

**Walcha Council 2022 – 2023  
Annual Report – Appendix F**



# **Payment of Expenses & Provision of Facilities for the Councillors**



# WALCHA COUNCIL

## ADMINISTRATION POLICY

### Payment of Expenses and Provision of Facilities for Councillors

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#### Applicability

All Councillors and Council Staff

#### Publication Requirement

Internal and External

#### Assigned Responsible Officer

General Manager

#### Document Status

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### Payment of Expenses and Provision of Facilities for Councillors

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## POLICY OBJECTIVE

The objectives of this Policy are to ensure compliance with the provisions of Section 252 of the *Local Government Act 1993*, (the Act) by adopting a Policy concerning the payment of expenses incurred, or to be incurred by, and the provision of facilities to the Mayor, the Deputy Mayor and Councillors in relation to the performance of the functions of civic office.

The purpose of this Policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred, or to be incurred, by Councillors. The Policy also ensures that the expenses allowed and the facilities provided to assist Councillors carry out their civic duties, are fair and reasonable.

## POLICY – Part 1

### **Making and Adoption of Policy:**

In accordance with Section 252 of the Act, Walcha Council must, within the first twelve months of each term of Council, adopt a Policy for the Payment of Expenses and Provision of Facilities to Councillors.

Council will not pay any expenses incurred or to be incurred by, or provide any facilities to the Mayor, the Deputy Mayor or a Councillor other than in accordance with this Policy.

In accordance with Section 253 of the Act, Council must give public notice of its intention to adopt or amend a Policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.

Before adopting or amending the Policy, Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft Policy or amendment. Council will not give public notice of a proposed amendment to its Policy for the Payment of Expenses or Provision of Facilities if Council is of the opinion that the proposed amendment is not substantial. This Policy may only be adopted or amended in a Council Meeting which is not closed to the public.

### **Legislative Provisions**

Sections 248, 248A, 249, 250, 251, 252, 253, 254 and 254A of Part 2 Division 5 of the Local Government Act, 1993 and clauses 403 and 404 of the Local Government (General) Regulation 2005 provide for the fees, expenses and facilities that may be paid or provided to the Mayor, Deputy and Councillors of Walcha Council.

**Approval Arrangements**

Approval arrangements for Councillor discretionary trips, attendance of Councillors at conferences, seminars, forums, workshops, professional development programs and/or other significant expenses and facilities under this Policy and for insurance purposes must be authorised by way of a formal resolution of an Ordinary Meeting of the Council.

Where approval at a Council Meeting is not possible, or appropriate, then approval must be given jointly by the Mayor and the General Manager. If the Mayor requires approval, it must be given jointly by the Deputy Mayor or another Councillor and the General Manager.

Where a Councillor is representing Council at an official engagement or function within the Walcha Council Local Government Area by arrangement with, and the approval of the Mayor, due to the inability of the Mayor to attend, Council will be responsible for the cost of the Councillor's attendance

**PAYMENT OF EXPENSES – PART 2****General Provisions:****Payment of Expenses Generally***1. General Expense Allowance*

This Policy does not include any general expense clause and provides for payment of, or reimbursement of actual expenses incurred by Councillors in the carrying out of their civic duties. Not does this policy include payment of any general allowances unrelated to actual expenses.

Claims for reimbursement of expenses must be lodged no later than three months after the expense is incurred.

*2. Monetary Limits for Expenses*

Expenses and other benefits provided to Councillors under this Policy identify specific monetary limits and/or rates for the payment of expenses and other benefits to Councillors. Monetary limits and/or rates are based on what is considered to be a reasonable level of provision. All monetary limits are exclusive of GST.

Identification of specific monetary limits and/or rates for the payment of expenses and other benefits provided to Councillors under this Policy is to ensure accountability and transparency; and allow members of the public to be aware of the cost of providing services to Councillors in the carrying out of their civic duties.

Monetary limits may only be waived by a resolution of Council in exceptional circumstances. Any waiver of a monetary limit will apply to a particular event or circumstance and will not constitute an amendment to this Policy.

*3. Private Benefit*

Private use of Council facilities and resources by a Councillor to obtain a private benefit is not permitted. A Councillor acting in good faith in the performance of their civic duties is able to



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obtain no more than incidental private use of Council facilities and resources. Where more than incidental use occurs, the Councillor will be required to reimburse the Council the actual costs of the private benefit obtained.

In situations where private use by a Councillor of Council facilities and resources occurs, the General Manager will determine a suitable rate for reconciliation and reimbursement by the Councillor to the Council of the private benefit obtained.

Councillors must not obtain a private benefit from the provision of Council equipment and facilities while on Council business. It is acknowledged that from time to time, the incidental use of Council equipment and facilities may occur. Such incidental private use is not subject to a compensatory payment back to the Council.

#### *4. Use of Council Resources for Political Purposes*

A Councillor's re-election to Council or election to other bodies, the fundraising activities of political parties, including political fundraising events are considered to be personal interests. Official Council material such as letterhead, publications, websites as well as Council services and forums must not be used for re-election purposes or any personal interests. Council facilities, equipment and services must not be used to produce election material or for any other political purposes.

Situations in which the appearance or perception may be given that Council material, facilities and resources are being used for such purposes must be avoided.

#### *5. Gifts & Benefits*

In circumstances where it is appropriate for Councillors to give a gift or benefit, for example, on a Council business related trip or when a Councillor is receiving visitors, such gifts and benefits must be of token value only.

#### *6. Participation, Equity and Access*

Council's Payment of Expenses and Provision of Facilities to Councillors Policy is designed to be non-discriminatory, equitable and encourage the election to Council of people from diverse backgrounds representative of the demographics of the Walcha Community and Local Government Area. Council's Policy is sufficiently flexible to allow Councillors to represent the community in different ways and takes account, as much as is possible, the individual differences of Councillors who make up the elected body of Walcha Council.

#### *7. Approval and Dispute Resolution*

In the event of a dispute arising concerning the payment of expenses and provision of facilities to Councillors, any such dispute will be referred to a Meeting of Council for determination. The General Manager will provide a report to Council outlining the terms of the dispute for determination by Council.



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**8. Reimbursement of Expenses**

Council will reimburse Councillors' reasonable out of pocket or incidental expenses associated with attending Council approved conferences, seminars, forums, workshops and professional development programs upon the presentation of official receipts and the completion of a claim form within three months of the expenses being incurred. Upon submission of the claim which must include appropriate receipts and tax invoices, the claim will be verified to be in accordance with this Policy and the Councillor reimbursed.

**9. Payment in Advance**

Councillors may submit a claim for an advance payment in anticipation of expenses to be incurred in attendance at Council approved conferences, seminars, forums, workshops and professional development programs. Advance payment claims will be verified to ensure compliance with this Policy and approved for payment.

In circumstances where an advance payment is made to a Councillor, the Councillor must fully reconcile all expenses incurred against the advance payment within 30 days of the date of the advance and submit the reconciliation to the General Manager for verification and approval in accordance with this Policy.

**SPECIFIC EXPENSES FOR THE MAYOR AND COUNCILLORS**

**Councillor Induction, Professional Development, Conferences, Workshops and Community Non-Council Functions and Events**

A budget allowance is made in the Operational Plan budget for Councillor fees, allowances and travel costs.

These funds are designed to provide for attendance of Councillors at inductions, training seminars, conferences, workshops, professional development programs, industry working parties and community non-Council functions and events.

Where not listed in this policy, authorisation for the attendance of Councillors to events will be by way of a resolution of the Council and where time not allow and the attendance is within existing budgets for this the Mayor (and in the case of the Mayor, the General Manager) may authorise the attendance and retrospectively bring a report to Council for note and public transparency. Authorisation and the payment of the expenses involved will only be provided by Council where the conference, workshop or industry working party is directly related to the Councillor's civic functions and responsibilities and/or the Local Government Sector.

Councillors shall at the conclusion of their attendance at the seminar, conference or training provide a report to Council on the aspects of the seminar, conference or training. This report should be submitted to Council within three months of their attendance. Attendance at the Local Government NSW Annual Conference or National General Assembly will not require a report to Council.

No payment will be approved for the attendance by a Councillor at any political fundraising event,



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for any donation to a political party or candidate's electoral fund, or for some other private benefit.

Amounts remaining unexpended as at 30 June each year, for the attendance of Councillors at Conferences and Workshops; and Community Non-Council Functions and Events will expire and will not be carried over or available for expenditure by a Councillor in the next financial year.

**Travel Arrangements and Expenses within Walcha Council Local Government Area (LGA)**

Councillors will be reimbursed for travel expenses in accordance with the Local Government NSW Award for approved rates for use of private motor vehicles to attend the following:

- Council Meetings;
- Council Committee Meetings;
- Working Group Meetings where the Councillor is the nominated Delegate;
- Section 355 Committee Meetings;
- External Organisations / Committee Meeting where the Councillor is the nominated Delegate;
- Workshops convened by Council;
- Public Meetings convened by Council;
- Training Programs relating to the role of the Council;
- Inspections within the area of the Council, undertaken according to a resolution of Council; and
- To attend a formal function or meeting where a formal invitation to attend arises only as a result of their position as a Councillor, provided:
  - a) Travel by Councillors within the Walcha Council LGA must be undertaken by utilizing the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations; and
  - b) Reimbursement is subject to a formal claim being lodged not later than three months after the expense was incurred.

Council will be responsible for the expenses of Councillors to attend meetings, official engagements and functions where the Councillor has been authorised by the Council or is deputizing for the Mayor within the Walcha Council LGA. Expenses relating to a Councillor spouse, partner or accompanying person, who may accompany a Councillor, will be the responsibility of the Councillor.

The kilometre rate payable to Councillors who travel in their own vehicle shall be the rate payable under the Local Government State Award.

**Domestic Travel Outside Walcha Council LGA**

Council will be responsible for the payment of travel and transport expenses incurred by Councillors to attend State Government sponsored ad hoc committees, official engagements and functions where the attendance of the Councillor has been authorised by the Council.

Travel by Councillors outside the Walcha Council LGA must be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal





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medical considerations. All travel expenses will be incurred against the Councillor fees, allowances and travel costs budget. In the first instance, Councillors must request a Council owned motor vehicle through the Executive Assistant and if not available, they are then approved to utilise their own vehicle.

#### **International Travel**

Council will be responsible for the payment of overseas travel expenses incurred by Councillors directly associated with the carrying out of the Councillor's civic duties where authorised by Council.

Where Councillors, while representing the Council (including visits sponsored by other organisations) propose to travel overseas, the proposals should be considered at an Open Council Meeting through a report from the Mayor, General Manager or responsible Director / Manager prior to any travel being undertaken.

All proposals should indicate:

- Who is planned to take part in the travel;
- Proposed itinerary and expected duration;
- Objectives for undertaking the travel, including an explanation of what benefits will accrue from the exercise with an approximate budget; and
- Detailed costs, including a statement of any amounts expected to be reimbursed by the participants.

Overseas travel by Councillors must be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

Council will not permit or allow the retrospective reimbursement of overseas travel expenses unless prior authorisation of the travel has been given by the Council.

All travel expenses will be incurred against the Councillor fees, allowances and travel costs budget.

After returning from Council approved overseas travel, the Councillor or Councillors involved are required to submit a detailed written report to the Council on the outcomes and benefits achieved for the Council and the Community from the overseas travel.

#### **Operational Plan Reference**

If details are known prior to the preparation of the Operational Plan proposals for overseas travel by Councillors, Council Staff or other persons while representing the Council (including visits sponsored by other organisations) should be documented in that Plan. The Plan must be widely circulated in the Community. Community input about the proposed visit can therefore be considered as par to the Operational Plan and Budget finalisation process. Proposals should indicate:

- The names and titles of the Councillors, Council Staff or other persons while representing the Council (including visits sponsored by other organisations) and staff members who are planning to take part in the overseas travel, including the destination, expected duration



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and the reasons for the proposed travel;

- The objectives for undertaking the overseas trip, including an explanation of what community benefits may/will accrue from the exercise, together with an approximate budget.

#### **Sponsorship**

If the visit is to be sponsored by private enterprise or other Government organisations, ICAC guidelines and reporting structures should be followed and this should form part of the community reporting process.

#### **International Travel with Short Notice**

Where exceptional cases arise and travel has to be undertaken at short notice, the above proposals should be put to Council, in Open Council, for confirmation. The outcomes, costs and attendances should be included in the first Annual Report issued subsequent to the travel taking place.

#### **Record in Annual Report**

Council is required under Section 428 of the Local Government Act, 1993, and Section 217 of the Local Government (General) Regulation 2005 to report on overseas visits undertaken in any year by Councillors, Staff or other persons representing Council. These details are included, after the visit, in Council's Annual Report produced each year and will include details of the cost to Council for the travel, who took part in the travel, the length of the trip and how the objectives were met and what quantifiable benefits will flow to the Community.

#### **Accommodation Costs**

Council will be responsible for the accommodation costs of Councillors when attending Council approved events (eg: conferences, seminars, forums, workshops and professional development programs) outside the Walcha Council LGA. Accommodation must be appropriate, practicable and economic and be generally equivalent to no more than the cost of a 4 star accommodation rating or standard.

Any additional accommodation expenses relating to a Councillor spouse, partner or accompanying person who may accompany a Councillor will be the responsibility of the Councillor.

#### **Approved Events**

For the purposes of this policy, the following shall be considered as regular Conferences at which Council may be represented and the relevant Staff permitted to attend:

- The Annual Conference of Local Government New South Wales;
- The Annual National Conference of Local Government Australia;
- Country Mayors Association of New South Wales events.

#### **Technology**

Councillors will be provided with an iPad or laptop computer inclusive of normal data usage to meet their civic duties. Any excess data usage will be reviewed by the Director Corporate & Community which may result in Councillors being responsible for the cost.



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Councillors who reside outside the Telstra mobile network will be provided with an equivalent service.

The Council shall provide a mobile phone to the Mayor and meet the cost of all official calls and communication costs.

#### **Insurance Expenses and Obligations**

Section 382 of the Act requires Council to make arrangements for adequate insurance against public liability and professional indemnity.

For matters arising out of Councillors' performance of their civic duties, Councillors will be subject to the following insurances:

- Public Liability.
- Professional Indemnity.
- Personal Accident and Injury.
- Use of private motor vehicles whilst engaged in Council business.
- Property Insurance for loss or damage for personal property if travelling overseas.

#### **Credit Card**

The Council shall provide a corporate credit card to the Mayor to be used on official Council business. The credit card is to be managed in accordance with Council's Credit Card and Procurement Policies.

#### **Legal Expenses and Obligations**

Providing that the outcome of the legal proceedings is substantially favourable to the Councillor, reasonable legal costs will be available to a Councillor for:

- a) defending an action arising from the performance in good faith of a function under the Local Government Act 1993 (section 731 refers);
- b) defending an action in defamation provided the statements complained of, were made in good faith, in the course of exercising a function under the Act; or
- c) proceedings before an investigative or review body or hearing into a Councillor's conduct provided the subject of the proceedings arises from the performance in good faith of a function under the Act.

Investigative or review body or hearing into a Councillor's conduct include:

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

In the case of a conduct complaint made against a Councillor, legal costs will only be available where a matter has been referred by the General Manager to a Code of Conduct Reviewer or a Code of Conduct Review Committee to make formal enquiries into the matter in accordance with the procedures of the Council's Code of Conduct.



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In the case of pecuniary interest or misbehaviour matter, legal costs will only be made available to a Councillor where a formal investigation has been commenced by the Office of Local Government. Council will not meet the legal costs of:

- any legal proceedings initiated by a Councillor under any circumstances;
- a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation; and
- a Councillor for legal proceedings that do not involve a councillor performing their role as a Councillor.

The Mayor in conjunction with the General Manager will determine by approval or refusal applications by Councillors for the payment or reimbursement of legal expenses incurred in accordance with this Policy.

In the event of the Councillor seeking payment or reimbursement of legal expenses in accordance with this Policy, being the Mayor, the Deputy Mayor in conjunction with the General Manager, will determine the application.

If the Mayor and General Manager, or the Deputy Mayor and the General Manager as the case may be, are not able to determine an application by a Councillor for payment or reimbursement of legal expenses in accordance with this Policy, the application will be referred to a full a Meeting of the Council for determination.

#### **Expenses for Spouse, Partners and Accompanying Persons**

Council will meet the reasonable costs of a Councillor's spouse, partner or accompanying person for attendance at official Council functions that are of a formal and ceremonial nature held or occurring within the Walcha Council Local Government Area. Such functions would be those that a Councillor's spouse, partner or accompanying person would be reasonably expected to attend. Examples include Australia Day Award ceremonies, citizenship ceremonies, civic receptions and charitable functions and events for charities formally supported by the Council.

The payment of expenses for the spouse, partner or accompanying person of a Councillor who may accompany a Councillor at any official engagement, event, function, conference other than the Local Government Association Annual Conference, seminar, forum, workshop and professional development program directly associated with performance of the civic duties of the Councillor held or occurring outside the Walcha Council Local Government area will be the responsibility of individual Councillors.

#### **Section 355 Committees**

Councillors elected or appointed to section 355 Committees and who wish to attend the Annual Conference directly associated with the function exercised by the Committee may do so. The costs will be allocated from the Councillor fees, allowances and travel costs budget.

Expenses relating to a Councillor spouse, partner or accompanying person who may accompany a Councillor will be the responsibility of the Councillor



## **PROVISION OF FACILITIES – Part 3**

### **GENERAL PROVISIONS**

#### **Provision of Facilities Generally**

##### *Stationery*

Council will provide, upon request, stationery to Councillors to be used in the carrying out of their civic duties.

##### *Postage*

Council will provide Councillors with postage facilities where the communication being posted is directly related to the carrying out of the Councillor's civic duties.

##### *Administrative Services*

Council will provide administration services to all Councillors directly relating to the carrying out of a Councillor's civic duties.

##### *Training*

Council will conduct professional development and training programs for Councillors appropriate for the effective and efficient carrying out of a Councillor's civic duties. Professional development and training programs will be conducted by either Council Staff or external service providers where required.

##### *Resource Centre and Office Accommodation*

A room will be made available to Councillors as a location Centre to meet with residents and use telephone and other relevant facilities (eg: computer screen) in the carrying out of the Councillor's civic duties. The following resources will be provided to enable Councillors to undertake individual research:

- Local Government Act, 1992 and related legislation;
- Environmental Planning & Assessment Act, 1979;
- Walcha Council Code of Conduct;
- ICAC and Ombudsman Reports;
- Walcha Local Environmental Plans;
- Other relevant reports and materials as appropriate.

##### *Meals and Refreshments*

A meal and refreshments will be made available for Councillors for Council Meetings.

##### *Mayoral Office*

The Mayor will be provided with furnished Mayoral Office to carry out the civic duties of the Office of Mayor.



## OTHER MATTER – Part 5

### Acquisition and Returning of Facilities by Councillors

Councillors must return all Council property, equipment and other facilities allocated or provided to them under this Policy to the General Manager within 14 days after the completion of their term of office, extended leave or absence or at the cessation of their civic duties.

Councillors may submit offers to purchase Council property, equipment and other facilities allocated or provided to them under this Policy at the cessation of their civic duties. If the items are available for sale, the purchase will be at an agreed fair market price or written down value.

### Councillor Annual Fees

Councillor annual fees do not fall within the scope of this policy.

### Review

Council reserves the right to vary, replace or terminate this policy at any time. This policy will be reviewed every 2 years or following an Ordinary Election of Council, or earlier if there are relevant statutory or State Government policy changes.

| Version | Date Reviewed     | Prepared by     | Endorsed | Approved                 |
|---------|-------------------|-----------------|----------|--------------------------|
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| 3.0     | 28 October 2008   | General Manager | Council  | Minute No.: 59/08/09     |
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| 5.0     | 25 November 2009  | General Manager | Council  | Minute No.: 89/0910      |
| 6.0     | 27 April 2011     | General Manager | Council  | Minute No.: 183/1011     |
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| 9.0     | 27 July 2012      | General Manager | Council  | Minute No.: 320/1112     |
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