

AGENDA

Extraordinary Meeting of Council



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Wednesday, 29 May 2024

Council Chambers, Wingecarribee Shire Council Civic Centre

68 Elizabeth Street, Moss Vale at 6.00PM

**AGENDA OF THE EXTRAORDINARY MEETING OF COUNCIL
WEDNESDAY 29 MAY 2024**

MEETING NOTICE

An Extraordinary Meeting of Wingecarribee Shire Council will be held in Council Chambers at Wingecarribee Shire Council Civic Centre, 68 Elizabeth Street, Moss Vale on Wednesday 29 May, 2024 at 6.00pm.

The Public Forum will commence at 5.30pm, subject to any registered speaker/s to items listed on this Agenda.

Further information and details on registration process can be found on Council's website, using the following link:

[Public Forum Application Form | Wingecarribee Shire Council \(nsw.gov.au\)](https://www.wingecarribee.nsw.gov.au/public-forum-application-form)

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Council Chambers

Recording and Webcasting of Ordinary and Extraordinary Meetings of Council

This meeting is being recorded and webcast via Council's website and a person's image and/or voice may be publicly broadcast. Attendance at the meeting is to be taken as consent by a person to their image and/or voice being webcast. Any part of the meeting that is held in closed session will not be webcast.

Council requests that everyone in attendance is respectful and uses appropriate language. All speakers should refrain from making any defamatory, discriminatory or offensive comments or releasing any personal information about another individual without their consent. Council accepts no liability for any damage that may result from defamatory, discriminatory or offensive comments made by persons attending meetings – all liability will rest with the individual who made the comments.

The recording will be available for viewing on the internet for 12 months and retained as a Council record. The recording is subject to copyright.

The meeting must not be recorded by others without the prior written consent of Council in accordance with Council's Code of Meeting Practice.

Please ensure that all electronic devices including mobile phones are switched to silent.

The Council Chamber has 24 Hour Video Surveillance.

1 OPENING OF THE MEETING

The Administrator, Mr Viv May PSM will open the meeting.

2 ACKNOWLEDGEMENT OF COUNTRY

“Wingecarribee Shire Council acknowledges the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.”

3 STATEMENT OF ETHICAL OBLIGATIONS

The Administrator is reminded of the obligations conferred on them at the time of their appointment.

The Administrator is to undertake the duties of the office of Administrator in the best interests of the people of the Wingecarribee Shire Council area and are to act faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of your ability and judgement.

The Administrator is committed to the declaration of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting, in accordance with the Code of Conduct and Code of Meeting Practice.

4 APOLOGIES

Nil at time of print.

5 DECLARATIONS OF INTEREST

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

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 and the reasons for declaring such interest must be disclosed as soon as practicable after the start of the meeting.

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 discussions or voting on that matter and further require that the member 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 also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

**6 ADMINISTRATOR MINUTE
7 GENERAL MANAGER**

8 REPORTS

8.1 Urban Tree Management Policy Deferral of Revision

Report of: Michelle Bulloch
Coordinator Open Spaces and Buildings

Authorised by: Karin Targa
Director Service and Project Delivery

PURPOSE

The purpose of this report is to seek Council approval for deferring the updated Urban Tree Management Policy until a comprehensive set of plans for holistic tree management have been prepared.

OFFICER'S RECOMMENDATION

THAT Council defer updating the Urban Tree Management Policy until a comprehensive set of plans for holistic tree management across the Shire have been developed.

REPORT

BACKGROUND

At the Ordinary Meeting of Council on 15 May 2024 the report Urban Tree Management Policy Draft for Public Exhibition was deferred for further information and review by the General Manager.

The Council's initial Urban Tree Policy (2018) is overdue for revision. A draft of the Urban Tree Management Policy (2024) was presented to the Council on 15 May 2024.

The Council decided to defer the matter for further information and review by the General Manager.

It is recognised that more work is required before a contemporary Tree Management Policy can be prepared and presented to Council. A consultant has been engaged to prepare a comprehensive strategy aimed at enhancing the efficiency and effectiveness of tree management delivery. This approach seeks to deliver a customer centric outcome of the Council's tree management initiatives.

This report details the planned delivery of a comprehensive suite of documents designed to provide the Shire with the best approach for tree management into the future.

REPORT

There are three components to the set of plans for holistic tree management:

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1. **Urban Tree Management Strategy** – The Urban Tree Management Strategy will integrate all current documents to provide a comprehensive, overarching approach to managing trees on both public and private land.

This unified approach is expected to establish a robust framework for effectively managing our urban tree cover in the years ahead, promoting consistency and enhancing overall management practices.

2. **Website Revision** – The development of an accessible webpage that details all types of tree applications, exemptions, and management information. This will provide clear guidelines for applications and streamline the tree management approach for residents comprehensively.
3. **Urban Tree Management Policy** - The implementation of a contemporary tree policy that addresses the needs of shire residents and establishes clear and defined goals for the management of trees within our shire.

The Council aims for its policy to align with current regulations, technology, and best practices in urban tree management. To achieve this, the following sections will need to be developed and included:

Tree Preservation Order (TPO)

Council will dedicate resources to develop a Tree Preservation Order and integrate it into the Local Environmental Plan (LEP).

Register of Significant Trees

Council will prepare an updated Register of Significant Trees to better recognise and protect our local trees of visual, botanical, ecological and historical, commemorative, cultural or social significance.

Trees in new Subdivisions

It is crucial to protect trees from construction activities and other events that may endanger their health and stability.

Council will mandate tree plantings in all new subdivisions as a part of the development application process and its associated approval. This will support Council’s goals to preserve and increase its canopy cover in the coming years.

TIMELINES

The following timeline chart outlines the anticipated delivery dates for the Urban Tree Management Strategy and Urban Tree Management Policy.

Tree Strategy	November 2024
Strategy research	July 2024
Consultation to inform the draft strategy	August / September 2024
Preparation of final draft for exhibition	October 2024
Council Meeting – Endorsement for public exhibition	November 2024

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Tree Policy	January 2025
Tree Policy research	August 2024
Consultation to inform the draft policy	September / October 2024
Preparation of final draft for exhibition	November 2024
Council Meeting – Endorsement for public exhibition	December 2024

RISK ISSUES

The Council's current Urban Tree Policy (2018) is in use for the determination of tree management related issues.

Under this policy Council has separate approaches for managing public and private trees. As part of the Policy review and renewal process, it is proposed to implement a cohesive approach for the management of all trees across the shire. This approach will prioritise a holistic methodology in determining the strategic direction and the adoption of a balanced approach to tree management.

By delaying the update of the Urban Tree Management Policy, Council is able to develop a more comprehensive framework for holistically implementing tree management guidelines over the next five years. Council will also develop a cohesive approach to approval and exemption processes for Shire residents regarding all tree works.

There is no risk to council to maintain current policy and approval pathways in the interim whilst developing a robust set of tree management tools.

COMMUNICATION AND CONSULTATION

Internal Communication and Consultation

Key staff will be consulted in the development of all tree management plans including:

Environment, Assets, Development and Planning Branch and Customer Service.

External Communication and Consultation

Relevant Government Agencies; Local Land services, Endeavour Energy, Environmental Protection Authority.

It is the intention to engage with local environment groups and the community through meet-and-greet events and reach a broader audience by hosting pop-up kiosks at local community markets in the villages.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

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Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budget issues in relation to this report.

RELATED COUNCIL POLICY

- Development Control Plans
- Civil Liability Act 2002
- Biodiversity Conservation Act 2016
- Protection of the Environment Operations Act 1997
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Council Operations Environment Policy 2017

CONCLUSION

It is recommended that the current policy is maintained while a comprehensive set of plans for holistic tree management is prepared before the Tree Management Policy is updated.

ATTACHMENTS

1. Tree Management Policy 2018 [**8.1.1** - 6 pages]

Urban Tree Policy

PLACES

3.3 OUR BUILT ENVIRONMENT CREATES VIBRANT AND INVITING PUBLIC SPACES

Adoption Date:	23 May 2018
Council Reference:	MN 193/18
Policy Owner:	Manager Infrastructure Services
Next review date:	June 2020
File Reference:	900/2
Related Policies/Legislation:	Development Control Plans <i>Civil Liability Act 2002</i> <i>Biodiversity Conservation Act 2016</i> <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i>
Related Documents:	Wingecarribee Street Tree Master Plan 2016 (STMP) Wingecarribee Street Tree Implementation Plan 2016 (STIP) Wingecarribee Tree Risk Management Plan 2018 (TRMP) Wingecarribee Parks Strategy 2016 Council Environmental Assessment Procedure, under Part 5 of the EP&A Act. Council Standard drawings for roadside vegetation pruning
Superseded Policy:	Management of trees on Public Land Policy 2009 WSC Road Side Management Plan and Procedure Manual 2009



Urban Tree Policy

OBJECTIVES

The objectives of this policy are:

- Promote and recognise the value of the urban forest as fundamental and intrinsic landscape elements amongst the community, developers and Council staff;
- Protect trees which contribute to the historical, social, and environmental value of the region;
- Maintain and increase the species, age diversity and canopy cover and function of the urban forest and streetscapes to moderate or reduce climate change and urban heat island effects;
- Improve local streetscapes by introducing trees appropriate to the local environment and urban services present;
- Determine the strategic direction and a balanced approach to tree management;
- Prioritise the systematic management, maintenance, and consistent protection of Council controlled trees;
- Mitigate property, infrastructure, and community risks in accordance with the provisions of Council's Tree Risk Management Plan.

SCOPE

The provisions of the Urban Tree Policy are applicable to all Council controlled trees located on urban roads, streets and across the public open space network in towns and villages, with the exception of bushland reserves. The open space network is outlined within the Street Tree Master Plan 2016 and the Tree Risk Management Plan.

POLICY STATEMENT

Council is committed to providing an appealing, livable region with a diverse and healthy tree population that promotes and delivers economic, ecological, and social benefits to the community. The urban forest is viewed by Council as a significant piece of public infrastructure.

COUNCIL TREE MANAGEMENT

Trees are an important natural asset that improve the amenity of our local streets and increase the value and character of the open space network. The Urban Tree Policy aims to protect, enhance and maintain the existing landscape character provided by trees across the Wingecarribee Shire.



Urban Tree Policy

The retention and protection of Council controlled trees shall be given a high priority when performing routine maintenance activities, delivery of infrastructure and during the assessment of development applications.

Disclaimer

A tree is a dynamic living organism which provides numerous environmental, economic, aesthetic and social benefits to the region and community. Unpredictable events can cause significant damage to trees which will require prioritisation over programmed works.

Wingecarribee Shire Council endeavours to meet the community's expectations to provide tree management works (as outlined below). Council acknowledges that works to be undertaken are subject to available financial and other resources.

Asset Management

Council appreciates that trees are living assets, subject to growth and decay. As assets, they will be managed by adopting a holistic approach that plans for maintenance and renewal, within designated resources and levels of service.

Council will conduct routine maintenance tasks in accordance with *Australian Standard 4373-2007 - Pruning of amenity trees*. Maintenance tasks will consist of tree pruning and related activities, aimed at risk mitigation, improving tree health, structure, and maintaining clearance zones for buildings and for pedestrian and vehicular traffic as per STMP.

All routine maintenance tasks will be conducted in line with the *Environmental Assessment Procedure, under Part 5 of the Environmental Planning and Assessment Act 1979* and other relevant State and Federal legislation.

Council will keep up-to-date with new technology relating to tree management, with the aim of incorporating new industry standards into Council's management and maintenance approach within its financial means and resources.

Whilst Council will seek to promote habitat creation where appropriate when performing tree removal or pruning works within the open space network. Priority will be given to safety and amenity.

Illegal Tree Removal, Modification and Poisoning

Council will investigate and if appropriate, pursue legal action, where sufficient evidence can be collected, against any person(s) or corporation(s) that removes, damages or modifies a Council controlled tree without prior approval from Council. Council will consider, when appropriate, installing signs identifying vandalised trees.

Tree Risk Management Plan

Council's TRMP outlines the procedure for assessing risk through inspecting, recording and addressing tree related issues. The plan aims to reduce future infrastructure problems by planting suitable tree species, as per the STMP.



Urban Tree Policy

Council will develop and maintain an inventory of urban trees, to provide strategic and long-term tree management options, risk management solutions, resource prioritisation and archival record keeping of maintenance.

Tree Planting and Selection

Tree selection and planting will be in accordance with the STMP, the STIP and the WSC Parks Strategy 2016.

Council will require street tree plantings in all new sub divisions as part of the development application process and associated approval. Trees planted in all new subdivisions shall be in accordance with the STMP and STIP, or a negotiated outcome between Council and the applicant. The minimum provision requirement for new street trees is to be one (1) new tree per newly created lot.

Tree Pruning, Removal and Replacement

All tree pruning or removal on Council controlled land will be completed in accordance with the STMP and TRMP.

Community Notification

Wingecarribee Shire Council values the local community's input and undertakes consultation and communication about tree management and the urban forest activities in accordance with the STMP.

Tree management staff will engage with Council's Heritage Officer, Heritage Advisor and Heritage Committee, where appropriate, on tree removal and management decisions related to heritage items and tree management works planned within "Heritage Conservation areas".

Due to the unpredictable nature of trees, Council will be required to undertake risk mitigation actions without engaging with the community and internal stakeholders when managing unacceptable tree risks, such as during storm events.

DEFINITIONS

Term	Definition
Tree	As defined in Council's relevant DCPs.
Open Space Network	Means the land that is publicly accessible for general recreation use including, urban roads, streets, parks and reserves which are defined in the STMP and TRMP as part of the public open space network.
Consulting Arborist	Means a specialist in the cultivation and care of trees, including tree surgery, diagnosis, treatment, prevention and management of tree diseases. Council considers a Consulting Arborist to be an individual who has obtained a minimum of AQF level 5 in Arboriculture.
Council Controlled Land	Means land under Council ownership or Crown Land managed by Council.
Delegated	Means a person delegated by the General Manager to provide approval



Urban Tree Policy

Person	on behalf of Wingecarribee Shire Council.
Council Controlled Tree	Means any tree managed by Council which is located on urban roads, streets and across the open space network (excluding bushland reserves).
Urban Forest	Means for the purpose of this document the sum of all trees and associated vegetation in and around towns and villages which are managed by Council for the purpose of improving the urban environment.
Tree Structure	Reference to the whole tree including the root system, trunk and canopy.

RESPONSIBILITIES

Responsibilities for implementing this policy are shared between Councillors, Executive and staff as follows:

Position	Responsibilities
Councillors	<ul style="list-style-type: none"> To lead the community in understanding this policy.
Executive	<ul style="list-style-type: none"> To lead staff (either directly or through delegated authority) in their understanding of and compliance with this Policy. To communicate, implement and comply with this Policy. To approve resources to develop, implement and review this Policy.
Manager of Open Spaces, Recreation and Building Maintenance	<ul style="list-style-type: none"> Updating the Policy. Allocating appropriate resources to comply with the Policy. Leadership of staff to follow policy.
Coordinator Open Spaces, Recreation and Building Maintenance	<ul style="list-style-type: none"> Coordinating and undertaking reviews of the Policy.
Tree and Vegetation Management Officer	<ul style="list-style-type: none"> Monitoring implementation and adherence to this Policy. Assisting the Coordinator of Open Spaces, Recreation & Building Maintenance to maintain the Policy.
Tree and Vegetation Maintenance Officer	<ul style="list-style-type: none"> Overseeing daily operational duties or tasks as delegated.
All Staff	<ul style="list-style-type: none"> To comply with this Policy and related plans.



Urban Tree Policy

PERFORMANCE MEASURES

The success of this policy will be measured by the following:

- Council conformance with the overall policy objectives
- Delivery of the Street Tree Implementation Plan

APPROVED BY:

WINGECARRIBEE SHIRE COUNCIL

23/05/2018

REVIEW:

Revision History:

Policy Version	Revision Date	Approval Date
Version 1 Draft	9/05/2018	28/02/2018
Version 2 Draft for Adoption	1/05/2020	23/05/2018



Wingecarribee Shire Council – *Urban Tree Policy*
Version: V2
Adoption Date: 23 May 2018
Policy Owner: Infrastructure Services

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8.2 CCTV and Portable Surveillance Cameras in Public Places Policy - Draft for Public Exhibition

Report of: George Harb
Chief Information Officer

Authorised by: Pav Kuzmanovski
Acting Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to seek Council endorsement of the Draft CCTV and Portable Surveillance Cameras in Public Places Policy for public exhibition for 28 days. Additionally, this report seeks to revoke the Portable Surveillance Cameras Code of Practice and CCTV Code of Practice as they have been converted into operational procedures.

OFFICER'S RECOMMENDATION

THAT:

- 1. Council endorse the CCTV and Portable Surveillance Cameras in Public Places Draft Policy for public exhibition for a period of twenty-eight (28) days.**
- 2. Council revoke the Portable Surveillance Cameras Code of Practice as outlined in the report.**
- 3. Council revoke the CCTV Code of Practice as outlined in the report.**
- 4. A further report be submitted to Council following the conclusion of the public exhibition period.**

REPORT

BACKGROUND

Council currently operates Closed Circuit Television (CCTV) cameras capturing video footage that encroach on public spaces. Surveillance cameras are also used for the purposes of monitoring and protecting the environment with respect to illegal dumping and monitoring public safety. This report provides an updated draft Policy that outlines the key changes made to seeks endorsement from Council to be publicly exhibited for twenty-eight (28) days.

REPORT

The CCTV and Portable Surveillance Cameras in Public Places draft Policy has been reviewed to ensure the governance of the CCTV network can be managed effectively and in accordance with the legislative provisions. The Policy outlines the approach in managing CCTV and the footage captured by the CCTV network in public spaces within the Wingecarribee Shire Local Government Area (LGA).

A review of the existing CCTV and Portable Surveillance Cameras in Public Places has been undertaken to ensure relevance with current legislation and practices. The existing Policy was last

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adopted by Council in June 2017 and since its adoption, changes in technology and approaches to CCTV management have advanced. The following changes have been made in the draft Policy:

- Updated Policy template to align with the current template design.
- Update of legislative references and references to Australian Standards.
- Refined assessment considerations for the placement of CCTV and Portable Surveillance cameras.
- Emphasis on the legal requirements in accessing CCTV footage.
- Operational matters transferred to relevant procedures documents.

It is noted that CCTV footage is retained for 30 days unless it has been requested from duly authorised regulatory authorities or is subject to legal proceedings.

The key points captured in this Policy are as follows:

- providing a governance framework to operate a CCTV network to deter patterns of anti-social behaviour and illegal activity.
- providing clear direction on the Assessment and Review of the CCTV network and camera placement.
- Protocols for providing CCTV footage to law enforcement and duly authorised regulatory authorities.

The CCTV and Portable Surveillance Cameras in Public Places draft Policy can be found at Attachment 1 and is recommended to be endorsed to be publicly exhibited for 28 days.

Additionally, the report proposes the revokement of the Portable Surveillance Cameras Code of Practice (**Attachment 2**) and CCTV Code of Practice (**Attachment 3**) on the basis that they will be incorporated into operational procedures that align with the CCTV and Portable Surveillance Cameras in Public Places draft Policy.

COMMUNICATION AND CONSULTATION

Community Engagement

It is recommended that the CCTV and Portable Surveillance Cameras in Public Places draft Policy be placed on public exhibition for a period of twenty-eight (28) days.

Internal Communication and Consultation

Governance

External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

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Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

The development of this Policy and associated documents meet Council's legal obligations with reference to the following legislation:

- Local Government Act 1993
- Government Information (Public Access) Act 2009 (NSW) (GIPA Act)
- Privacy and Personal Information Protection Act 1998 (NSW) (PIPPA Act)
- Workplace Surveillance Act 2005 (NSW)
- Surveillance Devices Act 2007 (NSW)
- Privacy Code of Practice for Local Government
- Environmental Planning and Assessment Act 1979
- Protection of the Environment Operations Act 1997
- State Records Act 1998 (NSW)

COUNCIL BUDGET IMPLICATIONS

There are no budget implication in this report.

RELATED COUNCIL POLICY

Nil

CONCLUSION

This report provides an update to the CCTV and Portable Surveillance Cameras in Public Spaces Policy and incorporates updates to relevant standards and legislation. It is recommended that the draft Policy be publicly exhibited for a 28-day period. Additionally, it is recommended that Portable Surveillance Cameras Code of Practice and CCTV Code of Practice be revoked.

ATTACHMENTS

1. CCTV and Portable Surveillance Cameras in Public Places Policy - Draft for Public Exhibition [8.2.1 - 8 pages]
2. Portable Surveillance Cameras Code of Practice [8.2.2 - 3 pages]
3. CCTV Code of Practice [8.2.3 - 2 pages]



CCTV and Portable Surveillance Cameras in Public Places Draft Policy



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WINGECARRIBEE SHIRE COUNCIL

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CCTV and Portable Surveillance Cameras in Public Places Draft Policy

Leadership - Wingecarribee Community Strategic Plan 2041 -
Goal 1.1 – Ethical and trusted levels of government that work
together in the best interest of the Shire

Document Type	Council Policy
Document Reference No.	[Governance to insert] (example: 2020/001)
Version No.	[Governance to insert]
Council File Reference	[Insert departmental file number, generally the relevant electronic records management system subject reference]
Adoption Date	[Governance to insert]
Resolution Number	[Governance to insert]
Document Owner	Chief Information Officer
Responsible Branch	Corporate Strategy and Resourcing
Responsible Business Unit	Information Services
Review Schedule	[Governance to insert]
Review Date	[Governance to insert]

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CCTV and Portable Surveillance Cameras in Public Places Draft Policy

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We're with you



1 Objectives

The objectives of this Policy are to:

- provide direction to the lawful management of the Closed-Circuit Television (CCTV) network that is operated by Wingecarribee Shire Council that encroach public spaces.
- providing a governance framework to operate a CCTV network to deter patterns of anti-social and illegal activity.
- assist Police and other duly authorised regulatory authorities in the identification and apprehension of offenders.
- promote a safer environment for those who visit, live or work in the Wingecarribee Shire Local Government Area (LGA).

These objectives are also attributable to Portable Surveillance Cameras that are also used in public spaces in the Wingecarribee Shire LGA.

2 Policy Statement

This Policy has been designed to provide guidance for the use of CCTV and Portable Surveillance Cameras to assist Council to improve public safety, combat anti-social behaviour in public places and provide surveillance of illegal activity within the Wingecarribee Shire LGA.

This Policy sets out Council's approach for the use of CCTV and Portable Surveillance Cameras and how footage captured by these devices, in public places within the Wingecarribee Shire LGA, is managed.

2.1 Principles

This Policy has been developed on the following principles:

- a) CCTV and Portable Surveillance Cameras will operate within applicable legislative requirements and only for the purposes of which it is intended to be used.
- b) Signage will exist to inform the public that CCTV or Portable Surveillance Cameras are operating. Video surveillance and associated signage will align with the following:
 - i. Australian Standards AS/NZS 62676.1.2:2020 Video surveillance systems for use in security applications, Part 1.2: System requirements - Performance requirements for video transmission.
 - ii. Australian Standards AS 1743:2023 Road Sign Specifications.
 - iii. Surveillance Devices Act 2007
- c) A periodic review and evaluation of the CCTV and Portable Surveillance Cameras network will be carried out to ensure that the objectives of this Policy are being met.
- d) Access to CCTV footage will be restricted to authorised staff as delegated by the General Manager.
- e) Police and other duly authorised regulatory authorities may request access to surveillance footage. This will be granted subject to the correct legal protocols being adhered to as provided in Section 2.3 of this Policy.

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The General Manager may, during a civil emergency, set aside any policy terms to ensure public safety.

2.2 Assessment and Review

In order to determine suitability and effectiveness of the placement of CCTV cameras and the approach to using Portable Surveillance Cameras, the following matters should be considered:

- benefits in promoting community safety or deterring illegal behaviour.
- consideration of privacy impacts, especially relating to private properties.
- consultation with duly authorised regulatory authorities.
- any other community safety measures in consultation with relevant community groups (where relevant).

A periodic review on the effectiveness the CCTV network and camera locations will be conducted to determine if the objectives of this Policy have been achieved. The periodic review will also consider the cost-benefit of CCTV mobilisation, in conjunction with other prevention strategies, to ensure public safety can be effectively managed within the finite resources available.

2.3 Access to Information

Information contained in the CCTV footage held by Council is to be collected for law enforcement purposes and shall only be disclosed to persons or bodies who have a legitimate and lawful right or interest in receiving such information in accordance with relevantly applicable access to information legislation. In that regard, it should be noted that whilst a legal firm provides legal services, it is not a law enforcement body.

In addition, as CCTV footage contains personal information, it will only be disclosed by Wingecarribee Shire Council for law enforcement purposes to the extent required or permitted at law. It is condition of disclosure that such footage only be used for law enforcement purposes.

All applications for access to CCTV will be assessed on a case-by-case basis and must be made to Council in writing.

2.4 Record Keeping

Recorded footage is retained for thirty (30) days at which point the footage will be overwritten.

Recorded footage will only be held for more than thirty (30) days if required for an investigation of an incident, for court proceedings or subject to a request for information in accordance with the Government Information (Public Access) Act 2009.

Records supplied as evidence or any legal documentation requesting the access to CCTV footage will be retained in accordance with the State Records Act 1998 and Council's records keeping policies and procedures.

3 Scope

This Policy applies to all CCTV installations (fixed and portable) and Portable Surveillance Cameras in Public Places operated by Council within the Wingecarribee Shire LGA.

Any workplace surveillance matters will be managed by internal operating procedures and is not covered by the scope of this Policy.

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4 Responsibilities

Responsibilities of this Policy is shared as follows.

4.1 Councillors

Councillors are responsible for undertaking their civic responsibilities as a Council when considering reports seeking the initial adoption and any amendment to this policy.

4.2 General Manager

The General Manager is responsible to execute this Policy as delegated by Council. The General Manager may delegate the operational execution of this Policy to the relevant staff to ensure it is administered in accordance with the Policy objectives.

4.3 Chief Information Officer

The Chief Information Officer shall ensure that adequate controls are in place to ensure the compliant management of Council's CCTV network and Portable Surveillance Cameras. The Chief Information Officer is also responsible for a periodic review of this policy.

4.4 Governance

Assess applications for access to recorded information and release data if approved, where applicable.

4.5 Managers

All Managers are responsible for ensuring compliance with this policy and communicating the intentions of this policy to staff.

4.6 Council Staff

All Council Staff are responsible for ensuring they comply with this policy.

5 Performance Measures

The success of this Policy will be measured by ensuring all Councillors and staff are compliant with this policy.

6 Definitions

Define any specific terms relating to the policy that may not be obvious to a member of the public or other external stakeholder. Include any acronyms and their meanings. The following table should be used:

Closed Circuit Television (CCTV)

Is defined as a television system that transmits images on a "closed loop" basis, where images are only available to those directly connected to the transmission system. The transmission of closed-circuit television images may involve the use of coaxial cable, fibre-optic cable, telephone lines, infra-red and radio transmission systems.

Duly authorised regulatory authorities

Regulatory agencies that have been duly authorised, through legislation or a court direction, to collect CCTV footage on a specific incident.

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Portable Surveillance Cameras

Includes Body Worn Video and carried cameras, motion sensor cameras and vehicle mounted cameras.

Public space

Refers to land owned or managed by Wingecarribee Shire Council and as defined in the *Local Government Act 1993* including public reserves, swimming pools, public roads and car parks. It may also refer to sites owned and managed by State Agencies.

Recorded Material

Film, footage and photographs from CCTV and portable surveillance devices (whether or not the recording includes audio recording).

7 Related Material

The development of this Policy and associated documents meet Council's legal obligations under the:

- Local Government Act 1993
- Government Information (Public Access) Act 2009 (NSW) (GIPA Act)
- Privacy and Personal Information Protection Act 1998 (NSW) (PIPPA Act)
- Workplace Surveillance Act 2005 (NSW)
- Surveillance Devices Act 2007 (NSW)
- Privacy Code of Practice for Local Government
- Environmental Planning and Assessment Act 1979
- Protection of the Environment Operations Act 1997
- State Records Act 1998 (NSW)

8 Non-compliance with this Policy

Non-compliance with this Policy may be taken to be a breach of Council's Code of Conduct. Complaints alleging non-compliance with this Policy must be made in accordance with the Code of Conduct and will be dealt with in accordance with the procedures for the administration of the Code of Conduct.

9 Document Control [Governance]

9.1 Version Control

Version	Adoption Date	Notes
1.0	June 2017	New Policy
2.0	TBA	<ul style="list-style-type: none">• Updated Policy template to align with the current template design.• Update of legislative references and references to Australian Standards.• Refined assessment considerations for the placement of CCTV and Portable Surveillance cameras.• Emphasis on the legal requirements in accessing CCTV footage.• Operational matters transferred to relevant procedures documents.

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**AGENDA OF THE EXTRAORDINARY MEETING OF COUNCIL
WEDNESDAY 29 MAY 2024**



10 Attachments

Nil

Approved by:

WINGECARRIBEE SHIRE COUNCIL
[Governance to insert adoption date]

DRAFT

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Portable Surveillance Cameras Code of Practice

Adoption Date:	28 June 2017
Policy Owner:	Manager Environment and Sustainability
Next review date:	30 June 2019
File Reference:	7126/1, 5450/28.10
Related Policies/Legislation:	CCTV and Portable Surveillance Cameras Policy
Related Documents:	CCTV and Portable Surveillance Cameras Policy and CCTV Code of Practice
Superseded:	Illegal Dumping Code of Practice

OBJECTIVES

The objectives of the Portable Surveillance Cameras Code of Practice are to:

- a) Set out the key principles and standards of operation for portable surveillance cameras by Council in Wingecarribee Shire;
- b) Provide staff and the community with an understanding of how Recorded Material is kept, and the purposes for which it is used; and
- c) Support the CCTV and Portable Surveillance Cameras Policy and related Procedures.

SCOPE

The Code of Practice sets out the key principles and systems that guide the implementation of the CCTV and Portable Surveillance Cameras Policy and related Procedures. This code relates to portable cameras. There is a separate Code of Practice for CCTV.

KEY PRINCIPLES

1. The CCTV and Portable Surveillance Cameras Policy will be operated fairly, within the law and only for the objectives for which it was established.
2. The public interest in the operation of portable cameras is recognised by ensuring compliance with the CCTV and Portable Surveillance Cameras Policy and this Code of Practice.
3. The public will be provided with clear and accessible information in relation to the operation of portable surveillance cameras in Wingecarribee Shire.
4. Audits in accordance with the CCTV and Portable Surveillance Cameras Policy will be undertaken at least annually to ensure the objectives of the Policy are being achieved and compliance with the this Code of Practice is achieved.



Portable Surveillance Cameras Code of Practice

5. Recorded Material will be retained for the purposes provided for in this Code of Practice and the CCTV and Portable Surveillance Cameras Policy or other applicable legislation, including for investigation of a suspected or alleged crime or breach of relevant legislation.
6. Access to view Recorded Material is restricted to:
 - a) staff with delegated authority,
 - b) auditors,
 - c) police or statutory authorities where approval of a written request has been given,
 - d) persons who have an approved Application to Access Information – Formal to view or supply a copy of the Recorded Material, and
 - e) persons who have an approved written request to release recorded material that relates to cameras used for biodiversity monitoring or natural asset management.
7. Recorded Material will be released where the applicant has agreed to the conditions attached to the relevant approval.

SYSTEM DESCRIPTION AND USES

Staff who have delegated authority under the CCTV and Portable Surveillance Cameras Policy and this Code are required to sign an acknowledgement of their understanding of the CCTV and Portable Surveillance Cameras Policy and Portable Surveillance Cameras Code of Practice.

This code, the CCTV and Portable Surveillance Cameras Policy and related procedures are subject to legislation in New South Wales and the Commonwealth.

Portable cameras are used in accordance with this code, the CCTV and Portable Surveillance Cameras Policy and related procedures.

Portable surveillance cameras include carried and body worn cameras, vehicle cameras and motion sensor cameras.

This code will be updated where any new type of device is added.

Carried and Body Worn Cameras

Carried and body worn cameras are used to:

- a) Protect Wingecarribee Shire Council employees, residents and visitors; and
- b) Deter, investigate and prosecute crime and unlawful behaviour.

Body worn cameras are normally set to record video footage, however there may be circumstances where audio is recorded for a lawful purpose. Recording is incident specific and is not continuously used for the entire length of duties or patrols. Suitable and current cameras will be provided through a reputable supplier.



Portable Surveillance Cameras Code of Practice

When starting to record an incident, the user, as soon as it is able to be done, makes a verbal announcement to all persons relevant or in the vicinity advising that a recording has been activated and:

- a) whether the recording is audio, visual or both and confirming that the recording has commenced;
- b) if audio is recorded, the date time and location; and
- c) the nature of the incident that is being recorded;
- d) If individuals arrive after the commencement of the recording, the above procedure should be undertaken again.
- e) Recording should continue uninterrupted and a written record should be taken of the time that the Recorded Material both commenced and concluded.

Vehicle Cameras

Vehicle cameras are used to:

- a) protect Wingecarribee Shire Council employees, residents and visitors; and
- b) deter, investigate and prosecute crime and unlawful behavior.

Vehicle cameras may be used in Council owned vehicles. Vehicle cameras are set so that no audio recording can be made. Recording is incident specific and not continuously used for the entire length of duties or patrols. Suitable and current cameras will be provided through a reputable supplier.

Motion Sensor Cameras

Cameras are used to:

- a) protect and manage Wingecarribee Shire Council natural assets;
- b) deter, investigate and prosecute crime and unlawful behaviour; and
- c) monitor biodiversity and vertebrate pest species.

Cameras can be set to record either single images or video footage. Cameras are primarily triggered by movement, however some cameras can be scheduled to recorded images at a set time period. Cameras are set so that no audio recording can be made. Cameras have the image time and date stamp activated. Suitable and current cameras will be provided through a reputable supplier.

Motion sensor cameras are located on Council owned public land or Crown land under the care, control and management of Council, except where written permission is received from a state authority or private land owner.

ACCESS TO VIEW OR RECIEVE A COPY OF RECORDED MATERIAL

There are conditions surrounding access to or receiving a copy of any recorded material. The conditions are detailed in the CCTV and Portable Surveillance Cameras Policy section – Access to Recorded Material and related Procedures.



CCTV Code of Practice

Adoption Date:	28 June 2017
Council Reference:	
Policy Owner:	Group Manager Corporate and Community
Next review date:	30 June 2019
File Reference:	7126/1
Related Policies/Legislation:	CCTV and Portable Surveillance Cameras Policy, Portable Surveillance Cameras Code of Practice

OBJECTIVES

The objectives of the CCTV Code of Practice are to:

- (a) Set out the key principles for the operation of CCTV in Wingecarribee Shire;
- (b) Set out the basic standards for operation of the CCTV cameras;
- (c) Set out how the Recorded Material is to be maintained;
- (d) Provide staff and the community with an understanding of how Recorded Material is kept, and the purposes for which it is used; and
- (e) Support the CCTV and Portable Surveillance Cameras Policy.

KEY PRINCIPLES

1. The Wingecarribee CCTV and Portable Surveillance Cameras Policy will be operated fairly, within the law and only for the objectives for which it was established.
2. The public interest in the operation of CCTV cameras will be recognised by ensuring compliance with the CCTV and Portable Surveillance Cameras Policy and the CCTV Code of Practice.
3. The public will be provided with clear and accessible information in relation to the operation of CCTV cameras in Wingecarribee Shire.
4. Audits in accordance with the CCTV and Portable Surveillance Cameras Policy will be undertaken at least annually to ensure the objectives of the CCTV and Portable Surveillance Cameras Policy are being achieved and compliance with the CCTV Code of Practice is achieved.
5. Access to Recorded Material will be restricted to staff with delegated authority, Auditors, and to those persons who have an approved Application to Access Information – Formal to view or supply a copy of the Recorded Material.
6. Recorded Material will only be released where the Applicant has agreed to the conditions attached to the Application to Access Information – Formal to view or supply a copy of the Recorded Material.
7. Recorded Material will only be retained, and be able to be accessed, for the purposes provided for in this Code of Practice and the CCTV and Portable Surveillance Cameras Policy or applicable legislation.



CCTV Code of Practice

8. Recorded Material will be retained for 28 days unless the material is required for investigation of a suspected or alleged crime or breach of relevant legislation, or where an Application to Access Information – Formal to view or supply a copy of the Recorded Material has been made (whether the Application has been determined or not).

THE CODE OF PRACTICE

The Code of Practice sets out the Key Principles that guide the implementation of the CCTV and Portable Surveillance Cameras Policy and the CCTV Code of Practice.

Staff with delegated authority under the CCTV and Portable Surveillance Cameras Policy and CCTV Code of Practice are required to sign an acknowledgement of their understanding of the CCTV and Portable Surveillance Cameras Policy and CCTV Code of Practice.

The CCTV Code of Practice and CCTV and Portable Surveillance Cameras Policy are subject to legislation in New South Wales and the Commonwealth.

System description

- (a) Council will use a digital video recorder server based systems.
- (b) A least privilege security access model will be used with authorised personnel access only;
- (c) System will operate on a two disc rolling 28 day cycle;
- (d) Council will use fault tolerant devices, but not make secondary copies; and
- (e) System is configured so no audio recording can be made.

Camera design

- (a) Suitable and current devices will be provided through a reputable supplier.

Camera Locations

- (a) Cameras are installed in locations where Council is concerned to:
 - (i) Protect Wingecarribee Shire Council employees, residents and visitors;
 - (ii) Protect Wingecarribee Shire Council assets;
 - (iii) Deter crime and unlawful behaviour; and
 - (iv) Monitor and protect the environment.
- (b) The locations of cameras in Wingecarribee Shire are indicated in **Attachment 1** to the CCTV and Portable Surveillance Cameras Policy.
- (c) As far as practicable, CCTV cameras are to be located so that land that is not public land is not filmed.

CONDITIONS OF ACCESS TO VIEW AND / OR SUPPLY A COPY OF RECORDED MATERIAL

Conditions of access to view and / or supply recorded material are detailed in the Recorded Material Policy section– Access to Recorded Material.



8.3 Cenotaphs and War Memorials (Protected Places) Security and Protection Policy - Draft for Public Exhibition

Report of: Shaun Robinson
Manager Assets

Authorised by: Karin Targa
Director Service and Project Delivery

PURPOSE

The purpose of this report is to present the updated Cenotaphs and War Memorials (Protected Places) Security and Protection Policy for Council's endorsement.

OFFICER'S RECOMMENDATION

THAT:

1. Council endorse the updated Cenotaphs and War Memorial (Protected Places) Security and Protection Policy to be placed on public exhibition for twenty-eight (28) days.
2. A further report be submitted to Council following the conclusion of the public exhibition period.

REPORT

BACKGROUND

The Cenotaphs and War Memorial (Protected Places) Security and Protection Policy was adopted 27 June 2016. This policy was created in order to identify the relevant authorities and legislation with jurisdiction for the protection and maintenance of memorials across the Shire.

The purpose of the original policy was to 'enunciate Council's commitment to the preservation and protection of cenotaphs and war memorials and to maintain the dignity of memorials and Cenotaphs with respect to (their) service'.

REPORT

The Cenotaphs and War Memorial (Protected Places) Security Policy has been reformatted to an updated template and revised to ensure current information is available to guide the protection of cenotaphs and war memorials within the Wingecarribee Shire.

The revised policy sets out clear objectives that define the purpose of this policy and in doing so, articulates the provisions by which Council's commitment to the preservation and protection of places of remembrance will be defined. The original objectives have been expanded on to give greater clarification of Council's purpose.

The policy has been updated to correctly reflect the title of the policy and ownership status of each cenotaph and war memorial within the Shire. The updated policy expresses ownership status in a table which has been updated to include more comprehensive list of all cenotaphs and war memorials in the shire

Prescriptive standards and permissible activities have been carried forward to uphold the standards for maintaining protection of cenotaphs and war memorials including development, protection of visual amenity and pedestrian access. The standards have been expanded so that the authority of local RSL branches is clear regarding the erection of signage, flags and banners on respective War Memorials and Monuments within their branch locality.

Responsibilities for the implementation of this policy have been updated to correctly reflect the hierarchy of leadership within Council. definitions have been tabled to make obvious specific terms of reference. This is to assist those unfamiliar with this policy including members of the public and external stakeholders. outdated contact details of authorities have been redacted.

Performance measures have been expanded to include the clearance of curtilage limits of cenotaphs and war memorials as a significant outcome. This reiterates Council's focus on a consistent opportunity for access, visual amenity and remembrance by the greater community.

Related legislation, policies and schemes have been updated to include the Local Government Act 1993. The *Wingecarribee Shire Council Reward Scheme for Reporting Vandalism (MN35/09)* dated 11 February 2009 was repealed by Council on 10 February 2021 and therefore has been removed as a related document. The policy continues to be supported by related Council documents that uphold the value of remembrance to the greater community.

COMMUNICATION AND CONSULTATION

Community Engagement

There are no communication or consultation implications in relation to this report

Internal Communication and Consultation

Coordinator Property Services

Ranger, Development Assessment and Regulation

Coordinator ICT Operations, Information Services

Coordinator Open Spaces and Buildings, Shire Presentation

External Communication and Consultation

There are no communication or consultation implications in relation to this report.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

The intent of the revised policy is to preserve and protect the appearance and condition of these memorials. In doing so, the community is encouraged to continue to acknowledge and reflect on the sacrifices made by all that these memorials represent.

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

The revised Cenotaphs and War Memorials (Protected Places) Security and Protection Policy seeks to continue to preserve and maintain our cultural heritage of sacrifice, of Australian men and women, in both world wars and subsequent international conflicts.

The revised policy identifies the correct steps for service personnel organisations to undertake their functions safely and for all members of the public to enjoy these features in our urban and rural landscapes and their role in commemorative ceremonies.

Governance

The revised Cenotaphs and War Memorials (Protected Places) Security and Protection Policy identifies the agencies and current legislation to be considered by both Council and key stakeholders when considering the security and protection of these monuments and their ongoing maintenance. It is considered that when in place, a closer level of collaboration between Council and RSL Sub-Branches will be facilitated to ensure future protection, security and maintenance of cenotaphs and war memorials.

COUNCIL BUDGET IMPLICATIONS

There are no Council budget implications in relation to this report.

RELATED COUNCIL POLICY

Cemeteries Strategy 2014

Parks Strategy 2016

Public Memorials Policy 2020

Public Memorials Policy Guidelines 2020

CONCLUSION

Council's endorsement of placing the Cenotaphs and War Memorials (Protected Places) Security and Protection Policy on public exhibition will allow the community the opportunity to provide feedback on the policy.

ATTACHMENTS

1. Cenotaphs and War Memorial Protected Places Security and Protection Policy - Draft for Public Exhibition [8.3.1 - 9 pages]



Cenotaphs and War Memorial (Protected Places) Security and Protection Policy



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Places - Wingecarribee Community Strategic Plan 2041 -
Goal 3.2.2 Identify and protect the unique characteristics of towns
and villages to retain a sense of place

Document Type	Council Policy
Document Reference No.	[Governance to insert] (example: 2020/001)
Version No.	2
Council File Reference	[Insert departmental file number, generally the relevant electronic records management system subject reference]
Adoption Date	[Governance to insert]
Resolution Number	[Governance to insert]
Document Owner	Manager Assets
Responsible Branch	Assets
Responsible Business Unit	Assets Parks and Buildings
Review Schedule	[Governance to insert]
Review Date	[Governance to insert]

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1 Objectives

The purpose of this Policy is to enunciate Wingecarribee Shire Council's (WSC) commitment to the preservation and protection of War Memorials and Cenotaphs commemorating the service of Wingecarribee residents in military conflicts and peacekeeping operations, and to maintain the dignity of Memorials and Cenotaphs with respect to their service.

The objectives of the Policy are:

- to avoid the placement of objects or signage within the curtilage of War Memorials and Cenotaphs that will obscure or obstruct their viewing, context or meaning.
- To avoid any use, development or activity that restricts access to or pedestrian circulation around War Memorials and Cenotaphs
- To avoid any activity or actions that detract or damage any part of War Memorials and Cenotaphs.
- To avoid any activity or actions that do not show respect for what the Memorials/ Cenotaphs represent to Wingecarribee residents, the wider Australian community, and Returned Service personnel and their families.
- To encourage the public to report damage or vandalism in a manner that allows effective action to address the reported damage.

2 Policy Statement

This policy clarifies WSC's position regarding the preservation and protection of War Memorials and Cenotaphs. It identifies the War Memorials and Cenotaphs where this policy applies and defines appropriate areas and activities that may or may not be undertaken within the curtilage of memorials and cenotaphs.

3 Scope

3.1 Memorials Covered by this Policy

This policy only applies to War Memorials and Cenotaphs on public land under WSC's control.

Suburb	Memorials and Cenotaphs	Address
Berrima	Berrima War Memorial	Marketplace, Old Hume Highway
Bowral	War Memorial & Commemorative Arch	Memorial Park, Bong Bong Street
Bowral	Vietnam War Memorial Cherry Tree Walk	Settlers Park, 124 Mittagong Road
Bundanoon	Bundanoon Wall of Remembrance	Memorial Park, Church Street
Bundanoon	Bundanoon Soldiers Memorial Hall	Church Street
Bundanoon	Bundanoon Oval Memorial Entrance	Bundanoon Oval, Erith Street
Bundanoon	Bundanoon War Memorial	Bundanoon Oval, Erith Street
Exeter	Exeter War Memorial Gates	Exeter Park, Exeter Road,
Exeter	Exeter Great War Roll of Honour	Exeter Park, Exeter Road,
Exeter	First and Second World War Memorial Trees	Exeter Park, Exeter Road,
Mittagong	Mittagong War Memorial Clock Tower	Cnr Old Hume Highway and Bowral Road

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Mittagong	Remembrance Park	Cnr Railway Crescent and Old Hume Highway
Moss Vale	Moss Vale War Memorial Aquatic Centre	Kirkham Street
Sutton Forest	National Service and Reserve Force Memorial	Cnr Illawarra Highway and Golden Vale Road

3.2 Memorials Not Covered by this Policy

This policy does not apply to War Memorials and Cenotaphs on private land or where Council has no jurisdiction. The preservation and protection of War Memorials and Cenotaphs not on Council controlled land will be the responsibility of the respective land owner and caretakers.

Memorials and Cenotaphs	Address	Suburb	Ownership
Remembrance Driveway	3530 Old Hume Highway	Berrima	Private Ownership
Remembrance Driveway	3577 Old Hume Highway (fronting Old Hume Highway)	Berrima	Private Ownership
Remembrance Driveway	125 Taylor Avenue (fronting Old Hume Highway)	Berrima	Private Ownership
Remembrance Driveway	Lot 1 DP 402230 – s.east corner of Old Hume Hwy and Taylor Avenue	Berrima	Private Ownership
Remembrance Driveway	Lot 1 DP 399452 – eastern side of Old Hume Hwy, 345m south of Taylor Avenue	Berrima	Private Ownership
Remembrance Driveway	3651 Old Hume Highway (fronting Old Hume Highway)	Berrima	Private Ownership
Remembrance Driveway	S.east corner of Kater Road and Old Hume Hwy	Sutton Forest	Private Ownership
Remembrance Driveway	South side of Old Hume Hwy, 220m east of Kater Road	Sutton Forest	Private Ownership
Remembrance Driveway	"Camaroo", Camaroo Lane - fronting Illawarra Highway	Moss Vale	Private Ownership
Burrawang War Memorial	Burrawang School of Arts, 33-35 Hoddle Street	Burrawang	Burrawang School of Arts
Colo Vale Community Centre War Memorial	28 Railway Avenue	Colo Vale	Colo Vale Community Association Incorporated
Hill Top War Memorial Wall	102 Wilson Drive	Hill Top	Friends of Hill Top War Memorial Inc
Moss Vale War Memorial	Cnr Argyle Street and Yarrawa Street	Moss Vale	Moss Vale Returned Services Club
Robertson School of Arts War Memorial	Robertson School of Arts War, 55 Hoddle Street	Robertson	Robertson School of Arts Incorporated

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4 Prescriptive Standards and Permissible Activities within the identified curtilage

The following provides standards that apply to the management of activities around Cenotaphs and War Memorial structures. It provides a definition of both the physical area (curtilage) and the types of permissible activities that can be undertaken within the curtilage and the activities to be avoided.

4.1 Curtilage

2 metres from the edge of the memorial or cenotaph has been nominated for curtilage.

The 2 metres is divided into two parts:

- 0.8 metres from the furthest vertical surface of the structure for the laying and dedication of wreaths and tributes.
- A further 1.2 metres for access and circulation around the site (avoiding the dedications mentioned above).

Within the measured curtilage no material, object or signage can be placed that obstructs, obscures the viewing of the installation or disrespects what they stand for.

4.2 Permanent restriction within the curtilage

The intent of this policy is to avoid the use of the two (2) metre curtilage for any purpose, signage, or structures (temporary or permanent) that will obscure or obstruct the viewing of a War Memorial or Cenotaph. This includes the placement of signage, objects or structures associated with, the proffering of materials (market stalls, raffle ticket sales, soliciting views or surveys) for sale and the parking or use of recreational equipment including but not limited to skateboards, bicycles, scooters or the like.

Any of these activities, structures, or signage that obscure or obstruct the viewing or pedestrian movements around these monuments or detracts or damages a War Memorial or Cenotaph will be considered to fall within the scope of this policy and enforcement action may be taken by an *authorised person* in accordance with their respective legislation.

4.3 Placement of wreaths and commemorative tributes

Wreaths and commemorative tributes making a sincere dedication to the service of military personnel and peacekeepers may be placed on or around a War Memorial or Cenotaph at any time.

Any wreath or tribute placed around any memorial or cenotaph not having due regard to the service of military personnel or peacekeepers and what they stand for may be removed by an authorised person and enforcement action taken under the legislation identified below.

4.4 Authorised erection of Signage, Banners and Flags

Persons wishing to display signage, banners or flags on any War Memorial or Monument within the Shire must only do so with the concurrence of the relevant RSL Branch for the town or village.

The relevant RSL Branch is to advise Council of their concurrence in writing 7 days prior to any signage or banner being erected.

4.5 Authorised Persons

The NSW Police enforce compliance under the Summary Offences Act 1988.
Council's Rangers enforce compliance under the Local Government Act, 1993.

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4.6 Damage or Desecration of Memorials in Public Places

If a person is seen to be wilfully damaging or defacing any protected place (memorial) or committing a nuisance or any offense or indecent act in, on or in connection with any war memorial in a public place the incident should be reported to NSW Police immediately.

5 Responsibilities

Responsibilities for the implementation of this Policy are shared as follows.

5.1 Councillors

The Mayor shall:

- lead Councillors in their understanding of and compliance with this policy.

5.2 Executive

The Executive shall:

- lead relevant staff (either directly or through delegated authority) in their understanding of and compliance with this policy.
- approve resources to develop, implement and review this policy.

5.3 Manager Assets

The Manager Assets shall:

- provide guidance to Councillors, Executive and other Council staff as to the content and implementation of this policy.
- ensure the timely review of this policy; and
- conduct investigations into alleged non-compliance with this policy.

5.4 Managers

Managers shall:

- provide guidance to Council staff within their respective branches as to the content and implementation of this Policy, seeking guidance from the policy owner as required.

5.5 Council staff

Council staff shall:

- comply with this policy and the related procedures.

6 Performance Measures

The success of this Policy will be measured by:

- The curtilage limits surrounding memorials being respected.
- A limit or elimination of vandalism and/or damage to any war memorial or cenotaph.

7 Definitions

Define any specific terms relating to the policy that may not be obvious to a member of the public or other external stakeholder. Include any acronyms and their meanings. The following table should be used:

WSC	Wingecarribee Shire Council
Cenotaph	Memorial site of a person/s whose remains are elsewhere.

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Authorised person	Any officer employed by the NSW Police force or by Wingecarribee Shire Council who has the responsibility to act in accordance with the relevant Acts for the purposes of this policy.
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8 Related Material

8.1 Related Legislation

The following legislative material(s) is/are related to this Policy:

- Local Government Act, 1993
- Summary Offences Act 1988

8.2 Related Policies, Procedures

The following are related to this Policy:

- *Cemeteries Strategy 2014*
- *Parks Strategy 2016*
- *Public Memorials Policy 2020*
- *Public Memorials Policy Guidelines 2020*

9 Non-compliance with this Policy

Non-compliance with this Policy may be taken to be a breach of Council's Code of Conduct. Complaints alleging non-compliance with this Policy must be made in accordance with the Code of Conduct and will be dealt with in accordance with the Procedures for the Administration of the Code of Conduct.

10 Document Control

10.1 Version Control

Version	Adoption Date	Notes
1	27.07.2016	Adoption of Version 1
2	TBC	Policy has been reformatted to align with updated WSC style guide. Listing of War Memorial sites have been updated to reflect correct ownership and land status. Office bearers have been updated.

10.2 Superseded Documents

Document Title	Adoption Date	Notes
Nil	-	-

11 Attachments

There are no attachments to this Policy.

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**AGENDA OF THE EXTRAORDINARY MEETING OF COUNCIL
WEDNESDAY 29 MAY 2024**



Approved by:

WINGECARRIBEE SHIRE COUNCIL

[Governance to insert adoption date]

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8.4 Code of Meeting Practice Review - Draft for Adoption

Report of: Warwick Lawrence
Coordinator Governance

Authorised by: Pav Kuzmanovski
Acting Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to provide a minor amendment to Wingecarribee Council's Code of Meeting Practice (*The Code*) by adding additional clauses to Section 13 of *The Code* to provide a process whereby the General Manager has an opportunity to provide context to specific reports to be determined individually rather than by exception.

In addition a minor amendment is also proposed to Section 4.4 and 4.10 relating to Public Forum which will clarify the current procedure relating to speakers attendance and the tabling of documents by speakers.

OFFICER'S RECOMMENDATION

THAT Council amend its Code of Meeting Practice as follows:

1. By adding clauses 13.8 and 13.9 as follows:

"13.8 That prior to Council determining those items on the business paper to be determined by exception the Chairperson offer the General Manager the opportunity to bring to Council's attention those reports that should be dealt with individually and not by exception on the basis that such reports are:

- (a) of significant public interest,**
- (b) had speakers that addressed Council,**
- (c) is a new policy or a substantial amendment to a current policy,**
- (d) is a new matter of such importance that the community should be made aware,**
- (e) is a report where new information has become available since the report was provided, or**
- (f) is a report that has significant budgetary implications for Council.**

13.9 That those reports identified by the General Manager in Clause 13.8 be determined separately and not by exception."

2. By amending clauses 4.4 and 4.10 to read as follows:

"4.4 A person may apply to speak on no more than one (1) item of business on the agenda of the council meeting and if approved must be physically present in the Council Chamber during Public Forum to address the item of business.

4.10 Only approved speakers at the public forum are able to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no less than

two (2) business days before the public forum. The general manager or their delegate may refuse to allow such material to be presented."

REPORT

BACKGROUND

The Code, which contains a mandatory clause from the Office of Local Government's Model Code of Meeting Practice, contains a Section (Section 13) that allows Council to manage large agendas by providing the opportunity to adopt any number of reports by exception.

The mandatory provisions do not provide an opportunity for the General Manager to be involved in this process therefore several important reports may be moved and adopted by Council without the ability for staff to provide additional information for Councillors to ask questions or debate such important issue prior to adopting such reports by exception, en bloc.

The recommendation proposes to add an additional level of openness and transparency to Council's decision-making processes.

The current process relating to public forum provides a process for applicants to register and speak at public forums. There have been a number of questions raised by people wishing to speak at a public forum which has made it clear that the adopted process is not clearly communicated in the current wording of the existing Code.

The amendments proposed merely reflect the current practice in relation to these matters and is provided to ensure that all persons wishing to address the Council at a Public Forum are well aware of their responsibilities prior to making application.

REPORT

Section 13 of *The Code* provides guidance on how Council may deal with items by exception.

This clause allows a Council, at any time, to resolve to adopt multiple items of business on the agenda together, by way of a single resolution.

The process requires the Chairperson to invite each Councillor to identify those items on the agenda that they either wish to vote against or wish to speak on.

Once the chairperson has identified those items on the agenda that a Councillor wishes to vote against or speak on, the recommendations contained in each remaining report will be put to the meeting en bloc and adopted by exception by way of a single resolution of the Council.

This process is regularly utilised by a number of Council's to deal with agendas that contain numerous Council reports and ensures that meetings do not run for an excessive length of time.

The process works well where there are several straightforward reports where the report has addressed all issues accurately and succinctly and provides a recommendation that is the best available and which Councillors are comfortable in adopting with no debate.

The suggested amendment to The Code allows an opportunity for the General Manager to bring to the Council's attention those reports that are considered particularly important due to them having significant public interest, had speakers that addressed Council, is a new policy or a substantial amendment to a current policy, is a new matter of such importance that the community should be made aware, new information has become available since the report was provided or is a report that has significant budgetary implications for Council, all issues of which Councillors should be made fully aware prior to adoption.

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It is proposed that the following additional clauses (13.8 and 13.9) be included in the Code:

- 13.8 That prior to Council determining those items on the business paper to be determined by exception the Chairperson offer the General Manager the opportunity to bring to Council's attention those reports that should be dealt with individually and not by exception on the basis that such reports are:
- (a) of significant public interest,
 - (b) had speakers that addressed Council,
 - (c) is a new policy or a substantial amendment to a current policy,
 - (d) is a new matter of such importance that the community should be made aware,
 - (e) is a report where new information has become available since the report was provided, or
 - (f) is a report that has significant budgetary implications for Council.
- 13.9 That those reports identified by the General Manager in Clause 13.8 be determined separately and not by exception.

Amendments are also proposed to clauses 4.4 and 4.10 of the Code and reflects a long standing practice relating to the requirement of authorised speakers for Public Forum to be present in the chamber to address their item and to only register their written, visual or audio material in support of their address to the Council. This procedure is now more clearly communicated in the new wording of each clause. The proposed amendments to clauses 4.4 and 4.10 include additional words which identified by underlining and are as follows:

- 4.4 A person may apply to speak on no more than one (1) item of business on the agenda of the council meeting and if approved must be physically present in the Council Chamber during Public Forum to address the item of business.
- 4.10 Only approved speakers at the public forum are able to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no less than two (2) business days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.

The inclusion of these additional and amended clauses is not considered substantial and therefore, in accordance with the provisions of Section 362 (2), will not require public exhibition prior to adoption. A copy of the Draft Code of Meeting Practice is included in **Attachment 1**.

COMMUNICATION AND CONSULTATION

Community Engagement

Community consultation on the draft Code of Meeting Practice is not required in accordance with the provisions of Section 362 (2) of the Local Government Act 1993.

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Internal Communication and Consultation

This matter has been discussed with the Executive Team

External Communication and Consultation

None required

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

The suggested amendments will add an additional layer of openness and transparency to Council decision making process and will more clearly enunciate the requirement of speakers registering to address Council during public forum.

COUNCIL BUDGET IMPLICATIONS

There are no budgetary implications to this report.

RELATED COUNCIL POLICY

The suggested amendments if adopted will be made to the Council's Code of Meeting Practice.

CONCLUSION

The proposed amendments, if adopted, will provide a mechanism for the General Manager to assist the Council in its decision making processes relating to the adoption of reports by exception and will provide clearer direction for persons wishing to register to speak at a public forum.

ATTACHMENTS

Draft Code of Meeting Practice



Code of Meeting Practice



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WINGECARRIBEE SHIRE COUNCIL

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LEADERSHIP

Wingecarribee Community Strategic Plan 2041 -

1.1 Ethical and trusted levels of government that work together in the best interest of the Shire.

Document Type	Council Code
Document Reference No.	2021/004
Version No.	1.5
Council File Reference	Document Set ID 249539
Adoption Date	
Resolution Number	
Document Owner	Manager Governance and Corporate Performance
Responsible Branch	Governance and Corporate Performance
Responsible Business Unit	Governance
Review Schedule	Within 12 months of the next ordinary election of Councillors
Review Date	September 2025

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1 Introduction

This Code of Meeting Practice (Code) for Wingecarribee Shire Council is based on the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) and is made under section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2005 (the Regulation).

This Code applies to all meetings of councils and committees of councils of which all the members are councillors in accordance with clause 20.2 of this Code (committees of council). Council committees whose members include persons other than councillors must conduct meetings in accordance with Council's adopted Committee Manual.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with this Code of Meeting Practice.

2 Meeting Principles

Council and committee meetings should be:

- Transparent:** Decisions are made in a way that is open and accountable.
- Informed:** Decisions are made based on relevant, quality information.
- Inclusive:** Decisions respect the diverse needs and interests of the local community.
- Principled:** Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:** The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:** Councillors, staff and meeting attendees treat each other with respect.
- Effective:** Meetings are well organised, effectively run and skilfully chaired.
- Orderly:** Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3 Before the Meeting

Timing of Ordinary Council Meetings

- 3.1 Ordinary meetings of the Council will be held on the third Wednesday of each month between February and November and the second Wednesday in December. No meetings shall be held in January. Meetings will commence at 3.30 pm.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary Meetings

- 3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.2 reflects section 366 of the Act.

- 3.3 The Mayor, in consultation with the general manager, or the general manager, in consultation with the mayor, may call an extraordinary meeting without the need to obtain the signature of two (2) councillors to consider urgent business.

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For the purpose of clause 3.3, urgent business is any matter that, in the opinion of the mayor or the general manager, requires a decision by the council before the next scheduled ordinary meeting of the council.

Notice to the Public of Council Meetings

3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.4 reflects section 9(1) of the Act.

3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of the council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to Councillors of Ordinary Council Meetings

3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form. Where all councillors are provided with secure facilities to access material electronically, the notice, agenda and business papers will only be given to councillors in electronic form.

Note: The first sentence of clause 3.8 reflects section 367(3) of the Act.

Notice to Councillors of Extraordinary Meetings

3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted prior to the close of business at 4.30pm, seven (7) business days before the meeting is to be held.

3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy

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implications which should be taken into consideration by the meeting, the general manager may prepare a response in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with Notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and Business Papers for Ordinary Meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

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- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A)(a) of the Act.

- 3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the Agenda and Business Papers to the Public

- 3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.23 reflects section 9(2) and (4) of the Act.

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.23 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.24 reflects section 9(2A)(b) of the Act.

- 3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.25 reflects section 9(3) of the Act.

- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Note: Clause 3.26 reflects section 9(5) of the Act.

Agenda and Business Papers for Extraordinary Meetings

- 3.27 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

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- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.30(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

Pre-meeting Briefing Sessions

- 3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.33 Pre-meeting briefing sessions will only be closed to the public if they meet the relevant provisions of the Local Government Act 1993 (as set out at Part 14 of this code) and any guidelines issued by the Office of Local Government.
- 3.34 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.35 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.36 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

4 Public Forums

Holding a Public Forum

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums are to be chaired by the mayor or their nominee.

Speakers

- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by close of business (4.30pm) two (2) business days before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

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- 4.4 A person may apply to speak on no more than one (1) item of business on the agenda of the council meeting and if approved must be physically present in the Council Chamber during Public Forum to address the item of business.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than one (1) speaker 'for' and one (1) speaker 'against' are permitted for each item of business on the agenda for the council meeting.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the person who is to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 Only approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no less than two (2) business days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.11 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed five (5) minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker to each question are to be limited to one (1) minute.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.

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- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to two (2) minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public for such a period as the general manager or their delegate considers appropriate.

Publication of Written, Visual or Audio Material

- 4.23 Subject to copyright, any written, visual or audio material presented at the public forum will be published on the council's website.

Conflicts of Interest

- 4.24 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

5 Coming Together

Attendance by Councillors at Meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

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- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.6 reflects section 234(1)(d) of the Act.

- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The Quorum for a Meeting

- 5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.8 reflects section 368(1) of the Act.

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.9 reflects section 368(2) of the Act.

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) At the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) Within half an hour after the time designated for the holding of the meeting, or
 - (c) At any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) By the chairperson, or
 - (b) In the chairperson's absence, by the majority of the councillors present, or
 - (c) Failing that, by the general manager.

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- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire) or other threat to safety the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clauses 3.2 or 3.3.

Entitlement of the Public to Attend Council Meetings

- 5.15 Everyone is entitled to attend a meeting of the council and committees of the council (i.e. those established by Council in accordance with clause 20.2 of this Code). The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.15 reflects section 10(1) of the Act.

- 5.16 Clause 5.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.17 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.17 reflects section 10(2) of the Act.

Webcasting of Meetings

- 5.18 All meetings of the council and committees of the council are to be webcast on the council's website:
- (a) audio visual recordings of the open Council Meeting and committees of the council will be live streamed through Council's website.
- 5.19 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.21 A recording of each meeting of the council and committee of the council is to be retained on the council's website for 12 months. Recordings of meetings may be disposed of in

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accordance with the State Records Act 1998.

Attendance of the General Manager and Other Staff at Meetings

5.22 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.22 reflects section 376(1) of the Act.

5.23 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.23 reflects section 376(2) of the Act.

5.24 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.24 reflects section 376(3) of the Act.

5.25 The attendance of other council staff at a meeting (other than as members of the public) shall be with the approval of the general manager.

6 The Chairperson

The Chairperson at Meetings

6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the Chairperson in the Absence of the Mayor and Deputy Mayor

6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

6.6 For the purposes of clause 6.5, the person conducting the election must:

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- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have Precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7 Modes of Address

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chair' or 'Madam Chair'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

8 Order of Business for Ordinary Council Meetings

- 8.1 The general order of business for an ordinary meeting of the council shall be:
1. Opening meeting
 2. Acknowledgement of country
 3. Statement of Ethical Obligations
 4. Apologies and applications for a leave of absence by councillors
 5. Confirmation of minutes
 6. Disclosures of interests
 7. Mayoral minute(s)
 8. Reports to council
 9. Reports of committees
 10. Notices of motions
 11. Questions with notice
 12. Confidential matters
 13. Conclusion of the meeting
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

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9 Consideration of Business at Council Meetings

Business that can be dealt with at a Council Meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) Is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral Minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the

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expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff Reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of Committees of Council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council by a councillor unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 Rules of Debate

Motions to be Seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of Motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

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- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's Duties with Respect to Motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions Requiring the Expenditure of Funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/ or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to Motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.

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- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed Motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the Number and Duration of Speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than three (3) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than three (3) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:

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- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11 Voting

Voting Entitlements of Councillors

- 11.1 Each councillor is entitled to one (1) vote.
Note: Clause 11.1 reflects section 370(1) of the Act.
- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.
Note: Clause 11.2 reflects section 370(2) of the Act.
- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at Council Meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 11.6 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as

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having voted against the motion in accordance with clause 11.5 of this code.

- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

Voting on Planning Decisions

- 11.10 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.13 Clauses 11.10–11.12 apply also to meetings that are closed to the public.

Note: Clauses 11.10–11.13 reflect section 375A of the Act.

Note: The requirements of clause 11.10 may be satisfied by maintaining a register of the minutes of each planning decision.

12 Committee of the Whole

- 12.1 The council may resolve itself into a committee to consider any matter before the council.
Note: Clause 12.1 reflects section 373 of the Act.
- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.
Note: Clauses 10.20–10.30 limit the number and duration of speeches.
- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 Dealing with Items by Exception

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted

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and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.
- 13.8 That prior to Council determining those items on the business paper to be determined by exception the Chairperson offer the General Manager the opportunity to bring to Council's attention those reports that should be dealt with individually and not by exception on the basis that such reports are:
- (a) of significant public interest,
 - (b) had speakers that addressed Council,
 - (c) is a new policy or a substantial amendment to a current policy,
 - (d) is a new matter of such importance that the community should be made aware,
 - (e) is a report where new information has become available since the report was provided, or
 - (d) is a report that has significant budgetary implications for Council.
- 13.9 That those reports identified by the General Manager in Clause 13.8 be determined separately and not by exception.
- 13.8 That prior to Council determining those items on the business paper to be determined by exception the Chairperson offer the General Manager the opportunity to bring to Council's attention those reports that should be dealt with individually and not by exception on the basis that such reports are:
- (a) of either significant public interest,
 - (b) had speakers present wishing to address Council,
 - (c) is a new policy or a substantial amendment to a current policy,
 - (d) is a new matter of such importance that the community should be made aware,
 - (e) is a report where new information has become available since the report was provided, or
 - (f) is a report that has significant budgetary implications for Council.
- 13.9 That those reports identified by the General Manager in Clause 13.8 be determined separately and not by exception.

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14 Closure of Meetings to the Public

Grounds on which Meetings can be Closed to the Public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be Considered when Closing Meetings to the Public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include

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any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

a person may misinterpret or misunderstand the discussion, or

(b) the discussion of the matter may:

(i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or

(ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

(a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and

(b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:

(i) should not be deferred (because of the urgency of the matter), and (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by Members of the Public

14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by close of business (4.30pm) two (2) business days prior to the meeting at which the matter is to be considered.

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- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than two (2) speakers are to be permitted to make representations under clause 14.9
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. In accordance with clause 14.13 the chairperson is to permit no more than two (2) speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed one (1) minute to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of Non-Councillors from Meetings Closed to the Public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of

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the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.20 reflects section 10D of the Act.

Resolutions Passed at Closed Meetings to be Made Public

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

15 Keeping Order at Meetings

Points of Order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of Order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of Dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the

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motion or business to the agenda and proceed with it in due course.

- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of Disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

- (a) contravenes the Act or any regulation in force under the Act or this code, or
- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

- 15.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

How Disorder at a Meeting may be dealt with

- 15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from Meetings

- 15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

- 15.15 Clause 15.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

- 15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

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- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting. Use of Mobile Phones and the Unauthorised Recording of Meetings
- 15.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.22 Any person who contravenes or attempts to contravene clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 Conflicts of Interest

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council, committees of the council and pre-meeting briefings (as described in clause 3.32) in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

17 Decisions of the Council

Council Decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.
Note: Clause 17.1 reflects section 371 of the Act.
- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

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Rescinding or Altering Council Decisions

17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 4.30 pm the following business day after the meeting at which the resolution was adopted.

17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three (3) councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–

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10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting Resolutions to Correct an Error

17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.

17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 Time Limits on Council Meetings

18.1 Meetings of the council are to conclude no later than 7.30pm.

18.2 If the business of the meeting is unfinished at 7.30pm, the council may, by resolution, extend the time of the meeting. Where an extension of time is approved the meeting must conclude no later than 8.00pm.

18.3 If the business of the meeting is unfinished at 7.30pm, and the council does not resolve to extend the meeting, the chairperson must either:

- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
- (b) adjourn the meeting to a time, date and place fixed by the chairperson.

18.4 Clause 18.3 does not limit the ability of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:

- (a) notify all councillors of the time, date and place at which the meeting will reconvene, and
- (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to

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bring notice of the Wingecarribee Shire Council Code of Meeting Practice, Version 1.4
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many people as possible.

19 After the Meeting

Minutes of Meetings

19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to Correspondence and Reports Laid on the Table at, or Submitted to, a Meeting

19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential

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because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of Decisions of the Council

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20 Council Committees

Application of this Part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

Council Committees whose Members are all Councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
 - (b) if the council has not decided a number – a majority of the members of the committee.

Functions of Committees

- 20.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of Committee Meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at Committee Meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or

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(b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members Entitled to Attend Committee Meetings

20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

20.11 The chairperson of each committee of the council must be:

- (a) the mayor, or
- (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) If the council does not elect such a member, a member of the committee elected by the committee.

20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in Committee Meetings

20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

20.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

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Closure of Committee Meetings to the Public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in Committee Meetings

- 20.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of Council Committee Meetings

- 20.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 20.23 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.24 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.26 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.27 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

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21 Council Workshops

21.1 Council may hold workshops for the purpose of conducting in-depth discussions on certain topics. A workshop may involve councillors, council staff and invited participants. Workshops provide an opportunity to:

- explore more important or complex issues in detail
- develop a commitment to working together
- provide an opportunity for professional development

21.2 Formal decisions are not made at workshops. Workshops should not be used for detailed or advanced discussions where agreement is reached, and/or a de-facto decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision should be left to the open forum of a formal council or committee meeting.

22 Irregularities

22.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

23 Definitions

the Act	means the Local Government Act 1993
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW

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day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979 including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the Local Government (General) Regulation 2005
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

24 Version Control

Version	Adoption Date	Notes
1.0	12 June 2019	Initial adoption
1.1	27 November 2019	Clause 5.5 amended in accordance with Council resolution MN 550/19 to reflect that the speakers on a Visitor Item are allowed five minutes to speak.
1.2	24 March 2021	Clause 3.1 amended in accordance with Council resolution MN 98/21 to amend the meeting frequency from two meetings each month to one a month on the third Wednesday of the month, excluding January.
1.3	28 July 2021	Adoption following public exhibition period MN 224/21. Amendments to clause 4.1 to hold Public Forums outside of the Council meeting and section 21 on Workshops to clarify they are not decision-making forums and open to the public unless the General Manager is satisfied that grounds exist to exclude members of the public.
1.4	15 June 2022	Following Council resolution MN 2022/121. Amendments to Section 8 'Order of Business at Ordinary Council Meetings' of the Code of Meeting Practice removing the 'Opening

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**AGENDA OF THE EXTRAORDINARY MEETING OF COUNCIL
WEDNESDAY 29 MAY 2024**



		Prayer'. Has been replaced with 'Statement of Ethical Obligations'
1.5		Following Council resolution MN . Inclusion of additional Clauses 13.8 and 13.9 regarding items to be determined by exception

25 Attachments

There are no attachments to this Policy.

Approved by:

WINGECARRIBEE SHIRE COUNCIL

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8.5 Local Government Remuneration Tribunal Annual Fees Payable to Mayor and Councillors for 2024/2025

Report of: Danielle Lidgard
Manager Governance and Corporate Performance

Authorised by: Pav Kuzmanovski
Acting Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to advise Council of the Local Government Remuneration Tribunal's determination under section 241 of the Local Government Act 1993 ('the Act') in respect of the annual fees payable to the Mayor and Councillors for the 2024/25 financial year. The report also requests that Council determine the fees payable to the Mayor and Councillors of Wingecarribee Shire Council for the 2024/25 financial year.

OFFICER'S RECOMMENDATION

THAT the annual fees payable for the period 1 July 2024 to 30 June 2025 be set at the maximum amount for the Regional Centre category of \$27,050 per annum for Councillors and an additional \$66,800 per annum for the Mayor to be applied on a pro rata basis from October 2024.

REPORT

BACKGROUND

Sections 239 and 241 of the Act provide that the Local Government Remuneration Tribunal ('Tribunal') is to determine categories for councils, together with the minimum and maximum annual fees payable to mayors and councillors in each of those categories. The Tribunal published its determination for the 2024/25 financial year on 29 April 2024.

In accordance with sections 248 and 249 of the Act, Council may fix and pay an annual fee to councillors and mayors from 1 July 2024 based on the Tribunal's determination for the 2024/25 financial year. In setting the fee, Council may fix a fee that is equal to or greater than the minimum but not greater than the maximum for the appropriate category, and must ensure that the fee is the same for each Councillor. When Council declines to fix a fee, it must pay the appropriate minimum fees as determined by the Tribunal.

Section 239 of the Act requires the Tribunal to determine the categories of councils at least once every three years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2023. For the 2023 review Wingecarribee remained categorised as a Regional Centre.

AGENDA OF THE EXTRAORDINARY MEETING OF COUNCIL WEDNESDAY 29 MAY 2024

REPORT

The Tribunal 2024 review considered a range of factors in determining the amount to increase minimum and maximum fees payable to Councillors and Mayors. This included economic data, including the Consumer Price Index, Wage Price Index, full-time adult average weekly ordinary time earnings, NSW Public Sector increases, and Local Government State Award increases. It also considered the Base Cost Change model used by IPART in setting the rate peg for 2024/25. Based on this the Tribunal determined that a 3.75% per cent increase will apply to the minimum and maximum fees applicable to existing categories. A copy of the Tribunal's 2024 determination is provided at **Attachment 1**.

Pursuant to section 241 of the Act, the annual fees to be paid to mayors and councillors in the Regional Centre remuneration category for the 2024/25 financial year have been determined as follows:

- Councillor fees are to be within the range of \$15,370 to \$ 27,050 per annum with the same fee paid for each Councillor.
- The Mayor is to receive an additional fee above that to be paid to Councillors within the range of \$31,980 to \$66,800 per annum.

It is proposed that the 2024/25 Councillor fees be set at the maximum amount for the Regional Centre category of \$27,050 per annum for Councillors and an additional \$66,800 per annum for the Mayor. As Wingecarribee Shire Council is in Administration until the September 2024 NSW Local Government Elections these will not apply until the Council commences in early October 2024 and as such the annualised fees will be paid on a pro rata basis.

It is noted that this schedule is not attributable to the determination of the remuneration of the Administrator of which the Office of Local Government determines such remuneration. A further report will be tabled to the June 2024 Council meeting on superannuation entitlements for the Mayor and Councillors.

COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Communication and Consultation

Finance

External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

AGENDA OF THE EXTRAORDINARY MEETING OF COUNCIL WEDNESDAY 29 MAY 2024

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

Under the Act, Council may fix the annual fee to be paid to the Mayor and Councillors in accordance with the Tribunal's determination of minimum and maximum fees for each remuneration category of council and in so doing must ensure that the fee is the same for each Councillor. If Council declines to fix a fee, it must pay the minimum fees as determined by the Tribunal.

COUNCIL BUDGET IMPLICATIONS

A budget allocation has been included in the draft 2024/25 budget for the Mayoral and Councillor remuneration and calculated on a pro rate basis to commence in October 2024.

RELATED COUNCIL POLICY

Nil.

CONCLUSION

The Local Government Act 1993 provides that the Local Government Remuneration Tribunal is to determine the minimum and maximum fees payable to mayors and councillors each financial year. The range of fees for the 2024/25 financial year has been determined by the Tribunal and Council may now set the fees for Councillors and the Mayor within that range for the 24/25 financial year on a pro rata basis from October 2024.

ATTACHMENTS

1. LGR T-2024 Annual Determination - 29 April 2024 [8.5.1 - 39 pages]

**Local Government
Remuneration Tribunal**

Annual Determination

Report and determination under sections
239 and 241 of the Local Government Act
1993

29 April 2024



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Executive Summary

The *Local Government Act 1993* (LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. A review of categories was last carried out by the Tribunal in 2023.

The Tribunal will next consider the model, criteria for each group, and the allocation of councils in the 2026 review.

The criteria for each category is published in Appendix 1 of the Determination and remains unchanged from 2023.

Two (2) councils have been recategorised from Rural Large to Regional Rural as a result of meeting the criteria at Appendix 1.

Fees

The Tribunal has determined a 3.75 per cent per annum increase in the minimum and maximum fees applicable to each category from 1 July 2024.

Section 1 – Introduction

1. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2023.
2. Section 241 of the LG Act provides that the Tribunal determine the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils for each of the categories determined under section 239.
3. Section 242A(1) of the LG Act requires:

*“In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* when making or varying awards or orders relating to the conditions of employment of public sector employees.”*
4. The Industrial Relations Amendment Act 2023, assented on 5 December 2023, repealed section 146C of the *Industrial Relations Act 1996*, resulting in changes to wages policy and removal of the cap on remuneration increases.
5. The Tribunal can also determine that a council can be placed in another existing or new category with a higher range of fees.
6. The Tribunal’s determination takes effect from 1 July each year.

Section 2 – 2023 Determination

7. In 2023, the Tribunal received 18 written submissions.
8. An extensive review of the categories, criteria, and allocation of councils into each of the categories was undertaken by the Tribunal as required by Section 239 of the LG Act.
9. The review resulted in the Tribunal determining the creation of two new categories, being Metropolitan Major and Rural Large.
10. The categories of general purpose councils were determined as follows:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Major	Regional Strategic Area
Metropolitan Large	Regional Centre
Metropolitan Medium	Regional Rural
Metropolitan Small	Rural Large
	Rural

11. The Tribunal was of the view that improving consistency of criteria in categories was paramount. The Tribunal therefore determined to include the non-resident population criteria in Major Strategic, Regional Strategic, Regional Centre, and Regional Rural categories.
12. A total of 26 councils were recategorised as a result of changes in the 2023 Determination.
13. The Tribunal determined that fees would increase by 3 per cent in the minimum and maximum fees applicable to each category from 1 July 2023.

Section 3 – 2024 Review

2024 Process

14. The Tribunal's annual review commenced in October when it wrote to all councils inviting submissions regarding fees. The Tribunal outlined that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each category and the allocation of councils in the 2026 review. The invitation noted that it is expected that submissions are endorsed by respective councils.
15. The Tribunal also wrote to the President of Local Government NSW (LGNSW) inviting a submission.
16. The Tribunal received 19 written submissions, of which 18 were from individual councils and 1 submission from LGNSW.
17. The Tribunal notes that 17 of the 18 council submissions were endorsed by their representative councils.
18. The Tribunal acknowledges and thanks all parties for their submissions.

Submissions Received – Request for recategorisation

19. Two council submissions received requested recategorisation, with Paramatta City Council and Lake Macquarie putting forward individual cases for the Tribunal's consideration.

20. Paramatta City Council requested recategorisation from its current classification of Major CBD to Principal CBD. Paramatta City Council's case to be included in Principal CBD category is based on the following:

- Paramatta being critical to the success of the Greater Sydney Region Plan
- The LGA expecting an estimated 186,000 new residents between 2022 and 2041
- An increase in the number of government services, corporations, and private enterprises relocating into Paramatta CBD
- A local economy that generates approximately \$32.88 billion in gross regional product and 33,000 businesses that generated over 202,000 jobs
- The Council's Local Strategic Planning Statement covers seven priority growth areas and precincts identified by the NSW Government in order to give effect to their Housing strategy
- Paramatta City Council has a 2023/24 capital works budget of \$613m and it provides a number of significant services within the local government area, including two aquatic centres, redevelopment to key community centres, and funding for local parks, roads, cycleways, and footpaths.

21. The Tribunal last considered the criteria for Principal CBD in the 2023 Annual Determination process. The Tribunal's view at the time was that

the criteria characteristics for Principal CBD category was appropriate, therefore no changes were required.

22. Paramatta City Council does not meet the criteria for Principal CBD. Accordingly, the Tribunal is not persuaded to include Paramatta Council in Principal CBD category.
23. Lake Macquarie City Council requested that it be recategorised from a Regional Strategic Area to a Major Strategic Area. Reasons include:
 - The LGA having a resident population of 216,603, and a non-resident working population of 24,769 (for a total of 241,372)
 - Connection to Greater Sydney via the M1, rail and a regional airport that supports the community
 - 99 towns, villages and nine economic centres across an area of 757 square kilometres
 - An annual economic output of \$26.1 billion (which is approximately 20 per cent of the Hunter economy)
 - 1.3 million tourists per year
 - 14,081 active businesses, 73,233 jobs and a total workforce across the LGA of 102,029
 - Community facilities that include a Regional Gallery – Museum of Art and Culture, one University, two TAFE campuses and a regional centre for health care
 - Operating revenue exceeding \$290 million.

24. As stated in Council's own submission, currently it does not meet the population threshold criteria for Major Strategic Area. Accordingly, the Tribunal is not persuaded to include Lake Macquarie Council in Major Strategic Area category.
25. The council also advocated for the population threshold for Major Strategic Area to be reviewed from its current threshold of 300,000 to 200,000 to restore incremental balance between Major Strategic Area and Regional Strategic Area categories.
26. Lake Macquarie Council provided late supplementary information to support their argument for the population threshold of Regional Strategic Area being adjusted. Council submitted that five precincts in the Lake Macquarie LGA have been identified for inclusion in the New South Wales Government Transport Oriented Development Program, which aims to encourage housing development near transport hubs.
27. The Council argues this increase in housing will lead to population growth in the selected centres, especially those with a large number of identified precincts.
28. Consistent with section 239 and 240 of the LG Act, the Tribunal carefully considered the population threshold for all categories, as part of the 2023 Annual Determination. It was determined at that time, on extensive evidence examined and considered by the Tribunal, that the population threshold for Major Strategic Area was appropriate.
29. The Tribunal is not persuaded at this time to change the population threshold for Major Strategic Area. Should further evidence become available to support a change in the population threshold for this category,

it can be considered by the Tribunal as part of the three yearly review of categories in 2026.

30. The Tribunal will monitor, as data becomes available, the impact of the New South Wales Government Transport Oriented Development Program on population thresholds.
31. One submission received from Wollondilly Shire Council advised that Council resolved to write to the Premier and appropriate Ministers, requesting Wollondilly Shire Council be considered as a regional Council.
32. The Tribunal has previously determined that Wollondilly Shire Council, for the purpose of setting the minimum and maximum fees payable to Councillors and Mayors, be classified as Regional Centre.
33. The Tribunal notes Wollondilly's submission and proposed course of action.

Categories – movement of Councils within the framework

34. The Tribunal reviewed population and data relating to Council operations to determine if the categorisations of Councils was consistent with the current criteria.
35. Population data was sourced from the Australian Bureau of Statistics (ABS), released 26 March 2024 for the period 2022 – 2023 financial year, the most recent data available at the time of writing this determination.

36. Data relating to Council operations was sourced from the Office of Local Government (OLG).
37. These sources provide a consistent, and complete overview of all councils in NSW. These data sources are consistent with those used in previous LGRT determinations.
38. Each Council was also assessed against the relevant criteria at Appendix 1.
39. As a result, it was identified that two Rural Large councils, Hilltops Council and Muswellbrook Shire Council, each had a combined resident and non-residential working population above 20,000 each. This population figure exceeds the population threshold for a Regional Rural council classification.
40. For this reason, the Tribunal has reclassified both Hilltops Council and Muswellbrook Shire Council as Regional Rural councils.

Submissions Received – Remuneration Structure

41. A significant number of submissions commented on the remuneration structure, advocating for major changes to be made, including the need for a full comprehensive review. These issues are addressed below.
42. One submission advocated for a new remuneration structure to be established that:
 - Is benchmarked in a more transparent way

- Recognises workload
- Encourages participation by a cohort that is more representative of the community
- Recognises skills and experience that is relevant to the roles.

43. Several submissions argued that the current remuneration structure does not adequately compensate elected Councillors and Mayors for the complex requirements of the role, significant workload, time requirements, responsibilities, and changes in the role over recent years.
44. A number of submissions provided comparison data that included remuneration paid to: Queensland and Victorian local government Councillors and Mayors, Federal, State, and Territory Parliamentary Members, Audit Risk and Improvement Committee members, and average remuneration for chairs/directors of not-for-profit organisations.
45. The basis of providing this data was to support arguments that NSW Councillors and Mayors are paid below these organisations and the work of Councillors and Mayors is being undervalued.
46. Some submissions outlined that low levels of remuneration can have a detrimental impact on the quality and diversity of candidates standing for election.
47. The LG Act is clear that Councillors and Mayors receive an annual fee, not a wage, with section 251 clearly stating that fees paid do not constitute a salary.

48. Whilst the Tribunal acknowledges these issues, as previously explained in the 2023 Annual Determination at paragraph 97 they are not currently within the Tribunal's remit.
49. One submission advocated for fees of rural councils to be commensurate with those of regional and metropolitan councils, arguing that the skills and knowledge required for the role is the same regardless of the council location.
50. Others advocated for significant increases to rural and regional fees in order to address low candidate numbers while others asserted that the current remuneration fails to take into account significant stressors facing regional and rural councils.
51. The Act requires that the Tribunal must determine categories at least once every three years and places each council into a category. The determination of categories by the Tribunal is for the purpose of determining the minimum and maximum fees to be paid for councillors and Mayors in each category. When determining categories, the Tribunal is required to take into account matters prescribed in Section 240 of the LG Act:
 - *the size of areas;*
 - *the physical terrain of areas;*
 - *the population of areas and the distribution of the population;*
 - *the nature and volume of business dealt with by each council;*
 - *the nature and extent of the development of areas;*

- *the diversity of communities served;*
- *the regional, national and international significance of the council;*
- *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government; and*
- *such other matters as may be prescribed by the regulations.*

52. The Determination of minimum and maximum fees for 2024 is dealt with below at section 4.

53. Two submissions asserted that the current remuneration structure fails to recognise the role, responsibilities, and contribution of the Deputy Mayor position. It was suggested that a distinct independent fee be included for the position of Deputy Mayor.

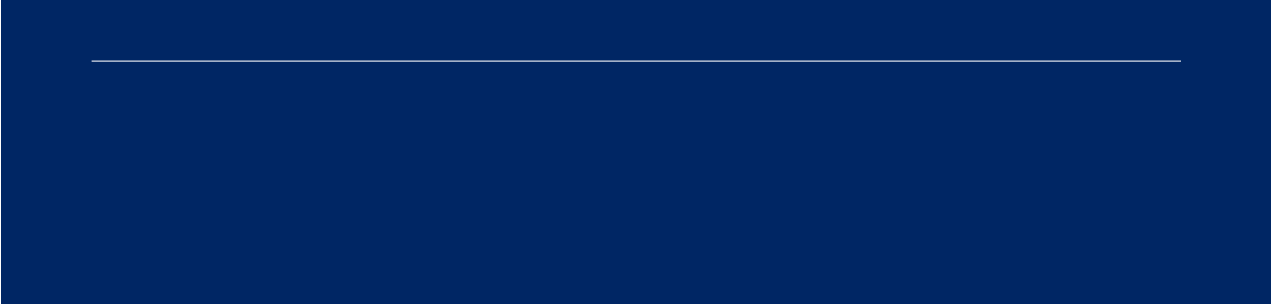
54. Section 249 (5) of the LG act states:

“A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor’s annual fee.”

55. Accordingly, the Tribunal lacks the power to implement changes to the fee structure that would include a distinct independent fee for the position of Deputy Mayor.

56. One argument put forward is that the impact of the current superannuation arrangements has a negative impact on female participation.

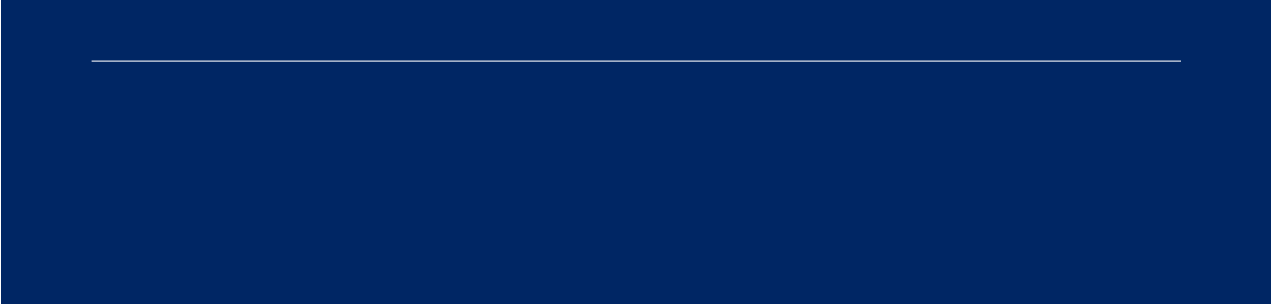
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- 
57. Section 254B of the Act sets out the circumstances with respect to the payment of superannuation for Mayors and Councillors. The payment of superannuation is not automatic or mandatory, pursuant to 254B (4)(a) of the Act a council must pass a resolution prior to making superannuation contribution payments.
 58. Any changes to superannuation contribution payments for Councillors and Mayors to assist in eliminating barriers to participation would require changes to the legislation.

Section 4 – 2024 Fees

Submissions - 2024 Fees

59. The LGNSW submission requested the Tribunal increase fees by at least 10% in order to:
- Reverse the fee erosion which occurred under the NSW Public Sector Wages Policy
 - Mitigate economic pressures and the rising cost of living
 - Ensure that Councillors and Mayors receive fair and reasonable remuneration for the work they perform
 - Address the historic undervaluation of the work performed by elected representatives in local government in New South Wales.
60. LGNSW used economic and wage data to support their argument that included:
- Consumer Price Index
 - Wage Price Index
 - National and State Wage cases
 - Market comparability
61. LGNSW in its meeting with the Tribunal and Assessors asserted that fees paid to Councillors and Mayors have reduced in real terms over recent years, further advocating for an increase of 10% being fair and reasonable.

- 
62. In meeting with LGNSW, the question of Government policies (State and Federal) on housing reform was discussed. The Tribunal is mindful of the additional workload associated with policies such as the NSW Government's Transport Oriented Development Program place on affected Councils. Similar considerations arise from the infrastructure requirements related to Renewable Energy Zones.
 63. The role of a Councillor as a member of the governing body of the council is outlined under s232 of the LG Act and the Tribunal has addressed this matter generally in the 2023 Determination at paragraph 97.
 64. Four submissions received from individual councils addressed the issue of fees quantum increase. These submissions sought an increase ranging from 3% to 5.57%.
 65. Other submissions advocated for remuneration to be set at a level to:
 - Reflect the role, commitment required, complexity of the role, workload, and responsibilities required to perform the role successfully
 - Ensure no one is out of pocket for the work they do for council
 - Attract a diverse range of potential candidates.
 66. Five submissions advocated for the Tribunal to change the determination in regard to the remuneration structure. Some submissions suggested setting a fixed mandatory fee for Councillors and Mayors, whilst others argued that individual councils should not determine their own

remuneration, due to potential conflict of interest, instead the decision should be left to State Government or an independent decision maker.

67. It has been suggested that such an approach could:
- Remove potential conflict of interest
 - Facilitate good governance
 - Create equity amongst councils in the same category
 - Assist in fostering good relationships with the community
 - Alleviate public perception that increases are unjust.
68. Currently the Tribunal, consistent with its obligations set out in the LG Act, section 248 and section 249, determines a minimum and maximum remuneration range for Councillors and Mayors. It is then up to individual councils, to fix the annual fee for councillors and Mayors.
69. Furthermore, the tribunal does not have the authority to determine a fixed mandatory fee, section 241 of the LG Act states:

“The Remuneration Tribunal must, not later than 1 May in each year, determine, in each of the categories determined under section 239, the maximum and minimum amounts of fees to be paid during the following year to councillors (other than mayors) and mayors.”

Fee Increase.

70. The Tribunal considered a range of factors in determining the amount to increase minimum and maximum fees payable to Councillors and Mayors. This included economic data, including the Consumer Price Index, Wage Price Index, full-time adult average weekly ordinary time earnings, NSW Public Sector increases, and Local Government State Award increases. It also considered the Base Cost Change model used by IPART in setting the rate peg for 2024-25.
71. On this occasion the Tribunal has determined that a 3.75% per cent increase will apply to the minimum and maximum fees applicable to existing categories.

Conclusion

72. The Tribunal's determination has been made with the assistance of the Assessors, Ms Kylie Yates, Mr Brett Whitworth and Mr Douglas Walther.
73. Determination 1 sets out the allocation of councils into each of the categories as per section 239 of the LG Act.
74. Determination 2 sets out the minimum and maximum fees paid to councillors and mayors and chairpersons of county concills as per section 241 of the LG Act.
75. The Tribunal acknowledges and thanks the secretariat for their excellent research and support in completing the 2024 determination.



Viv May PSM

Local Government Remuneration Tribunal

Dated 29 April 2024

Section 5 – Determinations

Determination No. 1 – Allocation of councils into each of the categories as per section 239 of the LG Act effective 1 July 2024

General Purpose Councils – Metropolitan

Principal CBD (1)

- Sydney

Major CBD (1)

- Parramatta

Metropolitan Major (2)

- Blacktown
- Canterbury-Bankstown

Metropolitan Large (10)

- Bayside
- Cumberland
- Fairfield
- Inner West
- Liverpool
- Northern Beaches
- Penrith
- Ryde
- Sutherland
- The Hills

Metropolitan Medium (8)

- Campbelltown
- Camden
- Georges River
- Hornsby
- Ku-ring-gai
- North Sydney
- Randwick
- Willoughby

Metropolitan Small (8)

- Burwood
- Canada Bay
- Hunters Hill
- Lane Cove
- Mosman
- Strathfield
- Waverley
- Woollahra

General Purpose Councils - Non-Metropolitan

Major Regional City (2)

- Newcastle
- Wollongong

Major Strategic Area (1)

- Central Coast

Regional Centre (23)

- Albury
- Armidale
- Ballina
- Bathurst
- Blue Mountains
- Byron
- Cessnock
- Clarence Valley
- Coffs Harbour
- Dubbo
- Eurobodella
- Hawkesbury

Regional Strategic Area(4)

- Lake Macquarie
- Maitland
- Shoalhaven
- Tweed

- Lismore
- Mid-Coast
- Orange
- Port Macquarie-Hastings
- Port Stephens
- Queanbeyan-Palerang
- Shellharbour
- Tamworth
- Wagga Wagga
- Wingecarribee
- Wollondilly

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Regional Rural (14)

- Bega
- Broken Hill
- Goulburn Mulwaree
- Griffith
- Hilltops
- Kempsey
- Kiama
- Lithgow
- Mid-Western
- Muswellbrook
- Nambucca
- Richmond Valleys
- Singleton
- Snowy Monaro

Rural Large (16)

- Bellingen
- Cabonne
- Cootamundra-Gundagai
- Cowra
- Federation
- Greater Hume
- Gunnedah
- Inverell
- Leeton
- Moree Plains
- Murray River
- Narrabri
- Parkes
- Snowy Valleys
- Upper Hunter
- Yass

Rural (38)

- Balranald
- Berrigan
- Bland
- Blayney
- Bogan
- Bourke
- Brewarrina
- Carrathool
- Central Darling
- Cobar
- Coolamon
- Coonamble
- Dungog
- Edward River
- Forbes
- Gilgandra

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- Glen Innes Severn
- Gwydir
- Hay
- Junee
- Kyogle
- Lachlan
- Liverpool Plains
- Lockhart
- Murrumbidgee
- Narrandera
- Narromine
- Oberon
- Temora
- Tenterfield
- Upper Lachlan
- Uralla
- Walcha
- Walgett
- Warren
- Warrumbungle
- Weddin
- Wentworth

County Councils

Water (4)

- Central Tablelands
- Goldenfields Water
- Riverina Water
- Rous

Other (6)

- Castlereagh-Macquarie
- Central Murray
- Hawkesbury River
- New England Tablelands
- Upper Hunter
- Upper Macquarie

Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2024

The annual fees to be paid in each of the categories to Councillors, Mayors, Members, and Chairpersons of County Councils effective on and from 1 July 2024 as per section 241 of the *Local Government Act 1993* are determined as follows:

Table 4: Fees for General Purpose and County Councils

General Purpose Councils – Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	30,720	45,070
Major CBD	20,500	37,960
Metropolitan Major	20,500	35,890
Metropolitan Large	20,500	33,810
Metropolitan Medium	15,370	28,690
Metropolitan Small	10,220	22,540

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	188,010	247,390
Major CBD	43,530	122,640
Metropolitan Major	43,530	110,970
Metropolitan Large	43,530	98,510
Metropolitan Medium	32,650	76,190
Metropolitan Small	21,770	49,170

General Purpose Councils - Non-Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	20,500	35,620
Major Strategic Area	20,500	35,620
Regional Strategic Area	20,500	33,810
Regional Centre	15,370	27,050
Regional Rural	10,220	22,540
Rural Large	10,220	18,340
Rural	10,220	13,520

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	43,530	110,970
Major Strategic Area	43,530	110,970
Regional Strategic Area	43,530	98,510
Regional Centre	31,980	66,800
Regional Rural	21,770	49,200
Rural Large	16,330	39,350
Rural	10,880	29,500

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County Councils

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Water	2,030	11,280
Other	2,030	6,730

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Water	4,360	18,520
Other	4,360	12,300

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).



Viv May PSM

Local Government Remuneration Tribunal

Dated 29 April 2024

Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Metropolitan Major

Councils categorised Metropolitan Major will typically have a minimum residential population of 400,000.

Councils may also be categorised Metropolitan Major if their residential population combined with their non-resident working population exceeds 400,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$300M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Major will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region

- have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
- have significant natural and man-made assets to support diverse economic activity, trade and future investment
- typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

Major Strategic Area

Councils categorised as Major Strategic Area will have a minimum population of 300,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 100,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

Regional Centre

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.

Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

Rural Large

Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1200.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

Rural

Councils categorised as Rural will typically have a residential population less than 10,000.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Biosecurity Act 2015.

8.6 Federal Inquiry Into Local Government Sustainability Submission & IPART Council Reference Group Nomination

Report of: **Damien Jenkins**
Deputy Chief Financial Officer

Authorised by: **Pav Kuzmanovski**
Acting Director Corporate Strategy and Resourcing

PURPOSE

The purpose of this report is to advise Council of the proposed submission relating to The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport Inquiry into Local Government Sustainability. It noted that a nomination for the Responsible Accounting Officer to sit on the Independent Pricing and Regulatory Tribunal (IPART) Council Reference Group will also be submitted.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Endorse the proposed submission to The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport Inquiry into Local Government Sustainability.**
- 2. Note the nomination for the Responsible Accounting Officer to sit on IPART's Council Reference Group.**

BACKGROUND

On the 21 March 2024, The House of Representatives Standing Committee (Committee) on Regional Development, Infrastructure and Transport advised they will examine local government sustainability in the form of an inquiry. This was following a referral from the Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon Catherine King MP.

The Committee is now seeking written submissions by 31 May 2024 from organisations and individuals to any or all of the inquiry's Terms of Reference.

In November 2023, IPART finalised its review on the rate peg methodology which has been applied in determining the rate peg for the 2024-25 financial year. This report also outlines the next steps of engagement by IPART on this matter.

REPORT

The Terms of Reference provided by The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport will inquire into and report on local government matters, with a particular focus on:

- The financial sustainability and funding of local government.

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- The changing infrastructure and service delivery obligations of local government.
- Any structural impediments to security for local government workers and infrastructure and service delivery.
- Trends in the attraction and retention of a skilled workforce in the local government sector, including impacts of labour hire practices.
- The role of the Australian Government in addressing issues raised in relation to the above.
- Other relevant issues.

Council's response to the proposed Terms of Reference, can be found at **Attachment 1** to this report.

Council's submission focuses on the following themes in responding the Terms of Reference:

- Reviewing grant funding allocations for regional and rural Council's with modest populations and a low rating base.
- Address the issue of cost shifting onto to Local Government.
- Providing subsidies for regional and rural Council's to be competitive with the private sector and metropolitan councils in labour market.
- A collaborative approach between all three tiers of government to address these matters.

It is recommended to endorse the proposed submission to The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport Inquiry into Local Government Sustainability.

In November 2023, IPART published the reviewed the rate peg methodology and applied these changes in determining the rate peg for the 2024-25 financial year.

Following the review, IPART decided to:

- Establish a council reference group to advise on the implementation of our new rate peg methodology.
- Hold periodic ratepayer workshops, as a mechanism for ratepayers and other stakeholders to provide their feedback and views on the implementation of the new rate peg methodology and for us to share any new developments.

It is noted the nomination of Council's Responsible Accounting Officer to participate in the implementation of the new rates peg methodology will be made to IPART.

COMMUNICATION AND CONSULTATION

Community Engagement

Not Required

Internal Communication and Consultation

Finance

External Communication and Consultation

Nil

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SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Nil

RELATED COUNCIL POLICY

Nil

CONCLUSION

This report seeks endorsement of the proposed submission to The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport Inquiry into Local Government Sustainability and notes the proposed nomination of Council's Responsible Accounting Officer to sit on the Independent Pricing and Regulatory Tribunal (IPART) Council Reference Group.

ATTACHMENTS

1. Submission to the House of Representative Standing Committee - Local Government Sustainability [8.6.1 - 5 pages]

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24 May 2024

Committee Secretary

House of Representatives Standing Committee on Regional Development, Infrastructure and Transport

PO Box 6021

Parliament House

Canberra ACT 2600

Dear Committee Secretary,

Inquiry Into Local Government Sustainability

Thank you for the opportunity to provide a submission in relation to the Terms of Reference relating to the Inquiry into Local Government Sustainability.

Wingecarribee Shire Council is located 75km from the South-Western fringe of Sydney. The Shire covers a total area of approximately 2,700 km² and is comparable in size to that of urban Sydney, averaging 55 km from east to west and 45 km from north to south. In context, 35 Sydney LGA's can fit inside the Shire.

Council is responsible for a total road network of 1220.31KM, consisting of:

Sealed Roads: 919.12KM

Unsealed Roads: 300.23KM

Bridges: 0.96KM

If you should have any queries, please to contact Council's Acting Director Corporate Strategy and Resourcing, Mr Pav Kuzmanovski, on 02 4868 0888 or via email at Pav.Kuzmanovski@wsc.nsw.gov.au.

Yours Sincerely

Lisa Miscamble

GENERAL MANAGER

We're with you

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Gundungurra Country

 PO Box 141 Moss Vale
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Council welcomes the opportunity to comment on the terms of reference relating to the inquiry into Local Government Sustainability. The following feedback is provided on each section of the terms of reference:

The financial sustainability and funding of local government.

Council supports the proposed scope outlined in the terms of reference for this matter. Wingecarribee Shire Council suggests that the terms of reference reconsiders the funding model that determines the allocation of Federal grant funding to Councils, in particular those in regional and rural areas that cover a large geographic area with a modest population base. The challenges experienced by regional and rural Council's in NSW, is maintaining a safe infrastructure network, over a large geographic area, whilst not placing an unfair financial burden on ratepayers. If not addressed, it is forecast that Council's infrastructure network will deteriorate, increasing Council's infrastructure backlog, as the current trends of expenditure are forecast to increase greater than forecast increases in revenue. In considering grant allocations, it is also recommended that Federal grant bodies who provide grants to Council's should supply a long-term grant allocation or schedules to provide assurance in forward planning. This will enable Council's to accurately forecast asset replacement programs and service levels and accurately forecast the condition of asset networks in the Long-Term Financial Plan.

Rate capping in NSW has prevented Councils from increasing rates beyond the cap determined by the NSW Independent Pricing and Regulatory Tribunal (IPART). The rate peg methodology has been reviewed by IPART (and finalised in November 2023) as the previous methodology for determining the rate peg did not align with general cost increases or increase in service levels required by the community. The rates peg approach to determining rates increases, places financial pressures on Council's to deliver increased services, as there are minimal considerations provided in IPART's annual rate determination in the revised rate peg methodology in considering Council's increasing expected service levels, outside of a Special Rate Variation process. The rate peg approach to determining rate increases should be revisited to provide a more strategic approach in allowing NSW Council's to increase their primary source of revenue without the onerous process of a Special Rate Variation.



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Council would like these matters considered as a part of the terms of reference of this inquiry.

The changing infrastructure and service delivery obligations of local government.

Council supports the proposed scope outlined in the terms of reference for this matter, as roles and responsibilities for each level of government, needs to be clearly defined and funded adequately.

Councils bear the responsibility of not only maintaining and renewing their infrastructure and assets, but also navigating the complexity of changing service delivery expectations from the community, as the population grows. Whilst service levels expectations and requirements for both infrastructure and community-based services have increased, the revenue model that support them, in particular in NSW, has not changed. This includes the recently reviewed rate peg system which isn't adequate for Councils in managing their population growth or increased service levels.

This is further exacerbated in regional and rural areas, where welfare or community-based services, are sometimes managed by Councils on behalf of State or Federal agencies via specific funding agreements (either partially or fully funded by grants). When State or Federal grant funding is removed, the service expectation is burdened by Council, causing a cost shift to ratepayers. Other examples of cost shifting, due to the changing delivery obligations of local government include:

- Care and control of Crown Lands Management from the NSW State Government to Local Government in NSW.
- Non indexation of the statutory pensioner rates rebate provided by the NSW State Government since 1993.
- NSW Rural Fire Service Funding Agreement and Emergency Service Levy increases.

Council would like these matters considered as a part of the terms of reference of this inquiry, in particular the aspects of cost shifting.



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Any structural impediments to security for local government workers and infrastructure and service delivery and trends in the attraction and retention of a skilled workforce in the local government sector, including impacts of labour hire practices.

The attraction and retention of a skilled workforce remains an ongoing challenge for Councils, particularly in regional and rural areas. The loss of employees in conjunction with an aging workforce contributes to these challenges, as they result in the loss of corporate knowledge and scarce skills.

Factors which are contributing to the challenges of attracting and retaining a skilled workforce include:

- Limited (and therefore expensive) housing options.
- Competition with the private sector offering higher salaries.
- Difficulties in enticing skilled candidates from metropolitan areas.
- Labour market shortages and relocation costs to regional and rural areas.

These factors ultimately result in an increased financial burden to Council's who are competing to attract and retain suitably qualified employees from a limited revenue base. Consideration of grant funding or subsidies to regional and rural areas, where labour shortages are identified specifically for local government, should be considered as a part of this inquiry.

The role of the Australian Government in addressing issues raised in relation to the above

The Federal Government has a key role in making policy decisions that impact all industries, including the local government industry. The role of the Australian Government in addressing the matters above, either directly or indirectly, is welcomed by Wingecarribee Shire Council with a collaborative approach between all three tiers of government to ensure sustainability and efficiency across all levels of government.



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Other relevant issues

An emphasis on how grant funding is allocated to regional and rural areas should be captured as a part of this inquiry to ensure infrastructure and services can be maintained at suitable levels without greater financial burden on ratepayers, particularly those Councils that have large geographic areas to service with a modest rates base. Additional consideration for revised funding models relating to areas susceptible to natural disaster should be considered as a part of this review, in particular those Councils who are continually repairing their assets to ensure public safety with limited access to additional revenue streams.



9 MEETING CLOSURE