



ORDINARY COUNCIL MEETING

AGENDA

3 MARCH 2020

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **ORDINARY MEETING of ORANGE CITY COUNCIL** will be held in the **GLENROI COMMUNITY CENTRE, GAREMA ROAD, ORANGE** on **Tuesday, 3 March 2020** commencing at **7.00PM**.

David Waddell

CHIEF EXECUTIVE OFFICER

For apologies please contact Administration on 6393 8218.

AGENDA

EVACUATION PROCEDURE

In the event of an emergency, the building may be evacuated. You will be required to vacate the building by the main entrance and gather at the carpark to the east of the building. This is Council's designated emergency muster point.

Under no circumstances is anyone permitted to re-enter the building until the all clear has been given and the area deemed safe by authorised personnel.

In the event of an evacuation, a member of Council staff will assist any member of the public with a disability to vacate the building.

1	INTRODUCTION.....	4
1.1	Apologies and Leave of Absence	4
1.2	Acknowledgement of Country.....	4
1.3	Declaration of pecuniary interests, significant non-pecuniary interests and less than significant non-pecuniary interests.....	4
2	MAYORAL MINUTES	5
2.1	Mayoral Minute - Margaret Street Rail Crossing	5
2.2	Mayoral Minute - Monument - Max Stewart.....	7

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM

COUNCIL MEETING RESUMES

3	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	8
3.1	Minutes of the Ordinary Meeting of Orange City Council held on 18 February 2020.....	9

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE POLICY COMMITTEES

Planning and Development - Chaired by Cr Russell Turner

NO ITEMS - Employment and Economic Development

Infrastructure - Chaired by Cr Jeff Whitton

NO ITEMS - Sport and Recreation

NO ITEMS - Environmental Sustainability

Finance - Chaired by Cr Joanne McRae

Services - Chaired by Cr Scott Munro

COUNCIL MEETING RESUMES

4	NOTICES OF MOTION/NOTICES OF RESCISSION.....	14
	Nil	
5	GENERAL REPORTS	15
5.1	Register of Delegations.....	15
5.2	Strategic Policy Review	37
6	CLOSED MEETING – NO CLOSED ITEMS	

1 INTRODUCTION

1.1 APOLOGIES AND LEAVE OF ABSENCE

1.2 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal Australians who are present.

1.3 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons given for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussion or voting on that matter, and requires that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code of Conduct also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

It is recommended that Councillors now disclose any conflicts of interest in matters under consideration by the Council at this meeting.

2 MAYORAL MINUTES

2.1 MAYORAL MINUTE - MARGARET STREET RAIL CROSSING

RECORD NUMBER: 2020/332

MAYORAL MINUTE

Historically this crossing was open and since its closure there has been a number of developments including the subdivision behind the Showgrounds and the development of Waratahs to the North. Re-opening this crossing would relieve the pressure on the Dalton Street crossing and be cheaper than any other proposed new crossings as the formation is still there.

RECOMMENDATION

That Council investigate the need to open the Margaret Street rail crossing permanently.

Cr Reg Kidd
MAYOR

SUPPORTING INFORMATION

Historically the rail crossing at Margaret Street was open and now it has been closed for some time.

STAFF COMMENT

The Margaret Street crossing has been maintained as a rail pedestrian crossing. Any investigation would consider desire lines for travel; referral to John Holland as the rail operator; and discussions with the businesses in Margaret Street between Peisley Street and the rail line that would be affected by any opening of the crossing.

FINANCIAL IMPLICATIONS

Nil, budgeted staff time. Any capital works as a result of the investigation would be a separate consideration.

POLICY AND GOVERNANCE IMPLICATIONS

Nil. This proposed investigation would fit under Objective 9: "Infrastructure for our growing community" within the Delivery and Operational Plan and specifically Strategy 9.1: "Construct and maintain a road network that meets the community's transport and infrastructure needs."

2.2 MAYORAL MINUTE - MONUMENT - MAX STEWART

RECORD NUMBER: 2020/339

MAYORAL MINUTE**RECOMMENDATION**

That the Gnoo Blas Classic Car Club Inc, in conjunction with Orange City Council, establish a working group to raise funding to have a suitable monument to acknowledge Max Stewart (of Orange).

Cr Reg Kidd

MAYOR**SUPPORTING INFORMATION**

Max Stewart became Championship winner two times, and established himself as possibly the most renowned racing car driver to come out of Orange.

Max Stewart raced out of Orange and ran his business in Orange. He was fondly known as the "Jolly Green Giant".

The Gnoo Blas race track and the major February Gnoo Blas Classic Car Club show are features of Orange that attract large numbers of tourists.

STAFF COMMENT

Max Stewart Oval was named in honour of Max Stewart and is located in Sieben Drive with change rooms, canteen and public amenities. The facility services a large community and is also used for cricket and football fixtures.

FINANCIAL IMPLICATIONS

The financial implication will depend on the level of support if any required by Council.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Orange City Council held on 18 February 2020 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate records of the proceedings of the Council meeting held on 18 February 2020.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 18 February 2020

ORANGE CITY COUNCIL
MINUTES OF THE
ORDINARY COUNCIL MEETING

HELD AT BOWEN PUBLIC SCHOOL HALL, PARK STREET, ORANGE

ON 18 FEBRUARY 2020

COMMENCING AT 7.15PM

1 INTRODUCTION

ATTENDANCE

Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae, Cr T Mileto, Cr S Nugent, Cr G Taylor, Cr R Turner, Cr J Whitton

Acting Chief Executive Officer (Greenham), Acting Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Manager Corporate and Community Relations, Governance Coordinator Administration Officer (Cubbin), Manager Engineering Services, Manager Financial Services, Manager Development Assessments

Marianne Pankhurst, Relieving Principal of Bowen Public School, welcomed everyone to the School and gave a brief overview of the school and its students.

1.1 APOLOGIES

RESOLVED - 20/041

Cr J Hamling/Cr S Romano

That the apologies be accepted from Cr M Previtera and Cr S Munro for the Council Meeting of Orange City Council on 18 February 2020.

For: Unanimous

Against: Nil

Absent: Cr Previtera, Cr Munro

1.2 OPENING PRAYER

ANDREW WRATTEN OF THE MOUNTAIN HOPE CHURCH LED THE COUNCIL IN PRAYER

1.3 ACKNOWLEDGEMENT OF COUNTRY

1.4 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Nil

2 MAYORAL MINUTES

2.1 CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW PANEL

TRIM REFERENCE: 2020/265

RESOLVED - 20/042**Cr S Nugent/Cr J Hamling**

That Council:

- 1 Establishes a Chief Executive Officer Performance Review Panel consisting of the Mayor (Cr Reg Kidd), Deputy Mayor (Cr Sam Romano), a Councillor appointed by the Chief Executive Officer and a Councillor appointed by Council.
- 2 Acknowledges the appointment of Cr Joanne McRae as the Chief Executive Officer's nomination for the panel.
- 3 Appoint Councillor Kevin Duffy, who has completed the General Manager Performance Appraisal Training, to be included on the Chief Executive Officer's Performance Review Panel.
- 4 Delegates the Performance Review of the Chief Executive Officer to the Chief Executives Performance Review Panel.

For: Unanimous

Against: Nil

Absent: Cr Previtera, Cr Munro

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 20/043**Cr J Whitton/Cr K Duffy**

That the Minutes of the Ordinary Meeting of Orange City Council held on 4 February 2020 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate record of the proceedings of the Council meeting held on 4 February 2020.

For: Unanimous

Against: Nil

Absent: Cr Previtera, Cr Munro

MATTERS ARISING

Cr Duffy requested a report be provided to Councillors regarding the 600 ML licence out of the Macquarie Pipeline.

Cr Taylor requested information be provided to Councillors clarifying the purpose for draining and refilling the duck pond in Cook Park as he considered there to be conflicting accounts between information reported in the CWD and information relayed by staff to Councillors.

4 NOTICES OF MOTION/NOTICES OF RESCISSION

Nil

5 GENERAL REPORTS**5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES**

TRIM REFERENCE: 2020/184

RESOLVED - 20/044**Cr R Turner/Cr T Mileto**

- 1 That the resolutions made by the Employment and Economic Development Policy Committee at its meeting held on 4 February 2020 be noted.
- 2 That the resolutions made by the Infrastructure Policy Committee at its meeting held on 4 February 2020 be noted.
- 3 That the resolutions made by the Sport and Recreation Policy Committee at its meeting held on 4 February 2020 be noted.
- 4 That the resolutions made by the Environmental Sustainability Policy Committee at its meeting held on 4 February 2020 be noted.
- 5 That the resolutions made by the Services Policy Committee at its meeting held on 4 February 2020 be noted.

For: Unanimous

Against: Nil

Absent: Cr Previtera, Cr Munro

5.2 STATEMENT OF INVESTMENTS - DECEMBER 2019

TRIM REFERENCE: 2020/3

RESOLVED - 20/045**Cr J McRae/Cr S Nugent**

That Council resolves:

- 1 To note the Statement of Investments as at 31 December 2019.
- 2 To adopt the certification of the Responsible Accounting Officer.

For: Unanimous

Against: Nil

Absent: Cr Previtera, Cr Munro

5.3 STATEMENT OF INVESTMENTS - JANUARY 2020

TRIM REFERENCE: 2020/174

RESOLVED - 20/046**Cr J Hamling/Cr S Romano**

That Council resolves:

- 1 To note the Statement of Investments as at 31 January 2020.
- 2 To adopt the certification of the Responsible Accounting Officer.

For: Unanimous

Against: Nil

Absent: Cr Previtera, Cr Munro

5.4 QUARTERLY BUDGET REVIEW AND PROGRESS REPORT - QUARTER 2 OF 2019/20

TRIM REFERENCE: 2020/24

RESOLVED - 20/047**Cr J Whitton/Cr J McRae**

That Council resolve:

- 1 That the information provided in the report on the quarterly budget and performance indicators review for October to December 2019 be acknowledged.
- 2 The bank reconciliation statement be acknowledged.
- 3 To adopt favourable variations in the consolidated overall cost to council arising from the December 2019 quarterly review amounting to \$3,488,132.

For: Unanimous

Against: Nil

Absent: Cr Previtera, Cr Munro

CR KIDD CONGRATULATED ALL STAFF INVOLVED IN THE FINANCIAL PERFORMANCE**MATTERS ARISING**

Cr Taylor requested a report be provided to Councillors on the use of high pressure cleaners during water restrictions.

Cr Mileto requested a report be prepared on the possibility of a rebate for use of artificial turf during water restrictions.

5.5 LGNSW TOURISM CONFERENCE 2020

TRIM REFERENCE: 2020/211

RESOLVED - 20/048**Cr J Hamling/Cr K Duffy**

That Councillor Tony Mileto be the Councillor attendee for the LGNSW Tourism Conference 2020 in Jindabyne 16-18 March 2020.

For: Unanimous

Against: Nil

Absent: Cr Previtera, Cr Munro

5.6 2020 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS

TRIM REFERENCE: 2020/213

RESOLVED - 20/049**Cr K Duffy/Cr J Hamling**

That Council determine any motions for submission to the National General Assembly 2020 by Friday 20 March 2020.

For: Unanimous

Against: Nil

Absent: Cr Previtera, Cr Munro

5.7 DEVELOPMENT APPLICATION - DA 332/2019(1) - 185 LEEDS PARADE

TRIM REFERENCE: 2020/250

RESOLVED - 20/050**Cr J Hamling/Cr G Taylor**

That Council consents to development application DA 332/2019(1) for Highway Service Centre, Business Identification Signage, Demolition (remnant farm buildings), Tree Removal, Road and Drainage at Lot 4 DP 1185665 - 185 Leeds Parade, Orange pursuant to the conditions of consent in the attached Notice of Approval.

For: Unanimous

Against: Nil

6 CLOSED MEETING

Nil

THE MEETING CLOSED AT 8.03PM

This is Page Number 5 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 18 February 2020.

4 NOTICES OF MOTION/NOTICES OF RESCISSION

Nil

5 GENERAL REPORTS

5.1 REGISTER OF DELEGATIONS

TRIM REFERENCE: 2019/2423

AUTHOR: Samantha Freeman, Acting Director Corporate and Commercial Services

EXECUTIVE SUMMARY

This report provides the updated Register of Delegations for Council approval. The Register of Delegations sets out the delegations to the Chief Executive Officer (General Manager), Mayor, Policy Committees and Statutory Committees of Council. Any amendments to the Register are reflected in changes to the Local Government Act 1993 and other Legislation which has been repealed and replaced.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “17.1 Collaborate - Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Sections 226 and 377 of the Local Government Act 1993 (which sets out functions which Council cannot delegate) is a requirement to observe.

RECOMMENDATION

That the Register of Delegations, as amended in February 2020, be adopted.

FURTHER CONSIDERATIONS

The recommendation of this report has been assessed against Council's other key risk categories and the following comments are provided:

Service Delivery	Section 377 of the Local Government Act 1993 provides that Council may delegate to the General Manager any function, with the exception of non-delegable functions listed in that section. The delegations provide authority for the General Manager to undertake a range of operational functions.
Employees	Many delegations to the General Manager are then sub-delegated to other staff. This process ensures staff are operating within their level of delegation.

SUPPORTING INFORMATION

The following amendments are proposed in the Register of Delegations:

Ref	Amendment
GM026	To respond to applications for Liquor Licences for functions to the Licencing Court of NSW
GM027	Addition of: n) Approval of Council Logo use o) Funding agreements
GM084	<i>Inclusion: as referred to in GM004g</i> To determine development applications in accordance with Councils Declaration of Planning and Development Assessment Procedures and Protocols : <ul style="list-style-type: none"> • To the value of \$2.5million and that comply with Councils adopted planning controls • Applications for modification to a DA previously determined by Council or the Planning & Development Committee, where not considered a significant modification • Development that meets the performance outcomes of clause 4.6 of the LEP and results in less than 10% variation to the Development Standard being varied • Where an application is recommended for refusal by Council staff on the grounds that the application remains incomplete following the request for the supply of additional information • Excluding where Council is a financial beneficiary • Excluding applications with a 'significant public interest'.
GM085	<i>Inclusion: as referred to in GM004</i> To exercise the powers and functions of an authorised officer under the Dams Safety Act 1978 and the Dams Safety Act 2015 conferred by legislation contained within GM004
GM086	<i>Inclusion: as referred to in GM004</i> To exercise the powers and functions of an authorised officer under the Fluoridation of Public Water Supplies Act 1957, Fluoridation of Public Water Supplies Regulation 2017 and the NSW Code of Practice for Fluoridation of Public Water Supplies conferred by legislation contained within GM004

ATTACHMENTS

- 1 Register of Delegations to the Chief Executive Officer (General Manager) - February 2020, D19/66753 [↓](#)



REGISTER OF DELEGATIONS

D19/66707



Delegations Register

Table of Contents

Power of Delegation3

Mayor.....4

Schedule of Amendments5

Delegation to the Chief Executive Officer (General Manager) 12

Corporate and Executive Powers 12

Execution of Documents..... 15

Governance..... 15

Finance..... 16

Public Areas/Use of Public Space/Community Land 17

Technical and Engineering Services..... 18

Planning and Development 19

Community and Cultural Services 19



Delegations Register

Power of Delegation

Council delegates functions of the Council to the Chief Executive Officer (General Manager) pursuant to Section 377 of the *Local Government Act 1993* (the Act). These delegations are made on an exception basis, meaning that ALL functions are delegated to the Chief Executive Officer (General Manager) unless expressly excluded. Section 377 of the Act provides as follows:

377 General power of the council to delegate

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



Delegations Register

- (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.
- (2) A council may, by resolution, sub-delegate to the General Manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.
- (3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

Section 378 of the Act defines delegations by the General Manager:

- (1) The General Manager may delegate any of the functions of the General Manager, other than this power of delegation.
- (2) The General Manager may sub-delegate a function delegated to the General Manager by the council to any person or body (including another employee of the council).
- (3) Subsection (2) extends to a function sub-delegated to the General Manager by the council under section 377(2).

Mayor

Section 226 of the Act defines the role of the Mayor, as:

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,



Delegations Register

- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
 (n) in consultation with the councillors, to lead performance appraisals of the general manager,
 (o) to exercise any other functions of the council that the council determines.

Schedule of Amendments

Date	Ref	Amendment
February 2020		Update Delegations to reflect Chief Executive Officer. General Manager will still be referred to as per the Legislation however the meaning remains the same.
	GM026	To respond to applications for Liquor Licences for functions to the Licencing Court of NSW.
	GM027	Addition of: n) To approve applications for the use of the Orange City Council Logo o) To sign funding agreements that do not required the Council seal.
	GM084	<i>Inclusion: as referred to in GM004g</i> To determine development applications in accordance with Councils Declaration of Planning and Development Assessment Procedures and Protocols : <ul style="list-style-type: none"> To the value of \$2.5million and that comply with Councils adopted planning controls Applications for modification to a DA previously determined by Council or the Planning & Development Committee, where not considered a significant modification Development that meets the performance outcomes of clause 4.6 of the LEP and results in less than 10% variation to the Development Standard being varied Where an application is recommended for refusal by Council staff on the grounds that the application remains incomplete following the request for the supply of additional information Excluding where Council is a financial beneficiary Excluding applications with a 'significant public interest'.



Delegations Register

	GM085	<p><i>Inclusion: as referred to in GM004</i></p> <p>To exercise the powers and functions of an authorised officer under the Dams Safety Act 1978 and the Dams Safety Act 2015 conferred by legislation contained within GM004.</p>
	GM086	<p><i>Inclusion: as referred to in GM004</i></p> <p>To exercise the powers and functions of an authorised officer under the Fluoridation of Public Water Supplies Act 1957, Fluoridation of Public Water Supplies Regulation 2017 and the NSW Code of Practice for Fluoridation of Public Water Supplies conferred by legislation contained within GM004.</p>
July 2018	Page 3-4	Update under Section 377 to include the addition to Section 377 of (1A) and (3) in the relation to the general power of Council to delegate.
	Page 4	<p>The Definition of the Mayor has been updated under Section 226.</p> <p>Removal of the previous definition of the Mayor:</p> <ol style="list-style-type: none"> 1 Exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the council 2 Exercise such other functions of the council as the council determines 3 Preside at meetings of the council 4 Carry out the civic and ceremonial functions of the Mayoral office; <p>The new Definition, below, which has been inserted into the Mayor section on Page 4:</p> <p>“Section 226 of the Act defines the role of the Mayor, as:</p> <ol style="list-style-type: none"> (a) to be the leader of the council and a leader in the local community, (b) to advance community cohesion and promote civic awareness, (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities, (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council, (e) to preside at meetings of the council, (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act, (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council, (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council, (i) to promote partnerships between the council and key stakeholders, (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council, (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community, (l) to carry out the civic and ceremonial functions of the mayoral office, (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level, (n) in consultation with the councillors, to lead performance appraisals of the general manager,

Current Review: February 2020

Page 6 of 19

Next Review: November 2020



Delegations Register

		(o) to exercise any other functions of the council that the council determines."
	GM004	Removal of the Noxious Weeds Act 1993 and the Native Vegetation Act 2003 which have been repealed. Addition of the Biosecurity Act 2015, Local Lands Services Act 2013, National Heavy Vehicle Law 2014 and Residential (Land-Lease) Communities Act 2013.
June 2017	Page 3	Update to reflect change to Section 377 of the Act to remove the previous (i) "the acceptance of tenders which are required under this Act to be invited by the council," and replace with (i) "the acceptance of tenders to provide services currently provided by members of staff of the council"
	Page 8	Update resolution dates for Policy Committees to reflect these Committees and their associated Charters were adopted by Council on 6 September 2016
	GM004	Addition of legislation – Residential (Land-Lease) Communities Act 2013 as this legislation covers the permanent sites at the Colour City Caravan Park. Replacement of Crown Lands Act 1989 with Crown Land Management Act 2016.
	GM017	Amendment to reflect change of Section 377 of the Act to allow the General Manager to determine the acceptance of tenders with exception of tenders to provide services currently provided by members of staff of Council.
Nov 2015		Amendment of names of Policy Committees, and addition of Sport and Recreation Policy Committee and Employment and Economic Development Policy Committee.
	GM046	Remove reference to "excess water rates" and replace with "overdue water rates"
18/11/14	GM001	Removal of reference to legislation as this is covered in the various parts of GM004
	GM002	Deleted "To carry out the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and/or in accordance with any resolution of Council, with the exception of items dealt with under delegation GM5" as this delegation is covered in the Financial delegations
	GM004	Removal of legislation that does not confer a delegation – Children (Protection and Parental Responsibility) Act 1997, Commission for Children and Young People Amendment Act 2005, Conveyancing Act 1919, Crown Lands Act 1989, Fire Brigades Act 1989, Gas Supply Act 1996, Gaming Machines Act 2001, Graffiti Control Act 2008, Health Records and Information Privacy Act 2002, Independent Commission Against Corruption Act 1988, Interpretation Act 1987, Land Acquisition (Just Terms Compensation) Act 1991, Library Act 1939, Local Land Services Act 2013, Native Title (NSW) Act 1994, Ombudsman Act 1974, Orange Showground Act 1897, Road Transport (Driver Licensing) Regulation 2008, Rural Fires Act 1997, State Emergency Service Act 1989, State Records Act 1998, Strata Schemes (Freehold Development) Act 1973, Unclaimed Money Act 1995, Waste Minimisation and Resource Recovery Act 1995, Water Management Amendment Acts 2008 and 2010
	GM004	Removal of repealed legislation – Catchment Management Authorities Act 2003, Child Protection (Prohibited Employment) Act 1998, Liquor (Amusement Devices) Act 1988, Road Transport (General) Act 2005, Road Transport (Safety and Traffic Management), Act 1999, Rural Lands Protection Act 1998, Waste Minimisation and Management Act 1995, Unhealthy Building Land Act 1990
	GM004	Addition of new legislation or legislation conferring a delegation not previously noted – Local Land Services Act 2013, Road Transport Act 2013, Public Health (Tobacco) Act 2008, Smoke Free Environment Act 2007
	Gm006	Deleted, appointment of public officer covered by the Local Government Act in GM004
	GM016	Deleted, as opening of tenders is covered by the Local Government Act in GM004
	GM021	Deleted "To exercise and perform on behalf of Council all functions, powers, authorities, duties and matters contained in Council's Community Strategic Plan, Delivery Program, Long Term Financial Plan, Workforce Management Plan, Asset Management Program, and Operational Plan" as covered in GM04 as part of the Local Government Act. This is also a responsibility of staff, not a delegation.

Current Review: February 2020

Page 7 of 19

Next Review: November 2020



Delegations Register

	GM024 GM031	Deleted, as powers conferred by the Government Information Public Access Act are covered in GM004.
	GM026	Deleted, as powers conferred by the Liquor Act are covered in GM004.
	GM027	Deleted, "authorisation of purchase requisitions of an unlimited amount" as covered in the Financial delegation GM035. Added "to sign letters of engagement for consultants"
	GM028	Deleted "to determine matters which are to be included in the business paper for Council Meetings" – this is governed by Council's Code of Meeting Practice. Items listed for consideration by Council are approved by the General Manager and Directors.
	GM032	Deleted, as powers conferred by Public Interest Disclosures Act are covered in GM004.
	GM033	Deleted, as powers conferred by the Privacy and Personal Information Protection Act are covered in GM004.
	GM040	Deleted, the keeping of accounts is covered in the Local Government Act, GM004
	GM047 GM048	Deleted, as relate to rating of properties which is covered in the Local Government Act, GM004
	GM053	Deleted, reference to replacing fencing covered in the Dividing Fences Act in GM004
	GM064	Deleted "approve applications for filming" as this is covered in GM004 under the Local Government Act
	GM065 GM066	Deleted "to prepare and implement plans of management for community land" and "to authorise the use of community land in accordance with the terms of plans of management" as these are operational requirements, not delegations
	GM067- GM071	Deleted "to give notice of a proposed dedication of certain land as public road", "to make application to close a public road", "to place weight restrictions on certain public roads or bridges", "to order the removal of obstructions placed illegally on road reserves, footpaths and public places" and "to close roads, or parts thereof, temporarily for repairs or construction" – these functions are addressed under the Roads Act in GM004
	GM076	Deleted "to approve applications to blast" as this function is addressed under the Local Government Act in GM004
	GM077 GM079	Deleted "to approve applications to install pipelines in road reserves" and "to determine the location and operation of mobile traffic lights" as these are operational matters and do not require a delegation.
	GM081	Deleted "to instigate action to clear water and sewer blockages" as this is an operational requirement not a delegation
	Planning and Development	
	GM084- GM099	Deleted as they are addressed in GM004 under the Local Government Act, Environmental Planning and Assessment Act, the Building Professionals Act 2005 and the Food Act
	GM103	NEW - To act as Council's designated officer in relation to events on Council land and to take all action necessary to ensure the safe operation of events on Council land
	GM104	NEW – To negotiate and settle legal proceedings as necessary
	GM105	NEW – To approve insurance requirements for contracts, projects and events
21/05/13	GM-17	Addition of delegation to General Manager regarding the method of tendering
18/12/12	New	New Register of Delegations developed and adopted by Council



Delegations Register

Delegate	Ref	Delegation
Mayor	M1	To sign and execute documents under the Common Seal of Council in conjunction with either the Chief Executive Officer or another Councillor as co-signatories after Council has resolved to affix the Council Seal.
	M2	To make media statements or releases on behalf of Council.
	M3	To exercise in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council.
	M4	To sign correspondence on behalf of the Council or of the Office of the Mayor.
	M5	The Mayor may authorise a Councillor to attend a conference, seminar or function within and outside the Council area (conference means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions events etc, held within Australia), in accordance with Council's Payment of Expenses and Provision of Facilities to Councillors Strategic Policy, with such approval being reported to the next Council Meeting.
	M6	To make a temporary appointment to the position of Chief Executive Officer where the position is vacant or the holder of the position is suspended or absent.
	M7	To call an extraordinary meeting of Council if such a meeting is deemed necessary in accordance with Council's adopted Code of Meeting Practice.
Deputy Mayor	DM1	To sign and execute documents under the Common Seal of Council in conjunction with either the Chief Executive Officer or another Councillor as co-signatories after Council has resolved to affix the Council Seal.
	DM2	In the absence of the Mayor and subject to compliance with the requirements of the Local Government Act 1993, and any expressed policy or direction of the Council, the Council delegates to the person who occupies the position of Deputy Mayor to exercise and perform on behalf of the Council the powers, authorities, duties and functions of the Mayor including the powers, authorities, duties and functions which the Council has delegated by this Register to the Mayor.



Delegations Register

Delegate	Ref	Delegation
Planning and Development Policy Committee	PDC1	To determine all matters referred to it for consideration (as resolved 19/461, Council Meeting held 17 September 2019)
Finance Policy Committee	FPC1	To determine all matters referred to it for consideration, with the exception of determining any matter that would cause expenditure outside the Council's adopted budget (as resolved 19/461, Council Meeting held 17 September 2019)
Services Policy Committee	SPC1	To determine all matters referred to it for consideration, with the exception of determining any matter that would cause expenditure outside the Council's adopted budget (as resolved 19/461, Council Meeting held 17 September 2019)
Infrastructure Policy Committee	IPC1	To determine all matters referred to it for consideration, with the exception of determining any matter that would cause expenditure outside the Council's adopted budget (as resolved 19/461, Council Meeting held 17 September 2019)
Environmental Sustainability Policy Committee	ESPC1	To determine all matters referred to it for consideration, with the exception of determining any matter that would cause expenditure outside the Council's adopted budget (as resolved 19/461, Council Meeting held 17 September 2019)
Sport and Recreation Policy Committee	SRPC1	To determine all matters referred to it for consideration, with the exception of determining any matter that would cause expenditure outside the Council's adopted budget (as resolved 19/461, Council Meeting held 17 September 2019)
Employment and Economic Development Policy Committee	EEDPC1	To determine all matters referred to it for consideration, with the exception of determining any matter that would cause expenditure outside the Council's adopted budget (as resolved 19/461, Council Meeting held 17 September 2019)
City of Orange Traffic Committee	COTC 1	Pursuant to the delegation of powers from the Roads and Maritime Services NSW, the authority for regulation of traffic management and traffic control signs on public roads. This authority is limited to the powers, authorities, duties and functions that are specified in the Roads and Maritime Services NSW Instrument of Delegation to Council, from the Road and Maritime Services



Delegations Register

Delegate	Ref	Delegation
Audit and Risk Management Committee	ARMC1	The Audit and Risk Management Committee is granted delegated authority by Council to carry out its duties and responsibilities as defined in the Committee's Charter. The Audit and Risk Management Committee has delegated authority to approve investigations into any matters within its scope of responsibility and make recommendations to the Chief Executive Officer on matters arising from such investigations.
Conduct Review Committee	CRC1	The Conduct Review Committee or member of the Conduct Review Committee acting as a sole Conduct Reviewer is responsible for making enquiries into complaints made under Council's adopted Code of Conduct, alleging breaches of the Code of Conduct by Councillors and/or the Chief Executive Officer. The operation of the Conduct Review Committee is outlined in the adopted Conduct Review Committee Charter.



Delegations Register

Delegation to the Chief Executive Officer (General Manager)	
Pursuant to the provisions of the Local Government Act 1993, and any expressed policy or direction of Council, that Council in accordance with the provisions of Section 377 of the Local Government Act, 1993 and every other enabling statutory power, delegates to its General Manager authority to exercise and to perform on behalf of the Council, all necessary powers, authorities, duties and functions, including:	
Corporate and Executive Powers	
GM001	To carry out the regular services, functions and operations of the Council in accordance with the adopted policies of the Council, including all Strategic and Operational Policies.
GM003	To allocate priority of works for which funds have been provided subject to any direction of Council.
GM004	<p>To exercise the powers and functions of an authorised officer under any of the following Acts including any amending legislation:</p> <ul style="list-style-type: none"> a. Building Professionals Act 2005 b. Companion Animals Act 1998 c. Community Land Management Act 1989 d. Contaminated Land Management Act 1997 e. Crown Land Management Act 2016 f. Dividing Fences Act 1991 g. Environmental Planning and Assessment Act 1979 h. Food Act 2003 i. Firearms Act 1996 j. Government Information (Public Access) Act 2009 k. Heritage Act 1977 l. Impounding Act 1993 m. Liquor Act 2007 n. Local Government Act 1993 o. Major Events Act 2009 p. National Parks and Wildlife Act 1974

Current Review: February 2020

Page 12 of 19

Next Review: November 2020



Delegations Register

	<ul style="list-style-type: none"> q. Local Land Services Act 2013 r. Biosecurity Act 2015 s. Pesticides Act 1999 t. Plumbing and Drainage Act 2011 u. Privacy & Personal Information Protection Act 1998 v. Protection of Environment Operations Act 1997 w. Public Health Act 2010 x. Public Health (Tobacco) Act 2008 y. Public Interest Disclosures Act 1994 z. Recreation Vehicles Act 1983 z.a Roads Act 1993 z.b Road Transport Act 2013 z.c Smoke Free Environment Act 2007, Smoke Free Environment Regulation 2000 z.d State Emergency and Rescue Management Act 1989 z.e Swimming Pools Act 1992 z.f Transport Administration Act 1988 z.g Water Management Act 2000 z.h Work Health and Safety Act 2011 z.i National Heavy Vehicle Law 2014 z.j Residential (Land-Lease) Communities Act 2013
GM005	To authorise any work which is deemed urgent at a cost not exceeding \$10,000 for which Council has not allocated funds, provided that such expenditure is reported to the Council at its next Ordinary Meeting. "Urgent" work may include work necessary to ensure security of Council property or public safety.
GM007	To take all necessary action to instigate proper risk management procedures and ensure implementation of same.
GM008	To close any public area, or to close or cease any Council service temporarily for repair or construction when necessary.
GM009	To make public statements and issue media releases on matters involving the Council.



Delegations Register

GM010	To affix the Common Seal of Council to a document in accordance with a Council resolution and to act as a signatory with the Mayor or another Councillor.
GM011	To authorise action to be taken in connection with any complaints or requests received.
GM012	To negotiate land sales within 10% of the market price or price resolved by Council.
GM013	To set a reserve price at auction, where land is being sold for overdue rates.
GM014	To prepare and lodge applications for grants provided such action is consistent with Council's strategic planning documents.
GM015	To manage investigations and reports on matters referred by the Independent Commission Against Corruption (ICAC).
GM017	To determine the method of tendering ie whether tenders are to be by open tendering or selective tendering, and to determine the acceptance of tenders with exception of tenders to provide services currently provided by members of staff of Council.
GM018	To withdraw an imposed penalty where justified.
GM019	To dispose of vehicles abandoned on Council owned or controlled land.
GM020	To authorise graffiti removal work, with or without the agreement of the owner or occupier of the land.
GM022	To negotiate and manage contracts and agreements.

Legal Processes

GM023	To obtain legal advice where necessary and to institute, conduct and defend legal proceedings with respect of Council's activities in all Courts.
GM025	To approve easements and covenants that burden land owned by Council.

Current Review: February 2020

Page 14 of 19

Next Review: November 2020



Delegations Register

GM026	To respond to applications for Liquor Licences for functions to the Licencing Court of NSW
GM104	To negotiate and settle legal proceedings as necessary.
Execution of Documents	
GM027	<p>To sign documents on behalf of Council, including</p> <ul style="list-style-type: none"> a Correspondence b Contracts, agreements and leases and permissible gifts/benefits applications c Retail lease disclosure statements d Sales agreements for agents to sell Council land e Approval of designs for subdivision plans and construction certificates f Release of subdivision certificates g Development applications for Council owned or controlled property h Survey plans and survey requests/amendments i Authorising payments by cheque or electronically in accordance with Council's strategic planning documents and budget and Council resolution j Taxation returns k Employment summaries, superannuation forms and other declarations or forms associated with the employment of staff l Rating certificates m Letters of engagement for consultants n Approval of Council Logo use o Funding agreements
Governance	
GM029	To terminate any lease or rental agreement on any Council owned property where the terms of the lease have been breached, or accounts fall into arrears.
GM030	To, in conjunction with the Mayor, approve payment of expenses and provision of facilities for Councillors in accordance with Council's adopted policy.

Current Review: February 2020

Page 15 of 19

Next Review: November 2020



Delegations Register

GM034	To approve the content, layout and placement of advertising on behalf of Council.
GM105	To approve insurance requirements for contracts, projects and events.
Finance	
GM035	To commit and authorise operational and/or capital expenditure of any amount within the area of operation and budget in accordance with Council's adopted budget, Purchasing Policies and relevant legislation.
GM036	To authorise any variations to a contract within the Council's adopted budget.
GM037	To authorise exemptions from compliance with Council's Purchasing Policies in limited circumstances, as set out in the Strategic and Operational Purchasing Policies.
GM038	To authorise the investment of Council funds and sign such applications and documents as may be required.
GM039	To engage Consultants within the budget, to assist with Council projects within the confines of budgetary constraints.
GM041	To approve financial returns required by various organisations.
GM042	To initiate debt recovery procedures.
GM043	To allow unpaid rates to be paid from the estate of aged pensioners, or from the sale of the property.
GM044	To write off rates or debts which are determined not financially viable to recover to a limit in any one case not exceeding \$5,000.
GM045	To approve applications for extension of time to pay accounts.
GM046	To order restriction or disconnection of water supply to premises if overdue water accounts are not paid.



Delegations Register

GM049	To authorise the operation of Council's bank accounts.
GM050	To authorise the payment of salaries and wages of the staff.
GM051	To authorise the issue of corporate credit cards to employees in accordance with Council's Credit Card Operational Policy.
GM052	To authorise the payment of petty cash claims up to a maximum of \$500 per claim.
GM054	To authorise ex-gratia payments for public liability/public indemnity claims for amounts below Council's insurance policy excess.
GM055	To authorise the disposal and retirement of assets in accordance with Council's Policies and adopted Asset Management Plans, Community Strategic Plan, Long Term Financial Plan, Delivery/Operational Plan.
GM056	To authorise the release of funds and/or Bank Guarantees where the required works or services have been carried out to a satisfactory standard.
Public Areas/Use of Public Space/Community Land	
GM057	To determine applications for the use of public roads for walkathons, charitable collections, motor car trials, bicycle races and the like where the authorisation of the City of Orange Traffic Committee is not specifically required.
GM058	To grant approval for street stalls or busking.
GM059	To determine applications for functions, activities or sports on Council's community land or other grounds or venues of parks under Council's care.
GM060	To approve of the design and subsequent erection of banners and flags on existing flagpoles in accordance with Council's policy.
GM061	To process claims for rewards under Council's Graffiti Reward Scheme.
GM062	To suspend alcohol free zones for community events.



Delegations Register

GM063	To grant approval for helicopter touchdowns on Public Reserves.
GM103	To act as Council's designated officer in relation to events on Council land and to take all action necessary to ensure the safe operation of events on Council land.
Technical and Engineering Services	
GM072	To issue/refuse compliance and construction certificates in relation to subdivisions and engineering works.
GM073	To remove dangerous trees under the control of the Council, where such removal is necessary, to allow work to proceed immediately.
GM074	To carry out private works and authorise the hire of Council plant subject to satisfactory arrangements being made for the payment of such works.
GM075	To approve applications for the excavation of public streets subject to compliance with Council's Policy.
GM078	To determine applications for the creation of temporary construction zones on public roads restricting public parking in such zones.
GM080	To authorise formulation and completion of trade waste agreements.
GM082	To approve applications to name roads in accordance with Council's Policy.
GM083	To authorise the release of Council plant and other resources to assist fire-fighting, emergency work, and assist the Local Emergency Management Committee in emergency work
GM085	To exercise the powers and functions of an authorised officer under the Dams Safety Act 1978 and the Dams Safety Act 2015 conferred by legislation contained within GM004
GM086	To exercise the powers and functions of an authorised officer under the Fluoridation of Public Water Supplies Act 1957, Fluoridation of Public Water Supplies Regulation 2017 and the NSW Code of Practice for Fluoridation of Public Water Supplies conferred by legislation contained within GM004



Delegations Register

Planning and Development (delegations conferred by legislation contained within GM004)	
GM084	<p><i>Inclusion: as referred to in GM004g</i></p> <p>To determine development applications in accordance with Councils Declaration of Planning and Development Assessment Procedures and Protocols:</p> <ul style="list-style-type: none"> • To the value of \$2.5million and that comply with Councils adopted planning controls • Applications for modification to a DA previously determined by Council or the Planning & Development Committee, where not considered a significant modification • Development that meets the performance outcomes of clause 4.6 of the LEP and results in less than 10% variation to the Development Standard being varied • Where an application is recommended for refusal by Council staff on the grounds that the application remains incomplete following the request for the supply of additional information • Excluding where Council is a financial beneficiary • Excluding applications with a 'significant public interest'.
GM089	To determine requests to raise development contributions as specified in the Development Contributions Plan.
GM097	To negotiate Voluntary Planning Agreement packages in accordance with Council Policy.
Community and Cultural Services	
GM101	To be Licensee of a Child Care Service.
GM102	To be or nominate an authorised supervisor of a Child Care Service.

5.2 STRATEGIC POLICY REVIEW

RECORD NUMBER: 2020/342

AUTHOR: Samantha Freeman, Acting Director Corporate and Commercial Services

EXECUTIVE SUMMARY

This report presents the following policies which has been reviewed and are recommended for placement on public exhibition for a period of 28 days:

- ST100 – Vandalism Reporting Reward Scheme
- ST029 – Donations and Grants
- ST144 – Event Sponsorship Program
- ST088 – Fraud and Corruption Prevention

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “17.1 Collaborate - Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Council’s Strategic Policies are reviewed and amended to ensure ongoing compliance with legislation and industry best practice.

Policies of Council are of two types – Strategic Policies are determined by Council, and relate to Councillors and the broader community. The Local Government Act 1993 requires the public exhibition of Policies (if new or include significant changes) and adoption by Council. Operational Policies are determined and implemented by the Chief Executive Officer, and relate to staff and the operations of the organisation.

RECOMMENDATION

That Council resolves to place the following policies on public exhibition for a period of 28 days:

- **ST100 – Vandalism Reporting Reward Scheme**
- **ST029 – Donations and Grants**
- **ST144 – Event Sponsorship Program**
- **ST088 – Fraud and Corruption Prevention**

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION**Policies for Exhibition**

The following policies have been reviewed and outlined below are changes/updates made to each policy. It is recommended these policies be placed on public exhibition for a period of 28 days to allow for Council and public review and submissions.

ST100 – Vandalism Reporting Reward Scheme

Reference	Update
General	Review of Policy, Minor formatting updates only.

ST029 – Donations and Grants

Reference	Update
General	<ul style="list-style-type: none"> • Minor updates. • 26b - A service club cannot apply for a donation for the same project in the second and third year if they have already raised the money for their project total. • 26c.i - Three quotations need to be attached to applications for purchase of equipment. • 10c and 26c.vi - Local sporting associations hosting Grand Finals, Carnivals/Championships and Invitationals can apply for assistance up to \$1,000 even if they have received financial assistance in the same financial year under the Sports Facility Program and/or the Sports Participation Program.

ST144 – Event Sponsorship Program

Reference	Update
General	Policy re-written taking into consideration changes to Strategic Policy ST029 – Grants and Donations. Update to dates for opening and closing of applications to facilitate assessment timeframes and adoption by Council before event is held.

ST088 – Fraud and Corruption Prevention

Reference	Update
General	Inclusion of reference to Councillor in Corruption on page 6 and Conflicts of Interest on page 9. Inclusion of Complaints regarding the CEO to be directed to the Mayor or Manager Corporate Governance on page 8. Updated in consultation with the Audit and Risk Management Committee.

ATTACHMENTS

- 1 DRAFT - Strategic Policy - ST100 - Vandalism Reporting Reward Scheme, D20/10120 [↓](#)
- 2 DRAFT - Strategic Policy - ST029 - Donations and Grants, D20/10123 [↓](#)
- 3 DRAFT - Strategic Policy - ST144 - Event Sponsorship Program, D20/10412 [↓](#)
- 4 DRAFT - Strategic Policy - ST088 - Fraud and Corruption Prevention, D20/3317 [↓](#)



All policies can be reviewed or revoked by a resolution of Council, at any time

VANDALISM REPORTING REWARD SCHEME

ST100

F22

OBJECTIVES

- To reduce the acts of vandalism and malicious damage to Orange City Council and private property
- To provide a mechanism for encouraging and rewarding members of the public who provide information that leads to the successful prosecution and conviction of anyone found vandalising Orange City Council-owned property.

APPLICABILITY

The application of this policy is limited by a number of factors, including:

- The amount of any reward would be equal to the remediation costs of the vandalism (as determined by Council) capped at a maximum of \$2,000 per event.
- The reward scheme is subject to an annual cap of \$20,000 per financial year.
- All persons providing information must be aware that they may be required to attend the Police Station and make a formal statement and/or appear in Court and give evidence.
- A reward under this scheme will be payable for information leading to a criminal proceeding resulting in a conviction.
- Any individual supplying information that leads to the successful prosecution and conviction of anyone found vandalising land owned by Orange City Council.
- A reward may only be paid to a person or persons and no reward will be paid to any corporate, business club or other organisation.
- Fraudulent and/or misleading claims will be ineligible for payment of the reward. Council may seek to recoup the reward and costs associated with this action should an application be found to be fraudulent or misleading.

GENERAL

Vandalism is of ongoing concern to Council and to the Orange community because of its continuing visibility, detrimental impact on the local streetscape, and high cost of removal.

Council recognises the value of programs that focus on the prevention of vandalism before it occurs as being complementary to those aimed at removing it once it has been applied.

DEFINITIONS

Graffiti

Any inscription, word, figure, or word design that is marked, etched, scratched, drawn, sprayed, painted, pasted, applied or otherwise affixed to or on any surface without owners consent and includes any remnants of same such as adhesives, glues, tapes, shadows or colour variations remaining after removal.

Vandalism

The willful or malicious destruction, injury, disfigurement, or defacement of any public property.



All policies can be reviewed or revoked by a resolution of Council, at any time

Criminal proceeding

A criminal proceeding is an action taken by the Police against an individual for a malicious damage offence. Criminal proceedings include an individual being charged for the offence, where that individual has admitted guilt, or been found guilty of those charges in a Court of law.

Incident

An incident refers to an offence of malicious damage occurring in one location or in a specific timeframe by the same offender or group of offenders, and as such may refer to more than one specific action.

Malicious Damage Offence

An incident which may result in the charge of malicious damage as defined under the Summary Offences Act.

Council Property

Property owned or managed by or Orange City Council.

PROCEDURE

- Any person who witnesses, or has information regarding an act of graffiti or vandalism should in the first instance report the matter to the Orange Police Station.
- The police will examine the information and may investigate the offence. Should an offender be identified, and admit guilt or be found guilty, the informant should then complete a "Vandalism Reward Claim Form" available on Council's website.
- Council's Manager Corporate Governance will assess each claim and make a recommendation to the Chief Executive Officer on the payment of the award. This recommendation will be based on information provided by the NSW Police.
- The claimant will be advised of the outcome of their claim in writing.

PRIVACY

- All documentation held and created in relation to applications held under the scheme and which includes information indicating the identity of the applicant shall be marked confidential.
- Any person who makes an application under the scheme will be deemed a complainant to Council.
- For purposes of protecting the safety of individuals, the identity of complainants and public interest, documentation held and created in relation to applications held under the scheme, may not be subject to release to members of the public.

Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	16 July 2009	09/282	6		
2	August 2014	14/955	7		
3	17 Nov 2015	15/541	8		
4	3 July 2018	18/308	9		
5					
All policies can be reviewed or revoked by resolution of Council, at any time.					



All policies can be reviewed or revoked by a resolution of Council, at any time

SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
March 2020	Review of Policy, Minor Formatting Updates Only.
July 2018	Formatting Updates Only.
October 2015	Formatting updates. Clarification that the reward applies to graffiti on Council owned land (Objectives).
August 2014	Formatting changes Additional clause inserted under "Applicability" heading – fraudulent and/or misleading claims will be ineligible for payment of the reward.

DRAFT



VANDALISM – REWARD SCHEME APPLICATION FORM

Council has a policy to offer a reward of up to \$2,000 for information leading to the successful prosecution and conviction of anyone found vandalising public and private property.

To claim a reward, complete the details below:

Claimant Details

Name of Applicant-----

Address-----

Phone -----

Date of Incident ----- & Time -----

Incident Details -----

Location -----

Act of vandalism -----

Police event -----

Name/identify of offender (if known) -----

Date -----

Signature -----

THE INFORMATION YOU PROVIDE IS PERSONAL INFORMATION FOR THE PURPOSES OF THE PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998.

THE SUPPLY OF THE INFORMATION BY YOU IS VOLUNTARY. IF YOU CANNOT PROVIDE OR DO NOT WISH TO PROVIDE THE INFORMATION SOUGHT, COUNCIL MAY BE UNABLE TO PROCESS THE CLAIM.



All policies can be reviewed or revoked by a resolution of Council, at any time.

DONATIONS AND GRANTS

ST029

F22

OBJECTIVES

In accordance with section 356 (financial assistance) and section 377 (delegated authority) of the Local Government Act 1993 and in accordance with section 207 of the Local Government Regulation 2005 (record of donations for auditing purposes), the objectives of this Policy are:

- To provide financial assistance to non-for-profit groups who offer significant contribution to the social, economic and/or environmental wellbeing of the community;
- To provide financial assistance to individuals who have been selected in representative sports teams and for school students who have been selected to represent Orange at a national event or at an overseas event;
- To provide assistance to community groups and/or sporting bodies by way of financial contribution and/or in kind support to capital improvement projects.

APPLICABILITY

To all individuals/community/sporting groups who are residents or to organisations who conduct their activities in the Orange Local Government area for the specific benefit of residents of the Orange Local Government area.

GENERAL

- 1 All requests for donations and grants must illustrate how outcomes align to Council's Community Strategic Plan objectives.
- 2 Donations and grants may be applied for by:
 - a a person who is a resident of the Orange Local Government Area; or
 - b an organisation that has offices in the Orange Local Government Area; or
 - c a local branch of a State/National/International entity that is holding an event in the Orange Local Government Area, where the applicant can illustrate how funds raised will be spent locally to benefit Orange residents specifically.
- 3 No Council fee reductions or waiving of Council fees can be approved under this Policy. These come under section 610E of the Local Government Act and cannot be given under section 356.
- 4 Donations and grants to businesses acting for profit will only be allocated and paid following a resolution of Council that has considered any responses to the exhibition of the proposed allocation in accordance with section 356 of the Local Government Act 1993.
- 5 A complete application form is required for each request. If financial assistance is requested by any other means (eg, e-mail, letter, sponsorship pamphlet), it will not be considered. Council will advise the applicant of this policy and request the applicant to complete the required application form.
- 6 Council will advertise that applications are open for the next financial year once a year, in April or in May.



All policies can be reviewed or revoked by a resolution of Council, at any time.

- 7 Government entities, including programs that are a Council function or are otherwise supporting or funded by Council, will not be supported via the Donations and Grants policy.
- 8 Fundraising events where the funding raised from the event will be sent to organisations outside the Orange Local Government Area, or will be used as a donation to another entity, will not be supported via the Donations and Grants policy.
- 9 If an individual or entity seeking funding has an outstanding debt with Council they are ineligible for any funding.
- 10 An individual/organisation can only receive one donation in a financial year and this donation cannot be in more than one category. This term does not apply to:
 - a new emerging projects or new community events that arise after the first donation;
 - b the Sports Participant Donations category, where individuals can conditionally apply for up to three donations in one financial year;
 - c the Sports Facility Partnership Program, where sporting groups/associations can still apply under the Sports Participant Program and under the Small Donations Programs (where local associations can apply for support for hosting Grand Finals, Carnivals/Championships and Invitationals).
- 11 Donations and grants cannot be used to pay for the applicant's insurance costs or for the project insurance costs.
- 12 Donations and grants cannot be used to pay for fees and charges applied to the applicant.
- 13 Donations and grants will not be retrospectively applied.
- 14 Where applications are seeking funding for capital works, attaching three quotations and/or a quantity survey will strengthen the application.
- 15 Where an event or works are to be conducted on Council property, certificates of currency for insurances by the applicant/suppliers will be required.
- 16 Events on Council properties must be conducted in accordance with Council's events management policy.
- 17 Events where Council's contribution is in kind require an application to be completed and a Council resolution is still required. Council will determine the value of in-kind support.
- 18 Recipients may be required to provide evidence of expenditure with local businesses to demonstrate the direct impact of their project.
- 19 All payments to applicants will be via electronic transfer.
- 20a A tax invoice, invoice or Statement by a Supplier form is not required for Council to pay a donation (as nothing is needed to be supplied for the payment).
- 20b If financial assistance is made in return of a supply for the payment, a tax invoice, invoice or Statement by Supplier form is required.



All policies can be reviewed or revoked by a resolution of Council, at any time.

- 21 An acquittal form is to be completed and returned to Council for each cash donation provided.
- 22 Council will determine the amounts and to whom donations and grants will be allocated.
- 23 Categories for donations and grants and their respective criteria, which are in addition to the general terms covered in the Policy, are as follows:

DONATIONS AND GRANTS CATEGORIES

24	SPORTS PARTICIPANT PROGRAM (GST does not apply) (category terms in addition to general terms)	
24a	Applications can be determined by the Chief Executive Officer under section 377(1A) of the Local Government Act and considered within 7 days of receipt. Quarterly reports on donations given will be submitted to Council.	
24b	An application form must be submitted.	
24c	Written proof of selection from the body running the event/making the selection must be provided with the application form.	
24d	<p>Applicants can receive more than one donation in a financial year if:</p> <ul style="list-style-type: none"> i an applicant has been selected in regional representation and then has been selected in state representation and/or in national representation in one sport; ii an applicant has been selected in regional representation and/or state representation and or/national representation in more than one sport. <p>The number of donations available to an applicant in the Sports Participant Program is capped at three in the one financial year. An applicant is ineligible for another donation at the same level for the same sport in one financial year.</p>	
24e	If a team has received a donation, an individual in that team cannot be given a donation for the same representation.	
24f	Regional representation is not Orange representation. Regional and state representation will be as determined by the peak State body for the sport. National representation will be as determined by peak National body for the sport.	
24g	Applications will be determined by Council.	
24h	The location and duration of the sports event to be attended and costs arising from selection will be taken into consideration in determining the donation amount applicable.	
24i	Maximum allocation amounts are as follows:	
	i Regional representation - Individual Individual selected in a Regional team	up to \$250
	ii State representation - Individual Individual selected in State team	up to \$500
	iii National representation - Individual Individual selected in a National team	up to \$1,000
	iv Regional representation at State titles For a club/association for one team only	\$250 total for the team
	v Regional representation at State titles	\$750 for total for the club/association



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24	SPORTS PARTICIPANT PROGRAM (GST does not apply) (category terms in addition to general terms)		
		For a club/association with multiple teams	
	vi	State representation at National titles For a club/association for one team only	\$500 total for the team
	vii	State representation at National titles For a club/association with multiple teams	\$1,000 total for the club/association
	viii	National representation at International titles For a club/association for one team only	\$1,000 total for the team
	vix	National representation at International titles For a club/association with more than one team	\$2,000 total for the club/association
24j	Western Region Academy of Sport - Council will donate the annual <i>per capita</i> contribution.		

25	SPORTS FACILITY PARTNERHIP PROGRAM (GST applies) (category terms in addition to general terms)		
25a	Applications will be determined once a year only, in the first quarter of each financial year. Council's Sport and Recreation Community Committee will review the annual applications and make recommendations to Council.		
25b	Total allocation for all projects is \$50,000 per annum (ex GST).		
25c	A maximum of \$15,000 (ex GST) per application is permitted.		
25d	Applications must be matched on a dollar-for-dollar basis.		
25e	Preference is given to projects that improve Council-owned facilities.		
25f	Council will advise if a funding agreement is required.		
25g	Council will advise if the project requires the applicant to submit certificates of currency for insurances held by the applicant and suppliers.		
25h	Council's purchasing policies must be observed in the engagement of suppliers.		
25i	Funding must be fully expended in the financial year allocated and unspent funds paid back to Council.		
25j	Within three months of the completion of the works, the applicant will provide an acquittal statement to verify how Council funds were spent.		
25k	The applicant must comply with Council's planning requirements where development consent or other consents are required.		



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26	SMALL DONATIONS CATEGORY (GST does not apply) (category terms in addition to general terms)												
26a	Applications will be determined by Council four times in each financial year. Quarterly reports to Council will occur in July, September, December and April. Applications may be considered monthly in extraordinary cases only.												
26b	Funding must be fully expended in the financial year allocated and unspent funds paid back to Council. Council will consider an exception for this when a service club is raising money for a large-cost, eligible project. Council will consider allowing a service club to expend the donation over a three-year period and to apply for the same project in the second and third year if the funding for the project total has not fully been raised (but not to apply for donation for a different reason during this period) and the service club must submit an acquittal in each of the three years.												
26c	Maximum amounts available are: <table border="1"> <tr> <td>i</td><td>Projects or Equipment Purchase or Providing a Community Service Maximum of \$2,000 per applicant. Must be a not-for-profit applicant. Three quotations needed for purchases.</td></tr> <tr> <td>ii</td><td>Community Events (not being Event Sponsorship) Maximum of \$2,000 per applicant. Must be a not-for-profit applicant. Ticketed events are not eligible. Entry fees as a gold coin donation are eligible.</td></tr> <tr> <td>iii</td><td>School Students Selected to Represent Orange at a National Event or at an Overseas Event Maximum of \$1,000 per applicant.</td></tr> <tr> <td>iv</td><td>School Annual Prize Giving for Year 12 (\$4,000 reserve in each year) per school - \$500.</td></tr> <tr> <td>v</td><td>Other Prize Giving Maximum of \$1,000 per applicant. Must be a not-for-profit applicant.</td></tr> <tr> <td>vi</td><td>Grand Finals, Carnivals/Championships and Invitationals (\$4,000 reserve in each year) Maximum of \$1,000 per applicant.</td></tr> </table>	i	Projects or Equipment Purchase or Providing a Community Service Maximum of \$2,000 per applicant. Must be a not-for-profit applicant. Three quotations needed for purchases.	ii	Community Events (not being Event Sponsorship) Maximum of \$2,000 per applicant. Must be a not-for-profit applicant. Ticketed events are not eligible. Entry fees as a gold coin donation are eligible.	iii	School Students Selected to Represent Orange at a National Event or at an Overseas Event Maximum of \$1,000 per applicant.	iv	School Annual Prize Giving for Year 12 (\$4,000 reserve in each year) per school - \$500.	v	Other Prize Giving Maximum of \$1,000 per applicant. Must be a not-for-profit applicant.	vi	Grand Finals, Carnivals/Championships and Invitationals (\$4,000 reserve in each year) Maximum of \$1,000 per applicant.
i	Projects or Equipment Purchase or Providing a Community Service Maximum of \$2,000 per applicant. Must be a not-for-profit applicant. Three quotations needed for purchases.												
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iii	School Students Selected to Represent Orange at a National Event or at an Overseas Event Maximum of \$1,000 per applicant.												
iv	School Annual Prize Giving for Year 12 (\$4,000 reserve in each year) per school - \$500.												
v	Other Prize Giving Maximum of \$1,000 per applicant. Must be a not-for-profit applicant.												
vi	Grand Finals, Carnivals/Championships and Invitationals (\$4,000 reserve in each year) Maximum of \$1,000 per applicant.												
27	HERITAGE ASSISTANCE FUND (category terms in addition to general terms)												
27a	Eligible projects will be projects that involve the repair, conservation or re-instatement of missing items on heritage buildings, this includes fences, verandahs and decorative detail.												
27b	The funding level available depends on allocation in the Local Heritage Fund which Council is advised of on an annual basis. The allocation to specific project will then depend on the number of applications received.												
27c	Expressions of interest are called each year. Funding should not be considered to be ongoing.												
27d	Project timeframes must comply with NSW government provisions and have to be completed by February annually.												
27e	Applications must be made on the appropriate form.												



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27	HERITAGE ASSISTANCE FUND (category terms in addition to general terms)
27f	Council's Heritage Advisor and planning staff will be able to assist in making the application.
27g	Council's Cultural Heritage Community Committee will assess each application taking into account criteria as defined in the application information. It is not necessary for the project to meet all criteria.
27h	Applications may need to be placed on public exhibition if the entity receiving the funding is does not have not-for-profit status
27i	Unexpended funds will have to be returned.
27j	Council may ask that three quotations be provided for capital projects.
27k	An acquittal is required along with an end of project report that includes images of before and after work.

ASSESSMENT OF APPLICATIONS

- 28** Council will consider applications on merit, in align with other applications received and in align with the budget for donations and grants.

RELATED POLICIES/DOCUMENTS

Application forms for Donations and Grants

(www.orange.nsw.gov.au/donations-and-grants)

Responsible Area - Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	31 January 2006	06/685	7	25 June 2019	19/332
2	January 2007	07/207	8	19 November 2019	19/576
3	November 2009	09/453	9		
4	4 February 2014	14/38	10		
5	19 December 2017	17/583	11		
6	5 June 2018	18/254	12		

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SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
March 2020	<ul style="list-style-type: none"> Minor updates. 26b - A service club cannot apply for a donation for the same project in the second and third year if they have already raised the money for their project total. 26c.i - Three quotations need to be attached to applications for purchase of equipment. 10c and 26c.vi - Local sporting associations hosting Grand Finals, Carnivals/Championships and Invitationals can apply for assistance up to \$1,000 even if they have received financial assistance in the same financial year under the Sports Facility Program and/or the Sports Participation Program.
November 2019	<ul style="list-style-type: none"> Rates Reimbursement and Hire Fees Reduction have been removed as these come under section 610E of the Local Government Act 1993 (Waiving Payment or Reducing Fees). Section 610E has very specific conditions and a very different process. Waiving payments and reducing fees cannot be given under section 356 Applicants who previously applied for a donation under Rates Reimbursement and Hire Fees Reduction can still apply for a donation on the basis of a project, purchase of equipment or provision of community service. The maximum of the category is the same. In the same way donations cannot be used to pay an applicant's insurance costs, donations cannot be used to pay for fees and charges applied to the applicant. A new category has been added for school students who have been selected to attend a National event or an event overseas representing Orange. This is similar to the Sports Participation Program. An exception can be considered for the requirement to fully expend a donation in the current financial year for service clubs with large-cost, eligible projects. Major Event Sponsorship has been removed as this now sits under its own, separate strategic policy – ST144 – Event Sponsorship Program. Funding Agreements have been removed as they relate to Major Event Sponsorship. General Donations has been renamed Small Donations.
May 2019	<ul style="list-style-type: none"> Removal of weightings. All categories in General Donations and Rates Reimbursement both have the same maximum amounts (\$2,000.00), except for School Prize Giving, which has been raised from \$200.00 to \$500.00. General Donations and Event Sponsorship will be assessed in four quarters in each financial year but applications may be considered monthly for emergent reasons. Sports Participation Program can be determined by the General Manager under section 377(1A) of the <i>Local Government Act</i>. Individual representation in Sports Participation Program has been raised - Regional from \$100.00 to \$250.00, State from \$250.00 to \$500.00 and National from \$500.00 to \$1,000.00.



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	<ul style="list-style-type: none"> Organisations can apply for more than one donation or sponsorship in a financial year if new emergent reasons arise after the first donation. Assessment will be based on merit, in align to other applications received and in align to Council's budget for donations and sponsorships.
May 2018	<ul style="list-style-type: none"> Remove requirements to supply a tax invoice for payment, and clarify when a Tax Invoice is required in relation to points 17a and 17b.
March 2018	<ul style="list-style-type: none"> Weightings do not apply to all categories. Weightings relate to the maximum amount in a donation category, not to the requested amount. Another section has been added to weightings to enable small requests for non-profit entities already 75% or under of the maximum amount to receive their full request. Fund-raising events where funding raised from the event will be given to organisations outside of the Orange LGA or will be used as a donation to another entity will not be supported by this policy. More than one application can be made in the Sport Participant Program Donation category and an organisation that has been given a donation from the Sports Facility Partnership Program category can still make applications in the Sport Participant Program Donation category. A tax invoice, an invoice or a Statement by a Supplier is required to enable Council to pay approved donations. The maximum amount of general donations - miscellaneous has been changed from \$200 ex GST to \$2,000 ex GST. Rates reimbursement has been updated to be capped at \$2,000 (ex GST) and to confirm that rates reimbursement is for the generate rate plus the base amount for one property only in a financial year. Maximum amounts for event sponsorship will be determined by event duration, participation levels and the applicant's ability to raise funds during the event (eg, ticketed events). Maximum amount for reduction of hire fees has been changed from \$500.00 (ex GST) to \$1,000 (ex GST). Weightings apply. Ticketed events are ineligible. Quotations for the fees are required. Council will donate the annual per-capital contribution to the Western Academy of Sport from the Sports Participation Program.
November 2017	<ul style="list-style-type: none"> Combined the Operational and Strategic Policy into one policy Revision of the application forms Addition of weightings to give new and not for profit applicants precedence
December 2013	<ul style="list-style-type: none"> Addition to reference to section in Local Government Act in the objectives. Category 2 requests to be considered on a quarterly basis, rather than monthly.



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EVENT SPONSORSHIP PROGRAM

ST144

F22

OBJECTIVES

To provide financial assistance to groups or individuals who deliver events that offer significant contribution to the economic wellbeing of the Orange community with consideration also given to the social or environmental wellbeing of the Orange community.

The four broad criteria that will be considered when assessing the applications include:

- The economic benefit to the community in terms of increased visitation, utilisation of accommodation, local product etc.
- Increased promotion of the city and/or identification of the city with a recognised product such as education, sport, food, wine, agribusiness, clean environment etc.
- A benefit that has a broad application to the community and not just a special benefit to an individual or selected few.
- That Council can clearly recognise the value of its assistance in the event, promotion etc.

APPLICABILITY

This policy applies to any individual or group wishing to receive financial assistance from Council to host an event. Priority will be given to events held within the Orange Local Government Area.

GENERAL

Strategic Direction

All requests for sponsorship should align to Destination NSW Country and Outback Destination Management Plan (<https://www.dnconsw.com.au/resources/>) and the Orange360 regional tourism objectives.

RELATED POLICIES/DOCUMENTS

Event Sponsorship Program Application Process

Event Sponsorship Program Guidelines and Application Form

Strategic Policy – ST029 – Donations and Grants



All policies can be reviewed or revoked by a resolution of Council, at any time.

Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	20 August 2019	19/416	4		
2			5		
3			6		
All policies can be reviewed or revoked by resolution of Council, at any time.					

SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
March 2020	Policy re-written taking into consideration changes to Strategic Policy ST029 – Grants and Donations. Update to dates for opening and closing of applications to facilitate assessment timeframes and adoption by Council before event is held.
June 2019	New Policy

DRAFT



Strategic Policy

Event Sponsorship Program
Application Process

DRAFT

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www.orange.nsw.gov.au



APPLICATION PROCESS

Submissions for funding must be completed online. The application form and guidelines can be accessed from the Orange City Council website (<https://www.orange.nsw.gov.au/event-sponsorship/>). A separate completed application form is required for each sponsorship request.

Funds being sought from Orange City Council must be matched by the applicant on a dollar for dollar basis. Where the requested contribution is in-kind, an application still needs to be completed. Council will determine the value of in-kind support.

Any event organiser may apply for sponsorship however individuals and businesses who are not defined as not-for-profit organisations are subject to a 28 day public exhibition period prior to approval in accordance with Section 356 of the NSW Local Government Act (1993).

Applications for sponsorship will not be retrospectively approved.

ASSESSMENT OF APPLICATIONS

All applications are reviewed by an assessment panel within 7 days of the closing date for the funding round. Recommendations will then be made to the next available Council meeting for endorsement.

Successful and unsuccessful applicants will be notified within 10 days of the Council decision. Applicants will receive an email advising the outcome of their application.

FUNDING AGREEMENTS

Council will determine the successful requests for sponsorship and the amount offered. The offer from Council may not match the amount requested. Council may require a funding agreement to be entered into which will specify payment schedules and reporting deliverables.

Council will advise if the sponsorship will require an acquittal statement at the conclusion of the funding period. Recipients may also be required to provide evidence of expenditure with local businesses to demonstrate the direct impact of their project. For larger sponsorships, independently audited statements or copies of receipts may be required to verify expenditure of the grant where a funding agreement is entered into.

Successful applicants are required to be available for a promotional certificate presentation with the Mayor and will be notified by Council staff.

ELIGIBILITY

The following events and entities are ineligible to receive funding under the Event Sponsorship program:

- The event receives support through another Orange City Council stream
- The organisation has outstanding debts to Council or has not acquitted any past grant or sponsorship funding to the satisfaction of Council
- The organisation has not previously complied with permits or other conditions of Council, or has failed to apply for the required permits
- The event is a fundraising and or charity event where the majority of funds raised go outside the region



- The event is in conflict with or accepts sponsorship from organisations not aligned to Councils vision, mission and values
- The organisation wishes to use the sponsorship to fund feasibility studies, capital works projects, facility maintenance or the purchase of capital equipment
- The event takes place on a regular basis such as weekly, monthly or quarterly
- An event of political or religious purpose
- The event excludes parts of the community
- School activities

Funding is **excluded** for the following items in successful applications:

- Sporting trips, subsidies or sponsorships
- Business events or conferences
- Operational administration expenses
- Event insurance

TIMING

Round	Eligible event dates	Open	Close
Financial Year 2019/2020			
1	1 October 2019 – 31 March 2020	21 August 2019	11 September 2019
2	1 April 2020 – 30 June 2020	1 October 2019	10 November 2019
Financial Year 2020/2021			
1	1 July 2020 – 30 September 2020	1 April 2020	17 May 2020
2	1 October 2020 – 31 December 2020	1 July 2020	16 August 2020
3	1 January 2021 – 31 March 2021	1 October 2020	15 November 2020
4	1 April 2021 – 30 June 2021	1 January 2021	14 February 2021
Financial Year 2021/2022			
1	1 July 2021 – 30 September 2021	1 April 2021	16 May 2021
2	1 October 2021 – 31 December 2021	1 July 2021	15 August 2021
3	1 January 2022 – 31 March 2022	1 October 2021	14 November 2021
4	1 April 2022 – 30 June 2022	1 January 2022	13 February 2021



Additional Timing Considerations

Applications will be assessed on a quarterly basis prior to the commencement of Councils reporting quarters. Applications should be received in the first half of the application period immediately prior to the quarter where the funding is required, however there will be some exceptions. The exceptions could include:

- allowing a submission for sponsorship ahead of this timeframe where proof of additional matched funding is required from another funding body
- if the time between assessment just prior to the quarter and notification of the outcome of the assessment will put the event at risk.

Approval may be provided for event sponsorship in an upcoming financial year, however funds will not be released until after 1 July of the event year.

EVENT SPONSORSHIP PROGRAM CATEGORIES

Incubator Event Fund
The funding range is \$1,000 to \$5,000.
Provides seed funding to events in their first or second years of activity.
Notional annual funding pool available is \$20,000.
The fund supports innovative events that can: <ul style="list-style-type: none"> • Demonstrate organisational planning, that has a clear event plan, event structure, operational processes, insurance and risk management • Demonstrate a broad appeal that is likely to encourage day and overnight visitation. Strategies for measuring visitation and the visitor experience will be required • Show appropriate event marketing to be undertaken • Demonstrate having strong support and partnerships in place

Flagship Event Fund
The funding range is \$1,000 to \$10,000.
Provides funding for an event that has been running for more than 2 consecutive years and can demonstrate that they attract overnight visitation. This can be a single year of sponsorship or three years of annual sponsorship in a single application.
Notional annual funding pool available for Flagship Event Funds is \$30,000.
The Flagship Event Fund supports innovative events that can: <ul style="list-style-type: none"> • Define the event character and culture seeking funding; • Have a well-developed marketing plan with defined target audience and measurable objectives; • Attract over 1000 event attendees or other agreed amount in special circumstances;



Flagship Event Fund

- The economic impact to the Orange360 region is at minimum \$150,000;
- Attract increased visitation for the Orange360 region;
- Potential for state, national or international exposure;
- Demonstrate having strong support and partnerships in place;
- Demonstrate engagement with the local tourism industry with a view to build partnerships that drive visitation;
- Demonstrate sound organisational planning, that has a clear event plan, event structure, operational processes, insurance and risk management;
- Be mindful of peak tourism periods for the Orange360 region and how your event fits into the annual event calendar.

Event Development Fund

The funding range is \$1,000 to \$10,000.

Provides funding for events that have already received funding from Council in previous years and have been in existence for more than 7 years.

Notional annual funding pool available for Event Development Funds is \$30,000.

The event must present a comprehensive strategy for future growth that includes the continued development of its potential to drive overnight visitation to the event. The event must be driving visitation from out of region, encouraging international visitation or undertaking a new activity that will grow the overall event.

The Event Development Fund supports innovative events that can:

- demonstrate a high profile as a key event in the Orange360 tourism region;
- provide a long term strategic plan that identifies the event's potential to continue to grow overnight accommodation and local economy spend;
- provide a well-developed long term marketing plan with defined target audience and measurable objectives;
- Attract over 5000 event attendees or other agreed amount in special circumstances;
- Drive the economic impact to the Orange360 region at a minimum of \$350,000;
- Able to offer appropriate levels of accommodation and services to the event visitors to sustain the events growth projections;
- Potential for state, national or international exposure;
- Demonstrate event sustainability;
- Demonstrate having strong support and partnerships in place;
- Demonstrate engagement with the local tourism industry with a view to build partnerships that drive visitation;
- Demonstrate successful event delivery in the areas of sound organisational planning, event planning, event structure,



Event Development Fund

communication, marketing, operational processes, insurance and risk management;

- Have a rigorous approach to measuring audiences, overnight visitation and event experience with an emphasis on data accuracy.

Quick Response Event Fund

The funding range is \$1,000 to \$20,000. It is a one off grant.

Provides seed funding and or support to events that occur as a new and unplanned opportunity for Orange. These types of grants are a one off and capitalise on an opportunity that is new or unplanned for Orange.

The notional annual funding pool available for Quick Response Event Funds is \$20,000

The fund supports innovative events that can:

- Demonstrate sound organisational planning, that has a clear event plan, event structure, operational processes, insurance and risk management
- Demonstrate a broad appeal that is likely to promote tourism and attract overnight visitation. Strategies for measuring visitation and the visitor experience will be required
- Demonstrate a capacity for strong event marketing
- Demonstrate having strong support and partnerships in place with the local community
- Demonstrate financial responsibility and pay all expenses associated with the event



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FRAUD AND CORRUPTION PREVENTION

ST088

F22

OBJECTIVES

To provide a framework for the prevention, detection, investigation and correction of corrupt and fraudulent activity.

APPLICABILITY

This policy applies to all Council delegates - Councillors, Council employees (including temporary work experience placements), contractors, consultants, suppliers, volunteers, committee members and other delegates.

GENERAL

Council promotes an organisational culture that will not tolerate any actual or attempted act of fraud or corruption. The associated Fraud and Corruption Prevention Plan is designed to put this principle into practice.

Fraud and corruption can be distinguished from other forms of unethical behaviour. Council applies the following definitions which are based on those contained in the Australian Standard for Fraud and Corruption Control (AS 8001-2008).

Corruption – dishonest activity where a Council delegate acts contrary to the interests of Council and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity. The concept 'corruption' within the standard can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interest of the entity, in order to secure some form of improper advantage for the entity either directly or indirectly.

Fraud – dishonest activity, by a Council delegate or external person, causing actual or potential financial loss to Council, including the theft of money or other property. This includes the deliberate falsification, concealment, destruction or improper use of documentation used or intended for use for normal business purposes or the improper use of other information or position for personal financial benefit.

PROCEDURE

Council has developed and published policies and processes to facilitate the reporting of suspicions of corrupt conduct, mal-administration, or serious and substantial waste of public money. This guidance material, including the Public Interest Disclosures & Internal Reporting Policy (ST059), helps staff make protected disclosures in accordance with the Public Interest Disclosures Act 2012 and sets out procedures for making disclosures to Council and disclosures to appropriate external agencies including provisions for disclosures to be properly investigated and dealt with.

Council's Fraud and Corruption Prevention Plan outlines the process for dealing with fraud and corruption risks.



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RELATED POLICIES/DOCUMENTS

Australian Standard Fraud and Corruption Control AS8001:2008
 Audit Office of NSW – Fraud Control Improvement Kit 2015
 Crimes Act 1900 – section 156 & 157
 Independent Commission Against Corruption Act 1998 – Part 3
 Local Government Act 1993
 Public Interest Disclosures Act 1994
 State Records Act 1998
 Strategic Policy – ST010 – Code of Conduct for Staff
 Strategic Policy – ST110 – Code of Conduct for Councillors
 Strategic Policy – ST021 – Customer Service Obligation
 Strategic Policy – ST056 – Enterprise Risk Management
 Strategic Policy – ST039 – Gifts & Benefits
 Strategic Policy – ST059 – Public Interest Disclosures & Internal Reporting
 Strategic Policy – ST109 – Purchasing Policy
 Strategic Policy – ST016 – Complaint Management
 Statement of Business Ethics

Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	January 2009	09/453	6		
2	3 Dec 2013	13/649	7		
3	Dec 2014	15/024	8		
4	7 August 2018	18/354	9		
5					

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SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
March 2020	Inclusion of reference to Councillor in Corruption on Page 6 and Conflicts of Interest on Page 9. Inclusion of Complaints regarding the CEO to be directed to the Mayor or Manager Corporate Governance on Page 8.
May 2018	Amended objective. Applicability of Policy extended to consultants and suppliers. Expansion of definition of corruption. Updated related policies and documents. Update References.
December 2014	Clarification of “Council delegate” to include work experience participants. Updates to Public Interest Disclosures information. Removal of information relating to conflicts of interest as these considerations are set in the Code of Conduct.
October 2013	Inclusion of reference to the Australian Standard AS8001-2008 Fraud and Corruption Control, and to the ICAC “Corruption Prevention Strategy” May 2013. Inclusion of Enterprise Risk Management risk assessment process. Inclusion of reference to Public Interest Disclosure Contact Officers.



Strategic Policy

Fraud and Corruption Prevention

DRAFT

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Contents

Introduction	5
Definitions of Fraud and Corruption.....	6
Areas within Council where Fraud and Corruption May Occur	6
Roles and Responsibilities.....	7
Conflicts of Interest.....	9
Risk Management	9
Internal Audit Strategy.....	10
Procedures for Reporting Fraud and Corruption.....	10
Procedures for Fraud and Corruption Investigation.....	10

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Introduction

Overview

This Fraud and Corruption Prevention Plan sets out the fraud and corruption prevention policies and procedures followed by Orange City Council. It details Council's approach to the prevention, detection, reporting and investigation of fraud and corruption. The Plan is based on the standards, principles and strategies set out in Australian Standard AS 8001-2008 – *Fraud and Corruption Control* and guidance from the Independent Commission Against Corruption publications.

Effective implementation of this strategy will help ensure that public confidence in the integrity of Council is maintained and Council's ability to achieve the best possible outcomes for the community will be enhanced.

Principles

Council promotes an organisational culture that does not and will not tolerate any actual or attempted act of fraud or corruption by Councillors, Council employees, contractors, volunteers, stakeholders, customers, committee members, and other delegates. This Fraud and Corruption Prevention Plan is designed to put this principle into practice.

Council is committed to:

- minimising opportunities for corrupt conduct
- detecting, investigating and disciplining corrupt conduct
- reporting corrupt conduct to ICAC and where appropriate NSW Police
- taking a risk management approach to the identification and management of corruption risk.

All Council delegates - Councillors, Council employees, contractors, consultants, suppliers, volunteers, stakeholders, customers and committee members, and other delegates must be above fraud and corruption, and further, conduct themselves in a manner so as not to be perceived to be involved in such activities.

Council will deal fairly with all parties in the course of investigating allegations of fraud or corruption. However, if fraud or corruption is proven, Council will apply appropriate sanctions in accordance with the Code of Conduct or Disciplinary Policy (relating to staff). Matters referred to the Independent Commission Against Corruption (ICAC) or NSW Police may lead to criminal proceedings.

All staff members are required to act ethically and professionally in accordance with Council's *Code of Conduct* and *Statement of Business Ethics*. The *Code of Conduct* is published on Council's website at www.orange.nsw.gov.au

***Relationship with other Council Policies and Plans***

In addition to the Code of Conduct, this strategy has a close relationship with the following policies, plans and documents, each of which can be located on Council's website:

- Customer Service Obligation Policy
- Enterprise Risk Management Plan
- Gifts & Benefits Policy
- Public Interest & Internal Reporting Policy
- Purchasing Policy
- Statement of Business Ethics

Definitions of Fraud and Corruption

Council applies the following definitions, as defined by the Australian Standard for Fraud and Corruption Control (AS 8001-2008).

Corruption

Dishonest activity in which a Councillor, Director, Executive, Manager, Employee or Contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity. The concept of 'corruption' within this standard can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order to secure some form of improper advantage for the entity either directly or indirectly

Fraud

Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit. The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered 'fraud'.

Areas within Council where Fraud and Corruption May Occur

Fraud may be categorised as 'internal' or 'external' fraud. Internal fraud, sometimes called 'workplace fraud', refers to fraud that is committed by Council delegates in the workplace. External fraud refers to fraud against Council by non-delegates, such as customers, suppliers etc.

Areas identified as having high risk ratings for fraud and corruption in the public sector include:

- **Managing people** – delegations, recruitment, supervision of staff, secondary employment
- **Managing external relationships** – conflicts of interest, procurement, commercial activities, joint ventures, sponsorship



- **Managing services and products** – client relationships, community affiliations, regulatory functions, and resource allocation
- **Managing money** – accounts management, cash handling, credit cards, grants and program funding, payroll, ticket vending
- **Managing information** – confidential information, electronic transactions, IT systems
- **Managing assets** – disposal of goods and property, intellectual property, management of resources, use of resources.

Some examples of fraud and corruption include:

- **Theft** (from Council or its customers) of assets, such as equipment, consumables, supplies, cash, information
- **Unauthorised or illegal use of assets, information or services for private purposes** including: vehicles, human resource support, computers (including email and internet), confidential information, equipment (including photocopiers, telephones, fax), Council logo or stationary
- **Abuse of position and power for personal gain** for example obtaining gifts or benefits in exchange for favourable treatment, nepotism in staff appointments, non-compliance with procurement processes by favouring one tenderer over another
- **Manipulation or misuse of accounting**, such as ordering equipment for personal use, over-ordering for private use, favouring suppliers whose costs are not as competitive as other suppliers, deliberate miscoding or transfer of financial transactions to achieve favourable reported budget outcomes
- **Falsification of records or services**, including timesheets, travel claims, purchase orders, petty cash vouchers, allowing contractors to under-deliver on goods or services below their contracted arrangements
- **Conflict of interest** eg: where a councillor or employee acts in their own self-interest rather than the interests of Council.

Roles and Responsibilities

Council considers and approves the Strategic Policy.

Chief Executive Officer considers all policies and procedures relating to the control and investigation of fraud and corruption. The Chief Executive Officer is responsible for:

- reporting to the Independent Commission Against Corruption (ICAC) any matter that he/she suspects on reasonable grounds involves or may involve corrupt conduct
- assigning responsibilities in relation to fraud and corruption risk management
- ensuring managers and staff receive support, training and resources to fulfil their responsibilities.



Director Corporate and Commercial Services is responsible for:

- producing fraud and corruption policies, procedures and training programs
- liaising with internal and external investigators
- assuring the quality of investigation processes and reports
- providing advice to staff affected by internal investigations.

Public Interest Disclosures Coordinator

All reasonable suspicions of fraud or corruption are reported to the Public Interest Disclosures Coordinator who decides what action should be initiated to assess the concerns raised. All fraud and corruption investigation reports are referred back to the Chief Executive Officer to determine what action is to be taken to address the investigation findings.

The Manager Corporate Governance is Council's nominated Public Interest Disclosures Coordinator.

Public Interest Disclosure Officers

In addition to the Chief Executive Officer, the following staff are appointed as Public Interest Disclosure Officers:

- Manager Corporate Governance
- Manager Community Services
- Manager Depot, Airport and Emergency Services
- Manager Development Assessments
- Manager Works
- Manager Corporate and Community Relations
- Executive Support Manager
- Governance Coordinator

Complaints

Complaints in respect of the Chief Executive Officer should be submitted to the Mayor or Manager Corporate Governance.

Audit and Risk Management Committee

The Audit and Risk Management Committee has been established and assists in reviewing the effectiveness of Council's fraud and corruption control strategies and plans.

Directors must ensure that the Fraud and Corruption Prevention Plan and related Council Policies and Plans are fully and effectively implemented in their Divisions.

Line Managers are responsible for:

- implementing the Code of Conduct and relevant Policies and Plans, including ensuring staff are aware of principles and procedures
- monitoring their workplaces to identify and address situations that are likely to raise ethical dilemmas (eg. by establishing good procedural guidance for decision-making, particularly the exercise of discretion)



- ensuring that staff are not placed in potentially difficult or compromising situations (eg. by working alone in the field where they may face compromising situations, or potentially being exposed to relational selling)
- being available and supportive to staff who require guidance on ethical dilemmas;
- fostering a work environment free of harassment, discrimination, victimisation, corruption, maladministration and waste
- supporting and protecting staff who report, in good faith, instances of potentially unethical or corrupt practices
- ensuring that staff are treated fairly, equitably and in accordance with legislation and policy (eg. access to training and other development possibilities).

All Council Staff have a duty to:

- act ethically, lawfully and in accordance with the principles contained in the Code of Conduct
- comply with this and all other Council policies
- report potentially unethical or corrupt practices via the established mechanisms.

Conflicts of Interest

A conflict of interest exists when a staff member or Councillor could be influenced, or perceived to be influenced, by a personal interest when carrying out their duties. Council's Code of Conduct provides detailed guidance regarding conflicts of interest.

It is corrupt behaviour to knowingly make a decision influenced by a conflict of interest.

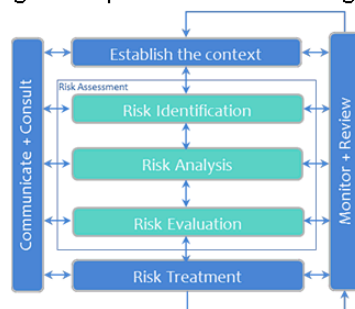
Risk Management

An important part of fraud and corruption prevention is understanding where the areas of risk are in Council. With this in mind, Council aims for the risk management process to result in meaningful action that eliminates or, at least, improves mitigation of fraud and corruption risks. The complete elimination of fraud and corruption is the desired state to be achieved, and while striving to achieve this level of control, a higher level of fraud and corruption risk mitigation will be achieved.

Risk management is:

- the responsibility of all employees
- integrated into all business activities and systems
- based around the overall process of risk identification, risk analysis, risk evaluation and risk treatment.

This plan is to be cross-referenced to Council's Enterprise Risk Management Plan, in particular its risk management process. The following diagram summarises that process.



**Internal Audit Strategy**

Council's internal audit strategy allocates significant resources to fraud and corruption prevention, in providing in-depth auditing of functions and activities considered to be of high risk, and in identifying and testing all aspects of the controls applied to address risks.

Council undertakes regular reviews of internal controls, policies and procedures and part of this Plan will include Line Managers conducting self-audits using the checklists provided by the NSW Audit Office's Better Practice Guide.

Procedures for Reporting Fraud and Corruption

Council has developed the Public Interest Disclosures & Internal Report Policy (ST059) which facilitates reporting in accordance with the Public Interest Disclosures Act 1994. This policy sets out:

- procedures for making disclosures to Council
- procedures for making disclosures to appropriate external agencies
- procedures for dealing with anonymous reports
- protection for people making protected disclosures from reprisals that might otherwise be inflicted on them because of their disclosures
- provisions for disclosures to be properly investigated and dealt with.

The Public Interest Disclosures Policy and the Public Interest Disclosure Reporting System complement existing communication channels between supervisors and staff. **Staff are encouraged to continue to raise appropriate matters at any time with their managers, but as an alternative they have the option of making a public interest disclosure.**

Procedures for Fraud and Corruption Investigations**Internal Investigations**

Council's Policy and approach for managing external complaints and allegations (Complaints Management Policy ST016) provides rigorous and detailed systems and procedures for conducting internal investigations and notifying appropriate external agencies.

Council documents all processes and findings of probity investigations. These documents are managed and stored securely to protect confidentiality.

External Investigative Resources

Council engages specialist external investigation and audit services to investigate probity allegations where appropriate, to provide an additional level of 'arm's length' independence to establish the facts.

The Chief Executive Officer has a statutory duty to report to ICAC any matters that he suspects, on reasonable grounds, may involve corrupt conduct, including fraud. Council notifies NSW Police in circumstances where criminal offences are suspected.

6 CLOSED MEETING – NO CLOSED ITEMS