

# Yass Valley Council Probity Plan

NORTH MURRUMBATEMAN PROJECT

FEBRUARY 2022

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## INTRODUCTION

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1. Yass Valley Council is committed to observe rigorous probity at all times. In this case, Council intends to engage with external parties to develop an area of land known as 'North Murrumbateman' (**Project**). North Murrumbateman comprises of land owned by five separate and distinct parties. A map of the area is **APPENDIX A**.
2. Two potentially interested parties have been identified by Council [REDACTED]  
[REDACTED]  
[REDACTED] Together and separately these parties are referred to as **Proponents**.
3. While Council is prepared to offer the Proponents the opportunity to participate in the Project, they must each agree to enter a Memorandum of Understanding (**MoU**) to do so. The MoU is designed to guide the conduct and behaviour of all parties to the Project, including Council.
4. The purpose of this Probity Plan is to assist Council navigate the risks associated with:
  - Engaging in direct dealings; negotiating with corporate entities.
  - Acting as both land owner and public authority;
  - Managing the presence of threatened and endangered species; and
  - Organising public consultation.

## RELATED GUIDING DOCUMENTS

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5. Council's relevant internal policies to consider during this Project include:
  - The adopted Code of Conduct; and
  - The Statement of Business Ethics.
6. Council will develop a Communications Strategy for this Project. The Communications Strategy will outline when and how various elements of the Project are communicated to the Council, community, and staff. The Communications Strategy will also assist Council deal with organised community groups, such as the Murrumbateman Progress Association.
7. Council will develop a MoU, which will be kept alive during the Project, as a benchmark against which the conduct of the parties will be judged and managed. Nothing in the MoU or this Probity Plan will take precedence over Council's Code of Conduct or Council's statutory obligations.
8. Other guiding documents that be considered where necessary include:
  - 'An inherent conflict of interest: councils as developer and regulator', NSW Ombudsman, December 2020.
  - '*Direct negotiations: Guidelines for managing risks*', Independent Commission Against Corruption, August 2018; and
  - 'Unsolicited Proposals: Guides for submission and assessment', NSW Government, August 2017.

## PURPOSE OF THIS PROBITY PLAN

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9. This Probity Plan is to guide Council during the Project. While there is no universally accepted definition of 'probity', for the sake of this Probity Plan, probity is defined as '*... the quality of having strong moral principles, honesty, and decency. Probity is important for NSW Government agencies as it helps ensure decisions are made with integrity, fairness, and accountability, while attaining value for money.*'<sup>1</sup>
10. This Probity Plan is intended to assist Council ensure that the following accepted probity principles are observed:
  - Information security and confidentiality.
  - Managing conflicts of interest.
  - Accountability.
  - Communication, fairness, and impartiality.
  - Obtaining value for money; and
  - Transparency.
11. This Probity Plan serves as a guide on how to:
  - Apply the probity principles and objectives,
  - Manage any probity risk which may arise, and
  - Ensure that appropriate records are created and retained.
12. Implementation of this Probity Plan will minimise the risk of potential liability that might otherwise arise out of the conduct of the Project. To assist in this goal a risk matrix is located at **APPENDIX C**. The risk matrix will be regularly updated as risks are identified.

## PROBITY PLAN APPLICATION

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13. This Probity Plan is intended to apply to all Council Officers that have any dealing, formal or informal, with the Project. Council Officers includes staff members, Councillors, advisors, and delegates of Council.
14. This Probity Plan may be amended if required and as necessary, by the endorsement of the General Manager. Reasons for amending this Probity Plan must be clearly documented.

## MEMORANDUM OF UNDERSTANDING

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15. A MoU will be developed by Council.
16. The MoU will be forwarded to the Proponents for discussion purposes. Once the Proponents have had the opportunity to consider the MOU, Council will Chair a meeting to allow for discussion on the content and form of the MoU.
17. While all Proponents will be invited to the meeting, and no Proponent will be compelled to attend, any Proponent who does not attend without good reason (judged solely by Council) or does not sign the MoU, will be excluded from the Project.
18. The MoU will not be legally binding, rather its purpose is to allow the parties to agree on how they will interact with each other throughout the Project.
19. The MoU will be a publicly available document except for each party's contact's personal details, which will be redacted.

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<sup>1</sup> 'Engagement of Probity Advisors and Probity Auditors', May 2019, NSW Auditor-General's Report

## PROBITY PRINCIPLES

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20. Council's exercise of functions requires the Project to be conducted fairly, openly, and able to demonstrate the highest levels of integrity, consistent with the public interest. It is impossible to prescribe rules for every situation, however the Probity Advisor and the Delegated Officer will discuss issues that arise so as to decide on how they should be best managed. The Delegated Officer will record each such considerations and decisions.
21. It is incumbent on every Council Officer involved in the Project to understand and apply the principles of probity described in this Probity Plan. The Delegated Officer will fully communicate this Probity Plan, and any amendments to it, to each Council Officer involved in the Project.

## DESIGNATED ROLES

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### Governance and management structure

22. The Declared Evaluation Roles, described below, establish a 'Probity Wall' which enables Council to clearly separate the functions of staff who are responsible for commercial activities and regulatory activities, thereby reducing the inherent conflict of interest Council has as a regulator and a property owner.
23. The Declared Evaluation Roles include:
  - General Manager.
  - Elected Councillors (via Council meeting, when necessary);
  - Delegated Officer.
  - Technical Adviser/s.
  - Project Control Group (PCG).
  - Commercial Group (CG).
  - Regulatory Group (RG).
  - Communications Officer; and
  - Probity Adviser.

### The General Manager

24. The General Manager may nominate another staff member to exercise any of the functions and duties conferred on the Delegated Officer, or any other role undertaken by a staff member, in this Probity Plan. This nomination is to be recorded in writing.

### The Elected Councillors

25. The Councillor's role is a strategic, high level decision maker. The Project Control Group (PCG) will draft, and table reports to keep the Council fully informed of the Project, its challenges and its successes.
26. Outside of the regular Council Meeting process, each Councillor can seek information and answers from the General Manager and Executive staff. Councillors must make themselves aware of the established Probity Wall, and ensure they direct questions to the correct authorised member of either the Corporate Group (CG) or the Regulatory Group (RG).

### The Delegated Officer

27. The Delegated Officer's role is to:
  - Facilitate the participation of external resources in the Project in consultation with Council's General Manager.

- Act, generally, as the Contact Officer for the Proponents and interested community groups.
- Act as the Contact Officer specifically in relation to contact from the Proponents in relation to any matter that the CG deals with.
- Coordinate meetings.
- Ensure thorough record keeping.
- Review Council process.
- Assist with the implementation of the Communications Strategy, as necessary; and
- Provide procedural and administrative advice and support to the Project Control Group.

28. For this Project, the Delegated Officer is:

Position:                   Manager Governance

### Technical Advisors

29. Any number of Technical Advisors may be engaged by Council to assist with this Project. The Technical Advisor's role may include:

- Providing commercial, legal, or environmental advice.
- Attending briefings, teleconferences, and meetings as required by Council.
- Offering guidance regarding the comparative merits of submissions, if relevant.
- Drafting reports, as required by Council; and
- Any other tasks or functions as per the relevant consultancy contract.

30. Because this Project will be long running, technical advice or assistance will be obtained as and when necessary. Such consultants will be procured in accordance with Council's Procurement Policy and Procedures.

### The Project Control Group

31. The Project Control Group (**PCG**) comprises the General Manager, the Director Infrastructure and Assets, and Manager Governance. The PCG will be provided administrative support as and when necessary.

32. The purpose of the PCG is to steer the Project to satisfactory conclusions from a strategic viewpoint, and to advise the CG and RG, when desirable. The PCG will review relevant strategic documents, advise, and guide, and decide when and how the elected officials are to be informed and to seek their input.

33. The PCG Members for this Project are:

Group Chair:                   General Manager

Members:                       Director Infrastructure and Assets

  Manager Governance

34. The PCG will have two teams to advise and coordinate. Those two teams are the Corporate Group, and the Regulatory Group. These two teams are to operate separately and retain confidentiality over information, which is explained further at clause 479.

### The Corporate Group

35. The CG's role is to act as landowner throughout the Project. This may include making applications and submissions to Council, including procuring or drafting planning and/or

engineering documents to support applications and submissions; procuring licences or approvals, as necessary; and aiming to achieve best value for Council's land.

36. The CG Members for this Project are:

Group Chair: Director Corporate and Community.  
Members: Manager Facility and Waste Assets; and  
Chief Financial Officer

37. The CG will meet regularly with the PCG and provide reports and updates on their management of Project. At first, those meetings will likely be fortnightly or monthly, if not more frequent. As the Project develops, the frequency of meeting may decrease.

38. The Proponents must have no direct contract with the CG. All contact between Proponents and members of the CG is to go through the Delegated Officer.

### **The Regulatory Group**

39. The RG's role is to act as the Local Authority, including requiring all necessary documents associated with planning and development applications; assessing submissions; dealing with external agencies such as the DPIE, as required; apply for strategic biodiversity certification.

40. The RG Members for this Project are:

Group Chair: Director Planning and Environment.  
Members: Strategic Planning Manager  
Strategic Planner  
Strategic Planner (Contract).  
Manager Engineering Services  
Manager Water & Wastewater  
Manager Development Control  
Manager Recreational Assets

41. The RG will act as the Local Authority for all parties, including Council. The RG will meet regularly with the PCG and provide reports and updates on their management of Project. At first, those meetings will likely be fortnightly or monthly, if not more frequent. As the Project develops, the frequency of meeting may decrease.

### **The Probity Advisor**

42. The Probity Advisor is responsible for:

- Reviewing key project documents in the Project (from a probity perspective only).
- Reviewing the implementation of this Probity Plan by the Council, Council, staff, and advisors.
- Providing the Council, the General Manager, Delegated Officer, Council, and staff, with advice on any probity risks or issues identified in the Project (from a probity perspective only).
- Attending briefings or meetings with Proponents and attending briefings or meetings with Council's and other stakeholders, at the invitation of the Delegated Officer or General Manager.

- Providing a final probity report and other milestone reports (if requested) to the Council as required.

43. The Probity Advisor appointed for this Project is:

Position: Principal

Organisation: Prevention Partners NSW

## THE PROJECT AND PROJECT GOALS

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44. Council decided that: (as per Settlement Strategy of 27 September 2017)

- The area to the north of Murrumbateman would accommodate future urban growth as identified in the Yass Valley Settlement Strategy
- The growth area would accommodate residential development, land for community purposes (e.g. open space, biodiversity conservation areas, future school sites, commercial area(s))

To provide clarity, the Council will (as Project Manager) manage the project to the point of making a Local Environmental Plan as described in s3.36 *Environmental Planning & Assessment Act 1979*. The plan shall seek to achieve rezoning of the land broadly in accordance with the proposed rezoning outlined within Yass Valley Settlement Strategy (August 2019) and shall seek to optimise the future potential of the land after taking into account all matters of relevance to the land.

45. The goals of the Project are to:

- Map the constraints to future development
- Preserve areas of biodiversity value and local heritage significance
- Identify areas for future urban development and community facilities
- Develop a master plan to guide future development

46. Council will develop a timeline for the Project. The purpose of the timeline is to help keep the project on track, identify milestones, and thereby trigger necessary actions and decisions.

## PROBITY CONSIDERATION: CONFIDENTIALTY

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47. This Probity Plan will assist Council manage confidential information. Confidential information may be created internally, provided by external parties, and/or jointly created by internal and external parties, and created by either the CG or the RG.
48. As a public authority Council must make its decisions in a transparent manner wherever possible. Transparency of decision-making creates community trust. However, a balance must be struck between transparency and confidentiality. For this reason, it is difficult to make prescriptive rules about confidentiality.
49. However, the two roles that Council will undertake throughout the Project create a conflict. Accordingly, information specific to the Project created by either the CG or the RG must not be shared with the other.
50. A significant quantity of confidential information is likely to be generated as a result of the Project. The following procedures should be followed to ensure that the unauthorised release or sharing of confidential information does not occur.
51. If there are doubts about the confidentiality status of any information then it should be referred to the Delegated Officer, General Manager, or the Probity Advisor. Any information that is deemed confidential must be kept confidential.



52. Any information that could give any party an unfair advantage over another, including either the CG or the RG, must be kept totally confidential until such time as it may be made available to all parties, if such time occurs.

### **Confidential Information**

53. The Delegated Officer must ensure that the following items are maintained as confidential. Below are examples of 'confidential information':
- Commercial-in-confidence, intellectual property, trade secrets, sensitive information, and personal information.
  - Information that is recognised as confidential and not in the public domain; and
  - Any other information determined by the Delegated Officer or PCG to be confidential.
54. Procedures will be implemented to ensure that no unauthorised release of confidential information occurs. The processes adopted for receiving and managing information are to ensure the security and confidentiality of intellectual property, proprietary information, or otherwise sensitive information.
55. The Delegated Officer is to ensure that the Declaration at **APPENDIX B** is signed by any person who has access to confidential information. A register of persons who have signed the Declaration is to be maintained by the Delegated Officer.
56. All participants are to have the confidentiality provisions contained in the Declaration and this Probity Plan explained to them by the Group Chair, the Delegated Officer or the Probity Advisor.

### **Probity Wall**

57. The PCG will provide oversight and advice to the Project. The PCG will be independent from the daily activities and operational management of the Project, but it will provide guidance and advice to both operational groups.
58. If any of the Proponents wish to discuss matters with the CG, communication must be in writing, directed to the Delegated Officer. The Delegate Officer will deal with the CG directly and issue a response.
59. The Delegated Officer must consider whether the answer should be issued to all Proponents, or whether it is solely specific to the Proponent who made the contact.
60. When dealing with more than one Proponent, all Council staff must actively avoid sharing personal information, such as email addresses. Using BCC, or separating information into personalised emails, would assist in retaining protection over personal information.
61. Communicating with the Proponents is further explored at paragraphs 112 to 121.

### **Access to Confidential Information**

62. All confidential information must be secured and only accessible to the Council Officers who have a business need to access it.
63. No person is to access the confidential information unless a Declaration has been signed by that person, forwarded to the Delegated Officer.

### **Copying Files**

64. Confidential information must not be copied without the permission of the Group Chair to which the information relates or the Delegated Officer. In the event that confidential

information is copied, the Delegated Officer must make a file note describing what was copied, by whom, to whom it was given, and under whose authority the information was copied.

65. Paper information is to be kept in a secure place, which can be locked and is only accessible by the staff member who has authority to access the paper copy. Extra copies will not be produced without the prior written approval of the Delegated Officer.

### **Computer Access**

66. The Delegated Officer is to ensure that all Project information held electronically is stored in dedicated containers – for the PCG, CG and the RG. Access to which must be password controlled and available to authorised Group Members and staff systems administrators only.
67. Councillors will be granted access to confidential information when the General Manager deems it necessary. Any Councillor or staff member who holds a conflict in this matter must be excluded from provision of confidential information, including as a regular part of the business paper routine.
68. For RG Members who work near CG Members, and vice versa, those Members must ensure that their computer screens are not visible to others when they are working on the Project. Further, any telephone conversations must not be overheard between the Groups that pertain to the Project.
69. To avoid inadvertently emailing confidential information to any Council Officer who holds a conflict of interest, email groups should be established that includes only those Council Officers who are not conflicted and who have legitimate reason to receive the confidential information.
70. Each Group Chair must establish email groups for their team. The purpose of these email groups is to avoid inadvertently including non-Group Members.
71. All emails to a Group must use the dedicated Group email, rather than including each email address separately. Emails to a Group will be sent from the Group Chair and preferably checked by a second Council Officer where appropriate.
72. The emails will be secured insofar as they cannot be forwarded or printed, if possible.

### **Information Removed From Council's Offices**

73. Confidential information should not be removed from Council's offices. Approval to remove confidential information from Council's offices may be provided by the General Manager or the Delegated Officer if adequate security of the information can be guaranteed, and the removal is tracked and recorded.
74. If it becomes necessary to remove confidential information from Council's offices, its safe keeping is the responsibility of the person removing the information. The security arrangements to be implemented will be documented and provided to the Delegated Officer.
75. Confidential information must at all times be either in the personal possession of the individual or locked in a secure environment. Vehicles, residential homes, and open offices are not considered to be a secure environment, unless security arrangements are in place.
76. Confidential information must be hand delivered or couriered in secure packaging, when mailing.

77. Any loss or compromise of confidential information is to be reported to the Delegated Officer, in writing, as soon as practical after the loss or compromise becomes known.

## **PROBITY CONSIDERATION: CONFLICTS OF INTERESTS**

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78. All Council Officers must exercise their powers and discharge their duties in good faith in the best interests of Council, and for a proper purpose. Conflicts of interests arise when Council Officers appear to be influenced by private interests when undertaking their job. This includes the private interests of others who are close to the Council Officer, as defined by Council's Code of Conduct. Inadequate systems for dealing with conflicts of interests provide opportunities for corruption, maladministration, and serious waste of public resources.
79. All Council Officers should avoid placing themselves under any obligation to outside individuals or organisations that might influence, or attempt to influence, them in the performance of their official duties. Any Council Officer involved in the Project must declare any actual or perceived conflict of interests as soon as becoming aware of it. This interest will be considered, advice sought from the Probity Advisor where necessary, and a decision made as to how to address the matter.
80. Conflicts of interests arise when persons are influenced or appear to be influenced by interests other than those of Council when doing their job. Inadequate handling of conflicts of interests of persons involved in the evaluation or decision-making process could result in a perception of a lack of independence or potential for corruption which could affect the integrity of the Project.

### **Application**

81. All those who are involved in the Project in any capacity are required to make a full conflict of interest's declaration, actual or perceived, which may affect or be perceived to affect their capacity to conduct their duties.
82. The Declaration at **APPENDIX B** is to be completed prior to involvement in the Project. Any conflict of interests which is subsequently identified is to be immediately disclosed in writing to the Delegated Officer.
83. The application of the Council Code of Conduct should not detract from the requirements to adopt and follow the principles for managing conflicts of interests as set out in this Probity Plan.
84. For any external parties, including advisers, participating in the Project, any conflict of interest's obligations outlined in this Probity Plan need to be observed (as well as the conflict of interests obligations imposed under the *Local Government Act 1993*, *Local Government (General) Regulation 2005* and Council's Code of Conduct). It may be necessary to draft a more rigorous Declaration for external parties and advisors that **APPENDIX B**, depending upon the contract for engagement of services between Council and the third party.

### **Receiving Declarations**

85. The Delegated Officer will be responsible for ensuring that all persons involved in the Project, including advisors, sign the Declaration prior to dealing with Project information.
86. The Delegated Officer is to receive any Declarations subsequently disclosed by any participant and ensure it is handled in accordance with the requirements outlined below.

## Handling Declarations

87. For Council Officers, consideration and management of any Declaration should be handled by the Delegated Officer prior to the Council Officers' involvement in the Project. Any conflicts of interests on the part of the Delegated Officer or senior management of the Council, should be referred to the General Manager.
88. The advice of the Probity Adviser should be obtained where the General Manager is in doubt as to whether a conflict of interests exists, or how to handle a conflict.
89. All declared conflict of interests will be recorded by the Delegated Officer with detail of decisions made and any action required.

## Questions to Ask in Deciding Conflicts of Interests

90. It is the responsibility of the Council Officer to raise with the Probity Advisor any interest which might give rise to an actual or perceived conflict which might affect the integrity of the Project.
91. The following questions will help Council Officers to decide whether a conflict of interests exists, or whether a person's behaviour could create the impression that it does, and so undermine confidence in Council.
92. If a person answers 'Yes' to any of these questions below, they must seriously consider their position.
  - Do I, a relative, partner or associate stand to gain or lose financially from Council's decision or action on this matter? (If so, this constitutes a conflict).
  - Do I, a relative, partner or associate stand to gain or lose my/our reputation because of Council's decision or action? (If so, this constitutes a conflict);
  - Have I contributed in a private capacity in any way to the matter before Council? (If so, this constitutes a conflict).
  - Have I made any promises or commitments in a private capacity in relation to the matter? (If so, this constitutes a conflict).
  - Have I received a benefit or hospitality from someone who stands to gain or lose from Council's decision or action? (If so, this constitutes a conflict).
  - Am I a member of an association, club, or professional organisation, or do I have ties and affiliations with organisation or individuals, who stand to gain or lose from Council's consideration of the matter? (If so, this may constitute a conflict).
  - If you are or have been a Councillor - is the person an election campaign donor or someone who helped during my election campaign? (If so, this constitutes a conflict).
  - Could there be benefits for me in the future that could cast doubt on my objectivity? (If so, this may constitute a conflict).
  - If I do participate in assessment or decision-making, would I be unhappy if my colleagues and the public became aware of my association or connection? (If so, this likely constitutes a conflict); and
  - Would a fair and reasonable person perceive that I was influenced by my personal interest in performing my public duty? (If so, this constitutes a conflict).
  - Do I need to seek advice or discuss the matter with an objective party; and
  - Is there anything that makes me unsure of my ability to act impartially and in the public interest?

## Questions to Ask When Handling Disclosed Interests

93. When such interests are declared, it is the responsibility of the Council Officer and the Delegated Officer to determine appropriate strategies to minimise any risks associated with these interests. It would be prudent to seek advice of the Probity Advisor where there is doubt.
94. Where the Delegated Officer is deciding whether a conflict exists, and, if so, how the conflict is to be handled, it is important that the circumstances are assessed against established criteria. These criteria include:
- Does the matter fall within the definition of a pecuniary or non-pecuniary interest in Council's Code of Conduct.
  - Is all the relevant information available to ensure proper assessment.
  - What is the nature of the relationship or association that could give rise to the conflict.
  - Has appropriate legal and other advice been obtained.
  - Is the matter or issue one of public interest? Is it controversial.
  - Could the Council Officer's involvement cast doubt on their integrity.
  - Could the Council Officer's involvement cast doubt on Council's integrity.
  - How would it look to a member of the public; and
  - What is the best option to ensure impartiality, fairness, and protection of the public interest?

## Gifts and Benefits

95. Gifts and benefits can cause a conflict of interests because they create a sense of obligation in the receiver. The principles of the Code of Conduct and Council's Gift and Benefits policy will apply to gifts and benefits in relation to the Project.
96. Council Officers involved in the Project must not accept any gifts, hospitality or other benefits from potential suppliers, Proponents, or organisations in relation to the Project.
97. No Council Officer should seek or accept favours or gifts for services performed in connection with their Council functions or duties. Included in this category are gifts in kind, such as free accommodation or travel or entertainment vouchers.
98. The general principle to be followed is not to seek or accept favours or gifts from anyone who could benefit by influencing a decision. Details of any circumstances where an offer of a benefit or gift is made are to be immediately reported to the Delegated Officer or Probity Advisor, irrespective of whether the offer has been accepted.
99. Where a gift is given without the Council Officer's prior knowledge or consent, or where a gift is given as a token of goodwill to the Council, this should be immediately reported to the Probity Advisor as soon as possible. Gifts of more than token value should in all cases remain the property of Council as per its Code of Conduct.

## PROBITY CONSIDERATION: ACCOUNTABILITY

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100. Council Officers are accountable for their actions, statements, and omissions during the Project. All aspects of the Project will be recorded and stored in Council's record keeping system
101. Records of the Project must be maintained to allow for independent audit and review. The maintenance of appropriate records increases the accountability and transparency of the Project.

## **Minutes of Meetings**

102. Council Officers are accountable for their actions, statements, and omissions during the Project. All aspects of the Project will be recorded and stored in Council's record keeping system, including Council decisions.
103. All key issues discussed, and actions agreed at meetings (including any advisory committees or panels) will be recorded including:
  - Meeting details.
  - Attendance and apologies.
  - Completed conflict of interest declarations.
  - Reminder of confidentiality obligations.
  - Decisions and recommendations made.
  - Actions agreed; and
  - Responsibility and time frames.
104. Each Group Chair will arrange for minutes to be taken and maintained.
105. Where Council has appointed independent advisors, records will be made of all key issues raised by those advisors, and the meeting's deliberations on these issues.

## **Documentation**

106. A file note about any contact with Proponents or any other third party(s) will be maintained by the relevant Council Officer. Such documentation includes phone conversations, face-to-face meetings, and email contact.
107. The probity principles to apply in relation to such contact are fairness, transparency, and accountability. Council should be able to demonstrate that all contact with Proponents or third parties have been fair, proper, and impartial.
108. Queries from third parties should be directed in writing via email to the Delegated Officer.
109. Where meetings or phone calls with Proponents or third parties are unavoidable, minutes will be retained recording the substantive issues of the discussion, with a copy provided to any participants on request. The file will be continually updated throughout the Project. The information recorded will be accurate.

## **PROBITY CONSIDERATION: COMMUNICATION WITH PROPONENTS**

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110. This Probity Plan aims to ensure a managed information sharing process which is appropriate to the nature of the Project, is transparent, ethical, and meets the needs of Council and others. The operation of these principles will be monitored by the Delegated Officer to ensure that they are effective, and amendments will be made with the General Manager's written approval as required.

## **General Communication With Proponents**

111. It is likely the Proponents' concerns will predominantly relate to planning and development. Accordingly, the RG will deal with routine communications from Proponents in the same way as Council deals with every other landowner.
112. To demonstrate a measured and managed approach to the Project, the Proponents will be asked to avoid contacting Council for updates. Rather, Council will email the Proponents on a regular basis, which may be fortnightly at first, but the frequency of contact will be flexible, depending upon various factors, at Council's discretion.

113. While it is Council's role to seek Strategic Biodiversity Certification Over North Murrumbateman, such certification will impact future development on all relevant land. Accordingly, Council intends to consult with the Proponents as and when necessary.
114. No Council Officer is to deal with any Proponent or other third party in relation to the Project in person without another Council Officer present, whenever possible.
115. Proponents should be advised to email the Delegated Officer in all matters other than planning and development matters in relation to the Project if they wish.
116. Details of any discussions with Proponents will be minuted, and copies of all correspondence will be copied to the Delegated Officer, even where meetings and correspondence relating to a Project are of a non-specific nature.
117. Should any Council Officer be asked a specific question during a presentation, meeting or interview they should provide only a factual answer. Council Officers should not, under any circumstances, provide a personal opinion. Should a Council Officer believe that the information provided in their answer is relevant to all Proponents and could be perceived as providing an unfair advantage to that Proponent they should advise the Delegated Officer immediately.
118. Where inappropriately persistent inquiries or comments are made, the meeting or communication should be terminated. A file note should be prepared detailing the conversation. A copy of this file note should be forwarded immediately to the Delegated Officer.
119. If any Proponent requests a copy of any document, approval must be obtained from the Group Chair and/or the Delegated Officer prior to delivery. To ensure that no Proponent receives an advantage, all other Proponents should be advised of the availability of this document, if suitable.
120. If any party in an unrelated business meeting or social situation seeks to raise issues in respect of the Project, the Council Officer should indicate that it is not appropriate to discuss such matters. Such incidents should be reported to the Delegated Officer.

#### **Lobbying Councillors**

121. Councillors needs to stay alert to the possibility that Proponents may attempt to garner support through appealing to them in their role as a Council Official. Such attempts may or may not be accompanied by the offer of political donations or gifts or benefits.
122. Councillors must comply with Council's adopted Code of Conduct and declare lobbying, political donations and gifts and benefits received and as required.

#### **PROBITY CONSIDERATION: STAFF GUIDELINES**

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123. The following are general guidelines for any Council Officer indirectly connected with the Project. The points raised in this section should be circulated by email to any relevant Council Officer once the Project has begun.
124. Proponents may contact Council as part of normal day to day relationships and transactions that are separate from the Project. However, it is important that Council Officers adhere to the following guidelines:



- No discussion, other than communication with Proponents about planning and development matters, should be held with any Proponent about the Project without the prior approval or at the direction of the Delegated Officer.
- Staff outside of the RG contacted by a Proponent should advise the Proponent to deal directly with the Delegated Officer or the appropriate Group Chair (as relevant) on matters in relation to the Project. Council Officers, other than a member of the RG dealing with a development or planning matter, should refuse to forward any information or enter into discussions of this nature.
- Should any Proponent request a copy of any document, s/he should be referred to the Delegated Officer. No documents should be provided by any Council Officer other than the Delegated Officer or the RG, as relevant.
- Unusual or exceptional invitations from any party with an interest in the Project should not be accepted and should be reported to the Delegated Officer.
- Routine business meetings and social activities may continue as usual, but Council Officers must exercise caution, and must not discuss the Project; and
- Where any party in an unrelated business meeting or social situation seeks to raise issues in respect of the Project, the Council Officer should indicate that it is not appropriate to discuss such matters.

#### **PROBITY CONSIDERATION: TRANSPARENCY**

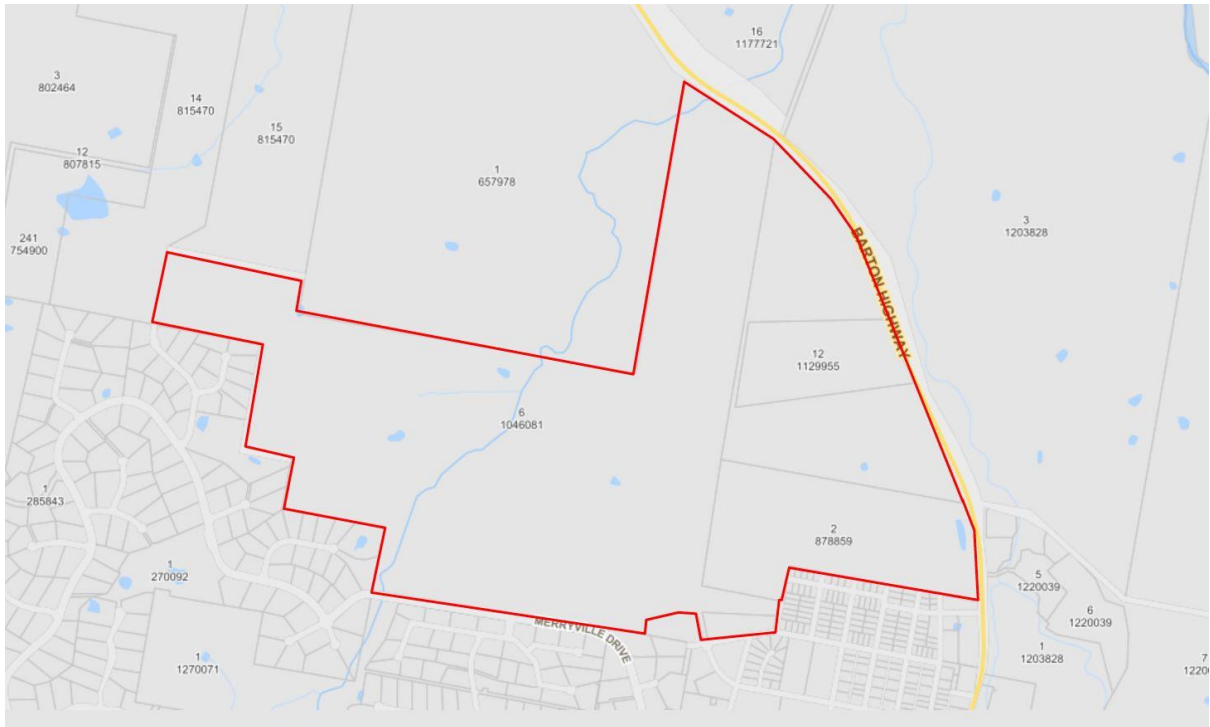
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125. Transparent decisions and open process assists the community to have faith in Council's management of the Project. Transparency of decision-making demonstrates Council's willingness to be direct and authentic with residents and businesses. This genuineness instils trust in Council.
126. If fairness and impartiality are not apparent, perceptions of problems with the Project may occur. This negatively impacts Council's reputation.
127. Transparency will be achieved by thoroughly informing Proponents, appointing a Probity Advisor, and maintaining adequate documentation. A well drafted and executed Communications Strategy will be instrumental.
128. The Project will further be open and reviewable through tabling of reports for Council to receive and note or to seek a decision by resolution. The Project will ensure that the elected officials are duly kept informed and suitably notified.



## APPENDIX A: NORTH MURUMBATEMAN MAP

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## APPENDIX B: DECLARATION

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I \_\_\_\_\_ (Please print name) hereby declare that:

1. I have read and understand the Probity Plan that was drafted to assist steer the Project. I agree to comply with the Plan for the duration of the Project and beyond, as required.
2. I will keep all information relating to the North Murrumbateman Project (**Project**) confidential (**Information**), including any information held by Yass Valley Council (**Council**) in my custody.
  - I shall not use any Information for any purpose other than in my official capacity at Council.
  - I shall not release or make public any Information without the prior written approval of Council.
  - I acknowledge that I may disclose Information if it is already in the public domain other than as a result of my own act or commission, if the disclosure is required by law, order of court, tribunal, or any other regulatory body with the power to make such an order. I shall provide Council a copy of such a notice as soon as reasonably possible.
  - I will not remove or photocopy any documents that I have been provided the right to access, unless necessary, and such duplications shall remain confidential and will be destroyed upon Council's express wishes.
3. The definition of a conflict of interests for the purpose of the Project derives from the Model Code of Conduct. Accordingly, a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your role in relation to the Project.
4. I declare and undertake the following.
  - I am aware and undertake to comply with Council's Code of Conduct, as adopted.
  - I am fully aware of my obligations to manage all conflict of interests in carrying out my obligations and services to Council and to immediately disclose any actual or perceived conflicts of interest.
  - I have no known conflict of interest and am unaware of any potential conflict interests which may influence my ability to provide services to Council, other than those declared at Schedule 1; and
  - I will immediately notify Councils' General Manager in writing if any actual or perceived conflict of interests arises in relation to my role on the Project. I understand that any such declaration may exclude me from participation in the Project.

Signature: \_\_\_\_\_ Position: \_\_\_\_\_

Date: \_\_\_\_\_

## SCHEDULE 1: CONFLICT OF INTEREST DECLARATION

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I \_\_\_\_\_ am fully aware of my obligations to manage all conflict of interests in carrying out my obligations and services to Council and to immediately disclose any actual or perceived conflicts of interest.

I declare I have no interests which may influence my ability to provide services to Council / or I declare the following.

Signature: \_\_\_\_\_ Position \_\_\_\_\_

Date: \_\_\_\_\_

## APPENDIX C: RISK MATRIX

Risk Assessment											
Reviewer		Delegated Officer		Project Name: North Murrumbateman Probity			Review Date: Dec-23				
Interent Risks (without controls)								Residue Risk (with control (s))			
Number	Category	Risk Issue	Risk Discription	Risk Owner	Likelihood	Consequence	Risk Rating	Control (s)	Residue Likelihood	Residue Consequence	Residue Risk Rating
1	Reputational	Perception of bias	Allegations of bias raised by complaint	Project Control	Likely	Major	Critical	Communication and community engagement plan	Rare	Major	Low
2	Reputational	Breach of confidentiality	Release of information	All Staff	Possible	Severe	High	<ul style="list-style-type: none"> <li>Document/Information control.</li> <li>Compliance with Probity Plan</li> </ul>	Rare	Severe	Medium
3	Reputational	Breach of probity wall	CG and RG share information at inappropriate stage of project	All Staff	Possible	Severe	High	<ul style="list-style-type: none"> <li>Document / information control.</li> <li>Seperation of CG &amp; RG.</li> <li>Compliance with Probity Plan.</li> </ul>	Rare	Severe	Medium
4	Reputational	Conflict of Interest	Staff member is does not advise of actual or perceived conflict of interest	All Staff	Possible	Major	High	<ul style="list-style-type: none"> <li>Briefing.</li> <li>Code of conduct compliance.</li> <li>Compliance with Probity Plan</li> </ul>	Rare	Severe	Medium
5	Reputational	Inappropriate influence of staff member	Staff member is offered or accepts inappropriate gift/benefit	All Staff	Possible	Major	High	<ul style="list-style-type: none"> <li>Briefing.</li> <li>Code of conduct compliance.</li> <li>Compliance with Probity Plan</li> </ul>	Rare	Major	Low
6	Compliance & Regulatory	Records not created	Records not created or Incomplete records kept	Group Chair	Possible	Moderate	Medium	<ul style="list-style-type: none"> <li>Briefing.</li> <li>Responsible Officer (s) Identified</li> </ul>	Rare	Moderate	Low
7	Compliance & Regulatory	Unfair sharing of information	Inappropriate proponent contact with CG members and or Councillors	All Staff and Councillors	Possible	Severe	High	<ul style="list-style-type: none"> <li>Briefing.</li> <li>Compliance with Code of Conduct.</li> </ul>	Rare	Severe	Medium
8	Compliance & Regulatory	Failure to Inform	Failure to Fully inform Council or in a timley manner	Project Control	Possible	Major	High	Quarterly Reporting to Council	Rare	Major	Low
9	Operational	Personal Gain by Staff	Staff seeking person gain through gifts and Benefits	All Staff	Possible	Major	High	<ul style="list-style-type: none"> <li>Code of Conduct Training</li> <li>Induction to Probity Plan</li> </ul>	Unlikley	Major	Medium
10	Operational	Failure to perform assigned roles	Staff failing to properly and fully undertake their assigned roles relating to the project	All Staff	Possible	Major	High	<ul style="list-style-type: none"> <li>Individual group chair's to have regular meetings with goup members.</li> <li>Group Chairs to provide monthly updates to Control group</li> </ul>	Rare	Major	Low
11	Compliance & Regulatory	Not acting inaccordance with MOU	Proponents failing to act in accordance with MOU	Project Control	Possible	Major	High	Monthly update meetings with all Proponents	Unlikley	Major	Medium

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