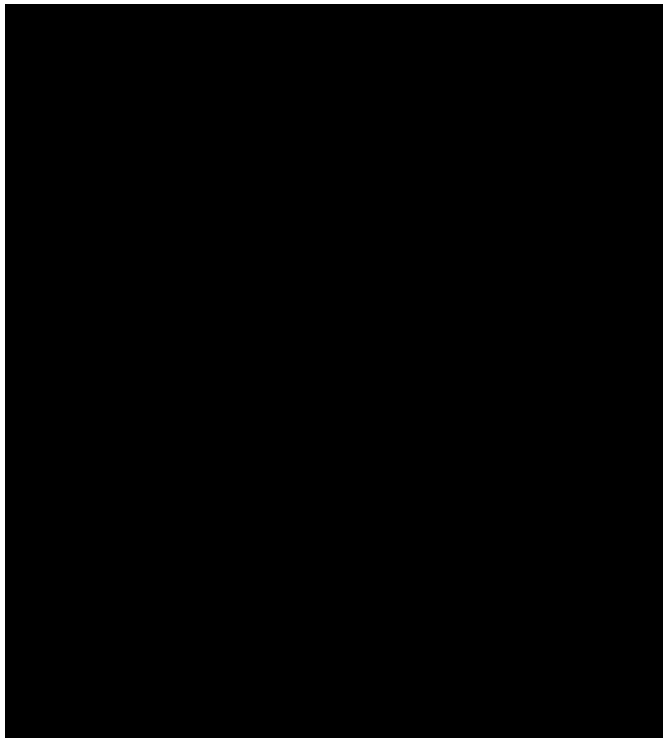
Att: Brian Gibson

By email: info@maitland.nsw.gov.au;
brian.gibson@maitland.nsw.gov.au

Dear Sir

Submission in relation to DA 2023-415 for a proposed 262 residential lot subdivision at the corner of New England Highway and Wyndella Road, Lochinvar (DA)

1. We act for [REDACTED], the registered owners of [REDACTED] Wyndella Road, Lochinvar ([REDACTED]) and refer to Council's Notification Letter of the DA dated 13 June 2023.



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2. In broad terms, our clients accept that they are being swept up in the ongoing transition of the Lochinvar locality from semi-rural to low density residential. That transition includes this DA, the Hereford Hill Estate, and other nearby projects at various planning and/or implementation stages. That transition is commensurate with Council and Regional strategic planning.
3. In relation to this DA, our clients do have specific concerns that, in [REDACTED] view, need to be further addressed by the DA applicant and Council. Those concerns can broadly grouped under two headings: cumulative impact on traffic infrastructure and flooding. Those impacts are particularly acute given the close spatial relationship between our clients' property and the proposed development (see Figure 1 above).

Traffic Infrastructure

4. Under this heading our clients' concerns are twofold: access amenity and future upgrading works for Wyndella Road.
- (a) Access amenity
5. The street view below is orientated north, towards the proposed development, from the signalised intersection of Wyndella Road and the New England Highway (NEH). Our clients' vehicle access to their property is located [REDACTED].



Figure 2: Google Streetview (from NEH)

6. Access to the [REDACTED] Property can also be seen in Figure 3 below.

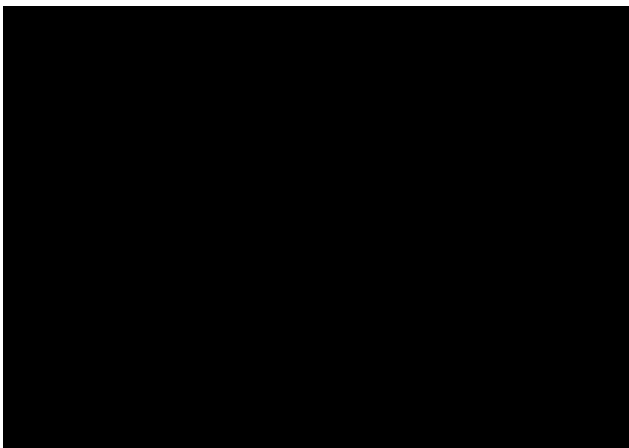


Figure 3: [REDACTED] Property existing access

7. Our clients' current vehicular access off Wyndella Road [REDACTED] traffic lights which have presumably been installed as part the Hereford Hill Estate development. The access to [REDACTED] approx. [REDACTED] ha property crosses an ephemeral watercourse, which will be discussed further below.
 8. Obviously, this DA alone will generate significant traffic through the intersection. The traffic generated by this development alone is estimated to be 1,782 vehicle movements per day (173 vehicles per hour at peak times).
 9. The applicant's *Transport Impact Assessment*, prepared by SCT Consulting dated 3 May 2023 (**Traffic Report**) anticipates significant numbers of vehicle movements through the intersection, especially at the AM and PM peak periods.
 10. Any queuing at the intersection will impact on vehicle access to the [REDACTED] Property. Arguably, any [REDACTED] turn off the NEH [REDACTED] is going to expose our clients and other road users to potential impacts given the [REDACTED] to the intersection.
 11. Given the predicted traffic that would queue at the intersection when the development is implemented, it would make entry and exit [REDACTED] very difficult – especially at peak AM/PM times. The Traffic Report does not raise this as an issue let alone discuss any mitigation options.
 12. Obviously, this is not an ideal situation, and we would have to assume that Council would want the access relocated to a position further along Wyndella Road, [REDACTED] away from the intersection. The Traffic Report is entirely silent on this issue.
 13. Our clients would expect that the construction costs of any new access should be borne entirely by the DA applicant. Our clients also expect some reasonable level on consultation in relation to the design of any such access road.
- (b) Road Widening
14. The Traffic Report states¹ that Wyndella Road is currently identified by Council as a *Primary Distributor Road* requiring a 15m pavement in a 24m wide road reserve.
 15. The current road reserve is only approximately 20.115m wide².
 16. The Traffic Report states the following at page 26: "*This development application proposes to upgrade Wyndella Road to a Collector Primary Road is sufficient to cater for the additional traffic generated by the proposed development. That is, a Collector Primary Road can cater for up to 300 lots, and the proposed development will deliver 262 lots.*"
 17. Under Council's Road Design criteria, a *Collector Primary Road* is only required to have a 11m carriageway in a 20m road reserve. That is, the DA applicant is proposed a lesser standard than what Council have identified in their strategy transport infrastructure planning.

¹ Traffic Report: page 25

² Traffic Report: Figure 4.4

18. In our opinion, while that suits the DA applicant, it does not take into account further and later development in Wyndella Road in the medium term commensurate with Council's own infrastructure modelling.
19. Our clients argue that the reservation of land required to upgrade Wyndella Road to Primary Distributor Road requirements should be from the land subject to this DA, so that this developer does not shift the burden of future road widening requirements onto the existing properties to the east of Wyndella Road (including the [REDACTED]).
20. In relation Figure 4 below, the boundary to the east should remain unchanged and the road reserve to the west should encompass the full 24 metres required for a Primary Distributor Road i.e. entirely on the DA applicant's land.
21. We ask that Council be fully cognisant to this not so subtle slight-of-hand from the DA applicant. Our clients (and other property owners) [REDACTED] by the infrastructure requirements generated by this DA.

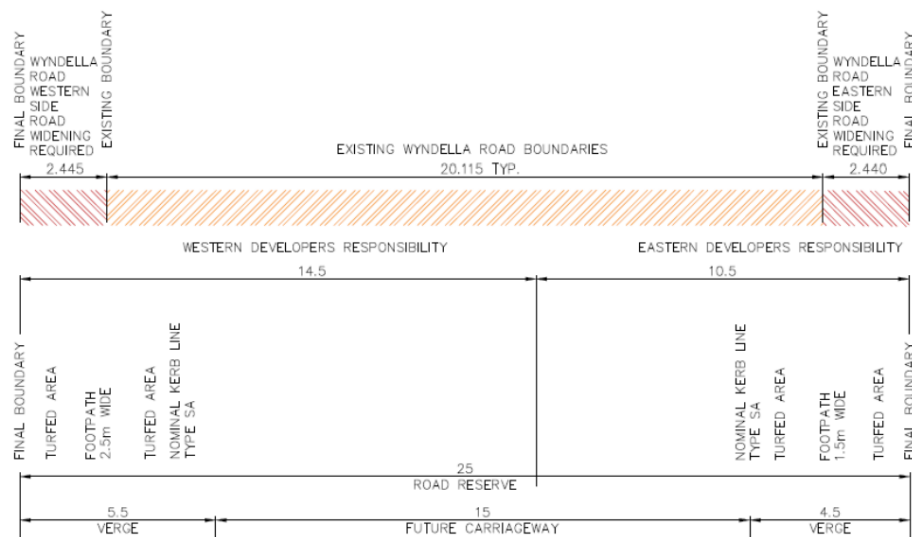


Figure 4: Detail Traffic Report Figure 4-4 (page 27)

22. The Traffic Report concludes that the existing intersection of Wyndella Road and the NEH, with background growth and the traffic from the proposed DA, would have a degree of saturation (DOS) of 85% - indicating some minor spare capacity³.
23. What is obvious from the Traffic Report is that the degree of background traffic nominated (i.e. 3%) does not take into account any other significant future development along Wyndella Road. The background growth is attributed to a projected increase on the NEH traffic – not Wyndella Road.

³ Traffic Report: page 32

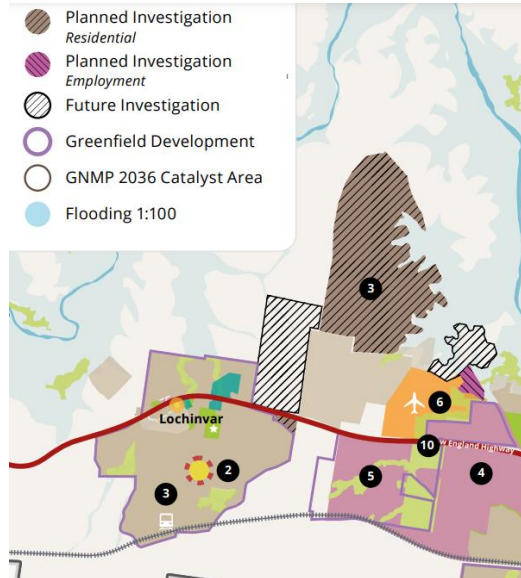


Figure 5: Detail MLSPS Page 28

24. Obviously, Council is in a better position to understand the future development of property and/or transport linkages from say the Windella and Anambah Release Areas, through Wyndella Road as part of the strategic review for next iteration of its Local Environmental Plan. We note that the adopted *Maitland Local Strategic Planning Statement 2040+⁴* (MLSPS) identifies that future expansion areas relative to the initial *Lochinvar Urban Release Area* delineation (see Figure 5 above – detail of map page 28 MLSPS).
25. In short, our clients would like a degree of certainty around any proposed upgrade of Wyndella Road and urge Council to consider what that should look like now, and ensure that this DA applicant bears an appropriate and proportionate part of the cost burden.
26. If this DA applicant was so assured that no future upgrade would be required to both Wyndella Road and current signalised intersection with the NEH, then their proposal for the upgrade works would only focus on the *Collector Primary Road*, and make no reference to its later upgrade to a *Primary Distributor Road*.
27. The DA applicant's *Statement of Environmental Effects*, prepared by ADW Johnson dated May 2023 (SEE) notes the following⁵:

Road widening along Wyndella Road has been provided to accommodate a future primary distributor road in accordance with DCP Figure 57. Noting the development ability on both sides of this road, 50% of the required road widening has been provided under the subject development, whilst the remaining 50% can be provided on the eastern side of Wyndella Road.
28. It should be noted that unlike the proposed development site being R1 General Residential, the land on the eastern side of Wyndella Road is RU2 Rural Landscape, under the current Maitland LEP 2011 (See Figure 6 below)

⁴ Adopted by Council 9 June 2020

⁵ SEE: page 42

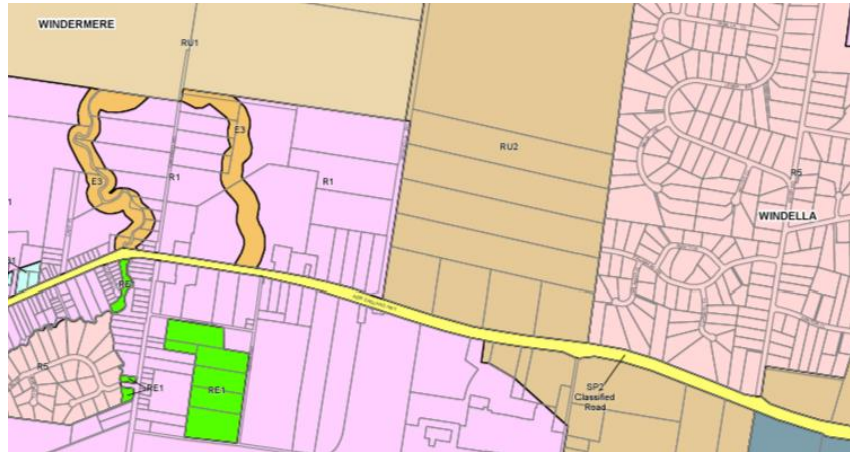


Figure 6: MLEP Map LZN 002A

29. The land to the eastern side of Wyndella Road would need to be rezoned, and a number of lots purchased, in order to provide enough area for a viable subdivision, and hence generate the funds needed to complete the eastern side of Wyndella Road as the DA applicant proposes. The timing around that is completely unknown, including any rezoning under the next iteration of the Maitland LEP.
30. Our clients are firmly of the view that the cost and physical burden of any road reserve widening should be borne wholly by the DA applicant.

Flooding

31. In relation to stormwater (flooding) the DA applicant has submitted two documents, in addition to concept civil plans:
 - (a) Riparian Assessment Report, prepared by AEP dated 9 September 2022 (**Riparian Report**); and
 - (b) Stormwater Management Plan, prepared by ADW Johnson dated April 2023 (**SWMP**)
32. Currently, the upper reaches of Lochinvar Creek are relatively undisturbed downstream from the [REDACTED] to the Hunter River to the north (see Figure 7 below – detail from Riparian Report p.7). This DA proposes significant works in the riparian zone including a new culvert/piped crossing under Wyndella Road.
33. Our clients have lived on [REDACTED] property for [REDACTED] years and we are instructed that while the [REDACTED] part of [REDACTED] approx. [REDACTED] ha lot does flood quickly, it also drains quickly due to unimpeded flowpath on the western side of Wyndella Road. Our clients are concerned that the proposed civil works and the riparian works in the watercourse is going to exacerbate the inundation of [REDACTED] property in significant rainfall events. Our clients have a number of [REDACTED] that they must manage and get to higher ground in these events.
34. As a baseline consideration, Maitland Council does have the *Lochinvar Flood Study*, prepared by WMA Water, dated July 2019 (**WMA Report 2019**).



Figure 7: Detail Lochinvar Creek Tributary Stream Order

35. We note in Figure 8 below, that the DA applicant proposes to redirect the upper ephemeral tributary south along a regraded Wyndella Road [REDACTED] instead of piping and/or directing that flow through the development.
36. Those proposed works are to include a 1/100 year overland flowpath. That is considerable redirected flow, and our clients do not have confidence that the Applicant's experts have properly modelled that scenario.

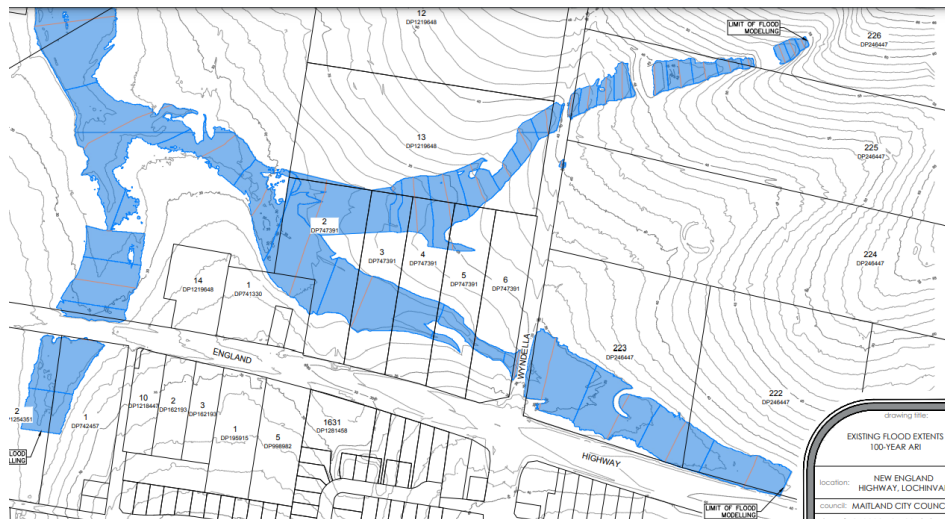


Figure 8: Existing 1/100 YR ARI

- [illegible]

3457-8782-3653, v. 1

41. We also note that under the PMF event, a number of the proposed allotments in the development are at risk of inundation with the possibility of no vehicle escape route. See extract of SWMP PMF Modelling below in Figure 11.

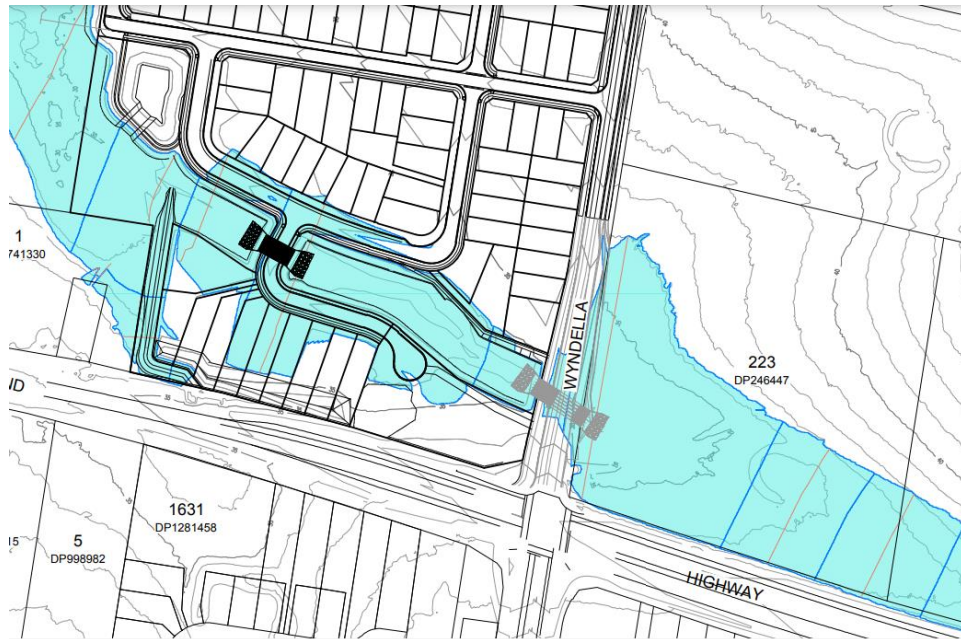


Figure 11: Post development PMF Modelling

42. The DA Applicant also fails to address or even acknowledge the water flow from the new Lochinvar Ridge development (to the east of the Hereford Hill development). The detention basin for this development also drains [REDACTED] through to Lochinvar Creek.
43. What concerns our clients the most is the extent to which the engineered detention basins actually slow down the waterflow. The increase in hardstand in the Hereford Hill and Lochinvar Ridge Estates combined with increased hardstand in this proposed development increases the waterflow rate to the natural drainage channel.
44. Obviously, the purpose of the detention basin system is to somehow mimic the pre-development timing and flow rates of water falling pasture and sheet drainage to the natural drainage lines.
45. As the Lochinvar Flood Study (2019)⁶ found: *“Runoff from connected impervious surfaces such as roads, gutters, roofs or concrete surfaces occurs significantly faster than from vegetated surfaces. This results in a faster concentration of flow within the downstream area of the catchment, and increased peak flow in some situations”*.
46. Our clients are concerned that the drainage model adopted to support this application has not properly incorporated the full effects of the upstream runoff characteristics from the Hereford Hill and Lochinvar Ridge developments and the NEH drainage works.

⁶ Lochinvar Flood Study, prepared by WMA Water, dated July 2019: Vol 1, section 5.3, page 20.

47. A failure by the developer to properly model the offsite impacts (both upstream and downstream) may create an actionable nuisance if inundation is exacerbated on the [REDACTED]. Equally, Council needs to exercise its statutory approval power with all due care.
48. While Council does have some statutory defences under the *Local Government Act* 1993 (**LGA**) and the *Civil Liability Act* 2002 (**Liability Act**) in relation to nuisance claims, they are not a universal protection against liability for damages or a shield from injunctive court orders.
49. Section 733 of the LGA provides that Council will not incur any liability in respect of anything it did or omitted to do in good faith, in so far as it related to the likelihood of land being flooded or the nature or extent of any such flooding.
50. Section 733 of the LGA 1993 would, if applicable, afford a true defence, in the sense that a defendant relying on it would have the onus of proving its good faith as an attribute of its negligence. A defendant can only rely on the defence once it has identified the thing that it did, or omitted to do, was in fact done in good faith⁷.
51. The fact that the issue of drainage may not have been considered properly during the development assessment phase for the subdivision may militate against the exercise of good faith.
52. The protection afforded to Council under section 43A(3) of the *Civil Liability Act* 2002 provides as follows:

... any act or omission involving an exercise of, or failure to exercise, a special statutory power does not give rise to civil liability unless the act or omission was in the circumstances so unreasonable that no authority having the special statutory power in question could properly consider the act or omission to be a reasonable exercise of, or failure to exercise, its power.
53. This protection afforded to Council relates to the exercise of special statutory powers and would include the grant of a development consent under the *Environmental Planning and Assessment Act* 1979. This section of the Civil Liability Act is framed around the common law principle of *Wednesbury* unreasonableness.
54. The principles applicable to a challenge based on *Wednesbury* unreasonableness are well known. As Mason P observed in *Woolworths Ltd v Pallas Newco Pty Ltd* [2004] NSWCA 422 at 188 [27] and Spigelman CJ noted at [91], the test is stringent. The decision "... must amount to an abuse of power ... or be so devoid of plausible justification that no reasonable person could have taken that course."
55. In short, our clients place great reliance on the expertise of Council to ensure that their property will not be adversely affected by any approval of this development.
56. Our clients hope that their concerns will be properly considered by Council and further information and confirmation from the DA applicant is sought for all of the issues raised above.

Please feel free to contact our office if you require any further information.

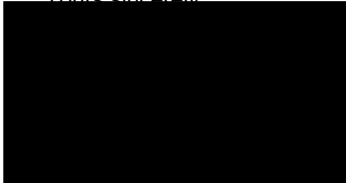
⁷ *Gales Holdings Pty Ltd v Tweed Shire Council* (2013) NSWCA 382, per Emmett JA (with whom Sackville JA agreed) at [181].

SWS Lawyers

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12 July 2023

Yours sincerely,



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3457-8782-3653, v. 1



DB20 Pty Limited
PO Box 325
DOUBLE BAY NSW 1360

12 July 2023

General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Attention: Brian Gibson

**RE: OBJECTION TO DEVELOPMENT APPLICATION RELATING TO 262 LOT
RESIDENTIAL SUBDIVISION AND ASSOCIATED WORKS
(DA/2023/415), WYNDELLA ROAD, LOCHINVAR**

Reference is made to DA 2023/415 which proposes a residential subdivision with access via Wyndella Road and its intersection with the New England Highway.

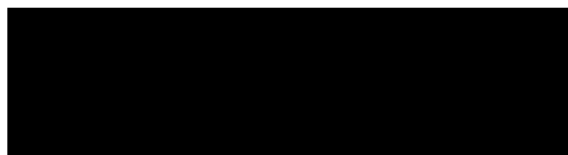
Firstly, this objection identifies the failings of the Proposal to reasonably accommodate the planned local road environment of Wyndella Road and the New England Highway intersection, as intended for the Lochinvar Urban Release Area (LURA) and as expressed within Council's adopted development controls and local contributions plan.

Secondly, this objection highlights the broader planned strategic role and function of Wyndella Road and its intersection to the New England Highway within the Anambah to Branxton Regionally Significant Growth Corridor (identified in the Hunter Regional Plan 2041).

1. LURA Intersection – Wyndella Road and New England Highway

As part of LURA, upgrades to the intersection of Wyndella Road and New England Highway are required. The Proposal states that it does not trigger the need for any intersection upgrades beyond a monetary contribution to Council. The Proposal provides an area of the site for road widening at the New England Highway intersection. It does not provide any explanation on how that area has been determined nor does it confirm that it caters fully for the land required for Council to achieve the planned LURA intersection under Item L26 of the Lochinvar Section 94 Contributions Plan 2014 (LCP2014) for the benefit of LURA. We are of the opinion that the area provided is insufficient.

Council has previously quantified the land take (Footprint) required for the LURA intersection via the plan extracted in Figure 1 overpage. Importantly, Council have already protected the southern portion of that Footprint when granting development consents to the south.



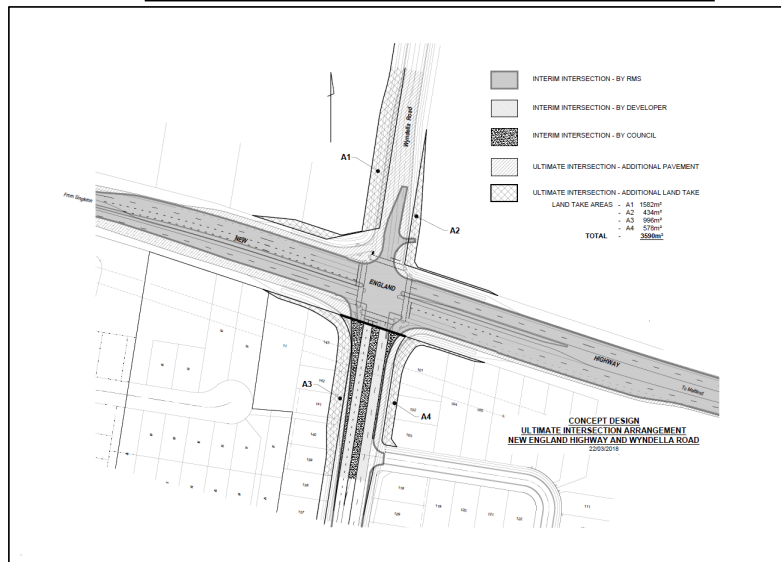


Figure 1 - Footprint for Planned LURA Intersection
(Source: Supplied by Maitland City Council)

A simple comparison between the Proposal and the Footprint shows that the Proposal does not provide the Footprint identified by Council to achieve the LURA intersection (refer Figure 2). Additionally, the road widening area extends beyond that shown on the plans to provide for transition back into the LURA primary distributor road network and its road widening (refer Section 2.0 of this submission).

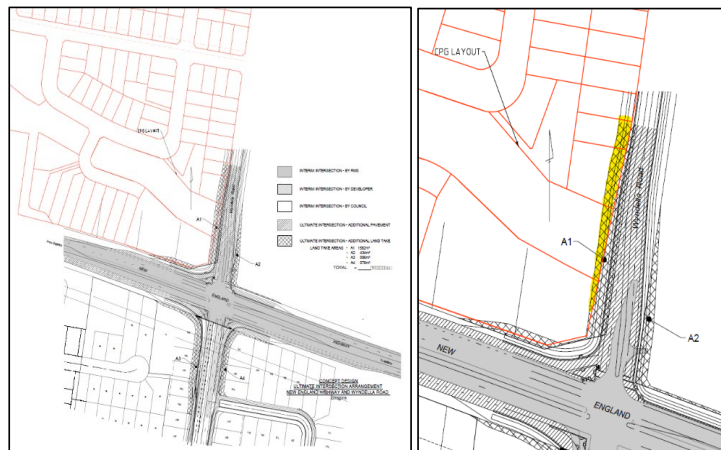


Figure 2 - Overlay of Proposal against Footprint for Planned LURA Intersection (yellow highlight is intersection area not provided for by Proposal)

The Proposal should protect the full extent of land required for the LURA intersection by increasing the area of road widening, including a transition to the local road widening required to serve LURA along Wyndella Road

2. LURA Wyndella Road – Road Reserve

The Proposal fails to properly acknowledge the requirement for Wyndella Road to be upgraded to a primary distributor road (25m wide road reserve) to cater for the development of LURA. Furthermore, that road type and road widening is identified as being wholly located within the boundaries of LURA.

Figure 3 clearly indicates that land to the east of Wyndella Road is outside LURA with the proposed LURA road network located wholly within the boundary of LURA (Wyndella Road and to the west).

Figure 4 (overpage) clearly indicates that the proposed road widening for the LURA Primary Distributor is located wholly within the boundary of LURA (Wyndella Road and to the west).

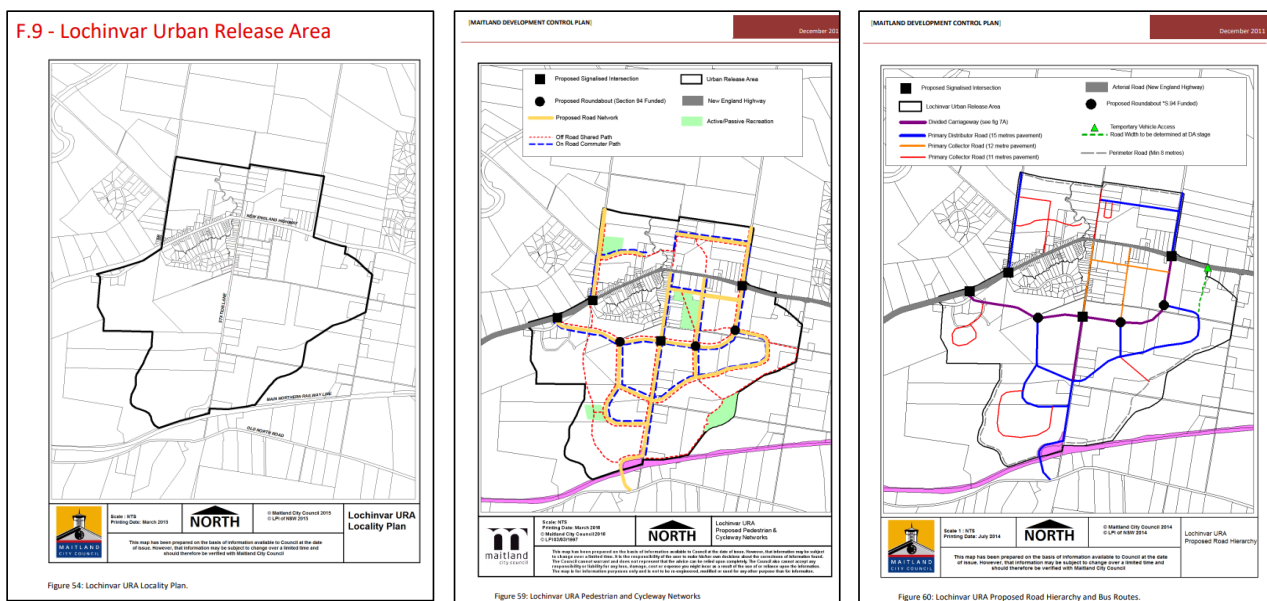


Figure 3 – LURA Extent and Road Network

(Source: Extracts Figures 54, 59 and 60 from Maitland DCP Chapter F.9)

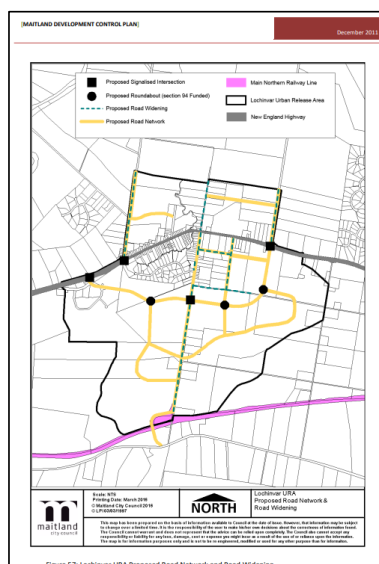
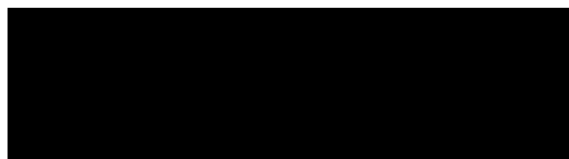


Figure 4 – LURA Road Network Road Widening
(Source: Extract Figures 57 from Maitland DCP Chapter F.9)

Instead, the Proposal relies on land outside the LURA boundary, essentially splitting the road widening footprint to both sides of the current road reserve. In presenting this solution, the Proposal references “*the development ability on both sides of the road*”, with multiple references made to future eastern road widening and future eastern carriageway works to be the ‘*eastern developers’ responsibility*’. We believe this is unreasonable given that the lands to the east side of Wyndella Road are currently zoned rural and do not form part of LURA (refer Figure 5).

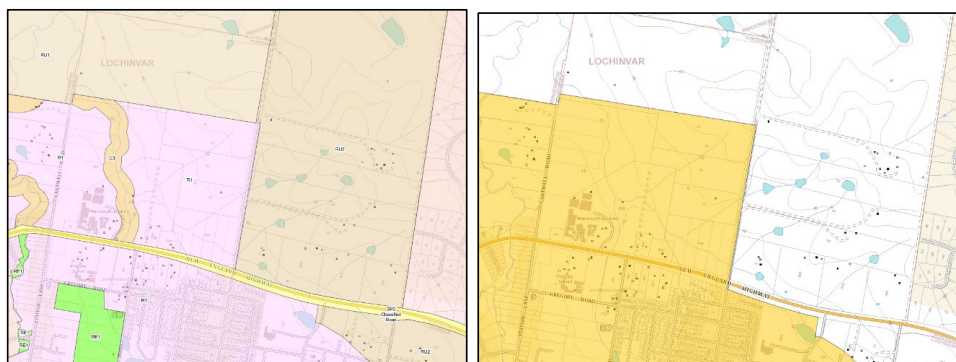
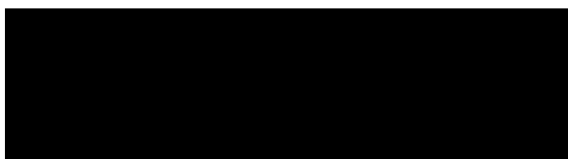


Figure 5 - Land Use Zone and Urban Release Area Extents
(Source: NSW Planning Portal Spatial Viewer)





The Proposal includes relying on 2.44m road reserve widening across an additional four (4) rural zoned landholdings to a combined area of some 1,314m² (refer Figure 6).

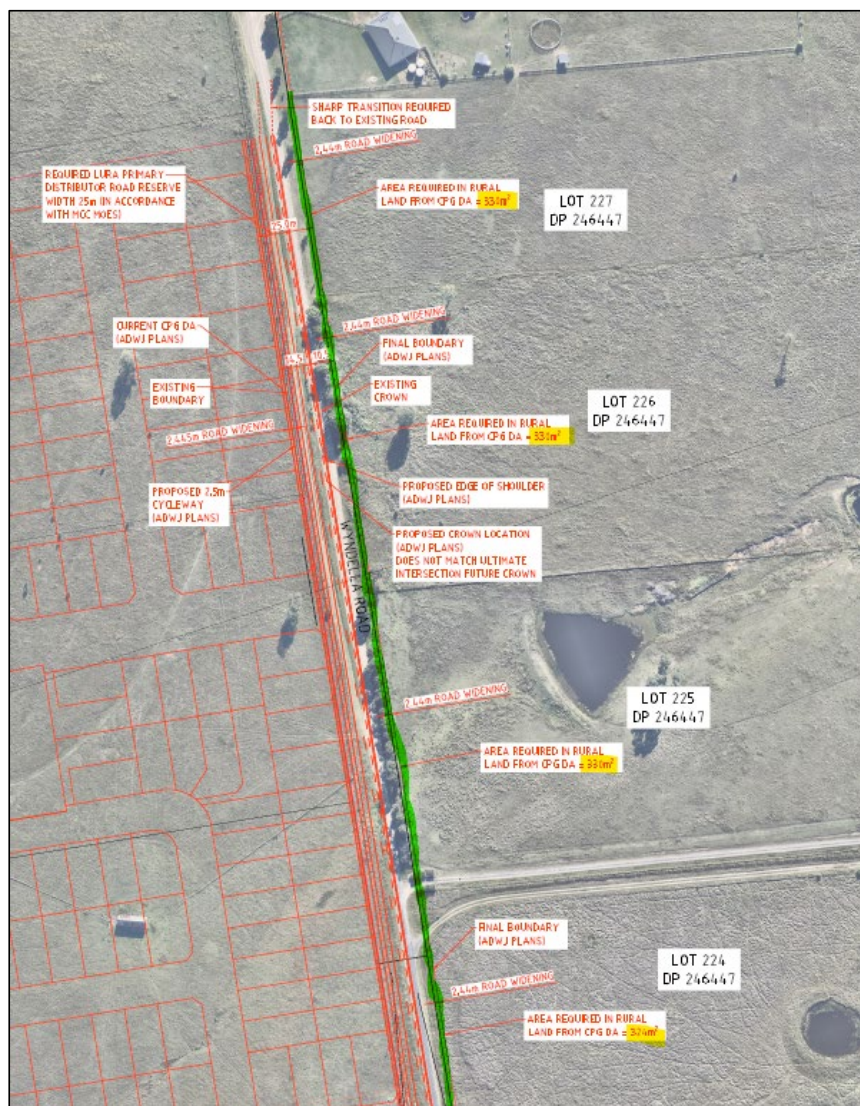
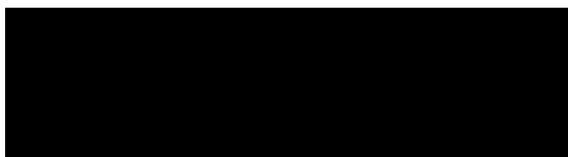


Figure 6 – Extent of LURA Road Network Widening Imposed on Rural Zoned Land by the Proposal





In approaching the road widening in this manner, the Proposal fails to adequately respond to several development controls as follows:

- Fails to incorporate the identified LURA road network and is inconsistent with the intended development outcomes for LURA (Maitland DCP, Chapter F.9, Section 1.1, Control 5).
- Fails to incorporate the overall transport movement and road hierarchy (Maitland DCP, Chapter F.9, Section 1.2, Controls 2, 10 and 12 and Figures 54, 59 and 60)
- Fails to incorporate the full extent of LURA road widening (Maitland DCP, Chapter F.9, Section 1.2, Control 17 and Figure 57)

The development controls were prepared in part to guide the orderly and economic use and development of LURA and to make provision for necessary infrastructure including road networks. It also means there is no certainty for the consent authority to be satisfied that the LURA road network required by LURA and within LURA will be achieved.

The Proposal therefore should not be allowed to benefit from the LURA zoning without also accepting the burden of the LURA obligations. Whilst we understand the quantum of development may not trigger the need for the primary distributor road to be constructed, the proposal is over land to which it relates, and the road widening requirements should be met.

The Proposal should make allowance for the full road widening footprint to achieve the LURA primary distributor road reserve width (25m) within the boundaries of the mapped urban release area and on the LURA development side of Wyndella Road only.

3. Combined Allowance for LURA Wyndella Road and LURA Intersection with the New England Highway

Figure 7 (and plans within Attachment 1) illustrates the combined extent of road widening for the LURA intersection and the LURA road network, overlaid onto the Proposal. The Proposal should be modified to accommodate the full extent of LURA road and intersection road widening (approximately 2,820m²) within LURA, with modification to the layout that excludes individual residential lot boundaries from that footprint. The modified layout should then be re-exhibited for public comment.

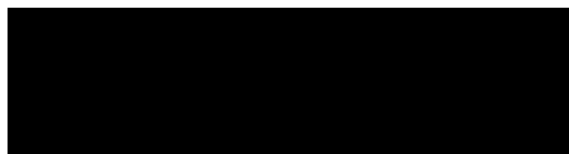




Figure 7 – LURA Intersection and LURA Road Network Extents Overlaid onto the Proposal

(refer Plans in Attachment 1 that provide additional detailed sheets)



4. LURA Wyndella Road –Construction

The Proposal includes only partial construction of the required LURA primary distributor road, as shown in Figure 8 and defers completion of it to 'eastern developers' (not part of LURA). Interestingly it treats the construction of Wyndella Road differently to the east-west primary distributor road through their Site, which is being fully constructed as part of the Proposal and meets the development control provisions of LURA.

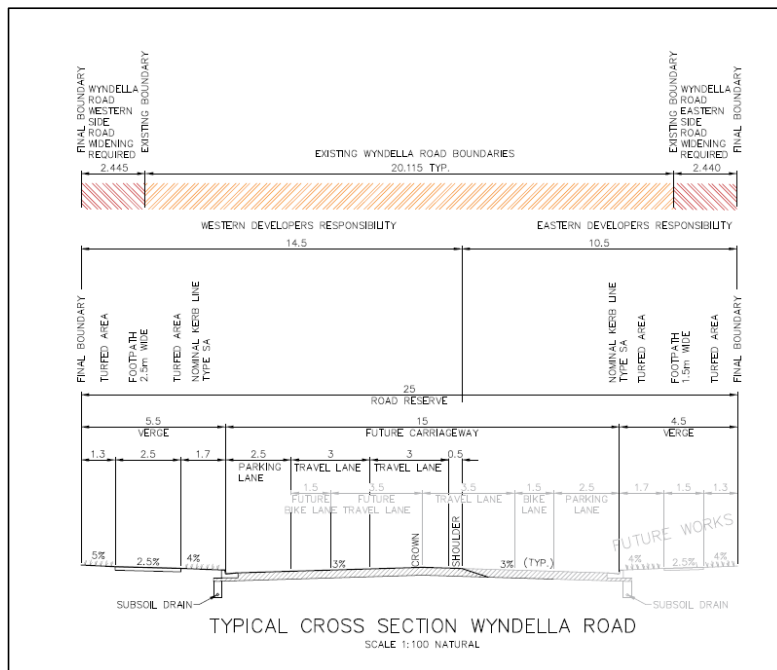
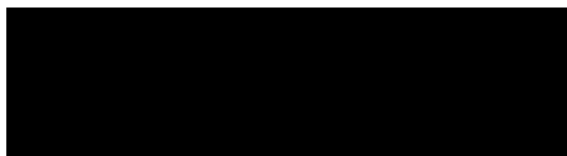


Figure 8 – Typical Cross Section showing LURA Road Construction Imposed on others outside LURA

It is our opinion that Council should require both primary distributor roads to be delivered to full width. Both arise from the same needs and set of development controls (to service LURA traffic through the land whether individual lot development occurs to one side or both sides and whether required by the Proposal or LURA).

Furthermore the Proposal does not address the provisions of Council's Manual of Engineering Standards (MOES) regarding partial-width construction. The Proposal does not detail how the circumstances listed in MOES do or do not apply to the Wyndella Road component. It is our opinion that the partial width construction fails to meet the circumstances provided under MOES as the land on the opposite side of





the road does not have subdivision potential under a planning scheme (as required by MOES) and the road is required to a certain standard (by LURA, for LURA) independent of the land on the opposite side of the road.

Whilst we understand the quantum of development may not trigger the need for the primary distributor road to be constructed in isolation, as the site provides the full frontage of LURA to Wyndella Road as well as all three intersections and the public road network for LURA to connect through to Wyndella Road, the full construction requirements for LURA should be met.

The justification for part road construction of Wyndella Road is inadequate and Council should seek the full road construction to service LURA, within LURA, and by LURA.

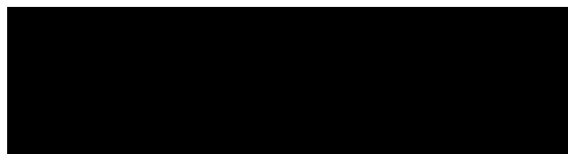
5. Regional Significance of Wyndella Road and Intersection to the New England Highway beyond LURA

Beyond this initial 262 residential lot subdivision and the LURA (as addressed above in Sections 1 and 2), the strategic role and function of Wyndella Road and its intersection to the New England Highway has regional importance and sits within the Anambah to Branxton Regionally Significant Growth Corridor (identified in the Hunter Regional Plan 2041).

There is a statutory requirement within Maitland Local Environmental Plan 2011 to connect a western link road from the Anambah Urban Release Area (AURA) to Wyndella Road and its intersection with the Highway and there are further strategic opportunities to investigate the zoning of other lands that would connect to Wyndella Road. This means that Wyndella Road will carry more traffic than just LURA, and that further intersection upgrades will also be required. There has been limited discussion within the Proposal to recognise the changing road environment that will arise beyond LURA.

The opportunity to consolidate the planned LURA intersection upgrade with further upgrades that cater beyond LURA has been progressed and supported strategically with Council, TfNSW and DPE. A consolidated upgrade has been supported in principle by TfNSW and the concept intersection has been shared with Council and the Applicant across the past six (6) months. Beyond the influence of the upgraded intersection concept, the Wyndella Road environment would increase to a sub-arterial road hierarchy, requiring an additional 0.4m width to the planned LURA road reserve and carriageway.

Recognising these future works are not a direct obligation for this Proposal, it would be appropriate and of assistance for Council and the road authorities to consider how the Proposal doesn't prevent those regional outcomes being achieved in the public interest, and any reasonable adjustments that could be considered, negotiated and captured in the Proposal.





Based on the upgraded intersection concepts, the following is identified for consideration by the applicant as part of the review of layouts arising from catering for the base LURA intersection and road network as identified earlier:

- Opportunity to protect additional footprint for a further upgraded intersection.
- Opportunity to match the southern centreline of the intersection with the northern Wyndella Road centreline when upgraded.
- Opportunity to relocate the southern proposed intersection to Wyndella Road (MC04) to align with the internal proposed road MC10. This would provide for the intersection to be clear of the upgraded intersection and improve safety and operation for all intersection and road users into the future.
- Opportunity to consider the advantages of limiting direct lot access for part of the Wyndella Road frontage that will otherwise create undesirable safety issues for road users and lot owners in the future.

These opportunities are identified in Figure 9 (overpage). The plans in Attachment 2 provide plans and detailed sheets that illustrate the additional footprint used as the base for Figure 9. DB20 Pty Limited has actively sought to negotiate and reach commercial agreement with the applicant to recognise these circumstances beyond the minimum LURA obligations and will continue to do so

In recognition of the function of Wyndella Road and the New England Highway intersection beyond this Proposal and LURA, the opportunity to provide and reach agreement on additional adjustments to the Proposal now that support a safe and functional road and intersection into the future should be explored further.



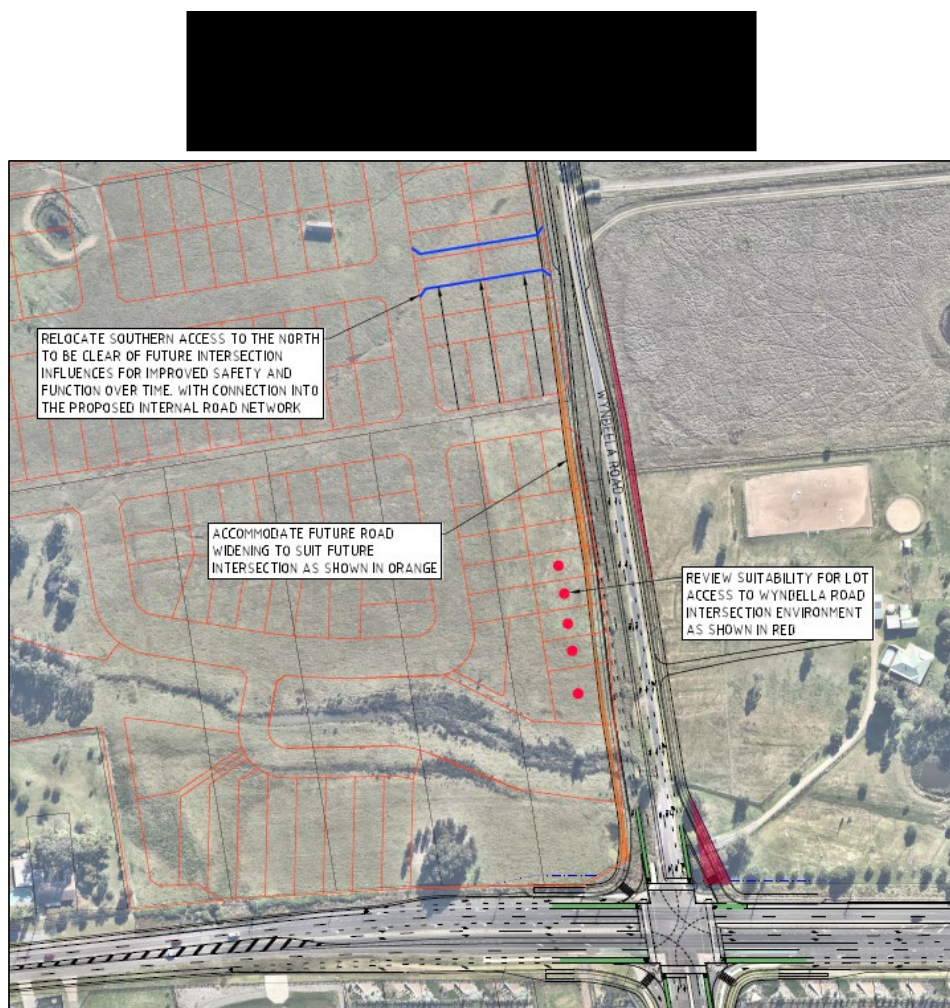


Figure 9 – Opportunities to Protect Regional Outcomes

6. Conclusion

The application fails to meet to the requirements of Council's adopted Lochinvar Local Area Plan and the Lochinvar Contributions Plan as outlined above.

As the first subdivision proposing access to Wyndella Road for LURA, it is incumbent on the applicant, Council and TfNSW to ensure that the LURA intersection and road widening footprint is accommodated by the Proposal to the greatest extent, and to ensure that LURA obligations are accommodated by LURA and within LURA. At a minimum, amendments to the layout should be provided to accommodate the LURA intersection and road widening footprints with the Site.

As the subdivision directly interacts with Wyndella Road and its intersection, which has broader strategic functions beyond LURA, consideration should be given by the applicant, Council and TfNSW to negotiate and reach agreement on further

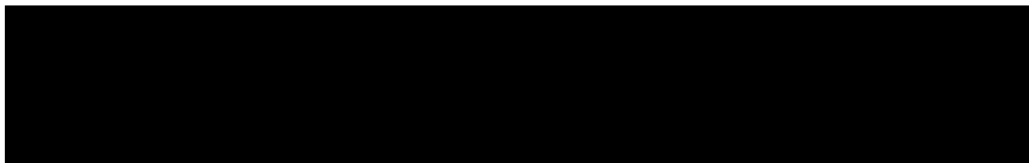


amendments that allow a safe and functional road network beyond only the short term needs of the Proposal and LURA.

DB20 Pty Limited thanks Council for publicly exhibiting the application and inviting public submissions, and welcome any further consultation on this submission by either Council and directly by/with the applicant. Given DB20 Pty Limited wish to have open and transparent communication with the applicant, we have no objection to a full copy of this submission being shared directly with the applicant.

Please do not hesitate to contact the undersigned as applicable.

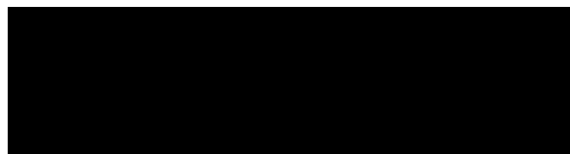
Yours faithfully,



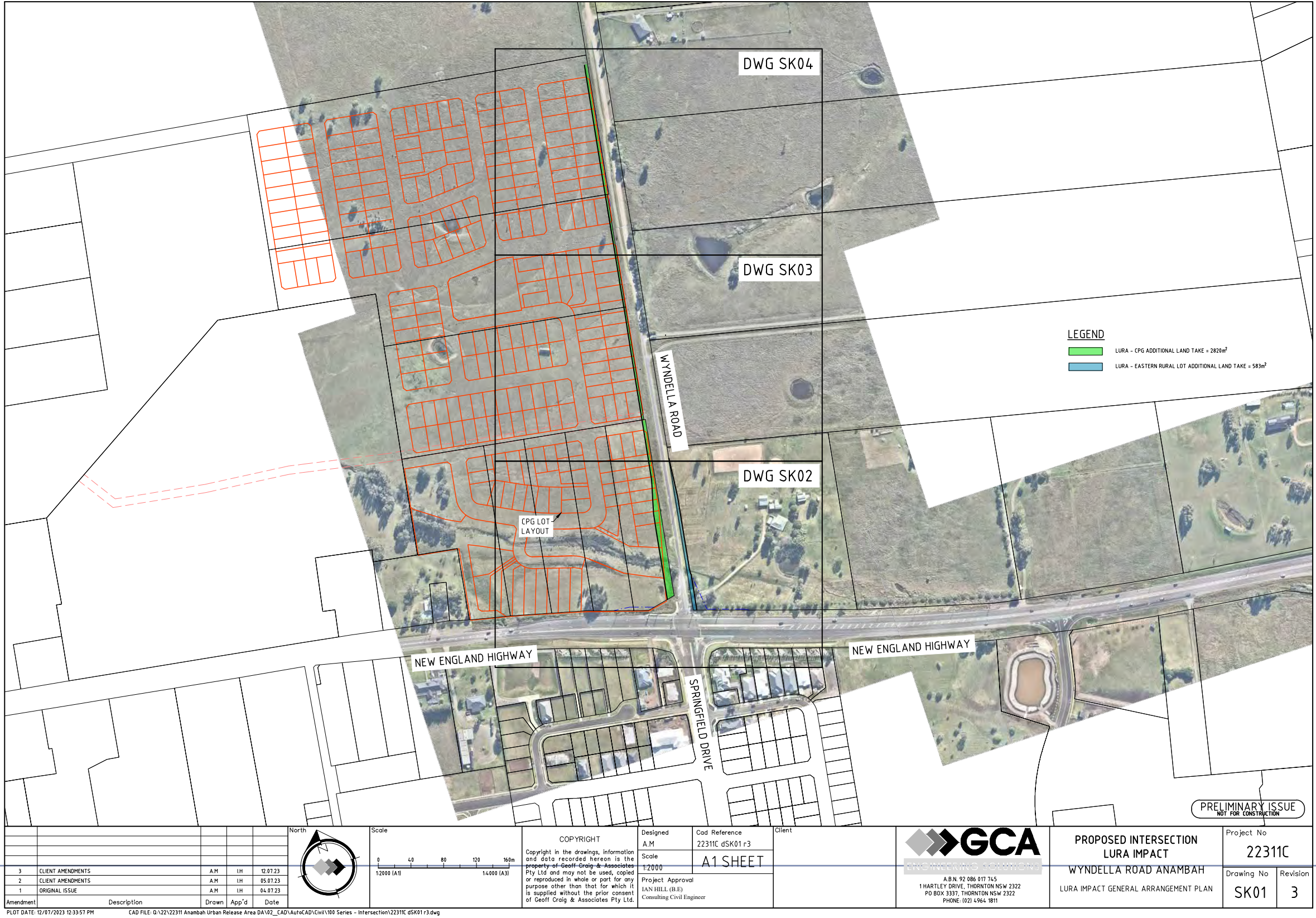
Attachment 1 – LURA Footprint Plans

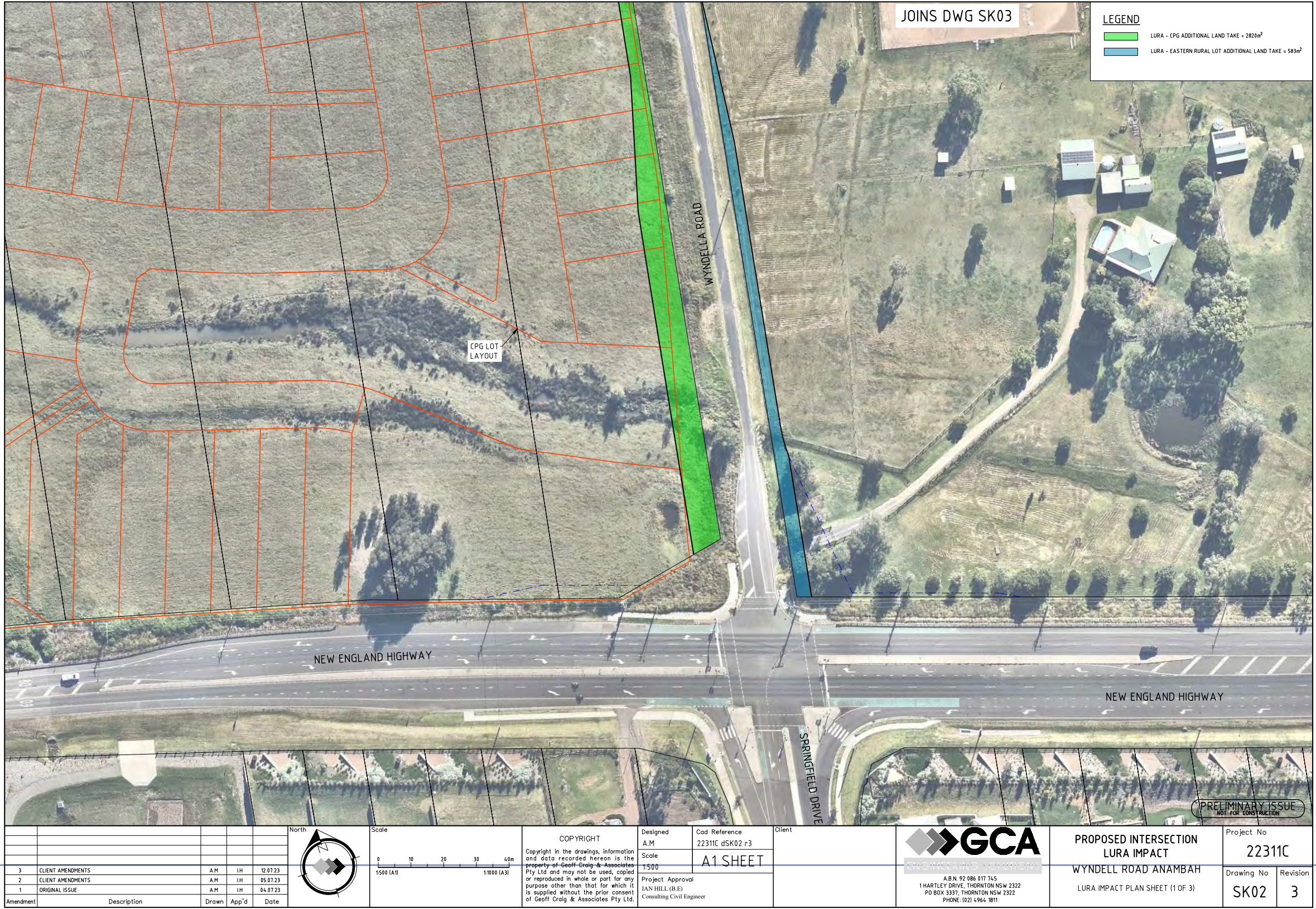
Attachment 2 – Further Upgrade Additional Footprint Plans

Attachment 3 – Plan identifying opportunities for review to protect Regional Outcomes



Attachment 1

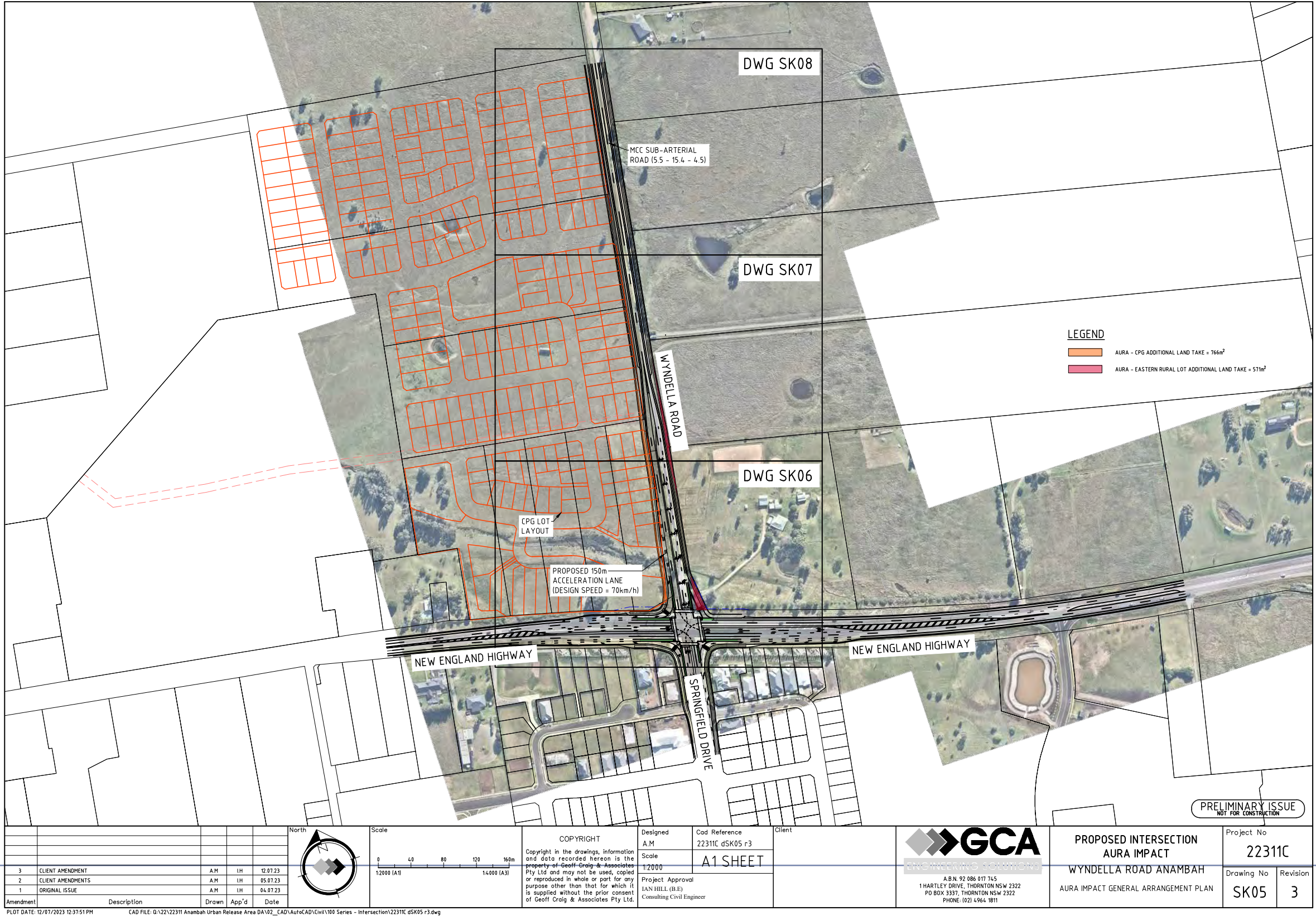


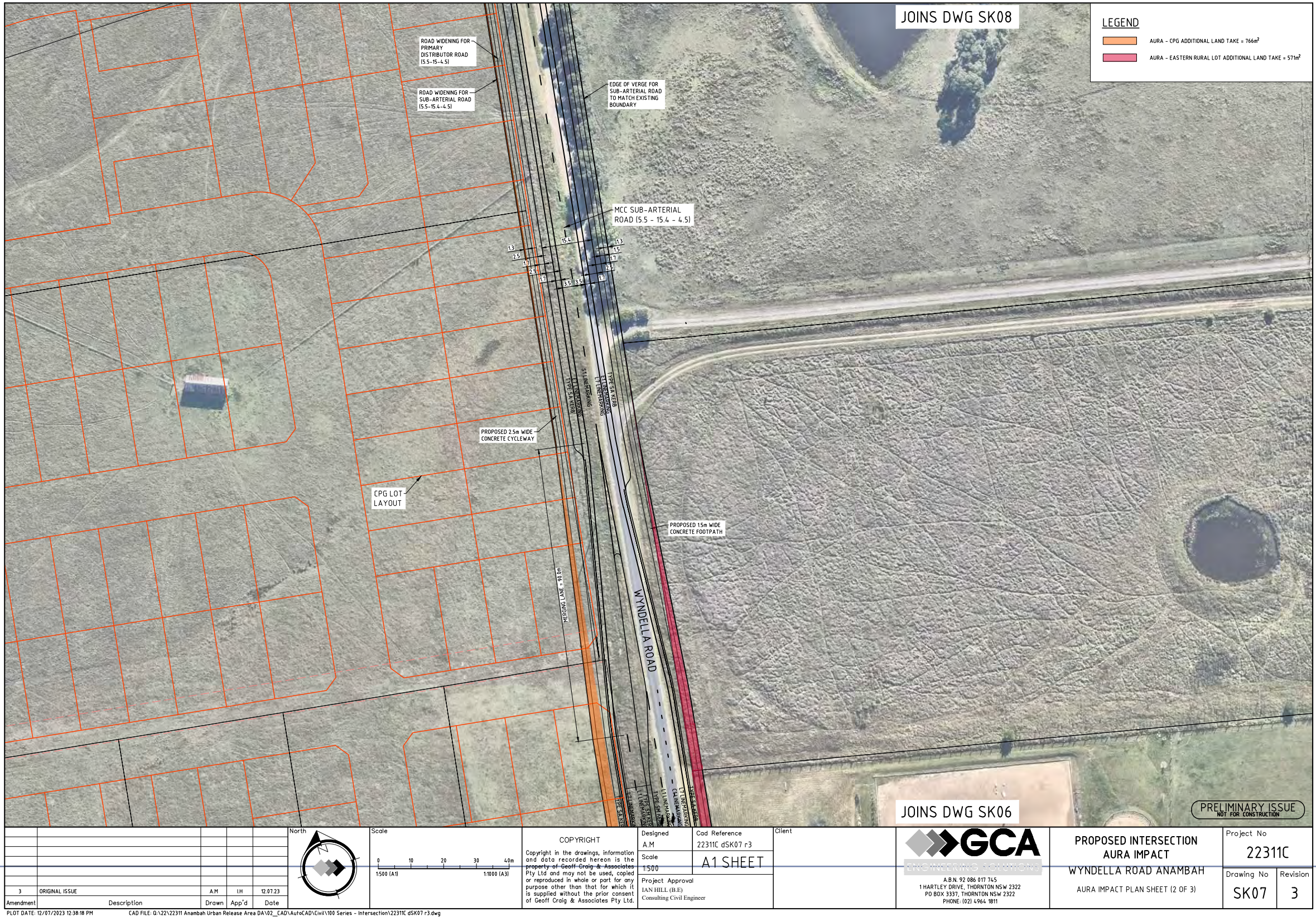






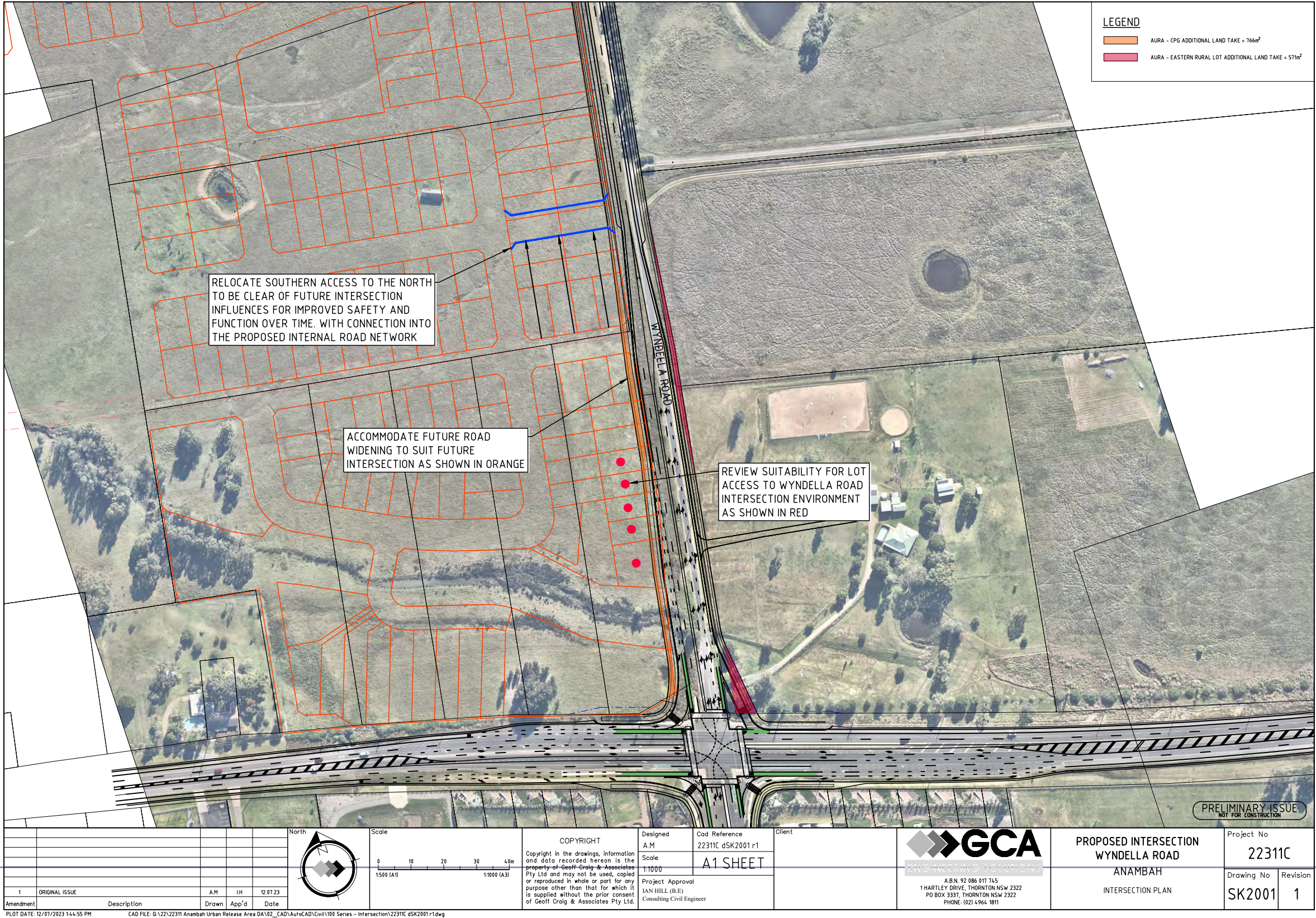
Attachment 2







Attachment 3



City Planning

**DA/2023/415 for Demolition, 8
Into 258 Lot Torrens Title
Subdivision Including 2 Public
Reserves, 1 Drainage Reserve,
Road Widening and Associated
Infrastructure over 14 Stages At 2
& 20a Cantwell Road, 25, 39 & 55
Wyndella Road Lochinvar**

**Conditions (Under Separate
Cover)**

Meeting Date: 19 August 2025

Attachment No: 5

Number of Pages: 49

Attachment 5 - Draft Schedule of Conditions DA/2023/415

APPROVED PLANS AND DOCUMENTATION

- The development shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions of this consent or as shown in red colour on the plans:

Subdivision Plans prepared by: ADW Johnson, project number 240332-MP-005-T				
Plan number	Revision Number	Plan Title	Drawn by	Date of plan
-	T	Proposed Subdivision Plan Staging	ADW Johnson	17 December 2024
-	T	Proposed Subdivision Plan Detail Sheet	ADW Johnson	17 December 2024
-	T	Proposed Subdivision Plan Detail Sheet	ADW Johnson	17 December 2024
-	T	Proposed Subdivision Plan Detail Sheet	ADW Johnson	17 December 2024

Generally in accordance with Concept Engineering prepared by ADW Johnson, project number 240332				
Plan number	Revision Number	Plan Title	Drawn by	Date of plan
001	J	Overall Site Plan	ADW Johnson	27 May 2025
101	J	Detail Plan: Sheet 1	ADW Johnson	27 May 2025
102	J	Detail Plan: Sheet 2	ADW Johnson	27 May 2025
103	J	Detail Plan: Sheet 3	ADW Johnson	27 May 2025
104	J	Detail Plan: Sheet 4	ADW Johnson	27 May 2025
105	J	Detail Plan: Sheet 5	ADW Johnson	27 May 2025
106	J	Detail Plan: Sheet 6	ADW Johnson	27 May 2025
111	J	Basin Detail Plans	ADW Johnson	27 May 2025
112	J	Intersection And Road Widening Plan Sheet 1	ADW Johnson	27 May 2025
113	J	Intersection And Road Widening Plan Sheet 2	ADW Johnson	27 May 2025
201	J	Road Longitudinal Section: MC01	ADW Johnson	27 May 2025
202	J	Road Longitudinal Section: MC02	ADW Johnson	27 May 2025

203	J	Road Longitudinal Section: MC03 Sheet 1	ADW Johnson	27 May 2025
204	J	Road Longitudinal Section: MC03 Sheet 2	ADW Johnson	27 May 2025
205	J	Road Longitudinal Section: MC04 Sheet 1	ADW Johnson	27 May 2025
206	J	Road Longitudinal Section: MC04 Sheet 2	ADW Johnson	27 May 2025
207	J	Road Longitudinal Section: MC05 Sheet 1	ADW Johnson	27 May 2025
208	J	Road Longitudinal Section: MC05 Sheet 2	ADW Johnson	27 May 2025
209	J	Road Longitudinal Section: MC07	ADW Johnson	27 May 2025
210	J	Road Longitudinal Section: MC09 Sheet 1	ADW Johnson	27 May 2025
211	J	Road Longitudinal Section: MC09 Sheet 2	ADW Johnson	27 May 2025
212	J	Road Longitudinal Section: MC12	ADW Johnson	27 May 2025
213	J	Road Longitudinal Section: MC13	ADW Johnson	27 May 2025
214	J	Road Longitudinal Section: MC14	ADW Johnson	27 May 2025
215	J	Road Longitudinal Section: MC15	ADW Johnson	27 May 2025
216	J	Road Longitudinal Section: MC16	ADW Johnson	27 May 2025
217	J	Road Longitudinal Section: Wyndella Road Sheet 1	ADW Johnson	27 May 2025
218	J	Road Longitudinal Section: Wyndella Road Sheet 2	ADW Johnson	27 May 2025

219	J	Road Longitudinal Section: Wyndella Road Sheet 3	ADW Johnson	27 May 2025
221	J	Typical Road Cross Sections: Sheet 1	ADW Johnson	27 May 2025
222	J	Typical Road Cross Sections: Sheet 2	ADW Johnson	27 May 2025
301	J	Bin Arrangement For Waste Collection - MC01	ADW Johnson	27 May 2025
501	J	Site Regrade Plan: Sheet 1	ADW Johnson	27 May 2025
502	J	Site Regrade Plan: Sheet 2	ADW Johnson	27 May 2025
503	J	Site Regrade Plan: Sheet 3	ADW Johnson	27 May 2025
504	J	Site Regrade Plan: Sheet 5	ADW Johnson	27 May 2025
505	J	Site Regrade Plan: Sheet 5	ADW Johnson	27 May 2025
506	J	Site Regrade Plan: Sheet 6	ADW Johnson	27 May 2025
511	J	Pad Level & Retaining Wall Plan: Sheet 1	ADW Johnson	27 May 2025
512	J	Pad Level & Retaining Wall Plan: Sheet 2	ADW Johnson	27 May 2025
521	J	Highway View Corridor Plan	ADW Johnson	27 May 2025
522	J	Highway View Corridor Site Section	ADW Johnson	27 May 2025
801	J	Erosion And Sediment Control: Sheet 1	ADW Johnson	27 May 2025
802	J	Erosion And Sediment Control: Sheet 2	ADW Johnson	27 May 2025
803	J	Erosion And Sediment Control: Sheet 3	ADW Johnson	27 May 2025
804	J	Erosion And Sediment Control: Sheet 4	ADW Johnson	27 May 2025

805	J	Erosion And Sediment Control: Sheet 5	ADW Johnson	27 May 2025
806	J	Erosion And Sediment Control: Sheet 6	ADW Johnson	27 May 2025
807	J	Basin Calculation Charts	ADW Johnson	27 May 2025
808	J	Erosion And Sediment Control Details	ADW Johnson	27 May 2025
901	J	Indicative Services Plan: Sheet 1	ADW Johnson	27 May 2025
902	J	Indicative Services Plan: Sheet 2	ADW Johnson	27 May 2025
903	J	Indicative Services Plan: Sheet 3	ADW Johnson	27 May 2025
904	J	Indicative Services Plan: Sheet 4	ADW Johnson	27 May 2025
905	J	Indicative Services Plan: Sheet 5	ADW Johnson	27 May 2025
906	J	Indicative Services Plan: Sheet 6	ADW Johnson	27 May 2025
907	J	Typical Section Service Allocation-Road Mc04	ADW Johnson	27 May 2025
911	J	Turning Movement Plans	ADW Johnson	27 May 2025

Generally in accordance with Landscape Plans prepared by: Terras Landscape Architects, project number 14503.5				
Plan number	Revision Number	Plan Title	Drawn by	Date of plan
L040	K	Proposed Landscape Plan	Terras Landscape Architects	4 July 2024
L050	K	Proposed Linkages	Terras Landscape Architects	4 July 2024
L060	K	Proposed Street Trees	Terras Landscape Architects	4 July 2024
L070	K	Buffer, Riparian and Water Quality Basin	Terras Landscape	4 July 2024

			Architects	
L080	K	N.E.H. Buffer and Riparian Interface Planting Palette	Terras Landscape Architects	4 July 2024
L140	K	Materials Palette	Terras Landscape Architects	4 July 2024

Approved documents			
Document title	Version number	Prepared by	Date of document
Aboriginal Cultural Heritage Assessment (ACHA)	-	McCardle Cultural Heritage	22 April 2024
Addendum Report – Geotechnical Investigations	-	Qualtest Laboratory (NSW) Pty Ltd	4 July 2024
Aquatic Ecology Report	01	Anderson Environment & Planning	19 July 2024
Bush Fire Assessment Report	07	Building Code & Bushfire Hazard Solutions Pty Limited	25 July 2024
Contamination Assessment	01	Qualtest Laboratory (NSW) Pty Ltd	22 February 2023
Draft Biodiversity Management Plan	03	Anderson Environment & Planning	February 2025
Masterplan – Wyndella Road Estate	D	ADW Johnson	14 May 2025
Noise Impact Assessment	222246-Ltr1	Spectrum Acoustics	January 2025
Riparian Assessment Report	01	Anderson Environment & Planning	July 2024
Stormwater Management Plan	G	ADW Johnson	28 May 2025
Streamlined Biodiversity Development Assessment Report	03	Anderson Environment & Planning	04 August 2024

In the event of any inconsistency between the approved plans and documents, the approved Plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

LIMITATIONS OF CONSENT

- 2. Prior to the issue of a Subdivision Works Certificate**, the development shall be completed in numerical stages in accordance with the approved "Proposed Subdivision Plan Staging" prepared by ADW Johnson, ref 240332-MP-005-T, revision T dated 17/12/2024.

The Subdivision Works Certificate and the Subdivision Certificate for DA/2023/415 may be released out of sequence, in line with the above staging order, at the request and approval of Council, subject to the following conditions:

- a) For stages 2 to 6, a legal and physical connection to MC01 is available or will be made available.
- b) For stages 8 to 12, a legal and physical connection to MC03 intersection with Wyndella Road is available.
- c) Satisfactory evidence is provided to Council demonstrating that all required utility services can be delivered to the development.
- d) Satisfactory evidence that appropriate stormwater management measures are in place or can be effectively implemented.
- e) All other relevant conditions of this consent have been complied with.

- 3. Prior to the issue of the Subdivision Certificate** the subdivision construction shall be carried out in the numerically consecutive stages as shown on the approved plan Ref.: 240332-MP-005-T, Revision T, dated 17/12/2024 by ADW Johnson.

Specific works shall be completed by the following thresholds:

- a) Construction of Basin 1 (southern basin) by STAGE 1. This basin shall be dedicated to Council by STAGE 14.
- b) Construction of Basin 2 (northern basin) by STAGE 8. This basin shall be dedicated to Council by STAGE 14.
- c) Dedication of the drainage reserve (watercourse realignment/ Lot 231) by STAGE 14.
- d) Construction and dedication of Road Widening/part-width road along Wyndella Road from CH 15 to CH 270 by STAGE 1 and the works may be extended beyond that to accommodate the works required for intersection treatment.
- e) Construction and dedication of Road Widening/part-width road along Wyndella Road from CH 270 to CH 550 by STAGE 7 and the works may be extended beyond that to accommodate the works required for intersection treatment.
- f) Construction and dedication of Road Widening/part-width road along Wyndella Road from CH 550 to CH 710.710 by STAGE 13 and the works may be extended beyond that to accommodate the works required for intersection treatment.
- g) Intersection Wyndella Road and MC01 Road to be constructed prior the release of STAGE 1.
- h) Intersection Wyndella Road and MC03 Road to be constructed prior the release of STAGE 7.
- i) Intersection Wyndella Road and MC05 Road to be constructed prior the release of STAGE 13.
- j) Southeastern catchment conveyance through box culvert under prior the release of STAGE 1.
- k) Dedication of the Lot 230 (park area) by STAGE 14 (unless otherwise agreed by Council).

- l) Dedication of the Lot 522 (park area) by STAGE 14 (unless otherwise agreed by Council).

EXTERNAL APPROVALS

4. The requirements from the following Agencies must be complied with prior to, during, and at the completion of the development, as attached in **Schedule 1** to this consent:

The Requirements are:

1. New South Wales Rural Fire Service, General Terms of Approval, reference DA20230613002541-S38-5, dated 17 April 2025;
 2. Heritage New South Wales, General Terms of Approval, reference DOC23/529479-45, dated 14 August 2024;
 3. Department of Planning and Environment – Water, General Terms of Approval, reference IDAS-2024-10527, dated 16 August 2024; and
 4. Department of Primary Industries and Regional Development, General Terms of Approval, reference CM10 REF:IDA23/71, dated 20 August 2024
5. The advice from the following agencies must be complied with prior to, during, and at the completion of the development as attached to this consent:

The advice correspondence is:

1. Transport for New South Wales, reference CNR-56339 - A-66990, dated 23 October 2024; and
2. Ausgrid, reference 1900122230, dated 26 June 2023.

CONTRIBUTIONS & FEES

6. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979, the Lochinvar Development Contributions Plan 2014 and the Maitland City Wide Development Contributions Plan 2016, a contribution of **\$6,711,560.00** shall be paid to the Council.

The contribution is calculated from Council's adopted Contributions Plan in the following manner:

Facility	Per Lot	Total
	1	249
Lochinvar Recreation & Open Space	\$9,855.00	\$2,453,895.00
<i>Offset for Land Dedication - L2 Local Playground</i>	<i>\$1,062.35</i>	<i>\$264,525.00</i>
<i>Offset for Land Dedication - L3 Local Playground</i>	<i>\$1,062.35</i>	<i>\$264,525.00</i>
<i>Revised Lochinvar Recreation & Open Space</i>	<i>\$7,730.30</i>	<i>\$1,924,845.00</i>
Lochinvar Community Facilities	\$3,152.00	\$784,848.00
Lochinvar Road & Traffic Facilities	\$6,899.00	\$1,717,851.00
<i>Offset for Land Dedication - Wyndella Road Intersection L26 (1582m²)</i>	<i>\$921.24</i>	<i>\$229,390.00</i>
<i>Revised City Wide Road & Traffic Facilities</i>	<i>\$5,977.76</i>	<i>\$1,488,461.00</i>
Lochinvar Cycleways/Shared Paths	\$975.00	\$242,775.00
Lochinvar Stormwater Management	\$1,519.00	\$378,231.00

City Wide Aquatics	\$1,183.00	\$294,567.00
Citywide Competition Netball Courts	\$73.00	\$18,177.00
City Wide Recreation & Open Space	\$989.00	\$246,261.00
City Wide Road & Traffic Facilities	\$3,919.00	\$975,831.00
City Wide Cycleways/Shared Paths	\$699.00	\$174,051.00
Lochinvar Plan Management/Administration	\$737.00	\$183,513.00
Total Less Offsets	\$26,954.06	\$6,711,560.00

The above contributions may be indexed quarterly with reviewed rates to apply following release of CPI indices by the Australian Bureau of Statistics for each quarter. Please refer to Council's web page for the current rates applicable.

Note: At the time of issue, the contributions levied in the Lochinvar Urban Release Area were capped at \$30,000 per new residential lot. Any legislated cap will be honoured unless legislative changes take place.

Payment of the above amount is required **prior to issue of the Subdivision Certificate in each stage of the development.**

Should a Works in Kind Agreement between Council and the Developer be approved for delivery of the items listed below, offsets/reimbursements will be provided in accordance with the Lochinvar Development Contributions Plan and any such Works in Kind Agreement:

L2	Local Playground
L3	Local Playground
L41	Upgrade Existing Basin
L42	Upgrade Existing Basin

The above condition has been applied to ensure that:

- a. Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan prepared in accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979.
 - b. Council's administration expenses are met with respect to the processing of the application.
7. **Prior to the issue of the Subdivision Certificate**, "house numbering" and "subdivision certificate" fees, in accordance with Council's *Schedule of Fees and Charges*, shall be paid to Council.
 8. **Prior to the issue of the first Subdivision Certificate**, all obligations of the State Voluntary Planning Agreement (SVPA2023-56, dated 16 July 2025) Cnr New England Highway & Wyndella Road, Lochinvar due at this time shall be complied with.

Documentation shall be provided to Council with the application for the Subdivision Certificate demonstrating compliance with this condition.

Note: Section 6.15(1)(d) in the Environmental Planning and Assessment Act 1979 places a

restriction on the issue of a Subdivision Certificate relating to this matter.

CERTIFICATES & REPORTS

9. **Prior to issue of the Subdivision Certificate**, original plans and/or documents of survey/title, shall be submitted to Council. The application will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by the development consent (DA/2023/415), and of compliance with the relevant conditions of consent.
10. **Prior to issue of the Subdivision Certificate**, a copy of a report prepared by a geotechnical engineer shall be submitted to Council:
 - classifying each lot in accordance with Australian Standards AS 2870, and
 - verifying that compaction of any approved fill-material on the lots is in accordance with AS3798 employing "level 1" inspection and testing.
11. **Prior to issue of the Subdivision Certificate** for earthworks or road construction, application (together with a plan) shall be made, and submitted to Council, for road names. The suggested names shall offer options, which shall be supported with reasons (historical or otherwise) for the chosen names.

UTILITY SERVICES

12. Underground water, sewerage, telecommunications and electrical power services shall be reticulated for each lot in accordance with the service provider's requirements. Services shall be installed in conduits for the length of the 'handle' for battle-axe lots.
13. Conduits for domestic water, sewerage, communication, electrical, and gas connections are to be provided under all roads. A layout showing the locations of the conduits is to be submitted as soon as the water, sewer, communication, electrical, and gas mains designs are available and **prior to the issue of the Subdivision Works Certificate**.
14. All new and existing electrical power shall be located underground. No above ground power shall remain within the site or road frontages.
15. Documentary evidence from Council's Subdivision and Development Engineering Section, confirming that satisfactory completion of civil works has been achieved for the Roads Act Approval associated with this Development Consent, shall be submitted to the relevant certifier.
16. Street and pathway lighting design by a suitability qualified consultant shall be provided in accordance with the Council's requirements and the power supply authority. Additional lightning is required at the following location:
 - Major road intersections;
 - Pedestrian crossings/refuges;
 - Bus stop;
 - Park reserve.
17. If the approved development requires the alteration or relocation of any utility services on

or adjacent to the subject lot, the development must not be considered complete until all such utility works have been carried out to the satisfaction of the relevant service authorities

18. Any necessary alterations to public utility installations being at the developer's expense and to the requirements of both Council and the relevant authority.
19. Prior to issue of the Subdivision Certificate, documentary evidence in the form of a Section 50 from Hunter Water shall be provided certifying that adequate sewer and water connections have been made.

Note: Where the proponent enters into an interim arrangement with Hunter Water for the provision of temporary sewerage disposal a copy of the agreement between Hunter Water and the proponent shall also be provided to the Council prior to the issue of the Subdivision Certificate.

20. Prior to issue of the Subdivision Certificate, documentary evidence from the suppliers of electrical power, and communications (and including gas if applicable), confirming that satisfactory arrangements have been made for the installation of infrastructure services, shall be submitted to Council.
21. Prior to issue of a Subdivision Works Certificate, any major utilities facilities (water, sewer, electrical, telecommunication items larger than individual lot scale provisions) shall be located wholly within private lots and clearly shown on the construction drawings. Offsets from items such as road reserves, footpaths or retaining walls shall be shown demonstrating no impacts/encroachment into those adjoining items clear-zone requirements.

BIODIVERSITY

22. The class and number of ecosystem credits in the following table must be retired to offset the residual biodiversity impacts of the development prior to the commencement of any clearing works on site.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund (BCF) of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Impact plant community type	HBT credits	No HBT Credits	Total ecosystem credits to be retired	IBRA sub-region	Plant community type(s) that can be used to offset impacts of development
3433 - Hunter Coast Foothills Spotted Gum-Ironbark Grassy Forest	0	1	1	Hunter, Ellerston, Karuah Manning, Kerrabee, Liverpool Range, Peel, Tomalla, Upper Hunter, Wyong and Yengo. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions This includes PCT's: 3433, 3442, 3443, 3444, 4158
4044 - Northern Creekflat Eucalypt-Paperbark	0	10	10		Coastal Floodplain Wetlands This includes PCT's: 4015, 4023, 4024, 4025, 4026, 4027, 4029, 4034, 4035, 4036, 4037,

Mesic Swamp Forest					4041, 4042, 4044, 4046, 4049, 4050, 4051, 4055, 4059
Total			11		

23. **Prior to the commencement of clearing works on site**, a Biodiversity Management Plan (BMP) must be prepared by a suitably qualified person in consultation with Council. The BMP may form part of a Construction Environmental Management Plan. It shall include (but not be limited to) the following minimum detail:

- Clearing Strategy developed with due consideration to 'Guide 1: Pre-clearing process', 'Guide 4: Clearing of vegetation and removal of bushrock', and 'Guide 9: Fauna handling' in *Biodiversity Management Guidelines: Protecting and managing biodiversity on Transport for NSW projects* (Transport for NSW, 2024). At minimum, the Clearing Strategy shall include:
 - Proposed pre-clearing and pre-demolition survey actions
 - Proposed timing of clearing and demolition commencement, and pre-clearing checks
 - Proposed vegetation clearing methodology
 - Monitoring and reporting requirements
- Dewatering Strategy, including:
 - Dewatering process
 - Protection of aquatic fauna and proposed fauna relocation measures
- Identification of environmentally sensitive areas to be retained and proposed actions to minimise damage such as installation and maintenance of exclusion fencing where adjoining the construction boundary.
- Appropriate weed control measures, including:
 - Weed management priorities and objectives.
 - Location of weed-infested areas.
 - Measures to prevent the spread of weeds.
 - Procedures for onsite weed treatment (e.g. composting) and reuse, and/or offsite weed disposal.
 - Communication strategies to improve contractor awareness of weeds and weed management.
- Machinery, plant and equipment hygiene protocol
- Rehabilitation protocols and action plans

The BMP shall be submitted to and approved by Council's Manager Environment and Sustainability **prior to the issue of any Subdivision Works Certificate relating to stages where clearing works or dewatering activities are proposed.**

24. **Prior to issue of the Subdivision Works Certificate for works within or affecting the Biodiversity Management Land (including the riparian corridor)**, a 5-year Vegetation Management Plan (VMP) must be developed for the area identified as 'Biodiversity Management Land' in Draft Biodiversity Management Plan Rev 03, prepared by Anderson Environment & Planning, dated February 2025. The VMP may form part of a Biodiversity Management Plan (BMP).

The VMP must be prepared by a qualified restoration ecologist or bush regenerator in consultation with Council. The VMP shall include (but not be limited to) the following minimum

detail:

- Goals, objectives, and completion criteria
- Identification of management zones in text and on a site plan, including:
 - identification of management actions and outcomes for each management zone
 - existing vegetation condition including existing weed density
- Detailed works schedule for a minimum of five (5) years including species list, planting density, timing
- Proposed weed management strategies
- Monitoring and reporting requirements for a period of five years
- Adaptive management actions to be employed if completion criteria are not met within five years. This shall include continuation of VMP management until actions and outcomes are achieved (or a suitable alternative is approved by Council's Manager Environment and Sustainability).

The VMP shall be submitted to and approved by Council's Manager Environment and Sustainability **prior to the issue of any Subdivision Works Certificate for works within or affecting the Biodiversity Management Land, including the riparian corridor.**

Annual monitoring reports are to be provided to Council's Manager Environment and Sustainability for a minimum period of five (5) years.

25. **Prior to the commencement of any works under the approved VMP**, a security for the cost of the maintenance of the VMP works will be required by way of bond or bank guarantee to be 120% of the value of the maintenance works. The value of the bank guarantee shall be determined in consultation with Council, based on three (3) written quotes for the required works, obtained by the applicant from independent and suitably qualified contractors.

The bank guarantee must be in a form acceptable to Council and remain valid for the duration of the VMP management period, or until the satisfactory completion of all works or services as determined by the Council. The applicant must maintain the bank guarantee and provide evidence of its validity upon request by Council. The security will need to be replaced and adjusted for CPI every 2 years.

26. Implementation of the VMP shall commence **immediately upon completion of the approved stream realignment works** and shall be carried out in accordance with the approved VMP schedule of works.

The VMP shall be enforced for a minimum of five (5) years and must remain in effect until the Manager of Environment and Sustainability is satisfied that completion criteria included in the VMP have been achieved, and the VMP area has reached a state of natural regeneration, requiring minimal or no intervention.

27. Implementation of the Clearing Strategy (as outlined in the BMP) shall be undertaken by a qualified ecologist and commence **prior to clearing of any vegetation or demolition of existing structures.**

Removal of trees with habitat features and structures identified during pre-clearance surveys as providing fauna habitat (e.g., microbats) shall be undertaken at a time that minimises impact to fauna. A staged habitat removal process shall be used when identified habitat features are to be removed. Soft fall techniques and sectioning of hollow limbs/trunks shall

be applied to all hollow-bearing trees.

Once clearing of habitat features has been completed, a report shall be provided to Council's Manager Environment and Sustainability verifying compliance with the Clearing Strategy prior to commencement of works.

28. Annual monitoring statements shall be provided to Council's Manager Environment and Sustainability for a minimum period of five (5) years verifying compliance with the VMP.

VEGETATION & LANDSCAPING

29. The development shall be undertaken in accordance with the requirements of the General Terms of Approval issued by the Department of Planning and Environment reference IDAS-2024-10527 and dated 16 August 2024. This includes a Controlled Activity Approval being issued **prior to the issue of Stage 1 Subdivision Works Certificate**.

30. **Prior to the issue of the Subdivision Works Certificate for road construction**, a detailed "landscape plan", in accordance with Council's tree planting guidelines and Manual of Engineering Standards shall be submitted to Council for approval. The plan shall include:

- a) Be in accordance with the approved plan as referenced in condition 1 and designed by a suitably accredited landscape architect.
- b) Be of a design and construction standard that minimises ongoing maintenance costs to Council and is maintainable by the Council 72 inch wide ride-on machinery.
- c) Street trees shall have a minimum pot size of 45 Litres (desirably minimum height of 1.5m at time of planning) include details of the height and spread at maturity (of the approved species).

Landscaping of any existing or proposed public land shall include:

- d) A minimum 3.0m wide couch turfed strip provided along adjoining private property boundaries for boundary maintenance purposes with maximum slope of 5H:1V.
- e) Show construction details of any fencing/bollards/barriers/lighting items approved in the landscape concept plan.
- f) Where landscaping adjoins pedestrian paths/corridors, the plants shall be positioned at least 1.0m offset to the edge of path.

Landscaping of water quality systems

- g) A robust and resilient design that can withstand the potential flooding impacts within the drainage reserve/corridors.
- h) Details of riparian corridor in accordance with approved VMP and BMP

31. **Prior to the issue of the Subdivision Certificate** the applicant shall provide to the Council either:

- a) A copy of a 'landscape maintenance agreement' with a qualified landscape contractor to secure maintenance of the landscape plantings for a period of not less than 2 years in accordance with the approved landscape plan; or
- b) Provide a landscape maintenance bond to the Council for the maintenance of the landscape plantings for a period of not less than 2 years in accordance with the approved landscape plan.

Note: The applicant shall provide three quotations from qualified landscape consultants for the landscape maintenance work and the amount of the bond is to be determined having regard to these quotations.

32. **Prior to the issue of each Subdivision Certificate** the following fencing adjoining drainage reserves is required, unless otherwise approved by Council:
- a) Post and cable fencing shall be provided around all proposed Council dedicated drainage reserves (excluding the park) with road frontages.
 - b) Gates as per SD058 shall be provided at all basin access tracks and at all required maintenance access locations to proposed council dedicated reserves as deemed necessary by council during the relevant subdivision works certificate.
 - c) Rural style fence shall be provided against any rural land or land used for rural purposes, the New England Highway (factoring pathways) and length of MC04 & MC09 parallel Wyndella Road (excluding footpath and shared path connection).
33. The details of boundary fencing shall be approved by Council, **prior to the release of the Subdivision Works Certificate** for the respective stage.
34. **Prior to commencement of works** an eradication report for noxious and environmental weeds shall be provided to, and approved by Council, by a suitably qualified professional. The report shall include the proposed public reserve, drainage reserve and/or creek waterways.
35. **Prior to the issue of the Subdivision Certificate** noxious and environmental weeds shall be destroyed or removed from within the proposed public reserve and/or creek waterways, in accordance with the requirements of an approved eradication report. Certification shall be provided by a suitably qualified professional.
36. **Prior to the issue of the Subdivision Certificate** all landscaping shall be undertaken in accordance with the approved landscape plan(s).

BUSHFIRE

37. **Prior to the issue of each Subdivision Certificate**, a suitably qualified bushfire consultant must submit written documentation to Council demonstrating that all requirements of the NSW Rural Fire Service General Terms of Approval (A20230613002541-S38-5), dated 17 April 2025, have been addressed. The submission must include specific evidence showing how each of the nine (9) requirements has been satisfied in accordance with the GTAs.

Note: Council will not accept any APZs on land to be dedicated to Council that is not road reserve. The Bushfire consultant shall consider this requirement in regard to RFS item 1.

38. **Prior to the issue of the Subdivision Works Certificate** including the landscape plans for the future drainage reserves (including drainage basins and land subject to VMP), a suitable qualified bushfire consultant shall certify that at maturity the landscaping as per the proposed landscaping plans complies with the fuel loading requirements of the RFS GTAs (as referenced within this consent) and the associated bushfire report.

ARCHAEOLOGY

39. The development is to be undertaken in accordance with the recommendations contained in

the Aboriginal Cultural Heritage Assessment Report, prepared by McCardle Cultural Heritage Pty Ltd, dated April 2024, as follows:

- a) The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Regulation 2019, under the National Parks and Wildlife Act 1974; and
 - b) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.
 - c) If the identified PAD will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW prior to any works being undertaken at the PAD location;
 - d) An Aboriginal Site Impact Recording Form (ASIRF) will be completed following test excavations;
 - e) If Loci 1 and Loci 4 of AHIMS site 37-6-2228 will be harmed by any future development an AHIP will be required prior to works at those locations;
 - f) Any new AHIP application must exclude the boundary of AHIP #C0001860 to avoid overlapping AHIP boundaries. Lochinvar Developments Pty Ltd should seek written approval from AHIP holder Hunter Water Corporation to complete works within the boundary of AHIP #C0001860; and
 - g) An Aboriginal Site Impact Recording Form (ASIRF) will be completed following an AHIP
40. **Prior to, or during construction**, identification of any potential archaeological deposit likely to contain Aboriginal artefacts, shall cause construction works to cease. Application shall be made by a suitably qualified Archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics. A copy of such a permit, shall be submitted to Council.
41. Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977. Additional assessment and approval may be required prior to works continuing in the affected area(s) depending on the nature and extent on the nature of the discovery.

DEMOLITION

42. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001.
43. **Before demolition work commences**, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.
44. **Prior to the issue of the Subdivision Certificate** for Stage 6, the existing dwelling, shed, and any ancillary structures must be demolished and removed. Any on-site wastewater or septic infrastructure shall be decommissioned and the site remediated to the satisfaction of a suitably qualified contaminated land consultant.

Validation of remediation must be submitted to Council **prior to Subdivision Certificate** release.

45. Where any demolition, alteration or renovation works encounter asbestos or products containing asbestos, then the materials encountered shall be managed in accordance with the provisions of the NSW Work Cover Authority.

CONTAMINATION

46. The development is to be undertaken in accordance with the recommendations contained in the Contamination Assessment, prepared by Qualtest, dated 22 February 2023. The identified soil contamination in this assessment will require remediation and/or management as part of the proposed development. The following soil contamination will require remediation and/or management:
- a) ACM above human health criteria and zinc above ecological criteria in surface soils surrounding the barn in the south eastern portion of the site;
 - b) ACM above the adopted human health criteria in Waste Pit 2 and ACM and PAHs above human health and ecological criteria in Waste Pit 3; and
 - c) Anthropogenic materials observed in Waste Pit 1 to Waste Pit 3 and Stockpile 1 will also require removal/management for aesthetic reasons.
 - d) Additional assessment including sampling and analysis of the waste pits due to the volume of material observed, and the low sampling density. This additional assessment can be included in the Remediation Action Plan (RAP) for the site (see bullet point below).
 - e) Preparation of a Remediation Action Plan (RAP) by an experienced contaminated land consultant, to outline the remediation for the soil contamination identified.
 - f) Conduct remedial works, followed by validation sampling and preparation of a Validation report (including asbestos clearance for asbestos impacted areas by SafeWork Licensed Asbestos Assessor).
 - g) Preparation of a Contaminated Land Management Plan as part of a Construction Environmental Management Plan (CEMP) for use during earthworks and construction of the development, which will include:
 - i. Guidance to the workers on identifying potentially contaminating materials such as slag impacted soil, asbestos containing material and,
 - ii. Unexpected Finds Procedure (UFP); and
 - iii. Procedures for handling, management and disposal/re-use of contaminated soil and surface water, if encountered.

Any identified remediation works must be carried out to the satisfaction of Council **prior to the release of the relevant Subdivision Certificate**.

47. Should any additional contamination or hazardous materials be encountered during any stage of the remediation process, all remediation works in the vicinity of the findings must cease and compliance with the contingency recommendations in the approved RAP must be adopted.
48. Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material must be assessed and classified in accordance with the NSW Environmental Protection Agency Waste Classification Guidelines (2008). Once assessed, the materials must be disposed to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets must be retained and supplied to Council upon request.

NOISE

49. Unless otherwise approved by Council in writing, all work shall be carried out between the hours of:

- a) 7.00am to 6.00pm Monday to Friday
- b) 7.00am to 5.00pm Saturday

Any work performed on Sundays or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

50. All work must not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the nearest property boundary.

BATTERS AND RETAINING WALLS

51. No retaining walls are approved within existing or future dedicated public land including road reserves and drainage reserves.
52. Any retaining walls within the subdivision development shall comply with the following:
- a) Any retaining walls for lot benching shall be provided on the common boundary of private lots, and
 - b) Located within the uphill lot with the face of the wall on the boundary. An easement 0.9m wide within the downhill lot, to prevent excavation and for access for maintenance shall be created, and
 - c) All retaining walls within 1m of a boundary and/or exceeding 600mm in height must be designed and certified by a suitably qualified Structural Engineer and have a minimum design surcharge load of 5kPa, and
 - d) All side boundary retaining walls shall be tapered to 0.0m in height towards the front boundary adjoining the public road reserve with a maximum of 1m within the first 5m from the boundary perpendicular to the public road reserve, and
 - e) Cut retaining walls (walls adjacent to the neighbouring properties and/or roads) up to 0.6m in height require a minimum of 0.6m clearance from the exposed face of wall to the common boundary. Cut retaining walls exceed 0.6m in height are to be offset by the zone of influence at 1:1 slope from the exposed face of wall to the boundary or a minimum of 1m whichever is greater.
 - f) All batter slopes shall comply with the 'desirable' requirements as listed in Council's Manual of Engineering Standards.

GEOTECHNICAL

53. Prior to the issue of the Subdivision Works Certificate, all recommendations contained in Geotechnical Report No. NEW22P-0012-AB, prepared by Qualtest Laboratory and dated 04/03/2022 and Addendum report prepared by Qualtest Laboratory and dated 04/07/2024, shall be incorporated into the engineering design for the subdivision. All proposed works shall

adhere to the relevant recommendations of the Geotechnical Report.

All engineering plans must be endorsed by a suitably qualified Geotechnical Engineer. The endorsement shall confirm that the proposed works are in accordance with the recommendations of the aforementioned Geotechnical Report.

54. All earthworks shall be undertaken in accordance with AS 3798-2007 (or as revised) and Maitland City Council's Manual of Engineering Standards. A Geotechnical Inspection and Testing Authority (GITA) shall be engaged to conduct inspection and testing of all fill areas.

Filling inspection and testing shall be performed as 'Lot' testing under "Level 1" supervision, in accordance with AS 3798-2007 (or as revised). The frequency of compaction testing shall be in accordance with Table 8.1 of AS 3798-2007, based on the nominated lot size.

Fill shall be placed in layers not greater than those specified by the Council or the GITA and shall be compacted to achieve a minimum of 98% standard compaction at Optimum Moisture Content (+ or - 2%), in accordance with the dry density ratio as per AS 1289.5.4.1 or the HILF density ratio as per AS 1289.5.7.1.

55. **Prior to the issue of the Subdivision Certificate**, a report prepared by the Geotechnical Inspection and Testing Authority (GITA) shall be submitted to the Council that:
- Classifies each lot in accordance with Australian Standard AS 2870, and
 - Certifies and verifies that all earthworks and filling have been completed in accordance with the requirements of this consent, the Council's Manual of Engineering Standards, and AS 3798-2007 (or as revised), employing "Level 1" inspection and testing, and
 - Contains a plan showing the location, depth, and classification of all filling in relation to the proposed new lot boundaries.

TRAFFIC AND TRANSPORT

56. **Prior to issue of the Subdivision Works Certificate** for STAGE 1 a roads Act Approval under the Section 138 needs to issued, engineering plans detailing the MC01 and Wyndella Road intersection shall be submitted to and approved by Council in accordance with this consent and Council's Manual of Engineering Standards inclusive of the following details:
- a) An auxiliary left-turn treatment into MC01 (AUL) shall be provided at MC01 Road intersection with Wyndella Road in accordance with the Austroads Standards.
 - b) An urban Basic Right-turn treatment into Wyndella Road (BAR) shall be provided at Wyndella Road intersection with MC01 Road in accordance with the Austroads Standards.
 - c) A merging auxiliary lane shall be provided to allowing left out from MC01 to Wyndella Road, it shall be constructed in accordance with Austroads Part 4A.
 - d) A flexible pavement with design life traffic loadings in accordance with Council's Manual of Engineering Standards
 - e) Vehicle turning paths for single unit truck/bus 12.50m.
 - f) "Minor/major event" stormwater drainage for contributing catchments.
 - g) Lighting of the intersection of MC01 and Wyndella Road, adopting category V5', in accordance with Australian Standard AS 1158.
 - h) Where upgrade of Wyndella Road occurs prior to this development, including Anambah AURA, that requires the intersection works to be modified from the above listed, it can be included in Road's Act approval.

57. **Prior to issue of the Subdivision Works Certificate** for STAGE 7 a roads Act shall be issued by Council. Engineering plans detailing the MC03 and Wyndella Road intersection shall be submitted to and approved by Council in accordance with this consent and Council's Manual of Engineering Standards inclusive of the following details:
- a) An auxiliary left-turn treatment into MC03 (AUL) shall be provided at MC03 Road intersection with Wyndella Road in accordance with the Austroads Standards.
 - b) A channelised right turn (CHR) in accordance Figure 7.3 of Austroads Part 4A shall be provided into MC03.
 - c) A merging auxiliary lane shall be provided allowing left out from MC03 to Wyndella Road, it shall be designed in accordance with Austroads Part 4A.
 - d) A merging auxiliary lane shall be provided allowing right out from MC03 to Wyndella Road, it shall be designed in accordance with Austroads Part 4A.
 - e) A flexible pavement with design life traffic loadings in accordance with Council's Manual of Engineering Standards
 - f) Vehicle turning paths for single unit truck/bus 12.50m
 - g) "Minor/major event" stormwater drainage for contributing catchments,
 - h) Lighting of the intersection of MC03 and Wyndella Road, adopting category V5', in accordance with Australian Standard AS 1158
 - i) Where upgrade of Wyndella Road occurs prior to this development, including Anambah AURA, that requires the intersection works to be modified from the above listed, it can be included in Road's Act approval.
58. **Prior to issue of the Subdivision Works Certificate** for STAGE 13 a roads Act Approval shall be issued by Council. Engineering plans detailing the MC05 and Wyndella Road intersection shall be submitted to and approved by Council in accordance with this consent and Council's Manual of Engineering Standards inclusive of the following details:
- a) An auxiliary left-turn treatment (AUL) shall be constructed at MC05 Road intersection with Wyndella Road in accordance with the Austroads Standards.
 - b) An urban Basic Right-turn treatment (BAR) shall be constructed at Wyndella Road intersection with MC05 Road in accordance with the Austroads Standards.
 - c) A flexible pavement with design life traffic loadings in accordance with Council's Manual of Engineering Standards,
 - d) Vehicle turning paths for single unit truck/bus 12.50m
 - e) "Minor/major event" stormwater drainage for contributing catchments
 - f) Lighting of the intersection of MC05 and Wyndella Road, adopting category 'V5', in accordance with Australian Standard AS 1158.
 - g) Where upgrade of Wyndella Road occurs due to other development, including Anambah AURA, that requires the intersection works to be modified from the above listed, it can be included in Road's Act approval.
59. **Prior to issue of the Subdivision Works Certificate** for STAGE 1, engineering plans detailing the Wyndella intersection at the New England highway shall be submitted to and approved by Transport for NSW (WAD). A copy of the engineering approved plans shall be provided to Council and the Certifying Authority. Subdivision work Certificate for bulk earthworks may be able to be issued before TfNSW WAD be approved.
60. **Prior to the issue of a Subdivision Works Certificate** for STAGES 1, 7, and 13 have the relevant

roads Act Approval under the Section 138 issued by the road's authority.

61. **Prior to commencement of works** within the New England Highway road reserve:
- a) an engineering design for road infrastructure required by this consent, including any additional works arising from design warrants, shall be submitted to Transport for New South Wales for approval,
 - b) consent for the approved works, under the Roads Act (S138 Application for New Infrastructure), shall be issued,
 - c) all relevant fees/monies/bonds required by the Transport for New South Wales shall be paid,
 - d) any "agreements/deeds" required by the Transport for New South Wales shall be in place,
 - e) an approved traffic management plan in accordance with Transport for New South Wales requirements shall be approved.

Note: For any works on the classified (State) road the developer will be required to enter into a WAD with TfNSW. All works shall be designed and constructed in accordance with Austroads Guidelines, Australian Standards and TfNSW Supplements. All works shall be at full cost to the developer and no cost to TfNSW. **Works shall be completed prior to issue of the first Subdivision Certificate.**

62. **Prior to the issue of a Subdivision Works Certificate** for STAGES 1, 7, and 13 engineering plans in accordance with Council's Manual of Engineering Standards detailing the new public roads and any necessary adjustments due to road Wyndella Road widening as proposed for dedication shall be submitted to and approved by Council. The works to be provided included:
- a) Wyndella Road shall be widened at the western side providing road widening to enable a minimum of 13 metres road reserve width from the existing (original) road reserve centreline, and any additional widening as required for intersection treatments.
 - b) Upright kerb and gutter shall be constructed along the site frontage (part construction of ultimate 14m carriageway).
 - c) A minimum of 6 metres verge with 3 metres wide concrete share path (being offset 1.7m from nominal face of kerb) or as otherwise agreed with Council.
 - d) Engineering plans in accordance with Council's Manual of Engineering Standards detailing the new public roads and any necessary adjustments due to road widening as proposed for dedication shall be submitted to and approved by Council.
 - e) kerb and gutter construction at the approach to New England Highway subject to change during Section 138 assessment and TfNSW assessment
63. **Prior to the issue of the Subdivision Certificate** kerb and gutter and road construction with an asphaltic concrete wearing surface of all proposed roads, together with all necessary stormwater drainage and infrastructure facilities, shall be provided in accordance with Council's Manual of Engineering Standards.
64. **Prior to the issue of the Subdivision Works Certificate for Stage 5** a detailed design plans for a concrete slab bus stop adjacent to Lot 522 and Lot 519 at MC03 Road, prepared in accordance with Council's Manual of Engineering Standards are to be submitted to Council as the Roads Authority for approval. Details demonstrating compliance must be provided to the registered certifier.

65. **Prior to the issue of the Subdivision Works Certificate** the following road hierarchy shall apply to all roads, (including widths, pavement design and the like) in accordance with Council's Manual of Engineering Standards.

Where a Geotechnical engineer determines high expansive soils with a $\geq 2.5\%$ swell (10-day soak) or poor CBR ($< 2\%$) are present within 1 metre below the design subgrade, a capping layer of homogeneous select material shall be added to the pavement design and construction plans. The swell, pavement design and the select material specification shall be considered and justified against Austroads Guide to Pavement Technology (AGPT) Part 2, 4I, 8 and the RMS Supplement to AGPT2, including a 10-day soak.

The adjusted pavement design shall be based on the CBR of the selected subgrade material at 'in-service moisture and density conditions' to stop premature pavement distress and to achieve the design life of the pavement.

Note: A minimum, but not limited to, 300mm select material shall be added to the minimum pavement thickness for either swell and/or poor CBR.

ROAD TYPE	ROAD DESCRIPTION	Pavement Width
Local Access ESA 1 x 10 ⁵	Road MC16	8 metres
Local Secondary ESA 2 x 10 ⁵	Road MC09,	8 metres
Local Primary ESA 5 x 10 ⁵	Road MC04, MC12, MC13, MC14, MC15	8 metres
Local Primary ESA 5 x 10 ⁵	Road MC01	10.50 metres
Local Primary ESA 5 x 10 ⁵	Road MC02	10.50 metres
Local Primary ESA 5 x 10 ⁵	Road MC07	8.0 metres
Collector Secondary ESA 1 x 10 ⁶	Road MC05	10.50 metres
Distributor Primary ESA 5 x 10 ⁶	Road MC03	15.0 metres
Sub Arterial ESA 1 x 10 ⁷ (min)	Wyndella Road	

Note: where other conditions of consent require larger criteria (such as shared paths and verge) the larger provision takes precedence.

66. **Prior to the issue of the relevant Subdivision Works Certificate or Roads Act Approval**, all (traffic) Regulatory line marking and signage shall be submitted to Council's Local Traffic Committee (LTC). *Note: Please allow three months from lodgement for the LTC process.* All recommendations of the committee shall be incorporated into the works and approved by Council's LTC prior to commencement of the line marking and signage works. The works to be approved include but not limited to:

- All regulator line marking and regulatory signage.
- Bus stops

c) *Wyndella Road intersection controls*

67. **Prior to the issue of a Subdivision Certificate** temporary turning heads, relevant signage and markers for all terminating roads shall be provided. Turning heads shall comply with:
- a) 16.0m minimum radius for bus route and trunk road systems shall be provided for bus and any road where bush fire GTA requires.
 - b) 10.0m minimum radius shall be provided on local and minor streets in accordance with Council's Manual of Engineering Standards, otherwise to RFS GTA requirements.
68. **Prior to the issue of a Subdivision Works Certificate** for any stage adjoining a temporary turning head, the applicant shall provide a turning head construction management plan that demonstrates how any temporary turning heads will be maintained and open to the public for the entire duration of construction.
69. The driveway within the access corridor of proposed Lots 515, 706 and 1309 must be constructed along the full length of the corridor as a concrete slab 3m wide minimum to "commercial" standard in accordance with Council's Development Control Plan, Council's Manual of Engineering Standards and AS2890.

STORMWATER DRAINAGE

70. **Prior to issue of a Subdivision Works Certificate** a drainage design shall be prepared by a suitably qualified and experienced drainage engineer, in accordance with Council's Manual of Engineering Standards. The major system requirements shall include, but not limited to, the following:
- a) Generally in accordance with the approved drainage plan No. 240332, Revision J, dated 27/05/2025 by ADW Johnson.
 - b) Generally in accordance with the approved Stormwater Management Plan No. 240332, Revision G, date 28/05/2025 by ADW Johnson.
 - a) A major stormwater drainage system catering for discharge from contributing catchment areas in their ultimate developed state.
 - b) A stormwater detention system to reduce post-developed discharges to pre-developed discharges, for the critical storm up to and including the 1% AEP ("100 year") event.
 - c) A stormwater water quality system to collect gross pollutants, nutrients and hydrocarbons generated from the contributing catchment areas in their ultimate developed state.
71. **Prior to issue of a Subdivision Works Certificate** the following details shall be provided to Council, including specific drainage requirements for the following:
- a) Provision of Q_{100} flow depths, freeboard, and velocity depth ratios shown on the construction drawings at relevant locations for overland flowpaths on road and drainage corridors.
 - b) Public drainage provided to convey catchment from adjoining upstream properties
 - c) Interallotment drainage to internal lots as required.
 - d) A box culvert shall be provided under the verge at Wyndella Road to convey the northeast catchment (12.5ha) runoff flow up to 1% AEP event to the channel **prior to the issue of a Subdivision Works Certificate** for STAGE 1.

- e) The existing pipes crossing Wyndella Road conveying the southern watercourse shall be upgraded, to cater for 1% AEP storm event **prior to the issue of a Subdivision Works Certificate** for STAGE 1.
- f) GPT's shall be wholly located within the drainage reserve or directly adjoining nearside road reserve (for the catchment Dev 4 bypassing basin 1) and a concrete padding shall be constructed around GPT's for maintenance access purpose
- g) Easement granted/registered with Lot 2 DP 129958 for northern catchment discharge **prior to the issue of a Subdivision Works Certificate** for Stage 8.
- h) Floodway signage near basins and watercourse in accordance with Council's Standard drawing SD038.
- i) Fencing and gate shall be provided around of all stormwater basins in accordance with Council's Standard drawing SD057 and SD058.
- j) Access track with 3% stabilised gravel shall be provided along the top of the bank of all basins. The access track shall be a minimum of 3.0 metres wide, having 500mm clearances from any vertical obstruction or property boundary and be traversable by a medium rigid vehicle (swept path provided as needed).

72. **Prior to issue of the Subdivision Certificate**, the detention/water quality system shall be dedicated to Council at Stage 14 of the development. The requirements include:

- a) An easement to drain water shall be placed over the drainage corridor/system benefiting Council and any adjoining upstream lots.
- b) A positive covenant shall be placed over the detention/water quality system requiring the lot owner to maintain the detention and water quality system until the basin is dedicated as drainage reserve.
- c) A positive covenant shall require the lot owner to hold \$10 million public liability for the drainage and detention system until it is dedicated as drainage reserve.
- d) The authority to release vary or modify the easements/covenants above shall be nominated as 'the lots burdened and benefited only with the written consent of Maitland City Council'.
- e) Prior to the dedication of the drainage reserve to Council, including proposed drainage reserves, the lot owner shall request a handover inspection and undertake any works to provide 'as new system' to the satisfaction of the PCA (Council).

73. **Prior to issue of the Subdivision Certificate** a Maintenance Management Plan for the stormwater detention/retention systems shall be prepared by a suitably qualified and experienced person, shall be submitted to, and accepted as satisfactory by Council.

74. **Prior to the issue of the Subdivision Certificate** for lots adjacent to basins or land proposed to be a drainage/ public reserves, a suitable qualified engineer shall certify that all lots are a minimum 500mm above the 1% AEP event including blockages inline with MOES and AR&R.

DAM DECOMMISSIONING

75. **Prior to issue of the Subdivision Certificate for stage 1**, certification from a suitably qualified geotechnical engineer shall be provided confirming that any contamination at the decommissioned farm dam site has been removed.

Note: There are number of farm dams within the site. All the farm dams internal to the site shall be decommissioned within Stage 1. Confirmation from the NSW Dam Safety Committee shall be obtained demonstrating that the dams are not classified as a 'prescribed dam'. Any

requirements of the Dam Safety Committee shall be adhered to and submitted in the **Subdivision Works Certificate** documentation.

EROSION CONTROL AND BULK EARTHWORKS

76. The site and its surrounding environs shall be protected from the effects of erosion (as water and wind borne particles) and off-site "vehicle tracking", by the application of adequate controls. Details in accordance with Council's Manual of Engineering Standards and the manual, *"Managing Urban Stormwater"* shall be submitted **prior to the issue of a Subdivision Works Certificate**.
77. **Prior to the commencement of works**, for sites with a disturbed area greater than 2,500m², a suitably qualified and experienced professional in erosion and sediment control shall attend a pre-start meeting with the PCA. The professional shall provide the PCA with a reporting schedule and an inspection schedule for erosion and sediment controls.
78. **Prior to the issue of a Subdivision Works Certificate for subdivision** works a Bulk Earthworks Management Plan (BEMP) is required to be submitted to Council for approval. The BEMP must include a report from a suitably qualified engineer that examines and determines:
 - a) the extent of bulk earthworks require for the construction of each stage;
 - b) how stockpiles will be managed during construction;
 - c) where stockpiles will be located for each stage and what requirements are necessary to manage the locations;
 - d) stock pile dimensions and stabilisation measures;
 - e) site haulage routes and movement for each stage;
 - f) how fill will be managed in the floodway during construction;
 - g) any specific requirements relating to the management of Acid Sulfate Soils.
79. **Prior to the issue of a Subdivision Works Certificate**, a Soil and Water Management Plan (SWMP) in accordance with Managing Urban Stormwater: Soils and Construction (also known as the Blue Book) shall be developed and certified by a suitably qualified and experienced professional in erosion and sediment control. A copy of the SWMP shall be submitted to and approved by Council for sites with a disturbed area greater than 2,500m².
80. The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.
81. **Before the commencement of any site or building work**, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).
82. Filling material, shall be limited to the following:
 - a) virgin excavated natural material (VENM);
 - b) excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulations 2014.

Note: Under no circumstances shall contaminated fill material including but not limited to putrescible wastes, (such as timber, paper, green waste, food etc), oil products (including petrol, bitumen, asphaltic concrete etc), plastic, and the like, be deposited on the land unless expressly authorised by this development consent.

83. While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
- a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
 - b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.
84. Fill material shall not obstruct any local watercourse, flow path or drain, that is within or that enters the site, prior the watercourse be relocated providing conveyance, within the site, of stormwater flows through or around the proposed fill area, including adequate protection against erosion.
85. The site shall be managed at all times during construction phase so as to prevent the generation of dust from the land disturbance activities (e.g., by water spray, dust suppression, surface sealants, soil binders, wind barriers and/or dust retardants). Those are required in addition to the use of water cart during operation hours.
86. Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- a) diverting uncontaminated run-off around cleared or disturbed areas, and
 - b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - c) preventing the tracking of sediment by vehicles onto roads, and
 - d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Run-off and erosion control measures must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties, and roads.

87. **During works and prior to the issue of the Subdivision Certificate**, soil erosion and sediment control measures shall be installed, monitored, and maintained throughout construction, and modified as necessary until the disturbed areas are revegetated and the soil is stabilised.

Bulk earthworks shall be carried out in allotment sizes that can be completed from stripping to stabilisation within 30 days of starting, generally limiting exposed areas to less than three (3) hectares. If a greater area is proposed, it must be certified by a Certified Professional in Erosion and Sediment Control (CPESC) and approved by Council. An earthworks plan detailing

the agreed allotment sizes and an indicative sequencing plan for cut and fill must be provided.

88. Provision must be made for all trucks to be effectively washed down after loading and unloading, prior to leaving the site. This must be within a suitably contained and designated area.
89. **Before the commencement of any site works**, an all-weather vehicle access is to be provided at the site entrance for the delivery of materials and use by trades people. No materials, waste or the like are to be stored on the all-weather access at any time.
90. **During construction** all vehicles entering or leaving the site must have their loads covered, and all vehicles, before leaving the site, must be cleaned of dirt, sand, and other materials, to avoid tracking these materials onto public roads.
91. **Prior to commencement of works**, a suitably qualified professional in Erosion and Sediment Control is to attend a prestart meeting with the PCA and provide the PCA with a schedule of reporting and schedule of inspections to be carried out by the qualified professional.

CONSTRUCTION WORKS

92. All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
93. While work is being carried out, no building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath. All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
94. Waste materials (including excavation, demolition, and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
95. While work is being carried out, temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time. The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.
96. While work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).
97. The applicant is required to notify Council in writing **prior to commencing of operations**, of any existing damage to kerbing and guttering and/or footpath paving associated with the subject Lot. The absence of such notification signifies that no damage exists, and the applicant shall therefore be liable for the cost of repairing any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building works.

98. **Before the issue of a Subdivision Works Certificate**, the applicant must ensure a Construction Site Management Plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:
- a) location and materials for protective fencing and hoardings to the perimeter on the site;
 - b) provisions for public safety;
 - c) pedestrian and vehicular site access points and construction activity zones;
 - d) details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site;
 - e) protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable);
 - f) details of any bulk earthworks to be carried out;
 - g) location of site storage areas and sheds;
 - h) equipment used to carry out all works;
 - i) a garbage container with a tight-fitting lid;
 - j) dust, noise and vibration control measures;
 - k) location of temporary toilets;
 - l) Date, hours and duration of construction works;
 - m) Temporary parking arrangement;
 - n) Proposed Road closure / Road works.

The applicant must ensure a copy of the approved Construction Site Management Plan is kept on-site at all times during construction.

99. At the completion of the works, the work site must be left clear of waste and debris.

CIVIL WORKS - CERTIFICATION

100. **Before the issue of a Subdivision Works Certificate**, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of Council.
- Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of Council, that all reasonable steps were taken to obtain access to the adjoining properties.
- No less than 30 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council at the same time.
101. **Prior to issue of the Subdivision Works Certificate** for the road, drainage, public landscaping and civil works an engineering design shall be prepared by a suitably qualified and practicing engineer, in accordance with Council's Manual of Engineering Standards (MOES), and this consent.
102. **Works associated with the Roads Act Approval and Subdivision Works Certificate** are subject to critical stage inspections by Council. The inspection regime shall follow the requirements specified in the Council's Manual of Engineering Standards. Works must not

progress past the specified hold points, including the submission of any required testing or quality assurance documentation, until the contractor has received approval from Council.

103. Prior to commencement of works within an existing public road reserve:

- a) an engineering design, in accordance with Council's Manual of Engineering Standards, shall be submitted to Council for approval
- b) consent under the Roads Act for the approved works, shall be issued by Council
- c) all relevant Council fees shall be paid
- d) a Traffic Management Plan and/or Traffic Guidance Scheme in accordance with the Transport for New South Wales publication "Traffic control at Worksites" shall be submitted to Council

The works approved under the Road Act shall include:

- e) Part-width Road construction is required to be provide for Wyndella Road along the whole site frontage, being full half road on the development side and a minimum of one lane and a safe shoulder on the opposite direction lane.
- f) Wyndella Road reserve shall be widened at the left-hand side providing a minimum of 13 metres road widening from the existing (original) road reserve centreline, and any additional widening as required for intersection treatments.
- g) Upright kerb and gutter shall be constructed along the site frontage (part construction of ultimate 14m carriageway mid-block width) and any additional widening as required for intersection treatments.
- h) Upright kerb and gutter shall be constructed along the site frontage.
- i) A minimum of 6 metres verge with 3 metres wide concrete share path.
- j) Engineering plans in accordance with Council's Manual of Engineering Standards detailing the new public roads and any necessary adjustments due to road widening as proposed for dedication shall be submitted to and approved by Council.
- k) kerb and gutter construction at the approach to New England Highway subject to change during Section 138 assessment and TfNSW assessment.

104. Prior to issue of the Subdivision Certificate, all necessary works required for compliance with this consent and the Subdivision Works Certificate shall be provided in accordance with Council's Manual of Engineering Standards. Confirmation of works shall include:

- a) Confirmation that the construction works have been completed.
- b) Confirmation from the road authority for any Roads Act Approval requirements.
- c) Works approved by Transport for NSW (WAD) for the Wyndella Road intersection at the New England Highway shall be completed prior to the release of stage 1 Subdivision Certificate
- d) For stages 1, 7, and 13 Wyndella Road intersection with MC01, MC03, and MC05 respectively the intersection and road works for the S.138 approvals shall be signed off and completed (in writing) to the satisfaction of the issuing roads authority.
- e) Work-as-executed drawings, utilities plans, electronic files are provided to Council.
- f) Geotechnical testing (pavement, concrete, etc) and inspection certification is provided.
- g) Geotech certification of the detention basin works (including any clay core requirements).

105. Before the issue of a Subdivision Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, adjoining public lands or roads; and
- b) where there has been structural damage to any adjoining buildings, adjoining public lands and/or roads that it is a result of the subdivision works approved under this development consent.

106. **Before the issue of a Subdivision Certificate**, a copy of the post-construction dilapidation report is to be provided to Council and to the relevant adjoining property owner(s). Any rectification works identified by either the engineer, or the principal certifier shall be rectified within the required process, and to the satisfaction of the principal certifier.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of Council (where a principal certifier is not required), that all reasonable steps were taken to obtain access to the adjoining properties.

107. **Before the issue of a Subdivision Certificate**, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council. Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

LAND TITLE

(Note: Lot numbers quoted in "Land Title" conditions refer to the approved plan. Any requirements for specified lots within nominated reports must be cross-referenced with the approved plan.)

108. The proposed public new roads and/or road widening shall be dedicated to Council, at no cost to Council.
109. All existing easements and/or restrictions on the use of the land must be shown on the final plan of subdivision.
110. At the relevant stage, the riparian corridor (Lot 231) shall be dedicated to Council, at no cost to Council, and without compensation, works-in-kind, or "section 7.11 contribution" offset or similar. The land must be dedicated in a condition approved by Council. Held in separate title, cleared of rubbish and debris and suited for its intended purpose.
111. **Prior to the issue of a Subdivision Works Certificate** engineering plans in accordance with Council's Manual of Engineering Standards detailing the new public roads and any necessary adjustments due to road widening as proposed for dedication shall be submitted to and approved by Council.
112. A restriction, covenant or easement shall be created on the title of all affected lots under the *Conveyancing Act 1919* to give effect to the following requirements:
- a) A right of access shall be provided over all temporary turning heads, where applicable
 - b) Vehicular access shall be prohibited across the common boundary of lots adjoining Wyndella Road.

- c) Where retaining walls are constructed along common boundaries, a 900mm wide easement shall be provided on the downhill lot to prevent excavation and enable maintenance access.
 - d) Asset Protection Zones (APZs) shall be maintained in accordance with the requirements of the NSW Rural Fire Service.
- 113. A restriction on the title shall be created under the *Conveyancing Act 1919* for Lots 515, 706, and 1309, limiting development to a single dwelling house and ancillary structures only.
- 114. Easements to drain water, in accordance with Council's Manual of Engineering Standards, under Section 88B of the Conveyancing Act, shall be created over pipes, overland flow paths, final discharge structures, stormwater control devices, and stormwater dispersal areas where public stormwater is not located within public land.
- 115. The authority empowered to release, vary or modify inter-allotment drainage easements shall be nominated as "the lots burdened and benefitted, only with the consent of Maitland City Council".
- 116. The authority empowered to release, vary or modify restrictions and covenants on the use of the land required by this consent, shall be nominated as "Maitland City Council".
- 117. Land containing the proposed (and approved future) stormwater basin and associated overland flow paths shall be dedicated to Council as drainage reserve, at no cost to Council.

ADVICES

The following advices are limited in scope and should not be understood to encompass all areas of responsibility of the consent holder, relating to the development.

- A You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the *Protection of the Environment & Operations Act 1997* and may incur infringement fines.
- B You are advised that, in accordance with the EP&A Act, (sec.109F) payment of the building industry Long Service Leave levy, where applicable, must be paid **prior to issue of any Subdivision Works Certificate**.
- C You are advised to record and notify Council in writing, of any existing damage to the street infrastructure (including landscaping) in the vicinity of proposed works associated with this consent, prior to commencement of construction. The absence of such notification signifies that no damage exists. Where necessary repairs are carried out by Council, the owner of the development property shall be held liable for the cost of those repairs.
- D You are advised that the issue of this development consent does not negate the responsibility of the land owner in respect to any restriction, covenant or easement applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.

Schedule 1- General Terms of Approval and Agency Comments



Maitland City Council
PO Box 220
MAITLAND NSW 2320

Your reference: (CNR-56339) DA/2023/415
Our reference: DA20230613002541-S38-5

ATTENTION: Brian Gibson

Date: Thursday 17 April 2025

Dear Sir/Madam,

Integrated Development Application

s100B - Subdivision - Subdivision

25 Wyndella Road Lochinvar NSW 2321 Australia, 13//DP1219648, 9//DP747391, 2//DP747391, 6//DP747391, 3//DP747391, 4//DP747391, 5//DP747391, 1//DP65706, 12//DP1219648

I refer to your correspondence dated 04/04/2025 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of a subdivision certificate and in perpetuity, the entire site within each proposed stage release, except for the riparian corridor, but including the temporary drainage basin to the west, must be managed as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

When establishing and maintaining an 'inner protection area', the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au





- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

2. At the issue of a subdivision certificate, temporary asset protection zones (APZs) must be provided within the subject site for a minimum depth of 50 metres over the land around each stage of the subdivision, and must be maintained in accordance with an APZ (Inner Protection Area) as detailed in the NSW Rural Fire Service's document *Standards for Asset Protection Zones* and Appendix 4 of *Planning for Bush Fire Protection 2019* to ensure no hazard regenerates before the subsequent stages are developed. APZs are not to encroach within any detention basin or management zones as shown in the Draft Biodiversity Management Plan prepared by AEP (ref 2699.04, Revision 03, dated 25 February 2025). The temporary internal APZs may be removed upon development of the adjoining lots.

3. The restoration and revegetation of the entire riparian corridor on proposed lots 231 must not exceed the fuel load for Grassy Woodland of 10.5 t/ha (SFL) and 20.2 t/ha (OFL) in accordance with Table A1.12.8 of *Planning for Bushfire Protection 2019* as per the recommendation of the Bushfire Assessment Report prepared by Building Code & Bushfire Hazard Solutions (ref: 230176, Revision 7, 25/07/2024).

4. The re-vegetation of the proposed drainage basin on proposed Lot 1401 must not exceed Freshwater Wetland fuel loads of 8.2t/ha(SFL) to 15.1t/ha (OFL) in accordance with Table A1.12.8 of *Planning for Bushfire Protection 2019* as per the recommendation of the Bushfire Assessment Report prepared by Building Code & Bushfire Hazard Solutions (ref: 230176, Revision 7, 25/07/2024).

Access Requirements

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area

5. Access roads must comply with the following requirements of Table 5.3b of *Planning for Bush Fire Protection 2019*:

- the proposed access roads must be in accordance with the Concept Engineering Plans for the Proposed Subdivision prepared by ADW Johnson for (Project No. 244332, Revision I, dated 31.03.2025).
- subdivisions of three or more allotments have more than one access in and out of the development;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 10 metres outer radius turning circle and are clearly sign posted as a dead end;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating;
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;





RFS



- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

6. Perimeter roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019*:

- are two-way sealed roads;
- minimum 8m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

Note: Perimeter Roads are shown in Figure 2: Plan nominating perimeter roads (as per advice provided by Building Code & Bushfire Hazard Solutions January 2025). Refer to yellow and green roads.

7. Non-perimeter roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019*:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

Note: The parking restrictions shall not apply to the sections of road that are not located on 'bush fire prone land', (i.e. greater than 30m from a Grassland hazard and 100m of a bushfire hazard) as per Figure 10 of the Bush Fire Assessment Report (prepared by Building Code & Bushfire Hazard Solutions Pty Limited, dated 25/07/2024, Rev. 7, Ref: 230176).

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

8. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are not located within any road carriageway;





RFS



- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines*.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

The intent of measures is for landscaping. To achieve this, the following conditions shall apply:

9. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

General Advice – Consent Authority to Note

- Development applications lodged on lots created within this subdivision may be subject to further assessment under the *Environmental Planning & Assessment Act 1979*. Future dwellings are required to address the requirements of *Planning for Bush Fire Protection 2019*.
- As a performance based solution, the outer radius turning circle has been reduced from 12 metres to 10 metres and is supported by swept path modelling. The total outer radius of 12.5 metres provided in the concept engineering plans accounts for car parking as required by Council.





This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 21/03/2025.

For any queries regarding this correspondence, please contact Elaine Chandler on 1300 NSW RFS.

Yours sincerely,

Nika Fomin
Manager Planning & Environment Services
Built & Natural Environment



Department of Climate Change,
Energy, the Environment and Water



Our ref: DOC23/529479-45

Mr Scott Fatches
Maitland City Council
263 High Street
Maitland NSW 2320
Email: scott.fatches@maitland.nsw.gov.au
Letter uploaded to the NSW Planning Portal

Address: 39 Wyndella Road, Lochinvar

Proposal: 262 Lot Residential Subdivision, plus 2 public reserves, 3 drainage reserves and road widening. Works to include clearing, bulk earthworks, construction of roads and infrastructure and landscaping.

Development Application no: DA/2023/415, CNR-56339, A-66987. Received: 13 June 2023

Subject: General Terms of Approval for Integrated Development Application, *National Parks and Wildlife Act 1974*

Dear Mr Fatches

This letter contains our general terms of approval for the above integrated development application that will require an Aboriginal Heritage Impact Permit pursuant to s.90 of the *National Parks and Wildlife Act 1974*.

We note that:

- We requested further information on 15 November 2023 (DOC23/529479-37).
- A revised final report 'Lochinvar Residential Subdivision - Archaeological Test Excavation LGA: Maitland, Aboriginal Cultural Heritage Assessment' prepared by McCardle Cultural Heritage dated 22 April 2024 was uploaded to the portal on 26 July 2024.

We have reviewed the Aboriginal Cultural Heritage Assessment Report, prepared by McCardle Cultural Heritage dated 22 April 2024. The report has identified that Aboriginal objects known as stone artefact site 37-6-2228 will be impacted by the proposed development.

Public submissions were uploaded to the portal on 31 October 2023. None of the public submissions referred to Aboriginal cultural heritage matters.

heritagemailbox@environment.nsw.gov.au
Locked Bag 5020, Parramatta NSW, 2124
NSW Planning Portal reference: CNR-56339

www.environment.nsw.gov.au/topics/heritage

Page: 1 of 3

Considering the above, and in accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following general terms of approval are granted:

Approved development

Development must be in accordance with:

- a. Lochinvar Residential Subdivision - Archaeological Test Excavation LGA: Maitland, Aboriginal Cultural Heritage Assessment (McCardle Cultural Heritage dated 22 April 2024).
- b. Statement of Environmental Effects Staged Torrens Title Residential Subdivision Cnr New England Highway & Wyndella Road, Lochinvar (ADW Johnson, 16 May 2023).
- c. Proposed Subdivision Plan Staging New England Hwy & Wyndella Road, Lochinvar (ADW Johnson, 17 June 2023).

Except as amended by the following general terms of approval:

1. A s.90 Aboriginal Heritage Impact Permit for the proposed works must be sought and granted prior to the commencement of works.
2. The Aboriginal Heritage Impact Permit application must be accompanied by appropriate documentation and mapping as outlined in Applying for an Aboriginal Heritage Impact Permit: Guide for applicants (2011).
3. Consultation with the Aboriginal community undertaken as part of the Aboriginal Heritage Impact Permit application must be in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010.
4. The Aboriginal Heritage Impact Permit application must be completed with reference to the requirements of the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (2011).
5. The Aboriginal Heritage Impact Permit application must include complete records satisfying the requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010).
6. Long term management of Aboriginal objects must be considered as part of the Aboriginal Heritage Impact Permit application.

Please note that any modification of the above development that will result in impacts to Aboriginal cultural heritage must be referred to Heritage NSW to determine whether changes to these general terms of approval are required.

Advice

The AHIP application will need to exclude the boundary of AHIP #C0001860 which overlaps part of the application area. AHIP #C0001860 was issued to Hunter Water Corporation for Lochinvar Water and Sewer Mains on 19 May 2016 for ten years. Any works within the boundary of AHIP #C0001860 will need to be conducted in accordance with conditions of AHIP #C0001860.

It is recommended the AHIP application include photographic and scale drawn records of the stratigraphy/soil profile of each test excavation unit in accordance with requirement 16 of the 'Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW'.

heritagemailbox@environment.nsw.gov.au
Locked Bag 5020, Parramatta NSW, 2124
NSW Planning Portal reference: CNR-56339

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Page: 2 of 3

Aboriginal community consultation must be maintained

Consultation with the registered Aboriginal parties must be maintained. We recommend updates on the project are provided to the registered Aboriginal parties every six months to ensure the consultation is continuous.

If you have any questions regarding these general terms of approval, please contact Lyndon Patterson, Senior Assessments Officer, at Heritage NSW on 6022 0619 or lyndon.patterson@environment.nsw.gov.au.

Yours sincerely



Tempe Beaven
Practice Lead – Heritage Referrals
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*

14 August 2024

Department of Planning and Environment



Contact: Department of Planning and Environment-Water
Phone: 1300081047
Email: waterlicensing.servicedesk@dpie.nsw.gov.au

Our ref: IDAS-2024-10527
Your ref: DA/2023/415

16 August 2024

The General Manager
MAITLAND CITY COUNCIL
283 HIGH STREET MAITLAND 2320

Attention: Brian Gibson

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2024-10527 - Integrated Development Referral – General Terms of Approval
Dev Ref: DA/2023/415
Description: 262 Lot Residential Subdivision, plus 2 public reserves, 3 drainage reserves and road widening. Works to include clearing, bulk earthworks, construction of roads and infrastructure, and landscaping.
Location: Lot 9, DP747391, 39 WYNDELLA ROAD LOCHINVAR 2321
Lot 13, DP1219648, 25 WYNDELLA ROAD LOCHINVAR 2321
Lot 2, DP747391, 898 NEW ENGLAND HIGHWAY LOCHINVAR 2321
Lot 6, DP747391, 898 NEW ENGLAND HIGHWAY LOCHINVAR 2321
Lot 3, DP747391, 898 NEW ENGLAND HIGHWAY LOCHINVAR 2321
Lot 4, DP747391, 898 NEW ENGLAND HIGHWAY LOCHINVAR 2321
Lot 5, DP747391, 898 NEW ENGLAND HIGHWAY LOCHINVAR 2321
Lot 1, DP65706, WYNDELLA ROAD LOCHINVAR 2321
Lot 2, DP818314, 60 NEW ENGLAND HIGHWAY LOCHINVAR 2321

I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Department of Planning and Environment-Water's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the department requests these GTA be included (in their entirety) in Council's development consent. Please also note the department requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

The Department of Planning and Environment-Water will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, the department

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150
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recommends the following condition be included in the development consent:

The attached GTA issued by the Department of Planning and Environment-Water do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to the department for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application must be submitted to the department together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Applications for controlled activity approval should be made to the department, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at:
<https://www.planningportal.nsw.gov.au/>

The Department of Planning and Environment-Water requests that Council provide a copy of this letter to the development consent holder.

The Department of Planning and Environment-Water also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely



For
Patrick Pahlow
Team Leader
Licensing and Approvals
Department of Planning and Environment-Water

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General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS-2024-10527
Issue date of GTA:	16 August 2024
Type of Approval:	Controlled Activity
Location of work/activity:	Lot 9, DP747391, 39 WYNDELLA ROAD LOCHINVAR 2321 Lot 13, DP1219648, 25 WYNDELLA ROAD LOCHINVAR 2321 Lot 2, DP747391, 898 NEW ENGLAND HIGHWAY LOCHINVAR 2321 Lot 6, DP747391, 898 NEW ENGLAND HIGHWAY LOCHINVAR 2321 Lot 3, DP747391, 898 NEW ENGLAND HIGHWAY LOCHINVAR 2321 Lot 4, DP747391, 898 NEW ENGLAND HIGHWAY LOCHINVAR 2321 Lot 5, DP747391, 898 NEW ENGLAND HIGHWAY LOCHINVAR 2321 Lot 1, DP85706, WYNDELLA ROAD LOCHINVAR 2321 Lot 2, DP818314, 60 NEW ENGLAND HIGHWAY LOCHINVAR 2321
Waterfront Land:	Unnamed Tributaries of Lochinvar Creek
DA Number:	DA/2023/415
LGA:	MAITLAND

The GTA issued by Department of Planning and Environment-Water do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to the Department of Planning and Environment-Water for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
TC-G004	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA/2023/415 provided by Council to Department of Planning and Environment-Water. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment-Water, must be notified in writing to determine if any variations to the GTA will be required.
TC-G005	A. The application for a controlled activity approval must include the following plan(s): <ul style="list-style-type: none"> Site plans - indicating the demarcation of waterfront land, designated riparian corridors and identifying any areas of encroachments and offsets. Construction streamworks plans - for the realignment of the watercourse. Construction watercourse crossing design plans - for the widening of Wyndella Road. Erosion and sediment control plans - for all works on waterfront land. Construction detailed drainage plans - for all works on waterfront land. Construction stormwater drainage outlet plan - for all works on waterfront land. Vegetation management plan - for the recreation of a riparian corridor along the realigned watercourse in

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- keeping with the guidelines.
- Landscape plan
 - Riparian offset plan - for all encroachments that impact the realigned watercourse.
 - Construction detailed basin design plans
 - Itemised VMP Costings - for the creation and maintenance of the riparian corridor.
 - Civil and Streamworks Itemised Costings - for the realignment of the watercourse.
 - Construction detailed bulk earthworks plans - for all works on waterfront land.

B. The plan(s) must be prepared in accordance with Department of Planning and Environment-Water's guidelines located on the website
<https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines>

TC-G006 A. A security deposit must be provided, if required by Department of Planning and Environment-Water.

- B. The deposit must be:
- a bank guarantee, cash deposit or equivalent, and
 - equal to the amount required by Department of Planning and Environment-Water for that controlled activity approval.
-



General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by Department of Planning and Environment-Water for integrated development associated with IDAS-2024-10527 as provided by Council:

- Letter of 26 July 2024 (DA/2023/415 RESPONSE TO REQUEST FOR INFORMATION WYNDELLA ROAD, LOCHINVAR) prepared by ADW Johnson PTY Ltd. Ref:240332
- Riparian Assessment Report for 898 New England Hwy, 25 Wyndella Rd and 39 Wyndella Rd Lochinvar, NSW. Ref. 2699, prepared by AEP, Rev 01 dated 19/07/2024
- Concept Civil Engineering Plans, Ref. 240332-CENG, prepared by ADW Johnson Pty Ltd, Rev. F, dated 19/07/2024
- Streamlined Biodiversity Development Assessment Report for Proposed Residential Subdivision and Associated Infrastructure within 898 New England Hwy, 25 Wyndella Rd and 39 Wyndella Rd, Lochinvar, NSW. Prepared by AEP. Revision 03, dated 04/08/2024
- Draft Biodiversity Management Plan – 898 New England Hwy, 25 Wyndella Rd and 39 Wyndella Rd, Lochinvar, NSW. prepared by AEP. Ref 2699.04. Rev. 01. Dated July 2024.
- Landscape Plans, Ref. 14503.5 prepared by Terras Landscape Architects, Rev. K, dated 04/07/2024

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Department of Primary Industries
and Regional Development



CM10 REF: IDA23/71
20 August 2024

The General Manager
Maitland City Council
Via Planning Portal (CNR-56339)

Re: Development Application No. DA/2023/415, Corner of New England Highway & Wyndella Road, Lochinvar

Attention: Mr Scott Fatches

Dear Mr Fatches

Thank you for your referral dated 16 June 2023, and additional information received from the applicant via the Planning Portal on 14 March 2024 and 26 July 2024, requesting that Department of Primary Industries and Regional Development (DPIRD Fisheries) provide General Terms of Approval (GTAs) and advice on the subject development application.

Receipt of the prescribed \$374 fee under cl253 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) is acknowledged.

DPIRD Fisheries is responsible for ensuring that fish stocks are conserved and that there is "no net loss" of key fish habitats upon which they depend. To achieve this, DPIRD Fisheries assesses activities under Parts 4 and 5 of the *Environmental Planning and Assessment Act 1979* in accordance with the objectives of the *Fisheries Management Act 1994* (FM Act), the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the FM Act, and the *Policy and Guidelines for Fish Habitat Conservation and Management (2013 Update)* (DPIRD Fisheries P&G). In addition, DPIRD Fisheries is responsible for assessing potential impacts on marine parks under Division 6 of the *Marine Estate Management Act 2014* (MEM Act), ensuring the sustainable management of commercial fishing and aquaculture, quality recreational fishing and the continuation of Aboriginal cultural fishing within NSW.

Key fish habitats include those habitats that are crucial to the survival of native fish stocks. The degradation of aquatic habitat is a major threat to the abundance and diversity of native fishes in NSW. As such, a primary objective for conserving fishes is to conserve the habitats that fish are dependent upon for survival.

1243 Bruxner Highway
Wollongbar NSW 2477

02 6626 1375
dpiird.nsw.gov.au

1

Department of Primary Industries
and Regional Development



It is understood that the subject proposal will include a 262 Lot Residential Subdivision involving the realignment of approximately 250 lineal metres of an unnamed third order waterway (in accordance with the design specified within the ADW Johnson drawing titled *Watercourse Concept Plan*, drawing reference 240332-ESK-022(A) and dated 16/05/2024) and construction of a culvert road crossing within the same waterway on Wyndella Road.

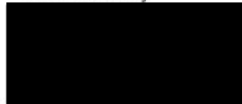
Contingent upon adherence to the following conditions, DPIRD Fisheries has no objection to the proposed works:

General Terms of Approval

- A permit under s198-202 of the *Fisheries Management Act 1994* for dredge and reclamation works or a Controlled Activity Approval under the *Water Management Act 2000* is to be obtained prior to commencement of any dredging and reclamation works.
- Works are carried out in accordance with all applicable requirements of The Blue Book (Landcom 2004, Managing Urban Stormwater: Soils and Construction [4th Edition]).

If you or the proponent wish to discuss these GTAs, please contact me on 02 6626 1375 or jonathan.yantsch@dpi.nsw.gov.au.

Yours sincerely



Jonathan Yantsch
Senior Fisheries Manager, Coastal Systems (North Coast)
Marine Estate Management, Primary Industries NSW

Cc: fisheries.compliance@dpi.nsw.gov.au

Transport for NSW



23 October 2024

File No: NTH24/00202/003
Your Ref: CNR-56339 - A-66990

General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Attention: Scott Fatches**New England Highway (HW09): DA/2023/415 - CNR-56339 - A-66990 - Updated TIA and SIDRA Model - 267 lot Residential Subdivision - 25 Wyndella Road Lochinvar**

I refer to the abovementioned Development Application referred to Transport for NSW (TfNSW) on 04 October 2024 for comment in accordance with Section 2.122 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

TfNSW key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with the *Future Transport Strategy*.

New England Highway (HW09) is a classified State road and Wyndella Road is a local road. Council is the roads authority for both roads and all other public roads in the area, in accordance with Section 7 of the Roads Act 1993.

TfNSW has reviewed the referred information and provides the following comments to assist the consent authority in making a determination:

1. Works Authorisation Deed – modification to signals and keep clear line marking

For any works on the classified (State) road the developer will be required to enter into a WAD with TfNSW. All works shall be designed and constructed in accordance with Austroads Guidelines, Australian Standards and TfNSW Supplements. All works shall be at full cost to the developer and no cost to TfNSW. Works shall be completed prior to issue of the first subdivision certificate for the development.

2. As identified in TfNSW previous correspondence dated 29/6/2023, very little consideration had been given to active and public transport considerations. Paths should link to activity centres including parks, schools, bus stops and retail/commercial/community facilities.

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76 Victoria Street (PO Box 576) Grafton NSW 2460

1300 207 783 ABN 18 804 239 602
transport.nsw.gov.au 1 of 2

Advice to Council

- All matters relating to internal arrangements on-site such as traffic / pedestrian management, parking, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to consider.
- Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site, in particular, noise generated by the New England Highway, a classified State road (HW09). In this regard, the developer, not TfNSW, is responsible for providing noise attenuation measures in accordance with the NSW Road Noise Policy 2011, prepared by the Department of Environment, Climate Change and Water (now Department of Planning Housing and Infrastructure).

If the external noise criteria cannot feasibly or reasonably be met, TfNSW recommends that Council apply internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia.

Should you require further information please contact Masa Kimura Development Services Case Officer, on 1300 207 783 or 0407 707 999 or by emailing development.north@transport.nsw.gov.au.

Yours faithfully



Marg Johnston
Team Leader Development Services
Transport Planning | Planning Integration & Passenger

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26/06/2023

Brian Gibson
Maitland City Council
PO Box 220
MAITLAND
NSW 2320

145 Newcastle Road
Waitland NSW 2287
All mail to PO Box 487
Newcastle NSW 2300
T +61 2 131 525
www.ausgrid.com.au

Dear Brian

Proposed Development at 25 WYNDELLA ROAD LOCHINVAR 2321
Development Application No. DA/2023/415

I refer to your application CNR-56339 concerning the above development. This letter is Ausgrid's response under clause 45(2) of the *State Environmental planning Policy (Infrastructure) 2007*.

As you would be aware, the assessment and evaluation of environmental impacts for a new development consent (or where a development consent is modified) is undertaken in accordance with requirements of Section 79C of the *Environmental Planning and Assessment Act 1979*. One of the obligations upon consent authorities, such as local councils, is to consider the suitability of the site for the development which can include a consideration of whether the proposal is compatible with the surrounding land uses and the existing environment.

In this regard, Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid's infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

Please note the following information in relation to the construction of the development:

Supply of Electricity

Electricity reticulation systems in new residential subdivisions must be installed underground in accordance with Ausgrid's Network Standard NS110. The developer is responsible for the design, supply of materials and construction of electricity reticulation systems in new residential subdivisions.

These works are classified as Contestable Works and funded by the Developer. Before each stage commences, we recommend [engaging an electrical professional](#) who knows how to design your connection and the type of connection to apply for. To apply for a connection the developer will need to visit Ausgrid's website <https://www.ausgrid.com.au/Connections/Get-connected>.

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It is a requirement that Notification of Arrangements for the Provision of Electricity Supply letter be issued by Ausgrid for each stage before council release the plan of subdivision for registration at Land and Property Information.

Ausgrid will only issue the Notice of Arrangement after the connection assets have been installed and, if applicable, satisfactory arrangements have been made for Ausgrid to be granted registered easements or leases for any network infrastructure installed on private land.

Please do not hesitate to contact me if you require any further information or assistance.

Yours sincerely

[Redacted Signature]

Darren Schweinberger
Engineering Officer
Newcastle Design & Planning Portfolio

☎: [Redacted] ☎ (02) 4951 9459
✉: [Redacted]@ausgrid.com.au 🌐 www.ausgrid.com.au

Ausgrid Reference: 1900122230

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City Services

Graffiti Management Policy Review

Graffiti Management Plan 2015 (Under Separate Cover)

Meeting Date: 19 August 2025

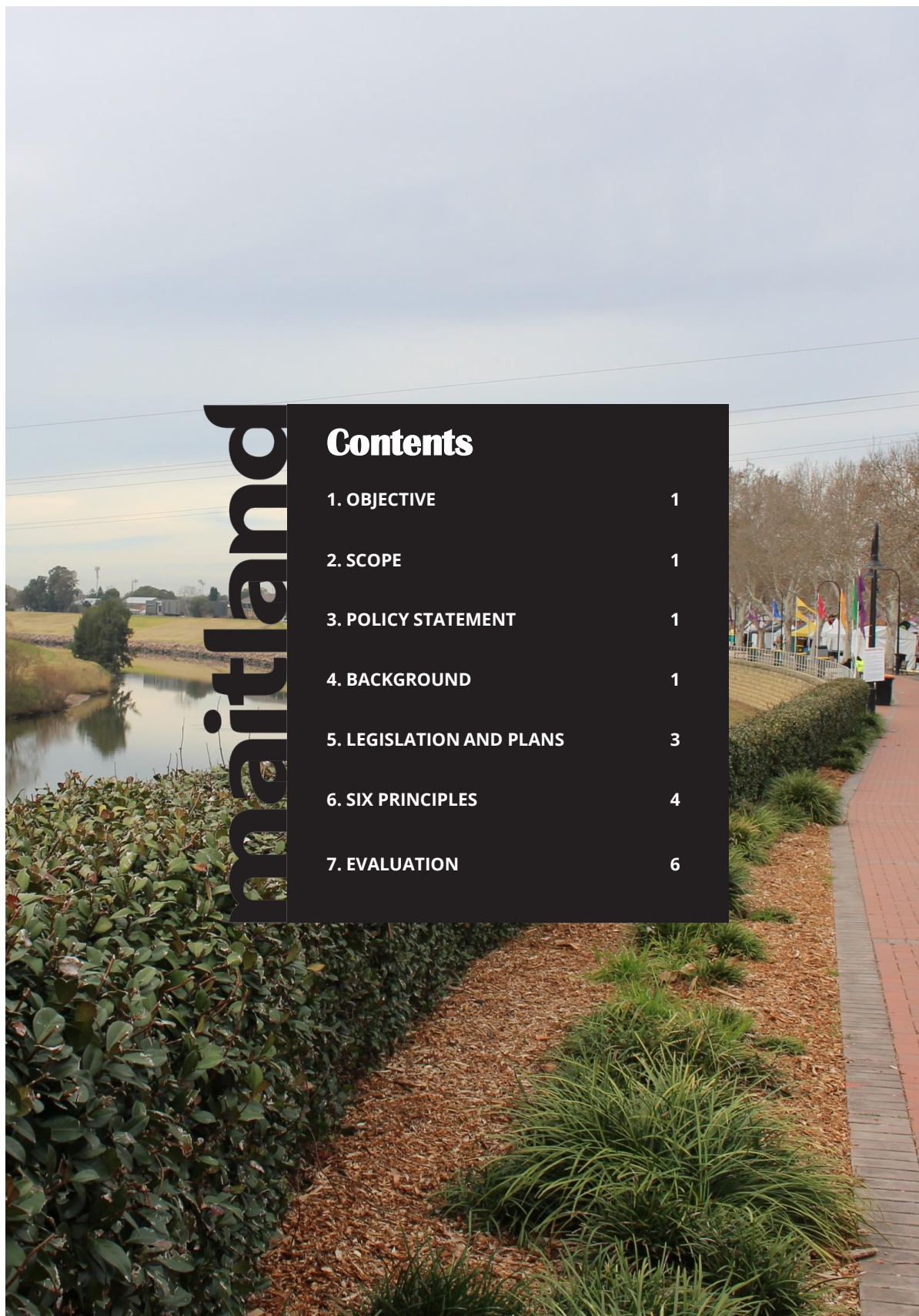
Attachment No: 1

Number of Pages: 16

maitland
city council



Graffiti Management Plan



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1. OBJECTIVE

The Maitland City Council Community Safety Plan identifies graffiti vandalism as a common form of malicious damage within the Maitland Local Government Area (LGA).

Graffiti vandalism imposes considerable economic and social costs on the community. It is frequently identified as an indicator of risky environments, particularly for those outside of youth and artistic subcultures.

The objective of this plan is to minimise the incidents of graffiti on both public and private property through stakeholder engagement, prompt reporting and removal, provision of educational resources and enforcement. This will be achieved through establishing clear practices and procedures for the removal of illegal graffiti in a timely and efficient manner and engagement of all stakeholders to work together in managing removal of graffiti

2. SCOPE

This plan acknowledges the need to consider approaches that will improve the broad community interests including graffiti removal from private property and engaging with youth groups in understanding the practice and exploring options for artistic expression.

All graffiti management actions must be efficient and cost effective and use environmentally friendly products and be safe for the community, volunteers and staff.

Collaboration with business and community groups is essential in creating and maintaining neighbourhoods that are skilled in preventing and managing graffiti in a timely manner.

3. POLICY STATEMENT

Maitland City Council is committed to reducing levels of graffiti vandalism in the City, and the maintenance of a safe and welcoming environment for the community and visitors.

This policy provides the framework for a comprehensive graffiti management plan that outlines the actions under six principles.

- **Stakeholder engagement** – Consultation and ongoing engagement with business, government agencies and private land holders
- **Report** - Simple reporting mechanism to be made available to community, business and council services. To provide timely data for clean-up crews, and enforcement agencies, as well as provide statistical information for educational and reporting.
- **Removal** – Timely removal based upon set prioritisation criteria in an environmentally friendly manner.
- **Prevention** – Implementation of design-based and environmental strategies to assist in the prevention of graffiti vandalism.
- **Education** - Web based information and educational material provided to assist the community in the prevention and safe removal of graffiti. This may include educating young people on the legal and community consequences of graffiti.
- **Enforcement** – Reporting system must assist in the mapping of graffiti incidents within the LGA to inform stakeholders of the worst affected area.

4. BACKGROUND

WHAT IS GRAFFITI VANDALISM?

Graffiti vandalism is one crime most visible to the community. Most within the community would agree that graffiti is unattractive and is negative to the community sense of pride.

The term graffiti vandalism refers to defacing private and/or public property without consent from the property owner. Graffiti vandalism can take the form of writing, drawing, scratching or etching onto surfaces using different implements such as paint, chalk, markers and stickers.

There are many types and styles of graffiti.

- Tag—is applied for notoriety, peer recognition and is applied to as many places as possible. It can be written or etched on to surfaces and is the most common form of graffiti.
- Slogan – communicating a point of view or challenging an issue
- Stencil – templates applied and spray painted
- Toilet / desk graffiti – conversation or comments in public places
- Piece – a graffiti mural usually larger and taking longer to apply than a tag

It is important to distinguish between the terms urban art and graffiti vandalism. Urban art can often feature artistic elements drawn from graffiti culture. The key distinction is the legality of the artwork which often hinges on the approval of property owners. Throughout this document the term ‘graffiti’ refers to illegal vandalism and the term “urban art” refers to the legal work.

It is acknowledged worldwide that graffiti management is more than just the removal of illegal graffiti and / or the presence of penalties. An effective approach to graffiti reduction needs to incorporate a variety of interventions including business and community engagement; reporting and removal; education and youth engagement; and enforcement.

COST OF GRAFFITI VANDALISM

The direct costs on graffiti removal to the community are large with Maitland City Council spending approximately \$150,000 per annum (2013/14) on the removal and repair to community assets.

The presence of graffiti on private and public property has numerous negative impacts on the community both perceived and real. Business areas and neighbourhoods that contain graffiti are less appealing to those who may be looking to buy or rent property. The perceived safety is reduced as people tend to feel less safe in areas with a lot of graffiti and people may be less likely to shop in those areas. Public areas, such as parks look unsafe and make people, in particular young families and elderly, concerned about their personal safety. This could also impact tourism and visitor judgements of the areas.

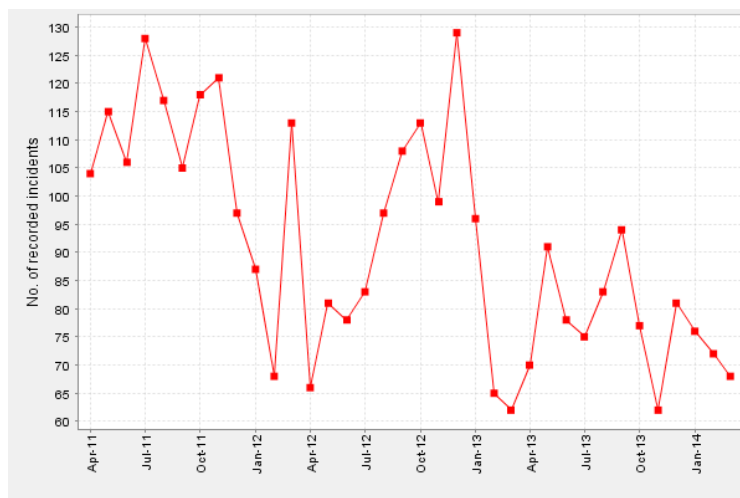
It is also believed that graffiti breeds more graffiti. If graffiti is not removed promptly, the space invites more graffiti as the “tagger” is confident that their “tag” will be displayed for some time.

Graffiti sends out a message that “nobody cares” about the area. This creates an open invitation for littering, more graffiti and other antisocial activities.

STATISTICAL INFORMATION

Bureau of Crime Statistics and Research (BOCSAR) data reports on incidents of malicious damage to property, which includes graffiti vandalism. BOCSAR identified that between January 2013 and December 2013 Maitland City Council Local Government Area recorded a rate of 1301.2 incidents per 100,000 population, and the average for NSW being 1043.6 per 100,000 population. Maitland is ranked 48th in NSW for malicious damage to property (this includes graffiti).

The BOCSAR data also highlights a 14.9% decrease in recorded malicious damage to property incidents between April 2011 to March 2014.



*NSW Bureau of Crime Statistics and Research April 2011 to March 2014
Malicious damage to property, Maitland Local Government Area*

Maitland City Council undertakes an annual community survey to gauge the level of community importance and satisfaction on a range of Council services. In 2013, litter collection and graffiti removal received an importance mean of 4.30 and a satisfaction mean of 3.32. This identifies a moderate level of satisfaction with a very high level of importance. This service is ranked 17 out of 37 services surveyed.

Another service that may have a graffiti based result could be Appearance of City. This service received an importance mean of 4.28 and a satisfaction mean of 3.20 and also identifies a moderate level of satisfaction with a very high level of importance. This service is ranked 16 out of 37 services surveyed.

Comparison with the research results between 2012 and 2013 found that Appearance of City as having a significant decline in the level of satisfaction.

Council implemented a project funded through the Graffiti Hotspot Program in 2011-12. This project utilised Crime Prevention through Environmental Design (CPTED) measures to reduce opportunity for graffiti vandalism in Council owned recreation assets that were sites of repeat incident. This project also pilot tested a place activation/youth engagement strategy for reducing graffiti vandalism at Rutherford Youth Space. This program was called the Rutherford Sessions. Evaluation of this project identified that consultation with communities to identify solutions to local issues should take place before further programs are developed as identified in the Maitland Community Safety Plan.

5. LEGISLATION AND PLANS

GRAFFITI CONTROL ACT 2008

Graffiti is an offence under the Graffiti Control Act 2008 (updated 2010). This piece of legislation was passed by NSW Government to directly deal with graffiti specific offences including malicious damage and possession and sale of spray cans. The role of Local Government in managing graffiti is identified under Part 4 of that Act.

MAITLAND +10 PLAN

The Community Strategic Plan Maitland +10 identifies a number of objectives that inform the Graffiti Management Plan. Community pride in the city's appearance and ensuring that all community members feel safe and connected depend on the provision of public spaces that are clean and well-maintained. The prevention and management of graffiti vandalism is therefore an important element to encourage a sense of place and pride in our city.

COMMUNITY SAFETY PLAN 2013 - 2016

The Maitland Community Safety Plan is the strategy through which Maitland City Council is coordinating its efforts to produce and encourage a safer and more inclusive community.

In focusing on a local crime priority of malicious damage, and associated alcohol-related anti-social behaviour, the Safety Plan has the management of graffiti as a key project. It presents an evidence-based strategy that includes a mixture of crime prevention methods.

The Maitland Community Safety Plan was endorsed as a Safer Community Compact by the NSW Department of Attorney General and Justice. This endorsement validates the strategic approaches included in the Safety Plan, and opens access to important avenues of funding to support the implementation of crime prevention and community safety projects.

MAITLAND PUBLIC ART POLICY 2010

The Maitland Public Art Policy 2010 outlines the process for approving street art/murals public art.

FOUR YEAR DELIVERY PROGRAM

It is acknowledged that Council has the legislative authority to remove graffiti from private property within the reach of public land, but Maitland City Council Operational Services only remove graffiti from Council owned assets, unless it is deemed as offensive in nature and/or in the community's best interest and removed at the discretion of Council.

The responsibilities for graffiti management fall within several service areas within Maitland City Council.

Infrastructure Assets and Building Services

Appearance and Infrastructure has two teams providing graffiti removal services on Council assets. These are the Painting Team and the Litter & Graffiti Team. The Litter & Graffiti Team undertake a scheduled patrol of known City hot spots and Council assets and provide a litter and graffiti removal service. The Painting Team are provided service requests to attend various assets and remove and clean, as well as undertake patrols through known "hotspots".

Through the actions outlined in the Graffiti Management Plan Council will undertake a graffiti audit of Council assets as the baseline data for graffiti and then continue to compile the required information to provide the operational teams with a more effective mechanism for graffiti removal.

Community Planning

Through the actions outlined within the Graffiti Management Plan, Council will provide a range of strategies for community participation, prevention and education regarding the removal or prevention of graffiti.

Community groups

In 2011, the NSW Government in conjunction with Rotary Clubs and Dulux Paints announced a plan to establish volunteer graffiti removal squads across the State. In 2012, Council resolved to support Rotary Clubs of Rutherford-Telarah and Maitland Sunrise with financial sponsorship and the establishment of a volunteer Graffiti Removal Project.

In 2014, Council resolved to provide funding for East Maitland Rotary Club for the purchase of a graffiti removal trailer and funding for consumables to assist in ongoing graffiti removal project.

6. SIX PRINCIPLES

Best practice graffiti reduction models recognise that an effective approach to graffiti reduction needs to incorporate a variety of interventions including stakeholder engagement; reporting, removal, education and enforcement. These principles and practices cannot sit alone and be successful. Each is linked to one another and need to work in unison to successfully manage the level of graffiti within the City.

1.1. Stakeholder engagement

The solution to the graffiti problem is not up to any one particular agency, but is the responsibility of every person and organisation. Graffiti vandalism hits a range of Council property but there is a considerable level of graffiti vandalism on commercial and residential property and utility infrastructure. Stakeholder engagement and consultation with business, government agencies, utility companies and private land holders is integral in ensuring that a similar level of attention and priority is given to graffiti reporting and removal throughout the Local Government Area.

Council and the community do not have the authority to enter and remove graffiti from assets and infrastructure owned by other agencies. This identifies a need for strong collaboration and ongoing engagement with government agencies and businesses such as Ausgrid, Hunter Water, ARTC and Telstra is important to providing a unified approach to graffiti reporting and removal.

Annual meetings with adjoining Council and other agencies such as NSW Police, Department of Juvenile Justice, and Department of Education will assist identifying new ways of graffiti removal and strategies for managing graffiti problems. Meetings with adjoining Councils will assist in particular graffiti management issues that are on Council boundaries.

OBJECTIVE: Encourage businesses, government agencies, utility companies and private land holders to actively participate in initiatives and actions that will reduce graffiti.

1.2. Report

Timely reporting of graffiti vandalism is critical for the prompt prioritisation of the removal work. Photographic logging of major incidents or “bombing” is also essential for tag identification and can be correlated to locations to provide evidence for enforcement, education and priority removal activities.

It is believed that the community are hesitant in reporting graffiti on community assets. This could be due to a number of reasons but primarily it is not believed that graffiti vandalism (malicious damage is the classification with BOCSAR data) does not warrant NSW Police resources and attention. There may also be a feeling of apathy that graffiti is an absolute and reporting will not change the behaviour of the perpetrators and little priority is given to the removal given the limited resources of the agencies.

A field based reporting mechanism is essential to better understand the graffiti vandalism within the LGA. The community, businesses and council staff should be encouraged to report all graffiti incidents via a simple reporting mechanism.

OBJECTIVE: Promote the timely reporting of graffiti vandalism into an integrated database by Council services, businesses and community members.

1.3. Removal

One primary strategy for the reduction of graffiti within cities across the world is rapid removal before it has had exposure and acknowledgement. This does not address the graffiti culture issues but timely removal based upon set prioritisation criteria will take away the recognition of the “tag” by others and the possible invitation to increase the graffiti in the same area.

It is acknowledged that Maitland City Council as well as local businesses, utility companies and non-government agencies have limited resources for the removal of graffiti. It is also acknowledged that the majority of community and businesses have limited knowledge and understanding of how graffiti can be effectively and safely removed. Through increased education and promotion of safe removal practices the whole community may assist in reducing the level of graffiti within their local area in a timely and cost effective manner.

Council does not remove graffiti from private property but understands that the community requires assistance in understanding how to prevent graffiti as well as how to remove graffiti safely and promptly. A trial of graffiti removal kits for residents and businesses will be undertaken along with web information on removal practices and procedures.

Community volunteer groups, such as Rotary, have been successfully utilised by Maitland City Council in the removal of graffiti from non-Council owned assets. These programmes are extremely valuable to the City as they effectively remove graffiti on a broad range of assets. Community volunteer groups encourage a sense of local community and the ability of the local community to take ownership and pride in implementing actions to assist in managing graffiti.

OBJECTIVE: Support the prompt removal of graffiti from all Council and non-Council owned facilities.

1.4. Prevention

Crime Prevention through Environmental Design (CPTED) refers to the use of environmental design and place management principles to reduce the opportunity for crime. It is known that some areas are more attractive for graffiti as there have limited passive surveillance opportunities, are poorly designed and have limited or no lighting. Businesses and the community need to be aware of mechanisms that will assist in managing graffiti through simple actions in the design phase or redesign of hot spots.

OBJECTIVE: To reduce opportunity for graffiti vandalism through promoting and implementing design-based approaches.

1.5. Education

There is no one person or organisation responsible for preventing and removing graffiti within the LGA. This is a function of the whole community, businesses, Council and other government agencies. This principle needs to be communicated to the broader community along with mechanisms on how the community and businesses may reduce the level of graffiti within their local area.

Information sharing and distribution of educational material via the web could assist businesses and the community in the prevention and safe removal of graffiti at the time when the information is required.

OBJECTIVE: Promote community education and awareness of graffiti management practices and strategies.

1.6. Enforcement

A close working partnership with NSW Police is essential in confronting a complex social issue such as graffiti vandalism. This working relationship requires successful data sharing and acknowledges that graffiti management is not a problem to be confronted by one agency or organisation alone.

The reporting system must assist in the mapping of graffiti incidents within the LGA to inform stakeholders of the worst affected areas or hot spots and also developing trends. Photographs of "tags" from major incidents or "bombings" and identification of locations should be made available to NSW Police.

Close working relationships should also be encouraged with Juvenile Justice and Corrective Services. Regular meetings and information sharing will support these agencies to assist offenders in gaining knowledge and understanding of the consequences of their actions.

OBJECTIVE: Promote close working relationship with NSW Police and other agencies in providing timely data and information for enforcement activities and actively participate in enforcement initiatives.

7. EVALUATION

Graffiti vandalism is a community issue that affects many aspects of the City – Council, businesses, other Government and non-government agencies, residents and visitors. As outlined the actions within the Graffiti Management Plan are designed to reduce and minimise the impacts of graffiti vandalism. The success of these actions will only be measured in the long term and requires the collaboration from many areas within our community. Very few Councils within NSW appear to have the issue under control, with many having long term action plans that have taken a similar approach, that is - stakeholder engagement; reporting, removal, education and enforcement.

Graffiti management is resource intensive and Maitland City Council is no different to other local government authorities in that limited resources are available for the implementation of the graffiti management plan. A priority based evaluation of the actions need to be consistent with the resources available and the priority of the action.

The major issue for Maitland is the capture of accurate data so that actions can be refined and modified to suit the circumstances. A key action is a city wide audit of Council's assets, utilising mobile technology, that will establish an accurate baseline. It is also vital that collaboration from other agencies is seen as a similar priority and attention needs to be applied to developing and maintaining strong links.

Graffiti will never be totally eliminated. There are new forms of graffiti, such as etching, that will continue to be developed. There is also distinction between illegal graffiti vandalism and graffiti art. Legal artwork such as murals provides an opportunity for community pride in assets and cultural development.

Long term data will assist in understanding the trends and success of the actions in reducing the level of graffiti within the LGA. This data will also support enforcement agencies and NSW Government in refining legislation, education and targeted community activities.

It is recommended that a review of the action plan be undertaken after 24 months.

1. STAKEHOLDER ENGAGEMENT

OBJECTIVE : Encourage businesses, government agencies, utility companies and private landholders to actively participate in initiatives and actions that will reduce graffiti.

ACTION	RESPONSIBILITY	PRIORITY	PERFORMANCE INDICATOR
Actively participate in Annual Graffiti Removal Day to promote graffiti removal practices and acknowledge stakeholder actions	Appearance & Infrastructure	HIGH	One Graffiti Action Day to be held annually
Encourage stakeholders such as businesses, government agencies and utility companies to promptly report graffiti to NSW Graffiti Hotline and to Maitland City Council and apply rapid removal actions	Appearance & Infrastructure	HIGH	Regular meetings and discussions with stakeholders including the promotion of stakeholder contact details on Council's web page
Council to establish an internal working group to review and monitor the implementation of the Graffiti Management Plan	Appearance & Infrastructure	MEDIUM	Internal working group meets biannually
Actively seek government grants and funding opportunities for graffiti management initiatives and actions	Community Planning & Corporate Services	HIGH	Ongoing distribution of database providing information on grant and funding opportunities, with ongoing support for planning and application
Develop and distribute education resources as per the Maitland Community Safety Plan.	Community Planning	MEDIUM	Resources identified, developed and distributed.

2. REPORT

OBJECTIVE : Promote the timely reporting of graffiti vandalism into an integrated database by businesses and community members.

ACTION	RESPONSIBILITY	PRIORITY	PERFORMANCE INDICATOR
Undertake a graffiti audit of Council's assets – incorporating GPS location, photos and description	Appearance & Infrastructure	MEDIUM	Audit undertaken
Council to introduce web based / App based reporting	Appearance & Infrastructure and Information Technology	HIGH	Council web based / APP based service request operational
Promote the use of field based technology for Council staff to report graffiti hits on Council owned assets	Appearance & Infrastructure and Information Technology	MEDIUM	Field based technology made available for teams
Council to monitor number of graffiti incidents on a regular basis	Appearance & Infrastructure	MEDIUM	Reports provided on a quarterly basis to stakeholder and internal working group
Supply NSW Police with report on major incidents or trends	Appearance & Infrastructure	HIGH	Report provided monthly

3. REMOVAL

OBJECTIVE : Support the prompt removal of graffiti from all Council and non-Council owned facilities

ACTION	RESPONSIBILITY	PRIORITY	PERFORMANCE INDICATOR
Council utilise a Graffiti Removal Response Criteria for all reported graffiti vandalism (Appendix 1)	Appearance & Infrastructure	HIGH	Graffiti Removal Response Criteria reported on web as part of the Graffiti Management Plan
Council continues to remove graffiti based upon priority removal criteria	Appearance & Infrastructure	HIGH	Percentage of high priority graffiti removed within specified timeframes
Review the structure of graffiti removal services within Council	Appearance & Infrastructure	MEDIUM	Process flowchart completed for graffiti management practices and procedures
Review the resources available and removal procedures and practices within Council	Appearance & Infrastructure	MEDIUM	List of resources that should be available for the removal
Web based information regarding the prompt removal of graffiti for inclusion on Council's web page	Appearance & Infrastructure	HIGH	Graffiti removal advice uploaded and available on Council's web page
Trial the implementation of free graffiti removal kits to community and businesses –	Appearance & Infrastructure	HIGH	Free removal kits available to community and businesses and distributed to priority areas for annual Graffiti Removal Day 2014. Appraisal of feedback from trial.
Promote and encourage community based volunteer removal groups.	Appearance & Infrastructure	HIGH	Continue to support community based removal of graffiti from privately owned assets
Investigate the use of other community groups such as Juvenile Justice and Corrective Services to assist in removal of graffiti	Appearance & Infrastructure	MEDIUM	Discussions held with groups

4. PREVENTION

OBJECTIVE : To reduce opportunity for graffiti vandalism through promoting and implementing design-based approaches.

ACTION	RESPONSIBILITY	PRIORITY	PERFORMANCE INDICATOR
Investigate the application of appropriate preventative coatings to all new Council buildings and assets	Appearance & Infrastructure	MEDIUM	Reduce the level of graffiti vandalism on new Council assets
Continue to utilise street and park furniture and treatments that are designed and constructed to resist graffiti.	Appearance & Infrastructure	HIGH	Reduce level of graffiti on new assets

5. EDUCATION

OBJECTIVE : Promote community education and awareness of graffiti management practices and strategies.

ACTION	RESPONSIBILITY	PRIORITY	PERFORMANCE INDICATOR
Develop web based community information on removal and prevention practices as key educational tool	Appearance & Infrastructure	HIGH	Community education material available and promoted on Council's webpage
Regular review and updating of web based information	Appearance & Infrastructure	MEDIUM	Annual evaluation of web based information
Promote the disposal of unused spray cans as part of Household Chemical Clean up day	Appearance & Infrastructure	LOW	Web link between Household Chemical Clean up day and Graffiti Management / Education page established and promoted

6. ENFORCEMENT

OBJECTIVE : Promote close working relationship with NSW Police and other agencies in providing timely data and information for enforcement activities and actively participate in enforcement initiatives.

ACTION	RESPONSIBILITY	PRIORITY	PERFORMANCE INDICATOR
Supply NSW Police with photographic GPS based tag information for enforcement activities	Appearance & Infrastructure		Information available promptly when requested
Investigate partnership with Juvenile Justice to provide opportunities for young offenders with Community Clean -up Orders	Appearance & Infrastructure	HIGH	Ongoing discussions undertaken with opportunities explored
Provide graffiti statistics at Council's operational team meetings to raise the level of proactive and passive surveillance, this can include Ranger Services, Park Mowing Crews and Road Maintenance Crews	Appearance & Infrastructure	MEDIUM	Report tabled and discussed on a six monthly basis
Priority Values <ul style="list-style-type: none"> • High 3-6 months • Medium 6-18 months • Low 18-36 months 			

GRAFFITI RESPONSE CRITERIA				
Response	Offensive	Non Offensive		
	Any Coverage	Extensive Coverage	Medium Coverage	Low Coverage
High Visibility	Extreme	High	High	Medium
Medium Visibility	High	High	Medium	Medium
Low Visibility	Medium	Medium	Low	Low

RESPONSE TIMES

Extreme	48 hours
High	5 working days
Medium	10 working days
Low	20 working days

Exceptions - It may be necessary to deviate from strict application of response criteria on a case by case basis due to issues such as treatment of surfaces that require specialist attention (skate bowls, sandstone) murals or artwork that may require the artist to repair, sites that have work health & safety concerns, or private property where immediate graffiti removal may cause damage to surface and owner may need to obtain specialist advise.

POLICY ADMINISTRATION

Business group	APPEARANCE AND INFRASTRUCTURE
RESPONSIBLE OFFICE	EXECUTIVE MANAGER APPEARANCE AND INFRASTRUCTURE
COUNCIL REFERENCE	12
POLICY REVIEW DATE	THREE YEARS FROM ADOPTION
FILE NUMBER	
RELEVANT LEGISLATION	GRAFFITI CONTROL ACT
RELATED POLICIES / PROCEDURES / PROTOCOLS	

POLICY HISTORY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	Date to be inserted	New Plan
BUSINESS GROUP	APPEARANCE AND INFRASTRUCTURE	
RESPONSIBLE OFFICE	EXECUTIVE MANAGER APPEARANCE AND INFRASTRUCTURE	
COUNCIL REFERENCE	12	
POLICY REVIEW DATE	THREE YEARS FROM ADOPTION	
FILE NUMBER		
RELEVANT LEGISLATION	GRAFFITI CONTROL ACT	
RELATED POLICIES / PROCEDURES / PROTOCOLS		

BLACKTOWN CITY COUNCIL - GRAFFITI REMOVAL, PREVENTION & MANAGEMENT

2014. Blacktown City Council - Graffiti Removal, Prevention & Management.

[ONLINE] Available at: http://www.blacktown.nsw.gov.au/Resident_Services/Graffiti_Removal_Prevention_Management.

BLUE MOUNTAINS CITY COUNCIL - GRAFFITI MANAGEMENT

2014. Blue Mountains City Council - Graffiti Management.

[ONLINE] Available at: <http://www.bmcc.nsw.gov.au/yourcommunity/graffitimanagement>.

BRIMBANK CITY COUNCIL - GRAFFITI MANAGEMENT FRAMEWORK

2014. Brimbank City Council - Graffiti Management Framework.

[ONLINE] Available at: http://www.brimbank.vic.gov.au/COUNCIL/Council_Policies_Strategies_Plans/Council_Strategies/Graffiti_Management_Framework.

CRIME & SAFETY - LIVERPOOL CITY COUNCIL

2014. Crime & Safety - Liverpool City Council.

[ONLINE] Available at: <http://www.liverpool.nsw.gov.au/community/crime-and-safety#Graffiti>.

GRAFFITI MANAGEMENT PLAN 2007-2010 POLICY STATEMENT.PDF - KNOX CITY COUNCIL

2014. Graffiti Management Plan 2007-2010 Policy Statement.pdf - Knox City Council.

[ONLINE] Available at: http://www.knox.vic.gov.au/Page/Download.aspx?link=../Files/Plans/Graffiti_Management_Plan_2007-2010_Policy_Statement.pdf&size=28196&name=Knox%20Graffiti%20Management%20Plan%202007-2010%20Policy%20Statement.

GRAFFITI VANDALISM - CRIME PREVENTION DIVISION NEW SOUTH WALES

2014. Graffiti vandalism - Crime Prevention Division New South Wales.

[ONLINE] Available at: <http://www.crimeprevention.nsw.gov.au/cpd/protectcommunity/graffitivandalism.html>.

GRAFFITI | WARRINGAH COUNCIL

2014. Graffiti | Warringah Council.

[ONLINE] Available at: <http://www.warringah.nsw.gov.au/live/safety-and-wellbeing/graffiti>. [Accessed 11 September 2014].

GRAFFITI - WYONG SHIRE COUNCIL

2014. Graffiti - Wyong Shire Council.

[ONLINE] Available at: <http://www.wyong.nsw.gov.au/my-community/graffiti/>.

MANAGING GRAFFITI - LEICHHARDT MUNICIPAL COUNCIL

2014. Managing Graffiti - Leichhardt Municipal Council.

[ONLINE] Available at: <http://www.leichhardt.nsw.gov.au/Living-Here/Streets-and-Footpaths/Managing-Graffiti/Managing-Graffiti>.

NEWCASTLE CITY COUNCIL - GRAFFITI MANAGEMENT

2014. Newcastle City Council - Graffiti management.

[ONLINE] Available at: http://www.newcastle.nsw.gov.au/laws_and_permits/graffiti_and_safety/graffiti_management

NSW BUREAU OF CRIME STATISTICS AND RESEARCH

Online queries. [ONLINE] Available at: <http://bocd.lawlink.nsw.gov.au/bocd/cmd/crimetrends/Init>.

NORTH SYDNEY COUNCIL - GRAFFITI CLEAN UP

[ONLINE] Available at: http://www.northsydney.nsw.gov.au/Waste_Environment/Waste_Recycling/Other_Clean_Ups_Programs/Graffiti_Clean-Up

SHELLHARBOUR COUNCIL - GRAFFITI.

2014. Graffiti. [ONLINE] Available at: <http://www.shellharbour.nsw.gov.au/default.aspx?WebPage=1136>.

STRATEGIES - CITY OF MELBOURNE

2014. Strategies - City of Melbourne.

[ONLINE] Available at: <http://www.melbourne.vic.gov.au/aboutcouncil/plansandpublications/strategies/Pages/Strategies.aspx>.

GRAFFITI - SUTHERLAND SHIRE COUNCIL

2014. Graffiti - Sutherland Shire Council.

[ONLINE] Available at: http://www.sutherlandshire.nsw.gov.au/Council_The_Shire/Open_Government/Policies_Forms/E-H/Graffiti.

WILLOUGHBY COUNCIL - GRAFFITI

2014. Willoughby Council - Graffiti. [ONLINE] Available at: <http://www.willoughby.nsw.gov.au/your-neighbourhood/graffiti/>.



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City Services

Local Traffic Committee Meeting Minutes (July 2025)

Local Traffic Committee Meeting Minutes July 2025 with attachments (Under Separate Cover)

Meeting Date: 19 August 2025

Attachment No: 1

Number of Pages: 23



LOCAL TRAFFIC COMMITTEE MEETING

MINUTES

3 JULY 2025

Maitland City Council | Ordinary Meeting



3 JULY 2025

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LOCAL TRAFFIC COMMITTEE MEETING MINUTES

3 JULY 2025

PRESENT

Stephen Smith – Maitland City Council (Chairperson)
Giovanna Kozary – State Member's Representative
John Carey – Transport for NSW Representative
Sergeant Amber Brown – Maitland Police Representative
Senior Constable Steven Avery - Maitland Police
William Ridley – Hunter Valley Buses
Chris Pinchen – Maitland City Council
Jalal Irfani – Maitland City Council
Andrew McAdam - Maitland City Council
Christina Devine - Maitland City Council - minute taker

COMMENCEMENT

The meeting was declared open at 9:34am.

1 ACKNOWLEDGEMENT OF COUNTRY

2 APOLOGIES AND LEAVE OF ABSENCE

Cr Warrick Penfold – Councillor
Nicholas Trajcevski – Transport for NSW
Kate Taylor – Maitland City Council
Steven Roach – Maitland City Council

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

No objection or amendments were received within the two week notification period with regards to the distributed Minutes of the Local Traffic Committee Meeting held 5 June 2025 and the minutes were hereby considered adopted on 19 June 2025.

4 BUSINESS ARISING FROM MINUTES

NAIDOC MARCH 2025

Council representative advised that the Mayor has approved the proposed road closure associated with the NAIDOC March 2025 (utilising section 226(d) of the LG Act), as the LTC meeting minutes are being reported to Council (15/7/25) post the date of the event (8/7/25).

3 JULY 2025

5 LOCAL TRAFFIC COMMITTEE REPORTS

5.1 HUNTER VALLEY OUTDOOR SHOW 2025 - EVENT TRAFFIC & TRANSPORT MANAGEMENT

FILE NO: 140/5

ATTACHMENTS: 1. March 2025 LTC Agenda Item 5.2 Hunter Valley Outdoor Show 2025 - Event Traffic & Transport Management

AUTHOR: Traffic Management Officer
Operations Manager Transport & Infrastructure Engineering
Manager Asset Strategy and Engineering

EXECUTIVE SUMMARY

Council has received an application from Rural Scene Promotions, organisers of the Hunter Valley Outdoor Show to close a portion of Anzac Street between Blomfield Street and Cracknell Lane. The proposed event related road closures have previously been approved and postponed due to the 2025 May floods. The event has been rescheduled for Friday 8 August 2025 to Sunday 10 August 2025 at Maitland Showground.

OFFICER'S RECOMMENDATION

THAT

1. The previously approved temporary road closures associated with the Hunter Valley Outdoor Show 2025 be amended from those reported at the Local Traffic Committee meeting dated 6 March 2025 to be:
 - a. From 8:00am Friday 8 August 2025 to 5:00pm Sunday 10 August 2025:
 - i. Anzac Street between Blomfield Street and Cracknell Lane.
2. The previously approved changed traffic conditions associated with the Hunter Valley Outdoor Show 2025 be amended from those reported at the Local Traffic Committee meeting dated 6 March 2025 to be:
 - a. From 8:00am Friday 8 August 2025 to 5:00pm Sunday 10 August 2025:
 - i. Cultivation Road to be converted to southbound only for full length from Cracknell Lane to Trappaud Road.
3. The installation of devices and signs as shown on the submitted Traffic Guidance Schemes, to affect the proposed road closures, be approved.
4. The installation of devices and signs as shown on the submitted Traffic Guidance Schemes on classified roads, including the New England Highway, is contingent of lodgment and approval from Transport for NSW for a Road Occupancy License.

3 JULY 2025

COMMITTEE RECOMMENDATION

THAT

1. The previously approved temporary road closures associated with the Hunter Valley Outdoor Show 2025 be amended from those reported at the Local Traffic Committee meeting dated 6 March 2025 to be:
 - a. From 8:00am Friday 8 August 2025 to 5:00pm Sunday 10 August 2025:
 - i. Anzac Street between Blomfield Street and Cracknell Lane.
2. The previously approved changed traffic conditions associated with the Hunter Valley Outdoor Show 2025 be amended from those reported at the Local Traffic Committee meeting dated 6 March 2025 to be:
 - a. From 8:00am Friday 8 August 2025 to 5:00pm Sunday 10 August 2025:
 - i. Cultivation Road to be converted to southbound only for full length from Cracknell Lane to Trappaud Road.
3. The installation of devices and signs as shown on the submitted Traffic Guidance Schemes, to affect the proposed road closures, be approved.
4. The installation of devices and signs as shown on the submitted Traffic Guidance Schemes on classified roads, including the New England Highway, is contingent of lodgment and approval from Transport for NSW for a Road Occupancy License.

3 JULY 2025

Local Traffic Committee Reports

HUNTER VALLEY OUTDOOR SHOW 2025 - EVENT TRAFFIC & TRANSPORT MANAGEMENT

March 2025 LTC Agenda Item 5.2 Hunter Valley Outdoor Show 2025 - Event Traffic & Transport Management

Meeting Date: 3 July 2025

Attachment No: 1

Number of Pages: 9

3 JULY 2025

6 MARCH 2025

5.2 HUNTER VALLEY OUTDOOR SHOW 2025 - EVENT TRAFFIC & TRANSPORT MANAGEMENT

FILE NO: 140/5

ATTACHMENTS:

1. 2025 Maitland Showground Hunter Valley Outdoor Show Road Closure Traffic Guidance Scheme
2. 2025 Maitland Showground Hunter Valley Outdoor Show Highway Speed Reduction Traffic Guidance Scheme

AUTHOR: Traffic Management Officer
Operations Manager Transport & Infrastructure Engineering
Manager Asset Strategy and Engineering

EXECUTIVE SUMMARY

Council has received an application from Rural Scene Promotions, organizers of the Hunter Valley Outdoor Show to close a portion of Anzac Street between Blomfield Street and Cracknell Lane. It is also proposed to convert a portion of Cracknell Lane between Anzac Street and Cultivation Lane and the full length of Cultivation Road to one-way traffic movement (southbound) for the duration of this event which runs Friday 23 May to Sunday 25 May 2025 at Maitland Showground.

OFFICER'S RECOMMENDATION

THAT

1. The following temporary road closures to vehicular traffic associated with the Hunter Valley Outdoor Show 2025 be approved:
 - a. From 8.00am Friday 23 May 2025 to 5.00pm Sunday 25 May 2025:
 - i. Anzac Street between Blomfield Street and Cracknell Lane.
2. The following changed traffic conditions associated with the Hunter Valley Outdoor Show 2025 be approved:
 - a. From 08:00am Friday 23 May 2025 to 05:00pm Sunday 25 May 2025:
 - i. Cultivation Road to be converted to southbound only for full length from Cracknell Lane to Trappaud Road.
3. The installation of devices and signs as shown on the submitted Traffic Guidance Schemes, to affect the proposed road closures be approved.
4. The installation of devices and signs as shown on the submitted Traffic Guidance Schemes on classified roads, including the New England Highway, is contingent of lodgment and approval from Transport for NSW for a Road Occupancy License.

3 JULY 2025

6 MARCH 2025

HUNTER VALLEY OUTDOOR SHOW 2025 - EVENT TRAFFIC & TRANSPORT MANAGEMENT (Cont.)

PURPOSE

Hunter Valley Outdoor Show 2025 event traffic management plan is submitted to the committee for review.

BACKGROUND

This event previously known as The Hunter Valley Caravan, Camping, 4WD, Fishing and Boat Show continues to grow in popularity since its inaugural staging at Maitland Showground in 1997. The applicant informs Council that in past years there is an average of approximately 15,000 people attending, and 240 exhibit sites are planned for this year.

PROPOSAL

The event traffic management proposal is displayed on the Work Zone Traffic Guidance Scheme attached to this report.

The temporary traffic and parking management proposal includes:

- Convert Cultivation Road to southbound one-way traffic movement during this event to allow efficient vehicle movement into and out of the temporary car park on its eastern flank.
- Traffic controllers will be located to direct traffic at the intersection of Anzac Street and Cracknell Lane, and at the intersection of Cultivation Road and Trappaud Road.

ASSESSMENT

Existing Conditions:

PARAMETER	DATA
Road Name	Cultivation Road
Road Classification	Local road
Adjacent Land Use	Semi-rural
Road Width	Sealed width: 6.1m
Traffic Volumes	142 ADT
Speed Limit	50 km/h
85th Percentile Speed	N/A
Accident History	2012 – at Trappaud Road intersection – pedestrian in road – injury

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HUNTER VALLEY OUTDOOR SHOW 2025 - EVENT TRAFFIC & TRANSPORT MANAGEMENT (Cont.)

2013 – just east of intersection in Trappaud Road - Off road left into object – non casualty

With Proposal:

CONSIDERATIONS	COMMENTS INCLUDING IMPACTS
Access	<p>Road:</p> <p>This event is considered to be a Class 3 event in accordance with the Guide to Traffic and Transport Management for Special Events. The event traffic management impacts local roads only.</p> <p>Parking:</p> <p>Temporary parking is available in the paddock on the eastern side of Cultivation Road and immediately north of the house at No. 39 (requiring conversion of Cultivation Road to one-way southbound traffic movement to reduce congestion).</p> <p>Parking inside the showground will be reduced to a few hundred vehicles to allow for a larger display area. Within the showground area, barriers will be established to separate parked vehicles from the display/pedestrian areas.</p> <p>Admission fees will be collected at the pedestrian access gates only. This arrangement will mitigate any congestion on local surrounding streets that would be caused by motorists having to stop and pay admission as they enter a parking area.</p> <p>Disability parking:</p> <p>Evans Street off Louth Park Road, near one of the showground access gates.</p>
Traffic impacts	<p>Detour traffic:</p> <p>A traffic detour will be in place along the Cracknell Lane – Cultivation Road route. Cultivation Road is converted to southbound one-way traffic flow to facilitate traffic movement into and out of the adjacent temporary car park located in the paddock on its eastern side. This is due to the relatively narrow width of Cultivation Road.</p>
Speed	50 km/h zone

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HUNTER VALLEY OUTDOOR SHOW 2025 - EVENT TRAFFIC & TRANSPORT MANAGEMENT (Cont.)

Active Transport (walk/ cycle)	Pedestrians / Cyclists: No impact.
Public Transport (buses/ taxis)	Bus routes/ stops: Bus service 192 will need to detour past Pender Road to continue along Melbourne Street and back onto the New England Highway. Taxis: No impact
Freight Transport	Service vehicles: No impact.

COMMUNITY CONSULTATION

Council advertised this event in the Maitland Mercury on Friday 31 January 2025. As required by the Roads Act, the public have 28 days to submit any comments regarding the proposed temporary road closures. No submissions have been received at the time of writing this report with comment required by the due date of Friday 28 February 2025. Any comments received will be incorporated into reporting to Council as part of the required event management approval.

CONCLUSION

The applicant has submitted Event Traffic Management Plans for this event. The event temporary traffic management is designed to reduce congestion, facilitate traffic flow on the streets surrounding the Maitland Showground and to manage event parking.

3 JULY 2025

6 MARCH 2025

HUNTER VALLEY OUTDOOR SHOW 2025 - EVENT TRAFFIC & TRANSPORT MANAGEMENT (Cont.)



Locality diagram. Includes temporary parking area



Site photo. Cultivation Road

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HUNTER VALLEY OUTDOOR SHOW 2025 - EVENT TRAFFIC & TRANSPORT MANAGEMENT (Cont.)

Local Traffic Committee Reports

HUNTER VALLEY OUTDOOR SHOW 2025 - EVENT TRAFFIC & TRANSPORT MANAGEMENT

2025 Maitland Showground Hunter Valley Outdoor Show Road Closure Traffic Guidance Scheme

Meeting Date: 6 March 2025

Attachment No: 1

Number of Pages: 1

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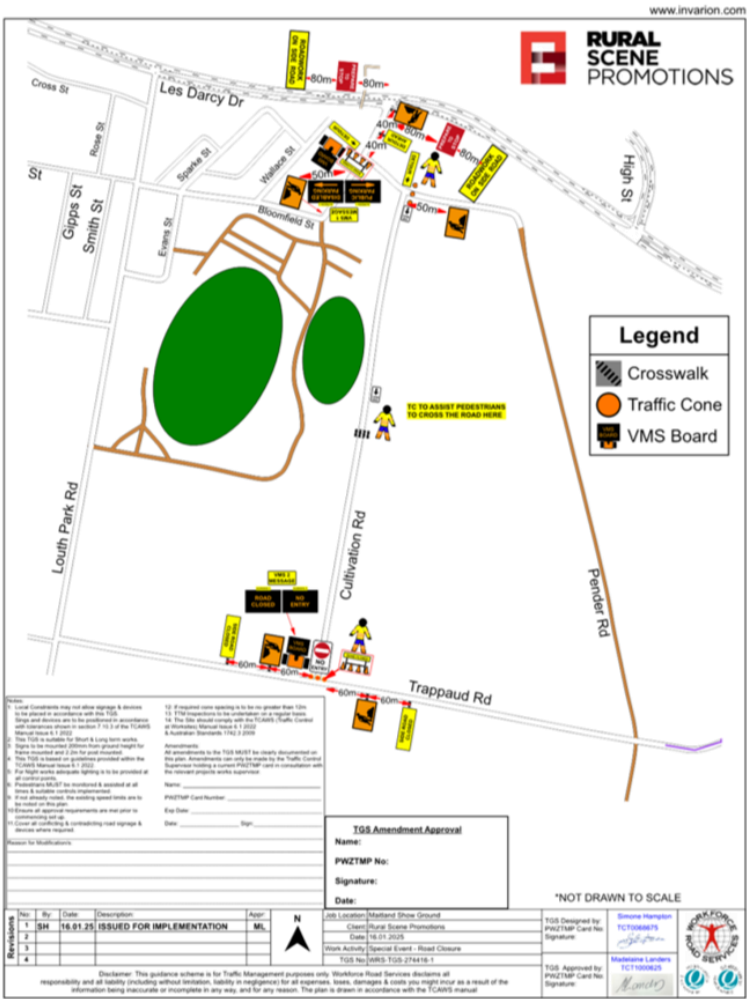
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HUNTER VALLEY OUTDOOR SHOW 2025 - EVENT TRAFFIC & TRANSPORT MANAGEMENT (Cont.)



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6 MARCH 2025

HUNTER VALLEY OUTDOOR SHOW 2025 - EVENT TRAFFIC & TRANSPORT MANAGEMENT (Cont.)

Local Traffic Committee Reports

HUNTER VALLEY OUTDOOR SHOW 2025 - EVENT TRAFFIC & TRANSPORT MANAGEMENT

2025 Maitland Showground Hunter Valley Outdoor Show Highway Speed Reduction Traffic Guidance Scheme

Meeting Date: 6 March 2025

Attachment No: 2

Number of Pages: 1

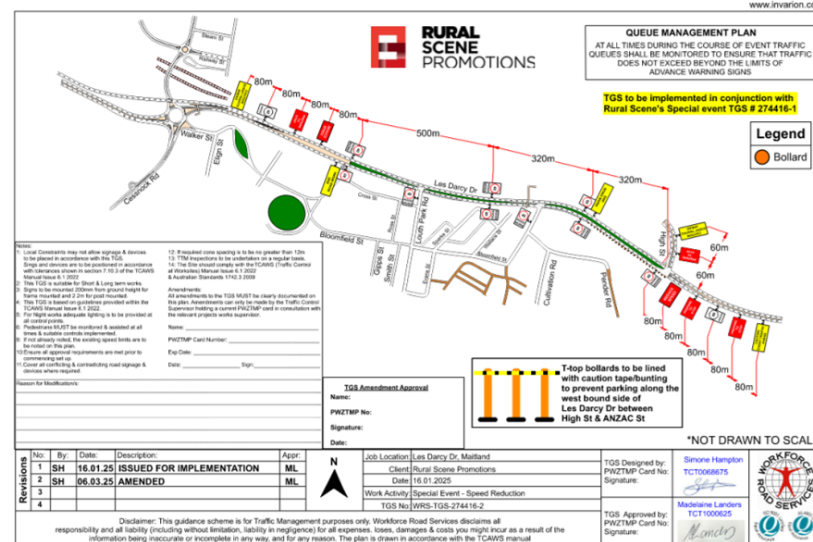
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*NOT DRAWN TO SCALE



3 JULY 2025

5.2 LAWES AND WILLIAM STREETS EAST MAITLAND - PROPOSED LINEMARKING

FILE NO: 222/339 Lawes Street - 222/625 William Street
ATTACHMENTS: 1. 4232-1A Linemarking Plan
AUTHOR: Senior Design Officer
Operations Manager Transport & Infrastructure Engineering
Traffic Management Officer

EXECUTIVE SUMMARY

Approval is sought for the implementation of regulatory linemarking associated with road works in Lawes Street, East Maitland.

OFFICER'S RECOMMENDATION

THAT

1. The regulatory linemarking detailed on plan 4232-1A sheet 5 dated 23.04.2025 by Maitland City Council be approved.

COMMITTEE RECOMMENDATION

THAT

1. The regulatory linemarking detailed and as amended in red on plan 4232-1A sheet 5 dated 23.04.2025 by Maitland City Council be approved.

3 JULY 2025

Local Traffic Committee Reports

LAWES AND WILLIAM STREETS EAST MAITLAND - PROPOSED LINEMARKING

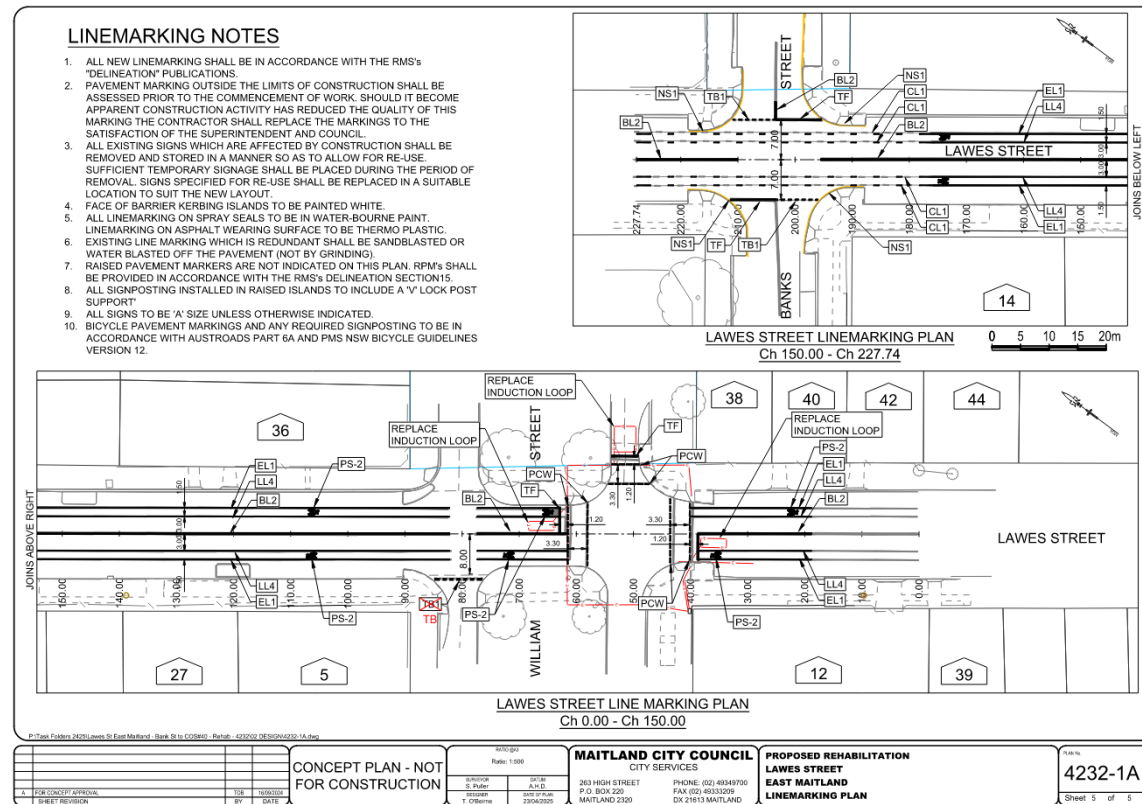
4232-1A Linemarking Plan

Meeting Date: 3 July 2025

Attachment No: 1

Number of Pages: 1

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6 GENERAL BUSINESS

FILE NO: 140/5
ATTACHMENTS: Nil
AUTHOR: Support Officer Engineering & Design
Operations Manager Transport & Infrastructure Engineering

6.1 TRAIL BIKE RIDERS THROUGHOUT LGA

QUERY/ DETAILS

- Local State MP representative raised the ongoing issue of trail bike riders throughout the LGA. Two complaints detailed were from:
 - A resident of Chisholm St, East Maitland – Trail bikes frequently sighted riding on the footpaths in Chisholm St, on the surrounding main roads and highway and in all the surrounding green spaces. This has been occurring several times a day at all hours, including late at night. Sightings have been reported to NSW Police.
 - A resident of Green Hills Ave, Woodberry – Trail bikes frequently sighted riding in Green Hills Ave and Gostwyck Ave, Woodberry at all hours of the day/ night. Sightings have been reported to NSW Police, including a detailed description of an unregistered bike, the rider and home address.

ACTION/ OUTCOME

- NSW Police representative will follow up with the specific report from Woodberry provided and advised informing constituents/ residents to continue making reports to Crimestoppers with descriptions/ photos/ videos.
- NSW Police advised that they have had success in enforcement recently with the collaboration of Polair and Police on trail bikes and will continue to use this method to help mitigate this ongoing issue.
- Council representative advised that recently some trail bikes were seized, following identification on the Weblands Reserve camera footage. Council will continue to monitor footage for trail bike sightings and provide footage of identifiable bikes to NSW Police.

6.2 BUS STOP QUEUEING CONGESTION AROUND A DRIVEWAY – DRAGONFLY DR, CHISHOLM

QUERY/ DETAILS

- Local State MP representative raised a complaint from the resident of 100 Dragonfly Dr, Chisholm about the bus stop across from his house causing congestion around his driveway from queuing students waiting for the bus. The points noted from the resident included:

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- Difficulty entering/ exiting his and others' driveways in the vicinity of the bus stop.
- Concerns about children in the vicinity of the bus stop being hit by a car.
- Not being notified about the bus stop on the original plans from the developer.
- The resident also contacted Council and TfNSW, asking for the bus stop to be moved.
- Council representative summarised the main points in their response to the resident:
 - The number of children queuing at the bus stop shows that the bus stop is warranted.
 - Considerations to move the bus stop are not feasible as the bus stop needs to remain in the 400m catchment vicinity.
 - Driver responsibility rests with the road user and drivers are urged to follow road rules and drive to conditions.

ACTION/ OUTCOME

- Council representative advised that bus stop locations are planned early in the development process and are usually marked on the plans developers provide to buyers, however if the land was purchased "off the plan" it's possible the bus stop locations weren't finalised.

6.3 COFFEE VAN ON CESSNOCK RD, MAITLAND**QUERY/ DETAILS**

- Local State MP representative raised a concern for the safety of the vendors of the coffee van on Cessnock Rd, Maitland and enquired about whether it should have a guard rail around it.

ACTION/ OUTCOME

- Council representative advised that the coffee van is operating legally in accordance with requirements and within the owners' property boundary. It was noted that a No Stopping zone on the opposite side of Cessnock Road has been installed to increase safety for road users in vicinity of the coffee van.

6.4 MAITLAND HIGH SCHOOL BUS ROUTE EXTENSION TO ANAMBAH RISE**QUERY/ DETAILS**

- Local State MP representative raised enquiries made from residents of Anambah Rise with children who attend Maitland High and Maitland Public School to extend the school bus routes 2591 and 2312 to include Anambah Rise.

ACTION/ OUTCOME

- CDC Buses representative advised that generally there is limited support within the School Student Transport Scheme (SSTS) to extend bus routes to include out of area locations.

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6.5 REAR GATES AT ASHTONFIELD PUBLIC SCHOOL

QUERY/ DETAILS

- Local State MP representative asked if there were any updates on an item discussed previously, at the May LTC meeting, the question of whether the rear gates will be opening at Ashtonfield Public School.

ACTION/ OUTCOME

- Council have not heard from School Infrastructure NSW, who are responsible for making this decision and reiterated that community consultation is required prior to implementation.
- Council recommended direct inquiries to School Infrastructure NSW for an update on the matter.

6.6 PARKING FINE REGULATIONS

QUERY/ DETAILS

- Council representative raised an item for information:
 - As of 1st July, Maitland City Council begun changes in how parking fines are issues, in line with new Revenue NSW requirements.
 - This means that instead of receiving a ticket in the mail weeks after the incident, motorists will receive a notification attached to their vehicle (or a notice if it's not safe to attach one).

6.7 ABANDONED VEHICLES

QUERY/ DETAILS

- Council representative advised that in the Maitland LGA, there are an average of 1.3 abandoned vehicles reported each day.

ACTION/ OUTCOME

- NSW Police representative advised that a joint Council Ranger and Police taskforce has been created to tackle the ongoing issue.

6.8 HIGH PEDESTRIAN ACTIVITY AREA, BELMORE RD, LORN

QUERY/ DETAILS

- Council representative gave an update on the High Pedestrian Activity Area, Belmore Rd, Lorn project following a recent traffic incident at the Nillo school crossing.
- The plans for the construction of the 40km/h High Pedestrian Activity Area were endorsed by the LTC in March and construction is due to be rolled out in October.

ACTION/ OUTCOME

- Council to send details of the speed zone change application to TfNSW representative.

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- TfNSW will arrange for separate approval of the speed zone changes through its speed zone review process.
- NSW Police representative advised that Police responded promptly to the recent Belmore Rd incident and carried out enforcement actions.

6.9 NEW SPEED ZONES – WINDERMERE RD, LOCHINVAR

QUERY/ DETAILS

- Transport for NSW representative raised an item for information:
 - The new speed zones changes on Windermere Rd, Lochinvar are due to be finalised 7th July.
 - The changes will include an extension of the 60km/h zone and a reduction of the 100km/h to an 80km/h zone.

6.10 NAIDOC MARCH

QUERY/ DETAILS

- NSW Police representative asked if the NAIDOC March route will change for 2026.

ACTION/ OUTCOME

- Council will propose march route changes to Mindaribba for future marches that align with route changes made to other marches, e.g. the ANZAC Day march.

LOCAL TRAFFIC COMMITTEE MEETING MINUTES

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7 CLOSURE

The meeting was declared closed at 10:10 am.